



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

CORRECTED

TUESDAY, MAY 7, 2013

9:30 AM

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

- I. CALL TO ORDER AND ROLL CALL
Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. PRESENTATIONS
 - A. Scholarship Provided by the Palm Beach Civic Association and The Citizens' Association of Palm Beach.
[Ned Barnes, Palm Beach Civic Association and Bruce Heyman, Citizens' Association of Palm Beach]
 - B. Recognition of Eugene Lawrence, Planning and Zoning Commission, From February 2007 Through March 2013.
 - C. Recognition of Chris Storkerson, Recreation Advisory Commission, From April 2010 through April 2013.

- D. Update on Royal Poinciana Playhouse Lease. [David A. Rosow, Town Council President]
- E. Presentations by Applicants for the Planning and Zoning Commission.
- IV. COMMENTS OF MAYOR GAIL L. CONIGLIO
- V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER
- VI. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)
- VII. APPROVAL OF AGENDA
- VIII. CONSENT AGENDA
 - A. MINUTES
 - 1. MINUTES: APRIL 9, 2013 Page 11
Approval of the Minutes of the Town Council Meeting.
 - 2. MINUTES: APRIL 9, 2013 Page 27
Approval of the Minutes of the Special Town Council Meeting.
 - 3. MINUTES: APRIL 10, 2013 Page 30
Approval of the Minutes of the Town Council Meeting.
 - 4. Approval of Major Matters Considered by the Architectural Commission at its Meeting on April 24, 2013. Page 44
 - B. RESOLUTIONS
 - 1. RESOLUTION NO. 62-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Richard Maxwell, Inc., for Consulting Arborist Services in the Amount of \$33,750 and Establishing a Project Budget of \$35,500. [H. Paul Brazil, Director of Public Works] Page 64
 - 2. RESOLUTION NO. 65-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Contract to D.S. Eakins Construction Corporation, for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement, in the Amount of \$1,956,569, and Establishing a Construction Phase Budget of \$2,130,000. [H. Paul Brazil, Director of Public Works] Page 68

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| 3. | <u>RESOLUTION NO. 66-2013</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for Construction Administration Services to Mock Roos & Associates, Inc. in the Amount of \$147,717 for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement and Establishing a Construction Phase Budget of \$165,000.
[H. Paul Brazil, Director of Public Works] | Page 74 |
| 4. | <u>RESOLUTION NO. 67-2013</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Murray Logan Construction, Inc., for the Sand Transfer Plant Repairs, in the Amount of \$473,950, and Establishing a Construction Phase Budget of \$525,000.
[H. Paul Brazil, Director of Public Works] | Page 82 |
| 5. | <u>RESOLUTION NO. 68-2013</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc., for Construction Administration Phase Services for the Sand Transfer Plant Repairs in an Amount of \$24,620 and Establishing a Construction Phase Budget of \$27,000. [H. Paul Brazil, Director of Public Works] | Page 87 |
| 6. | <u>RESOLUTION NO. 69-2013</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to TLC Diversified, Inc., for Ocean Outfall Junction Box Rehabilitation, in the Amount of \$82,616, and Establishing a Construction Phase Budget of \$91,000.
[H. Paul Brazil, Director of Public Works] | Page 97 |
| 7. | <u>RESOLUTION NO. 70-2013</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for Construction Administration Services to Kimley-Horn and Associates, Inc., in the Amount of \$8,525 for the Ocean Outfall Junction Box Rehabilitation and Establishing a Construction Phase Budget of \$10,000.
[H. Paul Brazil, Director of Public Works] | Page 102 |
| 8. | <u>RESOLUTION NO. 71-2013</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Keshavarz and Associates, Inc., for General Project Management and Engineering Support Services in Conjunction with the Nightingale Trail/La Puerta Way Underground Utilities Project, in the Amount of \$79,200, and Establishing a Task Budget of \$87,200.
[H. Paul Brazil, Director of Public Works] | Page 112 |

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| 9. | <u>RESOLUTION NO. 73-2013</u> | A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a Resolution Supporting a Florida Inland Navigation District Waterways Assistance Program Grant Application. [H. Paul Brazil, Director of Public Works] | Page 123 |
| 10. | <u>RESOLUTION NO. 74-2013</u> | A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant FDEP Contract No. 13PB2, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Continued Implementation of the Lake Worth Inlet Management Plan, and Authorizing the Town Council President to Execute Same on Behalf of the Town.
[H. Paul Brazil, Director of Public Works] | Page 129 |
| 11. | <u>RESOLUTION NO. 75-2013</u> | A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order for the Par 3 Clubhouse Project, in the Amount of \$320,000 and Increasing the Guaranteed Maximum Price of the Construction Manager At-Risk Contract for Hedrick Brothers Construction to \$2,950,000.
[H. Paul Brazil, Director of Public Works] | Page 170 |
| 12. | <u>RESOLUTION NO. 78-2013</u> | A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Coastal Systems International, Inc. (CSI), for Engineering and Environmental Review Services Related to the U.S. Army Corps of Engineers Draft Feasibility Study and Environmental Impact Statement (EIS) for Lake Worth Inlet, Palm Beach Harbor, in an Amount Not to Exceed \$29,485.
[H. Paul Brazil, Director of Public Works] | Page 174 |

C. OTHER

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| 1. | Approval of Request for Underground Utilities Assessment Area for East Inlet Drive. [Peter B. Elwell, Town Manager] | Page 178 |
| 2. | Approval of Request for Underground Utilities Assessment Area for Nightingale Trail/La Puerta Way. [Peter B. Elwell, Town Manager] | Page 181 |
| 3. | Authorization of Selection Committee for Civil Engineering Consulting Services. [H. Paul Brazil, Director of Public Works] | Page 184 |

4.	Ratification of Town Manager Peter Elwell's Designation of Town Engineer William Francis to Serve as the Town's Representative on the East Central Regional Water Reclamation Facility Operations Board. [Peter B. Elwell, Town Manager]	Page 186
IX.	BOARD/COMMISSION ANNUAL REPORT	
A.	Code Enforcement Board. [Harris S. Fried, Chair and Kirk Blouin, Director of Public Safety]	Page 189
X.	COMMITTEE REPORTS	
A.	Reconsideration and Acceptance of the Ordinances, Rules, & Standards Committee Meeting Report of February 8, 2012. [William J. Diamond, Chair]	Page 195
B.	Report of the Ordinances, Rules, & Standards Committee Meeting of May 30, 2012. [William J. Diamond, Chair]	Page 202
C.	Ordinances, Rules, and Standards Committee Meeting of April 11, 2013. [William J. Diamond, Chair]	Page 213
XI.	REGULAR AGENDA	
A.	Old Business None	
B.	New Business	
1.	Florida Power and Light Request for Town Permission to Close a Portion of South Ocean Boulevard and for the Town to Grant an Easement on Submerged Lands. [H. Paul Brazil, Director of Public Works]	Page 220
2.	Authorization to Reject All Submittals for RFP No. 2013-09 - Construction Management Services and Re-Advertise. [H. Paul Brazil, Director of Public Works]	Page 231
3.	Discussion of Shop Locally - Shop Palm Beach Initiative. [William J. Diamond, Town Council Member]	
4.	Website Development Update. [Jay Boodheshwar, Director of Recreation and Special Projects]	Page 233

5. Designation of the Town Council as the Town's Local Planning Agency and Consideration of the Future of the Planning and Zoning Commission.
[Robert N. Wildrick, President Pro Tem]
6. Appointments to the Planning and Zoning Commission.
[John Page, Director of Planning, Zoning, and Building]

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XII. ORDINANCES

A. Second Reading

None

B. First Reading

1. ORDINANCE NO. 2-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks and Other Public Places, Article VII, Special Events on Public Property, Division 2, Permit, by Amending Section 106-282(c)(14) Relating to Application Fee and Providing for a Fee for a Late Filing; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Susan Owens, Town Clerk]
2. ORDINANCE NO. 3-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 18, Buildings and Building Regulations, to Include a New Article XVII, Archaeological Review, Providing for an Archaeological Assessment Prior to the Issuance of Any Permits for Demolition, Excavations, Tree Removal, or Other Ground Disturbing Activities as Required by Florida State Statute 872.05, as Amended, and the Town's Comprehensive Plan; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John Page, Director of Planning, Zoning, and Building]

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Page 242

3. ORDINANCE NO. 4-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, So as to Amend the Fees Delineated for Each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [John Page, Director of Planning, Zoning, and Building]

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Audio (Live and Archived)." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- 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.
- 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.
- 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.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

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

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

**Town of Palm Beach
Meeting Schedule**

5/1/13

Tue 05/07/2013 09:30 AM	Town Council Meeting	Council Chambers
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Mon 05/13/2013 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
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Wed 05/15/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
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Thu 05/16/2013 02:00 PM	Code Enforcement Board Meeting	Council Chambers
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Fri 05/17/2013 09:00 AM	Retirement Board of Trustees Meeting	Council Chambers
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Tue 05/21/2013 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
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Wed 05/22/2013 09:00 AM	Architectural Commission Meeting	Council Chambers
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Fri 05/24/2013 02:00 PM	Investment Advisory Committee Meeting	Council Chambers
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Mon 05/27/2013 04:00 AM	MEMORIAL DAY	TOWN HALL CLOSED
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Fri 05/31/2013 09:00 AM	Retirement Board of Trustees Meeting	Council Chambers
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Tue 06/11/2013 09:30 AM	Town Council Meeting	Council Chambers
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Wed 06/12/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
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Fri 06/14/2013 09:00 AM	Retirement Board of Trustees Meeting	Council Chambers
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Tue 06/18/2013 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 06/19/2013 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 06/20/2013 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Wed 06/26/2013 09:00 AM	Architectural Commission Meeting	Council Chambers
Thu 07/04/2013 04:00 AM	INDEPENDENCE DAY	TOWN HALL CLOSED
Tue 07/09/2013 09:30 AM	Town Council Meeting	Council Chambers
Wed 07/10/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
Wed 07/10/2013 02:00 PM	Ordinances, Rules & Standards (ORS) Committee Meeting	Council Chambers
Thu 07/11/2013 09:30 AM	Special Town Council Meeting re: Proposed FY14 Budget	Council Chambers

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: APRIL 9, 2013

APPROVAL OF THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the regular Town Council Meeting Held on April 9, 2013

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, APRIL 9, 2013**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, April 9, 2013, at 9:33 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. PRESENTATIONS

A. Presentations by Applicants for the Code Enforcement Board.

The following applicants provided presentations to the Town Council:

Harris S. Fried
Alan S. Golboro

B. Presentations by Applicants for the Recreation Advisory Commission.

The following applicants provided presentations to the Town Council:

Stephen Hall
Donald Singer
Alexandra Woodfield

The Town Council also allowed Dr. Michael Andrews to make a presentation regarding his reappointment to the Investment Advisory Committee.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked the Board and Commission applicants for their dedication to the Town.

Mayor Coniglio recognized two members of the Recreation Advisory Board, Dan McDonald and Donald Singer, who also serve as the Town's liaisons at the City of West Palm Beach Commission meetings.

She announced that the Florida Department of Environmental Protection (FDEP) has designated the south end of Reach 8 as "critically eroded", and thanked all involved in the process.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Town Manager Elwell announced that this is Town Engineer Bowser's last Town Council meeting, and introduced his successor, Bill Francis.

Council President Pro Tem Wildrick congratulated the Police and Fire-Rescue Departments on their efforts to train the police officers in the use of the new fire retardant grenades.

Council Member Diamond complimented Mayor Coniglio on her work in getting the south end of Reach 8 designated as critically eroded.

VI. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

Lou Crampton, 2235 South Ocean Boulevard, President of Citizens' Association of Palm Beach, spoke regarding shoreline protection and the regulation process and announced that the 3200 South Ocean Boulevard Board has granted the Town access to the beach through its north driveway.

Jack Benjamin, Vice President 3200 South Ocean Boulevard Board, reported that the Association has informally agreed to allow egress to the Town at their north driveway for restoration efforts and that they would cooperate with the Town as much as possible.

Mayor Coniglio also recognized the building manager of 3200 South Ocean Boulevard, Walt Allen, for his assistance in the state designation process.

Council Member Kleid echoed Mayor Coniglio's comments.

Peter Pettie, West Palm Beach, spoke regarding the recent storms' effects on the beaches, seawalls, and dunes.

Eric Gilbertson, 151 Chilean Avenue, expressed his concern regarding property taxes.

William Cooley, 8 Windsor Court, expressed his concerns regarding members of the Royal Poinciana Way Committee making recommendations to the Town Council and/or serving on the Planning and Zoning Commission.

Responding to Council Member Pucillo, Town Attorney Randolph responded to Mr.

Cooley's statement by stating that the ad hoc Royal Poinciana Way Committee is not a quasi-judicial body and that no ex-parte disclosures are required. After consultation, it was decided that Chairman Pucillo was the best person to make the presentation to the Town Council. Others on the Committee were given the opportunity to express their knowledge before the Town Council as well. Town Attorney Randolph stated that there was no departure from his previous opinions or Town policy.

Council Member Kleid expressed his displeasure regarding Mr. Cooley's statements.

Council President Pro Tem Wildrick stated that Council Member Pucillo has never acted in a bad manner. The Town Council formed the Committee to advise the Council only on how to move forward on the Royal Poinciana Way issue.

Council President Rosow noted that Mr. Cooley tried to buy the note on the Testa's property.

Nestor Ochoa, Yellow Cab, spoke regarding an issue they were having with unpermitted taxicabs at the Breakers.

Responding to Council Member Diamond, Parking/Code Enforcement Manager Houston responded that Code Enforcement has spoken to the Breakers' Transportation Manager and that Code Enforcement is citing those taxicabs without a permit that were not specifically called by the Breakers or chartered.

VII. APPROVAL OF AGENDA

The following changes were made to the Agenda:

ADDITION: Consideration of rescheduling the May 14, 2013, Town Council Meeting was added under New Business.

PULLED FROM CONSENT: Item Nos. VIII.B.11-15 (Resolution Nos. 56, 57, 58, 59, and 60-2013) were pulled from the Consent Agenda to be heard after the above item.

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

VIII. CONSENT AGENDA

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

A. MINUTES

1. MINUTES: MARCH 13, 2013
Approval of the Minutes of the Town Council Meeting.
2. MINUTES: MARCH 14, 2013, CONTINUED TO MARCH 19, 2013
Approval of the Minutes of the Town Council Meeting.
3. MINUTES: MARCH 14, 2013
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session – Town of Palm Beach vs. United States of America.
4. MINUTES: MARCH 14, 2013
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session – Jason Vega, Artemis Saridakis, Levente Henter, Marcus Farmer, Samuel Riley, And Gilad Bockman vs. Town of Palm Beach, Scott Duquette, Kirk Blouin And Daniel Szarszewski.
5. MINUTES: MARCH 19, 2013
Approval of the Minutes of the Special Town Council Meeting.
6. Approval of Major Matters Considered by the Architectural Commission at its Meeting on March 27, 2013.

B. RESOLUTIONS

1. RESOLUTION NO. 46-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Payment to the Municipal Public Safety Communications Consortium (MPSCC) of Palm Beach County. [Kirk W. Blouin, Director of Public Safety]
2. RESOLUTION NO. 47-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Payment to the Palm Beach County Law Enforcement Exchange, Inc. from the Town of Palm Beach Police Department's Federal Forfeiture Fund. [Kirk W. Blouin, Director of Public Safety]
3. RESOLUTION NO. 48-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Professional Design Consultant Fee Proposal by Bridges, Marsh & Associates in an Amount Not to Exceed \$89,500 for Design and Construction Phase Services for the Peruvian Avenue 400 Block Streetscape Project and Authorizing the Town Manager to Execute the Proposal on Behalf of the Town. [Thomas G. Bradford, Deputy Town Manager]
4. RESOLUTION NO. 49-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract

in an Initial Amount Not to Exceed \$30,000 to Eagle Recognition, to Provide Employee Service Award Programs, and Authorizing the Town Manager to Approve Future Amounts as Long as They Are Entirely Paid for by Donated Funds.

[Danielle Olson, Director of Human Resources]

5. RESOLUTION NO. 50-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Renewal of the Concession Agreement for the Town of Palm Beach Tennis Facilities Between the Town of Palm Beach and NetResults Tennis, LLC and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

[Jay Boodheshwar, Director of Recreation and Special Projects]

6. RESOLUTION NO. 51-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Increase in Funding to Research Atlantica, Inc. in an Amount up to \$4,200 for the Purpose of Providing Historic Preservation Consulting Services Related to Zoning Changes Affecting the Block Bordered by Royal Poinciana Way, Bradley Place, Sunset Avenue, and North County Road, and Further Extending Consulting Services at the Rate of \$55 Hourly, for Any Time Deemed Necessary to Assist the Planning & Zoning Commission and the Town Council, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

[John Page, Director of Planning, Zoning, and Building]

7. RESOLUTION NO. 52-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to All Florida Tree and Landscape, Inc., in the Amount of \$63,200 for Tree Trimming and Pruning Services, and Establishing a Project Budget of \$69,500.

[H. Paul Brazil, Director of Public Works]

8. RESOLUTION NO. 53-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Assignment of the Corzo Castella Carballo Thompson Salman, P.A. Professional Services Agreement to Stantec Consulting Services, Inc.

[H. Paul Brazil, Director of Public Works]

9. RESOLUTION NO. 54-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing a Revised Construction Budget in the Amount of \$240,000 for the 23rd Street Force Main Replacement in West Palm Beach, Florida. [H. Paul Brazil, Director of Public Works]

10. RESOLUTION NO. 55-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Additional \$8,955 for Design Phase Engineering Services for the Queens Lane Drainage Project.
[H. Paul Brazil, Director of Public Works]
11. RESOLUTION NO. 56-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to TLC Diversified, Inc., for Construction of the Pump Station A-7 Inline Booster Station, in the Amount of \$1,723,896, and Establishing a Construction Budget of \$1,900,000. [H. Paul Brazil, Director of Public Works] – ***Pulled from Consent and Heard Under New Business***
12. RESOLUTION NO. 57-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract for Construction Administration Services to Kimley-Horn & Associates, Inc., in the Amount of \$141,565 for the Pump Station A-7 Inline Booster Station, Establishing a Project Budget of \$156,000. [H. Paul Brazil, Director of Public Works] – ***Pulled from Consent and Heard Under New Business***
13. RESOLUTION NO. 58-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Murray Logan Construction, for Pump Stations A-39 and A-41 Improvements and Pump Stations A-42 and A-43 Improvements, in the Amount of \$1,048,000, and Establishing a Construction Budget of \$1,160,000. [H. Paul Brazil, Director of Public Works] – ***Pulled from Consent and Heard Under New Business***
14. RESOLUTION NO. 59-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract for Construction Administration Services to AECOM in the Amount of \$74,043 for Pump Stations A-42 and A-43 Improvements and Establishing a Project Budget of \$82,000. [H. Paul Brazil, Director of Public Works] – ***Pulled from Consent and Heard Under New Business***
15. RESOLUTION NO. 60-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract for Construction Administration Services to Mathews Consulting, Inc., in the Amount of \$59,974.60 for Pump Stations A-39 and A-41 Improvements and Establishing a Project Budget of \$66,000. [H. Paul Brazil, Director of Public Works] – ***Pulled from Consent and Heard Under New Business***
16. RESOLUTION NO. 61-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract

1 to Mock Roos & Associates, Inc., in the Amount of \$19,216 and
2 Establishing a Project Budget of \$22,000 for Design and Bid Phase
3 Services for the Sanitary Sewer Improvements in the Employee Parking
4 Lot on Australian Avenue and at the Intersection of North Lake Way and
5 Wells Road.

6 [H. Paul Brazil, Director of Public Works]
7

8 C. OTHER
9

- 10 1. Approval of the Report of the Public Safety Committee Meeting on March
11 5, 2013. [Robert N. Wildrick, Chair]
12
13 2. Authorization to Amend the Selection Committee for Construction
14 Management Services. [H. Paul Brazil, Director of Public Works]
15
16 3. Approval of Appointments to the Investment Advisory Committee.
17 [Jane Struder, Director of Finance]
18

19 **IX. BOARD/COMMISSION ANNUAL REPORT**
20

- 21 A. Architectural Commission.
22 [Bob Vila, Chair, and John Page, Director of Planning, Zoning, and Building]
23

24 Robert Vila, Architectural Commission Chairman, provided a summary of the
25 Commission's Annual Report.
26

27 Discussion ensued regarding the conflicts of interest limit and the requirement for
28 a Florida certified architect on the Commission.
29

30 **By consensus of the Town Council, the Report was accepted.**
31

32 **X. REGULAR AGENDA**
33

- 34 A. Old Business
35

- 36 1. Flagler Memorial Bridge Project Update.
37 [Ryan Hamrick, PCL Civil Contractors; and Pete Nissen, New Millennium
38 Engineering]
39

40 Ryan Hamrick, Project Manager, PCL Civil Contractors, provided an
41 update on the bridge project.
42

43 **Council consensus was that monthly updates are no longer necessary, and that any further**
44 **updates will be heard on an as-needed basis.**
45
46

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding Town of Palm Beach vs. United States of America, Civil Action No. 09-64 L, in the United States Court of Federal Claims. Discussion of this Matter to Begin Immediately Following the Regular Town Council Meeting on Tuesday, April 9, 2013, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney Jerry Stouck (via telephone); Attorney John C. Randolph; and Court Reporter from Ley & Marsaa Court Reporters, Inc.
[John C. Randolph, Town Attorney]

Town Attorney Randolph noted for the record that Attorney Jerry Stouck will be attending in person.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the scheduling of the Attorney/Client Session. On roll call, the motion carried unanimously.

2. Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2012.
[N. Ronald Bennett, CPA, Nowlen, Holt & Miner, PA]

Ron Bennett, Nowlen, Holt, & Miner, provided a brief overview of the Comprehensive Annual Financial Report for fiscal year 2012.

Discussion ensued regarding the percentage of reserves.

By consensus of the Town Council, Staff was directed to prepare a report on the reserve rates of nearby coastal communities.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to accept the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2012. On roll call, the motion carried unanimously.

3. Presentation of the 2013 Long Term Financial Plan.
[Peter B. Elwell, Town Manager, and Jane Struder, Director of Finance]

Town Manager Elwell presented an overview of the Town of Palm Beach 2013 Long Term Financial Plan.

4. Annual Status Report Regarding Strategic Plan.
[John Page, Director of Planning, Zoning, and Building]

1 Director of Planning, Zoning, and Building Page provided an overview of
2 the Status Report.

3
4 Discussion ensued regarding the costs and staff time related to the
5 Strategic Plan and the 80% owner approval requirement for projects
6 funded by non ad-valorem special assessments.

7
8 Anita Seltzer, 44 Cocconut Row, spoke regarding the owner approval
9 requirement for projects funded by non ad-valorem special assessments.

10
11 **Motion was made by Council Member Pucillo, and seconded by Council Member**
12 **Diamond, to, in lieu of the appointment by the Town Council of a new Strategic Planning**
13 **Board, rely on the various planning activities of the Planning and Zoning Commission and**
14 **the Town Council (together, in both cases, with the ongoing support of Town staff) rather**
15 **than to divert limited resources to a voluntary strategic planning effort. On roll call, the**
16 **motion carried unanimously.**

- 17
18 5. Update on Dredging Project in Lake Worth Lagoon North and South of
19 the Southern Boulevard Bridge.
20 [David A. Rosow, Town Council President]

21
22 a. Proposed Scope

23
24 Council President Rosow stated that this item was requested by the
25 residents in the project area. As the project involves only a
26 specific group of property owners, they were told that they would
27 need to pay for it.

28
29 Director of Public Works Brazil provided an overview of the Phase
30 I and proposed Phase II project scopes and recommended that,
31 should the Council approve this request, construction begin in
32 summer.

33
34 Deputy Town Manager Bradford discussed the funding of this
35 project through a special assessment.

36
37 Discussion ensued regarding permitting, environmental impacts,
38 funding, navigation, settlement, and property values.

39
40 Kenneth Beall, 744 Island Drive, stated that he would like to see
41 more information on the project.

42
43 Connie Gasque, 167 Root Trail, requested that the study include
44 the Johnson sea grass.

45
46 Cliff Leisinger, West Palm Beach, on behalf Yvonne Kazeminy,

1 760 Island Drive, spoke regarding accidents during construction
2 and the issues of security and privacy.

3
4 Town Manager Elwell stated that the study will stay under the
5 purview of the Town and that the engineering work on Phase II
6 would still have to come back before the Town Council for
7 approval.

8
9 b. Acceptance of Donation

10
11 John Scarpa, 1676 South Ocean Boulevard, stated that about
12 \$110,000 to \$120,000 has been promised and that the owners are
13 working towards the full \$200,000 study costs. He added that this
14 project will help both the environment and property values.

15
16 **Motion was made by Council Member Diamond, and seconded by Council Member Kleid,**
17 **to accept a donation of \$200,000 for the environmental study and permitting fees. On roll**
18 **call, the motion carried unanimously.**

19
20 b. 67% (in lieu of 80%) Threshold for Approval of Resident
21 Participation

22
23 Discussion ensued regarding sending the threshold reduction to the
24 Ordinances, Rules, & Standards Committee for further discussion
25 and the history of the change from 67% to 80%.

26
27 **Motion was made by Council Member Diamond, and seconded by Council President Pro**
28 **Tem Wildrick, to reduce the approval threshold to 67% of the potentially affected**
29 **properties where projects are to be funded by non ad-valorem special assessments. On roll**
30 **call, the motion carried 4-1, with Council Member Kleid dissenting.**

31
32 6. Coastal Protection Matters

33
34 a. Shoreline Conditions Assessment -- Pre Sandy and Current
35 Conditions. [Robert Weber, Coastal Coordinator]

36
37 Coastal Coordinator Weber provided a presentation on the pre
38 Hurricane Sandy and the current shoreline conditions.

39
40 Discussion ensued regarding the effects of the State designating
41 the Town's shoreline as "critically eroded" and the condition of
42 seawalls within the Town.

43
44 **By consensus of the Town Council, Staff was directed to identify all properties that have an**
45 **inferior seawall or no seawall, to determine who is responsible for them, and to report back**
46 **to the Town Council on at least the ocean front properties at the June 11, 2013, Town**

Council meeting. A report on the lagoon front properties will be presented at a future Town Council meeting.

Marguerite Courtney, 3230 South Ocean Boulevard, spoke regarding the SOS meeting, property values, and beach conditions on the south end of town.

b. Reach 8 EIS. [H. Paul Brazil, Director of Public Works]

Director of Public Works Brazil and Town Manager Elwell spoke regarding Staff's recommendation to hold off on the EIS until the Woods Hole Group's final report is delivered.

Discussion ensued regarding the risks and benefits of beginning the EIS now.

Town Manager Elwell suggested that Staff can move forward on work that is necessary in order to be at the starting line and ready to proceed with the EIS, but that does not require any additional authorization or funding from the Town Council.

Motion was made by Council Member Kleid, and seconded by Council Member Diamond, to direct Staff to begin lining up the EIS process internally, with Staff time only, in order to expedite the process in the event that the EIS is recommended in Woods Hole Group's final report, notwithstanding this, the Town Council does not expect that the Town will be able to immediately proceed with the EIS in June.

c. SOS Request for Dune Restoration and Related Matters.
[William J. Diamond, Town Council Member]

Richard Hunegs, 3360 Condominium Association President and Coalition to Save Our Shoreline (SOS) Chairman, stated that the situation is dire, not just at the south end, but Town-wide.

Karyn Erickson, on behalf of SOS, provided a presentation on the erosion conditions on Reaches 7 and 8 and spoke regarding the rehabilitation of seawalls, remodeling of the coastline, non-conforming buildings, working with the Florida Department of Environmental Protection and the Fish and Wildlife Commission to get permits, turtle season regulations, and future sand loss. She stated that SOS supports the EIS on the north end of Reach 7, and recommends a coarser grain of sand for the beaches.

Mr. Hunegs spoke regarding a petition being circulated for immediate dune restoration right-of-way and a long-term plan that incorporates dunes, beaches, and permanent structures, SOS's

opposition to Staff's recommendations, the lack of Town action and its effects, turtle season regulations and working with federal and state agencies to obtain assistance.

Discussion ensued regarding property owners maintaining their seawalls, cost benefit analyses, dune and beach renourishment costs, turtle season regulations, the Town's past shoreline protection efforts, and permitting.

By consensus of the Town Council, Staff was directed to identify the coastal project(s) that they would recommend be done immediately, if funding was available, and to report back to the Town Council at tomorrow's Town Council meeting. Council President Rosow announced that the item will not be heard before 1:30 p.m.

7. Citizens' Association Request for Continuation of Walking Path to Sloan's Curve. [Richard M. Kleid, Town Council Member]

Council Member Kleid stated that this matter was brought to his attention by the Citizens' Association. Most of the issues have been resolved since then.

Director of Public Works Brazil provided an update on the plans for paving the existing walkway. He stated that the Town's ability to extend the walking path further north towards Sloan's Curve is limited due to the narrow road right-of-way and the fact that the FDOT revetment stops there; however, Staff would be happy to look into it further.

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

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to appoint Harris S. Fried and Alan S. Golboro as regular members to the Code Enforcement Board. On roll call, the motion carried unanimously.

9. Appointments to the Recreation Advisory Commission.
[Jay Boodheshwar, Director of Recreation and Special Projects]

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to appoint Stephen Hall and Donald Singer as regular members to the Recreation Advisory Commission, and G. Ellen Howe and Alexandra Woodfield as alternate members to the Recreation Advisory Commission. On roll call, the motion carried unanimously.

Clerk's Note: At 2:25 p.m., Council President Rosow left and turned the meeting over to Council President Pro Tem Wildrick who presided over the remainder of the meeting.

Arlene Kurtis, 3360 South Ocean Boulevard, spoke regarding what her

condominium is doing to protect their property, and the turtle nests.

The Below Item Was Added to the Agenda:

10. Consideration of Rescheduling the May 14, 2013, Town Council Meeting.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to reschedule the May 14, 2013, Town Council Meeting to May 7, 2013. On roll call, the motion carried 4-0, with Council President Rosow absent.

The Below Items Were Pulled from the Consent Agenda:

Clerk's Note: Resolution Nos. 56-2013 and 57-2013 were heard and approved at the same time.

11. RESOLUTION NO. 56-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to TLC Diversified, Inc., for Construction of the Pump Station A-7 Inline Booster Station, in the Amount of \$1,723,896, and Establishing a Construction Budget of \$1,900,000. [H. Paul Brazil, Director of Public Works]

Responding to Council Member Pucillo, Director of Public Works Brazil provided an overview of the project.

Discussion ensued regarding the insurance line item differences in the bids received.

See below for motion.

12. RESOLUTION NO. 57-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract for Construction Administration Services to Kimley-Horn & Associates, Inc., in the Amount of \$141,565 for the Pump Station A-7 Inline Booster Station, Establishing a Project Budget of \$156,000. [H. Paul Brazil, Director of Public Works]

Motion was made by Council Member Pucillo, and seconded by Council Member Diamond, to approve Resolution Nos. 56-2013 and 57-2013. On roll call, the motion carried 4-0, with Council President Rosow absent.

Clerk's Note: Resolution Nos. 58-2013, 59-2013, and 60-2013 were heard and approved at the same time.

13. RESOLUTION NO. 58-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Murray Logan Construction, for Pump Stations A-39 and A-41

Improvements and Pump Stations A-42 and A-43 Improvements, in the Amount of \$1,048,000, and Establishing a Construction Budget of \$1,160,000. [H. Paul Brazil, Director of Public Works]

Responding to Council Member Pucillo, Director of Public Works Brazil provided an overview of the project and stated that there will be no significant road closures.

See below for motion.

14. RESOLUTION NO. 59-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract for Construction Administration Services to AECOM in the Amount of \$74,043 for Pump Stations A-42 and A-43 Improvements and Establishing a Project Budget of \$82,000. [H. Paul Brazil, Director of Public Works]

See below for motion.

15. RESOLUTION NO. 60-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract for Construction Administration Services to Mathews Consulting, Inc., in the Amount of \$59,974.60 for Pump Stations A-39 and A-41 Improvements and Establishing a Project Budget of \$66,000. [H. Paul Brazil, Director of Public Works]

Motion was made by Council Member Pucillo, and seconded by Council Member Diamond, to approve Resolution Nos. 58-2013, 59-2013, and 60-2013. On roll call, the motion carried 4-0, with Council President Rosow absent.

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 1-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42, Article V, of the Town Code of Ordinances at Section 42-199, Hours for Construction Work, So as to Provide That the Town Council May, by Resolution, Temporarily Amend the Hours for Construction Work Specified in Section 42-199 in the Interest of the Public Health, Safety and Welfare of the Residents of the Town; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [John C. Randolph, Town Attorney]

Motion was made by Council Member Diamond, and seconded by Council Member Kleid,

1 to adopt Ordinance No. 1-2013, on second and final reading. On roll call, the motion
2 carried 4-0, with Council President Rosow absent.

3
4 B. First Reading – None

5
6 **XII. ANY OTHER MATTERS** – None

7
8 **XIII. ADJOURNMENT**

9
10 There being no further business, the April 9, 2013, regular Town Council meeting was
11 adjourned at 2:36 p.m.

12
13
14
15 APPROVED:

16
17
18
19
20 _____
21 David A. Rosow
22 Town Council President

23
24 _____
25 Date

26
27 ATTEST:

28
29
30
31 _____
32 Susan A. Owens, MMC
33 Town Clerk

34
35 _____
36 Date

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: APRIL 9, 2013

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED
DOOR SESSION

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting-Closed Door Session Held on April 9, 2013

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, APRIL 9, 2013**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 2:40 p.m. on Tuesday, April 9, 2013, in the Town Council Chambers. On roll call, Council President Rosow was not present. A quorum was present, and Council President Pro Tem Wildrick assumed the position of Council President for these proceedings.

II. APPROVAL OF AGENDA

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

III. TOWN OF PALM BEACH VS THE UNITED STATES OF AMERICA, CIVIL ACTION NO. 09-64 L, IN THE UNITED STATES COURT OF FEDERAL CLAIMS

F.S. 286.011(8) Allows the Mayor, Town Council, and the Town Manager to Meet in a Closed-Door Attorney/Client Session for the Purpose of Discussing Strategy Related to Litigation.

Town Council President Pro Tem Wildrick announced the following:

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

Gail L. Coniglio, Mayor
Robert N. Wildrick, President Pro Tem
William J. Diamond, Town Council Member
Richard M. Kleid, Town Council Member
Michael J. Pucillo, Town Council Member
Peter B. Elwell, Town Manager
Jerry Stouck, Attorney (via telephone)
John C. Randolph, Town Attorney

Ley and Marsaa, Court Reporters

At 2:41 p.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 3:13 p.m., in the Town Council Chambers.

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

Council President Pro Tem Wildrick announced the termination of the Attorney/Client Session.

Motion was made by Council Member Kleid, and seconded by Council Member Diamond, to authorize the Mayor of the Town of Palm Beach to execute a 215 agreement between the Town of Palm Beach and the Department of the Army. On roll call, the motion passed 4-0, with Council President Rosow absent.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Tuesday, April 9, 2013, was adjourned at 3:14 p.m.

APPROVED:

ATTEST:

Robert N. Wildrick
Town Council President Pro Tem

Susan A. Owens, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: APRIL 10, 2013

APPROVAL OF THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Regular Town Council Meeting Held on April 10, 2013

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, APRIL 10, 2013**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, April 10, 2013, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Responding to concerns she had received, Mayor Coniglio stated that the agenda is set by Town Staff, with the help of the Town Council President, prior to it being posted on the Thursday before the meeting; the backup is then posted on Friday.

Responding to an e-mail regarding changing a meeting date, Mayor Coniglio explained that the normal May meetings would have been the second Tuesday and Wednesday of the month, May 14th and 15th. Because a third meeting was to be added, it was determined that the most expeditious manner would be to hold the regular Town Council meeting on that day, Tuesday, May 7, 2013, instead.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Kleid spoke regarding a mistake in this morning's *Shiny Sheet* which stated that the Town Council had turned down SOS's dune restoration request. He clarified that the item had only been recessed and that it will be heard later this afternoon.

Council President Rosow spoke regarding a letter the Town Council received from Bill Cooley alleging that Mr. Rosow has influence over Fidelity funds and that he purchased 206,000 shares of Del Frisco's stock, sold them the day after Del Frisco's application was approved, and made a profit. He said that, although he is an associate trustee of Fidelity,

he has no vote as to what or when funds are purchased or sold, nor does he have any inside information of any funds. He said that he does not intend to recuse himself when it comes to the Del Frisco's matter.

Town Attorney Randolph stated that he has verified Council President Rosow's statement with Fidelity's Independent Trustee Council. He also stated that it is not his position to advise council members whether or not they should recuse themselves. He advises only on the law, which states that if a vote inures to a person's special private gain or loss or the special private gain or loss of a business associate, employer, or family member, then they should recuse themselves. The other issue to determine is, even if there may be a special private gain or loss, whether or not it is remote and speculative. He stated that he has discussed both with Mr. Rosow, who has determined not to recuse himself.

Council President Pro Tem Wildrick spoke regarding a recent Palm Beach County Commission on Ethics decision that he did not have to recuse himself on the Royal Poinciana Plaza item, and expressed his concerns over the number of conflicts of interests advisory boards and commissions were allowed.

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

VI. APPROVAL OF AGENDA

The following amendments were made:

WITHDRAWN: Item No. VIII.C.2.f, Variance #16-2013, was withdrawn.

DEFERRED: Item No. VIII.D.1., Testa's Comprehensive Plan Amendment, was deferred to the September 11, 2013, Town Council meeting.

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

VII. PUBLIC HEARINGS

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

- A. RESOLUTION NO. 63-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 130 El Brillo Way Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John Page, Director of Planning, Zoning and Building]

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

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that the Designation Report of the property known as 130 El Brillo Way be made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Resolution No. 63-2013 be adopted and designating the property at 130 El Brillo Way as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

- B. RESOLUTION NO. 64-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 1047 South Ocean Boulevard Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John Page, Director of Planning, Zoning and Building]

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

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that the Designation Report of the property known as 1047 South Ocean Boulevard be made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Resolution No. 64-2013 be adopted and designating the property at 1047 South Ocean Boulevard as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

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

A. Appeal

1. Appeal of Administrative Decision Governing Hours of Operation and Related Off-street Parking Requirements, by John W. Little III, Attorney

1 for Sterling Palm Beach, LLC, and Also From Harvey E. Oyer III,
2 Attorney for Del Frisco's Grille, Relative To The Yet-To-Be-Established
3 Del Frisco's Grille Restaurant in the Royal Poinciana Plaza.
4 [John Page, Director of Planning, Zoning and Building]
5

6 The following ex-parte communications were declared: Council President
7 Rosow and Council Members Pucillo and Kleid spoke with Adam
8 Munder, who advocated the position of his company. Council President
9 Rosow also spoke with Brian Kosoy, who advocated the position of his
10 company.
11

12 Mayor Coniglio and Council President Pro Tem Wildrick recused
13 themselves, left the dais, and provided a Memorandum of Voting Conflict
14 Form 8b to Town Clerk Owens.
15

16 Attorney Little, Gunster Law Firm, representing Sterling Palm Beach,
17 LLC, provided an overview of the appeal.
18

19 Discussion ensued regarding the term business week, the nature of
20 businesses in the Plaza, verifying which businesses are open past 5:00
21 p.m., the amount of parking spaces required, whether the appeal was filed
22 in a timely manner, and the history of McCarty's and Palm Beach Grill's
23 hours of operation.
24

25 Director of Planning, Zoning, and Building Page provided Staff's
26 comments.
27

28 Simon Taylor, 264 Seminole Avenue, spoke regarding the Theater Guild's
29 concerns that their matinee productions would compete with Del Frisco's
30 proposed brunch hours.
31

32 John Grosskopf, General Manager of Palm Beach Towers, spoke
33 regarding retail and office use of the spaces.
34

35 **Motion was made by Council Member Diamond to deny the appeal of the administrative**
36 **decision governing hours of operation and related off-street parking requirements relative**
37 **to the yet-to-be-established Del Frisco's Grille Restaurant in the Royal Poinciana Plaza.**
38 **Motion died for lack of a second.**
39

40 **Motion was made by Council Member Pucillo to approve the appeal of the administrative**
41 **decision to allow the hours of operation and related off-street parking requirements**
42 **relative to the yet-to-be-established Del Frisco's Grille Restaurant in the Royal Poinciana**
43 **Plaza. Motion was withdrawn.**
44

45 Discussion ensued regarding the 1979 Agreement, setting precedent, and
46 the parking variance requirements.

1 **Motion was made by Council Member Pucillo, to approve the opening at 5:00 p.m., seven**
2 **days a week, of the yet-to-be-established Del Frisco's Grille Restaurant in the Royal**
3 **Poinciana Plaza. Motion died for lack of a second.**

4
5 Attorney Little provided clarification on his calculation of the parking
6 spaces.

7
8 **Motion was made by Council Member Kleid, that there be a stipulation of facts between**
9 **the Town of Palm Beach, Sterling Palm Beach, LLC, and Del Frisco's Grille and that they**
10 **seek a declaratory judgment with respect to the requested hours of operation. Motion died**
11 **for lack of a second.**

12
13 Discussion ensued regarding the costs of seeking a declaratory judgment
14 and the need for a stipulation of facts.

15
16 Council President Rosow passed the gavel to Council Member Kleid to
17 second the motion below.

18
19 **Motion was made by Council Member Pucillo, and seconded by Council President Rosow,**
20 **to approve that portion of the appeal related to evening hours of operation, relative to the**
21 **yet-to-be-established Del Frisco's Grille Restaurant in the Royal Poinciana Plaza. On roll**
22 **call, the motion carried 3-1, with Council Member Diamond dissenting and Council**
23 **President Pro Tem Wildrick recused.**

24
25 **Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to**
26 **defer that portion of the appeal related to Saturday brunch hours of operation, relative to**
27 **the yet-to-be-established Del Frisco's Grille Restaurant in the Royal Poinciana Plaza. On**
28 **roll call, the motion carried 3-1, with Council Member Diamond dissenting and Council**
29 **President Pro Tem Wildrick recused.**

30
31 B. Time Extensions & Waivers – None

32
33 C. Variances, Special Exceptions, and Site Plan Reviews

34
35 Town Clerk Owens administered the oath to those who had not already been
36 sworn in and would be providing testimony.

37
38 1. Old Business

39
40 a. VARIANCE #11-2013 The application of Rabbi Moshe and
41 Nechama Scheiner; relative to property commonly known as **230**
42 **PARK AVENUE**; described as Lot 47 and the East ½ of Lot 46 of
43 **BUNGALOW PARK**, as recorded in Plat Book 7, Page 26, Public
44 Records of Palm Beach County, Florida; located in the R-C Zoning
45 District. The applicant is requesting a variance to eliminate the
46 required one car garage on the existing house to create living

space. [Attorney: Maura Ziska]
Deferred from the March 13, 2013, Town Council Meeting.

The following ex-parte communications were declared: Mayor Coniglio spoke with Rabbi Scheiner, who advocated his position. Council President Rosow and Council Members Pucillo, Kleid, and Diamond spoke with Attorney Ziska and Rabbi Scheiner, who advocated their positions.

Council Member Diamond stated that he is a member of the Board of Directors of the Palm Beach Synagogue and that he has consulted with Town Attorney Randolph, who has advised him that he has no conflict of interest with respect to this variance.

Attorney Ziska, on behalf of Rabbi Moshe and Nechama Scheiner, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, that Variance #11-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

2. New Business

- a. SITE PLAN REVIEW #4-2013 The application of Richard True; relative to property commonly known as **119 East Inlet Drive**; described as Lot 15, SEA ISLES ESTATES, according to the Plat thereof, as recorded in Plat Book 25, Page 89, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting Site Plan Review to allow the construction of a 4,694 square foot two-story single family residence on a non-conforming platted lot which is 96 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. [Attorney: Maura A. Ziska]

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

Attorney Ziska, on behalf of Richard True, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Site Plan Review #4-2013 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, subject to the conditions that a yard trash area location be provided on the property and a location for the generator that meets Code and which is shown on the plans. On roll call, the motion carried unanimously.

- b. SPECIAL EXCEPTION #6-2013 The application of Bricktop's Palm Beach (Joe Ledbetter, Owner); relative to property commonly known as **375 South County Road**; described as Lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting Special Exception with Site Plan Review approval to modify the previously approved restaurant and site plan as follows: to allow the new restaurant name to be changed from "BT Palm Beach" to Bricktop's Palm Beach"; modify the south elevation awning by installing a hard roof behind the fascia awning; modify the stair access to the mezzanine; modify the decorative railing on patio wall; add Nana windows to the bar for security and inclement weather; modify the seating plan to add nine booths to replace 9 four tops; change patio columns from metal with canvas cover to concrete with stucco; add planters to west elevation. [Attorney: Maura A. Ziska]

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

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

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding the name change and the Code criteria for formulary restaurants.

Joe Ledbetter, owner, provided an overview of his request for the name change.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to amend that portion of the request regarding the restaurant name to be changed from "BT Palm Beach" to "Bricktop's" and that Special Exception #6-2013 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, as

amended above and subject to the Code provisions regarding formulary restaurants. On roll call, the motion carried unanimously.

- c. VARIANCE #13-2013 The application of Jeffrey Fisher; relative to property commonly known as **252 El Bravo Way**; described as Lot 18, SUPPLEMENTARY PLAT OF EL BRAVO PARK, according to the Plat thereof as recorded in Plat Book 9, Page 9, Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is proposing to add five feet to the east side of the existing garage, requiring a variance to allow for a 3.42 foot setback in lieu of the 15 foot minimum required in the R-A Zoning District. [Attorney: Guy Rabideau]
[Landmark Preservation Commission recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

The following ex-parte communications were declared: Council President Pro Tem Wildrick spoke with Attorney Jack McDonald, who advocated the position of his client.

Attorney McDonald, on behalf of Jeffrey Fisher, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, that Variance #13-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

- d. VARIANCE #14-2013 The application of Michael Formica and Robert Hiemstra; relative to property commonly known as **218 Phipps Plaza**; described as Lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to relocate an accessory building and convert it to be a usable garage which will result in a 2.5 foot rear yard setback in lieu of the 15 foot minimum required in the R-C Zoning District. [Attorney: Maura A. Ziska]
[Landmark Preservation Commission recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

The following ex-parte communications were declared: Council President Rosow and Council Members Pucillo, Kleid, and

1 Diamond spoke with Attorney Ziska, who advocated the position
2 of her clients.

3
4 Attorney Ziska, on behalf of Michael Formica and Robert
5 Hiemstra, provided an overview of the applicants' request.

6
7 Zoning Administrator Castro provided Staff's comments.

8
9 Council Member Pucillo noted that this is a special case and that
10 approval of this variance should not be used as a precedent in any
11 future variance requests of a similar nature.

12
13 **Motion was made by Council Member Diamond, and seconded by Council Member Kleid,**
14 **that Variance #14-2013 be granted and find, in support thereof, that all of the criteria**
15 **applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been**
16 **met. On roll call, the motion carried unanimously.**

- 17
18 e. VARIANCE #15-2013 The application of Alan Menkes; relative
19 to property commonly known as **153 Clarke Avenue**; described as
20 Lot 16, PRIMAVERA ESTATES (OCEAN SECTION) according
21 to the Plat thereof as recorded in the Plat book 6, Page 82, Public
22 Records of Palm Beach County, Florida; located in the R-B Zoning
23 District. The applicant is requesting a variance to demolish a non-
24 conforming two story garage and rebuild the same size garage
25 (1,215 square feet) in the same location which require the
26 following variances: a west side yard setback of 5 feet in lieu of
27 the 15 foot minimum required and 5 feet existing; a rear yard
28 setback of 11.9 feet in lieu of the 15 minimum required and 11.9
29 feet existing; a cubic content ratio of 5.0 in lieu of the 3.91
30 maximum allowed and 5.0 existing; a two story accessory structure
31 with an overall height of 23.75 feet on a lot under 20,000 square
32 feet where only a one story 15 foot tall building is allowed.

33 [Attorney: Maura A. Ziska]

34 [Landmark Preservation Commission recommendation:
35 Implementation of the proposed variances will not cause negative
36 architectural impacts to the subject landmark property. Carried 7-
37 0.]

38
39 The following ex-parte communications were declared: Council
40 President Rosow and Council Members Pucillo, Kleid, and
41 Diamond spoke with Attorney Ziska, who advocated the position
42 of her client.

43
44 Attorney Ziska, on behalf of Alan Menkes, provided an overview
45 of the applicant's request.

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

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Variance #15-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

f. VARIANCE #16-2013 The application of Anchor Animal Hospital (Dr. Lindsey Naimoli); relative to property commonly known as **230 and 234 South County Road**; described as Lots 754, 756, 758, 760 and 764, LESS the easterly 15 feet of Lot 764, POINCIANA PARK 3rd ADDITION, according to the Plat thereof as recorded in the Plat Book 8, Page 72, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a variance to allow a veterinary office (Anchor Animal) on the first floor and second floor in the C-TS Zoning District where only office use on the second floor is allowed. The proposed veterinary office is proposed to be 1,661 square feet on the first floor that will contain the patient rooms, lobby and pharmacy. The second floor would be 1,170 square feet and have an office, a conference room and a residence. The total square footage is proposed to be 2,831 square feet. The hours of operation are proposed to be 7 a.m. until 6 p.m.; however, the DVM would be available for emergencies after hours. The practice would include the following services: general veterinarian practice, veterinary surgery, emergency and critical care, holistic veterinary medicine, complimentary veterinary medicine, veterinary theriogenology, veterinary pharmacy, alternative veterinary therapeutics (hyperbaric oxygen, Chinese & natural remedies), pet grievance & behavioral counseling, veterinary digital imaging, veterinarian licensed retail good and mobile (residential & hospitality industry) veterinary services. Boarding would be required in some circumstances related to post op recovery.

[Attorney: Maura A. Ziska] – *This item was withdrawn.*

g. VARIANCE #17-2013 The application of David A. Rosow and Jean D. Rosow, Trustees of the David A. Rosow Qualified Personal Residence Trust dated July 31, 2000; relative to property commonly known as **1460 N. Lake Way**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a variance to relocate a 6.2 foot high, 90kw generator further north from its present location with a north side yard setback of 6.5 feet in lieu of 15 foot minimum required. The generator will be enclosed with a 7 foot high wall. [Architect:

Daniel Menard]

Council President Rosow recused himself, left the dais, provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens, and passed the gavel to Council President Pro Tem Wildrick

No ex-parte communication was declared by the Town Council.

Architect Menard, on behalf of David A. and Jean D. Rosow, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Variance #17-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the execution of a unity of title agreement and removal of the dock. On roll call, the motion carried 4-0, with Council President Rosow recused.

D. Other

1. Consideration Of The Testa Family, Inc., Comprehensive Plan And Zoning Text Amendment Application To Create An Overlay Within The Five Acres Of Land Between Bradley Place And North County Road And Royal Poinciana Way And Sunset Avenue. The Application Was Previously Deferred April 2012 To The February 2013 Council Meeting In Order For The Newly Established Royal Poinciana Way Committee To Study Regulations For This Area.
Deferred from the April 11, 2012, and February 13, 2013, Town Council Meetings.
Request for Deferral to the September 11, 2013, Town Council Meeting Per Letter dated April 3, 2013, Francis X.J. Lynch. – This item was deferred to the September 11, 2013, Town Council meeting.

(Clerk's Note: At 12:00 p.m., the Town Council recessed for lunch; at 1:30 p.m. the Town Council reconvened the meeting.)

IX. ANY OTHER MATTERS

The Following Item was Continued from the April 9, 2013, Town Council Meeting:

- A. SOS Request for Dune Restoration and Related Matters.
[William J. Diamond, Town Council Member]

In response to concerns that this item was not noticed properly, Town Attorney Randolph explained that this item is a continuation from yesterday's meeting,

1 which was duly noticed and at which time a motion was made that this matter
2 would be deferred until 1:30 p.m. today.

3
4 Town Manager Elwell provided an overview of the Town's objectives and
5 responsibilities to the community and private property owners' responsibilities
6 with regard to shore protection. He provided the history of Town emergency
7 restoration projects after the 2004 hurricanes, and reiterated Staff's position that
8 emergency action is not needed at this time.

9
10 Richard Hunegs, President of 3360 Condominium Association and SOS member,
11 stated that most of the pictures presented yesterday were taken about one to two
12 weeks ago; however, some of them were taken in March of this year.

13
14 Responding to yesterday's question from the Town Council as to where Staff
15 would begin their restoration efforts if given \$2 million, Town Manager Elwell
16 stated that Staff's preference would be in Reach 3; however, there is no dry sand
17 on which to build the dunes. Given this, Staff would pursue restoration efforts in
18 the areas SOS is requesting.

19
20 Discussion ensued regarding the conditions of the reaches in Town, the need for
21 emergency action, the Woods Hole Group report, public versus private
22 responsibilities, Karyn Erickson's recommendations and photographs, funding,
23 storm protection, seawalls, permitting, turtle season and protection, the need for
24 an integrated plan, Reach 8 Environmental Impact Study, other agencies'
25 renourishment efforts, request for post-Hurricane Sandy FEMA funding
26 assistance, future planned projects in the Town, relationships with the Florida
27 Department of Environmental Protection and the US Army Corps of Engineers,
28 the scope of the coastal protection plan, public beach access to the beaches along
29 Reach 8, efforts towards protection versus recreation, that the Town Council
30 represents all residents, concerns regarding yesterday's presentation by SOS,
31 private property owners' ability to get their own permits and have work done
32 themselves, and the fact that protecting beaches also protects inland properties.

33
34 Connie Gasque, 167 Root Trail, spoke regarding Dr. Stan Lilja's finding of
35 seawalls as the last line of defense, special assessments, public beach access, the
36 erosion control line, and the effects of the north end project.

37
38 Carla Herwitz, 2275 South Ocean Boulevard, spoke in support of SOS's request
39 and spoke regarding the economic risk of losing property taxes.

40
41 Richard Hunegs, 3360 South Ocean Boulevard President and SOS Chairman,
42 spoke regarding yesterday's presentation by Karyn Erickson and the photographs
43 presented, hardbottom, the situations in Reaches 7 & 8, cost-benefit analysis, and
44 consultants that he had contacted to assist the Town.

45
46 Town Manager Elwell spoke regarding the use of the services of Greenberg

Traurig for the Reach 8 litigation and lobbying efforts.

Richard Hunegs, President 3360 Condominium Association and SOS member, spoke regarding the need for a long-term solution, the damage from Hurricane Sandy, beach access through the Association's private property, high retaining walls, and ocean vistas.

Pat Cooper, 265 Orange Grove Road, member of Palm Beach Civic Association and Shore Protection Board, spoke regarding the need for a point person on this project, the Woods Hole Group Report, turtle regulations, beach erosion, and the Sand Transfer Plant.

Heath Chute, 3000 South Ocean Boulevard, representing the Bellaria Condominium Association, spoke regarding the photographs shown during yesterday's SOS presentation, beach and dune recovery conditions, and residents deciding to leave or stay out of Palm Beach due to the shoreline conditions.

IX. ADJOURNMENT

There being no further business, the April 10, 2013, regular Town Council meeting was adjourned at 3:36 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Consent Agenda

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of April 24, 2013.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated April 26, 2013, from John S. Page, Director of Planning, Zoning, and Building
- Minutes of the Architectural Commission meeting of April 24, 2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of April 24, 2013

Date: April 26, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of April 24, 2013.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of April 24, 2013.

GENERAL INFORMATION

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

Attachment

JSP:cmd



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

WEDNESDAY, APRIL 24, 2013, 9:00 a.m.

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

I. CALL TO ORDER: (8:59:07 a.m.)

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

II. ROLL CALL: (8:59:14 a.m.)

Robert J. Vila, Chairman	PRESENT
Nikita Zukov, Vice Chairman	PRESENT
Kenn Karakul, Member	PRESENT
Ann L. Vanneck, Member	PRESENT
Henry Homes III, Member	PRESENT
Richard Sammons, Member	PRESENT
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Alternate Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT (arrived at 9:02 a.m.)
Michael B. Small, Alternate Member	ABSENT (unexcused)

Staff members present: John S. Page, Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission. Town Attorney Randolph was absent.

III. PLEDGE OF ALLEGIANCE: (8:59:34 a.m.)

IV. ADMINISTRATION OF THE OATH OF OFFICE TO NEW MEMBER(S): (8:59:51 a.m.)

(The Oath of Office was administered to Mr. Small at the March meeting.)

V. **APPROVAL OF THE MINUTES FROM THE MARCH 27, 2013 MEETING: (8:59:55 a.m.)**

MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

VI. **APPROVAL OF THE AGENDA : (9:00:05 a.m.)**

It was requested that projects B-021-2013 and B-028-2013 be heard together.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE AGENDA AS AMENDED.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

VII. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:00:40 a.m.)**

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

VIII. **OTHER BUSINESS: (9:01:07 a.m.)** None

IX. **PROJECT REVIEW (9:01:08 a.m.)**

A. **MAJOR PROJECTS-OLD BUSINESS: (9:01:11 a.m.)**

B - 011 - 2013 New Residence and Extend Demo Approval

Address: 1570 North Ocean Boulevard

Applicant: Arthur George Kallop and Elizabeth Kallop

Architect: SKA Architect + Planner/Patrick W. Segraves, A.I.A.

Project Description: New two-story Classic Greek Revival style home inspired by Oak Alley Plantation in Vacherie, Louisiana. Home will be approximately 8,885 square feet including covered loggias, covered balconies and storage building. Main house will consist of living room, dining room, library, kitchen, family room, laundry room, four bedrooms, five bathrooms, two half bathrooms and a two-car garage with office above. Building color: White; Roof: Grey Brown Concrete; Trim: white; Shutters: Dark Green. Final landscape and hardscape design will also be included. Extension of demolition previously approved at April 2012 ARCOM meeting.

Please be advised that this project had been deferred to the April meeting at the request of the architect.

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

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

LANDSCAPE PRESENTATION BY: Don Skowron

OTHERS WHO TESTIFIED: Arthur George Kallop, Property Owner

Mr. Segraves presented the demolition report for an extension of the previous demolition approval for this 1959 structure designed by John Volk. He noted that perimeter vegetation will be retained during construction.

MOTION BY MR. ZUKOV FOR APPROVAL FOR EXTENSION OF THE DEMOLITION (APPROVAL).

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

Mr. Segraves presented the project for the new house in accordance with the submitted plans and as described above. He described it as a Greek Revival style home in the style of a Southern plantation home, but having Georgian and West Indies influences. Design elements include: Classical and symmetrical front facade; two-story home with two-story porches front and rear; decorative dormers; small detached storage building in the rear; fence and pilasters across front of property; and, driveway to garage in rear running along the rear perimeter of the lot.

Under commission comments: Entablature does not line up with neck of column on either side of the portico; dormers a bit oversized; nice, simple plan; columns at ends should be square pilasters; make all windows the same on the south elevation; dormers too large and too ornate; front fencing not suitable for house and out of scale; trouble with railings between the columns...do something simpler; second floor door setup is too modern; and, garage wing roof is very prominent. Mr. Segraves showed (on Elmo) a revised south elevation showing matching windows.

Mr. Skowron presented the landscape/hardscape in accordance with the submitted plans. Design elements include: Tall Fishtail Palm hedge on west and south perimeters; Clusia hedge on Arabian; Green Island Ficus; Hong Kong Orchids at corners; assortment of palm trees on site; Gardenias flanking the front door; pool with 3 sun spaces in rear surrounded by chain-link fence covered in Confederate Jasmine vine; and alley of palms in the main rear courtyard.

Under commission comments: Major problem with choice of plant materials...all of specimen beautiful trees have low salt tolerance...re-do the plan and come back; issue with fencing; scale of landscaping a little weak; choice of plant material does not give a southern Antebellum feeling. Mr. Skowron wanted it on the record that he disagreed with the commission relative to his choice of landscape material and its salt tolerance.

Commission members considered deferral of the project, which prompted more discussion. The architect requested approval of the project with the proviso that certain details be brought back to the commission. It was also suggested that shutters be added to the sides of the French doors which are above the front door. Regarding the dormers, it was noted that the dormer detail was fine, but the size of them is at issue.

**MOTION BY MR. ZUKOV FOR DEFERRAL.
MOTION DIED FOR LACK OF A SECOND.**

Mr. Kallop stated that he has a Master of Architecture degree, and has spent a great deal of time working with Mr. Segraves on this house. He was opposed to a deferral of the project, and offered his comments justifying the design choices presented.

Mr. Lindgren brought up several code issues with the plans: the a/c units need to be pulled out of the setback; a yard waste pick up area must be provided; and, attic agreement required as conditions of approval.

MOTION BY MR. ZUKOV TO APPROVE THE PROJECT (ARCHITECTURE) IN PRINCIPAL AND YOU WILL SUBMIT TO US NEXT MONTH: 1) REVISED DORMERS; 2) REVISED RAILING; 3) PILASTERS; AND, 4) SOUTH ELEVATION....THEN, ALSO RETURNING WITH 5) THE ENTABLATURE AND COLUMN ALIGNMENT; 6) EXTERIOR DETAIL PACKAGE, CORNICE, ETC. AND, 7) 2ND FLOOR DOOR (ABOVE FRONT DOOR).

**MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

MOTION BY MR. ZUKOV TO APPROVE THE LANDSCAPE/HARDSCAPE EXCEPT FOR THE HONG KONG ORCHIDS WHICH CAN BE REMOVED AND REPLACED WITH SOMETHING ELSE NEXT MONTH AND A SIMPLIFICATION OF THE FENCING ALONG THE STREETScape.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED 5-2, WITH MRS. VANNECK AND MR. KARAKUL OPPOSED.

B - 014 - 2013 New Residence

Address: 301 Maddock Way

Applicant: Paul L. Maddock as Trustee

Architect: Roger P. Janssen

Project Description: Construct a new two-story residence, pool and hardscape with a total of 9,139 sq. ft. of air-conditioned space. Building: White; Roof: Grey; Trim: White; Shutters: Dark Blue

Please note that this project was heard at the March meeting and was deferred for re-study of both the architecture and the landscape

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

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

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

Mr. Janssen presented revised plans pursuant to the commission's comments last month. It was suggested that the opening at the second floor level, (far right wing), be modified. Mr. Meroney listed the changes to the landscape/hardscape since last month, to include: Hedge changes, retain Ficus hedge; "beefing" up the planting along North Lake Way; front fountain re-designed; driveway material changed to grey pavers; and, other plant changes as presented. He noted, for the record, that every bit of the original historic trees will remain on site, though some will be relocated on site.

Under commission comments: Insert some plants of interest (under 30") in the undulation of the Ficus hedge; and, strengthen the landscape at the two-story section of the house along North Lake Way.

MOTION BY MR. ZUKOV TO APPROVE THE PROJECT ARCHITECTURALLY, BUT ON THE EAST SIDE OF THE FRONT FACADE, MATCH THOSE DOORS WITH THE DOORS ABOVE THE ENTRANCE AS CLOSELY AS POSSIBLE; AND THEN TO TAKE INTO CONSIDERATION SOME OF THE LANDSCAPING THAT WE DISCUSSED. (AS NOTED ABOVE).

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

[B - 018 - 2013 Demolition and New Residence](#)

Address: 332 Eden Road

Applicant: Greg and Mardi Hayt

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

Project Description: Demolition of existing two-story residence with pool. Construction of new two-story Georgian styled home with pool. Building: Light Beige; Roof: White Flat Concrete Tile; Trim: White; Shutters: White. Final landscape and hardscape.

Please note that this project was heard at the March meeting at which time a motion carried for approval of the demolition, and a motion carried for deferral of the new house design to the April meeting.

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

ARCHITECTURAL PRESENTATION BY: Peter Papadopoulos, Smith and Moore Architects

Mr. Papadopoulos presented revised plans in response to the comments made at last month's meeting relative to window proportions, column spacing, entry entablature and detailing, cornice and quoin size, and "busy" railings. Changes made to the landscaping include: Re-shaping of motor court, addition of 6 ft. Podocarpus hedge at certain areas; inclusion of yard waste area; and, removal of entry gate and piers. Mrs. Vanneck recalled that code requires screening of the back entrance to the garage. The architect will investigate this with staff.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. VANNECK.

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

[B - 019 - 2013 New residence](#)

Address: 1695 North Ocean Way

Applicant: 1695 NOW, LLC

Architect: Carlos Martin Architects, Inc.

Project Description: New single family residence with appurtenances. Preliminary landscape plans. Building: White; Roof: Flat Concrete Terracotta Red; Trim: White; Shutters: Green

Please note that the project was heard at the March meeting, and a motion carried "for deferral (to the April meeting) to clear this up and present one (1) presentation" to ARCOM

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

ARCHITECTURAL PRESENTATION BY: Carlos Martin, Carlos Martin Architects, Inc.

LANDSCAPE PRESENTATION BY: Joe Peterson, Peterson Design Professionals

ATTORNEY PRESENT: Frank Lynch, Attorney for the property owner

OTHERS WHO TESTIFIED: Pat Carney, Property Owner

It should be noted, for the record, that the applicant brought a model of the project to the meeting. Mr. Lynch offered some introductory remarks concerning the project, explaining the Town Council approval(s) which have been secured, and noting the support of two neighbors for the project. The presentation began with a short video of the proposed project design which includes a British Colonial main house, a detached guest house, and two pools. Mr. Martin continued with his presentation in accordance to the submitted plans and as described above.

Under commission comments: No details on the plans, so difficult to comment on the architecture; the greatest defect in the design is the lack of natural light and air into the interior of the building; columns not right...columns styles and arrangement; why are the windows facing south so much larger than those facing north; disorderly fenestration on east and west facades; railings seem to be high; trouble understanding windows, muntins and lite sizes from plans; and, inconsistency of scale.

Mr. Peterson presented the preliminary landscape/hardscape plans in accordance with the submitted plans. He noted that 14 existing large Seagrapes will be relocated on site. Other design elements include: Clusia, Ficus Green Island, Coconut Palms, and, Date Palms. It was recommended that the guest house be made more mysterious with landscaping, i.e., more hidden from view.

Mr. Lindgren stated that he had received a letter from Lawrence Moens, 101 Indian Road, in support of the project.

MOTION BY MR. SAMMONS TO DEFER STATING THE INCONSISTENCY OF FENESTRATION AND SCALE, AND RE-STUDY THAT AND BRING IT BACK....ALSO THE INTERCOLUMNIATION, AND THE EAST ELEVATION OF THE GUESTHOUSE NEEDS WORK AS WELL.

MOTION SECONDED BY MR. ZUKOV.

Mr. Carney was opposed to another deferral because of the time and expense involved. He asked for a resolution today.

MOTION WITHDRAWN BY MR. SAMMONS.

MOTION BY MR. KARAKUL TO APPROVE THE PROJECT WITH THE FOLLOWING CHANGES: EAST ELEVATION OF THE GUESTHOUSE: CHANGE COLUMNS; WEST ELEVATION OF THE MAIN HOUSE: SECOND FLOOR WINDOW AND DOOR PROPORTION; EAST & WEST ELEVATION MAIN HOUSE: SECOND FLOOR WINDOWS-COME IN A LITTLE BIT ON THE TWO SIDES; MATCHING COLUMNS; SIMPLIFY THE WINDOWS IN THE STAIRCASE, AND TO ADD SIGNIFICANT MYSTERY IN THE LANDSCAPING AT THE GUESTHOUSE.

MOTION SECONDED BY MR. ZUKOV.

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

IT WAS CLARIFIED THAT THE APPLICANT IS TO RETURN NEXT MONTH WITH THE CHANGES.

Let the record show that there was a short recess from 10:55 a.m. to 11:08 a.m.

B - 021 - 2013 Demolition

Address: 390 North Lake Way

Applicant: 390 North Lake Way, LLC

Architect: Peterson Design Professionals

Project Description: Demolition of existing single family residence, outbuildings and appurtenances, and landscaping removal

Please note that this item was heard at the March meeting, and was deferred to the April meeting.

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck

LANDSCAPE PRESENTATION BY: Joe Peterson, Peterson Design Professionals

ATTORNEY PRESENT: Frank Lynch, Attorney for the property owner

Mr. Lynch provided the demolition report for this 1941 Howard Chilton residence which has experience eight (8) renovations since its construction. He noted that per an agreement with the neighbor to the north, the existing Ficus on the north side will be retained at the current height or greater, and the Ficus on the south side will be retained only during demolition. A Fig will be relocated on site, and a specimen Buttonwood Tree will be untouched.

Mrs. Vanneck noted that the landscape plan included in the mini-set for the demolition request was in error because it includes removals which are not accurate. The landscape plan for the new construction is accurate according to Mrs. Vanneck.

MOTION BY MR. KARAKUL TO ACCEPT THE PROPOSAL WITH THE LANDSCAPE REQUIREMENTS, (I.E., WITH THE TYPICAL AVEATS FOR SODDING AND IRRIGATING.)

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

B. MAJOR PROJECTS-NEW BUSINESS

[B - 028 - 2013 New Residence](#)

Address: 390 North Lake Way

Applicant: 390 North Lake Way LLC

Architect: Carlos Martin

Project Description: Proposed new two-story residence. Building Color: Lt. Cream; Trim Color: White; Shutter Color: Eggplant; Roof: Flat Concrete Dark Roof

Call for disclosure of ex parte communication: There was no call for ex parte communication

ARCHITECTURAL PRESENTATION BY: Carlos Martin, Architect

LANDSCAPE PRESENTATION BY: Joe Peterson, Peterson Design Professionals

ATTORNEY PRESENT: Frank Lynch, Attorney for the property owner

Mr. Lynch introduced the project for what he described as a traditional Palm Beach style blending Georgian and British Colonial styles and discussed zoning aspects of the project. He stated that they had met with the neighbor at 395 North Lake Way. That meeting resulted in an agreement to make some changes which were not shown in the plans before the commission: Change to the generator location and location of a/c units; Ficus hedge on north property line will be maintained at current height; infill Ficus hedge after a/c units are relocated; remove two existing power poles on the north property line will be removed and the utilities will be underground.

Mr. Martin presented the architecture in accordance with the submitted plans and as described above for the new two-story residence with a symmetrical front facade and garages flanking the central mass.

Under commission comments: It's a triple pile deep house in which there is no light and air in the main rooms; stair hall overly large; inconsistent intercolumniation throughout rear elevation; "a masonry box sitting on air" above the family room; illogical plan and illogical order of the plan; different scales in different areas; giant flat roof; front elevation-details of column entablature at front portico and pedestal above the entablature need revision, the over window needs revision; rear elevation-intercolumniation inconsistent, light size and scale inconsistent, issues with railing height and design; detailing of the pergolas need work.

MOTION BY MR. SAMMONS FOR DEFERRAL FOR FURTHER STUDY.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

The applicant was advised that when he returns, a complete landscape presentation should be provided with all four sides. Mr. Lindgren noted that this is preliminary landscape only. The applicant was asked to look at the elevations vs. the plans because they do not match, and to reconsider the dark roof due to energy considerations.

[B - 009 - 2013 Additions](#)

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 302 Caribbean Road

Applicant: Stephen and Muffie Murray

Architect: Anthony Minichetti Architect

Project Description: New bay window addition; new garage addition with staff apartment above; new covered loggia; new pool and terrace; new side entry porch; new second floor addition over an existing covered loggia

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

ATTORNEY PRESENT: Maura Ziska, Attorney for the applicant

ARCHITECTURAL PRESENTATION BY: Anthony Minichetti, Anthony Minichetti Architect

LANDSCAPE PRESENTATION BY: Dustin Mizell, Environment Design Group

Ms. Ziska discussed the requested variances for the non-conforming bay window, and for street side yard setback for the garage addition. She also explained that the owner had purchased two adjacent properties, joined them to the 302 Caribbean Road property, and demolished the homes on both lots in favor of garden area.

Mr. Minichetti presented the project in accordance with the submitted plans and as described above. Design elements include: New rustication (coquina veneer) surrounding the new front door and two Bahama shuttered windows; new bay window; addition of new study for Mr. Murray; new side entry with covered porch and stoop; addition of two more bays to the existing 3 car garage; dormers at new second floor addition above garage; new proposed living loggia; Bahama shutters added at several locations.

Under commission comments: What is the point of the veneer at the entrance?; all different types of windows throughout; dormers are too large; chimney too tall; and, bay window out of scale with top heavy roof structure.

Chairman Vila asked that the commission deal with the variance issues first, prior to further comments.

**MOTION BY MRS. VANNECK THAT IMPLEMENTATION OF THE PROPOSED VARIANCES, THE TWO OF THEM...FRONT AND SIDE, WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

Commission comments continued: Entry improved; improve the entablature; bay window overblown...make it more elegant; side elevation-dormers too large; bay window is way too prominent; like the stone; and, the amount of open garden is a wonderful improvement.

Dustin Mizell presented the landscape/hardscape changes in accordance with the submitted plans. He explained that the owner wants an expansive garden. All existing vegetation will be retained, while some will be relocated on site. Design elements include: Lush open lawn, dense canopy, crushed shell paths, proposed new north/south oriented pool; terraces; and, additional brick parking area.

Under commission comments: The long expanse of Ficus hedge along North Lake Way needs some type of interruption; and, suggested that the garage wing be softened with additional landscaping. Mr. Mizell noted that they will look into the hedge issue along North Lake Way, but that area is complicated with a utility easement.

The commission thanked the owners for creating huge gardens.

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

[B - 017 - 2013 Additions](#)

Address: 1460 North Lake Way

Applicant: David Rosow and Jean Rosow

Architect: Michael J. Johnson

Project Description: Proposed attached two-story garage (with exercise room at second floor) 1156 sq. ft. footprint; relocation of existing generator

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

ARCHITECTURAL PRESENTATION BY: Michael J. Johnson and Daniel Menard, La Berge and Menard

It should be noted that the applicant brought a model of the project to the meeting. Mr. Johnson made some introductory remarks and turned the presentation over to Mr. Menard who presented the project for the addition in accordance with the submitted plans and as described above. He explained that the Rosows recently purchased an additional strip of land to facilitate the addition and the relocation of the generator. He noted that the Town Council approved the moving of the generator. The landscape plan will be presented at a later date. Mr. Menard, in reviewing the design of the new garage, stated a deliberate attempt to make the garage building very secondary to the main house. There are dormers with shutters on the second story level of the garage. The garage doors will be painted green to match the shutters.

Mr. Ives called attention to the fact that on the landscape buffer plan, the garage is noted as detached, but it is, in fact, attached to the main house.

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

[B - 022 -2013 Modifications to house and hardscape](#)

Address: 254 Tradewind Drive

Applicant: Nancy Colhoun

Architect: Saladrigas and Cohen Architecture Inc.

Project Description: Modification of existing roof including: Removal of existing parapet, and introduction of traditional wood outlookers in the Bermuda style; alterations to covered front entry; introduction of courtyard wall, picket fence and gate, new courtyard, fountain and paving materials

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Rafael Saladrigas and Leah Cohen, Saladrigas and Cohen Architecture Inc.

Ms. Cohen introduced the project with information and photographs and listed the five visible alterations to the house. These are as listed above, with one addition...the re-roof with a mitered white Bermuda concrete tile roof. Mr. Saladrigas continued with the architecture in accordance with the submitted plans and as described above. Design elements include: All landscape to remain as is; hardscape changes as presented; Flemish gable at new front entry; covered opening with butterfly shutters; applique of mahogany on garage door; Fountain-Olympic stone coping with tile inside; walkway-Olympic pattern with brick border.

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

[B - 023 - 2013 Extension of prior approval](#)

Address: 657 Island Drive

Applicant: 657 Island Drive Trust - Maura Ziska, Trustee

Architect: Smith and Moore Architects Inc.

Project Description: A one year extension to a previously approved new two-story residence, and previously approved landscape and hardscape

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

It must be noted that Mr. Karakul has recused himself and filed a Voting Conflict form as he is the owner of the property. Mr. Gruss will vote in his stead.

ATTORNEY PRESENT: Maura Ziska, Attorney for the Applicant

Ms. Ziska explained the need for a one year extension of a previous ARCOM approval.

**MOTION BY MR. ZUKOV APPROVING A ONE YEAR EXTENSION.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.**

Let the record show that there was a recess for lunch from 12:30 p.m. to 1:30 p.m.

B - 024 - 2013 Demolition

Address: 270 El Bravo Way

Applicant: Mr. and Mrs. Schottenstein

Architect: Dailey Janssen Architects, Roger Janssen

Project Description: Demolition of an existing single story residence (with a second story above the garage), pool, driveway, hardscape and landscape

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: John Lang, Lang Design Group

Mr. Janssen provided the demolition report for this 1952 Henry Harding designed one and two story home. Mr. Lang noted that two Banyans will be relocated if they can be saved. Six (6) existing Royal Palms will be retained. There will be an attempt to move the Sapodillas. Hedges on the north and south sides will remain. The applicant will meet with the neighbors regarding the hedge on the east side, which is not in good condition, to reach a solution maintaining privacy for all.

**MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED WITH THE TYPICAL
CAVEATS FOR SODDING AND IRRIGATING, WHICH WOULD INCLUDE THE
AREA AROUND ISLAND ROAD.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.**

B - 025 - 2013 Modifications to windows

Address: 389 South Lake Drive

Applicant: 389 Corporation Cooperative

Architect: James C. Paine Jr.

Project Description; Removal of precast concrete screens which extend vertically from bottom to top of existing 6 story structure. Replace master bedroom windows, previously behind screens, with new horizontal sliding impact windows to match white finish. Provide window guardrail protection at 42" A.F.F.

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

ARCHITECTURAL PRESENTATION BY: James C. Paine Jr.

OTHERS WHO TESTIFIED: Paul King, Structural Engineer, with the King Structural Group, Mary Anne Reilly, President 389 Corporation Cooperative, Marjorie Toner, Past President 389 Corporation Cooperative, and Pat Doman, Resident at 389 S. Lake Drive

Mr. Paine presented the project in accordance with the submitted plans and as described above. He listed the reasons that the concrete screens are problematic: Steel connectors are deteriorated and eventually will not hold; significant cracking in the screens; waterproofing problems; mold

and mildew problems; impossible to reach the windows behind them, except from the interior; windows cannot be cleaned; and, views are blocked. Mr. Paine was prepared with some design alternatives. Mr. Paine commented that the majority of the Coop's Board is in favor of the project. Mr. King offered his professional comments in support of removal of the screens. It was noted, during discussion, that the roof drains have been paved over which is only making the water/mold intrusion problems worse.

Mr. Lindgren read several letters into the record from Ann Webb, Mrs. Edward Martin, E. Baxter Webb, and Vincent Lyness, all recommending denial of the project. Kenneth Pfrengle requested deferral of the project to allow time for the co-op to "get their act together".

Mary Anne Reilly and Marjorie Toner offered their comments in support of the project. Pat Doman stated that when she purchased the property three years ago, her unit also had mold problems. She had the window replaced and has had no problems since then.

Under commission comments: This is distinctive 1960's architectural style...part of the distinctive fabric of Palm Beach; would like a deferral to ask the Board to meet with the owners to achieve agreement, to address the water problems from the roof...and, come back and tell us what you want to do; achieve consensus; we want to hear from the silent majority, and later...perhaps a modification to Scheme 3, and, a request for an aesthetic improvement.

**MOTION BY MR. HOMES FOR DEFERRAL (TO MAY).
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.**

[B - 026 - 2013 Addition and Renovation](#)

Address: 1260 N. Ocean Boulevard

Applicant: Marianne and Eugene Conese

Architect: Thomas M. Kirchhoff, AIA, P.A.

Project Description: Addition and renovation to garage/guest house. Landscape and hardscape changes.

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, Architect
LANDSCAPE PRESENTATION BY: John Lang, Lang Design Group

Mr. Kirchhoff presented the project in accordance with the submitted plans and as described above. He explained that the garage /guest house does not function well as it exists. Project elements: Remove fake arches; flat roof behind parapet; turn a portion into an exercise room; replace deteriorated features; and, plain garage doors. John Lang concentrated his work in the rear of the house with fruit tree gardens on either side of the garage, and flank the existing driveway with a pair of Date Palms.

Under commission comments: The two new Date Palms will call attention to the garage; garage doors may be too plain; and, use trees which are not too tall or important.

**MOTION BY MR. ZUKOV FOR "APPROVAL AS PRESENTED, WITH CERTAIN SUGGESTIONS."
MOTION SECONDED BY MR. SAMMONS.**

MOTION CARRIED UNANIMOUSLY.

B - 027 - 2013 Modification to previous approvals

Address: 160 Royal Palm Way

Applicant: 160 Royal Palm LLC

Architect: Rafael A. Rodriguez

Project Description: This application is for the removal of the stuccoed parapet wall around the perimeter of the Function Room roof area

Call for disclosure of ex parte communication: Disclosures by Messrs. Homes and Vila

ARCHITECTURAL PRESENTATION BY: Rafael Rodriguez, Architect

OTHERS WHO TESTIFIED: Phil Maddux, Sanchez and Maddux

Mr. Zukov was concerned that an ARCOM approval might be misconstrued by the owner to allow an extension of work at the hotel beyond the stipulated deadline. Mr. Page responded that the owners have been on notice for some time that they are over their time limit, and they are being fined \$2,000 per day for every day beyond February 14, 2013.

Mr. Rodriguez presented the project in accordance with the submitted plans and as described above. He explained that there is no longer any access to the roof; therefore, the owner requests removal of the previously approved parapet on top of the Function Room. There are no air conditioning units there either. The roof will be a built-up flat, white gravel roof.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED, NOTING THAT THIS DOES NOT AFFECT THE TOWN'S RELATIONSHIP WITH THE OWNERS AND THE EXISTING LITIGATION AND FINES.

Phil Maddux of Sanchez and Maddux explained that his firm is a tenant in the building to the east of this property, and they request that the parapet remains so they do not have to look at any future equipment which may be placed up there.

MOTION AMENDED BY MR. HOMES ADDING THAT IN THE EVENT OF THE INSTALLATION OF ANY MECHANICAL EQUIPMENT ON THE ROOF, A PARAPET WALL MUST BE INSTALLED.

MOTION SECONDED BY MR. SAMMONS.

SUBSTITUTE MOTION BY MR. ZUKOV TO LEAVE THE PARAPET AS IS.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

B - 029 - 2013 New Residence

Address: 119 East Inlet Drive

Applicant: Richard Cushing True LLC

Architect: Smith and Moore Architects Inc.

Project Description: Construction of a new two-story single family residence; final hardscape and landscape. Building, Trim, and Roof Colors: White; Shutters: Black. Roof: Flat concrete tile

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

ARCHITECTURAL PRESENTATION BY: Harold Smith, Smith and Moore Architects Inc.
LANDSCAPE PRESENTATION BY: Mario Nievera, Nievera Williams Design

Mr. Smith presented the project in accordance with the submitted plans and as described above. He explained that the project had received site plan approval from the Town Council. He described the house as a two-story, compact “H” plan with a 1.5 story garage with small attic office above; circular vehicular drive; linear pool in east/west direction; pergola at west end of pool; cabana bath at rear of garage; in the Dutch West Indies style with Dutch gables; color change to shutters: now seafoam green, not black. Mr. Smith stated that some revised elevations were submitted yesterday, at staff’s request, showing the pergola location, and Mr. Smith also corrected the order of the elevations on the plan sheets so they read sequentially. He distributed the corrected sheets to the members and they were projected on the Elmo (Sheet A.4 and A.5).

Mr. Sammons commented that the gables would be better if the “balls at the top might want to be wider, and everything expand out a bit so they are more equal in size,” and, the pier in between the two garage doors is super thin...maybe if that were detailed more like a column or a pier, it would look better.

Mr. Lindgren read a letter into the record dated April 3, 2013 from the property owner of 167 East Inlet wherein he fully supports the project.

Mario Nievera presented the landscape/hardscape in accordance with the submitted plans. Design elements: Simple plan to reflect simple architecture; two entrance driveways; add Coconut Palms and Callophyllum hedge to the perimeter; Alexander Palms at 4 corners of pool; a lot of Bougainvillea for color; many salt tolerant plants, and other plant species as noted. In response to a question, Mr. Nievera stated that the landscaping planned for the sides of the house will be sufficient to provide privacy for the neighbors.

**MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED WITH THE MINOR ALTERATIONS RECOMMENDED BY MR. SAMMONS (SEE ABOVE).
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.**

B - 030 - 2013 New Residence.

Address: 123 Via Fontana

Applicant: WALMAR, LLC (Mr. and Mrs. Walter and Mary Anne McPhail)

Architect: SKA Architect + Planner/Patrick W. Segraves, A.I.A.

Project Description: New one and two-story island contemporary style home to be approximately 7,700 square feet. Home will consist of living room, dining room, kitchen, family room, laundry room, four bedrooms, five bathrooms, one half bathroom, two offices and a four car garage. Final landscaping will also be included. Building Color: Off-white; Trim Color: White; Roof: Bronze standing seam

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

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

Mr. Segraves presented the project in accordance with the submitted plans and as described above. He described it as basically a single story contemporary styled house with a detached 4-

car garage. Mr. Skowron continued with the landscape/hardscape stressing the owner's request for a private, jungle-like setting. Design elements: Looping driveway, spacious motor court, two beautiful Green Buttonwoods which will be saved and relocated on site; Mexican beach pebble perimeter, and other plant materials as presented.

The commission offered only positive comments regarding the project viewing it as a wonderful, refreshing house.

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

Let the record show that Mr. Zukov left the meeting at 3:10 p.m.

[B - 031 - 2013 New beach cabana](#)

Address: 230 S. Ocean Boulevard

Applicant: John Ceriale

Architect: Jose Andrew Gonzalez, Gonzalez Architects

Project Description: A new 196 sq. ft. beach cabana

Call for disclosure of ex parte communication: No disclosures

Mr. Lindgren stated that this project actually requires multiple Town Council approvals. As such, he recommended that the project be deferred to the June 26, 2013 ARCOM meeting.

**MOTION BY MRS. VANNECK FOR DEFERRAL TO THE JUNE ARCOM MEETING.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.**

[B - 032 - 2013 Addition](#)

Address: 118 Seaview Avenue

Applicant: Thomas D'Agostino

Architect: B1 Architects

Project Description: Proposed 1039 sq. ft. addition to an existing single story private residence

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Gregory Bonner, B1 Architects
LANDSCAPE PRESENTATION BY: Dustin Mizell, Environment Design Group

Mr. Bonner presented the project in accordance with the submitted plans and as described above. For clarity and in contrast to the description above, the project, as shown in the presentation materials includes: New two-car garage, new bedroom, new laundry, new enclosed hallway, expand bath, convert existing one-car garage to pool loggia, and modify landscape and hardscape. Dustin Mizell stated that any landscape/hardscape changes are only in response to the architectural changes, and none are visible from the street. A minimal amount of existing landscape will be removed, but landscaping will also be added as part of the project. There will be a reduction in the amount of gravel at the driveway to create an internal courtyard with a fountain feature.

Under commission comments: The garage has the highest eave of the whole house, and should be lower.

**MOTION BY MRS. VANNECK FOR APPROVAL WITH THE CAVEAT THAT THE EAVE ON THE NEW GARAGE BE LOWERED TO SAME AS OR BELOW THE ADJACENT EAVE BY PERHAPS AS MUCH AS A FOOT.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.**

C. **MINOR PROJECTS - OLD BUSINESS: None**

D. **MINOR PROJECTS - NEW BUSINESS:**

A - 012 - 2013 Remodel with landscape/hardscape revisions

Address: 401 Seaview Avenue

Applicant: Gary Pohrer

Architect: KTA Architects

Project Description: An existing one-story CMU residence shall receive: new windows and doors, a new cedar shingle roof, stucco finish and painted wood shutters; minor hardscape/landscape revisions. Shutter color: Pale Blue

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Kevin Asbacher, KTA Architects

LANDSCAPE PRESENTATION BY: Dustin Mizell, Environment Design Group

Mr. Asbacher presented the project in accordance with the submitted plans and as described above. In addition to the above description, an existing carport will be enclosed to create a one bay garage (114 sq. ft. addition), and a laundry room will be added. The Chattahoochee driveway will be re-shaped. Mr. Mizell stated that the owner wants to clean up the site. Existing landscaping will be re-organized and supplemented by additional landscape material. The result will be a clean, simple plan with some accents.

Mrs. Vanneck suggested that proposed landscape material which is on the removal list be removed from the plan.

**MOTION BY MR. HOMES FOR APPROVAL OF THE PROJECT AS PRESENTED,
WITH MRS. VANNECK'S SUGGESTION.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.**

A - 013 - 2013 Landscape/Hardscape

Address: 254 Tangier Avenue

Applicant: John and Gianna Copeland

Architect: Gregory Lombardi Design

Project Description: Landscape and Hardscape improvements including: New entry walk and gate with piers and gas lighting; removal of one driveway curb cut; relocation of second driveway curb cut; new side gate/arbor; increased planted area at front of house; decorative garden fence at side garden; and door at living room (not visible from street).

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck

LANDSCAPE PRESENTATION BY: Parker Ranspach, Gregory Lombardi Design

Mr. Ranspach presented the project in accordance with the submitted plans and as described above. He stated that the goals of the project are to decrease the amount of hardscape, improve the entry sequence and improve the landscape which is also to include a kitchen garden.

Under comments, Mr. Lindgren stated that an original proposed arbor and trellis were removed due to code issues.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.

There was also a comment about the gas lanterns as presented...that they were awkward in the way they were hanging. The applicant was asked to return with the driveway gate and the lanterns.

MOTION BY MR. HOMES FOR APPROVAL WITHOUT THE LANTERNS AND GATES.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

[A - 014 - 2013 Exterior Modifications](#)

Address: 233 Barton Avenue

Applicant: William C. Haney

Architect: Mesa Architecture, Stephen Roy

Project Description: Exterior modifications to include window and door replacement, and copper roof over existing bay windows

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck

ARCHITECTURAL PRESENTATION BY: Stephen Roy, Mesa Architecture

Mr. Roy presented the project in accordance with the submitted plans and as described above. Design elements include: Replace windows and doors; remove balcony over bay window and add copper roof, fenestration changes; change louvered shutters to panel shutters; add aluminum lattice around front door for vines; add two French doors on west side; modify covered porch in rear; and, assorted other changes as described. The color scheme is white and teal.

MOTION BY MR. SAMMONS FOR APPROVAL, BUT THE CANTILEVER IS EXCESSIVE. REDUCE IT BY ONE FOOT.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

X. [COMMUNICATIONS FROM CITIZENS \(3 MINUTE LIMIT PLEASE\):](#) None

XI. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT:

Mr. Page reported that the issue of conflicts of interest was reviewed by the Town's ORS Committee. The ORS agreed that the existing regulations are too stringent, (3 conflicts = removal from the commission). They will propose that 4 conflicts are acceptable, but 5 conflicts will mean removal from the commission. This recommendation will be reviewed by the Town Council.

XII. ADJOURNMENT:

MOTION BY MR. HOMES TO ADJOURN THE MEETING AT 3:44 P.M.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, May 22, 2013 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

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TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 62-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Richard Maxwell, Inc., for Consulting Arborist Services in the Amount of \$33,750 and Establishing a Project Budget of \$35,500.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 23, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 62-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract to Richard Maxwell, Inc. for Consulting Arborist Services
Resolution No. 62-2013

Date: April 23, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 62-2013 awarding a contract to Richard Maxwell, Inc. for Consulting Arborist Services, in the amount of \$33,750 and establishing a project budget of \$35,500.

GENERAL INFORMATION

The Town utilizes a consulting arborist to provide advice on different types of tree treatment, landscaping, fertilization and pest control at various Town sites on an as needed basis. The consultant meets with Town staff to identify, discuss, develop and inspect the results of the treatment programs. The consultant also assists with the annual inspection of the Town's historic and specimen trees and provides reports and advice on the proper care, maintenance and trimming of those trees.

The Town issued an RFP [#2013-17] for consulting arborist services and after reviewing all applicants' information, the selection committee has ranked Richard Maxwell as the most qualified to provide those services. The option to renew this contract annually, for up to 4 additional years, is recommended.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Public Works Department operating budget to perform this service. The contract award amount is an estimate based upon the anticipated number of hours, at the proposed unit rate. A contingency amount (5%) is included in the overall budget, to allow for unforeseen tasks and emergency work.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

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

RESOLUTION NO. 62-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO RICHARD MAXWELL, INC., FOR CONSULTING ARBORIST SERVICES IN THE AMOUNT OF \$33,750 AND ESTABLISHING A PROJECT BUDGET OF \$35,500.

* * * * *

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

Section 1: The Town Council of the Town of Palm Beach hereby awards a contract to Richard Maxwell, Inc., in the amount of \$33,750, for consulting arborist services, and establishes a project budget of \$35,500.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 7th day of May 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 65-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Contract to D.S. Eakins Construction Corporation, for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement, in the Amount of \$1,956,569, and Establishing a Construction Phase Budget of \$2,130,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 26, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 65-2013
- Bid Tabulation

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Construction Contract for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement
Accelerated Capital Improvement Program
Resolution No. 65-2013

DATE: April 26, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 65-2013 awarding a construction contract in the amount of \$1,956,569 to D.S. Eakins Construction Corporation for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement, and establishing a construction phase budget of \$2,130,000.

In addition, Town staff recommends that Town Council Grant a waiver to Section 42-199 of the Town of Palm Beach Code of Ordinances "Hours for Construction Work".

GENERAL INFORMATION

The 2013 Accelerated Capital Improvement Program (ACIP) included four (4) force main projects. In an effort to keep the costs low and manage the projects more efficiently, the individual projects were bid together to be completed by one contractor.

At the February 12, 2013, Town Council Meeting, the Council rejected the single bid for a bundled package of force main replacement projects and approved a design and bid phase budget to have consultants administer revisions necessary to rebid the projects individually.

The A-42 to A-41 and Par 3 to A-39 Force Main Replacement Project (1 of the 4 previously bundled projects) was rebid as its own project. The force main replacement is a critical component in allowing all sewage from the south end of Town to be pumped north through the proposed force main system and eliminate the need to have the City of Lake Worth as its primary source of waste water discharge removal for the south end stations.

Public Works solicited bids for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement project. Bids were received by the Town's Purchasing Department from 3 contractors on April 19, 2013. The lowest responsive bid was from D.S. Eakins Construction Corporation for the amount of \$1,956,569. Staff also recommends establishing a contingency of \$173,431 for an estimated construction phase budget of \$2,130,000.

SPECIAL CONSIDERATIONS

Considering the size of the project and the potential work days lost due to a later construction start, staff is requesting a waiver of the Town's Code of Ordinance Section 42-199 to allow extra work days and expanded work hours.

Public Works requests that the work hours be 8 a.m. to 8 p.m. Monday-Saturday and on Sunday if approved by the Town Manager. Staff does not anticipate that the contractor will need to work these hours every day, based on past projects. However, this will allow the contractor to make up for bad weather or complete time sensitive tasks.

Nighttime work is also being requested on the condition that it is coordinated and approved by Public Works and the Town Manager. The Contractor may request to work at night to complete tasks such as force main tie-ins due to lower flows in the force main at night. Nighttime work may also include utility cuts within the roadway or entrances to a condominium where impacts to the public could be significant if the work is done during the daylight hours.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
John Page, Director of Planning, Zoning and Building
Kirk Blouin, Director of Public Safety
Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Charles R. Langley, P.E., Senior Project Engineer
Michael A. Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 65-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONSTRUCTION CONTRACT TO D.S. EAKINS CONSTRUCTION CORPORATION, FOR THE A-42 TO A-41 AND PAR 3 TO A-39 FORCE MAIN REPLACEMENT, IN THE AMOUNT OF \$1,956,569, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$2,130,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to D.S. Eakins Construction Corporation in the amount of \$1,956,569 for construction of the A-42 to A-41 and Par 3 to A-39 Force Main Replacement Project, and establishes a construction phase budget of \$2,130,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 7th day of May 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



TOWN OF PALM BEACH

BID NO. 2013-22

**A-42 to A-41 and Par 3 to A-39 Force
Main Replacements**

BID TABULATION

Vendor:		D.S. Eakins Construction Corp.		Johnson-Davis Incorporated		The Whiting-Turner Contracting Co.	
Address:		1481 Kinetic Road		604 Hillbrath Dr.		1901 W. Cypress Creek Road, Suite 101	
Telephone:		Lake Park, FL 33403		Lantana, FL 33462		Fort Lauderdale, FL 33309	
Fax:		(561) 842-0001		(561) 588-1170		(954) 776-0800	
Contact:		(561) 842-0009		(561) 585-5252		(954) 776-0797	
		Douglas S. Eakins		Scott J. Johnson		Craig Heiser	
Line	Description	Est. Qty.	Unit	Unit Price	Amount	Unit Price	Amount
12"/16" FORCEMAIN REPLACEMENT							
1	Mobilization/Demobilization	1	L.S.	\$ 122,026.00	\$ 122,026.00	\$ 500,000.00	\$ 500,000.00
2	Project Maintenance of Traffic	1	L.S.	\$ 36,500.00	\$ 36,500.00	\$ 68,000.00	\$ 68,000.00
3	Insurance & Indemnification	1	L.S.	\$ 100.00	\$ 100.00	\$ 60,000.00	\$ 60,000.00
4	Payment & Performance Bond	1	L.S.	\$ 20,000.00	\$ 20,000.00	\$ 45,000.00	\$ 45,000.00
5	1-1/2" HDPE Air Pipe	600	LF	\$ 18.00	\$ 10,800.00	\$ 20.00	\$ 12,000.00
6	6" PVC Force Main	100	LF	\$ 106.50	\$ 10,650.00	\$ 68.00	\$ 6,800.00
7	10" PVC Force Main	40	LF	\$ 65.25	\$ 2,610.00	\$ 151.00	\$ 6,040.00
8	12" PVC Force Main	5700	LF	\$ 70.30	\$ 400,710.00	\$ 87.00	\$ 495,900.00
9	14" PVC Force Main	25	LF	\$ 91.00	\$ 2,275.00	\$ 191.00	\$ 4,775.00
10	16" PVC Force Main	300	LF	\$ 254.25	\$ 76,275.00	\$ 110.00	\$ 33,000.00
11	12" SDR11 HDPE Directional Drill Force Main	1050	LF	\$ 120.00	\$ 126,000.00	\$ 73.00	\$ 76,650.00
12	16" SDR11 HDPE Directional Drill Force Main	2050	LF	\$ 146.50	\$ 300,325.00	\$ 110.00	\$ 225,500.00
13	6" Plug Valve	1	EA	\$ 2,115.00	\$ 2,115.00	\$ 1,700.00	\$ 1,700.00
14	10" Plug Valve	1	EA	\$ 2,879.00	\$ 2,879.00	\$ 2,800.00	\$ 2,800.00
15	12" Plug Valve	4	EA	\$ 3,717.00	\$ 14,868.00	\$ 3,200.00	\$ 12,800.00
16	14" Plug Valve	1	EA	\$ 5,052.00	\$ 5,052.00	\$ 4,300.00	\$ 4,300.00
17	16" Plug Valve	3	EA	\$ 6,238.00	\$ 18,714.00	\$ 5,200.00	\$ 15,600.00
18	Air Release Valve Assembly	11	EA	\$ 17,737.00	\$ 195,107.00	\$ 9,700.00	\$ 106,700.00
19	D.I. Fittings	16000	LB	\$ 7.75	\$ 124,000.00	\$ 6.00	\$ 96,000.00
20	14" x 12" Tapping Sleeve w/12" Tapping Valve	1	EA	\$ 18,676.00	\$ 18,676.00	\$ 15,000.00	\$ 15,000.00
21	12" Transition Sleeve (PVC/HDPE)	2	EA	\$ 1,254.00	\$ 2,508.00	\$ 300.00	\$ 600.00
22	16" Transition Sleeve (PVC/HDPE)	6	EA	\$ 2,499.00	\$ 14,994.00	\$ 600.00	\$ 3,600.00
23	FDOT Roadway Restoration - Thoroughfare	1125	SY	\$ 56.00	\$ 63,000.00	\$ 40.00	\$ 45,000.00
24	Asphalt Sidewalk Replacement	2500	SY	\$ 25.10	\$ 62,750.00	\$ 27.00	\$ 67,500.00
25	Concrete Sidewalk Replacement	275	SY	\$ 72.00	\$ 19,800.00	\$ 52.00	\$ 14,300.00
						\$ 42.00	\$ 47,250.00
						\$ 43.20	\$ 108,000.00
						\$ 64.80	\$ 17,820.00



TOWN OF PALM BEACH

BID NO. 2013-22

**A-42 to A-41 and Par 3 to A-39 Force
Main Replacements**

BID TABULATION

Line	Description	Est. Qty.	Unit	Vendor:		D.S. Eakins Construction Corp.		Johnson-Davis Incorporated		The Whiting-Turner Contracting Co.	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount		
TOWN OF PALM BEACH BID NO. 2013-22 A-42 to A-41 and Par 3 to A-39 Force Main Replacements				Address:		1481 Kinetic Road	604 Hillbrath Dr.	1901 W. Cypress Creek Road, Suite 101			
				Telephone:		Lake Park, FL 33403	Lantana, FL 33462	Fort Lauderdale, FL 33309			
				Fax:		(561) 842-0001	(561) 588-1170	(954) 776-0800			
BID TABULATION				Contact:		(561) 842-0009	(561) 585-5252	(954) 776-0797			
						Douglas S. Eakins	Scott J. Johnson	Craig Heiser			

26	Asphalt Driveway and Parking Lot Replacement	860	SY	\$ 50.00	\$ 43,000.00	\$ 50.00	\$ 43,000.00	\$ 54.00	\$ 46,440.00
27	Non-Asphalt Driveway Replacement	200	LF	\$ 85.00	\$ 17,000.00	\$ 70.00	\$ 14,000.00	\$ 82.80	\$ 16,560.00
28	Curbing (F Curb or D Curb)	200	LF	\$ 40.00	\$ 8,000.00	\$ 33.00	\$ 6,600.00	\$ 22.32	\$ 4,464.00
29	Thermoplastic Double Yellow Striping & RPMs	450	LF	\$ 5.40	\$ 2,430.00	\$ 2.00	\$ 900.00	\$ 3.24	\$ 1,458.00
30	Thermoplastic Single White Striping	870	LF	\$ 2.90	\$ 2,523.00	\$ 1.00	\$ 870.00	\$ 1.44	\$ 1,252.80
31	Sod Restoration	17000	SY	\$ 6.75	\$ 114,750.00	\$ 5.00	\$ 85,000.00	\$ 4.62	\$ 78,540.00
32	Shrubs, Bushes and Trees	1	ALLOW	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00
33	Record Drawings	1	LS	\$ 23,400.00	\$ 23,400.00	\$ 14,000.00	\$ 14,000.00	\$ 26,928.00	\$ 26,928.00
Subtotals:				\$ 1,898,837.00		\$ 2,118,935.00		\$ 2,026,004.00	
34	8" PVC Force Main	75	LF	\$ 111.00	\$ 8,325.00	\$ 230.00	\$ 17,250.00	\$ 72.00	\$ 5,400.00
35	8" Plug Valve	4	EA	\$ 3,888.00	\$ 15,552.00	\$ 1,800.00	\$ 7,200.00	\$ 2,820.00	\$ 11,280.00
36	D.I. Fittings	700	LB	\$ 8.65	\$ 6,055.00	\$ 6.00	\$ 4,200.00	\$ 6.60	\$ 4,620.00
37	Concrete Sidewalk Replacement	25	SY	\$ 72.00	\$ 1,800.00	\$ 51.00	\$ 1,275.00	\$ 64.80	\$ 1,620.00
38	Asphalt Driveway and Parking Lot Replacement	20	SY	\$ 50.00	\$ 1,000.00	\$ 57.00	\$ 1,140.00	\$ 54.00	\$ 1,080.00
Subtotals:				\$ 32,732.00		\$ 31,065.00		\$ 24,000.00	
39	General Contingency	1	ALLOW	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Totals:				\$ 1,956,569.00		\$ 2,175,000.00		\$ 2,075,004.00	

LOW

Bid Opened on April 19, 2013 at 2:00 P.M.

Bid showed \$114,732.00 Extended Cost for Item #31;
Subtotal was shown as \$1,898,819.00;
Total was Shown as \$1,956,551.00

Bid showed \$348,500.00 Extended Cost for Item #12;
Subtotal was shown as \$2,023,954.00;
Total was Shown as \$2,072,954.00

Opened by: *John Cmar*

Witnessed by: *Linda Cummings*

Discrepancies noted - Unit Price Prevails

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 66-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for Construction Administration Services to Mock Roos & Associates, Inc. in the Amount of \$147,717 for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement and Establishing a Construction Phase Budget of \$165,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 26, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 66-2013
- Mock Roos Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorizing a Contract for Construction Administration Services for
A-42 to A-41 and Par 3 to A-39 Force Main Replacement
Accelerated Capital Improvement Program
Resolution No. 66-2013

Date: April 26, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 66-2013 authorizing a Construction Administration Services contract to Mock Roos & Associates, Inc. for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement Project in the amount of \$147,717, and establishing a construction phase budget of \$165,000.

GENERAL INFORMATION

Staff received construction bids for both design alternatives as part of a larger force main construction bid in late January 2013. The Town only received one (1) bid for the bundled force main projects and that bid far exceeded the sum of the proposed budgets.

Staff met with the pre-qualified underground utility contractors once the bids were rejected at the February 2013 Town Council meeting in order to gather feedback on reducing the construction costs. The Plans for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement Project were updated based on those comments from the pre-qualified underground utility contractors and was bid as a separate project.

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

Staff has negotiated a Construction Administration Services contract with Mock Roos & Associates, Inc in the amount of \$147,717. Staff also recommends a contingency of \$17,283 for a total construction phase budget of \$165,000.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: William K. Francis, P.E., Town Engineer
Michael A. Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 66-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT FOR CONSTRUCTION ADMINISTRATION SERVICES TO MOCK ROOS & ASSOCIATES, INC. IN THE AMOUNT OF \$147,717 FOR THE A-42 TO A-41 AND PAR 3 TO A-39 FORCE MAIN REPLACEMENT AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$165,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Mock Roos & Associates, Inc. in the amount of \$147,717 for construction administration services for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement and establishes a construction phase budget of \$165,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 7th day of MAY 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



April 26, 2013

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

Ref. No.: B3018.00
Subject: Professional Construction Phase Services for the Replacement of the
A-42 to A-41 and PAR 3 to A-39 Force mains

Dear Mr. Roach:

We are submitting the attached *Proposal To Provide Construction Phase Services for the Replacement of the A-42 to A-41 and PAR 3 to A-39 Force mains*. Please review the attached documents and return one signed copy of the *Proposal* to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will be \$147,717.00.

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

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.
Vice President

GGG:jeh
Enclosure
Copies: Bookkeeping

Proposal To Provide Construction Phase Services for the Replacement of A-42 to A-41 to PAR 3 to A-39 Forcemain

Services to be provided by: Mock•Roos

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

Proposal Date: April 26, 2013

Proposal Terms

A. Project Description:

The Town of Palm Beach desires to replace a 10-inch forcemain between sanitary Pump Station Nos. A-42 and A-41 with a 12-inch forcemain and the 4-inch forcemain immediately south of sanitary Pump Station Nos. A-39 and A-41 with a 16-inch forcemain. The anticipated construction period is 215 days.

Mock•Roos will provide the professional services as outlined under **B. Scope of Services** below.

B. Scope of Services:

1. Pre-Construction Activities

- a. Perform site visits, attend meetings with Town's Project Manager and review construction drawings and contract documents prepared by others.
- b. Conduct a Pre-Construction meeting with the Contractor and the Town. Prepare and distribute the pre-construction meeting minutes.
- c. Provide Mock•Roos staff to review Contractor's fabrication shop drawing and engineering submittals for conformance with the Contract Documents. Up to two reviews per shop drawing submittal are included to address comments. As appropriate, Contractor submittals will be provided to Town for Town review concurrent to Mock•Roos' review. Provide hard copy of each reviewed Contractor submittal to Town for record keeping.

2. Construction Activities

- a. Perform review of Contractor's initial submitted project schedule. Review Contractor's progress schedule that is to be submitted monthly with each Pay Application.
- b. Attend weekly construction meeting between the Contractor, the Town, and Mock•Roos during the construction period. Prepare and distribute meeting minutes taken at weekly construction meetings. It is assumed that weekly meetings will be held at the Town's Public Works office.

- c. Attend periodic meetings as requested by the Town during the construction period.
- d. Provide a Mock•Roos field representative to perform site observations of the Contractor's Work during the construction period. Up to 24 hours per week are included in this proposal. Prepare and review Mock•Roos field observation reports.
- e. Provide clarification to Contractor questions and/or requests for information as necessary. The Contractor's Work is based on construction drawings prepared by others. Any major redesign and/or issuance of revised construction drawings may be considered additional services.
- f. Review, recommend, and prepare minor field directive changes and/or contingency expenditures, as requested by the Contractor or the Town. Services related to major changes or change order proposals will be negotiated at that time.
- g. Attend monthly onsite pay application review meeting between the Contractor, Mock•Roos, and the Town. Provide review and payment recommendations for the Contractor's monthly pay applications and one final pay application. A total of 8 pay application reviews are included in this proposal.
- h. Perform substantial completion walk-through(s) with the Contractor, Mock•Roos, and the Town. Prepare and distribute the EJCDC "substantial completion statements" and associated punch lists.
- i. Perform one "final completion walk-through" with the Contractor, Mock•Roos, and the Town.
- j. Perform project management services of above scope of services.

3. Post Construction Activities

- a. Provide Mock•Roos staff to review and distribute closeout package provided by the Contractor, including test data, densities, submittals, applicable permit(s).
- b. Review Contractor's record drawing submittal to check for conformance with the Contract Documents and the design intent.
- c. Assist the Town with FDOT and Palm Beach County Health Department permit closeouts.
- d. Coordinate construction project closeout with the Contractor and Town.

C. Additional Services:

- 1. Any services not included in the Scope of Services will be considered Additional Services.
- 2. Additional Services can be provided upon Mock•Roos receiving a revised scope of services and approved change order from the Town.

D. Fees and Rates:

- 1. The total fee to provide the Scope of Services on an hourly basis with a not to exceed fee of \$147,717.00.

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

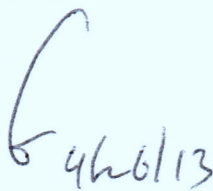
E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.
2. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

F. Acceptance and Authorization to Proceed:

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

MOCK•ROOS

Signed:  4/26/13

Name: Garry G. Gruber, P.E.

Title: Vice President

Date: April 26, 2013

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 67-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Murray Logan Construction, Inc., for the Sand Transfer Plant Repairs, in the Amount of \$473,950, and Establishing a Construction Phase Budget of \$525,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 29, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 67-2013
- Bid Tabulation

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award of Construction Contract for Sand Transfer Plant Repairs
Resolution No. 67-2013

Date: April 29, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 67-2013 approving the award of a construction contract in the amount of \$473,950 to Murray Logan Construction, Inc., for the Sand Transfer Plant repairs and establishing a construction phase budget of \$525,000.

GENERAL INFORMATION

The Town's sand transfer plant sustained significant damage due to high waves from Hurricane Sandy. Kimley-Horn and Associates, Inc. completed a damage assessment and prepared plans and specifications for the sand transfer plant repairs.

Repairs to the plant's existing infrastructure, in addition to recommended betterments were bid to the Town's prequalified pump station contractors. Bids were received on April 29, 2013 by the Town's Purchasing Department. The sole bid was from Murray Logan Construction, Inc., for the amount of \$473,950.

Staff recommends awarding the contract to Murray Logan Construction, Inc in the amount of \$473,950. Staff also recommends establishing a contingency of \$51,050 for an estimated construction phase budget of \$525,000. The engineer's estimate of costs was \$555,000 with contingency.

Our goal is to have the Sand Transfer Plant operational in July 2013.

FUNDING/FISCAL IMPACT

Funding is to come from the Town's Reserve for Catastrophic Exposures/Emergencies in the Risk Fund.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Eric Brown, P.E., Assistant Director of Public Works
Thomas Bradford, Deputy Town Manager
William Francis, P.E., Town Engineer
Michael Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Robert Weber, Coastal Coordinator
Karen Temme, Risk Manager

RESOLUTION NO. 67-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT TO MURRAY LOGAN CONSTRUCTION, INC, FOR THE SAND TRANSFER PLANT REPAIRS, IN THE AMOUNT OF \$473,950, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$525,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Murray Logan Construction, Inc. in the amount of \$473,950 for Sand Transfer Plant Repairs Project, and establishes a construction phase budget of \$525,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 7th day of May 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

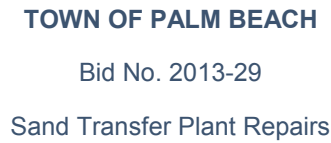
William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



Vendor:	Murray Logan Construction Inc.
Address:	313 65th Trail North
	West Palm Beach, FL 33413
Telephone:	(561) 686-3948
Fax:	(561) 686-7465
Contact:	David Logan

[illegible]

Kathy Pollack

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 68-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc., for Construction Administration Phase Services for the Sand Transfer Plant Repairs in an Amount of \$24,620 and Establishing a Construction Phase Budget of \$27,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 19, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 68-2013
- Kimley-Horn Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for Construction Administration Services for Sand Transfer Plant Repairs
Resolution No. 68-2013

Date: April 19, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 68-2013 awarding a Construction Administration Services contract to Kimley-Horn and Associates, Inc., (KHA) in the amount of \$24,620 and establishing a construction phase budget of \$27,000 for the repair of the sand transfer plant.

GENERAL INFORMATION

The Town's sand transfer plant sustained significant damage due to high waves from Hurricane Sandy. KHA has completed a damage assessment of the sand transfer plant and has prepared plans and specifications for those improvements. These plans and specifications were given to the Town's pre-qualified pump station contractors to bid the work and a companion agenda item will be presented to Town Council at this meeting to award the construction contract.

KHA will provide construction phase services to include: construction observation, progress reports, technical support, shop drawing submittal review, assist with requests for information/clarification, final inspections, prepare punch-lists, review of pay applications, change orders, and review record drawings.

Staff has negotiated a Construction Administration Services contract with KHA in the amount of \$24,620. Staff also recommends a contingency of \$2,380 for a total construction phase budget of \$27,000.

FUNDING/FISCAL IMPACT

Funding will come from the Town's Reserve for Catastrophic Exposures/Emergencies in the Risk Fund.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
Thomas Bradford, Deputy Town Manager
William K. Francis, P.E., Town Engineer
Michael A. Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Robert Weber, Coastal Coordinator
Karen Temme, Risk Manager
Kevin Schanen, Kimley-Horn and Associates, Inc.

RESOLUTION NO. 68-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO KIMLEY-HORN AND ASSOCIATES, INC., FOR CONSTRUCTION ADMINISTRATION PHASE SERVICES FOR THE SAND TRANSFER PLANT REPAIRS IN AN AMOUNT OF \$24,620 AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$27,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Kimley-Horn and Associates, Inc., in the amount of \$24,620, for construction administration phase services for the Sand Transfer Plant repairs, and establishes a construction phase budget of \$27,000.

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 7th day of May, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



Kimley-Horn
and Associates, Inc.

April 22, 2013

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

■
Suite 200
1920 Wekiva Way
West Palm Beach
Florida
33411-2410

Re: Town of Palm Beach Sand Transfer Station Damage Repair Construction
Phase Services Proposal

Dear Mike,

Kimley-Horn and Associates, Inc. ("KHA" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN") for providing construction phase services related to the damage repairs at the sand transfer station on the north side of the Lake Worth Inlet. Our project understanding, scope of services, schedule, and fee follow.

Project Understanding

Hurricane Sandy recently passed the Florida east coast bringing high winds and large waves. The large waves coupled with the high seasonal tides and storm surge damaged the existing utility duct bank and other elements within the sand transfer station. An assessment of the damage was performed by KHA to quantify the extent of the damage and a report was subsequently delivered to the Town. The assessment identified the need to re-establish the utility service duct bank, replace the jet pump assembly and the dredge pump motor along with improvements to the existing door seals. KHA has already developed repair plans and environmental permits have been obtained for the work. The project is currently in the bidding phase. The Town has requested that KHA provide construction phase services for the project.

Based on this understanding, we offer the following Scope of Services.

Scope of Services

KHA will provide construction phase services for the purpose of providing assistance to the Town during construction. The services we will provide are as follows:

- Attend the Pre-Construction Conference
- KHA will visit the site up to 20 times during the expected three month construction duration (approximately 2 times per week) to observe proposed work. It is anticipated that the duct bank construction will occur early in the project with interior station improvements occurring later

based on environmental permit conditions and equipment procurement lead times. The frequency of our site visits will be based on activity at the site as there may be periods of time in which little to no work is being performed while waiting on equipment deliveries.

- Make recommendations with respect to defective work.
- Issue clarifications and interpretations.
- Review Shop Drawings and Samples.
- Review Substitutes and “or-equal” requests.
- Review Change Order Request and three Payment Applications.
- Review project at the substantial completion date and develop a punchlist.
- Review project upon final completion.
- Review Record Drawings prepared by the selected contractor.

A detailed description of each of these services has been included as an attachment to this proposal.

The construction phase for this project is expected to last up to 3 months. Construction closeout activities may extend an additional 1 to 2 weeks. Construction phase services beyond this expected duration will be considered additional services.

Additional Services

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

- Structural Design or calculations
- Construction Layout
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements

Information and Services Provided By the Town

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

- Access to the site.
- Sea Turtle Monitoring Services provided by separate Town Consultant.
- Sea Turtle nest relocation and associated permitting, if required.

Fee and Billing

KHA will perform the services described in the Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that a budget of \$24,620 be established for the project.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated January 28, 2010, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fees described above.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\044063108\MIS\construction phase proposal\Construction Phase Proposal_hatch_valve Install.docx

Construction Phase Services Attachment

Pre-Construction Conference. Consultant will attend a Pre-Construction Conference prior to commencement of Work at the Site.

Visits to Site and Observation of Construction. Consultant will provide on-site construction observation services during the construction phase. Consultant will make visits at intervals as described in the scope of services in order to observe the progress of the Work. Such visits and observations by Consultant are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Consultant's exercise of professional judgment. Based on information obtained during such visits and such observations, Consultant will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Consultant will keep Client informed of the general progress of the Work.

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

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

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

Change Orders. Consultant may recommend Change Orders to Client, and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

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

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

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

Disagreements between Client and Contractor. Consultant will, if requested by Client, render written decision on all claims of Client and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the progress of Contractor's work. In rendering such decisions, Consultant shall be fair and not show partiality to Client or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

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

Final Notice of Acceptability of the Work. Consultant will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with

the Contract Documents and the final punch list so that Consultant may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Consultant shall also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Consultant's knowledge, information, and belief based on the extent of its services and based upon information provided to Consultant upon which it is entitled to rely.

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

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 69-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to TLC Diversified, Inc., for Ocean Outfall Junction Box Rehabilitation, in the Amount of \$82,616, and Establishing a Construction Phase Budget of \$91,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 25, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 69-2013
- Bid Tabulation

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Construction Contract for Ocean Outfall Junction Box Rehabilitation
Accelerated Capital Improvement Program
Resolution No. 69-2013

Date: April 25, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 69-2013 awarding a construction contract to TLC Diversified, Inc., for the Ocean Outfall Junction Box Rehabilitation in the amount of \$ 82,616, and establishing a construction phase budget of \$91,000.

GENERAL INFORMATION

The Ocean Outfall Junction Box is located on the east side of Royal Palm Way and at the intersection of South Ocean Boulevard and serves as an emergency sanitary discharge. This project will make improvements to the structure, keeping it functional in case its use is necessary.

Kimley-Horn and Associates, Inc. (KHA) prepared plans and specifications for the Ocean Outfall Junction Box Rehabilitation which will include the installation of a new valve to provide an additional safeguard against sewer leakage into the Ocean Outfall. It also includes the installation of a new, larger access hatch and a new safety grate.

The Town received 3 responses and 2 proposals from our pre-approved pump station contractors on April 25, 2013. The lowest responsive bid was from TLC Diversified, Inc., for the amount of \$82,616.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Jeffrey M. Sanon, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 69-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT TO TLC DIVERSIFIED, INC., FOR OCEAN OUTFALL JUNCTION BOX REHABILITATION, IN THE AMOUNT OF \$82,616, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$91,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to TLC Diversified, Inc., in the amount of \$82,616, for the Ocean Outfall Junction Box Rehabilitation and establishes a construction phase budget of \$91,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 7th day of May 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



TOWN OF PALM BEACH

Bid No. 2013-31

Ocean Outfall Junction Box Rehabilitation

TABULATION

Vendor:		Murray Logan Construction, Inc.		TLC Diversified, Inc.	
Address:		313 65th Trail N.		2719 17th Street East	
Telephone:		West Palm Beach, FL 33413		Palmetto, FL 34221	
Fax:		561-686-3948		561-478-2025	
Contact:		561-686-7465		561-478-7159	
		David Logan		Thurston Lamberson	
Line	Description	Qty	Unit	Price per Unit	Total
1	Mobilization/Demobilization	1	LS	\$ 6,000.00	\$ 6,000.00
2	Maintenance of Traffic	1	LS	\$ 3,600.00	\$ 3,600.00
3	Insurance and Indemnification	1	LS	\$ 3,000.00	\$ 3,000.00
4	Site Restoration	1	LS	\$ 1,200.00	\$ 1,200.00
5	Milling and Resurfacing	475	SY	\$ 41.68	\$ 19,798.00
6	Asphalt Trench Repair	20	LF	\$ 490.00	\$ 9,800.00
7	24" DIP Force Main	5	LF	\$ 1,440.00	\$ 7,200.00
8	20" DIP Force Main	5	LF	\$ 1,320.00	\$ 6,600.00
9	24" x 20" Reducer	1	EA	\$ 3,000.00	\$ 3,000.00
10	24" Sleeve	1	EA	\$ 2,800.00	\$ 2,800.00
11	20" Plug Valve	1	EA	\$ 10,600.00	\$ 10,600.00
12	Access Door and Ladder Installation	1	LS	\$ 23,000.00	\$ 23,000.00
13	Outfall Grate Installation	1	LS	\$ 1,400.00	\$ 1,400.00
				\$	97,998.00
					82,616.00

LOW

Bid opened on 4/25/13 at 2:00 PM

Discrepancy noted: Item# 5 Total was \$19,800.00 on bid submitted;
 Bid Total as submitted was \$98,000.00;
 Unit prices prevail

Opened by: *John Cneo*
 Witnessed by: *Richard Brannard*

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 70-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for Construction Administration Services to Kimley-Horn and Associates, Inc., in the Amount of \$8,525 for the Ocean Outfall Junction Box Rehabilitation and Establishing a Construction Phase Budget of \$10,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 18, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 70-2013
- Kimley-Horn Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorizing a Contract for Construction Administration Services for the Ocean Outfall
Junction Box Rehabilitation
Accelerated Capital Improvement Program
Resolution No. 70-2013

Date: April 18, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 70-2013 authorizing a Construction Administration Services contract to Kimley-Horn and Associates, Inc. in the amount of \$8,525, and establishing a construction phase services budget of \$10,000 for the Ocean Outfall Junction Box Rehabilitation project.

GENERAL INFORMATION

Kimley-Horn and Associates, Inc. was the consulting firm that designed the Ocean Outfall Junction Box Rehabilitation project. Their previous contract was only for design and bid phase services. Staff has advertised the construction of this project to be bid by the Town's pre-selected pump station contractors.

By passing this resolution, the Town will fund the construction administration of this project. The construction phase services will include shop drawing reviews, site visits, maintaining daily reports, progress photos, scheduling, conducting/preparing meeting minutes, and assisting Town staff with onsite observations and inspections, etc.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

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

RESOLUTION NO. 70-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT FOR CONSTRUCTION ADMINISTRATION SERVICES TO KIMLEY-HORN AND ASSOCIATES, INC., IN THE AMOUNT OF \$8,525 FOR THE OCEAN OUTFALL JUNCTION BOX REHABILITATION AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$10,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awarding a contract to Kimley-Horn and Associates, Inc., in the amount of \$8,525, for Construction Administration Services for the Ocean Outfall Junction Box Rehabilitation project and establishes a construction phase budget of \$10,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 7th day of May 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



Kimley-Horn
and Associates, Inc.

April 18, 2013

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

■
Suite 200
1920 Wekiva Way
West Palm Beach
Florida
33411-2410

Re: Town of Palm Beach Emergency Sewer Ocean Outfall Valve and
Hatch Installation Project - Construction Phase Services

Dear Jeff,

Kimley-Horn and Associates, Inc. ("CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional construction phase engineering services related to the above referenced project in the Town of Palm Beach. Our project understanding, scope of services, and fee follow.

Project Understanding

KHA recently prepared bid documents for a new valve and larger access hatch at the existing emergency sewer ocean outfall at Royal Palm Way and South Ocean Boulevard. The new valve will be installed immediately downstream of the existing outfall valve will provide an additional safeguard against sewer leakage into the ocean outfall. Construction field activities are expected to have duration of approximately four (4) weeks.

Scope of Services

KHA will provide construction phase services for the purpose of providing assistance to the Town during construction. The services we will provide are as follows:

- Attend the Pre-Construction Conference
- KHA will visit the site eight times during the expected four week construction duration (2 times per week) to observe proposed work
- Make recommendations with respect to defective work.
- Issue clarifications and interpretations.
- Review Shop Drawings and Samples.
- Review Substitutes and "or-equal" requests.

■
TEL (561) 845-0665
FAX (561) 863-8175

- Review up to one Change Order Request and two Payment Applications
- Review project at the substantial completion date and develop a punchlist.
- Review project upon final completion.
- Review Record Drawings prepared by the selected contractor.

A detailed description of each of these services has been included as an attachment to this proposal.

The construction phase for this project is expected to last up to 4 weeks. Construction closeout activities may extend an additional 1 to 2 weeks. Construction phase services beyond this expected duration will be considered additional services.

Additional Services

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

- Structural Design or calculations
- Construction Layout
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements.

Information and Services Provided By the Town

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

- Access to the site.

Fee and Billing

KHA will perform the services described in the Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that a budget of \$8,525 be established for the project.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated January 28, 2010, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fees described above.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Vice President

Construction Phase Services Attachment

Pre-Construction Conference. Consultant will attend a Pre-Construction Conference prior to commencement of Work at the Site.

Visits to Site and Observation of Construction. Consultant will provide on-site construction observation services during the construction phase. Consultant will make visits at intervals as described in the scope of services in order to observe the progress of the Work. Such visits and observations by Consultant are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Consultant's exercise of professional judgment. Based on information obtained during such visits and such observations, Consultant will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Consultant will keep Client informed of the general progress of the Work.

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

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

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

Change Orders. Consultant may recommend Change Orders to Client, and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

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

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

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

Disagreements between Client and Contractor. Consultant will, if requested by Client, render written decision on all claims of Client and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the progress of Contractor's work. In rendering such decisions, Consultant shall be fair and not show partiality to Client or Contractor and



shall not be liable in connection with any decision rendered in good faith in such capacity.

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

Final Notice of Acceptability of the Work. Consultant will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Consultant may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Consultant shall also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Consultant's knowledge, information, and belief based on the extent of its services and based upon information provided to Consultant upon which it is entitled to rely.

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

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 71-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Keshavarz and Associates, Inc., for General Project Management and Engineering Support Services in Conjunction with the Nightingale Trail/LaPuerta Way Underground Utilities Project, in the Amount of \$79,200, and Establishing a Task Budget of \$87,200.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 29, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 71-2013
- Keshavarz Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approving an Engineering Proposal for the Nightingale Trail/La Puerta Way
Underground Utilities Project
Resolution No. 71-2013

Date: April 29, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 71-2013 awarding a contract for general project management and engineering support services for the Nightingale Trail/La Puerta Way UG Project to Keshavarz and Associates, Inc. in the amount of \$79,200, and establishing a task budget of \$87,200.

GENERAL INFORMATION

Staff will present a separate Town Council item at this meeting to request approval to proceed with an underground (UG) utility assessment project to convert overhead utility service to underground service for all properties facing Nightingale Trail and LaPuerta Way. The benefitting property owners signed the petition granting their approval of the project and the special assessment process was used similar to the prior Worth Avenue Improvement Project.

The consultant will provide preliminary design and cost estimates, survey coordination, easement preparation, utility coordination, design coordination, plan preparation, procurement document and process support, construction administration, site restoration coordination and as-built document preparation and coordination for a negotiated contract in the amount of \$79,200. Staff requests a task budget of \$87,200 which includes an \$8,000 contingency.

The estimated cost of the overall project has not yet been determined. This will be the first task authorized.

The potential project area was identified in the field by Town Staff and the interested residents. Signatures were gathered from 74% of the residents within this area. It is now necessary to complete the preliminary engineering and preliminary cost estimate for the project. The project boundaries may change because of the configuration of the overhead system. If more residents are impacted, it may be necessary to gather more signatures.

FUNDING/FISCAL IMPACT

There is no direct cost to the Town by virtue of this request since it is intended to be an assessment project. The Town's reserves provide the advanced funding of this conversion work. When the work is completed, Town staff will finalize a non Ad Valorem assessment and that will be added to the tax rolls of the benefiting residents to reimburse 100% of the costs incurred by the Town.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
William K. Francis, P.E., Town Engineer
Charles Langley, P.E., Senior Project Manager
Cheryl Somers, Assistant Director of Finance
Lynda Cummings, Purchasing Agent
Maziar Keshavarz, P.E., Keshavarz & Associates

RESOLUTION NO. 71-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO KESHAVARZ AND ASSOCIATES, INC., FOR GENERAL PROJECT MANAGEMENT AND ENGINEERING SUPPORT SERVICES IN CONJUNCTION WITH THE NIGHTINGALE TRAIL/LA PUERTA WAY UNDERGROUND UTILITIES PROJECT, IN THE AMOUNT OF \$79,200, AND ESTABLISHING A TASK BUDGET OF \$87,200.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Keshavarz and Associates, Inc. in the amount of \$79,200 for general project management and engineering support services in conjunction with the Nightingale Trail/La Puerta Way Underground Utilities Project, and establishes a task budget of \$87,200.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 7th day of May 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



KESHAVARZ & ASSOCIATES
Civil Engineers – Land Surveyors

Town of Palm Beach
Public Works Department
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

April 29th, 2013

Attention: Mr. H. Paul Brazil, P.E., Director *via email: pbrazil@townofpalmbeach.com*

Reference: Nightingale Trail/La Puerta Way Underground (UG) Conversion Project
Town of Palm Beach, Florida

Dear Mr. Brazil:

Based on a request from Mr. Tom Bradford and pursuant to our discussions with you, we are hereby presenting you with a proposal in connection with the required administrative, engineering and surveying efforts to place existing pole mounted dry utilities underground on the above referenced streets and associated adjacent areas.

For the purposes of this proposal and based upon evidence of existing servicing arrangements in the field, the project's physical limits are the block of homes to the south of Nightingale Terrace, block of homes to the north of La Puerta Way, the block of homes located west of North Ocean Boulevard between La Puerta Way and El Pueblo Way and the block of homes west of North Lake Way between La Puerta and El Pueblo. This proposal is presented to you as an extension to and supplement of Consultant's Non Exclusive Professional Underground Utilities Engineering and Project Management Services Agreement for Continuing Services (Professional Services Contract).

Our scope is basically divided into the following steps:

1. Town Representative/Coordinator of "Undergrounding Program"
2. Preliminary Investigation
3. Route/Topographic Surveying
4. Construction Documents/Permitting
5. Bid and Construction Phase Services

These steps are described in more detail as follows:



1. Town Representative/Coordinator of “Undergrounding Program”

Keshavarz & Associates, Inc. (Consultant) shall act as the Town’s point of contact with potentially interested parties, petitioners and the “Champion” being the petitioner’s representative. Consultant, while keeping the Town’s Public Works Director or his designated agent apprised of it’s activities, will respond to inquiries from the public, provide information acquired from Town’s archives or personnel, accommodate and encourage the residents in the process of participating in the Town’s “Undergrounding Program”. In this capacity, Consultant shall act as Town’s advocate and report to the Director of Public Works or his designated agent. Consultant shall meet, interact and coordinate with individual property owners, property owners associations, condominium boards, commercial property owners, etc. in the capacity of an information provider in connection with the Town’s Undergrounding Program. Consultant shall assist interested parties to understand and navigate the necessary steps from initial interest by property owners to Town Council approval and assessment in the context of the Town’s Undergrounding Program.

Consultant shall not have the authority to commit Town’s resources, financial, physical or human, to any individual or group without the approval of the Public Works Director or his agent.

In general, Consultant’s role is one of assistance to the Town on a temporary basis with respect to the administrative duties associated with the “Undergrounding Program”. Those duties heretofore have been handled by Mr. Tom Bradford, Assistant Town Manager, who is currently on leave until further notice. These services are independent of and exclude the process of project assignment to the Town’s two selected consultants for this task, being K&A and Brannon & Gillespie, LLC. Those decisions will be deferred to the Director of Public Works or his designees at this time.

2. Preliminary Investigation (optional - see note below)

Consultant shall perform investigative services with the objective of determining the exact extent of the project based on actual existing system layout and the opportunities and constraints that those conditions present. Consultant shall contact and solicit information on existing infrastructure network and locations of potential connections with all pertinent dry utility providers. Additionally during this phase, Consultant shall coordinate and hold discussions with the Town’s Engineering and Public Works Departments, together with the City of West Palm Beach Utilities Department with respect to the potential of including improvements to other existing infrastructure such as water, wastewater and stormwater, if necessary. The purpose of this task is to provide the opportunity to coordinate the undergrounding efforts with other Town or City projects, which would ultimately lower the costs for all involved and/or prevent redundancy of efforts or physical improvements.



Upon a general consensus of the extent of improvements required and requested, Consultant shall prepare a conceptual design plan and prepare a "Engineer's Preliminary Opinion of Construction Cost" for submittal to the Town's Public Works Department. The purpose of this task is to determine the project limits acceptable by the utility providers, define the scope of the project and approximate the cost of the undergrounding conversion before the property owners petition process takes place and in an effort to minimize the potential of encountering unexpected field conditions or regulatory process which could increase the project cost and the assessment values.

The Consultant's deliverable product for this phase of his services is a set of plans depicting the project limits together with the data related to existing facilities supplied by others. These plans shall not depict any proposed measures or design decisions at this stage, but will be the basis of Consultant's efforts going forward. Consultant's deliverables shall also include a "Engineer's Preliminary Opinion of Construction Cost" based on his findings during the "Preliminary Investigation" phase. This estimate shall, at the Town's choosing, be used as a tool to discuss the project with interested property owners and utilize, in conjunction with the "Willdan Financial UG Assessment Methodology Report", in a preliminary determination of the Non Ad-Valorem Assessments to each affected property owner.

Note: In as much as a petition process for this project has already occurred, the Town may chose to forego this step while mindful of the objective of this effort and the related ramifications of by-passing it.

3. Route/Topographic Surveying

Consultant shall perform the field and office surveying tasks necessary for production of a Route/Topographic Survey of the proposed corridor, to include identification and horizontal location of existing above ground facilities, ie: existing roadways or parking areas, storm inlets with grate, and accessible inverts, sanitary manholes and accessible rim/inverts, pipe sizes, valves, sidewalks, signs, power poles, light poles, above ground utility boxes, fences, landscaping, etc. as needed for design purposes. Additionally, existing vertical grades shall be determined based on anticipated design needs. This task shall include the elevation of facilities (all or some) listed above within and abutting the project boundary when those facilities are anticipated to be critical points of interest to the proposed infrastructure improvements and in an effort to minimize damage to and/or conflict with them.



4. Construction Documents/Permitting

Consultant shall prepare Construction Plans based on data gathered and reflected on plan documents prepared during the Preliminary Investigation and surveying phases and will also include depiction of the proposed corridor for the utility undergrounding as provided by the utility providers (FPL, ATT and Comcast).

The Construction documents will include a series of proposed measures reflected in the form of:

- Conflict Avoidance Plan;
- Paving and Grading Plan;
- Site Restoration Plan;
- Conduit/Sleeving Plan;
- Maintenance of Traffic Plan;
- Storm Water Pollution Prevention Plan;
- Proposed Utility Plans (based on utility providers desired routing as submitted to Consultant)
- Easement Catalogue (exhibit only, depicting known existing and proposed easements)
- Street Lighting plans (based on design and selection of features by others)

As part of this task, Consultant shall, relying on information provided by the Town, others and public records, identify any required easements to house the utility equipment such as transformers, switch cabinets, etc., or any easements to be abandoned, and coordinate with the Town and utility providers for same. Said easement legal descriptions and associated graphic depictions shall be prepared by Consultant for execution and ultimate recordation by others.

Unless improvements to water and wastewater systems are proposed, it is anticipated that the only permitting tasks necessary shall be through the Town's Public Works Department for a right-of-way permit.

Upon completion of this task, Consultant shall update the previously prepared "Engineer's Preliminary Opinion of Construction Cost" based on the latest and more complete data reflected on "Construction Documents".

Consultant shall depict the components and routing of conduits provided by others on the Construction Documents and include same in its design and conflict avoidance efforts. Consultant is a Civil Engineering firm and as such not responsible for design of any dry utility and street lighting systems. These system's designs will be done by others and Consultant will coordinate with those entities and depict their proposed service methodologies on the Construction Documents.



Once the construction documents are prepared and permitting/review efforts completed by the Town's relevant departments, the project is at a stage suitable for "Bid and Construction Phase".

5. Bid and Construction Phase Services

Consultant shall assist the Town during the bidding process by completing a summary of quantities, preparing a bid form, assist and coordinate with Town's Purchasing and Public Works Departments in issuing an "Advertisement for Bid" in local newspapers. During the Bid Phase, Consultant shall assist the Town in responding to contractor's "Request for Information (RFI)", issuance of addendums (if necessary) and any other services that may become necessary to result in a bid process which would be clear, concise, efficient and timely. Consultant will then assist the Town in tabulating and examining the bids received, and make a "Recommendation of Award" to the Town.

Consultant shall then conduct a pre-construction meeting with Town, the chosen contractor, and other pertinent parties in attendance. At the time of the pre-construction meeting, the final and approved plans will be issued for construction purposes. Consultant will prepare and issue the meeting minutes and distribute to all parties. This task will also include the review and evaluation of shop drawings, diagrams, illustrations, catalog data, product schedules, samples, results of tests and inspections, and other data which the contractor is required to submit, to show that the materials proposed to be used in the work are in substantial compliance with the approved plans. Consultant shall review the Contractor's initial project construction schedule, and review the schedule at appropriate intervals (monthly) throughout the construction period.

Once the "Recommendation of Award" is issued, Consultant shall only act in a support role and when explicitly requested, assist in all matters related to the selection of and negotiations with the contractor. The Town's pertinent departments and/or staff will execute this phase of the project.

Upon construction commencement, Consultant shall provide "field observation" services as deemed necessary by Consultant to observe those components depicted on the "Approved Plans" designed by Consultant in an effort to monitor the general compliance of construction with the approved Construction Documents. Upon completion of each observation, Consultant shall issue a report outlining the construction activities observed during each trip. These reports will be sent to the Town, contractor and other parties deemed necessary by the Town. Consultant's responsibilities will also include review of "Requests for Information", "Change Orders", "Request for Payments", issuance of statements or exhibits when requested and other inquiries from the contractor. Consultant shall prepare for and attend all necessary meetings with Town, contractor, utility providers and others as may be deemed necessary and authorized by the Town. This will include progress meetings which will be coordinated and administered by the Consultant. Consultant's services shall be of "observation" nature during construction of the facilities and advocacy on behalf of the Town. Consultant will not have any involvement with the construction means, methods, sequences, procedures or safety matters.



Consultant's activities during this phase will also include preparation of all necessary easement legal descriptions and exhibits for proposed facilities and support services and necessary easement documents for those facilities that will be abandoned. The approximate number and location of these easements will have been determined during the "Preliminary Investigation Phase". The exact nature and magnitude of these documents will be determined during the "Construction Documents" and "Construction" phase.

While Consultant is capable of providing survey layout, "As Built" data acquisition and "As Built" plan preparation services and will willingly provide those services, the current scope of work issued by the Town does not include those services as performed by Consultant. Consultant however, will perform the required coordination with the surveyor in charge of those activities, if ultimately different than Consultant.

Consultant shall review the "As Built" maps (produced by others or Consultant under separate proposal) for a conformance check with its observations in the field as well as clarity and quality. Consultant shall not be responsible for the accuracy of "As Built" maps unless its own forces have acquired the field data and produced the record drawings.

Upon construction completion, Consultant shall issue "Statements of Substantial and Final Completion" for the project to all pertinent agencies.



Fee Schedule:

In accordance with Consultant's Non Exclusive Professional Underground Utilities Engineering and Project Management Services Agreement for Continuing Services, the listed services will be performed on an hourly basis with not-to-exceed budgets for each task as outlined in this proposal. A breakdown of Consultant's fee structure is as follows:

1. Town Representative/Coordinator of "Undergrounding Program"	\$	4,500.00
2. Preliminary Investigation	\$	7,500.00
3. Route/Topographic Surveying	\$	6,800.00
4. Preparation of Construction Documents/Permitting		
Option 1: Preliminary Investigation Phase is authorized.	\$	23,500.00
Option 2: Preliminary Investigation Phase is not authorized. . . .	\$	29,500.00
5. Bid and Construction Phase Services	\$	25,750.00
Easements: Legal Description and Graphic Exhibit (\$1100 ea) .	\$	4,400.00
(number of easements unknown at this time, estimate for budget purposes only listed for four [4] easements)		
Estimated Reimbursable Expenses.	\$	750.00

No construction surveying, as built services are included at this time.

With much appreciation for your confidence in our firm, we look forward to assisting you towards the successful completion of your project.

Respectfully,
KESHAVARZ & ASSOCIATES, INC.

Maziar Keshavarz, P.E.
President

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 73-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a Resolution Supporting a Florida Inland Navigation District Waterways Assistance Program Grant Application.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 25, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 73-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Florida Inland Navigation District Grant Application
Resolution No. 73-2013

Date: April 25, 2013

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 73-2013, authorizing the Mayor to sign a resolution supporting the Town's grant application for funding assistance for the construction costs associated with Phase I of the Lake Worth Lagoon Waterway dredging project.

GENERAL INFORMATION

Town Council approved Resolution No. 152-2012 at the November 15, 2012 meeting which authorized the Mayor to execute agreement (PB-PB-12-164) with the Florida Inland Navigation District (FIND) to cost-share the field surveys, engineering design, and permitting services related to the Lake Worth Lagoon Waterways. Following Town Council authorization, a purchase order was issued to Applied Technology & Management, Inc. (ATM) to perform the services applicable to the FIND agreement. To date, the field surveys and engineering design have been completed. An Environmental Resource Permit (ERP) has been submitted to FDEP and the project is currently in the permitting process. Permit issuance must occur before the end of September 2013 to be awarded FIND funding participation for construction in Summer 2014.

On April 10, 2013, Town staff received a letter from FIND indicating both receipt and review of the Town's initial submittal for a grant request for construction costs. The Town has submitted some of the required materials including the proposal which is referred to in the attached resolution. In order to complete the application, a Town Council resolution is required to demonstrate that the Town has the ability and intention to finance the non-FIND portion of the project cost. The resolution must be provided on or before May 31, 2013, for further consideration of the application by FIND.

Resolution No. 73-2013 authorizes the Mayor to sign a FIND Resolution supporting submittal of the grant application. If Town Council elects not to approve this resolution, Town staff will notify FIND that we are withdrawing our application for this annual grant cycle.

Should the Town not receive a permit before the end of September 2013, or if enough private donations have not been received to cover the anticipated net cost of \$1 million, the application can be withdrawn and the Town can reapply in March 2014 (for a construction schedule of Summer 2015).

FUNDING/FISCAL IMPACT

Construction costs were not included in the Shore Protection Board recommended and Town Council approved FY 2013 Coastal Management budget. The Lake Worth Lagoon Waterway dredging project is not included in the Town's current long term Coastal Management Program. Private donations provided from residents are expected to fund the project.

The estimated cost of Phase I is \$1.5 million, of which \$500,000 is expected from FIND through grant award. Please note that the amount of the grant will be determined by the FIND board of commissioners at their June 2013 meeting.

TOWN ATTORNEY REVIEW

Town Attorney has reviewed both the Town resolution and the FIND resolution and approved both as to legal form and sufficiency.

cc: Shore Protection Board Members
Jane Struder, Director of Finance
Robert Weber, Coastal Coordinator

RESOLUTION NO. 73-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A RESOLUTION SUPPORTING A FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM GRANT APPLICATION.

* * * * *

**RESOLUTION FOR ASSISTANCE 2013
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, THE Town of Palm Beach is interested in carrying out the Following described project for the enjoyment of the citizenry of the Town of Palm Beach and the State of Florida:

Project Title: Phase I of Lake Worth Lagoon and Waterway Project

Total Estimated: Cost \$1.5 Million

Brief Description of Project:

Project includes dredging ancillary east-west channels from the Intracoastal Waterway to a secondary north-south channels between approximately Southern Boulevard and Everglades Island and between approximately John's Island and the Bingham Islands. Permits are being requested to dredge to a cut depth of -6.0 ft Mean Low Water (MLW), consistent with other secondary navigable channels within the Lake Worth Lagoon. The purpose of the project is to develop two navigable marked channels for public use.

AND, Florida Inland Navigation District financial assistance is required for the program mentioned above.

NOW THEREFORE, be it resolved by the Town of Palm Beach, that the project described above be authorized

AND, be it further resolved that said Town of Palm Beach make application to the Florida Inland Navigation District in the amount of approximately 33.3% of the actual cost of the project in behalf of said Town of Palm Beach

AND, be it further resolved by the Town of Palm Beach that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.
3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Town of Palm Beach for public use.
4. That it will not discriminate against any person on the basis of race, color, or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P.L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.
5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 7th day of May 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 74-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant FDEP Contract No. 13PB2, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Continued Implementation of the Lake Worth Inlet Management Plan, and Authorizing the Town Council President to Execute Same on Behalf of the Town.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 24, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 74-2013
- FDEP Agreement

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: State Reimbursement for 2012 Sea Turtle Nesting Monitoring in Reach 1
Resolution No. 74-2013

DATE: April 24, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 74-2013 authorizing the Town Council President to sign Florida Department of Environmental Protection (FDEP) agreement No. 13PB2 for State cost sharing participation with the continued implementation of the FDEP approved Lake Worth Inlet Management Plan.

GENERAL INFORMATION

The Town of Palm Beach (Town), United States Army Corps of Engineers (USACE), and FDEP have previously agreed to work cooperatively to have the Lake Worth Inlet maintenance dredged beach compatible sand placed on the beach in lieu of the nearshore area when dredging occurs outside of sea turtle nesting season.

The Town has previously agreed to complete certain State permit conditions, including sea turtle nesting monitoring, design and construction of a mitigation reef, and mitigation reef environmental monitoring. FDEP has previously agreed to cost-share with the Town for permit condition items when funding allows.

A new grant agreement, No. 13PB2, has been provided to the Town for FDEP cost-sharing participation for permit required sea turtle nesting monitoring in Reach 1 for the 2012 sea turtle nesting season. FDEP's cost sharing for this work is limited to not-to-exceed \$21,631. The cost to the Town for this previously expended item was \$28,712.

Unlike FDEP grants related to beach nourishment activities, this agreement addresses inlet maintenance and does not include public accessibility or parking requirements.

FUNDING/FISCAL IMPACT

Executing this agreement will reimburse the Town for 75% of the total cost for sea turtle nesting monitoring in Reach 1 during the 2012 season. Based on the actual cost of the applicable activity in Bid No. 2012-10, FDEP Grant agreement No. 13PB2 will reimburse the Town approximately \$21,534.

TOWN ATTORNEY REVIEW

This resolution for this item is a standard form that has been previously reviewed and approved by the Town Attorney. In addition, the Town Attorney will review the FDEP contract amendment and approve it for legal form and sufficiency prior to execution.

Attachment

cc: Shore Protection Board
Robert Weber, Coastal Coordinator

RESOLUTION NO. 74-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STATE GRANT FDEP CONTRACT NO. 13PB2, BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN OF PALM BEACH UNDER THE BUREAU OF BEACHES AND COASTAL SYSTEMS FLORIDA BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM FOR THE CONTINUED IMPLEMENTATION OF THE LAKE WORTH INLET MANAGEMENT PLAN, AND AUTHORIZING THE TOWN COUNCIL PRESIDENT TO EXECUTE SAME ON BEHALF OF THE TOWN.

* * * * *

WHEREAS, the Town of Palm Beach (Town) and the Florida Department of Environmental Protection (FDEP), have worked cooperatively by executing cost-sharing agreements related to implementing the Town's Comprehensive Coastal Management Plan; and

WHEREAS, the FDEP has agreed to a 75% cost-share on eligible project elements related to sea turtle nesting monitoring.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Town Council hereby authorizes the State of Florida Department of Environmental Protection (FDEP) Contract No. 13PB2, to preserve grant funding previously approved for this project.

Section 3. The Town Council President is hereby authorized to execute FDEP Contract No. 13PB2, on behalf of the Town.

Section 4. Three (3) certified copies of this Resolution shall be provided to the FDEP, at 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, Mail Station 300, in accompaniment with the three (3) executed originals, within five (5) working days following completion of the Town Council President's signature.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 7th day of May 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

DEP AGREEMENT No.13PB2
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF BEACHES AND COASTAL SYSTEMS
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
STATE OF FLORIDA
GRANT AGREEMENT FOR
LAKE WORTH INLET IMP IMPLEMENTATION

THIS AGREEMENT is entered into between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT"), whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and TOWN OF PALM BEACH, a local government, (hereinafter referred to as the "LOCAL SPONSOR"), whose address is 360 S. County Road , Palm Beach, Florida 33480, for the project described herein.

WHEREAS, the DEPARTMENT, pursuant to Section 161.091 - Section 161.161, Florida Statutes, provides financial assistance to eligible governmental entities for beach erosion control activities under the Florida Beach Management Funding Assistance Program; and,

WHEREAS, pursuant to 62B-36.005(1)(d), Florida Administrative Code, the LOCAL SPONSOR has resolved to support, serve as local sponsor, has the ability to perform the tasks associated with, and has demonstrated a financial commitment to the beach erosion control project as described herein.

NOW, THEREFORE, in consideration of the mutual benefits to be derived herefrom, the DEPARTMENT and the LOCAL SPONSOR do hereby agree as follows:

1. The DEPARTMENT does hereby retain the LOCAL SPONSOR to implement the beach erosion control project known as the LAKE WORTH INLET IMP IMPLEMENTATION, (hereafter referred to as the PROJECT), as defined in **Attachment A (Grant Work Plan)**, attached hereto and made a part hereof. The LOCAL SPONSOR does hereby agree to perform such services as are necessary to implement the PROJECT in accordance with the terms and conditions set forth in this Agreement, and all attachments and exhibits named herein that are attached hereto and incorporated by reference. For purposes of this Agreement, the terms "Contract" and "Agreement" are used interchangeably, and the terms "Grantee", "Recipient" and "Local Sponsor" are used interchangeably.
2. This Agreement shall begin on the last date executed and end on June 30, 2013. Pursuant to Section 161.101 (18), Florida Statutes, work conducted on this PROJECT by the LOCAL SPONSOR or its subcontractor and approved by the Department beginning on or after February 1, 2012, may be eligible for reimbursement by the DEPARTMENT, provided that the PROJECT is approved by the DEPARTMENT. If work identified in the approved Grant Work Plan is completed prior to time allowed in this Agreement, this Agreement may be terminated by formal amendment.
3. The LOCAL SPONSOR shall perform the services in a proper and satisfactory manner as determined by the DEPARTMENT.
4. Any and all equipment, products or materials necessary to perform these services, or requirements as further stated herein, shall be supplied by the LOCAL SPONSOR.
5. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature of the State of Florida and subject to the release of funds appropriated to the DEPARTMENT.

6. The LOCAL SPONSOR shall implement the PROJECT and complete said PROJECT upon the terms and conditions set forth in this Agreement and all present and future requisite authorizations and environmental permits. The PROJECT consists of the implementation of the Lake Worth Inlet Management Plan (IMP) that includes measures to mitigate beach erosion caused by the inlet. The life of the PROJECT is defined as ten (10) years commencing upon execution of this Agreement and re-initiated upon execution of subsequent amendments to this Agreement for additional funding. The parties expressly agree that the provisions of this paragraph shall survive and be enforceable beyond the expiration date of this Agreement.
7. The LOCAL SPONSOR shall develop a detailed Scope of Work for each eligible PROJECT task, as specified in Table 1 below. It is understood and agreed that the detailed Scope of Work shall include a narrative description of each task, a corresponding detailed budget for each deliverable under that task and a schedule for completion of each task and deliverable. Each Scope of Work shall require approval by the DEPARTMENT as to content, deliverables, and schedule prior to initiating the work. The tasks must be incorporated into the Grant Work Plan in the form of an approved amendment to this Agreement. The DEPARTMENT may require that at least ten percent (10%) of the total cost share for a specified task be forfeited for failure to obtain prior approval from the DEPARTMENT for a specified task.
8. A. The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

TABLE 1

Task #	Eligible Project Tasks			
		DEP	Local	Total
4.0	Monitoring			
4.1	2012 Marine Turtle Monitoring	\$21,631	\$7,210	\$28,841
	TOTAL PROJECT COSTS	\$21,631	\$7,210	\$28,841

- B. Changes that transfer funds from one task to another or that increase or decrease the total funding amount will require a formal amendment to the Agreement.
9. The DEPARTMENT has determined that 100 percent of the non-federal PROJECT cost is eligible for state cost sharing. Therefore, the DEPARTMENT's financial obligation shall not exceed the sum of \$21,631 for this PROJECT or up to 75 percent of the non-federal project cost, if applicable, for the specific eligible PROJECT items listed above, whichever is less. To the extent applicable, it is understood and agreed that for portions of the PROJECT which are located within lands owned and managed by the DEPARTMENT's Division of Recreation and Parks, no cost share for construction activities shall be required of the LOCAL SPONSOR, and the PROJECT costs for such portions shall be paid by the DEPARTMENT. Any indicated federal cost sharing percentage is an estimate and shall not affect the cost sharing percentages of the non-federal share.
10. The DEPARTMENT and the LOCAL SPONSOR agree that any and all activities associated with the PROJECT that are not shown in Table 1 are the responsibility of the LOCAL SPONSOR and are not a part of this Agreement. The LOCAL SPONSOR agrees that any costs for the specific eligible project tasks that exceed the estimated project costs for that task shall be the responsibility of the LOCAL SPONSOR. Any modifications to the estimated TOTAL PROJECT COSTS shown in Table 1 above, shall be provided through formal amendment to this Agreement.
11. The LOCAL SPONSOR shall perform as an independent contractor and not as an agent, representative, or employee of the DEPARTMENT.

12. As consideration for the satisfactory completion of the eligible work, identified in Attachment A and approval of the work by the DEPARTMENT, the DEPARTMENT agrees to compensate the LOCAL SPONSOR on a cost reimbursement basis for services rendered. All requests for reimbursement shall be made in accordance with **Attachment B (Contract Payment Requirements)**, attached hereto and made a part hereof, and State guidelines for allowable costs found in the Department of Financial Services' Reference Guide for State Expenditures at <http://www.fldfs.com/aadir/reference%5Fguide>. The LOCAL SPONSOR shall submit a request for reimbursement of funds on the forms provided as **Attachment C (Request for Payment, PARTS I – III)**, attached hereto and made a part hereof. These forms are to be submitted upon completion of the deliverables identified in the approved Scope of Work. These forms shall be certified as accurate by the LOCAL SPONSOR's Project Manager and the LOCAL SPONSOR's Project Financial Officer and submitted to the DEPARTMENT as a payment request. All bills for amounts due under this Agreement shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof. All requests for the reimbursement of travel expenses shall be based on the travel limits established in Section 112.061, Florida Statutes. A final invoice shall be due no later than thirty (30) days following the completion date of this Agreement. The DEPARTMENT will not release funds for construction activities until such time as all requisite authorizations, environmental permits, and variances, including those required pursuant to Chapters 161, 253, 258 and 373, Florida Statutes, have been obtained. The final payment will not be processed until the match requirement has been met.
13. A. The DEPARTMENT's Project Manager shall have thirty (30) days after receipt of each request for payment to determine that the work has been accomplished in accordance with the terms and conditions of this Agreement prior to approving the request for payment. It is understood and agreed that any request for payment that requires the DEPARTMENT to request additional information of the LOCAL SPONSOR shall stop time for the DEPARTMENT's review period will reset when such information is received as requested by the DEPARTMENT. Upon approval of the request for payment the DEPARTMENT shall disburse the funds due the LOCAL SPONSOR less ten (10) percent which shall be retained on account. The cumulative amount retained for each eligible task/deliverable item shall be disbursed to the LOCAL SPONSOR after the DEPARTMENT has certified that the LOCAL SPONSOR has complied with all the terms and conditions of the Agreement. The Department will periodically request proof of a transaction (invoice, payroll register, etc.) to evaluate the appropriateness of costs to the Agreement pursuant to State and Federal guidelines (including cost allocation guidelines), as appropriate. When requested, this information must be provided within thirty (30) calendar days of such request. If applicable, the LOCAL SPONSOR may also be required to submit a cost allocation plan to the DEPARTMENT in support of its multipliers (overhead, indirect, general administrative costs, and fringe benefits).
14. For the duration of this Agreement, the LOCAL SPONSOR shall submit to the DEPARTMENT's Project Manager on a quarterly basis, **Attachment C (Project Progress Report, Part III)**, as updates to the project schedule, no later than thirty (30) days following the completion date of the quarterly reporting period in which the project is underway. The term "quarterly" shall reflect the calendar quarters ending March 31, June 30, September 30, and December 31. Progress reports may be required to be submitted electronically in Word .doc or tab delimited .TXT format. Information provided shall be the best available and shall represent the most accurate forecast of future events. Specific information to be included in the quarterly report: tasks to be completed, start and finish dates, task duration, and actual start and finish dates with actual task duration. In cases where no reimbursement is sought for a given quarter, all applicable portions of the progress report must still be completed and submitted. The timely submittal of these quarterly reports will result in points for the ranking of future projects under the Beach Management Funding Assistance Program.

15. Upon completion of a task or the PROJECT, the LOCAL SPONSOR shall submit to the DEPARTMENT a certification of completion, attached hereto as **Attachment D (Project Completion Certification)**. A final PROJECT certification inspection shall be made by the DEPARTMENT within sixty (60) days after the PROJECT is certified complete by the LOCAL SPONSOR.
16. The LOCAL SPONSOR shall, at a minimum, comply with monetary limits for competitive acquisition of both materials and services as required by Chapter 287, and Chapter 161.101(17), Florida Statutes, which are expressly made a part of this Agreement and incorporated herein by reference as if fully set forth.
17. The applicable provisions of Chapter 161, Florida Statutes, entitled "Beach and Shore Preservation", and any rules promulgated there from, are expressly made a part of this Agreement and are incorporated herein by reference as if fully set forth.
18. The LOCAL SPONSOR's Project Manager for all matters is Robert Weber, Phone: (561) 838-5440. The DEPARTMENT's Project Manager for all technical matters is Rob Buda, Phone: (850) 922-7721 and the DEPARTMENT's Grant Program Administrator for all administrative matters is Dena VanLandingham, Phone: (850) 922-7711.
19. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.
20.
 - A. The DEPARTMENT may terminate this Agreement at any time in the event of the failure of the LOCAL SPONSOR to fulfill any of its obligations under this Agreement. Prior to termination, the DEPARTMENT shall provide ten (10) days written notice of its intent to terminate and shall provide the LOCAL SPONSOR an opportunity to consult with the DEPARTMENT regarding the reason(s) for termination.
 - B. The DEPARTMENT may terminate this Agreement without cause and for its convenience by giving thirty (30) days written notice to the LOCAL SPONSOR. Notice shall be sufficient if delivered personally or by certified mail to the address set forth in this Agreement.
21. Any notices between the parties shall be considered delivered when posted by Certified Mail, return receipt requested, or overnight courier service, or delivered in person to the contact person at the addresses below.

LOCAL SPONSOR

Robert Weber, Coastal Coordinator
Town Palm Beach
P.O. Box 2029
Palm Beach, Florida
(561) 838-5440
rweber@townofpalmbeach.com

DEPARTMENT

Dena VanLandingham, Grant Program
Administrator
Department of Environmental Protection
Bureau of Beaches and Coastal Systems
3900 Commonwealth Blvd., MS 300
Tallahassee, Florida 32399-3000
(850) 922-7711
Dena.vanlandingham@dep.state.fl.us

Any changes to the contact information shown above or in paragraph 18 must be reduced to writing in the form of a Change Order to this Agreement.

22. This Agreement may be unilaterally canceled by the DEPARTMENT for refusal by the LOCAL SPONSOR to allow public access to all documents, papers, letters, or other material made or received by the LOCAL SPONSOR in conjunction with this Agreement, unless the records are exempt from Section 24(a) of Article I of the State Constitution and Section 119.07(1)(a), Florida Statutes.
23. The LOCAL SPONSOR shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles consistently applied. The DEPARTMENT, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five (5) years following Agreement completion. In the event any work is subcontracted, the LOCAL SPONSOR shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.
24. A. In addition to the requirements of the preceding paragraph, the LOCAL SPONSOR shall comply with the applicable provisions contained in **Attachment E (Special Audit Requirements)**, attached hereto and made a part hereof. Exhibit 1 to Attachment H summarizes the funding sources supporting the Agreement for purposes of assisting the LOCAL SPONSOR in complying with the requirements of Attachment H. A revised copy of Exhibit 1 must be provided to the LOCAL SPONSOR for each amendment that authorizes a funding increase or decrease. If the LOCAL SPONSOR fails to receive a revised copy of Exhibit 1, the LOCAL SPONSOR shall notify the DEPARTMENT's Grant Program Administrator at 850/922-7711, to request a copy of the updated information.
- B. The LOCAL SPONSOR is hereby advised that the Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. The LOCAL SPONSOR shall consider the type of financial assistance (federal and/or state) identified in **Attachment E, Exhibit 1** when making its determination. For federal financial assistance, the LOCAL SPONSOR shall utilize the guidance provided under OMB Circular A-133, Subpart B, Section __.210 for determining whether the relationship represents that of a sub recipient or vendor. For state financial assistance, the LOCAL SPONSOR shall utilize the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website:
- <https://apps.fldfs.com/fsaa>
- The LOCAL SPONSOR should confer with its chief financial officer, or audit director or contact the DEPARTMENT for assistance with questions pertaining to the applicability of these requirements.
- C. In addition, the LOCAL SPONSOR agrees to complete and submit the **Attachment F (Certification of Applicability to Single Audit Act Reporting)**, attached hereto and made a part hereof, within four (4) months following the end of the LOCAL SPONSOR's fiscal year. Attachment F should be submitted to the DEPARTMENT's Grants Development and Review Manager at 3900 Commonwealth Boulevard, Mail Station 93, Tallahassee, Florida 32399-3000. The Grants Development and Review Manager is available to answer any questions at (850) 245-2361.
25. In accordance with Section 216.347, Florida Statutes, the LOCAL SPONSOR is hereby prohibited from using funds provided by this Agreement for the purposes of lobbying the Legislature, the judicial branch or a state agency.

26. The LOCAL SPONSOR covenants that it presently has no interest and shall not acquire any interest that would conflict in any manner or degree with the performance of services required.
27. This Agreement has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida. Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this Agreement shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement. Any action hereon or in connection herewith shall be brought in Leon County, Florida.
28. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this Agreement, shall impair any such right, power or remedy of either party. Nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.
29. To the extent required by law, the LOCAL SPONSOR will be self-insured against, or will secure and maintain during the life of this Agreement, Workers' Compensation Insurance for all of its employees connected with the work of this project. In the case any work is subcontracted, the LOCAL SPONSOR shall require the subcontractor similarly to provide Workers' Compensation Insurance for all of the subcontractor's employees unless such employees are covered by the protection afforded by the LOCAL SPONSOR. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation Law, Chapter 440, Florida Statutes. In case any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation statutes, the LOCAL SPONSOR shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of its employees not otherwise protected.
30. The LOCAL SPONSOR warrants and represents that it is self-funded for liability insurance, appropriate and allowable under Florida Law, and that such self-insurance offers protection applicable to the LOCAL SPONSOR's officers, employees, servants and agents while acting within the scope of their employment with the LOCAL SPONSOR. The DEPARTMENT shall have no liability except as specifically provided in this Agreement.
31. The LOCAL SPONSOR recognizes that the State of Florida, by virtue of its sovereignty, is not required to pay any taxes on the services or goods purchased under the terms of this Agreement.
32. This Agreement is neither intended nor shall it be construed to grant any rights, privileges or interest in any third party without the mutual written agreement of the parties hereto.
33.
 - A. No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.
 - B. An entity or affiliate who has been placed on the discriminatory vendor list maintained by the Florida Department of Management Services may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity at (850) 487-0915.

34. A. The accounting systems for all LOCAL SPONSORS must ensure that these funds are not commingled with funds from other agencies. Funds from each agency must be accounted for separately. LOCAL SPONSORS are prohibited from commingling funds on either a program-by-program or a project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another project. Where a LOCAL SPONSOR's, or subrecipient's, accounting system cannot comply with this requirement, the LOCAL SPONSOR, or subrecipient, shall establish a system to provide adequate fund accountability for each project it has been awarded.
- B. If the DEPARTMENT finds that these funds have been commingled, the DEPARTMENT shall have the right to demand a refund, either in whole or in part, of the funds provided to the LOCAL SPONSOR under this Agreement for non-compliance with the material terms of this Agreement. The LOCAL SPONSOR, upon such written notification from the DEPARTMENT shall refund, and shall forthwith pay to the DEPARTMENT, the amount of money demanded by the DEPARTMENT. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the original payment(s) are received from the DEPARTMENT by the LOCAL SPONSOR to the date repayment is made by the LOCAL SPONSOR to the DEPARTMENT.
- C. In the event that the LOCAL SPONSOR recovers costs, incurred under this Agreement and reimbursed by the DEPARTMENT, from another source(s), the LOCAL SPONSOR shall reimburse the DEPARTMENT for all recovered funds originally provided under this Agreement. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the payment(s) are recovered by the LOCAL SPONSOR to the date repayment is made to the DEPARTMENT by the LOCAL SPONSOR.
35. A. The LOCAL SPONSOR shall not subcontract, assign, or transfer any work under this Agreement without the prior written consent of the DEPARTMENT's Project Manager. The payment terms of subcontracts (other than construction and the purchase of commodities) shall comply with the terms of this Agreement (for example, if payment under this Agreement is being made on a cost reimbursement basis, then the subcontract should also be cost reimbursement). The LOCAL SPONSOR shall submit a copy of the executed subcontract to the DEPARTMENT within ten (10) days after execution. The LOCAL SPONSOR agrees to be responsible for the fulfillment of all work elements included in any subcontract consented to by the DEPARTMENT and agrees to be responsible for the payment of all monies due under any subcontract. It is understood and agreed by the LOCAL SPONSOR that the DEPARTMENT shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract and that the LOCAL SPONSOR shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract. The LOCAL SPONSOR will be responsible for auditing all travel reimbursement expenses based on the travel limits established in Section 112.061, F.S.
- B. The DEPARTMENT supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State of Florida. A list of Minority Owned firms that could be offered subcontracting opportunities may be obtained by contacting the Office of Supplier Diversity at (850) 487-0915.
36. When applicable, the LOCAL SPONSOR shall also notify the DEPARTMENT's Project Manager of the selection of an intended subcontractor for a construction task and provide a tabulation list

from which the intended subcontractor was selected. The LOCAL SPONSOR shall also provide the bid form for the successful bidder. The LOCAL SPONSOR shall select eligible consultants licensed to offer services in the State of Florida for studies, design and permitting and monitoring tasks in accordance with Chapter 287, F. S. Upon the DEPARTMENT's request, the LOCAL SPONSOR shall furnish copies of the respective solicitation documents. Solicitation documents include, but are not limited to, the solicitation and responses thereto, the bid tabulations, and the resulting contract(s), including a detailed Scope of Work.

37. The purchase of non-expendable equipment costing \$1,000 or more is not authorized under the terms and conditions of this Agreement.
38. The DEPARTMENT may at any time, by written order designated to be a change order, make any change in the Project Manager information or task timelines within the current authorized Agreement period. All change orders are subject to the mutual agreement of both parties as evidenced in writing. Any change, which causes an increase or decrease in the LOCAL SPONSOR's cost or time, shall require formal amendment to this Agreement. Minor modifications which will be handled with a change order include notification of a change in Project Manager, modification of deliverable due dates when such change does not involve an extension, and modifying the Project Work Plan when such modifications would not involve a decrease/increase in cost or an extension of the performance period of this Agreement.
39. The LOCAL SPONSOR shall comply with all applicable federal, state and local rules and regulations in providing services to the DEPARTMENT under this Agreement. The LOCAL SPONSOR acknowledges that this requirement includes compliance with all applicable federal, state and local health and safety rules and regulations. The LOCAL SPONSOR further agrees to include this provision in all subcontracts issued as a result of this Agreement.
40. The LOCAL SPONSOR shall obtain from each owner of upland property, which is adjacent to the erosion control project, a sufficient property interest in order to construct, maintain, monitor, and repair the erosion control project prior to entering each individual property to conduct such activities.
41. If a force majeure occurs that causes delays or the reasonable likelihood of delay in the fulfillment of the requirements of this Agreement, the LOCAL SPONSOR shall promptly notify the DEPARTMENT orally. Within seven (7) days, the LOCAL SPONSOR shall notify the DEPARTMENT in writing of the anticipated length and cause of the delay, the measures taken or to be taken to minimize the delay and the LOCAL SPONSOR's intended timetable for implementation of such measures. If the parties agree that the delay or anticipated delay was caused, or will be caused by a force majeure, the DEPARTMENT may, at its discretion, extend the time for performance under this Agreement for a period of time equal to the delay resulting from the force majeure upon execution of an amendment to this Agreement. Such agreement shall be confirmed by letter from the DEPARTMENT accepting, or if necessary, modifying the extension. A force majeure shall be an act of God, strike, lockout, or other industrial disturbance, act of the public enemy, war, blockade, public riot, lightning, fire, flood, explosion, failure to receive timely necessary third party approvals, and any other cause, whether of the kind specifically enumerated herein or otherwise, that is not reasonably within the control of the LOCAL SPONSOR and/or the DEPARTMENT. The LOCAL SPONSOR is responsible for the performance of all services issued under this Agreement. Failure to perform by the LOCAL SPONSOR's consultant(s) or subcontractor(s) shall not constitute a force majeure event.
42. If a court deems any provision of this Agreement void or unenforceable, that provision shall be enforced only to the extent that it is not in violation of law or is not otherwise unenforceable and all other provisions shall remain in full force and effect.

43. This Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement, unless otherwise provided herein.

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IN WITNESS WHEREOF, the undersigned have signed and executed this Agreement on the respective dates under their signatures:

TOWN OF PALM BEACH

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: _____
Title: Town Council President

By: _____
Secretary or designee

Date: _____

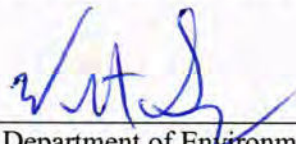
Date: _____

FEID No. 59-6000402

Department of Environmental Protection
Grant Program Administrator

APPROVED as to form and legality:

Local Sponsor's Attorney
(if necessary)



Department of Environmental Protection
Attorney

*If someone other than the Town Council President signs this Agreement, a resolution, statement or other documentation authorizing that person to sign the Agreement on behalf of the County/City must accompany the agreement.

List of Attachments/Exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A	Grant Work Plan (2 pages)
Attachment	B	Contract Payment Requirements (1 page)
Attachment	C	Request For Payment, Parts I - III (3 pages)
Attachment	D	Project Completion Certification (1 page)
Attachment	E	Special Audit Requirements (5 pages)
Attachment	F	Certification of Applicability to Single Audit Act Reporting (3 Pages)
Attachment	G	Scope of Work

**ATTACHMENT A
GRANT WORK PLAN**

Project Title: LAKE WORTH IMP IMPLEMENTATION
Project Location: Palm Beach County, Range Monument 75.
Project Background: Lake Worth Inlet, part of the federal Palm Beach Harbor Navigation Project, is periodically dredged to maintain a navigation channel depth of -35 feet MLLW. The channel is dredged frequently and the sand is placed downdrift within 3,000 feet of the south jetty. A sand transfer plant, operated by Palm Beach County, was constructed on the north jetty in 1958 but was not in operation between May 1990 and May 1996. The sand transfer plant bypasses sand to the downdrift beach immediately south of the jetty. In November 1996, the Department adopted the Lake Worth Inlet Management Study Implementation Plan that did not establish a bypassing objective. In December 2000, a sediment budget study recommended bypassing an average annual volume of 202,000 cubic yards to the downdrift beach.
The PROJECT shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable DEPARTMENT permits and the eligible project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standard technical specifications contained in the DEPARTMENT'S Monitoring Standards for Beach Erosion Control Projects (2004) and Processing Plan and Geographic Information System Guidelines, unless otherwise specified in the approved Scope of Work (herein after referred to as SOW) for an eligible PROJECT item. These plans may be found at http://depnet/gis/geodata/index.htm (GIS guides) and http://www.dep.state.fl.us/beaches/publications/pdf/standard.pdf . One (1) originals and one (1) electronic copy of all written reports developed under this Agreement shall be forwarded to the DEPARTMENT, unless otherwise specified.
Project Description: The deliverables listed below are to be completed and approved by the DEPARTMENT by the due date listed. 4.0 Monitoring A monitoring program conducted in accordance with the requirements specified in any and all permits issued by the Department and the US Army Corps of Engineers. A monitoring plan must be submitted and approved in writing by the Department prior to the initiation of monitoring activities. The plan shall be developed in a manner that will coordinate the monitoring activities associated with current shoreline stabilization projects located within or adjacent to the project area and with the Department's Regional Coastal Monitoring Program. Performance standard: All deliverables, reports, and monitoring results will be circulated to the Department for review and comment. When comments are received from the Department affirming that the deliverable is acceptable, payment will be authorized. Financial Consequence: Any work product that does not meet the Performance Standard will not be eligible for reimbursement.

4.1 Biological Monitoring

Biological monitoring tasks are to be performed as required by permit and approved monitoring plans. Eligible work may include marine turtle nesting surveys, in-water marine turtle monitoring, shorebird monitoring, and other tasks deemed appropriate and necessary.

Deliverable A: 2012 annual marine turtle monitoring surveys as reported to the Florida Fish and Wildlife Conservation Commission (FWC) in an FWC-approved format. The approved scope of work includes completion of surveys for all permit-required monitoring of marine turtle nests from March 1 to October 31. The total cost is partially cost shared due to deficiency of funding in grant. The outstanding balance of \$4,071 is eligible for reimbursement through a subsequent appropriation.

Total cost \$32,912 of which available eligible cost is \$28,841 (DEP cost \$21,631).
Due date June, 2013.

NOTE: The deliverable due dates established in this Grant Work Plan indicate the time by which a deliverable is received and approved for cost sharing. The dates do not necessarily correspond with permit required due dates. The Local Sponsor must meet the terms of the permit for compliance.

All Tasks are Contractual Services

ATTACHMENT B

Contract Payment Requirements

Florida Department of Financial Services, Reference Guide for State Expenditures (January 2005) *Cost Reimbursement Contracts*

Invoices for cost reimbursement contracts must be supported by an itemized listing of expenditures by category (salary, travel, expenses, etc.) Supporting documentation must be provided for each amount for which reimbursement is being claimed indicating that the item has been paid. Check numbers may be provided in lieu of copies of actual checks. Each piece of documentation should clearly reflect the dates of service. Only expenditures for categories in the approved contract budget should be reimbursed.

Contracts between state agencies, and or contracts between universities may submit alternative documentation to substantiate the reimbursement request that may be in the form of Florida Accounting Information Resource (FLAIR) reports or other detailed reports.

Listed below are examples of types of documentation representing the minimum requirements:

- (1) Salaries: A payroll register or similar documentation should be submitted. The payroll register should show gross salary charges, fringe benefits, other deductions and net pay. If an individual for whom reimbursement is being claimed is paid by the hour, a document reflecting the hours worked times the rate of pay will be acceptable.
- (2) Fringe Benefits: Fringe Benefits should be supported by invoices showing the amount paid on behalf of the employee (e.g., insurance premiums paid). If the contract specifically states that fringe benefits will be based on a specified percentage rather than the actual cost of fringe benefits, then the calculation for the fringe benefits amount must be shown.

Exception: Governmental entities are not required to provide check numbers or copies of checks for fringe benefits.
- (3) Travel: Reimbursement for travel must be in accordance with Section 112.061, Florida Statutes, which includes submission of the claim on the approved State travel voucher or electronic means.
- (4) Other direct costs: Reimbursement will be made based on paid invoices/receipts. If nonexpendable property is purchased using State funds, the contract should include a provision for the transfer of the property to the State when services are terminated. Documentation must be provided to show compliance with Department of Management Services Rule 60A-1.017, Florida Administrative Code, regarding the requirements for contracts that include services and that provide for the contractor to purchase tangible personal property as defined in Section 273.02, Florida Statutes, for subsequent transfer to the State.
- (5) In-house charges: Charges which may be of an internal nature (e.g., postage, copies, etc.) may be reimbursed on a usage log that shows the units times the rate being charged. The rates must be reasonable.
- (6) Indirect costs: If the contract specifies that indirect costs will be paid based on a specified rate, then the calculation should be shown.

The Florida Department of Financial Services, Reference Guide to State Expenditures (January, 2005) can be found at the following web address: <http://www.fldfs.com/aadir/reference%5Fguide/>.

ATTACHMENT C

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
REQUEST FOR PAYMENT – PART I**

PAYMENT SUMMARY

Name of Project: LAKE WORTH INLET IMP IMPLEMENTATION

LOCAL SPONSOR: TOWN OF PALM BEACH

DEP Agreement Number: 13PB2

Billing Number: _____

Billing Type: ☐ Interim Billing ☐ Final Billing

Costs Incurred This Payment Request:

Federal Share*	State Share	Local Share	Total
\$ _____ *if applicable	\$ _____	\$ _____	\$ _____

Cost Summary:

State Funds Obligated	\$ _____	Local Funds Obligated	\$ _____
Less Advance Pay	\$ _____	Less Advance Pay	\$ _____
Less Previous Payment	\$ _____	Less Previous Credits	\$ _____
Less Previous Retained	\$ _____		
Less This Payment	\$ _____	Less This Credit	\$ _____
Less This Retainage (10%)	\$ _____	Local Funds Remaining	\$ _____
State Funds Remaining	\$ _____		

Certification: I certify that this billing is correct and is based upon actual obligations of record by the LOCAL SPONSOR; that payment from the State Government has not been received; that the work and/or services are in accordance with the Department of Environmental Protection, Bureau of Beaches and Coastal Systems approved Project Agreement including any amendments thereto; and that progress of the work and/or services are satisfactory and are consistent with the amount billed.

Name of Project Administrator

Signature of Project Administrator

Date

Name of Project Financial Officer

Signature of Project Financial Officer

Date

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
REQUEST FOR PAYMENT – PART II**

REIMBURSEMENT DETAIL

Name of Project: _____				Billing#	Billing Period:	DEP AGREEMENT NUMBER		Invoice Adjustments (To be completed by DEP: Reasons for changes noted below)			
Local Sponsor:											
Item #	Date OF INVOICE	Invoice #	Amount Paid Vendor (1)	Eligible Project Item (2)	SOW/BD # (3)	Vendor Name	Check or Debit#	Total Amount Eligible for State Share (4)	Changes per BBCS Project Manager (5,6)	Changes per BBCS Accountant (5,6)	Approved Eligible Cost (5)
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
Totals for all items on page:											
Item #	Notes and Invoice adjustment explanations per item # (5)										
Certification: I certify that the purchases noted above were used in accomplishing the project; and that invoices, check vouchers, copies of checks, and other purchasing documentation are maintained as required to support the cost reported above and are available for audit upon request.											
Name/Signature of Project Administrator											
Date											
Name/Signature of Project Financial Officer											
Date											
Form Instructions:											
(1) Local Sponsor: enter exact amount of check or debit.											
(2) Local Sponsor: enter the subtask ID# from the Eligible Project item table of the DEP Grant.											
(3) Scopes of work and bids that have been approved for DEP cost share may be assigned a tracking identifier number. Local Sponsor: Insert this tracking number when applicable.											
(4) Local Sponsor: insert only the amount of vendor payment that is assumed to be eligible for DEP cost share.											
(5) Local Sponsor: DEP Project Managers and accountants will make necessary corrections or adjustments within the terms of the agreement and in accordance with state rule.											
(6) DEP staff: Enter the total amount of line item increase or decrease; if the adjustment is a decrease, precede the amount with the "-" (minus) sign.											

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM**

REQUEST FOR PAYMENT – PART III

PROJECT PROGRESS REPORT

Name of Project: LAKE WORTH INLET IMP IMPLEMENTATION

LOCAL SPONSOR: TOWN OF PALM BEACH

DEP Agreement Number: 13PB2

Report Period: _____

Status of Eligible Project Items: (Describe progress accomplished during report period, including statement(s) regarding percent of task completed to date. Describe any implementation problems encountered, if applicable.)

Task No:	Eligible Project Item:
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4.0	MONITORING
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4.1	2012 Marine Turtle Monitoring
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ATTACHMENT D

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM**

PROJECT COMPLETION CERTIFICATION

Name of Project: LAKE WORTH INLET IMP IMPLEMENTATION __DEP Agreement Number: 13PB2

LOCAL SPONSOR: TOWN OF PALM BEACH Task Completion _____

Project Completion _____

*I hereby certify that the above mentioned project task has been completed in accordance with the Project Agreement, including any amendments thereto, between the DEPARTMENT and LOCAL SPONSOR, and all funds expended for the project were expended pursuant to this Agreement. All unused funds and interest accrued on any unused portion of advanced funds which have not been remitted to the DEPARTMENT, have been returned to the DEPARTMENT, or will be returned to the DEPARTMENT within sixty (60) days of the completion of construction portion of this PROJECT. Unused funds advanced to the United States Army Corps of Engineers through LOCAL SPONSORS will be due sixty (60) days after the Federal final accounting has been completed.

Name of Project Manager

Signature of Project Manager

Date

ATTACHMENT E

SPECIAL AUDIT REQUIREMENTS

The administration of resources awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient (*which may be referred to as the "Contractor", Grantee" or other name in the contract/agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Attachment indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$500,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <http://12.46.245.173/cfda/cfda.html>.

PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(m), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Attachment indicates state financial assistance awarded through the Department of Environmental Protection by this Agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$500,000 in state financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at <https://apps.fldfs.com/fsaa> for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at <http://www.leg.state.fl.us/Welcome/index.cfm>, State of Florida's website at <http://www.myflorida.com/>, Department of Financial Services' Website at <http://www.fldfs.com/> and the Auditor General's Website at <http://www.state.fl.us/audgen>.

PART III: OTHER AUDIT REQUIREMENTS

(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)

PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this Attachment shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

- B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

Submissions of the Single Audit reporting package for fiscal periods ending on or after January 1, 2008, must be submitted using the Federal Clearinghouse's Internet Data Entry System which can be found at <http://harvester.census.gov/fac/>

- C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. Pursuant to Section .320(f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Department of Environmental Protection at the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

3. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

- B. The Auditor General's Office at the following address:

State of Florida Auditor General
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

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4. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at the following address:

Audit Director

Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
6. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

PART V: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of **5** years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of **3** years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

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EXHIBIT – 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:				
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:				
Federal Program Number	Federal Agency	CFDA	CFDA Title	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:				
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description
Original Agreement	General Revenue GAA Line Item #1796	2006-2007	37.003	Beach Management Funding Assistance Program

Total Award				\$21,631.00
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For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://12.46.245.173/cfda/cfda.html>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

ATTACHMENT F
CERTIFICATION OF APPLICABILITY TO SINGLE AUDIT ACT REPORTING

Local Sponsor's Name:

Local Sponsor Fiscal Year Period: FROM: _____ TO: _____

Total State Financial Assistance Expended during Local Sponsor's most recently completed Fiscal Year:

\$ _____

Total Federal Financial Assistance Expended during Local Sponsor's most recently completed Fiscal Year:

\$ _____

INSTRUCTIONS FOR COMPLETING THE ATTACHMENT

Local Sponsor Fiscal Year Period: FROM: Month/Year TO: Month/Year

NOTE: THIS SHOULD BE THE LOCAL SPONSOR'S FISCAL YEAR FROM (MONTH/YEAR) TO (MONTH/YEAR).

Total State Financial Assistance Expended during Local Sponsor's most recently completed Fiscal Year:

NOTE: THIS AMOUNT SHOULD BE THE TOTAL STATE FINANCIAL ASSISTANCE EXPENDED FROM ALL STATE AGENCIES, NOT JUST DEP.

\$ _____

Total Federal Financial Assistance Expended during Local Sponsor's most recently completed Fiscal Year:

NOTE: THIS AMOUNT SHOULD BE THE TOTAL FEDERAL FINANCIAL ASSISTANCE EXPENDED FROM ALL FEDERAL AGENCIES, NOT JUST THROUGH DEP.

\$ _____

The Certification should be signed by your Chief Financial Officer.
Please print the name and include the title and date of the signature.

CERTIFICATION OF APPLICABILITY TO SINGLE AUDIT ACT REPORTING FREQUENTLY ASKED QUESTIONS

1. **Question:** Do I complete and return this form when I return my signed Agreement/Amendment?

Answer: No, this form is to be completed and signed by your Chief Financial Officer and returned 4 months after the end of your fiscal year.

2. **Question:** Can I fax the form to you?

Answer: Yes, you can fax the Certification form, the fax number is 850/245-2411.

3. **Question:** How can I submit the form if our audit is not completed by the due date of this letter?

Answer: You should be able to complete the form from the information in your accounting system. This is just to let our Office of the Inspector General know which entities they should be getting an audit from. If you are under the threshold you do not have to submit a copy of your audit, only the Certification form.

4. **Question:** Do you only want what we received from DEP?

Answer: No, the Single Audit is the TOTAL AMOUNT of funds that you expended towards all state or federal grants that you receive. You should list those that are specific to DEP on the form.

5. **Question:** Do I have to submit the completed form and a copy of my audit?

Answer: No, you do not have to submit your audit unless you are over the threshold of \$500,000. If you would prefer to submit your audit (CAFR) instead of the form, that is fine.

6. **Question:** Our CAFR will not be ready before your due date and we don't have the information necessary to complete the certification. Can we get an extension?

Answer: Yes, just send us an Email letting us know when you will have your CAFR completed and we will place the Email with your letter in our file so that you don't get a 2nd notice.

7. **Question:** Can I submit my Certification Form or CAFR electronically?

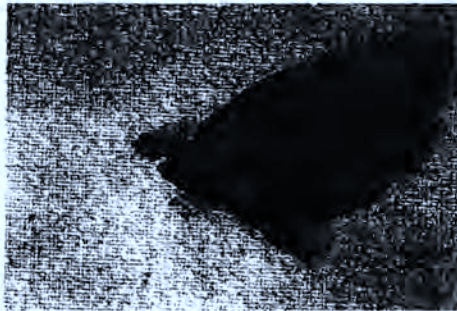
Answer: Yes, you can submit them by Email to Debbie.skelton@dep.state.fl.us

TOWN OF PALM BEACH



BID NO 2012-10

SEA TURTLE MONITORING SERVICES



Purchasing Division

FINANCE DEPARTMENT

* TOWN OF PALM BEACH * 951 OLD OKEECHOBEE ROAD * WEST PALM BEACH * FLORIDA * 33401



SPECIFICATIONS FOR SEA TURTLE MONITORING SERVICES

BID NO. 2012-10

The Town of Palm Beach requests bids from qualified firms to conduct daily monitoring of marine turtle nests from March 1st to October 31st as required by the Florida Department of Environmental Protection (FDEP).

The Scope of work includes daily monitoring and documentation of all nesting activity including identification and categorization of false crawls and reporting of nesting success and hatching success. Reporting includes all requirements specified by the DEP permit. Monitoring to conform to the protocol established by the Florida Fish & Wildlife Conservation Commission, Marine Turtle Guidelines.

This contract includes:

- A. Monitoring/reporting of sea turtle nesting activity in the project areas
 - B. Monitoring/reporting of lighting sources visible from the beach berm elevation
 - C. Monitoring/reporting of escarpment formations
 - D. Nest marking for the purpose of nest avoidance by beach cleaning equipment
-

Part 1

General Requirements

Contractor shall provide all necessary labor, management, supervision, trucks, gas, oil, safety equipment and any other materials and equipment necessary to perform these services.

Requirements for performing these services are as follows:

- a. The Contractor shall notify the Contract Administrator in the event of scheduling delays, changes or comments/complaints received from the general public.
- b. Contractor's employees shall present a neat, clean, well groomed appearance and shall conduct themselves in a respectable manner while performing the duties of this bid and while on Town Property.
- c. Contractor's employees shall wear uniforms at all times while on the job. Name of contractor shall be on shirts. Uniforms are to be free of holes, paint and oily stains. Shirts are to be worn at all times while working in the Town of Palm Beach.

-
- d. Any questions regarding this operation (Sea Turtle Monitoring Services) shall be directed to the Contract Coordinator.
 - e. A safety vest, meeting FDOT standards, shall be worn at all times when employee is working in roadways or right-of-ways.
 - f. The Contract Coordinator shall meet with the contractor to review areas serviced by contractor's employees.
 - g. All vehicles shall be plainly marked with the company name.
 - h. The Contractor shall have their crew supervised by a qualified foreman. As a fully authorized agent of the Contractor, the foreman must be capable of making on-site decisions to perform the work in accordance with the specifications contained in this Bid. Foremen, to the satisfaction of the Contract Coordinator, shall be capable of verbal and written communication in the English language, and shall be able to effectively communicate with the service workers.
 - i. If any area that the contractor services does not meet Town specifications, contractor will be required to perform the work until specifications are met at no additional cost to the Town of Palm Beach. Failure to comply with this requirement will result in contract termination.
-

Part 2

SPECIFICATIONS

I. Scope of Work

A. Nesting Activity

1. **Equipment.** The Contractor shall provide all labor, equipment and materials to provide daily monitoring within the identified area and perform all work in strict accordance with the specifications and performance standards herein and the referenced Specific Conditions of the FDEP permit. A global satellite positioning system (DGPS) shall be used to document locations. Positions shall be recorded in state plane coordinates.
2. **Permit.** Individuals conducting the monitoring shall possess appropriate expertise in the protocol being followed and hold a valid Florida Administrative Code (FAC) 68E-1 permit issued by the Florida Fish & Wildlife Conservation Commission (FWC). The contractor shall provide a copy of this permit together with the bid submittal and must perform all work in strict accordance with all requirements of their FWC permit as well as the Town's Joint Coastal FDEP Permit. Copies of the sections from the applicable FDEP beach permits are

attached. Reach 8 work shall follow the Phipps Ocean Park Restoration requirements.

3. Report Requirements. The report shall include:

- a. Daily report sheets, each sheet signed by the contractor indicating that to the best of their knowledge, the data is accurate and correctly reported. If the contractor does not personally collect all data, they shall sign each data sheet indicating concurrence with the reported information.
- b. A minimum of 12 representative digital photographs of sea turtle nests, crawls, nesting, hatching emergencies, and any other events of importance relative to the monitoring process. Each photograph is to be identified by time and exact location (DGPS coordinates) and accompanied by a brief narrative description. Photos are to be provided in hard copy and digital files.
- c. A graphic representation of nest positions provided by DGPS coordinates plotted on controlled aerial photography of the shoreline. Digital files for aerial photography are available from Palm Beach County, Environmental Resources Management. The most recent photography available is to be used.
- d. Graphs of nesting distribution, false crawl activity, nesting success, and a comparison of nesting activity for each species individually and for all species together.
- e. For each false crawl and each nest: Identification of species and record of DGPS coordinates.
- f. For a representative number of nests (not less than 25% total nests): Identification of species; nest condition (natural, predated, inundation); incubation time in days; hatching success (number of hatched eggs, unhatched eggs, alive in nest, dead in nest, alive pipped, dead pipped, number predated) and any evidence of disorientation. (Species identification, number of eggs depredated and disorientation date is to be collected for all nests, not just the marked nests.)

4. Report Delivery. Reports including all graphics shall be submitted in hardcopy and on CD to the Town of Palm Beach Public Works Department at the following address:

Town of Palm Beach Public Works Department
Attention Rob Weber, Coastal Coordinator
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

Florida Fish & Wildlife Conservation Commission
Bureau of Protected Species Management

Attention Meghan Conti, Environmental Specialist
P.O. Box 3478
Tequesta, Florida 33469

Florida Fish & Wildlife Conservation Commission
Bureau of Protected Species Management
Attention: Dr. Robin Trindell
620 South Meridian Street
Mail Station OES-PSM
Tallahassee, FL 32399

Florida Department of Environmental Protection
Bureau of Wetlands and Coastal Systems
Attention: Rob Buda, Project Manager
3900 Commonwealth Boulevard, MS 300
Tallahassee, FL 32399-3000

The contractor shall copy the Town of Palm Beach on the letters of transmission to all the above parties.

5. **Time.** Monitoring shall be performed after sunrise and before 9:00 a.m. to ensure that tracks are easily interpreted. Monitoring shall be completed prior to mechanical cleaning of an area.
6. **Personnel Identification.** Monitor(s) shall wear a shirt or hat with the company name on it or otherwise identify themselves as a sea turtle monitor. The FWC permit and photo identification should be carried at all times.
7. **Vehicles.** If an all-terrain vehicle (ATV) is used, tire pressure shall not exceed 10 p.s.i.,

B. Lighting Surveys

Procedure and Reporting Requirements. Surveys are to be conducted monthly beginning during the last week of February and continuing once a month through August. Commencing after dark, all lights visible in the project area from the berm elevation (turtle's eye view) are to be recorded by street address or commercial building identification, light type (e.g. flood, street cobra head-type, globe-type, bollard, pole-mounted, wall mounted, decorative, etc.), and level of illumination. High intensity mercury vapor or metal halide lights are to be specifically noted as such. Reports are to be submitted monthly, no later than the 15th of each month to the address listed above.

C. Escarpment Formations

Procedure and Reporting Requirements. Weekly surveys are to be conducted between March 1st and October 31st. Escarpment height in categories 0 to 18 inches, 18 inches to 4 feet, or 4 feet or higher; maximum height; and approximate length are

to be provided. Reports are to be submitted monthly, no later than the 15th of each month to the addresses listed above. Any escarpments that exceed 18 inches for a distance of 100 feet are to be immediately report to the Town's Contract Coordinator at (561) 227-7026.

D. Nest Marking for Beach Cleaning

Procedure and Reporting Requirements. Within the project area, all nests within ten (10) feet of the normal high tide line and beach access sites are to be marked with **clearly visible stakes**. Each nest must have an additional marker at the base of the dune or seawall to ensure that the nest can be relocated should the on-beach markings be lost. Surveys are to be completed as early as possible following sunrise. The Town is requesting prices for all areas. Currently beach cleaning activities are performed only on the Town's public beaches; therefore, at this time, monitoring is only necessary for those areas.

II. Duration of contract

- A. Bid shall be awarded for a term of twelve (12) months with the option to renew the contract for up to four (4) additional twelve (12) month periods. Option for renewal will only be exercised upon written mutual agreement and with all original terms, conditions and pricing. Any renewal will be subject to appropriation of funds by the Town Council.
- B. A purchase order will be issued to the successful bidder with the understanding that all monitoring must meet the specifications set forth herein.

III. Payment Schedule

Invoices shall be submitted to Town of Palm Beach, Finance Department, P. O. Box 2029, Palm Beach, Florida 33480 with copies the Public Works Department, Attention Rob Weber, Coastal Coordinator, 951 Old Okeechobee Road, West Palm Beach, FL 33401, on a monthly basis for the previous month's services.

IV. Turtle Monitoring Locations

- A. Reach 1 - Sand Transfer Plant – Lake Worth Inlet
 - a. North Side of Inlet – Inlet North Jetty to a point 200 feet north.
 - b. South Side of Inlet – Inlet south jetty to a point approximately 3000 feet south, between R-76 and R-79.
- B. Reaches 3 and 4 – Mid Town Beach area from the El Mirasol to El Vedado (approximately R-90.4 to R-101.4).
- C. Reach 7 - Phipps Park – Sloan's Curve to the Ambassador Hotel (approximately R-116 to R-126).
- D. Reach 8 – Ambassador Hotel to the southern limits of the Town of Palm Beach (approximately R-126 to R134).



BID PROPOSAL PAGE

SEA TURTLE MONITORING Bid No. 2012-10

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1.	Reach 8				
	A. Sea turtle nesting activity in the project areas	8	Month	<u>\$2997.00</u>	<u>\$23,976.00</u>
	B. Lighting sources visible from the beach berm elevation	8	Month	<u>\$300.00</u>	<u>\$2400.00</u>
	C. Escarpment formations	8			
	D. Nest marking for the purpose of nest avoidance by beach cleaning equipment	8	Month	<u>\$225.00</u>	<u>\$1800.00</u>
		8	Month	<u>\$250.00</u>	<u>\$2000.00</u>
2.	Reach 3 & 4 (Midtown Area)				
	A. Sea turtle nesting activity in the project areas	8	Month	<u>\$3190.00</u>	<u>\$25,520.00</u>
	B. Lighting sources visible from the beach berm elevation	8	Month	<u>\$300.00</u>	<u>\$2400.00</u>
	C. Escarpment formations	8			
	D. Nest marking for the purpose of nest avoidance by beach cleaning equipment	8	Month	<u>\$225.00</u>	<u>\$1800.00</u>
		8	Month	<u>\$250.00</u>	<u>\$2000.00</u>
3.	Reach 7 (Phipps Park Area)				
	A. Sea turtle nesting activity in the project areas	8	Month	<u>\$3159.00</u>	<u>\$25,272.00</u>
		8	Month	<u>\$300.00</u>	<u>\$2400.00</u>
	B. Lighting sources visible from the beach berm elevation	8	Month	<u>\$225.00</u>	<u>\$1800.00</u>
	C. Escarpment formations	8			
	D. Nest marking for the purpose of nest avoidance by beach cleaning equipment	8	Month	<u>\$250.00</u>	<u>\$2000.00</u>

Company Name DB Ecological Services, Inc. Authorized Signature



BID PROPOSAL PAGE

SEA TURTLE MONITORING Bid No. 2012-10

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
4.	Reach 1 (Sand Transfer Plant/Lake Worth Inlet)				
	A. Sea turtle nesting activity in the project areas	8	Month	\$3589.00	\$28,712.00
	B. Lighting sources visible from the beach berm elevation	8	Month	\$300.00	\$2400.00
	C. Escarpment formations	8	Month	\$225.00	\$1800.00
TOTAL					\$126,280.00

BIDDER INFORMATION AND CERTIFICATION

The undersigned bidder certifies that this bid package is submitted in accordance with the specification in its entirety and with full understanding of the conditions governing this bid.

COMPANY NAME:	DB Ecological Services, Inc.	
STREET ADDRESS:	1012 SW 7th St	
CITY, STATE, ZIP CODE:	Boca Raton, FL 33486	
*AUTHORIZED SIGNATURE:		
TYPED NAME & TITLE	Christine Perretta, President	
TELEPHONE NO: (561) 376-5502	FAX NO: (561) 393-0394	FEDERAL ID#: 65-092-7733

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

- All bids shall be submitted on the Town provided forms. Failure to do so may be cause for rejection.
- All blanks on the forms must be completed.
- Supplemental information may be attached.

BIDDERS CHECKLIST

All bids shall be submitted on the Town provided Bid Package forms. Failure to do so may cause the Bid to be rejected. All blanks on the proposed forms must be completed. Supplemental information may be attached to the bid package forms. Bidder shall return a complete set of all bid proposal forms. Failure to submit the required documents may result in your bid being considered non responsive.

Are all Bid pages signed?	Yes ✓	No
Vendor Service Representative Information submitted?	Yes ✓	No
Bidder Qualification Information attached as per Special Terms & Conditions #3?	yes	
Is Bidder's Qualification form completed and submitted?	Yes ✓	No
Copies of license and permits attached?	Yes ✓	No
Are addendum (if any issued) submitted?	Yes ✓	No
Is Drug Free Workplace form submitted?	Yes ✓	No
Is List of Proposed Sub-Contractors submitted, if any?	Yes ✓	No

Acknowledgement is hereby made of the following Addenda received since issuance of Specifications:

Addendum No. 1 Dated: 1/20/12 Addendum No. _____ Dated: _____
Addendum No. _____ Dated: _____ Addendum No. _____ Dated: _____
Addendum No. _____ Dated: _____ Addendum No. _____ Dated: _____

Name of Vendor's Representative: Christine Perretta

Address: 1012 SW 7th St, Boca Raton, FL 33486

Phone Number: (561) 376-5502 Fax Number: (561) 393-0394

E Mail Address: dbeco@bellsouth.net



BID NO. 2012-10

SEA TURTLE MONITORING SERVICES

BIDDERS QUALIFICATIONS

The Bidder, as a result of this bid proposal, shall hold a County and/or Municipal Tax Receipt (Occupational License) in the area of their fixed business location. Each bidder shall complete the following information and submit with their bid:

- (1) Legal Name and Address:

Name: DB Ecological Services, Inc.

Address: 1012 SW 7th St

City, State, Zip: Boca Raton, FL 33486 Phone/Fax: (561) 376-5502

- (2) Check One: Corporation (☒) Partnership () Individual ()

- (3) If Corporation, state: Date of Incorporation: 6/15/99 State in which Incorporated: Florida

- (4) If an out-of-state Corporation, currently authorized to do business in Florida, give date of such authorization:

N/A

- (5) Name and Title of Principal Officers

Date Elected:

Christine Perretta, President 6/15/99

- (6) The Vendor's length of time in business: 12.5 years

- (7) The Vendor's length of time (continuous) in business as a service organization in Florida: 12.5 years

- (8) All bidders must disclose with their bid the name of any officer, director or employee who is also an employee of the Town.

Name None N/A

- (9) All bidders must disclose the name of any Town employee who owns, directly or indirectly, an interest in the bidder's firm or any of its branches.

Name None N/A

- (10) A copy of County and/or Municipal Tax Receipt (Occupational License)

Note: Information requested herein and submitted by the bidders will be analyzed by the Town of Palm Beach and will be a factor considered in awarding any resulting contract. The purpose is to insure that Bidders, in the sole opinion of the Town of Palm Beach, can sufficiently and efficiently perform all the required services in a timely and satisfactory manner as will be required by the subject contract. If there are any terms and/or conditions that are in conflict, the most stringent requirement shall apply.



BID NO. 2012-10

SEA TURTLE MONITORING SERVICES

DRUG-FREE WORKPLACE CERTIFICATION

Whenever two (2) or more bids/proposals, which are equal with respect to price, quality, and service, are received by the Town of Palm Beach for the procurement of commodities or contractual services, a bid/proposal received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

- (1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- (2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- (3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in number (1).
- (4) In the statement specified in number (1), notify the employees that as a condition for working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction on or plea of guilty or nolo contendere to any violation of Chapter 893, Florida Statutes or of any controlled substance law of the United States or any singular state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- (5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by any employee who is so convicted.
- (6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of Section 287.087, Florida Statutes.

This Certification is submitted by Christine Perretta the
(Individual's Name)

President of DB Ecological Services, Inc.
(Title/Position with Company/Vendor) (Name of Company/Vendor)

Who does hereby certify that said Company/Vendor has implemented a drug-free workplace program, which meets the requirements of Section 287.087, Florida Statutes, which are identified in numbers (1) through (6) above.

1/31/12

Date

Signature

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 75-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order for the Par 3 Clubhouse Project, in the Amount of \$320,000 and Increasing the Guaranteed Maximum Price of the Construction Manager At-Risk Contract for Hedrick Brothers Construction to \$2,950,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 25, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 75-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization for Upgrades and Change Order for Par 3 Clubhouse
Resolution No. 75-2013

Date: April 25, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 75-2013 authorizing a change order to the construction contract for the Par 3 Clubhouse project with Hedrick Brothers Construction, in the amount of \$320,000 for upgrades to the Par 3 Clubhouse. The Guaranteed Maximum Price (GMP) for the project will be increased to \$2,950,000.

GENERAL INFORMATION

A Construction Manager At-Risk (CMAR) contract was previously awarded to Hedrick Brothers Construction in the amount of \$2,630,000 for constructing the new Clubhouse. At that February 12, 2013 Town Council meeting, the overall project budget (\$3,135,000) and source of funds was approved. Although the budget included \$330,000 allocated for interior upgrades, which were designed by the consultant and cost proposals prepared by Hedrick Brothers, they were not included in the construction contract. These interior upgrades consist of various architectural features (wood trim, tile and wood flooring, wall coverings, lighting fixture and door hardware upgrades, additional painting, etc) as well as minor revisions associated with the proposed kitchen/restaurant operations (service area, kitchen equipment, HVAC, electrical, etc). These upgrades can be accomplished for \$270,000 and \$50,000 respectively for a total GMP adjustment of \$320,000. Therefore, a change order will be issued to Hedrick Brothers to increase the contract by that amount to include this work.

The remainder of the \$330,000 interior upgrades budget (\$10,000) will be re-allocated to the Town expense budget to account for low voltage equipment associated with the restaurant operation (cameras, sound system, etc). The allocation for expenses paid directly by the Town will be increased from \$75,000 to \$85,000.

The construction is progressing well, and is currently on schedule. These interior upgrades as approved will extend the schedule by approximately one month. The completion date will be revised to be January 6, 2014.

FUNDING/FISCAL IMPACT

The donation from the Par 3 Foundation required to accomplish this work has been received, and there are no additional fiscal impacts to the Town. The overall project budget remains at \$3,135,000 as previously approved.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
Jay Boodheshwar, Director of Recreation and Special Projects
Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Jeff Sanon, P.E., Project Engineer
Lynda Cummings, Purchasing Agent
Par 3 Foundation
Hedrick Brothers Construction

RESOLUTION NO. 75-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CHANGE ORDER FOR THE PAR 3 CLUBHOUSE PROJECT, IN THE AMOUNT OF \$320,000 AND INCREASING THE GUARANTEED MAXIMUM PRICE OF THE CONSTRUCTION MANAGER AT-RISK CONTRACT FOR HEDRICK BROTHERS CONSTRUCTION TO \$2,950,000.

* * * * *

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

Section 1. The Town Council hereby approves a change order in the amount of \$320,000 to Hedrick Brothers Construction to accomplish various interior upgrades associated with the Par 3 Clubhouse project.

Section 2. The Town Manager is hereby authorized and directed to execute this change order on behalf of the Town of Palm Beach for this work, and to increase the CMAR contract to \$2,950,000.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 7th day of May 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 78-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Coastal Systems International, Inc. (CSI), for Engineering and Environmental Review Services Related to the U.S. Army Corps of Engineers Draft Feasibility Study and Environmental Impact Statement (EIS) for Lake Worth Inlet, Palm Beach Harbor, in an Amount Not to Exceed \$29,485.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 25, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 78-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Award Contract to Coastal Systems International, Inc. (CSI) for Engineering and Environmental Review Services Related To the Lake Worth Inlet, Palm Beach Harbor, Draft Feasibility Report and EIS
Resolution No.78-2013

Date: April 25, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 78-2013 awarding a contract to Coastal Systems International, Inc. for engineering and environmental review services related to the U.S. Army Corps of Engineers (USACE) Draft Feasibility Report and Environmental Impact Statement in an amount not to exceed \$29,485.

Staff further recommends that Town Council authorize the Town Manager to submit comments on behalf of the Town to the USACE prior to the June 3, 2013 expiration date of the 45-day comment period.

GENERAL INFORMATION

On April 19, 2013, the Environmental Protection Agency (EPA) published a notice for public comments in the Federal Register for the USACE's *Draft Integrated Feasibility Report and Environmental Impact Statement, Lake Worth Inlet, Palm Beach Harbor, Palm Beach County, Florida* (Draft EIS), dated April 2013. The Draft EIS includes a 'tentatively selected plan' identified in the document as the '39-foot depth with widening footprint alternative.'

With this being the final opportunity for participation in this EIS process, Town staff recommends that the 182-page document be reviewed in its entirety by a pre-qualified coastal engineering firm. With a staff comprised of former USACE employees, CSI has demonstrated the ability to provide sound engineering and environmental recommendations regarding applicable Federal regulations (such as an EIS). Town staff recommends that CSI review the draft document and identify if the Town's interests have been adequately addressed. In addition to the concerns raised during previous public meetings by Town elected officials, Town residents, and staff, CSI will identify any further concerns that would impact the Town that are discovered during their review process of the Draft EIS.

CSI will develop an appropriate response to be submitted by the Town to the USACE before the June 3, 2013 deadline. Town staff recommends that the Town Council authorize the Town Manager to submit a response on behalf of the Town.

Copies of the Town Manager's letter will be provided to the Town Council members and Shore Protection Board members. CSI's scope of work proposal includes participation at a future public meeting. If necessary, CSI can provide a presentation of their findings at the June 11 Town Council meeting, at which time Town Council also may want to supplement the Town Manager's letter with additional official Town comments on this EIS.

An electronic copy of the Draft EIS can be found at the following website address:
http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx#Palm_Beach

FUNDING/FISCAL IMPACT

This is not a planned project and funding was not included in the Shore Protection Board recommended and Town Council approved FY 2013 Coastal Management Program. The Palm Beach Civic Association has offered a donation of \$5,000 to partially defray this expense. Staff recommends that the balance of the funding for this effort (not to exceed \$24,485) be appropriated from the General Fund Contingency.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
Robert Weber, Coastal Coordinator
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 78-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT TO COASTAL SYSTEMS INTERNATIONAL, INC. (CSI), FOR ENGINEERING AND ENVIRONMENTAL REVIEW SERVICES RELATED TO THE U.S. ARMY CORPS OF ENGINEERS DRAFT FEASIBILITY STUDY AND ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR LAKE WORTH INLET, PALM BEACH HARBOR, IN AN AMOUNT NOT TO EXCEED \$29,485.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Coastal Systems International, Inc., in an amount not to exceed \$29,485, for engineering and environmental review services for the U.S Army Corps of Engineers Draft Feasibility Study and Environmental Impact Statement.

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 7th day of May, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Consent - Other

Agenda Title

Consideration of Approval of Request for Underground Utilities Assessment Area for East Inlet Drive.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated April 30, 2013, from Peter B. Elwell, Town Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Consideration of Approval of Request for Underground Utilities Assessment Area for East Inlet Drive (East Inlet Drive Underground Utilities Assessment Area)

Date: April 30, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve staff proceeding with developing an underground utility (UG) assessment project for the East Inlet Drive Underground Utilities Assessment Area. 71% of the benefitting property owners have affirmatively signed the petition granting their approval of the project and the special assessment process. This exceeds the Town Council adopted 67% requirement. This process results in the requestors of the service paying for 100% of the improvement based on the benefits received from the conversion of overhead lines to underground service.

GENERAL INFORMATION

As you know, from time to time property owners approach the staff on the subject of converting overhead utility lines to underground service. The latest request to convert to UG service pertains to twenty-one single-family properties along East Inlet Drive all of which are hereinafter referred to as the East Inlet Drive Underground Utilities Assessment Area. 71% of the property owners have affirmatively signed a Town petition in the form previously approved by the Town Council. There are 21 properties in the East Inlet Drive Underground Utilities Assessment Area and 15 owners affirmatively signed the petition. Current Town Council policy requires not less than 67% of the property owners to approve of the conversion. The property owners submitted the petition on April 18, 2013.

Conceptual design activities will commence immediately for the purpose of facilitating an FPL binding cost estimate which has been requested by the residents. A construction commencement date is dependent on numerous factors including provision of easements.

Once all of the costs are finalized they will be used to begin the assessment process no later than December of the year of construction completion for placement of the project cost on the property tax bills of the benefitting property owners the following November. If after receiving the binding cost estimate from FPL the residents choose not to proceed, the costs incurred by the Town will also be recouped via the assessment process.

FUNDING/FISCAL IMPACT

There is no direct cost to the Town by virtue of this request since it is intended to be an assessment project. Internal financing provides the advanced funding of this conversion work and upon completion of the work, the Town recoups its expended funds through the special non-ad valorem process spelled out in F.S. 197.3632. The final cost is converted to long term financing up to ten years in term.

cc: Thomas G. Bradford, Deputy Town Manager
H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Chuck Langley, Senior Projects Manager, Public Works
Danny Brannon, P.E., Brannon & Gillespie
Adam Jackson, East Inlet Drive

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TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Consent - Other

Agenda Title

Consideration of Approval of Request for Underground Utilities Assessment Area for Nightingale Trail/La Puerta Way.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated April 30, 2013, from Peter B. Elwell, Town Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Consideration of Approval of Request for Underground Utilities Assessment Area for Nightingale Trail/La Puerta Way (Nightingale Trail/La Puerta Way Underground Utilities Assessment Area)

Date: April 30, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve staff proceeding with developing an underground utility (UG) assessment project for the Nightingale Trail/La Puerta Way Underground Utilities Assessment Area. 74% of the benefitting property owners have affirmatively signed the petition granting their approval of the project and the special assessment process. This exceeds the Town Council adopted 67% requirement. This process results in the requestors of the service paying for 100% of the improvement based on the benefits received from the conversion of overhead lines to underground service.

GENERAL INFORMATION

As you know, from time to time property owners approach the staff on the subject of converting overhead utility lines to underground service. The latest request to convert to UG service pertains to nineteen single-family properties along Nightingale Trail/La Puerta Way from North Lake Way to North Ocean Way, all of which are hereinafter referred to as the Nightingale Trail/La Puerta Way Underground Utilities Assessment Area. 74% of the property owners have affirmatively signed a Town petition in the form previously approved by the Town Council. There are nineteen properties in the Nightingale Trail/La Puerta Way Underground Utilities Assessment Area and fourteen owners affirmatively signed the petition. Current Town Council policy requires not less than 67% of the property owners to approve of the conversion. The property owners submitted the petition on April 9, 2013.

Conceptual design activities will commence immediately for the purpose of facilitating an FPL binding cost estimate which has been requested by the residents. A construction commencement date is dependent on numerous factors including provision of easements.

Once all of the costs are finalized they will be used to begin the assessment process no later than December of the year of construction completion for placement of the project cost on the property tax bills of the benefitting property owners the following November. If after receiving

the binding cost estimate from FPL the residents choose not to proceed, the costs incurred by the Town will also be recouped via the assessment process.

FUNDING/FISCAL IMPACT

There is no direct cost to the Town by virtue of this request since it is intended to be an assessment project. Internal financing provides the advanced funding of this conversion work and upon completion of the work, the Town recoups its expended funds through the special non-ad valorem process spelled out in F.S. 197.3632. The final cost is converted to long term financing up to ten years in term.

cc: Thomas G. Bradford, Deputy Town Manager
H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Chuck Langley, Senior Projects Manager, Public Works
Danny Brannon, P.E., Brannon & Gillespie
Robert Wildrick, Nightingale Trail/La Puerta Way

n:\town manager\pbe\memos\2013\mtc Nightingale Trail/La Puerta Way underground utilities assessment area.doc

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Consent - Other

Agenda Title

Authorization of Selection Committee for Civil Engineering Consulting Services.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 24, 2013, from H. Paul Brazil, P.E., Director of Public Works

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization of Selection Committee for Civil Engineering Consultants Services

Date: April 24, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council affirm the selection team identified below and direct staff as authorized under the Florida Statutes, Chapter 287.055, known as the Consultants Competitive Negotiation Act (CCNA), to receive, review, short list, conduct interviews and return to the Town Council with a recommendation to enter into a contract with the selected consultant(s).

GENERAL INFORMATION

The Town last went through the CCNA selection process for the General Civil Engineering Services in the fall of 2009. In advance of the next Accelerated Capital Improvement Program Bond Issuance, Public Works is of the opinion that now is the best opportunity to prequalify a group of Civil Engineering Consultants in preparation for those projects.

The CCNA process includes establishing a review team that evaluates the qualifications submitted by the firms that express an interest in the project. In accordance with Town Procedure No. 2-89-2, the Council may defer to a Selection Team consisting of the following members:

1. Michael J. Pucillo, Town Council Member, Public Works Committee Chair
2. John Page Director of Planning, Zoning and Building
3. William Francis, P.E., Town Engineer
3. Cheryl Somers, Assistant Director of Finance
5. Doug Terry, Water Resources Division Manager.
6. Non-voting member: Eric Brown, P.E., Assistant Director of Public Works

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with approval of this selection committee.

cc: Selection Committee Members
Jane Struder, Director of Finance
Lynda Cummings, Purchasing Agent

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Consent - Other

Agenda Title

Ratification of Town Manager Peter Elwell's Designation of Town Engineer William Francis to Serve as the Town's Representative on the East Central Regional Water Reclamation Facility Operations Board.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated April 22, 2013, from Peter B. Elwell, Town Manager
- Letter dated April 18, 2013, to ECRWRFO Board

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: East Central Regional Water Reclamation Facility Operations Board

Date: April 22, 2013

STAFF RECOMMENDATION

I recommend that the Town Council ratify my appointment of William Francis, Town Engineer, to serve as the Town representative on the East Central Regional Water Reclamation Facility Operations (ECRWRFO) Board.

GENERAL INFORMATION

During his tenure as Town Engineer, Jim Bowser represented the Town on the ECRWRFO Board. Upon the transition to new Town Engineer William Francis, I appointed him as the Town representative on the Board. Due to the policy making nature of the ECRWRFO Board, I believe it would be appropriate for the Town Council to ratify this appointment.

Attachment

PBE:cek

cc: H. Paul Brazil, Director of Public Works

April 18, 2013

Board Members of the East Central Regional
Water Reclamation Facility Operations Board

Effective immediately, I hereby appoint William Francis, P.E., Town Engineer, as the representative of the Town of Palm Beach on the East Central Regional Water Reclamation Facility Operations Board.

Peter B. Elwell, Town Manager

cc: Mayor and Town Council
H. Paul Brazil, P.E., Director of Public Works
Peggy Smith, ECR Board Secretary

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Board/Commission Annual Report

Agenda Title

Code Enforcement Board.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- Memorandum dated April 25, 2013, from Kirk W. Blouin, Director of Public Safety
- List of Properties with CEB Fines as of March 31, 2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council
Via: Peter B. Elwell, Town Manager
From: Kirk W. Blouin, Director of Public Safety
Re: Annual Report – Code Enforcement Board
Date: April 25, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council hear the presentation of the Annual Report for 2012 by Harris S. Fried, Chairman of the Code Enforcement Board.

GENERAL INFORMATION

The following information is a summary of the activities of the Code Enforcement Board for the past year. Raychel Houston, Code Enforcement Manager is prepared to address the Town Council with additional comments regarding the Code Enforcement Board and answer any questions.

The Code Enforcement Board currently has 8 members (7 regular members and 1 alternate). Harris S. Fried was elected as Chairman at the April 2013 meeting and James M. Ballentine, Jr. was elected as Vice Chairman. The remaining regular members are Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, Jr., W. Anthony Dowell and Alan S. Golboro. The alternate is Scotch Peloso. There is currently one vacant alternate position.

From May 2012 through March 2013, the Code Enforcement Board heard 101 new code violation cases, 21 fine consideration cases, 14 requests for fine reductions, 2 foreclosure hearings and 4 cases as old business. During this same period of time, the Town of Palm Beach collected \$119,320.00 in fines ordered by the Code Enforcement Board and \$8,550.00 in Code Enforcement administrative fees.

As of March 31, 2013, there are 7 properties in daily running fine which total \$1,916,300.00 and 50 properties with non-running fines totaling \$828,352.84. Liens in favor of the Town have been filed against property owners where applicable.

At the present time, the Code Enforcement staff is comprised of 1 civilian manager who also manages the parking enforcement function of the police department, a parking/code enforcement specialist and 2 full time code enforcement officers.

Information for Town Council Meeting: 5/07/13
April 25, 2013
Page 2

Code enforcement staff handled 1,279 complaints from May 1, 2012 through March 31, 2013 of which 586 were self-initiated by the code enforcement officers. There were 2023 inspections completed, 796 code violation warnings and 253 notice of violations issued. Staff also wrote 51 Right of Way violations for construction parking incidents.

Attached is a list of all properties with current outstanding code enforcement fines.

Attachment

KWB/rh

Case #	Name	Address	Date Board Order	CEB costs	Non-Running Fine	Daily Running Fine	Date Costs or Fine Assessed or started	Current Date or Date Fine Stopped	Total Running Fine	Total Due	Comments	Homestead/Foreclosure Status
06-2042	Robert & Louisa Dean	232 Cherry Lane	10/19/2006	\$150.00			10/19/2006	10/19/2006	\$0.00	\$150.00	\$150 CEB 10/19/06	Homesteaded/Cannot Foreclose
07-2073	Robert & Beverly Lowden	129 Chilean Ave.	3/15/2007	\$150.00	\$477.84	\$250.00	3/14/2007	7/31/2007	\$34,750.00	\$35,377.84	\$150 CEB Cost 3/15/07;\$250/day start 3/14/07,end 7/31/07; Adv fee \$477.84	Homesteaded/Cannot Foreclose
07-2089	Erik Gilbertson	151 Chilean Ave.	4/25/2007	\$150.00		\$250.00	5/15/2007	3/31/2013	\$536,750.00	\$536,900.00	\$150 CEB 4/25/07;\$250/day start 5/15/07.	Homesteaded/Cannot Foreclose
07-2230	Philip Steinberg	1640 S. Ocean Ave.	7/19/2007	\$150.00	\$100.00		7/19/2007	7/19/2007	\$0.00	\$250.00	\$150 CEB 7/19/07;Water Violation \$100	Homesteaded/Cannot Foreclose
07-2277	Susan Gibson	226 Pendleton Ave.	9/20/2007	\$150.00		\$250.00	9/29/2007	3/20/2008	\$43,250.00	\$43,400.00	\$150 CEB 9/20/07; \$250/day start 9/29/07, end 3/20/08 (sewer)	Homesteaded/Cannot Foreclose
07-2277	Susan Gibson	226 Pendleton Ave.	9/20/2007			\$250.00	10/17/2007	3/31/2013	\$498,000.00	\$498,000.00	\$250/day start 10/17/07 (doors and windows)	Homesteaded/Cannot Foreclose
07-2363	Violet Alexander	259 Oleander Ave.	2/20/2007	\$150.00	\$8,600.00		2/20/2007	2/20/2007	\$0.00	\$4,750.00	\$150 CEB 2/20/07p; 3 different violations/CEB fine reduction\$4000 on 2/21/08	Homesteaded/Cannot Foreclose
07-2385	Philip Steinberg	1640 S. Ocean Ave.	1/17/2008	\$150.00	\$300.00		1/17/2008	1/17/2008	\$0.00	\$450.00	\$150 CEB and \$300 Water Violation on 1/17/08	Homesteaded/Cannot Foreclose
08-2478	E. Nordin Gilbertson	151 Chilean Ave.	4/17/2008	\$150.00		\$250.00	5/2/2008	3/31/2013	\$448,500.00	\$448,650.00	\$150 CEB 4/17/08; \$250/day start 5/2/08	Homesteaded/Cannot Foreclose
08-2497	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave.C-19	5/15/2008	\$150.00	\$250.00		5/15/2008	5/15/2008	\$0.00	\$400.00	\$150 CEB and \$250 Fine on 5/17/08	Commercial/Foreclosure costs exceed balance due
08-2498	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave.C-19	5/15/2008	\$150.00	\$250.00		5/15/2008	5/15/2008	\$0.00	\$400.00	\$150 CEB and \$250 Fine on 5/17/08	Commercial/Foreclosure costs exceed balance due
08-2499	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave. C-19	5/15/2008	\$150.00	\$500.00		5/15/2008	5/15/2008	\$0.00	\$650.00	\$150 CEB and \$500 Fine on 5/17/08	Commercial/Foreclosure costs exceed balance due
08-2500	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave. C-19	5/15/2008	\$150.00	\$500.00		5/15/2008	5/15/2008	\$0.00	\$650.00	\$150 CEB and \$500 fine on 5/17/08	Commercial/Foreclosure costs exceed balance due
08-2585	Charles W. Smith	242 Cherry Lane	11/20/2008	\$150.00		\$200.00	12/16/2008	3/6/2009	\$16,000.00	\$16,000.00	\$200/day start 12/16/08 ends 3/6/09; in foreclosure with bank	Not Homesteaded; Lender foreclosure action in progress
09-2610	T& P Pavers	1485 Via Manana	2/19/2009	\$150.00	\$250.00		2/19/2009	2/19/2009	\$0.00	\$400.00	\$150 CEB and \$250 fine on 2/19/09;do not hold permit for address	Property Owner not the violator
09-2652	Lawrences Rule Jr.	2283 W. Ibis Isle Rd.	7/16/2009 and 8/20/09	\$150.00		\$250.00	8/18/2009	2/26/2013	\$322,000.00	\$322,000.00	\$250/day start 8/18/09	No longer homesteaded/Town Foreclosure action in process
10-2691	Joseph Cain	893 S. County Rd.	1/21/2010	\$150.00		\$75.00	1/27/2010	2/16/2010	\$1,500.00	\$1,650.00	\$75/day;start 1/27/10, end 2/16/10	Not Homesteaded; Foreclosure costs exceed balance due
10-2706	Susan C. Lee	287 Pendleton Ave.	4/15/2010	\$150.00		\$250.00	4/10/2010	3/31/2013	\$271,500.00	\$271,650.00	\$250/day;start 4/10/10	Non-Homesteaded; Owner Occupied
10-2708	Robert A. & Louisa A. Dean	232 Cherry Lane	4/15/2010	\$150.00		\$75.00	4/10/2010	4/20/2010	\$750.00	\$900.00	\$75/day;start 4/10/10,end 4/20/10	Homesteaded; Cannot Foreclose

Case #	Name	Address	Date Board Order	CEB costs	Non-Running Fine	Daily Running Fine	Date Costs or Fine Assessed or started	Current Date or Date Fine Stopped	Total Running Fine	Total Due	Comments	Homestead/Foreclosure Status
CE 10-182	Florida Capital Management	237 Brazilian Ave.	8/19/2010	\$150.00		\$250.00	8/3/2010	3/10/2011	\$54,750.00	\$54,750.00	\$250/day; start 8/3/10, ended 3/10/11; reduction by board of \$30,000.00 on 4/21/11; to be paid by 6/15/11 or returns to original amount; paid \$150 admin on 8/2/10	Not Homesteaded/fine reduction hearing 4/21/11
CE 11-105	E. Nordin Gilbertson	151 Chilean Ave.	3/17/2011	\$150.00		\$100.00	4/1/2011	5/3/2011	\$3,200.00	\$3,350.00	\$150 CEB on 3/17/11; \$100 day fine start 4/1/11	Homesteaded/Cannot Foreclose
CE 11-200	Charles W. Smith	242 Cherry Lane	6/16/2011	\$150.00		\$250.00	6/14/2011	9/18/2012	\$115,500.00	\$115,500.00	\$150 CEB paid; \$250/day start 6/14/11, fine stopped 9/18/12	Not Homesteaded; bank foreclosure pending
CE 11-641	Salomon & Ellen Bitton	142 Via Palma	6/16/2011	\$150.00		\$125.00	6/25/2011	4/21/2012	\$37,625.00	\$37,775.00	\$150 CEB on 6/16/11; \$125/day fine decided at 7/21/11 CEB Hearing to start on 6/25/11; fine stopped 4/20/12 inclusive	Homesteaded Property
CE 11-729	Benjamin Casas	2145 S. Ocean/Phipps Ocean Park	7/21/2011	\$150.00	\$125.00	\$0.00	7/21/2011	7/21/2011	\$0.00	\$275.00	\$150 CEB on 7/21/11 & \$125 fine - alcoholic beverage	N/A on individual, not property owner
CE 11-778	Salomon & Ellen Bitton	142 Via Palma	8/18/2011 and 9/15/11	\$150.00		\$250.00	8/27/2011	10/24/2011	\$14,500.00	\$14,650.00	\$150 CEB on 8/18/11; \$250 daily fine starting 8/27/11 imposed on 9/15/11 BO; daily fine stopped on 10/24/11 per Walton	Homesteaded Property
CE 11-1024	Estate of Gertrude Maxwell	1700 S. Ocean Blvd.	8/18/2011	\$150.00		\$250.00	9/1/2011	3/2/2012	\$45,750.00	\$45,900.00	\$150 CEB on 8/18/11; \$250 daily fine starting 9/1/11 per BO 9/15/11; fine stopped per abatement 3/2/12	Estate in Probate
CE 11-1241	Fiori	350 S. County Rd., Ste. 100	9/15/2011	\$150.00			9/15/2011	9/15/2011	\$0.00	\$150.00	Not Homesteaded/commercial property	Not Homesteaded/commercial property
CE 11-1539	B 17 LLC	220 Onondaga Ave.	1/19/2012	\$150.00	\$125.00		1/19/2012	1/19/2012	\$0.00	\$275.00	\$150 CEB on 1/19/12 and \$125 fine	Not Homesteaded
CE 11-1553	Absolute Marketing	335 Seaspray Ave.	12/15/2011	\$150.00	\$250.00		12/15/2011	12/15/2011	\$0.00	\$400.00	\$150 CEB on 12/15/11 and \$250 fine	violator not property owner
CE 11-1594	Paolo Bergmann Tr.	267 Atlantic Ave.	1/19/2012	\$150.00		\$25.00	2/1/2012	2/18/2012	\$425.00	\$575.00	\$150 CEB on 1/19/12 and \$150 fine from 2/1/12 to 2/17/12	Not Homesteaded
CE 11-1629	Reynco Inc.	242 Colonial Lane	1/19/2012	\$150.00	\$125.00		1/19/2012	1/19/2012	\$0.00	\$275.00	\$150 CEB on 1/19/12 and \$125 fine	Not Homesteaded
CE 11-1727	Anthony David Hill	258 Wells Rd.	1/19/2012	\$150.00	\$250.00		1/19/2012	1/19/2012	\$0.00	\$400.00	\$150 CEB on 1/19/12 and \$250 fine	violator not property owner
CE 12-16	Robert & Beverly Lowden	129 Chilean Ave.	3/22/2012	\$150.00	\$0.00	\$250.00	4/7/2012	3/31/2013	\$89,500.00	\$89,650.00	\$150 CEB on 3/22/12 and \$250 fine start 4/7/12	Homesteaded
CE 12-19	Paul Pomfret	168 Reef Rd.	2/23/2012	\$150.00	\$125.00		2/23/2012	2/23/2012	\$0.00	\$275.00	\$150 CEB on 2/23/12 and \$125 fine	Homesteaded
CE 12-86	Armenta Landscape	2875 S. Ocean Blvd.	3/22/2012	\$150.00	\$250.00		3/22/2012	3/22/2012	\$0.00	\$400.00	\$150 CEB on 3/22/12 and \$250 fine	violator not property owner

Case #	Name	Address	Date Board Order	CEB costs	Non-Running Fine	Daily Running Fine	Date Costs or Fine Assessed or started	Current Date or Date Fine Stopped	Total Running Fine	Total Due	Comments	Homestead/Foreclosure Status
CE 12-315	James R. Thompson Est.	211 Caribbean Rd.	4/19/2012 and 5/17/12	\$150.00	\$0.00	\$250.00	5/1/2012	1/14/2013	\$64,500.00		\$150 CEB on 4/19/12 and \$250 day fine start 5/1/12 per BO dated 5/17/12; fine stopped 1/14/13 with compliance	Not Homesteaded
CE 12-389	Christopher & Andrea Kaufmann	434 Seaspray Ave.	5/17/2012	\$150.00	\$0.00		5/17/2012	5/17/2012	\$0.00	\$150.00	\$150 CEB on 5/17/12	Homesteaded
CE 12-499	Alan Bohane & Sotheby's International Realty	340 Royal Poinciana Way	6/21/2012	\$150.00	\$0.00		6/21/2012	6/21/2012	\$0.00	\$150.00	\$150 CEB on 6/21/12	violator not property owner
CE 12-729	Tucker's Tree Service	1080 N. Ocean Blvd.	6/21/2012	\$150.00	\$125.00		6/21/2012	6/21/2012	\$0.00	\$275.00	\$150 CEB on 6/21/12 and \$125 fine	violator not property owner
CE 12-761	BOAG	264 Bahama Ln.	8/16/2012	\$150.00	\$0.00	\$250.00	8/28/2012	3/31/2013	\$53,750.00	\$53,900.00	\$150 CEB paid; \$250/day start 8/28/12	Not Homesteaded
CE 12-854	Palm Beach Park Centre 1-6 LLC	440 Royal Palm Way	8/16/2012	\$150.00	\$0.00	\$250.00	8/1/2012	3/12/2013	\$55,750.00		\$150 CEB on 6/26/12 paid; \$250/day start 8/1/12; admin costs paid 7/11/12	Not Homesteaded/commercial property
CE 12-893	Cornelia M. Lorentzen	353 Seaspray Ave.	9/20/2012	\$150.00	\$0.00	\$0.00	9/20/2012	9/20/2012	\$0.00	\$150.00	\$150 CEB on 9/20/12	Not Homesteaded
CE 12-1093	Tamara Jean Fisher	164 Seminole Ave.	9/20/2012	\$150.00	\$0.00	\$0.00	9/20/2012	9/20/2012	\$0.00	\$150.00	\$150 CEB on 9/20/12	Homesteaded
CE 12-1095	Margaret K. Hoffmeier	155 Root Trl.	9/20/2012 and 10/18/12	\$150.00	\$0.00	\$100.00	9/29/2012	3/31/2013	\$18,300.00	\$18,450.00	\$150 CEB on 9/20/12; \$100 daily fine start 9/29/12 as of CEB Order on 10/18/12	Not Homesteaded
CE 12-1112	Marina G. Petrou	221 Oleander Ave.	9/20/2012	\$150.00	\$0.00	\$0.00	9/20/2012	9/20/2012	\$0.00	\$150.00	\$150 CEB on 9/20/12	Not Homesteaded
CE 12-1581	Price Williams III	100 Block of List Rd.	1/17/2013	\$150.00	\$250.00	\$0.00	1/17/2013	1/17/2013	\$0.00	\$400.00	\$150 CEB on 1/17/13 and \$250 CEB fine, solicitation	violator not property owner
CE 12-1582	Erik D. Williams	241 Bahama Ln.	1/17/2013	\$150.00	\$250.00	\$0.00	1/17/2013	1/17/2013	\$0.00	\$400.00	\$150 CEB on 1/17/13 and \$250 CEB fine, solicitation	violator not property owner
CE 12-1583	Mario T. Massenburg	241 Bahama Ln.	1/17/2013	\$150.00	\$250.00	\$0.00	1/17/2013	1/17/2013	\$0.00	\$400.00	\$150 CEB on 1/17/13 and \$250 CEB fine, solicitation	violator not property owner
CE 12-1587	Joseph Lee Cochran	217 Clarke Ave.	1/17/2013	\$150.00	\$250.00	\$0.00	1/17/2013	1/17/2013	\$0.00	\$400.00	\$150 CEB on 1/17/13 and \$250 CEB fine, solicitation	violator not property owner
CE 12-1588	Jeslynn Marie Phelps	217 Clarke Ave.	1/17/2013	\$150.00	\$250.00	\$0.00	1/17/2013	1/17/2013	\$0.00	\$400.00	\$150 CEB on 1/17/13 and \$250 CEB fine, solicitation	violator not property owner
CE 12-1589	Aaron John Cobb	200 Block Barton Ave.	1/17/2013	\$150.00	\$250.00	\$0.00	1/17/2013	1/17/2013	\$0.00	\$400.00	\$150 CEB on 1/17/13 and \$250 CEB fine, solicitation	violator not property owner
CE 12-1590	Austin Robert York	200 Block Barton Ave.	1/17/2013	\$150.00	\$250.00	\$0.00	1/17/2013	1/17/2013	\$0.00	\$400.00	\$150 CEB on 1/17/13 and \$250 CEB fine, solicitation	violator not property owner
CE 13-6	Sandell Corp.	111 Atlantic Ave.	2/21/2013	\$150.00	\$0.00	\$0.00	2/21/2013	2/21/2013	\$0.00	\$150.00	\$150 CEB on 2/21/13	Not Homesteaded
CE 13-44	Bryce M. Lingo	8 Via Los Incas	3/21/2013	\$150.00	\$0.00	\$0.00	3/21/2013	3/21/2013	\$0.00	\$150.00	\$150 CEB on 3/21/13	Not Homesteaded
CE 13-117	Angelika Duda	1053 N. Lake Way	3/21/2013	\$150.00	\$0.00	\$0.00	3/21/2013	3/21/2013	\$0.00	\$150.00	\$150 CEB on 3/21/13;	Homesteaded
CE 13-129	Quindell Johnson	239 Pendleton Ave.	2/21/2013	\$150.00	\$250.00	\$0.00	2/21/2013	2/21/2013	\$0.00	\$400.00	\$150 CEB on 2/21/13 and \$250 CEB fine, solicitation	violator not property owner
194									Grand Total	\$2,744,652.84		

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Committee Reports

Agenda Title

Reconsideration and Acceptance of the Ordinances, Rules, & Standards Committee February 8, 2012, Meeting Report.

Presenter

William Diamond, Town Council Member

Supporting Documents

- Memorandum dated May 1, 2013, from Susan A. Owens, MMC, Town Clerk
- Report of the Ordinances, Rules, and Standards Committee Meeting of February 8, 2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Susan A. Owens, MMC, Town Clerk

Re: Ordinances, Rules, and Standards Committee Report of February 8, 2012

Date: May 1, 2013

STAFF RECOMMENDATION

Staff recommends reconsideration and acceptance of the Report of the ORS meeting of February 8, 2012.

GENERAL INFORMATION

The requested reconsideration and acceptance of the amended February 8, 2012, ORS Report is a procedural matter. On March 14, 2012, the Town Council accepted the Report of the ORS meeting of February 8, 2012. Subsequently, at the May 30, 2012, ORS meeting, Ted Cooney spoke regarding omission of his comments at the February 8, 2012, ORS meeting, at which time the ORS Committee requested that they be added to the February 8, 2012, Report. In reviewing the audio, Mr. Cooney stated that he was not providing public comment, but that he had some questions; because of this statement his questions were not included in the February 8, 2012, Report. His questions are incorporated into the attached red-lined version of the February 8, 2012, ORS Report. Since the next available ORS meeting was not until April 11, 2013, these changes were not able to come before the ORS Committee for approval until last month. At their April 11, 2013, meeting, ORS approved the attached amended February 8, 2012, Report.

FUNDING/FISCAL IMPACT

There is no fiscal impact.

SAO

Cc: Jane Struder, Finance Director
Thomas G. Bradford, Deputy Town Manager

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE HELD
ON WEDNESDAY, FEBRUARY 8, 2012**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee meeting was called to order on Wednesday, February 8, 2012, at 1:30 p.m., in the Town Council Chambers. On roll call, Chairman Diamond and Committee Member Pucillo were present.

II. APPROVAL OF AGENDA

The following changes were made to the Agenda:

ADDITION: Review of proposed emergency Ordinance No. 5-2012, temporarily abating Ordinance No. 25-2011 and establishing interim taxi cab regulations.

Motion was made by Committee Member Pucillo and seconded by Chairman Diamond to approve the Agenda, as amended. On consensus, the motion carried unanimously.

III. PUBLIC COMMENT

Tom Parker, 215 Jamaica Lane, spoke regarding excessive noise coming from his neighbor's generator.

Town Attorney Randolph stated that one of the problems is that there are other non-conforming generators in the Town. He added that an ordinance could not be passed retroactively. At this time, the only remedy is to cite violations as they occur.

Discussion ensued regarding how the Town might be able to better regulate such violations of the noise ordinance. Town Attorney Randolph stated that the Town might be able to amortize out the generators.

Committee Member Pucillo raised the question as to whether or not something could be done if so many citations are issued within a given time period.

Town Attorney Randolph stated that he would look into both matters, and report back to the Committee.

1 Les Evans, 214 Brazilian Avenue, spoke regarding the designation of parking spaces as
2 commercial and residential.

3
4 Deputy Town Manager Bradford stated that the Town's policy was to simplify the
5 designations so that they are the same for the entire block. Some blocks have both
6 residential and commercial designations, based upon their location. Staff looks at what
7 the majority of the spaces are designated as, and uses that designation for the entire
8 block.

9
10 **Chairman Diamond requested that staff provide a report on how many blocks are affected**
11 **by this split zoning, and provide recommendations for re-designation of these spaces.**

12
13 Joanne Warshaver, 223 Seminole Avenue, spoke regarding parking on Seminole Avenue
14 and the usage of those spaces by Temple Emanu-El.

15
16 Brenda Schwerin, 215 Seminole Avenue, spoke regarding parking on Seminole Avenue
17 and the usage of those spaces by Temple Emanu-El.

18
19 **Committee Member Pucillo requested that the designation of residential permit parking on**
20 **Seminole Avenue be done all at once.**

21
22 **Chairman Diamond requested that the Town bring to Temple Emanu-El's attention the**
23 **Town's valet parking restrictions, and that the Town will be enforcing its parking**
24 **regulations.**

25
26 **IV. REGULAR AGENDA**

27
28 A. Old Business

- 29
30 1. Review of Proposed Amendments to Chapter 18 – Buildings and Building
31 Regulations and Proposed Amendments to the Florida Building Code,
32 Chapter 1, Administration.

- 33
34 a. Sec. 18-166 and Sec. 54-36 of the Town Code of Ordinances
35 Pertaining to ARCOM and Landmarks Preservation Commission
36 Qualification Requirements for Architects.

37
38 Jeff Smith, Smith Architectural Group, 241 Sanford Avenue, spoke
39 regarding the process to become a Florida registered Architect. He
40 also suggested changing the residency requirement for one of the
41 architect positions to requiring that they have an office in the
42 Town.

43
44 Lori Volk, 206 Phipps Plaza, supported allowing one of the
45 architect members to be a non-resident, as long as they are certified

1 in the state of Florida. She also submitted documentation, for the
2 record, regarding the state's architect licensing requirements.

3
4 Alexander Ives, Executive Director of the Preservation
5 Foundation, and ARCOM Member, supported a requirement
6 allowing one of the architect members to have an office in the
7 Town of Palm Beach. He also suggested adding a requirement that
8 an applicant must have specialization in Palm Beach architecture.
9

10 Planning, Zoning, and Building Assistant Director Close
11 responded that the amendment presented includes a provision that
12 one of the architect positions "has a unique or special expertise in
13 Palm Beach architecture".
14

15 **Motion was made by Committee Member Pucillo and seconded by Chairman Diamond to**
16 **approve Staff's proposed amendment regarding ARCOM qualification requirements for**
17 **architects. On roll call, the motion carried unanimously.**
18

19 **Planning, Zoning, and Building Assistant Director Close added that the ARCOM**
20 **application form will be amended to require that applicants list their special expertise.**
21

22 [Regarding Item No. IV.A.1., Ted Cooney, 495 N. Lake Way,](#)
23 [asked for clarification regarding the intent of defining major and](#)
24 [minor projects, notice requirements, appeals, and the scope of](#)
25 [ARCOM review for projects that are not visible from the street.](#)
26

27 Discussion ensued regarding how major and minor projects are
28 differentiated, and whether projects not visible from public rights-
29 of-way, both major and minor, are reviewed by ARCOM.
30

31 **Staff was directed to provide a list of typical major and minor projects to ARCOM for**
32 **their determination as to how these projects should be designated, and that ARCOM's**
33 **recommendations be brought back before Committee for further consideration.**
34

- 35 b. Sec. 18-237. Agreed Maximum Schedule for Completion of
36 Construction.
37

38 Discussion ensued regarding establishing overall time limits for
39 multiple permits issued for one site. Building Official Taylor
40 stated that, in the case of commonly owned multi-unit buildings,
41 the Town could tie the permits and projects together, creating one
42 maximum timeframe for construction on these buildings.
43

44 **Staff was directed to prepare an amendment that would tie permits for work on commonly**
45 **owned multi-unit buildings into one permit, creating one maximum timeframe for work on**
46 **all units, to be brought back before the Committee for further consideration.**

c. Sec. 18-1014. Emergency Measures During Storm Events

By consensus, the Committee approved Staff's proposed amendment regarding emergency measures during storm events.

Anita Seltzer, 44 Cocoanut Row, spoke regarding changes to Section 103.2.4, Assistant Building Official Qualifications.

Staff was directed to remove the proposed addition to Section 103.2.4, "or at other such times as determined by the Planning, Zoning and Building Director to be in the best interest of the town".

Discussion ensued regarding construction fences.

Assistant Director Close stated that the next draft of proposed amendments will clarify that wood fences must be painted, and chain link fences must be screened.

Motion was made by Committee Member Pucillo and seconded by Chairman Diamond to approve the Proposed Amendments to Chapter 18 – Buildings and Building Regulations and Proposed Amendments to the Florida Building Code, Chapter 1, Administration, as amended above. On roll call, the motion carried unanimously.

B. New Business

1. Review of Proposed Ordinance Providing for Temporary Group Parking Permits in the Controlled Parking Residential Areas Commonly Referred as "Gainesville Plan Areas."

Joanne Warshaver, 223 Seminole Avenue, spoke in opposition of the temporary permits.

Les Evans, 214 Brazilian Avenue, spoke in opposition of the temporary permits.

Discussion ensued regarding procedures, logistics, timeframes, and fees for the temporary permits.

Marty Silver, 125 Seminole Avenue, spoke in opposition of the temporary permits.

Lori Volk, 206 Phipps Plaza, spoke in support of some regulation, and suggested holding a workshop for affected residents.

Staff was directed to draft a plan that establishes procedures, logistics, timeframes, and fees, to be brought back before the Committee for further consideration.

The Following Item Was Added to the Agenda:

2. Review of Proposed EMERGENCY ORDINANCE NO. 5-2012 Temporarily Abating the Provisions of Ordinance No. 25-11, Providing However for a Period of Time until October 1, 2012, Taxicabs as Defined Herein Are Hereby Authorized to Be Operated Only in Commercial Zoning Districts of the Town and Only Between the Hours of 6:00 PM to 6:00 AM the Following Day. [Tom Bradford, Deputy Town Manager]

Committee consensus was to take this ordinance, as is, directly to the Town Council for their consideration at the February 16, 2012, Council meeting.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee Meeting of Wednesday, February 8, 2012 was adjourned at 4:41 p.m.

APPROVED:

William J. Diamond
Chairman

Susan A. Owens, MMC, Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Committee Reports

Agenda Title

Report of the Ordinances, Rules, & Standards Committee Meeting of May 30, 2012.

Presenter

William Diamond, Town Council Member

Supporting Documents

- Memorandum dated May 1, 2013, from Susan A. Owens, MMC, Town Clerk
- Report of the Ordinances, Rules, and Standards Committee Meeting of May 30, 2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Susan A. Owens, MMC, Town Clerk

Re: Ordinances, Rules, and Standards Committee Report of May 30, 2012

Date: May 1, 2013

STAFF RECOMMENDATION

Staff recommends acceptance of the Report of the ORS meeting of May 30, 2012.

GENERAL INFORMATION

The requested acceptance of the amended May 30, 2012, ORS Report is a procedural matter. On June 19, 2012, the Town Council considered the Report of the ORS meeting of May 30, 2012. During consideration, Council Member Pucillo requested that further clarification regarding the proposed Town of Palm Beach Leash ordinance be added to the Report; subsequently, the Report was not accepted. The requested clarifications are incorporated into the attached red-lined version of the May 30, 2012, ORS Report. Since the next available ORS meeting was not until April 11, 2013, these changes were not able to come before the ORS Committee for approval until last month. At their April 11, 2013, meeting, ORS approved the attached amended May 30, 2012, Report.

FUNDING/FISCAL IMPACT

There is no fiscal impact.

SAO

Cc: Jane Struder, Finance Director
Tom Bradford, Deputy Town Manager

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE
MEETING HELD ON WEDNESDAY, MAY 30, 2012**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Wednesday, May 30, 2012, at 9:30 a.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

The following change was made to the Agenda:

ADDITION: Whitefly Enforcement Update was added as Item IV.A.2.e.

Motion was made by Committee Member Pucillo and seconded by Chairman Diamond to approve the Agenda, as amended. On roll call, the motion carried unanimously.

III. PUBLIC COMMENT

Ted Cooney, 495 North Lake Way, spoke regarding the omission of his comments at the February 8, 2012, ORS meeting.

Chairman Diamond requested that Mr. Cooney meet with Town Clerk Owens to make that correction.

IV. REGULAR AGENDA

A. Old Business

1. Final Review of Proposed Amendments to Chapter 18 – Buildings and Building Regulations; ARCOM Project Designation document; and Proposed Amendments to the Florida Building Code, Chapter 1, Administration.[Veronica Close, Assistant Director of Planning, Zoning and Building]

Assistant Planning, Zoning Building Director Close provided an overview of Staff's recommendations.

Motion was made by Chairman Diamond and seconded by Committee Member Pucillo, to approve Staff's recommendations to Town Council regarding Chapter 18 – Buildings and Building Regulations. On roll call, the motion carried unanimously.

Staff was directed to work with Town Attorney Randolph to add language to provide notice to the neighbors across the street and review the Village of Wellington's regulations regarding violations by contractors.

Motion was made by Committee Member Pucillo and seconded by Chairman Diamond, to approve Staff's recommendations to Town Council regarding Exhibit B, the ARCOM Project Designation manual in a easier-to-use format with larger print. On roll call, the motion carried unanimously.

By consensus, the Committee approved Staff's recommendations for Chapter 103 and 105 to Town Council, as presented.

Staff was directed to provide more clarification regarding Exhibit C, Section 105.1.4.c.; provide a Resolution that incorporates the reactivation fees, and other related fees; in Exhibit A, Section 18.237(a), that the language be changed to "...that notice to neighbors within 250 feet..." rather than "200 feet" for consistency purposes.

(Clerk's Note: Item IV.A.2.e., Whitefly Enforcement Update was heard next.)

2. Parking Related Matters:

- a. Review of Options for Temporary Group Parking Permits in the Controlled Parking Residential Areas. [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford provided an overview of Staff's recommendations.

Discussion ensued regarding the following options: the Police Department issue the permits or the permits could be obtained via the website. Also discussed items were the cost, feasibility, whether or not a resident should be required to obtain a Residential Parking Permit (RPP) prior to obtaining a Temporary Group Parking Permit, that Temporary Group Permits should be free, and that the residents should have at least a Visitor Parking Permit.

Committee consensus was to recommend to Town Council that a resident would not be required to obtain a Regular Parking Permit in order to apply for a Temporary Group

1 **Permit, but would be required to obtain at least two Visitor Parking Permits before**
2 **applying for a Temporary Group Permit; there would be no charge for a Temporary**
3 **Group Permit.**

4
5 Richard Strothers, 211 Seaspray Avenue, asked for clarity
6 regarding the time of day when the Temporary Group Parking
7 Permits can be used.

8
9 Deputy Town Manager Bradford responded that it was only in the
10 areas designated RPP, Residential Permit Parking and the
11 Temporary permits would be for a time of day during which RPP
12 is in effect.

13
14 Major Howe stated that the group permit parking would only be
15 required if permit parking is enforced during time of event. There
16 are some places that permit parking ends at 6:00 p.m.

- 17
18 b. Review of Options for Designating Individual On-Street Parking
19 Spaces as Commercial or Residential In Lieu of Current Block
20 Designation Practice. [Thomas G. Bradford, Deputy Town
21 Manager]

22
23 Deputy Town Manager Bradford provided an overview regarding
24 the problem with designating parking on a per space basis versus
25 the current designation of spaces per block.

26
27 Discussion ensued regarding the cost of fines for commercial
28 parking spaces versus residential spaces, the complexity of
29 developing a process to assist the Police Department in
30 determining which spaces are commercial and residential when
31 writing citations, and the costs associated with it, the software
32 designates the tickets as residential or commercial based on the
33 address of the ticket, regardless what the patrol officer writes.

34
35 Leslie Evans, 214 Brazilian Avenue, spoke regarding keeping the
36 process simple and that he was only asking that the 200 Block of
37 Brazilian Avenue be designated differently.

38
39 **Committee consensus was to keep the current block designation practice the way it is for**
40 **now and to look for software upgrades with more flexibility in the future.**

- 41
42 c. Population Estimated to be Eligible for RPP Parking. [Thomas G.
43 Bradford, Deputy Town Manager]

- 1 d. Residential Permit Parking (RPP) on the Web. [Thomas G.
2 Bradford, Deputy Town Manager]
3 Deputy Town Manager Bradford provided an overview of Staff's
4 recommendations.
5

6 **Motion was made by Chairman Diamond and seconded by Committee Member Pucillo, to**
7 **approve the use of the web pages for the Gainesville and Arlington Residential Permit**
8 **Parking Plans. On call for a vote, the motion carried unanimously.**
9

- 10 e. Whitefly Enforcement Update
11

12 Parking/Code Enforcement Manager Houston provided a status of
13 the whitefly infestation enforcement. She stated that there have
14 been 34 cases whereby the property owners have been cited for
15 whitely infestation, of which none have gone to the Code
16 Enforcement Board, due to the cooperation of the residents.
17

18 *(Clerk's Note: Item IV.B.6. was heard next.)*
19

20 B. New Business
21

- 22 1. Ordinance amending Chapter 78 - Charitable solicitation permits; maximum
23 number per entity per annum; permit for each day of solicitation; evidence of
24 charitable solicitation activity.[Susan A. Owens, Town Clerk]
25

26 Town Clerk Owens provided Staff's revised recommendations regarding
27 Charitable Solicitation Permits. The following recommendations are: three
28 permits allowed in a 12-month period, an after-the-fact penalty of 300% of the
29 permit fee, that each day of solicitation be considered a single solicitation, and
30 the Town charge for each permit.
31

32 **By consensus, the Committee approved Staff's revised recommendations amending**
33 **Chapter 78 of the Ordinance to the Town Council regarding the allowance of three permits**
34 **in a 12-month period, an after-the-fact penalty of 300% of the permit fee, and that each**
35 **day of solicitation be considered a single solicitation.**
36

- 37 2. Request for waiver of Par-3 events from charitable solicitation permit
38 requirements. [Jay Boodheshwar, Director of Recreation and Special Projects]
39

40 Director of Recreation Boodheshwar provided Staff's recommendations
41 requesting a waiver from charitable solicitation permit requirements, as the
42 process is too onerous and would require additional fees thereby detracting
43 from their venue and result in a potential loss of business.
44
45

Discussion ensued regarding whether or not a Charitable Solicitation Permit should be required.

By consensus, the Committee approved Staff's recommendations to the Town Council requesting a waiver from Charitable Solicitation Permit requirements for now, as it could detract from Par 3's venue and result in a potential loss of business, with the caveat that more information about Charitable Solicitation events occurring at the golf course would be provided in next year's required Recreation Enterprise Fund report to the Town Council as the Committee was concerned about the potential impact the new clubhouse could have on the demand for Charitable Solicitation events at the location once constructed.

3. Escalating penalties for late filing of permit applications with Town Clerk.
[Susan A. Owens, Town Clerk]

Town Clerk Owens provided an overview of Staff's recommendations.

Motion was made by Committee Member Pucillo and seconded by Chairman Diamond, to approve Staff's recommendations amending Sections 106 and 10-10 of the Town Code of Ordinances to the Town Council regarding the authorization of a penalty fee of 200% of the application fee for late filing of special event and temporary display of animals permit applications. On call for a vote, the motion carried unanimously.

4. Review of Time of Day and Time of Validity for Peddler Permits, Chapter 78 Code of Ordinances. [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford stated that, lately, the peddlers have become aggressive and returned to houses after being told that they were not interested. He contacted the Police Department and spoke to Raychel Houston.

Parking/Code Enforcement Manager Houston provided an overview of Staff's recommendations.

Chairman Diamond recommended changing the hours of solicitation from 10:00 a.m. to 5:00 p.m., Monday through Friday, no Saturdays, Sundays, and no holidays.

Deputy Town Manager Bradford indicated that they would like to bring back recommendations of the time limit on life of permit, revocation procedures, limited hours and days to bring back at the future meeting.

5. Request for ORS Approval of Ordinance(s) Amending Code Provisions Applicable to the Recreation Advisory Commission at Chapter 74-1(d) and the Board of Trustees of the Palm Beach Retirement System at Section 82-57

(b) (4) – to add the 3 Strike Rule Language for Absences applicable to Regular Meetings and Requiring Absence Excusal Requests To be Made to the Director of Recreation for the Recreation Advisory Commission and the Plan Administrator for the Board of Trustees of the Palm Beach Retirement System [Thomas G. Bradford, Deputy Town Manager]

Motion was made by Committee Member Pucillo and seconded by Chairman Diamond, to approve the amendment of code provisions applicable to the Recreation Advisory commission and the Board of Trustees of the Palm Beach Retirement System to add the Three Strike Rule language for absences applicable to Regular Meeting and requiring absence excusal requests. On call for a vote, the motion carried unanimously.

6. Animal Leash Law Ordinances [William J. Diamond, Town Council Member]

Chairman Diamond provided an overview of the Town's Animal Leash Law and the handling of animals and dogs on the Town's beaches.

a. Town of Palm Beach Leash Ordinance

Discussion ensued regarding clarification of the current Town Code, Section 74-191 ~~that prohibits animals and dogs on the beaches, which included the four public beaches, the mean high water mark demarcation line, and excluded the north end private beaches, which~~ reads, "No person shall take any animal upon the public beaches."

Chairman Diamond ~~provided his proposed changes of the Town code Section 74-191 for easier enforcement by regularizing the use of the beaches. He suggested substituting as follows~~ proposed maintaining the current prohibition of animals on guarded public beaches, and allowing dogs on unguarded public beaches subject to the following provisions:

1. ~~"No person shall take any animal upon the public beaches." for~~
"It shall be unlawful for any dog to be on any unguarded public beach unless the dog is under the restrain or control of a person by means of a chain, leash, or other device or is sufficiently near its handler to be under his direct control and is obedient to that handler's commands or is caged or crated."

2. ~~"It should be unlawful for any dog to be on any publicly guarded beach at any time."~~

2. Every handler of a dog on the aforesaid unguarded public beaches shall pick up and deposit, in the sanitary receptacle, any excrement from said dog. – Council Member Diamond further suggested that there be more receptacles on the beach.

43. "Fines for violating any part of this section shall be as follows:

First offense, \$100

Second offense, \$250

Third offense, \$500

Any subsequent offense, \$1,000

Major Howe expressed concern regarding "voice control", as it is difficult for the police officers to know whether or not the dog will respond to the commands, and he would recommend control by leash instead.

Judy Schrafft, 325 Crescent Drive, spoke in favor of dogs on the beaches without leashes; she also spoke regarding other municipalities that have dog beaches and would be in favor of the Town having a dog beach, a dog park, and a litter law. She suggested designating a dog beach from Sunset Avenue to Dunbar Road.

Discussion ensued regarding modification of the Code to allow dogs off leash during certain hours. Sunrise to 9:00 a.m. and 5:00 p.m. to sunset were proposed.

Marlene Silver, 125 Seminole Avenue, spoke regarding the public beach that she lives near, is very crowded, the people do not pick up after themselves or their dogs, and that she would like to hear the enforcement plans.

Joanne Paull, 309 Dunbar Road, spoke regarding the difficulty in the enforcement of not picking up the occasional dog excrement on the beaches, as it is a huge area to enforce.

Gene Fusz, 223 Park Avenue, spoke regarding the people not picking up after their dogs, as it should be the number one issue to be given attention. He also stated that dogs should be allowed on the beach and that voice command should be allowed.

Richard Strother, 211 Seaspray Avenue, spoke regarding allowing dogs on the beach without leashes on the low water mark and use of voice command.

George Kallop, 1570 N. Ocean Blvd., spoke in support of the change of language in the Code. The dogs that are off leash are mostly in close proximity to their owners and under voice control. However, he was not in support of the change of hours.

Lynn Lorentzen, 250 Sanford Avenue, spoke in favor of dogs on the beach and was in opposition to having leashes on dogs and the change of hours.

Kooshe Aiken, 145 Seagate Road, spoke in favor of dogs on the beach and was in opposition of the leash law and the change of hours.

Leigh Failing, 221 El Bravo Way, spoke in favor of the compromise of the leash law change of hours.

David Leavitt, 1480 Via Manana, spoke regarding the need for police presence on Lake Trail, where dogs are not on a leash and out of control. He stated that the change of hours for the leash law on the beach is a great effort, but in reality the people would not respect the law.

Leslie Evans, 135 Seminole Avenue, spoke regarding the problems of the dogs on the beaches in the area near St. Edward's and the Paramount, including the possible health problems, due to the feces and bacteria in the water.

Joanne Powell, 148 Seagate Road, spoke in opposition to the limited hours, as it could create a hardship for some people.

By consensus, the Committee recommends to the Town Council to ~~codify the status quo where dogs are allowed on unguarded beaches, dawn to 9:00 a.m., and in the evening from 5:00 p.m. to dusk, where dogs can be off leash.~~ continue the prohibition of animals on guarded public beaches, to allow leashed dogs on unguarded public beaches from 9:00 a.m. to 5:00 p.m. and dusk to dawn, to allow unleashed dogs on unguarded public beaches from dawn to 9:00 a.m. and 5:00 p.m. to dusk, and to direct Public Works Staff to add additional sanitary receptacles for dog waste.

b. Palm Beach County Leash Ordinance

County allows voice command in lieu of a leash.

Town Attorney Randolph stated that the County code is irrelevant in the Town, as it only applies to the unincorporated areas of Palm Beach County, and not in the confines of any municipality.

c. Enforcement of Town Leash Law Ordinance on Public Beaches
Vis-a-Vis Federal, State, County and Town Jurisdictional
Boundaries

(Clerk's Note: Item IV.B.2., was heard next.)

V. ANY OTHER MATTERS - None

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee Meeting of Wednesday, May 30, 2012, was adjourned at 12:23 p.m.

APPROVED:

William J. Diamond
Chairman

Susan A. Owens, MMC, Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Committee Reports

Agenda Title

Ordinances, Rules, & Standards Committee Meeting of April 11, 2013 Report.

Presenter

William Diamond, Town Council Member

Supporting Documents

- Report of the Ordinances, Rules, and Standards Committee Meeting of April 11, 2013

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE
MEETING HELD ON THURSDAY, APRIL 11, 2013**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Thursday, April 11, 2013, at 10:00 a.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

The following change was made to the Agenda:

ADDITION: Request to consider codification of lighting standards was added to the Agenda as Item No. 4 under New Business.

Motion was made by Committee Member Pucillo, and seconded by Chairman Diamond, to approve the Agenda, as amended above. On roll call, the motion carried unanimously.

III. COMMUNICATIONS FROM CITIZENS – None

IV. APPROVAL OF MINUTES AND REPORTS

A. Reconsideration of ORS Meeting Reports [Susan A. Owens, Town Clerk]

i. ORS Meeting Report - February 8, 2012

ii. ORS Meeting Report - May 30, 2012

Motion was made by Committee Member Pucillo, and seconded by Chairman Diamond, to recommend reconsideration and acceptance of the ORS Meeting Report of February 8, 2012, and acceptance of the ORS Meeting Report of May 30, 2012, to the Town Council. On call for a vote, the motion carried unanimously.

V. REGULAR AGENDA

A. Old Business

- 1 1. Review of the “3 Strike Rule” for Conflicts of Interest for Board and
2 Commission Members [William J. Diamond, Chair, ORS]

3
4 Jorge Sanchez, 239 Southland Road, expressed his concerns regarding the
5 3 Strike Rule.

6
7 Robert Moore, West Palm Beach, spoke regarding the history of the
8 Architectural Committee (ARCOM) and spoke in opposition of allowing
9 architects from other communities to serve on ARCOM to meet the
10 Florida registration purposes in lieu of allowing resident architects that
11 may not be registered in Florida.

12
13 Jackie Albarran, 11979 Polo Club Road, Wellington, expressed her
14 concerns regarding the 3 Strike Rule.

15
16 Anita Seltzer, 44 Cocoanut Row, spoke regarding how a term of office
17 would be calculated.

18
19 Bill Strawbridge, 223 Atlantic Ave, spoke regarding the Landmarks
20 Preservation Commission (LPC) and the need for qualified members.

21
22 Jorge Sanchez, 239 Southland Road, spoke regarding ARCOM and the
23 need for qualified members.

24
25 Discussion ensued regarding the number of conflicts to allow and other
26 remedies for members with excessive conflicts of interest.

27
28 **Motion was made by Committee Member Pucillo, and seconded by Chairman Diamond, to**
29 **recommend to the Town Council that the “3 Strike Rule” be substituted with the “5 Strike**
30 **Rule”, which would allow members up to 4 conflicts of interest per year. On call for a vote,**
31 **the motion carried unanimously.**

- 32
33 2. Consideration of Allowing Architects Registered in a State other than
34 Florida to be Eligible to Serve as an Architect Appointee on Boards or
35 Commissions that Currently Require One or More Florida Registered
36 Architects to Serve on the Board or Commission. [William J. Diamond,
37 Chair, ORS]

38
39 Robert Moore, West Palm Beach, spoke in opposition of allowing
40 architects from other communities to serve on ARCOM to meet the
41 Florida registration purposes in lieu of allowing resident architects that
42 may not be registered in Florida.

43
44 Bill Feldkamp, 251 Bradley Place, spoke regarding the need for the
45 architect member to be registered in Florida.

1 Planning Administrator Lindgren stated that both ARCOM and LPC
2 discussed the membership requirements and voted unanimously to keep
3 the requirement that the architect be registered in Florida.

4
5 Anita Seltzer, 44 Cocconut Row, spoke regarding the requirements to be
6 registered in Florida.

7
8 Discussion ensued regarding allowing that at least one of the two architect
9 members be registered in Florida.

10
11 Bill Strawbridge, 223 Atlantic Ave, expressed his concerns regarding the
12 requirement to be registered in Florida and spoke in support of a residency
13 requirement for the architect.

14
15 Ted Cooney, 445 Brazilian Avenue, expressed concern over how these
16 changes would affect the LPC.

17
18 Discussion ensued regarding the practicality of requiring that architects be
19 residents and be registered in Florida.

20
21 **Committee consensus was to send this item to the Town Council, without a**
22 **recommendation, for a full discussion. ARCOM and LPC members were invited to attend**
23 **the Town Council meeting.**

- 24
25 3. Final Review of Proposed Amendments to Chapter 18 – Buildings and
26 Building Regulations; and Proposed Amendments to the Florida Building
27 Code, Chapter 1, Administration.[Veronica Close, Assistant Director of
28 Planning, Zoning and Building]

29
30 Assistant Planning, Zoning, & Building Director Close provided an
31 overview of the proposed amendments.

32
33 Planning Administrator Lindgren provided an overview of the appeal
34 timeframe amendment.

35
36 Discussion ensued regarding a definition for “interested parties” as it
37 relates to appeals.

38
39 **Motion was made by Committee Member Pucillo, and seconded by Chairman Diamond, to**
40 **direct Town Attorney Randolph to draft a standard definition of “interested parties” as it**
41 **relates to appeals of ARCOM and LPC decisions, and to recommend to the Town Council**
42 **approval of Staff’s proposed amendments. On call for a vote, the motion carried**
43 **unanimously.**

The Following Item Was Added to the Agenda:

4. Request to Consider Codification of Lighting Standards.

Assistant Planning, Zoning, & Building Director Close provided an overview of Staff's request to consider establishing lighting standards.

Lead Code Enforcement Officer Walton and Planning Administrator Lindgren provided additional information on the request.

Committee consensus was to approve Staff's request to consider establishing lighting standards.

B. New Business

1. Consideration of Term Limits for Appointed and Elected Town Officials [William J. Diamond, Chair, ORS]

Discussion ensued regarding existing term limits for certain appointed officials and potential Code Enforcement Board term limits.

Robert Moore, West Palm Beach, spoke in opposition to term limits for the Building Board of Adjustments and Appeals.

Discussion ensued regarding potential term limits for elected Town officials.

Robert Moore, West Palm Beach, spoke in opposition to term limits for elected Town officials.

Committee consensus was to recommend to the Town Council adoption of a two full 3-year term limit for Code Enforcement Board members, with the ability to serve one more term if there are no other applicants or a current board member has already served two full 3-year terms.

Consideration of term limits for elected Town officials was withdrawn from the agenda.

2. Review of 80% Approval Requirement for Special Non-Ad Valorem Assessment Projects [Michael J. Pucillo, Co-Chair, ORS]

Item not considered as it was instead heard at yesterday's Town Council meeting, at which time they approved lowering the requirement to 67%.

3. Discussion on Establishment of Residency Requirements for Elected and Appointed Officials [Michael J. Pucillo, Co-Chair, ORS]

1 Upon advice from Town Attorney Randolph that residency requirements
2 have been challenged in court, no action was taken.
3

- 4 4. Review of Proposed Changes to Chapter 78, Charitable Solicitation
5 Permits and Chapter 106, Streets, Sidewalks and Other Public Places
6 (Special Event Permits) [Susan A. Owens, Town Clerk]
7

8 Town Clerk Owens provided an overview of the Chapter 106, special
9 event permit, proposed amendments.
10

11 Discussion ensued regarding events held without a permit and Code
12 Enforcement citations and penalties.
13

14 **Motion was made by Committee Member Pucillo, and seconded by Chairman Diamond, to**
15 **recommend approval to the Town Council of the proposed amendments regarding Chapter**
16 **106, special event permits. On call for a vote, the motion passed unanimously.**
17

18 Town Clerk Owens provided an overview of the Chapter 78, charitable
19 solicitation permit, proposed amendments.
20

21 Discussion ensued regarding length of events, events held without a
22 permit, the effect on smaller organizations, and after the fact building
23 permit fees.
24

25 Robert Moore, West Palm Beach, spoke regarding solicitations by smaller
26 charities and those who have not solicited in Palm Beach before and in
27 support of harder penalties for repeat offenders.
28

29 **Committee consensus was to recommend to the Town Council approval of that portion of**
30 **the proposed amendments related to evidence of engaging in charitable solicitation.**
31

- 32 5. Review of ORS Items Pending for Future Meetings [Thomas G, Bradford,
33 Deputy Town Manager]
34

35 Deputy Town Manager Bradford provided an overview of the pending
36 ORS items and stated that he was seeking direction on which items the
37 Committee would like to tackle first.
38

39 **Committee consensus was to begin with letters F, noise standards for new emergency**
40 **generators, and A, Ch 66 business parking permits in Phipps Plaza, and for Staff to report**
41 **back on the remaining items.**
42

43 Responding to the Committee, Deputy Town Manager Bradford stated that
44 Staff will provide ORS with the proposed language for these items.
45
46

VI. ANY OTHER MATTERS

A. Scheduling of the Next ORS Meeting

The next ORS meeting was scheduled for Tuesday, May 14, 2013, at 10:00 a.m.

VII. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee Meeting of Thursday, April 11, 2013, was adjourned at 12:21 p.m.

APPROVED:

William J. Diamond
Chairman

ATTEST:

Susan A. Owens, MMC, Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Florida Power and Light Request for Town Permission to Close a Portion of South Ocean Boulevard and for the Town to Grant an Easement on Submerged Lands.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 18, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Letter dated April 17, 2013, from Keshavarz and Associates, Inc.

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization for Florida Power and Light to Close a Portion of South Ocean Boulevard and Grant an Easement on Submerged Lands

Date: April 18, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council grant permission to Florida Power and Light (FPL) to close a portion of South Ocean Boulevard for installation of a new main feeder to the Town and grant an easement on Town owned submerged lands.

GENERAL INFORMATION

Florida Power and Light (FPL), through its consultants, Keshavarz and Associates, Inc., is requesting permission from the Town of Palm Beach to install a new power feeder to the Town. It is FPL's concern that the existing feeder is nearing the end of its expected life cycle and that there is a possibility of failure. It is their intention to begin construction in early June and have the project completed by mid-October. Currently, the design process is complete and they are in the process of finalizing the Maintenance of Traffic Plan and have begun coordination with Town staff. The request from FPL's consultant and their preliminary maintenance of traffic plans are attached.

This project was previously presented to, and approved by Town Council in July 2012, along with the now constructed replacement FPL feeder along the Southern Boulevard Bridge. The original intent was to construct the current feeder while South Ocean Boulevard was already closed for a sanitary force main installation, but the timing did not work out.

South Ocean Boulevard will need to be closed to through traffic from Via Marina to South County Road for roughly 3 weeks in the month of August. The purpose of the road closure is to allow the contractor to stage the pipe, fuse the joints, and then pull it through the bore hole to Dyer Road in West Palm Beach. The boring equipment will be staged in West Palm Beach. The exact timing and duration of the closure will become clearer as the project progresses. All efforts to minimize the closure time will be made. Staff will coordinate other work in the right-of-way to assure no conflicts with other projects.

There will also, be the necessity for easements to be obtained and staff requests conceptual approval from Town Council. Similar to previous projects, staff will seek Town Council approval on the final easements after construction is complete.

FUNDING/FISCAL IMPACT

Funding for this project will be the responsibility of FPL with some coordination with Town Staff. There are no fiscal impacts to the Town.

cc: Kirk Blouin, Director Public Safety
John Page, Director Planning, Zoning and Building
William K. Francis, P.E., Town Engineer
Dan Szarszewski, Deputy Chief
Allen Powery, Right of Way Inspector



KESHAVARZ ASSOCIATES
Civil Engineers – Land Surveyors

Town of Palm Beach
Public Works Department
P. O. Box 2029
Palm Beach, FL 33480

April 17th, 2013

Attention: Mr. Peter B. Elwell, Town Manager

Reference: FPL "Belvedere" Underwater Feeder Crossing

Project No. 11-980

Dear Mr. Elwell,

On behalf of Florida Power & Light (FPL), we are requesting permission from the Town of Palm Beach to install a new power feeder to the Town. It is FPL's concern that the existing feeder is nearing the end of its expected life cycle and that there is a possibility of failure. The feeder enters the Town at Via Del Mar. It is our intent to begin construction in early June and have the project completed by mid October. Currently, the design process is complete and we are in the process of finalizing our Maintenance of Traffic Plan and have begun coordination with Charles Langley, P.E. regarding the same.

This project was previously presented to, and approved by, the Council in July of 2012 along with the now constructed replacement FPL feeder along the Southern Boulevard Bridge. The original intent was to construct the Via Del Mar feeder while South Ocean Boulevard was already closed for a sanitary force main installation. Unfortunately that timing did not work out.

The proposed Via Del Mar directional bore will enter the Town at roughly the same point as the existing feeder. At the point where the feeder enters the Town, it traverses from an existing FPL easement in the Intracoastal Waterway onto a roadway and utility easement over Via Del Mar (Deed Book 435, Pages 233-237) (a copy attached). A majority of the waterway crossing will not be within the existing FPL easement, so a new FPL easement will be required. Both the existing and proposed feeders cross a submerged property in the waterway that is owned by the Town. This property was deeded to the Town in 1941 by the Trustees of the Internal Improvement Fund of the State of Florida, Trustees Deed 18,629 (copy attached). This property crossing will require a separate easement granted by the Town. It is FPL's desire to leave the existing feeder in place to allow for redundancy. If and when the existing feeder fails, it is FPL's intent to abandon that easement. We intend to enter the Town proper at approximately the same location of the existing cable and within the same easement currently in place. We have explored several alignments for the new feeder and are confident that the proposed alignment is the most feasible option allowing the least amount of disruption to the Town's residents.



After the directional bore enters the Town, it will continue east, past South County Road and exit roughly midway between South County Road and South Ocean Boulevard. A portion of South Ocean Boulevard will be needed for the conduit staging area. South Ocean Boulevard will need to be closed to through traffic from Via Marina to South County Road for roughly 3 weeks in the month of August. The exact timing and duration of the closure will become more clear as the project progresses. All efforts to minimize the closure time will be made.

We are hereby requesting permission to conduct the above referenced operations within the Town's property and easement on Via Del Mar and also requesting to be granted an easement on the submerged lands for crossing purposes. The depth of cable under the submerged lands and at the point of entry on Via Del Mar is approximately fifty feet (50').

On behalf of Florida Power & Light (FPL), we are hereby requesting permission for the closing of a portion of South Ocean Boulevard, which will be needed for the conduit staging area, and requesting that the closure be placed on the Agenda for the May 7th, 2013 Town Council Meeting.

Should you have any questions or require further clarification, please do not hesitate to contact our office.

Sincerely,

KESHAVARZ & ASSOCIATES, INC.

A handwritten signature in black ink, reading 'Allen T. Green III', with a stylized flourish at the end.

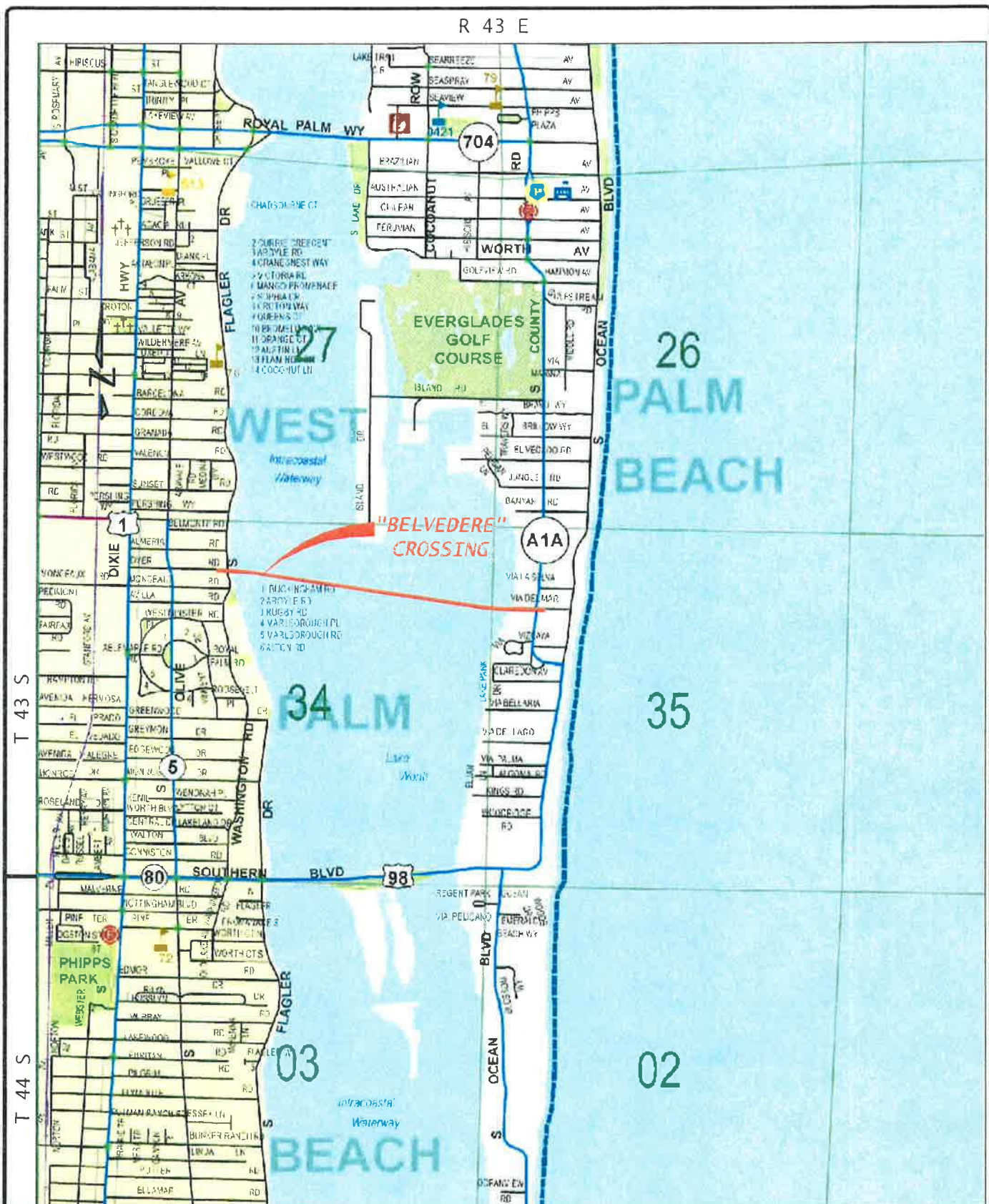
Allen T. Green III, P.E., LEED
Project Engineer

CC: Carlos Marrero, FPL
Paul Brazil, P.E.
William Francis, P.E.
Charles Langley, P.E.

AG3/jbs

X: 201111-980 FPL Underwater Feeders Town Belvedere Explanation ltr.doc

PLOT DATE May 21, 2012 TIME 2:54pm BY asg/mtl
 DRAWING: Y:\111-980 FPL Belvedere and Hillcrest Underwater Feeder.dwg\110980_P01_LNAP-N.dwg LAYOUT: R-1



Keshavarz & Associates, Inc.
 CONSULTING ENGINEERS - SURVEYORS
 711 North Dixie Highway, Suite 201
 West Palm Beach, Florida 33401
 Tel: (561) 689-8600 Fax: (561) 689-7476 LB 4897

**FPL "BELVEDERE" Underwater Feeder
 Crossing - Horizontal Directional Drilling
 Under the Intracoastal Waterway -
 - LOCATION MAP -**

PROJECT No.
11-980
 FIGURE
1



FPL BELVEDERE AND HILLCREST UNDERWATER FEEDER CROSSING
VIA DEL MAR (BELVEDERE RD.) CROSSING EXIT PIT

PROJECT NO.	11-980
SHEET NO.	1 OF 1
FIELD BY	S. Bryson
FIELD BOOK	PG. -
DESIGNED BY	A. Green
DRAWN BY	R. Busutti
CHECKED BY	R. Wertepny
APPROVED BY	M. Keshavarz
DATE	Aug 17 2013

Keshavarz & Associates, Inc.
CONSULTING ENGINEERS - SURVEYORS
711 North Dixie Highway, Suite 201
West Palm Beach, Florida 33401
Tel: (561) 689-8600 Fax: (561) 689-7476 IR 4897



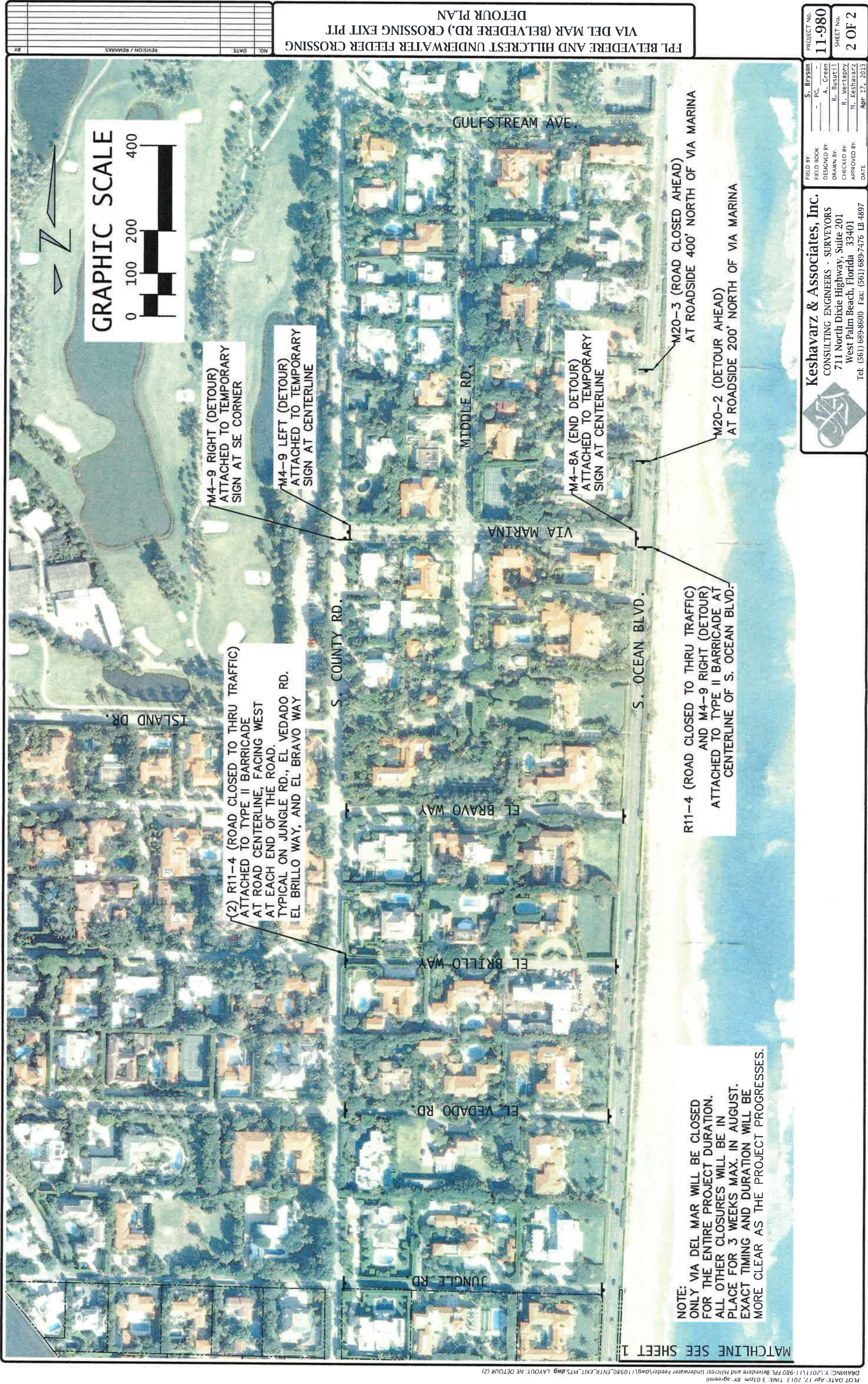
FPL BELVEDERE AND HILLCREST UNDERWATER FEEDER CROSSING
VIA DEL MAR (BELVEDERE RD.) CROSSING EXIT PIT
DETOUR PLAN

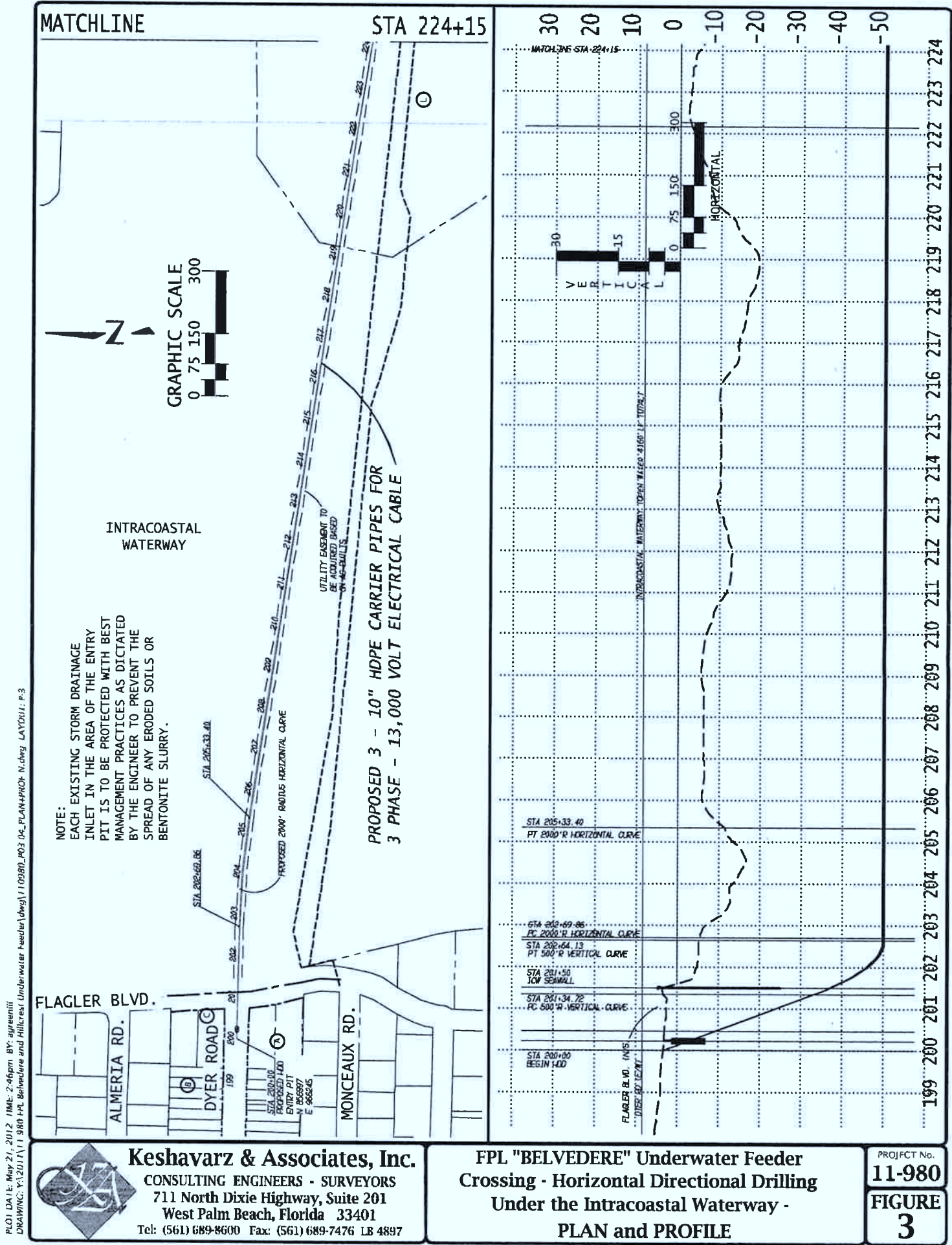
MATCHLINE SEE SHEET 2

NOTE:
ONLY VIA DEL MAR WILL BE CLOSED
FOR THE ENTIRE PROJECT DURATION.
ALL OTHER CLOSURES WILL BE IN
PLACE FOR 3 WEEKS MAX. IN AUGUST.
EXACT TIMING AND DURATION WILL BE
MORE CLEAR AS THE PROJECT PROGRESSES.

Keshavarz & Associates, Inc.
CONSULTING ENGINEERS - SURVEYORS
711 North Dixie Highway, Suite 201
West Palm Beach, Florida 33401
Tel: (561) 689-8600 Fax: (561) 689-7476 LB-4897

PROJECT NO.	11-980
SHEET NO.	1 OF 2
FIELD BY	S. Bryson
FIELD BOOK	- PG. -
DESIGNED BY	A. Green
DRAWN BY	R. Busuttil
CHECKED BY	R. Wertheppu
APPROVED BY	M. Keshavarz
DATE	Apr 17, 2013





TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Authorization to Reject All Submittals for RFP No. 2013-09 - Construction Management Services and Re-Advertise.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated April 29, 2013, from H. Paul Brazil, P.E., Director of Public Works

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization to Reject All Submittals for RFP No. 2013-09 – Construction Management Services and Re-Advertise

DATE: April 29, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council reject all submittals related to RFP No. 2013-09 - Construction Management Services and Re-advertise.

GENERAL INFORMATION

RFP No. 2013-09 – Construction Management Services was advertised on January 13 and 20, 2013. Upon review of the scope contained in the RFP, it appears that the services requested in this RFP are more applicable to construction administration services similar to those currently being performed by the Town's pre-approved civil engineering consultants. The Selection Committee did not review the submittals or meet for selection.

Staff recommends rejecting all submittals received and re-advertising with an adjusted scope to better represent the intent of establishing a construction management project delivery mechanism.

FUNDING/FISCAL IMPACT

There is no cost associated with rejecting these submittals.

PURCHASING REVIEW

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

cc: H. Paul Brazil, P.E., Director of Public Works
Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Lynda Cummings, Purchasing Agent

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Website Development Update.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated April 26, 2013, from Jay Boodheshwar, Director of Recreation and Special Projects

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Website Re-Design Update

Date: April 26, 2013

STAFF RECOMMENDATION

Staff recommends Town Council review the design of the Town's new website, which is scheduled to go live in September 2013.

GENERAL INFORMATION

At the January 8, 2013, Town Council meeting, a 48 month contract was awarded to Icon Enterprises (Civic Plus) to re-design the Town's website. The agreement includes a complete re-design of the Town's website, navigation architecture development, site set up, content development, testing and review, training, marketing, on-going consultation, support, maintenance and hosting. After the initial agreement is completed, the Town will become eligible for a basic redesign of the website at no additional cost, if we choose to renew the agreement.

The Town's Communications Committee, which is comprised of staff from all departments and the Town Manager's Office, has been working with Civic Plus to address issues such as design, format, navigation, and functionality. The Town Manager, Deputy Town Manager, and Department Directors have also been actively involved in the process. In preparing for the design process, staff advised Civic Plus that the new website should include the appropriate color palette, photos, and layout to promote the beauty of our unique coastal community and the importance of architecture to our town's identity. Staff feels these guidelines have been met. The fourth design draft will be presented at the May 7 Town Council meeting.

Just as important as the design is the functionality of the new website. Our commitment for improving two-way communication with Palm Beach residents, while taking advantage of new technologies, will be achieved with the new site. The navigation of the new site will be much more user friendly than the current site and will include modules such as a town calendar, news, a spotlight section, and an alert center for emergency information. The home page will have quick and easy to navigate access to meeting information for Town Council and Boards/Commissions, as well as the audio feature for these meetings. Visitors to the website will be able to communicate information with a click of a button on the "Tell the Town" feature and can sign up for a variety of information services by selecting "Notify Me." The Town will now have a presence in social media with new Facebook and Twitter accounts, allowing us to automatically push breaking news and

promote town-wide events directly to smart phones. These features and many more will also be presented at the May 7 Town Council meeting.

The website's design and navigation is expected to be completed by the end of May 2013. Content development will take place during the summer months, from June through August. On-site training for staff will occur in early September and the site is scheduled to "go live" on Thursday, September 19, at 6:00pm.

c: Thomas G. Bradford, Deputy Town Manger
Department Directors
Communication Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointments to the Planning and Zoning Commission.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Email dated April 30, 2013, from Jeff Cloninger

The back-up for this item will be distributed on Monday, May 6, 2013.

From: Jeff Cloninger <jeff@jeffcloninger.com>
To: townmanager@townofpalmbeach.com, council@townofpalmbeach.com,
Date: 04/30/2013 06:32 PM
Subject: P&Z Commissioner Selection

April 30, 2013

Dear Town Council Members:

I had originally blocked out my calendar for May 14 in order to attend the Town Council meeting to express my interest in person for the voting member position on P&Z that is to be decided on that date. When the meeting was moved to May 7 I saw that I had a conflict with an appointment with a European client with whom I have had an appointment scheduled since last January. I can not cancel an appointment of such long standing, especially when the client is coming from such a long distance and had the courtesy of scheduling with me many months in advance. So, my apologies for not being able to appear in person to express my interest in the voting position.

In the over three years I have served as an Alternate on the Planing and Zoning Commission, I have missed just one meeting. I have made a serious commitment of time and energy to understand the issues before the Commission, and each time I spoke about any specific issue, although I didn't have a vote, I made sure I was educated on the topic so I could provide a meaningful contribution to the proceedings. Although the members of the Commission may disagree from time to time on any given topic, I believe we have a collegial group that shows respect for each other and differences of opinion, and I know each of us have the best interest of the town at heart.

I would certainly appreciate your vote of support on May 7 to elevate me to regular member status on the Planing and Zoning Commission.

Sincerely,

Jeff Cloninger

TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 2-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks and Other Public Places, Article VII, Special Events on Public Property, Division 2, Permit, by Amending Section 106-282(c)(14) Relating to Application Fee and Providing for a Fee for a Late Filing; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Memorandum dated April 25, 2013, from Susan A. Owens, MMC, Town Clerk
- Ordinance No. 2-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Susan A. Owens, MMC, Town Clerk

Re: Amendments to Special Events Permit Code
Ordinance No. 2-2013

Date: April 25, 2013

GENERAL INFORMATION

Part of ORS's charge over the last few years has been to remove fees from the Town Code of Ordinances and allow for them to be set via resolution. This proposed ordinance will remove the \$150 application fee from the Code, which will subsequently be set via resolution.

Additionally, Section 106 of the Town Code of Ordinances has no provision for penalties for special event permit applications that are filed less than 30 days before the event. Town staff has found that there are a large number of applications being submitted late. During fiscal year 2010-2011, nearly 40% of all special event permits were submitted late. Establishing a late fee will help to better enforce the time provisions of Section 106 of the Town Code of Ordinances. As with the application fee, the late fee will subsequently be set via resolution.

ORS RECOMMENDATION

These amendments came before ORS at their April 11, 2013, meeting, and were recommended for approval by the Town Council.

FUNDING/FISCAL IMPACT

The Town anticipates that there will be a slight increase in revenue to the General Fund as some applicants may still file late.

TOWN ATTORNEY REVIEW

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

Attachment

SAO

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

ORDINANCE NO. 2-2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE VII, SPECIAL EVENTS ON PUBLIC PROPERTY, DIVISION 2, PERMIT, BY AMENDING SECTION 106-282(c)(14) RELATING TO APPLICATION FEE AND PROVIDING FOR A FEE FOR A LATE FILING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Street, Sidewalks and Other Public Places; Article VII, Special Events on Public Property, Division 2, Permit, by amending Section 106-282(c)(14) to read as follows:

Sec. 106-282 Application.

(c) (14) An administrative processing fee and, in the event of a late filing a late filing fee, in accordance with the fee schedule adopted by the Town Council by Resolution as may be amended from time to time.

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 7th day of May, 2013, and for second and final reading on this 11th day of June, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Council Member

Richard M. Kleid, Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Council Member

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TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 3-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 18, Buildings and Building Regulations, to Include a New Article XVII, Archaeological Review, Providing for an Archaeological Assessment Prior to the Issuance of Any Permits for Demolition, Excavations, Tree Removal, or Other Ground Disturbing Activities as Required by Florida State Statute 872.05, as Amended, and the Town's Comprehensive Plan; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated April 25, 2013, from John S. Page, Director of Planning, Zoning, and Building
- Ordinance No. 3-2013
- Map

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Archaeological Ordinance
Ordinance No. 3-2013

Date: April 25, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council adopt attached Ordinance No. 3-2013 on first reading.

GENERAL INFORMATION

The attached archaeological ordinance should be adopted by the Town in order to comply with Florida Statute requirements and the Town's own Comprehensive Plan requirements. Several years ago the Town had an archaeologist inventory all known and potential archaeological sites within the Town, and a map and listing of these sites was created. Several of these sites have human remains dating back several hundred years, and Florida Statutes require a strict process to be followed when dealing with "unmarked human burial sites" (Chapter 872.05).

The Historic Preservation Element of the Town's Comprehensive Plan also requires archaeological assessments and monitoring (when needed) in those areas in Town that have been identified as known or potential archaeological sites (Policy 1.4). Furthermore, Policy 1.6 mandates that the "Town shall adopt an archaeological preservation ordinance to protect pre-historic resources or sites of archaeological significance with specific guidelines regulating construction activities."

Property owners have been complying with the requirements found in the proposed ordinance per direction from Town staff in order to satisfy all Town and State requirements. The proposed ordinance will simply codify established Town procedures.

TOWN ATTORNEY REVIEW

The attached ordinance was prepared by Town Attorney Skip Randolph, and meets legal form and sufficiency.

Attachments

JP:jl

cc: John Lindgren, Planning Administrator

ORDINANCE NO. 3-2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, TO INCLUDE A NEW ARTICLE XVII, ARCHAEOLOGICAL REVIEW, PROVIDING FOR AN ARCHAEOLOGICAL ASSESSMENT PRIOR TO THE ISSUANCE OF ANY PERMITS FOR DEMOLITION, EXCAVATIONS, TREE REMOVAL, OR OTHER GROUND DISTURBING ACTIVITIES AS REQUIRED BY FLORIDA STATE STATUTE 872.05, AS AMENDED, AND THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 18, Buildings and Building Regulations to include a new Article XVII, Archaeological Review, to read as follows:

"ARTICLE XVII. ARCHAEOLOGICAL REVIEW

Sec. 18-1020. Requirements for known or potential archaeological sites.

Pursuant to the Town's Comprehensive Plan and to maintain compliance with the requirements of Florida State Statutes (872.05 as amended), an archaeological assessment is required for known archaeological sites and/or potential archaeological sites (identified on the Town's Archaeological Map, as amended). That assessment (Phase 1 or reconnaissance level) will result in a report presented to the Planning, Zoning & Building Department prior to the issuance of any permits for demolition (below ground), excavations, tree removal, or other ground disturbing activities. Based on the assessment report, a determination will be made by the Planning, Zoning & Building Director, or the Director's designee, as to whether monitoring and/or additional testing (Phase II) needs to be done. In some cases a Phase II assessment may be required based on a site's potential or known significance. A Phase III assessment is required only if something highly significant is found, such as human remains. If human remains are uncovered, they are subject to Florida's Unmarked Human Graves Act, and should be avoided if possible. If that

is not feasible, then they should be reinterred in a secure part of the property under the coordination of the consultant archaeologist and tribal representative.”

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 7th day of May, 2013, and for second and final reading on this 11th day of June, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

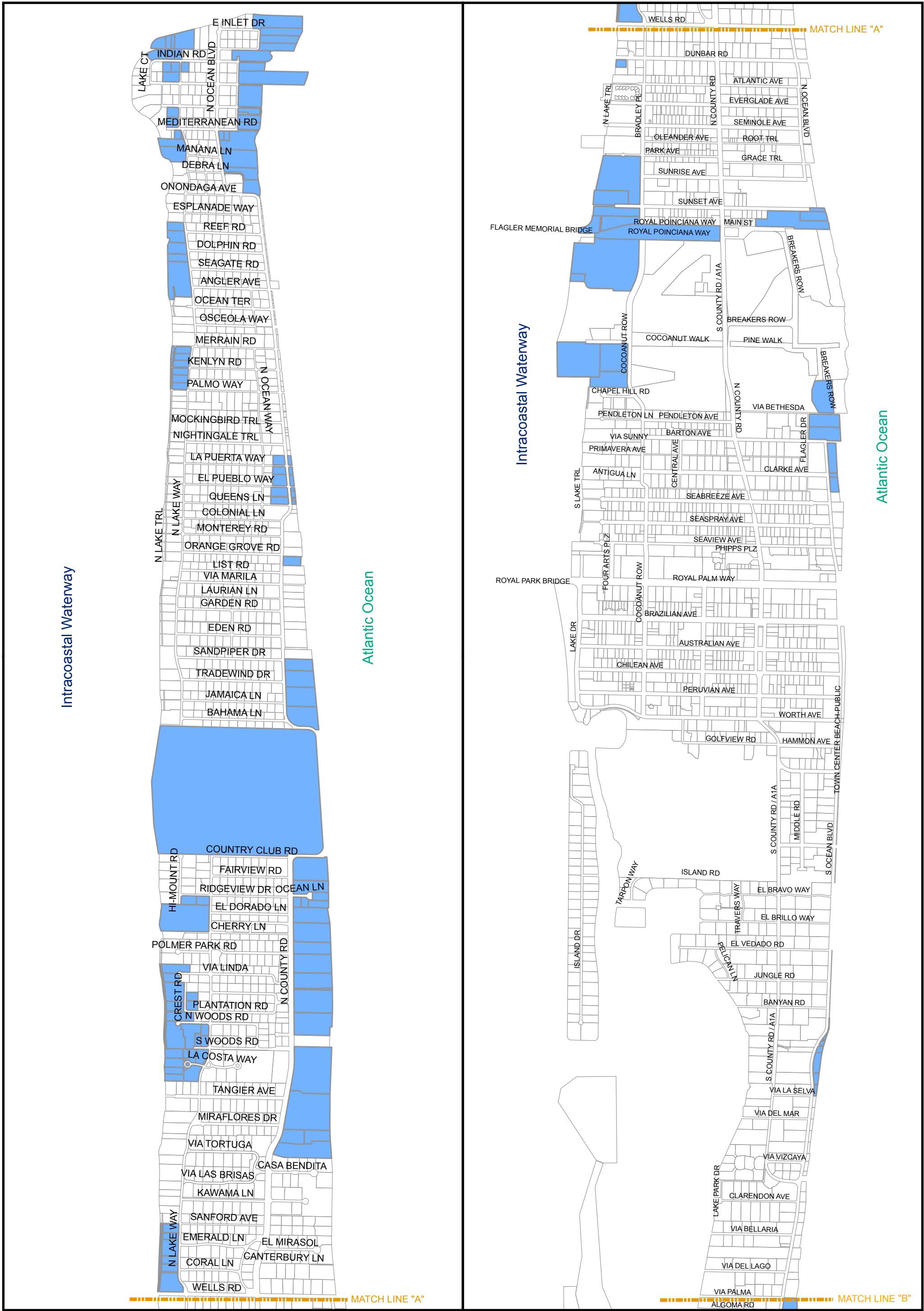
William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

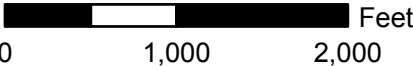
Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



TOWN OF PALM BEACH

 ARCHAEOLOGICAL SITES



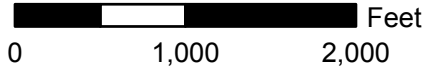
Map Created: Sept. 21, 2009
By: J.D. Donta
Town of Palm Beach
Planning, Zoning & Building Department
(561) 838-5430
Email: pzb@townofpalmbeach.com
Website: palmbeach.govoffice.com

248

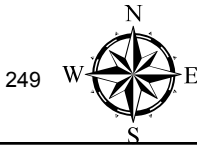




TOWN OF PALM BEACH
ARCHAEOLOGICAL SITES



Map Created: Dec. 09, 2009
By: J.D. Donta
Town of Palm Beach
Planning, Zoning & Building Department
(561) 838-5430
Email: pzb@townofpalmbeach.com
Website: palmbeach.govoffice.com



TOWN OF PALM BEACH

Town Council Meeting on: May 7, 2013

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 4-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, So as to Amend the Fees Delineated for Each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated April 24, 2013, from John S. Page, Director of Planning, Zoning, and Building
- Ordinance No. 4-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 7, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Amendment of Business Tax Fees
Ordinance No. 4-2013

Date: April 24, 2013

STAFF RECOMMENDATION

Staff recommends approval of the first reading of Ordinance 4-2013 amending Business Tax Fees and the Business Tax Program. It should be noted that approval of an increase in business taxes will require a majority plus one vote of the Town Council in order to become effective.

GENERAL INFORMATION

In FY13, the Town issued 1,565 business tax receipts (formerly known as occupational licenses) to local businesses. The number of tax receipts dropped from about 2,300 in previous years, due in large part to a change in the state code which exempted real estate licensees from the business tax receipt requirement effective in FY13.

Per state statute (FS 205), the Town may increase business tax fees every two years by an amount not to exceed 5%. The Town's business tax fees were last modified on April 12, 2011 for the next two fiscal years commencing October 1, 2011. In 2009, the Town Council elected not to increase fees.

Staff is recommending an increase in fees for FY14 by the allowed 5%. If approved, this modification would represent a potential increase in revenue of approximately \$30,000 in FY2014, using this year's budgeted amount of \$600,000 as a base. Attached is Ordinance 4-2013, which includes the proposed rates.

If the Town Council approves first reading of Ordinance 4-2013, the ordinance will be placed on the June 11th, 2013 Town Council agenda for second and final reading. If adopted, the ordinance will be codified in its final form, and the revised fees will be incorporated into the renewal notices scheduled for issuance on or about August 1, 2013, for the new tax year commencing October 1, 2013.

FUNDING/FISCAL IMPACT

Business taxes and penalties collected as of March 30, 2013 are \$588,548 and \$18,468 respectively, compared to budgeted revenue for these accounts of \$600,000 and \$25,000. Revenue collected for this same period last year was \$589,688 (and penalties of \$4,258). Total revenue collected last year was \$654,083 (and \$15,010 in penalties). The proposed fees will represent an increase in Business Tax Receipts of approximately \$30,000 annually, commencing in Fiscal Year 2014. This increase is reflected in the Town's Long Term Financial Plan.

TOWN ATTORNEY REVIEW

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

Attachments

cc: John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Jane Struder, Finance Director

ORDINANCE NO. 4 - 2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 114 TAXATION, ARTICLE II, LOCAL BUSINESS TAX, AT SECTION 114-43 SCHEDULE, SO AS TO AMEND THE FEES DELINEATED FOR EACH BUSINESS, PROFESSION OR OCCUPATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

Section 1. Chapter 114 of the Town Code of Ordinances relating to Local Business Taxes, is hereby amended at Section 114-43, SCHEDULE, by increasing Business Taxes as set forth herein.

Sec. 114-43. Schedule.

A business tax is hereby levied upon and shall be collected from every person, firm or corporation exercising the privileges or carrying on or engaging in the business, professions or occupations hereinafter specifically enumerated, as fixed hereinafter; each of such amounts, unless otherwise specifically stated, being the amounts payable as a business tax for exercising such privilege or for carrying on or engaging in such business, profession or occupation mentioned, for each year.

A

ABSTRACTORS OF TITLE	\$	383.00
ACCOUNTANT, AUDITOR, C.P.A. FIRM (Includes One Professional)	\$	383.00
ACCOUNTANT, AUDITOR, C.P.A.	\$	383.00
ADULT ENTERTAINMENT	\$	1,105.00
ADMINISTRATIVE OFFICE	\$	310.00
ANSWER PHONE (Support Business Services)	\$	383.00
APARTMENTS, (See RENTAL DWELLINGS)		
ARCHITECT	\$	383.00
ART GALLERY, UP TO 400 SQ. FT	\$	162.00

ART GALLERY, 401 - 2,000 SQ. FT	\$	383.00
ART GALLERY, 2,001 - 4,000 SQ. FT	\$	442.00
ART GALLERY, 4,001 - 8,000 SQ. FT	\$	883.00
ART GALLERY, OVER 8,000 SQ. FT	\$	1,327.00
ARTIST	\$	294.00
ASTROLOGER, PHRENOLOGIST, CRYSTAL READING, PALM READER, SOOTHSAYER, FORTUNE TELLER AND CLAIRVOYANT	\$	401.00

B

BAKERY	\$	190.00
BANK, TRUST COMPANY	\$	1,107.00
BARBER	\$	146.00
BARBER, SHOP (Includes One Barber)	\$	146.00
BEAUTY SHOP (See COSMETOLOGY SALON)		
BICYCLE SHOP, RENTALS	\$	146.00
BICYCLE SHOP, SALES (See MERCHANTS)		
BOAT DEALER (Yacht Broker)	\$	294.00
BROADCASTING STATION (Radio Or TV)	\$	426.00
BROKER	\$	383.00
BROKERAGE/INVESTMENT COMPANY (Includes One Broker)	\$	1,107.00
BUSINESS OFFICE ONLY (Two People Maximum)	\$	191.00

C

CAR RENTAL AGENCY	\$	589.00
CATERING	\$	191.00
CHIROPRACTOR	\$	383.00
COIN-OPERATED MACHINES (Inside, Exclusive Of Newsracks)	\$	102.00
CONSULTANT	\$	383.00
CONTRACTOR OFFICE (Construction)	\$	426.00
COSMETOLOGIST, INDIVIDUAL	\$	146.00
COSMETOLOGY SALON (Includes One Cosmetologist)	\$	146.00

D

DANCE INSTRUCTOR	\$	191.00
DANCE STUDIO/SCHOOL	\$	383.00
DENTIST	\$	383.00
DINING ROOM, 40 CHAIRS OR LESS (Hotel, Business, Etc.)	\$	191.00
PLUS, FOR EACH CHAIR UP TO 40	\$	3.00
DINING ROOM, OVER 40 CHAIRS (Hotel, Business, Etc.)	\$	383.00
PLUS, FOR EVERY CHAIR	\$	3.00
DINING, CLUB (See DINING ROOM)		

E

ELECTRIC LIGHT COMPANY	\$	332.00
EMPLOYMENT AGENCY	\$	383.00
ENGINEER	\$	383.00

F

FACIALIST, REGISTERED (FA) OR SPECIALIST (FB)	\$	44.00
FULL SPECIALIST	\$	44.00
FULL REGISTRATION	\$	44.00

G

GAS COMPANY	\$	332.00
GOLF COURSE	\$	426.00

H

HEALTH STUDIO	\$	383.00
HOTEL, 10 ROOMS OR LESS	\$	58.00
HOTEL, MORE THAN 10 ROOMS	\$	58.00
PLUS EACH ADDITIONAL ROOM	\$	7.00

I

INSURANCE BROKER, COMPANY/AGENCY	\$	383.00
INSURANCE SALESPERSON	\$	191.50
INTERIOR DECORATOR	\$	383.00
INTERIOR DESIGNER	\$	383.00

J

JEWELER	\$	664.00
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L

LAW FIRM (Includes One Lawyer)	\$	383.00
LAWYER	\$	383.00

M

MASSAGE THERAPIST, INDIVIDUAL	\$	383.00
MASSAGE ESTABLISHMENT (Includes One Massage Therapist)	\$	383.00
MERCHANT, UP TO 400 SQ. FT.	\$	162.00
MERCHANT, 401 - 2,000 SQ. FT.	\$	383.00
MERCHANT, 2,001 - 4,000 SQ. FT.	\$	442.00
MERCHANT, 4,001 - 8,000 SQ. FT.	\$	883.00
MERCHANT, OVER 8,000 SQ. FT.	\$	1,327.00
MORTGAGE BROKER	\$	383.00
MORTGAGE COMPANY	\$	383.00
MOTOR SCOOTER AND MOTORCYCLE RENTAL	\$	1,196.00
MUSIC SERVICE	\$	383.00

N

NAIL REGISTRATION (FV) OR NAIL SPECIALIST (FT)	\$	44.00
NEWSPAPER - SEE PUBLISHER		
NIGHTCLUB WITH DANCE FLOOR	\$	1,105.00
NIGHTCLUB WITHOUT DANCE FLOOR	\$	723.00
NURSE	\$	383.00
NURSING AGENCY (Includes One Nurse)	\$	383.00

Q

OPTICIAN	\$	383.00
OPTOMETRIST	\$	383.00

P

PARKING GARAGE	\$	383.00
PARKING LOT (See Chapter 22, Article VI, Parking Lots For Further Provisions)	\$	191.00
PHARMACIST (Individual)	\$	383.00
PHARMACY (Includes One Pharmacist)	\$	383.00
PHOTOGRAPHER	\$	191.00
PHYSICIAN	\$	383.00
PRINTING COMPANY	\$	383.00
PROFESSION NOT LISTED	\$	383.00
PROPERTY MANAGEMENT	\$	191.00
PUBLIC RELATIONS	\$	383.00
PUBLISHER	\$	383.00

R

REAL ESTATE BROKER	\$	383.00
REAL ESTATE SALESPERSON	\$	181.50
RENTAL DWELLINGS, PER UNIT (Minimum Two Units)	\$	37.00
REPAIR SHOP (Other Than Auto)	\$	383.00
RESTAURANT, 40 CHAIRS OR LESS	\$	191.00
PLUS, FOR EVERY CHAIR UP TO 40	\$	3.00
RESTAURANT, MORE THAN 40 CHAIRS	\$	383.00
PLUS, FOR EACH CHAIR	\$	3.00

S

SAVINGS AND LOAN ASSOCIATION	\$	1,107.00
SCHOOL, PRIVATE	\$	383.00
SECURITY AGENCY, PRIVATE (Includes One Security Officer)	\$	191.00

SECURITY OFFICER, PRIVATE	\$ 29.00
SERVICE STATION (Includes Auto Repair)	\$ 426.00
SERVICES, UNLISTED	\$ 191.00
SWIMMING POOLS, PUBLIC	\$ 383.00

T

TALENT AGENCY	\$ 383.00
TAXICABS, EACH COMPANY OR STAND	\$ 294.00
TELECOMMUNICATIONS COMPANY (Formerly Telegraph)	\$ 332.00
TELEPHONE COMPANY	\$ 332.00

Nothing in this chapter will be construed as requiring a license tax
for coin-operated telephones

THEATER	\$ 1,327.00
PLUS EACH SEAT	\$ 2.00
TRAVEL BUREAU/AGENCY	\$ 383.00
<u>TRUST AGENCY</u>	<u>\$ 1,107.00</u>

U

UNCLASSIFIED BUSINESS NOT LISTED	\$ 310.00
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V

VETERINARIAN	\$ 383.00
VETERINARIAN ESTABLISHMENT	\$ 383.00

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 7th day of May, 2013, and for second and final reading on this 11th day of June, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member