



TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MAY 9, 2023

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

Danielle H. Moore, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. COMMENTS OF MAYOR DANIELLE H. MOORE
VI. COMMENTS OF TOWN COUNCIL MEMBERS
VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
VIII. PRESENTATIONS

- A.** Presentation of the Goldsmith Scholar Award
Danielle H. Moore, Mayor
- B.** Presentation By Michael Meekins, Executive Director, Port of Palm Beach
TIME CERTAIN: 10:30 AM
- C.** Legislative Update
TIME CERTAIN: 11:00 AM
Mat Forest, Lobbyist

IX. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A.** Presentations by the Applicants and Appointments to the Investment Advisory Committee Page 9
Pat Gayle-Gordon, Deputy Town Clerk

X. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

B. MINUTES

1. Town Council Meeting Minutes Page 31
Pat Gayle-Gordon, Deputy Town Clerk
- a. April 3, 2023, Town Council Meeting Minutes
b. April 4, 2023, Town Council Meeting Development Review Minutes
c. April 12, 2023, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 26, 2023 Page 100
Wayne Bergman, Director of Planning, Zoning and Building

C. RESOLUTIONS

1. RESOLUTION NO. 045-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2023-09, Janitorial Services to Kleen-Tech Services Corporation as the Primary Awardee and Velociti Services as the Secondary Awardee in the Annual Amount of \$255,000 and Establishing a Five-Year Award in the Amount of \$1,409,036 based on Satisfactory Performance and Budget Authorization. Page 110
Dean Mealy, Procurement and Contract Manager
2. RESOLUTION NO. 046-2023 A Resolution of the Town Council of Page 114

the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2023-12, Pre-Qualification of Seawall Construction Contractors to Murray Logan Construction, LLC; Kiewit Infrastructure South Co.; Poseidon Dredge & Marina Inc. and Kelly Brothers, Inc.

Dean Mealy, Procurement and Contract Manager

3. RESOLUTION NO. 047-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Access to the Lake County Florida Contract for Fire Equipment, Supplies and Services to Bennett Fire Products Company, Inc. for a Five-Year Award in the Amount of \$300,000 Based on Satisfactory Performance and Budget Authorization. Page 118

Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 048-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB No. 2023-27, Lake Trail Sanitary Sewer Main Repair to Johnson Davis Inc. in the Amount of \$155,000 and Establishing a Project Budget of \$172,500. Page 121

Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 050-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order in the Amount of \$24,500 to Kimley-Horn and Associates, Inc. for Construction Phase Services Amendment related to A-6 Pumpstation Improvements. Page 125

Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 051-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2023-23 for Construction Phase Engineering Services for Phipps Ocean Park Improvements to Kimley-Horn and Associates, Inc. Page 130

Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 052-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a retroactive Change Order in the Amount of \$30,000 to ZoneCo Associated to Code Reform Work Performed. Page 134

Dean Mealy, Procurement and Contract Manager

8. RESOLUTION NO. 053-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Woods Hole Group, for a Coastal Resiliency Flood Vulnerability Assessment Update and Priority Planning in the amount of \$283,249 and Establishing a Project Budget of \$296,000. Page 137

Dean Mealy, Procurement and Contract Manager

9. RESOLUTION NO. 054-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$68,540 to Woods Hole Group, a CLS Company, for Water Level Monitoring, and Establishing an Initial Water Level Monitoring Budget of \$72,000. Page 141

Dean Mealy, Procurement and Contract Manager

10. RESOLUTION NO. 055-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Stryker Medical for the purchase of Four Resuscitation Devices for the Fire Department in the Amount of \$78,267.88. Page 145

Dean Mealy, Procurement and Contract Manager

11. RESOLUTION NO. 056-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Locally Funded Agreement between the Florida Department of Transportation (FDOT) and the Town of Palm Beach for the Amount of \$167,821, and Maintenance of Memorandum Agreements for the Roadwork Construction Along Sr-A1A from North of Emerald Beach Way to South of Royal Palm Way Project. Page 148

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

D. OTHER

1. Donation Acceptance - Palm Beach Police & Fire Foundation Page 214
Nicholas Caristo, Chief of Police

XI. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Planning and Zoning Commission Page 219
Gail Coniglio, Chair
- B. Annual Report of the Retirement Board of Trustees Page 223
TIME CERTAIN: 10:00 A.M.
Daniel W. Stanton, Chair

XII. COMMITTEE REPORTS

- A. Report of the Business and Administrative Committee Workshop Held on April 24, 2023 Page 245
Lew Crampton, Chair

XIII. REGULAR AGENDA

- A. **Matters Pulled From Consent Agenda: If needed**
- B. **Old Business**

1. Proposed Strategic Plan Mission, Vision, and Strategic Objectives Page 266

RESOLUTION NO. 062-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Town's Strategic Plan Mission Statement, Vision Statement, and Strategic Priorities.

Carolyn Stone, Deputy Town Manager

2. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status Page 272

- H. Paul Brazil, P.E., Director of Public Works*
3. Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - Update Page 288
H. Paul Brazil, P.E., Director of Public Works
 4. Review of Proposed North County Road Alignment Page 296
H. Paul Brazil, P.E., Director of Public Works
 5. Consider The Breakers' Request for Support for the Mid-Town Headland Erosion Control Project Page 299
H. Paul Brazil, P.E., Director of Public Works
 6. RESOLUTION NO. 057-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 230665 to The Corradino Group, Inc. for Traffic Engineering Planning Services in the amount of \$86,633 for a new Purchase Order Total of \$417,428. Page 306
Dean Mealy, Procurement and Contract Manager
 7. RESOLUTION NO. 058-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 220819 to ZoneCo for \$750,000 for Code Reform for a new Purchase Order Total of \$1,170,000. Page 320
Dean Mealy, Procurement and Contract Manager
 8. RESOLUTION NO. 059-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 220829 to The Corradino Group, Inc. for \$305,000 for Code Reform for a new Purchase Order Total of \$450,000. Page 331
Dean Mealy, Procurement and Contract Manager
 9. Discussion on Construction Timeline for Linear Park (Midtown Seawall)
Bobbie Lindsay, Council President Pro Tem
 10. Consideration and Possible Approval of a Zoning in Progress for R-B Single-Family Residential Zoning District Page 340

RESOLUTION NO. 063-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring and Implementing Zoning In Progress for All Residential Properties Within the R-B Low Density Residential Zoning District, Providing for Authorization; Providing for Implementation; and Providing an Effective Date.

TIME CERTAIN: 2:00 PM

Margaret A. Zeidman, Town Council President

C. New Business

1. RESOLUTION NO. 060-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Page 346

waiver of formal competition and Approving a new ten-year food and beverage services agreement at the Town of Palm Beach Par 3 Golf Course to PB Ocean View, Inc. with the option to renew for an additional five-year period based on satisfactory performance and monetary compensation.

Dean Mealy, Procurement and Contract Manager

2. Code Enforcement Board Referral -Trevini Restaurant and Palm Beach Parking Valet Violations Page 351

Nicholas Caristo, Chief of Police

3. Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended September 30, 2022 Page 363

Bob Miracle, Deputy Town Manager - Finance and Administration

4. Consideration of Settlement Regarding Code Enforcement Liens on 226 and 287 Pendleton Avenue Page 374

John C. Randolph, Town Attorney

5. Commercial Motion Picture Application Page 377

Kirk W. Blouin, Town Manager

6. Discussion on Approval Processes For Large Commercial Projects
Julie Araskog, Town Council Member

A. Commercial Projects that are reviewed by ARCOM or LPC and Town Council (Combo Projects)

B. Whether Commercial Projects should be Scheduled during Summer Months for ARCOM, LPC and Town Council

XIV. ORDINANCES

A. First Reading

1. ORDINANCE NO. 007-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Repealing Section 106.48, Titled "Unlawful To Solicit from Public Streets or Sidewalks", Providing for Severability, Providing for Repeal of Ordinances in Conflict, for Codification, Providing an Effective Date. Page 384

John C. Randolph, Town Attorney

XV. ANY OTHER MATTERS

XVI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting.

Written materials received after 3:30 p.m. on Wednesday 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 Technology (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

Town Council Meeting on: May 9, 2023

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Presentations by the Applicants and Appointments to the Investment Advisory Committee

Presenter

Pat Gayle-Gordon, Deputy Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated May 2, 2023, from Pat Gayle-Gordon, Deputy Town Clerk**
- ▣ **Attendance Record**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Application - Annette Geddes**
- ▣ **Application - Lloyd McAdams**
- ▣ **Application - Chris Storkerson**

TOWN OF PALM BEACH

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Pat Gayle-Gordon, Deputy Town Clerk

RE: Investment Advisory Committee Appointment of Three Resident Members

DATE: May 2, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint three (3) resident members to the Investment Advisory Committee. These members will fill the vacancies created due to the term expirations of Lloyd McAdams and Chris Storkerson and the resignation of David McDonald. Lloyd McAdams and Chris Storkerson are both eligible for reappointment.

GENERAL INFORMATION

The Town Clerk's office has received two applications seeking **REAPPOINTMENT** from the following:

Lloyd McAdams – 243 Tangier Avenue, Palm Beach, FL;
Chris Storkerson – 302 North Woods Road, Palm Beach, FL.

The Town Clerk's office has received one application seeking **NEW APPOINTMENT** from Annette Geddes – 227 Australian Avenue, Palm Beach, FL.

Attachments

cc: Bob Miracle, Deputy Town Manager, Finance and Administration

Investment Advisory Commit
Attendance
2023

Meeting Date	2/17/2023			
Members				
Chris Storkerson, CH	Absent			
Kathleen Anderson, V-CH	Present			
David McDonald	Present			
Michael Greenwald				
Llyod McAdams	Present			
Jacqueline deSantis	Present			

Voting Conflicts

Members				
Meeting Date	2/17/2023			
Chris Storkerson, CH	0			
Kathleen Anderson, V-CH	none			
David McDonald	none			
Michael Greenwald	-			
Lloyd McAdams	none			
Jacqueline deSantis	none			

INVESTMENT ADVISORY COMMITTEE

Next appointment: **May 9, 2023, Town Council meeting**

Openings advertised via news release: **March 07, 2023**

Deadline to submit applications: **Friday, April 28, 2023, by 5:00 p.m.**

Number of openings: **3 Resident Members**

Applicants

<u>NAME</u>	<u>SEEKING</u>
Lloyd McAdams	Reappointment
Chris Storkerson	Reappointment
Annette Geddes	New Appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
<u>Resident Members</u>	
Chris Storkerson*	April 2023
Kathleen Anderson	May 2024
David McDonald	May 2023
Jacqueline de Sanctis	May 2024
Lloyd McAdams*	May 2023

Highlighted in yellow=term currently expiring/vacant

*=Applied for reappointment

**=Applied for appointment from alternate member to regular member

***=Termed out

BALLOT FOR APPOINTMENT OF **REGULAR** MEMBERS
TO THE **INVESTMENT ADVISORY COMMITTEE (IAC)**
Town Council Meeting on **May 9, 2023**

Positions to be filled: 3 **Regular Members**

Please circle 3 from the list of names appearing below

Members Seeking Reappointment
(Listed Alphabetically)

Lloyd McAdams

Chris Storkerson

Individuals Seeking Appointment

Annette Geddes

Signature of Town Council Member: _____
Town Council Member

Application for Service

Profile

Annette

First Name

L

Middle Initial

Geddes

Last Name

227 Australian Ave.

Home Address

4E

Suite or Apt

Palm Beach

City

FL

State

33480

Postal Code

annettegeddes@aol.com

Email Address

Mobile: (646) 894-0248

Primary Phone

Home: (561) 655-4783

Alternate Phone

Question applies to multiple boards

I am a resident of the Town of Palm Beach (Initial below)

ALG

Question applies to multiple boards

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

Question applies to multiple boards

[Verified - KMC](#)

Please upload proof of residency

Which Boards would you like to apply for?

Investment Advisory Committee: Submitted

In what area of town do you live?☒ Midtown

Interests/Experience

Question applies to Retirement Board

Why do you wish to be appointed as a member of the Retirement Board of Trustees?

For most of my forty plus years as an institutional investment manager in New York City I served as a fiduciary for public and private pension funds including: AT&T, General Motors, DuPont, Time Inc., UPS, New York City Employees Retirement System, State of Louisiana Teachers Retirement Plan, and The Diocese of Rhode Island Investment Fund. I want to use my experience in service to the community I love. I have been a resident of Palm Beach since 1986 and have been a domiciled resident since 2011.

Question applies to Investment Advisory Committee

Why are you interested in serving on the Investment Advisory Committee?

Question applies to Retirement Board

Please identify how many meetings of a Town Retirement Board you have attended in the past two (2) years? *

☒ 0

Question applies to Investment Advisory Committee

How many meetings of the Investment Advisory Committee have you attended in the past two (2) years? *

None Selected

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

None

Question applies to multiple boards

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

President, Melbourne House Condominium Association, Palm Beach, FL, 2010-present; Trustee, Bowne House Historical Society, Flushing Queens, NY, 2010-present; Treasurer, Rogers Memorial Library Foundation Board, Southampton, NY, 2022-present; Member, Allocation Committee, United Way of Palm Beach, 2011-2013; Member, Investment Committee of the Long Island Episcopal Diocese 2007-2009; Member Designate, Investment Committee, Bethesda-By-The Sea Church, present

Question applies to Investment Advisory Committee

Please describe your current or prior investment experience, and describe any fixed investment experience you may have.

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

- ☒ Palm Beach Civic Association
- ☒ Preservation Foundation of Palm Beach

Present Occupation

Annette L. Geddes, LLC

No. of years

2011-Present

Past occupation(s)

See attached Resume

No. of years

50 Years

Please provide details regarding your educational background:

Course Work, Stern School of Business 1967-1970 B.A., Economics, Wellesley College, 1967

Upload a Resume

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

☐ Yes ☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

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

Spouse, Gerald Kip Geddes

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Female

Physically Disabled

☐ Yes ☒ No

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

☒ I Agree

Question applies to Retirement Board

Please attach proof of residency (as listed above) with this application.

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

RETIREMENT BOARD OF TRUSTEES

The Retirement Board of Trustees consists of nine members as follows:

- One employee who is a member of benefit group general or benefit group lifeguard.
- One employee who is a member of benefit group firefighter.
- One employee who is a member of benefit group police officer.
- Five residents of the Town.
- The Town Manager.

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans. Trustees other than the Town Manager or Acting Town Manager shall serve three-year terms, and may succeed themselves in office. The Retirement Board of Trustees will meet at least quarterly and on occasion, specially called meetings.

Question applies to Investment Advisory Committee

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

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

INVESTMENT ADVISORY COMMITTEE

The Investment Advisory Committee consists of five members serving two year terms, appointed by the Town Council. Members of the Committee shall be residents of the Town and shall have prior fixed income investment experience. The Committee acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town's investment policy and the investment of the Town's surplus funds. The Committee shall hold at least four meetings per year and more if it is deemed necessary. The Town of Palm Beach will not do business directly or indirectly with a Committee member or a Committee member's employer or business while they are serving on the Committee and for at least two years after the member's term has expired.

ANNETTE LONGNON GEDDES

Tel: 646-894-0248

227 Australian Avenue, 4E
Palm Beach, FL 33480

AnnetteGeddes@aol.com

EXECUTIVE SUMMARY

Decisive, results-driven Senior Executive with broad experience in global, high profile financial service firms. Builds and manages businesses and strategic alliances with expertise in a wide variety of investment sectors. Successfully develops and leads growth strategies that enable organizations to achieve return goals while dampening volatility. Outperformed peer group in the most challenging market environments throughout career. First-hand experience as a decision-maker in the wide-range of economic conditions over the past four decades. Combines strong financial acumen and innovative strategies with effective execution and the highest degree of professional integrity and personal excellence.

Investment Expertise

Acknowledged for being at the vanguard of investment opportunities resulting from the impact of high-tech advances in the natural resource industry. Forerunner of identifying investment opportunities in energy exploration as a result of new techniques in horizontal drilling and hydraulic fracturing of oil and gas shale. Real-time experience and adaptability are career hallmarks.

PROFESSIONAL EXPERIENCE

ANNETTE L. GEDDES, LLC, Palm Beach, Florida

2011 - Present

Principal

- Advise clients on Investment Manager selection through independent, objective investment due diligence of wide ranging asset managers that work in sectors aligned with client's goals and objectives. Subsequently provide investment-monitoring services.
- Counsel existing and prospective clients on financial matters, investment strategies, and immediate steps following significant life events.

FIRST FLORIDA SECURITIES, Naples, Florida

2014 - 2020

Senior Representative

- Holder of Series 7 and Series 63 Securities Licenses. Raises Private Placement capital for emerging growth companies.

WATTS GLOBAL, LLC., Palm Beach, Florida

2013 – 2016

Senior Managing Director

- Financial advisor and consultant to private companies.

HILLTOP PARK ASSOCIATES formerly SHOPKORN ASSOCIATES, New York, NY

2003 - 2010

Managing Director

- Senior analyst and manager recognized as an energy sector specialist on portfolio team for long/short equity fund.
- Early identifier of the significant potential in oil and gas shale. Investment of \$750,000 in Brigham Exploration yielded a 12-fold return and \$8.4 million profit.
- Ultimate decision-maker on initial and secondary public offerings. Interfaced between underwriters and investment analysts.
- Provided a steady, mature perspective during particularly volatile markets.

MOORE CAPITAL MANAGEMENT, New York, NY

2002

Portfolio Manager

- Managed \$150M long/short growth portfolio including large, mid, and small cap stocks.
- Co-managed the energy, health care, consumer, and small cap technology stocks in the main equity portfolio.

SASS INVESTORS SERVICES, New York, NY 1998 - 2001

Managing Director & Head of Growth Equities

Managed small cap growth portfolios for foundations, endowments, high-net-worth individuals, and a hedge fund, Maximus Partners, L.P.

- Small Cap Growth investment performance: 5 years annualized through 12/31/01: +22.3% versus +2.9% for Russell 2000 Growth Index.
- Maximus Hedge Fund annualized investment performance: +13.3% versus -4.6% for S&P 500 Index.
- Frequent guest interviewed on CNBC, CNN/FN, and Bloomberg News.

SPEARS, BENZAK, SALOMON & FARRELL, New York, NY 1996 - 1998

Managing Director

Head of Small Capitalization Growth Stocks.

- Managed \$300M, including \$180M raised in two years.
- Appeared as a regular guest on CNN/FN and Bloomberg News.
- Clients included two mutual funds, endowment funds, ERISA accounts, and high-net-worth individual portfolios.

STEINHARDT MANAGEMENT COMPANY, New York, NY 1995

Portfolio Manager

- Managed \$100M for Michael Steinhardt's Hedge Fund until its close at year-end, 1995.
- Granted full autonomy to invest both long and short, over whole range of market capitalizations.

TRUST COMPANY OF THE WEST, New York, NY 1987 - 1994

Managing Director

Head of Small Capitalization Growth Stocks.

- Achieved dramatic business expansion; grew AUM from \$85M to over \$500M in six years.
- Selected by Dean Witter to initiate Trust Company of the West/ Dean Witter (TCW/DW) Small Cap Growth Fund. Held full authority over stock selection, sector allocations, and weightings.
- Clients included NYNEX, Goldman Sachs, State of Louisiana Teachers, Bradley Foundation, and Diocese of Rhode Island.

J.P. MORGAN INVESTMENT MANAGEMENT, New York, NY 1981 - 1987

Managing Director

Managed large capitalization growth stock portfolios totaling \$2B.

- As first outside hire in investment management, fresh perspective resulted in stellar performance.
- Acknowledged by NBC News for managing more money than any other woman in the country.
- Corporate pension clients included AT&T, General Motors, Time Inc., Con Edison, Santa Fe Railroad, and United Parcel Service.

BANKERS TRUST CO., New York, NY 1967 - 1981

Vice President & Group Head

- Actively managed \$1B in large capitalization growth stocks for pension funds including AT&T, General Motors, Southern Company, DuPont, Conoco, and Celanese.
- Featured in NBC White Paper on the pension industry.
- Youngest officer to be appointed in the history of Bankers Trust.

EDUCATION

Coursework, **Stern School of Business, New York University**, New York, NY 1967 - 1970

B.A., Economics, **Wellesley College**, Wellesley, MA 1967

PROFESSIONAL & COMMUNITY AFFILIATIONS

<i>Member, Board of Trustees,</i> The Bowne House, Flushing, Queens, NY	2010 - Present
<i>President, Association Board,</i> Melbourne House Condominium, Palm Beach, FL	2010 - Present
<i>Governor,</i> The Society of Mayflower Descendants, State of New York, New York, NY	2006 - 2009
<i>Chair,</i> Finance & Audit Committees, 1998 - 2005	
<i>President General,</i> The Colonial Dames of America, New York, NY	2003 - 2006
<i>Chair,</i> Finance & Audit Committees, 1994 - 2002	
<i>Governor & Chair,</i> Finance Committee, The Cosmopolitan Club, New York, NY	2000 - 2003
<i>First Vice President, Board of Directors,</i> The Women's National Republican Club, New York, NY	1999 - 2003
<i>Chair,</i> Finance Committee, 1995 - 2003	
<i>President, Board of Directors,</i> The New York Wellesley Club, New York, NY	1981 - 1984

Application for Service

Profile

McAdams

First Name

Lloyd

Middle Initial

Last Name

243 Tangier Ave

Home Address

Suite or Apt

Palm beach

City

FL

State

33480

Postal Code

lmcadams@pacificincome.com

Email Address

Mobile: (310) 463-7263

Primary Phone

Alternate Phone

Question applies to multiple boards

I am a resident of the Town of Palm Beach (Initial below)

YES

Question applies to multiple boards

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

Question applies to multiple boards

[Verified - kmc](#)

Please upload proof of residency

Which Boards would you like to apply for?

Investment Advisory Committee: Submitted

In what area of town do you live?

☒ North

Interests/Experience

Question applies to Investment Advisory Committee

Why are you interested in serving on the Investment Advisory Committee?

Have the necessary experience about the details of the individual securities that the Town's Investment Policy allows the Town to own in its excess funds portfolios. In a now more likely upcoming environment where inflation and interest rates could increase materially, I believe that my personal experiences from managing bond portfolios and living through tumultuous markets of the past will benefit others involved in the managing of the Town's assets. Am a Chartered Financial Analyst

Question applies to Investment Advisory Committee

How many meetings of the Investment Advisory Committee have you attended in the past two (2) years? *

☒ 4+

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

None

Question applies to multiple boards

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

Town of Palm Beach Investment Advisory Committee, 2021-2023 California Public Employee Employment System - Director, 1984-1985

Question applies to Investment Advisory Committee

Please describe your current or prior investment experience, and describe any fixed investment experience you may have.

Fixed income investment experience as a portfolio manager, 1973 tp present

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

☒ Preservation Foundation of Palm Beach

Present Occupation

Director, Pacific Income Advisers, a registered investment advisers Inc, El Segundo, CA

No. of years

37

Past occupation(s)

Chief Investment Officer, Security Pacific Investment Managers, Inc SVP and Shareholder, Trust Company of the West Investment Officer, Tennessee Consolidated Retirement System

No. of years

5,6, and 2 years

Please provide details regarding your educational background:

Stanford University, BS statistics University of Tennessee, MBA

[Lloyd_McAdams_05_11_21.docx](#)

Upload a Resume

Have you ever been convicted or pled guilty or nolo contendere to a crime other than minor traffic violations?

☐ Yes ☒ No

If you are currently serving on a Town board, commission, or committee, please identify in the space below and check the "I Agree" box indicating that you will resign from that position if you are appointed to the position you are seeking in this application.

I agree that I will resign from the board, commission, or committee if I am appointed to the position I am seeking in this application.

☒ I Agree

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

None

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Physically Disabled

☐ Yes ☒ No

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

☒ I Agree

Question applies to Investment Advisory Committee

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

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

INVESTMENT ADVISORY COMMITTEE

The Investment Advisory Committee consists of five members serving two year terms, appointed by the Town Council. Members of the Committee shall be residents of the Town and shall have prior fixed income investment experience. The Committee acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town's investment policy and the investment of the Town's surplus funds. The Committee shall hold at least four meetings per year and more if it is deemed necessary. The Town of Palm Beach will not do business directly or indirectly with a Committee member or a Committee member's employer or business while they are serving on the Committee and for at least two years after the member's term has expired.

Lloyd McAdams
243 Tangier Ave
Palm Beach, FL 33480
Lmcadams@pacificincome.com

PROFESSIONAL HISTORY

Pacific Income Advisers, Inc., Registered Investment Adviser
Co-Founder and Director/Shareholder (1986-present)
Chief Investment Officer (1986-2018)
PIA Mutual Funds – Portfolio Manager
PIA Farmland REIT – Chairman

Anworth Mortgage Asset Corp., Mortgage REIT, NYSE - “ANH”
Co-Founder, Chairman & CEO, (1997-2018)
Director (2018-2021)

Syndicated Capital, Inc. FINRA Member, 15 Branches
Chairman of Board, Sole shareholder (1992-2020)
Minority Shareholder, (2020-present)
Personal focus on Micro-Cap banking and Pre-IPO Investing

Security Pacific Investment Managers, Inc., Registered Investment Adviser
Chairman, CEO, Chief Investment Officer, (1981- 1987)
Chairman CEO, Bunker Hill Income Securities, NYSE, “BHL” (1982-1987)
Chairman CEO, Equity Strategies Fund, OTC, “EQSF” (1982-1987)
President, Security Pacific Sumitomo Trust Investments, Tokyo, (1984-1987)

Trust Company of the West, Registered Investment Adviser, (1975-1981)
Shareholder/Senior VP, Head of Bond Department

Tennessee Consolidated Retirement System, Investment Officer & the Portfolio Manager (1973-1975)
Portfolio Manager of the Bond and Stock portfolios
Early large CBOE option investor (1973-1975)

Merrill Lynch (1971-1973)
Bond /MBS Bond Sales

US Navy (1967-1971)
Lieutenant, Regular Commission, Supply Corps
USS Saratoga (CVA-60), Aviation Supply Division Head & Data Processing Division Head,
installed first digital computer on US Navy ship for logistics (1967-1969)
Aviation Supply Office, Aide to Admiral commanding global aviation logistics
(1969-1971)

OTHER PROFESSIONAL ACTIVITIES:

Chartered Financial Analyst (CFA)
Certified Employee Benefit Specialist (CEBS)
Board Member CALPERS, Governor's appointee
Int'l Foundation of Employee Benefit Plans Annual Meeting – frequent speaker
Articles published in *Financial Analysts Journal*.
Key to the City, Ciudad de Panama
Institute of CFAs, Options Management Program – frequent lead lecturer
CFA exam grader
Town of Palm Beach Investment Advisory Commission Member
Los Angeles Society of Security Analysts, Board of Directors
Guest appearances on FNN and its successor CNBC (1985-2015)

EDUCATION:

Stanford University, B.S. in Statistics, (1963-1967)
Machine programming focus in Computer Science Dept. (no undergraduate degree offered in Computer Science)
President of social fraternity, gaming activities
University of Tennessee, MBA, (1975)
Campus rep on Student Advisory Board to UT's President

OTHER:

Eagle Scout
High School: Lettered in football, basketball and track
Hobbies: adult sports, handwriting analysis, bocce



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

INVESTMENT ADVISORY COMMITTEE

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

Name: Chris Storkerson Residence Address: 302 N Woods Rd, Palm beach FL 33480

Mailing Address: Same Home Telephone: 561-319-9499

E-mail Address: cs102@ntrs.com Work Telephone: _____

I am a resident of the Town of Palm Beach cws (please initial)

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

1. Why do you wish to be appointed as a member of the Investment Advisory Committee? (Please use additional pages if necessary)

I have enjoyed leveraging my investment expertise to help the Town and the Employees, who work hard to make the community even better.

2. Please identify how many meetings of the Investment Advisory Committee you have attended in the past two (2) years.

☐0 ☐1 ☐2 ☐3 ☒4+

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

Recreation Advisory Board

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

N/A

5. Please describe your current or prior investment experience, and describe any fixed investment experience you may have.

Senior Vice president, Senior Wealth Advisor, Northern Trust (Palm Beach)

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

☐ Palm Beach Chamber of Commerce

☒ Palm Beach Civic Association

☐ Citizens' Association of Palm Beach

☐ Preservation Foundation of Palm Beach

☐ North End Property Owners Association

☐ Other _____

7. Present occupation. Senior Vice President, Senior Wealth Advisor,

No. of years. 18

Employer. Northern Trust

8. Past occupation(s). Senior Client Advisor

No. of years. 5

Employer(s). Wilmington Trust

9. Please provide details regarding your educational background:

Middlebury College BA Economics; University of Southern California, MBA Finance

Certified Professional Wealth Advisor; Certified Financial Planner

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

Family Member Name	Relationship	Address	Occupation	Employer
Samantha	Wife	Same		NA
William	Son	Same	Student	NA
Oscar	Son	Same	Student	NA

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

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

☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Not known

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: Christopher Storkerson DATE: 4/24/2023

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

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

INVESTMENT ADVISORY COMMITTEE

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TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda Minutes

Agenda Title
Town Council Meeting Minutes
Pat Gayle-Gordon, Deputy Town Clerk

- a. April 3, 2023, Town Council Meeting Minutes
- b. April 4, 2023, Town Council Meeting Development Review Minutes
- c. April 12, 2023, Special Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **April 3, 2023, Town Council Meeting Minutes**
- ▣ **April 4, 2023, Town Council Development Review Meeting Minutes**
- ▣ **April 12, 2023, Special Town Council Meeting Minutes**



TOWN OF PALM BEACH

MINUTES OF THE TOWN COUNCIL MEETING HELD ON MONDAY, APRIL 3, 2023

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of April 3, 2023, was called to order at 9:30 a.m. in the Town Council Chambers. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the Invocation. Chair Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modification was made to the agenda:

Item No. XVII.B.4 ON-22-107 (COA-22-037) 2185 S OCEAN BLVD PHIPPS PARK (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES was set for a 4:00 PM Time Certain

TIME CERTAINS:

- VIII.A i. Presentation by Trainnovations on the Strategic Planning Board's activities and recommendations
- ii. Minutes of the March 3, 2023, Strategic Planning Board Meeting
TIME CERTAIN: 10:30 AM

- XV.A. Report of the Finance and Taxation Committee Meeting Held on Thursday, March 16, 2023
TIME CERTAIN: 2:30 PM

Council President Zeidman stated that a Finance and Taxation Committee meeting was held to look at the costs of water bills with options the Town Council has settled on. The options were: 1) going with West Palm Beach with a

membrane treatment plant; 2) going with Lake Worth Beach with an expanded membrane technology plant; and West Palm Beach, as is, was used as a baseline.

Deputy Town Manager, Bob Miracle, stated that the Finance and Taxation Committee had three presentations. He introduced Jay Glover, PFM, one of the town's financial advisors; Jeff McGarvey, Willdan, a financial consulting firm specializing in water authorities and water systems. These gentlemen have come in to take information received from West Palm Beach and Lake Worth Beach, and present a calculation based on the alternatives, what the water rates might be.

Council President Zeidman announced that the town has hired an attorney who has worked with many local water facilities. The negotiations with Lake Worth Beach and West Palm Beach will start with Town Manager Blouin, Mayor Moore, and Attorney Phillip Gildan. The Town of Palm Beach has a revenue bond for the water utility that customer bills will include each month. She stated that customer water bills would increase. In addition, the town council has decided to use a membrane treatment plant to avoid having cyanotoxins and other toxins in the town's water.

Jason Lee, P.E., Kimley-Horn and Associates, presented an overview of the Town of Palm Beach Water Supply Feasibility Study. He explained the Level 5 Engineers' Opinion of Probable Cost Estimate, which was defined by the association of advanced engineering with a planning level estimate with larger associated contingencies.

Council President Zeidman asked what percentage the Town of Palm Beach would be of the membrane water servicing all the water customers. Mr. Lee said the Town of Palm Beach would be approximately 22 percent of their utility network. Council President Zeidman confirmed that the \$310M - \$465M would be the Town of Palm Beach paying for 100% of the City of Lake Worth Beach improvements. That dollar amount is improving the City of Lake Worth Beach's facility, but these are only improvements except for the 4.5 MGD NF Treatment, and the Town of Palm Beach would be the only jurisdiction to receive that benefit.

Town Manager Blouin stated that a meeting has been set up with Lake Worth Beach to determine their willingness to certain aspects of the project, such as forming a utility and upgrading their technology, since those variables are currently unknown.

President Pro Tem Lindsay was unclear about the City of Lake Worth Beach delivering a non-blended system to their residents, but to upgrade their system to full membrane technology for all their constituents. President Pro Tem Lindsay asked Mr. Lee if obtaining numbers from West Palm Beach would be a good idea. Mr. Miracle stated that the town and the city had agreed to a replacement schedule. They put a price on it, and in general, that work was done. President

Pro Tem Lindsay asked if after that money was spent, approximately one million dollars per year had been put into the system, which has been inadequate. She thought that was some of the reasons for some of what they identified as critical because they went after failed pipe repairs instead of repairing all of what needed to be repaired. She said the Town of Palm Beach should want to obtain the provider's numbers. She would like to see what West Palm Beach plans to do since they own the infrastructure, and it is old.

H. Paul Brazil, Director of Public Works stated that Lake Worth generated its own numbers. Kimley-Horn has validated those numbers. Kimley-Horn's numbers for the City of West Palm Beach were based on what they have constructively.

Council Member Crampton said it sounded like the Town of Palm Beach was entering into serious discussions with the parties. He asked about the timing for a draft contract to be available for review by the town council. Mr. Miracle responded approximately 2-3 months.

Council Member Araskog asked what happens if one of the remaining water mains to be replaced bursts. Mr. Lee said there are redundancies and, therefore, would cause no interruption in service.

Mr. Lee presented the Cost Analysis Summary for the three options with comparisons.

Mayor Moore said that at some point, the government would mandate that the City of West Palm Beach upgrade its technology. She thought 'as is' may be irrelevant.

Council Member Crampton asked for a description of what the replacement of pipes would mean and how much it would impact town residents compared to undergrounding. Director Brazil stated that this project would require a larger diameter pipe and will require open cutting. It will be disruptive and will take several seasons to complete.

Mayor Moore asked if Lake Worth Beach would have to build a plant. Mr. Brazil said they do have membrane treatment for a limited amount. They will need additional infrastructure; both options will require plant construction.

John Potts, Kimley-Horn, said an important feature is that Lake Worth Beach does not use surface water. They have membrane technology for the brackish water. Their lime softening comes from well water.

Jay Glover, Public Financial Management (PFM), presented information about the Finance and Taxation Committee Meeting – Water and Sewer Revenue Bond Overview.

Mr. Glover stated that as part of the process mentioned, whoever funds this project will more than likely have to access the capital markets and issue some type of revenue bonds to do so that are secured by the water and sewer revenues of the system. This presentation discusses the revenue bond process in general, how water and sewer bonds are issued, and some legal requirements. Local governments have various financing options available to them, such as bonds and general obligation bonds. Any type of government that is planning to fund large capital projects would issue revenue bonds. Currently, the Town of Palm Beach is a customer of the West Palm Beach utility system, so all town residents and the town pay revenues to the City of West Palm Beach for water service. The Town of Palm Beach would likely not be the issuer of any type of bond. That would be issued by either the City of West Palm Beach, the City of Lake Worth Beach, or by creating some multijurisdictional authority to be the issuer of the bonds.

As a system customer, gross revenues are paid by the town into the system. The gross revenues are first used to pay the system's operations and maintenance (O&M) expenses. The priority lien on any gross revenue of the system goes for maintaining the system. After the cost of O&M is made, net revenues are left available to be paid to the bondholders on a first lien. The bonds are secured by a pledge of net revenues of the system. He mentioned that the issuer is required to adjust rates and charges to generate sufficient revenue to meet the obligations (O&M, debt service and other legal obligations) of the system.

Mr. Glover reviewed the two essential legal requirements when a utility system issues bonds. One of those requirements is due at the issuance of the bonds, and the other is ongoing annually. A financially sound system will generate coverage ratios well in excess of the legal minimum requirements.

Mr. Glover provided a numeric example to show how the debt would work in terms of the debt service ratio.

Council President Zeidman asked about coverage ratios; what was noted in West Palm Beach was a 3.2 or a 3.4 and it made her wonder if the town was being charged too much as customers. Mr. Glover responded that it is not uncommon for coverage levels to be in the 2-3+ times range. Because many expenses are paid 'below the line', such as ongoing pay-as-you-go capital improvements to the system, there are often transfers into a general fund from an enterprise fund to pay for shared services and other similar expenses. That is one of the reasons the City of West Palm Beach has a credit rating of AA+ AA2 because of those strong metrics.

Council President Zeidman commented that the information, as a whole set, should be obtained from West Palm Beach and Lake Worth Beach. Mr. Miracle said no information has been received from Lake Worth Beach in regard to their fiscal year 2022 audit. He responded that an entity must file its audit within six months after the fiscal year. They may be a little late in completing their audit.

Council President Zeidman said all of that information would come out. Mr. Glover stated that they are legally required to provide certain information to the marketplace on an ongoing basis because have publicly traded bonds in the marketplace.

Council Member Araskog asked what happens to debt that is owed, and a hurricane is experienced. She asked how the assets would be protected. Mr. Glover said the rate covenant is the legal requirement to protect bondholders. To the extent that part of the system is lost, the issuer is legally obligated to set rates and charges to collect revenues to cover their obligations.

Deputy Town Manager, Robert Miracle, presented the water system alternatives analysis.

Jeff McGarvey, Managing Principal with Willdan Financial Consulting Services, provided a high-level financial analysis of the estimated monetary impact on the town and its water utility customers for water system upgrades.

Mr. McGarvey said rates were not studied; there was only an analysis of total revenues. He provided the data used for the study with an assumption that the improvements to the system were funded by long-term debt. He provided information using Alternative 1, Status Quo; Alternative 2, City of West Palm Beach – 48 MGD Membrane Upgrade; and Alternative 3, City of Lake Worth Beach. The estimated range of probably cost and an estimated range of increase to revenues were discussed for each of the three alternatives, with the estimated range of increase to revenues ranging from 20.6% to 30.7% for Alternative 1, 73.5% to 110.2% for Alternative 2, and 136.1% to 204.1% for Alternative 4.

Council President Zeidman cautioned residents that many assumptions have been discussed. This may not reflect what the actual costs will be after negotiations are done.

Michael Pucillo, 224 Dunbar Rd, noted that Lake Worth Beach uses much more water than the Town of Palm Beach. In essence, the Town of Palm Beach residents will use approximately 2/3 of the water from that authority resulting in the Town of Palm Beach residents paying 2/3 of the cost. He asked the Town Council to consider those ratios when looking at an authority. Mr. Pucillo also noted that the other municipalities have existing facilities and existing bond financing with those facilities. If an authority is created, that will need to be accounted for; West Palm Beach has a large piece of land and a water plant that must be rebuilt. What the land is worth, how it gets valued, and if it were to come into an authority would have to be looked at closely. Lake Worth Beach has a smaller facility with some membrane technology. Their facility would have to be valued since it would go into an authority. The Town Council is at the very early stages of this process, and if an authority is entered into with West Palm Beach, the Town of Palm Beach would be the third customer of that authority,

whereas, with Lake Worth Beach, the town would be a dominant customer.

Council President Zeidman acknowledged Mr. Pucillo's involvement in this process as a member of the water committee. She thought it was good for the town council to have decision-making authority. It was not so that the Town of Palm Beach could issue the revenue bond. However, the town brings a lot to the table. Council President Ziedman asked Mr. Pucillo what he would be on the lookout for in entering such an authority. Mr. Pucillo acknowledged the difficulty of negotiating in the sunshine. He believes Lake Worth Beach has a nice facility, and they have already secured permits for ten wells and know where they will be placed. Lake Worth Beach is pretty far along in this process, but they lack the financial capability to create a first-class membrane technology plant. They will get significantly better water if they enter into an authority. Mr. Pucillo believes there are advantages for the City of Lake Worth Beach in entering an authority with the Town of Palm Beach.

Council Member Crampton said that once the organization is operational, there is not much for the authority board to do. Essentially, the board will ensure the rates are set.

Council President Zeidman asked which percentage the town should use, the future or the actual. He said the two percentages are different because the plant capacity is greater than what they use. The math is much simpler if the town considers itself 1/3 of what is produced.

There was a \$576,000 resolution. Council President Zeidman asked if the town aims to have decision-making capability on the team/partnership with another jurisdiction.

Mayor Moore stated that the Town Council must partner in this venture.

Council Members Crampton and Araskog do not feel enough information is available now. Council Member Araskog said she is leaning toward partnership.

Council President Pro Tem Lindsay would like to be a partner because the Town of Palm Beach has been a customer for a long time. The current system has 35% of its infrastructure passed its useful life; on occasion, water from the system has not been safe to drink, and she believes one of the key roles of local government is to supply clean, good-tasting water that is safe to consume. She stated that this is too important to be just a customer.

Council President Zeidman asked if the Town Council could determine how much disruption would be caused to the town if the council decided to go with the City of Lake Worth Beach. Mr. Brazil stated he would put some information together for the Town Council.

Council Member Araskog thought the Town Council should deeply dive into what a partnership would look like.

Mayor Moore asked if there are any issues with water quality in the City of Lake Worth Beach. Mr. Brazil stated he would look into it.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to accept the Report of the Finance and Taxation Committee meeting held on March 16, 2023. On roll call, the Motion passed unanimously.

XVII.B.4.ZON-22-107 (COA-22-037) 2185 S. OCEAN BLVD. – PHIPPS PARK (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES
TIME CERTAIN: 4:00 PM

IV. APPROVAL OF AGENDA

Motion was made by Council Member Crampton and seconded by Council Member Araskog to approve the agenda, as amended. On roll call, the Motion passed unanimously.

V. SWEARING IN OF ELECTED OFFICIALS

Council President Zeidman recognized The Honorable Leslie Smith, who was in attendance.

A. The Honorable Judge Lisa Small

1. Mayor Danielle H. Moore
2. Julie Araskog
3. Edward A. Cooney
(Mayor Becomes Presiding Officer)

The Honorable Judge Lisa Small swore in the following elected officials:

Mayor Danielle H. Moore
Council Member Julie Araskog
Council Member Edward A. Cooney

VI. ORGANIZATIONAL ITEMS

- A. Election of Town Council President Pursuant to Section 3.01 of the Town Charter**
(Town Council President Becomes Presiding Officer)

After counting the ballots for Town Council President, Margaret A. Zeidman was unanimously elected Town Council President.

- B. Election of Town Council President Pro Tem Pursuant to Section 3.01 of the Town Charter

After counting the ballots for Town Council President Pro Tem, Bobbie Lindsay was unanimously elected Town Council President Pro Tem.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to approve Margaret A. Zeidman as Town Council President and Bobbie Lindsay as Town Council President Pro Tem. On roll call, the Motion passed unanimously.

VII. RECOGNITIONS

- A. Recognition of Kim Coleman for her service on the Landmarks Preservation Commission from March 2018 to March 2023
Danielle H. Moore, Mayor
- B. Recognition of Pat Segraves for his Service on the Landmarks Preservation Commission from March 2017 to March 2023
Danielle H. Moore, Mayor
- C. Recognition of Alfred "Skip" Aldridge for his Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor
- D. Recognition of Elizabeth Dowdle for her Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor
- E. Recognition of Kristen Kelly-Fisher for her Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor
- F. Recognition of Nicki McDonald for her Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor
- G. Recognition of Peter McKelvy for his Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor
- H. Recognition of Katherine Ostberg for her Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor
- I. Recognition of Michael Pucillo for his Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor
- J. Recognition of Michael Reiter for his Service on the Strategic Planning Board from December 2021 to March 2023
Danielle H. Moore, Mayor

VIII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore recognized the following employees for their years of service:

Houston Park (FR) 5 years; Timothy McLaughlin (PW) 10 years; Michael Horn (REC) 10 years; Anthony Carey (PW) 10 years; and Hector Ayala (FR) 20 years.

The following employees were recognized on their retirements:

Carol Gowie (PW) 23 years; Craig Johns (PZB) 23 years; and Carl Jones (PW) 35 years.

Mayor Moore thanked the Strategic Planning Board members for their work for the town.

Mayor Moore had the opportunity to welcome, at the invitation of Rabbi Shiner, the Caltra Anti-Semitism Seminar at The Colony. It was a wonderful opportunity for Mayor Moore to represent her fellow elected officials in welcoming the seminar.

IX. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton thanked the dedicated volunteers who always work hard for the Town of Palm Beach. He praised them for the quality of their work on behalf of the town.

Council President Pro-Tem Lindsay complimented what she thought was a collaborative, functional, friendly, thoughtful, and very effective desk of volunteers.

Council Member Araskog congratulated and thanked Mayor Moore for her work on behalf of and for the betterment of the Town. She congratulated Council Member Cooney for his service and devotion to the Town. In addition, she thanked all of the volunteers for their dedicated service.

Council President Zeidman said she believes the residents are very fortunate to live in a Town where people are willing to volunteer their time for the good of the Town of Palm Beach.

X. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

Diane Buhler, Friends of Palm Beach, reported on the volume of trash and beach debris removed from the town. She also spoke about the efforts of the Commission for their proactive approach with respect to sargassum on the far north end of the island. She added that sargassum now and prior to this expected large quantity benefits the beach and its ecosystem.

Ms. Buhler noted the Southern Blvd bridge area is a consistent area of garbage collection even though the area has not been turned over to the town.

The Friends of Palm Beach will host their Great American Clean-Up event this Saturday from 8:30 am to 10:30 am at 1576 S Ocean Blvd where commemorative T-shirts will be distributed.

XI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by the Applicants and Appointments to the Code Enforcement Board

Pat Gayle-Gordon, Deputy Town Clerk

Deputy Town Clerk Gayle-Gordon called John McGowan forward.

Mr. McGowan addressed the Town Council requesting to be appointed to a full term as a voting member of the Code Enforcement Board.

Deputy Town Clerk Gayle-Gordon called Charlotte Taylor forward. Ms. Taylor was not in attendance and there were no other applicants.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to appoint John McGowan as a regular member of the Code Enforcement Board. On roll call, the Motion passed unanimously.

B. Presentations by the Applicants and Appointments to the Recreation Advisory Commission

Pat Gayle-Gordon, Deputy Town Clerk

Deputy Town Clerk Gayle-Gordon called David Missner forward.

Mr. Missner was appointed in 2022 to finish a term which would expire on April 20, 2023. He requested appointment to a full term as a voting member of the Recreation Advisory Commission.

Deputy Town Clerk Gayle-Gordon called Devon Roush forward.

Ms. Roush believes she could bring value to the Recreation Advisory Commission due to her continual involvement in and use of the recreation center. She participates on Seaview's Open Tennis Team and plays tennis at Seaview three days a week. She reads the minutes and agendas and works hard to stay informed and involved. Ms. Roush is eager to share her time and efforts to assist in continuing to improve what she believes is the community hub.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to appoint Devon Roush and David Missner as regular members of the Recreation Advisory Commission. On roll call, the Motion passed unanimously.

A short recess was taken at 10:25 AM and reconvened at 10:36 AM

XII. PRESENTATIONS

- A. i. Presentation by Trainnovations on the Strategic Planning Board's activities and recommendations
 - ii. Minutes of the March 3, 2023, Strategic Planning Board Meeting
- TIME CERTAIN: 10:30AM**

Trina Pulliam, Trainnovations

Trina Pulliam congratulated the newly sworn-in council members. She presented the work of an incredible group of board members who were engaged, thoughtful, and reflective. The board did a great job considering the questions posed during the strategic planning process.

Ms. Pulliam reviewed the Scope of Work used to facilitate the Strategic Planning Board meetings, which will ultimately lead to recommendations to the Town Council. She explained the steps taken as part of the scope, including community engagement, staff engagement, and working with the Strategic Planning Board. She also reviewed the Strengths, Weaknesses, Opportunities and Threats (SWOT analysis) as part of the process.

Recommendations were provided as follows:

1. Adopt a Multi-year, ongoing Strategic Planning Process
2. Review and Adopt the Vision and Mission Statements
3. Adoption of broad Strategic Objectives that capture the essence of the Community Survey, SWOT, Critical Success Factors and Strategic Focus Areas
4. In collaboration with Staff, Create and Prioritize Action Items and Initiatives important for the Community
5. Identify Metrics that Matter for each Strategic Objective, Project and Initiative

Council Member Crampton was pleased to see Metrics that Matter incorporated into the recommendations.

Council Member Araskog thanked Ms. Pulliam for a comprehensive presentation. She thought it would be helpful for the public and Town Council to see all the recommendations.

Ms. Pulliam shared a recommended Biennial Strategic Planning Process matrix. She explained the matrix along with the necessary actions over two years. Five Strategic Objectives were presented for the Town Council to consider in addition to the next steps for creating an actionable Town Strategic Plan.

Council Member Araskog heard two different things, one was that staff was already working on some of the action items to prepare for the budget, but in the presentation, it seems the opposite is stated. She said the Town Council brings everything to the public for review before it being given to staff to move forward. Carolyn Stone, Deputy Town Manager, explained that staff is tasks with multi-year projects that are part of the strategic plan. When talking about staff already being engaged in action items, it is because of work the Town Council has already approved.

Council Member Crampton offered suggestions for a Critical Success Factor (CSA) and a Strategic Focus Area (SFA) for the strategic plan. He said it is important to pay attention to the commercial sector. There was no mention of the economy in the presentation. He thought if the plan was executed as suggested, some flexibility of the Town may be impacted.

Council President Pro Tem Lindsay would like to see the Town Council act on the information presented. It is important to collaborate with staff and prioritize to quantify the cost and figure out how it can be measured.

Mayor Moore weighed in on the discussion and said the Strategic Planning Board and the consultant have allowed community engagement.

President Zeidman said Town Council had been working on some of the plan's elements for a while. She was glad to see the provision of a road map for the future.

Council Member Araskog requested additional time to review the information presented. She would like to delay action to next month.

Council Member Cooney commented he would like a better understanding of the process to include structure, staff time and financial commitment for the ongoing process.

President Pro Tem Lindsay stated that she agreed with the process but did not want it to be an undue burden to the staff.

Mayor Moore read the mission statement and asked the Town Council if there was any objection to the statement.

Ms. Pulliam noted no expectation for the Town Council to take action today.

Council Member Araskog would like a joint meeting to discuss the strategic plan action items. She said there are several different aspects that the Town Council could look at going forward.

Ms. Pulliam said a process may be followed, which would be individual and together for prioritization. The reason a one-year process is not recommended is that it becomes burdensome.

Responding to Council Member Crampton, Carolyn Stone, Deputy Town Manager, outlined the process the staff will follow regarding incorporating the recommendations from the Board.

Council President Zeidman said everyone should know what the mission is, what the vision is and the plan should lead the Council. She would look to Mayor Moore and would place this item on an agenda in May.

Public Comments

Susan Gary, 229 Onondaga Avenue, said the conversation has been interesting and addresses many of the items of concern for residents and the Council. She said if a strategic plan will guide the town for the next 5 years or more, consideration should be given to what issues may be significant in the town's future.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve the Minutes of the March 3, 2023, Strategic Planning Board Meeting. On roll call, the Motion passed unanimously.

XIII. APPROVAL OF CONSENT AGENDA

Council President Pro Tem Lindsay explained that she was going to pull Items B2 and B7, but after conversing with the Director of Public Works, decided not to pull those items. She complimented the staff for working in a forward-thinking manner. Mayor Moore noted that the Town of Palm Beach is easily five years ahead in resilience compared to West Palm Beach.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the Consent Agenda, as amended. On roll call, the Motion passed unanimously.

A. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Deputy Town Clerk
 - a. March 14, 2023, Town Council Meeting Minutes
 - b. March 15, 2023, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural

Review Commission at its Meeting of March 29, 2023
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 026-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Construction Phase Services for the E-6 Pumpstation Improvements to Kimley-Horn and Associates, Inc. in the amount of \$95,500 and establishing a project budget of \$105,000.
Dean Mealy, Procurement and Contract Manager
2. RESOLUTION NO. 028-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-14, D-12 Stormwater Pumpstation Improvements to Murray Logan Construction, LLC in the Amount of \$947,680 and Establishing a Project Budget of \$1,089,832.
Dean Mealy, Procurement and Contract Manager
3. RESOLUTION NO. 030-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Site Civil Review Assistance for Planning, Zoning, and Building to Kimley-Horn and Associates, Inc. in the Amount of \$65,000, Chen Moore and Associates in the Amount of \$65,000 and Mock-Roos in the Amount of \$65,000.
Dean Mealy, Procurement and Contract Manager
4. RESOLUTION NO. 031-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Bridges, Marsh & Associates in the Amount of \$390,000 and Establishing a Project Budget in the Amount of \$470,000 for the design of a Linear Park along the landward side of the new replacement Bulkhead for Midtown Beach.
*Dean Mealy, Procurement and Contract Manager – **Pulled and Heard as Item No. XVII.A.1.***
5. RESOLUTION NO. 032-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-25 for the E-6 Pumpstation Improvements and Approving a Construction Contract to Hinterland Group, Inc. in the Amount of \$1,134,000 and Establishing a Project Budget in the Amount of \$1,304,000.
Dean Mealy, Procurement and Contract Manager
6. RESOLUTION NO. 033-2023 A Resolution of the Town

Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Construction Phase Services for D-8 and E-5 Pumpstations to Mock-Roos in the Amount of \$199,145 and Establishing a Project Budget of \$229,016.

Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 034-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-18 for the Rehabilitation of D-8 Stormwater Pumpstation and the E-5 Wastewater Pump station to Murray Logan Construction, LLC in the Amount of \$2,064,680 and Establishing a Project Budget of \$2,374,382.

Dean Mealy, Procurement and Contract Manager

XIV. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Architectural Commission

Jeffery W. Smith, Chair

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the Annual Report of the Architectural Commission. On roll call, the Motion passed unanimously.

XV. COMMITTEE REPORTS

- A. Report of the Finance and Taxation Committee Meeting Held on
Thursday, March 16, 2023

TIME CERTAIN: 2:30 PM

Margaret A. Zeidman, Chair

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the report of the Finance and Taxation Committee Meeting of March 16, 2023. On roll call, the Motion passed unanimously.

XVI. PUBLIC HEARINGS

- A. RESOLUTION NO. 035-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Property Commonly Known as 125 Seagate Road, in the Town of Palm Beach, Florida.

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

Town Engineer, Patricia Strayer, presented the resolution for vacating and abandoning an existing public utility easement at 125 Seagate Road.

There was no public comment.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 035-2023 and 036-2023. On roll call, the Motion passed unanimously.

- B. RESOLUTION NO. 036-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Property Commonly Known as 1287 North Ocean Way, in the Town of Palm Beach, Florida.

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

Town Engineer, Patricia Strayer, presented the resolution for vacating and abandoning an existing public utility easement at 1287 North Ocean Way.

There was no public comment.

Council Member Cooney questioned an earlier discussion regarding facilitating a process to help property owners now that the areas are underground. Ms. Strayer stated that when an easement is donated, town staff follows a process to abandon the easement. As the process and potential for a change in properties were reviewed, as well as the requirement for a legal description for each property, it was determined that the form might be simplified but not the process.

Council President Pro Tem Lindsay would like for staff to look at a way to simplify the process of vacating and abandoning public utility easements for the undergrounding. She said the process seems to be convoluted. She said there might be some streets that are more complicated and those are problematic. However, she would like another chance to try to streamline the process. Ms. Strayer said an easier process than clearing the title would be requested for installation agreements. A straightforward non-legal description required agreement would be submitted stating that a wall, fence, etc., would be put in the easement. Once it is confirmed that there are no other utilities in the easement, an installation agreement would then be executed.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 036-2023. On roll call, the Motion passed unanimously.

XVII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda

1. RESOLUTION NO. 031-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Bridges, Marsh & Associates in the Amount of \$390,000 and Establishing a Project Budget in the

Amount of \$470,000 for the design of a Linear Park along the landward side of the new replacement Bulkhead for Midtown Beach.

Dean Mealy, Procurement and Contract Manager

Director Brazil provided background information on the item.

Council member Araskog asked why a landscape architect could not be hired. Mr. Brazil said the project includes more disciplines than just landscaping. Mr. Marsh's input will be necessary since he provided the original design for modifying that area. Also, where the scallops sit on the wall must be readdressed. Mr. Brazil stated there will be a surveyor, a civil engineer, and a landscape architect, and Mark Marsh will be the prime consultant.

Council Member Cooney spoke in support of the project. He asked if the cost in the proposal is reasonable, and Mr. Brazil said yes.

Council President Pro Tem Lindsay said there are many varied materials on the seaward side of the project. The wall has been in existence for 100+ years. She requested that a native plant horticulturist be involved in the project.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 031-2023. On roll call, the Motion passed unanimously.

B. Old Business

1. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status and Review of Current Construction Impacts

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

Patricia Strayer, Town Engineer, presented the project update and explained here is not a whole lot to report today. She had promised to look at the financials and let the Town Council know how phases 7 and 8 would pan out. That report is not completed to date, but it is anticipated to be complete and presented next month.

Ms. Strayer presented an overlay of the FY 2023 capital projects and undergrounding. She noted that grants have been received for three of the pump stations for raising the electrical equipment above the resiliency level. There are two more for which grants have been received, which will be under construction next year.

Council Member Araskog asked for a copy of the map. Council President Zeidman recalled that this presentation was being made as a result of Town Council's request for an overlay of all of the projects due to the traffic

impacts in town. This presentation will assist council members in being able to answer questions asked by their constituents.

Mr. Brazil noted the map will be revised and provided to town council members. He said the midtown area is going to be very busy with projects and two more projects will be added. Most of South Ocean Blvd will be closed.

Council Member Cooney asked if when the seawall project is active, the public beach would be closed. Mr. Brazil said the public beach will be open, but the public access that residents are accustomed to using will be inaccessible.

Ms. Strayer commented that the FDOT midtown project includes replacement of the mast arms at three intersections. Currently, it takes a minimum of six months to get mast arms. Therefore Ms. Strayer does not believe this project will be done in 2023. However, since the FDOT schedule indicates 2023, it must be reported at this time.

Discussion ensued regarding discussion with FDOT pertaining to phasing of the pending projects. Ms. Strayer thought if FDOT had their plans and specifications ready for May and they can purchase the mast arms for delivery approximately one year later, that would be much better for the town and the project could be done at one time rather than using a phasing process.

Assistant Fire Rescue Chief Sean Baker stated that as he looks at the North/South Corridor with the potential of having both closed or limited travel, he recalls when there was limited access through Mar-a-Lago. If the ability to leave at least one corridor open, the Fire-Rescue response times will be maintained.

Ms. Strayer noted the Lake Trail will be closed on E-6 and E-5 is on Country Club Road which will be somewhat impacted.

Council President Pro Tem Lindsay asked if Country Club Road would be impassable and Ms. Strayer said staff will work to keep the roadway passable, but there will be times it will have to be closed. She said a whole detour is created for public safety.

2. Update on Florida Department of Transportation (FDOT) Projects within the Town of Palm Beach

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

Town Engineer Strayer presented the FDOT project update. The first project goes from Lake Worth Bridge to Ibis Isle. They are all called

Resurfacing, Restoration and Rehabilitation (RRR). A request was sent to Governor DeSantis asking that this project be limited to milling and resurfacing but no response has been received.

Mr. Brazil stated that there are now three sections that FDOT will be undertaking. Recently, staff was informed that FDOT would like to do the next segment, but FDOT has not provided any details.

Council Member Araskog said from a safety issue, she still has concerns with closing the road down. She likes the philosophy of sharing the road. She asked how ambulances will get around cyclists. She requested that this be discussed at the next Town Council meeting. At this time, FDOT has assumed the position that sharing the road with cyclists is a statewide policy.

Council Member Crampton said that once people are on the island, there are not multiple routes for getting back off the island. Safety is an issue.

A lunch break was taken at 1:00 PM and reconvened at 2:20 PM

3. Discussion and Decision Regarding Removal of Sargassum from the North end Beach

RESOLUTION NO. 027-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-15 for Beach Maintenance Services to BeachKeeper, Inc. in the amount of \$82,160, Establishing a Project Budget of \$200,000 and Establishing a Five-year award based on Satisfactory Performance and Budget Authorization in the Amount of \$1,000,000.

Dean Mealy, Procurement and Contract Manager

Mr. Brazil provided background information on the item. What this item does not include is the physical removal or burial of seaweed. This is only for raking.

Council Member Cooney asked what is done with the seaweed after raking. Mr. Brazil said as long as it is a manageable quantity, their standard method is to bury it below main high tide. The intent is that wave action breaks it down and it remains part of the ecosystem.

Council President Pro Tem Lindsay asked about burying the seaweed along the jetty. Mr. Brazil said if there is not a permit, regulatory agencies have indicated they would grant a permit for burying next to the jetty if necessary.

Council Member Crampton asked about the golf course. Mr. Brazil said in trimming the budget many years ago, the focus direction was for the municipal beaches. Mr. Crampton supports the pilot process and asked if the same technique could be applied in other areas.

Council Member Araskog believed it would be important to let residents know that sometimes the sargassum is removed. Sargassum moves in and out, and it would be costly to address all areas.

City Manager Blouin commented on special circumstances the town is prepared to address.

Ronald Matzner, 3120 S Ocean Blvd, said the Shore Protection Board discussed recommending that Town Council explore new technologies that may allow for addressing the issues from the sea rather than from the shore.

Mr. Brazil said currently, only municipal beaches are being cleaned under the subject contract.

Council Member Araskog asked Mr. Brazil if the town would be willing to assist private beaches with clean-up. She was referring to condominiums or a group that would be willing to pay for the service. Mr. Brazil said the citizens association has a contract for beach cleaning. The town would be glad to assist with council approval.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 027-2023. On roll call, the Motion passed unanimously.

4. **ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval for modifications to a previously approved Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) specifically to include the addition of two pickleball courts and the renovation and alteration of an existing lifeguard station into the approved site plan including variances to reduce setback requirements and to exceed the maximum building height in the R-B zoning district and variances to reduce the minimum required Ocean Bulkhead Line setback requirement for new structures. Landmarks Preservation Commission will perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the*

subject property. Carried 7-0.] [The Landmarks Preservation Commission approved this project as presented at the March 22, 2023, meeting. Carried 7-0.]

Wayne Bergman, Director of Planning, Zoning and Building

Jennifer Hofmeister-Drew, Planning, Zoning and Building Department, provided background information on the project.

Scott Collison, Fairfax and Sammons, provided slides depicting the existing lifeguard stations, both exterior and interior. He showed elevations of the proposed lifeguard station to which his firm is not suggesting changes to the layout or function but only to address exterior aesthetics to bring the structure more in line with the appearance of other buildings proposed for the park renovation. The largest change to the exterior is the addition of over-framing on the roof. This condition exists for the proposed structures elsewhere in the elevation. A new dormer window would be added on the side facing the ocean.

Ms. Hofmeister-Drew provided information about the variances being requested. She also presented the criteria required for granting variances.

Council Member Cooney was supportive of the application.

Council Member Araskog asked if the stairs were safe when a lifeguard is having to run down to the beach for an emergency. Mr. Collison stated the stairs have not been changed.

There was no public comment.

Motion was made by Council Member Cooney and seconded by Council Member Crampton that Variance No. ZON-22-107 shall be granted and find in support thereof, that all the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting stating that she supported the lifeguard station but not the pickleball courts.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Special Exception No. ZON-22-107 and Site Plan Review No. ZON-22-107, as said applications meet the criteria set forth in Sections 134-229 and 134-329 respectively of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provisional arrangement has been made concerning items 1 through 11 of Section 134-329. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting stating that she supported the lifeguard station but not the pickleball courts.

Council Member Araskog asked if a discussion could be held tomorrow on the request for a deferral on 125 Worth Avenue. Ms. Maura Ziska, Attorney for the Applicant, noted that a deferral has already been requested. Council Member Araskog said the deferral needs to be requested tomorrow. Town Attorney Randolph stated that if the applicant agrees, there is no reason why the town could not defer an item to a special meeting for consideration. Ms. Ziska thought a special meeting was already on April 12, 2023. It was noted this item would be discussed tomorrow at the Town Council Development Review meeting.

5. Phipps Plaza Park Donation

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

Director Brazil provided background information on the item. He said as a condition of their approval of the Carriage House, Town Council was to accept a donation for the improvement of the park in the center of Phipps Plaza. The Carriage House representatives have submitted a potential plan, and the Town Council, as the owner of the park, is being asked to accept the plan. If accepted, the Town Council will also be accepting a donation of \$300,000. Subsequently, the plan will be presented to the Landmarks Preservation Commission and then back to Town Council for final approval.

Maura Ziska was present on behalf of Carriage House and Dustin Mizell, Landscape Architect. The Garden Club has been contacted and they declined to look at the plan prior to Town Council.

Paula Bickford, 135 Gulfstream Rd, addressed the Town Council with regard to a restoration of Plaza Circle at Phipps Plaza. She has been collecting historical data about the plaza. She presented some historical photographs. She would like to see a flowery layered entry that is colorful would be desirable. She made some other suggestions concerning the restoration project. Overall, parking is throughout the plaza, and she would like to see the parking area protected by a hedge as in the past.

Dustin Mizell, Landscape Architect, presented the landscape site plan for the restoration project.

Council Member Crampton thanked the Bickfords for their commitment to this project. He was confident that this upgrade would make the plaza a lovely spot. He also stated he appreciates the attention being paid to native plants and he suggested some nectar plants to attract butterflies.

Council Member Cooney also thanked the Bickfords for donating to this beautiful historic space. He asked Mr. Mizell about the archway detail for entry points. Mr. Mizell said the iron arches will be simple and support

the bougainvillea plants. Council Member Cooney noted a monument near the fire hydrant. Mr. Mizell said the plaque will be thoughtfully placed. Finally, Council Member Cooney asked if there had been any communication with the property owners adjacent to the property to solicit their feedback. Ms. Bickford had touched base with some of the adjacent owners, who seemed pleased with the project. Council Member Cooney mentioned that the material list calls for diamond zoysia and he wanted to know the opinion of Mr. Mizell with regard to the cost of maintenance. Mr. Mizell said internal conversations have been discussed and St. Augustine may be a more appropriate choice.

Council President Pro Tem Lindsay mentioned her appreciation for the donation and for the project. Some of the garden club members contacted her to suggest that some benches be added to the garden. She also commented on the materials chosen for the landscaping. She suggested Mr. Mizell consider Bahamian Coffee because it is a very pretty plant and considered native. Wild Coffee becomes uglier in the fall, but the Bahamian Coffee is a much prettier plant, by far.

Council Member Araskog noted that a fountain might also complement seating areas. She asked what the hedge would be, and Mr. Mizell said in the front, it would be a mix of color with hierarchy. The hedge is going to be Green Cocoplum. Council Member Araskog has a lot of Bougainvillea, which requires chemicals due to a certain bug attracted to the plant. She asked Mr. Mizell if there might be a more native plant such as Jasmine, that could be used in place of Bougainvillea. Mr. Mizell said Bougainvillea wants to be as dry as possible. If there are bugs, it is more than likely a water issue. He said he would be more than happy to look at Jasmine as another option.

Council Member Crampton asked about maintenance requirements for the upgraded landscaping. Mr. Mizell responded it is not an elaborate design and is not ornamental. The upkeep should be very reasonable.

Council President Pro Tem Lindsay noted that another garden club member has said she does not like the Bougainvillea.

Council President Zeidman asked about the material to be used around the fountain. Ms. Bickford said the preference would be to add black and white Portuguese cobblestone. She expressed concern that the Coral Flagstone breaks. The Coral Flagstone has been chosen, though, since it is the historical material. The idea of black and white Portuguese Cobblestone would be used to add interest close to the fountain.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to accept the donation of \$300K and refer the Site Plan

Review to the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.

C. New Business

1. Commercial Motion Picture Application

Kirk W. Blouin, Town Manager

Bill Metzger, 277 Esplanade Way, accompanied by his wife, Anne, stated he has served on the Volunteer Board of Directors for the Palm Beach County Film and Television Commission since its beginning. Through the kind assistance of Town Manager Blouin, he was pleased to join with Michelle Hillary, Film Commissioner, to recommend the Town Council's endorsement for production, to work with the Town Manager to identify some favorable locations for a project that will show Palm Beach at its best.

Mr. Metzger introduced Leah Sokolovsky, a Career Film and Television Professional in Palm Beach County and throughout Florida. She would be the supervising manager of this project. Ms. Sokolovsky explained the project based on Liane Moriarty's best-selling novel. She noted the series would consist of seven episodes that blend suspicion, family dynamics, wicked humor, and tennis-filled escapism. Ms. Sokolovsky gave an overview of what the story would be and how Palm Beach would be viewed through the eyes of the characters.

Ms. Sokolovsky stated that the Town Council is being asked for permission for a film crew to set up a dichotomy between Palm Beach and West Palm Beach. The request is for cooperation in shooting a portion of the story in the Town of Palm Beach with as minimal impact on the town as possible.

Discussion ensued about the request. Council Member Araskog noted that the privacy of the town's residents is huge. She would want to read the script, upfront, the content of the series, including information such as, but not limited to, language and specific scenes. Council Member Araskog also noted infrastructure type projects that will be impacting the community on an ongoing basis. She was not supportive of the request due to safety, roadways, privacy of residents and traffic impacts.

Council Member Cooney was not supportive of the request. He was hesitant for the same reasons previously stated.

Council President Pro Tem Lindsay is a residential community. Wonderful opportunities for marathons and other events have been turned down due to safety, roadways, privacy of residents and traffic impacts. She did not feel the town of Palm Beach needed the publicity that would be associated

with a television series being filmed in the town. In addition, drones are not allowed in the Town of Palm Beach without proper permitting. Council President Pro Tem Lindsay felt there would be no redeeming quality to the town if this request were approved.

Mayor Moore was also not comfortable with the request. She said the parts of the town that would be desired for shooting would be the worst possible section for filming. Unfortunately, Mayor Moore also noted that construction projects would also make it difficult to approve the request.

Mr. Metzger explained that from a production point of view, only about 4-5 angles would be photographed without dialogue. He has worked with Ms. Strayer and Mr. Housechild to ensure that there would not be conflicting undergrounding or other issues during the few days of late July when the filming would occur. Mr. Metzger did not feel the request was for anything extraordinary.

Council President Zeidman was not in favor of allowing the filming in the town.

The consensus of the Town Council was to deny this application.

2. RESOLUTION NO. 039-2023 A Resolution of the Town Council of the Town of Palm Beach, Florida, Opposing and Urging the Florida Legislature not to Adopt House Bill 1317 and Companion Senate Bill 1346, which would Preempt the Town's Authority to Enforce Major Provisions of its Historic Preservation Ordinance and Undermine Protections for Locally Designated Historic Buildings and Structures; Adding This Matter to the Town's List of Legislative Priorities for the 2023 Florida Legislative Session; and Directing the Town Clerk to Transmit This Resolution to the Bill Sponsors, the Speaker Of the House and President of the Senate, and the Palm Beach County Delegation.

Wayne Bergman, Director of Planning, Zoning and Building

Director of Planning, Zoning and Building, Wayne Bergman, provided background information on the item. He explained the reason Town Council is being asked to oppose and urge the Florida Legislature not to adopt House Bill 1317 and Companion Senate Bill 1346. Bills such as this are intended to continue to strip local government of home rule and such bills minimize a town's architectural heritage.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to approve Resolution No. 039-2023. On roll call, the Motion passed unanimously.

XVIII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend the Town's Budgets

ORDINANCE NO. 001-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2022, and Providing an Effective Date.

Robert Miracle, Deputy Town Manager, Finance & Administration

Aimee Sunny, Preservation Foundation of Palm Beach, thanked the Town Council for leadership in opposing the bills that are coming up at the state level. She said there is a coalition of people who are working on these issues.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to adopt Ordinance No. 001-2023. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend Chapter 70 of the Town Code Relative to the Use of Public Fountains and Public Urination

ORDINANCE NO. 006-2023 An Ordinance of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida Amending Chapter 70 Offenses Of The Town Code Of Ordinances By Adding A New Section 70-6, Prohibited Use Of Public Fountains, Hose Bibs, Sinks, And Showers And A New Section 70-7, Prohibition On Public Urination And Defecation; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Nicholas Caristo, Chief of Police

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to adopt Ordinance No. 006-2023. On roll call, the Motion passed unanimously.

XIX. ANY OTHER MATTERS

- A. Discussion of Noise Ordinance After Certain Hours on Private Property
Margaret A. Zeidman, Town Council President

After a brief discussion, the Town Council decided to refer this matter to the Ordinances, Rules and Standards (ORS) Committee for further review.

XX. ADJOURNMENT

The Town Council Meeting of April 3, 2023, was adjourned at 6:32 PM without benefit of a Motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on April 4, 2023

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on April 4, 2023, at 9:31 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Council Member Araskog asked if public comment would be allowed when the deferral is formally requested. Town Attorney Randolph stated that allowing public comments on the deferral would be appropriate, but further comments would not be permitted.

Mayor Moore stated she did not have any comments.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman announced that the applicant for the project at 125 Worth Avenue had requested a deferral. She further explained that in accordance with the Town Code, the applicant must make the request at the Town Council meeting; this request would be made at the project's time certain of 11:00 a.m.

Council President Pro Tem Lindsay announced a piece of art was gifted to the Palm Beach Police Department by a local artist, Kasha McGee. She stated that the piece of art titled "Patriot Heart" would be displayed on the second floor of the Police Department.

Council Member Araskog requested a discussion be permitted regarding public comment and any deadlines associated with this type of correspondence. Council President Zeidman discussed the challenges associated with receiving public correspondence in a timely enough manner, which would allow the Town Council ample time for review. She stated that everyone should try to get their correspondence to Town Hall by the Wednesday prior to the meeting, which would allow adequate time for Town Council Members to receive and review it before the Town Council meeting.

Director of Planning, Zoning, and Building Wayne Bergman stated the item requested for discussion could be placed under Any Other Matters at the end of the agenda, and he would request a representative from the Town Manager's Office to join the discussion.

V. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

David Kelso, 255 Monterey Road, expressed frustration with the overbuilding and development on the north end of the island. He felt like this was an ongoing issue.

VI. APPROVAL OF AGENDA

Wayne Bergman, Director of Planning, Zoning, and Building, stated that in addition to the items listed for deferral on the printed agenda, the following items were being modified:

Deferral of ZON-22-088, 240 Oleander Avenue to the May 10, 2023, meeting

Deferral of ZON-23-033, 1540 S. Ocean Blvd and 114 Ocean View Road to the May 10, 2023, meeting

Withdrawal of ZON-23-027, 206 Caribbean Road

Deferral of ZON-23-029, 325 Via Linda to the May 10, 2023, meeting

Deferral of ZON-23-032, 125 Worth Avenue to the May 10, 2023, meeting

Deferral of ZON-22-110, 2773 S. Ocean Blvd. to the May 10, 2023, meeting

Withdrawal of ZON-23-026, 220 Arabian Road

Deferral of ZON-23-034, 171 El Pueblo Way to the May 10, 2023, meeting

Deferral of ZON-23-041, 176 Seminole Ave. to the May 10, 2023, meeting

Council Member Cooney indicated that the ratification of the landmark designation for 163-165 Seminole Avenue was heard by the Landmarks Preservation Commission at its March meeting. He indicated that the owner had requested a deferral to the November Town Council meeting, and he did not want the public to think the item had disappeared from the process.

Motion made by Council Member Araskog and seconded by Council Member Cooney to approve the agenda as amended. Motion carried unanimously, 5-0.

VII. DISCUSSION ITEMS

A. Discussion Regarding the Possibility of Zoning in Progress for Restaurants, Bars, Nightclubs, Lounges, and Private Clubs

Council Member Araskog recalled a recent conversation with staff and Town Attorney Randolph, which reviewed the ways to ensure that the town would not get a proliferation of restaurants that if allowed, would cause significantly greater traffic and parking impacts. She referred to some suggestions provided by

consultants and wondered if a Zoning in Progress could now be implemented to manage this issue.

Town Attorney Randolph advised that he had drafted a resolution for the Town Council to review just in case they wanted to move forward with Zoning in Progress immediately or in the near future.

Council Member Araskog said she would like the Town Council to move forward with this as soon as possible.

Town Attorney Randolph discussed the recommendations that he had provided to the Town Council in the past regarding Zoning in Progress. He indicated that no applications currently in the process would be affected by the implementation of Zoning in Progress. Mr. Randolph stated that Zoning in Progress had been a common tool for use when a jurisdiction was at the point of having its Planning and Zoning Commission study a particular issue. Its purpose was to prevent a rush of applications to the town once the public becomes aware that a particular issue or district is being studied. He read the resolution.

Mayor Moore asked if there were any applications in the queue. Jennifer Hofmeister Drew, Planner III, responded. James Murphy, Assistant Director of Planning, Zoning, and Building further explained the applications currently in process.

Mayor Moore discussed concerns with some possible unintended consequences associated with putting Zoning in Progress in place but stated she was fine with the proposal.

Town Attorney Randolph advised the Town Council to refer this to the Planning and Zoning Commission for a study. In addition, consultants would be engaged to look at this from the standpoint of traffic in specific districts.

Council Member Cooney was hesitant to act on the resolution and was not sure that a Zoning in Progress was necessary at this time. However, he took the traffic impacts seriously. He reminded the Town Council that all applications would need a special exception, which would require approval by the Town Council.

Town Attorney Randolph indicated that in 1979 the Town imposed Zoning in Progress for commercial development. He discussed what had happened at that time.

Council President Zeidman wondered whether the special exception approval was a better option than imposing Zoning in Progress. She agreed with Council Member Cooney that at night, the restaurants were not the cause of traffic problems.

Council Member Araskog argued that Zoning in Progress would protect the Town better than the special exception process.

Council President Pro Tem Lindsay found the protection against commercial development more favorable. She discussed the regional draw of the restaurants and how this was problematic for the Town's infrastructure. She acknowledged the construction that was influencing the north end of the town. However, she noted that friends in mid-town were upset with the amount of evening activity, particularly the transporting of valet vehicles. Council President Pro Tem Lindsay acknowledged that there were issues.

Council Member Crampton supported the item but was hesitant to act without more notice to the public. He thought it would be appropriate to allow more time to consider the issue and consult with staff.

Mayor Moore discussed concerns about expanding the item to commercial development. She, too, thought more notice should be provided to the public and thought the proper process should be followed.

Council Member Araskog stated that the item had been listed on the agenda. She thought there would be a flood of applications if the Town Council did not take immediate action to address the issue.

Assistant Director of Planning Zoning, and Building, James Murphy, discussed the application process and the dates when applications are accepted.

A discussion ensued about whether an application would be accepted prior to the next Town Council meeting.

Council Member Araskog thought that having a discussion at the April 12, 2023, meeting might be appropriate.

Council Member Cooney was pleased with the plan to discuss this further on April 12, 2023. He discussed the issues with how current commercial businesses were being handled. He thought there were issues with valet operations and parking, but believed the town should do a better job of managing the issues that were impacting residents.

Council Member Crampton cautioned Town Council on the number of agenda items being placed on the April 12th meeting agenda. He thought many important decisions would be made at that meeting, and the initial intention was to keep that agenda light.

Maura Ziska, Attorney with Kochman & Ziska, inquired if a Zoning in Progress would affect a market with tables and chairs. She indicated that she had several applicants who were at the point of signing their leases and would want to know this information before renewing. She also asked if a waiver would be available. Town Attorney Randolph stated that the availability of a waiver would be possible.

John David Corey, 426 Australian Avenue, commended Council Member Araskog for placing this item on the agenda. He discussed the number of seats available in the Town compared to the number of residents. He advocated for the implementation of Zoning in Progress.

Jamie Crowley, Attorney for the Royal Poinciana Plaza, thought there should be an exception for venues that had already been heard by the Town Council. He further explained additional concerns and advocated for projects that had already been through the process that included a restaurant, a site plan, a parking study, and a traffic analysis.

Council Member Cooney thought that the parking lot for the Plaza was already to capacity.

Council President Zeidman thought this resolution had not been properly noticed. She wanted to ensure the process was being done correctly to avoid any future problems for the Town Council.

Mayor Moore thought the April 12, 2023, meeting should be further noticed since the meeting agenda was becoming heavier with agenda items, and she anticipated it would be an all-day meeting. Mayor Moore suggested that residents or others who may not be in favor of a Zoning in Progress had not had the opportunity to be present since there was no indication on the agenda that action would be taken today.

Council Member Crampton advocated for taking some time before voting on the resolution. He thought that placing the item on the April 12th agenda, or the next Town Council meeting, would be fair to everyone.

Council President Pro Tem Lindsay thought waiting 8 days until the April 12th meeting would be sufficient notice and would not allow sufficient time for an influx of applications.

Daren Rubenfeld, Attorney at 247 Worth Avenue, requested clarification on the commercial aspect of the moratorium. Town Attorney Randolph responded that it would not include commercial businesses, only restaurants, and bars.

Joanie Goodman, 911 N. Ocean Blvd., agreed with John David Corey and thought a vote should be taken immediately. She thought the residents had dealt with the issues for far too long.

Barry Keen, 400 S. Ocean Blvd., discussed the residents' concerns. He thought if the meeting was delayed until April 12, it should be noticed in the Town's newspaper.

Council President Zeidman addressed the town-serving aspect. Town-serving was a concept but was not something that has ever been successfully monitored.

Council Member Araskog advocated for the Town Council to decide to impose Zoning in Progress immediately.

Mayor Moore asserted that all restaurants would have to request a special exception and could be denied by the Town Council.

Motion made by Council Member Araskog and seconded by Council Member Cooney to refer a study to the Planning and Zoning Commission to consider an ordinance relating to the number and location of restaurants in commercial zoning districts. Motion carried unanimously, 5-0.

Motion made by Council Member Araskog and seconded by Council Member Cooney to adopt Resolution Number 040-2023, declaring Zoning in Progress regarding the regulation of the location and limitation of restaurants, bars, lounges, and private clubs, and further providing that the Town Council, upon application and good cause shown, may provide a waiver to such Zoning in Progress. Motion carried 3-2, with Council Member Crampton and Council President Zeidman dissenting.

Please note: A short break was taken at 10:56 a.m. The meeting resumed at 11:13 a.m.

Council President Zeidman stated her awareness of the issues in the north end and thought the Town Council should address items raised in the letter that had been submitted by David Kelso. She also indicated that she did not vote in favor of the resolution because she thought more notice should be provided to the public. However, she was completely supportive of the item.

Mayor Moore stated she supported the item also but thought the process had not been properly followed.

At this time, the Town Council moved to the 11:00 a.m. time certain item.

- B. ZON-23-040 C-TS Text Amendment:** The applicant, James M. Crowley, Esq., Gunster Law Firm, has filed an application requesting Town Council review to amend the Town of Palm Beach's Zoning Code to allow for arcades or colonnades to

extend into the public right-of-way in the Commercial-Town Serving (C-TS) zoning district through the Special Exception process.

Jennifer Hofmeister-Drew, Planner III, introduced the request for a zoning text amendment and provided staff comments.

Mr. Crowley presented his zoning text amendment that will be taken to the Planning and Zoning Commission for further consideration. Mr. Crowley stated he would be willing to work with the Public Works staff to address their concerns.

Paul Brazil, Director of Public Works, stated the proposal would be a permanent encroachment into the right of way and that some safeguards would need to be put in place.

Council President Pro Tem Lindsay asked if the permanent encroachment was because of coverage of the sidewalk right-of-way. Mr. Brazil responded that there was a lot of infrastructure in the right-of-way that was not in plain sight. Council President Pro Tem Lindsay asked if there had ever been a safety issue. Mr. Brazil responded.

Council Member Crampton stated he would support a study of the item.

Council Member Cooney thought it was consistent with the architecture in the Town. He also thought it could provide some shade and walkability in the town.

Council Member Araskog thought it would create a historical feel in the Town. She favored having a study by the Planning and Zoning Commission.

Mr. Crowley stated that the item would be a special exception and that any project would need to be approved by either the Architectural Review Commission or the Landmarks Preservation Commission.

Mayor Moore thought it was important to have a design review of any project. She was concerned that the undergrounding may not have been completed in the area.

Council President Pro Tem Lindsay supported sending the item to the Planning and Zoning Commission.

Council President Zeidman called for public comment.

Anita Seltzer, 44 Cocanut Row, raised some questions about the current codes and why this type of construction was not already allowed. She asked if this project would apply only to new construction. She noted that the language as proposed intended to allow enclosed habitable and usable space above the arcade. Her main point was for the Town Council to understand all consequences, both intended and unintended, prior to taking action.

Ms. Hofmeister-Drew responded and explained the history of the policy for the application submittal. The applicant had decided to remove the arcade from their current development and proceed with further study. There would be a formal application, and the project would also be reviewed by the Planning and Zoning Commission. The review was coordinated with Public Works as part of the process.

Motion made by Council Member Cooney and seconded by Council Member Araskog to refer the C-TS text amendment to the Planning and Zoning Commission for review in coordination with the Town's consultant, ZoneCo. Motion carried unanimously, 5-0.

VIII. RESOLUTIONS

- A. **RESOLUTION NO. 037-2023**: 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 Property Known as 101 N County Rd 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. The owner is in support of the designation.

Owner: Shavell Wade M Trust

Ex parte communications were declared by Council Member Cooney.

Council President Zeidman requested confirmation of the proof of publication. Acting Town Clerk Churney provided confirmation.

Emily Stillings, MurphyStillings, presented background information on the project and historical information on the property. She outlined how the property met Criteria 1, 3, and 4 for Landmark Designation. Ms. Stillings thanked the owner for their support of the designation.

Motion made by Council Member Cooney and seconded by Council Member Araskog to make the designation report part of the record. Motion carried unanimously, 5-0.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Council Member Cooney said he loved the building because the façade on the left was designated, and this designation would make the other building, with its somewhat rounded façade, also protected.

Motion made by Council Member Cooney and seconded by Council Member Araskog to adopt Resolution 037-2023, designating the property at 101 N. County Road as a landmark of the Town of Palm Beach, on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. Motion carried unanimously, 5-0.

IX. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision RE: ARC-22-231 7 LA COSTA WAY

Frank Lynch, Attorney for Candace Hamm who resided at 3 La Costa Way,

explained his appeal on behalf of Mrs. Hamm. He argued that the Architectural Review Commission (ARCOM) had failed to consider the issues that would impact his client's property. He discussed the mechanical equipment location adjacent to his client's property, as well as the construction parking to be adjacent to her property. Mr. Lynch asked the Town Council to consider remanding the project back to ARCOM for reconsideration of these expressed concerns. He said the property was bordered on three sides by public streets. The lot was 36,000 square feet, 3.5 times the minimum lot size required in the R-B Zoning District. However, the house was oversized for the lot. All the mechanical equipment, drainage, and garbage had been moved to the adjacent side of Mrs. Hamm's residence. Mr. Lynch said La Costa Way was a dead-end street. All the homeowners had their workers park on the street, creating a problem even when there was no construction in the area. In this instance, the property was owned by a trust and was therefore not accessible. Mr. Lynch asked the Town Council to give consideration, as required by the Code, to send this item back to the ARCOM to find an alternative location for the mechanical equipment so as not to impact any neighbor.

Daniel Kahan, Smith and Moore Architects, discussed the architectural plans for the project. He provided some history about this item being considered by the ARCOM. He said the house's footprint would remain intact, unchanged. In the initial proposal were some elements that caused objection from neighboring property owners and modifications had been made to satisfy those objections. The existing mechanical equipment had been scattered all over the site and would be placed on the roof, approximately 40-50 feet from the property line. The equipment would be completely screened, which would meet all zoning codes. This site was bordered by three roads, and the code did not allow for generators to be placed in the setbacks along any of those roads. The only code-compliant location on the property for mechanical equipment was the proposed location.

Maura Ziska, Attorney for the owner at 7 La Costa Way, stated that Mr. Lynch argued the same items at ARCOM, and they ruled to unanimously approve the project with competent substantial evidence.

Mr. Murphy provided staff comments on the appeal. The site had been a challenge due to the three street fronts. The solution being proposed was a code-compliant generator.

Council Member Cooney asked about the section of the Code on which his appeal was based. Mr. Lynch responded.

Council Member Cooney asked for confirmation of whether Mr. Lynch had raised the objections at ARCOM, to which Mr. Lynch affirmed.

Council Member Araskog asked why the mechanical equipment, which consisted of 8 air conditioning units, could not be moved to the other side of the property. Mr. Kahan said some of the units on the ground were being moved closer to Mrs. Hamm, but other units are being moved further away with screening. He said the visual impact would be zero and the noise impact would be significantly less than it was currently. Mr. Kahan said if

the units were moved, they would be in the required street-yard setback. Council Member Araskog asked if any hardscape could be moved to fit a generator.

Town Attorney Randolph advised the Town Council that this appeal was based upon proceedings. He said the appeal needs to be considered based on the records provided. Ms. Ziska said ARCOM discussed the generator's location. However, the decision was made to keep it in the same location.

Motion by Council Member Cooney and seconded by Council Member Crampton to deny the appeal based on the fact that it was raised and discussed at the ARCOM level.

Council President Pro Tem Lindsay asked if consideration had been given to enclosing the generator. Mr. Kahan said he would consider an enclosure.

Council Member Crampton said a decision needed to be made on whether ARCOM ruled in error.

Council Member Araskog asked if the item could be remanded back to ARCOM. She thought it might be good to remand it and see if they could require the enclosure.

Ms. Hofmeister Drew stated that ARCOM did not mandate generator enclosures.

Council Member Cooney said he understood the neighbor's concern. However, since this item was not being heard de novo, he did not see any evidence that ARCOM erred in their decision.

Motion carried 3 to 2, with Council President Zeidman and Council Member Araskog dissenting.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the May 10, 2023, Town Council meeting pending review by the Architectural Review Commission.]

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- b. **ZON-22-032 (HSB-23-003) 594 N COUNTY RD (COMBO)— VARIANCES** The applicant, George Marucci, has filed an application requesting Town Council review and approval for variances (1 and 2)

to reduce both side yard setback requirements for two, one-story additions to a historically significant one-story building. The Landmarks Preservation Commission will perform the design review. [The Landmarks Preservation Commission deferred this project to the April 19, 2023, meeting.] This project shall be deferred to the May 10, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- c. **ZON-22-088 (ARC-22-126) 240 OLEANDER AVE (COMBO) – VARIANCES** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) to exceed the maximum allowed lot coverage, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission will hear the project to their March 29, 2023, meeting.]

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- d. **ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO) - VARIANCES**. The applicant, Gregory James Pamel, has filed an application requesting Town Council review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application. [This project shall be deferred to the May 10, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.]

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- e. **ZON-22-140 (ARC-22-216) 248 COLONIAL LN (COMBO) SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE**. The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the development of a lot that is deficient in lot depth and lot area in the R-B zoning district and for variances (1) to eliminate the two-car garage enclosure requirement, (2) to locate a generator in a setback which is higher than allowed from neighboring grade and (3) to not

completely screen a generator with a masonry wall, in conjunction with the construction of a new two-story residence. The Architectural Review Commission will perform a design review of the application. [The Architectural Review Commission will hear the project to their March 29, 2023, meeting.]

Ex-parte communications were declared by Council Members Araskog and Cooney.

Maura Ziska, Attorney, stated this was a site plan review because the property was 82 feet wide in lieu of 100 feet and 8360 square feet in area rather than 10000 square feet in the R-B zoning district. She provided background information for the request. Variances 2 and 3 had been removed.

Mr. Murphy provided staff comments and stated the staff was supportive of the request.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve a Special Exception ZON-22-140 and Site Plan with the same number, as said applications meet the criteria set forth in Sections 134-229 and 134-329, respectively, of the town code and finding that approval of the site plan will not adversely affect the public interest and all zoning requirements governing the use have been met and the satisfactory provision and arrangement have been made concerning items 1-11 of Section 134-329. Motion carried unanimously, 5-0.

Motion made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that variance ZON-22-140 shall be granted and find in support thereof all the criteria applicable to this application as set forth in Section 134-201(a) items 1-7 have been met. Motion carried unanimously, 5-0.

- f. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO) - VARIANCES** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage and (2) to exceed the maximum amount of Cubic Content Ratio (CCR) in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new skylight. The Architectural Commission will perform a design review of the application. [This project shall be deferred to the May 10, 2023, meeting pending review by the Architectural Review Commission at the April 26, 2023, meeting.]

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- g. **ZON-23-033 (ARC-23-024) 1540 S. OCEAN BLVD AND 114 OCEAN VIEW RD (COMBO)—VARIANCES** The applicant, 1540 S Ocean

LLC (Steven Kirsch, Managing Director) has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the construction of a new plunge pool, deck, and landscaping for an existing 136 square foot beach cabana at 1540 S Ocean Blvd and 114 Ocean View Road and for a variance (1) to the minimum frontage and variance (2) to the established ocean bulkhead line setback. The Architectural Commission will perform design review of the application. [The Architectural Review Commission will review the project to their March 29, 2023, meeting.]

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- h. **ZON-23-005 (HSB-22-017) 128 SEABREEZE AVE (COMBO) - SITE PLAN REVIEW AND VARIANCES** The applicant, Jennifer Palumbo and Keith Palumbo, as Trustees of the Keith R. Palumbo 2007 Trust u/a/d August 10, 2007, have filed an application requesting Town Council review and approval for the rehabilitation of the primary residence and reconstruction of the detached two-story accessory structure with site wide landscape and hardscape improvements, including Variances for (1) Cubic Content Ratio, (2) increased lot coverage, (3) decreased landscaped open space, (4) the construction of a two-story accessory structure, and (5-9) to vest non-confirming building setbacks, requiring Special Exception with Site Plan Review due to the demolition of more than 50% of the two Historically Significant structures. The Landmarks Preservation Commission will perform the design review component of the application. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project with conditions at the March 22, 2023, meeting. Carried 7-0.]

Ex-parte communications were declared by Council Member Cooney and Mayor Moore.

Timothy Hanlon, Attorney, stated the request for approval for the renovating and rehabilitating of an existing home and guest house. Mr. Hanlon stated that at its March meeting, the Landmarks Preservation Commission approved the application. The existing home and guesthouse are nonconforming uses requiring 9 variances, all due to existing non-conformities. All the variances were technical in nature and each was associated with existing conditions. The hardship that runs with the property was the small lot size and because the historically significant building was constructed pursuant to a different zoning code, the variances for nonconformities were required for demolition due to very poor structural conditions.

Daniel Menard, Architect, Laberge & Menard Inc., provided background information and detailed plans for the property renovation. He stated the home was built in the 1920's and rather than demolishing the house since it was not landmarked, the owners were

convinced to save this lovely house because it makes a nice contribution to the street.

Council Member Cooney said this proved the historically significant program is working. He was supportive of the application.

Council Member Araskog asked if any more open space could be managed. Mr. Menard said there would be some grass strips in the driveway area.

Motion made by Council Member Cooney and seconded by Council Member Araskog that Variance ZON-23-005 shall be granted and find in support thereof that all of the criteria applicable to this application as set forth in 134-201(a) items 1-7 have been met. Motion carried unanimously.

Motion made by Council Member Cooney and seconded by Council Member Araskog that Site Plan ZON 23-005 be approved based on the finding that approval of the site plan will not adversely affect the public interest and that the council certified that the specific zoning requirements governing the individual use have been met and satisfactory provision and arrangement have been made concerning Section 134-329, Items 1-11, and with the hope that the developer will add any greenspace possible. Motion carried unanimously, 5-0.

- i. **ZON-23-013 (ARC-22-231) 7 LA COSTA WAY (COMBO) — SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, La Costa Way Trust (Cooper Andrew TR), has filed an application requesting Town Council review and approval variances (1) for a reduced 2nd story street rear-yard setback for a new second story roof top terrace, (2) a variance to provide deficient landscape open space, and (3) a variance to exceed 2-story lot coverage maximum, all as part of a renovation to an existing nonconforming one-story residence. The Architectural Commission will perform design review of the application. [The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.][The Architectural Review Commission approved this project at their February 22, 2023, meeting. Carried 7-0.] [This project was deferred to the April 4, 2023, Town Council meeting pending an appeal.]

Ex-parte communications were declared by Council Member Cooney.

Daniel Kahan, Smith & Moore Architects, stated this request was for landscaped open space which was being improved. He mentioned in his previous presentation that the house was built in 1996 under a different zoning code. He stated the applicants were seeking to improve the amount of landscaped open space by roughly 2000 square feet.

Frank Lynch, representing Candace Hamm, objected to the request due to lack of a hardship.

Mayor Moore requested clarification on how the owners will access their garage.

Motion made by Council Member Cooney and seconded by Council Member Crampton that Variance ZON-23-113 shall be granted and find in support thereof that all of the criteria applicable to this application as set forth in 134-201(a) items 1-7 have been met, and with the hope the applicant will provide a generator enclosure and find any additional greenspace as the construction develops, and providing the property owner voluntarily commits issuance of a building permit to either provide or record a utility easement satisfactory to the town that ensures a recorded easement will be granted if necessary for underground utilities. Motion carried unanimously, 5-0.

- j. **ZON-23-014 (ARC-22-243) 302 SEABREEZE AVE (COMBO) - SITE PLAN REVIEW AND VARIANCE** The applicant, Sean Rooney, has filed an application requesting town council review and approval for development of a new two-story single-family structure on a parcel, comprised of platted lots, which is deficient in lot width and lot area in the R-B zoning district requiring Site Plan Review, and a variance to provide one garage parking spot in lieu of the two required. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the May 10, 2023, Town Council meeting pending review by the Architectural Review Commission.]

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- k. **ZON-23-017 (COA-23-001) 1100 S OCEAN BLVD—MAR A LAGO (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, Mar A Lago Inc., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to a private club Special Exception Use including the construction of a new one-story approximately 250 SF guardhouse to an existing Landmarked structure. The Landmarks Preservation Commission will perform the design review. [This project shall be deferred to the May 10, 2023, Town Council meeting per Council direction at the March 15, 2023, meeting.]

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

Please note: The Town Council took a lunch break at 1:22 p.m. The meeting will resume at 2:09 p.m.

1. **ZON-23-019 (COA-23-002) 363 COCOANUT ROW – THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the interior and exterior renovation to an existing Landmarked four-story hotel structure for (1) For modifying the existing four-story hotel use including a reduction of rooms from 57 keys to 41 in the R-C district and (2) For outdoor café seating use. Additionally, the applicant is seeking review and approval for Variances (1) to modify and increase a nonconforming hotel use and accessory restaurant uses in the R- C district under Sec. 134-201(a)(6) of the Town Zoning Code, (2) to exceed the maximum overall building height in order to construct rooftop projections (stair and elevator bulkheads), (3) to exceed the maximum overall building height in order to construct rooftop projections (third floor trellis), (4) to exceed the maximum height of rooftop mechanical equipment for air conditioners and (5) commercial kitchen exhaust scrubber on a rooftop, in conjunction with the renovation of an existing Landmarked four-story hotel and accessory restaurant uses. The Landmarks Preservation Commission will perform the design review. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the landmarked property. Carried 7-0.] [Landmarks Preservation Commission approved the project with the lighting to return to the March 22, 2023, meeting. Carried 7-0.] [Town Council deferred the matter to the March 15, 2023, meeting.] [The Town Council approved variances 3, 4, and 5 with the condition that adequate screening will be placed on all sides of the mechanical equipment, and the screening will be approved by the Landmarks Preservation Commission; the remainder of the project will return to the April 4, 2023, meeting.]

TIME CERTAIN 2:00 PM

Ex-parte communications were declared by Council Members Araskog, Cooney, Crampton, Council President Pro Tem Lindsay, Council President Zeidman, and Mayor Moore.

M. Timothy Hanlon, Attorney for the applicant, introduced Mr. Duarte bon Sorte from the Oetker Hotel Collection to speak about the project.

Duarte bon Sorte, Oetker Collection, discussed the applicant's consideration of the seating proposal. He showed a breakdown of the seating proposed by the hour and gave background information and reasons for the request.

Nelo Freijomel, Spina O'Rourke + Partners, discussed recent meetings with neighbors to discuss their concerns, mainly to the south of the property. He discussed some of the neighbors' requests and discussed how the applicant would make the changes necessary to address those concerns.

Council President Zeidman inquired about how noise would be mitigated. Mr. Freijomel responded there was an existing concrete site wall on the north property line. One option would be to extend the height of that wall and the other option would be to add acoustical materials to the wall. The applicant was working with acoustic engineers to determine which option would best mitigate the noise. A photograph was shown depicting the subject wall. Acoustic material would also be added to the screen wall and roof to prevent noise from mechanical equipment.

Mayor Moore confirmed that a new hedge would be installed in this area, and Mr. Freijomel affirmed.

Council Member Araskog inquired about trash and recycling pickup. Mr. Freijomel responded and pointed out the proposed areas for pickup.

Council Member Crampton inquired about the grease trap and its functionality. Mr. Freijomel responded that a new grease trap was proposed in the same location. Council Member Crampton inquired about the proposed music in the pool area. Mr. Hanlon stated there would be background music only, no amplified music.

Council President Pro Tem Lindsay asked for confirmation that no food would be served around the pool, and Mr. Hanlon confirmed.

Council Member Araskog recommended holding a decibel sound test with the adjacent neighbors. She expressed concern about Code Enforcement being able to check and confirm the number of seats used. She also added that the bar was supposed to be held for hotel guests only. Council Member Araskog asked about the courtyard seating.

Staff advised there were special exceptions for outdoor café seating for two areas, the outdoor courtyard, and the pool areas. He said outdoor seating was required through the special exception process whether on the private or public right-of-way.

Mr. Murphy addressed the café seating request. He recommended adding a clause to the declaration of use agreement indicating that the courtyard seating could not be relocated indoors during inclement weather. He also recommended adding a license for the seats. Mr. Murphy wanted clarification regarding the seats by the pool where guests could receive food. Mr. Hanlon pointed out the 12 seats by the pool.

Council President Zeidman asked staff for any additional comments.

Mr. Murphy stated that in the staff's estimation, this application further decreases the intensity of the originally proposed operation. The maximum number of food and beverage seats requested to be

opened at one time is 140 during lunchtime and 138 during dinnertime.

Council President Zeidman stated that she thought the restaurant and lounge seating needed to end promptly at midnight. She also thought the 96 seats later at night were too many.

Council Member Cooney thought some seating was needed after 10 p.m. He wondered if any changes had been made to traffic and parking.

Mr. Hanlon provided a summary of the request and discussed the routes to be used, with only one route using Brazilian Avenue.

Council President Pro Tem Lindsay also thought the ending time should be midnight and explained her reasoning. She agreed with Council President Zeidman that there should be a hard stop at midnight for service.

Council Member Araskog thought that during the last discussion, it was determined that the hard close would be earlier. She would be more comfortable closing at 10:00 pm or 11:00 pm.

M. Timothy Hanlon provided a summary and overview of the progress made since the last proposal. He said the food and beverage proposal had been greatly scaled back. In addition, he stated site walls would be added to better protect neighbors from noise. A parking utilization study has been provided.

Ms. Hofmeister-Drew provided staff comments on the project.

Council Member Cooney asked about the parking spaces in terms of the zoning code. Ms. Hofmeister-Drew and Mr. Murphy responded.

Council Member Crampton asked about the number of guests when the hotel was full. Mr. bon Sorte responded with approximately 80 guests if there are 2 guests per room.

Council President Zeidman called for public comment.

John David Corey, 426 Australian Avenue, shared the business tax receipt for the hotel and advocated for the seating to remain at 113. He referred to Code Enforcement and stated he did not know how the hours and seating would be enforced. He said the variance would be an important element of the approval. He said that with a variance, hardship should be presented. He said many restaurants that request outdoor seating were required to move seats from inside to outside without increasing the total number of seats. He said residents were concerned about the intense nature of this project. Mr. Corey noted the staff entrance was also the site of the dumpster and grease trap. He also noted that the traffic study indicated there was still a fine

dining component.

Reute Butler, 349 Chilean Avenue, was pleased with the hotel group's willingness to work with the neighbors. She indicated that the consideration of throwing glass into bins was important to her. She asked if the nano-walls in the pool area could be closed, except for the westernmost door. She posed the question that if there are 100 seats per hour being filled on average, how many would be traveling down Chilean Avenue? She requested some of the traffic from the property be routed down Worth Avenue, particularly in the evenings.

On behalf of a condominium on Australian Avenue, John Jorgenson noted the request would increase the intensity for a non-conforming use in the town. He said the code required that any variance granted in the town had to be the minimum variance necessary to make reasonable use of the property. Mr. Jorgenson asked the Town Council to keep the number of seats limited to 113. He said the code expressly stated that a nonconforming use may not be increased in intensity. In addition, to get a variance, there had to be a demonstrated hardship and an economic disadvantage should not be considered a hardship. He thought the justification for a variance should not be that the property was purchased with certain existing restrictions. Mr. Jorgenson suggested that under the terms of express code provisions, the number of seats is held at no more than 113.

Dixon Boardman, 280 Bahama Lane, voiced support for the project. He firmly believed the town was at a turning point with all its development upon it. He complimented the Town Council for doing a superb job. He noted his friendship and familiarity with the property and its new owners. He said the Reuben brothers were not developers, they were restorers, and they give back to the communities in which they have properties. They had demonstrated the value and importance of being a good neighbor. Mr. Boardman added this property would be an asset to the Town of Palm Beach.

Miguel Rosales, 426 Australian Avenue, asked the Town Council to keep the seats capped at 113, and if they want to increase the seats, to do so over time. He also spoke against trash being stored outdoors.

Bob Crowe, 330 Cocoanut Row, voiced his support for the project.

Sharon Handler Loeb, 336 W. Australian Avenue, voiced her support for the project.

Jay Biggens, 353 Peruvian Avenue, voiced his support for the project.

Tom Quinn, 226 Brazilian Avenue, voiced his support for the project.

Jane Holzer, 988 S. Ocean Blvd., voiced her support for the project.

Charles Smithgall, 412 Australian Avenue, voiced his support for the project. He questioned the closing time proposed.

In response to Council Member Araskog requesting his opinion, Mr. Smithgall thought 11 p.m. should be the closing time but thought the hotel guests should have leeway for a later time.

Betsy Mills, 369 S. Lake Drive, expressed her concern about the traffic.

John C. Dotterrer, 1470 N. Ocean Blvd., questioned the hardship for the variance requested.

Maisie Grace, 247 Seaspray Avenue, asked the Town Council to keep the seats capped at 113.

Anne Pepper, 333 Seaspray Avenue, thought the Code should be followed and there was no hardship for the variance. She did not believe it was the residents' responsibility to make a deal with the hotel group.

Charles Frankel, 330 Cocconut Row, thought the Code should be followed and the variances granted should be done so at a very high standard.

Sarah Jane Mettler, 330 Cocconut Row, thought the Town Council was doing an exceptional job. She believes the hotel group was exceptional and she supported the project.

Please note: A short break was taken at 4:01 p.m. The meeting resumed at 4:10 p.m.

Susan Gary, 229 Onondaga Avenue, expressed her frustration with the application. She thought the variance should be denied.

Lorraine Tuohy, 389 S. Lake Drive, expressed her objections and objections on behalf of residents in her building.

Melissa Ceriale, 230 S. Ocean Blvd., voiced her support for the project.

Kimberly Bloom, 215 Brazilian Avenue, voiced her support for the project. She did not believe anyone would do a better job at developing this property than the Reuben Brothers and they deserved to have a return on their investment.

Mr. Hanlon provided rebuttal arguments.

Council Member Araskog asked staff about the hardship stated in the staff memorandum. Mr. Murphy responded and indicated the hardship associated with the renovation of the building.

Council President Zeidman acknowledged the previous hotel's history and how it operated at a much higher level than what was licensed, with an operator who was not concerned about the neighborhood. She thought that the operating hours should end around 11 or 11:30 p.m., and the number of seats should be less than 96 seats. She confirmed that the Town Council would work on an alternative valet plan. She also felt the applicant had made significant efforts since their initial meeting.

Council Member Araskog believed additional seats would increase the use. She expressed concern for the valet. She did not see any evidence of hardship. She recommended moving through one season before the Town Council would grant additional seats. She preferred the restaurant to close at 11 p.m., with only hotel guests allowed to be served after 11 p.m. Council Member Araskog did not want any amplified music next to door openings and she recommended holding a noise assessment with adjacent neighbors.

Council Member Cooney was against the intensification of use but questioned if 113 seats would be the appropriate number. He acknowledged that a previous operator had more seats, and he was not committed to 113 seats. He did see the merits of a step plan, as previously discussed.

Council President Pro Tem Lindsay acknowledged that the previous operator had more seats. She also acknowledged that the application was from one of the top operators in the world. She discussed traffic impacts. She wondered if the operator could begin one season with 113 seats and return to the Town Council to request an increase in the operation.

Council Member Crampton understood that the operator had not offered evidence to justify the variance request, but thought some concessions could be made, especially for one season. Council Member Crampton suggested 113 outward-facing seats open to the public while allowing staff to negotiate a number of seats that would be exclusive for hotel guests. He also suggested using the café permit process for the outdoor seating.

Mayor Moore thought the two areas with extra seating were a reasonable request for lunch and dinner seating.

Council Member Araskog would like to do the 113 seats for the first season.

Reute Butler, 349 Chilean Avenue, felt the number of seats would average out to 109 per hour. She was concerned about the corresponding traffic.

Council President Pro Tem Lindsay reiterated her thoughts regarding a stopping time for dinner, she felt that seating people up to 10:00

p.m. would be too late.

Council Member Cooney was in favor of the step increase program. However, he thought they would have to return to Town Council and apply for a variance, with proof of hardship. Council Member Cooney thought a higher number of seats should be approved today and then, in the declaration of use, limit the number for the first year.

Motion made by Council Member Araskog and seconded by Council Member Crampton to grant the Variance at 135 seats, business starting with 113 seats for the first season, to be addressed in a Declaration of Use at a Town Council meeting where residents may be in attendance.

Some additional discussion ensued for clarification purposes, prior to the vote.

Mr. Hanlon asked if the number of seats was capped at 140, whether the vested parking rights would be lost. Mr. Murphy said yes, the rooms yield additional seats. Mr. Hanlon would like to preserve their vested parking rights.

Mr. Murphy said the application could have been for 400 seats. The difference is along with a variance request for seats, there would have been a parking requirement. This application did not have a parking requirement variance and added Mr. Hanlon was trying to preserve the vested right for his applicants. If they lost sixteen room keys, they could not get those back without another variance process to enlarge the nonconforming use.

Council Member Araskog added to her motion and seconded by Council Member Crampton, retaining the principal equivalency for parking for 197 seats. Motion failed by 3-2. Council President Zeidman, Council President Pro Tem Lindsay, and Council Member Cooney dissenting.

Council Member Cooney referred to the seating overview by the hour and asked for the actual number of seats that were needed in the building. Mr. bon Suarte said 177 seats, but then corrected this number to 172.

Motion made by Council Member Cooney and seconded by Council Member Crampton to approve the Variance with an overall seat count of 172, conditioned upon passage of a Declaration of Use Agreement that would update the seating overview by the hour, demonstrating that at no single hour would the total actual seating capacity exceed 135, and that the closing time will be 12:00 midnight, and with the Declaration of Use Agreement encompassing many of the items offered by the applicant inclusive but not limited to, restrictions on times for

amplified music and other quality of life issues. Motion passes 4-1, Council Member Araskog dissenting.

President Pro Tem Lindsay would like for the applicant to come back to Town Council after the first season.

Mr. Murphy stated the outdoor seating should be a separate motion as outlined earlier in the discussion. The code distinguished private property outside versus public sidewalks.

Motion made by Council Member Cooney and seconded by Council Member Crampton restating the original motion with the addition that the Variance shall be granted and find in support all the criteria applicable to this application as set forth in Section 134-201(a) items 1-7 have been met. Motion carried 4-1, Council Member Araskog dissenting.

Motion by Council Member Cooney and seconded by Council Member Crampton to approve Special Exception ZON-23-019 and Site Plan Review Number as said applications meet the criteria set forth in Sections 134-229 and 134-329, respectively, of the Town Code, finding that approval of the site plan will not adversely affect the public interest and that all zoning requirements governing the use have been met and that satisfactory provision and arrangements have been made concerning items 1-11 of Section 134-329 and also conditioned that the terms of the off-site parking arrangements and valet operations be memorialized in the Declaration of Use.

Mr. Bergman stated there were three Special Exception Use requests with the application: 1) allow continued use of the hotel restaurant nightclub and swimming pool; 2) for restaurant use renovation and 3) for outdoor café seating.

Council Member Cooney said his motion was for items 1 and 2.

Council President Pro Tem Lindsay asked if the Town Council needed to include places by the swimming pool exclusive to hotel guests. Council Member Cooney requested an updated seating chart with the Declaration of Use Agreement.

Council Member Araskog asked for clarification on the nightclub. Mr. Hanlon said a nightclub was within its vested right to allow for live music in a restaurant. Otherwise, no live music would be allowed.

Motion carried 4 – 1, Council Member Araskog dissenting.

Motion by Council Member Cooney and seconded by Council Member Crampton to approve the Special Exception for

Outdoor Café Seating, ZON-23-019, shall be granted based upon the finding that such approval will not adversely affect the public interest and that the applicable criteria as set forth in Section 134-229 of the Town Code have been met, conditioned on a Declaration of Use Agreement for the property that will be negotiated to ensure outdoor seating does not include nightlife activity and hours of operation amongst other issues that will be negotiated. Motion carried unanimously, 5-0.

Motion by Council Member Cooney and seconded by Council Member Crampton to immortalize any future expansion of up to 25 seats without a variance and that the developer retains the vested parking rights that remain as a result of these approvals. Motion carried 4-1, Council Member Araskog dissenting.

- m. **ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for reduced vehicular gate setbacks on a cul-de-sac street. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds. [The Landmarks Preservation Commission deferred this project to the March 22, 2023, meeting.] This project shall be deferred to the May 10, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- n. **ZON-23-027 (ARC-23-012) 206 CARIBBEAN RD (COMBO)— SITE PLAN REVIEW.** The applicant, 206 Caribbean LLC (Robert Frisbie, has filed an application requesting site plan review from the Town Council for construction of a new two-story single-family on an existing lot that is deficient in minimum required lot width and lot area in the R-B zoning district. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project has been withdrawn by the applicant from the Architectural Review Commission and the Town Council meetings.]

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- o. **ZON-23-028 (ARC-23-013) 177 CLARKE AVE. (COMBO)— VARIANCES.** The applicants, James Coleman Baker and Veronica Chen Baker, have filed an application requesting Town Council review and approval of variances including (1) Cubic Content Ratio, (2-4) to vest existing rear and side setback encroachments due to the demolition of more than 50% of the building, and (5) to allow a two-

story accessory structure in support of the construction of a new two-story residence, alterations to an existing garage structure and landscape and hardscape improvements. The Architectural commission will review the design review component of the application. [The Architectural Review Commission deferred the project to their March 29, 2023, meeting.] [This project shall be deferred to the May 10, 2023, Town Council meeting pending review by the Architectural Review Commission.]

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- p. **ZON-23-029 (ARC-23-014) 325 VIA LINDA (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW.** The applicant, Three Palm Trees, LLC, has filed an application requesting Town Council review and approval for a Special Exception and Site Plan Approval to permit a reduction in the required setback for the proposed driveway gate and gateposts. The Architectural Commission will perform design review of the application. [The Architectural Review Commission will review the project to their March 29, 2023, meeting.]

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- q. **ZON-23-032 (ARC-23-022) 125 WORTH AVE (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, 125 Worth Partners LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the substantial demolition exceeding 50% exterior building elevations for the renovation and expansion of the existing four story nonconforming commercial building (with underground parking) including multi-story additions and façade alterations proposing in accordance with the Worth Avenue Design Guidelines and a Special Exception to permit retail and office uses greater than 4,000 SF gross leasable area in the C-WA district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required parking; (2) to modify and expand nonconforming four-story building; (3) to exceed the maximum overall building height in order to construct a new rooftop and rooftop projections; (4) to exceed the maximum allowable lot coverage for the fourth level; (5) to reduce the required front yard setback, (6) to eliminate the requirement for an on-site loading space, (7) to retain and increase the existing nonconforming lot coverage for the first, second and third levels; (8) to retain the existing nonconforming building length; (9) to retain the existing nonconforming landscape open space; and (10) to further increase the existing nonconforming floor area due in association with the voluntary demolition of portions of the nonconforming building exceeding 50% of exterior wall square footage, in conjunction with the renovation of an existing four-story office and retail building. [The Architectural Review Commission has moved this project forward to the Town Council for zoning review prior to the

architectural design review at their February 22, 2023, meeting.] [Town Council deferred this project to the April 4, 2023, Town Council meeting.]

TIME CERTAIN 11:00 AM

Ex-parte communications were declared by Council Members Araskog, Cooney, Crampton, and Council President Zeidman.

Joshua Martin, on behalf of the Frisbie Group, stated that the Town Council had asked the applicant to work with residents at The Kirkland House to devise a compromise. He indicated that the Town staff had asked them last week to complete a parking utilization study. He indicated that they had been pressed for time to complete the items and requested a deferral to the April 12, 2023, meeting.

Council President Zeidman asked staff why the parking utilization study was requested so late from the applicant.

Jennifer Hofmeister-Drew, Planner III, responded with an explanation.

Mr. Martin stated that the scope of work was provided to their consultant this morning.

Council Member Araskog asked for specific details on what would be required in the study. Ms. Hofmeister-Drew discussed the specifics of what staff would look for in the study.

Council Member Crampton thought the issue was valid and was glad staff could get confirmation. He thought a deferral was appropriate but wanted to make sure that the residents at the Kirkland House were given consideration.

Council President Pro Tem Lindsay asked if the study would be based on the new proposal, to which Ms. Hofmeister-Drew provided confirmation. Ms. Lindsay supported a deferral.

Council Member Cooney thought the study was important and supported a deferral request. Ms. Hofmeister-Drew stated that a parking study had been completed; however, this was an extra level of study.

Council Member Araskog stated she was not ready to provide an opinion on the deferral until members of the public were heard. She stated that some residents wanted to speak today.

Council President Zeidman called for public comment.

Helen Davis Chapin, resident, spoke against the deferral request and thought the Town Council should reject the application.

Guy Millner, 400 S. Ocean Blvd., spoke against the deferral request.

Bernard Lebedeker, Attorney representing Kirkland House Condominium Association, stated that the condominium owners did not fully support a deferral, however, if a deferral was given, he asked that the meeting be held on April 12, 2023. He discussed the ongoing negotiations with the applicant.

Council Member Araskog asked for confirmation about the position of Kirkland House. Mr. Lebedeker responded.

Council President Pro Tem Lindsay asked if the parking study would be finished by April 12, 2023, to which Ms. Hofmeister-Drew responded yes.

Ron Berk, 400 S. Ocean Blvd., discussed his efforts and discussions that had taken place during the last week in trying to compromise with the applicant. He was not optimistic that they could come up with a settlement between the two parties.

Council Member Araskog asked again for the board's opinion. Mr. Berk responded.

The Kirkland House's Condominium President stated the board would only support a deferral to the April 12, 2023, meeting. He also stated that many residents in Town did not support the project. He also agreed that the two parties were nowhere near a settlement.

David Missner, president of the condominium board of 400 S. Ocean Blvd., discussed concerns about the timing of construction during seasonal months.

Council Member Cooney discussed the prohibition of work during the seasonal months.

Anne Pepper, 333 Seaspray Avenue, did not believe there should be any other deferrals past April 12, 2023.

Anita Seltzer, 44 Cocanut Row, spoke against the request for deferral.

Ms. Hofmeister-Drew indicated that the purpose for the deferral was not due to the parking study. However, she provided the reason for the extra parking review that had been requested.

Mr. Martin discussed the request for an extra parking utilization study and the time needed to complete the study.

Alex Millen, 251 Oleander Avenue, spoke in support of the project.

Rod Oneglia, 101 Worth Avenue, spoke against the deferral request.

Council Member Araskog asked Mr. Martin if he was ready to present the item. Mr. Martin stated he would have to make a presentation if the Town Council did not support the deferral request.

Anne Pepper thought stalling the application was making the Town look like it was not considering the law.

Mr. Martin stated that there would be no further requests for deferral after the April 12, 2023, meeting.

Council Member Araskog expressed concern when the Town Council asked residents to negotiate.

Patrick Donaghy, 101 Worth Avenue, spoke against the deferral request.

Council Member Cooney stated that the Town Council regularly supported requests for deferral. He also expressed frustration about extending the next Town Council meeting, which was originally scheduled to be a short meeting.

Barry Keen, 400 S. Ocean Blvd., spoke against the deferral request.

Carol LeCates, 212 Seabreeze Avenue, spoke against the deferral request.

Motion made by Council Member Crampton to defer the item to the April 12, 2023, meeting at a time certain at 2 p.m. Motion failed for the lack of a second.

Motion made by Council Member Araskog to deny the deferral request. Motion failed for the lack of a second.

Motion made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to defer the item to the April 12, 2023, meeting at a time certain of 2 p.m., with the condition that there shall be no further deferral requests granted. Motion carried 4-1, with Council Member Araskog dissenting.

Public Comment from residents that would not be available to speak on April 12, 2023.

Cynthia Oneglia, 2155 Ibis Isle, opposed the proposed project.

Helen Davis Chapin, resident, spoke in opposition to the proposed project.

Rod Oneglia, 101 Worth Avenue, opposed the proposed project.

Council Member Araskog stated that the staff was not in support of or against the application; they were present to provide information on the application. She asked everyone to hold any accusations and

stated that the staff and the Town Council did not have biases towards any application.

Council President Zeidman appreciated the comments of Council Member Araskog. She stated that the Town Council would like the best for Worth Avenue, however, not at the residents' expense.

Please note: A short break was taken at 12:52 p.m. The meeting resumed at 12:59 p.m.

2. New Business

- a. **ZON-22-110 (ARC-22-162) 2773 S OCEAN BLVD (COMBO) - SITE PLAN REVIEW** The applicant, Carlyle House Condominium, has filed an application requesting Town Council review and approval for site plan review for demolition and redesign of the pool, pool deck and associated landscape and hardscape. The Architectural Commission shall perform design review of the application.

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- b. **ZON-22-154 (HSB-22-016) 353 PERUVIAN AVE (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Lifestyle Holdings LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for (1) the addition onto an existing second floor, and (2) for commercial uses > 3,000 SF in C-TS zoning district and Variances (1) to reduce the existing north (side) setback requirements in order to retain an existing nonconforming building and (2) to reduce the required parking spaces, (3) to reduce the required on-site loading spaces, (4) to reduce the required overall landscape open space, and (5) to reduce the required overall front yard open space, and from Chapter 50, Floods, for the required floor elevation of the existing structures, for the renovation and alteration of an existing Historically Significant two-story building and one-story building, which results in demolition of more than 50% of portions of the existing one-story and two-story Historically Significant building and the addition of operable folding glass storefront systems along the interior façades of the courtyard of the front retail liner building. The Landmarks Preservation Commission will perform design review of the application and review and approved the Floodplain variance. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved this project at the March 22, 2023, meeting, with the back building and front building lighting to return for further review. Carried 7-0.]

Ex-parte communications were declared by Council Member Cooney.

Maua Ziska was present with Jay Biggins, property owner, and Architect Jerome Baumohl. She provided some background

information regarding the project. Ms. Ziska said the corner on Peruvian and Cocanut was going to be rehabilitated after having been vacant and abandoned for many years. The project was approved at ARCOM for a one-story “L” shaped structure, but the second floor will have to be reviewed by ARCOM again for review and approval.

Mr. Baumoehl provided a brief history of the project. He then presented details pertaining to upgrading the building.

Council Member Cooney asked if the trees along the sidewalk are in rights-of-way. Mr. Baumoehl said he was working to get the landscaping around the corner resolved.

Council President Zeidman was pleased to see that something was going to be done with this site.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Special Exception ZON-22-154 and Site Plan as said applications meet the criteria set forth in sections 134-229 and 134-329 respectively, of the Town Code and finding that approval of the site plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and satisfactory provision and arrangement has been made concerning items 1-11 of Section 134-329 and providing that the property owner voluntarily commits issuance of a building permit to either provide or record a utility easement satisfactory to the town that ensures a recorded easement will be granted if necessary for underground utilities. Motion carried unanimously, 5-0.

Motion was made by Council Member Cooney and seconded by Council Member Araskog that variance ZON-22-154 shall be granted and find in support thereof that all of the criteria applicable to this application as set forth in Section 134-201(a), Items 1-7 have been met. Motion carried unanimously, 5-0.

- c. **ZON-23-026 (ARC-23-011) 220 ARABIAN RD (COMBO)—SPECIAL EXCEPTION AND SITE PLAN REVIEW** The applicant, Walter Wick, has filed an application requesting Town Council review and approval for a special exception and site plan review to construct a new two-story residence on portions of platted lots which are deficient in lot width in the R-B zoning district. The Architectural Commission will perform design review of the application. [This project has been withdrawn by the applicant from the Architectural Review Commission and the Town Council meetings.]

This item was withdrawn by the applicant.

- d. **ZON-23-034 (ARC-23-026) 171 EL PUEBLO WAY (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicants, Kevin Ryan and Carolyn Pressly-Ryan, has filed an application requesting Town Council review and approval for special exception with site plan review for development of a single-family dwelling on a lot in R-B zoning district which is deficient in lot width and area, and (3) variances for (1) a reduced

swimming pool setback, (2) a variance to exceed maximum allowed equipment screening wall height, and (3) a variance to allow a supported second floor balcony to encroach into the required front yard. The Architectural Commission shall perform design review of the application.

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

- e. **ZON-23-039 (HSB-23-002) 261 SANFORD AVE (COMBO)—VARIANCES** The applicant, Mr. & Mrs. Delaney, has filed an application requesting Town Council review and approval for Site Plan Review for additions and alterations to an existing two-story Historically Significant building involving the demolition of more than 50% of portions of the structure resulting in Variances (1) to retain the existing nonconforming side (west) yard setback and (2) to exceed the maximum lot coverage permitted, and from Chapter 50, Floods, for the required floor elevation of the existing structure, for the renovation and alteration of an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application and review and approved the Floodplain variance. [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved this project as presented at the March 22, 2023, meeting. Carried 7-0.]

Ex-parte communications were declared by Council Member Cooney and Mayor Moore.

Pat Segraves, SKA Architect + Planner, stated that Howard Chilton was the original architect for this historically significant structure. The variances being requested were technical in nature and a floodplain variance was also being requested. He noted additional greenspace and landscaping are being added to the project. Mr. Segraves also presented some information about the landscaping for the home.

Council Member Cooney was pleased to know the new owner likes the home and, while not going through the Landmarks process, they were doing a substantial renovation to keep the home. He supported the requests.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay that variance ZON-23-039 shall be granted and find in support thereof that all of the criteria applicable to this application as set forth in Section 134-201(a), Items 1-7 have been met and providing that the property owner voluntarily commits issuance of a building permit to either provide or record a utility easement satisfactory to the town that ensures a recorded easement will be granted if necessary for underground utilities. Motion carried unanimously, 5-0.

- f. **ZON-23-041 (ARC-23-032) 176 SEMINOLE AVE (COMBO)—VARIANCES** The applicant, William Paca Beatson, Jr. Trustee of the William Paca Beatson Revocable Trust dated January 8, 2021, has filed an application requesting Town Council review and approval for four (4) Variances required to convert an existing two- car garage into interior storage space and to construct a second- story addition over the rear garage with site and landscape alterations, including (1) to eliminate required garage parking spaces, (2) to construct a second floor addition with reduced rear setbacks, (3) to exceed the maximum allowable Cubic Content Ratio (CCR), and (4) to reduce the overall Landscape Open Space below the required minimum. The Architectural Commission will perform the design review component of the application.

This item was deferred to the May 10, 2023, meeting at the approval of the agenda.

C. Time Extensions, Waivers and Three Strikes

1. Permit Extension - 250 Queens Lane

Mr. Bergman provided the background for the agenda item. He stated that staff was recommending the Town Council consider the request from Blue Line Construction Group, represented by Scott Nelson, regarding a time extension in which to complete renovations and additions at 250 Queens Lane and to extend the permit duration of 6 months, until August 17, 2023.

James Conti, representing the owner, stated that roof trusses were difficult to obtain. In addition, since purchasing the property and adjacent property, the owner had made several changes and was now seeking ARCOM approval to remove the side wall around the property. There was certain work that had to be done off-season and the delays were the purpose of requesting an additional six months on the permit.

Motion made by Council Member Cooney and seconded by Council Member Crampton to grant the time extension at 250 Queens Way. Motion carried unanimously, 5-0.

X. ANY OTHER MATTERS

Council Member Araskog requested a quick discussion about correspondence being sent to the town. She said some residents had mentioned that it would be nice to have the correspondence online.

Carolyn Stone, Deputy Town Manager, addressed the request. She explained how the staff was collecting the information by subject matter and then forwarding it to the Town Council as soon as possible. She discussed the issues with the multi-day process of agenda preparation but indicated that staff was happy to package and deliver the correspondence in the Town Council's preferred method.

Council Member Araskog said the public liked to see the correspondence.

Ms. Stone stated that the staff was researching the possibility of adding e-comment to the online agenda. She added that the feature would have a time deadline, however, there would be a link that would allow the public to see the correspondence. After the meeting, additional correspondence received could be added to the system. Ms. Stone said technically, public input is not part of the agenda packet.

Council President Zeidman asked if the council members would like to have a binder containing all correspondence on the meeting dais. Council Member Araskog said on projects that are running month to month, it would be helpful to have everything in one place.

Mayor Moore had received several texts since the morning's decision to institute zoning in progress. She had been told there were some members of the public who felt the proper process was not followed for the approval of the resolution. Mayor Moore said it was within her right to veto the decision and she stated the public members who were not present were not happy about the way the resolution was addressed and approved.

Mayor Moore was not going to veto the Resolution but, in the future, she would not hesitate to use that authority.

Council President Pro Tem Lindsay asked staff if they truly believed the number of days made a difference regarding an influx of applications. She asked Mr Bergman if staff thought it would be very difficult for applications to be submitted between today and April 12th. If so, Council President Pro Tem Lindsay said she would be willing to reconsider the action. Mr. Bergman stated his concern was staff receiving an application and check via FedEx. He said once a month, staff accepted applications and assigned numbers.

Mr. Randolph believed Mr. Bergman's concern was legitimate. He also mentioned it was also a legitimate argument that they really do not consider the permit until it had been vetted through the pre-application process. Mr. Randolph said there would certainly be an argument both ways. Someone could argue that if they submitted an application along with a check, they could be considered in the process.

Motion was made by Council President Pro Tem and seconded by Council Member Crampton to reconsider the previous action taken regarding the zoning in progress.

Discussion ensued. Mr. Randolph said a motion for reconsideration must take place at the meeting where the action happened or at the next meeting.

Council Member Crampton stated his opinion was that the process was very rigorous, and he thought if Mr. Randolph's speculation was compared to a process that had a beginning and an end, he believed that process should be used in terms of determining whether an application had been entered into the system.

Council President Pro Tem Lindsay stated she initially wanted to have the discussion on April 12, 2023. However, after hearing the discussion, she had a fear the Town

could receive an influx of applications and that is what prompted her to request reconsideration.

Mr. Randolph responded this had been in discussion for months and there had not been an influx of applications. He said when zoning in progress was declared, notice was not required from a legal standpoint. He had no problem with the fact that this resolution was not on the agenda. However, a discussion was listed on the agenda and that should be enough notice.

Council President Pro Tem Lindsay withdrew the motion to reconsider.

XI. ADJOURNMENT

The meeting adjourned at 8:15 p.m. without the benefit of a motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Kelly Churney, Acting Town Clerk
Date: _____



TOWN OF PALM BEACH

Minutes of the Special Town Council Meeting Held on April 12, 2023

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on April 12, 2023, at 9:31 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Churney gave the invocation. Council President Council President Zeidman led the Pledge of Allegiance.

III. APPROVAL OF THE AGENDA

Wayne Berman, Director of Planning, Zoning and Building, stated that the applicant withdrew item ZON-23-032, 125 Worth Avenue.

Motion made by Council Member Araskog and seconded by Council Member Cooney to approve the agenda as amended. Motion carried unanimously, 5-0.

IV. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore indicated that she did not have any comments.

V. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton indicated the BAC would meet at 9:30 on April 24, 2023. He stated that the topic of discussion would be on the paid parking program, including a sticker program for residents, ParkMobile, valet, shuttle, signage, 30-minute parking spaces, and a potential parking structure. He stated that the recommendations would be going to the Town Council on May 9. He stated that the program would be launched in October/November. He announced that the six-week pilot shuttle program has launched.

Council Member Araskog spoke regarding public comment on the shuttle program. She indicated that the shuttle vehicles in Palm Beach would not have advertisements on the exterior.

Council Member Araskog discussed efforts by Town staff on their research that was provided to the Town Council on zoning applications. She asked the public to recognize how hard the staff worked for the Town. Council Member Araskog raised her concerns about the proposed Vineta Hotel; she asked the Town Council for a reconsideration of the motion so that it could be heard on the next agenda. Town Attorney Randolph stated there should be no conversation on the project until a motion of consideration has been made. Discussion ensued regarding the process for a motion for reconsideration. Council President Zeidman asked if there was anyone on the prevailing side of the Vineta Hotel project that would like to make a motion for reconsideration. No one indicated a desire to make a motion for reconsideration. Council President Zeidman disclosed additional ex parte communications that occurred during the meeting with a representative from the Vineta Hotel project.

Council President Zeidman welcomed the zoning consultants. She reviewed the process for the meeting. She also indicated that the public safety meeting would be held today at the Sailfish Club from 5 p.m. to 6:30 p.m. She also thanked the Planning, Zoning and Building Department, as well as the ORS Committee, for the proposed pamphlet regarding landscaping.

Council Member Araskog requested an item regarding questions related to the pamphlet be added under Any Other Matters.

VI. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT PLEASE

Anita Seltzer, 44 Cocanut Row, expressed concern over a complete rewrite of the Zoning Code and spoke regarding concerns of the community.

KT Catlin, 266 Fairview Road, expressed concern over the unity of lots in the north end of Town.

Joanie Goodman, 911 N. Ocean Blvd., expressed concern over the large scale of some homes being built on smaller lots.

Lynn George, 249 Mockingbird Trail, presented photographs of a new home, as well as existing homes, on Mockingbird Trail and expressed concern over the scale of some homes being built.

David Kelso, 255 Monterey Road, spoke in favor of the public platform. He asked for the Town Council to pass zoning in progress for streets in the north end.

Pam Dunston, 282 Monterey Road, expressed concern over the proliferation of construction projects in the north end and spoke regarding issues of noise and congestion.

KT Catlin, 266 Fairview Road, did not believe the zoning in progress was the answer to the issues in the north end. She thought the changes to the zoning code were the answer.

Leigh Dunston, 282 Monterey Road, spoke in support of the Town instituting zoning in progress until the zoning code revisions are adopted.

Debbie Bricker, 101 Worth Avenue, spoke in support of the dedication of the Town Council Members. She spoke regarding comments and concerns that she had received from various residents regarding development in the Town while she was gathering signatures for a petition.

VII. PRESENTATIONS

A. Presentation Regarding Findings from the Public Engagement & Proposed Code Changes

Sean Suder, ZoneCo.
Joe Nickol, Yard & Company
Joe Corradino, The Corradino Group

Mr. Suder introduced the team and provided a brief background on the process up to this point.

Mr. Nickol displayed a short video recap of “Design your Palm Beach Week” Charrette and provided an overview of the charrette summary report.

Please note: A short break was taken at 10:45 a.m. The meeting resumed at 10:58 a.m. Council Member Araskog did not return to the meeting.

B. Recommendations to the Planning Zoning Commission from the Town Council

Mr. Suder spoke about the key areas of focus, which included designing for base flood elevation, congestion, north-end construction, mid-town construction, and south-end issues. He spoke about immediate action items to be addressed, including modifications to business tax receipt requirements, creating a new

building height definition, updating the freeboard requirements, and updating requirements for commercial mechanical equipment. He stated the goal was to have a new zoning code in place by March of 2024.

Wayne Bergman stated that the action items had been reviewed by staff and the Town Council at previous meetings.

Gail Coniglio, Chair of Planning and Zoning Commission (PZC) asked that the Commission be able to dive into the suggestions as presented and to return to the Town Council by the May 9, 2023, meeting. She thought the two priorities would be building height definitions and freeboard requirements. Council President Pro Tem Lindsay spoke in support of the top priorities and suggested that there might be items on the list that the Commission would not necessarily need to consider in-depth, specifically the item regarding business tax receipts.

Council Member Cooney asked for a bit more detail on each of the items. Mr. Bergman indicated how staff looked at each issue and had ideas on ways to move forward. Mr. Cooney was apprehensive about moving forward with a study on freeboard until more details were provided.

Council Member Crampton also expressed concern about the freeboard requirements and recommended setting that item aside until there was further information.

Mr. Corradino stated that his group was working on the traffic and valet studies. He would be analyzing the data collected within the next few months and would be reporting back to the Town Council. He expected to make recommendations to the Town Council by June or July of 2023. Council Member Crampton requested that any available data be provided to Mr. Bergman in order for it to be shared with the public at the upcoming BAC meeting regarding the paid parking program.

Mr. Suder discussed the upcoming schedule of how his team planned to roll out the newly proposed zoning code. Council President Zeidman asked that the schedule be provided to the Town Council so that they could share it with the public.

Mayor Moore reminded the public that they would be able to participate via Zoom over the months during which some of the residents may not be in Town.

Council President Pro Tem Lindsay asked that a one-week reminder be provided to the residents so that they could participate if so desired.

Mr. Suder provided an example of the review of each district in Town, and how the consulting team would be reviewing these areas.

Mayor Moore wanted to make sure that the proper process was followed in notifications for each discussion.

Council President Zeidman suggested that the PZC meetings should allow for Zoom as well, in the event of resident participation. The Town Council agreed with Council President Zeidman's suggestion.

Council President Pro Tem Lindsay asked about the possibility of zoning in progress for the north end. Council President Zeidman stated she was intending on raising the issue under Any Other Matters, with a possibility of placing it on the May agenda.

Town Attorney Randolph stated he was going to yield to Mr. Suder to determine when the study of the north end of the island would begin. Mr. Randolph stated that when the study was specific enough to refer the item to the PZC, then the zoning in progress should be declared. Mr. Randolph stated that Mr. Suder should indicate when he was at that point.

Mr. Suder stated that he was studying the items with the intent of asking the PZC and the Town Council for their feedback. A discussion ensued about whether the zoning in progress should be placed on the agenda in May or June.

Council Member Crampton asked the consultants to provide their expertise and determine when the Town Council should act on moving forward with zoning in progress. Mr. Suder responded and stated that the team was close to that point but needed to consult with their legal counsel prior to conferring with Town Attorney Randolph.

Mr. Randolph stated that this item could be placed on the May agenda. He recommended that the Town Council refer the items for study to the PZC at today's meeting.

Mayor Moore asked about when an application was considered to be "in the queue." Town Attorney Randolph responded.

Council President Zeidman requested clarification of what could be done today, to which Mr. Randolph responded. She spoke regarding the five items being referred to the PZC.

Mr. Suder spoke regarding instituting zoning in progress on the newly formed districts.

Council President Zeidman stated that the Town Council needed to know where demolition and construction projects existed in the town. She suggested the staff start with a map of all current and planned projects.

Mayor Moore agreed and spoke regarding specific areas that were causing concern with certain residents and spoke in support of ensuring that they were included in the zoning in progress discussion.

Council President Pro Tem Lindsay spoke regarding the importance of receiving more information from the consulting team prior to taking action at the May meeting. Mr. Suder responded.

Council Member Crampton spoke regarding items that needed to be discussed before zoning in progress could be established.

Council Member Cooney asked for more information on each of the items that would be referred to the PZC. Mr. Bergman responded and provided an explanation of the changes to business tax receipts. Council President Pro Tem Lindsay wondered if this item could go directly to staff rather than being referred to the PZC. Mr. Bergman stated that since the change was to the Zoning Code, the PZC would need to consider it first.

Mr. Bergman provided an explanation for the proposed changes to non-conforming lots and then further explained the changes to the requirements for mechanical equipment.

Mayor Moore asked Chair Coniglio if the PZC had enough meeting time to discuss the items. Chair Coniglio stated that she asked for a second, additional meeting to allow for enough time to discuss the items.

Council President Zeidman recommended adding more explanation on the upcoming agendas for the proposed items so that the public could understand the discussion items.

Council Member Crampton stated that he thought it would be helpful to see the number of construction projects on some of the north-end streets. Council President Zeidman suggested including a map that highlights the construction projects.

Mr. Bergman discussed using a GIS mapping program to provide a map with this information.

Motion made by Council Member Cooney and seconded by Council Member Crampton to refer all five items recommended by staff to the Planning and Zoning Commission for study. Motion carried unanimously, 4-0.

Council President Zeidman called for public comment.

Mr. Dunston, 282 Monterey Road, expressed appreciation to the Town Council and the consultants for working through the items discussed.

Anne Pepper, 333 Seaspray Avenue, stated that she did not believe the commercial areas in the Town should be glossed over when mid-town was being studied.

Anita Seltzer, 44 Cocoanut Row, expressed concern over a lack of information on the commercial districts and inquired about when the district map would be presented. Mr. Suder responded.

VIII. REGULAR AGENDA

A. **Old Business**

1. **ZON-23-032 (ARC-23-022) 125 WORTH AVE (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, 125 Worth Partners LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the substantial demolition exceeding 50% exterior building elevations for the renovation and expansion of the existing four-story nonconforming commercial building (with underground parking) including multi-story additions and façade alterations proposing in accordance with the Worth Avenue Design Guidelines and a Special Exception to permit retail and office uses greater than 4,000 SF gross leasable area in the C-WA district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required parking; (2) to modify and expand nonconforming four-story building; (3) to exceed the maximum overall building height in order to construct a new rooftop and rooftop projections; (4) to exceed the maximum allowable lot coverage for the fourth level; (5) to reduce the required front yard setback, (6) to eliminate the requirement for an on-site loading space, (7) to retain and increase the existing nonconforming lot coverage for the first, second and third levels; (8) to retain the existing nonconforming building length; (9) to retain the existing nonconforming landscape open space; and (10) to further increase the existing nonconforming floor area due in association with the voluntary demolition of portions of the nonconforming building exceeding 50% of exterior wall square footage, in conjunction with the renovation of an existing four-story office and retail building. [The Architectural Review Commission has moved this project forward to the Town Council for zoning review prior to the architectural design review at their February 22, 2023, meeting.] [Town Council deferred this project to the April 4, 2023, Town Council meeting.]

This item was withdrawn at the approval of the agenda.

IX. ANY OTHER MATTERS

Additional public comment was heard at this time.

Douglas Daft, 101 Worth Avenue, stated that he did not think that the process had included enough resident participation up to that point.

Joanne Oscar, resident, expressed concern over some of the proposed changes to the zoning code and expressed concern over the expansion and over-development of the town.

Ronald Berk, 101 Worth Avenue, discussed his history of living in two other iconic towns, aside from Palm Beach. He explained how overdevelopment in the two towns had

drastically changed the towns. He asked the Town Council to put items in place now so that Palm Beach was not changed.

Patrick Donaghy, 101 Worth Avenue, thought buildings should be looked at from all angles when they are proposed to be changed.

Cynthia Oneglia, 2155 Ibis Isle Road, expressed concern over the lack of parking on Worth Avenue.

Lynn George, 249 Mockingbird Trail, thought that the Town Council should consider restricted parking around Town Hall.

Delphine Daft, 101 Worth Avenue, asked if environmental, pollution, or water issues were being taken into account during the zoning code discussion.

X. ADJOURNMENT

Motion made by Council Member Cooney and seconded by Council Member Crampton to adjourn the meeting at 12:42 p.m. Motion carried without the benefit of a roll call.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Kelly Churney, Acting Town Clerk
Date: _____

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 26, 2023

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated April 28, 2023 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of April 26, 2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Approval of the Architectural Review Commission Meeting Action Minutes of the April 26, 2023 meeting

Date: April 28, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of April 26, 2023.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Review Commission recommends that the Town Council approve major items that were considered at the regularly scheduled meeting of April 26, 2023.

GENERAL INFORMATION

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

Attachment

kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

SUMMARY OF THE ACTIONS TAKEN AT THE ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, APRIL 26, 2023

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

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF MINUTES**
ACTION: APPROVED, AS PRESENTED.
- V. **APPROVAL OF THE AGENDA**
ACTION: APPROVED, AS AMENDED.
- VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**
- VII. **COMMENTS FROM THE ARCHITECTURAL REVIEW COMMISSION MEMBERS**
- VIII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**
- IX. **PROJECT REVIEW**
 - A. **CONSENT AGENDA (PRESENTATIONS)**
 1. **ARC-22-216 (ZON-22-140) 248 COLONIAL LN (COMBO)** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence including variances (1) to not provide required garage enclosure for two vehicles, (2 and 3) and locate a generator in a setback which is higher than allowed and not adequately screened, in the R-B zoning district. This is a combination project that shall also be reviewed by Town Council as it pertains to the Special Exception w Site Plan Review and Variance relief for approval.

ACTION: PULLED FROM CONSENT AND IMMEDIATELY HEARD.

2. **ARC-23-049 210 FAIRVIEW RD.** The applicant, Aaron Ford, has filed an application requesting Architectural Commission review and approval for the construction of a new site wall, landscape, and the relocation of a generator into the west side yard.

ACTION: APPROVED, ON CONSENT.

3. **ARC-23-029 (ZON-23-038) 3400 S OCEAN BLVD (COMBO)** The applicant, ATRIUMS OF PALM BEACH, has filed an application requesting Architectural Commission review and approval for the renovation of the pool deck amenity level within the courtyard of the buildings located above the bermed parking structure that includes a new pavilion, landscape, hardscape, and structural engineering work. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ACTION: APPROVED, ON CONSENT.

4. **ARC-23-041 232 COLONIAL LN.** The applicant, George and Zvenka Kleinfeld, has filed an application requesting Architectural Commission review and approval for a pergola and modifications to a perimeter wall.

ACTION: PULLED FROM CONSENT AND IMMEDIATELY HEARD.

5. **ARC-23-046 250 PENDLETON AVE.** The applicant, Bailey Point Holdings, LLC, has filed an application requesting Architectural Commission review and approval to revise the pedestrian entry walkway, a new pool deck, and associated landscape improvements.

ACTION: APPROVED, ON CONSENT.

6. **ARC-23-048 (ZON-23-048) 755 N COUNTY RD (COMBO)** The applicant, Beach Club, Inc., has filed an application requesting Architectural Commission review and approval for the expansion of an existing outdoor pavilion including a variance to exceed lot coverage. This is a combination project that shall be reviewed by Town Council as it relates to zoning relief/approvals.

ACTION: APPROVED, ON CONSENT.

7. **ARC-23-051 310 POLMER PARK RD.** The applicant, Jennifer O'Scannlain, has filed an application requesting Architectural Commission review and approval for window, door, and garage door replacement to impact resistant, the redesign of a rear garden to include a new spa, paving, breakfast terrace, outdoor bar area, generator rotation, and new landscaping.

ACTION: PULLED FROM CONSENT AND IMMEDIATELY HEARD.

The following projects were pulled from consent and were not included in the approval of the consent agenda.

1. **ARC-22-216 (ZON-22-140) 248 COLONIAL LN (COMBO)** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence including variances (1) to not provide required garage enclosure for two vehicles, (2 and 3) and locate a generator in a setback which is higher than allowed and not adequately screened, in the R-B zoning district. This is a combination project that shall

also be reviewed by Town Council as it pertains to the Special Exception w Site Plan Review and Variance relief for approval.

ACTION: APPROVED, WITH THE CONDITION THAT THE FAKAHATCHEE GRASSES IN THE FRONT OF THE PROPERTY SHALL BE REMOVED AND REPLACED WITH GREEN ISLAND FICUS.

4. **ARC-23-041 232 COLONIAL LN.** The applicant, George and Zvenka Kleinfeld, has filed an application requesting Architectural Commission review and approval for a pergola and modifications to a perimeter wall.

ACTION: DEFERRED TO MAY 24, 2023.

7. **ARC-23-051 310 POLMER PARK RD.** The applicant, Jennifer O'Scannlain, has filed an application requesting Architectural Commission review and approval for window, door, and garage door replacement to impact resistant, the redesign of a rear garden to include a new spa, paving, breakfast terrace, outdoor bar area, generator rotation, and new landscaping.

ACTION: APPROVED, WITH A CONDITION THAT THE NEW WINDOWS SHALL MATCH THE MUNTIN CONFIGURATION OF THE EXISTING WINDOWS.

B. MAJOR PROJECTS-OLD BUSINESS

1. **ARC-22-022 (ZON-22-021) 160 SEAVIEW AVE (COMBO)** The applicant, Coral Beach Corporation (Angela Feldman, President) (160 Seaview Ave) and Seaview Holdings, Inc. (David Feldman, Director) (170 Seaview Ave), has filed an application requesting Architectural Commission review and approval of the construction of a new two-story guest house including variances from setback and point of measurement requirements on a unified site of 160 and 170 Seaview Avenue. Town Council will review the variance portion of the application.

ACTION: DEFERRED TO JUNE 28, 2023.

2. **ARC-22-243 (ZON-23-014) 302 SEABREEZE AVE (COMBO)** The applicant, Sean Rooney, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements, requiring Site Plan Review due to deficient lot width and area, and variances to provide one garage parking space in lieu of the two required and to install air conditioning condensing units and a generator in the rear yard setback without being completely screened from the adjacent property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ACTION: DEFERRED TO MAY 24, 2023.

3. **ARC-22-240 1198 N OCEAN WAY** The applicant, Douglas L Williams & Gabrielle J Sirchio, has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with related landscape and hardscape improvements.

ACTION: DEFERRED TO MAY 24, 2023.

4. **ARC-23-013 (ZON-23-028) 177 CLARKE AVE (COMBO)** The applicants, James Coleman Baker and Veronica Chen Baker, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence, alterations to an existing garage structure, and landscape and hardscape improvements, including (1) Cubic Content Ratio, (2-4) to vest existing rear and side setback encroachments due to the demolition of more than 50% of the building, and (5) to allow a two-story accessory structure. This is a combination project that shall also be reviewed by Town Council as it relates to the zoning relief/approval.

ACTION: APPROVED, WITH THE FOLLOWING CONDITIONS: THE PERGOLA SHALL BE REMOVED OR MOVED TO THE SOUTH END OF THE POOL, THE COLOR OF THE ROOF SHALL BE CHANGED TO A LIGHT GRAY, THE LANTERNS AT THE FRONT ENTRANCE SHALL BE REMOVED AND REPLACED WITH STEP LIGHTS, A TRANSOM WILL BE ADDED OVER THE FRONT DOOR AND THE FRENCH DOORS SHALL BE NARROWED ON THE SOUTH ELEVATION. A SECOND MOTION WAS MADE THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

5. **ARC-23-020 576 ISLAND DR.** The applicant, 576 Florida Land Trust Towl Anne Marie Tr, has filed an application requesting Architectural Commission review and approval for exterior modifications to the entry porch and replacement of the entry door and second-floor window to an existing two-story residence.

ACTION: APPROVED, AS PRESENTED.

6. **ARC-23-022 (ZON-23-032) 125 WORTH AVE (COMBO)** The applicant, 125 Worth Partners LLC, has filed an application requesting Architectural Commission review and approval for the substantial demolition, renovation and expansion of the existing four-story nonconforming commercial building with underground parking, including multi-story additions and façade alterations proposing in accordance with the Worth Avenue Design Guidelines, involving multiple variances including from the parking requirements, setback, lot coverage, height and open space regulations and other nonconforming aspects of the existing building. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ACTION: WITHDRAWN

7. **ARC-23-025 274 MONTEREY RD.** The applicant, Morton Pierce, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements.

ACTION: DENIED

8. **ARC-22-126 (ZON-22-088) 240 OLEANDER AVE (COMBO)** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story apartment building and the construction of a new two-story single-family residence with final hardscape, landscape, and pool, requiring variances due to deficient lot area and depth in the R-C zoning district and not provide required garage enclosure for two vehicles. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ACTION: APPROVED, WITH THE FOLLOWING CHANGES WHICH SHALL RETURN FOR APPROVAL BY STAFF AND THE CHAIRMAN: THE FLOOR-TO-FLOOR HEIGHT WILL BE REDUCED TO TEN FEET, WITH THE FRAMED HEIGHT TO BE 9 FEET ON THE FIRST FLOOR AND 8 ½ FEET ON THE SECOND FLOOR, THE EAVES SHALL BE LOWERED BY 1 FOOT, THE WINDOWS IN THE DINING ROOM SHALL BE CHANGED TO A PROPER WINDOW, THE SMALL WINDOWS AT THE BALCONY ON THE FRONT OF THE HOME SHALL BE REMOVED AND THAT THE GARAGE SHALL BE CHANGED FROM A TWO-CAR TO A ONE- OR ONE-AND-A-HALF-CAR GARAGE WITH A LEAN-TO ROOF OVER THE SMALLER GARAGE PORTION.

9. **ARC-23-014 (ZON-23-029) 325 VIA LINDA (COMBO)** The applicant, Three Palm Trees, LLC, has filed an application requesting Architectural Commission review and approval of the construction of a new two-story residence with garage and basement, a two-story detached accessory structure with garage and basement, a pool pergola structure with awning, pool(s)/water feature(s), and associated landscape and hardscape including entry gate assemblies, site walls and an emergency generator. This is a combo project that will require Town Council review and approval for a Special Exception and Site Plan Approval to permit a reduction in the required setback for the proposed gate and gateposts. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ACTION: APPROVED, WITH THE CONDITION THAT THE HOME SHALL BE REDUCED IN WIDTH FROM EAST TO WEST AND THE CONFIGURATION OF THE BAYS WILL BE CHANGED.

10. **ARC-23-032 (ZON-23-041) 176 SEMINOLE AVE (COMBO)** The applicant, William Paca Beatson, Jr. Trustee of the William Paca Beatson Revocable Trust dated January 8, 2021, has filed an application requesting Architectural Commission review and approval for the conversion of a rear vehicular garage into storage space, for the construction of a second-floor addition over the existing single-story garage, and landscape and hardscape alterations requiring four variances to eliminate required garage parking, to construct a second floor addition with a reduced rear setback, to exceed the maximum allowable Cubic Content Ratio (CCR), and to reduce landscape open space below code requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ACTION: DEFERRED TO MAY 24, 2023.

11. **ARC-23-024 (ZON-23-033) 1540 S. OCEAN BLVD AND 114 OCEAN VIEW RD (COMBO)** The applicant, 1540 S Ocean LLC (Steven Kirsch, Managing Director) has filed an application requesting Architectural Commission review and approval to construct a new plunge pool, deck, and landscaping for an existing 136 square foot one (1) story cabana structure including variances at 1540 S Ocean Blvd and 114 Ocean View Road. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ACTION: APPROVED, WITH THE PROPOSED POOL, AND WITH A CONDITION THAT THE SEAGRAPE MATERIAL ADJACENT TO THE PROPOSED POOL SHALL REMAIN. A SECOND MOTION WAS MADE THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

C. MAJOR PROJECTS-NEW BUSINESS

1. **ARC-22-241 (ZON-23-002) 624 ISLAND DR (COMBO)** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Architectural Commission review and approval for the construction of a new rooftop clerestory projection enclosing an existing open-air interior courtyard to an existing two-story residence including variances from building height, lot coverage and Cubic Content Ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ACTION: DEFERRED TO MAY 24, 2023 TO ALLOW THE APPLICANT TO REVISE THE PLANS.

2. **ARC-23-018 260 NIGHTINGALE TRL.** The applicant, Nightingale 260 LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence with associated landscape and hardscape.

ACTION: DEFERRED TO MAY 24, 2023.

3. **ARC-23-034 170 N OCEAN BLVD.** The applicant, Ocean Towers North, has filed an application requesting Architectural Commission review and approval for the installation of new metal balcony railings for all balconies on floors 2 through 6 of the existing seven-story condominium.

ACTION: APPROVED, AS PRESENTED.

4. **ARC-23-036 (ZON-23-050) 243 SEASPRAY AVE (COMBO)** The applicant, 243 Seaspray LLC (Larry Meyer, Manager), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape, landscape and pool, requiring setback variances. This is a combination project that shall be reviewed by Town Council as it relates to zoning relief/approval.

ACTION: DEFERRED TO MAY 24, 2023, FOR A RESTUDY OF THE PROJECT.

5. **ARC-23-043 (ZON-23-042) 259 OLEANDER AVE (COMBO)** The applicant, 259 Oleander LLC (Uriel Rubinov, Manager), has filed an application requesting Architectural Commission review and approval for demolition of an existing multifamily structure and construction of a new single-family residence requiring variances from lot yard and area requirements in the R-C zoning district, including setbacks and lot coverage. This is a combination project that shall be reviewed by the Town Council as it relates to zoning relief/approval.

ACTION: APPROVED, WITH THE CONDITION THAT THE FIRST-FLOOR HEIGHT, SLAB TO SLAB SHALL BE AT 10 FEET, THE SECOND-FLOOR HEIGHT SHALL BE AT 8 FEET, AND THE CHIMNEY SHALL BE REVISED SO THAT THE ROOF IS REMOVED FROM THE EXTERIOR PORTION OF THE CHIMNEY. A SECOND MOTION WAS MADE THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY. A THIRD MOTION WAS MADE TO APPROVE THE DEMOLITION REQUEST AS PRESENTED.

6. **ARC-23-047 269 JAMAICA LN.** The applicant, Marrano Holdings 2022 LLC. (Maura Ziska), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements.

ACTION: APPROVED, WITH THE FOLLOWING CONDITIONS: THE HEIGHT OF THE FINISHED FLOOR SHALL BE 8 FEET NAVD, OR WHATEVER THE CODE DICTATES, THE HEIGHT OF THE SITE WALL SHALL BE DECREASED TO 5 FEET, THE FOUNTAIN SHALL BE REMOVED, AND THE LANDSCAPE AND HARDSCAPE PLAN SHALL RETURN TO THE MAY 24, 2023, MEETING.

D. MINOR PROJECTS - OLD BUSINESS

1. **ARC-23-030 1090 N OCEAN BLVD.** The applicant, Ann DesRuisseaux, has filed an application requesting Architectural Commission review and approval of new entry columns and driveway gate to an existing residence.

ACTION: APPROVED, AS PRESENTED.

2. **ARC-23-002 (ZON-23-015) 160 ROYAL PALM WAY – THE PALM HOUSE HOTEL (COMBO)** The applicant, LR PALM HOUSE, LLC., has filed an application requesting Architectural Commission review and approval for modifications to previously approved improvements at the site, including the relocation of mechanical equipment to the roof, the construction of new site walls, parapet alterations, and pool deck lighting, requiring a variance for rooftop air conditioning equipment height and requiring Site Plan Review. This is a combination project that shall also be reviewed by Town Council as it relates to the zoning relief/approval.

ACTION: DEFERRED TO MAY 24, 2023.

3. **ARC-22-162 (ZON-22-110) 2773 S OCEAN BLVD (COMBO)** The applicant, Carlyle House Condominium, has filed an application requesting Architectural Commission review and approval for demolition and redesign of the existing pool, pool deck and associated landscape and hardscape, with Town Council review required for site plan approval.

ACTION: APPROVED, WITH THE CONDITION THAT THE COLOR OF THE PERGOLA SHALL BE CHANGED TO WHITE.

E. MINOR PROJECTS-NEW BUSINESS

1. **ARC-23-045 269 QUEENS LN.** The applicant, Mr. and Mrs. Kevin McNamara, have filed an application requesting Architectural Commission review and approval for the construction of a new ground floor entryway addition and sitewide landscape and hardscape improvements.

ACTION: APPROVED, AS PRESENTED.

2. **ARC-23-053 241 JUNGLE RD.** The applicant, 241 Aurora Trust (Joel Patrick Erb, Trustee), has filed an application requesting Architectural Commission review and approval for the installation of (2) new vehicular gates.

ACTION: APPROVED, WITH THE ALTERNATE WOOD VEHICULAR GATE SHOWN.

3. **ARC-23-042 214 DUNBAR RD.** The applicant, 214 Dunbar LLC (William Georgas, Member), has filed an application requesting Architectural Commission review and approval for a new vehicular gate, new entry columns, and a redesigned pedestrian gate for an existing residence.

ACTION: DEFERRED TO MAY 24, 2023 WITH A RESTUDY OF THE GATE DESIGN.

X. UNSCHEDULED ITEMS

- A. **Public**
- B. **Staff**
- C. **Commission**

XI. **NEXT MEETING DATE:** Wednesday, May 24, 2023

XII. **ADJOURNMENT**

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 045-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2023-09, Janitorial Services to Kleen-Tech Services Corporation as the Primary Awardee and Velociti Services as the Secondary Awardee in the Annual Amount of \$255,000 and Establishing a Five-Year Award in the Amount of \$1,409,036 based on Satisfactory Performance and Budget Authorization.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 045-2023**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 045-2023, Approving the Award of RFP No. 2023-09, Janitorial Services to Kleen-Tech Services Corporation as the Primary Awardee and Velociti Servies as the Secondary Awardee in the Annual Amount of \$255,000 and Establish a Five-Year Award in the Amount of \$1,409,036 based on Satisfactory Performance and Budget Authorization

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 045-2023, Approving the Award of RFP No. 2023-09, Janitorial Services to Kleen-Tech Services Corporation as the Primary Awardee and Velociti Servies as the Secondary Awardee in the Annual Amount of \$255,000 and Establish a Five-Year Award in the Amount of \$1,409,036 based on Satisfactory Performance and Budget Authorization.

SUMMARY EXPLANATION/BACKGROUND

The Procurement and Contract Management Division issued RFP No. 2023-09 for Janitorial Services to support Townwide facilities. The current contract is awarded to Overtime Building Maintenance and is set to expire September 30, 2023. The Town has experienced numerous performance issues with the incumbent. The incumbent was placed on a performance improvement plan. The vendor has failed to meet the performance improvement plan and therefore, the RFP was issued out several months early.

One new option that will be available in the new contract will be porter service. We added this as an add-on line item in the event that a department feels that there will be a particular need for a special occasion or as service levels may change.

The Procurement and Contract Management Team broadcast this solicitation DemandStar to 427 firms. This project was also advertised on the Public Purchase Website, the Town Website, and the Palm Beach Post.

The Town received twelve (12) submissions of which ten (10) were found to be responsive and responsible for the solicitation documents.

The selection committee was charged with evaluating ten (10) firms. The selection committee

consisted of:

Voting

Jess Savidge
Mark Bresnahan
Paul Colby
Chief Sean Baker
Captain Rothrock

Non-Voting

Robert Miracle, CPA
Alisa Cox
Ryan Canterbury, Duke Basha, and Dean Mealy, Facilitators

The selection committee recommended awarding to a primary and secondary in the event that the primary awardee could not meet the expectations set forth in the solicitation.

There had been in-depth conversation regarding the number of hours presented in the proposals during the selection committee meeting. The top two firms were invited to review their submissions and to review any site that they thought required an additional in-person review. As a result of the additional evaluation, additional hours are being allocated to the Recreation Center, Town Hall and the Public Works Building.

It will be the goal of the newly awarded contract to establish firm expectations for deliverables. Monthly performance monitoring will be a requirement of the award.

FUNDING IMPACT/FUNDING SOURCE

Funding for this contract will be from the Public Works and Recreation Department's Operating Budgets.

USER DEPARTMENT CONCURRENCE

The Public Works Department and the Recreation Department are in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 045-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF RFP NO. 2023-09, JANITORIAL
SERVICES TO KLEEN-TECH SERVICES CORPORATION AS
THE PRIMARY AWARDEE AND VELOCITI SERVICES AS
THE SECONDARY AWARDEE IN THE ANNUAL AMOUNT OF
\$255,000 AND ESTABLISHING A FIVE-YEAR AWARD IN THE
AMOUNT OF \$1,409,036 BASED ON SATISFACTORY
PERFORMANCE AND BUDGET AUTHORIZATION**

NOW, 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 Resolution No. 045-2023, Approving the Award of RFP No. 2023-09, Janitorial Services to Kleen-Tech Services Corporation as the Primary Awardee and Velociti Servies as the Secondary Awardee in the Annual Amount of \$255,000 and Establishing a Five-Year Award in the Amount of \$1,409,036 based on Satisfactory Performance and Budget Authorization.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 046-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2023-12, Pre-Qualification of Seawall Construction Contractors to Murray Logan Construction, LLC; Kiewit Infrastructure South Co.; Poseidon Dredge & Marina Inc. and Kelly Brothers, Inc.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 046-2023**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 046-2023, Awarding RFQ No. 2023-12, Pre-Qualification of Seawall Construction Contractors to Murray Logan Construction, LLC; Kiewit Infrastructure South Co.; Poseidon Dredge & Marina Inc. and Kelly Brothers, Inc.

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 046-2023, Awarding RFQ No. 2023-12, Pre-Qualification of Seawall Construction Contractors to Murray Logan Construction, LLC; Kiewit Infrastructure South Co.; Poseidon Dredge & Marina Inc. and Kelly Brothers, Inc.

SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management issued RFQ No. 2023-12, Pre-Qualification of Seawall Construction Contractors on January 23, 2023. The solicitation was issued on DemandStar to 829 firms, and was also advertised on the Public Purchase Website, the Town Website and the Palm Beach Post. Procurement and Contract Management also did direct outreach to known firms inviting them to participate in the RFQ process.

The Town received eight submittals. The selection committee for this submittal consisted of the following:

Voting

Jason Debrincat, P.E.
Eric Brown, P.E.
Robert Weber
Bob Miracle, CPA

Non-Voting

Carolyn Stone
Dennis Polski, P.E.
Paul Brazil, P.E.
Patricia Strayer, P.E.
Duke Basha and Ryan Canterbury, Facilitators

The selection committee unanimously recommended the top ranked four firms to participate as pre-qualified contractors for seawall construction. The RFQ process only determines qualifications of firms. The RFQ process is a two-step process. The four firms being recommended will now participate in the RFP process for selection for the Midtown Seawall. It is anticipated that the RFP will be issued on May 10, 2023 to select the contractor for the Midtown Seawall.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 046-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING RFQ NO. 2023-12, PRE-QUALIFICATION OF
SEAWALL CONSTRUCTION CONTRACTORS TO MURRAY
LOGAN CONSTRUCTION, LLC.; KIEWIT INFRASTRUCTURE
SOUTH CO.; POSEIDON DREDGE & MARINA INC. AND
KELLY BROTHERS, INC.**

NOW, 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 Resolution No. 046-2023, Awarding RFQ No. 2023-12, Pre-Qualification of Seawall Construction Contractors to Murray Logan Construction, LLC; Kiewit Infrastructure South Co.; Poseidon Dredge & Marina Inc. and Kelly Brothers, Inc.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 047-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Access to the Lake County Florida Contract for Fire Equipment, Supplies and Services to Bennett Fire Products Company, Inc. for a Five-Year Award in the Amount of \$300,000 Based on Satisfactory Performance and Budget Authorization.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 047-2023**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 047-2023, Awarding Access to the Lake County Florida Contract for Fire Equipment, Supplies and Services to Bennett Fire Products Company, Inc. for a Five-Year Award in the Amount of \$300,000 Based on Satisfactory Performance and Budget Authorization

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 047-2023, Awarding Access to the Lake County Florida Contract for Fire Equipment, Supplies and Services to Bennett Fire Products Company, Inc. for a Five-Year Award in the Amount of \$300,000 Based on Satisfactory Performance and Budget Authorization

SUMMARY EXPLANATION/BACKGROUND

Town Procurement has accessed the Lake County Contract for Fire Equipment, Supplies and Services that has been awarded to Bennett Fire Products Company, Inc. for the past five years with outstanding results. The existing contract expired and was recently re-awarded to Bennett Fire Products Company, Inc. for another five-year period. This contract provides the best pricing and service for the Town's Fire Department.

The protective Bunker Gear and associated safety equipment is currently on a five-year replacement schedule, which allows for compliance with the NFPA 1851 Standard on Protective Ensembles for Structural Fire Fighting.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the Fire Department Budget.

USER DEPARTMENT CONCURRENCE

The Fire Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 047-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING ACCESS TO THE LAKE COUNTY FLORIDA
CONTRACT FOR FIRE EQUIPMENT, SUPPLIES AND
SERVICES TO BENNETT FIRE PRODUCTS COMPANY, INC.
FOR A FIVE-YEAR AWARD IN THE AMOUNT OF \$300,000
BASED ON SATISFACTORY PERFORMANCE AND BUDGET
AUTHORIZATION**

NOW, 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 Resolution No. 047-2023, Awarding Access to the Lake County Florida Contract for Fire Equipment, Supplies and Services to Bennett Fire Products Company, Inc. for a Five-Year Award in the Amount of \$300,000 based on Satisfactory Performance and Budget Authorization.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 048-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB No. 2023-27, Lake Trail Sanitary Sewer Main Repair to Johnson Davis Inc. in the Amount of \$155,000 and Establishing a Project Budget of \$172,500.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 048-2023**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 048-2023, Awarding ITB No. 2023-27, Lake Trail Sanitary Sewer Main Repair to Johnson Davis Inc in the amount of \$155,000 and establishing a project budget in the amount of \$172,500

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 048-2023, Awarding ITB No. 2023-27, Lake Trail Sanitary Sewer Main Repair to Johnson Davis Inc in the amount of \$155,000 and establishing a project budget in the amount of \$172,500.

SUMMARY EXPLANATION/BACKGROUND

Procurement and Contract Management issued ITB No. 2023-27 for Lake Trail Sanitary Sewer Main Repair to the four pre-qualified vendors to complete this type of work. The Town received three bids for the project. The bid submitted by Johnson Davis Inc. was found to be responsive to the bid requirements. The Town has had successful work completed by Johnson Davis Inc. over the years.

On November 7, 2022, during Hurricane Nicole, there was a report of a hole that was developing at Lake Trail and S. Woods Ave. During this time the levels of the intracoastal, due to king tides and the hurricane, the waters were over the trail considerably. After the waters receded, we found a hole at the location, in which we investigated further and found that our 15” gravity sewer main had collapsed. Since this time, we have been maintaining the flows through the pipe until we had the best time to make repairs. The repairs that need to be made are approximately 8’ in length and 9’ in depth, to replace a section of failed 15” clay sewer main. There is minimal access and significant dewatering to perform as well as by-pass pumping while the repairs are being made.

FUNDING IMPACT/FUDNING SOURCE

The funding will be from the Risk Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 048-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING ITB NO. 2023-27, LAKE TRAIL SANITARY
SEWER MAIN REPAIR TO JOHNSON DAVIS INC. IN THE
AMOUNT OF \$155,000 AND ESTABLISHING A PROJECT
BUDGET OF \$172,500**

NOW, 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 Resolution No. 048-2023, Awarding ITB No. 2023-27, Lake Trail Sanitary Sewer Main Repair to Johnson Davis Inc in the amount of \$155,000 and establishing a project budget in the amount of \$172,500.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 050-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order in the Amount of \$24,500 to Kimley-Horn and Associates, Inc. for Construction Phase Services Amendment related to A-6 Pumpstation Improvements.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 050-2023**
- ▣ **Proposal**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 050-2023, Awarding a Change Order to Purchase Order No. 210491 in the Amount of \$24,500 to Kimley-Horn and Associates, Inc. for the A-6 Pump Station Improvement Construction Phase Services

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 050-2023, Awarding a Change Order to Purchase Order No. 210491 in the amount of \$24,500 to Kimley-Horn and Associates, Inc. for the A-6 Pump Station Improvement Construction Phase Services.

SUMMARY EXPLANATION/BACKGROUND

Kimley-Horn is currently performing construction phase services for the A-6 Pump Station. Their current budgeted scope of services effort needed for project administration, construction observations and start-up assistance encountered unforeseen conditions throughout the duration of the project that incurred additional effort in order to continue serving the Town. These items include additional project coordination due to material delays, additional field observation due to material delays, additional change orders review and additional payment applications review.

FUNDING IMPACT/FUNDING SOURCE

The funding for this project is from the Capital Improvement Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 050-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A CHANGE ORDER IN THE AMOUNT OF \$24,500
TO KIMLEY-HORN AND ASSOCIATES, INC. FOR
CONSTRUCTION PHASE SERVICES AMENDMENT RELATED
TO A-6 PUMPSTATION IMPROVEMENTS**

NOW, 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 Resolution No. 050-2023, approving a Change Order in the amount of \$24,500 to Kimley-Horn and Associates, Inc. for Construction Phase Services Amendment related to A-6 Pumpstation Improvements.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member



February 27, 2023

Mr. Dean Mealy
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *Construction Phase Services Amendment Request – A-6 Pump Station Improvements*

Dear Dean,

Kimley-Horn is currently performing construction phase services for the A-6 Pump Station. Our current scope of services budgeted effort needed for project administration, construction observations and start-up assistance, however, unforeseen conditions were encountered throughout the duration of the project that incurred additional effort in order to continue serving the Town. These items include additional project coordination due to material delays, additional field observation due to material delays, additional change orders review, additional payment applications review, design effort for the generator concrete pad enlargement, design effort for the drywell hoist beam addition, and design effort for the generator catwalk addition. The items that remain as of February 27, 2023 to see the project through completion are:

- Twelve (12) additional site visits
- Two (2) additional progress meetings
- Review payment applications and change order requests
- Generator startup and testing
- Ventilation system testing
- Substantial Completion site walk and punchlist
- Final Completion site walk
- Review record drawings and O&M Manuals

We have found that we are unable to absorb the additional effort that will be required to complete the above listed tasks and see the project through completion within our current authorization. We respectfully request that PO # 210491 be increased by \$24,500.00 to perform the above tasks to see the project through completion. A breakdown of this fee is attached for your review and consideration.

Should you have any questions, please feel free to call me at (561) 840-0256.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Jason Lee, P.E.
Vice President

ESTIMATE FOR ENGINEERING SERVICES

05-09-2023 TCM Backup

PROJECT:	A-6 Pump Station Improvements - Construction Phase Amendment										SHEET 1 of 1	
CLIENT:	Town of Palm Beach										FILE NO.	
ESTIMATOR:	JRL										DATE: 02/27/23	
											ALLOCA 0.0000	
DESCRIPTION:	DIRECT LABOR (MAN-HOURS)											
See Scope of Services	Principal	Chief Engineer	Sr. Engineer	Senior Prof. Engineer	Registered Prof. Engineer	Eng. Int.	Analyst	Admin/Clerical	Sr. Tech.	SUB (C&W)	EXP	LINE TOTAL
Construction Phase Services												
Site Visits (12 Remaining)			2.0		12.0			12.0	36.0		\$73	\$8,290
Progress Meetings (2 remaining)			5.0		5.0							\$2,225
Review Payment Applications & Change Order Requests			2.0		10.0							\$2,170
Start up Generator			2.0		6.0				8.0			\$2,562
Start-up of Ventilation Fans			2.0		6.0				8.0			\$2,562
Substantial Completion Site Visit Punchlist			2.0		8.0				6.0			\$2,624
Final Completion			2.0		8.0				6.0			\$2,624
Review record drawings and O&M Manuals			1.0		4.0				4.0			\$1,441
TOTAL HOURS	0.0	18.0	0.0	0.0	59.0	0.0	0.0	12.0	68.0	0	73	\$24,500.00
LABOR (\$/HOUR)	298.33	285.00	224.36	195.00	160.00	128.00	111.21	90.09	129.06	1.00	1.0	
ALLOCATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
TOTALS	0.00	5,130.00	0.00	0.00	9,440.00	0.00	0.00	1,081.08	8,776.08	0.00	72.84	\$24,500.00

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 051-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2023-23 for Construction Phase Engineering Services for Phipps Ocean Park Improvements to Kimley-Horn and Associates, Inc.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 051-2023**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 051-2023, Approving the Award of RFQ No. 2023-23 for Construction Phase Engineering Services for Phipps Ocean Park Improvement Project to Kimley-Horn and Associates, Inc.

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 051-2023, approving the Award of RFQ No. 2023-23 for Construction Phase Engineering Services for Phipps Ocean Park Improvement Project to Kimley-Horn and Associates, Inc.

SUMMARY EXPLANATION/BACKGROUND

The Procurement and Contract Management Division issued an RFQ solicitation for Bid Phase and Construction Phase Engineering Services to complete the Phipps Ocean Park Improvements Project. The objective was to select a Construction Engineering Phase Service Contractor that would collaborate and oversee work of the selected Construction Manager at Risk (Burkhardt Construction) based on design and specifications prepared by Raymond Jungles Inc., Fairfax, Sammons & Partners, and Kimley-Horn & Associates.

The Procurement and Contract Management Team broadcast this solicitation in DemandStar to 1,469 firms nationwide. This project was also advertised on the Public Purchase Website, the Town Website, and the Palm Beach Post.

Only two firms submitted, Kimley-Horn and Associates, Inc. (KHA) and CMR Partners. The selection committee consisting of the following members made a unanimous decision to select KHA:

Voting

Amanda Skier
Carolyn Stone
Robert Miracle, CPA
Eric Brown, P.E.
Mike Roach, P.E.

Non-Voting

Jason Debrincat, P.E.
Paul Brazil, P.E.
Duke Basha and Ryan Canterbury, Facilitators

By awarding this recommendation, the Town will secure a proposal from Kimley-Horn and Associates, Inc. when sufficient plans are completed. This award will provide the Town with full oversight of the Construction Phase Engineering Services for the project.

FUNDING IMPACT/FUNDING SOURCE

No funding is required for the award to the RFQ. In the next step of the RFP, funding would come from the Beach Restoration Project Fund.

USER DEPARTMENT CONCURRENCE

The Town Manager's Office and the Public Works Department are in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 051-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF RFQ NO. 2023-23 FOR
CONSTRUCTION PHASE ENGINEERING SERVICES FOR
PHIPPS OCEAN PARK IMPROVEMENTS TO KIMLEY-HORN
AND ASSOCIATES, INC.**

NOW, 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 Resolution No. 051-2023, approving the Award of RFQ No. 2023-23 for Construction Phase Engineering Services for Phipps Ocean Park Improvement Project to Kimley-Horn and Associates, Inc.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 052-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a retroactive Change Order in the Amount of \$30,000 to ZoneCo Associated to Code Reform Work Performed.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 052-2023**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 052-2023, approving a retroactive Change Order in the Amount of \$30,000 to ZoneCo associated to Code Reform Work Performed

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 052-2023, approving a retroactive Change Order in the Amount of \$30,000 to ZoneCo associated to Code Reform performed.

SUMMARY EXPLANATION/BACKGROUND

This request is being put forth to address an underfunded work order that has been completed. When staff were putting together funding requests, an invoice was in transit between ZoneCo and accounts payable and Planning, Zoning, and Building.

There is another agenda item for a Change Order for ZoneCo for new work tasks to be completed. The two Change Orders were separated to ensure that the outstanding invoice for work completed can be paid.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the Planning, Zoning, and Building Department Operating Budget.

USER DEPARTMENT CONCURRENCE

The Planning, Zoning, and Building Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 052-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A RETROACTIVE CHANGE ORDER IN THE
AMOUNT OF \$30,000 TO ZONECO ASSOCIATED TO CODE
REFORM WORK PERFORMED**

NOW, 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 Resolution No. 052-2023, approving a retroactive change order in the amount of \$30,000 to ZoneCo associated to Code Reform work performed.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 053-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Woods Hole Group, for a Coastal Resiliency Flood Vulnerability Assessment Update and Priority Planning in the amount of \$283,249 and Establishing a Project Budget of \$296,000.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 25, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 053-2023**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II, CPPO, Town Procurement and Contract Manager

RE: Resolution approving a purchase order to Woods Hole Group, A CLS Company, for a Coastal Resiliency Flood Vulnerability Assessment Update and Priority Planning in the amount of \$283,249 and establishing a Coastal Resiliency Flood Vulnerability Assessment Update of \$296,000.
Resolution No. 053-2023

DATE: April 25, 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 053-2023, approving a purchase order to Woods Hole Group for a Coastal Resiliency Flood Vulnerability Assessment Update and Priority Planning in the amount of \$283,249 and establishing a project budget of \$296,000.

SUMMARY EXPLANATION/BACKGROUND

The Town proactively addresses coastal resiliency, specifically with completion of a Coastal Vulnerability Assessment in 2019 and development of the Level Up Palm Beach Coastal Resilience Implementation Plan in 2021. Proper planning and implementation of climate related actions requires continued research, monitoring, and updates as more data becomes available. The State of Florida recognizes this approach and have approved cost-sharing to update the Town's assessment. In order for the Town to continue requesting cost-sharing on coastal resilience elements of capital improvement projects, which the Town in recent years has been successful on the order of more than \$1 million, the assessment update must be performed.

The scope of work prepared by Woods Hole Group includes several necessary tasks to conduct surveys, update risk models for Town facilities, evaluate a future storm barrier at the inlet, update recommended design flood elevations, and update Comprehensive plan amendments.

The assessment update is expected to take approximately one year to complete.

FUNDING IMPACT/FUNDING SOURCE

The funding for this project is from the Coastal Fund. Reimbursement of \$105,000 from FDEP, through cost-sharing identified within Grant No. 22PLN70, will be obtained for this project.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

RESOLUTION NO. 053-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO WOODS HOLE
GROUP FOR A COASTAL RESILIENCY FLOOD
VULNERABILITY ASSESSMENT UPDATE AND PRIORITY
PLANNING IN THE AMOUNT OF \$283,249 AND
ESTABLISHING A PROJECT BUDGET OF \$296,000**

NOW, 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 Resolution No. 053-2023, approving a purchase order to Woods Hole Group for a Coastal Resiliency Flood Vulnerability Assessment Update and Priority Planning in the amount of \$283,249 and establishing a project budget of \$296,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 054-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$68,540 to Woods Hole Group, a CLS Company, for Water Level Monitoring, and Establishing an Initial Water Level Monitoring Budget of \$72,000.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 25, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 054-2023**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II, CPPO, Town Procurement and Contract Manager

RE: Resolution approving a purchase order to Woods Hole Group, A CLS Company, for Water Level Monitoring in the amount of \$68,540 and establishing an Initial Water Level Monitoring Budget of \$72,000.
Resolution No. 054-2023

DATE: April 25, 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 054-2023, approving a purchase order to Woods Hole Group for Water Level Monitoring in the amount of \$68,540 and establishing a project budget of \$72,000.

SUMMARY EXPLANATION/BACKGROUND

Water level monitoring is essential with respect to coastal resiliency planning. The installation of tides gauges in the lagoon was included within the current approved fiscal year budget. Woods Hole Group, the Town's coastal resiliency consultant, has recommended the installation of two (2) tide gauge monitoring stations within the Lake Worth Lagoon and possibly a third station with NOAA near the Lake Worth Inlet.

The scope of work includes the deployment of two tide gauges in the Lake Worth Lagoon, one toward the south end of Town and one toward the middle of Town, with one-year support of operations. The scope also includes working with Federal partners to secure a long-term comprehensive water level monitoring station at the Lake Worth Inlet consistent with the NOAA National Water Level Observation Network.

The first two tide gauges can be expected to be operational before the conclusion of the current calendar year.

FUNDING IMPACT/FUNDING SOURCE

The funding for this project is from the Coastal Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

RESOLUTION NO. 054-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER IN THE AMOUNT OF
\$68,540 TO WOODS HOLE GROUP, A CLS COMPANY, FOR
WATER LEVEL MONITORING, AND ESTABLISHING AN
INITIAL WATER LEVEL MONITORING BUDGET OF \$72,000**

NOW, 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 Resolution No. 054-2023, Approving a Purchase Order in the Amount of \$68,540 to Woods Hole Group, a CLS Company, for Water Level Monitoring, and Establishing an Initial Water Level Monitoring Budget of \$72,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 055-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Stryker Medical for the purchase of Four Resuscitation Devices for the Fire Department in the Amount of \$78,267.88.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 055-2023**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 055-2023, Approving a Purchase Order to Stryker Medical for the purchase of four Resuscitation Devices for the Fire Department in the Amount of \$78,267.88

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 055-2023, Approving a Purchase Order to Stryker Medical for the purchase of four Resuscitation Devices for the Fire Department in the Amount of \$78,267.88.

SUMMARY EXPLANATION/BACKGROUND

The Lucas 3.1 and the EleGard resuscitation systems are the only devices proven to improve the return of spontaneous circulation (ROSC) in cardiac arrest patients by up to 40%. The fire department needs to purchase the resuscitation system immediately as this becomes the standard of care in the pre-hospital setting for patients that are the victims of cardiac arrest. Palm Beach Fire Rescue's Medical Director, Dr. Kenneth Scheppeke, is the Florida State Deputy Secretary for Health and is establishing the Lucas and Elegard resuscitation systems as the standard of care statewide after a peer-reviewed, published study confirmed these findings.

The total cost is \$88,913 and the Town is receiving a credit of \$12,000 for the trade in of four units.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from Equipment Replacement Fund.

USER DEPARTMENT CONCURRENCE

The Fire Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 055-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO STRYKER MEDICAL
FOR THE PURCHASE OF FOUR RESUSCITATION DEVICES
FOR THE FIRE DEPARTMENT IN THE AMOUNT OF
\$78,267.88**

NOW, 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 Resolution No. 055-2023, Approving a Purchase Order to Stryker Medical for the purchase of four Resuscitation Devices for the Fire Department in the Amount of \$78,267.88.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 056-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Locally Funded Agreement between the Florida Department of Transportation (FDOT) and the Town of Palm Beach for the Amount of \$167,821, and Maintenance of Memorandum Agreements for the Roadwork Construction Along Sr-A1A from North of Emerald Beach Way to South of Royal Palm Way Project.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated April 24, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 056-2023**
- ▣ **Locally Funded Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

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

Re: Approval of the Locally Funded Agreement and Maintenance Memorandum of Agreements with the Florida Department of Transportation (FDOT) and the Town of Palm Beach for the Road Construction and the Maintenance Along the SR-A1A Road Between North of Emerald Beach Way and South of Royal Palm Way.

Resolution No. 056-2023

Date: April 24, 2023

STAFF RECOMMENDATION

Town Staff recommends that Town Council approve Resolution No. 056-2023 and authorize the Town Manager to enter into an agreement with FDOT and the Town of Palm Beach for the improvements on SR-A1A between North of Emerald Beach Way and South of SR-704/Royal Palm Way.

GENERAL INFORMATION

The purpose of this project is to extend the SR-A1A road pavement service life by repaving the road surface, drainage improvements, upgrading pedestrian signals, resolving substandard Americans with Disabilities Act (ADA) issues, upgrading patterned crosswalk, and replacing the existing sidewalk between Brazilian Avenue and Royal Palm Way. Town staff is in communication with the FDOT to influence the project schedule and not let it coincide with the construction schedule for the Midtown Seawall construction project until its completion.

As part of the FDOT road construction (resurfacing) work along SR-A1A from north of Emerald Beach Way to south of SR-704/Royal Palm Way, the FDOT, under the LFA, agreed to include additional sidewalk replacements from Brazilian Avenue to Royal Palm Way, decorative features for signing, signal, and lighting improvements as part of the scope of the project, as requested and negotiated with the Town. As part of the negotiations, the Town agrees to pay (\$167,821.00) of the total project cost (\$3,427,605.00). The FDOT will continue to be responsible for maintaining the roadway and hardscape portions of the project. The FDOT has specified the constructed elements to be maintained under this agreement in Project Number 446175-1-52-02.

As a part of the FDOT's continual updating of the SR-A1A and the Town's mutual agreement with the FDOT, the Town agreed to maintain the decorative lighting located along the SR-A1A beginning from Mile Post (M.P.) 24.835 north of Emerald Way Beach to M.P. 27.044 south of Royal Palm Way, while the FDOT will continue to be responsible for maintenance of the roadway and hardscape portions of the project. The Town currently maintains all of the green space within those corridors. As a part of the

LFA, the Town agrees to maintain the decorative mast arm traffic signals and assemblies and decorative pedestrian signal poles and assemblies, including attachments and electrical components, located along the SR-A1A between M.P. 24.833 north of Emerald Way Beach and M.P. 27.044 south of Royal Palm Way. The proposed agreement is consistent with those entered into in the past.

The Three-Party Escrow Agreement is made between the FDOT, Town of Palm Beach, and the State of Florida Department of Financial Services, Division of Treasure, who is identified in the agreement as “Escrow Agent.” The Town of Palm Beach will make payment of \$167,821.00.

FUNDING/FISCAL IMPACT

The Town’s contribution is \$167,821.00 and will be funded through the Pay as You Go under the pavement management program.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Robert Miracle, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Dean Mealy, Purchasing Manager

RESOLUTION NO. 056-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE LOCALLY FUNDED AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE TOWN OF PALM BEACH FOR THE AMOUNT OF \$167,821, AND MAINTENANCE OF MEMORANDUM AGREEMENTS FOR THE ROADWORK CONSTRUCTION ALONG SR-A1A FROM NORTH OF EMERALD BEACH WAY TO SOUTH OF ROYAL PALM WAY PROJECT.

WHEREAS, *the FDOT seeks partial funding from the Town of Palm Beach for the SR-A1A road resurfacing work from north of Emerald Beach Way to south of SR-704/Royal Palm Way Project; and*

WHEREAS, *indicated in the proposed agreements between the Transportation Department and the Town of Palm Beach improvements are more practical, expeditious, and economical and in the Town's interest.*

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

Section 1: The Town Council of the Town of Palm Beach hereby authorizes funding in the amount of \$167,821 for the Road Construction Work Locally Funded Agreement with the FDOT for the construction (resurfacing) project.

Section 2: The Town Manager is hereby authorized to execute this Locally Funded Agreement on behalf of the Town of Palm Beach.

Section 3: The Town Manager is hereby authorized to execute and deliver to the FDOT the Maintenance Memorandum of Agreements and any additional permits or maintenance documents necessary for the decorative lighting and decorative mast arms and signal poles maintenance within the road right-of-way of State Road A1A between North of Emerald Way Beach and South of Royal Palm Way.

Section 4: The resolution shall take effect upon execution. A copy of this Resolution shall be filed in the office of the Town Clerk and a copy delivered to the Supervisor of Election.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Chumley, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCALLY FUNDED AGREEMENT

THIS Locally Funded Agreement ("Agreement"), entered into this _____ day of _____, 20_____, by and between the State of Florida Department of Transportation hereinafter called the DEPARTMENT, and the Town of Palm Beach located at 360 S. County Road, Palm Beach, FL 33480, hereinafter called the TOWN, also referred to as the PARTICIPANT in Exhibit B (Three Party Escrow Agreement).

WITNESSETH

WHEREAS, the DEPARTMENT and the TOWN are desirous of having the TOWN provide additional financial assistance to the DEPARTMENT for construction (resurfacing) work along SR-A1A from North of Emerald Beach Way to South of SR-704/Royal Palm Way in Palm Beach County, Florida. (Financial Management (FM) Number 446175-1-52-01, Funded in Fiscal Year 2023/2024); and

WHEREAS, as part of the DEPARTMENT'S construction work, the TOWN has requested that the DEPARTMENT perform the following additional work: Installation of decorative lighting, signal and sidewalk reconstruction (FM Number 446175-1-52-02) as set forth in **Exhibit A** attached hereto and made a part hereof and hereinafter referred to as the "Project"; and

WHEREAS, the TOWN has agreed to provide the DEPARTMENT with the additional funding needed for the Project; and

WHEREAS, the improvements are in the interest of both the TOWN and the DEPARTMENT and it would be more practical, expeditious, and economical for the DEPARTMENT to perform such activities; and

WHEREAS, the TOWN by Resolution No. _____ adopted on _____, 20_____, a copy of which is attached hereto and made a part hereof, authorizes the proper officials to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual benefits to be derived from joint participation on the Project, the parties agree to the following:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. The DEPARTMENT shall be responsible for assuring that the Project complies with all applicable Federal, State and Local laws, rules, regulations, guidelines and standards.
3. The TOWN agrees to make all previous studies, maps, drawings, surveys and other data and information pertaining to the Project available to the DEPARTMENT at no extra cost.
4. The DEPARTMENT shall have the sole responsibility for resolving claims and requests for additional work for the Project. The DEPARTMENT will make reasonable efforts to obtain the TOWN'S input in its decisions.

5. The total cost for the Project and the DEPARTMENT'S resurfacing work along SR-A1A, is estimated to be THREE MILLION FOUR HUNDRED TWENTY SEVEN THOUSAND SIX HUNDRED FIVE DOLLARS AND NO CENTS (\$3,427,605.00) The TOWN'S payment for the Project is an estimated amount of ONE HUNDRED SIXTY SEVEN THOUSAND EIGHT HUNDRED TWENTY ONE DOLLARS AND NO CENTS (\$167,821.00), which sum shall be paid to the DEPARTMENT. In the event the actual cost of the Project is less than the TOWN'S payment, the difference shall be refunded to the TOWN. In the event the actual cost of the Project, without modifications, results in a sum greater than that paid by the TOWN, then any additional cost shall be the sole responsibility of the TOWN and shall be paid to the DEPARTMENT.

- A. The TOWN agrees that it will, within thirty (30) days of execution of this Agreement, furnish the DEPARTMENT with a check in the amount of ONE HUNDRED SIXTY SEVEN THOUSAND EIGHT HUNDRED TWENTY ONE DOLLARS AND NO CENTS (\$167,821.00) towards the Project Costs.

In the event payment is not received by the DEPARTMENT within thirty (30) days of execution of this Agreement, the DEPARTMENT reserves the right to terminate this Agreement and remove the Project from the Department's Work Program and not construct the Project.

Remittance shall be made payable to the Department of Financial Services, Revenue Processing. Payment shall be clearly marked to indicate that it is to be applied to FM No. 446175-1-52-02. The DEPARTMENT shall utilize this amount towards costs of Project No. 446175-1-52-02.

Payment shall be mailed to:
Florida Department of Transportation
Office of Comptroller
General Accounting Office, LFA Section
605 Suwannee Street, MS 42B
Tallahassee, Florida 32399

In lieu of mailing payment to the DEPARTMENT, the TOWN may also submit the payment for the Project via wire transfer.

Wire transfer/Payments are to be made to:

Wells Fargo Bank, N.A.
Account # 4834783896
ABA # 121000248
State of Florida Department of Financial Services
Bureau of Collateral Management
Re: DOT – K 11-78, Financial project # 446175-1-52-02

In order for FDOT to receive credit for the funds due to the Department, the reference line must contain "FDOT" and an abbreviated purpose, financial project number or LFA account number.

Once the wire transfer is complete, please contact Jennifer Bennett at 850-414-4861. In addition to calling Ms. Bennett, the TOWN shall send an email notification to D4-LFA@dot.state.fl.us stating the day and time the wire transfer was sent.

- B. The TOWN's share of the accepted bid for the Project (hereinafter referred to as "Accepted Bid") and the DEPARTMENT'S work plus allowances is hereinafter defined as the "Total Accepted Bid". Allowances are hereby defined as contingency, mobilization (MOB), and Maintenance of Traffic (MOT). If the TOWN'S share of the accepted bid for the Project plus allowances is in excess of the advance deposit amount, the TOWN will provide an additional deposit within fourteen (14) calendar days of notification from the DEPARTMENT or prior to posting of the accepted bid, whichever is earlier, so that the total deposit is equal to the bid amount plus allowances. The DEPARTMENT will notify the TOWN as soon as it becomes apparent the accepted bid amount plus allowances is in excess of the advance deposit amount; however, failure of the DEPARTMENT to so notify the TOWN shall not relieve the TOWN from its obligation to pay for its full participation. If the TOWN cannot provide the additional deposit within fourteen (14) calendar days, a letter must be submitted to and approved by the DEPARTMENT'S Project Manager indicating when the deposit will be made and the DEPARTMENT'S written consent to the payment of the additional deposit and said date. The TOWN understands the request and approval of the additional time could delay the Project, and additional costs may be incurred due to delay of the Project. In the event of non-payment, the DEPARTMENT reserves the right to terminate this Agreement and remove the Project and the DEPARTMENT'S roadway work from the DEPARTMENT'S Work Program.
- C. If the TOWN'S payment for the accepted bid amount plus allowances is less than the advance deposit amount, the DEPARTMENT will refund the amount that the advance deposit exceeds the TOWN'S payment for the accepted bid amount plus allowances if such refund is requested by the TOWN in writing.
- D. Should Project modifications occur that increase the TOWN'S payment for the Project, the TOWN will be notified by the DEPARTMENT. The TOWN agrees to provide, without delay, in advance of the additional work being performed, adequate funds to ensure that cash on deposit with the DEPARTMENT is sufficient to fully fund the Project. The DEPARTMENT shall notify the TOWN as soon as it becomes apparent the actual costs will overrun the award amount; however, failure of the DEPARTMENT to so notify the TOWN shall not relieve the TOWN from its obligation to pay for its full participation. Funds due from the TOWN, for the Project, not paid within forty (40) calendar days from the date of the invoice are subject to an interest charge at a rate established pursuant to *Section 55.03, F.S.*
- E. The DEPARTMENT intends to have its final and complete accounting of all costs incurred in connection with the work performed hereunder within three hundred sixty (360) days of final payment to the Contractor. The DEPARTMENT

considers the Project and the resurfacing work complete when the final payment has been made to the Contractor, not when the construction work is complete. All Project & construction cost records and accounts shall be subject to audit by a representative of the TOWN for a period of three (3) years after final close out of the Project and the resurfacing work. The TOWN will be notified of the final cost. Both parties agree that in the event the final accounting of total Project costs pursuant to the terms of this Agreement is less than the total deposits to date, a refund of the excess will be made by the DEPARTMENT to the TOWN. If the final accounting is not performed within three hundred sixty (360) days, the TOWN is not relieved from its obligation to pay.

- F. In the event the final accounting of total Project costs indicate that the Project costs are greater than the total deposits to date, the TOWN will pay the additional amount within forty (40) calendar days from the date of the invoice from the DEPARTMENT. The TOWN agrees to pay interest at a rate as established pursuant to *Section 55.03, F.S.*, on any invoice not paid within forty (40) calendar days until the invoice is paid.
 - G. The payment of funds under this Agreement will be sent directly to the Department of Financial Services, Division of Treasury for deposit as provided in the Three Party Escrow Agreement between the TOWN, the DEPARTMENT and the State of Florida, Department of Financial Services, Division of Treasury a copy of which is attached hereto and made a part hereof as **Exhibit B**.
6. Upon completion of the Project, the TOWN shall be responsible for the maintenance of the decorative lighting and the roadway mast arms.

The TOWN will comply with the provisions set forth in the Lighting Maintenance Memorandum of Agreement (LMMOA) and the Maintenance Memorandum of Agreement (MMOA) which are attached hereto and made a part hereof as **Exhibit C and Exhibit D**, respectively. The TOWN shall agree to maintain the Project in accordance with the terms of **Exhibit C & Exhibit D**. The terms of this paragraph shall survive the termination of this Agreement.

- 7. In the event it becomes necessary for either party to institute suit for the enforcement of the provisions of this Agreement, each party shall be responsible to pay their own attorney fees and court costs. Venue with respect to any such litigation shall be in Broward County.
- 8. This Agreement and any interest herein shall not be assigned, transferred, or otherwise encumbered by the TOWN under any circumstances without the prior written consent of the DEPARTMENT. However, this Agreement shall run to the DEPARTMENT and its successors.
- 9. Except as otherwise set forth herein, this Agreement shall continue in effect and be binding to both the TOWN and the DEPARTMENT until the Project (FM# 446175-1-52-02) is completed as evidenced by the written acceptance of the DEPARTMENT.

10. The TOWN warrants that it has not employed or obtained any company or person, other than bona fide employees of the TOWN, to solicit or secure this Agreement, and it has not paid or agreed to pay any company, corporation, individual or firm, other than a bona fide employee employed by the TOWN. For breach or violation of this provision, the DEPARTMENT shall have the right to terminate the Agreement without liability.
11. The TOWN / Vendor/ Contractor:
 - (A) shall utilize the U.S. Department of Homeland Security's E-verify system to verify the employment eligibility of all new employees hired by the TOWN / Vendor/Contractor during the term of the contract; and
 - (B) shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.
12. This Agreement is governed by and construed in accordance with the laws of the State of Florida.
13. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written. It is further agreed that no modification, amendment, or alteration in the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.
14. Any or all notices (except invoices) given or required under this Agreement shall be in writing and either personally delivered with receipt acknowledged or sent by certified mail, return receipt requested. All notices delivered shall be sent to the following addresses:

If to the DEPARTMENT:

Florida Department of Transportation - District Four
3400 West Commercial Blvd.
Fort Lauderdale, Florida 33309-3421
Attn: Leos A. Kennedy, Jr.
With a copy to: Kenzot Jasmin, P.E.
A second copy to: Office of the General Counsel

If to the TOWN:

Town of Palm Beach
951 Okeechobee Road
West Palm Beach, FL 33401
Attn: Ms. Patricia Strayer
Federal Employer ID No.: F-596-000-402

IN WITNESS WHEREOF, this Agreement is to be executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Agreement by Resolution No. _____, hereto attached.

TOWN OF PALM BEACH

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____
NAME: _____
TITLE: _____

BY: _____
STEVE C. BRAUN, P.E.
DIRECTOR OF TRANSPORTATION DEVELOPMENT

ATTEST:

LEGAL REVIEW:

TOWN CLERK (SEAL)

BY: _____
OFFICE OF THE GENERAL COUNSEL

APPROVED:

APPROVED:

BY: _____
TOWN ATTORNEY

BY: _____
DISTRICT PROGRAM MANAGEMENT ADMINISTRATOR

EXHIBIT A
SCOPE OF SERVICES
FM# 446175-1-52-02

The principal purpose of this resurfacing project is to extend the SR A1A pavement service life through milling and resurfacing while addressing key safety features. The project scope of work includes signing and pavement markings, upgrading substandard Americans with Disabilities Act (ADA) and pedestrian features, drainage improvements, replacing existing patterned pavement crosswalk at Peruvian Avenue, signal replacements and pedestrian signal upgrades, and lighting retrofit. The scope of work required for this Local Funding Agreement (LFA) includes the additional sidewalk replacements from Brazilian Ave. to Royal Palm Way, and decorative features for signing, signal, and lighting improvements.

The improvements (LFA related) being designed shall include, but are not limited to the following:

Roadway Scope: reconstruct sidewalk from Brazilian Ave. to Royal Palm Way.

Signing Scope: upgrade signing and pavement marking to meet current standards.

Item	Limits	Ground Mounted Sign Post	No. of Sign post	Decorative	Remarks
1	Hammon Ave. to Royal Palm Way	Yes	14	Yes	Final number will be provided later
2	Hammon Ave. to Royal Palm Way	Yes	7	Yes	Final number will be provided later

Signal Scope: replace existing mast arms and upgrade pedestrian signals. Detail signal scopes are shown below:

Item	SR A1A Intersection	Replace Existing Mast Arm	Single/Double Mast Arm	Pedestrian Signal upgrade	Replace Cabinet /Controller	Decorative Mast Arm	Remarks
1	Hammon Ave.	Yes	2 Double Mast Arm	Yes	Yes	Yes	
2	Worth Ave.	Yes	1 Double Mast Arm	Yes	Yes	Yes	
3	Peruvian Ave.	Yes	1 Single and 1 Double Mast Arm	Yes	Yes	Yes	
4	Royal Palm Way	Yes	2 Double Mast Arm	Yes	Yes	No	Black Paint
5	Emergency Signal	Yes	1 Single Mast Arm	No	No	No	Black Paint

Lighting: retrofit lighting at three signalized intersections (Hammon Ave, Worth Ave., and Peruvian Ave.) and three unsignalized locations (Brazilian Ave, Australian Ave, and Chilean Ave). Detail lighting scopes are shown below:

Item	SR A1A Intersection	Lighting Retrofit	Additional light poles /w luminaires	Only Luminaires	Decorative	Remarks
1	Hammon Ave.	Yes	No	Yes	Yes	Luminaires will be attached to the proposed signal pole
2	Worth Ave.	Yes	Yes	No	Yes	
3	Peruvian Ave.	Yes	Yes	No	Yes	
4	Brazilian Ave	Yes	Yes	No	Yes	
5	Australian Ave.	Yes	Yes	No	Yes	
6	Chilean Ave.	Yes	Yes	No	Yes	

Note: No of single and double mast arms and additional light poles for retrofit lighting may change based on the FDOT review comments.

Exhibit B THREE PARTY ESCROW AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of Florida, Department of Transportation ("FDOT"), Town of Palm Beach ("Participant"), and the State of Florida, Department of Financial Services, Division of Treasury ("Escrow Agent"), and shall become effective upon the Agreement's execution by Escrow Agent.

WHEREAS, FDOT and Participant are engaged in the following project ("Project"):

Project Name: Installation of decorative lighting, signal and sidewalk reconstruction
Project #: 446175-1-52-02
County: Palm Beach

WHEREAS, FDOT and Participant desire to establish an escrow account for the project.

NOW THEREFORE, in consideration of the premises and the covenants contained herein, the parties agree to the following:

1. An initial deposit will be made into an interest bearing escrow account established hereunder for the purposes of the Project. The escrow account will be opened with the Escrow Agent on behalf of FDOT upon Escrow Agent's receipt and execution of this Agreement.
2. Other deposits to the escrow account may be made during the life of this Agreement.
3. Deposits will be delivered in accordance with instructions provided by the Escrow Agent to the FDOT for deposit into the escrow account. A wire transfer or ACH deposit is the preferred method of payment and should be used whenever possible.
4. FDOT's Comptroller or designee shall be the sole signatory on the escrow account with the Escrow Agent and shall have sole authority to authorize withdrawals from the account. Withdrawals will only be made to FDOT or the Participant in accordance with the instructions provided to the Escrow Agent by FDOT's Comptroller or designee.
5. Moneys in the escrow account will be invested in accordance with section 17.61, Florida Statutes. The Escrow Agent will invest the moneys expeditiously. Income is only earned on the moneys while invested. There is no guaranteed rate of return. Investments in the escrow account will be assessed a fee in accordance with Section 17.61(4)(b), Florida Statutes. All income of the investments shall accrue to the escrow account.
6. Unless instructed otherwise by FDOT, all interest accumulated in the escrow account shall remain in the account for the purposes of the Project.

7. The Escrow Agent agrees to provide written confirmation of receipt of funds to FDOT. FDOT agrees to provide a copy of such written confirmation to Participant upon request.
8. The Escrow Agent further agrees to provide quarterly reports to FDOT concerning the escrow account. FDOT agrees to provide a copy of such quarterly reports to Participant upon request.
9. The Escrow Agent shall not be liable for any error of judgment or for any act done or omitted by it in good faith, or for anything which it may in good faith do or refrain from doing in connection herewith.
10. Escrow Agent shall have no liability for any claim, cost, expense, damage or loss due to the acts or omissions of FDOT and Participant, nor from any separate agreements between FDOT and Participant and shall have no responsibility to monitor or enforce any responsibilities herein or in any separate agreements associated with this Agreement between FDOT and Participant.
11. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Florida.
12. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
13. This Agreement shall terminate upon disbursement by the Escrow Agent of all money held by it in the escrow account in accordance with the instructions given by FDOT's Comptroller or designee and notification from FDOT to Escrow Agent that the account is to be closed.

The remainder of this page is blank.

IN WITNESS WHEREOF, the parties have duly executed the Agreement on the date(s) below.

For FDOT (signature)

Name and Title

59-3024028
Federal Employer I.D. Number

Date

For PARTICIPANT (signature)

Name

Title

F-596-000-402
Federal Employer ID Number

Date

FDOT Legal Review:

For Escrow Agent (signature)

Name and Title

Date

EXHIBIT C

LIGHTING MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE TOWN OF PALM BEACH

SECTION NO.: 93060000
FM No.(s): 446175-1-52-01
COUNTY: Palm Beach
S.R. No.: A1A

**DISTRICT FOUR
LIGHTING MAINTENANCE MEMORANDUM OF AGREEMENT**

THIS AGREEMENT made and entered into this date _____, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, a component **AGENCY** of the State of Florida, hereinafter called the **DEPARTMENT**, and **Town of Palm Beach**, a municipal corporation existing under the Laws of Florida, hereinafter called the **AGENCY**.

WITNESSETH:

WHEREAS, the **DEPARTMENT** has jurisdiction over State Road A1A beginning from Mile Post (M.P.) 24.835 to M.P. 27.044 and

WHEREAS, the **DEPARTMENT** seeks to install and have maintained by the **AGENCY** certain highway **IMPROVEMENTS**; and

WHEREAS, as part of the continual updating of the State of Florida Highway System, the **DEPARTMENT**, for the purpose of safety, protection of the investment and other reasons, has constructed and does maintain SR A1A beginning from M.P. 24.835 to M.P. 27.044 (within the limits of the **AGENCY**); and

WHEREAS, it is the intent of the **AGENCY** and the **DEPARTMENT** that the **AGENCY** shall maintain the specific elements constructed under Project Number **446175-1-52-01** to include decorative lighting; hereinafter called **IMPROVEMENTS** installed along SR A1A M.P. 24.835 to M.P. 27.044; and

WHEREAS, the Project involves the scope of work as described within **Exhibit A (Project Location, Description and Aerial)** and **Exhibit B (Construction Plans)**, which will benefit the **AGENCY**; and

WHEREAS the parties hereto mutually recognize the need for entering into an **AGREEMENT** designation and setting forth the responsibilities of each party; and

WHEREAS the **AGENCY** by Resolution Number _____ entered this date _____, attached hereto and by this reference made a part hereof, desires to enter into this **AGREEMENT** and authorizes its officers to do so;

NOW THEREFORE, for and in consideration of the mutual benefits to flow each to the other, the parties covenant and agree as follows:

1. RECITALS

The recitals set forth above are true and correct and are deemed incorporated herein.

2. INSTALLATION OF FACILITIES

SECTION NO.: 93060000
FM No.(s): 446175-1-52-01
COUNTY: Palm Beach
S.R. No.: A1A

- A. The **DEPARTMENT** shall construct under Project Number **446175-1-52-01** the **IMPROVEMENTS** as detailed in **Exhibit A** and **Exhibit B** that will benefit the **AGENCY**.
- B. The **IMPROVEMENTS** shall comply with the laws and regulations relating to the Americans with Disabilities Act of 1990, as currently enacted or as may be amended from time to time ("ADA"). If there are any major changes to the plan(s), the **DEPARTMENT** shall provide the modified plan(s) to the **AGENCY** and the **AGENCY** shall provide their approval or disapproval to the **DEPARTMENT** within ten (10) business days. The **DEPARTMENT** may elect to withdraw the **IMPROVEMENTS** if changes are not approved within the given time frame.
- C. The **AGENCY** shall be invited to assist the **DEPARTMENT** in final inspection before acceptance of the job by the **DEPARTMENT**.

The **AGENCY** must maintain the **IMPROVEMENTS** associated within the limits of the project.

3. MAINTENANCE OF FACILITIES

- A. The **AGENCY** agrees to maintain the **IMPROVEMENTS** to be installed under Project Number **446175-1-52-01** within the limits of construction. Maintenance by the **AGENCY** will include but not limited to inspection, repair, restoration, replacement, coating and general maintenance of all decorative or non-standard features within the limits of construction. This includes Project Number **446175-1-52-01** for decorative light poles, installed along SR A1A, from M.P. 24.835 to M.P. 27.044.

This maintenance provision will apply to all existing decorative or non-standard lights already installed within the limits of the **AGENCY**.

- 1) The **AGENCY** agrees to maintain, at its sole cost and expense, the **IMPROVEMENTS** set forth in **Exhibit A** in compliance with any and all applicable laws which shall include, but not be limited to, laws and regulations relating to the Americans with Disabilities Act ("ADA") of 1990, as currently enacted or as may be amended from time to time.
- 2) The **AGENCY** shall coordinate with FWC and FDEP to meet the specific lighting requirements for sea turtle nesting beaches.
- 3) The **IMPROVEMENTS** shall be kept clean and free from trash and debris. The **IMPROVEMENTS** shall be kept free of graffiti. The **IMPROVEMENTS** shall be free of pests such as stinging insects, rodents, and vermin, including removal of nests as needed. Maintenance and cleaning of all **IMPROVEMENTS** shall comply with the Department's Stormwater Pollution Prevention Plan and National Pollutant Discharge Elimination System (NPDES) Stormwater Pollution Prevention Plan and all other environmental laws.
- 4) As part of the maintenance responsibility, the **AGENCY** shall keep in good repair and replace, defective or worn-out parts of the **IMPROVEMENTS**. The **AGENCY's**

SECTION NO.: 93060000
FM No.(s): 446175-1-52-01
COUNTY: Palm Beach
S.R. No.: A1A

responsibility to keep the **IMPROVEMENTS** in good repair shall include all necessary inspection, maintenance, repair and replacement of any type or nature, including, but not limited to, maintenance, repair, coating replacement, and replacement due to normal wear and tear, named storm event, acts of God, vandalism, and accidents. The **AGENCY** shall take all necessary steps to maintain the **IMPROVEMENTS** in a manner to protect against injury to any person or property.

5) The **AGENCY** shall perform all activities necessary to keep the **IMPROVEMENTS** fully operating, properly functioning, with a minimum of 90% of the lights burning for any lighting type or roadway system at all times in accordance with the original design thereof, whether necessitated by normal wear and tear, accidental or intentional damage, or acts of nature. Said maintenance shall include, but shall not be limited to, providing electrical power, and paying all charges associated therewith, routine inspection and testing, preventative maintenance, emergency maintenance, replacement of any component parts of the **IMPROVEMENTS** (including the poles and all other component parts installed as part of the **IMPROVEMENTS**), and locating (both vertically and horizontally) the **IMPROVEMENTS**, as may be necessary.

6) The above-named functions to be performed by the **AGENCY** may be subject to periodic inspections by the **DEPARTMENT** at the discretion of the **DEPARTMENT**. Such inspection findings will be shared with the **AGENCY** and shall be the basis of all decisions regarding, reworking relating to the maintenance obligation I function or **AGREEMENT** termination.

7) The **AGENCY** shall be solely responsible for any damages to surrounding property, real estate, vehicles, pedestrians, or other assets occurring as a result of maintenance and operation of the **IMPROVEMENTS** and shall repair such damage to the satisfaction of the **DEPARTMENT** at no expense to the **DEPARTMENT**, as per the requirements in **Exhibit C (Maintenance Plan Requirements)**.

8) The **AGENCY** shall be responsible to maintain the light pole structures, electrical components and attachments. The **AGENCY** shall replace the structure if destroyed in an accident by third parties. The **DEPARTMENT** expressly assigns its rights, interests and privileges pertaining to said **IMPROVEMENTS'** damage to the **AGENCY**, so **AGENCY** can pursue all claims and causes of actions against the third parties responsible for the damage. The **DEPARTMENT** will assist the **AGENCY** as necessary and will confirm **AGENCY'S** authorization to pursue recovery. The **AGENCY** will be responsible for all attorneys' fees and costs incurred in its recovery activities. The **AGENCY** shall not file suit in the name of the **DEPARTMENT**.

- B. The **AGENCY** shall indemnify the **DEPARTMENT** for any and all costs or expenses incurred by the **DEPARTMENT** for the **AGENCY'S** failure to comply with all ADA Laws existing and as may be amended. Costs and expenses shall include the costs to make the facility ADA compliant, Attorney's fees and costs and any judgments. Adjacent sidewalk areas shall be accessible at all times. If sidewalk closures are needed, alternate routes shall be clearly identified, and missing sidewalk shall be restored either with permanent or temporary materials at the end of each workday.

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- C. All **IMPROVEMENTS** shall at all times have a notification sign posted with the name and phone number of the **DEPARTMENT** within the **AGENCY** responsible for maintenance of the **IMPROVEMENTS** so that members of the public may contact **AGENCY** regarding problems with the **IMPROVEMENTS**. The **AGENCY** shall promptly respond and correct all complaints regarding maintenance. The **IMPROVEMENTS** to be constructed with this project shall not contain advertising. Nor shall advertising be placed upon them by any party in the future.
- D. It is understood and agreed by the parties that upon "final acceptance" (as that term is described in the Standard Specifications for Roadway and Bridge Construction, as amended by contract documents section 5-11) by the **DEPARTMENT** of the Project and Notice thereof to the **AGENCY**, the **AGENCY** shall be responsible for maintenance of the Project in accordance with the following Federally and State accepted standards (current editions at the time of execution of this **AGREEMENT** and any amendments hereafter) and all costs related thereto: (a) FDOT Design Manual (FDM), (b) Florida Green Book, (c) Standard Specifications for Roadway and Bridge Construction, (d) FDOT Standard Plans for Roadway Construction, (e) Manual on Uniform Traffic Control Devices (MUTCD), and (f) all other applicable local, state, or federal laws, rules, resolutions, or ordinances, and FDOT procedures. In the event of a conflict between documents, standards, and procedures the more stringent shall apply.
- E. Any work impacting traffic flow along SR 15 must be coordinated with the **DEPARTMENT**. Lane closures must be submitted for approval in accordance with **DEPARTMENT** procedures and policies and will meet the goals established in the **DEPARTMENT's** Open Roads Policy.

4. NOTICE OF MAINTENANCE DEFICIENCIES

- A. If, at any time while the terms of this **AGREEMENT** are in effect, it shall come to the attention of the **DEPARTMENT** that the **AGENCY's** responsibility as established herein or a part thereof is not being properly accomplished pursuant to the terms of this **AGREEMENT**, the **DEPARTMENT** may issue a written notice, that a deficiency or deficiencies exist(s), by sending a certified letter to the **AGENCY**, in care of the **TOWN OF PALM BEACH, TOWN MAYOR**, to place the **AGENCY** on notice regarding its maintenance deficiencies. Thereafter, the **AGENCY** shall have a period of sixty (60) days within which to correct the cited deficiency or deficiencies. If said deficiencies are not corrected within the time period, the **DEPARTMENT** may, at its option, proceed under one or more or a combination of the following items:
- 1) The **DEPARTMENT** may repair any item or a number of items. Corrective actions will be performed with the **DEPARTMENT** and/or its independent contractor's materials, equipment, and personnel. The actual cost for such work will be charged to the **AGENCY**.
 - 2) The **DEPARTMENT** may remove or replace any item or number of items with the standard **DEPARTMENT** item. Corrective actions will be performed with the

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DEPARTMENT and/or its independent contractor's materials, equipment, and personnel. The actual cost for such work will be charged to the **AGENCY**.

- 3) If there is no standard equivalent item or if in the **DEPARTMENT's** discretion the item is not necessary for the operations of the roadway, the **DEPARTMENT** may remove the item in its entirety and restore the area to a condition acceptable to the **DEPARTMENT**. Corrective actions will be performed with the **DEPARTMENT** and/or its independent contractor's materials, equipment, and personnel. The actual cost for such work will be charged to the **AGENCY**.
- 4) At the discretion of the **DEPARTMENT**, terminate the **AGREEMENT** in accordance with Paragraph 7 of this **AGREEMENT** and remove, by the **DEPARTMENT** or its Contractor's personnel, all the **IMPROVEMENTS** installed under this **AGREEMENT** and charge the **AGENCY** the reasonable cost of such removal.

5. FUTURE DEPARTMENT IMPROVEMENTS

It is understood between the parties hereto that the **IMPROVEMENTS** covered by this **AGREEMENT** may be removed, relocated, or adjusted at any time in the future as determined to be necessary by the **DEPARTMENT** in order that the adjacent state road be widened, altered, or otherwise changed to meet with future criteria or planning of the **DEPARTMENT**.

6. FUTURE AGENCY IMPROVEMENTS

The **AGENCY** may construct additional **IMPROVEMENTS** within the limits of the rights of ways identified as a result of this document subject to the following conditions:

- 1) Plans for any new **IMPROVEMENTS** shall be subject to approval by the **DEPARTMENT**. The **AGENCY** shall not change or deviate from said plans without written approval by the **DEPARTMENT**.
- 2) The **AGENCY** shall procure a permit and/ or Construction **AGREEMENT** from the **DEPARTMENT**, as appropriate.
- 3) All **IMPROVEMENTS** shall be developed and implemented in accordance with appropriate state safety and roadway design standards.
- 4) The **AGENCY** agrees to comply with the requirements of this **AGREEMENT** regarding any additional **IMPROVEMENTS** installed at no cost to the **DEPARTMENT**.

7. AGREEMENT TERMINATION

This **AGREEMENT** may be terminated under anyone (1) of the following conditions:

- 1) By the **DEPARTMENT**, if the **AGENCY** fails to perform its duties under this **AGREEMENT**, following ten (10) days written notice. The **AGENCY** shall reimburse

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the **DEPARTMENT** for any expenditures for the installation of said **IMPROVEMENTS** and the cost to remove and or replace said improvement with the standard improvement or remove in its entirety.

- 2) By the **DEPARTMENT**, for refusal by the **AGENCY** to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **AGENCY** in conjunction with this **AGREEMENT**.
- 3) By the **DEPARTMENT** with a six (6) month written notice.

8. AGREEMENT TERM

The term of this **AGREEMENT** commences upon execution by all parties. The term of this **AGREEMENT** shall remain in effect for as long as the **IMPROVEMENTS** shall exist.

9. LIABILITY AND INSURANCE REQUIREMENTS

- A. With respect to any of the **AGENCY'S** agents, consultants, sub-consultants, contractors, and/or sub-contractors, such party in any contract for the **IMPROVEMENTS** shall agree to indemnify, defend, save and hold harmless the **DEPARTMENT** from all claims, demands, liabilities, and suits of any nature arising out of, because of or due to any intentional and/or negligent act or occurrence, omission or commission of such agents, consultants, sub consultants, contractors and/or subcontractors. The **AGENCY** shall provide to the **DEPARTMENT** written evidence of the foregoing upon the request of the **DEPARTMENT**. It is specifically understood and agreed that this indemnification clause does not cover or indemnify the **DEPARTMENT** for its own negligence.
- B. In the event that **AGENCY** contracts with a third party to provide the services set forth herein, any contract with such third party shall include the following provisions:
 - 1) **AGENCY'S** contractor shall at all times during the term of this **AGREEMENT** keep and maintain in full force and effect, at contractor's sole cost and expense, Comprehensive General Liability with minimum limits of \$1,000,000.00 per occurrence combined single limit for Bodily Injury Liability and Property Damage Liability and Worker's Compensation insurance with minimum limits of \$500,000.00 per Liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Comprehensive General Liability and Worker's Compensation policy without restrictive endorsements, as filed by the Insurance Services Office and shall name the **DEPARTMENT** as an additional insured.
 - 2) **AGENCY'S** contractor shall furnish **AGENCY** with Certificates of Insurance of Endorsements evidencing the insurance coverages specified herein prior to the beginning performance of work under this **AGREEMENT**.
 - 3) Coverage is not to cease and is to remain in full force and effect (subject to cancellation notice) until all performance required of **AGENCY'S** contractor is completed. All policies must be endorsed to provide the **DEPARTMENT** with at

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least thirty (30) days' notice of cancellation and or/or restriction. If any of the insurance coverages will expire prior to the completion of work, copies of renewal policies shall be furnished at least (30) days prior to the date of expiration.

10. E-VERIFY REQUIREMENTS

The **AGENCY** shall:

- 1) Utilize the U.S. DEPARTMENT of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the **AGENCY** for the work performed under this **AGREEMENT**; and
- 2) Expressly require any contractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. DEPARTMENT of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

11. ENTIRE AGREEMENT

This writing embodies the entire Agreement and understanding between the parties hereto and there are no other Agreements and understanding, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby except the Local Funded Agreement(s) and State Highway Lighting Maintenance and Compensation Agreement(s) signed between the parties, as amended, as to all other **IMPROVEMENTS** not specifically mentioned in this Agreement. The streetlights installed under this project will be compensated as streetlights under the State Highway Lighting Maintenance and Compensation Agreement. If the **DEPARTMENT** and **AGENCY** fail to agree on the annual lump sum amount to be paid under the State Highway Lighting Maintenance and Compensation Agreement, this Agreement shall supersede that Agreement and the **AGENCY** agrees to maintain the lights solely under this Agreement.

12. EXPENDITURE OF MONEY

The **DEPARTMENT**, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The **DEPARTMENT** shall require a statement from the Comptroller of the **DEPARTMENT** that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the **DEPARTMENT** which are for an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) and which have a term for a period of more than one year.

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13. DISPUTES

The **DEPARTMENT'S** District Secretary shall decide all questions, difficulties, and disputes of any nature whatsoever that may arise under or by reason of this **AGREEMENT**, the prosecution or fulfillment of the service hereunder and the character, quality, amount and value thereof; and his decision upon all claims, questions and disputes shall be final and conclusive upon the parties hereto.

14. ASSIGNMENT

This **AGREEMENT** may not be assigned or transferred by the **AGENCY** in whole or part without the consent of the **DEPARTMENT**.

15. LAWS GOVERNING

This **AGREEMENT** shall be governed by and construed in accordance with the laws of the State of Florida. In the event of a conflict between any portion of the contract and Florida law, the laws of Florida shall prevail. Venue with respect to judicial proceedings arising out of this **AGREEMENT** shall be in Broward County, Florida.

16. NOTICES

All notices given or required under this **AGREEMENT** shall be in writing and either personally delivered with receipt acknowledgement or sent by certified mail, return receipt requested. All notices shall be sent to the following addresses.

If to the **DEPARTMENT**:

State of Florida Department of Transportation
Attention: District Maintenance Engineer
3400 West Commercial Blvd
Ft. Lauderdale, FL 33309-3421

AGENCY:

Town Of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Attention: City Mayor

17. LIST OF EXHIBITS

Exhibit A: Project Location, Description and Aerial
Exhibit B: Lighting Plans
Exhibit C: Maintenance Plan Requirements

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IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first above written.

AGENCY:

Town Of Palm Beach, a municipal
Corporation of the State of Florida:

By: _____ Date: _____
Town Manager / Mayor

Print Name: _____

ATTEST:

By: _____ Date: _____
Clerk

Print Name: _____

Approved as to Form:

By: _____ Date: _____
Town Attorney

Print Name: _____

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IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first above written.

DEPARTMENT:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

Sign: _____
Director of Operations

Print Name: Paul A. Lampley

Date: _____

Approval as to Form:

Sign: _____
District General Counsel

Print Name: _____

Date: _____

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EXHIBIT A

PROJECT LOCATION, DESCRIPTION AND AERIAL

I. Location:

The **IMPROVEMENTS** associated with this **AGREEMENT** are located in the Town of Palm Beach, in Palm Beach County, Florida along State Road A1A, section 93060000, beginning M.P. 24.835 to M.P. 27.044

II. Description of Work:

Project Number **446175-1-52-01** to new include decorative light, existing decorative lights.

It will be the responsibility of the **AGENCY** to maintain the **IMPROVEMENTS** described in this **AGREEMENT**.

III. Aerial



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EXHIBIT B

LIGHTING PLANS

Lighting Plans prepared by Amazia L. Kiboko, dated November 2nd, 2022, as approved by the
DEPARTMENT.

LIGHTING PLANS (attached)

Sheets Included:

PDF Page Number (#)	Plan Sheet (#)	Sheet(s) Description
13	L-1	KEY SHEET
14	NR-1	NOTES TO REVIEWER
15	L-2	GENERAL NOTES
16	L-3	LIGHTING DATA TABLE AND LEGEND
17 – 22	L-4 thru L-10	LIGHTING PLAN

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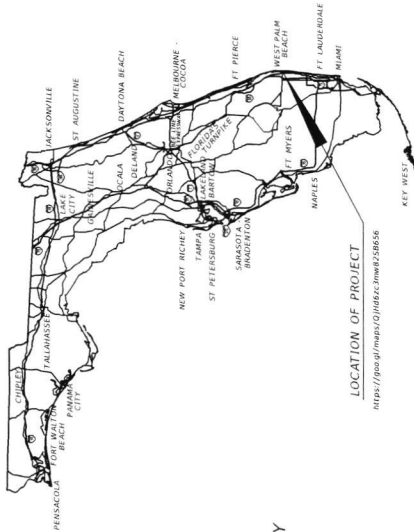
INDEX OF LIGHTING PLANS	
SHEET NO.	SHEET DESCRIPTION
L-1	KEY SHEET
NR-1	NOTES TO REVIEWER
L-2	GENERAL NOTES
L-3	LIGHTING DATA TABLE AND LEGEND
L-4 - L-9	LIGHTING PLAN
L-10	LIGHTING POLE DETAIL

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

LIGHTING PLANS

FINANCIAL PROJECT ID 446175-1-52-01
PALM BEACH COUNTY (93060000)

STATE ROAD NO. A1A
FROM NORTH OF EMERALD BEACH WAY TO SOUTH OF SR-704/ROYAL PALM WAY



THIS ITEM HAS BEEN DIGITALLY
SIGNED AND SEALED BY:

ON THE DATE ADJACENT TO THE SEAL
PRINTED COPIES OF THIS DOCUMENT
ARE NOT CONSIDERED SIGNED AND
SEALED. THE SIGNATURE MUST BE
VERIFIED IN THE ELECTRONIC
DOCUMENTS.



LIGHTING PLANS
ENGINEER OF RECORD:

AMAZIA L. KIBOKO, P.E., PTOE,
P.E. LICENSE NUMBER 49523
KIBOKO ASSOCIATES, INC.
14250 NW 27TH COURT, SUITE 320
MIAMI LAKES, FL 33016
VENDOR NO.: F464649215

FDOT PROJECT MANAGER:
KENZOT JASMIN, P.E.

CONSTRUCTION CONTRACT NO.	FISCAL YEAR	SHEET NO.
TBD	24	L-1

NOTES TO REVIEWER

1. EXISTING LOAD CENTERS WITH ALL ELECTRICAL CIRCUITS FOR THE EXISTING LIGHTING SYSTEM WITHIN THE PROJECT LIMITS WILL BE PROVIDED ON THE NEXT PHASE SUBMITTAL. THIS INFORMATION IS NOT AVAILABLE ON THIS SUBMITTAL.
2. FOUNDATION DETAILS OF THE PROPOSED DECORATIVE LIGHTING POLE WILL BE PROVIDED ON THE NEXT PHASE SUBMITTAL. THIS INFORMATION IS NOT AVAILABLE ON THIS SUBMITTAL.
3. LUMINAIRE ARM ATTACHMENT DETAIL ON THE TOP OF MAST ARM POLES AT INTERSECTION OF SR A1A AND HAMMON AVENUE WILL BE PROVIDED ON THE NEXT PHASE SUBMITTAL. THIS INFORMATION IS NOT AVAILABLE ON THIS SUBMITTAL.

DATE		DESCRIPTION		REVISIONS		DATE		DESCRIPTION		PROFESSIONAL TYPE		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		ROAD NO. SR A1A		COUNTY PALM BEACH		FINANCIAL PROJECT ID 446175-1-52-01		NOTES TO REVIEWER		SHEET NO. NR-1	
										AMAZIA L. KIBOKO, P.E. PTOE P.E. LICENSE NUMBER 49523 GOAL ASSOCIATES, INC. 14150 NW 7TH COURT, SUITE 320 MIAMI LAKES, FL 33016													

11/23/2022 9:23:46 AM Nikita Kapil
C:\Users\nkapil\Documents\Projects\CA21020 - SR A1A Corridor CAD\Lighting\GNWT101.dgn

GENERAL NOTES

1. THE LIGHTING MAINTAINING AGENCY IS THE TOWN OF PALM BEACH PUBLIC WORKS DEPARTMENT. THE PHONE NUMBER FOR THE TOWN OF PALM BEACH IS 561-838-5440.

2. DELIVER REMOVED LIGHTING EQUIPMENT TO FDOT MAINTENANCE YARD LOCATED AT 7900 FOREST HILL BOULEVARD, WEST PALM BEACH, FL 33413-3342. CONTACT THE MAINTENANCE YARD SEVEN WORKING DAYS PRIOR TO INTENDED DELIVERY. THE CONTACT TELEPHONE NUMBER FOR FDOT MAINTENANCE YARD IS 561-432-4966.

3. COORDINATE WITH FP&L FOR ALL METERED SERVICES. CONTACT SHAREKA HAYDEN AT 561-904-3210.

DATE	DESCRIPTION	REVISIONS		ENGINEER OF RECORD	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SHEET NO.
		DESCRIPTION	DATE		ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
				ANAZIA L. WIRSHUP, P.E., PTOE P.E. LICENSE NUMBER: 49323 GOAL ASSOCIATES, INC., SUITE 320 14750 NW 77TH COURT, MIAMI LAKES, FL 33016	SR A1A	PALM BEACH	44615152-01	L-2

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.

POLE DATA									
POLE NO.	CIRCUIT	STATION	POLE OFFSET	MOUNTING HEIGHT	LOCATION	ARM LENGTH (FT)	ARM CONFIGURATION	LUMINAIRE WATTAGE	PHOTOMETRIC DATA FILE
01	EXIST.	125+75.80	15.29' LT	20	MAST ARM POLE	6'	SINGLE	72	1914LED-1L3073-MD712-G3
02	EXIST.	125+77.65	21.89' RT	20	MAST ARM POLE	6'	SINGLE	72	1914LED-1L3073-MD712-G3
03	EXIST.	129+67.48	51.56' LT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
04	EXIST.	130+25.08	27.23' LT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
05	EXIST.	130+17.37	27.73' RT	EXIST.	EXIST.	EXIST.	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
06	EXIST.	129+34.51	72.57' RT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
07	EXIST.	128+91.76	18.35' RT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
08	EXIST.	129+43.19	17.56'	EXIST.	EXIST.	EXIST.	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
09	EXIST.	132+50.58	48.06' LT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
10	EXIST.	133+30.48	28.77' LT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
11	EXIST.	132+98.92	48.06' RT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
12	EXIST.	132+34.51	28.27' RT	EXIST.	EXIST.	EXIST.	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
13	EXIST.	135+65.30	59.64' LT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
14	EXIST.	135+97.78	12.99' LT	EXIST.	EXIST.	EXIST.	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
15	EXIST.	136+00.26	20.87' RT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
16	EXIST.	135+93.43	84.83' RT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
17	EXIST.	138+86.72	29.32' LT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
18	EXIST.	138+42.20	67.24' RT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
19	EXIST.	143+13.44	26.36' LT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
20	EXIST.	143+24.80	26.05' RT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030
21	EXIST.	136+20.93	67.33' LT	15	GROUND	2'	SINGLE	95	K56-P-P4AR-IV-100(SSJ)-7030

LEGEND

SYMBOL:

DESCRIPTION:

SIGNALIZED INTERSECTION LIGHTING DESIGN CRITERIA

Average Initial Horizontal Illumination 1.5 Foot Candles
Average Initial Vertical Illumination 1.5 Foot Candles
Uniformity Ratio Avg./Min. 4:1 Or Less
Uniformity Ratio Max./Min. 10:1 Or Less
Veiling Luminance Ratio 0.3:1 Or Less
Wind Speed 160 MPH

MIDBLOCK CROSSWALK LIGHTING DESIGN CRITERIA

Average Initial Vertical Illumination 1.5 Low Ambient Luminance
Uniformity Ratio Avg./Min. N/A
Uniformity Ratio Max./Min. N/A
Wind Speed 160 MPH

LIGHT POLE COMPLETE WITH LED LUMINAIRE DESIGNED FOR 8000 LUMENS, TYPE IV DISTRIBUTION, 4000 K CCT, 7 PIN PHOTOCONTROL RECEPTACLE WITH SHORTING 72 WATTS CAP. AND WIRED FOR 120V OPERATION. NO PHOTOCELL REQUIRED.
SINGLE ARM POLE BRIDGE MOUNTED WITH VIBRATION DAMPER.
LIGHTING CATALOG: 1914LED-1L3073-MD12-G3

LIGHT POLE COMPLETE WITH LED LUMINAIRE DESIGNED FOR 8000 LUMENS, TYPE IV DISTRIBUTION, 4000 K CCT, 7 PIN PHOTOCONTROL RECEPTACLE WITH SHORTING 95 WATTS CAP. AND WIRED FOR 120V OPERATION. NO PHOTOCELL REQUIRED.
SINGLE ARM POLE BRIDGE MOUNTED WITH VIBRATION DAMPER.
LIGHTING CATALOG: K56-P-P4AR-IV-100(SSJ)-7030

RETROFIT LIGHT POLE WITH LED LUMINAIRE DESIGNED FOR 8000 LUMENS, TYPE IV DISTRIBUTION, 4000 K CCT, 7 PIN PHOTOCONTROL RECEPTACLE WITH SHORTING 95 WATTS CAP. AND WIRED FOR 120V OPERATION. NO PHOTOCELL REQUIRED.
LIGHTING CATALOG: K56-P-P4AR-IV-100(SSJ)-7030

EXISTING LIGHT POLE TO REMAIN

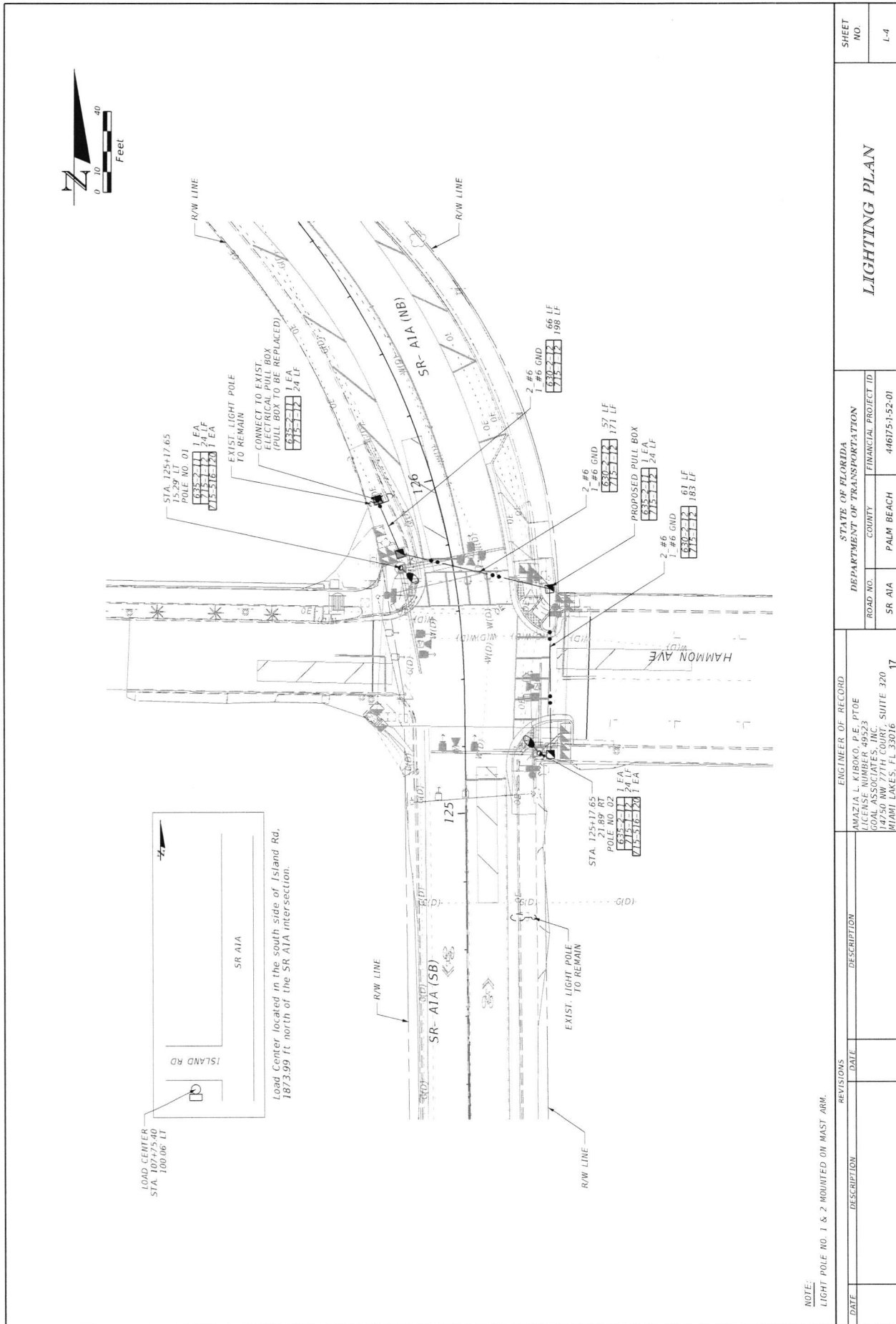
EXISTING LIGHT POLE TO BE REMOVED

PULL BOX

EXISTING PULL/JUNCTION BOX TO REMAIN

2" SDR 11 HDPE CONDUIT (DIRECTIONAL BORE) WITH THREE RHW-2/XLP CONDUCTORS INSIDE THE CONDUIT, ONE WITH BLACK INSULATION, ONE WITH WHITE INSULATION, AND ONE GROUND WITH GREEN INSULATION.

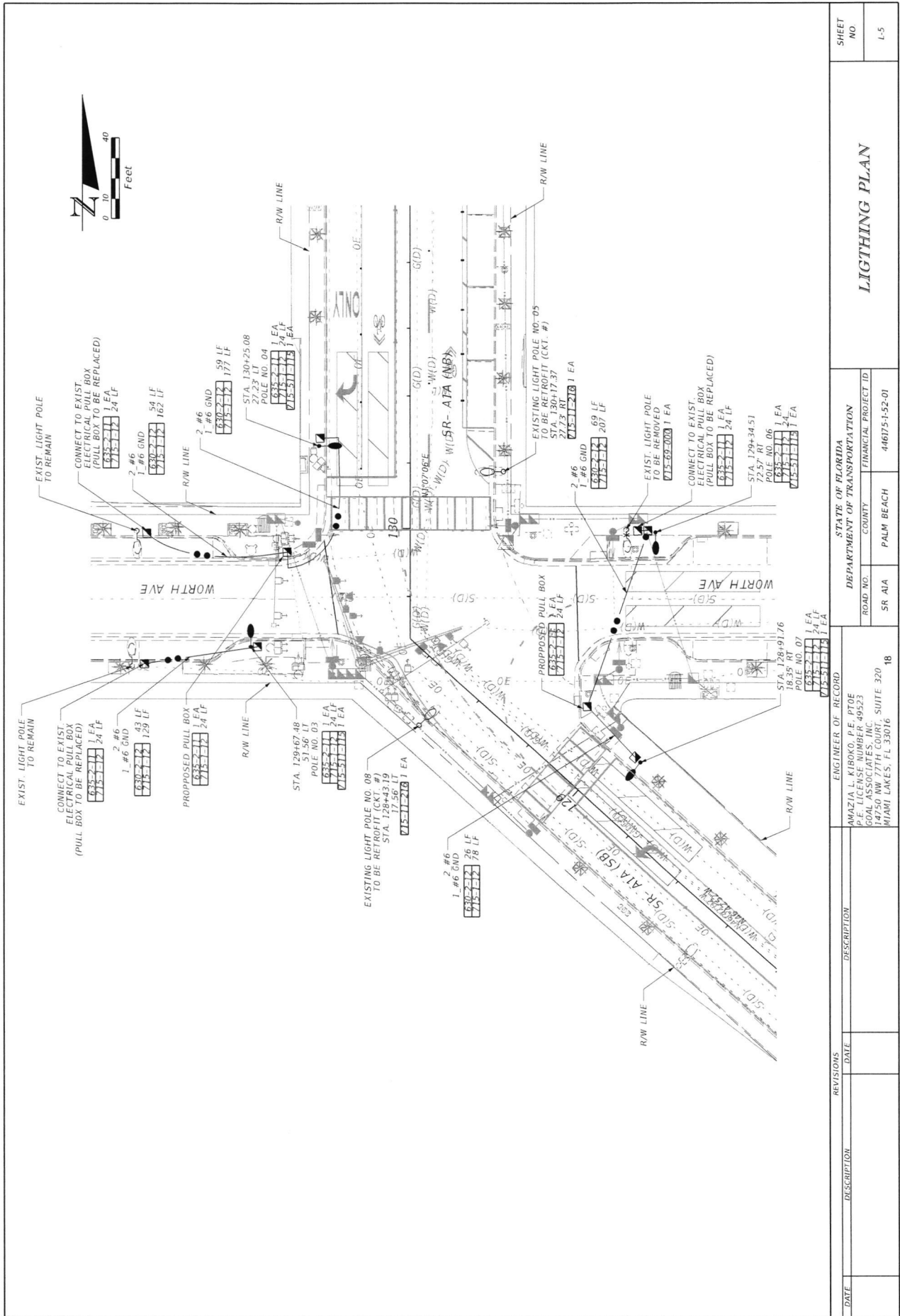
DATE		DESCRIPTION		REVISIONS		ENGINEER OF RECORD		STATE OF FLORIDA		DEPARTMENT OF TRANSPORTATION		LIGHTING DATA TABLE AND LEGEND		SHEET NO.	
						AMAZIA L. KIBOKO, P.E., PTCE P.E. LICENSE NUMBER 49523 GOAL ASSOCIATES, INC. 14000 N. MIAMI BLVD., SUITE 320 MIAMI LAKES, FL 33016		ROAD NO. SR A1A		COUNTY PALM BEACH		FINANCIAL PROJECT ID 446175-152-01		I-3	



SHEET NO.		LIGHTING PLAN	
L-4		STATE OF FLORIDA	
ROAD NO.		DEPARTMENT OF TRANSPORTATION	
SR A1A		COUNTY	
PALM BEACH		FINANCIAL PROJECT ID	
446175-152-01			
ENGINEER OF RECORD		AMAZIA L. KIBOKO, P.E., P.T.O.E.	
GOAL ASSOCIATES, INC.		14750 NW 77TH COURT, SUITE 320	
MIAMI LAKES, FL 33016		17	
DATE	DESCRIPTION	REVISIONS	DATE

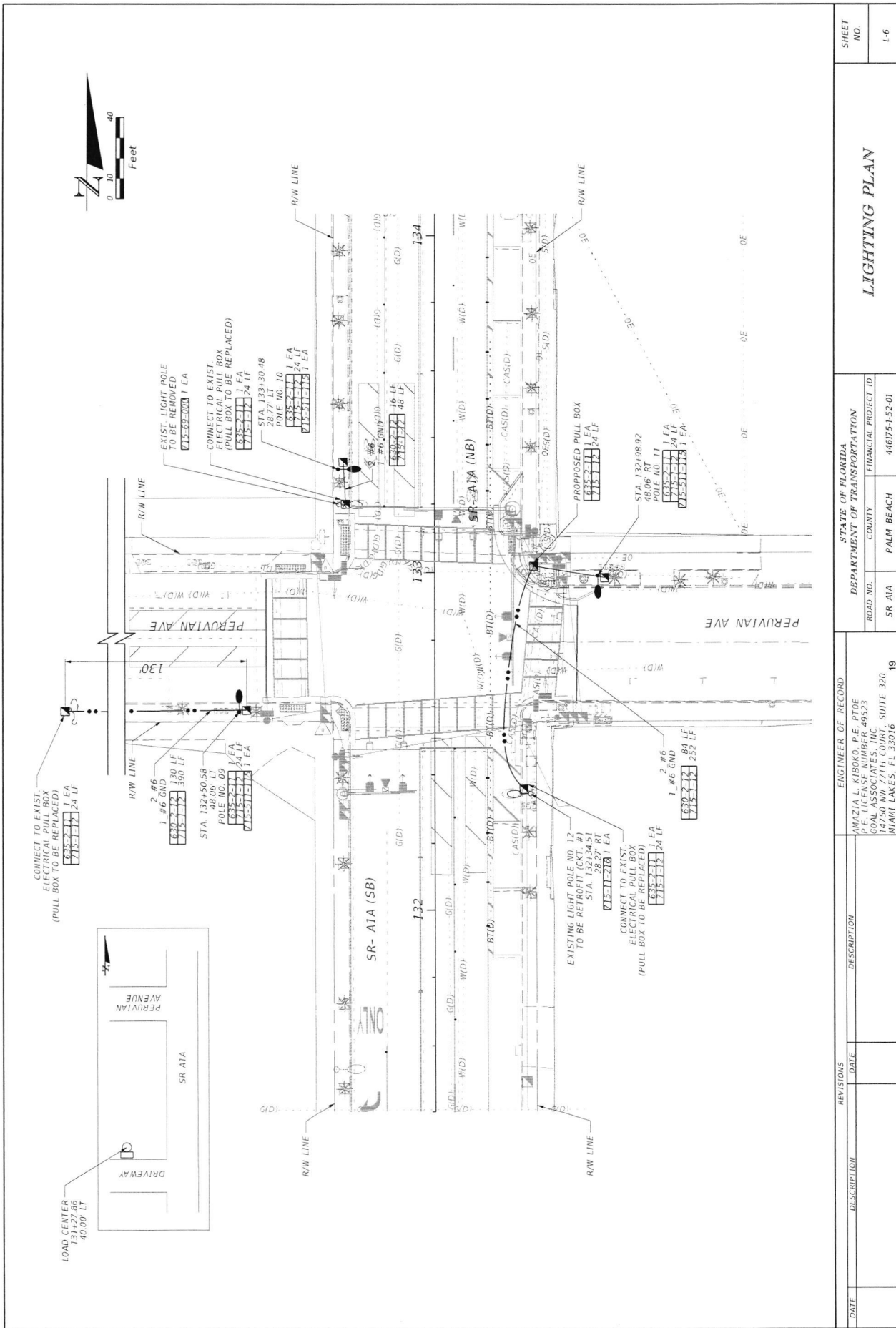
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THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.



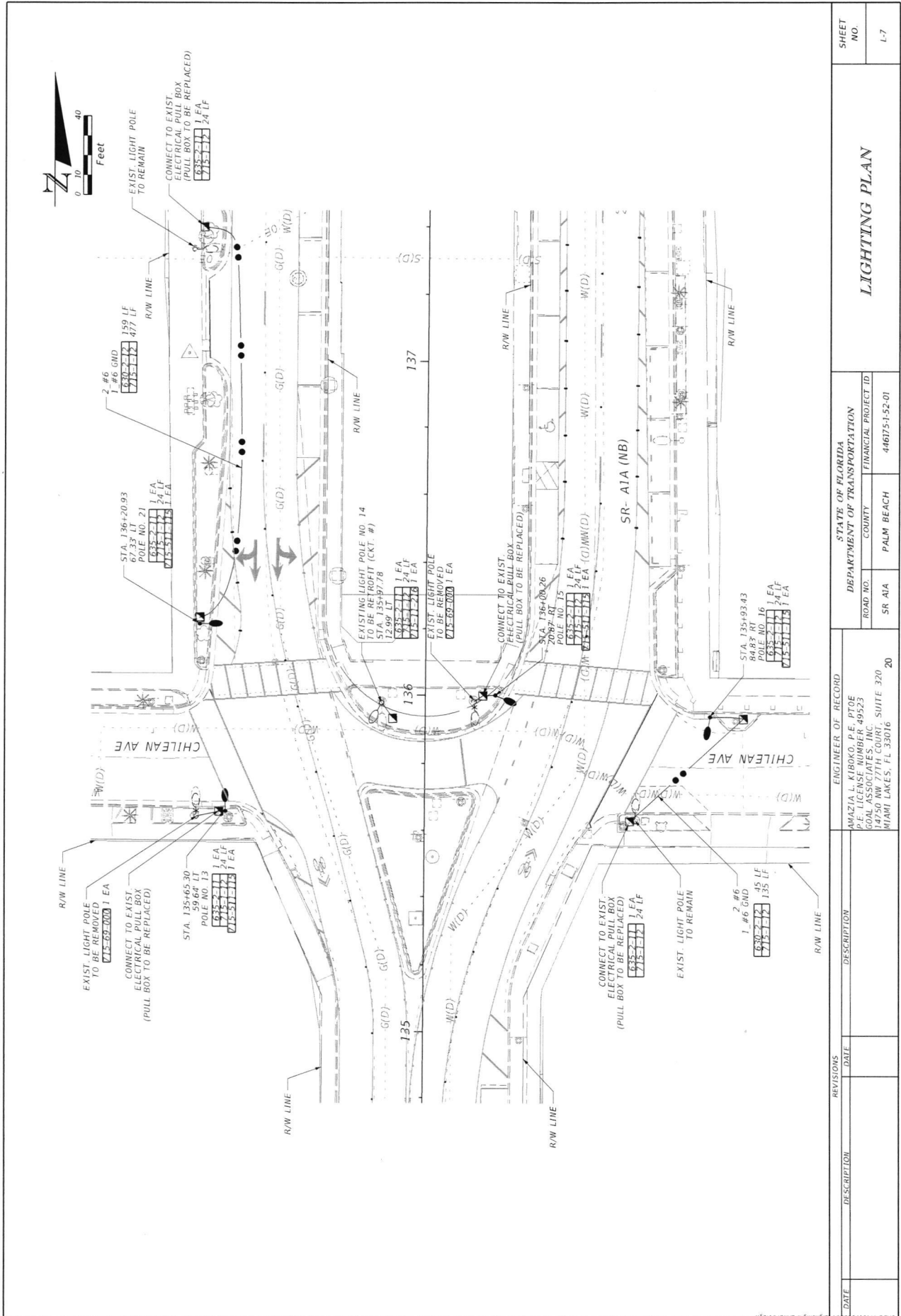
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DATE	DESCRIPTION	DATE	DESCRIPTION	ROAD NO.	COUNTY	FINANCIAL PROJECT ID	SR AIA	PALM BEACH	4461751-52-01	L-5	

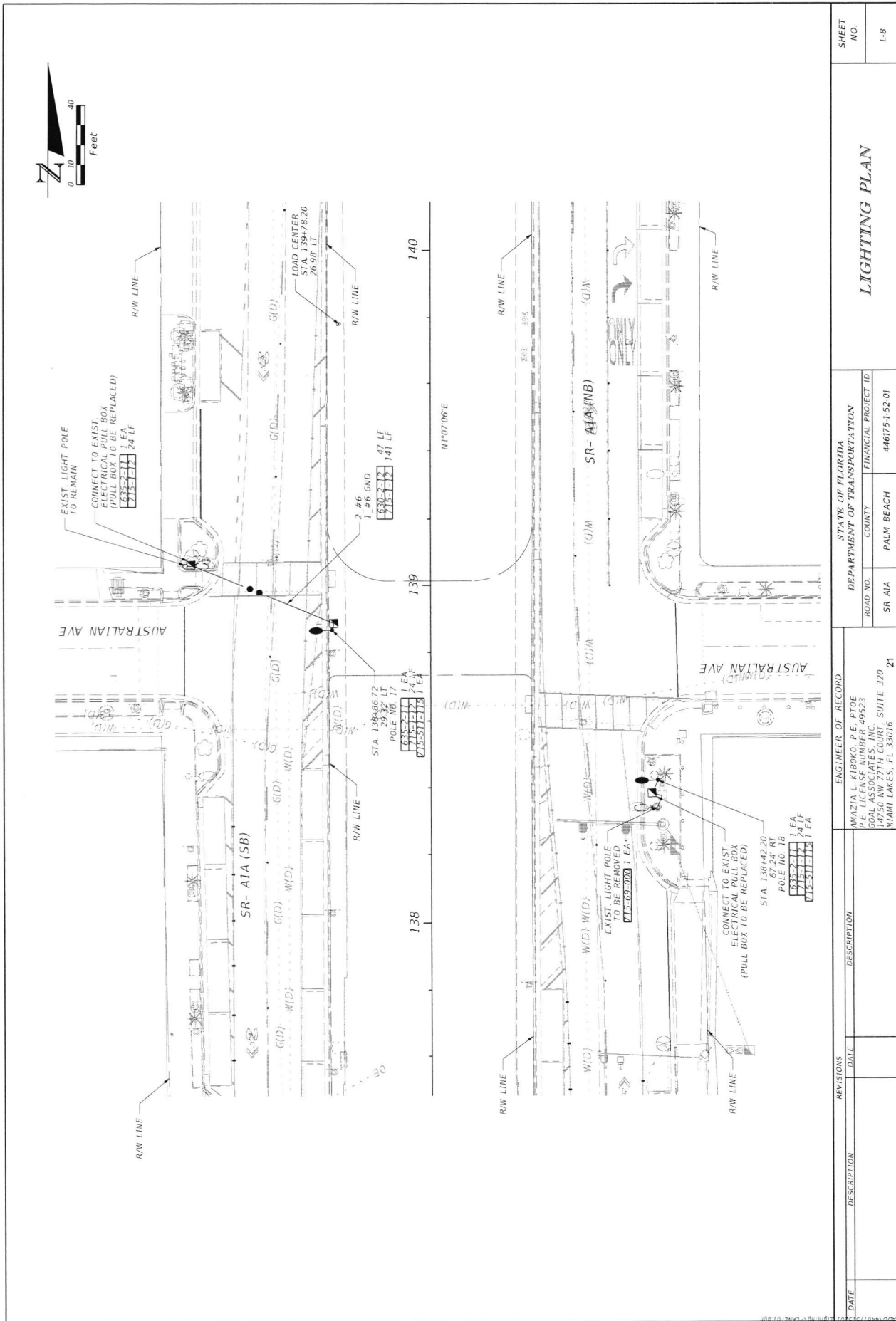
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REVISIONS			ENGINEER OF RECORD		STATE OF FLORIDA			LIGHTING PLAN	SHEET NO
DATE	DESCRIPTION	DATE	DESCRIPTION	DEPARTMENT OF TRANSPORTATION					
				AMAZIA L. KIBOKO, P.E. PT0E	ROAD NO.	COUNTY			
				P.E. LICENSE NUMBER 49523					
				GOAL ASSOCIATES, INC.					
				14750 NW 77TH COURT, SUITE 320	SR ALA	PALM BEACH	446175-152-01	1-6	
				MIAMI LAKES, FL 33016					

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.



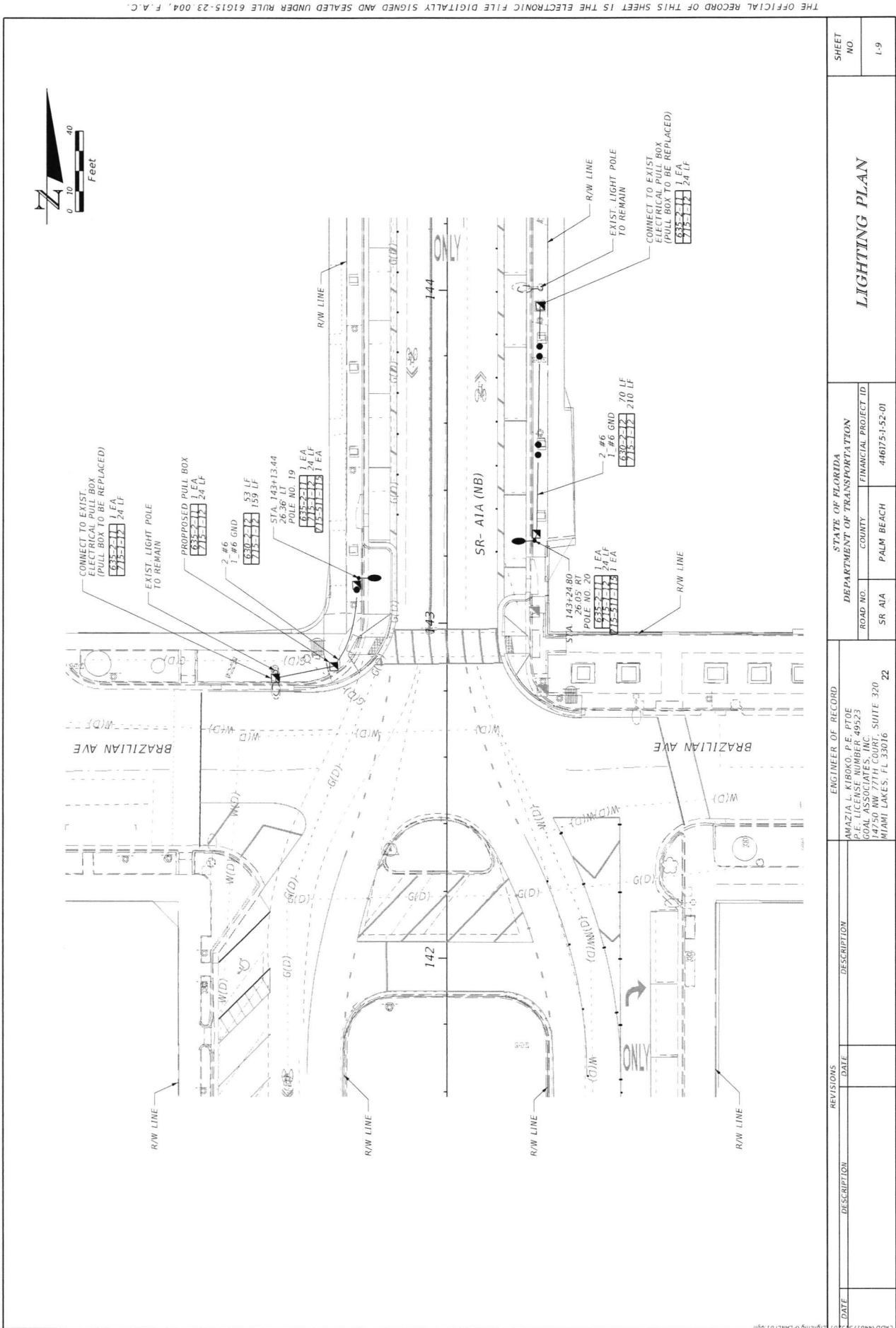


REVISIONS		DESCRIPTION		DATE	
DATE		DESCRIPTION		DATE	

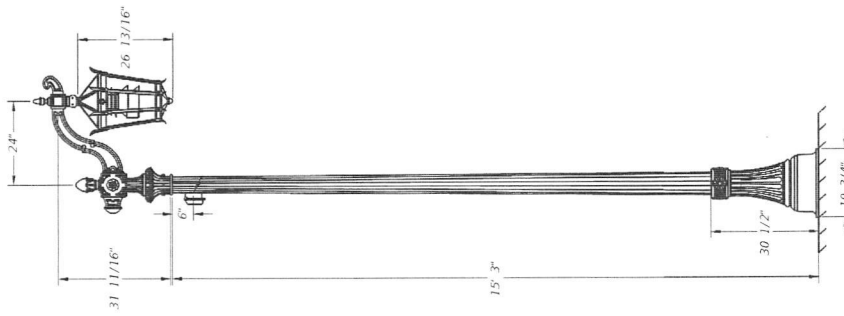
ENGINEER OF RECORD		STATE OF FLORIDA	
ANAZIA L. KIBOKO, P.E., PTOE		DEPARTMENT OF TRANSPORTATION	
GOAL ASSOCIATES, INC.		COUNTY	
14750 NW 77TH COURT, SUITE 320		PALM BEACH	
MIAMI LAKES, FL 33016		FINANCIAL PROJECT ID	
21		446175-152-01	

LIGHTING PLAN	
SHEET NO.	
L-8	

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.



THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.



DETAIL B (K56 CLEVELAND / TUDOR - LED)

DECORATIVE LIGHT POLES ON WORTH AVE, PERUVIAN AVE, CHILEAN AVE, AUSTRALIAN AVE AND BRAZILIAN AVE INTERSECTIONS.

REVISIONS		ENGINEER OF RECORD		STATE OF FLORIDA		SHEET NO.
DATE	DESCRIPTION	DATE	DESCRIPTION	DEPARTMENT OF TRANSPORTATION		
				ROAD NO.	COUNTY	
				SR AIA	PALM BEACH	
				FINANCIAL PROJECT ID		L-10
				446175-152-01		

SECTION NO.: 93060000
FM No.(s): 446175-1-52-01
COUNTY: Palm Beach
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EXHIBIT C

MAINTENANCE PLAN REQUIREMENTS

In reference to Maintenance to be performed under this **AGREEMENT**, the **AGENCY** shall submit to the **DEPARTMENT** a maintenance plan detailing the means and methods for accomplishing any maintenance or repairs to the **IMPROVEMENTS** in accordance with all **DEPARTMENT** Standards, Procedures and Specifications. This plan shall be submitted and approved by the **DEPARTMENT** prior to commencing any maintenance or repair activities. The **AGENCY** shall comply with the **DEPARTMENT's** applicable Maintenance Rating Program Standards. The plan should at minimum detail how the **AGENCY** will address the following:

1. Providing for continuous traffic control and necessary traffic control devices as required for the safe movement of traffic of vehicular and pedestrian traffic past the location of the structure being repaired for the duration of the repair in accordance with **DEPARTMENT** Standards, Procedures and Specifications.
2. Protection of adjacent surrounding property, real estate, vehicles, pedestrians, attachments to the light poles, or other assets during the preparation and recoating of surfaces.
3. Containment of debris or materials used in or resulting from the repair.

After the maintenance plan is approved, the **AGENCY** shall submit a work plan to the **DEPARTMENT** for approval prior to each repair to be performed detailing:

1. The proposed date of the repair.
2. The location of the repair.
3. The nature of the repair.
4. The materials to be used for the repair.
5. The methods to be used for the repair.

EXHIBIT D

MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE TOWN OF PALM BEACH

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COUNTY: Palm Beach
S.R. No.: A1A

**DISTRICT FOUR
MAINTENANCE MEMORANDUM OF AGREEMENT**

THIS AGREEMENT made and entered into this date _____, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, a component **AGENCY** of the State of Florida, hereinafter called the **DEPARTMENT**, and **Town of Palm Beach**, a municipal corporation existing under the Laws of Florida, hereinafter called the **AGENCY**.

WITNESSETH:

WHEREAS, the **DEPARTMENT** has jurisdiction over State Road A1A beginning from Mile Post (M.P.) 24.833 to M.P. 27.044 and

WHEREAS, the **DEPARTMENT** seeks to install and have maintained by the **AGENCY** certain highway **IMPROVEMENTS**; and

WHEREAS, as part of the continual updating of the State of Florida Highway System, the **DEPARTMENT**, for the purpose of safety, protection of the investment and other reasons, has constructed and does maintain SR A1A beginning from M.P. 24.833 to M.P. 27.044 (within the limits of the **AGENCY**); and

WHEREAS, it is the intent of the **AGENCY** and the **DEPARTMENT** that the **AGENCY** shall maintain the specific elements constructed under Project Number **446175-1-52-01** to include but not limited to; decorative mast arm traffic signals and assemblies, decorative black color painted mast arm traffic signals and assemblies, decorative pedestrian signal poles including but not limited to, upright poles, arms, attachments and electrical components, hereinafter called **IMPROVEMENTS** installed along SR A1A M.P. 24.833 to M.P. 27.044; and

WHEREAS, the Project involves the scope of work as described within **Exhibit A (Project Location, Description and Aerial)** and **Exhibit B (Construction Plans)**, which will benefit the **AGENCY**; and

WHEREAS the parties hereto mutually recognize the need for entering into an **AGREEMENT** designation and setting forth the responsibilities of each party; and

WHEREAS the **AGENCY** by Resolution Number _____ entered this date _____, attached hereto and by this reference made a part hereof, desires to enter into this **AGREEMENT** and authorizes its officers to do so;

NOW THEREFORE, for and in consideration of the mutual benefits to flow each to the other, the parties covenant and agree as follows:

1. RECITALS

The recitals set forth above are true and correct and are deemed incorporated herein.

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2. INSTALLATION OF FACILITIES

- A. The **DEPARTMENT** shall construct under Project Number **446175-1-52-01** the **IMPROVEMENTS** as detailed in **Exhibit A** and **Exhibit B** that will benefit the **AGENCY**.
- B. The **IMPROVEMENTS** shall comply with the laws and regulations relating to the Americans with Disabilities Act of 1990, as currently enacted or as may be amended from time to time ("ADA"). If there are any major changes to the plan(s), the **DEPARTMENT** shall provide the modified plan(s) to the **AGENCY** and the **AGENCY** shall provide their approval or disapproval to the **DEPARTMENT** within ten (10) business days. The **DEPARTMENT** may elect to withdraw the **IMPROVEMENTS** if changes are not approved within the given time frame.
- C. The **AGENCY** shall be invited to assist the **DEPARTMENT** in final inspection before acceptance of the job by the **DEPARTMENT**.
- D. The **AGENCY** must maintain the **IMPROVEMENTS** associated within the limits of the project.

3. MAINTENANCE OF FACILITIES

- A. The **AGENCY** agrees to maintain the **IMPROVEMENTS** to be installed under Project Number **446175-1-52-01** within the limits of construction. Maintenance by the **AGENCY** will include but not limited to inspection, repair, restoration, replacement, coating and general maintenance of all decorative or non-standard features within the limits of construction. Non-standard items are defined as items requested by the **AGENCY** that are not defined in the **DEPARTMENT's** Design Standards. This includes Project Number **446175-1-52-01** for decorative Mast Arm Traffic Signals and assemblies, decorative black color painted Mast Arm Traffic Signals and assemblies, decorative Pedestrian Signal Poles including but not limited to, upright poles, arms, attachments and electrical components, installed along SR A1A, from M.P. 24.833 to M.P. 27.044.

1) The **AGENCY** agrees to maintain, at its sole cost and expense, the **IMPROVEMENTS** set forth in **Exhibit A** in compliance with any and all applicable laws which shall include, but not be limited to, laws and regulations relating to the Americans with Disabilities Act ("ADA") of 1990, as currently enacted or as may be amended from time to time.

2) The **AGENCY** shall inspect the painted color coatings on a yearly basis. All Maintenance or restoration activities shall be performed in accordance with a Maintenance Plan, as approved by the **DEPARTMENT**, as per the requirements in **Exhibit C** (Maintenance Plan Requirements).

3) The **IMPROVEMENTS** shall be kept clean and free from trash and debris. The **IMPROVEMENTS** shall be kept free of graffiti. The **IMPROVEMENTS** shall be free of

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pests such as stinging insects, rodents, and vermin, including removal of nests as needed.

4) As part of the maintenance responsibility, the **AGENCY** shall keep in good repair and replace, defective or worn-out parts of the **IMPROVEMENTS**. The **AGENCY**'s responsibility to keep the **IMPROVEMENTS** in good repair shall include all necessary inspection, maintenance, repair and replacement of any type or nature, including, but not limited to, maintenance, repair, coating replacement, and replacement due to normal wear and tear, named storm event, acts of God, vandalism, and accidents. The **AGENCY** shall take all necessary steps to maintain the **IMPROVEMENTS** in a manner to protect against injury to any person or property.

5) Critical Detection device malfunctions: Critical Detection device include the detectors on side-streets and in left turn lanes on the main streets, and all pedestrian/bicycle detectors. Repairs to the side-street and main street left turn detectors shall be made within ninety (90) days and pedestrian detectors within seventy-two (72) hours of discovery. The **AGENCY** shall ensure that 90% of all Critical Detection devices system wide are operating at all times. At any time, the level drops below 90%, the **AGENCY** shall notify the **DEPARTMENT** and correct the situation within a time frame determined in the sole discretion of the **DEPARTMENT**. Discovery and correction dates for Critical Detection device malfunction shall be logged into the annual report. If the repairs cannot be performed within stipulated times, the **AGENCY** shall document the reason(s) why in the annual report. When the 90% Critical Detection device requirement is (are) not met, a 10% retainage of total annual compensation amount (as shown in Exhibit B from the most current Traffic Signal Maintenance And Compensation Agreement) for the affected Critical Detection device location(s) each month will be withheld after 90-day period.

6) The above-named functions to be performed by the **AGENCY** may be subject to periodic inspections by the **DEPARTMENT** at the discretion of the **DEPARTMENT**. Such inspection findings will be shared with the **AGENCY** and shall be the basis of all decisions regarding, reworking relating to the maintenance obligation I function or **AGREEMENT** termination.

7) The **AGENCY** shall be solely responsible for any damages to surrounding property, real estate, vehicles, pedestrians, or other assets occurring as a result of maintenance and operation of the **IMPROVEMENTS** and shall repair such damage to the satisfaction of the **DEPARTMENT** at no expense to the **DEPARTMENT**, as per the requirements in **Exhibit C (Maintenance Plan Requirements)**.

8) The **AGENCY** shall be responsible to maintain the Mast Arm and Pedestrian Signal structures and electrical components. The **DEPARTMENT** will assist the **AGENCY** as necessary and will confirm **AGENCY'S** authorization to pursue recovery. The **AGENCY** will be responsible for all attorneys' fees and costs incurred in its recovery activities. The **AGENCY** shall not file suit in the name of the **DEPARTMENT**.

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- 9) The **AGENCY** shall maintain and operate the Traffic Signals and Devices in a manner that will ensure safe efficient movement of highway traffic and that is consistent with, maintenance practices prescribed by the International Municipal Signal Association (IMSA) and operational requirements of the Manual on Uniform Traffic Control Devices (MUTCD), as amended.
- 10) The **AGENCY** shall implement and maintain the timing and phasing of the traffic signals in accordance with the **DEPARTMENT's** timing and phasing plans, specifications, special provision, Department re-timing projects, and the Department's Traffic Engineering Manual. The **AGENCY** shall obtain prior written approval from the **DEPARTMENT** for any modification in phasing of signals and flash times (where applicable). Signal Systems timing (cycle length, split, offset) are considered operational changes and may be changed by the **AGENCY** to accommodate changing needs of traffic. The **AGENCY** may make changes in the signal timing provided these changes are made under the direction of a qualified Professional Engineer register in the State of Florida. The **AGENCY** shall make available a copy of the timing to the **DEPARTMENT** upon request. The **DEPARTMENT** reserves the right to examine equipment, timing and phasing at any time and, after consultation with the **AGENCY**, may specify modifications. If the **DEPARTMENT** specifies modification in the timing or phasing, implementation of such modifications will be coordinated with, or made by, the **AGENCY**. All signal timing and phasing records shall be retained by the **AGENCY** for at least three (3) years and will be made available to the **DEPARTMENT** upon request.
- B. The **AGENCY** shall indemnify the **DEPARTMENT** for any and all costs or expenses incurred by the **DEPARTMENT** for the **AGENCY'S** failure to comply with all ADA Laws existing and as may be amended. Costs and expenses shall include the costs to make the facility ADA compliant, Attorney's fees and costs and any judgments. Adjacent sidewalk areas shall be accessible at all times. If sidewalk closures are needed, alternate routes shall be clearly identified, and missing sidewalk shall be restored either with permanent or temporary materials at the end of each workday.
- C. All **IMPROVEMENTS** shall at all times have a notification sign posted with the name and phone number of the **DEPARTMENT** within the **AGENCY** responsible for maintenance of the **IMPROVEMENTS** so that members of the public may contact **AGENCY** regarding problems with the **IMPROVEMENTS**. The **AGENCY** shall promptly respond and correct all complaints regarding maintenance. The **IMPROVEMENTS** to be constructed with this project shall not contain advertising. Nor shall advertising be placed upon them by any party in the future.
- D. It is understood and agreed by the parties that upon "final acceptance" (as that term is described in the Standard Specifications for Roadway and Bridge Construction, as amended by contract documents section 5-11) by the **DEPARTMENT** of the Project and Notice thereof to the **AGENCY**, the **AGENCY** shall be responsible for maintenance of the Project in accordance with the following Federally and State accepted standards (current editions at the time of execution of this **AGREEMENT** and any amendments hereafter) and all costs related thereto: (a) FDOT Design Manual (FDM), (b) Florida Green Book, (c)

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Standard Specifications for Roadway and Bridge Construction, (d) FDOT Standard Plans for Roadway Construction, (e) Manual on Uniform Traffic Control Devices (MUTCD), and (f) all other applicable local, state, or federal laws, rules, resolutions, or ordinances, and FDOT procedures. In the event of a conflict between documents, standards, and procedures the more stringent shall apply.

- E. Any work impacting traffic flow along SR A1A must be coordinated with the **DEPARTMENT**. Lane closures must be submitted for approval in accordance with **DEPARTMENT** procedures and policies and will meet the goals established in the **DEPARTMENT's** Open Roads Policy.

4. NOTICE OF MAINTENANCE DEFICIENCIES

- A. If, at any time while the terms of this **AGREEMENT** are in effect, it shall come to the attention of the **DEPARTMENT** that the **AGENCY's** responsibility as established herein or a part thereof is not being properly accomplished pursuant to the terms of this **AGREEMENT**, the **DEPARTMENT** may issue a written notice, that a deficiency or deficiencies exist(s), by sending a certified letter to the **AGENCY**, in care of the **TOWN OF PALM BEACH, TOWN MAYOR**, to place the **AGENCY** on notice regarding its maintenance deficiencies. Thereafter, the **AGENCY** shall have a period of sixty (60) days within which to correct the cited deficiency or deficiencies. If said deficiencies are not corrected within the time period, the **DEPARTMENT** may, at its option, proceed under one or more or a combination of the following items:

- 1) The **DEPARTMENT** may repair any item or a number of items. Corrective actions will be performed with the **DEPARTMENT** and/or its independent contractor's materials, equipment, and personnel. The actual cost for such work will be charged to the **AGENCY**.
- 2) The **DEPARTMENT** may remove or replace any item or number of items with the standard **DEPARTMENT** item. Corrective actions will be performed with the **DEPARTMENT** and/or its independent contractor's materials, equipment, and personnel. The actual cost for such work will be charged to the **AGENCY**.
- 3) If there is no standard equivalent item or if in the **DEPARTMENT's** discretion the item is not necessary for the operations of the roadway, the **DEPARTMENT** may remove the item in its entirety and restore the area to a condition acceptable to the **DEPARTMENT**. Corrective actions will be performed with the **DEPARTMENT** and/or its independent contractor's materials, equipment, and personnel. The actual cost for such work will be charged to the **AGENCY**.
- 4) At the discretion of the **DEPARTMENT**, terminate the **AGREEMENT** in accordance with Paragraph 7 of this **AGREEMENT** and remove, by the **DEPARTMENT** or its Contractor's personnel, all the **IMPROVEMENTS** installed under this **AGREEMENT** and charge the **AGENCY** the reasonable cost of such removal.

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5. FUTURE DEPARTMENT IMPROVEMENTS

It is understood between the parties hereto that the **IMPROVEMENTS** covered by this **AGREEMENT** may be removed, relocated, or adjusted at any time in the future as determined to be necessary by the **DEPARTMENT** in order that the adjacent state road be widened, altered, or otherwise changed to meet with future criteria or planning of the **DEPARTMENT**.

6. FUTURE AGENCY IMPROVEMENTS

The **AGENCY** may construct additional **IMPROVEMENTS** within the limits of the rights of ways identified as a result of this document subject to the following conditions:

- 1) Plans for any new **IMPROVEMENTS** shall be subject to approval by the **DEPARTMENT**. The **AGENCY** shall not change or deviate from said plans without written approval by the **DEPARTMENT**.
- 2) The **AGENCY** shall procure a permit and/ or Construction **AGREEMENT** from the **DEPARTMENT**, as appropriate.
- 3) All **IMPROVEMENTS** shall be developed and implemented in accordance with appropriate state safety and roadway design standards.
- 4) The **AGENCY** agrees to comply with the requirements of this **AGREEMENT** regarding any additional **IMPROVEMENTS** installed at no cost to the **DEPARTMENT**.

7. AGREEMENT TERMINATION

This **AGREEMENT** may be terminated under anyone (1) of the following conditions:

- 1) By the **DEPARTMENT**, if the **AGENCY** fails to perform its duties under this **AGREEMENT**, following ten (10) days written notice. The **AGENCY** shall reimburse the **DEPARTMENT** for any expenditures for the installation of said **IMPROVEMENTS** and the cost to remove and or replace said improvement with the standard improvement or remove in its entirety.
- 2) By the **DEPARTMENT**, for refusal by the **AGENCY** to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **AGENCY** in conjunction with this **AGREEMENT**.
- 3) By the **DEPARTMENT** with a six (6) month written notice.

8. AGREEMENT TERM

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The term of this **AGREEMENT** commences upon execution by all parties. The term of this **AGREEMENT** shall remain in effect for as long as the **IMPROVEMENTS** shall exist.

9. LIABILITY AND INSURANCE REQUIREMENTS

A. With respect to any of the **AGENCY'S** agents, consultants, sub-consultants, contractors, and/or sub-contractors, such party in any contract for the **IMPROVEMENTS** shall agree to indemnify, defend, save and hold harmless the **DEPARTMENT** from all claims, demands, liabilities, and suits of any nature arising out of, because of or due to any intentional and/or negligent act or occurrence, omission or commission of such agents, consultants, sub consultants, contractors and/or subcontractors. The **AGENCY** shall provide to the **DEPARTMENT** written evidence of the foregoing upon the request of the **DEPARTMENT**. It is specifically understood and agreed that this indemnification clause does not cover or indemnify the **DEPARTMENT** for its own negligence.

B. In the event that **AGENCY** contracts with a third party to provide the services set forth herein, any contract with such third party shall include the following provisions:

- 1) **AGENCY'S** contractor shall at all times during the term of this **AGREEMENT** keep and maintain in full force and effect, at contractor's sole cost and expense, Comprehensive General Liability with minimum limits of \$1,000,000.00 per occurrence combined single limit for Bodily Injury Liability and Property Damage Liability and Worker's Compensation insurance with minimum limits of \$500,000.00 per Liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Comprehensive General Liability and Worker's Compensation policy without restrictive endorsements, as filed by the Insurance Services Office and shall name the **DEPARTMENT** as an additional insured.
- 2) **AGENCY'S** contractor shall furnish **AGENCY** with Certificates of Insurance of Endorsements evidencing the insurance coverages specified herein prior to the beginning performance of work under this **AGREEMENT**.
- 3) Coverage is not to cease and is to remain in full force and effect (subject to cancellation notice) until all performance required of **AGENCY'S** contractor is completed. All policies must be endorsed to provide the **DEPARTMENT** with at least thirty (30) days' notice of cancellation and or/or restriction. If any of the insurance coverages will expire prior to the completion of work, copies of renewal policies shall be furnished at least (30) days prior to the date of expiration.

10. E-VERIFY REQUIREMENTS

The **AGENCY** shall:

- 1) Utilize the U.S. DEPARTMENT of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the **AGENCY** for the work performed under this **AGREEMENT**; and
- 2) Expressly require any contractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. DEPARTMENT of Homeland Security's

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E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

11. ENTIRE AGREEMENT

This writing embodies the entire Agreement and understanding between the parties hereto and there are no other Agreements and understanding, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby, except Local Funds Agreement and the Traffic Signal Maintenance and Compensation Agreement. If the **DEPARTMENT** and **AGENCY** fail to agree on the annual lump sum amount to be paid under the Traffic Signal Maintenance and Compensation Agreement, this Agreement shall supersede that Agreement and the **AGENCY** agrees to maintain the **IMPROVEMENTS** solely under this Agreement.

12. EXPENDITURE OF MONEY

The **DEPARTMENT**, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The **DEPARTMENT** shall require a statement from the Comptroller of the **DEPARTMENT** that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the **DEPARTMENT** which are for an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) and which have a term for a period of more than one year.

13. DISPUTES

The **DEPARTMENT'S** District Secretary shall decide all questions, difficulties, and disputes of any nature whatsoever that may arise under or by reason of this **AGREEMENT**, the prosecution or fulfillment of the service hereunder and the character, quality, amount and value thereof; and his decision upon all claims, questions and disputes shall be final and conclusive upon the parties hereto.

14. ASSIGNMENT

This **AGREEMENT** may not be assigned or transferred by the **AGENCY** in whole or part without the consent of the **DEPARTMENT**.

15. LAWS GOVERNING

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This **AGREEMENT** shall be governed by and construed in accordance with the laws of the State of Florida. In the event of a conflict between any portion of the contract and Florida law, the laws of Florida shall prevail. Venue with respect to judicial proceedings arising out of this **AGREEMENT** shall be in Broward County, Florida.

16. NOTICES

All notices given or required under this **AGREEMENT** shall be in writing and either personally delivered with receipt acknowledgement or sent by certified mail, return receipt requested. All notices shall be sent to the following addresses.

If to the **DEPARTMENT**:

State of Florida Department of Transportation
Attention: District Maintenance Engineer
3400 West Commercial Blvd
Ft. Lauderdale, FL 33309-3421

AGENCY:

Town Of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Attention: City Mayor

17. LIST OF EXHIBITS

Exhibit A: Project Location, Description and Aerial
Exhibit B: Lighting Plans
Exhibit C: Maintenance Plan Requirements

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IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first above written.

AGENCY:

Town Of Palm Beach, a municipal
Corporation of the State of Florida:

By: _____ Date: _____
City Manager / Mayor

Print Name: _____

ATTEST:

By: _____ Date: _____
Clerk

Print Name: _____

Approved as to Form:

By: _____ Date: _____
City Attorney

Print Name: _____

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IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first above written.

DEPARTMENT:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

Sign: _____
Director of Operations

Print Name: Paul A. Lampley

Date: _____

Approval as to Form:

Sign: _____
District General Counsel

Print Name: _____

Date: _____

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EXHIBIT A

PROJECT LOCATION, DESCRIPTION AND AERIAL

I. Location:

The **IMPROVEMENTS** associated with this **AGREEMENT** are located in the Town of Palm Beach, in Palm Beach County, Florida along State Road A1A, section 93060000, beginning M.P. 24.835 to M.P. 27.044

II. Description of Work:

Project Number **446175-1-52-01** to include decorative Mast Arm Traffic Signals and assemblies, decorative black color painted Mast Arm Traffic Signals and assemblies, decorative Pedestrian Signal Poles including but not limited to, upright poles, arms, attachments and electrical components, installed along SR A1A, from M.P. 24.835 to M.P. 27.044.

It will be the responsibility of the **AGENCY** to maintain the **IMPROVEMENTS** described in this **AGREEMENT**.

III. Aerial



SECTION NO.: 93060000
FM No.(s): 446175-1-52-01
COUNTY: Palm Beach
S.R. No.: A1A

EXHIBIT B

SIGNALIZATION PLANS

Signalization Plans prepared by Allan B. Sequeira, P.E. and Soheila Sadough P.E., dated November 21st, 2022, as approved by the **DEPARTMENT**.

SIGNALIZATION PLANS (attached)

Sheets Included:

PDF Page Number (#)	Plan Sheet (#)	Sheet(s) Description
14	T-1	KEY SHEET
15	T-2	SIGNATURE SHEET
16	T-3	GENERAL NOTES
17-21	T-4 thru T-8	SIGNALIZATION PLAN
22	T-9	MAST ARM DETAILS
23-24	T-10 thru T-11	GUIDE SIGN WORK SHEET
25	T-12	STANDAR MAST ARM ASSEMBLIES DATA TABLE

[The remainder of this page intentionally left blank.]

Map of the State of Florida showing the location of the project. The map includes major cities and highways. A line labeled "LOCATION OF PROJECT" points to a specific area in the central part of the state, near the intersection of major roads. The map also shows the Gulf of Mexico to the west and the Atlantic Ocean to the east.

SHEET NO.	SHEET DESCRIPTION
T-1	KEY SHEET
T-2	SIGNATURE SHEET
T-3	GENERAL NOTES
T-4	SIGNALIZATION PLAN
T-5	MAST ARM DETAILS
T-6	GUIDE SIGN WORK SHEET
T-7	STANDARD MAST ARM ASSEMBLIES DATA TABLE
T-8	BORING DATA SHEET (NOT INCLUDED)
T-9	
T-10	
T-11	
T-12	
T-13	

SHEET NO.	SHEET DESCRIPTION
T - 1	KEY SHEET
T - 2	SIGNATURE SHEET
T - 3	GENERAL NOTES
T - 4 - T - 8	SIGNALIZATION PLAN
T - 9	MAST ARM DETAILS
T - 10 - T - 11	GUIDE SIGN WORK SHEET
T - 12	STANDARD MAST ARM
T - 13	BORING DATA SHEET

STATE ROAD NO. SR A1A

FROM NORTH OF EMERALD BEACH WAY TO SOUTH OF SR-704/ROYAL PALM WAY

ALLAN B. SEQUEIRA, P.E.
P.E. LICENSE NUMBER 60737
CORE ENGINEERING GROUP, LLC.
101 NORTH STATE ROAD 7, SUITE 4
MARGATE, FL 33063
CONTRACT NO. 305-303-8477
CONTRACT NO.: CAF29
VENDOR NO.: 83-3135042

CONSTRUCTION CONTRACT NO.	FISCAL YEAR	SHEET NO.
TBD	24	T-1

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY

ON THE DATE ADJACENT TO THE SEAL PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED. THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

CORE ENGINEERING GROUP, LLC
10300 SW 72 STREET, SUITE 446
MIAMI, FL 33173
ALLAN B. SEQUEIRA, P.E. NO 60737

THE ABOVE NAMED PROFESSIONAL ENGINEER SHALL BE RESPONSIBLE FOR THE FOLLOWING SHEETS IN ACCORDANCE WITH RULE 6G15-23.004, F.A.C.

SHEET NO.	SHEET DESCRIPTION
T-1	KEY SHEET
T-2	SIGNATURE SHEET
T-3	GENERAL NOTES
T-4 - T-8	SIGNALIZATION PLAN
T-9	MAST ARM TABULATION
T-10 - T-11	GUIDE SIGN WORKSHEET

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY

ON THE DATE ADJACENT TO THE SEAL PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED. THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

ASA CONSULTANTS, INC.
510 SHOTGUN ROAD, SUITE 402
SUNRISE, FL 33326
SHEILA SADOUGH, P.E. NO 44130

THE ABOVE NAMED PROFESSIONAL ENGINEER SHALL BE RESPONSIBLE FOR THE FOLLOWING SHEETS IN ACCORDANCE WITH RULE 6G15-23.004, F.A.C.

SHEET NO.	SHEET DESCRIPTION
T-2	SIGNATURE SHEET
T-12	MAST ARM ASSEMBLIES DATA TABLE

REVISIONS		ENGINEER OF RECORD
DATE	DESCRIPTION	
		ALLAN B. SEQUEIRA, P.E. LICENSE NUMBER 60737 CORE ENGINEERING GROUP, LLC 10300 SW 72 STREET, SUITE 446 MIAMI, FL 33173

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		FINANCIAL PROJECT ID 446175-1-52-01
ROAD NO. SR A1A	COUNTY PALM BEACH	
		15

SIGNATURE SHEET

SHEET NO.
T-2

11/21/2022 3:49:40 PM NITIA KAPIL
C:\Users\NITIA KAPIL\OneDrive\Documents\Engineering\Drawings\KIRKING

GENERAL NOTES

1. REFER TO THE ROADWAY PLAN AND THE UTILITY ADJUSTMENT SHEETS FOR OVERHEAD LINE VOLTAGES.

2. THE AGENCY RESPONSIBLE FOR THE MAINTENANCE OF THE TRAFFIC SIGNALS AND RELATED COMMUNICATIONS EQUIPMENT IS THE TOWN OF PALM BEACH.

3. PROVIDE SUBMITTAL DATA THAT IS COMPATIBLE WITH THE MAINTAINING AGENCY. PROVIDE THE MAINTAINING AGENCY'S REQUIRED EQUIPMENT AND VERIFY WITH THE MAINTAINING AGENCY PRIOR TO PURCHASING SUCH EQUIPMENT.

4. BECOME FAMILIAR WITH AND COMPLY WITH THE TOWN OF PALM BEACH PUBLIC WORKS INSPECTION PROCEDURES.

5. VIDEO DETECTION ZONES ARE 6'X40' EXCEPT AS NOTED ON PLANS AND EXTEND 4' BEYOND THE STOP BAR.

6. THE CONTRACTOR SHALL DELIVER ALL REMOVED TRAFFIC SIGNAL EQUIPMENT TO THE TOWN OF PALM BEACH PUBLIC WORKS LOCATED AT: 951 OLD OKEECHOBEE ROAD, WEST PALM BEACH, FLORIDA, 33401. THE CONTRACTOR SHALL CONTACT THE TOWN OF PALM BEACH SEVEN DAYS PRIOR TO DELIVERY.

NOTES TO REVIEWERS

1. MAST ARMS A1, A2, B1, C1, AND C2 ARE DECORATIVE MAST ARMS PER REQUEST OF THE TOWN OF PALM BEACH AND WILL REQUIRE SPECIAL FOUNDATION DESIGNS. AS SUCH, THE DESIGNS OF THE SPECIAL FOUNDATIONS WILL BE INCLUDED IN THE NEXT SUBMITTAL WHEN SPECIFICATIONS ARE FINALIZED BY THE TOWN OF PALM BEACH.

2. PROPRIETARY PRODUCT CERTIFICATION (PPC) ARE BEING PREPARED FOR SIGNAL EQUIPMENTS AND WILL BE INCLUDED WITH THE NEXT SUBMITTAL.

DATE

DESCRIPTION

REVISIONS

DATE

DESCRIPTION

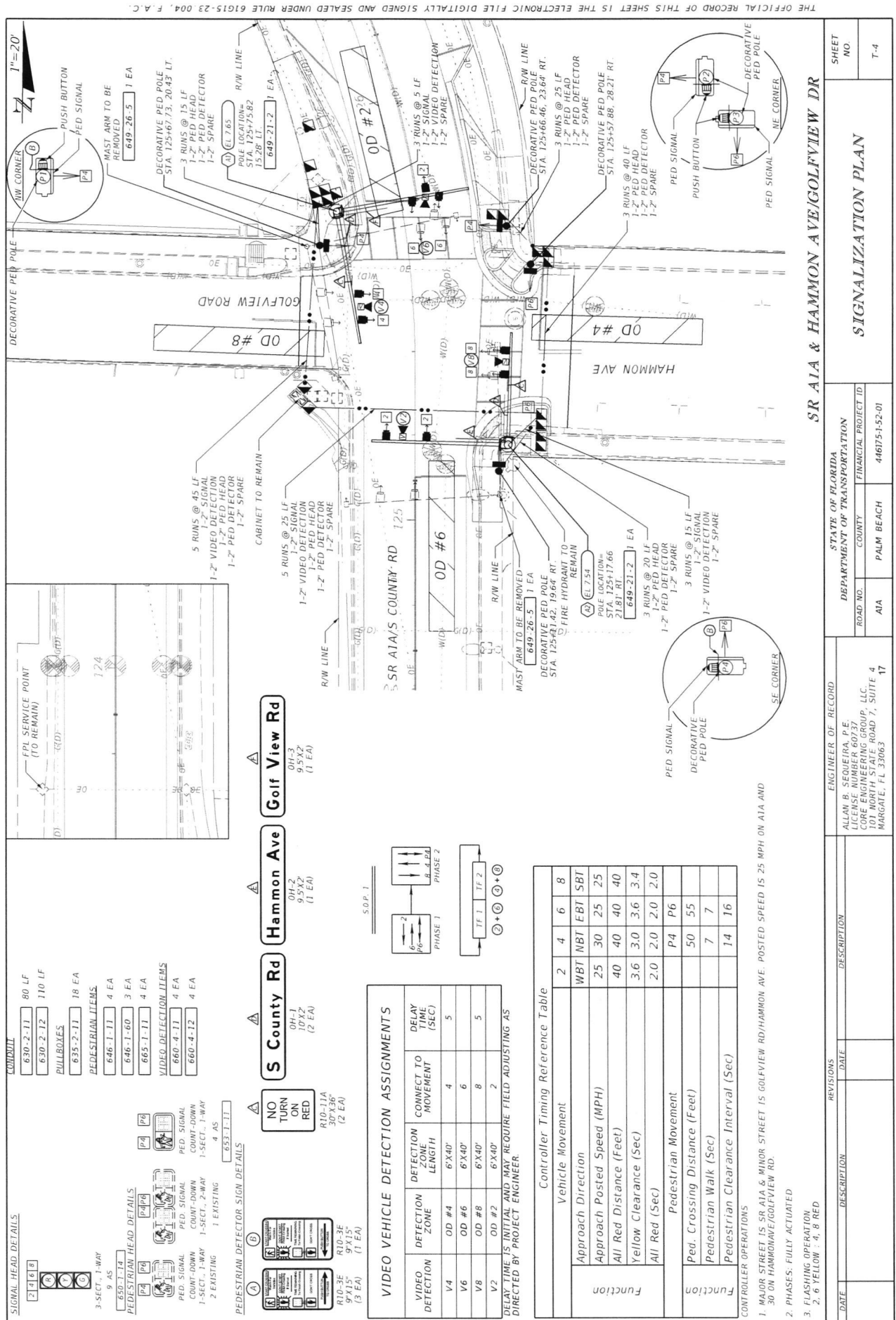
ENGINEER OF RECORD
ALLAN B. SEQUEIRA, P.E.
LICENSE NUMBER 60737
101 NORTH STATE ROAD 7, SUITE 4
MARGATE, FL 33063

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
ROAD NO. SR A1A
COUNTY PALM BEACH
FINANCIAL PROJECT ID 446175-1-52-01

GENERAL NOTES

SHEET NO.
T-3

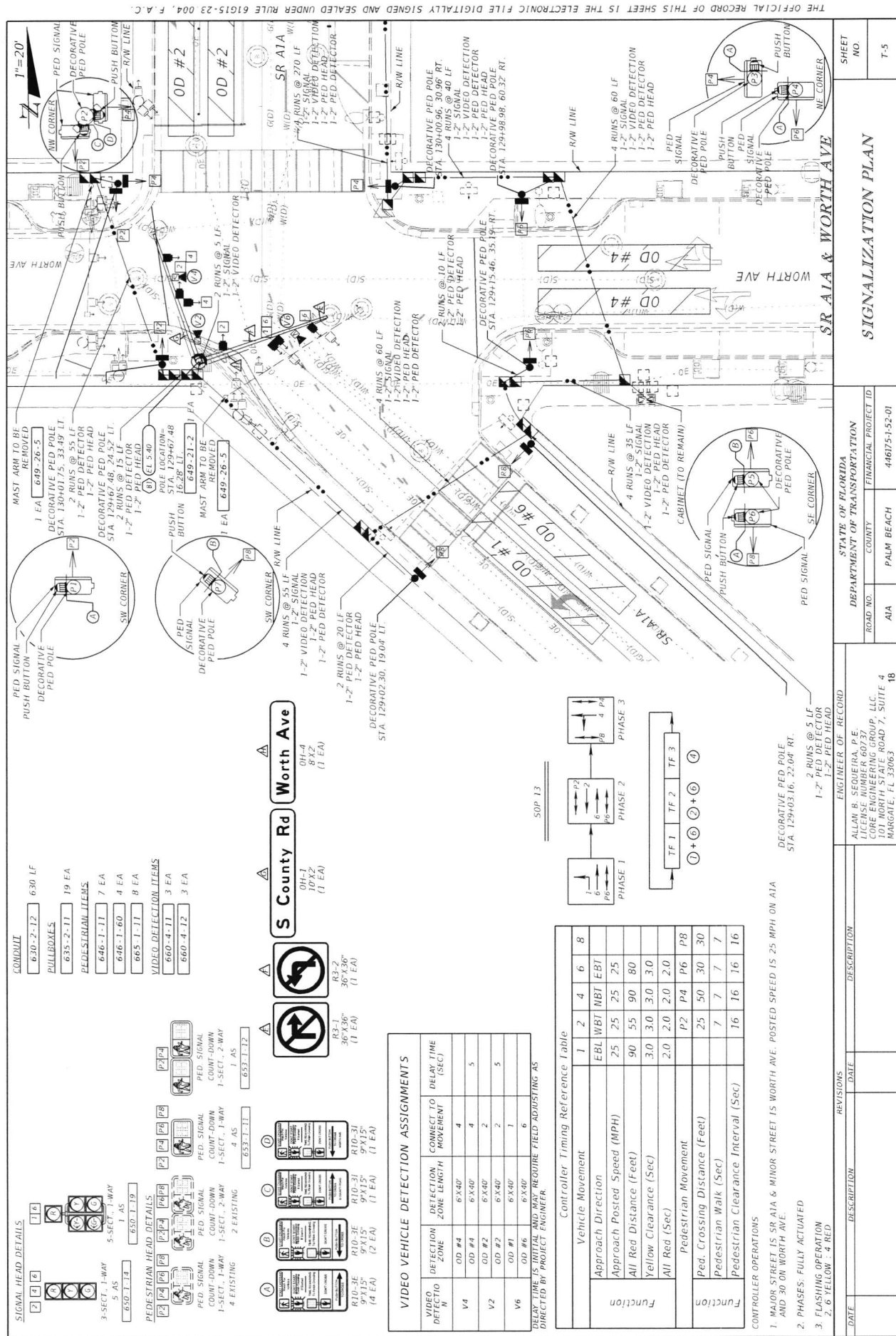
THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 61G15-23.004, F.A.C.

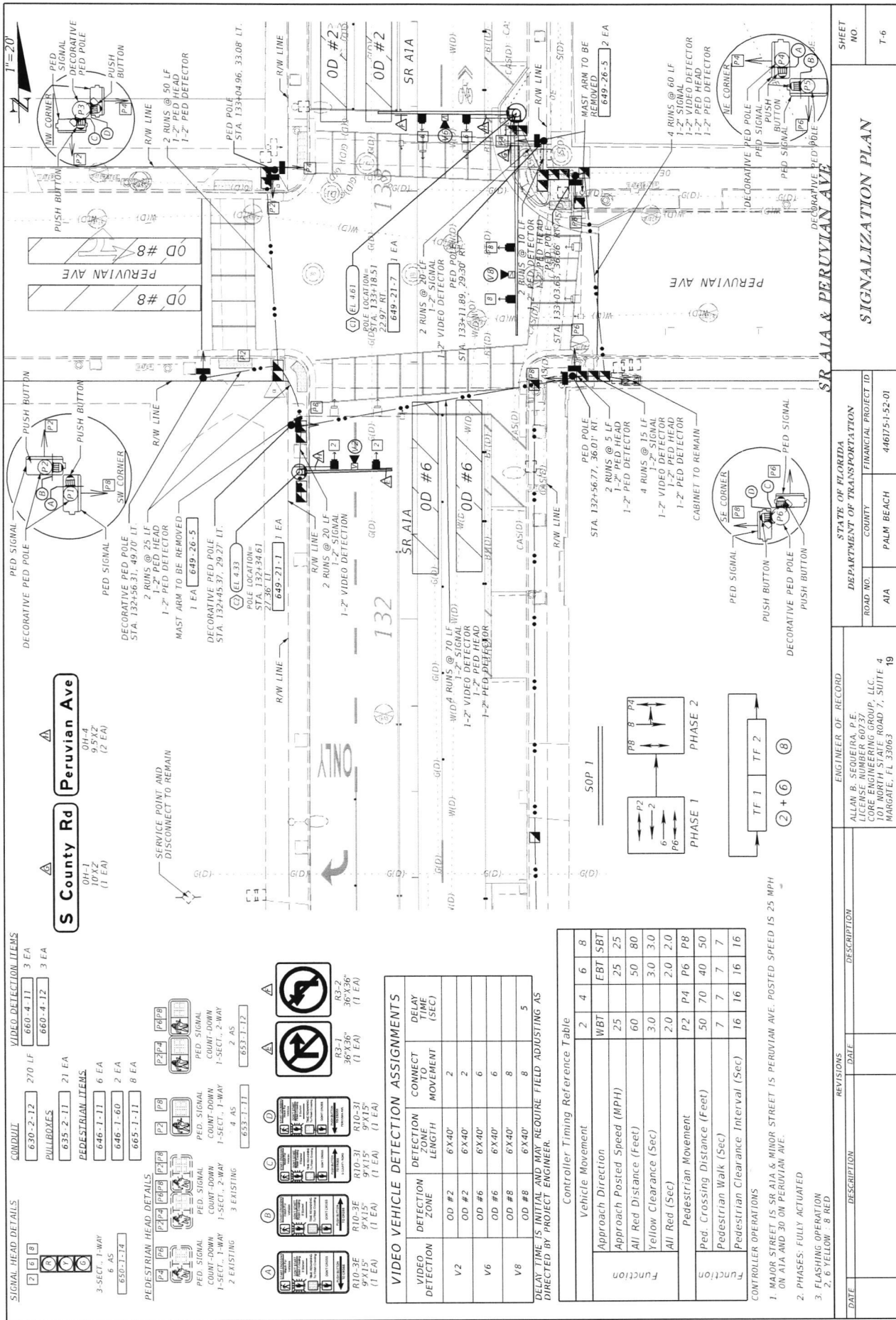


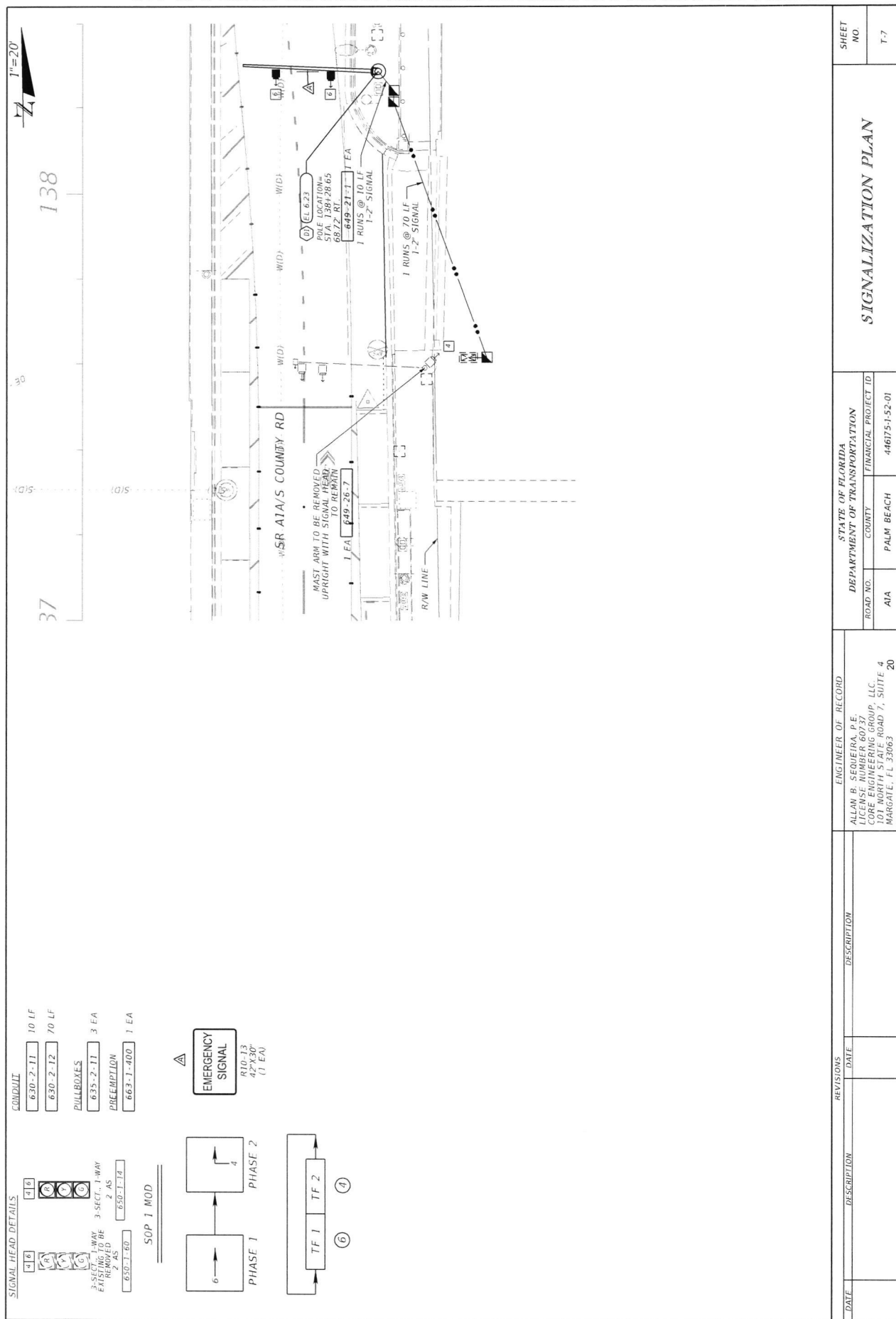
1. MAJOR STREET IS SR A1A & MINOR STREET IS GOLFVIEW RD/HAMMON AVE. POSTED SPEED IS 25 MPH ON A1A AND 30 ON HAMMON AVE/GOLFVIEW RD.

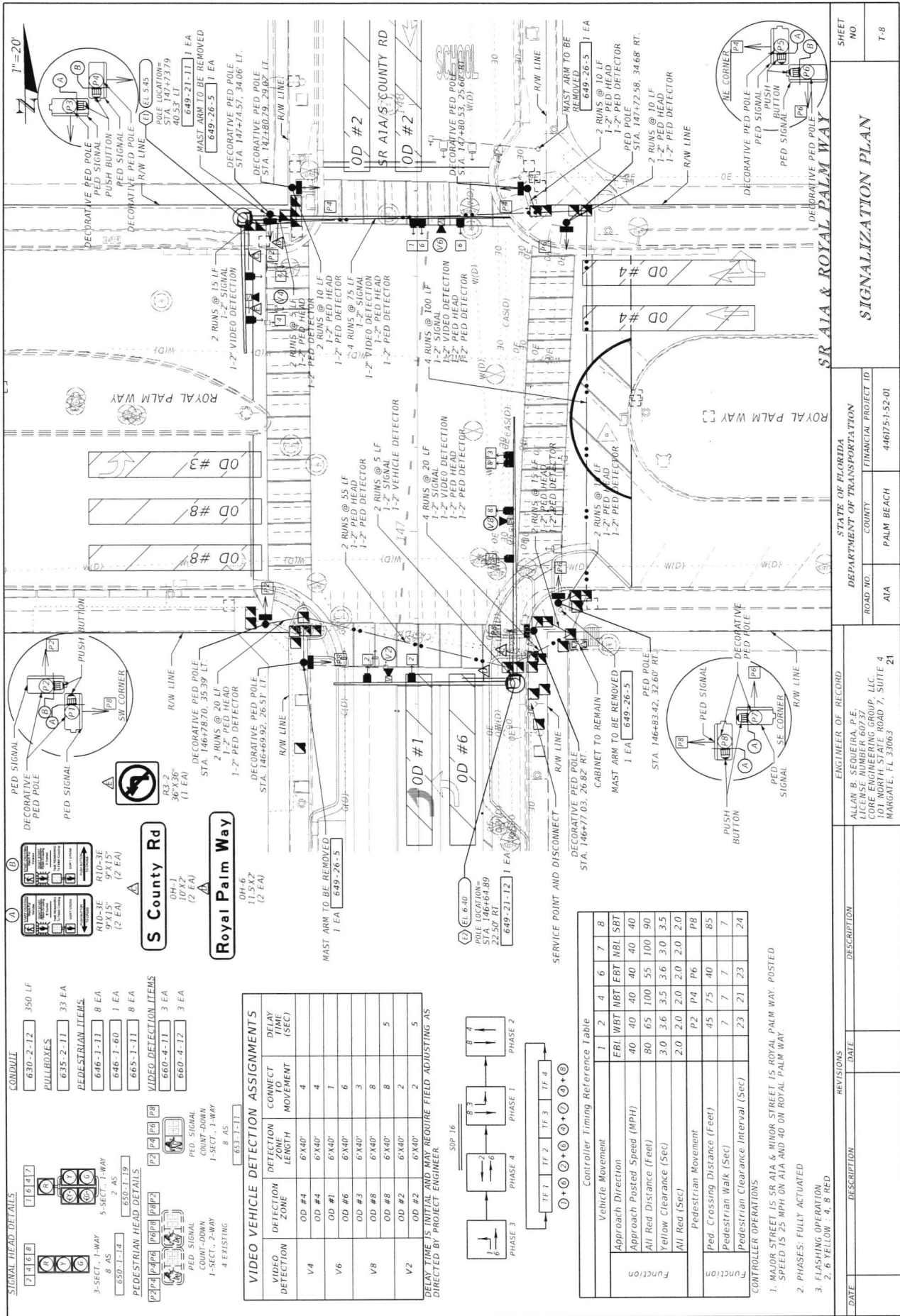
2. PHASES: FULLY ACTUATED

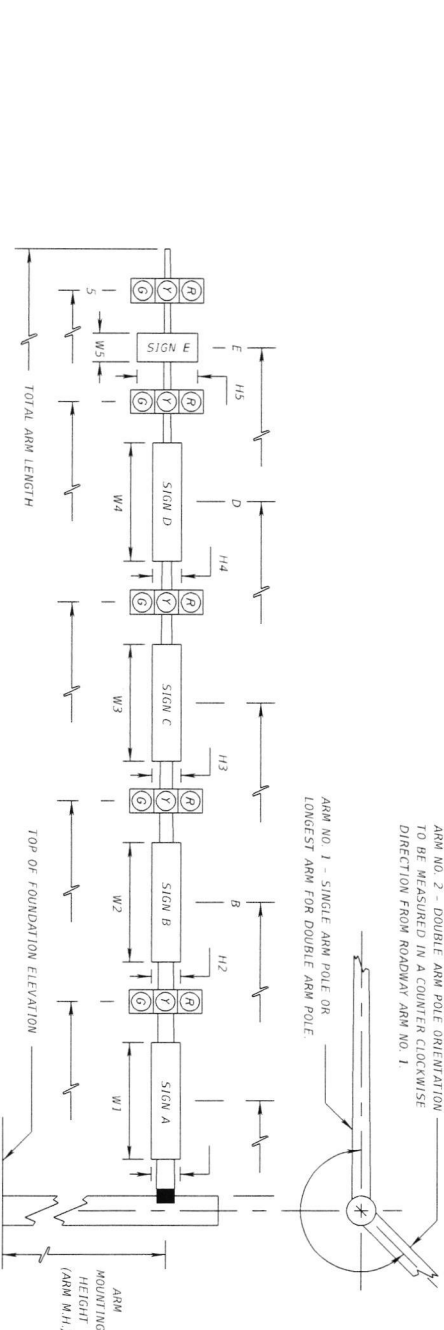
3. FLASHING OPERATION
2, 6 YELLOW : 4, 8 RED









[illegible][illegible]

GUIDE SIGN WORK SHEET

GUIDE SIGN WORK SHEET

[illegible]

FOUNDATION NOTES

- FOUNDATION NOTES
1. Design based on Borings taken by GCME, Inc. dated 09/26/2022.
2. Assumptions and Values used in design:
Soil Type Sand
Soil Friction Angle = 32° (E1 & E2); 36° (D1)
Soil Weight = 51.3 (E1 & E2); 59.7 (D1).
"N" Blowcount = 17 (E1 & E2); 26 (D1).
Design Water Table is 0.0 ft. below surface.

NOTES [Notes Date 11-01-16]:

1. If an entry appears in column FAA, a shorter arm is required. This is obtained by removing length from the arm tip and the arm length shortened from FA to FAA. SAA Similar.
 2. If an entry appears in column UAA, a shorter pole is required. This is obtained by removing length from the pole tip and the pole height shortened from UA to UAA.
 3. Arm mounting height UB must be between 18-22 feet.
 4. Pole types P2 and larger require a minimum 4.5 foot diameter drilled shaft. Pole types P5 and larger require a minimum 5.0 foot diameter drilled shaft.
 5. Work this sheet with the Signal Designer's "Mast Arm Tabulation". See "Mast Arm Tabulation" for special instructions that include non-standard Handhole location, paint color, terminal compartment requirement, and pedestrian features.
- Work with Index 649-030 and 649-031.

SECTION NO.: 93060000
FM No.(s): 446175-1-52-01
COUNTY: Palm Beach
S.R. No.: A1A

EXHIBIT C

MAINTENANCE PLAN REQUIREMENTS

In reference to Maintenance to be performed under this **AGREEMENT**, the **AGENCY** shall submit to the **DEPARTMENT** a maintenance plan detailing the means and methods for accomplishing any maintenance or repairs to the **IMPROVEMENTS** in accordance with all **DEPARTMENT** Standards, Procedures and Specifications. This plan shall be submitted and approved by the **DEPARTMENT** prior to commencing any maintenance or repair activities. The **AGENCY** shall comply with the **DEPARTMENT's** applicable Maintenance Rating Program Standards. The plan should at minimum detail how the **AGENCY** will address the following:

1. Providing for continuous traffic control and necessary traffic control devices as required for the safe movement of traffic of vehicular and pedestrian traffic past the location of the structure being repaired for the duration of the repair in accordance with **DEPARTMENT** Standards, Procedures and Specifications.
2. Protection of adjacent surrounding property, real estate, vehicles, pedestrians, attachments to the light poles, or other assets during the preparation and recoating of surfaces.
3. Containment of debris or materials used in or resulting from the repair.

After the maintenance plan is approved, the **AGENCY** shall submit a work plan to the **DEPARTMENT** for approval prior to each repair to be performed detailing:

1. The proposed date of the repair
2. The location of the repair
3. The nature of the repair
4. The materials to be used for the repair
5. The methods to be used for the repair

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Consent - Other

Agenda Title

Donation Acceptance - Palm Beach Police & Fire Foundation

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated April 25, 2023, from Nicholas Caristo, Chief of Police**
- ▣ **Attachment A - Donation Policy 1-08-8**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Accept Donation from the Palm Beach Police & Fire Foundation of \$50,000

Date: April 25, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council accept a donation of \$50,000 from the Palm Beach Police & Fire Foundation.

GENERAL INFORMATION

The Palm Beach Police Department continues to benefit from the generosity of the residents and businesses of the Town of Palm Beach. The Department has recently received intentions of a donation of \$50,000 from the Palm Beach Police & Fire Foundation which will be dedicated to the Police Department's Town-wide surveillance camera program.

Per Town Administration Policy No. 1-08-08 (Attachment A), any donation with a value over \$25,000, which is not included in the Town's budget, must be approved by Town Council.

FUNDING/FISCAL IMPACT

The donation will be forwarded to the Finance Department for deposit in the Palm Beach Police Department's donation account. Equipment and/or services purchased for this project will be obtained in accordance with established Procurement Procedures.

Attachment

cc: Robert Miracle, Deputy Town Manager
Carolyn Stone, Deputy Town Manager



TOWN OF PALM BEACH

Administrative Procedures

TOWN DONATIONS PROCEDURES

Procedure No.:.....1-08-8

Effective Date:..... September 25, 2008

Revision to Procedure No.:..... 1-08-5

APPROVED: 
Peter B. Elwell, Town Manager

OBJECTIVE: To formally establish clear procedures for implementation of the donations policy adopted by the Town Council at the January 8, 2008 Town Council meeting.

RESPONSIBILITY: Department directors and/or the Town Manager shall be responsible for the implementation of this procedure. The Finance Director shall be responsible for ensuring completion of those actions required of the Finance Department. Town Council is responsible for approving certain donations as described below.

DEFINITIONS:

Donation:	May refer to either money or items. (Donations of food are exempted from this policy.)
Town budget:	Refers to the Town Council adopted budget, the Equipment Replacement Program, or the approved five-year Capital Improvement Program
Department director:	May also refer to his or her designee
Town Manager:	May also refer to his or her designee

POLICY: Donations with a value over \$25,000, which are not included in the Town budget or the Council-approved Capital Improvement Program (CIP) or Equipment Replacement Fund (ERF), must be individually approved by Town Council. All other donations require administrative approval under the following guidelines:

- Donations of any value, which are of or for items included in the Town budget, are subject to the approval of the department director or Town Manager, as appropriate.

- Donations of money are accepted so long as items bought with the donated money follow the same guidelines as those of a donated item.
- Donations of items with a value of \$25,000 or less, which are not included in the Town budget, may be approved by the department director if there will be no future maintenance or replacement cost, but are subject to the approval of the Town Manager if there could or would be future maintenance or replacement cost.

The department director or Town Manager may seek Town Council approval of any donation which they determine should be subject to Town Council review.

PROCEDURE:

- Donations of cash or gift cards will not be accepted, with the exception of gift certificates or cards donated to the Recreation Department for the use as program prizes. Said certificates or cards will be subject to appropriate cash handling and tracking procedures to insure accountability.
- Departments must follow the Town's formal written purchasing procedures when using donation funding to buy an item.
- If the Town receives a donation for an item in the ERF that is not scheduled for purchase until a future date, the department shall use the donation when the next available purchase for such item occurs in the ERF. Acceleration of such purchases is allowed only upon the advance written approval of the Town Manager.
- All donations shall be reported to the Finance Department for processing and recording.
- The Finance Department will administer a central database, which shall record the date of every donation, name and address of donor, purpose of the donation and the amount of the donation. Departments should submit such information to the Finance Department the same business day the donation is received.

CONSIDERATIONS:

When determining whether to accept a donation, the department director and/or Town Manager should consider whether the public, professional or community benefit is clear. The Town should also

avoid any impression that a private entity might receive a favor, naming rights, or any other quid pro quo consideration from the Town or a Town official in exchange for the donation.

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Planning and Zoning Commission

Presenter

Gail Coniglio, Chair

ATTACHMENTS:

- ▣ **Memorandum Dated: April 26, 2023, From Wayne Bergman, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 10, 2023

To: Mayor and Town Council

From: Wayne Bergman, MCP, LEED® AP, Director of Planning, Zoning & Building

Re: Annual Report - Planning and Zoning Commission

Date: April 26, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council receive and accept the Planning and Zoning Commission's Annual Report for 2022-2023.

GENERAL INFORMATION

Attached please find Exhibit A, which provides a summary of the activities of the Planning and Zoning Commission (PZC) over the last year. As you are aware, the Town initiated a comprehensive zoning review led by the Town Council's selected consultants, Sean Suder, ZoneCo and Joe Corradino, The Corradino Group, in summer 2022. The PZC has been actively involved in this planning process.

During the period from April 2021 through April 2022, the PZC held five (5) regularly scheduled meetings, one (1) joint meeting with the Town Council and participated in one-on-one interviews with Sean Suder of ZoneCo during the first and second week of July 2022. Many of the PZC members also attended the January 17, 2023, Code Review Public Engagement Kickoff meeting with the Town Council and at least one (1) if not more of the four (4) day "Designing Palm Beach" charrette hosted by ZoneCo from February 27th to March 2, 2023. Additionally, the PZC was invited to attend a Special Town Council meeting with Sean Suder, Joe Nickol, Yard and Company, and Joe Corradino, which focused on the next steps in Zoning Code review involving the initial codification of the Zoning Code.

A brief summary of the meeting agendas is provided in the attached Exhibit A, which Gail Coniglio, the Chair of the PZC, will be present at the May 10th Town Council meeting to discuss with the Town Council.

cc: Kirk Blouin, Town Manager
Planning and Zoning Commission
James Murphy, Assistant Director of Planning, Zoning and Building
Jennifer Hofmeister-Drew, AICP, Planner III

WRB:JGM:JHD

EXHIBIT A
PLANNING AND ZONING COMMISSION ACTIVITIES

April 19, 2022

Regular Meeting

Discussed the following study items:

- Incentives to encourage the construction of more one (1) story homes in the R-B zoning district.
- Off-street parking garage requirements for single-family dwellings.
- Screening requirements for off-street parking in the street front yard.
- Mechanical equipment requirements specific to air conditioning units, pool and fountain pumps, heaters, and generators.
- Existing requirements for measuring building height within the Town of Palm Beach.

June 21, 2022

Regular Meeting

Discussed the following study items:

- Incentives to encourage the construction of one-story homes and reduce second-story massing in the R-B zoning district.
- Conversion from the use of cubic content ratio (CCR) to floor area ratio (FAR) in the R-B zoning district.
- Siting of mechanical equipment.
- Measuring building height within the Town.
- Single-family residential on-site parking requirements.

August 16, 2022

Regular Meeting

Discussed the following study items:

- Proposed new Property Rights Element to the Town of Palm Beach Comprehensive Plan.
- Adding the site wall regulations to the list of Code Review items.

October 12, 2022

Joint Meeting with the Mayor and Town Council Members

Code Review Presentation by Sean Suder, ZoneCo and Joe Corradino, Corradino Group that included the following Joint Discussion:

- Zoning Diagnostic Report;
- R-B District Mock-up;
- Other Zoning Items;
- Public Engagement Piece of Code Review; and
- Next Steps.

November 7, 2022

Regular Meeting

Discussed the following study items:

- R-B zoning district Mockup presented by Sean Suder, ZoneCo, including the proposed new district zoning maps.

December 5, 2022

Regular Meeting

Discussed the following study items:

- Sean Suder, ZoneCo addressed the PZC on the proposed public engagement discussion items.
- Zoning review on CCR versus FAR.
- Maximum and minimum lot sizes in the R-B zoning district.
- Proposed new building height definitions.

April 27, 2023

Regular Meeting

- Definition to Building height and Minimum flood elevation.
- Development and redevelopment of nonconforming lots.
- Proposed amendments to Commercial Zoning districts pertaining to business tax receipts (BTRs), non-conforming commercial uses and air conditioning and generator equipment.

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Retirement Board of Trustees

TIME CERTAIN: 10:00 A.M.

Time Certain

10:00 AM

Presenter

Daniel W. Stanton, Chair

ATTACHMENTS:

- ▣ **Memorandum Dated April 27, 2023, from Dan Stanton, Chair**
- ▣ **Retirement Board Annual Report**
- ▣ **Investment Performance Review**
- ▣ **Mid-Year Review of Investments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

To: Mayor and Town Council

From: Dan Stanton, Chairman

Re: Annual Report-Town of Palm Beach Retirement System

Date: April 27, 2023

GENERAL INFORMATION

Chairman Dan Stanton will present the Annual Report on behalf of the Town of Palm Beach Retirement System Board of Trustees. This report includes backup information by the actuary, GRS, and investment consultant, AndCo Consulting.

AGENDA:

- Introduction
- Review of GRS actuarial highlights
- Review of actions taken by Retirement Board to improve actuarial summary
- Review of Retirement Portfolio Valuation in recent years:

3/31/2018 = \$218 Million
3/31/2019 = \$221 Million
3/31/2020 = \$206 Million
3/31/2021 = \$273 Million
12/31/2021= \$308 Million (highest quarter end valuation to date)
3/31/2022 = \$289 Million
6/30/2022 =\$255 Million
9/30/2022 = \$236 Million
12/31/2022= \$261 Million
3/31/2023 = \$266 Million

- Review of current portfolio characteristics and allocations
- Questions and discussion

April 17, 2023

Ms. Edemir K. Estrada
Pension Administrator
Gabriel, Roeder, Smith & Company
One East Broward Blvd., Suite 505
Fort Lauderdale, Florida 33301-1804

Re: Town of Palm Beach Retirement System Annual Report – 9/30/2022 Actuarial Summary

Dear Edemir:

The funded status of the plan is determined after the fiscal year end, and after the system's actuary, Gabriel, Roeder & Smith (GRS), collects the system's updated census and financial information and analyzes the demographic and economic experiences during the fiscal year. The experience is compared to the actuarial assumptions (investment return, retirements/DROPs, terminations, mortality, wage increases, etc.). The funded status and required Town contributions are determined after completing a full analysis and valuation of the updated actuarial liabilities. The system's current funded status is based on the most recent September 30, 2022 actuarial valuation, and it will change again after the end of fiscal year 2023 after the analysis for the 2023 fiscal year valuation is completed.

Town Council adopted a policy beginning in October 2017 to appropriate \$5.42 million each year in extra payments toward the unfunded actuarial accrued liability (UAAL). This represents a payment above what the actuary annually determines as the Town's required contribution (the actuarial determined employer contributions, or ADEC). The ADEC developed in the annual valuation is payable in the second fiscal year following the valuation date. Thus, the ADEC payable during fiscal year 2024 is identified in the 9/30/2022 actuarial valuation. In the year that begins October 1, 2023 (FY 2024), the ADEC rate is 54.71% of covered payroll, or \$13,037,159, if payments are distributed evenly throughout the fiscal year. However, the actuary determined that if the Town chooses to pay the full amount at the beginning of the 2024 fiscal year (i.e., on or near October 1, 2023), as it did for fiscal year 2023, the ADEC rate will be reduced to 53.09% of covered payroll, or \$12,650,878. The early lump-sum payment represents a savings of \$386,281 in interest cost.

The funded ratio of the retirement system as of 9/30/2022 is 75.2%, which is a decrease from 76.1% as of 9/30/2021. The UAAL (the unfunded actuarial accrued liability) as of 9/30/2022 is \$91,096,064, versus \$85,333,977 as of 9/30/2021. Based on the market value of assets, the retirement system is 66.1% funded as of 9/30/2022 (versus 82.4% as of 9/30/2021).

A revision was made to the actuarial assumptions as of 9/30/2022 that increased the UAAL and future contributions. The assumed investment return used in the 2022 valuation (for the year ending 9/30/2023) is 6.4%, reduced from 6.6% last year. The assumed rate of return is scheduled to be

reduced to 6.2% in the 9/30/2023 actuarial valuation, and then to 6.0% in the 9/30/2024 actuarial valuation (please note that the future increases in the ADEC and UAAL attributable to each future 0.2% reduction are approximately \$700,000 and \$8.5 million, respectively).

The assumption change as of 9/30/2022 had the net effect of increasing the required Town contribution for fiscal year 2024 by approximately \$668,000 and increasing the Plan's UAAL as of 9/30/2021 by approximately \$8.03 million, causing the funded ratio to decline by 1.7% (from 76.9% to 75.2%).

The overall retirement system experience during fiscal year 2022 resulted in a net actuarial experience loss of approximately \$6.90 million. Investment experience caused an actuarial loss of about \$7.94 million (after reflecting asset smoothing). The rate of investment return on the actuarial value of assets during fiscal year 2022 was 3.7% (versus the assumed return during the period of 6.6%). The return on the market value of assets during fiscal year 2022 was negative (15.5%). Demographic (liability-related) experience resulted in an offsetting experience gain of about \$1.04 million, primarily due to favorable retirement experience and higher mortality than expected among retired General Employees. The net actuarial experience loss caused the required Town contribution for FY 2024 to increase by approximately \$616,000.

The funded ratio was over 100% in the year 2000, whereas it is currently 75.2% (66.1% based on the market value of assets). The decline has primarily been the result of lower compound average investment returns than assumed during the 22-year period from 10/1/2000 through 9/30/2022. The compound average investment return on the market value of assets during this 22-year period was 4.5%. Recent changes in assumptions have also had a reducing effect on the funded ratio, but to a much lesser extent than cumulative investment experience. Several positive steps have been taken to address the funded status, including strengthening the actuarial assumptions, reducing the UAAL amortization periods to 15-20 years, and the commitment from the Town to make additional contributions of \$5.42 million per year (starting in 2017) towards the UAAL until the Plan becomes 100% funded. These changes have already had a positive impact, helping the Plan absorb a (15.5%) loss on the market value of assets during FY 2022. Despite the significant negative return during FY 2022, the Plan's funded ratio based on the market value of assets (66.1%) is still higher than it was as of 9/30/2016 (64.3%) even as the investment return assumption has been lowered from 7.4% to 6.4% over the same 6-year period. It is anticipated that these changes will continue to have a significant increasing effect on the funded ratio over the next several years.

In a "what if" scenario in which all assumptions are realized (and the additional \$5.42 million Town contributions continue), the retirement system is projected to become 92.9% funded in 10 years (as of 9/30/2032). If actual average investment earnings are 5% per year or 3% per year (instead of matching the long-term assumption of 6.4% grading down to 6.0%), the retirement system is projected to become 86% funded or 74% funded, respectively, as of 9/30/2032. Assuming all assumptions are realized, the total Town contributions to the Retirement System, including the extra Town

contributions of \$5.42 million per year, are expected to be in the range of \$15.6 to \$21.3 million over the next 10 years. Town contributions are projected to steadily increase over the next four years as the FY 2022 market loss is phased into the actuarial value of assets and the investment return assumption is lowered to 6.0%, leading to a peak of \$21.3 million for FY 2028, and then subsequently declining until reaching \$15.6 million for FY 2034.

If there are any questions, please let us know.

Respectfully submitted,

A handwritten signature in black ink, reading "Peter Strong". The signature is written in a cursive, flowing style.

Peter N. Strong, FSA, EA, MAAA
Senior Consultant and Actuary

The above communication shall not be construed to provide tax advice, legal advice or investment advice.

Investment Performance Review
Period Ending March 31, 2023

Town of Palm Beach Retirement System

Monthly Preliminary Returns



05-09-2023 TCM Backup

Equities

	Month	3 M	YTD	1 Year	3 Yr Ann	5 Yr Ann
S&P 500 Total Return	3.67	7.50	7.50	(7.73)	18.60	11.19
Russell Midcap Index	(1.53)	4.06	4.06	(8.78)	19.20	8.05
Russell 2000 Index	(4.78)	2.74	2.74	(11.61)	17.51	4.71
Russell 1000 Growth Index	6.84	14.37	14.37	(10.90)	18.58	13.66
Russell 1000 Value Index	(0.46)	1.01	1.01	(5.91)	17.93	7.50
Russell 3000 Index	2.67	7.18	7.18	(8.58)	18.48	10.45
MSCI EAFE NR	2.48	8.47	8.47	(1.38)	12.99	3.52
MSCI EM NR	3.03	3.96	3.96	(10.70)	7.83	(0.91)

Index Returns (%)

	Month	3 M	YTD	1 Year	Mod. Adj. Duration	Yield to Worst
U.S. Aggregate	2.54	2.96	2.96	(4.78)	6.33	4.40
U.S. Corporate Investment Grade	2.78	3.50	3.50	(5.55)	7.25	5.17
U.S. Corporate High Yield	1.07	3.57	3.57	(3.34)	3.69	8.52
Global Aggregate	3.16	3.01	3.01	(8.07)	6.81	3.54

Levels (%)

Key Rates	03/31/23	12/31/22	12/31/21	12/31/20	12/31/19
US Generic Govt 3 Mth	4.69	4.34	0.03	0.06	1.54
US Generic Govt 2 Yr	4.03	4.43	0.73	0.12	1.57
US Generic Govt 10 Yr	3.47	3.87	1.51	0.91	1.92
US Generic Govt 30 Yr	3.65	3.96	1.90	1.64	2.39
ICE LIBOR USD 3M	5.19	4.77	0.21	0.24	1.91
Euribor 3 Month ACT/360	3.04	2.13	(0.57)	(0.55)	(0.38)
Bankrate 30Y Mortgage Rates Na	6.81	6.66	3.27	2.87	3.86
Prime	8.00	7.50	3.25	3.25	4.75

Russell Indices Style Returns

	V	B	G	V	B	G
L	1.0	7.4	14.4	-7.6	-19.1	-29.1
M	1.3	4.0	9.1	-12.1	-17.3	-26.7
S	-0.7	2.7	6.1	-14.5	-20.5	-26.4

YTD

2022

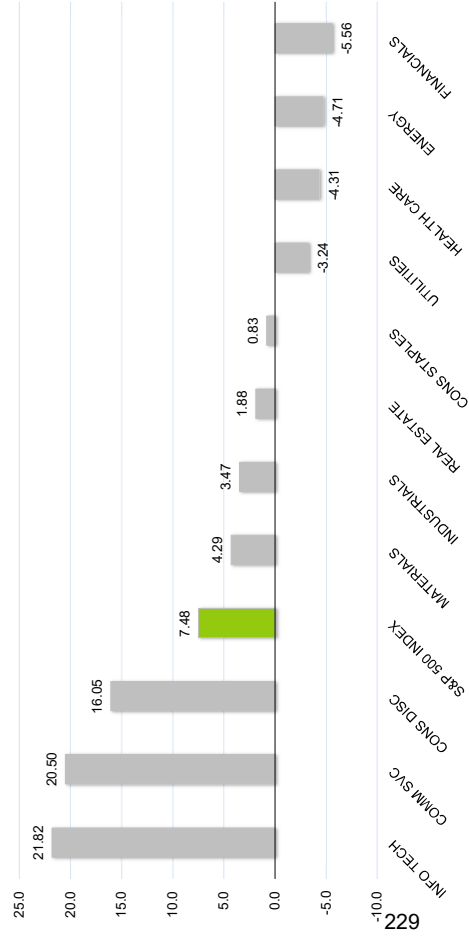
Levels

Currencies	03/31/23	12/31/22	12/31/21
Euro Spot	1.08	1.07	1.14
British Pound Spot	1.23	1.21	1.35
Japanese Yen Spot	132.86	131.12	115.08
Swiss Franc Spot	0.92	0.92	0.91

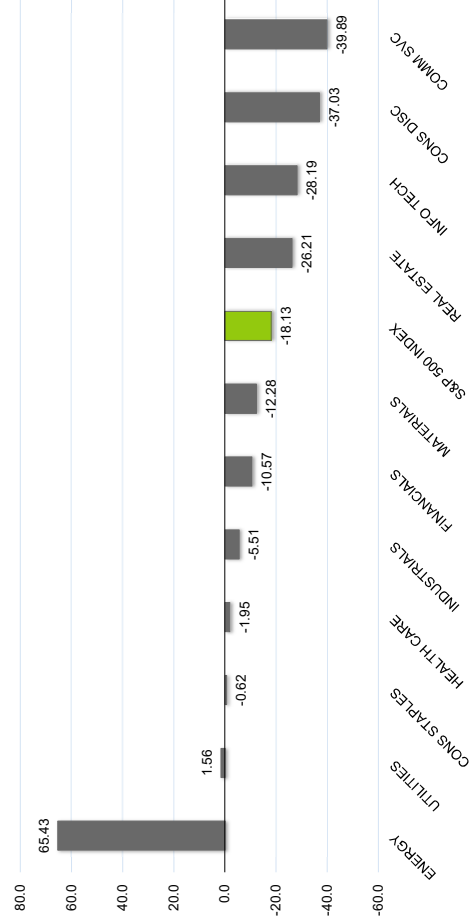
Levels

Commodities	03/31/23	12/31/22	12/31/21
Oil	75.67	80.45	67.42
Gasoline	3.50	3.21	3.29
Natural Gas	2.22	3.93	3.04
Gold	1,986.20	1,857.70	1,187.30
Silver	24.16	24.21	16.50
Copper	409.45	381.45	437.85
Corn	660.50	678.00	556.50
BBG Commodity TR Idx	232.71	245.89	211.80

YTD Sector Returns



2022 Sector Returns



Source: Bloomberg & Investment Metrics. For informational purposes only and should not be regarded as investment advice. Information is based on sources and data believed to be reliable, but AndCo Consulting cannot guarantee the accuracy, adequacy or completeness of the information. The material provided herein is valid only as of the date of distribution and not as of any future date. *Heat maps are displayed utilizing a 9-color scale, with green as the highest return for the time period noted and red as the lowest return for the time period noted. Color scales within each time period are mutually exclusive.

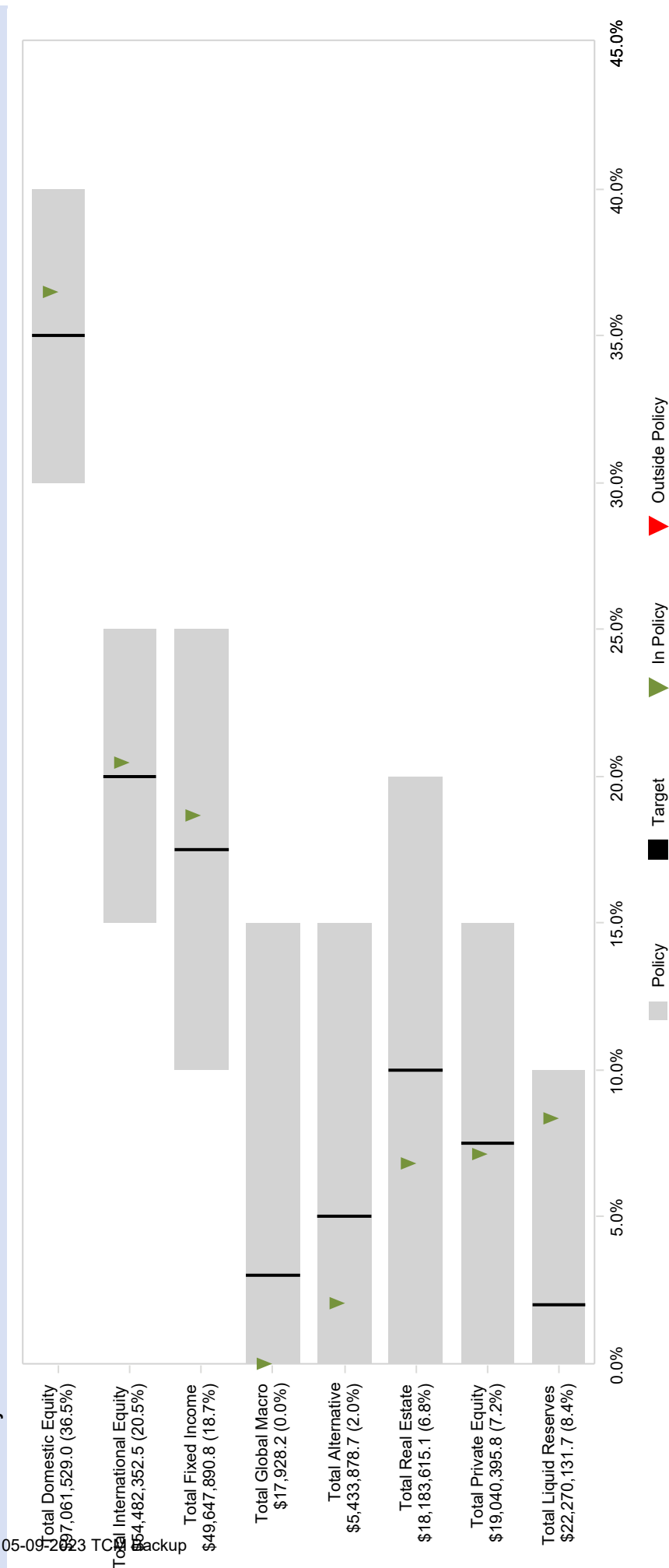
Private Investments Reporting Status
Total Private Investments

Manager	MV as of	Most Recent Statement Date
Private Equity		
09-2023 TCM Backp		
HarbourVest Partners	03/31/2023 - Distribution	9/30/2022
JP Morgan Venture Cap V	01/30/2023 - Distribution	12/31/2022
Landmark XIV	12/31/2022	12/31/2022
Pomona Cap VIII	03/29/2023 - Distribution	9/30/2022
Private Equity Fund V	9/30/2022	9/30/2022
Real Estate		
Green Cities II	12/31/2022	12/31/2022
Green Cities III	12/31/2022	12/31/2022
Long Wharf Real Estate Fund V	3/31/2023	3/31/2023
Westport RE Fund IV	12/31/2022	12/31/2022
JP Morgan Strategic Property	3/31/2023	3/31/2023

Performance and valuations presented in this report are preliminary, with 90.2% of assets reporting finalized figures.
NAVs for non-reporting investments are carried forward from the most recent valuation.

Town of Palm Beach Retirement System Pension Asset Allocation Compliance As of March 31, 2023

Executive Summary



Asset Allocation Compliance

	Asset Allocation \$	Current Allocation (%)	Minimum Allocation (%)	Maximum Allocation (%)	Target Allocation (%)
Total Fund	266,137,722	100.0	N/A	N/A	100.0
Total Domestic Equity	97,061,529	36.5	30.0	40.0	35.0
Total International Equity	54,482,353	20.5	15.0	25.0	20.0
Total Fixed Income	49,647,891	18.7	10.0	25.0	17.5
Total Global Macro	17,928	0.0	0.0	15.0	3.0
Total Alternative	5,433,879	2.0	0.0	15.0	5.0
Total Real Estate	18,183,615	6.8	0.0	20.0	10.0
Total Private Equity	19,040,396	7.2	0.0	15.0	7.5
Total Liquid Reserves	22,270,132	8.4	0.0	10.0	2.0



Financial Reconciliation
Total Fund
1 Month Ending March 31, 2023

Financial Reconciliation - 1 Month									
	Market Value 03/01/2023	Net Transfers	Contributions	Distributions	Management Fees	Other Expenses	Income	Apprec./ Deprec.	Market Value 03/31/2023
Total Domestic Equity	102,951,382	-7,871,699	-	-	-	-	624,979	1,356,867	97,061,529
Vanguard Instl Index (VINIX)	70,151,106	-	-	-	-	-	555,993	2,016,950	72,724,048
Geodeva Mid Cap Growth Equity	12,367,429	-	-	-	-	-	10,141	205,142	12,582,712
Cooke & Bieler Mid Cap Value Equity	20,432,847	-7,871,699	-	-	-	-	58,845	-865,225	11,754,769
Total Domestic International Equity	43,965,655	-	-	-	-	-	-	1,235,131	45,200,786
Pear Tree Polaris Foreign Value (QFVRX)	17,408,696	-	-	-	-	-	-	167,552	17,576,248
Fidelity International Index (FSPSX)	11,140,648	-	-	-	-	-	-	344,053	11,484,701
MFS International Growth R6 (MGRDX)	7,554,732	-	-	-	-	-	-	391,876	7,946,608
WCM Focused International Growth (WCMIX)	7,861,580	-	-	-	-	-	-	331,649	8,193,228
Total Emerging Markets Equity	8,999,949	4,858	-	-	-4,858	-	-	281,617	9,281,566
Allspring Emerging Markets	8,999,949	4,858	-	-	-4,858	-	-	281,617	9,281,566
Total Fixed Income	42,368,080	6,000,000	-	-	-	-	119,440	1,160,371	49,647,891
Garcia Hamilton Fixed Income Agg.	42,368,080	-	-	-	-	-	119,440	1,160,371	43,647,891
Serinitas Credit Gamma	-	6,000,000	-	-	-	-	-	-	6,000,000
Total Global Macro	15,280,406	-15,343,418	-	-	-	-	17,928	63,012	17,928
BlackRock Multi-Asset Income Fund (BKMIX)	15,280,406	-15,343,418	-	-	-	-	17,928	63,012	17,928
Total Alternative	5,336,893	-	-	-	-	-	-	96,985	5,433,879
Ark Innovation (ARKK)	5,336,893	-	-	-	-	-	-	96,985	5,433,879
Total Real Estate	18,385,868	-	-	-	-	-	21,349	-223,601	18,183,615
Green Cities Company II	1,542,031	-	-	-	-	-	-	-	1,542,031
Green Cities Company III	3,273,866	-	-	-	-	-	-	-	3,273,866
Long Wharf Real Estate Partners Fund V	3,077,985	-	-	-	-	-	-	-91,109	2,986,876
Westport Real Estate Fund IV	2,163,958	-	-	-	-	-	-	-	2,163,958
JP Morgan Strategic Property	8,328,028	-	-	-	-	-	21,349	-132,492	8,216,884
Total Private Equity	19,407,654	-366,092	-	-	-	-1,166	-	-	19,040,396
Ares Landmark Equity Partners XIV LP	92,292	-	-	-	-	-	-	-	92,292
Private Equity Investment Fund V	525,567	-	-	-	-	-	-	-	525,567
HarbourVest Partners IX (Consolidated)	8,829,723	-332,185	-	-	-	-	-	-	8,497,538
Pomona Capital VIII	759,867	-33,907	-	-	-	-1,166	-	-	724,794
JPMorgan Venture Capital Fund V	9,200,205	-	-	-	-	-	-	-	9,200,205
Total Liquid Reserves	4,500,217	17,581,214	-	-	-	-	91,254	97,448	22,270,132
Liquid Reserves	4,500,217	17,581,214	-	-	-	-	91,254	97,448	22,270,132
Total Fund	261,196,104	4,862	-	-	-4,858	-1,166	874,950	4,067,829	266,137,722



Financial Reconciliation

Total Fund

October 1, 2022 To March 31, 2023

Financial Reconciliation - Fiscal Year To Date

	Market Value 10/01/2022	Net Transfers	Contributions	Distributions	Management Fees	Other Expenses	Income	Apprec./ Deprec.	Market Value 03/31/2023
Total Domestic Equity	90,718,775	-7,871,699	3,293	-	-	-3,293	1,779,967	12,434,486	97,061,529
Vanguard Instl Index (VINIX)	62,908,987	-	-	-	-	-	1,552,147	8,262,914	72,724,048
Geneva Mid Cap Growth Equity	10,919,781	-	1,267	-	-	-1,267	36,266	1,626,664	12,582,712
Cooke & Bieler Mid Cap Value Equity	16,890,006	-7,871,699	2,025	-	-	-2,025	191,554	2,544,908	11,754,769
Total Domestic International Equity	35,887,607	-276,270	-	-	-	-	1,402,530	8,186,919	45,200,786
Pear Tree Polaris Foreign Value (QFVRX)	13,806,392	-	-	-	-	-	620,642	3,149,214	17,576,248
Fidelity International Index (FSPSX)	9,176,464	-276,270	-	-	-	-	557,674	2,026,833	11,484,701
MFS International Growth R6 (MGRDX)	6,368,890	-	-	-	-	-	216,438	1,361,280	7,946,608
WCM Focused International Growth (WCMIX)	6,535,861	-	-	-	-	-	7,775	1,649,593	8,193,228
Total Emerging Markets Equity	7,958,765	28,003	-	-	-28,003	-	-	1,322,801	9,281,566
Allspring Emerging Markets	7,958,765	28,003	-	-	-28,003	-	-	1,322,801	9,281,566
Total Fixed Income	41,156,489	6,000,000	4,650	-	-	-4,650	756,378	1,735,024	49,647,891
Garcia Hamilton Fixed Income Agg.	41,156,489	-	4,650	-	-	-4,650	756,378	1,735,024	43,647,891
Serinitas Credit Gamma	-	6,000,000	-	-	-	-	-	-	6,000,000
Total Global Macro	14,158,863	-15,343,418	-	-	-	-	364,689	837,795	17,928
BlackRock Multi-Asset Income Fund (BK MIX)	14,158,863	-15,343,418	-	-	-	-	364,689	837,795	17,928
Total Alternative	2,125,444	2,995,686	-	-	-	-	-	312,748	5,433,879
Ark Innovation (ARKK)	2,125,444	2,995,686	-	-	-	-	-	312,748	5,433,879
Total Real Estate	21,378,781	-45	-	-	-57,320	-	108,107	-3,245,908	18,183,615
Green Cities Company II	2,508,194	-	-	-	-	-	-	-966,163	1,542,031
Green Cities Company III	4,326,007	-	-	-	-	-	-	-1,052,141	3,273,866
Long Wharf Real Estate Partners Fund V	3,094,899	-	-	-	-	-	-	-108,023	2,986,876
Westport Real Estate Fund IV	2,489,702	-	-	-	-12,177	-	-	-313,567	2,163,958
JP Morgan Strategic Property	8,959,979	-45	-	-	-45,143	-	108,107	-806,014	8,216,884
Total Private Equity	20,188,343	-783,242	-	-	-10,307	-1,166	-	-353,232	19,040,396
Ares Landmark Equity Partners XIV LP	104,257	-13,271	-	-	-	-	-	1,306	92,292
Private Equity Investment Fund V	525,567	-	-	-	-	-	-	-	525,567
HarbourVest Partners IX (Consolidated)	9,243,912	-746,371	-	-	-	-	-	-3	8,497,538
Pomona Capital VIII	759,867	-33,907	-	-	-	-1,166	-	-	724,794
JPMorgan Venture Capital Fund V	9,554,740	10,307	-	-	-10,307	-	-	-354,535	9,200,205
Total Liquid Reserves	1,296,024	15,289,299	11,897,493	-6,500,000	-9,589	-7,806	205,668	99,043	22,270,132
Liquid Reserves	1,296,024	15,289,299	11,897,493	-6,500,000	-9,589	-7,806	205,668	99,043	22,270,132
Total Fund	234,869,090	38,314	11,905,436	-6,500,000	-105,219	-16,915	4,617,339	21,329,677	266,137,722



Asset Allocation & Performance
Program Composite Performance
As of March 31, 2023

Asset Allocation & Performance											
05-09-2023	Allocation		Performance(%)								
	Market Value \$	%	MTH	QTD	YTD	FYTD	1 YR	3 YR	5 YR	7 YR	Inception Date
Total Fund (Net)	266,137,722	100.0	1.89	5.36	5.36	10.50	-7.25	9.17	5.13	6.49	6.20
	Total Fund (Gross)		1.90	5.38	5.38	10.55	-7.11	9.34	5.35	6.74	6.46
	Total Fund Policy		2.46	5.62	5.62	12.42	-5.19	12.08	7.03	8.21	7.76
	Total Fund Policy Index ex Alts		2.16	5.00	5.00	11.11	-4.76	9.65	5.57	6.77	6.81
Total Domestic Equity (Net)	97,061,529	36.5	2.01	6.69	6.69	15.76	-7.54	18.05	10.05	11.12	11.18
	Total Domestic Equity (Gross)		2.01	6.69	6.69	15.76	-7.44	18.15	10.19	11.30	11.39
	Total Domestic Equity Policy		2.67	7.18	7.18	14.88	-8.58	18.48	10.45	11.82	12.43
Total International Equity (Net)	45,200,786	17.0	2.81	8.88	8.88	26.78	-2.59	14.00	2.65	5.96	6.46
	Total International Equity (Gross)		2.81	8.88	8.88	26.78	-2.58	14.03	2.83	6.23	6.76
	Total International Equity Policy		2.55	7.00	7.00	22.38	-4.56	12.32	2.97	6.20	N/A
Total Emerging Markets Equity (Net)	9,281,566	3.5	3.08	4.65	4.65	16.25	-7.28	5.85	-0.54	5.32	3.00
	Total Emerging Markets Equity (Gross)		3.13	4.82	4.82	16.62	-6.69	6.52	0.08	5.99	3.65
	MSCI Emerging Markets (Net) Index		3.03	3.96	3.96	14.04	-10.70	7.83	-0.91	4.91	2.85
Total Fixed Income (Net)	49,647,891	18.7	3.02	3.75	3.75	6.05	-3.36	-1.12	1.08	1.12	1.37
	Total Fixed Income (Gross)		3.02	3.75	3.75	6.05	-3.25	-1.00	1.21	1.26	1.51
	Total Fixed Income Policy		2.54	2.96	2.96	4.89	-4.78	-1.59	0.77	1.44	1.60
Total Alternative (Net)	5,433,879	2.0	1.82	29.13	29.13	6.92	-39.15	N/A	N/A	N/A	-42.48
	Total Alternative (Gross)		1.88	29.35	29.35	7.28	-38.69	N/A	N/A	N/A	-42.03
	Total Alternative Policy		3.62	7.36	7.36	15.32	-8.20	18.03	10.60	11.80	-0.15
Total Liquid Reserves (Net)	22,270,132	8.4	0.90	1.36	1.36	2.10	3.02	1.60	52.33	35.33	22.36
	Liquid Reserves (Gross)		0.40	1.14	1.14	2.07	2.87	1.26	1.60	1.38	1.06
	Liquid Reserves (Yield)*		0.36	1.09	1.09	2.20	4.44	N/A	N/A	N/A	N/A

05-09-2023 TMM

All returns and valuations presented in this report are preliminary and subject to change.
*The Goldman Sachs Treasury Oblig (Yield) is calculated from the de-annualized yield on the Salem bank statement.



Asset Allocation & Performance
Investment Performance
As of March 31, 2023

Asset Allocation & Performance												
05-09-2023	Allocation		Performance(%)									
	Market Value \$		MTH	QTD	YTD	FYTD	1 YR	3 YR	5 YR	7 YR	Inception	Inception Date
Total Domestic Equity												
Total Domestic Equity	Vanguard Instl Index (Net)	72,724,048	3.67	7.49	7.49	15.60	-7.76	18.57	N/A	N/A	11.76	09/01/2019
	S&P 500 Index (Net)		3.62	7.36	7.36	15.32	-8.20	18.03	10.60	11.80	11.22	
	Geneva Mid Cap Growth Equity (Net)	12,582,712	1.74	8.32	8.32	15.23	-6.69	16.06	9.37	10.99	9.79	08/01/2005
	Geneva Mid Cap Growth Equity (Gross)		1.74	8.32	8.32	15.23	-6.38	16.40	9.80	11.49	N/A	
	Russell Midcap Growth Index		1.38	9.14	9.14	16.67	-8.52	15.20	9.07	11.24	9.34	
Cooke & Bieler Mid Cap Value Equity (Net)		11,754,769	-2.32	4.17	4.17	18.17	-6.07	19.91	N/A	N/A	6.82	08/01/2018
	Cooke & Bieler Mid Cap Value Equity (Gross)		-2.32	4.17	4.17	18.17	-5.73	20.31	N/A	N/A	7.24	
	Russell Midcap Value Index		-3.15	1.32	1.32	11.91	-9.22	20.69	6.54	8.33	5.87	
Total International Equity												
Pear Tree Polaris Foreign Value (QFVRX)(Net)		17,576,248	0.96	8.14	8.14	27.31	-4.58	N/A	N/A	N/A	7.11	09/01/2020
	MSCI EAFE Index (Net)		2.48	8.47	8.47	27.27	-1.38	12.99	3.52	6.21	6.16	
	MSCI EAFE Value Index (Net)		-0.26	5.93	5.93	26.74	-0.31	14.58	1.75	5.13	9.41	
Fidelity International Index (FSPSX)(Net)		11,484,701	3.09	8.59	8.59	28.39	-0.23	N/A	N/A	N/A	6.33	09/01/2020
	MSCI EAFE (Net) Index		2.48	8.47	8.47	27.27	-1.38	12.99	3.52	6.21	6.16	
MFS International Growth (MGRDX) (Net)		7,946,608	5.19	9.22	9.22	24.77	1.03	13.08	N/A	N/A	6.53	07/01/2018
	MSCI AC World ex USA (Net)		2.44	6.87	6.87	22.13	-5.07	11.80	2.47	5.86	3.18	
	MSCI AC World ex USA Growth (Net)		4.60	8.59	8.59	22.59	-6.35	9.49	3.36	6.47	3.85	
WCM Focused International Growth (WCMIX) (Net)		8,193,228	4.22	10.58	10.58	25.36	-4.89	13.68	N/A	N/A	8.78	07/01/2018
	MSCI AC World ex USA (Net)		2.44	6.87	6.87	22.13	-5.07	11.80	2.47	5.86	3.18	
	MSCI AC World ex USA Growth (Net)		4.60	8.59	8.59	22.59	-6.35	9.49	3.36	6.47	3.85	
Total Emerging Markets Equity												
Allspring Emerging Markets (Net)		9,281,566	3.08	4.65	4.65	16.25	-7.28	5.85	-0.54	5.19	2.53	10/01/2013
	Allspring Emerging Markets (Gross)		3.13	4.82	4.82	16.62	-6.69	6.52	0.08	5.86	3.17	
	MSCI Emerging Markets (Net) Index		3.03	3.96	3.96	14.04	-10.70	7.83	-0.91	4.91	2.41	



Asset Allocation & Performance
Investment Performance
As of March 31, 2023

	Allocation		Performance(%)									
	Market Value	\$	MTH	QTD	YTD	FYTD	1 YR	3 YR	5 YR	7 YR	Inception	Inception Date
05-09-2024												
Total Fixed Income												
Garcia Hamilton Fixed Income Agg (Net)	43,647,891		3.02	3.75	3.75	6.05	-3.36	-1.12	N/A	N/A	1.22	08/01/2018
Garcia Hamilton Fixed Income Agg. (Gross)			3.02	3.75	3.75	6.05	-3.25	-1.00	N/A	N/A	1.36	
Blmbg. U.S. Aggregate Index			2.54	2.96	2.96	4.89	-4.78	-2.77	0.90	0.88	1.00	
Serinitas Credit Gamma (Net)	6,000,000		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	03/01/2023
Blmbg. U.S. Aggregate Index			2.54	2.96	2.96	4.89	-4.78	-2.77	0.90	0.88	2.54	
Total Alternative												
Ark Innovation (ARKK) (Net)	5,433,879		1.82	29.13	29.13	6.92	-39.15	N/A	N/A	N/A	-42.48	06/01/2021
MSCI ACWI IMI Disruptive Technology Index (Net)			7.26	15.07	15.07	24.72	-9.17	14.31	11.05	13.26	-5.62	
Total Real Estate												
JP Morgan Strategic Property (Net)	8,216,884		-1.33	-3.25	-3.25	-8.29	-5.64	5.86	5.45	N/A	5.75	03/01/2017
JP Morgan Strategic Property (Gross)			-1.33	-2.99	-2.99	-7.82	-4.70	6.96	6.53	N/A	6.76	
NCREIF Fund Index-Open End Diversified Core (EW)			0.00	0.00	0.00	-4.90	0.39	10.30	8.76	8.66	8.86	
Total Liquid Reserves												
Liquid Reserves	22,270,132											
Goldman Sachs Treasury Oblig (Yield)*	-		0.36	1.09	1.09	2.20	4.44	N/A	N/A	N/A	4.44	04/01/2022



Benchmark History
Investment Policy Benchmarks
As of March 31, 2023

Total Fund Policy		Allocation Mandate		Weight (%)
Allocation Mandate		Allocation Mandate		Weight (%)
Jan-1979		May-2021		
Russell 3000 Index		Russell 3000 Index		35.00
MSCI EAFE (Net) Index		MSCI AC World ex USA		20.00
Blmbg. U.S. Aggregate Index		Total Fixed Income Policy		17.50
CPPI + 5%		NCREIF Fund Index-Open End Diversified Core (EW)		10.00
90 Day T-Bill + 3.75%		Total Global Macro Policy		3.00
S&P 500 + 5%		Total Alternative Policy		5.00
		Total Private Equity Policy		7.50
		90 Day U.S. Treasury Bill		2.00
Jul-2013				
S&P 500 Index				7.50
MSCI EAFE (Net) Index				15.00
Blmbg. U.S. Aggregate Index				17.50
Bloomberg Commodity Index Total Return				2.50
90 Day T-Bills + 5%				15.00
S&P 500 + 5%				10.00
Russell Midcap Value Index				3.75
Russell Midcap Growth Index				3.75
MSCI Emerging Markets (Net) Index				10.00
Bloomberg U.S. TIPS Index				2.50
Blmbg. U.S. Corp High Yield				2.50
NCREIF Property Index				10.00
Jan-2017				
Russell 3000 Index				35.00
MSCI AC World ex USA				20.00
Blmbg. U.S. Aggregate Index				12.50
Blmbg. Global Multiverse				5.00
NCREIF Fund Index-Open End Diversified Core (EW)				10.00
S&P 500 + 3%				7.50
Total GTAA/Hedge Fund Policy				10.00
Oct-2020				
Russell 3000 Index				35.00
MSCI AC World ex USA				20.00
Total Fixed Income Policy				17.50
NCREIF Fund Index-Open End Diversified Core (EW)				10.00
S&P 500 + 3%				7.50
Total GTAA/Hedge Fund Policy				10.00

Benchmark History

Investment Policy Benchmarks

As of March 31, 2023

Total Fund Policy ex Alternatives		Allocation Mandate		Weight (%)	Allocation Mandate		Weight (%)
Allocation Mandate							
Jan-1979		May-2021					
Russell 3000 Index		Russell 3000 Index		30.00	Russell 3000 Index		35.00
MSCI EAFE (Net) Index		MSCI AC World ex USA		13.00	MSCI AC World ex USA		20.00
Blmbg. U.S. Aggregate Index		Total Fixed Income Policy		24.00	Total Fixed Income Policy		17.50
CPPI + 5%		NCREIF Fund Index-Open End Diversified Core (EW)		9.00	NCREIF Fund Index-Open End Diversified Core (EW)		10.00
90 Day T-Bill + 3.75%		Total Global Macro Policy		22.00	Total Global Macro Policy		3.00
S&P 500 + 5%		Total Alternative Policy		2.00	Total Alternative Policy		5.00
		0%			0%		7.50
		90 Day U.S. Treasury Bill			90 Day U.S. Treasury Bill		2.00
Jul-2013							
S&P 500 Index				7.50			
MSCI EAFE (Net) Index				15.00			
Blmbg. U.S. Aggregate Index				17.50			
Bloomberg Commodity Index Total Return				2.50			
90 Day T-Bills + 5%				15.00			
S&P 500 + 5%				10.00			
Russell Midcap Value Index				3.75			
Russell Midcap Growth Index				3.75			
MSCI Emerging Markets (Net) Index				10.00			
Bloomberg U.S. TIPS Index				2.50			
Blmbg. U.S. Corp High Yield				2.50			
NCREIF Property Index				10.00			
Jan-2017							
Russell 3000 Index				35.00			
MSCI AC World ex USA				20.00			
Blmbg. U.S. Aggregate Index				12.50			
Blmbg. Global Multiverse				5.00			
NCREIF Fund Index-Open End Diversified Core (EW)				10.00			
0%				17.50			
Oct-2020							
Russell 3000 Index				35.00			
MSCI AC World ex USA				20.00			
Total Fixed Income Policy				17.50			
NCREIF Fund Index-Open End Diversified Core (EW)				10.00			
0%				17.50			

Benchmark History
Investment Policy Benchmarks
As of March 31, 2023

Total Domestic Equity Policy		Total Alternative Policy	
Allocation Mandate	Weight (%)	Allocation Mandate	Weight (%)
Jan-1926 S&P 500 Index	100.00	Jan-1999 S&P 500 Index (Net)	100.00
Jan-2017 Russell 3000 Index	100.00		
MSCI AC World ex USA			
Total International Equity Policy		Total Real Estate Policy	
Allocation Mandate	Weight (%)	Allocation Mandate	Weight (%)
Oct-2012 MSCI EAFE (Net) Index	100.00	Sep-2013 NCREIF Property + 3%	100.00
Jan-2017 MSCI AC World ex USA	100.00	Jan-2017 NCREIF Fund Index-Open End Diversified Core (EW)	100.00
Total Fixed Income Policy		Total Private Equity Policy	
Allocation Mandate	Weight (%)	Allocation Mandate	Weight (%)
Mar-1997 Blmbg. U.S. Aggregate Index	50.00	Jan-1926 CPI + 5%	82.00
Blmbg. U.S. Corp High Yield	25.00	S&P 500 + 5%	18.00
Bloomberg U.S. TIPS Index	25.00	Jul-2013 S&P 500 + 5%	100.00
Oct-2020 Blmbg. U.S. Aggregate Index	100.00	Jan-2017 S&P 500 + 3%	100.00

Active Return	- Arithmetic difference between the manager's performance and the designated benchmark return over a specified time period.
Alpha	- A measure of the difference between a portfolio's actual performance and its expected return based on its level of risk as determined by beta. It determines the portfolio's non-systemic return, or its historical performance not explained by movements of the market.
Beta	- A measure of the sensitivity of a portfolio to the movements in the market. It is a measure of the portfolio's systematic risk.
Consistency	- The percentage of quarters that a product achieved a rate of return higher than that of its benchmark. Higher consistency indicates the manager has contributed more to the product's performance.
Distributed to Paid In (DPI)	- The ratio of money distributed to Limited Partners by the fund, relative to contributions. It is calculated by dividing cumulative distributions by paid in capital. This multiple shows the investor how much money they got back. It is a good measure for evaluating a fund later in its life because there are more distributions to measure against.
Down Market Capture	- The ratio of average portfolio performance over the designated benchmark during periods of negative returns. A lower value indicates better product performance
Downside Risk	- A measure similar to standard deviation that utilizes only the negative movements of the return series. It is calculated by taking the standard deviation of the negative quarterly set of returns. A higher factor is indicative of a riskier product.
Excess Return	- Arithmetic difference between the manager's performance and the risk-free return over a specified time period.
Excess Risk	- A measure of the standard deviation of a portfolio's performance relative to the risk free return.
Information Ratio	- This calculates the value-added contribution of the manager and is derived by dividing the active rate of return of the portfolio by the tracking error. The higher the Information Ratio, the more the manager has added value to the portfolio.
Public Market Equivalent (PME)	- Designs a set of analyses used in the Private Equity Industry to evaluate the performance of a Private Equity Fund against a public benchmark or index.
R-Squared	- The percentage of a portfolio's performance that can be explained by the behavior of the appropriate benchmark. A high R-Squared means the portfolio's performance has historically moved in the same direction as the appropriate benchmark.
Return	- Compounded rate of return for the period.
Sharpe Ratio	- Represents the excess rate of return over the risk free return divided by the standard deviation of the excess return. The result is an absolute rate of return per unit of risk. A higher value demonstrates better historical risk-adjusted performance.
Standard Deviation	- A statistical measure of the range of a portfolio's performance. It represents the variability of returns around the average return over a specified time period.
Total Value to Paid In (TVPI)	- The ratio of the current value of remaining investments within a fund, plus the total value of all distributions to date, relative to the total amount of capital paid into the fund to date. It is a good measure of performance before the end of a fund's life
Tracking Error	- This is a measure of the standard deviation of a portfolio's returns in relation to the performance of its designated market benchmark.
Treynor Ratio	- Similar to Sharpe ratio but utilizes beta rather than excess risk as determined by standard deviation. It is calculated by taking the excess rate of return above the risk free rate divided by beta to derive the absolute rate of return per unit of risk. A higher value indicates a product has achieved better historical risk-adjusted performance.
Up Market Capture	- The ratio of average portfolio performance over the designated benchmark during periods of positive returns. A higher value indicates better product performance.

AndCo compiled this report for the sole use of the client for which it was prepared. AndCo is responsible for evaluating the performance results of the Total Fund along with the investment advisors by comparing their performance with indices and other related peer universe data that is deemed appropriate. AndCo uses the results from this evaluation to make observations and recommendations to the client.

5-09-20

AndCo uses time-weighted calculations which are founded on standards recommended by the CFA Institute. The calculations and values shown are based on information that is received from custodians. AndCo analyzes transactions as indicated on the custodian statements and reviews the custodial market values of the portfolio. As a result, this provides AndCo with a reasonable basis that the investment information presented is free from material misstatement. This methodology of evaluating and measuring performance provides AndCo with a practical foundation for our observations and recommendations. Nothing came to our attention that would cause AndCo to believe that the information presented is significantly misstated.

10-09-20

This performance report is based on data obtained by the client's custodian(s), investment fund administrator, or other sources believed to be reliable. While these sources are believed to be reliable, the data providers are responsible for the accuracy and completeness of their statements. Clients are encouraged to compare the records of their custodian(s) to ensure this report fairly and accurately reflects their various asset positions.

The strategies listed may not be suitable for all investors. We believe the information provided here is reliable, but do not warrant its accuracy or completeness. Past performance is not an indication of future performance. Any information contained in this report is for informational purposes only and should not be construed to be an offer to buy or sell any securities, investment consulting, or investment management services.

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AndCo Consulting | (844) 44-ANDCO | AndCoConsulting.com



To: Town of Palm Beach Retirement System Board of Trustees
From: Dave West, CFA
Date: April 2023
Re: Retirement System: Mid – Year Summary Investment Review

The Town of Palm Beach Retirement System “the Plan” achieved a preliminary, net rate of return on invested assets of 5.36% for the quarter ended March 31, 2023. Plan assets earned 10.5% (preliminary) for fiscal year to date 2023.

Preliminary Investment Returns

Performance and valuations presented in this report are preliminary, with 90.2% of assets reporting finalized figures. NAVs for non-reporting investments (private equity and real estate) are carried forward from the most recent valuation.

For the period ending March 2023:

FYTD Year Return: 10.5% (net)

Quarter Return: 5.36% (net)

Market Value: \$266,137,722

Summary Attribution

Calendar year '22 will be remembered as one of the worst investment periods for stock and fixed income investors in history. The massive shift in Fed policy and the pace of its execution forced dramatic revaluations of all invested assets. The abrupt change has ushered in a new operating paradigm where the now bygone era of near-zero interest rates is unlikely in the next decade.

While markets remained focused on the Fed's clearly stated mandate to bring down inflation and slow the pace of economic growth and employment, modestly positive inflation reports were sufficient to generate some forward-looking optimism on economic and earnings growth prospects. Shifting sentiment propelled equity and fixed income valuations higher during the quarter. Private investments have begun a latent revaluation process previously experienced by publicly traded investment counterparts.

Tactical actions FYTD:

- The Committee continues to implement a policy of “advance liquidity management” as benefit payment demands will continue to be a significant element of Retirement System's operations and investments. The current term-structure of interest rates now provides a substantial yield opportunity through participation in U.S. Treasury money market funds. Prospective returns in such investments offer a tactical advantage to the Retirement System investment program providing both liquidity and investment that is accretive to the overall investment objective. The current allocation strategy will ensure that the program has sufficient funds to operate through fiscal year end. The Retirement Board will make investment decisions for the allocation of the annual Town contribution at the summer meeting.
- The investment program continues to execute on a previously adopted tactical approach to asset allocation consistent with general “neutrality” to policy targets. The overweight to domestic equity was opportunistically rebalanced back to policy targets. This was completed by reducing the tactical overweight to mid-cap value, closing out the strategy with significant absolute and relative gains. The investment program is now style neutral with proceeds investing to cash equivalents.
- Fixed income allocations and manager engagements were and will continue to be reviewed for allocation efficiency. The Retirement System will maintain the high-quality

orientation for bond investments established during the pandemic. The total return outlook for public debt has improved significantly with current valuations reflecting the generally higher level of interest rates. The following actions were completed consistent with the Retirement Plan's risk management mandate:

1. The BlackRock Multi Asset Income Fund (GTAA strategy) was liquidated as the general contribution of the investment did not meet program expectations.
 2. The Retirement System retained the LMCG Serenitas Gamma II Fund. The investment managers mandate is to provide competitive fixed income returns while minimizing portfolio exposure to directional interest rate volatility. The portfolio is also expected to be a source of diversification to the other Retirement System investments.
- Real estate commitments, after a year of spectacular returns in fiscal '22, now face a challenging operating environment. Total return expectations are expected to be negative as private market investments complete a latent revaluation process reflecting the higher interest rate environment. Property type and regional exposures will be critical to investment returns in fiscal 2023.

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda Committee Reports

Agenda Title
Report of the Business and Administrative Committee Workshop Held on April 24, 2023

Presenter
Lew Crampton, Chair

ATTACHMENTS:

- ▣ **4/24/23 BAC Meeting Report**
- ▣ **Seven Point Parking Plan**



REPORT OF THE BUSINESS AND ADMINISTRATIVE COMMITTEE MEETING HELD ON MONDAY, APRIL 24, 2023

I. CALL TO ORDER AND ROLL CALL

The Business and Administrative Committee meeting of April 24, 2023, was called to order at 9:30 a.m. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Crampton led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Member Lindsay and seconded by Chair Crampton to approve the agenda. On roll call, the Motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS

John David Corey, 426 Australian Avenue, spoke regarding public transportation on the island and suggested that the Town should work with Palm Beach County and PalmTran to extend the current bus service as far south as Lake Worth.

Denise Butnitz, 44 Coconut Row, spoke regarding the restrictions on the resident parking decals and stated that the resident decals should allow parking at any legal place on the island.

Lawrence Kaplan, 2299 Ibis Isle Road, spoke regarding prioritizing parking for Town residents and especially with the renovation of Phipps Ocean Park which on completion will attract more non-resident visitors.

Mark Waxman, 3170 S. Ocean Blvd. and owner of 222 Worth Avenue stated his opposition to any paid parking on Worth Avenue. He stated that Worth Avenue was the premier shopping area in the Town and the parking kiosks were an inconvenience to customers and would eventually lead to a loss of business for the merchants.

Ed Kassatly, 309 Barton Avenue, spoke regarding excessive signage and large landscape trucks/trailers in Town and also the dropping off of service workers in residential areas.

Nicki McDonald, 234 Merrain Road, spoke regarding the inadequate number of parking spaces at Publix Supermarket.

V. REGULAR AGENDA

A. Old Business

1. Presentation Regarding Current Parking Policy and Proposed Changes

Paul Alber, Lieutenant, Police Dept.

Paul Alber, Lieutenant, Police Dept., gave a presentation regarding parking on the island. He stated that one of the focus areas of the Business and Administrative Committee (BAC) was to control, regulate and stabilize on-island mobility including traffic, parking and pedestrian thoroughfares. The BAC and Police Department have created the following parking goals:

- Increase Availability and Accessibility
- Safety and Security on the island
- Uniform and consistent parking enforcement, regulations and signs
- Best use of available parking inventory
- Data-driven decision-making

Lt. Alber showed several compressed videos of traffic at Cocconut Row and Royal Palm Way; S. County Road and Royal Palm Way and the 200 block of Worth Avenue.

Lt. Alber stated that current staffing of the Parking Enforcement Unit was 3 full-time Parking Enforcement Officers (PEO). Currently, 1 officer is on active military duty and there are 2 vacancies. The staffing is enhanced by Police officers who fill in on overtime. PEO additional duties include school crossing guard, court appearances and providing escort to visitors/maintenance workers in the department. He shared several statistics for 2022 and 2023 regarding parking complaints and citations.

2. Discussion Regarding Seven-Point Parking Plan

Lew Crampton, Chair

Chair Crampton gave an overview of the traffic and parking issues in Town. He stated that this Committee was tasked by the Council with solving the Town's serious parking problems. After almost two (2) years of research and consultation with residents and business owners, the Committee will present the following seven-point traffic and parking plan to the Town Council at its meeting on May 9, 2023. It should be noted that once the plan is approved by the Council, the staff and Committee will work together during the summer to provide implementation details prior to the Season, possibly in October. The details of the plan will be presented to the Town Council before the implementation date, which will also serve as an opportunity for the public to weigh in again on the recommendations before implementation. Chair Crampton reported that the Corradino Group had stated that the report from their parking and

traffic study would be now completed in July or August, as they are aware of the urgency of the matter. This will allow the committee to incorporate the Corradino report into its parking plan. Chair Crampton also stated that employee parking is a major component of our parking problem and several elements contained in the seven-point plan are aimed at eliminating this issue.

Chair Crampton presented the following seven-point traffic and parking plan which will be forwarded to the Town Council at the next meeting (May 9) for their approval:

1. **Palm Beach resident parking decals** which would allow parking for Town residents in any legal parking space for two (2) hours;
2. **Expansion of paid parking in the business district** from Barton to Hammon Avenues for non-residents using the ParkMobil app, no kiosks or meters anywhere;
3. **Valet Parking** on Worth Avenue and S. County Road;
4. **Transit options** for customers and employees;
5. **Signage to direct drivers** to parking opportunities;
6. **Free 30-minute parking** spaces for added convenience;
7. **Build a parking facility** in the business district. (*Long-term goal*)

Member Lindsay gave a historical overview of the parking issue in Town. She also spoke regarding non-customer parking, signage, valet service and parking enforcement along Worth Avenue.

Chair Crampton added that receiving a \$65 ticket is a serious disincentive to parking illegally. The management of the trade trucks that park illegally is a specific element in the Corradino study and will be incorporated in the committee's project. The town is willing to invest resources to solve the problem and this will be addressed in the upcoming budget process.

3. Public Comments

Ed Kassatly, 309 Barton Avenue, commented regarding paid parking, service vehicles that park on Worth Avenue during the summer, and the need for property owners to provide parking for their tenants/employees. Chair Crampton responded that only residents would be able to purchase the parking decals.

John David Corey, 426 Australian Avenue, thanked the committee and staff for the presentation. He then spoke regarding the permit and time-limited parking spaces and the increase in restaurant seating.

Susan Gary, 229 Onondaga Avenue, thanked the committee for thinking of the resident permit parking decals and enquired about the fees for the proposed parking garage.

Mark Waxman, 3170 S. Ocean Blvd., stated that the parking for employees and retail customers in the business district was inadequate.

Jane Holzer, 980 S. Ocean Blvd., spoke in opposition to paid parking on Worth

Avenue. She also spoke regarding the timeframe (six months) to carry out any construction work on Worth Avenue, parking for construction trucks, and the issue of parking spaces for valet service.

Denise Butnitz, 44 Cocoanut Row, requested clarification regarding the resident parking decals.

Anita Seltzer, Cocoanut Row, expressed issues regarding speeding, pedestrian cross-walk safety, bike safety, and turn signaling and presented photos showing the various areas in question. She also questioned the traffic pattern change at Sunset Avenue and Bradley Place which is scheduled to begin on Tuesday, April 25, 2023. Lt. Alber explained the reason for this change.

John Maus, Maus & Hoffman, 312 Worth Avenue, requested that the resident parking decals be charged to the taxpayers and not the retail employees. He also spoke regarding right-of-way parking for construction vehicles and the lack of parking enforcement.

Chair Crampton summarized the recommendations which will be brought to the next Town Council meeting on May 9th for review. After this, the appropriate staff will move forward to work out the details of the plan with a view to implementation in October prior to the beginning of next Season.

VI. ANY OTHER MATTERS

There were none.

VII. ADJOURNMENT

The Business and Administrative Committee meeting of April 24, 2023 was adjourned at 11:32 a.m. without the benefit of a Motion.

APPROVED:

Lewis S.W. Crampton, Chair

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date

Palm Beach Parking Workshop



Strategic Planning

Strategic Planning Focus #2

Control, regulate, and stabilize on-island mobility including traffic, parking, and pedestrian thoroughfares.



05-09-2023 TCM Backup

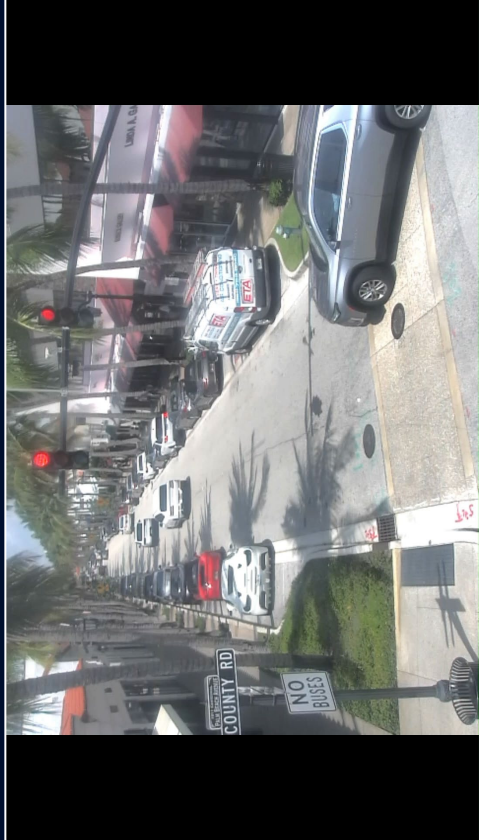
252

-
- 05-09-2023 TCM Backup
- 252

Palm Beach Traffic & Parking



05-09-2023 TCM Backup





Parking Enforcement Unit

- 3 Full-time Parking Enforcement Officers
 - 1 officer on active military duty
 - 2 vacant positions
 - 3 members fill in on overtime
- Additional Duties (2022):
 - 202 hours at school crossings
 - 82 hours in court
 - 36 hours providing escort in PD



Traffic & Parking Statistics:

- Parking Complaints 2022 – 1153
- Parking Citations 2022 – 15,912
- Parking Complaints 2023 – 635
- Parking Citations 2023 – 6,838



Traffic & Parking Statistics:

- Worth Ave Parking Citations 2022 – 3,838
- Worth Ave Parking Citations 2023 – 1,149
- Worth Avenue by block 2023
 - 100 Block – 720
 - 200 Block – 231
 - 300 Block – 153
 - 400 Block – 45



Seven Point Traffic & Parking Plan: A wholistic approach

Point 1:

Palm Beach Resident Parking Decals





Point 2:

Expansion of paid parking in the business district, from Barton Ave to Hammon Ave

Point 3:

Valet Parking on Worth Ave and S County Rd





Point 4:

Transit options for customers and employees

Point 5:

Signage to direct drivers
to parking opportunities





Point 6:

Free 30-minute parking
spaces for added
convenience

Point 7:

Long-term goal of
building a parking
facility in the business
district



Comments

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Proposed Strategic Plan Mission, Vision, and Strategic Objectives

RESOLUTION NO. 062-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Town's Strategic Plan Mission Statement, Vision Statement, and Strategic Priorities.

Presenter

Carolyn Stone, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated April 27, 2023, from Carolyn Stone, Deputy Town Manager**
- ▣ **Presentation of Proposed Strategic Plan Mission, Vision, and Strategic Priorities**
- ▣ **Resolution No. 062-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

To: Town Council

Via: Danielle H. Moore, Mayor

From: Carolyn Stone, Deputy Town Manager

Re: Approval of Strategic Planning Board Recommendations
Resolution No. 062-2023

Date: April 27, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council accept the proposed Strategic Planning Board's recommended mission and vision statements, critical success factors, strategic focus areas, and strategic priorities as the foundation of the Strategic Plan via approval of Resolution No.062-2023 .

GENERAL INFORMATION

Traininnovations Consulting presented a summary of the Strategic Planning Board's work at the April 3, 2023, Town Council meeting. Town Council authorized the formation of the Strategic Planning Board in December 2021, which the Mayor chaired. Eight community members were appointed (Skip Aldridge, Beth Dowdle, Kristen Kelly-Fisher, Nicki McDonald, Peter McKelvy, Katherine Ostberg, Michael Pucillo, and Michael Reiter). They collaborated for fifteen months, consenting to the Town's Vision, Mission, Strategic Focus Areas, and Critical Success Factors.

Staff also met during this period to align current and future operations and capital projects with the Strategic Planning Board's consented Strategic Focus Areas. Building an actionable Strategic Plan that supports Town Council direction, Staff will then align budget requests to build objectives and action items.

Each year in anticipation of the Town's annual budget process, staff will present to Town Council the Strategic Focus Areas to determine whether these objectives still capture the overarching strategies that the Town needs to focus on for the coming year. This process will create a systematic review to update anything in need of adjustment as part of the annual budget process.

Strategic priorities are: Community Culture and Character; Environmental Stewardship; Mobility and Transportation; Safe and Resilient Community; and Governmental Leadership and Innovation.

BOARD RECOMMENDATION

The Strategic Planning Board recommends to the Town Council for consideration the adoption of the following:

Vision Statement:

The Town of Palm Beach will promote an exceptional quality of life for current and future generations. We take pride in our small town, honoring our heritage as a unique legacy worth keeping, while creatively managing future challenges.

Mission Statement:

The Town of Palm Beach provides unparalleled services to residents, businesses, and visitors. Through leadership and community engagement we:

- Promote our gracious community character and culture;
- Ensure a safe and secure Town;
- Respect our history and architecture; and
- Conserve the health of our environment.

Critical Success Factors:

- Quality of Life
- Collaborative Town Government
- Preserve Community Culture and Character
- Proactive Management of Environmental Threats
- Sound Fiscal Management
- Safe, Clean, On-Demand Drinking Water
- Preservation the Town's historical commercial districts and businesses.

Strategic Focus Areas:

- Provide a framework for supporting the Town of Palm Beach before, during and after a natural or manmade disaster.
- Control, regulate, and stabilize on-island mobility including traffic, parking, and pedestrian thoroughfares.
- Promote sustainable management and enhancement of the Town of Palm Beach's outstanding parks and natural environment through conservation and environmental protection.
- Preserve and honor our unique community, rich history, and architectural character.
- Actively engage with federal, state, and local governments and agencies to protect home rule and promote cooperative relationships that affect the quality of life for the Town of Palm Beach.
- Provide reliable and sustainable management of drinking water, waste water, and storm water.



Vision and Mission

Vision:

The Town of Palm Beach will promote an exceptional quality of life for current and future generations. We take pride in our small town honoring our heritage as a unique legacy worth keeping while creatively managing future challenges.

Mission:

The Town of Palm Beach provides unparalleled services to residents, businesses, and visitors. Through leadership and community engagement we:

- Promote our gracious community character and culture;
- Ensure a safe and secure Town;
- Respect our history and architecture; and
- Conserve the health of our environment.

Community Culture and Character

Environmental Stewardship

Mobility and Transportation

Safe and Resilient Community

Governmental Leadership and Innovation

05-09-2023 TCM Backup

CSF: Quality of Life	CSF: Proactive Management of Environmental Threats	CSF: Quality of Life	CSF: Safe, Clean, On Demand Drinking Water	CSF: Collaborative Town Government
CSF: Preserve Community Culture and Character	SFA: Promote sustainable management and enhancement of the Town of Palm Beach’s outstanding parks and natural environment through conservation and environmental protection.	SFA: Control, regulate and stabilize on-island mobility including traffic, parking, and pedestrian thoroughfares.	SFA: Provide a framework for supporting the Town of Palm Beach before, during and after a natural or manmade disaster.	CSF: Sound Fiscal Management
SFA: Preserve and honor our unique community, rich history, and architectural character	CSF: Preservation of the Town’s historical commercial districts and businesses		SFA: Provide reliable and sustainable management of drinking water, wastewater, and storm water.	SFA: Actively engage with federal, state, and local governments and agencies to protect home rule and promote cooperative relationships that affect the quality of life for the Town of Palm Beach.
CSF= Critical Success Factor SFA= Strategic Focus Area				
*Proposed changes from April 3, 2023				
 				

RESOLUTION NO. 062-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING THE TOWN'S STRATEGIC PLAN MISSION STATEMENT, VISION STATEMENT, AND STRATEGIC PRIORITIES.

WHEREAS, The Town Council authorized the formation of an Ad Hoc Strategic Planning Board to develop an updated Strategic Plan for the Town of Palm Beach, and;

WHEREAS, At the conclusion of the facilitated meetings, the Strategic Planning Board presented recommendations for consideration of adopting to the Town Council, and;

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

Section 1: The Town Council approves the recommended mission statement, vision statement, and strategic priorities as the framework of the five-year Strategic Plan to be incorporated into the fiscal year 2024 budget planning.

Section 2: The resolution shall take effect upon execution.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated April 25, 2023, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, Public Works Director

FROM: Patricia Strayer, Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: April 25, 2023

I. COMMUNICATIONS:

A. Community Meetings:

None to report

B. Significant Residential Communications

Staff meetings are focused on Phase 8 easement acquisition.

II. PROGRESS SUMMARY:

Overall, Town-wide construction progress, eleven (11) of fifteen (15) construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S, 4N, 4S, 5N, and 5S. Phase 6 North has begun. Phase 6 South is being delayed until more work is completed in Phases 4 and 5 South.

A. Construction Progress:

Phase 1 North:

From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

Phase 1 South:

From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

Phase 2 North Construction:

From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

Phase 2 South Construction:

From Sloan's Curve to the intersection of South Ocean Blvd and South County Road

- Phase 2 South, the project is 96% complete. Presently working with FPL on final feeder switching. All conversions are complete. Paving is complete. Poles removal is scheduled to begin in May. Landscaping around equipment is completed.

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021

Phase 3 South:

From South Ocean Boulevard and South County Road to the alleyway south of Worth Avenue

- Phase 3 South construction is 84% complete. Almost all equipment has been installed. The last areas being worked on are Gulfview's alley and behind the Colony and Esplanade. These areas were significantly more difficult to complete due to limited room and access. The contractor has worked with the property owners to schedule the work to optimize the ability of the property owners' access to each property. Switching of primary feeders has begun. This effort is scheduled and dependent on FPL release of orders.
- Because FPL controls the switching and this phase is very complex, it is difficult to give a date for when the poles can be removed. Staff has requested FPL work with the Town so that poles can be removed prior to November.

Phase 4 North:

From south-side of La Puerta Way to north-side of List Road

- Construction for Phase 4 North is 93% complete. All equipment has been installed. All FPL conversations have been completed. Comcast and ATT are finalizing their work. Poles will begin to be removed in May. Paving plans need to be finalized with the expectation of completing paving by end of October.

Phase 4 South:

From Peruvian Avenue to Royal Palm Way

- Construction is 41% complete.
- All drilling and disruptive work will be completed in Phase 4 South by November.
- Staff are working with the contractor to determine when sidewalks can be poured as soon as possible.

Phase 5 North:

From Country Club Road to Southland Road

- Construction phase is 68% complete.
- ATT and Comcast will start installation by May 15th.
- Poles should come down by the end of the year.

Phase 5 South:

From South Lake Drive/Hibiscus Avenue & Peruvian Avenue/Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Avenue.

- Construction phase is 48% complete.
- All drilling and disruptive work will be completed by November.
- All equipment will be placed by November and FPL conversions should be underway.
- Staff are working with the contractor to determine when sidewalks can be poured as soon as possible.
- Poles will come down by June 2024.

Phase 6 North:

From Chateaux Drive and Kawama Lane to the south-side of Plantation Road

- Construction phase is 8% complete.
- Poles should be removed mid 2024 if we stay on schedule and do not have any significant storms that may divert resources away from FPL switching and conversions.

Phase 6 South:

Seaspray Avenue to the south of Royal Poinciana Way

- Construction has not begun in earnest.
- All materials are available.
- Construction is being delayed so that efforts can be focused on Phases 4 and 5 South. The expectation is to get all drilling done in 4 and 5 South and only begin drilling in Phase 6 South at that time. This will help alleviate some of the congestion.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road

- Design is 90% complete and on schedule. Bid packages are being prepared and expected to be issued in the next 60 days.
- 76 of 79 (96%) easements approved.

Phase 7 South:

Atlantic Avenue north to Via Los Incas and Sanford Avenue

- Design is 85% complete and on schedule. Bid packages are being prepared and expected to be issued in the next 60 days.
- 47 of 55 (85%) easements approved.

Phase 8:

Royal Poinciana Way north to Everglade Avenue

- Design is 38% complete and on schedule.
- 11 of 97 (11%) easements approved.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- Quarterly submittals are in for approval.

B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases. The full Underground Utility Project Financial Report is provided within your backup package with the summary page attached. The table below shows the latest construction cost summary.

Phase Area	Construction Cost Proposal	Master Plan OPC	Difference	% Difference
3S	\$8,029,384.83	\$7,710,000.00	\$319,384.83	+4.1%
4N	\$4,843,009.99	\$5,360,000.00	(\$516,990.01)	-9.6%
4S	\$8,803,506.00	\$6,400,000.00	\$2,403,506.00	+37.6%
5N	\$7,347,435.31	\$6,960,000.00	\$387,435.31	+5.6%
5S	\$8,102,327.89	\$8,940,000.00	(\$837,672.11)	-9.4%
6N	\$7,867,296.00	\$5,620,000.00	\$2,247,296.00	+40.0%
6S	\$8,149,565.00	\$10,040,000.00	(\$1,890,435.00)	-18.8%
Totals	\$53,142,525.02	\$51,030,000.00	\$2,112,525.02	+4.1%

cc: Bob Miracle, Deputy Town Manager
Kevin Schanen, Kimley-Horn & Associates

Underground Utility Project Budget
Project Financial Summary
March 31, 2023

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,773,514	\$ 12,718,730	99.6%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 13,445,627	\$ 13,509,227	100.5%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 16,427,031	\$ 14,303,710	87.1%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 18,384,239	\$ 11,548,085	62.8%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 17,950,916	\$ 10,109,486	56.3%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 19,966,261	\$ 3,877,303	19.4%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 1,885,054	\$ 1,678,700	89.1%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,446,577	\$ 750,042	51.8%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 102,279,219	\$ 68,495,282	67.0%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 2,957,405	\$ 2,957,405	\$ 2,738,949	92.6%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 122,862,050	\$ 105,236,625	\$ 71,234,231	67.7%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 14,543,157	\$ 15,601,204	107.3%
Total Other Costs Outside Underground Budget (Page 8)			\$ 690,317	\$ 1,679,132	243.2%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 122,862,050	\$ 105,926,942	\$ 88,514,567	83.6%

Total Project Budget - Opinion of cost for construction	\$ 122,862,050
% Budgeted/Encumbered To Date Project Costs	85.65%
% Spent to Date - Project Costs	57.98%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ 18,329,914	\$ 18,329,914	0.0%
Assessment Revenue	\$ 25,280,000	\$ 25,270,967	100.0%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest	\$ 1,667,009	\$ 4,057,353	243.4%
GO Bond Proceeds 2018	\$ 60,500,000	\$ 60,499,897	100.0%
GO Bond Proceeds 2021	\$ 9,198,896	\$ 9,198,896	100.0%
1 Cent Sales Tax (CIP Pay go)	\$ 5,000,000	\$ 3,250,000	65.0%
FPL	\$ 450,246	\$ 450,246	100.0%
FEMA Grant	\$ 8,500,000	\$ 1,295,453	15.2%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (401) Fund Marina	\$ 5,200,000	\$ 3,900,000	75.0%
Transfer from (001) General Fund - PM Salary	\$ 942,116	\$ 1,113,599	118.2%
Total Project Revenues	\$ 138,674,922	\$ 131,007,967	94.5%

Underground Utility Project Budget
Phase 1 Project Costs
March 31, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,606,916	100.2%
Street Light Conversion			\$ 135,322	135,322	100.0%
Change Order for AT&T and Comcast Conduit			\$ 500,655	491,883	98.2%
Utility Design Costs			\$ 15,595	79,767	511.5%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	325,523	68.3%
Construction Engineering (KH)			\$ 207,771	205,818	99.1%
	\$ 4,210,000	\$ 4,930,000	\$ 4,953,984	\$ 4,864,949	98.2%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,518,572	101.5%
Utility Design Costs			\$ 33,013	119,725	362.7%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,250,395	91.0%
Construction Engineering (KH)			\$ 317,963	317,483	99.8%
	\$ 6,800,000	\$ 6,350,000	\$ 6,198,347	\$ 6,228,375	100.5%
Easement Recording Fees			\$ 740	740	100.0%
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment			\$ 8,256	5,120	62.0%
Legal Advertising				2,795	
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,773,514	\$ 12,718,730	99.6%

Underground Utility Project Budget
Phase 2 Project Costs
March 31, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 131,510	96.3%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 801,406	99.4%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 3,932,792	3,932,792	100.0%
Owner Purchased Supplies			\$ 83,073	253,631	305.3%
FPL Design Cost			\$ 11,759	34,936	297.1%
ATT Design Cost			\$ 5,000	\$ 10,000	200.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 423,898	85.4%
FPL - Additional Vista Switches			\$ 55,000	\$ 54,938	99.9%
Construction Engineering (KH)			\$ 248,121	\$ 246,227	99.2%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 4,872,052	\$ 4,992,974	102.5%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	87,667	250.5%
Burkhardt Construction			\$ 6,419,862	6,264,521	97.6%
Owner Supplied Materials			\$ 172,321	175,898	102.1%
FPL Design Cost			\$ 13,330	34,936	262.1%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 601,448	\$ 601,448	100.0%
Reimburse John Moran				\$ 39,240	
Construction Engineering (KH)	-		\$ 325,280	\$ 313,992	96.5%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,577,241	\$ 7,527,283	99.3%
Easement Acquisition/Abandonment	200,000	219,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 20,689	95.2%
Advertising			\$ 1,200	\$ 1,101	91.7%
Recording Costs			\$ 3,605	\$ 3,359	93.2%
Easement Abandonment			\$ 6,870	\$ 5,994	87.2%
Total Easement Acquisition Costs	200,000	219,000	\$ 189,822	\$ 187,564	98.8%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 13,445,627	\$ 13,509,227	100.5%

Underground Utility Project Budget
Phase 3 Project Costs
March 31, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 486,323	100.0%
Task 1.3 Permitting Assistance			\$ 13,739	\$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 36,834	100.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 893,710	99.9%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,100,697	\$ 4,100,697	100.0%
Owner supplied materials			\$ 2,797	\$ 3,456	123.6%
FPL Design Cost			\$ 12,850	\$ 2,700	21.0%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 3,128	\$ 3,128	100.0%
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion			\$ 4,249	\$ 7,012	165.0%
Utility Costs (Comcast & ATT)			\$ 409,387	\$ 428,207	104.6%
Construction Engineering (KH)			\$ 236,976	\$ 224,829	94.9%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 457,851	\$ 457,851	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 85,796	\$ 85,796	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Billing for Arnold Fisher relocate transformer Deanna Davis and Cohlman			\$ (17,647)	\$ (17,647)	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 5,452,205	\$ 5,452,150	100.0%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction			\$ 33,400	\$ 33,400	100.0%
Construction			\$ 8,029,385	\$ 6,264,916	78.0%
Owner supplied Pipe			\$ 153,809	\$ 138,366	90.0%
FPL Construction			\$ 562,000	\$ 562,905	100.2%
FPL Design Cost			\$ 11,359	\$ 17,159	151.1%
FPL - 101 El Brillo			\$ 10,875	\$ 10,875	100.0%
ATT Design and Construction Cost			\$ 425,000	\$ 5,000	1.2%
Comcast Design and Construction Cost			\$ 195,128	\$ 335,723	172.1%
Construction Engineering (KH)			\$ 322,540	\$ 256,716	79.6%
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 9,743,496	\$ 7,625,060	78.3%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 271,913	99.5%
Easement Amendment			\$ 49,285	\$ 49,198	99.8%
<i>Surveys</i>					
Recording Costs			\$ 6,000	\$ 5,137	85.6%
Easement Abandonment			\$ 8,150	\$ 6,542	80.3%
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 336,825	\$ 332,791	98.8%
Total Phase 3 Costs	\$ 10,910,000	\$ 15,400,000	\$ 16,427,031	\$ 14,303,710	87.1%

Underground Utility Project Budget
Phase 4 Project Costs
March 31, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	451,284	100.0%
Task 1.3 Permitting Assistance			\$ 14,468	14,468	100.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	37,899	100.0%
Task 1.6 Meetings			\$ 77,911	77,383	99.3%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	893,351	99.9%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction			\$ 22,270	22,270	100.0%
Construction Costs			\$ 5,016,315	4,486,275	89.4%
Owner Supplied Pipe and Vaults			\$ 156,238	156,238	100.0%
FPL BCE			\$ 91,543	91,543	100.0%
FPL Design Cost			\$ 12,757	12,850	100.7%
ATT Design Cost			\$ 5,000	5,000	100.0%
Comcast Design and Construction Cost			\$ 173,151	3,128	1.8%
Utility Costs (FPL, Comcast, AT&T)			\$ 353,715	353,715	100.0%
Street Light Conversion FPL			\$ 4,222	4,222	100.0%
Construction Engineering (KH)			\$ 324,309	279,876	86.3%
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 6,159,520	5,415,116	87.9%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction			\$ 34,800	34,800	100.0%
Construction			\$ 8,909,957	3,017,147	33.9%
Construction with Lake Drive Park			\$ 320,311	363,499	113.5%
Owner Supplied Pipes			\$ 2,170	2,170	100.0%
Reimbursement from Preservation Foundation			\$ (102,500)	(102,500)	100.0%
Street Light Conversion (FPL)			\$ 7,098	7,098	100.0%
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost			\$ 5,000	5,000	100.0%
Comcast Design Cost			\$ 3,128	3,128	100.0%
Kimley Horn - Design services Hibiscus Ave			\$ 12,047	11,940	99.1%
Utility Costs (FPL, Comcast, AT&T)			\$ 1,334,427	1,334,427	100.0%
Construction Engineering (KH)			\$ 333,659	124,877	37.4%
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 10,873,257	4,802,935	44.2%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	280,254	100.0%
Easement Assistance (KH) -- Switches			\$ 67,747	67,481	99.6%
Easement Assistance (KH)			\$ 59,369	44,530	75.0%
<i>Surveys</i>					
Legal Sketch			\$ 38,230	38,092	99.6%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs			\$ 7,000	6,326	90.4%
Easement Abandonment					
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 457,583	436,683	95.4%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 18,384,239	11,548,085	62.8%

Underground Utility Project Budget
Phase 5 Project Costs
March 31, 2023

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 454,210	100.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 606,951	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,100	\$ 17,100	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 37,899	\$ 37,899	100.0%
Task 1.6 Meetings North/South			\$ 77,911	\$ 77,905	100.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 1,194,065	100.0%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,425,580	4,426,751	68.9%
Construction Manager - Burkhardt			\$ 940,702	526,793	56.0%
Utility Costs (FPL, Comcast, AT&T)			\$ 67,157	67,157	100.0%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 16,223	30,330	187.0%
Reimburse Caren and Gary Marder work performed			\$ 6,100	6,100	100.0%
Construction Engineering (KH)			\$ 334,147	218,432	65.4%
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 7,854,009	\$ 5,339,663	68.0%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,629,361	2,113,971	31.9%
Infrastructure from Phase 4 south bid - Not part of Grant			\$ 163,350	45,019	27.6%
Construction Manager - Burkhardt			\$ 979,098	509,131	52.0%
Utility Costs (FPL, Comcast, AT&T)			\$ 365,720	381,551	104.3%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 19,283	20,633	107.0%
Construction Engineering (KH)			\$ 334,159	105,172	31.5%
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 8,555,071	\$ 3,239,577	37.9%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 218,600	\$ 218,536	100.0%
Easement Assistance			\$ 81,086	\$ 78,699	97.1%
<i>Surveys</i>					
Legal Sketch			\$ 41,080	\$ 32,603	79.4%
Legal Ads			\$ 1,000	\$ 585	58.5%
Recording Costs			\$ 6,000	\$ 5,758	96.0%
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 347,766	\$ 336,181	96.7%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$ 14,090,000	\$ 11,694,645	\$ 17,950,916	\$ 10,109,486	56.3%

Underground Utility Project Budget
Phase 6 Project Costs
March 31, 2023

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 475,019	100.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 826,551	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694	\$ 17,694	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938	\$ 35,938	100.0%
Task 1.6 Meetings North			\$ 84,791	\$ 84,765	100.0%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 1,439,967	100.0%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 7,867,296	862,269	11.0%
Approved Change Orders					
FPL Design Cost			\$ 15,868	29,198	184.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 295,632	295,632	100.0%
Construction Engineering (KH)			\$ 344,177	36,698	10.7%
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 8,547,243	\$ 1,248,067	14.6%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 8,400,000		
Approved Change Orders					
FPL Design Cost			\$ 29,924	29,924	100.0%
ATT Design Cost			\$ 10,000	10,000	100.0%
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 754,815	754,815	100.0%
Construction Engineering (KH)			\$ 344,007	18,648	5.4%
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 9,563,016	\$ 837,657	8.8%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 317,344	90.3%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 30,447	52.1%
Legal Ads			\$ 1,000	\$ 113	11.3%
Recording Costs			\$ 5,000	\$ 3,708	74.2%
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 416,009	\$ 351,611	84.5%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 19,966,261	\$ 3,877,303	19.4%

Underground Utility Project Budget
Phase 7 Project Costs
March 31, 2023

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488	\$ 482,638	98.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830	\$ 599,289	95.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938	\$ -	0.0%
Task 1.4 Meetings North and South			\$ 77,616	\$ 77,535	99.9%
Total Phase 7 Design	\$ 930,000	\$ 1,237,000	\$ 1,236,872	\$ 1,159,462	93.7%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction			\$ 47,500	11,515	24.2%
Construction					
Chicane Demonstrations			\$ 47,500	14,354	30.2%
FPL Design Cost			\$ 15,806	27,165	171.9%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000	\$ 110,806	\$ 53,034	47.9%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction			\$ 47,500	11,515	24.2%
Construction					
Chicane Demonstrations			\$ 47,500	14,354	30.2%
FPL Design Cost			\$ 19,953	19,953	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000	\$ 114,953	\$ 45,822	39.9%
Easement Acquisition/Abandonment	\$ 280,000	\$ 348,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459	\$ 346,356	100.0%
Easement Assistance			\$ 69,964	\$ 69,919	99.9%
<i>Surveys</i>					
Legal Sketch					
Legal Ads			\$ 1,000	\$ 113	11.3%
American Acquisition Group					
Temp Services					
Legal Advertising					
Recording Costs			\$ 5,000	\$ 3,995	79.9%
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 422,423	\$ 420,382	99.5%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 1,885,054	\$ 1,678,700	89.1%

Underground Utility Project Budget
Phase 8 Project Costs
March 31, 2023

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,029,017	\$ 463,058	45.0%
Task 1.2 Permitting Assistance			\$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			\$ 14,430		0.0%
Task 1.4 Meetings			\$ 89,778	\$ 14,026	15.6%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,150,919	\$ 477,084	41.5%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160	13,160	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ 13,160	\$ 13,160	100.0%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724	\$ 217,929	95.7%
<i>Surveys</i>					
Legal Sketch					
Legal Ads				\$ 56	
American Acquisition Group					
Kimley Horn Grant Assistance BRIC Grant			\$ 49,774	\$ 41,587	83.6%
Temp Services					
Recording Costs			\$ 5,000	\$ 225	4.5%
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 282,498	\$ 259,798	92.0%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 1,446,577	\$ 750,042	51.8%

Underground Utility Project Budget
Other Project Costs
March 31, 2023

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan	\$ 12,015	\$ 12,015	100.0%
Assessment Costs, Legal, Fees and Discounts	\$ 950,000	\$ 947,590	99.7%
Project Manager - Pay and benefits	\$ 840,000	\$ 700,697	83.4%
Temp Services - Easement Acquisition	\$ 150,000	\$ 106,050	70.7%
Other Miscellaneous Expenses		\$ 24,620	
General Easement Assistance	\$ 24,976	\$ 24,838	99.4%
Community Outreach	\$ 282,519	\$ 225,256	79.7%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 2,957,405	\$ 2,738,949	92.6%

Debt Service and Related Debt Issuance Costs

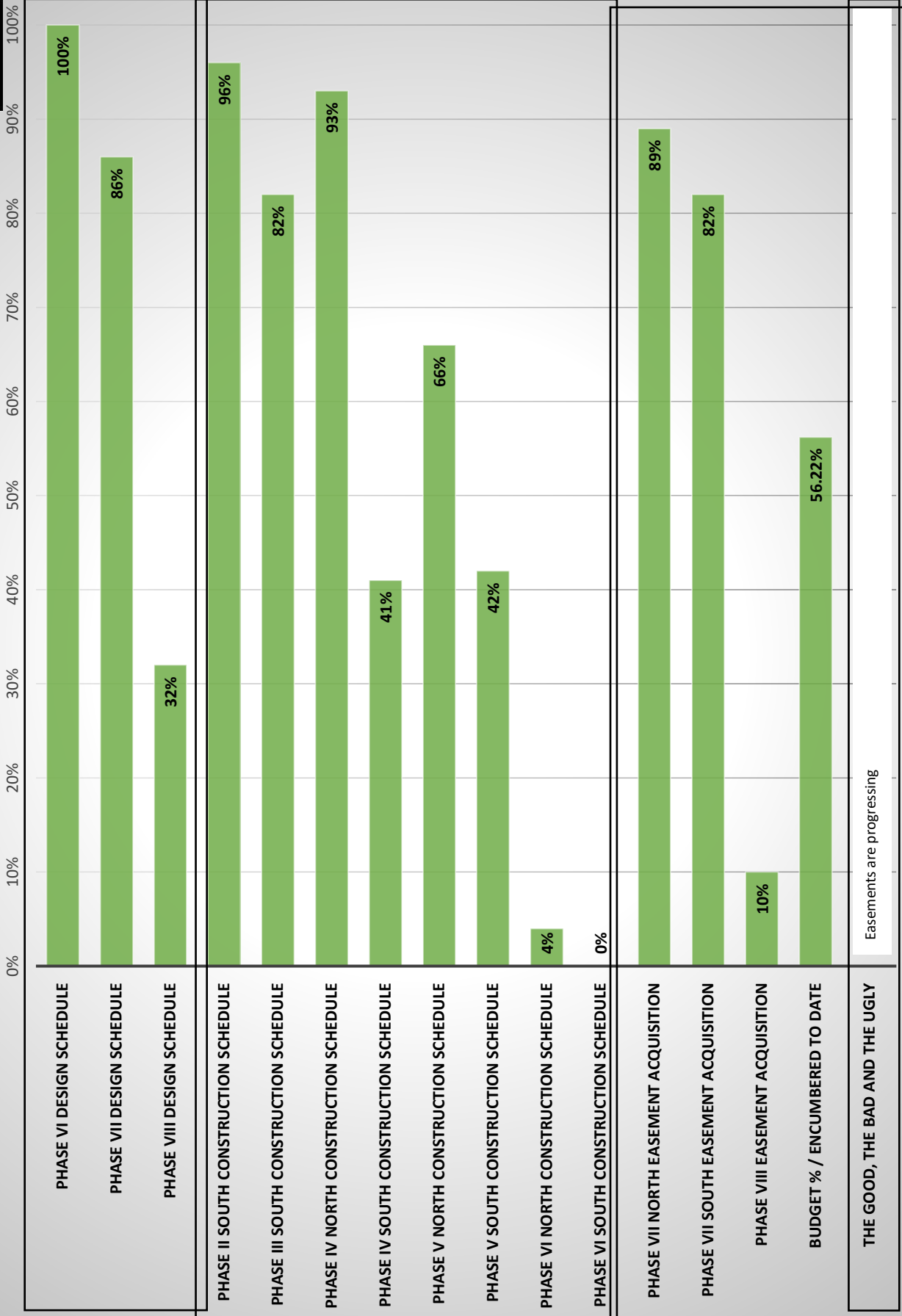
	Budget	Actual	% Expended
Commercial Paper Issuance Cost	\$ 260,116	\$ 260,116	100.0%
Commercial Paper Interest	\$ 243,096	\$ 243,096	100.0%
Arbitrage Rebate Calculation	\$ 2,500	\$ 2,900	116.0%
Debt Service Fees	\$ 2,000	\$ 500	25.0%
GO Bond Closing Costs 2018	\$ 488,271	\$ 487,471	99.8%
GO Bond Closing Costs 2021	\$ 202,169	\$ 202,380	100.1%
GO Bond Debt Service	\$ 13,345,005	\$ 14,404,742	107.9%
Total Debt Service and Related Debt Issuance Costs	\$ 14,543,157	\$ 15,601,204	107.3%

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 351,081	100.0%
Project Construction Engineering	\$ 11,607	\$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 518,805	98.7%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
Crosswalk Spare Conduits	\$ 26,148	\$ 17,519	67.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 615,602	
PBT Real Estate v TPB		\$ 197,178	
Gardner, Bist Bowden, Bush (Shel Wright)		\$ 24,799	
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 690,317	\$ 1,679,132	243.2%

Town of Palm Beach - Underground Utility Project Dashboard - March 2023

Status Legend
 Green - On Task
 Yellow - At Risk
 Red - Not on Task
 Grey - Complete
 White - Not Shown



TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - Update

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated April 19, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **General Prohibitions**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - Update

DATE: April 19, 2023

STAFF RECOMMENDATION

Town staff is providing an update on this subject and prior history and past actions are summarized below. Staff requests direction from the Town Council concerning the next steps and any desired actions with regard to solid waste collection efforts associated with the marina operations.

GENERAL INFORMATION

At the September 13, 2022 Town Council meeting, the decision was made to pursue collection of solid waste (garbage) from the marina via a rented garbage truck on a trial basis during the season. The results of that trial are presented below. In order to provide some context to the issue, a summary of past history is also outlined documenting the actions that led to the current trial period.

Master Plan & Design:

During preparation of the Master Plan (by W.F. Baird & Associates) in the spring of 2018, the subject of trash collection was considered. On this topic the master plan mentions that “feedback from the public and dock patrons is that the trash collection areas are often “unsightly” and that an option would be to relocate all trash collection to one area and “install a trash compactor to minimize the trash volume”. Additional staff was noted as a recommendation to facilitate daily collection and transport of trash. The use of a single trash compactor location would “improve aesthetics and allow existing trash collection areas to be converted to additional parking.”

During the subsequent development of the design criteria (basis of design report), the requirements for the project included the consideration of trash and recycling (and compactor) to be at the Australian dock vicinity. The garbage collection area at the Australian parking lot was to be removed and replaced by a compactor with fencing and vegetation to screen it. It was noted that inadequate space exists at the Public Works facility to accommodate that function. Trash collection at Brazilian and Peruvian docks was to be eliminated, so those garbage collection areas in those parking lots were noted to be removed. The anticipated volume of garbage was estimated, and the compactor was sized to collect the requisite quantity for disposal on daily basis (via contract with TOPB’s vendor for compacted garbage).

Development Review and Site Plan Approval:

During the site plan review presentation (by Gordon Thomson of W.F. Baird & Associates) the removal of the existing oil collection area and replacement with the trash compactor was mentioned, and that other trash receptacles (dumpsters) would be removed. The compactor was noted to be screened similar to existing coverage. Special exception and site plan were approved at that Development Review Meeting on March 19, 2019.

Lake Drive Park Improvements:

Landscape and hardscape improvements were developed as part of the Nievera-Williams Park Project design, and during this process a question was raised about the possibility of relocating the compactor to the northeast portion of the Australian parking lot. That proposed relocation was not pursued because of several constraints (site plan revisions to widen parking lot entrance, loss of several parking spaces, and expensive water main relocation costs). The constraints and limitations associated with the Public Works building location were again reiterated (access for fire lane, FPL/electrical equipment, PW generator and fuel tank, etc.).

Development Review and Site Plan Approval (Lake Drive Park Improvements):

The Lake Drive Park Project was reviewed by the Town Council at its April 14, 2021 Development Review Meeting. Plans from W.F. Baird, Nievera-Williams, and Chen Moore & Associates were included in that review set. The trash compactor area and the solid-waste collection and recycling functions were shown, and the reconfiguration to facilitate access for servicing the compactor were included therein (driveway, curb cut, etc.). The Town Council approved that special exception with site plan review at that April 14, 2021 meeting.

Temporary (Trial) Alternative:

Staff was tasked with implementing garbage collection for the marina using a suitable truck, and this was accomplished by renting a garbage truck (8 CY capacity) from Big Truck Rentals. The initial delivery of the vehicle occurred on December 12, 2022. Training was conducted for the marina staff on operations of the truck and the proper procedures for unloading at the Town's transfer station (Pinewalk – Breakers). Shortly after initial training, this truck was found to have mechanical issues and the vendor was notified of problems, repairs were completed over the holidays and the truck was returned in mid-January. Marina staff used the truck for several days, but due to recurring mechanical issues, it again had to be returned for repairs at the end of January. Due to unreliability, staff requested that the vendor provide a different vehicle. A larger replacement was available and provided by the vendor (11 CY capacity). Since that vehicle was delivered on February 24, 2023, marina staff have used it in their collection efforts. It should be noted that the use of the existing compactor service was continued due to weekend staffing shortfalls and desire to have that capability available as-needed.

The rental cost of the garbage truck is estimated to be \$76K per year, and fuel/maintenance are approximately \$4K per year. Labor costs associated with using the garbage truck 7- days per week are estimated at \$140,000 per year. The cost to continue having the compactor serviced is approximately \$28K per year. The estimated cost increase to the marina budget for using the garbage truck vs. the compactor is \$220,000 vs. the current annual spend of approximately \$28,000 for the compactor pick up.

Using the garbage truck has been less than ideal for the marina operation and presented some logistical challenges which include:

- 1) Garbage truck drivers must be Town employees (contractual labor employees are not permitted to operate the truck). With the tight labor market, hiring Town part-time staff has proven enormously challenging.
- 2) The trash truck must be picked up each morning at Public Works and driven to the marina. This means the designated marina employee leaves their personal vehicle at Public Works and returns the truck at the end of their shift after making the disposal run. Once the truck is gone from the marina, there is no place to put trash other than the trash receptacles on the docks. Boat arrivals vary, and once a vessel arrives, one of the first things the crew wants to do is remove the trash from the boat. The receptacles fill quickly, and without a place for the second shift dock attendant(s) to put trash, the docks are overrun with unsightly trash.
- 3) In order to keep the trash truck at the marina later into the day, a marina staff member would then have to drive over to the employee who initially left their vehicle at Public Works at the start of their shift. This is highly inefficient and requires schedule changes (and multiple trips over and back to West Palm Beach which can be up to 45 minutes per day, depending on traffic). In addition, since the Pinewalk garbage transfer station is required by its operating permit to be manned with a spotter anytime operations are in progress during the operating hours, the late afternoon trash run may require two (2) marina staff members instead of one (1) (if Public Works staff are not onsite). On weekends, there is also a permit requirement for the spotters so two (2) dock attendants may need to work all day at the marina in order to take the trash to Pinewalk, (if Public Works staff are not onsite). Again, this is very inefficient for marina operations and requires the hiring of additional staff. State regulations regarding garbage collection and disposal are summarized in the attachment for reference, and were shared with relevant Town staff.

After two (2) weeks of only one (1) garbage run per day to the trash transfer station, marina staff began fielding complaints from marina customers as to why the bins were so full on the docks, particularly on the weekend. Marina staff then requested a hybrid approach to use the compactor for the late day trash pick-up (after 2:30 p.m. when the trash truck was already gone for the day) and on Saturday and Sunday when there are no Town employees available to drive the truck. This resulted in a hybrid operational approach of marina staff utilizing the garbage truck five (5) times per week and having Waste Pro pick up the compaction bin two (2) times per week. The Waste Pro truck pick up takes on average between 2-3 minutes to dump the bins on South Lake Drive.

Future Actions:

Staff is seeking guidance on the course of action desired by the Town Council. Based on known costs, previous estimates, and lessons learned during the trial period, the following options may offer a range of alternatives that the Town Council might choose to implement:

- **Status quo (compactor only)** – This alternative would resume collection of garbage at the existing solid waste area and recycling would also resume per original design/operations. Collection by the Town's compacted garbage vendor (Waste Pro) would be done on the six (6) day per week schedule as originally contracted. There would be no cost for this

alternative since there are no modifications or revisions to be done. Cost for Waste Pro collection services and Town staff collection of recycling is already budgeted.

- **Rental garbage truck plus reduced compactor service** – This alternative would require the continued rental of a garbage truck and collection of garbage by marina staff for disposal at the Town’s transfer station (Pinewalk). Additional staffing for weekend coverage would be required, otherwise continued compactor service would be needed (2x per week) to accommodate weekend and after-hours collection efforts. Permanent site work to modify the Public Works facility location (paving, landscaping, etc.) would require design fees and LPC review/approval process. (Current garbage truck lease is about \$76K/year, subject to future cost escalation. Reduced compactor service estimated at \$28K/year. Design/construction for site work would be at least \$100K. Labor costs are estimated to be \$140K/year.)
- **Purchase garbage truck plus reduced compactor service** – This alternative would continue to accomplish garbage collection by marina staff as noted in the previous alternative but would require the purchase of a garbage truck. Due to supply chain issues, the lead time may be one year or more depending on availability, so continued lease of a truck would be necessary until a new truck was obtained. Reduced compactor service would also be necessary as noted above. Permanent site work to modify the Public Works facility location (paving, landscaping, etc.) would require design fees and LPC review/approval process. (Garbage truck purchase is estimated at \$152K, assuming FY24 order date. Reduced compactor service estimated at \$28K/year. Design/construction for site work would be at least \$100K. Labor costs are estimated to be \$140K/year.)
- **Modify Lake Drive Park to accommodate compactor in another location** – This alternative would provide for a compactor in a different location than the existing. This was reviewed with the Town Council previously at the July 12, 2022 meeting and due to the extensive negative impact to the green space in Lake Drive Park, this was not pursued. If the Town Council wishes to consider this alternative again, staff would need to develop a timeline and estimated cost for implementation. Design work would include renderings for LPC review, construction bid documents and then actual construction costs. Negative impact on green space in the park would require a referendum per Town Charter.
- **Modify parking lots/entrances to accommodate dumpsters** – This alternative is essentially a reversion to the previously existing conditions before the marina project. Dumpsters and recycling containers could be established in collection areas in each parking lot (Brazilian, Australian, Peruvian). This would require modifications to the site plan, and therefore would be subject to LPC review. Design efforts would need to incorporate these dumpster areas into the existing parking lots and entrances, resulting in a loss of numerous parking spaces. Traffic circulation would require sufficient space for Town vehicles to service these dumpsters and recycling containers. Town vehicles would likely need to service these locations on seven (7) day schedule. Challenges encountered in the past included illegal dumping of wastes in these collection areas since they are accessible to dock tenants and the public. Noise from Town vehicles would be heard in multiple collection locations every day. These collection areas were noted during the Master Plan process with negative comments, so concerns with unsightly appearance or smell may be anticipated.

FUNDING/FISCAL IMPACT

The funding impacts associated with this item would be determined based on the desired outcome and the chosen alternative.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Manager for concurrence.

Attachment

cc: Carolyn Stone, Deputy Town Manager
Eric Brown, P.E., Assistant Director Public Works
Chester Purves, Services Division Manager
Paul Colby, Facilities Maintenance Division Manager
Mike Horn, Marina Manager
Jeffery Coleman, Water Resources Division Manager

62-701.300 Prohibitions.

(1) General prohibition.

(a) No person shall store, process, or dispose of solid waste except as authorized at a permitted solid waste management facility or a facility exempt from permitting under this chapter.

This facility location is not permitted. The difference by definition is that the garbage has already been collected by marina staff and by not being disposed of after collection, it is being “stored”. This is the difference of having dumpsters that they placed garbage in, PW “collects” and then “dispose of” at a permitted facility after completion of a route. The marina facility is currently included as part of the Charlie 31 route in the Operation Plan for the permitted transfer station facility and therefore fall under the permit guidelines. This is why PW cannot store garbage in trucks at the transfer station, any storage must be in the compaction trailer and not exceed 65 cubic yards at a time.

(e) Within 200 feet of any natural or artificial body of water unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water body was in existence. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility. For purposes of this paragraph, a “body of water” includes wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances which are part of an on-site, permitted stormwater management system, or bodies of water contained completely within the property boundaries of the disposal site which do not discharge from the site to surface waters. A person may store or dispose of solid waste within the 200 foot setback area upon demonstration to the Department that permanent leachate control methods will result in compliance with water quality standards and criteria. However, nothing contained herein shall prohibit the Department from imposing conditions necessary to assure that solid waste stored or disposed of within the 200 foot setback area will not cause pollution from the site in contravention of Department rules.

To store collected garbage in a truck at this location a permit would be required with methods to control leachate demonstrated as part of a permit condition. This permit condition is currently required in the permitted facility that the town currently operates, outlined in the Specific Permit Conditions and in the Operation Plan. The following is the definition set in place by F.A.C.

(59) “Leachate” means liquid that has passed through or emerged from solid waste and may contain soluble, suspended or miscible materials.

In simple terms, any rain water, irrigation, washwater etc that comes in contact with garbage becomes leachate and must be controlled.

(17) Storage in vehicles or containers. The prohibitions in subsection (2) of this section do not apply to the storage of solid waste in an enclosed or covered vehicle or container, provided that such vehicle or container has either been unloaded or moved over public highways within the previous seven days, and provided also that reasonable efforts have been made to minimize leakage from the vehicle or container.

The key point in this section is the reference to vehicles and containers. This intent is for trailers, rolloff compactors or front load (currently at the site) dumpsters that are designed to contain the garbage and minimize water intrusion. A garbage truck does not meet that criteria because it is not designed to hold water from rain events. As part of the operating permit, Specific Conditions, storage is permitted in the transfer trailer with a maximum of 65 cubic yards.

62-201-200

(91) *“Putrescible waste” means solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds. The term does not include uncontaminated yard trash or clean wood.*

This definition and management of this waste is also a condition of the permit with the intent to prevent odor and vector problems.

(179) *“Objectionable Odor” – Any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.*

This definition and compliance requirement is identified in the operating permit and operation manual. Storing garbage in a truck for long durations creates these odors. To prevent this, trucks are emptied daily, cleaned and sanitized. The station is also cleaned and sprayed with an odorant.

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Review of Proposed North County Road Alignment

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated April 26, 2023, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

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

RE: Review of Proposed North County Road Alignment

DATE: April 26, 2023

STAFF RECOMMENDATION

Town staff is recommending approval, conditional to the Landmarks Preservation Committee approval, to move forward with finalizing design to construct drainage and roadway improvements along the North County Road corridor between Wells Road and Miraflores Drive during the summer of 2024.

GENERAL INFORMATION

There are several concerns along North County Road that have been identified in past communications from residents and stakeholders including: poor drainage, limited sight distance for traffic exiting Canterbury Lane, and sod in the median that is routinely subject to damage and rutting from traffic. However, due to the sensitivity of the banyan trees that create the landmarked canopy in this road segment, construction along the roadway section has been avoided in the past.

When Public Works identified that the utility Undergrounding Project would require the installation of underground conduits within the North County Road corridor, it was decided to address the other concerns along this segment concurrently. In response to comments at the February 14, 2023 Town Council meeting, a revised graphically-rendered video along with additional renderings has been created to illustrate the proposed condition of the corridor, which will be shown during the Town Council meeting.

The following sections describe the proposed improvements that are currently under design.

Drainage Improvements Along the Roadway and Path:

Public Works is having a new roadway profile and cross-section developed for the North County Road corridor that will provide consistent longitudinal and transverse slope along the pavement to existing and proposed stormwater inlets. There will be a limited number of new stormwater inlets installed to improve the drainage system. All proposed improvements have been designed to limit impacts to the roots of the existing banyan trees. The proposed stormwater inlets and pipes are being constructed within zones that have been identified as having the least damaging impact on the existing trees. The proposed roadway is intended to be constructed on top of the existing roadway whenever possible to limit the impact to the existing tree roots.

Improve Safety at the Canterbury Intersection:

As part of the proposed improvements, the alignment of the north bound lane is being shifted to the west before and after the Canterbury Lane intersection to allow traffic entering North County Road to have better visibility of oncoming traffic. This shift in alignment will eliminate a portion of the existing median but will not impact the alignment of the southbound lane or impact any existing banyan trees in the corridor.

Protection of the Sod within the Existing Median:

As part of the proposed improvements, a mountable curb will be installed along the edge of the median to protect the sod from traffic, and the new typical section of the median will include well-draining rock, and a geotextile beneath the sod to limit rutting when traffic does drive on the curb. Subsequent to the October 2022 Town Council meeting, the curbing along the median has been modified to reduce the width of the concrete and to expand the width of the grassed area.

FUNDING/FISCAL IMPACT

The estimated cost of construction for the roadway including inspections and oversight is \$1.6 million. This cost is for the improvements to drainage, realignment of the intersection with Canterbury Road, and the upgrades to the median and curbs.

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Consider The Breakers' Request for Support for the Mid-Town Headland Erosion Control Project

Presenter

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

ATTACHMENTS:

- ▢ **Memorandum dated April 25, 2023, from H. Paul Brazil, P.E., Director of Public Works**
- ▢ **2023-04-19 - L - ATM Breakers Permit Peer Review**
- ▢ **2023-04-17 - L - Gunster Midtown Headland Area Erosion Control Project**
- ▢ **FDEP - The Breakers / Clarke Ave Study - Final Study Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Consider The Breakers' Request for Support for the Mid-Town Headland Erosion Control Project

DATE: April 25, 2023

STAFF RECOMMENDATION

Town staff recommends that Town Council review the attached proposal from The Breakers for improvements to South County Road between Via Bethesda and Royal Poinciana and direct Town staff to provide a letter of consent to Florida Department of Environmental Protection for the proposed project.

GENERAL INFORMATION

The Town of Palm Beach, The Breakers, and the Florida Department of Environmental Protection, have worked together for a number of years to find possible structural solutions for the critically-eroded beach and erosion hot-spot in the vicinity of The Breakers and Clarke Beach. At the conclusion of the Technical Advisory Committee in 2020, FDEP acknowledged that structural solutions were necessary and the Town and The Breakers were advised of actions that could be taken.

Since that time, The Breakers and their consultant have performed additional engineering analysis and have requested a permit to construct additional coastal structures extending from their property and encroaching slightly into Clarke Beach. In order for FDEP to continue review of The Breakers' application a letter of consent from the property owner, in this case the Town of Palm Beach, must be received.

Per the Town's consultant, Applied Technology & Management, the project is designed to result in a net improvement to the shoreline in the vicinity of Clarke Avenue. Providing that FDEP's authorization includes permit conditions for monitoring and corrective actions, if necessary, staff recommends that the Town support The Breakers' project.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact associated with this item.

Attachments

cc: Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager
Michael Jenkins, P.E., Ph.D., Applied Technology & Management, Inc.
James Crowley, Gunster

April 19, 2023

Robert Weber
Coastal Program Manager
Town of Palm Beach
Public Works Department
951 Okeechobee Road, Suite A

**Re: Mid-Town Headland Area Erosion Control Project
Comments Regarding 4/17/23 Gunster Correspondence**

Mr. Weber,

This correspondence provides additional comments regarding the above referenced project and the request by letter dated 4/27/23 regarding the extension of the southernmost structure south of the wall and in front of the Town's property at Clarke Avenue. On December 23, 2021, a Joint Coastal Permit (JCP) application was submitted to the FDEP and USACE on behalf of The Breakers Palm Beach, Inc., Flagler Drive Holdings, LLC, and South Ocean Boulevard, LLC. This application requested a permit for the construction of three new breakwater structures immediately offshore of the Lauder property in Mid-Town extending over to the adjacent properties (The Breakers to the North and Clarke Avenue to the South) and an extension of the existing southernmost breakwater in front of the Breakers. This project is currently under FDEP and USACE regulatory review. Comments specific to this request are provided as follows:

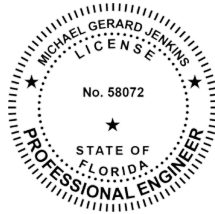
1. The Applicant is required by the FDEP to gain concurrence from the Town to allow the extension of the southernmost structure beyond the property line and in front of the Town's property at Clarke Avenue. The application cannot be deemed complete without this consent.
2. Extending the southernmost structure beyond the wall should improve the performance of the structure relative to the Clarke Avenue beach. The extension should lessen the potential for focused erosion at the southern base of the seawall. Without approval from the Town, the southern structure would need to be shortened to the property line and this would increase the potential for focused erosion at the base of the wall.
3. The primary concern regarding this project is the potential for increased erosion at Clarke Beach. This concern is currently being addressed within the FDEP and USACE regulatory review process. It would likely be best at this point to defer final comment on the project as a whole till the conclusion of this process.

4. The project is designed to result in a net improvement to shoreline performance in the vicinity of Clarke Avenue. Provided adequate safeguards are implemented with the regulatory approvals (including monitoring and provisions for corrective actions if unanticipated adverse impacts occur) it is reasonable for the Town to support project implementation.

Thank you for the opportunity to provide comment. Please feel free to reach out to me directly if there is a need for further discussion.

Sincerely,

Applied Technology & Management
A Geosyntec Company



A handwritten signature in blue ink, appearing to read "Michael G. Jenkins".

Michael G. Jenkins, Ph.D., P.E.
Coastal Engineering Principal

Michael Jenkins,
PhD, PE

Digitally signed by Michael
Jenkins, PhD, PE
Date: 2023.04.19 19:30:35 -04'00'

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

April 17, 2023

VIA E-MAIL: pbrazil@townofpalmbeach.com

Paul Brazil, Director of Public Works
Town of Palm Beach
951 Old Okeechobee Road, Suite A
West Palm Beach FL 33401

Re: Midtown Headland Area Erosion Control Project

Dear Mr. Brazil:

On behalf of our clients, The Breakers Palm Beach, Inc., Flagler Drive Holdings, LLC, and South Ocean Boulevard, LLC (collectively referred to herein as the “Applicants”), we request that the Applicants’ project, the Midtown Headland Area Erosion Control Project (the “Project”) be added to the agenda for the May 9, 2023 Town Council meeting.

As you know, the Applicants have applied to the Florida Department of Environmental Protection (“FDEP”) for a Joint Coastal Permit for the Project. FDEP regulations require that an applicant provide documentation of control and interest in riparian upland property for the Project. A portion of the southernmost breakwater of the Project extends to the south of our clients’ properties approximately 48 feet, seaward of the Town’s upland property. The southernmost breakwater is positioned to provide a gradual transition from the protruded seawall to the adjacent Clarke Avenue Beach. The location provides coastal protection for the seawall and return wall and our extensive modeling demonstrates that this structure will provide added protection at the northern portion of Clarke Avenue Beach. The benefits of the portion of the structure extending south of the riparian line were thoroughly evaluated and reviewed by the Town and its consulting coastal engineer. The Applicants’ FDEP permit will contain special condition safeguards to protect the Town and require contingent mitigation, if needed, for any unanticipated adverse impacts caused by the Project.

The purpose of placing the Project on the May 9, 2023 agenda is to request Town Council authorization for your department to write a letter of consent to FDEP for the placement of structures beyond the southern boundary of our clients’ properties.

Please let me know if you have any questions or need any additional information.

Thank you,

A handwritten signature in blue ink, appearing to read 'JMC', with a stylized flourish at the end.

James M. Crowley

JMC/op

cc Robert Weber

ACTIVE:16883605.1

Memorandum

TO: Robert Weber, Town of Palm Beach
FROM: Bob Brantly, Coastal Engineering and Geology Group, ORCP
SUBJECT: The Breakers / Clarke Avenue Study – Final Study Report
DATE: September 30, 2020

As discussed below, the recommendations of the study report may be selected by the department as appropriate beach management measures for the State of Florida Strategic Beach Management Plan. The study area has been designated as critically eroded beach and implementation of the selected management strategies are eligible for beach management funding assistance.

Based upon the model study, recommendations to extend the Seabreeze Avenue groin and rehabilitate the Mid-town project groin field are appropriate beach management strategies that are eligible for funding assistance. Furthermore, preliminary evaluation of these proposed projects leads to the conclusion that the projects can be recommended for approval through the beach management agreement or a joint coastal permit. While this is by no means final agency action or notice of intent thereof, it does represent a review based on the study and experience in permitting matters. These comments are to allow you to assess fully the further commitment of financial resources for final engineering and design dependent on permit issuance.

The study does not recommend modifications to the existing breakwaters or an alternative for the previously removed breakwater, except for removal of the seaward groin portions of the structures. As noted in the report, additional consideration would require engagement by all the relevant parties. Engineering analysis and design to advance the work of the model study into the next phase of project development are eligible for beach management funding assistance. Supported by continued and enhanced monitoring of project performance as discussed below, this should lead to adaptive management measures that address this area of concern and vulnerability, including the potential for future modifications of the breakwaters.

The study recommends continuation of beach nourishment and continued monitoring of the Mid-town project to further assess project performance and provide a basis for ongoing adaptive management. This recommendation is consistent with the strategies contained in the Florida Strategic Beach Management Plan: maintain the Town's restored projects through monitoring and nourishment using sand from offshore sources and upland sources.

BB/

Cc: Mohamed Dabees, Humiston & Moore Engineers
Bill Dally, Surfbreak Engineering
Mike Jenkins, ATM
Lainie Edwards, FDEP
Greg Garis, FDEP
Hanna Tillotson, FDEP

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 057-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 230665 to The Corradino Group, Inc. for Traffic Engineering Planning Services in the amount of \$86,633 for a new Purchase Order Total of \$417,428.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 057-2023**
- ▣ **Proposal**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 057-2023, approving a Change Order for Purchase Order No. 230665 to The Corradino Group, Inc. for Traffic Engineering Planning Services in the amount of \$86,633 for a new Purchase Order Total of \$417,428

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 057-2023, approving a Change Order for Purchase Order No. 230665 to The Corradino Group, Inc. for Traffic Engineering Planning Services in the amount of \$86,633 for a new Purchase Order Total of \$417,428

SUMMARY EXPLANATION/BACKGROUND

The Corradino Group, Inc. was requested to provide additional traffic engineering and transportation planning services related to a review of the traffic impact of the existing restaurants in the commercial areas, evaluation of the existing parking supply in the commercial areas and a review of the origin and destination of the traffic traveling into the commercial areas daily.

The additional Scope of Work is detailed in the attached proposal. The associated costs to provide this additional work are \$86,633.

FUNDING IMPACT/FUNDING SOURCE

The funding for this Change Order of \$86,633 will be from Unassigned Fund Balance and a revised Budget Amendment that will be brought to the council at the June meeting.

USER DEPARTMENT CONCURRENCE

The Planning, Zoning, and Building Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 057-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A CHANGE ORDER FOR PURCHASE ORDER
NO. 230665 TO THE CORRADINO GROUP, INC. FOR TRAFFIC
ENGINEERING PLANNING SERVICES IN THE AMOUNT OF
\$86,633 FOR A NEW PURCHASE ORDER TOTAL OF \$417,428**

NOW, 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 Resolution No. 057-2023, approving a Change Order for Purchase Order No. 230665 to The Corradino Group, Inc. for Traffic Engineering Planning Services in the amount of \$86,633 for a new Purchase Order Total of \$417,428

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

THE CORRADINO GROUP, INC.

CORRADINO

ENGINEERS • PLANNERS • PROGRAM MANAGERS • ENVIRONMENTAL SCIENTISTS

Sent via Email to wbergman@townofpalmbeach.com

March 27, 2023

Wayne Bergman, MCP, LEED AP
Director
Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480

Dear Mr. Bergman:

It is our understanding that the Town of Palm Beach has requested traffic engineering and transportation planning services related to a review of the traffic impact of the existing restaurants in the commercial areas, evaluation of the existing parking supply in the commercial areas and a review of the origin and destination of the traffic traveling into the commercial areas daily. This task work order will be per the terms and conditions of our continuing services agreement with the Town.

The Corradino Group appreciates this opportunity to submit this proposal to the Town of Palm Beach. We look forward to assisting you in providing the Town with the best traffic engineering and transportation planning service possible.

Sincerely,

Joseph M. Corradino, AICP
President
The Corradino Group, Inc.

CONSULTING SERVICE AUTHORIZATION

Statement of Work (SOW)

TOWN P.O. NO. _____

TOWN EXPENSE CODE _____

TITLE: Palm Beach Commercial Areas Traffic Analysis

I. PROJECT DESCRIPTION:

The Consultant will provide traffic engineering review services related to a review of the traffic impact of the existing restaurants in the commercial areas, evaluation of the existing parking supply in the commercial areas and a review of the origin and destination of the traffic traveling into the commercial areas daily.

II. SCOPE OF SERVICES:

1. Traffic Data Collection

a) Manual Turning Movement Counts- The Consultant will collect morning and afternoon peak hour turning movement counts on a typical weekday (during school) at the following intersections within the project radius of influence:

1. Royal Palm Way and Cocconut Row (signalized)
2. Southern Blvd and South Ocean Blvd (roundabout)
3. South Lake Drive and Royal Palm Way (unsignalized)
4. South Lake Drive and Brazilian Avenue (unsignalized)
5. South Lake Drive and Australian Avenue (unsignalized)
6. South Lake Drive and Chilean Avenue (unsignalized)
7. South Lake Drive and Peruvian Avenue (unsignalized)
8. Worth Avenue and Coconut Row (unsignalized)
9. State Road A1A/S. County Road and Golfview Road (signalized)
10. State Road A1A/S. County Road and Worth Avenue (signalized)
11. State Road A1A/S. County Road and Peruvian Avenue (signalized)
12. State Road A1A/S. County Road and Chilean Avenue (unsignalized)
13. State Road A1A/S. County Road and Australian Avenue (unsignalized)
14. State Road A1A/S. County Road and Brazilian Avenue (unsignalized)
15. State Road A1A/S. County Road and Royal Palm Way (signalized)
16. State Road A1A/S. County Road and Seaview Avenue (unsignalized)
17. State Road A1A/N. County Road and Royal Poinciana Way
18. State Road A1A/S. County Road and The Breakers Entrance (two intersections at the main entrances) (unsignalized)
19. State Road A1A/N. County Road and Sunset Avenue (signalized)
20. State Road A1A/N. County Road and Sunrise Avenue (signalized)
21. Sunrise Avenue and Bradley Place (signalized)
22. Sunset Avenue and Bradley Place (unsignalized)
23. Royal Poinciana Way and Bradley Place (signalized)

All traffic counts will be adjusted to account for seasonal variation using the appropriate Florida Department of Transportation (FDOT) seasonal adjustment factors to represent peak season traffic conditions.

- b) **Streetlight Data-** The Consultant will utilize Big Data to measure multimodal vehicle travel movements and patterns between zones. The Big Data will be in the form of the Streetlight InSight Data platform.
- c) **Restaurant Valet Parking Data-** The Consultant will collect valet queue data in one minute intervals and maximum queues will be documented during the weekday peak period on a typical weekday (Tuesday, Wednesday, or Thursday) between 5:00 to 8:00 P.M. and a weekend (Friday or Saturday) peak period between 5:00 to 9:00 P.M. for the following eighteen (18) restaurant valet drop-off/pick-up areas within the Town of Palm Beach Commercial project area limits. These specific 18 restaurant locations have been selected by the Town Council after an examination of existing conditions and consultation with town staff to assure appropriate locations.
- Bradley Place & Seminole Ave (Meat Market)
 - Sunrise Ave (Echo, Palm Beach Catch)
 - Sunset Ave (Lola 41, Trevini)
 - Royal Palm Way (Cucina, Henry's, Almond)
 - Royal Palm Way (Carriage House Club, La Goulue)
 - S. County Road (Buccan, Bricktops)
 - Peruvian Ave (Pizza Al Fresco, Bice, Club Colette)
 - Worth Avenue (Café Via Flora, Ta-boo, Le Bilboquet)

The valet queuing data collection will also include documentation of the destination location for the valet parked vehicles at each restaurant location.

- d) **Parking Data Collection-** The Consultant will collect parking data in commercial districts and corridors in the Town, including:
- Area bound on the north by Royal Palm Way, west by S. Lake Drive, west by South Ocean Blvd and south by Worth Avenue
 - South County Road (A1A) Corridor from Worth Avenue to Seaview Avenue
 - Peruvian Avenue Corridor from Coconut Row to South County Road (A1A)
 - Worth Avenue Corridor from Coconut Row to South Ocean Boulevard
 - Area bound by Royal Poinciana Way to the south, Park Avenue to the north, Bradley Place to the north and N. County Road to the north

The purpose of Task 1-d is to provide parking data that is ready for analysis of general mixed-use / commercial district parking supply and demand in the Town of Palm Beach.

The study areas for Task 1-d are public roadways along land designated as “Commercial” on the Town Zoning Map. It includes the zoning districts: Commercial Office, Professional, Institutional (C-OPI), Commercial Planned Center (C-PC), Commercial Town Serving (C-TS), Commercial, Worth Avenue (C-WA), and Commercial Offices (C-B). Private lots, garages, and valet operations are included in Task 1c.

The Towns Parking Code and Shared Parking Ordinance will be reviewed and compared with at least three (3) similar communities to determine if parking standards need to be modernized to fit contemporary forms of development, as well as contemporary travel and vehicle usage patterns.

Land Use & Parking Supply: For each study area, parking will be inventoried by block based on permit records, Town GIS information and field or aerial verification as required. Existing land use and occupancy data will be collected, including land use, gross floor area, and permitted on-site parking spaces. To perform this analysis at a level of detail for retail cell occupancy, Corradino will require the Town to provide such from its current-year business tax/ permit data. Public on-street and off-street parking supply will also be identified by block based on aerial photography and Town records for structured parking.

Parking Occupancy Data: For each district three surveys will be taken:

- Midday - a weekday (Tuesday -Thursday) midday survey will be performed from 12:00 noon to 2:00 pm (or appropriate local peak times arrived at after consultation with staff) to capture the presumed peak for offices, retail, and restaurant patronage on a weekday. This will be collected on the same day and same time on three consecutive weeks.
- Evening - a Friday evening survey will be performed from 5:00 pm to 8:00 pm (or appropriate local peak times arrived at after consultation with staff) to capture the presumed peak for after-work retail and restaurant patronage on a weekday. This will be collected on the same day and same time on three consecutive weeks.
- Weekend - a Saturday midday survey will be performed from 2:00 pm to 3:00 pm (or appropriate local peak times arrived at after consultation with staff) capture the presumed peak for retail and restaurant patronage on a weekend. This will be collected on the same day and same time on three consecutive weeks.

Parking Turnover & Occupancy: Accumulation, turnover and occupancy studies will be performed from 11:00 am to 7:00 pm on a weekend day at sample locations within the general retail/restaurant area and town-serving commercial districts. This will be collected on the same day and same time on three consecutive weeks. The locations will be:

- Worth Avenue from Coconut Row to South Ocean Boulevard
 - South County Road (A1A) from Australian Avenue to Royal Palm Way
 - Sunrise Avenue from Bradley Place to North County Road

Private Lots and Valet: In addition, if the Town collects receipt data from private lot operators or valet operators, we will examine to determine if occupancy and duration information can be ascertained and if so, will be used to augment the on-street data.

2. Traffic Analysis- Consultant will complete the following traffic analysis related to the traffic data collection from task one.

- a) **Trip Generation Comparison-** The Consultant will prepare a trip generation comparison using the ITE Trip Generation Handbook. The trip generation comparison will include a comparison of restaurant land use versus other commercial land uses.
- b) **Intersection Capacity Analysis-** The Consultant will perform an intersection capacity analysis for the subject intersections using software based on the Highway Capacity Manual (HCM) methodology. The analysis will be performed for morning and afternoon peak hour conditions using Synchro 11 software. The analysis scenarios will include the existing year (2022) and the future year (2027) with alternative commercial uses. The Consultant will evaluate the travel time and delay of the intersection network using the Synchro 11 software. The Intersection capacity analysis will include a queueing evaluation of the bridge openings over the Lake Worth Lagoon at the Southern Blvd Bridge, Royal Palm Way Bridge and Royal Poinciana Way Bridge. The queueing evaluation will determine if there is an impact to the nearest signalized intersection to the east of each bridge crossing in the Town of Palm Beach. Coordination will be made with Palm Beach County and the Florida Department of Transportation, regarding signal timing, coordination at the Royal Palm Way Bridge and adjacent traffic signals both in the Town of Palm Beach and the City of West Palm Beach.
- c) **Valet Parking Operational Analysis-** The Consultant will perform field observations at the eighteen (18) selected restaurant valet drop-off pick up areas within the Town of Palm Beach commercial area project area limits. The field observations will be performed during the queue data collection time periods. The purpose of these observations is to identify operational issues related to existing valet operations and traffic circulation patterns of these 18 locations. Photographs of the traffic circulation will be taken as part of this task. The field observations will document if queues spill back into public right-of-way. The valet operations queueing analysis will be conducted consistent with procedures described in ITE's Transportation and Land Development, 1988. A traffic circulation figure will be prepared to illustrate the valet routes to and from the vehicle drop-off/pick-up areas.

The Consultant will provide a general review of the 32 schematic valet parking plans, approved by the Town as part of the approval process for each of the restaurants. These will be provided by the Town. The consultant will summarize the plans in a technical memorandum that will be included in the Appendix of the overall traffic and parking study. The review will be done hourly as part of the Contingency Budget.

d) **Origin Destination Analysis-** The Consultant will evaluate the Streetlight data to determine the historical traffic patterns to the Town each day. This will include the following:

- Determination if the traffic congestion is local traffic or traffic from outside the Town of Palm Beach.
- Evaluate the peak hour road segment level of service for the primary ingress egress corridors in the Town of Palm Beach

e) **S. Lake Drive One Way Analysis-**

An analysis of the conversion of S. Lake Drive from a bidirectional street to a one-way street will be undertaken, using the turning movement counts and origin destination data collected above.

3. Parking Analysis: Commercial Areas- The residents of the Town of Palm Beach have expressed concerns that land development and parking regulations in the commercial areas need revision for improved management. Where parking supply and demand become misaligned, economic and recreational opportunities become inhibited, and residents' quality-of-life becomes strained. The Town of Palm Beach as an island community is also a destination for visitors for its natural and architectural beauty within short, walkable distances. While providing for excellent walkable community fabric, the compact geography also exacerbates impacts from parking demands that are not managed to the best practicable standards. To improve the quality-of-life and economic viability of the commercial areas, the Town will consider revising its land development and parking regulations and will need parking audit information for a data-driven approach. Task 3 is to provide the Town with the necessary data to establish the existing and project conditions for different land use scenarios. The data and analysis will answer three questions.

1. How much parking is provided in the study area?
2. How parking is being utilized and if demand exceeds capacity?
3. Identification of changes in the land use and parking regulations that can affect parking demand, with particular attention to identifying the different impacts of restaurants and other eateries versus retail and other commercial uses.

a) **Existing Data Sources-**

- Results of Task 1-d
- Near-term, new development scenario provided by the Town.
- Zoning regulations by block with relevance to parking requirements and potential build-out or change of tenants.
- Parking utilization, management and pricing for public parking as available
- Traffic volume, seasonal patterns, and trip growth data from the Palm Beach County travel model
- Town roadway-related reconstruction plans to identify roadway changes and potential changes to on-street parking supply.
- Review of the Town of Palm Beach Traffic & Parking Improvement Plan, December 2006, and meetings with Town staff to discuss the successes and challenges of prior parking strategies with the intention to assure that all necessary data and analysis is performed.

- b) **Existing and Future Conditions, and Scenario Analysis-** Parking and mobility deficiencies, opportunities and needs will be identified in this Task. Existing and future parking deficiencies will be identified by block based on existing development, and for future conditions based on a near-term projected development scenario provided by the Town. Scenario analysis to identify the different impacts of restaurants and other eateries versus retail and other commercial uses will also be developed.
4. **Technical Memorandum-** The Consultant will summarize the traffic analysis and findings in a report using tables and figures as necessary. The technical memorandum will be signed and sealed by a Florida registered professional engineer.
5. **General Coordination and Meeting Attendance-** The Consultant will provide general coordination and meeting attendance with the Town of Palm Beach.
- Note: The Town of Palm Beach will select the existing restaurants where valet parking counts will be collected. Once selected, the Town of Palm Beach will assist in confirmation of the peak times for the valet queuing and parking utilization data collection.
 - Note: This scope of services includes twenty-three intersections where manual turning movement counts will be collected. Any additional count locations will be provided as an additional service as requested by the Town of Palm Beach.
 - Note: This scope of services assumes that the Town of Palm Beach will provide bridge crossing opening/dwell times for each of the three bridge crossing locations (Southern Blvd Bridge, Royal Palm Way Bridge and Royal Poinciana Way Bridge).
 - Note: This scope of services does not include preparation of design plans or permitting of intersection or road segment improvements based on the intersection analysis. All design related services such as roadway design, civil engineering design, structural engineering, surveying, geotechnical, utility coordination, landscape architecture and other related services are not included. These services can be provided as an additional services agreement as necessary at the request of the Town of Palm Beach.
 - Note: This scope of services does not include preparation of additional traffic analysis not included within this scope of services as requested by Palm Beach County Traffic Engineering Division or FDOT. These services can be provided as an additional service as requested by the Town of Palm Beach.
 - Note: This scope of services does not include collecting pedestrian and bicycle traffic counts, beyond what was collected as part of the manual turning movement counts.

III. BUDGET:

The Corradino Group staff will provide the Town of Palm Beach with the basic services described in this scope of services for an hourly not to exceed fee amount of **\$297,206** in accordance with our continuing services contract (Reference Hourly Rates in Exhibit Four). The traffic data collection will be provided for a lump sum fee amount of **\$72,199**.

Contingency: A contingency of **13% (\$48,023)** will be available for any changes to the scope of services. This will not be accessed without written approval of the appropriate Town Staff. If necessary, it would speed implementation of scope modifications.

Total Cost for the project would be **\$417,428**

Commercial Area Traffic, Valet, Parking Analysis, V11		Town of Palm Beach Approved Hourly Rates															
		Principal-In-Charge \$225.00		Senior Engineer \$238.00		Principal Planner \$210.00		Senior Planner \$200.00		Engineer \$165.00		Planner \$150.00		Data Collection		Total Hours	Total Fee
		Hours	Total Fee	Hours	Total Fee	Hours	Total Fee	Hours	Total Fee	Hours	Total Fee	Hours	Total Fee	Quantity	Total Fee		
Task 1-b: Traffic Data Collection- Streetlight Subscription			\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1	\$24,000.00	0	\$24,000
Task 1-a: Traffic Data Collection- National Data Surveying, Inc. (NDS)			\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1	\$23,559.00	0	\$23,559
Task 1-b, 1-c and 1-d: Parking Data Collection			\$0.00		\$0.00	40	\$8,400.00		\$0.00		\$0.00	130	\$19,500.00	1	\$24,640.00	170	\$52,540
Task 2: Traffic Analysis- Eric/Vanessa			\$0.00	300	\$71,400.00		\$0.00		\$0.00	450	\$74,250.00		\$0.00		\$0.00	750	\$145,650
Task 2: Traffic Analysis- Srin			\$0.00	65	\$15,470.00		\$0.00	55	\$11,000.00		\$0.00	73	\$10,950.00		\$0.00	193	\$37,420
Task 3: Parking Analysis			\$0.00		\$0.00	32	\$6,720.00		\$0.00		\$0.00	80	\$12,000.00		\$0.00	112	\$18,720
Task 4: Technical Memorandum		8	\$1,800.00	80	\$19,040.00	24	\$5,040.00		\$0.00	120	\$19,800.00	32	\$4,800.00		\$0.00	264	\$50,480
Task 5: General Coordination and Meeting Attendance		12	\$2,700.00	32	\$7,616.00	32	\$6,720.00		\$0.00		\$0.00		\$0.00		\$0.00	76	\$17,036
Task Work Order Totals		20	\$4,500.00	477	\$113,526.00	128	\$26,880.00	55	\$11,000.00	570	\$94,050.00	315	\$47,250.00	3	\$72,199.00	1565	\$369,405
Contingency- 13%			\$48,023														
TOTAL FEE					\$417,428												
Data			\$72,199														
Corradino			\$197,206														
Contingency			\$48,023														
			\$417,428														

IV. SCHEDULE

Palm Beach Commercial Areas Traffic Analysis

Task	February	March	April	May	June	July	August	September
Task 1: Traffic Data Collection								
a Counts								
b Streetlight								
c Valet								
d Parking								
Task 2: Traffic Analysis								
a Trip Generation								
b Intersection Capacity								
c Valet								
d Origin/Destination								
e Lake Drive								
Task 3: Parking Analysis								
Task 4: Technical Memorandum								
Task 5: Coordination								

V. ACCEPTANCE OF PROPOSAL

Palm Beach Commercial Areas Traffic Analysis

Approved by:

TOWN OF PALM BEACH

Date: _____

By: _____
Kirk W. Blouin, Town Manager

THE CORRADINO GROUP, INC.

Date: _____

By: _____
Joseph M. Corradino, President

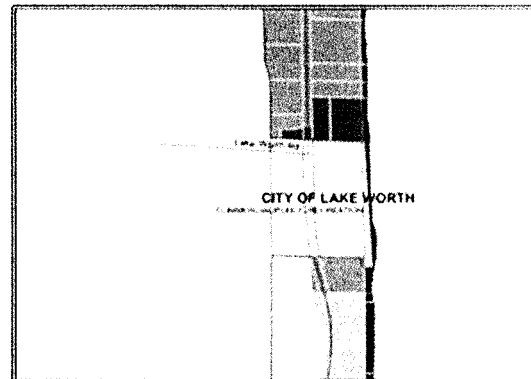
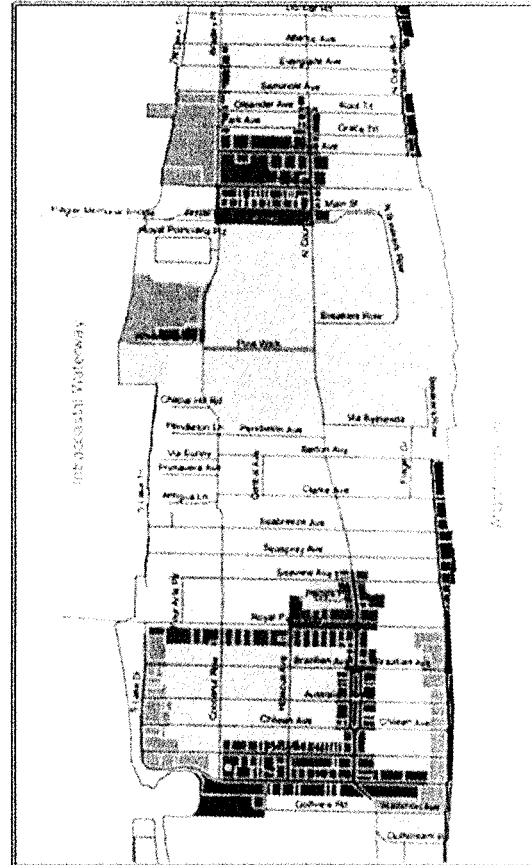
EXHIBIT TWO
PARKING ANALYSIS STUDY AREA

The study area for the parking analysis will be the commercial and mixed-use districts in Palm Beach and include the areas in the Town that are designated Commercial on the Town Zoning Map:

- Commercial Office, Professional, Institutional (C-OPI)
- Commercial Planned Center (C-PC)
- Commercial Town Serving (C-TS)
- Commercial, Worth Avenue (C-WA)
- Commercial Offices (C-B)

The most southern commercial district at the northeast corner of Lake Avenue and South Ocean Boulevard will not be included in this analysis because this area has no on-street parking and is comprised of a single retail / services / office center with private parking.

Based on our understanding of the scope, this area is not an areas of parking concern. The public parking to the east of the center is for R. G. Kreusler Park and beach access. Parking for this park may be skewed by the much larger public metered parking inventory for Lake Worth Beach immediately to the south.



ZONING MAP EXCERPT LEGEND	
	Commercial Office, Professional, Institutional (C-OPI)
	Commercial Planned Center (C-PC)
	Commercial Town Serving (C-TS)
	Commercial, Worth Avenue (C-WA)
	Commercial Offices (C-B)

EXHIBIT THREE **APPROVED HOURLY RATE SCHEDULE**

The Corradino Group, Inc. Schedule of Hourly Billing Rates

	Hourly Rate
Principal-in-Charge	\$ 225.00
Principal Planner	\$ 210.00
Senior Planner	\$ 200.00
Planner/Architect	\$ 150.00
Associate Planner	\$ 100.00
Assistant Planner	\$ 90.00
Senior Engineer (PE)	\$ 238.00
Engineer (PE)	\$ 165.00
Attorney	\$ 250.00
Clerical	\$ 65.00

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 058-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 220819 to ZoneCo for \$750,000 for Code Reform for a new Purchase Order Total of \$1,170,000.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 058-2023**
- ▣ **Proposal**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 058-2023, approving a Change Order for Purchase Order No. 220819 to ZoneCo for \$750,000 for Code Reform for a new Purchase Order Total of \$1,170,000

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 058-2023, approving a Change Order for Purchase Order No. 220819 to ZoneCo for \$750,000 for Code Reform for a new Purchase Order Total of \$1,170,000

SUMMARY EXPLANATION/BACKGROUND

A Change Order in the amount of \$750,000 is required to support a portion of the post charrette work and Module IIA, Module III and Module IV which are the Pre-Codify, Codify and Adopt phases of this project, respectfully. This increased budget is due primarily to the necessary time required to prepare for and to attend several special meetings, designed to produce immediate results (code changes) to improve the zoning code. The Town Council requested to send five matters of Code Review (nonconforming lots, freeboard, building height, commercial mechanical equipment, and Business Tax Receipt mandates) to the Planning & Zoning Commission for immediate study and resolution. Due to this dual-track of both full Code Review, organized geographically and including the North End and Lake Trail, Mid-Town, Commercial, and Sea Streets, South End; and the five separate items moving through the public meeting calendar on a concurrent timeline, a larger number of draft ordinances must be prepared, legally reviewed, sent to the Planning & Zoning Commission, advertised and then sent twice to the Town Council. It is also expected, by staff and by the Consultants, that other special meetings and new minor work scope modifications will be requested throughout the Code Review life span. Some modest contingency money has been allocated for these (hopefully) minor increases in scope.

The additional Scope of Work is detailed in the attached proposal.

FUNDING IMPACT/FUDNING SOURCE

The funding for this Change Order of \$750,000 will be from Unassigned Fund Balance and a revised Budget Amendment that will be brought to the council at the June meeting.

USER DEPARTMENT CONCURRENCE

The Planning, Zoning, and Building Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 058-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A CHANGE ORDER FOR PURCHASE ORDER
NO. 220819 TO ZONECO FOR \$750,000 FOR CODE REFORM
FOR A NEW PURCHASE ORDER TOTAL OF \$1,170,000**

NOW, 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 Resolution No. 058-2023, approving a Change Order for Purchase Order No. 220819 to ZoneCo for \$750,000 for Code Reform for a new Purchase Order Total of \$1,170,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

APRIL 12, 2023

MODULE IIA – PRE-CODIFY; MODULE III – CODIFY; MODULE IV – ADOPT

Scope & Budget Estimate

Prepared by ZoneCo, LLC for:

WAYNE BERGMAN
Town of Palm Beach Planning, Zoning and Building Director
360 South County Road
Palm Beach, FL 33480
561-838-5400
wbergman@townofpalmbeach.com

Scope Summary

Module I – “Diagnose” is complete, and Module II – “Calibrate” will be complete on April 12, 2023. The following is a proposed scope and estimated budget and timeline for Module IIA – “Pre-Codify,” Module III – “Codify,” and Module IV – “Adopt,” which will commence in late April 2023 and extend through adoption, currently anticipated for April 2024.

During the Pre-Codify module (Module IIA), we will work with the Town to advance and implement certain immediate amendments to the zoning code based on recommendations from the Designing Our Palm Beach charrette. We will also provide assistance to the Town attorney and project legal counsel on matters related to any proposed zoning-in-progress resolutions/ordinances.

Following the “Pre-Codify” module, we will be developing a new zoning code that responds to the information gathered, issues identified, and input received from the community since project commencement last year. The new code will be formatted and styled to be easy to use and administer and will include illustrative and regulatory graphics, tables, charts, and clear and consistent language. ZoneCo will lead all codification efforts, with assistance on code layout, format, and graphics from YARD & Co. and potentially Fairfax & Sammons Architecture.

The scope of work will include delivery of code section drafts starting June 2023 and a public review draft anticipated for delivery in November 2023. The delivery of the public review draft will commence the “Adopt” module where we will be eliciting detailed feedback from the Planning & Zoning Commission, Town Council, and Town residents. Feedback will be incorporated into an adoption draft anticipated to be considered by Town Council in March or April 2024.

Monthly Town Council update meetings will continue to be held and presented by Sean Suder of ZoneCo. Additional virtual or in-person meetings may be necessary as we proceed, and those will be included as optional additional tasks for an additional fee as set forth on the schedule herein below.

Scope

We propose the following scope for Modules IIA, III, and IV:

Module IIA – Pre-Codify

Task Group – Draft Ordinances (April 2023 – June 2023)

- Identify up to five immediate code amendments implementing concepts developed from the charrette.
- Draft up to five code amendment ordinances based on direction from Town professional staff, Planning & Zoning Commission, and Town Council (Azmi Zahed-Atkins at \$175/hr.)
- Up to three sets of revisions to up to five code amendment ordinances based on review and feedback from Town professional staff, Planning & Zoning Commission, and Town Council.
- Zoning-in-Progress ordinance development and review.
- Up to 20 hours of constituent meetings.

Module IIA Meetings

- Up to five virtual ordinance review meetings with Town professional staff (Sean Suder, Azmi Zahed-Atkins).
- One Planning & Zoning Commission and Town Council meeting in each of May and June in addition to monthly Town Council project updates (Sean Suder, Azmi Zahed-Atkins)

Module IIA Trips

- Sean Suder – one, two-day trip
- Azmi Zahed-Atkins – two, two-days trips

Module IIA Deliverables

- Draft ordinances for review.
- Final ordinances for adoption.

Module III – Codify

Task Group - Review Drafts (June 2023 – November 2023)

- Create proposed districts/zones list and map.
- Draft formatted districts/zones sections with all graphics and standards.
- Draft formatted introduction section with all graphics and standards.
- Draft administration and procedures and nonconformities sections with all graphics and standards.
- Draft generally applicable sections (signage, parking, landscaping, fences/hedges/walls, etc.) with all graphics and standards.
- Draft code glossary.
- Up to three sets of revisions of each deliverable.

Module III Meetings

- Monthly check-ins with client (week prior to monthly Town Council update) (Sean Suder, virtual).
- Monthly code section presentations to Planning & Zoning Commission and Town Council (specific schedule TBD).

Module III Trips

- Sean Suder: Up to four, two-day trips
- Azmi Zahed Atkins: Up to two, two-day trips
- One additional member of consultant team: Up to two, two-day trips

Module III Deliverables

- Draft comment matrix.
- Draft code sections as they are available.
- Full Public Review Draft.

Module IV - Adopt

Task Group A – Public Review Draft Review and Revisions (December 2023 – February 2024)

- Planning and Zoning Commission monthly review and comment meetings (one each, max. four hours each, Sean Suder, in-person, in December 2023 and January 2024).
- Town Council monthly review and comment meetings (one each, max. four hours each, Sean Suder, in-person, in December 2023 and January 2024).
- Review and up to three versions of the Public Review Draft.
- Revise Public Review Draft and deliver Adoption Draft (March 2024).
- Up to 20 hours of constituent engagement meetings.

Task Group B – Adoption Draft Review (March 2024 – April 2024)

- Attend Planning and Zoning Commission and Town Council Adoption Draft review meetings (up to one each, Sean Suder in-person, March/April 2024).
- Deliver final ordinance for adoption.
- Up to 20 hours of constituent engagement meetings.

Deliverables

- Public Review Draft and up to three revisions thereof.
- Adoption Draft and up to three revisions thereof.
- Final ordinance.

Budget Estimate

Module IIA – Pre-Codify

Task Group	\$75,000
MODULE IIA SUBTOTAL	\$75,000

Module III – Codify	
Task Group	\$400,000
MODULE III SUBTOTAL	\$400,000
Module IV - Adopt	
Task Group A	\$150,000
Task Group B	\$125,000
MODULE IV SUBTOTAL	\$275,000
TOTAL	\$750,000

Terms and Exclusions

- The above timeline and fees are estimates for budgeting purposes only and are subject to change upon approval of the Town. Additionally, if the scope is amended or additional meetings or work are desired, additional fees will be in accordance with the *a la carte* fee schedule below.
- All travel and other ordinary project expenses are included in the above fees.
- Expenses will not be separately invoiced, and receipts or other backup documentation will not be required for payment.
- Fees will be billed monthly as incurred, due within 30 days of the invoice date.
- Expenses are not inclusive of venue/equipment rental, event furnishings, large print runs, food/refreshments, paid advertising, or public notices etc. Those items will be directly procured and billed to the Town.
- The Town will generate all formal documentation necessary for the adoption of the regulations. Consultant is not responsible for any mailings, fees associated with mailings, and contact with the media regarding this project or the posting of any project information to any Project social media accounts.
- Consultant is not responsible for coordination of any public meetings/stakeholder group meetings, including meeting times, locations, invitations, a/v equipment, or costs associated with those meetings.
- All drafts will be created and delivered in Microsoft Word and/or Adobe InDesign unless otherwise directed by the Town. The final ordinance will be delivered in InDesign. The Town shall be solely responsible for web or virtual hosting the final ordinance.
- All parcel-level GIS data will be updated by the Town's GIS provider.
- Although some ZoneCo professionals are also attorneys who may be separately engaged to provide legal representation in states where we are licensed to practice law, ZoneCo is not a law firm. ZoneCo professionals do not provide legal representation or services and are not engaged in the practice of law in any jurisdiction. Engaging ZoneCo does not form an attorney-client relationship and, as such, the protections of the attorney-client relationship do not apply. If you wish to create an attorney-client relationship, you are encouraged to contact the Town Attorney or another Florida attorney of your choosing. Additionally, attorney Rachel A. Streitfeld, Esq. of Bright Side Legal of North Bay Village, Florida has been separately retained by the Town to provide Florida legal advice for this project.

- Any meetings not in the above scope of services shall be billed as follows:
 - o Virtual meeting with presentation (up to two hours): \$1,500
 - o Virtual meeting without presentation (up to two hours): \$850
 - o In-person trip with presentation (one overnight in Palm Beach): \$7,500
 - o In-person trip without presentation (one overnight in Palm Beach): \$6,750
 - o Additional overnight in Palm Beach: \$5,000

- Any additional work not included in the above scope of services shall be billed on an hourly basis as follows (hourly rates inclusive of any expenses):
 - o Lead Principal Sean Suder: \$350/hr.
 - o Sr. Code Specialist: \$300/hr.
 - o Principal: \$255/hr.
 - o Sr. Consultant: \$225/hr.
 - o Consultant: \$195/hr.
 - o Staff Consultant: \$175/hr.
 - o Jr. Consultant: \$165/hr.

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 059-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 220829 to The Corradino Group, Inc. for \$305,000 for Code Reform for a new Purchase Order Total of \$450,000.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 20, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Resolution No. 059-2023**
- ▣ **Proposal**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution No. 059-2023, approving a Change Order for Purchase Order No. 220829 to The Corradino Group, Inc. for \$305,000 for Code Reform for a new Purchase Order Total of \$450,000

DATE: 20 April 2023

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 059-2023, approving a Change Order for Purchase Order No. 220829 to The Corradino Group, Inc. for \$305,000 for Code Reform for a new Purchase Order Total of \$450,000

SUMMARY EXPLANATION/BACKGROUND

A Change Order in the amount of \$305,000 is required for the last phase of the code reform project. The work will primarily involve FEMA, resiliency measures, sea level rise, general parking, and traffic. The increased scope and budget are due to the same expectations as mentioned in the ZoneCo breakdown Change Order submission. This team includes land use attorney Rachel Streitfeld, who will be reviewing the multiple ordinances that will be part of the modified and expanded work scope. Ms. Streitfeld also assisted behind the scenes on the two Zoning In Progress matters.

The additional Scope of Work is detailed in the attached proposal.

FUNDING IMPACT/FUDNING SOURCE

The funding for this Change Order of \$305,000 will be from Unassigned Fund Balance and a revised Budget Amendment will be brought to the council at the June meeting.

USER DEPARTMENT CONCURRENCE

The Planning, Zoning, and Building Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

RESOLUTION NO. 059-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A CHANGE ORDER FOR PURCHASE ORDER
NO. 220829 TO THE CORRADINO GROUP, INC. FOR \$305,000
FOR CODE REFORM FOR A NEW PURCHASE ORDER TOTAL
OF \$450,000**

NOW, 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 Resolution No. 059-2023, approving a Change Order for Purchase Order No. 220829 to The Corradino Group, Inc. for \$305,000 for Code Reform for a new Purchase Order Total of \$450,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

Sent via Email to demealy@townofpalmbeach.com

April 25, 2023

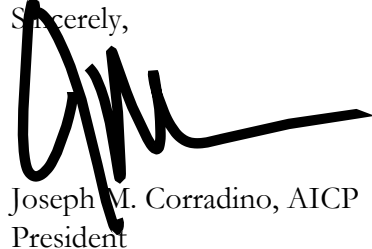
Dean Mealy
Town of Palm Beach
Purchasing Contracts
360 S. County Road
Palm Beach, FL 33480

Dear Mr. Mealy:

The following is a scope of services to continue the review and rewrite of the Towns Zoning Code from the current date through April of 2024. This runs in tandem with the proposed work plan and schedule for the Zone Co. Module III, which will focus on codifying all sections of the new Palm Beach Code.

The Corradino Group appreciates this opportunity to submit this proposal to the Town of Palm Beach.

Sincerely,



Joseph M. Corradino, AICP
President
The Corradino Group, Inc.

CONSULTING SERVICE AUTHORIZATION

Statement of Work (SOW)

TITLE: Palm Beach Zoning Code, Module III- “Codify”

I. PROJECT DESCRIPTION:

The Corradino Group will assist Zone Co and Yard in Module III – Codify, which will begin codifying the zones and districts, then focus on the remaining generally applicable sections of the code. Corradino will focus on assisting in the public engagement, project coordination meetings and code writing and review focused on FEMA, resiliency, mobility, parking, traffic, sea-level rise and coastal matters, as well as legal review.

II. SCOPE OF SERVICES:

Module III.1 – Draft North End District Chapters (June 2023)

Module III.1A – Define district boundaries for new R-B “North End Interior” District and R-L “North End Lake Trail District.”

Module III.1B – Review new lot and building standards R-B “North End Interior District” building placement, bulk, massing standards.

Module III.1C – Review new lot and building standards for the R-L “North End Lake Trail District.”

Module III.1 – June Meeting Schedule				
Body	Date	Work Session	Public Comment Session	In- Person or Virtual
P&Z	June 7 (Regular)	X		TBD
TC	June 14 (Regular)		X	TBD
P&Z	June 15 (Special)	X		TBD
TC	June 27 (Special)		X	TBD

Module III.2 – Draft Mid-Town District Chapters (including the Sea Streets) (July 2023)

Module III.2A – Define district boundaries for the new SSD “Sea Streets District,” RPG – “Royal Palm Gateway District,” the RPD “Royal Poinciana District, and the CRN “County Road North District,” CRS “County Road South District,” the PAD “Peruvian Avenue District, and the WAD “Worth Avenue District.”

Module III.2B – Review new lot and building standards in the SSD “Sea Streets District.”

Module III.2C – Review new lot and building standards in the RPG – “Royal Palm Gateway District,” the RPD “Royal Poinciana District, and the CRN “County Road North District,” CRS “County Road South District,” the PAD - “Peruvian Avenue District, and the “WAD “Worth Avenue District.”

Module III.2D – Review use and use standards for all Mid-Town Districts

Module III.2 – July Meeting Schedule				
Body	Date	Work Session	Public Comment Session	In- Person or Virtual
P&Z	July 5 (Regular)	X		TBD
TC	July 12 (Regular)		X	TBD
P&Z	July 13 (Special)	X		TBD
TC	July 25 (Special)		X	TBD

Module III.3 – Draft South End & Estate District Chapters (August 2023)

Module III.3A – Define district boundaries for new SED “South End District.”

Module III.3B – Review lot and building standards for the new SED “South End District.”

Module III.3C – Review lot and building standards for the R-A and R-AA districts.

Module III.3D – Review use and use standards for all South End & Estate District.

Module III.3 – August Meeting Schedule				
Body	Date	Work Session	Public Comment Session	In- Person or Virtual
P&Z	August 2 (Regular)	X		TBD
TC	August 9 (Regular)		X	TBD
P&Z	August 10 (Special)	X		TBD
TC	August 29 (Special)		X	TBD

Module III.4 – Draft Generally Applicable Regulation Chapters (September 2023)

Module III.4A – Review off-street parking & loading regulations

Module III.4B – Review signs, landscaping, fences/walls/hedges, exterior lighting & equipment regulations

Module III.4C – Review administration and procedures

Module III.4D – Review introduction and glossary

Module III.4 – September Meeting Schedule				
Body	Date	Work Session	Public Comment Session	In- Person or Virtual
P&Z	September 6 (Regular)	X		TBD
TC	September 13 (Regular)		X	TBD
P&Z	September 14 (Special)	X		TBD
TC	September 28 (Special)		X	TBD

Module III.5 – Finalize Public Review Draft (October 2023)

Module III.5 – October Meeting Schedule				
Body	Date	Work Session	Public Comment Session	In- Person or Virtual
P&Z	October 4 (Regular)		X	TBD
TC	October 11 (Regular)		X	TBD

Module III.6 – Deliver Public Review Draft (November 2023)

Module III.6 – November Meeting Schedule				
Body	Date	Work Session	Public Comment Session	In- Person or Virtual
P&Z	November 8 (Regular)		X	TBD
TC	November 15 (Regular)		X	TBD

BUDGET:

The Corradino Group staff will provide the Town of Palm Beach with the basic services described in this scope of services for an hourly not to exceed fee amount of \$300,790 in accordance with our continuing services contract.

IV. ACCEPTANCE OF PROPOSAL

Approved by:

TOWN OF PALM BEACH

Date: _____

By: _____

Town of Palm Beach

THE CORRADINO GROUP, INC.

Date: _____

By: _____
Joseph M. Corradino, President

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Consideration and Possible Approval of a Zoning in Progress for R-B Single-Family Residential Zoning District

RESOLUTION NO. 063-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring and Implementing Zoning In Progress for All Residential Properties Within the R-B Low Density Residential Zoning District, Providing for Authorization; Providing for Implementation; and Providing an Effective Date.

TIME CERTAIN: 2:00 PM

Time Certain

2:00 PM

Presenter

Margaret A. Zeidman, Town Council President

ATTACHMENTS:

- ▣ **Memorandum Dated May 02, 2023, from Wayne Bergman, Director of Planning, Zoning & Building**
- ▣ **Resolution No. 063-2023**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

To: Mayor and Town Council

From: Wayne Bergman, Director of Planning, Zoning & Building 

Cc: Kirk Blouin, Town Manager & James Murphy, Asst. Director of PZB

Re: Zoning In Progress ("ZIP") – Res. No. 063-2023

Date: May 2, 2023

DISCUSSION:

At the request of the Mayor & Town Council, staff has added to your agenda a Zoning In Progress discussion and consideration of same for the May 9, 2023 Town Council Regular Meeting, relating to the single-family homes located within the R-B zoning districts. The intent is to provide a pause on projects during the time that the zoning regulations are being reviewed and considered for changes as they relate to single-family homes.

The Town Attorney, zoning consultants and staff have drafted Res. No. 063-2023 for your consideration. It is prepared and presented to cover all single-family homes in all of the R-B zoning districts. There are waiver requests that can be made and reviewed and considered by the Town Council for routine maintenance work and hurricane preparedness projects, like window and door replacements and roof replacements. Waivers could be considered for interior work projects (example – kitchen remodeling) that do not exceed a certain dollar value (as proposed, the value of the project would not exceed 10% of the value of the building). As proposed, however, waivers requests would not include projects that require exterior demolition or the addition of new floor area. The draft resolution also sets forth a clear delineation of projects that are "in process" and moving "through the queue". Language is proposed that projects that have a Notice to Proceed on or before the effective date of the ZIP resolution, are scheduled on a future agenda for hearing, and have paid all application fees to the Town, would not be affected by this ZIP. All other applications would be stopped. The length of the ZIP is proposed for six months initially, with the chance for the Town Council to extend the ZIP another six months. Finally, the ZIP will be effective upon adoption of the resolution.

Staff and the consultants will be available for any questions or edits during the meeting.

RESOLUTION NO. 063-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING AND IMPLEMENTING ZONING IN PROGRESS FOR ALL RESIDENTIAL PROPERTIES WITHIN THE R-B LOW DENSITY RESIDENTIAL ZONING DISTRICT, PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, real property development in the Town of Palm Beach, Florida (“the Town”) is governed by Chapter 134, “Zoning” of the Code of Ordinances of the Town of Palm Beach, Florida; and

WHEREAS, the Town’s first zoning code was first adopted in 1930 and Chapter 134, “Zoning” has not been comprehensively updated for consistency, appropriateness, and usability since 1974; and

WHEREAS, changes in Florida law, rainfall patterns, rising sea levels, flood maps, and other external circumstances have created a need to revise and update Chapter 134; and

WHEREAS, the Town has enacted piecemeal updates to Chapter 134 over the years, which has resulted in internal inconsistencies, cumbersome standards, and regulations that are difficult to understand and apply;

WHEREAS, due to the burdensome nature of Chapter 134 in its current state, the Town Council hears multiple variance applications on a monthly basis, and during said hearings the zoning code itself is often cited as the hardship that justifies the granting of a variance; and

WHEREAS, the Town is currently experiencing an influx of residential redevelopment, catalyzed by a wave of real estate sales and the high popularity of the Town’s prestige, location, weather, character, and distinction; and

WHEREAS, the aforementioned influx of residential development results in demolition of smaller homes to be replaced by larger homes and the Town is concerned that Chapter 134 in its current form does not sufficiently protect the character of the R-B Low Density Residential Zoning District; and

WHEREAS, the common concerns raised about larger homes are too much massing, height, lot coverage and impervious area; and

WHEREAS, the Town Council desires to adopt a custom-tailored, clear, consistent, user-friendly, resilient, and defensible zoning code for the Town that advances the community’s vision and protects the historic, coastal, distinct, and unique character of the Town; and

WHEREAS, the Town Council has taken active, documented steps to achieve the goal of updating Chapter 134 by retaining outside consulting firms with the specific experience and expertise of modernizing, streamlining, and drafting a custom-tailored zoning code for the Town; and

WHEREAS, consultants were retained by the Town and the “Palm Beach Zoning Code Review” process began in the summer of 2022; and

WHEREAS, a Zoning Diagnostic Report was completed by ZoneCo and published for the Town in September 2022; and

WHEREAS, the Town Council has – in public, duly-noticed meetings - received numerous progress reports from its aforementioned consultants from time to time over the last nine months; and

WHEREAS, Town consultants created a website specifically for the purpose of advising the public regarding the zoning code review process, and said website can be found on the internet at www.pbzoning.org; and

WHEREAS, the aforementioned zoning code review website includes an abundance of publicly-accessible information such as each presentation made over the last ten months to the Town Council and a “library” of documents that inform the public as to the zoning code review; and

WHEREAS, a public engagement “charrette” event (“Designing Our Palm Beach Week”) was widely publicized and hosted by the Town between February 27 – March 2, during which about 200 Town residents attended meetings, site visits, walking tours, presentations, and provided feedback via written and spoken comments and other forms of engagement with Town staff, consultants, and members of the Town Council and Town advisory boards; and

WHEREAS, a comprehensive summary of “Designing Our Palm Beach Week” is available on the zoning code review website; and

WHEREAS, substantial public resources and expenditures have been dedicated to the zoning code review process; and

WHEREAS, concrete ideas regarding proposed changes to Chapter 134 are beginning to take shape, after substantial feedback from the public and exhaustive analysis by Town staff and consultants; and

WHEREAS, significant amendments to the R-B Low Density Residential Zoning District (“the Code Amendments”) are actively being developed by Town consultants; and

WHEREAS, the scope of the proposed Code Amendments includes building height, building massing, setbacks, step backs, open space requirements, lot coverage requirements, landscaping, driveway placement, cubic content ratio, floor area ratio, terrace and balcony placement, base flood elevation, and lot aggregation; and

WHEREAS, the subject Code Amendments were referred to the Town Planning and Zoning Commission for study on April 27, 2023; and

WHEREAS, the Town desires redevelopment to conform to the Code Amendments for the aforementioned reasons; and

WHEREAS, the Code of Ordinances of the Town of Palm Beach, Florida provides for a declaration of “zoning in progress” pursuant to Chapter 134-2(b) and Chapter 134-89(b); and

WHEREAS, Florida law recognizes the validity of a “zoning in progress” declaration¹; and

WHEREAS, the Town desires to declare and implement zoning in progress to ensure redevelopment conforms to and complies with the Code Amendments; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, THAT ZONING IN PROGRESS IS DECLARED FOR PROPERTIES WITHIN THE R-B LOW DENSITY RESIDENTIAL ZONING DISTRICT, AS FOLLOWS:

Section 1. Declaration. Zoning in progress is hereby declared for all properties within the R-B Low Density Residential Zoning District in the Town.

Section 2. Applicability and Scope. No applications for new construction shall be received by the Town after the Effective Date of this Resolution.

Section 3. Exception for Accepted Applications. All development applications that have been accepted by the Town before the Effective Date of this Resolution shall be deemed permitted to advance through the Town’s development review process and are eligible to receive building permits, as permitted under the existing Code of Ordinances of the Town of Palm Beach and any conditions of approval. Applications that are “accepted” pursuant to this Resolution shall meet each of the following criteria:

- (a) The applicant has received a *Notice to Proceed* issued by Town Staff on or before the effective date of this Resolution; and
- (b) The application is scheduled for a public hearing; and
- (c) All land use application fees have been paid to the Town.

Section 4. Waivers may be granted from this zoning in progress resolution upon an application for waiver being filed with the Town and approved by the Town Council. Competent substantial evidence shall be presented in support of the Waiver. Good cause shall be demonstrated that the proposed construction project on a property within the R-B Low Density Residential Zoning District will not be contrary to the purpose and intent of the Code Amendments. Notwithstanding a demonstration of good cause, no Waiver shall be granted by the Town Council that does not meet the following criteria:

- (a) The application does not involve demolition and reconstruction of the structure(s), or portions thereof; and does not add square footage, floor area, and/or cubic content to the existing square footage, floor area, and/or cubic content of the subject property; and

¹ See Smith v. City of Clearwater, 383 So. 2d 681 (Fla. Dist. Ct. App. 1980).

- (b) The application is limited in that it strictly pertains to improvements necessary for hurricane preparedness or maintenance of the subject structure and such limited improvement is necessary to protect the subject structure; or
- (c) The application is limited in that it strictly pertains to internal renovations; no exterior modification of structures may be permitted pursuant to this criterion; wherein the value of construction arising from the application does not exceed ten percent (10%) of the value of the existing structure.

Section 5. Length of Zoning in Progress. This declaration of zoning in progress shall be effective for six months following the Effective Date of this Resolution.

Section 6. Extension. The Town Council may extend the declaration of a zoning in progress and the requirements set forth in this Resolution for six months following the expiration of the initial six-month period of the zoning in progress declared in this Resolution.

Section 7. Effective Date. The zoning in progress for all properties within the R-B Low Density Residential Zoning District as declared in this Resolution is effective immediately upon adoption of this Resolution.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this _____ day of _____, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 060-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing waiver of formal competition and Approving a new ten-year food and beverage services agreement at the Town of Palm Beach Par 3 Golf Course to PB Ocean View, Inc. with the option to renew for an additional five-year period based on satisfactory performance and monetary compensation.

Presenter

Dean Mealy, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated April 26, 2023 from Dean Mealy, II Procurement and Contract Manager**
- ▣ **Letter Dated May 3, 2023, from the Citizens Association of Palm Beach**
- ▣ **Resolution No. 060-2023**

Information for Town Council Meeting on May 9, 2023

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II, CPPO, Town Procurement and Contract Manager

RE: **Resolution No. 060-2023**, authorizing waiver of formal competition and approving a new ten-year food and beverage services agreement at the Town of Palm Beach Par 3 Golf Course to PB Ocean View, Inc. with the option to renew for an additional five-year period based on satisfactory performance and monetary compensation

DATE: April 26, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 060-2023, authorizing waiver of formal competition and approving a new ten-year food and beverage services agreement at the Town of Palm Beach Par 3 Golf Course to PB Ocean View, Inc. with the option to renew for an additional five-year period based on satisfactory performance and monetary compensation.

SUMMARY EXPLANATION/BACKGROUND

In 2013, the Town issued RFP No. 2013-13 for Restaurant Operator for the Par 3 Golf Course. The Town received two submissions and Pizza al Fresco was awarded the agreement. The term of the agreement was for ten years with the option for one-year terms upon the mutual, written agreement of the parties at the end of the agreement period.

In 2016, Town staff brought back to the Town Council a request to further amend the agreement dated July 1, 2013. The 2016 amended agreement addressed window tinting, weather screening and reimbursement to the Town for all electric charges associated with the old pro shop.

During their time at the Palm Beach Par 3, Al Fresco has demonstrated their commitment to the Town and its residents. They have been a responsible and reliable partner, and there have been very few issues during their tenure. Whenever the Town requests them to act on something, they respond promptly and address the respective concern.

In addition, Al Fresco has played a significant role in supporting local organizations such as the Citizens Association of Palm Beach. They have helped coordinate events and have been a key contributor to the success of these events. Their support has been instrumental in bringing people together and strengthening the community.

During the initial discussions of the ten-year agreement expiration and how we would best recommend a solution, Carolyn Stone, Bob Miracle, Mark Bresnahan, and Dean Mealy discussed the first option of just renewing on an annual basis as per the original agreement terms option. This had been presented to Al Fresco and they expressed interest in a ten-year extension.

Since there has been overwhelming support for the restaurant from the community and from the guests of the Par 3, it was decided to request a waiver of competitive bidding and allow an extension whether it was one-year extensions or a ten-year extension.

The negotiations focused on annual contributions based on revenue.

Under the current agreement, the following services fees apply:

Gross Yearly Revenue up to \$1,500,000	10% of the gross payable to the Town
Gross Yearly Revenue in excess of \$1,500,000	10.5% of the gross payable to the Town

The proposed changes for the new agreement period are recommended as follows:

Gross Yearly Revenue up to \$5,000,000	10% of the gross payable to the Town
Gross Yearly Revenue in excess of \$5,000,000	12.75% of the gross payable to the Town

With the proposed changes, the Town anticipates an additional revenue income of \$193,000 over the first five years based on a 5% annual growth rate in sales.

For a point of reference, Al Fresco had annual gross sales of \$4,290,000 in 2018, \$4,390,000 in 2019, \$5,450,847 in 2021 and \$6,148,797 in 2022.

The contractor guarantees that annual payment to the Town shall not drop below \$300,000.

FUNDING IMPACT/FUNDING SOURCE

This is a revenue generated agreement.

USER DEPARTMENT CONCURRENCE

The Town Manager's Office is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.



Co-Chairs

A P "Skip" Aldridge
Donald Singer

Vice Chairs

Stephen Jacobs
Richard Kleid
Bram Majtlis
Linda Sullivan

General Counsel

Stephen Jacobs

Co-Counsel

Ronald Matzner

Treasurer

Gardiner Hempel

BOARD OF DIRECTORS

A P "Skip" Aldridge III

Guy Clark
Deborah Day
Gardiner Hempel
Stephen Jacobs
Fred Kamel
Richard Kleid
Karen List
Bram Majtlis
Ronald Matzner
Marilyn Rosee
Erick Reickert
Pamela Saba
Rick Salvatore
Dena Seigel
Greg Silpe
Donald D. Singer
Linda Sullivan
Rita S. Taca
Steve Tannenbaum
William Tucker
Jane Waldman
Peter Wilson

May 3, 2023

TO: Mayor Danielle Moore President of the Town Council,
Margaret Zeidman President
Pro-Tem Bobbie Lindsey
Council Member, Julie Araskog
Council Member, Ted Cooney
Council Member, Lew Crampton

The Board of Directors of the Citizens' Association of Palm Beach unanimously passed a resolution at our meeting today supporting the continuation of Al Fresco as the sole restaurant operating at the Town of Par 3 golf course.

Al Fresco at the Par 3 is a town serving business that has become an important destination and supplier of the of our member buildings south of Sloan's Curve. The management of Al Fresco works closely with the Citizens' Association to support events benefiting our members. Throughout the COVID 19 crisis, Al Fresco developed and executed a delivery service that provided an invaluable service to the south end of Palm Beach.

The reputation for outstanding food and service at Al Fresco at the Par 3 attracts guests from all over Palm Beach Island and from other nearby towns. Nevertheless, they provide a necessary and cost effective service to the member buildings and their residents of the Citizens' Association of Palm Beach.

We strongly recommend that the Town Council renew the lease by Al Fresco at the Par 3, without any reservations.

Thank you for your consideration.

Respectfully,

Donald Singer
Co-Chair

A. P. "Skip" Aldridge III
Co-Chair

BankUnited Building - 2875 So. Ocean Blvd., Suite 200-15 - Palm Beach, FL 33480
561-655-5466 • Email: jennifer@citizensassociationofpalmbeach.org

RESOLUTION NO. 060-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AUTHORIZING WAIVER OF FORMAL COMPETITION AND
APPROVING A NEW TEN-YEAR FOOD AND BEVERAGE
SERVICES AGREEMENT AT THE TOWN OF PALM BEACH
PAR 3 GOLF COURSE TO PB OCEAN VIEW, INC. WITH THE
OPTION TO RENEW FOR AN ADDITIONAL FIVE-YEAR
PERIOD BASED ON SATISFACTORY PERFORMANCE AND
MONETARY COMPENSATION**

NOW, 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 Resolution No. 060-2023, authorizing waiver of formal competition and approving a new ten-year food and beverage services agreement at the Town of Palm Beach Par 3 Golf Course to PB Ocean View, Inc. with the option to renew for an additional five-year period based on satisfactory performance and monetary compensation.

Section 2. The Town Manager is hereby authorized to execute this agreement on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - New Business

Agenda Title

Code Enforcement Board Referral -Trevini Restaurant and Palm Beach Parking Valet Violations

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated April 25, 2023, from Nicholas Caristo, Chief of Police**
- ▣ **Attachment A - 3/18/23 Notice of Violation**
- ▣ **Attachment B - 4/1/23 Notice of Violation**
- ▣ **Attachment C - Code Enforcement Board Order**
- ▣ **Attachment D - Valet Permit Application**
- ▣ **Valet Parking Permit**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Code Enforcement Board Referral – Trevini Restaurant (223 Sunset Ave.)

Date: April 25, 2023

STAFF RECOMMENDATION

Staff recommends the Town Council review the Code Enforcement Board's referral and provide guidance on possible declaration of use restrictions or revocation/suspension of the existing valet parking permit.

GENERAL INFORMATION

The Palm Beach Police Department began receiving complaints in March of 2023 regarding the failure of Trevini's valet service (provided by Palm Beach Parking) in complying with their issued valet parking permit. The issued permit indicates that valet parked vehicles were to be parked solely in the 223 Sunset Avenue garage. On 3/15/2023 and 3/17/2023 Palm Beach Parking was issued verbal warnings for parking vehicles in the Publix parking lot. On 3/18/2023 Palm Beach Parking was issued a Notice of Violation for continuing to park vehicles in the Publix parking lot instead of the approved 223 Sunset Avenue garage. On 4/1/2023 they were issued a second Notice of Violation for continuing to park in the Publix loading area and also blocking a sidewalk.

On 4/20/2023, Palm Beach Parking appeared before the Code Enforcement Board on behalf of the valet permit holder, Trevini. They were found to be in violation of both Notices issued, fined, and referred to the Town Council for review. Attachments include 3/18 (Attachment A) and 4/1 (Attachment B) Notice of Violations, the Code Enforcement Board Order (Attachment C), Trevini's Valet Parking Permit Application (Attachment D), and Trevini's Valet Parking Permit (Attachment E).

Attachment

cc: Robert Miracle, Deputy Town Manager
Carolyn Stone, Deputy Town Manager
Wayne Bergman, Director of Planning, Zoning, and Building
Code Enforcement Board

10274



TOWN OF PALM BEACH

POLICE DEPARTMENT

Code Enforcement Unit

Notice of Violation



Steve Jesse

Palm Beach Parking

Respondent's Name

Palm Beach Parking

Name of Company/Resident/Business

Verbal Warning 3-15-23 / 3-17-23

Respondent's Address

Property/Business Address

YOU ARE NOTIFIED that on Sat., March 18, 2023 at 2101 hrs,
(day) (date) (time)

a violation of Valet Parking Regulations
(description of violation)

which violate the following Town of Palm Beach Code of Ordinances:

118-155

(chapter and section)

occurred at: 223 Sunset Ave

(violation address)

YOUR OPTIONS ARE INDICATED BELOW:

- ☐ 1) **YOU MAY ADMIT** to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is \$ _____
OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, _____ at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

- ☒ 2) **THIS CASE WILL BE HEARD BEFORE THE CODE ENFORCEMENT BOARD** on Thursday, April 20, 2023 at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION

 Signature of Respondent

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be \$250 for a first offense, \$500 for repeat offenses, or a maximum of \$5,000 if irreparable in nature, in addition to the administrative costs.

JOLIVARES 10272
 Code Enforcement/Police Officer - I.D.

3-18-23
 Date

2110 hrs
 Time

CE 23-370 2023-077-166
 Case/CAD #

I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.

 Signature of Respondent

CE 23-370

Cmy



TOWN OF PALM BEACH

POLICE DEPARTMENT

Code Enforcement Unit

Notice of Violation



9814

Respondent's Name

Palm Beach Parking
 Name of Company/Resident/Business

Respondent's Address

Property/Business Address

 YOU ARE NOTIFIED that on Sat / April 1, 2023 at 2132 hrs
(day) (date) (time)

 a violation of Valet Parking Regulation
(description of violation)

 which violate the following Town of Palm Beach Code of Ordinances: 118-155
(chapter and section)

 occurred at: 223 Sunset Ave
(violation address)

YOUR OPTIONS ARE INDICATED BELOW:

- ☐ 1) YOU MAY ADMIT to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is \$ _____
OR

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- ☒ 2) THIS CASE WILL BE HEARD BEFORE THE CODE ENFORCEMENT BOARD on Thursday, April 20, 2023 at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION

 Signature of Respondent

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be \$250 for a first offense, \$500 for repeat offenses, or a maximum of \$5,000 if irreparable in nature, in addition to the administrative costs.

JOLYNES 10272
 Code Enforcement/Police Officer - I.D.

4-1-23
 Date

2147 hrs
 Time

2023-091-176
 Case/CAD #

I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.

 Signature of Respondent



TOWN OF PALM BEACH POLICE DEPARTMENT



DEDICATED TO EXCELLENCE

April 20, 2023

BEFORE THE CODE ENFORCEMENT BOARD OF THE TOWN OF PALM BEACH

ORDER FINDING VIOLATION

CERTIFIED MAIL: 9314 8699 0430 0106 5539 09

Palm Beach Parking & Valet Service
1499 Forest Hill Blvd., Suite 105
West Palm Beach, FL 33406

Re: Case # CE 23-370, 223 Sunset Ave., Palm Beach Parking:

Violation of Chapter 118, Section 118-155 of the Town of Palm Beach Code of Ordinances states any business, entity, property owner or valet found to be in violation under the terms of their permit shall result in a penalty as set forth in section 1-14. Any fine imposed hereunder, if contested, shall be subject to the jurisdiction of the town's code enforcement board.

The Code Enforcement Board heard testimony at the Code Enforcement Board Hearing held the 20th day of April 2023, and based on the evidence, the Code Enforcement Board enters the following FINDINGS OF FACT, CONCLUSIONS OF LAW and ORDER.

FINDINGS OF FACT

1. The Town of Palm Beach Code Enforcement Officer Moriarty presented the facts of the case and entered evidence into the record.

345 South County Road • Palm Beach, Florida 33480-4443 • (561) 227-7080 • Fax (561) 835-4736 • www.palmbeachpolice.com

2. Nick Leone was present and gave testimony in the case.

CONCLUSIONS OF LAW

Violation of Chapter 118, Section 118-155 of the Town of Palm Beach Code of Ordinances states any business, entity, property owner or valet found to be in violation under the terms of their permit shall result in a penalty as set forth in section 1-14. Any fine imposed hereunder, if contested, shall be subject to the jurisdiction of the town's code enforcement board.

ORDER

It is the order of this Board regarding Case # **CE 23-370** to find the violator in non-compliance, assess administrative costs in the amount of **\$150.00**, to pay **\$250.00 for the first citation and \$500.00 for the second citation and refer this matter to the Town Council for review of the Special Usage Agreement.**

Upon complying, it is the responsibility of the violator to notify the Town of Palm Beach Code Enforcement Office at (561) 227-7080.

DONE AND ORDERED this 20th day of April 2023.



Scotch Peloso
Vice Chairman, Code Enforcement Board

cc: Case File/Property File



TOWN OF PALM BEACH

Palm Beach Police Department

For Office Use Only
Date stamp date of
application

(The receiving department shall
date stamp, scan and create a
PDF. All departments will
utilize email for all transmittals
in this permit approval process)

Revocable Annual Valet Parking Permit Application

Town Ordinance 15-02, Chapter 118 Articles V - Valet Parking Regulations,
Sections: 145 through 160.

Application Date: 10.12.2022

Proposed Annual Valet Parking Address: 223 SUNSET AVE S. 100

Business Name: TREVINI RESTAURANT

Name of Business Owner (Permittee) for which Annual Valet Parking will be provided:

GIOVANNI MINERVINI

(The owner of the business is the Permittee and is ultimately responsible for the valet service and is subject to any Code Enforcement citations for violations of this Ordinance. In the Permittee's absence, the "person-in-charge" of the business will assume responsibility for any violations.)

Contact Telephone #'s for Business Owner (Permittee): (Business) 561 833 3883 (Cell) 561 386 7876
(Home) _____

Business Owner's (Permittee) Mailing Address:

223 SUNSET AVE S. 100
PALM BEACH FLA 33480

Name of Person In-Charge of Business Operation (if not owner): _____

Contact Telephone #'s for Person-In-Charge: (Business) _____ (Cell) _____
(Home) _____

Seating Capacity of Restaurant or Commercial Property: 106

Proposed number of valets to work each shift: 2-3

Name of Business Owner's Insurance Company/Agent: JACK FLAGG, Arch Specializing Co.

(Attach the Certificate of Insurance naming the Town of Palm Beach as an "additional insured" under your general liability policy with limits not less than \$1,000,000. per occurrence and \$2,000,000. aggregate covering bodily injury and property damage. Refer to Guidelines Sec. 118-149 (5) for additional insurance requirements.)

Address of Business Owner's Insurance Company/Agent: 4400 PGA Blvd Ste 1000

Contact # for Business Owner's Insurance Company/Agent: 561 622 2550

**TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING
PERMIT**

Please give a brief summary of the business operation and the intended use of valet parkers:

VALET hours 5pm to 11:30 pm
7 days ; Parking guest cars in our
building underground garage

(A Traffic Schematic Plan must be submitted with the application, refer to attached guidelines Sec. 118-149 through 151 for requirements for use of public right-of-way and/or storage of vehicle on private property)

As the business owner applying for this permit, for use of public property, hereby executes an agreement approved by the Town, providing for the valet parking operator to indemnify, hold harmless and defend the Town, its officers, agents and employees against and assume all liability for any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising from its use of the public streets or private or public parking lots for the purposes authorized in this article and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and/or arising from the failure of the valet parking operation, its agents or employees to comply with each and every requirement of this article or with any other Town, county, state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss or life or limb, or damage to property sustained by any person, firm, corporation or other business entity.

As the business owner or person in-charge of the business as assigned by the business owner to oversee the valet service, I have read the above indemnification agreement and the attached provisions of the Town Code of Ordinances relating to the regulation of Valet Parking and agree to abide by all provisions set forth therein.

Signature of Applicant (Business Owner) (Permittee)

Date

STATE OF:

COUNTY OF:

The foregoing instrument was acknowledged before me this 13th day of

OCTOBER,

20 22, by GIOVANNI MINERVINI who is personally known to me, or

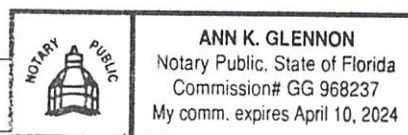
has produced as identification and who did take

an oath.

Notary Public

Commission Number

(Notary Name, typed, printed or stamped)



TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING PERMIT

The valet parking operator applying for this permit, for use of public property, hereby executes an agreement approved by the Town, providing for the valet parking operator to indemnify, hold harmless and defend the Town, its officers, agents and employees against and assume all liability for any and all claims, suits, actions, damages, liabilities, expenditures or causes of action of any kind arising from its use of the public streets or private or public parking lots for the purposes authorized in this article and resulting or accruing from any alleged negligence, act, omission or error of the valet parking operation, its agents or employees and or arising from the failure of the valet parking operation, its agents or employees to comply with each and every requirement of this article or with any other Town, county, state or federal law or regulation applicable to the valet parking operation resulting in or relating to bodily injury, loss of life or limb, or damage to property sustained by any person, firm, corporation or other business entity.

As owner or person in-charge of the valet service, I have read the above indemnification agreement and the attached provisions of the Town Code of Ordinances relating to the regulation of Valet Parking and agree to abide by all provisions set forth therein.

Mark Long

Signature of Valet Parking Business Owner

9-29-22

Date

STATE OF:
COUNTY OF:

The foregoing instrument was acknowledged before me this *29th* day of *September*

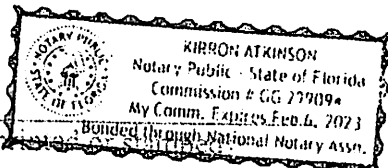
20 *22*, by *WILLIAM LEONE* who is personally known to me, or

has produced *FLDL* as identification and who did take

an oath.

[Signature]
Notary Public

02/06/23
Commission Number



(Notary Name, typed, printed or stamped)

TOWN OF PALM BEACH APPLICATION FOR A REVOCABLE ANNUAL VALET PARKING PERMIT

Valet Parking Service Information

Name of Valet Parking Business: Palm Beach Parking

Owner of Valet Parking Business: Carole Weitzman **Number of Employees:**
2 or 3 staff

Contact Telephone #'s of Valet Parking Service Owner: (Business) _____ **(Cell)** 215-470-1000
(Home) _____

Name of Person In-Charge of Business Operation (if not owner): Nick Leone

Contact Telephone #'s of Person-In-Charge: (Business) _____ **(Cell)** 561-308-0720
(Home) _____

Name of Valet Company's Insurance Company: on file
(Attach the Certificate of Insurance naming the Town of Palm Beach as an "additional insured" under your general liability policy with limits not less than \$1,000,000. per occurrence and \$2,000,000. aggregate covering bodily injury and property damage. Refer to Guidelines Sec. 118-149 (5) for additional insurance requirements.)

Address of Valet Company's Insurance Company/Agent: _____

Contact # for Valet Company's Insurance Company/Agent: _____

Traffic Schematic Plan attached: Yes / No. If no, why? we park on the street and on property

Private Property Owner Information

Name of Property Owner at Temporary Valet Parking Location: _____

Property Owner Mailing Address: _____

Property Owner Telephone: #'s: (Bus.) _____ **(Cell)** _____ **(Hm)** _____

Private Property Approvals attached: Yes / No. If no, why? _____

**** A completed application package should include:**

1. Application forms - pages 1 - 6.
2. Insurance documents as required.
3. Traffic Schematic Plan.
4. Private Property approvals, if applicable, diagram, and other information as required.
5. Payment - \$400.00 per staging area.

(Signature of Valet Parking representative required on following page)

Town of Palm Beach
Finance Department
360 S. County Rd
Palm Beach, FL 33410
www.townofpalmbeach.com
Welcome

029959-0009 Veronica 10/13/2022 12:37PM

FINANCE

Payment Tran Code: Valet

Permit (Valet)

Description: Travini

Restaurant

Valet Permit (Valet)

2023 Item: Valet

Valet Permit (Valet) 400.00

001.342.170 400.00C

400.00

Subtotal 400.00

Total 400.00

CHECK 400.00

Check Number 1729

Change due 0.00

TOWN INC
D&A TRAVINI RESTAURANT
204 HUNTER AVE STE 100
PALM BEACH, FL 33480-4377

10/12/22

1729

Town of Palm Beach

Your handout of 200.00

PNC BANK

Annual Bank Application

Thank you for your payment

TOWN OF PALM BEACH REVOCABLE VALET PARKING PERMIT

Having reviewed this Permit Application and the requirements of the Town of Palm Beach Code of Ordinances pertaining to the same and potential impacts of the operations and responsibilities of my Department, I hereby approve of said Valet Parking Permit Application.

Benjamin Alma

November 29, 2022

Signature

Approval Date

On behalf of: Chief of Police



Permit Valid from 10/1/2022 – 9/30/2023

Business Name: Trevini Restaurant

Business Address: 223 Sunset Ave.

Valet Company: Palm Beach Parking.

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - New Business

Agenda Title

Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended September 30, 2022

Presenter

Bob Miracle, Deputy Town Manager - Finance and Administration

ATTACHMENTS:

- ▣ **Memorandum Dated April 24, 2023, from Bob Miracle, Deputy Town Manager, Finance and Administration**
- ▣ **Reserve Status**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 9, 2023

To: Mayor & Town Council

Via: Kirk Blouin, Town Manager

From: Bob Miracle, Dep. Town Manager – Finance and Administration

Re: Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended September 30, 2022

Date: April 24, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council accept the Annual Comprehensive Financial Report for the fiscal year ended September 30, 2022.

GENERAL INFORMATION

A copy of the Town of Palm Beach Annual Comprehensive Financial Report (ACFR) for fiscal year ended September 30, 2022, completed in accordance with Section 11.45 of the Florida Statutes, is being provided to each of you under separate cover and can be viewed on the Town's website at www.townofpalmbeach.com under the "Government" tab, by clicking on Departments/Finance Department/Financial Reports.

This document serves as the required annual audit of the Town of Palm Beach. It exceeds the minimum requirements for an annual audit, providing information which staff expects will qualify the Town to receive the Government Finance Officers' Association Certificate of Achievement for Excellence in Financial Reporting for the 35th consecutive year.

The completed ACFR will be forwarded to the Auditor General's Office once it is approved, to satisfy the statutory requirements.

The final reported General Fund unassigned fund balance for fiscal year ended September 30, 2022, is \$30,702,132. This amount represents 39.79% of the FY23 operating expenditure budget (total budget less CIP, coastal, and extraordinary retirement transfer). The 39.79% is the same percentage as last year. This unassigned fund balance exceeds the town's policy of 25% minimum by \$11,412,613. A report on the status of all Town reserves as of September 30, 2022, is attached for your information and will be included in the Long-Term Financial Plan.

Nicholas Martin, CPA a Manager with Marcum LLP., will make a brief presentation regarding the audit results for FY2022 at the Town Council meeting.

Attachments

Cc: Department Directors
John C Randolph, Town Attorney
Carolyn Stone, Deputy Town Manager
Nicholas Martin, CPA, Manager with Marcum LLP

05-09-2023 TCM Backup

Reserve Status

Town of Palm Beach

Town of Palm Beach Reserves

The Town Council has adopted twenty two financial policies, nineteen of which address reserves. The reserve policies serve to safeguard the Town's financial resources and ensure fiscal stability. The size of a municipality's fund balance can affect its ability to withstand financial emergencies. Reserves can also be used to accumulate funds for capital purchases or capital projects without having to borrow.

Below is a table showing the projected fund balance through September 30, 2023, based on the ending fund balance at September 30, 2022 plus FY23 budgeted revenues less expenditures for all funds.

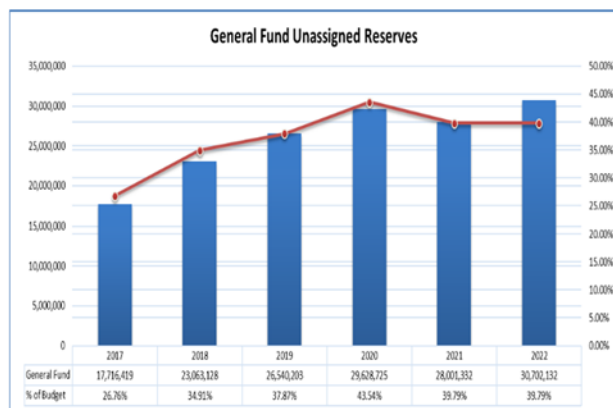
Fund Balance Projections

Fiscal Year 2023 Annual Budget

Fund	Estimated Fund Balance at 9/30/22	Estimated FY2023 Revenues	Estimated FY2023 Expenditures	Projected Fund Balance at 9/30/23
General Fund	\$ 37,479,326	\$ 89,140,574	\$ 89,140,574	\$ 37,479,326
Townwide Underground Utilities Fund	\$ 41,466,696	\$ 15,966,016	\$ 34,001,121	\$ 23,431,591
2013 and 2016A Bonds Debt Service Fund	\$ 1,312,569	\$ 6,562,226	\$ 6,562,226	\$ 1,312,569
2016B Worth Avenue Bond Debt Service Fund	\$ 180,191	\$ 723,513	\$ 723,513	\$ 180,191
Capital Improvement Fund	\$ 17,688,703	\$ 12,999,563	\$ 10,073,902	\$ 20,614,364
Coastal Management Fund	\$ 32,314,211	\$ 9,927,164	\$ 3,850,038	\$ 38,391,337
Worth Avenue Assessment District Fund	\$ 246,292	\$ 435,300	\$ 500,297	\$ 181,295
Marina Enterprise Fund	\$ 12,006,656	\$ 11,609,190	\$ 13,586,095	\$ 10,029,751
Par 3 Golf Course Enterprise Fund	\$ 11,571,168	\$ 3,123,450	\$ 2,776,584	\$ 11,918,034
Building Fund	\$ 2,646,705	\$ 8,931,474	\$ 6,214,978	\$ 5,363,201
Risk Insurance Fund	\$ 5,485,417	\$ 2,048,487	\$ 2,646,241	\$ 4,887,663
Health Insurance Fund	\$ 7,289,078	\$ 4,496,070	\$ 6,086,889	\$ 5,698,259
Equipment Replacement Fund	\$ 30,258,192	\$ 1,728,287	\$ 2,499,112	\$ 29,487,367
Employee's Retirement Fund	\$ 288,216,109	\$ 19,904,441	\$ 22,682,113	\$ 285,438,437
OPEB Trust Fund	\$ 40,330,823	\$ 1,344,215	\$ 2,854,297	\$ 38,820,741
Totals	\$528,492,136	\$188,939,970	\$ 204,197,980	\$513,234,126

General Fund - Unassigned Fund Balance

Pursuant to adopted policy, the unassigned fund balance for the General Fund is to be maintained at a minimum level of 25% of current year General Fund budgeted expenditures. This minimum level is to be maintained to protect the Town against economic downturns, temporary revenue shortfalls, unpredicted one-time expenditures, and for tax rate stabilization purposes. Twenty-five percent of the FY23 General Fund operating budget (General Fund budget less CIP, coastal and extraordinary retirement transfer) is \$19,289,519. The FY21 ending unassigned fund balance was \$30,702,132. The unassigned fund balance exceeded the minimum requirement by



Reserve Status

Town of Palm Beach

\$11,412,613. The General Fund Undesignated Fund Balance has consistently exceeded the required minimum level of 25%. The chart shows the trend for the General Fund Undesignated Fund Balance and the percent of budgeted expenditures the balance represents. The unassigned fund balance increased by \$2,700,800. The percentage of Unassigned Fund Balance vs. Budget stayed at the same percentage at 39.8%. Town Council has approved using \$605,000 (with a potential increase to \$1,747,000) from Unassigned Fund Balance in FY23 for the code reform project. Also, there may need to be another budget amendment for the North Fire Station once the final numbers come in.

Commitment of General Fund Reserves for Payment of Liability Related to Compensated Absences Leave Balances

The Reserve for Compensated Absences reduces the budgetary fluctuations due to the payout of accrued leave time to employees when they leave Town service. This reserve is funded at a rate of 100% of the fiscal year end accrued leave balances. Funds are appropriated annually from this reserve based upon estimates of pay-outs of eligible accrued vacation and sick time and the related payroll tax liability. The balance in the reserve as of September 30, 2022, was \$2,198,670. The FY23 appropriation for the pay-out of eligible accrued vacation, sick and compensatory time from this reserve is \$829,500.

Townwide Underground Utilities Fund

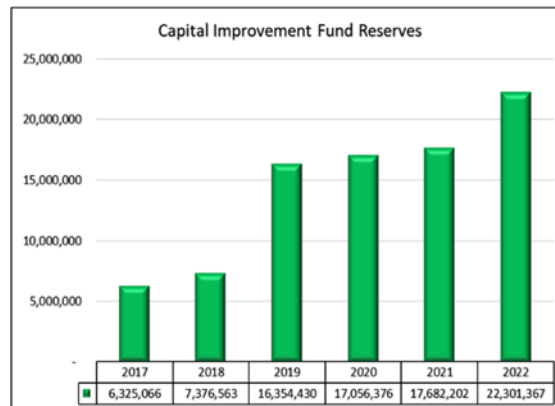
The Town issued General Obligation Bonds in FY19 and FY21 for the Townwide Underground Utilities Project. Phase 1 North was completed in FY19. Phase 1 South and Phase 2 North were completed in FY20. During FY21, Phase 3 North was completed. During FY23, we expect Phase 2 South and Phase 4 North to be completed, and Phase 3 South to be substantially complete. Phase 4 South, Phase 5 North and South are under construction. Phase 6 North Construction has begun while Construction on Phase 6 South will begin later this year. Engineering and design is underway for Phases 7 and 8 of the project. The completion of these projects will reduce the net assets in this fund during FY23.

Debt Service Funds

The debt service fund for the 2016A and 2019 bonds has excess reserves of \$1,511,783 that had accrued since the issuance of the 2013 bonds. These excess funds are being used to lower the annual transfer from the General Fund to the debt service fund.

Capital Improvement Fund

For many years, the Town funded all of the capital infrastructure improvements through pay-as-you-go financing. For FY23, the transfer to Capital Improvement Fund from the General Fund increased to \$9,371,000 to fund future projects and the North Fire-Rescue station renovation. The increase in reserves to the FY19 balance is due to the transfer of the Mandel Recreation Center project to this fund from the Recreation Enterprise Fund and contributions from the Mandel foundation and the Friends of Recreation. Reserves of \$6,723,600 have been encumbered for current projects. The balance of \$15,577,800 is reserved for future projects.

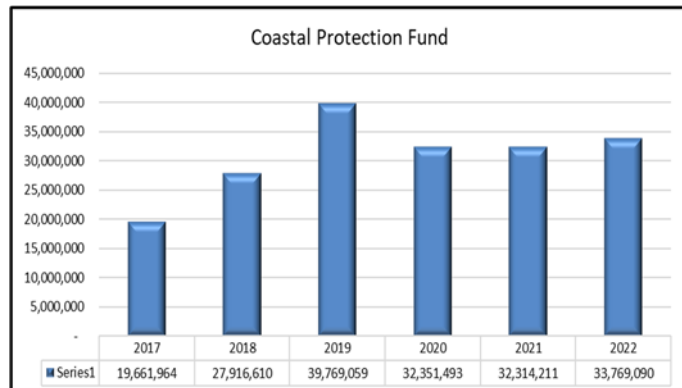


Reserve Status

Town of Palm Beach

Coastal Protection Fund

The Coastal Protection Fund reserves are in place for beach renourishment projects. The Coastal Protection financing plan calls for annual transfers from the General Fund to the Coastal Fund to accumulate funds for renourishment projects and the other costs associated with the plan. The FY23 transfer was \$5,264,732. As of September 30, 2022, the reserve balance in this fund is \$33,769,090. The Mid-Town beach renourishment project occurred in FY20 which lowered the balance of these reserves. Sufficient funds will be available for future projects with Federal, State and County grant funds expected to offset a significant amount of the cost.

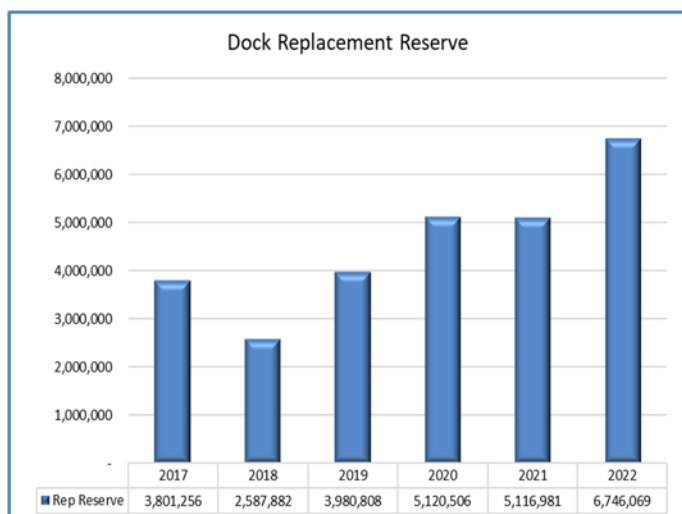


Worth Avenue Assessment District

The Worth Avenue Assessment District is used to account for the maintenance of the improvements on Worth Avenue. The maintenance and debt service is fully paid through assessments on the property owners in this district. The reserves in this fund of \$167,279 have accumulated since the initial capital project was completed. The reserves in FY23 are being used to offset increased maintenance costs and for valet service during the season.

Marina Enterprise Fund Reserves

At the end of FY22, \$6,746,069 has been set aside in the Dock Replacement Reserve and at the end of FY22 the unassigned fund balance totalled \$10,361,146. The unassigned fund balance will decline in FY23 once the construction project has been closed out. The Dock Replacement reserve was created to partially fund the replacement cost of the construction of the Town's docks. In FY18, the Town used a portion of these reserves to fund the engineering and permitting costs associated with the dock replacement project. The Marina was closed at the end of the 2020 season to begin construction of the new Marina. A loan was secured for \$31,000,000 to finance a portion of the construction. Construction was finished and the Marina reopened November 1, 2022. Due to funding from the Florida Inland Navigation District, the dock replacement reserve was not used for the Marina Project. The annual depreciation for the new Marina is \$1,246,774. These funds will be set aside for future replacement. The Town Council approved an allocation from these reserves to be used to fund a portion (\$1,133,500) of the Lake Drive Park project that is related to the Marina. The



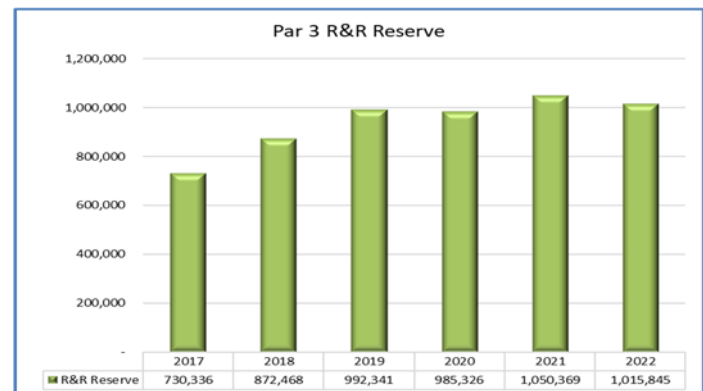
Reserve Status

Town of Palm Beach

Town Council also approved the use of future profits in the amount of \$2,600,000 per year for 5 years from the Marina to the Townwide Underground Utility Project.

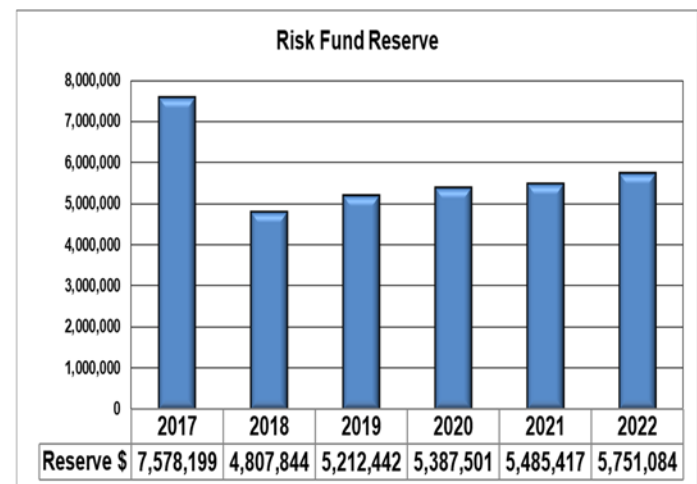
Par 3 Enterprise Fund Reserves

The Par 3 Golf course repair and replacement reserve is funded with a transfer equal to $\frac{1}{2}$ of the annual depreciation on the clubhouse and golf course. The balance in this reserve as of September 30, 2022 is \$1,015,845. The Par 3 Enterprise Fund also has an Equipment Replacement Fund with a reserve balance at the end of FY22 of \$591,211.



Risk Fund Reserves

The total reserve balance for the Risk Fund was \$5,751,084 as of September 30, 2022. Out of this reserve balance, the Town funds the Reserve for Catastrophic Exposures/Emergencies - Risk Fund in the amount of \$2,500,000 and the Contingency Reserve for \$500,000. The trend for the Risk Fund Reserve is shown in the table. The fund balance declined in FY18 due to a transfer of \$2,300,000 of excess reserves to the Recreation Enterprise Fund to partially fund the Town's portion of the new Recreation Center. The minimum recommended reserve balance is \$4,000,000, which represents the amount of the Reserve for Catastrophic Exposures/Emergencies and the Contingency Reserve plus an equity amount of \$1 million to safeguard the Town's budget from an adverse event recommended by the actuary. The excess reserve for this fund at the end of FY22 is \$1,751,084. The \$3,000,000 appropriated each year for contingency and the Reserve for Catastrophic Exposures/Emergencies are not expected to be spent unless there is an emergency event such as a hurricane that would require the use of these reserves.



Reserve for Catastrophic Exposures/Emergencies - Risk Fund

The Reserve for Catastrophic Exposures/Emergencies for the Risk Fund is funded at a minimum of \$2,500,000. This reserve was established to set aside emergency funds to protect the Town against the potential financial impacts of large judgments in excess of insurance coverage and the financial impacts of response to and recovery from a man-made or natural emergency situation. In addition, the reserve can be used in response to increases in premium rates and/or loss fund increases. This reserve is funded with a budget appropriation from the Net Asset reserves of the Risk Fund.

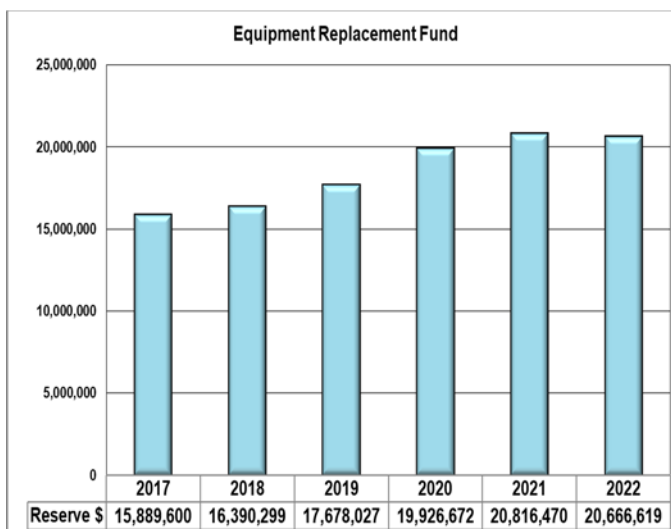
Reserve Status

Town of Palm Beach

Equipment Replacement Fund

The Town-wide Equipment Replacement Fund is intended to fund the replacement cost of existing equipment, vehicles and computers when they reach the end of their useful life. This reserve significantly reduces the budgetary fluctuations due to purchases of large pieces of equipment.

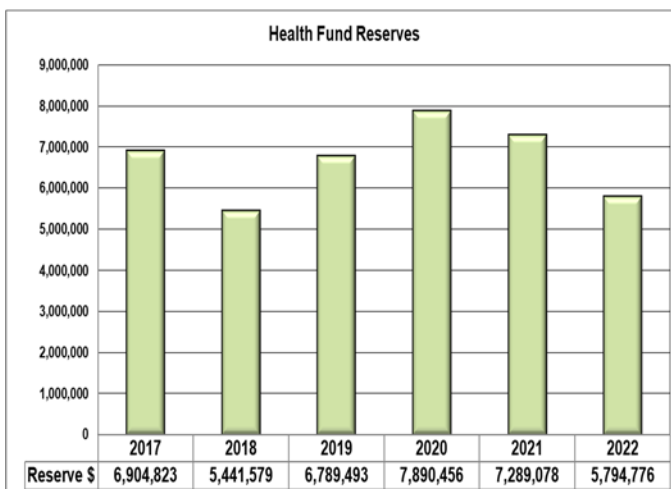
The Unassigned balance in the Equipment Replacement Fund Reserve for year-end FY22 was \$20,666,619. In FY13, the Town Council approved the use of funds from this reserve for internal financing for small neighborhood underground utility projects financed by special assessments. To date, there is a balance of \$813,053 remaining from this allocation. Currently the total amount in the fund for equipment replacement is 17,159,800 leaving an excess of \$3,506,819.



For FY23, income including the depreciation transfer will total \$2,320,297 and expenditures for capital equipment are budgeted at \$2,415,079 which will cause the net assets of this fund to increase.

Health Insurance Reserve

The balance of the reserve in the Health Fund at the end FY22 was \$5,794,776. These reserves guard against any deficiencies in the Town's self-insurance health fund for active employees' insurance expenditures. The trend in the reserve balance is shown in the chart. Since FY13, the Town maintained level funding of health insurance benefits due to the wellness program and good claims experience which enabled a reduction in funding for FY19 and FY20 and allowed for maintained level funding in FY21. The reserves of this fund have provided a cushion in case claims unexpectedly increase. In FY18, a transfer of \$2,300,000 from excess reserves to the Recreation Enterprise Fund was made to fund the Town's portion of the new Recreation Center. In FY21, reserves decreased due to higher than expected claims due to COVID. The actuary recommends a minimum reserve of 6 months of estimated claims, plus 60 days of claims, as well as the incurred but not Recorded (IBNR) claims. These amounts at the end of FY22 totaled \$3,159,114, leaving a surplus reserve amount of \$2,635,662. For FY23, \$1,932,037 from fund balance was used to balance the healthcare fund. This reserve will more than likely decrease in 2023.

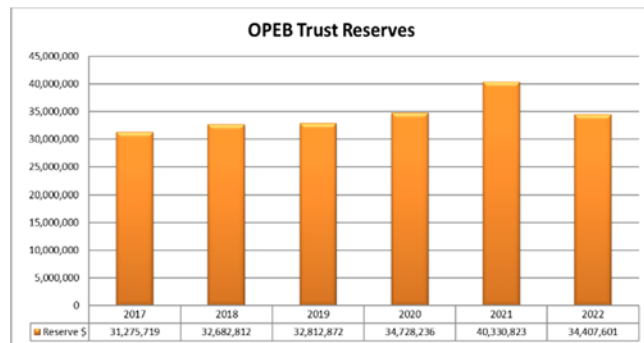


Reserve Status

Town of Palm Beach

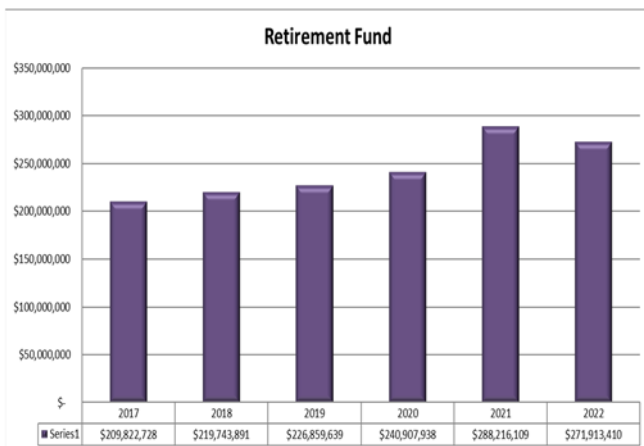
OPEB (Other Post Employment Benefits) Trust

The Town's OPEB Trust Fund was established in 2007 to comply with GASB Statements 43 and 54, which required the establishment of a liability for actuarially determined costs of retiree health benefits. This fund's investments are overseen by the Town's Investment Advisory Committee. The Committee lowered the investment assumption from 6% to 5% in FY21. The net asset balance in this trust was \$34,407,601 as of September 30, 2022. The total OPEB liability at the end of FY21, was calculated to be \$31,068,482, resulting in a Net OPEB asset of \$3,339,119, and a funded ratio of 110.75% using a 5% return assumption. The actuarially determined transfer from the General Fund for the OPEB liability for FY23 is \$334,215. The Town is exceptionally well funded and continues to be well ahead of other government agencies.



Retirement Fund

The Town provides pension benefits for General Employees, Lifeguards, Police Officers, and Firefighters. The funds were separately managed by three pension boards until the consolidation on April 1, 2012, into the Employee's Retirement Fund. The Retirement Board oversees all of the Town's pension assets and retirement programs. The net assets of the consolidated retirement fund at the end of FY22 were \$271,913,410. The increase was a result of good investment performance during the year and the extraordinary retirement contribution. The funded ratio improved to 75.2% compared to 76.1% last year. The reduction in the actuarial results resulted in an increase of \$1,193,635 in the actuarially determined employer contribution for FY24.



Contingency Reserves

Contingency reserves were established for the General Fund, Capital Fund, Equipment Replacement Fund, Marina and Par 3 Enterprise Funds, Building Enterprise Fund, Risk Insurance Fund and Health Insurance Fund to provide for unanticipated unbudgeted expenditures of a nonrecurring nature. The amount of the General Fund Contingency has been funded at 1% of the FY23 operating budget. The Capital Fund Contingency is appropriated at 10% of the capital budget, while the Equipment Replacement Fund, Risk, and Health Contingency Reserves are appropriated at \$500,000 each. The Enterprise Funds maintain a Contingency Reserve at 5% of the operating expenses. All of the contingency reserves are annually appropriated in the budget process from the net asset reserves of each of the funds. Amounts from the contingency are appropriated for expenditures through an affirmative vote of the Town Council.

Reserve Status

Town of Palm Beach

The table below identifies the contingency budgets and actual expenditures for the fiscal years 2017 through FY2023 budget.

Contingency Balances 2017-2023

Contingency	2018	2019	2020	2021	2022	2023
General Fund Budget	\$ 655,877	\$ 560,000	\$ 610,000	\$ 600,000	\$ 600,000	\$ 600,000
General Fund Actual	\$ 12,000	\$ 79,864	\$ 160,280	\$ 105,000	\$ 42,000	\$ -
CIP Budget	\$ 284,500	\$ 603,750	\$ 693,500	\$ 352,000	\$ 1,154,000	\$ 1,280,835
CIP Actual	\$ -	\$ 95,796	\$ -	\$ -	\$ -	\$ -
ERF Budget	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
ERF Actual	\$ 105,252	\$ -	\$ -	\$ 30,000	\$ 130,000	\$ -
Risk Budget	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
Risk Actual	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Health Budget	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
Health Actual	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Par 3 Golf Course Budget	\$ -	\$ 89,630	\$ 85,298	\$ 93,223	\$ 103,477	\$ 130,169
Par 3 Golf Course Actual	\$ -	\$ 55,882	\$ 69,000	\$ -	\$ -	\$ -
Marina Budget	\$ -	\$ 55,679	\$ 54,209	\$ 39,686	\$ 123,094	\$ 134,671
Marina Actual	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Building Permit Fund Budget	\$ -	\$ -	\$ -	\$ 138,720	\$ 166,817	\$ 187,439
Building Permit Fund Actual	\$ -	\$ -	\$ -	\$ 74,030	\$ -	\$ -
Recreation Enterprise Budget	\$ 168,303	\$ -	\$ -	\$ -	\$ -	\$ -
Recreation Enterprise Actual	\$ 37,750	\$ -	\$ -	\$ -	\$ -	\$ -

Unassigned Net Position

All reserves are at or over the policy established minimum. The financial strength of the Town can be measured by the health of its reserves. Bond rating agencies look closely at the reserve levels and the financial policies in place when rating a municipality. The rating agencies reviewed the Town's credit ratings in preparation for the issuance of the Town's bonds. They cited the Town's healthy reserves, solid fiscal policies, and conservative management practices as some of the reasons for our exceptional bond ratings. Moody's Investors Service upgraded in FY23 the Town's Revenue Bonds to Aaa and provided the Town with a General Obligation Bond rating of Aaa. Standard and Poor's has recently upgraded the credit rating on the revenue bonds to AAA and provided the Town's General Obligation Bond a rating of AAA. These revenue bond ratings and issuer credit ratings are the highest ratings these two services issue and represent the highest quality investment grade debt.

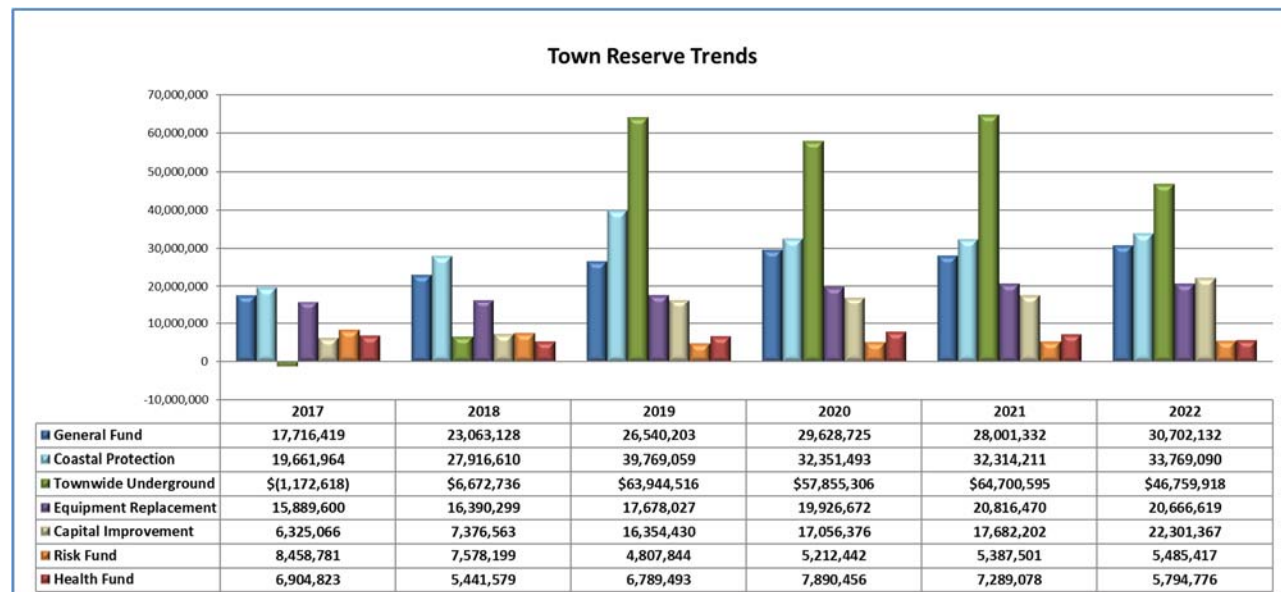
The table and the chart on the following page summarize the trend of the unassigned net position, compensated absence, and replacement reserve balances for fiscal year ending 2017 through fiscal year end 2022. Total reserves equal \$499,736,399. Reserves less Pension and Retiree Health Trust total \$193,415,388. Total Town reserves have grown over 46.9% since 2017. Total reserves *less* the Pension Fund and Retiree Health OPEB Trust have grown by 95.1% or \$94,281,824 over the same period. The Pension and Retiree Health Funds have grown by \$65,222,564 or 27.1% since 2017. Funding for future capital, coastal and Townwide underground utility projects held in reserves totals \$108,127,402.

Reserve Status Town of Palm Beach

Town Reserve Balance History 2016 – 2022

Fund	2017	2018	2019	2020	2021	2022
General Fund	\$ 17,716,419	\$ 23,063,128	\$ 26,540,203	\$ 29,628,725	\$ 28,001,332	\$ 30,702,132
Compensated Absence (GF)	\$ 3,210,518	\$ 3,129,714	\$ 3,094,888	\$ 2,703,693	\$ 2,645,408	\$ 2,198,670
Equipment Replacement Fund	\$ 15,889,600	\$ 16,390,299	\$ 17,678,027	\$ 19,926,672	\$ 20,816,470	\$ 20,666,619
Recreation Enterprise Fund	\$ 777,250	\$ -	\$ -	\$ -	\$ -	\$ -
Recreation ERF	\$ 651,225	\$ -	\$ -	\$ -	\$ -	\$ -
Town Docks Unassigned Reserve					\$ 3,855,613	\$ 7,039,551
Marina Replacement	\$ 3,801,256	\$ 2,587,882	\$ 3,980,807	\$ 5,141,712	\$ 5,116,981	\$ 6,746,069
Marina Equipment Replacement						\$ 21,270
Tennis M&I reserve	\$ 61,142	\$ 71,610	\$ 80,841	\$ 80,962	\$ 80,962	\$ 80,962
Par 3 R&R Reserve	\$ 730,336	\$ 872,468	\$ 992,341	\$ 985,326	\$ 1,050,369	\$ 1,015,845
Par 3 Equipment Replacement		\$ 638,842	\$ 524,641	\$ 524,869	\$ 555,779	\$ 591,211
Building Fund					\$ 2,572,742	\$ 7,252,043
MPSCC Replacement Fund (PS radios)						\$ 196,445
Donation Fund	\$ 3,018,697	\$ 1,666,199	\$ 1,490,547	\$ 1,011,637	\$ 1,041,522	\$ 1,016,553
Debt Service	\$ 1,569,976	\$ 1,566,248	\$ 1,381,353	\$ 1,659,221	\$ 1,479,569	\$ 1,511,783
Capital Improvement	\$ 6,639,003	\$ 7,376,553	\$ 16,354,430	\$ 17,056,376	\$ 17,682,202	\$ 22,301,367
Coastal Protection Fund	\$ 19,661,966	\$ 27,916,610	\$ 39,769,059	\$ 32,351,493	\$ 32,314,211	\$ 33,769,090
Townwide Underground Fund	\$ (1,172,618)	\$ 6,672,736	\$ 63,944,516	\$ 57,855,306	\$ 64,700,595	\$ 46,759,918
2013 ACIP Fund	\$ 12,095,772	\$ 7,286,574	\$ 1,601,603	\$ 864,227	\$ -	\$ -
Health Fund	\$ 6,904,823	\$ 5,441,578	\$ 6,789,493	\$ 7,890,456	\$ 7,289,078	\$ 5,794,776
Risk Fund	\$ 7,578,199	\$ 4,807,846	\$ 5,212,442	\$ 5,387,501	\$ 5,485,417	\$ 5,751,084
Health - OPEB Trust	\$ 31,275,719	\$ 32,682,812	\$ 32,812,872	\$ 34,728,236	\$ 40,330,823	\$ 34,407,601
Pension Funds	\$ 209,822,728	\$ 219,743,891	\$ 226,859,639	\$ 240,907,938	\$ 288,216,109	\$ 271,913,410
Total	\$ 340,232,011	\$ 361,914,990	\$ 449,107,701	\$ 458,704,350	\$ 523,235,182	\$ 499,736,399

The chart below shows the reserve trends of the major Town funds excluding enterprise funds and special revenue funds.



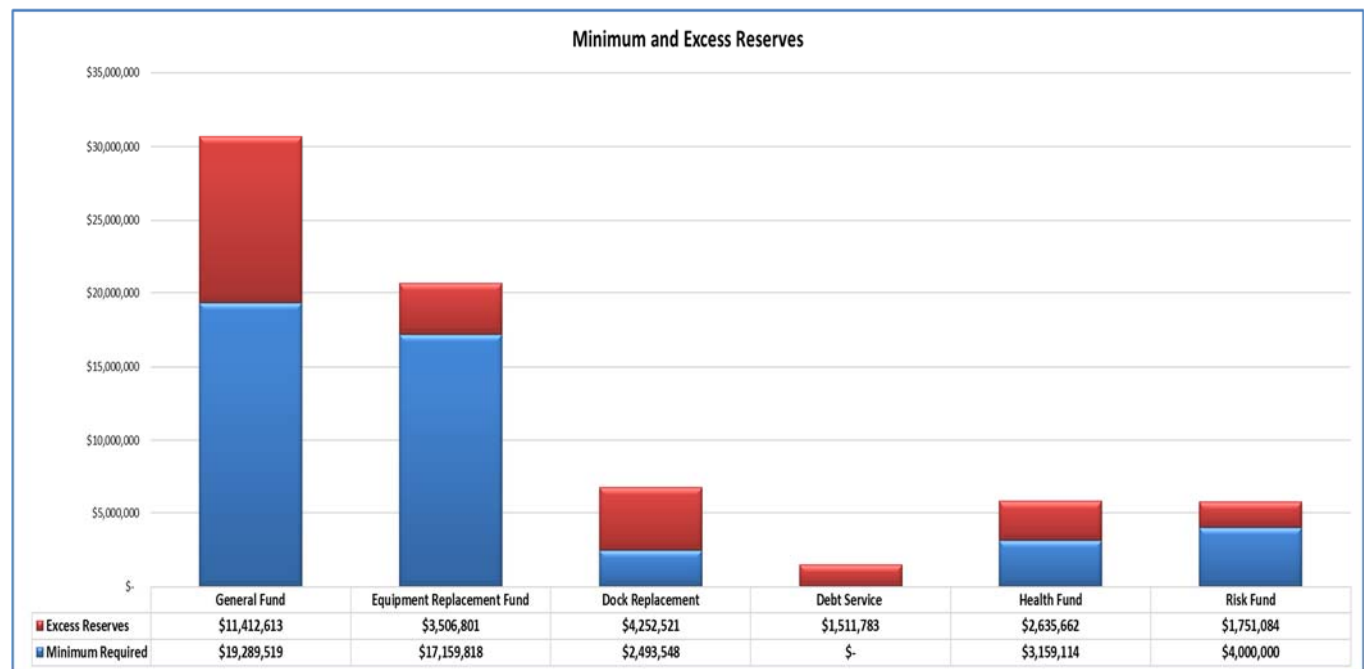
Reserve Status

Town of Palm Beach

Excess Reserves

Many of the Town's reserves must be maintained at a minimum level set by policy or based on recommendations of the actuarial firms used by the Town. The various capital fund reserves represent funds that have been accrued for future projects. The chart below shows the FY21 ending balance, minimum reserve amount and excess reserve balances. Total excess reserves are \$25,123,830.

Fund	2022 Reserve Balance	Minimum Required Balance	Excess Reserves
General Fund	\$ 30,702,132	\$ 19,289,519	\$ 11,412,613
Building Enterprise Fund	\$ 7,252,043	\$ 7,252,043	\$ -
Equipment Replacement Fund	\$ 20,666,619	\$ 17,159,818	\$ 3,506,801
Dock Replacement	\$ 6,746,069	\$ 2,493,548	\$ 4,252,521
Debt Service	\$ 1,511,783	\$ -	\$ 1,511,783
Capital Improvement	\$ 22,301,367	\$ 22,301,367	\$ -
Coastal Protection Fund	\$ 33,769,090	\$ 33,769,090	\$ -
Health Fund	\$ 5,794,776	\$ 3,159,114	\$ 2,635,662
Risk Fund	\$ 5,751,084	\$ 4,000,000	\$ 1,751,084
Health - OPEB Trust	\$ 34,407,601	\$ 34,407,601	\$ -
Pension Funds	\$ 271,913,410	\$ 271,913,410	\$ -
Total	\$ 446,905,726	\$ 421,835,262	\$ 25,070,464



TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - New Business

Agenda Title

Consideration of Settlement Regarding Code Enforcement Liens on 226 and 287 Pendleton Avenue

Presenter

John C. Randolph, Town Attorney

ATTACHMENTS:

- ▣ **Memorandum Dated April 27, 2023, from John C. Randolph, Town Attorney**
- ▣ **Settlement Agreement**

Memo

To: Mayor and Town Council
CC: Kirk Blouin, Ben Alma, Carla Marcote
From: John C. Randolph
Date: April 27, 2023
Subject: Case CE 07-2277-226 - 226 Pendleton
Case CE 16-1116-226 - 226 Pendleton
Case CE 2706-287 - 287 Pendleton

Dear Mayor and Town Council,

Pursuant to the recommendation of the Code Enforcement Board and the direction of the Mayor and Town Council we went to mediation on the above-referenced cases with Ted Cooney being the representative of the Town Council.

The mediation led to what Ted Cooney and I felt was a successful result. The total amount of the fines due relating to these properties based upon daily fines accumulated since the finding of violations by the Code Enforcement Board was \$2,739,250.00. At the conclusion of the mediation Ted and I agreed to recommend that the Town Council approve settlement of this matter upon receipt of a total payment of \$1,739,250.00. Attached is a copy of the settlement agreement which sets forth the specific terms relating to payment and the Town's release of its claims. *

We believe this is a fair settlement for the Town and we recommend its approval.

Thank you.



John C. Randolph

*Note there is a \$250.00 error in the addition of the two payments which will be corrected in the distribution.

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Settlement Agreement re: 226 & 287 Pendleton Avenue Properties / Code Enforcement Liens

- Case CE 07-2277-226 – 226 Pendleton
- Case CE 16-1116-226 – 226 Pendleton
- Case CE 2706-287 – 287 Pendleton

Come now the undersigned parties, who hereby agree to resolve any and all disputes relating to the referenced cases in the manner and form following:

Susan Gibson, individually and as personal representative of the estate of Susan Camille Lee, hereby agrees to pay to the Town of Palm Beach the total amount of \$1,739,250.00 in full and complete settlement of the referenced cases.

Initially, said amount shall be deposited in the trust account of Nelson Mullins Riley & Scarborough no later than May 8, 2023.

The said amount shall be paid from the trust account to the Town within 10 business days following approval of this Agreement by the Town Council.

The fine associated with 287 Pendleton is \$1,143,500.00, which amount upon payment to the Town will satisfy the Town's claim against the estate. Upon receipt of funds, the Town will promptly file a satisfaction of claim against the estate and prepare and record a satisfaction of lien relating thereto.

The fine associated with 226 Pendleton is \$595,550.00. Upon receipt of full payment to the Town, the Town will promptly prepare and record a satisfaction of liens relating thereto.

Each side will bear their own costs and attorneys' fees.

This settlement is subject to the final approval of the Town Council of the Town of Palm Beach, Florida.

Agreed to by the parties, this 27th day of April, 2023.


Susan Gibson


Edward A. Cooney,
on behalf of the Town of Palm Beach


Jacqueline S. Miller, Esq.,
On behalf of Susan Gibson


John C. Randolph, Esq.,
Counsel on behalf of the Town

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Regular Agenda - New Business

Agenda Title

Commercial Motion Picture Application

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Letter from Veronica Salinitro, Mama E. Films, Inc.**
- ▣ **Commercial Motion Picture Film Permit Application**
- ▣ **Certificate of Insurance**



Mama E. Films, Inc.

Good afternoon,

My name is Veronica Salinitro and I'm a producer with the television show "The Real Housewives of Miami", streamed on Peacock TV and Bravo.

We had a wildly successful Season 5 and we are now gearing up to film Season 6 of our show. We are planning to film a small cast trip in the Palm Beach area from May 16th till May 21st.

We will provide exact dates and times as we get closer to our stay.

We are very interested in filming in Worth Avenue among other luxe locations and are currently working on securing locations directly with the owners of the properties.

While it is a television show, this isn't a big production, and we film documentary style. We typically have a small footprint of up to 10 crew members which includes 2 Camera Operators, 1 Audio Mixer, 3-4 Producers and Assistants. The timeframe of filming is also typically 1 hour to set up, 2 hours of filming and 30 minutes to load out, and we will abide to all the regulations and guidelines of the Town of Palm Beach.

Please feel free to reach out to me with any questions or/and concerns.

Thank you!

Location Producer: Veronica Salinitro 305.458.6649
Email: vsalinitro@purveyorsofpop.com



GUIDELINES FOR APPLICATION FOR COMMERCIAL MOTION PICTURE

FILMING PERMIT IN ACCORDANCE WITH ORDINANCES

NUMBER 3-86, 7-88, 23-88, 5-89 AND 10-90

The following guidelines shall be complied with in order to secure the permit necessary to film in the Town of Palm Beach which is granted by the Town Council:

1. Applicant shall complete application available in the Town Clerk's Office, returning same to the Town Clerk's Office at least thirty (30) days prior to the date of dates upon which the applicant wishes to conduct said activity. After review and comments by Town Staff, the application will then be required to be considered by the Town Council at a regularly scheduled monthly meeting (the second Tuesday of each month; however, please check with the Town Clerk on specific meeting date when Town Council consideration will be scheduled).

2. Applicant shall furnish a Hold Harmless Agreement in favor of the Town of Palm Beach, saving, defending and holding harmless the Town of Palm Beach, its agents, employees and representatives from any claim which arises as a result of the activities of the applicants, its agents, representatives or employees within the Town.

3. Applicant shall provide a Certificate of Insurance naming the Town of Palm Beach as a named insured in the amount of not less than \$10,000,000.00. In the event an aircraft is to be involved in any filming, the insurance policy shall be for an amount not less than \$100,000,000.00. In the event water craft is to be involved in any filming, insurance policy shall be for an amount not less than \$25,000,000.00.

4. Applicant shall deposit an application fee of \$1,500.00 (non-refundable) with the Town and an amount determined by the Town Manager and approved by the Town Council to compensate the Town for any extraordinary service required by the Town for purposes of carrying on the activity which will be conducted pursuant to the terms of the permit. In addition to the \$1,500.00 application fee, there will be a filming fee of One Thousand Dollars (\$1,000.00) per day for each day of filming.

5. The Ordinances referred to in the title are attached to the application as well as the sections in the Code referring to aircraft and traffic. It should be noted that compliance with other Town Ordinances, as applicable, will be necessary.

6. Applicant shall provide to the Town a copy of written authorization from each property owner on which the proposed filming is to take place.

7. Filming is allowed in the Town of Palm Beach only from April 16 through November 14, between the hours of 10:00 A.M. to 4:00 P.M. and 6:00 P.M. to 8:00 A.M. for a maximum number of seven (7) days of any one month. This is the maximum number of days allowed for all motion picture filming (not the maximum for each approved applicant) during any one month within the Town of Palm Beach. There shall be no blockage or impediment of the public streets, sidewalks or rights-of-way of the Town which would restrict or inhibit the normal flow of pedestrian or vehicular traffic. Filming is not allowed in the residentially zoned districts and is restricted to the commercially zoned districts within the Town. Filming is not permitted in any governmental building of the Town or on the sidewalks or rights-of-ways abutting any such governmental building nor on any street, roadway or thoroughfare less than (30') feet in width.

8. It is understood that all of the provisions will be adhered to, as contained in Ordinances 3-86, 7-88, 23-88 and 10-90.

NOTE:

The County of Palm Beach has a Film & Television Commission and you may wish to contact them at 2195 Southern Blvd., Suite 520, West Palm Beach, FL 33406. Phone: (561) 233-1000. Website: www.pbfilm.com.

APPLICATION FOR PERMIT FOR COMMERCIAL MOTION PICTURE MAKING

1. NAME, ADDRESS, AND PHONE NUMBER OF PERSON, FIRM OR CORPORATION APPLYING FOR THE PERMIT:

NAME: MAMA E. FILMS

ADDRESS: 321 Northeast 26th Street

PHONE NUMBER: 305.458.6649

EMAIL ADDRESS: vsalinitro@purveyorsofpop.com

2. NUMBER OF PERSONNEL AND NUMBER AND TYPE OF VEHICLES AND SPECIFIC FILMING EQUIPMENT WHICH WILL BE INVOLVED IN THE CONDUCT OF THE FILMING ACTIVITIES FOR EACH PROPOSED LOCATION. (USE SEPARATE SHEET IF NECESSARY.)

12 people including crew and cast. We are a small footprint production

low-impact. .Vehicles consist of 2 minivans,1 cargo van, and a 12-passenger van.

No heavy equipment, no generators, no special effects, no music performance, no street closure

2 cameras, 1 audio, 1 coordiantor, 3 producers, 2 Production Assistant.

3. DATE, TIME AND PLACE FOR EACH PROPOSED LOCATION. (USE SEPARATE SHEET IF NECESSARY.)

DATE: 5/16/23 through 5/20/23

TIME: 10AM -4PM & 6PM -10PM

SPECIFIC LOCATIONS: Several Stores in Worth Avenue

4. DESCRIBE THE SPECIFIC PROPOSED FILMING ACTIVITY FOR EACH LOCATION WHICH PUBLIC PROPERTY IS REQUESTED TO UTILIZE. (USE SEPARATE SHEET IF NECESSARY.)

We will be filming our cast shopping on some stores on Worth Ave.

We will be filming our cast dining at a restaurant on Worth Ave.

5. NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON WHO WILL BE IN CHARGE OF THE FILMING ACTIVITY.

NAME: Veronica Salinitro

ADDRESS: 321 Northeast 26th Street

PHONE NUMBER: 305.458.6649

6. BY THE SIGNING OF THIS APPLICATION, THE APPLICANT AGREES TO THE FOLLOWING CONDITIONS:

- I. Filming is allowed from April 16 thru November 14th between the hours of 10 A.M. to 4 P.M. and 6 P.M. to 8 A.M..
- II. There will be no blockage or impediment of the public streets, sidewalks or rights-of-ways of the Town which would restrict or inhibit the normal flow of pedestrian or vehicular traffic. Filming is not allowed on any street, roadway or thoroughfare less than thirty (30') feet in width.
- III. The filming is restricted to the commercially zoned districts within the Town and shall not be permitted within the residentially zoned districts. Filming is not permitted in any governmental building of the Town of Palm Beach or on the sidewalks or rights-of-way abutting any such building.

Date

Applicant

Sworn to and subscribed before me, a
Notary Public, on this _____ day
of _____, 20_____.

DATE OF TOWN COUNCIL MEETING WHEN PERMIT
ISSUANCE WAS AUTHORIZED.

Notary Public

My Commission Expires: _____

SEAL

APPROVED

TOWN MANAGER

DATE

CONDITIONS:



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/26/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon/Albert G. Ruben Insurance Services, Inc. 15303 Ventura Blvd., Suite 1200 Sherman Oaks, CA 91403 + 1818.742.1400	CONTACT NAME: Karen Segura PHONE (A/C, No, Ext): (847) 442-0569 E-MAIL ADDRESS: acs.entertainment@aon.com FAX (A/C, No): INSURER(S) AFFORDING COVERAGE INSURER A: Great Divide Insurance Co INSURER B: General Star National Ins Co INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Mama E Films, Inc. 21650 Oxnard Street, Suite 350 Woodland Hills, CA 91367	NAIC # 25224 11967

COVERAGES**CERTIFICATE NUMBER:** 1048643**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:	X	X	CNA7516427-11	3/13/2023	1/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
A	☒ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY	X	X	CNA7516427-11	3/13/2023	1/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☐ EXCESS LIAB ☐ DED ☐ RETENTION \$ ☒ OCCUR ☐ CLAIMS-MADE	X	X	CUA7516428-11	3/13/2023	1/1/2024	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N ☐ N / A						PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Excess TPPD			NXG930134A	3/13/2023	1/1/2024	\$5,000,000 xs \$5,000,000
A	Props/Sets/Wardrobe			CNA7516427-11	3/13/2023	1/1/2024	Limit: \$3,000,000 / Deductible \$2,500
A	Third Party Property Damage			CNA7516427-11	3/13/2023	1/1/2024	Limit: \$5,000,000 / Deductible \$2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Production: "The Real Housewives of Miami S6"

Town of Palm Beach is included as Additional Insured in accordance with the policy provisions of the General and Automobile liability policies. Production Package Policy (Policy# CNA7516427-11) includes Miscellaneous Equipment Limit: \$3,000,000 / Deductible \$2,500 and Auto Physical Damage: Limit \$1,000,000/Deductible \$7,500.

CERTIFICATE HOLDER**CANCELLATION**

The Real Housewives of Miami S6-Series

1048643

Town of Palm Beach 360 S. County Rd. Palm Beach, FL 33480	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Aon/Albert G. Ruben Insurance Services, Inc.
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TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2023

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 007-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Repealing Section 106.48, Titled "Unlawful To Solicit from Public Streets or Sidewalks", Providing for Severability, Providing for Repeal of Ordinances in Conflict, for Codification, Providing an Effective Date.

Presenter

John C. Randolph, Town Attorney

ATTACHMENTS:

- ▣ **Memorandum Dated April 21, 2023, from John C. Randolph, Town Attorney**
- ▣ **Memorandum Dated March 14, 2023, from Brett Lashley**
- ▣ **Palm Beach Post article dated March 4, 2022**
- ▣ **Ordinance No. 007-2023**

Memo

To: Mayor and Town Council
CC: Kirk Blouin & Nick Caristo
From: John C. Randolph
Date: April 21, 2023
Subject: Unlawful Solicitation From Public Streets Or Sidewalks

Dear Mayor and Town Council,

Recent caselaw has overturned ordinances similar to the Town's ordinance prohibiting solicitation from public streets or sidewalks on the basis that such ordinances are unconstitutional as they are not narrowly tailored to further a compelling government interest. Please see the memo attached from Brett Lashley from my office in this regard and the attached article from the Palm Beach Post.

As a result, upon my advice and until this ordinance has been repealed by the Town Council the police department has not been enforcing this ordinance. Based upon the cases recently overturning similar ordinances, it is recommended that the Town adopt Ordinance No. 007-2023 repealing code section 106.48.

John C. Randolph

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Memo

To: Skip Randolph
From: Brett Lashley
Date: March 14, 2023
Subject: Town of Palm Beach Solicitation Ordinance Memo

Issue

In light of other local municipalities recent settlements with panhandlers, the Town of Palm Beach ("Town") would like to know if, as currently drafted, its ordinance prohibiting solicitation from public streets and sidewalks, ordinance §106-48 ("Solicitation Ordinance"), is unconstitutional.

Brief Answer

Yes, the Town's Solicitation Ordinance as currently drafted is likely an unlawful restraint on protected speech.

The Town's Ordinance

Section 106-48 of the Town's code provides:

It shall be unlawful for any person to stand in the portion of a roadway paved for vehicular traffic or on any public sidewalk of the town for the purpose of soliciting a ride, employment, business or charitable contribution from the occupant of any vehicle or from any pedestrian on said street or sidewalk or for the purpose of inviting or enticing a person or persons to enter a commercial establishment adjacent to said street or sidewalk.

Analysis

In *Kersh et al. v. City of Lake Worth Beach*, four homeless plaintiffs sued the City of Lake Worth Beach for damages and injunctive relief challenging two of the City's ordinances prohibiting panhandling. The first ordinance that was challenged was the panhandling ordinance which prohibits panhandling on, in, or at any bus stop or any transportation facility" or "public transportation vehicle" in the city; any "area within fifteen (15) feet, in any direction, of a sidewalk café, an automatic teller machine, the entrance or exit of a commercial or government building" in the city; and any "parking lot, parking garage, or parking pay station owned or operated by the city." Lake Worth Beach Ordinance §15-91. The City also banned "aggressive panhandling or solicitation" in any location. Lake Worth Beach Ordinance §15-90. "Aggressive panhandling or solicitation" is defined as:

(1) approaching or speaking to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with either imminent bodily injury or the

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commission of a criminal act upon the person or another person, or upon property in the person's immediate possession; (2) continuing to request money or something else of value after the person solicited has given a negative response to the initial request; (3) blocking, either individually or as part of a group of persons, the passage of a solicited person; (4) touching a solicited person without explicit permission; or (5) engaging in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to accede to demands.

The second ordinance that was challenged was the City's right of way ordinance. This ordinance prohibited solicitation as follows on any right of way within the City:

[A]ny person who sells or offers for sale any thing or service of any kind, or who seeks any donation of any kind, or who personally hands to or seeks to transmit by hand or receive by hand any thing or service of any kind, whether or not payment in exchange is required or requested, to any person who operates or occupies a motor vehicle of any kind, which vehicle is engaged in travel on or within any portion of any of the streets or roadways in the city, whether or not such vehicle is temporarily stopped in the travel lanes of the road.

Lake Worth Beach Ordinance §19-14. The plaintiffs challenged the two ordinances on the basis that they were targeted at the content of the speech and banned protected speech on public forums and thus, were subject to strict scrutiny. The plaintiffs also filed a motion for a preliminary injunction prohibiting the enforcement of the two challenged ordinances pending the outcome of litigation. Before the Court ruled on the merits of the motion, the City repealed the ordinances mooted the motion and the City settled with the plaintiffs.

In *Williams v. City of West Palm Beach*, three homeless plaintiffs filed suit against the City of West Palm to invalidate very similar ordinances as the ordinances involved in the *City of Lake Worth Beach*. The plaintiffs similarly argued that the ordinances were an unconstitutional restriction of protected speech. Once again, the plaintiffs argued that the City did not have a compelling interest and the ordinances were not narrowly tailored to any compelling interest. Before the Court could rule on any of the merits of the issues raised in the lawsuit, the City repealed its ordinances and entered into a settlement agreement with the plaintiffs.

Plaintiffs in both cases argued that the ordinances were written to prohibit homeless people from doing exactly what a religious institution seeking members for its congregation or political activists seeking votes for their preferred candidate can do. Thus, the ordinances were content based and needed to pass strict scrutiny. Although a Judge did not make a substantive ruling in either of the cases, the Cities repealing the ordinances and settling with the plaintiffs indicates that the cities implicitly acknowledged that the ordinances were unconstitutional restraints on free speech.

There have also been other similar ordinances deemed unconstitutional throughout the country for the same reasons as laid out above. For example, settlements were reached with homeless plaintiffs in Grand Rapids, Michigan, St. Louis, Missouri and Concord, New Hampshire.

Conclusion

The Town should strongly consider repealing the Solicitation Ordinance or at least amend it so it is not geared towards the content of speech. As it currently stands, the Solicitation Ordinance only bars individuals from soliciting a ride, employment, business or charitable contribution from roads and sidewalks or from soliciting pedestrians to enter into a commercial establishment. The same argument that was made in *City of West Palm* and *City of Lake Worth* can be made against the Town's ordinance as it is currently written – a member

of a political party can promote their political candidate or a member of a religious institution can solicit individuals to join their congregation, but panhandlers are not able to solicit charitable donations.

The Palm Beach Post

LOCAL

Florida Justice Institute asks court to throw out Palm Beach County's anti-panhandling law

A justice nonprofit has asked the U.S. District Court to declare the law unconstitutional, saying it targets the poor and those asking for charity.

Jane Musgrave Palm Beach Post

Published 6:01 a.m. ET March 4, 2022

With no home and no job, 59-year-old Charles Richter relies on the goodwill of passing motorists for his survival.

But since the Palm Beach County Commission five years ago enacted an ordinance outlawing panhandling along public streets, the spontaneous charity Richter receives has come with a heavy price.

Cited eight times for violating the law, Richter has racked up nearly \$3,000 in unpaid court costs and spent more than a couple of nights in jail.

Using Richter as an example of the disproportionate impacts the measure has had on homeless people, the Florida Justice Institute this week filed a federal lawsuit, asking a judge to declare the law unconstitutional and stop the county from enforcing it.

Medicare fraud: Health care fraud case swells to \$67M, prosecutors allege; another 10 men face charges

Pornography sentence: Child-porn scheme gets former Palm Beach County schools worker 25-year prison sentence

Corey Jones' death: Appeals over in Nouman Raja's police killing of Corey Jones; now the family can sue Palm Beach Gardens

Law permits some types of speech but not others, lawsuit says

When the County Commission passed the measure in 2015, it said it was to promote public safety.

However, like similar measures that have been struck down throughout the country, it doesn't ban everyone from soliciting on medians and along streets in the unincorporated areas, according to the lawsuit filed in U.S. District Court.

"A politician asking for votes, a person asking others to join their church or a person asking for directions may do so freely," the Miami-based nonprofit public-interest law firm wrote in the lawsuit.

"But if you are standing on a corner asking for money because you're poor, then you are violating the law," said Sabarish Neelakanta, a West Palm Beach civil rights lawyer who is spearheading the litigation.

Because the law is aimed only at those soliciting charitable or business contributions, it is unconstitutional, he said.

"To single out people who are poor and are asking for charity is singling out a certain kind of speech," he said, explaining why it violates the First Amendment.

The measure also prohibits people from holding signs along public roads. A sign simply saying, "Hi," would run afoul of the law and subject the sign-waver to a possible \$500 fine and 60-day jail sentence. Such a sweeping restriction is also unconstitutional, Neelakanta said.

County Attorney Denise Coffman declined comment on the lawsuit, saying she doesn't comment on pending litigation.

Faced with a similar lawsuit, West Palm Beach in November agreed to repeal its nearly identical law and pay \$83,600 in legal fees incurred by civil rights groups who took the city to court.

Further, a judge in December declared the county's law unconstitutional. In an eight-page order, County Judge Sherri Collins threw out a charge against a homeless man, ruling that the law doesn't pass constitutional muster.

Protecting public safety is a legitimate goal for government officials, she wrote. But, she said, the ordinance doesn't punish everyone equally.

"Soliciting for a 'charitable contribution' does not create any greater danger to pedestrians and motorists than soliciting for a political candidate," Collins wrote. "Yet, in unincorporated Palm Beach County, one is subject to criminal sanctions and the other is not."

As a county judge, Collins' ruling only impacts people who come before her, not those who appear before other judges. Recognizing that the ruling would lead to further disparate treatment, Neelakanta asked State Attorney Dave Aronberg to stop prosecuting people for violating the county law.

Aronberg didn't respond to the letter, Neelakanta said. A spokesman for Aronberg on Thursday said the office is "reviewing the matter."

Courts have struck down anti-panhandling laws across U.S.

Since the U.S. Supreme Court in 2015 ruled that laws that affect free speech must be "narrowly tailored to further a compelling government interest," dozens of panhandling laws have been struck down throughout the country, Neelakanta said.

A federal judge struck down a measure in Fort Lauderdale and a lawsuit is pending against Pompano Beach in connection with its panhandling law, according to the Florida Justice Institute.

Since 2020, at least 141 people have been charged with violating Palm Beach County's law, Neelakanta said. Aside from a few people who peddle roses, all have been homeless.

He said he found no evidence that those who regularly wave political signs along Interstate 95 overpasses have been prosecuted.

Claiming that the law is to keep motorists and pedestrians safe is disingenuous at best, he and other civil rights lawyers said.

"These laws are simply used to criminalize poverty and homelessness," said Ray Taseff, an attorney with the Florida Justice Institute. "A criminal justice response to this issue is a cruel and counterproductive strategy."

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ORDINANCE NO. 007-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, REPEALING SECTION 106.48, TITLED "UNLAWFUL TO SOLICIT FROM PUBLIC STREETS OR SIDEWALKS", PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, 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. Section 106.48 titled "Unlawful To Solicit From Public Streets or Sidewalks is hereby repealed.

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 9th day of May, 2023, and for second and final reading this 13th day of June, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member