



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

MARCH 20, 2018

9:30 AM

Town Council Meeting

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. CERTIFICATION OF ELECTION RESULTS

- A. RESOLUTION NO. 24-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results**

of the Election Held on the 13th Day of March, 2018.

Kathleen Dominguez, Town Clerk

V. RECOGNITIONS

- A.** Recognition of Richard M. Kleid for His Years of Service on the Town Council from 2005 to 2018, Including Two Years of Service as the Town Council President Pro Tem and Two Years of Service as the Town Council President.

Gail L. Coniglio, Mayor

- B.** Recognition of Richard Sammons for his service on the Architectural Commission from March 2012 to March 2018.

Gail L. Coniglio, Mayor

- C.** Recognition of Ann Vanneck for her service on the Architectural Commission from March 2008 to March 2018.

Gail L. Coniglio, Mayor

VI. SWEARING IN OF ELECTED OFFICIALS

- A.** The Honorable Judge Lisa Small
1. Lew Crampton
 2. Barbara Duna Lindsay
 3. Margaret A. Zeidman
- (Mayor Becomes the Presiding Officer)

VII. ORGANIZATIONAL ITEMS

- A.** 1. Election of Town Council President
Pursuant to Section 3.01 of the Town Charter
(Town Council President Becomes the Presiding Officer)
2. Election of Town Council President Pro Tem
Pursuant to Section 3.01 of the Town Charter
Kirk W. Blouin, Town Manager

Page 10

VIII. PRESENTATIONS

- A.** Presentations by Applicants for the Architectural Commission.
- B.** Presentations by Applicants for the Landmarks Preservation Commission

IX. COMMENTS OF MAYOR GAIL L. CONIGLIO

X. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

XI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

XII. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES

Page 14

Kathleen Dominguez, Town Clerk

- a. February 13, 2018, Town Council Meeting Minutes
- b. February 14, 2018, Local Planning Agency Meeting Minutes
- c. February 14, 2018, Development Review Town Council Meeting Minutes

- 2. Approval of Major Matters considered by the Architectural Commission at its meeting of February 28, 2018 Page 53
Paul Castro, Interim Director of Planning, Zoning and Building

B. RESOLUTIONS

- 1. RESOLUTION NO. 25-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager To Apply For and Execute the Grant Application for the Florida Inland Navigation District Waterways Assistance Program for the Design Phase of the Town Docks Improvement Project on Behalf of the Town. Page 85
Beth Zickar, Director of Recreation
- 2. RESOLUTION NO. 26-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, to Award RFP No. 2018-10 and Approve a Purchase Order to Richard Maxwell, Inc. dba King Tree Service of South Florida, for Consulting Arborist Services, in the Amount of \$23,500 and Establishing a Project Budget of \$25,850 for FY2018. The Five Year Project Budget Shall be \$235,785, Which Includes an Annual Cost of \$47,125 and a \$23,785 Contingency, Contingent on Funding in Future Fiscal Years. Page 121
H. Paul Brazil, P.E., Director of Public Works
- 3. RESOLUTION NO. 27-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute a Quit Claim Easement Agreement, Attached as Exhibit "A" Between Florida Department of Transportation and the Town of Palm Beach for Access and Maintenance of Said Revetment at Sloan's Curve. Page 127
H. Paul Brazil, P.E., Director of Public Works
- 4. RESOLUTION NO. 28-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Chen, Moore and Associates, Inc., in the Amount of \$20,215 for the Phipps Ocean Park (North) Restroom Replacement, and Establishing a Construction Phase Engineering Budget of \$25,000. Page 135
H. Paul Brazil, P.E., Director of Public Works
- 5. RESOLUTION NO. 29-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Interlocal Agreement for Water Distribution System Upgrades, Rehabilitation, and Replacement with the City of West Palm Beach. Page 142

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

6. RESOLUTION NO. 30-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Mock Roos and Associates, Inc., in an Amount of \$93,000 for the D-2 and D-17 Stormwater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$102,000. Page 157

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

7. RESOLUTION NO. 31-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees for the Town Docks for Fiscal Year 2018. Page 166

Beth Zickar, Director of Recreation

C. OTHER

1. Request for Approval of Payment Under Town's Supplemental Life Insurance Program Page 171

Danielle Olson, Director of Human Resources

XIII. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Landmarks Preservation Commission. Page 173
Edward Cooney, Chair

XIV. COMMITTEE REPORTS

- A. Report of the February 8, 2018 Ordinances, Rules and Standards Committee Meeting. Page 176

Bobbie Lindsay, Chair

- B. Report of the Administrative and Personnel Committee Meeting of March 15, 2018.

Richard M. Kleid, Chair

XV. PUBLIC HEARINGS

- A. RESOLUTION NO. 32-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Properties Commonly Known as 1020 S. Ocean Boulevard and 100 Via Del Lago, in the Town of Palm Beach, Florida. Page 181

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

- B. RESOLUTION NO. 33-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Existing Public Utility Easements Within the Nightingale Trail and La Puerta Way Utility Undergrounding Project Limits, in the Town of Palm Beach, Florida. Page 186

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

XVI. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project: Page 215
Steven N. Stern, Underground Utilities Project Manager
 - a. Review of Project & Dashboard, Summary of Project Status.
 - b. RESOLUTION NO. 34-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$1,278,500 for Phase 4 Engineering Design Services of the Town-wide Undergrounding of Utilities Program. Page 247
 - c. RESOLUTION NO. 35-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for AT&T and Comcast Related Improvements for the Town-wide Utility Undergrounding Phase 1 North to Burkhardt Construction, Inc., in an Amount of \$371,200.88. Page 268
 - d. RESOLUTION NO. 36-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for AT&T and Comcast Related Improvements for the Town-wide Utility Undergrounding Phase 1 South to Whiting-Turner, Inc., in an Amount of \$111,824. Page 282
2. Approval of the December 12, 2017 Town Council Meeting Minutes. Page 296
Julie Araskog, Town Council Member
3. Business Workshop Report. Page 331
Jay Boodheshwar, Deputy Town Manager
4. Thomas G. Bradford Severance Agreement. Page 334
John C. Randolph, Town Attorney
5. Discussion Regarding Potential Ordinance to Ban Single Use Plastic Bags. Page 346
Jay Boodheshwar, Deputy Town Manager

B. New Business

1. Appointments to the Architectural Commission. Page 360
2. Appointments to the Landmarks Preservation Commission. Page 397
3. Coastal Update: Page 436
 - a. Shoreline Condition Update
 - b. RESOLUTION NO. 37-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$1,742,200 to West Construction, Inc., for the Construction Page 438

of the Mid-Town Beach Groin Construction Project, Establishing a Construction Phase Budget of \$1,950,000 for Said Project, and Authorizing the Town Manager to Execute the Purchase Order and Take Action Necessary to Effectuate Completion of the Project.

c. RESOLUTION NO. 38-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Coastal Engineering Construction Administration and Support Services to Aptim, Inc., in an Amount of \$47,100, and Establish a Task Budget of \$55,000, for the Mid-Town Beach Groin Construction Project. Page 442

d. RESOLUTION NO. 39-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Permit Required Sea Turtle Nighttime Monitoring and Nest Relocation To D.B. Ecological, Inc., in an Amount of \$23,100, and Establishing a Task Budget of \$31,350, for the Mid-Town Beach Groin Construction Project. Page 448

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

4. Appointment of the Town's Representative to the Citizens' Committee on Airport Noise (CCAN).

Gail L. Coniglio, Mayor

C. Matters Pulled From Consent Agenda: If needed

XVII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 02-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances At Section 2-636. – Shore Protection Board Created; Appointments; Terms; Qualifications; Advisory Function; Requirements; Officers; Procedure; (A) Generally Eliminating The Option For One of The Members To Be A Nonresident of The Town Having A Special Skill As It Relates To Shore Protection. Page 452

John C. Randolph, Town Attorney

B. First Reading

1. ORDINANCE NO. 05-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulation, of the Town Code of Ordinances at Section 18-112 of Article II, Division 5, Prohibition on Demolition to Provide for a Prohibition of Demolition of Structures During the Period of the Year Commencing on the Monday Prior to Thanksgiving of Each Year and Ending the Monday After Easter of the Following Year; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Page 457

Effective Date.

Jay Boodheshwar, Deputy Town Manager

XVIII. ANY OTHER MATTERS

XIX. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** Please submit written comments/materials to publiccomment@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the 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 3:30 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

three minute limitation.

**COMMUNICATIONS
FROM CITIZENS:**

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

**OTHER AGENDA
ITEMS:**

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

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

Town Council Meeting-Regular Business

March 20, 2018, 9:30 AM @ Council

Chambers [More Details](#)

Town Council Meeting-Development Review Matters

March 21, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Planning and Zoning Commission Meeting

March 27, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Architectural Commission Meeting

March 28, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Shore Protection Board Meeting

March 29, 2018, 9:00 AM

[More Details](#)

Coffee with the Crew - Undergrounding Phase 1 - North

April 2, 2018, 8:00 AM - 9:00 AM @ Annie's Dock - North Ocean Blvd and East Inlet Drive

Underground Utility Task Force Meeting

April 3, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Special Recreation Advisory Commission Meeting

April 4, 2018, 9:00 AM @ Council Chambers [More](#)

[Details](#)

Ordinances, Rules, and Standards Committee Meeting

April 5, 2018, 9:30 AM @ Council Chambers

A Cup of Joe with Bo - Undergrounding Phase 1 - South

April 6, 2018, 8:00 AM @ South Fire Rescue Station, 2185 S. Ocean Blvd.

[More Details](#)

Union Negotiation Meeting

April 9, 2018, 10:00 AM @ South Fire Station

[More Details](#)

Town Council Meeting-Regular Business

April 10, 2018, 9:30 AM @ Council

Chambers [More Details](#)

Town Council Meeting-Development Review Matters

April 11, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Public Works Committee Meeting

April 12, 2018, 2:00 PM @ Council Chambers

[More Details](#)

Planning and Zoning Commission

April 17, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Landmarks Preservation Commission Meeting

April 18, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Code Enforcement Board Meeting

April 19, 2018, 2:00 PM @ Council Chambers

[More Details](#)

Architectural Commission Meeting

April 25, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Shore Protection Board Meeting

April 26, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Underground Utility Task Force Meeting

May 1, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Recreation Advisory Commission Meeting

May 2, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Ordinances, Rules, and Standards Committee Meeting

May 3, 2018, 9:30 AM @ Council Chambers

[More Details](#)

A Cup of Joe with Bo - Undergrounding Phase 1 - South

May 4, 2018, 8:00 AM @ South Fire Rescue Station, 2185 S. Ocean Blvd

[More Details](#)

Coffee with the Crew - Undergrounding Phase 1 - North

May 7, 2018, 8:00 AM - 9:00 AM @ Annie's Dock - North Ocean Blvd and East Inlet Drive

[More Details](#)

Town Council Meeting-Regular Business

May 8, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Town Council Meeting-Regular Business

May 8, 2018, 9:30 AM @ Council Chambers

[More Details](#)

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Certification of Election Results

Agenda Title

RESOLUTION NO. 24-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Election Held on the 13th Day of March, 2018.

Presenter

Kathleen Dominguez, Town Clerk

ATTACHMENTS:

No Attachments Available

RESOLUTION WILL BE PROVIDED IN PURPLE FOLDERS AFTER RESULTS HAVE BEEN CERTIFIED BY THE SUPERVISOR OF ELECTIONS.

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Organizational Items

Agenda Title

1. Election of Town Council President
Pursuant to Section 3.01 of the Town Charter
(Town Council President Becomes the Presiding Officer)
2. Election of Town Council President Pro Tem
Pursuant to Section 3.01 of the Town Charter

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum dated March 9, 2018, from Kirk Blouin, Town Manager**
- ▣ **Ballot for Town Council President**
- ▣ **Ballot for President Pro Tem**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

To: Town Council

From: Kirk W. Blouin, Town Manager

Re: Election of Town Council President and Town Council President Pro Tem

Date: March 9, 2018

GENERAL INFORMATION

Attached are two ballots, one for election of the Town Council President and one for the election of the Town Council President Pro Tem.

If any of you wish to have your name removed from either ballot, please advise Cheryl Kleen no later than 12:00 p.m., Monday, March 19, 2018.

Attachments

KWB:cek

cc: Gail L. Coniglio, Mayor
Kathleen Dominguez, Town Clerk

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT**

TOWN COUNCIL MEETING MARCH 20, 2018

Please circle one name from the name(s) appearing below of the Town Council members who have expressed interest in being selected as Town Council President.

Position to be filled - **Town Council President**

Julie Araskog

Lew Crampton

Bobbie Lindsay

Danielle Hickox Moore

DRAFT

Signature of Town Council Member: _____

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT PRO TEM**

TOWN COUNCIL MEETING MARCH 20, 2018

Please circle one name from the list of names appearing below of the Town Council members who have expressed interest in being selected as Town Council President Pro Tem.

Position to be filled - **Town Council President Pro Tem**

Julie Araskog

Lew Crampton

Bobbie Lindsay

Danielle Hickox Moore

Margaret A. Zeidman

DRAFT

Signature of Town Council Member: _____

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda
Minutes

Agenda Title
TOWN COUNCIL MEETING MINUTES
Kathleen Dominguez, Town Clerk

- a. February 13, 2018, Town Council Meeting Minutes
- b. February 14, 2018, Local Planning Agency Meeting Minutes
- c. February 14, 2018, Development Review Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **a. February 13, 2018 Town Council Meeting Minutes**
- ▣ **b. February 14, 2018, Local Planning Agency Meeting Minutes**
- ▣ **c. February 14, 2018, Development Review Town Council Meeting Minutes**



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 13, 2018

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, February 13, 2018, 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 Dominguez gave the invocation. Council President Kleid led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. ORGANIZATIONAL ITEMS

A. Kirk W. Blouin - Proposed Professional Employment Agreement as Town Manager.

Town Attorney Randolph provided an overview of the draft agreement and the amendments that were suggested by Council Member Araskog as a result of their meeting with Kirk Blouin the previous day. Mr. Randolph also provided clarification on the last paragraph of his memorandum regarding a potential amendment to the DROP ordinance should Mr. Blouin remain employed by the Town after July 31, 2019.

Discussion ensued regarding the proposed amendments to Mr. Blouin's agreement, his participation in the DROP, and the potential change to the DROP ordinance should Mr. Blouin remained employed with the Town after July 31, 2019.

1 **Motion was made by Council Member Araskog, and was seconded by Council**
2 **Member Zeidman, to approve Kirk Blouin's Professional Employment Agreement,**
3 **as amended. On roll call, the motion carried unanimously.**
4

5 B. Thomas G. Bradford - Professional Employment Agreement Dated December
6 9, 2014.

7
8 Town Attorney Randolph announced that Mr. Bradford has invoked the
9 separation terms of his employment agreement.
10

11 **V. PRESENTATIONS**
12

13 A. Recognition of Thomas G. Bradford, Town Manager, for his service to the
14 Town from May 1, 2000 to February 13, 2018.

15
16 Mayor Coniglio and the Town Council Members thanked Tom for his 22
17 years of service to the Town of Palm Beach and presented him with a plaque.

18
19 Mr. Bradford thanked the residents, staff and the Council for the recognition
20 and for the wonderful opportunity to serve the Town.
21

22 B. Presentations by Code Enforcement Board Applicants.

23
24 Town residents Steve Meltzer and Linda Wartow presented their qualifications
25 for appointment as an Alternate Member to the Code Enforcement Board.
26

27 C. Presentation by Palm Beach Island Cats.

28
29 David Leavitt, 1480 Via Manana and Director of Palm Beach Island Cats,
30 spoke regarding his organization's efforts to control the feral cat population in
31 Palm Beach and indicated that financial support from the community is
32 needed.
33

34 **Mayor Coniglio and President Kleid stated that this is a health and safety**
35 **matter and that consideration of a bigger donation from the Town to the**
36 **Palm Beach Island Cats organization should be considered during budget**
37 **hearings.**
38

39 **VI. COMMENTS OF MAYOR GAIL L. CONIGLIO**
40

41 Mayor Coniglio recognized the recent retirees from the Public Works department. She
42 also provided her parting sentiments to President Kleid on his upcoming retirement from
43 the Town Council.
44
45

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

Each Council Member thanked President Kleid for his example as a public servant to the Town.

Council Member Araskog requested that a discussion about buffering issues for homes that are in the process of demolition and protection of exotic plants be added to the Agenda under Any Other Matters. She also requested that the donation from Rick Stone for a study addressing over-size trucking and traffic in the North-end be added to the agenda under Any Other Matters.

Discussion ensued regarding the issues brought up by Council Member Araskog to be covered by the Public Works Committee and ORS Committee.

Council Member Zeidman thanked President Kleid and congratulated the Police Department for the welcome packet they put together for new residents.

VIII. COMMUNICATIONS FROM CITIZENS

Diane Buhler, Friends of Palm Beach, spoke regarding her organization's volunteer clean-up event on the beach occurring on Saturday, February 17, 2018 and invited the Council Members to attend.

Rick Stone, 123 Australian Ave., spoke regarding his concerns and observations of drivers failing to abide by the traffic rules at major intersections within the Town and interest with over-sized truck traffic in the North-end. He offered to donate \$20,000 to the Town to study these issues and come up with a legal solution.

Mayor Coniglio asked Town Manager Blouin for his input on the possible effectiveness and feasibility of the traffic enforcement study. She reminded the Town and Mr. Stone to follow the Town's donation procedure.

Bill Metzger, 277 Esplanade Way, spoke regarding a volunteer citizens' task force for reestablishing the Royal Poinciana Theater.

Simon Taylor, 234 Oleander Ave., spoke regarding his concerns with the interested shown by the foreign negotiator of the Royal Poinciana Plaza in the promotion of outside events and the proof of revenue of the high-end retail leases.

President Kleid invited Mr. Taylor to attend the Town Council Development Review Meeting scheduled for the following day since that item is on the agenda.

IX. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda and placed under Item XIII.C.1.:

- Item IX.A.1 - Resolution No. 10-2018
- Item IX.A.2. - Resolution No. 11-2018
- Item IX.C.5. - Budget Calendar For Fy19 Budget Process

1 The following items were withdrawn and/or deferred:
2

- 3 • Item IX.C.1. - Withdrawn
- 4 • Item IX.C.4 - Deferred To The February 14, 2018 Town Council Meeting

5
6
7 **Motion was made by Council Member Araskog, and was seconded by Council**
8 **President Pro Tem Moore, to approve the Consent Agenda, as amended. On roll**
9 **call, the motion passed unanimously.**

10
11 A. MINUTES

12
13 1. TOWN COUNCIL MEETING MINUTES:

14 *Kathleen Dominguez, Town Clerk*

- 15 a. January 9, 2018, Town Council Meeting Minutes
- 16
- 17 b. January 10, 2018, Development Review Town Council Meeting
- 18 Minutes
- 19
- 20
- 21
- 22 2. January 12, 2018, Special Town Council Meeting Minutes
- 23
- 24 3. Approval of major matters considered by the Architectural Commission
- 25 at its meeting of January 24, 2018.
- 26

27 B. RESOLUTIONS

- 28
- 29 1. RESOLUTION NO. 10-2018 A Resolution of the Town Council of the
- 30 Town of Palm Beach, Palm Beach County, Florida Approving a One
- 31 Year Contract with the Option to Renew for up to Two (2) Additional
- 32 Annual Periods with Colliers International South Florida, LLC, for
- 33 Commercial Real Estate Brokerage Services, and Authorizing the Town
- 34 Manager to Execute the Contract on Behalf of the Town.
- 35 *Jay Boodheshwar, Deputy Town Manager*
- 36 ***Pulled from Consent and Placed Under Item X. C. 1.***
- 37

- 38 2. RESOLUTION NO. 11-2018 A Resolution of the Town Council of the
- 39 Town of Palm Beach, Palm Beach County, Florida, Authorizing the
- 40 Purchase of One 2018 Pierce Custom Pumper and One 2018 Pierce
- 41 Aerial Ladder with NFPA Department Required Equipment, from Pierce
- 42 Manufacturing, Inc., for the Amount of \$1,064,613.00, Which Includes a
- 43 One Hundred Percent (100%) Pre-Payment Discount of \$55,998.00, in
- 44 Accordance with Florida Sheriff's Association Bid 16-Vef12.0,
- 45 Specification No. 9 And 19, and the Transfer of \$19,613 from the
- 46 Equipment Replacement Fund Contingency, and Hereby Establishing a
- 47 Total Budget of \$1,079,613.00.
- 48 *Kirk W. Blouin, Director of Public Safety*
- 49 ***Pulled from Consent and Placed Under Item X. C. 1.***
- 50

- 1 3. RESOLUTION NO. 12-2018 A Resolution of the Town Council of the
2 Town of Palm Beach, Palm Beach County, Florida, Approving a
3 Purchase Order for Construction Phase Engineering Services to Mock,
4 Roos & Associates, Inc., in an Amount of \$33,190 for the D-4
5 Stormwater Pump Station Outfall Rehabilitation, and Establishing a
6 Construction Phase Engineering Budget of \$37,000.

7 *H. Paul Brazil, P.E., Director of Public Works*
8

- 9 4. Elevator Maintenance and Repair Services
10

11 a. RESOLUTION NO. 13-2018 A Resolution of the Town Council of the
12 Town of Palm Beach, Palm Beach County, Florida, Rescinding
13 Resolution No. 174-2017 Awarding the US Communities Contract
14 Number PC Genrl-201414653-00, and Cancelling a Purchase Order to
15 KONE Inc., For Elevator Maintenance and Repair Services, in the
16 Amount of \$12,600, and Establishing an Overall Project Budget of
17 \$35,000.

18 b. RESOLUTION NO. 14-2018 A Resolution of the Town Council of the
19 Town of Palm Beach, Palm Beach County, Florida, Awarding RFQ
20 Number 27-2017 to Oracle Elevator Company, and Issuing a Purchase
21 Order for Elevator Maintenance, Inspections, and Repair Services, in the
22 Amount of \$40,460, and Establishing an Overall Project Budget of
23 \$89,880.

24 *H. Paul Brazil, P.E., Director of Public Works*
25
26

27
28 C. OTHER
29

- 30 1. Request for the Ordinances, Rules and Standards Committee to Review
31 the Intersection Line of Site Policy of the Town.

32 *Julie Araskog, Town Council Member*

33 **WITHDRAWN**
34

- 35 2. Accept Donation of \$150,000 from the Palm Beach Police Foundation for
36 the Purchase of Equipment and/or Services as deemed Appropriate
37 Following Established Purchasing Procedures.

38 *Kirk W. Blouin, Director of Public Safety*
39

- 40 3. Request to Consider Ordinance No. 04-2018 Prior to 5:00 pm. at a
41 Public Hearing.

42 *Paul Castro, Zoning Administrator*
43
44

- 45 4. Upmarkets Report on Status of Playhouse.

46 *Alexander Patterson, Upmarkets*

47 ***Deferred To The Town Council Meeting On February 14, 2018***
48

- 49 5. Budget Calendar for FY19 Budget Process

50 *Jane Struder, Director of Finance*

X. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Investment Advisory Committee
Dr. Michael Andrews, Chair

Dr. Andrews provided an overview of the report.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve the annual report of the Investment Advisory Commission. On roll call, the motion passed unanimously.

XI. COMMITTEE REPORTS

- A. Report of the January 11, 2018 Public Works Committee Meeting.
Margaret A. Zeidman, Chair

Council Member Zeidman provided an overview of the report.

Director of Public Works Brazil reported on the Town's research for identifying and regulating truck traffic on residential streets.

Discussion ensued regarding the direction to give staff for studying the enforcement of truck traffic on Town streets.

Staff was directed to start the effort internally and then reach out for assistance from a consultant on any issues or questions that arise.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve the report of the January 11, 2018 Public Works Committee Meeting. On roll call, the motion passed unanimously.

XII. PUBLIC HEARINGS

- A. RESOLUTION NO. 15-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Property Commonly Known as 89 Middle Road, in the Town of Palm Beach, Florida.
H. Paul Brazil, P.E., Director of Public Works

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

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve Resolution No. 15-2018. On roll call, the motion passed unanimously.

- 1 B. RESOLUTION NO. 16-2018 A Resolution of the Town Council of the Town of
2 Palm Beach, Palm Beach County, Florida, Providing for the Designation and/or
3 the De-Designation of the Historic/Specimen Trees at 300 El Brillo, 1255 and
4 1265 South Ocean Boulevard and Bradley Park, Providing an Effective Date.
5 *H. Paul Brazil, P.E., Director of Public Works*
6

7 Director of Public Works Brazil provided an overview of the Resolution.
8

9 **Motion was made by Council President Pro Tem Moore, and was seconded by**
10 **Council Member Zeidman, to approve Resolution No. 16-2018. On roll call, the**
11 **motion passed unanimously.**
12

13 **XIII. REGULAR AGENDA**

14 A. Old Business

- 15
16
17 1. Town-wide Undergrounding Project:
18 *Steven N. Stern, Underground Utilities Project Manager*
19
20

- 21 a. Review of Project & Dashboard, Summary of Project Status.
22

23 Project Manager Stern provided an update on FPL's progress to
24 harden the main feeder lines and provided a summary of the
25 project status and dashboard.
26

27 Discussion ensued regarding the impact to Town service without
28 express feeder lines and the reason legal fees from the lawsuit are
29 not included on the project budget summary page.
30

31 Finance Director Struder provided an overview of the financial
32 summary provided in the report which includes costs outside of the
33 project such as the legal fees.
34

35 **Staff was directed to enhance the budget details provided in the financial summary so that**
36 **it provides more details regarding the costs outside of the undergrounding project.**
37

- 38 b. RESOLUTION NO. 17-2018 A Resolution of the Town Council of
39 the Town of Palm Beach, Palm Beach County, Florida,
40 Authorizing the Town Manager to Execute a Maintenance
41 Memorandum Agreement with the Florida Department of
42 Transportation for the Town-wide Overhead Utility
43 Undergrounding Phase 1 South Landscaping.
44

45 Town Engineer Strayer provided an overview of the Resolution.
46

47 Discussion ensued regarding the enhancement and maintenance of
48 landscaping in front of the South-end condominiums and in the
49 Right-of-Way.

In response to a question from Mayor Coniglio, Project Manager Stern provided an update on the negotiations with AT&T.

Motion was made by Council Member Zeidman, and was seconded by Council Member Araskog, to approve Resolution No. 17-2018. On roll call, the motion passed unanimously.

- c. RESOLUTION NO. 18-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Purchase Order to Kimley-Horn and Associates, Inc., in the Amount of \$422,223 for Phases 3, 4 and 5 Easement Assistance of the Town-Wide Undergrounding of Utilities Program.

Town Engineer Strayer provided an overview of the Resolution.

In response to questions from Council Member Araskog, Ms. Strayer and Mr. Stern provided clarification on the cost for time and materials and the statement of work pertaining to the easement acquisition process and when the Town would need assistance from outside consultants.

Motion was made by Council Member Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 18-2018. On roll call, the motion passed unanimously.

- d. Ratification of the Selection Committee's Recommendation for RFQ No. 2018-04 Construction Manager at Risk for the Town-Wide Overhead Utility Undergrounding Phase 2-South.

Town Engineer Strayer provided an overview of the Selection Committee's findings. She also reported on the bid process, the number of notifications and factors that may have affected the response.

Discussion ensued regarding financing, commercial paper issuance, completion date for Phase 2, and the lack of response and competition, combining the phases and taking a different approach in the future.

Town Manager Blouin spoke regarding the ACIP and future opportunities to generate more competition.

Motion was made by Council Member Zeidman, and was seconded by Council President Pro Tem Moore, to ratify the Selection Committee's Recommendation for RFQ No. 2018-04. On roll call, the motion passed unanimously.

- e. Ratification of the Selection Committee's Recommendation for RFQ No. 2018-03 Construction Manager at Risk for the Town-Wide Overhead Utility Undergrounding Phase 2-North.

Town Engineer Strayer provided an overview of the selection committee's recommendation.

Discussion ensued regarding the bid process as a CCNA vs. best-value, the selection criteria, and adding a highly qualified engineering expert to serve on the selection committee for future projects.

Motion was made by Council Member Zeidman, and was seconded by Council President Pro Tem Moore, to ratify the Selection Committee's recommendation for RFQ No. 2018-03. On roll call, the motion passed unanimously.

- f. Selection Committee Recommendation for Utility Easement Acquisition Services.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to ratify the Selection Committee's recommendation for Utility Easement Acquisition services. On roll call, the motion passed unanimously.

(Clerk's Note: The Town Council recessed the meeting for lunch)

2. Town Council Meeting Minutes
Kathleen Dominguez, Town Clerk

- a. Switching from Summary/Discussion Format to Verbatim Minutes

Mayor Coniglio announced that informational flyers regarding home rule from the League of Cities were printed and available in the Council Chambers lobby. She also announced that Mr. John Scarpa of the Palm Beach Police Foundation was in attendance to present the donation to the Town of Palm Beach's Police Department and thanked him on behalf of the Town for the generous donation of \$150,000.

Town Clerk Dominguez presented an overview of the different formatting options available for the Town Council Meeting minutes.

Discussion ensued regarding the current meeting minutes format, cost for hiring a transcriptionist, issues with the current meeting software and time stamps, adding hyperlinks to action items and motions using the current software, summary vs. action-only minutes, and video streaming meetings.

1 Anita Seltzer, 44 Cocanut Row, spoke in support of the current
2 meeting minutes format and filling the vacant position in the Town
3 Clerk's Office.

4
5 Director Brazil explained the reasons why the Town does not live
6 stream videos of public meetings.

7
8 **Staff was directed to keep the current meeting minutes format and to research**
9 **options for adding additional time stamps to discussions and motions under each**
10 **agenda item and to report back at a future meeting.**

11
12 -
13 b. Approval of the December Town Council Meeting Minutes:

14
15 i. December 11, 2017 Special Town Council Meeting
16 Minutes

17
18 Discussion ensued regarding corrections that were needed
19 to the minutes.

20
21 **Motion was made by Council President Pro Tem Moore, and was seconded by**
22 **Council Member Zeidman, to approve the minutes of the December 11, 2017 Special**
23 **Town Council Meeting, as amended. On roll call, the motion passed unanimously.**

24
25 ii. December 12, 2017 Town Council Meeting Minutes

26
27 Discussion ensued regarding corrections that were needed
28 to the minutes.

29
30 Council Member Araskog expressed concerns with errors
31 in the minutes and requested to defer approval to the next
32 Town Council meeting.

33
34 **It was the consensus of the Town Council to defer the approval of the December 12,**
35 **2017 Town Council Meeting minutes to the March 20, 2018 Town Council meeting.**

36
37 iii. December 13, 2017 Local Planning Agency Meeting
38 Minutes

39
40 **Motion was made by Council President Pro Tem Moore, and was seconded by**
41 **Council Member Lindsay, to approve the minutes of the December 13, 2017 Local**
42 **Planning Agency Meeting. On roll call, the motion passed unanimously.**

43
44 iv. December 13, 2017 Development Review Town Council
45 Meeting Minutes

46
47 Discussion ensued regarding corrections that were needed
48 to the minutes.

1 **Motion was made by Council Member Lindsay, and was seconded by Council**
2 **Member Araskog, to approve the minutes of the December 13, 2017 Town Council**
3 **Meeting, with amendments. On roll call, the motion passed unanimously.**
4

5 B. New Business

- 6
7 1. Windsor Court Right-of-Way Condition Assessment.
8 *H. Paul Brazil, P.E., Director of Public Works*

9
10 Director Brazil provided an overview of the condition assessment for
11 Windsor Court.

12
13 Herbert J. Siegel, resident of Windsor Court, spoke regarding his request
14 to turn Windsor Court into a publicly owned and maintained street.

15
16 Discussion ensued regarding maintenance costs and liabilities to the Town
17 should they acquire the street.
18

19 **Motion was made by Council Member Araskog, and was seconded by Council**
20 **Member Zeidman, to authorize staff to proceed with the study under the**
21 **condition that the residents will pay for the study. On roll call, the motion passed**
22 **unanimously.**
23

- 24 2. Discussion on Provision of Alternate Members to the Underground
25 Utilities Task Force.
26 *Gail L. Coniglio, Mayor*

27
28 Mayor Coniglio spoke regarding the frequency of the Underground Utility
29 Task Force meetings. She expressed concerns with the repetitiveness of
30 the information and proposed that they only meet on as needed basis.

31
32 Discussion ensued regarding appointing alternate members and the
33 frequency of the meetings.
34

35 **It was the consensus of the Town Council that no alternate members are needed on**
36 **the Underground Utilities Task Force and that a discussion about the frequency of**
37 **the meetings be added to a future agenda.**
38

- 39 3. Appointment to the Code Enforcement Board.
40 *Kirk W. Blouin, Director of Public Safety*

41
42 **Motion was made by Council Member Lindsay, and was seconded by Council**
43 **Member Araskog, to ratify the appointment of Linda Wartow as Alternate**
44 **Member to the Code Enforcement Board. On roll call, the motion passed**
45 **unanimously.**
46

- 47 4. RESOLUTION NO. 19-2018 A Resolution of the Town Council of
48 the Town of Palm Beach, Palm Beach County, Florida, Awarding

1 Bid No. 2018-14 for the D-14 Stormwater Pump Station
2 Rehabilitation - Phase 2 and Approving a Construction Contract to
3 Murray Logan Construction, Inc., in the Amount of \$4,024,680 and
4 Establishing a Construction Phase Budget of \$4,250,000.
5 *H. Paul Brazil, P.E., Director of Public Works*
6

7 Town Engineer Strayer provided an overview of the resolution.
8

9 Discussion ensued regarding the bid process and strategies for
10 increasing bids and competition, timeline for the project, and the risks
11 involved with putting off the project until next summer and re-bidding.
12

13 **Motion was made by Council Member Lindsay, and was seconded by Council**
14 **President Pro Tem Moore, to approve Resolution No. 19-2018. On roll call, the**
15 **motion passed unanimously.**
16

17 5. Coastal Update:
18

19 a. Shoreline Condition Update.
20

21 Coastal Program Manager Rob Weber provided an update of the
22 shoreline for each Reach.
23

24 b. RESOLUTION NO. 20-2018 A Resolution of the Town Council of
25 the Town Of Palm Beach, Palm Beach County, Florida, Approving
26 a Purchase Order for Professional Coastal Engineering Services to
27 Gahagan & Bryant Associates, Inc., in an Amount of \$26,240 for
28 the Sand Transfer Plant Feasibility Study, and Establishing a Task
29 Budget of \$30,000.
30

31 Coastal Program Manager Weber provided an overview of the
32 Resolution.
33

34 **Motion was made by Council Member Lindsay, and was seconded by Council**
35 **President Pro Tem Moore, to not approve Resolution No. 20-2018. On roll call, the**
36 **motion passed unanimously.**
37

38 c. RESOLUTION NO. 21-2018 A Resolution of the Town Council of
39 the Town Of Palm Beach, Palm Beach County, Florida, Approving
40 a Contract Extension to D. B. Ecological Services, Inc., for Permit
41 Required Sea Turtle Nesting Monitoring, in the Amount of
42 \$177,780, and Establishing a Project Budget of \$200,000.
43

44 Coastal Program Manager Weber provided an overview of the
45 Resolution.
46

1 **Motion was made by Council President Pro Tem Moore, and was seconded by**
2 **Council Member Zeidman, to approve Resolution No. 21-2018. On roll call, the**
3 **motion passed unanimously.**
4

- 5 d. RESOLUTION NO. 22-2018 A Resolution of the Town Council of
6 the Town Of Palm Beach, Palm Beach County, Florida, Approving
7 a Purchase Order Increase for Construction Phase Coastal
8 Engineering Support for Lake Worth Lagoon Waterway Access
9 Dredging Project to Applied Technology & Management, Inc., in
10 an Amount of \$26,240 from \$74,668 to \$104,048, and Establishing
11 a New Task Budget of \$115,000.

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

13
14 Coastal Program Manager Weber provided an overview of the
15 Resolution.
16

17 **Motion was made by Council Member Araskog, and was seconded by Council**
18 **President Pro Tem Moore, to approve Resolution No. 22-2018. On roll call, the**
19 **motion passed unanimously.**
20

21 C. Matters Pulled From Consent Agenda: If needed
22

- 23 1. RESOLUTION NO. 10-2018 A Resolution of the Town Council of the
24 Town of Palm Beach, Palm Beach County, Florida Approving a One Year
25 Contract with the Option to Renew for up to Two (2) Additional Annual
26 Periods with Colliers International South Florida, LLC, for Commercial
27 Real Estate Brokerage Services, and Authorizing the Town Manager to
28 Execute the Contract on Behalf of the Town.

29 *Jay Boodheshwar, Deputy Town Manager*
30

31 Deputy Town Manager Boodheshwar provided an overview of the
32 resolution.
33

34 Purchasing Manager Mealy provided an overview of the RFP process for
35 brokerage services.
36

37 Discussion ensued regarding the proposal, concerns with the contractor's
38 response, and putting out another RFP for brokerage services for a ground
39 lease only.
40

41 **Motion was made by Council Member Araskog, and was seconded by Council**
42 **Member Lindsay, to not approve Resolution No. 10-2018 and to direct staff to put out**
43 **another RFP for brokerage services for a long-term ground lease that is specific to**
44 **the Okeechobee property. On roll call, the motion passed unanimously.**
45

- 46 2. RESOLUTION NO. 11-2018 A Resolution of the Town Council of the
47 Town of Palm Beach, Palm Beach County, Florida, Authorizing the
48 Purchase of One 2018 Pierce Custom Pumper and One 2018 Pierce

Aerial Ladder with NFPA Department Required Equipment, from Pierce Manufacturing, Inc., for the Amount of \$1,064,613.00, Which Includes a One Hundred Percent (100%) Pre-Payment Discount of \$55,998.00, in Accordance with Florida Sheriff's Association Bid 16-Vef12.0, Specification No. 9 And 19, and the Transfer of \$19,613 from the Equipment Replacement Fund Contingency, and Hereby Establishing a Total Budget of \$1,079,613.00.

Kirk W. Blouin, Director of Public Safety

Deputy Fire Chief Donatto provided an overview of the resolution.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve Resolution No. 11-2018. On roll call, the motion passed unanimously.

3. Budget Calendar for FY19 Budget Process

Jane Struder, Director of Finance

Discussion ensued regarding the proposed dates in September and April for the long-term planning and budget workshops.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Moore, to approve the Budget Calendar, as amended, with a 10:30 Time Certain for the April 10, 2018 Town Council Meeting, to discuss the Budget Plan and Long Term Financial Plan. On roll call, the motion passed unanimously.

XIV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 01-2018 An Ordinance of the Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending The Town Charter At Section 3.01, Town Council: Composition. Modifying the Dates of the Election of the President And President Pro Tem; Providing For Codification; Providing For Severability; Providing For Effective Date.

Thomas G. Bradford, Town Manager

Motion was made by Council President Pro Tem Moore, and was seconded by Council Member Zeidman, to adopt Ordinance No. 01-2018, on second and final reading. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 03-2018 An Ordinance of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances At Chapter 42, Environment, Article V, Noise;

Amending Section 42-198, Relating To The Operation of Certain Machinery; Expanding The Period Of The Year During Which There Is A Prohibition On The Operation Of Said Machinery; Providing For Additional Prohibitions; Amending Section 42-199, Hours For Construction Work, At Subsection (B) So As To Expand The Limitations On The Months, Dates And Times During Which Construction Work May Be Undertaken; Amending Section 42-230, Lawn Maintenance Equipment Noise, So As To Provide That Lawn Maintenance Shall Be Limited To The Hours Outlined For Construction Work Set Forth In Section 42-199; Providing Exceptions For The Operation Of Lawn Maintenance Equipment By Residents, And For Golf Course Maintenance Equipment; Providing Regulations Relating To The Operation Of Leaf Blowers, And Prohibiting The Commencement of Large Scale Landscape Installation At Any Time on Saturdays; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager

Scott Lewis, Scott Lewis Gardening and Trimming, spoke regarding the challenges the ordinance language poses for gardeners, especially in the summer months. He requested that gardeners not be lumped into the same category as general contractors for landscaping and construction jobs.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to adopt Ordinance No. 03-2018, on second and final reading. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 02-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances At Section 2-636. – Shore Protection Board Created; Appointments; Terms; Qualifications; Advisory Function; Requirements; Officers; Procedure; (A) Generally Eliminating The Option For One of The Members To Be A Nonresident of The Town Having A Special Skill As It Relates To Shore Protection.

John C. Randolph, Town Attorney

Motion was made by Council President Pro Tem Moore, and was seconded by Council Member Lindsay, to approve Ordinance No. 02-2018, on first reading. On roll call, the motion passed unanimously.

XV. ANY OTHER MATTERS

1. Burns vs. TOPB

1 Town Attorney Randolph requested guidance from the Town Council on
2 the Town's response to the lawsuit that was filed against the Town by Don
3 Burns regarding the property on N. Ocean Ave.
4

5 **Motion was made by Council Member Araskog, and was seconded by Council**
6 **Member Zeidman, to direct the Town Attorney to submit the settlement proposal in**
7 **response to the lawsuit.**
8

9 2. Board/Commission Applications
10

11 Mayor Coniglio expressed concerns with the application process for
12 boards and commissions. She requested that Town Clerk staff no longer
13 make photocopies of driver's license and voter registration to keep on file
14 with board applications.
15

16 Discussion ensued regarding the reason applicants are requested to present
17 proof of residency and voter registration.
18

19 **It was the consensus of the Town Council to prohibit the production of photocopies**
20 **of an applicant's driver's license and voter registration card during the application**
21 **process; however, staff is required to validate a potential applicant's proof of**
22 **residency and voter registration at the time of their submittal.**
23

24 3. Thomas G. Bradford's Severance and Contract
25

26 Council Member Araskog spoke regarding renegotiating Tom Bradford's
27 consultant agreement.
28

29 Discussion ensued regarding the renegotiation process for Mr. Bardford's
30 consultant contract.
31

32 **It was the consensus of the Town Council to direct the Town Attorney to work with**
33 **President Kleid and Town Manager Blouin on a consultant services agreement with**
34 **payments of \$130.00 an hour for consulting services.**
35

36 Council Member Zeidman requested that the Town Council consider
37 modifying Tom Bradford's severance package to include more severance
38 pay and health care benefits.
39

40 Discussion ensued regarding the proposed modifications that would
41 enhance Mr. Bradford's severance package.
42

43 **It was the consensus of the Town Council to direct the Town Attorney to work with**
44 **President Kleid and Town Manager Blouin to renegotiate Tom Bradford's**
45 **severance package to include 35 weeks of severance pay and health care coverage**
46 **until he reaches the age of 65.**

3. Buffering Issues with Homes Under Demolition

Council Member Araskog requested a study by the Ordinances, Rules and Standards Committee on the timeframe for removing exotic plants from the landscape of homes that are in the process of being demolished. She expressed concern over the early removal of exotic plant species that serve as buffers to neighboring homes of properties that are under construction.

Discussion ensued regarding the approval of construction plans and the ability to codify the timeframe for removing plants and hedges that screen construction projects.

Paul Castro, Interim Director of Planning, Zoning and Building, spoke regarding ARCOM's approval process for demolition plans and the conditions that are placed on those plans based on concerns voiced by neighbors. He also spoke regarding the Code Enforcement Department's role in enforcing those conditions. Mr. Castro stated that he will report back with more information on the issues that occurred with the 901 N. Ocean Blvd property.

It was the consensus of the Town Council to direct staff to address the issue of leaving exotic plant material that serves as a buffer to neighbors in place during demolition and construction of new homes with ARCOM.

Mr. Castro announced that a request was received this afternoon to defer Special Exception Z-17-00020 with Site Plan Review for the Carriage House from the February 14, 2018 Development Review agenda.

Discussion ensued regarding the deferral and the public comment procedure for items that have been deferred to a future meeting.

Town Attorney Randolph spoke regarding the procedure for public comments on time certain items that are withdrawn or deferred from an agenda.

4. Comprehensive Review of Town Operations (CROTO)

Town Manager Blouin requested to defer the CROTO meeting for March 5, 2018 so that he can modify and reformat the CROTO document.

It was the consensus of the Town Council to proceed with rescheduling the meeting for March 5, 2018 at 1:00 p.m.

1 **XVI. ADJOURNMENT**

2
3 There being no further business, the regular Town Council meeting of February 13, 2018
4 was adjourned at 6:15 p.m.
5

6 APPROVED:
7
8

9
10 _____
11 Town Council President
12

13 ATTEST:
14
15

16 _____
17 Kathleen Dominguez
18 Town Clerk
19
20

21 Date: _____

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE LOCAL PLANNING AGENCY MEETING

HELD ON WEDNESDAY FEBRUARY 14, 2018

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

2
3 II. **COMMUNICATIONS FROM CITIZENS**

4
5 III. **ORDINANCE NO. 04-2018** - An Ordinance Of The Town Council Of The Town
6 Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of
7 Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section
8 134-2, Definitions And Rules Of Construction, By Creating A Definition For Tow-
9 Away Signs; At Article II, Administration, Section 134-38 By Increasing And
10 Creating Additional Fees For Land Development Services; Section 134-145
11 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261
12 Creating An Initial Review Procedure For Zoning Text Amendments; At Article
13 IV, Nonconformities, Section 134-417, Enlargement And 134-419, Enlargement,
14 Extension, Reconstruction Or Alteration, By Creating A New Demolition
15 Threshold, Including Additional Provisions For Alterations And Repairs And
16 Clarifying Language For Raising Nonconforming Buildings And/Or Structures; At
17 Article VI, District Regulations, Sections 134-788, 134-838 And 134-888,
18 Accessory Uses And Sections 134-789, 134-839 And 134-889, Prohibited Uses By
19 Creating Regulations To Conditionally Allow Construction Related Employee Off-
20 Street Parking At Private Social, Swimming, Golf, Tennis And Yacht Clubs In The
21 R-Aa, R-A And R-B Residential Zoning Districts; Sections 134-796, 134-846 And
22 134-893, Exceptions To Height Limitations, By Allowing Solar Material On Roofs
23 Of Buildings Provided There Is Either Architectural Commission Or Landmark
24 Preservation Commission Approval In The R-Aa, R-A And R-B Residential Zoning
25 Districts; Sections 134-840 And 134-890, Special Exception Uses And At Article
26 VIII Supplementary District Regulations, Section 134-1698, Structures, Signs And
27 Landscape Material West Of Lake Trail By Allowing Essential Services West Of
28 Lake Trail As A Special Exception Use In The R-A And R-B Residential Zoning
29 Districts; At Article VI, District Regulations, Section 134-893, Lot, Yard And Bulk
30 Regulations By Clarifying That First Floor, Unenclosed Loggias, Pergolas, Porches
31 Terraces And Covered Patios In The R-B Zoning District Are Allowed An
32 Additional 5% Cubic Content; At 134-895, Same, Exceptions From Yard
33 Regulations, By Modifying The Provision To Ensure That Additional 3% Lot
34 Coverage For An Awning Or Open Trellis Is Not Counted In The Cubic Content
35 Ratio Calculations; At Article VIII, Supplementary District Regulations, Section

1 134-1607, Permitted Exceptions, By Allowing Solar Material On The Roof Of A
2 Building Or Structure In All Other Zoning Districts Other Than R-Aa, R-A And
3 The R-B Zoning Districts Provided That Said Material Is Approved By The
4 Architectural Commission Or Landmark Preservation Commission; Section 134-
5 1757, Swimming Pools, By Allowing Raised Spas/Hot Tubs And Infinity Pools;
6 Section 134-1759, Tennis, Shuffleboard And Racquetball Courts By Reordering
7 The Existing Regulations To Eliminate Redundant Language; At Article XI, Signs,
8 Adding Sections 134-2410 And 134-2449 By Creating Regulations For Tow Away
9 Signs In Residential And Commercial Zoning Districts; Sections 134-2411 And
10 134-2450 By Creating Regulations Allowing Governmental Signs In All
11 Residential And Commercial Zoning Districts; Providing For Severability;
12 Providing For Repeal Of Ordinances In Conflict; Providing For Codification;
13 Providing An Effective Date.
14

15 Interim Director Castro provided details of the ordinance changes. One exception is the
16 non-conforming buildings and structures item. This has been sent back to the Planning
17 & Zoning Commission for further scrutiny and a recommendation from the Commission.
18 He clarified Staff's recommendation versus the Planning and Zoning Commission
19 recommendation.

20 Discussion took place on inoperable windows, trusses and non-conforming homes.

21 Martin Klein, 1060 North Ocean Boulevard, spoke on behalf of the Planning & Zoning
22 Commission. He believes that the Town does best with incremental zoning.

23 Discussion took place on the history of demolition in the Town.

24 Discussion took place using private clubs for parking of construction employee vehicles
25 and modifying the code provision to eliminate the ability for the Palm Beach Country
26 Club to use land fronted on North Ocean Boulevard for employee parking. Discussion
27 took place on appropriate parking distances.

28 **Motion was made by Agency Member Lindsay and seconded by Agency Member**
29 **Araskog, to approve Ordinance No. 04-2018, including recommendation to allow**
30 **certain parking for construction within 75' of the single family residence. On roll**
31 **call, the motion carried unanimously.**

1 IV. **ADJOURNMENT**

2 There being no further business, the February 14, 2018 Local Planning Agency meeting
3 was adjourned at 10:20 A.M.

APPROVED:

Richard M. Kleid, Town Council President

PREPARED BY:

Kathleen Ruderman, Deputy Town Clerk



TOWN OF PALM BEACH

Minutes of the Town Council Meeting Held on February 14, 2018

I. CALL TO ORDER AND ROLL CALL

The Town Council meeting was called to order on Wednesday, February 14, 2018 at 10:46 A.M., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Clerk Ruderman gave the invocation. Council President Kleid led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Pro Tem Moore asked for prayers on behalf of Recreation Department Office Manager, Lisa Walkowich.

Council Member Zeidman spoke about possibly increasing the 200' radius requirement of notices that go out to residents. She congratulated Fire Department on contributing to the Welcome Packet that goes out to new residents.

Council Member Lindsay asked Planning & Zoning Commission to look at increasing the 200' radius areas specifically areas that are mixed use.

Council Member Araskog agreed and noted that this is critical for neighbors to be able to participate.

Mayor Coniglio requested that this item be added to Planning and Zoning agenda.

Interim Planning, Zoning & Building Director Castro will schedule a Planning & Zoning Commission meeting for March.

V. COMMUNICATIONS FROM CITIZENS

Rene Silvin, Australian Avenue, shared fond memories of President Kleid and thanked him for his service.

VI. APPROVAL OF AGENDA

The following changes were made to the agenda.

DEFERRALS: The following items were deferred to the March 21, 2018 Town Council meeting:

- Item No. VIII.B.1.b., Variance 21-2017
- Item No. VIII.B.1.c., Z-17-00034 Site Plan Review
- Item No. VIII.B.1.d., Z-17-00042 Site Plan Review With Variances
- Item No. VIII.B.1.g., Z-17-00052 Site Plan Review With Variances
- Item No. VIII.B.2.c., Z-17-00058 Special Exception With Site Plan Review/Variance
- Item No. VIII.B.2.d., Z-17-00059 Special Exception With Site Plan Review/Variance
- Item No. VIII.B.2.e., Z-17-00060 Site Plan Review With Variances
- Item No. VIII.B.2.h., Z-17-00063 Special Exception

DEFERRAL: The following item was deferred to the April 11, 2018 Town Council meeting:

- Item No. VIII.B.1.e., Z-17-00047 Variances

WITHDRAWN:

- Item No. VIII.A.1.a., Z-17-00020 Special Exception With Site Plan Review

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

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 08-2018 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 245 Dunbar Road, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach

Landmark Consultant, Janet Murphy of Murphy Stillings, LLC, provided details pertaining to the property.

No ex-parte communications were declared.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, that the Designation Report become part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Moore, to approve Resolution No. 08-2018 approving the landmark. On roll call, the motion carried unanimously.

- B. RESOLUTION NO. 07-2018 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 138 Root Trail, 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

No ex-parte communications were declared.

Landmark Consultant, Emily Stillings of Murphy Stillings, LLC, provided details pertaining to the property.

Motion was made by President Pro Tem Moore, and seconded by Council Member Araskog, that the Designation Report become part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Zeidman, to approve Resolution No. 07-2018 approving the landmark. On roll call, the motion carried unanimously.

- C. RESOLUTION NO. 09-2018 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 455 Australian Avenue, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Motion was made by Council Member Zeidman, and seconded by President Pro Tem Moore, that the Designation Report become part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, to approve Resolution No. 09-2018 approving the landmark. On roll call, the motion carried unanimously.

The Town Council recessed at 10:40 A.M. and reconvened at 11:00 A.M.

VIII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: CT-S Town-Serving Commercial. The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at **264 S COUNTY RD SUITE: SITE**, legal description on file, is described below.

PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 264 & 270 S COUNTY RD. 1. A request for a special exception with site plan review approval to allow a

private club "Carriage House" to operate at 264 and 270 South County Road in the CT-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 118 seats, which is the same number of seats 264 Grill restaurant had. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m. 2. A request for a special exception to provide 68 night-time (after 5pm) supplemental off-site shared parking spaces at 230 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House. [Applicant's Representative: Maura Ziska Esq]

TIME CERTAIN: 11:00

Item withdrawn

Discussion ensued regarding what the process would be moving forward. Discussion included notification to concerned neighboring properties should this item come before Town Council in the future.

The Town Council recessed at 11:10 A.M. and reconvened at 11:17 A.M.

b. VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as **218 Miraflores Dr.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the February 28, 2018 meeting. Carried 6-1.] Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska

Item deferred to the March 21, 2018 Town council meeting

c. Z-17-00034 SITE PLAN REVIEW Zoning District: R B Low Density Residential. The application of SHULMAN ALAN L, Owner, relative to property located at **377 N LAKE WAY**, legal description on file, is described below. Site Plan Review to allow the construction of a 7,465 square foot two story, single family residence on a non conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the architectural portion of the project. The conditions are related to the architecture only. Carried 5-2. The Architectural Commission deferred the landscape portion of the project to the February 28, 2018 meeting. Carried 7-0.] Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska

Item deferred to the March 21, 2018 Town Council meeting

d.Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S)

Zoning District: R-A Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to property located at **1700 S OCEAN BLVD**, legal description on file, is described below. Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application:

- 1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required.
- 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard.
- 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred the project to the February 28, 2018 meeting. Carried 7-0.] Request for Deferral to March 21, 2018 Town Council Meeting Per Letter Dated January 30, 2018 from Maura Ziska

Item deferred to the March 21, 2018 Town Council meeting

e. Z-17-00047 VARIANCE(S) Zoning District: R-B Low Density Residential. The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at **224 S OCEAN BLVD**, legal description on file, is described below. Construction of three dormers on existing third story. 1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code. [Applicant's Representative: Jose Gonzalez, Architect] [The Architectural Commission denied this project at the January 24, 2017 meeting. Carried 7-0.] Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated February 2, 2018 From Jose Gonzalez

Item deferred to the April 11, 2018 Town Council meeting

f. Z-17-00051 SITE PLAN REVIEW Zoning District: RB Low Density Residential The application of STERANKA MICHAEL, Owner, relative to property located at **266 ORANGE GROVE RD**, legal description on file, is described below. Site Plan Review to allow the construction of a 2,900 square foot one-story, single family residence on a non-conforming platted lot which is 8,156.25 square feet in area in lieu of the 10,000 square foot lot minimum area required in the R-B Zoning District and 75 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review would not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally

approved the project. The conditions are related to the architecture only.
Carried 6-1.]

Deputy Clerk Ruderman swore in all those who would be providing testimony.

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Architect Seagraves provided additional details.

Mr. Castro provided Staff details.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Site Plan No. Z-17-00051 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

g. Z-17-00052 SITE PLAN REVIEW WITH VARIANCE(S)

Zoning District: RB Low Density Residential The application of CARLSON GUSTAV TRUST &, Owner, relative to property located at **280 ORANGE GROVE RD**, legal description on file, is described below. 1) Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage and raising the finished floor elevation of the house to 7.5 NGVD on a lot with a width of 75 feet in lieu of the 100 foot minimum required In the R-B Zoning District and an area of 8,156.25 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. 2) A variance is being requested to allow the construction of a 116 square foot one story addition for a bathroom/bedroom that is proposed to have a 5.4 foot west side yard setback in lieu of the 12.5 foot minimum setback required for a one story structure. 3) A variance is being requested to allow the existing residence to remain non-conforming with no garage provided. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the architectural portion of the project. The conditions are related to architecture only. Carried 6-1. The Architectural Commission deferred the landscape and hardscape portions of the project. Carried 7-0.] Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated February 1, 2018 from Maura Ziska

Item deferred to the March 21, 2018 Town Council meeting

- h. Z-17-00054 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: B 3**, legal description on file, is described below.1) Special Exception with Site Plan Review is being requested to modify a previous approval (which granted Bice Ristorante 46 outdoor seats) to increase the number of outdoor seats from 46 to 82 (an additional 36 seats) for the seasonal months of November through April only. 2) A variance is being requested to provide zero (0) on-site parking spaces in lieu of the required 12 parking spaces that would be required for the additional 36 seats. [Applicant's Representative: Maura Ziska Esq]

All council members have received letters and E-mails associated with this project that were included in their backup.

Attorney Ziska provided details on the project.

Mr. Castro provided Staff comments.

Architect Gonzales provided additional information.

Discussion took place on heater requirements, seating, walkways and number of seats

Mr. Gonzales, Manager of Bice, provided more information on the heaters.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Special Exception No. Z-17-00054 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 with the caveat that the applicant will provide an updated floorplan demonstrating that no intrusion into the walkways by seating or heaters, that only approved heaters are allowed, and that the maximum number of seats are not exceeded. Any seating violations will result in an immediate fine of \$2,000 per incident. On roll call, the motion carried unanimously.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Site Plan No. Z-17-00054 be conditionally 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 with the condition that the applicant will amend the Declaration of Use Agreement and incorporate an updated floorplan demonstrating that no intrusion into the walkways by seating or heaters, that only approved heaters are allowed, and that the maximum number of seats are not exceeded. Any seating violations will result in an immediate fine of \$2,000 per incident. Declaration of Use Agreement is required to come back to Town Council for approval on March 21, 2018. On roll call, the motion carried unanimously.

2. New Business

a. Z-17-00056 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: C-WA Worth Avenue The application of PALM V ASSOC LTD, Owner, relative to property located at **240 WORTH AVE**, legal description on file, is described below. The applicant, Lilly Pulitzer, is planning to open a retail store on Worth Avenue in a portion (3,952 s.f.) of the previous space occupied by Hermes. A Special Exception with Site Plan Review approval is being requested to modify the storefront facade to include a portico, modify the existing second floor of a retail space in order to remove partition walls; and enclose an exterior stairwell. Also planned is a 106 square foot pergola addition to the courtyard, new paver and a fountain. The following variance is being requested in conjunction with this application: (i) A request for a variance for lot coverage of 72.7 % in lieu of the 72 % existing and 35% maximum allowed in the C-WA Zoning District. [Applicant's Representative: Maura Ziska] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

The following ex-parte communications were declared. Mayor Coniglio spoke with a property owner who called and asked her to relay to staff the conditions of the store and his desire that this project move forward. President Pro Tem Moore attended the ARCOM meeting.

Benjamin Tengwall of Lilly Pulitzer expressed his pleasure in being here to propose changes to the new location and described the brand.

Attorney Ziska provided details of the project.

Architect Shivalker provided additional details.

Mr. Castro provided Staff comments.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Moore, that Special Exception No. Z-17-00056 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. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Moore, that Variance #Z-17-00056 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

a. Z-17-00057 VARIANCE(S) Zoning District: C-OPI Office, Professional and Institutional The application of EPIC RPW LLC, Owner, relative to property located at **250 ROYAL PALM WAY SUITE: BLDG 1**, legal description on file, is described below. Section 134-2437(1) and (2): A request for a variance to allow a business identification sign to include the full name of the company, "Alex. Brown A Division of Raymond James" on a building without any ground floor tenants, thereby prohibiting a business identification sign by Code. [Applicant's Representative: David E. Klein Esq]

Attorney Klein provided details of the project.

Mr. Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Zeidman, that Variance #Z-17-00057 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

c. Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at **323 CHILEAN AVE**, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 4-3.]

Item deferred to the March 21, 2018 Town Council meeting

d. Z-17-00059 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-B Low Density Residential The application of REGALBUTO JASON, Owner, relative to property located at **160 SEABREEZE AVE**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The following variances are being requested in conjunction with this application: 1) a cubic content ratio ("CCR") of 7.08 In lieu of the 4.24 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41% in lieu of the 30% maximum allowed in the R-B Zoning District for a two story residence. 3) east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence. 4) a west side yard setback of 11.5 feet In lieu of the 15 foot minimum required for a two story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one-story covered terrace. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the architectural portion of the project at the January 24, 2018 meeting. Carried 5-

2. The Architectural Commission conditionally approved the landscape portion of the project at the January 24, 2018 meeting. Carried 7-0. All approval conditions are related to the architecture and landscape only.]

Item deferred to the March 21, 2018 Town Council meeting

e. Z-17-00060 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: C-OPI Office, Professional and Institutional The application of JHD ASSOCIATES LLC, Owner, relative to property located at **230 ROYAL PALM WAY SUITE: SITE**, legal description on file, is described below. *PLEASE NOTE: THIS PROJECT ENCOMPASSES 230 AND 240 ROYAL PALM WAY* 1) Site Plan Review to allow the construction of three (3) carport awnings totaling 6,359 square feet to provide covered parking for 38 parking spaces in the existing parking lot behind the building. The following variances are being requested to allow construction of the awnings: a) lot coverage of 40.2% in lieu of the 24.3% existing and the 25% maximum allowed in the C-OPI Zoning District. b) rear yard setback of 5.17 feet in lieu of the 10 foot minimum required In the C-OPI Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred the project to the February 28, 2018 meeting. Carried 6-1.] Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska

Item deferred to the March 21, 2018 Town Council meeting

The Town Council recessed at 12:00 P.M. and reconvened at 12:15 P.M.

f. Z-17-00061 SPECIAL EXCEPTION Zoning District: C-PC Planned Center The application of SPIEGEL SIDNEY TR # 31520371, Owner, relative to property located at **340 ROYAL POINCIANA WAY** legal description on file, is described below. A request for Special Exception approval is being filed in connection with the Ordinance considered at Planning & Zoning Commission on October 17th and Town Council on December 13th, 2017. The Ordinance provides that outdoor promotional events are permitted as a special exception use in the C-PC district and this request seeks Special Exception approval for Town Serving outdoor promotional events at The Royal Poinciana Plaza in the central courtyards. The proposed hours of operation align with approved outdoor dining hours, 8am-10pm Sunday through Thursday and 8am-11pm Friday and Saturday. [Applicant's Representative: James M. Crowley Esq]

The following ex-parte communications were declared. Council Member Lindsay spoke to Alexandra Patterson and Samantha David who advocated for the position of their client. She ran into Simon Taylor at Publix who talked about Royal Poinciana Plaza in general. She spoke to Vickie Halmos at an event, and ran into the Metzgers and spoke in general but not about this special exception. Mayor Coniglio had telephone conversations with Samantha David and Marley Herring. Bill Metzger called her and spoke about the Playhouse. The Mayor had a conversation with Simon Taylor, who spoke about the Playhouse. Council Member Araskog spoke to Bill Metzger in relation to the Playhouse and the 1979 agreement and received E-mails from Simon Taylor. She added that she received a phone call from Alexandra Patterson but was

unable to speak with her. Council President Kleid had the same conversations after they spoke at the previous meeting and they continued to state that they were interested in the theater. He spoke on several occasions to Alexandra Patterson who advocated for the position of her client. President Pro Tem Moore received phone calls from Alexandra Patterson and Samantha David but did not speak to either. Council Member Zeidman spoke to Alexandra Patterson and Samantha David about why this special exception is important to their business model. She also spoke with Bill Metzger last March about his interest in the Playhouse.

Attorney Crowley, provided details on the project.

Alexandra Patterson provided a history of the Royal Poinciana Plaza and summarized the reasons for the Special Exception request.

Mr. Castro provided Staff comments.

Joe Fuchs, President of the Board of the Palm Beach Towers, supports the application.

Marley Herring, Worth Avenue Association, requested that the Town Council provide other districts with the same opportunities provided to the Plaza.

Patti Sans, South County Road Association, expressed the same concern.

Jack McDonald, 44 Cocoanut Row, expressed concern with amplification of music.

Simon Taylor, 234 Oleander, spoke about the cultural impact and the Royal Poinciana Playhouse.

Bill Metzger, 277 Esplanade Way, requested delaying this application.

Discussion took place on control of amplified music, hours and days of operation.

Samantha David provided feedback on council concerns with regard to hours, music, and events.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, that Special Exception No. Z-17-00061 (Hours: 7 days per week from 8:00 A.M. to 10:00 P.M.) 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. On roll call, the motion carried 4-1 with Council Member Araskog dissenting.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Moore, that Special Exception No. Z-17-00061 (Music: Acoustic music would be allowed 7 days a week, amplified music allowed Thursday through Sunday during the hours of 10:00 A.M. until 9:00 P.M. with the caveat that the Town decibel levels cannot be exceeded and that no amplified music would be allowed after 9:00 P.M.) 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. On roll call, the motion called unanimously.

Motion was made by President Pro Tem Moore, and seconded by Council Member Zeidman, that Special Exception No. Z-17-00061 (to include the list of activities provided by Up Markets in addition to any activities in similar quality and intent) 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. On roll call, the motion carried 4-1 with Council Member Araskog dissenting.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, that Special Exception No. Z-17-00061 (Applicant will come back in six months for review) 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. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog to limit number of people to 50 at lunch Thursday through Sunday 50 at lunch and 100 at dinner. Motion died for lack of a second.

Motion was made by Council President Kleid, and seconded by Council Member Lindsay, to accept the application subject to conditions imposed in an amended Declaration of Use Agreement. Verbiage on #3 will be corrected. On roll call, the motion carried 4-1, with Council Member Araskog dissenting.

Marley Herring, Worth Avenue Association, requested consistency within the districts.

The Town Council recessed at 1:35 P.M. and reconvened at 2:10 P.M.

Anne Pepper, 333 Seaspray Avenue, expressed disappointment on behalf of the large group of neighbors who left earlier, when item Z-17-00020 was withdrawn and they were not allowed to speak. She expressed concern that significant issues such as this one, should not be heard out of season. Neighbors would like to be notified of Special Exceptions of this significance.

Deborah Robinson, 217 Clarke Avenue, expressed her disappointment with withdrawn item Z-17-00020, and neighbors not being allowed to speak.

Maisy Grace, 247 Seaspray, handed in a letter so that she would receive notification when this item comes before the Town Council in the future.

g.Z-17-00062 VARIANCE(S) Zoning District: R-B Low Density Residential The application of SOTER WILLIAM J &, Owner, relative to property located at **198 VIA MARINA SUITE: CABANA**, legal description on file, is described below. 1) Request for a variance to replace 3 glazed walls and French doors on a 307 square foot pool cabana located on the east side of the property (demolishing more than 50% of the cubic volume) which will result In a cubic content ratio ("CCR") of 4.36 for existing and proposed in lieu of the 3.927 maximum allowed in the R-B Zoning District. 2) Request for a variance to allow the existing 12 foot east side yard setback of the pool cabana to remain In lieu of the 12.5 foot minimum setback required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural

impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the January 24, 2018 meeting. Carried 7-0.]

The following ex-parte communications were declared. President Pro Tem Moore spoke to Mrs. Soter who advocated for her position. Council Member Lindsay spoke to Mr. and Mrs. Soter.

Attorney Ziska provided details of the project.

Architect Beekman provided additional details.

Mr. Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Moore, that Variance #Z-17-00062 shall be granted, and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

h.Z-17-00063 SPECIAL EXCEPTION Zoning District: R-B Low Density Residential The application of ROSS CAROLYN H EST, Owner, relative to property located at **201 SANFORD AVE**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,699 square foot two-story, single family residence on a portion of a platted lot which is 98.47 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq] [The Architectural Commission deferred this project to the February 28, 2018 meeting. Carried 7-0.] Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Special Exception No. Z-17-00063 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. On roll call, the motion carried unanimously.

i.Z-17-00064 SPECIAL EXCEPTION AND SITE PLAN REVIEW Zoning District: R-A Estate Residential. The application of CHESTERMAN ALEX, Owner, relative to property located at **880 S OCEAN BLVD**, legal description on file, is described below. Request a Special Exception with Site Plan Review to allow construction of a 424 square foot beach cabana in the R-A/B-A Zoning District. [Applicant's Representative: Maura Ziska Esq]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Moore, that Special Exception No. Z-17-00064 shall be granted, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and completion of Unity of Title, 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. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Moore, that Site Plan No. Z-17-0064 be approved, with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and completion of Unity of Title, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

j. Z-17-00065 VARIANCE(S) Zoning District: R-A Estate Residential The application of TAYLOR TERRY R &, Owner, relative to property located at **780 S OCEAN BLVD**, legal description on file, is described below. Section 134-843 (10)a. An application for a Variance to allow the construction of a 748 s.f. master bathroom addition in the same area that was previously approved for a walk-in closet in 2011 (COA-020-2011) and a master bathroom in 2013 (VAR-14-2013), with a maximum building height of 29 feet in lieu of 25 feet allowed. [Applicant's Representative: Peter Broberg] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

Attorney Broberg provided details of the project.

Architect Drobot, provided additional details.

Discussion took place on beam height and hardship.

Mr. Castro provided Staff comments.

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, that Variance #Z-17-00065 shall be granted, with the caveat that the owner will provide a utility easement if necessary, satisfactory to the Town of Palm Beach, prior to building permit issuance 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.

k. Z-17-00066 SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: SITE**, legal description on file, is described below. Request for site plan review to modify the Via Bice as follows: 1) New mosaic pavers in the Via; 2) New 2,240 square foot trellis with retractable awning above; 3) New landscaping and lighting; 4) New stone entry with awning on Peruvian Avenue; 5) Removal of existing canvas awnings 6) New 37 .5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq]

Attorney Ziska requested that this be deferred to ARCOM and to March 21, 2018 Town Council meeting.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to defer to Architectural Commission and then to Town Council March 21, 2018 meeting. On roll call, the motion carried unanimously.

VIII. ORDINANCES

A. First Reading

1. ORDINANCE NO. 04-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Creating A Definition For Tow-Away Signs; At Article II, Administration, Section 134-38 By Increasing And Creating Additional Fees For Land Development Services; Section 134-145 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261 Creating An Initial Review Procedure For Zoning Text Amendments; At Article IV, Nonconformities, Section 134-417, Enlargement And 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Creating A New Demolition Threshold, Including Additional Provisions For Alterations And Repairs And Clarifying Language For Raising Nonconforming Buildings And/OR Structures; At Article VI, District Regulations, Sections 134-788, 134-838 And 134-888, Accessory Uses And Sections 134-789, 134-839 And 134-889, Prohibited Uses By Creating Regulations To Conditionally Allow Construction Related Employee Off-Street Parking At Private Social, Swimming, Golf, Tennis And Yacht Clubs In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-796, 134-846 And 134-893, Exceptions To Height Limitations, By Allowing Solar Material On Roofs Of Buildings Provided There Is Either Architectural Commission Or Landmark Preservation Commission Approval In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-840 And 134-890, Special Exception Uses And At Article VIII Supplementary District Regulations, Section 134-1698, Structures, Signs And Landscape Material West Of Lake Trail By Allowing Essential Services West Of Lake Trail As A Special Exception Use In The R-A And R-B Residential Zoning Districts; At Article VI, District Regulations, Section 134-893, Lot, Yard And Bulk Regulations By Clarifying That First Floor, Unenclosed Loggias, Pergolas, Porches Terraces And Covered Patios In The R-B Zoning District Are Allowed An Additional 5% Cubic Content; At 134-895, Same, Exceptions From Yard Regulations, By Modifying The Provision To Ensure That Additional 3% Lot Coverage For An Awning Or Open Trellis Is Not Counted In The Cubic Content Ratio Calculations; At Article VIII, Supplementary District Regulations, Section 134-1607, Permitted Exceptions, By Allowing Solar Material On The Roof Of A Building Or Structure In All Other Zoning Districts Other Than R-AA, R-A And The R-B Zoning Districts Provided That Said Material Is Approved By The Architectural Commission Or Landmark Preservation Commission; Section 134-1757, Swimming Pools, By Allowing Raised Spas/Hot Tubs And Infinity Pools; Section 134-1759, Tennis, Shuffleboard And Racquetball Courts By Reordering The Existing Regulations To Eliminate Redundant Language; At Article XI, Signs, Adding Sections 134-2410 And 134-2449 By Creating Regulations For Tow-Away Signs In Residential And Commercial Zoning Districts; Sections 134-2411 And 134-2450 By Creating Regulations Allowing Governmental Signs In All Residential And Commercial Zoning Districts;

Providing For Severability; Providing For Repeal Of Ordinances In Conflict;
Providing For Codification; Providing An Effective Date

Discussion took place on unenclosed, loggias, pergolas, porches, terraces and covered patios and construction employee vehicles.

Mr. Castro will remove the word 'vehicular' from ordinance.

Motion was made by Council Member Lindsay, and seconded by President Pro Tem Moore, to approve Ordinance # 04-2018 on first reading as amended. On roll call, the motion carried unanimously.

IX. ANY OTHER MATTERS

A. Renegotiation of Town Manager Tom Bradford's Severance Package Which Was Voted on at the Town Council Meeting of February 13, 2018

Discussion took place on the process in which changes were made to Tom Bradford's severance package that was offered at the Town Council meeting. It was decided that decision voted upon at the Town Council meeting stands.

B. Mr. Castro gave updates on 901 North Ocean Boulevard and 89 Middle Road Code Enforcement Issues. He was asked by the Council to follow up on compliance/exotic species issues.

C. Town Council granted permission for Mr. Castro to study a request for extension of time lines for notice requirements for implementation of Special Exception/Site Plan Reviews.

X. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of February 14, 2018 was adjourned at 3:15 P.M.

APPROVED:

Richard M. Kleid, Town Council President

PREPARED BY:

Kathleen Ruderman, Deputy Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters considered by the Architectural Commission at its meeting of February 28, 2018

Presenter

Paul Castro, Interim Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated March 9, 2018 from Paul Castro, Interim Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Commission Meeting of February 28, 2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul Castro, Interim Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of February 28, 2018

Date: March 9, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of February 28, 2018.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of February 28, 2018.

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

PC:kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL COMMISSION MEETING HELD ON WEDNESDAY, FEBRUARY 28, 2018

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

I. CALL TO ORDER

Chairman Sammons called the meeting to order at 9:02 a.m.

II. ROLL CALL

Richard Sammons, Chairman	PRESENT
Ann L. Vanneck, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Michael B. Small, Member	PRESENT
Maisie Grace, Member	PRESENT
Robert J. Vila, Member	PRESENT
John David Corey, Alternate Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT

Staff Members present were:

John Lindgren, Planning Administrator

Paul Castro, Interim Director of Planning, Zoning and Building

Kelly Churney, Secretary to the Architectural Review Commission

Tom Baird, Town Attorney

Please note: The Architectural Commission will break for lunch today at a time certain from 12:30 p.m. to 2 p.m.

III. PLEDGE OF ALLEGIANCE

Chair Sammons led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE JANUARY 24, 2018 MEETING

Motion made by Mr. Vila and seconded by Mr. Small to approve the minutes from the January 24, 2018 meeting. Motion carried with all in favor.

V. **APPROVAL OF THE AGENDA**

Mr. Lindgren requested to amend the agenda with the deferral of the following projects to the March 28, 2018 meeting: B-017-2018, 110 Via Vizcaya, B-019-2018, 140 Kings Rd. and A-050-2017, 274 Orange Grove Rd.

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

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

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

VII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**

Gene Pandula, architect for project at 274 Orange Grove Rd., stated that he has been retained as the architect for the project and explained the reasons he requested the one month deferral.

VIII. **PROJECT REVIEW**

DEMOLITIONS AND TIME EXTENSIONS

B-011-2018 Demolition

Address: 220 Jungle Rd.

Applicant: Barnacle PB LLC

Architect: Michael J. Johnson

Landscape Architect: Matt Jackman/Nievera Williams Design.

Project Description: Demolition of existing two-story residence.

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

Mr. Johnson presented the request for demolition of the existing residence.

Mr. Small asked the architect if his client would consider restoring the home. Mr. Johnson stated his client was not interested in restoration at this time.

Mr. Corey asked questions regarding the landscape demolition plan. Mr. Jackman responded and stated he had an updated landscape demolition plan that he placed on the overhead projector.

Mr. Castro stated the Town Council had requested that landscape architects leave as much landscape on the property as possible during demolition and new construction.

Mr. Jackman explained the landscape demolition plan on the overhead projector.

Mr. Garrison expressed his frustration that the plans were not provided to the Commission prior to the meeting. He also asked about the screening for the neighbors during the demolition.

Mr. Lindgren stated that the Commission could condition the approval with certain landscape requirements.

Mr. Sammons asked if they could condition the approval to save the large existing Ficus tree. Mr. Jackman stated that they plan to reuse the Ficus tree.

Mr. Ives asked Staff if the demolition report was complete and met the requirements. Mr. Lindgren responded that it was sufficient.

Mr. Vila asked if the neighbor to the west was aware of the plans for the tree relocation. Mr. Jackman stated that they had not spoken with the neighbor at that time. Mr. Vila stated that the neighbor should be made aware and in agreement of the plans before they were submitted to the Commission.

The Commission debated whether this application should be deferred.

Maura Ziska, attorney for the project, stated that the application was complete and the Commission had to make a decision.

Mrs. Vanneck stated the landscape plan was incorrect and she would support a deferral. Mr. Jackman responded and discussed the landscape plan that he proposed.

Motion made by Mrs. Vanneck and seconded by Mr. Ives to defer the project for one month to the March 28, 2018 meeting to allow the architect to bring a complete landscape plan. Motion carried with all in favor.

[B-020-2018 Demolition](#)

Address: 303 Arabian Rd.

Applicant: Steven L. Apple as trustee of the Steven L. Apple T/U/A dated 11/21/11

Attorney: M. Timothy Hanlon

Landscape Architect: Dustin Mizell, Environment Design Group

Project Description: Demolition of existing two-story residence, garage, accessory structures, pool, landscape and hardscape.

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

Mr. Hanlon presented the request for demolition of the existing residence. Mr. Mizell presented the landscape demolition plan for the project.

Mr. Vila asked if the landscape items were protected. Mr. Mizell replied.

Mr. Corey expressed his appreciation for the complete landscape demolition plan.

Motion made by Mr. Small and seconded by Mr. Ives to approve the demolition as presented with the caveats to remove all exotic and invasive plant species and to sod

and irrigate the property within 30 days. Motion carried 6-1 with Mr. Sammons opposed.

B-021-2018 Demolition

Address: 346 Seaspray Ave.

Applicant: 346 Seaspray LLC, a Florida limited liability company

Attorney: M. Timothy Hanlon

Project Description: Demolition of existing two-story residence, pool, landscape and hardscape.

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

Mr. Hanlon presented the request for demolition of the existing residence. Mr. Mizell presented the landscape demolition plan for the project.

Motion made by Mr. Small and seconded by Mr. Vila to approve the demolition as presented with the caveats to remove all exotic and invasive plant species and to sod and irrigate the property within 30 days. Motion carried with all in favor.

B. MAJOR PROJECTS-OLD BUSINESS

B-006-2017 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 218 Miraflores Drive

Applicant: Vera Alfieri Monforte

Architect: Gregory Bonner/B1 Architects

Project Description: Partial second floor addition to an existing one story single family residence.

VARIANCE INFORMATION: The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required.

A motion carried at the June meeting to defer the project to the July 26, 2017 meeting. A motion carried at the July meeting to defer the project to the August 23, 2017 meeting. A motion carried at the August meeting to defer the project to the September 27, 2017 meeting. A motion carried at the September meeting to defer the project for two months to the November 29, 2017 meeting. A motion carried at the November meeting to defer the project for two months to the January 24, 2018 meeting. A motion carried at the January meeting to defer the project to the February 28, 2018 meeting for restudy of the front entrance and the south façade to bring some charm into the design.

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

Maura Ziska, attorney for the applicant, explained the evolution of the design changes and the owner's need for more square footage in the home.

Mr. Bonner explained the proposed architectural modifications for the home.

Ms. Grace asked the architect what had specifically changed since the previous presentation. Mr. Bonner replied and further explained the proposed changes.

Motion made by Mr. Vila and seconded by Mr. Small that that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried with all in favor.

Mrs. Vanneck thought the changes were positive. She recommended more landscaping around the pool.

A second motion made by Mrs. Vanneck and seconded by Mr. Vila to approve the project as presented. Motion carried 6-1 with Mr. Sammons opposed.

[B-054-2017 New Construction](#)

Address: 446 N. Lake Way

Applicant: Stephen A. Levin

Architect: Benjamin Schreier/Affiniti Architects

Project Description: New contemporary two story home and one story accessory garage totaling 13,093 gross s.f. and associated landscaping, hardscape and swimming pool.

A motion carried at the June meeting to defer the project to the August 23, 2017 meeting for a major restudy. A motion carried at the August meeting to defer the project for one month to the September 27, 2017 meeting. A motion carried at the September meeting to defer the project for two months to the November 29, 2017 meeting. A motion carried at the November meeting to defer the project for major restudy to the January 24, 2018 meeting. A motion carried at the January meeting to defer the project to the February 28, 2018 meeting for a restudy based on the comments from the Commissioners.

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

Daniel Ménard, LeBerge and Ménard, presented the proposed architectural modifications for the new residence.

Mr. Sammons asked if the barrel tile material would be placed on the flat section of the roof. Mr. Ménard responded.

Mr. Ives was not in favor of the new style and thought the design did not indicate that a major restudy had been completed. He stated he would support a denial. Ms. Catlin agreed and stated she was disappointed when she saw the newly proposed plan.

Mr. Small appreciated the efforts from the architect but thought the plan did not have sufficient changes. He stated he would not support a denial but would recommend a deferral.

Mr. Corey thought the layout, massing and height of the proposed residence was good. He also thought the character of the design fit into the neighborhood. He was in favor of the arches but thought they were too wide on the loggia section. He provided further suggestions for the design of the arches. He thought the second floor fenestration on the west side needed restudy.

Ms. Shiverick stated her biggest concern was that the massing was too large for the lot. She suggested making the house smaller. Mr. Ménard responded. Ms. Shiverick offered a suggestion to reduce the loggia and the size of the arches.

Mr. Garrison agreed and thought the arches on the loggia towards the lake trail were too wide. He also thought the front elevation did not match the character of the other sides of the home.

Mr. Sammons thought the design direction was good. He suggested lowering the water table, restudying the posts of the arches in the loggia, reducing the arches on the wing, restudying the north façade fenestration, reducing the mass in the wing and the body of the house and suggested adding details in the design.

Mr. Vila thought there were problems with the roof plan and suggested more detailing in the design.

Motion made by Mr. Vila and seconded by Mr. Garrison to defer the project for one month to the March 28, 2018 meeting for restudy. Motion carried with all in favor.

[B-070-2017 Demolition/New Construction](#)

Address: 225 Tangier Ave.

Applicant: ILLKM PB LLC

Architect: Benjamin Schreier/Affiniti Architects

Landscape Architect: Steven West/Parker-Yannette Design Group, Inc.

Project Description: Demolition of an existing residence constructed in 1958, Construction of new one story Bermuda style 6,192 sq. ft. residence, with swimming pool, associated landscaping and landscape lighting.

Motions carried at the October meeting to approve the demolition and to defer the project for one month to the November 29, 2017 meeting for restudy based on the

comments from the Commission. A motion carried at the November meeting to defer the project for one month to the December meeting at the request of the architect. A motion carried at the December meeting to defer the project for one month to the January meeting at the request of the architect. A motion carried at the January meeting to defer the project to the February 28, 2018 meeting for a restudy of the loggia and fenestration.

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

Mr. Schreier presented the proposed architectural modification for the residence.

Mr. Corey was in favor of the changes. He questioned the loggia design but stated he would accept the feature since it was an internal feature.

Ms. Shiverick agreed with Mr. Corey but suggested using tapered columns in the loggia design.

Ms. Grace suggested restudying the back of the house, as she believed it was overpowering.

Mr. Sammons suggested lowering the loggia in the courtyard. He also suggested a change in the windows to sash windows from the proposed casement windows. He suggested making a wider front entrance.

Mr. Vila questioned the roof overhang with the Bermuda style. He suggested lowering the roof on the pergola as well as reducing the spacing between the columns. He suggested a restudy of the rafter tails. He also questioned the proposed number of lanterns and suggested using indirect lighting.

Motion made by Mr. Small and seconded by Ms. Grace to defer the project to incorporate the comments of Messrs. Sammons and Vila into the restudy of the project.

Mr. Schreier asked for the Commissions help in moving the project along with most of the items approved and a possible staff approval for some remaining items.

Motion amended by Mr. Vila and seconded by Mr. Garrison to approve the project as presented with the caveat to incorporate the comments of Messrs. Sammons and Vila into the design of the project and that the pergola feature to return to the Commission for approval.

Ms. Grace asked if the partial approval would help Mr. Schreier. Mr. Lindgren responded.

Motion carried 5-2 with Mr. Sammons and Ms. Grace opposed.

Mr. West stated he brought landscape sections for the Commission.

Ms. Churney confirmed that the Commission approved the landscape plans in the motion to approve the project.

Please note: A short break was taken at 10:30 a.m. The meeting resumed at 10:42 a.m.

[B-082-2017 New Construction](#)

Address: 535 N. County Rd.

Applicant: 535 North County Road LLC

Architect: Boyle Architecture PLLC

Project Description: New 14,017 s.f. a/c Main House, 1,426 s.f. a/c Guest House and 451 s.f. a/c Staff Quarters, with 2,330 s.f. of Garage area, 4,586 s.f. of Covered Loggia and Covered Entries, 4,658 s.f. of Basement Storage in Modern Style, Driveway, Pools and Garden.

A motion carried at the November meeting to defer the project to the January 24, 2018 meeting for a major restudy and a consideration of the surroundings. A motion carried at the January meeting to defer the project to the February 28, 2018 meeting at the request of the architect.

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

Mr. Boyle presented the proposed architectural modification for the residence.

Mr. Vila thought the design a big improvement over the last design. He suggested that the applicant consider solar energy, especially with the flat roof.

Ms. Shiverick was in favor of the previous design. She questioned the need for both an in-law house and a guesthouse. She liked the landscaping in the front. She stated she preferred the deeper overhangs on the previous design.

Mr. Corey also preferred the previous design. He thought the use of the lot was overdone. He felt the current design was busy, modular and commercial and stated he could not support the project.

Mrs. Vanneck agreed with Mr. Corey and stated she felt the house looked like a hotel. She thought the proposed house was very dissimilar to others in the area and lacked elegance.

Mr. Small agreed with Mr. Corey and Mrs. Vanneck. He stated he did not believe this house was in harmony with the area.

Mr. Boyle stated that the size of the house did fit into the area. Mr. Sammons responded and stated that the design was out of scale.

Mr. Ives thought the material choices could assist the design to fit into the area. He believed the design could be restudied and changed to make it work in the area.

Mr. Garrison was in favor of the previous design but liked the proposed materials for the current design. He believed the scale of the home needed restudy. He also added that the design lacked asymmetry.

Ms. Grace liked the newly proposed, warmer stone. She questioned whether the style of the home fit into the area.

Ms. Catlin believed that the modern style fit into the area and was appropriate on the water. She thought the design should be slightly modified but it was on the right track.

Mr. Sammons questioned the house placement on the lot. He also thought the scale of the home needed to be reduced.

Mr. Vila related this project to another known property in town. He suggested to unify and simply the design.

Motion made by Mr. Garrison and seconded by Mr. Vila to defer the project for one month to the March 28, 2018 meeting to restudy a significant reduction in scale, reorganize the accessory buildings on the site and to look at a less symmetrical design. Motion carried 4-3 with Ms. Vanneck, Grace and Mr. Small.

[B-087-2017 Demolition/New Construction](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW - Done 1/24/18

Address: 377 N. Lake Way

Applicant: Alan Shulman

Architect: Pat Segraves/SKA Architect + Planner

Project Description: Demolition and new construction of two story British Colonial style home to be approximately 7,500 square feet. Home will consist of five bedrooms, seven bathrooms, powder room, living room, dining room, kitchen, butlers pantry, family room, laundry room, wine bar, loggia and two car garage. Final landscape and hardscape to be provided.

At the September meeting, motions carried to approve the demolition and defer the project for one month to the October 25, 2017 meeting for restudy. A motion carried at the October meeting for one month to the November 29, 2017 meeting for restudy. A motion carried at the November meeting to defer the project to the

January 24, 2018 meeting for restudy. A motion carried at the January meeting that the implementation of the proposed site plan review will not cause negative architectural impact to the subject property. Another motion carried to approve the architectural portion of the project with a condition to repair or replace the seawall. A third motion carried to defer the landscape portion of the project to the February 28, 2018 meeting to restudy items raised by the Commission, to provide a north/south and east/west cross section of the landscaping and to show the temporary protection to be used during the construction of the site walls.

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

Don Skowron, landscape architect, presented the proposed modifications to the landscape plans. He presented a 7-foot wall on the north property that would be built with the cost shared between his client and the owner to the north of the property.

M. Timothy Hanlon, attorney for owner at 380 N. Lake Way, agreed with the proposed plan but objected to the fact that his client would split the cost of the proposed wall. He requested that the Avocado tree on the property line be removed as it has fallen several times on his client's property. He also requested that the proposed generator is surrounded by a wall as high, if not higher, than the generator.

Mr. Skowron stated that a 7-foot wall that runs the length of the property was inappropriate.

Mr. Castro stated that a wall could not run the entire length of the property without the need for a variance. He also explained that the project would need to be completely approved before it could be heard by the Town Council.

Motion made by Mr. Small and seconded by Mr. Vila to approve the landscape plan as presented with the caveat that the avocado tree is removed. Motion carried with all in favor.

There was a short discussion on whether the 7-foot wall was included in the motion.

[B-094-2017 Demolition/New Construction](#)

Address: 149 E. Inlet Dr.

Applicant: Myron Miller

Architect: Roger P. Janssen/Dailey Janssen Architects

Project Description: Demolition of existing residence, pool, hardscape and landscape and construction of a new two-story residence, guesthouse, pool and all associated landscape and hardscape.

A motion carried at the November meeting to approve the demolition as requested with conditions. A second motion carried at the November meeting to defer the project to the January 24, 2018 meeting to restudy the tower element, the roof and the look of the north and east façade. A motion carried at the January meeting to defer the project to the February 28, 2018 meeting at the request of the architect.

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

Mr. Janssen presented the modified architectural plans for the project.

Ms. Grace was in favor of the previous Bermuda Style design, especially due to the prominent position of the lot.

Mr. Small questioned the change in the design style and expressed concern that the style was not in harmony with the neighborhood. He felt that the proposed home was not the appropriate style for the prominent lot. Mr. Janssen showed an overview of the neighborhood and argued that that the style fit into the area.

Mr. Corey was in favor of the Royal Palm trees proposed for the easement on the property. He was in favor of a tower element in the design and thought it was appropriate for the prominent lot. He felt that the style of the house did not fit into the area. He thought the site was too busy and congested. Mr. Janssen responded and addressed Mr. Corey's comments.

Mr. Garrison thought the house was well done. He asked if the owners that sent the letters of support reviewed the current design. Mr. Janssen responded.

Ms. Grace asked Staff if a re-notice was necessary for the project if a complete redesign had been completed. Mr. Lindgren responded. Ms. Grace thought the previous design was much more attractive.

Mr. Ives felt the new proposal needed a softer approach. He suggested separating the guesthouse from the main house.

Mr. Vila was supportive of the style but thought it felt choppy and needed more attention to the details.

Mr. Corey asked about the proposed gate for the easement. Mr. Janssen responded. Mr. Corey suggested beefing up the landscaping near the water.

Mr. Small argued that many of the immediate neighbors were not in support of this design.

Ms. Catlin also suggested softening the feel of the home.

Mrs. Vanneck suggested that the home did not relate at all to the ocean. She also stated the design lacked charm and character.

Mr. Garrison suggested to change some of the details in the design but supported the overall style.

Mr. Sammons thought the cluttered design was a missed opportunity for a prominent site in the Town.

Motion made by Mrs. Vanneck and seconded by Mr. Ives to defer the project for one month to the March 28, 2018 meeting for restudy. Motion carried with all in favor.

The Commission discussed moving up the project at 280 Orange Grove Rd. to accommodate a time constraint.

Motion made by Mr. Garrison and seconded by Mr. Small to amend the agenda and to move the project B-103-2017, 280 Orange Grove Rd. so that it could be heard at the this point in the agenda. Motion carried with all in favor.

[B-103-2017 Additions/Modifications](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S) - Done 12/15/17

Address: 280 Orange Grove Road

Applicant: Gustav & Susan Carlson

Architect: Pat Segraves/SKA Architect + Planner

Project Description: Renovation of existing one-story home. Addition of 460 square feet, for a total of 3,200 square feet. Change to Island Style home, raising floor elevation, and replacing roof. Final hardscape and landscape to be included.

A motion carried at the December meeting that the implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject property. A second motion carried to defer the project to the January 24, 2018 meeting. A motion carried at the January meeting to defer the landscape and hardscape portions of the project to the February 28, 2018 meeting. A second motion carried to approve the architectural plans with the condition that the windows are lowered 3 to 6 inches.

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

Don Skowron, landscape architect, presented the proposed modifications to the landscape plans.

Mr. Corey was not in favor of the Foxtail palms proposed for the back of the property. He also thought the turf area and the Foxtail palms proposed for the front were minimal. He suggested using larger landscaping.

Mr. Sammons asked if there were any shade trees proposed. Mr. Skowron responded. Mr. Corey stated that the shade trees were up against the house rather than towards the street. Mr. Skowron agreed to move them to the front of the property.

Mr. Castro stated the small turf area in the hardscape could not be included in the landscape open space calculation.

Mrs. Vanneck asked if a 10-foot easement was delineated in the front of the property. Mr. Skowron stated there was an easement.

Mr. Corey suggested a deferral due to the small turf area, the shade tree location as well as the small Foxtail palms proposed in the rear of the property. Mr. Skowron stated that the turf area was reinforced grass.

Mr. Vila stated that the turf-reinforced grass was nice at the Four Arts and worked well. Mr. Vila suggested using the material for the entire driveway.

Mrs. Vanneck suggested turning the turf area into a diamond shape to better fit into the driveway.

Mr. Sammons was in favor of the turf area but questioned the placement.

Mr. Castro stated that this project would need to be completely approved before it could be heard by the Town Council.

Mr. Vila was not in favor of the trees proposed next to the home. He made some recommendations for other specimen trees.

Motion made by Mr. Vila and seconded by Mr. Ives to approve the project as presented with the caveat that the proposed shade trees are relocated within 5 feet of the sidewalk and to add 2 Ligustrums at the front of the residence. Motion carried with all in favor.

[B-097-2017 New Construction](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S)

Address: 1700 S. Ocean Blvd.

Applicant: Ocean Villa Holdings, LLC (Jagbir Singh)

Architect: Jacqueline Albarran

Project Description: New two-story structure in the Regency style with flat roof, pediments, smooth stucco walls, stucco mouldings, parapets and vertical and

horizontal banding, white aluminum impact French doors and casement windows, covered terrace and pergolas. New driveway, patio, pool and landscape design by Lynn Bender Landscape Architecture.

SITE PLAN REVIEW WITH VARIANCE(S) INFORMATION: Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application: 1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall.

A motion carried at the November meeting to defer the project to the January 24, 2018 meeting. A motion carried at the January meeting to defer the project to the February 28, 2018 meeting for a restudy of the following items: reduce the garage wing to follow the topography of the road, reduce the height of the main house, restudy the neo-classical details of the front facade, restudy the location of the proposed air-conditioning and generator and eliminate the building height plane variance.

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

Ms. Albarran presented the proposed modifications to the architectural plans.

Mr. Garrison thought the new plan and the scale was improved.

Maura Ziska, attorney for the applicant, explained the zoning requests and advocated for a positive recommendation to the Town Council.

John Eubanks, representing Judith Carter at 115 Parc Monceau, expressed concerns about the proposed plans for the new residence and presented suggestions to reduce the height of the home.

Ms. Albarran addressed Mr. Eubanks' concerns.

Greg Kino, representing neighbors Maureen Donnell and Geoffrey Caraboolad, addressed concerns regarding the proposed location of the pool equipment as well as garage portion of the home.

Gene Pandula, architect, thought the reduction of the garage was significant but thought it could be reduced slightly more.

Ms. Albarran addressed Mr. Kino's concerns.

Mr. Small asked the architect if the garage could be lowered another foot. Ms. Albarran responded.

Mr. Corey asked Ms. Albarran where she reduced the height. Ms. Albarran responded. Mr. Corey suggested removing the bands on the home and reducing the garage section height by 2 feet. He also felt that there was a disconnect on the eastern façade, second floor from the first floor. He suggested restudying the first floor fenestration on the east elevation.

Ms. Grace was in favor of trying to reduce the height of the garage section of the home.

Ms. Shiverick agreed with Mr. Corey and Ms. Grace. She recommended lowering the garage section of the home and suggested using balustrades at the top of the garage section.

Mr. Vila inquired about the rooms on the east side of the neighbor's home. Mr. Vila agreed that the garage section needed to be lowered a bit more.

Ms. Grace asked about the proposed location of the pool equipment. Ms. Albarran addressed the question.

Mr. Sammons recommended restudying many items, including an increase of the finial size, restudying the hierarchy of the bands, restudying the arch on the garage, the dimensions of the pergola and the cornice.

Motion made by Mr. Vila and seconded by Mrs. Vanneck to defer the project for one month to the March 28, 2018 meeting for restudy. Motion carried with all in favor.

[B-099-2017 Modifications](#)

Address: 1565 and 1695 N. Ocean Way

Applicant: 1565 Property Associates, LLC

Architect: Scott C. Heynen, RLA/Lombardi Design

Project Description: This project consists of minor architectural changes to the existing house and grounds at 1695 North Ocean Way. The project was made possible by the owner's acquisition of the property directly to the south known as 1565 North Ocean Way, and the demolition of the house on that property. The re-design will consist of the re-orientation of the entrance of the main house from the west to the south with façade additions, the construction of an arrival court with a garage addition below, gated entry and driveways on to North Ocean Way, and landscape and hardscape improvements to the existing open space on the combined lots, which will be joined by Unity of Title.

A motion carried at the December meeting to defer the project to the January 24, 2018 meeting for restudy. A motion carried at the January meeting to approve the landscape/hardscape plans and deferring the architectural portion to the February 28, 2018 meeting for a restudy of the south elevation.

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

Gene Pandula, architect for the owner, discussed the intent of the changes and presented the modifications for the project.

Mr. Small asked about the proposed three windows under staircase. Mr. Pandula responded.

Kenneth Tropin, owner, expressed his appreciation to the Commission for their previous comments and explained some of the changes that had been made in the plans for the home.

Mr. Small was in favor of the changes.

Mr. Corey asked if the owner had considered making the stair tower windows smaller. Mr. Tropin responded. Mr. Corey made some fenestration suggestions for the stair tower section. He was not in favor of the several different fenestration types on the south elevation.

Mrs. Vanneck thought the changes were successful.

Mr. Sammons recommended removing the balcony on the stair tower, the two false windows, and surround around the triple bay window.

Mr. Tropin agreed to remove the balcony, the false windows and the surround around the bay window.

Motion made by Mr. Small and seconded by Mr. Ives to approve the project as presented with the caveats to remove the balcony on the stair tower, to remove the two false windows and to remove the surround around the bay window on the south façade. Motion carried with all in favor.

[B-105-2017 New Construction](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW

Address: 235 Via Vizcaya

Applicant: 235 Via V PB, LLC

Architect: Pat Segraves and Daniel Clavijo/SKA Architect + Planner

Landscape Architect: Steven West/Parker Yannette Design Group

Project Description: New construction of Mediterranean Revival home to be approximately 7,000 square feet. Final landscape, hardscape and drainage to be included.

SITE PLAN REVIEW INFORMATION: The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area

required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required.

A motion carried at the December meeting to defer the project to the January 24, 2018 meeting. A motion carried at the January meeting to defer the project to the February 28, 2018 meeting at the staff's request.

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

Mr. Segraves and Mr. Clavijo presented the proposed modifications to the architectural plans.

Mr. West presented the proposed plans for the landscape and hardscape.

Ms. Shiverick asked about the proposed roof material and the shutters. Mr. Segraves responded. Ms. Shiverick was in favor of the proposed Live Oaks but questioned the Medjool Date Palms. Mr. West responded.

Mr. Corey agreed with Ms. Shiverick. He liked the second floor fenestration in the previous design. He recommended removing the second chimney on the north section of the home. He recommended lowering the height of the connection to the garage and removing the banding on the garage. Mr. Corey was in favor of the landscape plan.

Mr. Vila questioned the eave overhangs, shutters and the number of doors in the loggia. He also questioned the proposed dock location. He questioned the proposed AstroTurf in between the pavers. He also questioned the amount of guest parking available. Mr. West responded.

Mr. Sammons questioned the fenestration sizes, the size and spacing of the rafter tails, front door design, the size and spacing of the balustrades, the placement of the home on the lot and suggested restudying the cornice and windowsills.

Mr. Garrison asked for a detail section of the eaves. He was not in favor of the French doors on the second floor on the front façade or the shutters. He questioned the number of doors in the loggia.

Motion made by Mr. Garrison and seconded by Mr. Vila to defer the project for one month to the March 28, 2018 meeting for restudy based on the comments from the Commissioners. Motion carried with all in favor.

[B-002-2018 Modifications](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW AND VARIANCE(S)

Address: 230-240 Royal Palm Way

Applicant: JHD Associates LLC

Architect: Keith Spina/GliddenSpina + Partners

Project Description: Install new awning frames and vinyl awnings to create covered parking spaces in parking lot shared by 230 and 240 Royal Palm Way.

SITE PLAN REVIEW AND VARIANCE INFORMATION: The applicant is requesting 1) Site Plan Review to allow the construction of three (3) carport awnings totaling 6,359 square feet to provide covered parking for 38 parking spaces in the existing parking lot behind the building. The following variances are being requested to allow construction of the awnings: a) lot coverage of 40.2% in lieu of the 24.3% existing and the 25% maximum allowed in the C-OPI Zoning District. b) rear yard setback of 5.17 feet in lieu of the 10 foot minimum required In the C-OPI Zoning District.

A motion carried at the January meeting to defer the project to the February 28, 2018 meeting for a restudy of the proposal with the possibility of adding trees for shade or using a more aesthetic awning.

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

Mr. Spina presented the proposed plans for the commercial parking lot and explained why trees were not a viable solution for shade. Mr. Spina also presented a sample of the awning color.

Ms. Shiverick suggested adding awnings on the perimeter spaces rather than the middle spaces.

Mr. Corey stated that he still felt that the proposed awnings looked inexpensive and thought there should be a more creative solution.

Ms. Catlin sympathized with the need for shade but thought the design was overdone.

Mr. Vila was in favor of the request.

Motion made by Mr. Vila and seconded by Mrs. Vanneck to approve the project as amended with the green awning on the east, west and south perimeter spaces only. Motion carried with all in favor.

Mr. Castro stated if the applicant were requesting awnings on the east side of the parking lot, they would need to modify their variance application. Ms. Ziska stated that the applicant would not be requesting to place the awning on the east side of the property and therefore would not request the additional variance.

A second motion made by Mrs. Vanneck and seconded by Mr. Vila that implementation of the proposed variances and site plan review will not cause negative architectural impact to the subject property. Motion carried with all in favor.

[B-009-2018 Demolition/New Construction](#)

***ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION AND SITE PLAN REVIEW ***

Address: 201 Sanford Ave.

Applicant: 201 Sanford Avenue SC LLC

Architect: MP Design & Architecture

Landscape Architect: Dustin Mizell/Environment Design Group

Project Description: Demolition of existing residence. New two-story residence with pool, landscape & hardscape.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW: Special Exception with Site Plan Review to allow the construction of a 4,699 square foot two-story, single family residence on a portion of a platted lot which is 98.47 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District.

A motion carried at the January meeting that approved the demolition as requested. A second motion carried to defer the project to the February 28, 2018 meeting for a restudy based on the comments made by the Commission.

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

Michael Perry, MP Design & Architecture, presented the proposed modifications to the architectural plans.

Mr. Vila questioned the complicated roof plan. He was in favor of the butterfly roof detail at the entrance but questioned the number of lanterns. Mr. Perry agreed.

Mr. Corey agreed with Mr. Vila and was in favor of the proposed home.

Mr. Ives questioned the design and thought it needed some restudy.

Mr. Garrison agreed with Mr. Vila and stated he would support the project.

Mr. Small reviewed a letter he received from Jeff Smith and asked Mr. Perry to confirm that the brick piers and wall would not be impacted because of the project. Mr. Perry responded.

Mr. Sammons questioned the lowering the butterfly roof detail, the eave details, the roof plan, the big lights on the French doors, and some of the fenestration on the front façade.

Motion made by Mr. Vila and seconded by Mr. Garrison to approve the project as presented with the caveat to consider the comments from the Commissioners for possible refinement. Motion carried with all in favor.

Mr. Mizell presented the proposed plans for the landscape and hardscape.

Mrs. Vanneck suggested reaching out the neighbor to the south to speak with her about matching her front entrance-landscaping plan.

A second motion made by Mrs. Vanneck and seconded by Mr. Garrison to approve the landscape plans as presented with the caveat that the landscape architect speak with the neighbor to the south to collaborate on the front entrance plan so that they mimic each other. Motion carried with all in favor.

There was a question on whether the Commission needed to make a recommendation to the Town Council for the special exception and site plan review. Mr. Castro stated that a recommendation was not needed.

C. **MAJOR PROJECTS-NEW BUSINESS**

B-012-2018 Modifications

****ARCOM needs only to make a recommendation to Town Council regarding the zoning requests at this time No approval can be given until the project is approved by the Town Council****

Address: 313 ½ Worth Ave.

Applicant: Via Bice Worth Avenue LLC

Architect: Jeffrey W. Smith/Smith Architectural Group

Project Description: Renovation of Via Bice to include new paving, new trellis, retractable awning, landscaping and lighting. Removal of awnings. Renovations to Peruvian Ave façade to include new stone entry, new glass awning, landscaping and lighting, replace awnings. New Doors.

SITE PLAN INFORMATION: Request for site plan review to modify the Via Bice as follows: 1) New mosaic pavers in the Via; 2) New 2,240 square foot trellis with retractable awning above; 3) New landscaping and lighting; 4) New stone entry with awning on Peruvian Avenue; 5) Removal of existing canvas awnings; 6) New 37 .5 square foot addition to existing bay window.

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

Mr. Castro told the Commission that the Town Council deferred this project at their meeting and asked for the Architectural Commission's recommendation on this project before they hear the project again.

Maura Ziska, attorney for the client, questioned why the Commission could not approve the project if they were in favor of the project. Mr. Castro stated that a commercial or multi-family project could not be approved before the Town Council approves it.

A long discussion ensued about what the Commission's role would be in the recommendation.

Mr. Smith presented the proposed modifications for the property.

Motion made by Mr. Vila and seconded by Mrs. Vanneck that the Commission felt that the redesign was a positive step forward in the right direction.

Ms. Grace was glad for the update to the building but thought the entrance was too modern for the area. She also was in favor of the mosaic but thought it was too busy. She added that she felt that the proposed pergolas would take away the open feeling of the Via.

Mr. Corey agreed with Ms. Grace and thought the mosaic pattern was too tight and busy. He made some suggestions for the tile and asked how the architect proposed to resolve ending the tile pattern in the Via. Mr. Smith responded. He expressed concern about the proposed pergola. He also suggested a restudy of the front façade to match some of the other surrounding buildings.

Ms. Shiverick was in favor of the mosaic pattern and thought it was very tasteful.

Mr. Garrison was in favor of all of the elements with the exception of the pergolas.

Mr. Small agreed with Mr. Corey and Ms. Grace. He was in favor of allowing the project to move forward to be presented to the Town Council. He recommended restudying the front entryway design so that it is more consistent with the area. He was in favor of the proposed pergolas. He recommended scheduling a tour of the property for the Commission.

Ms. Catlin stated she was in favor of the mosaic tile. She stated that accessibility for guests with needs was necessary at the Peruvian entrance.

Mr. Vila agreed with Ms. Catlin regarding the need for accessibility. He thought the proposed entrance would compliment the streetscape. He also was in favor of the pergolas.

Mr. Ives agreed with Ms. Catlin regarding the need for accessibility. He was in favor of the mosaic tile and the pergolas. He also liked the newly proposed coquina stone for the front entrance.

Mrs. Vanneck thought the new design fit into the area.

Mr. Sammons was in favor of the pergola but suggested a restudy of its height.

Mr. Castro stated that the applicant needed to request a special exception for the pergola. He also added that the pergola height was out of necessity when the heaters are in place.

Motion carried 5-2 with Mr. Garrison and Ms. Grace opposed.

B-013-2018 Demolition/New Construction

Address: 209 Sandpiper Dr.

Applicant: Malcolm McCluskey

Architect: Stephen Roy/Roy and Posey

Landscape Architect: Dale Posey/Roy and Posey

Project Description: Demolition of an existing one story residence and construction of a new one story residence in the Georgian Revival Style.

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

Motion made by Mrs. Vanneck and seconded by Mr. Vila to approve the demolition as presented with the caveats to remove all exotic and invasive plant species and to sod and irrigate the property within 30 days. Motion carried with all in favor.

Mr. Roy presented the architectural plans for the new residence. He presented a few design details on the overhead projector.

Mrs. Vanneck thought the columns proposed for the front portico and the back loggia seemed large and heavy.

Mr. Ives asked if any consideration was given for a different style of columns. Mr. Roy responded. Mr. Ives suggested reconsidering the strict symmetry of the design.

Mr. Sammons was in favor of the simplicity and scale of the design. He commented on the design of the architrave and cornice but otherwise he thought the design was nice.

Mr. Vila thought the design was successful.

Mr. Posey presented the proposed landscape and hardscape plans for the project.

Mr. Corey was in favor of the architecture and the landscape plan. He expressed concern for the proposed Live Oaks and their proximity to the home.

Mr. Vila was also concerned about the Live Oaks position next to the home and suggested to move them to the location of the proposed Ligustrums. Mr. Posey responded.

Ms. Shiverick was in favor of the architecture. She recommended using a grey door.

Motion made by Mr. Garrison and seconded by Mr. Vila to approve the

project as presented with the caveat that the Live Oaks are repositioned further from the home. Motion carried 6-1 with Mrs. Vanneck opposed.

Please note: Mr. Corey voted on this project in the short absence of Ms. Grace.

[B-014-2018 Demolition/New Construction](#)

Address: 258 Country Club Rd.

Applicant: Lauren and Jeremy Schneider and Anthony Rizzo

Architect: Rafael Rodriguez/Studio SR, Inc.

Landscape Architect: Connie Roy-Fisher/Studio Sprout

Project Description: Demolition of a 1951 one story Ranch Style house and the construction of a new one and two story Georgian Style house.

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

Motion made by Mrs. Vanneck and seconded by Mr. Ives to approve the demolition as presented with the caveats to remove all exotic and invasive plant species, to sod and irrigate the property within 30 days and to protect the neighbor's side yards during demolition. Motion carried with all in favor.

Raphael Saladrigas, Studio SR, presented the proposed architectural plans for the project.

Ms. Roy-Fisher presented the proposed landscape and hardscape plans for the project.

Mr. Small thought the proposed design enhanced the beauty of the area and was well designed.

Ms. Catlin asked about different interior doors. Mr. Sammons stated that the interior is not in the purview of the Commission. She recommended removing the proposed pedestrian gate.

Ms. Catlin also addressed the following issues on behalf of the neighbor to the west of the proposed home: the landscape plan for the west side of the property, the proposed generator, the proposed concrete drainage wall and privacy during construction. Mr. Saladrigas and Ms. Roy-Fisher addressed all of the issues raised.

Mrs. Vanneck thought there was too many light fixtures proposed for the house and columns. She expressed concern for the proposed Pigeon Plum trees. She also questioned the White Geiger proposed due to the salt from the ocean. Ms. Roy-Fisher responded. Mrs. Vanneck also added she thought the front pedestrian gate was too busy in its design.

Mr. Corey thought the presentation was well done and thought the house was well done. He recommended increasing the eaves on the second story, removing the four lights proposed on the front façade and the ones on the pilasters. He recommended using Gumbo Limbo trees rather than the Pigeon Plum trees.

Mr. Vila was in favor of the design. He expressed concern about the dark roof proposed and recommended removing the lights on the front façade and using Gumbo Limbo and Orange Geiger trees.

Mr. Garrison was in favor of the design but expressed concern about protecting the neighbor during the building of the site wall. Mr. Saladrigas responded.

Mr. Ives was in full support of the project.

Mr. Sammons was in support of the project. He made a suggestion for the cornices and the windows.

A second motion made by Mr. Vila and seconded by Mr. Ives to approve the project as presented with the caveat to reduce the number of hanging lanterns on the front façade. Motion carried with all in favor.

B-015-2018 Additions/Modifications

*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO
VARIANCE(S)*

Address: 425 Worth Ave. PH-C

Applicant: Peter Van Ingen (contract purchaser)

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

Landscape Architect: Keith Williams/Nievera Williams Design

Project Description: 58 SF of utility room expansion onto existing terrace with addition of new decorative trellis/pergola on existing terrace.

VARIANCE(S) INFORMATION: A site plan modification request with variances to allow a 58 square foot addition to the laundry room and a 815 square foot trellis addition on the penthouse level of an existing six story building in the R-D(2) Zoning District. The following variances are being requested to allow the additions: 1. Allow a building height for the additions to be 58.5 feet (to match existing) in lieu of the 35 foot maximum allowed. 2. Allow the additions to the existing 6th floor penthouse in lieu of the 3 story maximum allowed. 3. Allow a front yard setback of 60.0' for the addition on the north side in lieu of the 117 foot minimum required (height of existing building x number of street yards). 4. Allow a front yard setback of 22.7' for the trellis on the south side in lieu of the 126.5' minimum required (height of existing building x number of street yards). 5. Allow a side yard setback of 46.5' for the trellis in lieu of the 58.5 foot minimum required (due to height of existing building).

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

Maura Ziska, attorney for the applicant, explained the variance requests to the Commission and advocated for a positive recommendation to the Town Council.

Motion made by Mr. Garrison and seconded by Mr. Vila that

implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried with all in favor.

Mr. Marsh presented the proposed architectural modifications for the project.

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

Mr. Ives was in favor of the project.

Mr. Vila expressed concern regarding the Ylang Ylang tree. Mr. Williams stated he would consider other specimens. Mrs. Vanneck suggested using dwarf Ylang Ylang trees.

A second motion made by Mr. Ives and seconded by Mr. Vila to approve the project as presented. Motion carried with all in favor.

[B-016-2018 New Construction](#)

*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO
VARIANCE(S)*

Address: 1280 N. Lake Way

Applicant: 1280 North Lake Way LLC

Architect: Thomas M. Kirchhoff/Kirchhoff & Associates Architects

Project Description: New 2 story residence, hardscape, landscape and pool. New dock.

VARIANCE(S) INFORMATION: 1. Site Plan Review to allow the construction of a 7,431 square foot two-story, single family residence on a non-conforming platted lot which is 87.95 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. 2. A variance request to allow the two story residence with a point of measurement of 8.5 feet North American Vertical Datum ("NAVD") for cubic content ratio ("CCR") in lieu of the 7.4 foot NAVD required when determining cubic content ratio on lots abutting the Lake Trail.

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

Mr. Kirchhoff presented the proposed architectural plans for the project. He also presented alternate elevation renderings on the overhead projector.

Mr. Vila recommending removing one set of French doors on the proposed loggia.

Mr. Corey liked the proposal but thought the house was slightly too tall. He thought the proportions would be better if the height was reduced.

Ms. Shiverick asked the garage had pilasters proposed. Mr. Kirchhoff responded.

Mses. Grace and Vanneck agreed with Mr. Corey and thought the house was too tall as well.

Mrs. Vanneck suggested a restudy of the front entry feature.

Mr. Sammons suggested using sash windows rather than casement windows, reducing the height of the house, restudying the roof plan, reducing the heights of the porches, restudying the cornice at the front entrance and restudying proportions of the home.

Motion made by Mrs. Vanneck and seconded by Mr. Vila to defer the project for one month to the March 28, 2018 meeting for a restudy while considering comments from the Commissioners. Motion carried with all in favor.

[B-017-2018 Demolition/New Construction](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 110 Via Vizcaya

Applicant: Shadowbrook Land Trust & Land Trust Service Corporation Tr

Architect: Jacqueline Albarran/SKA Architect + Planner

Project Description: Demolition of existing house, pool, patios and driveways.

Existing perimeter landscaping remains. New irrigated lawn as per code. New two story Colonial Revival style house. New landscape and hardscape.

VARIANCE(S) INFORMATION: Site Plan Review to allow the construction of a 5,084 square foot two-story, single family residence on a non-conforming lot which is 100 feet in width in lieu of the 125 foot minimum width required; 100 feet in depth in lieu of the 150 foot minimum required and 10,000 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District. The following variances are being requested in conjunction with this application: 1. A variance request to have a building height plane setback of 30 feet in lieu of the 45.81 foot setback required for a building that is 22' feet 6 5/8" inches tall. 2. A variance for lot coverage to be 28% in lieu of the 25% maximum allowed in the R-A Zoning District.

Please note: This item was deferred to the March 28, 2018 meeting with the Item V. Approval of the Agenda.

[B-018-2018 Modifications](#)

Address: 141 Brazilian Ave.

Applicant: Gayle and Tim DeVries

Architect: Mario Nievera/Nievera Williams Design

Project Description: New driveway gate and associated landscape/hardscape changes.

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

Keith Williams, Nievera Williams Design, presented the proposed modifications to the landscape and hardscape plan. He presented an alternate gate design on the overhead projector.

Mr. Corey stated that while sympathizing with the need for the gate, he was not in

favor of the gate and the gate material.

Mrs. Vanneck stated she understood the need for the gate in this area of town. Mr. Vila agreed.

Motion made by Mr. Vila to approve the plans as presented.

Ms. Catlin asked if there was an alternate material for the gate. Mr. Williams responded.

Ms. Grace stated she was not in favor of the proposed gate material.

Motion seconded by Mr. Ives to approve the plans as presented. Motion carried 6-1 with Ms. Grace opposed.

[B-019-2018 Demolition/New Construction](#)

Address: 140 Kings Rd.

Applicant: GW Purucker JV

Architect: MP Design & Architecture

Project Description: Demolition of existing residence. Proposed new two-story residence. New pool, hardscape & landscape.

Please note: This item was deferred to the March 28, 2018 meeting with the Item V. Approval of the Agenda.

D. [MINOR PROJECTS - OLD BUSINESS](#)

[A-050-2017 Modifications](#)

Address: 274 Orange Grove Rd.

Applicant: Citrus Cottage LLC

Architect: Roger Hansrote/ACI, Inc.

Project Description: Remove existing covered front entry structure and front door and install new covered entry structure and front door with sidelight. Remove garage door and replace with new. Install decorative aluminum rail on garage roof. Remove portion of front entrance drive and replace with new brick pedestrian walk to front door. Install new front yard landscaping. Install new stucco trim above existing windows. Replace portion of existing concrete drive with brick paver drive.

A motion carried at the November meeting to defer the project to the January 24, 2018 meeting for a restudy of the architectural changes. A motion carried at the January meeting to defer the project to the February 28, 2018 meeting for restudy.

Please note: This item was deferred to the March 28, 2018 meeting with the Item V. Approval of the Agenda.

[A-003-2018 Modifications](#)

Address: 420 Brazilian Ave.

Applicant: Ronald & Eleanor Gross

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

Project Description: Miscellaneous changes to previously approved design.

A motion carried at the January meeting to defer the project to the February 28, 2018 meeting without any penalty to the applicant.

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

Mr. Marsh presented the architectural modifications to the residence.

Mr. Vila stated he was in support of the project.

Motion made by Mr. Vila and seconded by Mr. Small to approve the plans as presented. Motion carried with all in favor.

E. [MINOR PROJECTS-NEW BUSINESS](#)

[A-004-2018 Modifications](#)

Address: 1 S. County Rd.

Applicant: The Breakers Palm Beach, Inc.

Architect: Michael Waters/LDA Architecture & Interiors

Project Description: Exterior restoration of an existing two-story cottage; new exterior trim paint, color to match existing; new front door; new one story infill at rear of building with new window; new window at existing second floor balcony door location; new masonry rear steps and new exterior lighting.

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

Mr. Waters presented the proposed architectural modifications to the residence.

Mr. Ives asked about the proposed screen for the porch. Mr. Waters responded. Mr. Ives expressed concern for the proposed steps.

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

Mr. Vila asked about change to the windows. Mr. Waters responded.

Motion carried with all in favor.

[A-006-2018 Modifications](#)

Address: 125 Chateaux Dr.

Applicant: Daniel and Beverly Floersheimer

Architect: William H. Langford

Project Description: A clear glass railing with white aluminum top and bottom rails is to be added at an existing second floor terrace where there currently is no railing.

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

Mr. Langford presented the proposed architectural modifications to the residence.

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

[A-007-2018 Modifications](#)

Address: 241 Mockingbird Trail

Applicant: Mr. & Mrs. Scott Johnson

Architect: MHK Architecture & Planning

Project Description: Replacement of three existing windows, size for size. Replacement windows are hurricane rated. Proposed windows to keep the configuration of the existing mullions but eliminate muntins.

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

Caroline Forrest, MHK Architecture & Planning, presented the proposed architectural modifications to the residence.

Ms. Shiverick asked about the existing windows. Ms. Forrest responded.

Mr. Ives thought the change was an improvement.

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

IX. [OTHER BUSINESS](#)

Mr. Garrison thanked Mr. Sammons and Mrs. Vanneck for their many years of service on the Commission.

X. [ADDITIONAL COMMUNICATIONS FROM CITIZENS \(3 MINUTE LIMIT PLEASE\)](#)

There were no comments heard at this time.

XI. [COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT](#)

Ms. Shiverick stated she noticed a neighbor installed new lights on piers without approval. Mr. Lindgren asked Ms. Shiverick to send the information to him and he would research the issue.

Mr. Sammons thought the Commission needed to address the issue with demolitions. Mr. Lindgren stated he would draft language for the Commission to review and possibly propose to the Town Council or the ORS Committee.

XII. **ADJOURNMENT**

Motion made by Mr. Vila and seconded by Mr. Ives to adjourn the meeting at 6:28 p.m. Motion carried with all in favor.

The next meeting will be held on Wednesday, March 28, 2018 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Richard Sammons, Chair
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 25-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager To Apply For and Execute the Grant Application for the Florida Inland Navigation District Waterways Assistance Program for the Design Phase of the Town Docks Improvement Project on Behalf of the Town.

Presenter

Beth Zickar, Director of Recreation

ATTACHMENTS:

- ▣ **Memorandum Dated March 7, 2018 from Beth Zickar, Director of Recreation**
- ▣ **Resolution No. 25-2018**
- ▣ **Grant Application Sample**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Beth Zickar, Director of Recreation

Re: Authorization to Execute a Grant Application for the Florida Inland Navigation
District Waterways Assistance Program
Resolution No. 25-2018

Date: March 7, 2018

STAFF RECOMMENDATION

Staff recommends the approval of Resolution No. 25-2018, designating the Town Manager as the Project Manager of the design, engineering and permitting phase of the Town Docks renovation project providing authorization to apply for and administer a grant application through the Florida Inland Navigation District Waterways Assistance Program.

GENERAL INFORMATION

The Florida Inland Navigation District (F.I.N.D.) administers funding assistance through the Waterways Assistance Program (WAP) to local governments to perform waterways improvement projects. Project types eligible for funding include:

- public navigation;
- public waterway access facilities;
- waterfront parks;
- environmental education; and
- boating safety projects directly related to the waterway.

The WAP grant program requires applicants to provide equal matching funds of the total project cost and must have financial capacity to allow for fund reimbursement of project expenses. An application for \$325,000 is being submitted to F.I.N.D. for the design, engineering and permitting phase of the Town of Palm Beach Town Docks renovation project.

The Master Plan for the Town Docks is scheduled to be completed in May, 2018. This plan will include dock configuration concept alternatives. The Town Dock design development process shall progress based upon direction received from Town Council. The conceptual configuration selected will require further design development, engineering and permitting, before it can move into the construction phase.

It is a requirement of this grant that all projects being submitted for consideration provide an adopted resolution which approves the submission of an application by the governing board of the sponsoring agency.

FUNDING/FISCAL IMPACT

Sufficient funds are contained within the Dock Replacement Fund to cover this portion of the project.

TOWN ATTORNEY REVIEW

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

Attachments

c: John C. Randolph, Town Attorney
 Jay Boodheshwar, Deputy Town Manager
 H. Paul Brazil, Director of Public Works
 Jane Struder, Director of Finance
 Mike Horn, Dockmaster

RESOLUTION NO. 25-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO APPLY FOR AND EXECUTE THE GRANT APPLICATION FOR THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM FOR THE DESIGN AND ENGINEERING PHASE OF THE TOWN DOCK RENOVATION ON BEHALF OF THE TOWN.

WHEREAS, The Town of Palm Beach has determined that a need exists to enhance boating access and boating related activities through dock improvements at the Town Docks; and

WHEREAS, The Florida Inland Navigation District (F.I.N.D.), through its Waterways Assistance Programs (WAP) provides a significant, potential and necessary source of funding to alleviate problems associated with the Atlantic Intracoastal Waterway and associated waterways within the District; and

WHEREAS, The Town of Palm Beach has the ability and the intention to finance the matching share of the design, engineering and permitting for the dock renovation project, with a grant application for which is not to exceed Three Hundred and Twenty-Five Thousand and no/100 dollars (\$325,000) and a grant match of Three Hundred and Twenty-Five Thousand and no/100 dollars (\$325,000) for a total of Six Hundred and Fifty Thousand and no/100 dollars (\$650,000) and that the project will be operated and maintained at the expense of the Town of Palm Beach for public use; and

WHEREAS, The Town of Palm Beach will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance under the proposal; and

WHEREAS, The Town of Palm Beach is in complete accord with the proposal and will carry out the program in the manner described in the proposal and any plans and specifications thereto, unless prior approval for any changes has been received from the District; and

WHEREAS, The Town of Palm Beach 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 the 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 facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements; and

WHEREAS, The Town of Palm Beach will maintain adequate financial records for the proposed project to substantiate claims for reimbursement; and

WHEREAS, The Town of Palm Beach 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; and

WHEREAS, The Town of Palm Beach has contracted with JH Sprague Consulting, LLC. to

Resolution No. 25-2018

prepare the FBIP grant application and represent the Town of Palm Beach at required meetings and submit required documentation to the agency under an existing contract with the Town.

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

Section 1. The above referenced recitals are hereby confirmed and made part of this resolution by reference.

Section 2. The Florida Inland Navigation District Waterways Assistance Program Grant Application, is attached as an exhibit, is hereby approved and the Town Manager is authorized to execute the same on behalf of the Town.

Section 3. The Town Manager is hereby designated as the Project Manager and has the authority to apply for and administer the requested grant on behalf of the Town.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

Resolution No. 25-2018

Page 2 of 2

FY 2018

WATERWAYS ASSISTANCE

PROGRAM

APPLICATION PACKAGE

Part 2. Attachment E

THE FOLLOWING ATTACHMENT E-1 THROUGH E-8 FORMS, IN ADDITION TO THE REQUIREMENTS OF ITEMS 10 THROUGH 13 OF THE APPLICATION CHECKLIST, CONSTITUTE YOUR FORMAL APPLICATION.

SUBMIT THE APPLICATION INFORMATION IN THE ORDER LISTED ON THE CHECKLIST.

An electronic copy (pdf) may be emailed to JZimmerman@aicw.org.
or a completed hardcopy of the application may be delivered to:
FIND, 1314 Marcinski Rd., Jupiter, FL 33477
Application must be received by the deadline, no exceptions.

ATTACHMENT E - APPLICANT TIPS SHEET

(Mistakes Common to the application process and how to avoid them)

Scheduling – The new application is available by the 2nd week of January each year, and District funding is available AFTER October 1st of each year. Applicants should plan their schedule to avoid commonly missed deadlines: Application due – 30th of March; Property Control – 25th of May, Permits – 19th of September. *(Staff suggestion: Begin to secure property control and permits PRIOR to applying for funding.)*

Property Control Verification – Please have your attorney complete and sign the form in the application verifying applicant property control. Support documentation is not necessary. In the case of leases or management agreements, please forward a copy to the District well in advance of the deadline to verify consistency with our program rules. *(Staff suggestion: Resolve this requirement outside the application “window”).*

Project Costs Eligibility – Please note the eligible project costs in Rule Section 66B-2.008, F.A.C. If you are not sure about an item’s eligibility, ask! Note: Any ineligible cost, including in-house project management and administration, is also not eligible for an applicant’s match. Make sure you have delineated your required minimum cost-share on the project cost estimate. *(Staff suggestion: If you have questions about the eligibility of an item, work up a mock cost-sheet and send it to our office well before the deadline. Do not include applicant project management in your cost estimate).*

Cost-Share – Although the applicant must provide a minimum of 50% of the total project costs (25% for eligible public navigation dredging), there is no specific requirement to split each item. *(Staff suggestion: You may want to organize project element in a certain manner for easier accounting.)*

Pre-Agreement Expenses - Rule 66B-2.005(3), F.A.C. requires any activity in the submitted project cost estimate occurring PRIOR to October 1st to be considered as pre-agreement expenses. The Board’s past philosophy has been to fund only those projects that require District funding assistance to be completed. It is best to avoid pre-agreement expenses if possible, or limit them to a small percentage of the project. Note, that pre-agreement expenses must be limited to 50% or less of the total project costs, and they are eligible for only ½ of the original District funding. *(Example: A project with a total cost of \$200,000 is Board-approved for one-half construction PRIOR to October 1st. In this case, District funding will be limited as follows: Only 50% of the \$100,000 project cost prior to October 1st is eligible as project expenses (i.e. \$50,000). Then only ½ of the eligible project expenses (\$50,000) are eligible for District funding assistance (i.e. \$25,000).*

Submitted Materials & June Presentation –The Board must review and evaluate every application and each year we receive about 90 applications for consideration. The final product for the Commissioner’s review is two 8-1/2” x 11” spiral-bound notebooks containing the essential information for the application. **NOTE: make sure your final submitted material is the same material you will be presenting to the Board at our June meeting. This will avoid confusion and strengthen your presentation.** *(Staff suggestion: Limit the submitted materials to the requested information, in the required format and make sure it is consistent with your June presentation. Do not submit additional material at the June presentation! Don’t create unnecessary work for yourself!)*

ELECTRONIC SUBMISSIONS – Grant applications are being accepted by email or hardcopy. Grant applications may be submitted via email as a pdf attachment (permits attached separately). Make sure to label your pdf attachment with the applicant and project title. You will receive a confirmation email letting you know your application has been received. Email your completed application to JZimmerman@aicw.org
Or you may send hardcopy applications to FIND, 1314 Marcinski Rd, Jupiter, FL 33477.

Applications must be received by the District by 4:30 pm on March 30, 2018.

ATTACHMENT E-1.
APPLICATION CHECKLIST 2018
(To be completed by the Applicant)

Project Title:	
Applicant:	

This checklist and the other items listed below in items 1 through 13 constitute your application. The required information shall be submitted in the order listed.

Any additional information submitted by the applicant is subject to being removed from the package by District staff prior to presentation to the District Board because of reproduction and space considerations.

An electronic copy may be emailed to JZimmerman@aicw.org. Application must be received by the deadline, no exceptions.

All information is required to be on 8 1/2" x 11" paper so they may be included in agenda books bound by staff.

		<u>YES</u>	<u>NO</u>
1.	District Commissioner Review (prior to March 2nd) (NOTE: <u>For District Commissioner initials ONLY!</u> (District Commissioner must initial the yes line on this checklist for the application to be deemed complete)	_____	_____
2.	Application Checklist – E-1 (Form No. 90-26, 2 pages) (Form must be signed and dated)	_____	_____
3.	Applicant Info/Project Summary – E-2 (Form No. 90-22, 1 page) (Form must be completed and signed)	_____	_____
4.	Project Information – E-3 (Form No. 90-22a, 1 page)	_____	_____
5.	Application and Evaluation Worksheet – E-4(+) (Form No.91-25) (One proper sub-attachment included, 7 pages) Must answer questions 1-10. No signatures required	_____	_____
6.	Project Cost Estimate – E-5 (Form No. 90-25, 1 page) (Must be on District form)	_____	_____
7.	Project Timeline – E-6 (Form No. 96-10, 1 page)	_____	_____
8.	Official Resolution Form – E-7 (Form No. 90-21, 2 pages) (Resolution must be in District format and include items 1-6)	_____	_____

ATTACHMENT E-1 (Continued)

APPLICATION CHECKLIST (To be completed by the Applicant)

	<u>YES</u>	<u>NO</u>
9. Attorney's Certification (Land Ownership) – E-8 (Must be on or follow format of Form No. 94-26, (Legal descriptions NOT accepted in lieu of form)	_____	_____
10. County/City Location Map	_____	_____
11. Project Boundary Map	_____	_____
12. Clear & Detailed Site Development Plan Map	_____	_____
13. Copies of all Required Permits (Required of development projects only)	_____	_____

The undersigned, as applicant, acknowledges that Items 1 through 12 above constitutes a complete application and that this information is due in the District office no later than 4:30 PM, March 30, 2018. By May 25, 2018 my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 13 is due to the District no later than September 19, 2018. If the information in Item 13 is not submitted to the District office by September 19, 2018, I am aware that my application will be removed from any further funding consideration by the District.

LIAISON: _____ TITLE: _____

** SIGNATURE - PROJECT LIAISON **

DATE

FIND OFFICE USE ONLY

Date Received: _____

Local FIND Commissioner Review: _____

All Required Supporting Documents: _____

Applicant Eligibility: _____

Project Eligibility: _____ Available Score: _____

Compliance with Rule 66B-2 F.A.C.: _____

Eligibility of Project Cost: _____

**WATERWAYS ASSISTANCE PROGRAM FY 2018
PROJECT APPLICATION
APPLICANT INFORMATION – PROJECT SUMMARY**

******* I hereby certify that the information provided in this application is true and accurate. *******

PROJECT NARRATIVE (Please summarize the project in space provided below in 2 paragraphs or less.)

ATTACHMENT E-3 - PROJECT INFORMATION 2018

Applicant:		Project Title:	
Total Project Cost: \$	FIND Funding Requested: \$	% of Total Cost:	
Amount and Source of Applicant's Matching Funds:			

1. Ownership of Project Site (check one): Own: ☐ Leased: ☐ Other: ☒

2. If leased or other, please describe lease or terms and conditions:

3. Has the District previously provided assistance funding to this project or site? Yes: ☐ No: ☐

4. If yes, please list:

5. What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.)? (as applicable):

6. How many additional ramps, slips, parking spaces or other access features will be added by this project?

7. Are fees charged for the use of this project? No ☐ Yes ☐ **

****If yes, please attach additional documentation of fees and how they compare with fees from similar public & private facilities in the area.**

Please list all Environmental Resource Permits required for this project:

AGENCY	Yes / No / N/A	Date Applied For	Date Received
WMD			
DEP			
ACOE			
COUNTY / CITY			

ATTACHMENT E-4

WATERWAYS ASSISTANCE PROGRAM APPLICATION AND EVALUATION WORKSHEET

DIRECTIONS: All applicants will complete questions 1 through 6, and then based on the type of project, complete one and only one subsection (E-4A, B, C, D or E) for questions 7-10.

****Please keep your answers brief and do not change the pagination of Attachment E-4****

All other sub-attachments that are not applicable to an applicant's project should not be included in the submitted application.

Project Title:	
Applicant:	

1) PRIORITY LIST:

- a) **Denote the priority list category of this project from Attachment C in the application.** (The application may only be of **one** type based upon the predominant cost of the project elements.)
- b) **Explain how the project fits this priority category.**

(For reviewer only)

Max. Available Score for application _____

Question 1. Range of Score (1 to _____ points)

2) WATERWAY RELATIONSHIP:

- a) Explain how the project relates to the ICW and the mission of the Navigation District.

- b) What public access or navigational benefit to the ICW or adjoining waterway will result from this project?

(For reviewer only)
(1-6 points)

3) PUBLIC USAGE & BENEFITS:

- a) How is the public usage of this project clearly identified and quantified? Estimate the amount of total public use.

- b) Discuss the regional and local public benefits that will be provided by the project. Can residents from other counties of the District reasonably access and use the project? Explain.

- c) Are there any restrictions placed on commercial access or use of this site?

(For reviewer only)
(1-8 points)

4) TIMELINESS

- a) Describe current status of the project and present a reasonable and effective timeline for the completion of the project consistent with Attachment E-6.**

- b) Briefly explain any unique aspects of this project that could influence the project timeline.**

(For reviewer only)
(1-3 points)

5) COSTS & EFFICIENCY:

- a) List funding sources and the status and amount of the corresponding funding that will be utilized to complete this project.**

- b) Identify and describe any project costs that may be increased because of the materials utilized or specific site conditions.**

- c) Describe any methods to be utilized to increase the cost efficiency of this project.**

- d) If there are any fees associated with the use of this facility, please detail. In addition, please provide a listing of the fees charged by similar facilities, public and private, in the project area.**

(For reviewer only)
(1-6 points)

6) PROJECT VIABILITY:

- a) **What specific need in the community does this project fill? Is this project referenced or incorporated in an existing maritime management, public assess or comp plan?**

- b) **Clearly demonstrate how the project will continue to be maintained and funded after District funding is completed.**

- c) **Will the program result in significant and lasting benefits? Explain.**

- d) **Please describe any environmental benefits associated with this project.**

(For reviewer only)
(1-7 points)

SUB-TOTAL _____

FIND FORM NO. 91-25
Rule 66B-2.005 (Effective Date: 3-21-01, Revised 4-24-06, 1-27-14)

**ATTACHMENT E-4A
DEVELOPMENT & CONSTRUCTION PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A
DEVELOPMENT OR CONSTRUCTION PROJECT BUT IS NOT AN INLET
MANAGEMENT OR BEACH RENOURISHMENT PROJECT.

7) PERMITTING:

- a) **Have all required environmental permits been applied for? (USACE, DEP and WMD)**
If permits are NOT required, explain why not.

- b) **If the project is a Phase I project, list the tasks scheduled to obtain the necessary permits and engineering work and provide a general cost estimate for the future Phase II work.**

- c) **Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.**

(For reviewer only)
(1-4 points)

8) PROJECT DESIGN:

- a) Has the design work been completed? If this is a Phase I project, has a preliminary design been developed?**

- b) Are there unique beneficial aspects to the proposed design that enhance public usage or access, minimize environmental impacts, improve water quality or reduce costs?**

(For reviewer only)
(1-2 points)

9) CONSTRUCTION TECHNIQUES:

- a) Briefly explain the construction techniques to be utilized for this project. If a Phase 1, elaborate on potential techniques.**

- b) How are the utilized construction techniques appropriate for the project site?**

- c) Identify any unusual construction techniques that may increase or decrease the costs of the project.**

(For reviewer only)
(1-3 points)

10) CONSTRUCTION MATERIALS:

a) List the materials to be utilized for this project. What is the design life of the proposed materials compared to other available materials?

b) Identify any unique construction materials that may significantly alter the project costs.

(For reviewer only)
(1-3 points)

**RATING POINT
TOTAL** _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25A
Rule 66B-2.005 (Effective Date: 3-21-01, revised 4-24-06, 1-27-14)

**ATTACHMENT E-4B
ENVIRONMENTAL EDUCATION PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS AN
ENVIRONMENTAL EDUCATION PROJECT

7) THOROUGHNESS:

- a) **Who is the primary target audience or user group for the project and how were they identified?**

- b) **How have the needs of the target audience been evaluated and met?**

- c) **How many people will the program serve on an annual basis? What will be the measurable results?**

(For reviewer only)
(1-5 points)

8) DELIVERABLES:

- a) Describe the materials and project deliverables to be produced by this project.

- b) Is there a clear and effective plan of dissemination of the materials produced through the project? Please describe.

(For reviewer only)
(1-2 points)

9) EXPERIENCE & QUALIFICATIONS:

- a) Please briefly describe the qualifications of the program administrator(s), including prior experience, and areas of expertise.

- b) What previous projects of this nature have been completed by the program manager?

(For reviewer only)
(1-2 points)

10) PROJECT GOALS:

a) What are the long-term goals of this project as it relates to the ICW?

b) What is the expected duration/frequency of this program?

(For reviewer only)
(1-3 points)

RATING POINT
TOTAL _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25B
Rule 66B-2.005 (Effective Date: 3-21-01, Revised 4-24-06, 1-27-14)

**ATTACHMENT E-4C
LAW ENFORCEMENT & BOATING SAFETY PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A LAW
ENFORCEMENT OR BOATING SAFETY PROJECT

7) VIABILITY:

c) Describe how the project will address particular public health, safety, or welfare issues of the Navigation District's Waterways.

d) How does the project provide significant benefits or enhancements to the District's Waterways?

*(For reviewer only)
(1-3 points)*

8) EXPERIENCE & QUALIFICATIONS:

- a) **List the personnel tasked with the implementation of this project, their qualifications, previous training and experience.**

- b) **Have the personnel participated in or received state marine law enforcement training?**

(For reviewer only)
(1-2 points)

9) DELIVERABLES:

- a) **Describe the anticipated, long-term measurable results of implementing this project.**

- b) **What is the range or area of coverage for this project? Please provide a map of the coverage area.**

- c) **Does the project fulfill a particular community need?**

For reviewer only)
(1-4 points)

10) EDUCATION:

- a) What are the educational benefits (if any) of this proposed project?
- b) How does the project or program provide effective public boating education or expand boater safety?

(For reviewer only)
(1 -3 points)

**RATING POINT
TOTAL** _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25C
Rule 66B-2.005 (Effective Date: 3-21-01, revised 4-24-06, 1-27-14)

ATTACHMENT E-4D
INLET MANAGEMENT and PUBLIC NAVIGATION PROJECTS

WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS AN INLET
MANAGEMENT or PUBLIC NAVIGATION PROJECT

7) WATERWAY RELATIONSHIP:

- a) How does the project directly benefit the Atlantic Intracoastal Waterway (AICW)?

- b) Identify any long-term sedimentation problems and briefly discuss any methods or activities that will address these issues.

- c) Will the project inhibit sediment inflow into, or reduce the dredging frequency of the AICW?

(For reviewer only)
(1-5 points)

8) PUBLIC ACCESS:

- a) Will the project enhance public access to or from the waterways? Describe in brief detail.

- b) List the upstream publicly accessible facilities with improved access as a result of this project.

(For reviewer only)
(1 -3 points)

9) BENEFICIAL PROJECT ELEMENTS:

- a) Are there additional economic benefits to be realized by implementing this project?

- b) Briefly spell out any water quality, environmental or habitat benefits to be realized by this project.

(For reviewer only)
(1 -2 points)

10) PROJECT MAINTENANCE:

a) When was this area last dredged? What is the expected frequency of future dredging?

b) Explain the funding mechanism for the long-term maintenance of the project.

c) Describe the long-range dredge material management plans.

(For reviewer only)
(1 -2 points)

**RATING POINT
TOTAL** _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25D
Rule 66B-2.005 (Effective Date: 3-21-01, Revised 4-24-06, 1-27-14)

**ATTACHMENT E-4E
BEACH RENOURISHMENT PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A BEACH
RENOURISHMENT PROJECT

7) WATERWAY RELATIONSHIP:

- a) Describe how the District and other navigation interests will benefit from the implementation of this project.

(For reviewer only)
(1 -4 points)

8) VIABILITY:

- a) Is the project site defined as critically eroded area by a statewide beach management plan?
- b) Cite the quantifiable rate of erosion in this area.
- c) Is the project an important component of an overall beach management effort?

(For reviewer only)
(1 -4 points)

9) PUBLIC BENEFITS:

- a) Are there quantifiable public benefits demonstrated by the project?
- b) Is there adequate public access to the project area? Please describe location and amount.

(For reviewer only)
(1-2 points)

10) PROJECT FUNDING:

- a) Describe any assistance funding from other sources.

- b) Clarify the availability of long-term funding for this project.

(For reviewer only)
(1 -2 points)

RATING POINT
TOTAL _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25E
Rule 66B-2.005 (Effective Date: 3-21-01, Revised 4-24-06, 1-27-14)

WATERWAYS ASSISTANCE PROGRAM APPLICATION AND EVALUATION WORKSHEET

11 (Extra) STORM DAMAGE EVALUATION:

- (For reviewer only)
(0-3 points)

FLORIDA INLAND NAVIGATION DISTRICT ASSISTANCE PROGRAM 2018

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

Project Title:	
Applicant:	

Project Elements <i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i>	Quantity or Total Estimated Cost (Number and/or Footage etc.)	Applicant's Cost	FIND Cost

**TOTALS =	\$	\$	\$
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**ATTACHMENT E-6
WATERWAYS ASSISTANCE PROGRAM 2018**

PROJECT TIMELINE

Project Title:	
Applicant:	

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction.

NOTE: All funded activities must begin AFTER October 1st
(or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses)

ATTACHMENT E-7

**RESOLUTION FOR ASSISTANCE 2018
UNDER THE FLORIDA INLAND NAVIGATION DISTRICT
WATERWAYS ASSISTANCE PROGRAM**

WHEREAS, THE _____ is interested in carrying out the
(Name of Agency)
following described project for the enjoyment of the citizenry of _____
and the State of Florida:

Project Title _____

Total Estimated Cost \$ _____

Brief Description of Project:

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

NOW THEREFORE, be it resolved by the _____
(Name of Agency)
that the project described above be authorized,

AND, be it further resolved that said _____
(Name of Agency)

make application to the Florida Inland Navigation District in the amount of _____% of the
actual cost of the project in behalf of said _____
(Name of Agency)

AND, be it further resolved by the _____
(Name of Agency)
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 a 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.

(1)

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 _____
_____ for public use.
(Name of Agency)

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 persons with disabilities 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.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the _____ at a legal meeting held on this _____ day of _____ 20_____.

Attest

Signature

Title

Title

(2)

ATTACHMENT E-8

ATTORNEYS CERTIFICATION OF TITLE 2018

(See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE (City or County) ATTORNEY
(Address)

_____, 20____

TO WHOM IT MAY CONCERN:

I, _____, am the Attorney for the (City or County), Florida. I hereby state that I have examined a copy of a (deed, lease, management agreement, etc.) from _____ to the (City or County) dated _____ conveying _____ (type of interest, ie. Fee simple, easement, 25 year lease, etc.) in the following described property:

(Brief Legal Description of Property)

I have also examined a document showing that this property is listed on the tax rolls as belonging to the (City or County). Finally, I have also examined such documents and records as necessary for this certification.

This property is what is now called "(Name of Property as Referenced in the WAP application)".

I certify that the (City or County) does in fact (own, lease, etc.) this property for _____ years.

Very truly yours,

(Name)
(City or County) Attorney

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 26-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, to Award RFP No. 2018-10 and Approve a Purchase Order to Richard Maxwell, Inc. dba King Tree Service of South Florida, for Consulting Arborist Services, in the Amount of \$23,500 and Establishing a Project Budget of \$25,850 for FY2018. The Five Year Project Budget Shall be \$235,785, Which Includes an Annual Cost of \$47,125 and a \$23,785 Contingency, Contingent on Funding in Future Fiscal Years.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated February 20, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 26-2018**
- ▣ **Final Ranking Memo**
- ▣ **Bid Tab Sheet**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Ratification of the Selection Committee's Recommendation for RFP No. 2018-10
Consulting Arborist Services
Resolution No. 26-2018

DATE: February 20, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 26-2018 to ratify the recommendation and ranking of the Selection Committee for RFP No. 2018-10 for Consulting Arborist and authorize a purchase order with Richard Maxwell, Inc. dba King Tree Service of South Florida for Consulting Arborist Services, in the amount of \$23,500, establishing a project budget of \$25,850 for FY2018, and establishing a five (5) year budget of \$235,785 contingent upon funding in future fiscal years.

GENERAL INFORMATION

Staff issued a Request for Proposals (RFP 2018-10) for obtaining consulting arborist services and received one (1) proposal on January 03, 2018. The Selection Committee met on January 30, 2018 to review the proposal submitted. The Selection Committee consisted of Amy Wood, Assistant Director of Finance, Tim Campbell, Golf Course Superintendent, Brett Madison, Public Works Facility Maintenance Division Manager, John Lawrence, Public Works Grounds Supervisor (non-voting), John Cmar, Purchasing Coordinator (non-voting), and Sandra Shea, Buyer (non-voting). After reviewing the firm's submittal, the Selection Committee recommends awarding the contract to Richard Maxwell, Inc. dba King Tree Service of South Florida. The Garden Club of Palm Beach also provided a letter of endorsement for the selection of Richard Maxwell as consulting arborist.

The attached memorandum from the Purchasing Manager indicates that the recommendation of the Selection Committee was to recommend Richard Maxwell for Town Arborist Services.

The consulting arborist service provides a monthly inspection of Town owned parks, palms and trees, oversees vendors performing fertilization and pest control, inspects the historic and specimen trees and offers additional input on an as needed basis. The annual cost for this service is \$47,125 and is billed on an hourly basis at \$145 per hour. If the Town Council approves this recommendation, staff recommends issuing a purchase order for the remainder of FY18 in the amount of \$23,500 and establishing a budget of \$25,850. This contract provides for the option of

four (4) twelve-month renewals with all original terms, conditions and pricing. The anticipated contract cost including the remainder of FY2018 and four (4) renewal years at \$47,125 per year is \$235,785 and includes a ten percent (10%) contingency for CPI increases and unforeseen work.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Public Works Department budget to complete this work in FY2018. Funding for the remaining years of the contract will be contingent on future budget appropriations in future.

PURCHASING REVIEW

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

The Consulting Arborist Services RFP was posted on Demand Star with 139 suppliers, 9 plan holders and 2 supplemental suppliers notified. It was also posted on Public Purchase with 55 suppliers and 9 plan holders notified.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Selection Committee Members
Eric Brown, P.E., Assistant Director of Public Works
Brett Madison, Facility Maintenance Division Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 26-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO AWARD RFP NO. 2018-10 AND APPROVE A PURCHASE ORDER TO RICHARD MAXWELL, INC. DBA KING TREE SERVICE OF SOUTH FLORIDA, FOR CONSULTING ARBORIST SERVICES, IN THE AMOUNT OF \$23,500 AND ESTABLISHING A PROJECT BUDGET OF \$25,850 FOR FY2018. THE FIVE YEAR PROJECT BUDGET SHALL BE \$235,785, WHICH INCLUDES AN ANNUAL COST OF \$47,125 AND A \$23,785 CONTINGENCY, CONTINGENT ON FUNDING IN FUTURE FISCAL YEARS.

* * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards RFP No. 2018-10, a copy of which is on file with the Purchasing Division of the Town of Palm Beach, and authorizes a purchase order to Richard Maxwell, Inc. DBA King Tree Service of South Florida, for Consulting Arborist Services in the initial amount of \$23,500 and establishes a project budget of \$25,850 for FY2018. The five (5) year project budget shall be \$235,785, which includes an annual cost of \$47,125 and a \$23,785 contingency, contingent on funding in future fiscal years.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member



TOWN OF PALM BEACH

MEMORANDUM

DATE: January 30, 2018

TO: Paul Brazil, Director Public Works

FROM: Dean Mealy, Purchasing Manager 

SUBJECT: Final Ranking - RFP No. 2018-10 – Consulting Arborist

The Selection Committee met on January 30, 2018. All members of the committee listed below were present:

Selection Committee Members -

Amy Wood – Assistant Director of Finance
Tim Campbell – Golf Course Superintendent
Brett Madison – Facilities Maintenance Manager

Advisors and Facilitators (Non-Voting) -

John Lawrence – Grounds Supervisor
Sandra Shea – Buyer
John Cmar – Purchasing Coordinator

The Town received one (1) proposal. After thorough consideration, the Selection Committee is recommending award to Richard Maxwell, Inc. dba King Tree Service of South Florida for the Consulting Arborist Services.

Cc: File: RFQ No. 2018-10
John Randolph, Town Attorney
Selection Committee Members



TOWN OF PALM BEACH
RFP 2018-10
CONSULTING ARBORIST SERVICES

TABULATION
1/3/2018

		TOWN OF PALM BEACH		Vendor:		RICHARD MAXWELL, INC dba KING TREE SERVICE OF SOUTH FLORIDA	
RFP 2018-10		CONSULTING ARBORIST SERVICES		Address:		P.O. Box 210847	
TABULATION				Telephone:		Royal Palm Beach, FL 33421	
1/3/2018				Email		561-798-3977	
				Contact:		richard@kingtreeservice.com	
						Richard Maxwell	
Line	Description	Qty	Price per Unit	Total			
1	Consulting Arborist Services	325	\$145.00	\$	47,125.00		

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda Resolutions

Agenda Title

RESOLUTION NO. 27-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute a Quit Claim Easement Agreement, Attached as Exhibit "A" Between Florida Department of Transportation and the Town of Palm Beach for Access and Maintenance of Said Revetment at Sloan's Curve.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated February 12, 2018, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▣ **Resolution No. 27-2018**
- ▣ **Exhibit "A"**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorization for Town Manager to Execute Quit Claim Easement Agreement at Sloan's Curve with Florida Department of Transportation
Resolution No. 27-2018

DATE: February 12, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 27-2018 authorizing the Town Manager to execute a Quit Claim Easement Agreement between the Town of Palm Beach and the Florida Department of Transportation (FDOT) at Sloan's Curve Revetment, when the documents have been approved by the Town Attorney for legal form and sufficiency.

GENERAL INFORMATION

FDOT is currently in the design phase for SR A1A from MP 23.27 to MP 23.28 (referred to as Sloan's Curve). The primary purpose of the project is to extend the revetment to protect and stabilize the slope below Sloan's Curve so that SR A1A can be shielded from potentially destructive waves during future hurricanes and storms. The project is scheduled to be released for bidding on January 3, 2020.

Currently, there is existing revetment just north of the proposed project location that was installed as part of an earlier 2006 FDOT project. That existing revetment is currently maintained by FDOT through a permanent easement. The proposed project area to extend the revetment that the Town of Palm Beach (Town) presently has an exclusive, permanent, and perpetual easement for the of constructing and maintaining a shoreline revetment system. Therefore, FDOT is requesting the Town to transfer the easement to FDOT to allow for construction of the project and future maintenance of the revetment by FDOT.

Staff recommends that Town Council authorize the Town Manager to execute a Quit Claim Easement for the Revetment at Sloan's Curve, upon finalization of documentation by all parties.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
John C. Randolph, Town Attorney
Dean Mealy, Purchasing Agent

RESOLUTION NO. 27-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE A QUIT CLAIM EASEMENT AGREEMENT, ATTACHED AS EXHIBIT “A” BETWEEN FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF PALM BEACH FOR ACCESS AND MAINTENANCE OF SAID REVETMENT AT SLOAN’S CURVE.

* * * * *

WHEREAS, Florida Department of Transportation, has requested the execution of a Quit Claim Easement Agreement with the Town of Palm Beach (TOWN) located at Sloan’s Curve Revetment; and

WHEREAS, the parties mutually recognize the need to execute the Agreement setting forth the responsibilities of each party.

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

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

Section 2. The Town Manager is hereby authorized to execute the Quit Claim Easement Agreement between Florida Department of Transportation, and the Town of Palm Beach.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

This instrument prepared
under the direction of:

Laurice C. Mayes, Esq. _____
Department of Transportation
Right of Way Production Services
3400 W. Commercial Blvd
Ft. Lauderdale, FL 33309
December 19, 2017 – EV

Parcel No.: N/A
F.P. No.: 440009-1
Section No.: 93060-2525
Managing District: 4
State Road: A-1-A (Ocean Boulevard)
County: Palm Beach

QUITCLAIM OF EASEMENT INTEREST

THIS QUITCLAIM OF EASEMENT INTEREST, made this ____ day of _____, 201____, by the **TOWN OF PALM BEACH, a Florida municipal corporation, ("The Town")**, whose address is: 360 S. County Road, Palm Beach, Florida 33480, (Grantor) and **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, ("Department")**, a whose address is: 3400 W. Commercial Boulevard, Fort Lauderdale, Florida 33309, (Grantee). (Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of organizations.)

WITNESSETH: That the said Grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt and sufficiency being hereby acknowledged, does hereby remise, release and quitclaim unto the said Grantee forever, all right, title, interest, claim and demand, which said Grantor has in and to the hereinafter described parcel of land arising out of that **FINAL JUDGMENT, TOWN OF PALM BEACH, a Florida municipal corporation VS. NATHAN R. SILVERSTEIN, and N.C.N.B. NATIONAL BANK OF FLORIDA** dated **November 21, 1988**, recorded in Official Records Book **5878**, Page **1218**, of the Public Records of **Palm Beach** County, Florida, and that **FINAL JUDGMENT, TOWN OF PALM BEACH, a Florida municipal corporation VS. NATHAN R. SILVERSTEIN**, dated **August 06, 1990**, recorded in Official Records Book **6540**, Page **1063**, and re-recorded in Official Record Book **6546**, Page **665** the Public Records of **Palm Beach** County, Florida together with all other right, title, interest, claim and demand, if any, which said Grantor has in and to said parcel situate in the County of **Palm Beach**, Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE PART HEREOF

TO HAVE AND TO HOLD the same together with the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the said Grantee forever.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name by its Board of Town Commissioners acting by the Mayor or Vice-Mayor of said Board, on the date first above written.

ATTEST: _____

TOWN OF PALM BEACH
a Florida municipal corporation

Print Name: _____
Town Clerk

BY: _____

Print Name: _____
Its Mayor or Vice-Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Town Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged by me this _____ day of _____, 2017, by
_____, Mayor (or Vice-Mayor), who is personally known by me or who has
produced _____ identification.

(NOTARIAL SEAL)

Print Name: _____
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____

EXHIBIT A

PARCEL 63

An exclusive, permanent and perpetual easement for the purpose of constructing and maintaining a shoreline revetment system in and upon the following described land in Palm Beach County, Florida, to-wit:

That part of the South 126 feet of Lot 109 and the North 24 feet of Lot 110 of Palm Beach Estates according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 8, page 3, lying East of Ocean Boulevard.

PARCEL 64

An exclusive, permanent and perpetual easement for the purpose of constructing and maintaining a shoreline revetment system in and upon the following described land in Palm Beach County, Florida, to-wit:

That part of the South 60 feet of the North 84 feet of Lot 110, Palm Beach Estates, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 8, page 3, lying East of Ocean Boulevard, (A1A).



A-1-A (OCEAN BLVD)
KE AVE.) TO S.R. 80 (SOUTHERN BLVD)

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 28-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Chen, Moore and Associates, Inc., in the Amount of \$20,215 for the Phipps Ocean Park (North) Restroom Replacement, and Establishing a Construction Phase Engineering Budget of \$25,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated February 17, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 28-2018**
- ▣ **Chen Moore Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order for Construction Phase Engineering Services for the Phipps Ocean Park (North) Restroom Replacement
Resolution No. 28-2018

DATE: February 17, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 28-2018, approving a purchase order for Construction Phase Engineering Services to Chen, Moore, and Associates, Inc. (CMA), for the Phipps Ocean Park (North) Restroom Replacement in the amount of \$20,215 and establishing a Construction Phase Engineering Services Budget of \$25,000.

GENERAL INFORMATION

The public restroom that serves the northern end of Phipps Ocean Park has been in use for over 20 years. The structure, utilities, and equipment are in poor condition. The restroom building is being replaced in order to provide a more efficient and safe facility for those that use the park. The proposed restroom will be similar to the precast restroom buildings that are on the southern portion of the park. The work is scheduled for the 2018 construction season.

CMA's construction phase scope of work will include engineering plan updates, shop drawing reviews, maintaining daily reports, progress photos, review of contractor pay applications and change orders, attending meetings, assisting Town staff with onsite observations, inspections, and permit certification.

Staff has reviewed and negotiated the CMA proposal and recommends approving a purchase order for Construction Phase Engineering Services with CMA, in the amount of \$20,215 for the scope identified in their proposal. Staff also recommends a contingency of \$4,785 for a total Construction Phase Engineering Services Budget of \$25,000.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jeffrey Sanon, P.E., Project Engineer
Chassler Holm, Acting Water Resources Division Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 28-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,
PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR
CONSTRUCTION PHASE ENGINEERING SERVICES TO CHEN, MOORE AND
ASSOCIATES, INC., IN THE AMOUNT OF \$20,215 FOR THE PHIPPS OCEAN
PARK (NORTH) RESTROOM REPLACEMENT, AND ESTABLISHING A
CONSTRUCTION PHASE ENGINEERING BUDGET OF \$25,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Chen,
Moore & Associates, Inc., in the amount of \$20,215 for Construction Phase Engineering Services for the
Phipps Ocean Park (North) Restroom Replacement, and establishes a Construction Phase Engineering
Budget of \$25,000.

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

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as
may be necessary to effectuate the completion of the said project, 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 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

January 26, 2018

SENT VIA EMAIL
(JSanon@TownofPalmBeach.com)

Jeff Sanon
Project Engineer
Town of Palm Beach
Public Works Department, Engineering Division
951 Okeechobee Road
West Palm Beach, Florida 33401

**Subject: PHIPPS OCEAN PARK RESTROOM - CONSTRUCTION SERVICES
CMA Proposal No. P17.431**

Dear Jeff:

Chen Moore and Associates (CMA) is pleased to submit the attached Agreement for Professional Services and Scope of Services to provide construction services associated with the Phipps Ocean Park Restroom Improvement Project. This proposal defines the scope of work, schedule, and compensation for the construction services associated with this project.

I. SCOPE OF SERVICES

The Scope of Services is comprised of the following tasks:

- Task 10.1** – Review and Approval of Shop Drawings and Technical Submittals
- Task 10.2** – Respond to Contractor Requests for Information (RFI's)
- Task 10.3** – Periodic Site Inspections
- Task 10.4** – Coordination with Utility Providers
- Task 10.5** – As-built Review
- Task 10.6** – Material Testing Review
- Task 10.7** – Certification

Below is a description of the services included with each of these essential tasks:

Task 10.1 – Review and Approval of Shop Drawings and Technical Submittals

For scoping purposes, it is assumed there will be up to 10 shop drawings and technical submittals by the Contractor that will require review. The review will include comparison

of the Contractor's submitted documents to the requirements of the Contract Documents. The review also includes up to one re-submittal review for correction and revision by the Contractor per submittal package. In addition, any substantial deviation from the project requirements will be documented and returned to The Town's Project Manager (TOWN) with instructions on how to proceed based on the severity and nature of the deficiencies encountered.

Task 10.2 – Respond to Contractor Requests for Information Regarding the Civil Plans and Specifications

CMA will answer and address the contractor's Requests for Information (RFI) which requires interpretation of the plans. This task includes only those RFIs that are directly related to any original products prepared by CMA for the construction of this project and excludes interpretation of any documents originally created by the TOWN, the Contractor, or their sub-contractors and suppliers. For scoping purposes, it is assumed that a total of ten (10) RFI's will be reviewed. It is also assumed that the RFI's process will be informal coordination with the contractor due to the nature of a design-build project.

Task 10.3 – Periodic Site Inspections

During the construction of the project, a designate of the Engineer of Record will perform periodic inspections to observe the work in progress. The objective of the site inspection is to assure the Engineer that the construction is being completed in substantial accordance of the contract documents. This task is directly related to the ultimate Certification of Construction at the conclusion of the project is only intended to provide information to the Engineer of Record. For scoping purposes, it is assumed site visits will be limited to 4 hours per week for the duration of the construction contract. 4 hours per week * 24 weeks = 96 hours. Additionally, 2 hours per month will be allocated to the review and approval of Pay Requests from the Contractor. Near the conclusion of the construction phase, CMA will attend one Substantial Completion Inspection in order allow for Certification of Construction. The Engineer of Record, or his designate will attend the site meeting. Any punch-lists or correspondence related to the Substantial Completion Inspection will be forwarded to the Engineer of Record.

Task 10.4 – Coordination with Utility Providers

CMA will coordinate with appropriate utility companies for utility components of the plans.

Task 10.5 – As-Built Review

CMA will review as-built drawings prepared by others and provide comments and/or recommended corrections. The intent of this sub task is to allow the Engineer of Record to assure himself that all aspects of the project were constructed in substantial conformance to the Plans and Specifications thereby allowing his to certify the construction.

Task 10.6 – Material Testing Review

CMA will review material testing performed by the Contractor.

Task 10.7 – Certification

Upon completion of the Final Inspection CMA will issue a certificate that the project was completed in substantial accordance with the plans. The certificate will be signed and sealed by the Engineer of Record and delivered to the TOWN five (5) working days after the final set of as-builts are completed.

II. SCHEDULE

Construction is slated for May 1, 2018 – October 31, 2018.

III. EXCLUSIONS

The services outlined below are not included as part of the scope of work, although additional service agreements can be executed to assist the TOWN with these services if necessary:

- Topographic Surveys
- Underground investigations
- Community workshops
- Public Information Mailings
- Contract Interpretation
- Construction Document Reproduction
- Preparation of As-Built Plans

IV. COMPENSATION

CMA will be compensated for the services described on a time and material basis in an amount of **\$20,215** per attached Exhibit A.

Should you have any questions, please do not hesitate to contact me at my office at (561) 746-6900 x 1160, my cell phone at (561) 329-1797 or send me an electronic message at bwhitfield@chenmoore.com.

Respectfully submitted,



CHEN MOORE AND ASSOCIATES
Brent Whitfield/ Senior Project Manager

Cc. Andrew Savage – CMA
Suzanne Dombrowski – CMA
Attachment(s): Exhibit A

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 29-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Interlocal Agreement for Water Distribution System Upgrades, Rehabilitation, and Replacement with the City of West Palm Beach.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated February 21, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 29-2018**
- ▣ **Interlocal Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: City of West Palm Beach Water Main Improvements – 2 Year Interlocal Agreement
Resolution No. 29-2018

DATE: February 21, 2018

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 29-2018, authorizing the Town Manager to execute an Interlocal Agreement Utilizing Renewal and Replacement account to design and construct water system improvements for calendar years 2018-2019 between the Town of Palm Beach and the City of West Palm Beach (“the City”).

GENERAL INFORMATION

On October 22, 2014, the Town of Palm Beach executed the Interlocal Agreement regarding Water System Improvements 2014-2017 between the Town of Palm Beach and the City. This agreement expired on November 1, 2017. A new agreement has been drafted and approved by the City Commission on January 29, 2018. This new agreement includes the same terms from the previous agreement and, therefore, extends the terms from January 29, 2018 to December 1, 2019. The agreement defines the process for utilizing the Town of Palm Beach’s renewal and replacement (R&R) account within the City’s renewal and replacement fund. The R&R account is a collection of an amount equal to five percent (5%) of the monthly gross revenues received by the City from the Town of Palm Beach consumers. Interest earned on such deposits remain in the R&R account. This agreement provides that each year the Town and the City will annually budget and schedule projects for the upcoming construction season.

Over the last year, Town staff has worked with the City in an attempt to identify priorities for water main improvements that would coincide with the Town-wide Utility Undergrounding construction phases over the next five (5) years. The City was unable to identify these priorities prior to the agreement expiring in November, 2017. Subsequently, the City independently developed a list of priorities over the next two (2) years. Attachment “A” of the agreement includes a listing of the streets identified for water main replacement and listed as: Ibis Way at the bridge crossing, Esplanade Way, N. Ocean Way, between Esplanade Way to Onondaga Avenue, Kenlyn Road from N. Ocean Way to N. Ocean Boulevard, Mockingbird Trail from N. Ocean Way to N. Ocean Boulevard, Hammon Avenue from S. County Road to S. Ocean Boulevard and 400 Worth Avenue from Cocoanut Avenue to Lake Drive. Due to the delinquency in identifying the two (2) projects within the Phase 2 North Undergrounding construction, the Town has directed the City to place the water main improvements for Esplanade Way and N. Ocean Way from Esplanade Way to Onondaga Avenue on hold until further notice. The City has not noted leaks or deficiencies in these two (2) areas, but is recommending these projects solely on age of pipe.

FUNDING/FISCAL IMPACT

The funding for all projects under this Interlocal Agreement are fully contained within the R&R fund as established by the original Retail Water Service and Franchise Agreement of June 16, 1999.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer

RESOLUTION NO. 29-2018

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

* * * *

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

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

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

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

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

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 20th day of March 2018, and for second and final reading on this ____ day of _____, 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

**INTERLOCAL AGREEMENT
REGARDING
WATER SYSTEM IMPROVEMENTS 2018-2019
BETWEEN
TOWN OF PALM BEACH
AND
CITY OF WEST PALM BEACH**

WPB Contract No. 20680

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

WITNESSETH:

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

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

WHEREAS, the CITY and TOWN have reviewed the projects to be undertaken during the period of November 1, 2017 to December 1, 2019, with the projects / roadways identified on Attachment "A", and

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

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

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

and other factors influencing the needs and development of local communities; and

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

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

1. The above recitations are true and correct.
2. The TOWN and CITY hereby set forth the duties and responsibilities of the parties regarding the upgrading of the CITY's water lines by replacing the existing water mains on various roadways within the limits of various capital improvement projects scheduled for the period from November 1, 2017 to December 1, 2019 within the dedicated rights-of-ways in the TOWN (hereinafter referred to as the "2018 - 2019 Town of Palm Beach Water Main Improvements.")
3. The TOWN and CITY have agreed to establish a budget of Two Million Dollars (\$2,000,000) or the total amount of reserve funds, less 10 percent, whichever is greater over the period from November 1, 2017 to December 1, 2019 for the 2018 - 2019 Town of Palm Beach Water Main Improvements.
4. The CITY will be responsible for the costs of the 2018 - 2019 Town of Palm Beach Water Main Improvements, including all associated materials, as provided in this Agreement. An annual budget and schedule of projects has been mutually agreed to by the CITY and TOWN, as identified in Attachment A, attached and incorporated herein. If the estimated budget, including interest thereon, was insufficient to cover the actual costs of any project, such shortfall shall be addressed by amendment to the annual budget or adjustment of the next year's budget.
5. Within ten (10) business days of the establishment of each annual budget and annual schedule of projects, the CITY agrees to pay to the TOWN the amount of that annual budget. The CITY will pay these budget amounts with funds from the Town of Palm Beach Account within the City's Renewal and Replacement Fund.

This amount may be adjusted in case of an approved Change Order pursuant to this Agreement. The TOWN shall place said money into an interest-bearing account and all accrued interest shall be credited to the Town of Palm Beach Account within the City's Renewal and Replacement Fund.

6. The TOWN and CITY may mutually agree in writing to adjust the annual budget and annual schedule of projects at any time during a budget year to accommodate any additional project(s) deemed necessary, provided there are sufficient funds in the Town of Palm Beach Account within the City's Renewal and Replacement Fund to cover the costs of the additional project(s).
7. The TOWN will utilize a consultant ("Consultant") selected from a list of civil engineering firms pre-qualified by the Town to perform the 2018- 2019 Town of Palm Beach Water Main Improvements.
8. The TOWN will utilize a contractor ("Contractor") either selected from a list of utility contractors pre-qualified by the Town or contractor or Construction Manager at Risk by public bid or CCNA selection process to perform the 2018 - 2019 Town of Palm Beach Water Main Improvements.
9. The TOWN will design the 2018 - 2019 Town of Palm Beach Water Main Improvements which will be incorporated into the TOWN's contract with the Contractor. The TOWN's Contractor shall install the 2018 - 2019 Town of Palm Beach Water Main Improvements in accordance with CITY standards and shall provide materials and reconstruct the roadways in accordance with TOWN standards. The TOWN will provide the water main materials and appurtenances under separate contract.
10. The TOWN's Contractor will furnish all testing, field survey control, and related work for the 2018 - 2019 Town of Palm Beach Water Main Improvements. The TOWN will provide to the CITY a monthly report on quantities installed. The TOWN will invite the CITY's representative to all progress meetings relating to the 2018 - 2019 Town of Palm Beach Water Main Improvements, including constructability meeting, final utility coordination meeting, and preconstruction

meeting.

11. The CITY will provide resident inspection of Contractor progress and will inform the TOWN of any objections concerning the 2018 - 2019 Town of Palm Beach Water Main Improvements performed by the TOWN's Contractor. The TOWN, or its designee, will perform observations necessary to certify the 2018 - 2019 Town of Palm Beach Water Main Improvements and to provide necessary forms as well as as-builts documentation to the City for submittal to the Palm Beach County Health Department for clearance for use of the water main.
10. As a condition of this Agreement, the CITY shall have the right to review and approve the contract and any Change Orders between the TOWN and the Consultant, as it relates to the 2018 - 2019 Town of Palm Beach Water Main Improvements portion of the Project.
11. Any Change Orders pertaining to the 2018 - 2019 Town of Palm Beach Water Main Improvements must be approved in writing by the CITY in advance of the commencement of the work. No substitutions of materials are permitted without CITY's written approval.
12. Upon completion of the work, clearance by the Palm Beach County Health Department and acceptance of the 2018 - 2019 Town of Palm Beach Water Main Improvements in writing by the CITY, the CITY shall own, control and maintain all water mains and services replaced under this Agreement subject, however, to the terms of the Water Franchise Agreement between the TOWN and the CITY dated June 16, 1999.
13. The TOWN's Contractor shall prepare a complete set of as-built information/drawings for the 2018 - 2019 Town of Palm Beach Water Main Improvements in accordance to the CITY's latest requirements and shall provide such complete set to the CITY.
14. Upon completion of the 2018 - 2019 Town of Palm Beach Water Main Improvements and acceptance in writing by the CITY, the TOWN shall, within thirty (30) days, furnish the CITY with a final and complete accounting of all

costs incurred in connection with the 2018 - 2019 Town of Palm Beach Water Main Improvements performed. All costs, records and accounts shall be subject to audit by a representative of the CITY. After completion of the 2018 - 2019 Town of Palm Beach Water Main Improvements, any monies remaining in the TOWN's account shall be refunded to the City within forty-five (45) days. Any refunded sums shall be deposited in the Town of Palm Beach Account within the City's Renewal and Replacement Fund. If the estimated budget, including interest thereon, is insufficient to cover the actual costs of the 2018 - 2019 Town of Palm Beach Water Main Improvements, and sufficient funds remain in the Town of Palm Beach Account within the City's Renewal and Replacement Fund, within forty-five (45) days of receipt of the final accounting, the CITY shall pay the amount of such shortfall to the TOWN.

15. Each party shall be liable for its own actions and negligence. Neither party shall indemnify or insure the other party for the other party's negligence. Nothing in this paragraph shall be interpreted as a waiver of the TOWN's or the CITY's sovereign immunity or the limitations relating thereto as contained in Florida Statute Section 768.28. Neither party waives any defense of sovereign immunity or increases the limits of its liability as a result of this Agreement.
16. The TOWN shall ensure that the Contractor hired to perform the work described in this Agreement will indemnify, defend, and hold harmless the CITY against any actions, claims or damages arising out of the Contractor's negligence and shall name the CITY, its commissioners, officers, employees and agents, as additional insureds on any certificates of insurance provided to the TOWN in connection with the 2018 - 2019 Town of Palm Beach Water Main Improvements.
17. The TOWN agrees that the CITY shall be a co-obligee on all required performance bonds and/or guaranties obtained by the TOWN in connection with the 2018 - 2019 Town of Palm Beach Water Main Improvements portion of the project.

18. Should either party to this Agreement determine that the other is in default of any of the terms and conditions of this Agreement, written notice shall be given by the non-defaulting party allowing the defaulting party thirty (30) days from the date of receipt of such written notice to cure the defaults. Prior to the initiation of any legal proceedings between the parties, the parties shall comply with any state laws related to resolving disputes between local governments. In the event of default by either party to this Agreement, both parties shall have all remedies available under the laws of the State of Florida including, but not limited to, injunction to prevent default or specific performance to enforce this Agreement, subject to state law. The rights of the parties shall be considered cumulative and shall not be waived now or in the future by the exercise of any rights and remedies provided under the terms of this Agreement and authorized by law.
19. Disputes under this Agreement may be resolved by the TOWN's Authorized Representative and CITY's Authorized Representative. If such Authorized Representatives are unable to reach a resolution and either party believes that the issue is of sufficient merit, the parties shall select a mediator mutually acceptable to both parties to conduct a non-binding mediation of the issues involved and make a recommendation to both parties. The parties agree to be responsible for their respective costs and fees incurred during the mediation and that each party shall pay the mediator's fees and costs in equal amounts.
20. Any litigation arising from or relating to this Agreement shall be governed by the laws of the State of Florida and venue in any such proceeding shall be exclusively in Palm Beach County, Florida.
21. Any costs or expenses, including reasonable attorney's fees, associated with the enforcement of the terms or conditions of this Agreement shall be borne by the respective parties.
22. Nothing contained in this Agreement shall be construed to constitute a transfer of powers in any way whatsoever. This Agreement is solely an agreement delineating the parties' respective rights relating to the construction of the 2018-

2019 Water Main Improvements, as authorized in Florida Statutes, Chapter 163. The governing bodies for the TOWN and CITY shall each maintain all legislative authority with regard to their respective political subdivision. All of the privileges and immunities from liability; exemption from laws, ordinances, and rules; and pensions and relief, disability, workers compensation and other benefits which apply to the activity of officers, agents or employees of any public agents or employees of any public agency when performing their respective functions within the territorial limits for their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents, or employees extra-territorially under the provisions of this Agreement.

23. The TOWN and CITY shall each maintain adequate records pursuant to this Agreement for at least the minimum period required by Chapter 119, Florida Statutes, or four (4) years, or final resolution of matters resulting from any litigation or claim, whichever period is longer. Both parties to this Agreement reserve the right, upon reasonable request and during normal business hours, to have access to such books, records, and documents as required in this section for the purpose of inspection.
24. No additions, alterations, or variations from the terms of this Agreement shall be valid, nor can the provisions of this Agreement be waived by either party, unless such addition, alteration, variation or waiver is expressed in writing and signed by the parties hereto.
25. Failure(s) to insist on strict performance of any covenant, condition, or provision of this Agreement by a party, its successors and assigns, shall not be deemed a waiver of any of its rights or remedies, nor shall it relieve the other party from performing any subsequent obligations strictly in accordance with the terms of this Agreement. No waiver shall be effective unless in writing and signed by the party against whom enforcement is sought. Such waiver shall be limited to provisions of this Agreement specifically referred to therein and shall not be

deemed a waiver of any other provision. No waiver shall constitute a continuing waiver unless the writing states otherwise.

26. In the event that any section, paragraph, sentence, clause, or provision of this Agreement is held to be invalid by a court of competent jurisdiction, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect.
27. Three (3) originals of this Agreement shall be executed. This Agreement may be executed in counterparts, each of which shall be deemed an original, all of which together shall constitute one and the same instrument.
28. A copy of this Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County, Florida.
29. All Attachments or Exhibits referenced in this Agreement are incorporated into this Agreement and made a part hereof by this reference.
30. This Agreement represents the entire understanding between the parties, and supersedes all other negotiations, representations, or agreement, either written or oral, with respect to matters contained herein.
31. The provisions of this Agreement shall become effective upon execution of this Agreement by the CITY and TOWN and filing with the Clerk of the Court.

[Signatures on following page.]

IN WITNESS WHEREOF, the parties have hereunto executed this Interlocal Agreement Regarding Water System Improvements 2018-2019 as of the last day and year last indicated below.

TOWN OF PALM BEACH, FLORIDA

By: _____
Thomas G. Bradford, Town Manager

Date: _____ 2018.

ATTEST:

TOWN CLERK: Kathleen Domingez

Approved as to Legal Form and Sufficiency:

John C. Randolph
Attorney for the Town of Palm Beach

RECOMMEND APPROVAL:

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

**CITY OF WEST PALM BEACH,
FLORIDA**

By: Geraldine Muoio
Geraldine Muoio, Mayor

Date: 1/31 2018.

ATTEST:

Hazeline F. Carson
CITY CLERK: Hazeline F. Carson

Approved as to form and legality:

[Signature]
Office of the City Attorney
for the City of West Palm Beach

ATTACHMENT "A"

2018 - 2019 TOWN OF PALM BEACH WATER MAIN IMPROVEMENTS

Project	Street	Limits	Length (Linear Feet, Approx.)
Utility Undergrounding	Phase 1S Ibis Way	Aerial Crossing b/w Ibis Isle Rd to S Ocean Boulevard	100
	Phase 2N Esplanade Way	North Lake Way to N Ocean Way	760
	N Ocean Way	Esplanade Way to Onondaga Avenue	250
	Phase 3N Kenlyn Road	N Ocean Way Intersection to N Ocean Boulevard	350
	Mockingbird Trail	N Ocean Way Intersection to N Ocean Boulevard	350
	Phase 3S Hammon Avenue	S County Road to S Ocean Boulevard	750
	Worth Avenue	Cocoanut Row to Lake Drive	900

A-1

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 30-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Mock Roos and Associates, Inc., in an Amount of \$93,000 for the D-2 and D-17 Stormwater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$102,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated March 1, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 30-2018**
- ▣ **Mock Roos Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order for Engineering Design Services of the D-2 and D-17 Stormwater Pump Station Improvements
Resolution No. 30-2018

DATE: March 1, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 30-2018 approving a purchase order to Mock Roos, and Associates, Inc. (MRA), for engineering design and bid phase services in the amount of \$93,000 for D-2 and D-17 Stormwater Pump Station Improvements and establishing an engineering design and bid phase services budget of \$102,000, including contingency.

GENERAL INFORMATION

As part of the Accelerated Capital Improvement Program-Phase II, a condition assessment was performed by MRA in 2016 on all the Town's stormwater stations. The stations in the assessment were graded from one (1) "in like new condition" to five (5) "in need of immediate replacement". The D-2 Pump Station (located at Palmo Way) and the D-17 Pump Station (located at the west end of Clarendon Avenue) all received a conditional assessment value of four (4) for limited elements within each station, meaning improvements were needed in the next 2-5 years. Some of the repairs needed to the stations are; replace pumps duty pump, replace discharge pipes and wafer check valves, gates, replace electrical conduit and wiring, replace Main/MCC, control panel, wetwell instruments, and structural improvements.

MRA was selected from the Continuing Services Professional Service Agreement pool of consultants. The selection was based on qualifications and the amount of work given to each of the consultants under the continuing services contracts. With Purchasing's assistance, staff negotiated a Design and Bid Phase Services Contract with MRA in the amount of \$93,000 for the scope of services identified in their proposal. Staff recommends a total design and bid phase services budget of \$102,000 which includes \$9,000 in general contingency.

FUNDING/FISCAL IMPACT

Funding for the Design and Bid Phase Engineering Services of this project is contained within the Town's Accelerated Capital Improvement Program – Phase II budget.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Michael Roach, P.E., Project Engineer
Dean Mealy, Purchasing Manager

RESOLUTION NO. 30-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,
PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER
FOR DESIGN AND BID PHASE ENGINEERING SERVICES TO MOCK ROOS
AND ASSOCIATES, INC., IN AN AMOUNT OF \$93,000 FOR THE D-2 AND D-
17 STORMWATER PUMP STATION IMPROVEMENTS, AND ESTABLISHING
A DESIGN AND BID PHASE BUDGET OF \$102,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Mock Roos, and Associates, Inc., in an amount of \$93,000 for Design and Bid Phase Engineering Services for the D-2 and D-17 Stormwater Pump Station Improvements, and establishes a design and bid phase budget of \$102,000.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements, and is authorized to approve additional tasks, as necessary, within budget.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member



MOCK • ROOS

CONSULTING ENGINEERS

March 1, 2018

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

Ref. No. B8004.00
Subject: D-2 and D-17 Stormwater Pump Station Renovation
Design and Bid Services

Dear Mr. Roach:

We are submitting the attached *Proposal to Provide Design and Bid Services for the D-2 and D-17 Stormwater Pump Station Renovation*. Please review the attached proposal and return one signed copy to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

If you have any questions please contact me at 683-3113, extension 275. Thank you for using Mock•Roos on this project. We look forward to working with you.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

John Cairnes, P.E.
Project Manager

GGG:jeh

Copies: Patricia Strayer, P.E.
Bookkeeping

L:\mk\B8004.00\Scope.docx.doc

Proposal to Provide Design and Bid Services for the D-2 and D-17 Stormwater Pump Station

Services to be provided by: Mock•Roos

Services provided to (Town): Town of Palm Beach

Proposal Date: March 1, 2018

Proposal Terms

A. Project Understanding:

The Town is planning to move forward with the necessary improvements to its D-2 and D-17 Stormwater Pump Station identified in the Town's December 2015 Stormwater Pump Station Assessment Report. Mock•Roos and its subconsultants (Structural for the D-2 outfall and building and electrical for the D-2 pump alternator and D-17 electrical and controls) will provide design and bid services for the recommended improvements as outlined in **B. Scope of Services** below.

B. Scope of Services:

Mock•Roos will attend a project kick-off meeting followed by an onsite meeting with the Town to review the scope of the rehabilitation. Mock•Roos' team members shall arrange and participate in meetings with the Town staff and/or others to discuss and coordinate on various technical issues/topics relating to this project.

Mock•Roos shall prepare typical design calculations, plans, specifications, and other required deliverables for Project components based on industry practice for such facilities to advance the Project design through 30-percent (for review/comment), 90-percent (for review/comment and Building Department submittal) and 100-percent complete documents (for preapproved contractors). Review and coordination with Town staff shall be performed to confirm the proposed improvements are in accordance with the Town's Operation and Maintenance (O&M) goals.

Assist the Town with bidding the project by attending a pre-bid meeting, assisting with responses to bidder's questions, providing clarifications, reviewing the bids, and providing a letter of recommendation.

The following rehabilitation scope items were identified in the Town's 2015 Pump Station Assessment Report as being recommended for rehabilitation within the next two to five years:

D-2 Stormwater Pump Station Rehabilitation Scope:

- Replace wafer check valves on Duty Pump and Pump No. 1 or modify piping for a flap gate if possible
- Replace wafer check valves on Pump Nos. 2 and 3 with a flap gate on discharge if possible or look into making them more accessible
- Restrain and reconnect discharge piping from Duty Pump discharge header or look at reconfiguring the discharge piping
- A section of the beams that support the top slab of the energy dissipation structure (the old pump station) have spalled off of the beam. The top slab should be demolished and replaced with open grating and support beams or the beams should be patched and repaired
- The east exterior wall of the generator room is cracked in a stair step fashion which is indicative of the building footing settling and the CMU block joints separating. This should be repaired (sealed and grouted) and monitored.
- Remove and replace the steel manhole covers used to access the level transducer and duty pump and install traffic rate doors
- Add a 3 pump alternator into the control panel for the 3 big pumps to alternate. At present time this is the only station that all big pumps do not alternate. Pump's 2 and 3 alternate at present time pump #1 only comes on when the wet well gets high enough as a last resort. We would like all 3 pumps to alternate.

D-17 Stormwater Pump Station Rehabilitation Scope:

- The discharge pipes inside the wetwell need to be replaced
- Replace wafer check valves or modify piping for a flap gate if possible
- Modify the power junction for the pump splices for the installation of a sump pump
- Replace the drainage grates in the road in front of D-17
- The station's conduit and wiring need to be replaced
- Add another 1" conduit from the float junction box location into the wet well. This will allow the transducer to have its own raceway
- The control panel and components need to be replaced
- The grounding needs to be replaced and upgraded to meet current electrical code
- The Main/MCC needs to be replaced
- Replace the ATS, meter can and disconnect
- The wetwell instruments need to be replaced
- Provide power to the junction box for the pump splices for a sump pump

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services. The Town is currently processing a Zoning Text Amendment which will be in place prior to permitting this project so that improvements can be made west of the lake trail. Based on the current scope of services the following items have not been included, no survey is anticipated to

be required, no evaluation of the existing drainage basin or the operation of the existing drainage system is anticipated to be required, and no ARCOM review is anticipated to be required.

2. It is assumed that the Town will facilitate access to the structural elements to be reviewed and into the pump station intake bays, provide gas monitoring and ventilation equipment that may be required for entry, and perform lock out/tag out of the pumps.
3. Any design changes, schedule changes, drawing changes, or other project changes requested by Client will be considered Additional Services.
4. Additional Services can be provided upon Mock•Roos receiving signed authorization from Client.
5. Construction Phase Services are not included in this proposal. It is anticipated that they will be authorized as Additional Services under a separate authorization.

D. Fees and Rates:

1. We will provide the *Design and Bid Scope of Services* for a lump sum of \$93,000.
2. Mock•Roos can provide Additional Services at the Mock•Roos rates in effect at that time, plus any reimbursable expenses, or for an agreed upon lump sum fee.

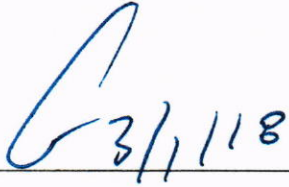
E. Conditions:

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:  3/1/18

Name: Garry G. Gruber, P.E.

Title: Senior Vice President

Date: March 1, 2018

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 31-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees for the Town Docks for Fiscal Year 2018.

Presenter

Beth Zickar, Director of Recreation

ATTACHMENTS:

- ▣ **Memorandum Dated March 6, 2018 from Beth Zickar, Director of Recreation**
- ▣ **Resolution No. 31-2018**
- ▣ **Attachment 1 - Proposed Dock Fees**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Beth Zickar, Director of Recreation

Re: Fiscal Year 2018 Recreation Department Town Docks Fee Schedule
Resolution No. 31-2018

Date: March 6, 2018

STAFF RECOMMENDATION

Staff recommends the approval of Resolution No. 31-2018, amending the Recreation Department fees for the Town Docks, as outlined in Exhibit I.

GENERAL INFORMATION

Recommendations or potential revenue enhancements was reviewed at the Special Town Council meeting held on March 5, 2018. One of the options presented within the Comprehensive Review of Town Operations was the opportunity for the further development of revenue streams at the Town Docks. These ideas included:

- Increasing the utility fee for transient boats;
- The institution of a late fee for utility fees not paid by the end of the month it is due;
- Increase in dockage fees;

Creating a fee schedule that optimizes revenue potential, while ensuring a balance with competitive market rates, has been and remains a primary goal. Surveys of neighboring marinas has demonstrated we continue to meet this objective. Rate adjustments being proposed are limited to transient rates. The rates for annual leases will be evaluated over the next month and recommendations will be made to Council for adjustments for fiscal year 2019.

Fee Recommendations

A recommendation is being made to increase the transient Utility Fee. This fee includes the following services: water, electric, cable, wifi, trash and self-serve pump-outs. Current and proposed fees are as follows:

Approved Transient Utility Fees		Proposed Transient Utility Fees	
Shore Power	Cost per day/per cord	Shore Power	Cost per day/per cord
50 amp	\$10.00	50 amp	\$15.00
100amp single phase	\$20.00	100 amp single phase	\$30.00
100 amp three phase	\$50.00	100 amp three phase	\$60.00
200 amp, three phase	\$150.00	200 amp, three phase	\$200.00

Utility late fees are being proposed for those invoices which are not paid by the end of the month in which the payment is due. The late fee policy shall be established as the following:

Payment must be received within 10 days of invoice date. Any payment not received by the due date will be charged a late fee of 10% of the outstanding balance.

Staff is also recommending an overall fee increase for transient dockage rates of 6% for single phase slips, 10% for 100 amp three phase slips and 14% for the 200 amp three phase slip. The fees charged are based on vessel size or slip size, whichever is greater. The proposed fees will be broken down into the revenue accounts of the Recreation Enterprise Fund and the Maintenance & Improvement Account. **Attachment 1** provides a complete breakdown of these recommended fees.

The Town Docks have enjoyed high occupancy rates for many years. The revised fee recommendations for fiscal year 2018 represents the continuing steps in a strategy that would raise rates more in line with area marinas. The proposed method would be to raise rates incrementally and gradually over the next few years, until such time as the facility rates are in line with the competitive local market.

TOWN ATTORNEY REVIEW

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

Attachment

cc: John C. Randolph, Town Attorney
Jay Boodheshwar, Deputy Town Manager
Jane Struder, Director of Finance
Rod Gardiner, Assistant Director of Recreation
Mike Horn, Dockmaster
Recreation Advisory Commission

RESOLUTION NO. 31-2018

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING
RECREATION DEPARTMENT FEES FOR THE TOWN DOCKS
FOR FISCAL YEAR 2018.**

WHEREAS, the Town of Palm Beach conducted a Comprehensive Review of Town Operations which included an evaluation of the fee schedule for the Town Docks; and

WHEREAS, staff has made recommendations to amend fees at the Town Docks; and

WHEREAS, upon review and consideration, the Town Council wishes to approve the Recreation Department fees and effective dates for the Town Docks as provided herein.

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

The attached list of Recreation Department fees and effective dates for the Town Docks, as listed on Exhibit I, incorporated by reference as part of this resolution, are hereby adopted.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 20th day of March, 2018.

Gail L. Coniglio, Mayor

Town Council President

Town Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

Recreation Department - FY 2018 Proposed Fee Schedule

Fees charged are based on vessel size or slip size, whichever is greater.

Attachment I - Town Docks

Transient Winter Daily(October 1 - May 31)									
Slip Size	Approved FY-2018				Slip Size	Proposed Changes Effective 3/20/18			
	Per Foot	M&I Fee Per Foot	Total Per Foot Fee	Total at Slip Size		Per Foot	M&I Fee Per Foot	Total Per Foot Fee	Total at Slip Size
50	\$ 3.30	\$ 0.03	\$ 3.33	\$ 166.50	50	\$ 3.49	\$ 0.04	\$ 3.53	\$ 176.50
60	\$ 3.30	\$ 0.03	\$ 3.33	\$ 199.80	60	\$ 3.49	\$ 0.04	\$ 3.53	\$ 211.80
80	\$ 3.32	\$ 0.03	\$ 3.35	\$ 268.00	80	\$ 3.51	\$ 0.04	\$ 3.55	\$ 284.00
100	\$ 3.45	\$ 0.03	\$ 3.48	\$ 348.00	100	\$ 3.65	\$ 0.04	\$ 3.69	\$ 369.00
110	\$ 3.45	\$ 0.03	\$ 3.48	\$ 382.80	110	\$ 3.65	\$ 0.04	\$ 3.69	\$ 405.90
120	\$ 3.68	\$ 0.07	\$ 3.75	\$ 450.00	120	\$ 4.05	\$ 0.08	\$ 4.13	\$ 495.60
130	\$ 3.68	\$ 0.07	\$ 3.75	\$ 487.50	130	\$ 4.05	\$ 0.08	\$ 4.13	\$ 536.90
150	\$ 3.76	\$ 0.07	\$ 3.83	\$ 574.50	150	\$ 4.13	\$ 0.08	\$ 4.21	\$ 631.50
160	\$ 3.76	\$ 0.07	\$ 3.83	\$ 612.80	160	\$ 4.13	\$ 0.08	\$ 4.21	\$ 673.60
172	\$ 3.82	\$ 0.08	\$ 3.90	\$ 670.80	172	\$ 4.20	\$ 0.09	\$ 4.29	\$ 737.88
262	\$ 3.84	\$ 0.18	\$ 4.02	\$ 1,053.24	262	\$ 4.45	\$ 0.22	\$ 4.67	\$ 1,223.54
Transient Winter Monthly (October 1 - May 31)									
Slip Size	Approved FY-2018				Slip Size	Proposed Changes Effective 3/20/18			
	Per Foot	M&I Fee Per Foot	Total Per Foot Fee	Total at Slip Size		Per Foot	M&I Fee Per Foot	Total Per Foot Fee	Total at Slip Size
50	\$ 2.27	\$ 0.02	\$ 2.29	\$ 3,435.00	50	\$ 2.41	\$ 0.02	\$ 2.43	\$ 3,645.00
60	\$ 2.27	\$ 0.02	\$ 2.29	\$ 4,122.00	60	\$ 2.41	\$ 0.02	\$ 2.43	\$ 4,374.00
80	\$ 2.32	\$ 0.02	\$ 2.34	\$ 5,616.00	80	\$ 2.45	\$ 0.02	\$ 2.47	\$ 5,928.00
100	\$ 2.40	\$ 0.02	\$ 2.42	\$ 7,260.00	100	\$ 2.54	\$ 0.03	\$ 2.57	\$ 7,710.00
110	\$ 2.40	\$ 0.02	\$ 2.42	\$ 7,986.00	110	\$ 2.54	\$ 0.03	\$ 2.57	\$ 8,481.00
120	\$ 2.50	\$ 0.05	\$ 2.55	\$ 9,180.00	120	\$ 2.75	\$ 0.06	\$ 2.81	\$ 10,116.00
130	\$ 2.50	\$ 0.05	\$ 2.55	\$ 9,945.00	130	\$ 2.75	\$ 0.06	\$ 2.81	\$ 10,959.00
150	\$ 2.57	\$ 0.05	\$ 2.62	\$ 11,790.00	150	\$ 2.83	\$ 0.07	\$ 2.90	\$ 13,050.00
160	\$ 2.57	\$ 0.05	\$ 2.62	\$ 12,576.00	160	\$ 2.83	\$ 0.07	\$ 2.90	\$ 13,920.00
172	\$ 2.63	\$ 0.05	\$ 2.68	\$ 13,828.80	172	\$ 2.89	\$ 0.06	\$ 2.95	\$ 15,222.00
262	\$ 2.65	\$ 0.13	\$ 2.78	\$ 21,850.80	262	\$ 3.08	\$ 0.15	\$ 3.23	\$ 25,387.80

Transient Summer Daily (June 1 - September 30)									
Slip Size	Approved FY-2018				Slip Size	Proposed Changes Effective 3/20/18			
	Per Foot	M&I Fee Per Foot	Total Per Foot Fee	Total at Slip Size		Per Foot	M&I Fee Per Foot	Total Per Foot Fee	Total at Slip Size
50	\$ 1.74	\$ 0.02	\$ 1.76	\$ 88.00	50	\$ 1.85	\$ 0.02	\$ 1.87	\$ 93.50
60	\$ 1.74	\$ 0.02	\$ 1.76	\$ 105.60	60	\$ 1.85	\$ 0.02	\$ 1.87	\$ 112.20
80	\$ 1.89	\$ 0.02	\$ 1.91	\$ 152.80	80	\$ 2.00	\$ 0.02	\$ 2.02	\$ 161.60
100	\$ 1.96	\$ 0.02	\$ 1.98	\$ 198.00	100	\$ 2.08	\$ 0.02	\$ 2.10	\$ 210.00
110	\$ 1.96	\$ 0.02	\$ 1.98	\$ 217.80	110	\$ 2.08	\$ 0.02	\$ 2.10	\$ 231.00
120	\$ 2.08	\$ 0.04	\$ 2.12	\$ 254.40	120	\$ 2.28	\$ 0.05	\$ 2.33	\$ 279.60
130	\$ 2.08	\$ 0.04	\$ 2.12	\$ 275.60	130	\$ 2.28	\$ 0.05	\$ 2.33	\$ 302.90
150	\$ 2.14	\$ 0.04	\$ 2.18	\$ 327.00	150	\$ 2.35	\$ 0.05	\$ 2.40	\$ 360.00
160	\$ 2.14	\$ 0.04	\$ 2.18	\$ 348.80	160	\$ 2.35	\$ 0.05	\$ 2.40	\$ 384.00
172	\$ 2.15	\$ 0.04	\$ 2.19	\$ 376.68	172	\$ 2.36	\$ 0.05	\$ 2.41	\$ 414.52
262	\$ 2.16	\$ 0.10	\$ 2.26	\$ 592.12	262	\$ 2.50	\$ 0.12	\$ 2.62	\$ 686.44
Transient Summer Monthly (June 1 - September 30)									
Slip Size	Approved FY-2018				Slip Size	Proposed Changes Effective 3/20/18			
	Per Foot	M&I Fee Per Foot	Total Per Foot Fee	Total at Slip Size		Per Foot	M&I Fee Per Foot	Total Per Foot Fee	Total at Slip Size
50	\$ 1.45	\$ 0.01	\$ 1.46	\$ 2,190.00	50	\$ 1.56	\$ 0.02	\$ 1.58	\$ 2,370.00
60	\$ 1.45	\$ 0.01	\$ 1.46	\$ 2,628.00	60	\$ 1.56	\$ 0.02	\$ 1.58	\$ 2,844.00
80	\$ 1.47	\$ 0.01	\$ 1.48	\$ 3,552.00	80	\$ 1.58	\$ 0.02	\$ 1.60	\$ 3,840.00
100	\$ 1.54	\$ 0.01	\$ 1.55	\$ 4,650.00	100	\$ 1.66	\$ 0.02	\$ 1.68	\$ 5,040.00
110	\$ 1.54	\$ 0.01	\$ 1.55	\$ 5,115.00	110	\$ 1.69	\$ 0.02	\$ 1.71	\$ 5,643.00
120	\$ 1.63	\$ 0.03	\$ 1.66	\$ 5,976.00	120	\$ 1.79	\$ 0.04	\$ 1.83	\$ 6,588.00
130	\$ 1.63	\$ 0.03	\$ 1.66	\$ 6,474.00	130	\$ 1.79	\$ 0.04	\$ 1.83	\$ 7,137.00
150	\$ 1.67	\$ 0.03	\$ 1.70	\$ 7,650.00	150	\$ 1.83	\$ 0.04	\$ 1.87	\$ 8,415.00
160	\$ 1.67	\$ 0.03	\$ 1.70	\$ 8,160.00	160	\$ 1.83	\$ 0.04	\$ 1.87	\$ 8,976.00
172	\$ 1.68	\$ 0.03	\$ 1.71	\$ 8,823.60	172	\$ 1.84	\$ 0.04	\$ 1.88	\$ 9,700.80
262	\$ 1.70	\$ 0.09	\$ 1.79	\$ 14,069.40	262	\$ 1.97	\$ 0.10	\$ 2.07	\$ 16,270.20

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Consent - Other

Agenda Title

Request for Approval of Payment Under Town's Supplemental Life Insurance Program

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- ▣ **Memorandum dated March 9, 2018, from Danielle Olson, Director of Human Resources**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Request for Approval of Payment under Town's Supplemental Life Insurance Program

Date: March 9, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council approve a payment of \$37,500 from the Health Insurance Fund Contingency account to Mr. Kim Walkowich, as beneficiary of the Town's supplemental life insurance program.

GENERAL INFORMATION

As part of the benefit improvement suggested in the WMS study conducted in FY2005, staff proposed offering life insurance for all employees in the amount of \$100,000. Thankfully, it is a rare occurrence that an employee dies while still in service with the Town. Therefore it was decided by Town Council to self insure the program rather than purchase a fully insured package at an additional approximate cost of \$55,500 per year. This program is self-insured for the difference between the employee's salary and \$100,000 rather than paying on-going additional cost for purchased insurance.

On February 23, 2018, Ms. Lisa Walkowich, the Office Manager within the Recreation Department passed away. Lisa was a dedicated and valued member of our team who served the Town for over 28 years. She was also a past Employee of the Year.

The differential between Ms. Walkowich's salary and \$100,000 is \$30,000. We must withhold Federal Tax on this distribution in the amount of 20% and report it as income on a 1099R form. In keeping with past practice, and in order to insure that Mr. Walkowich receives the full \$100,000 that the Town Council intended, we will "gross up" the differential from \$30,000 to \$37,500 to cover the tax payment.

FUNDING/FISCAL IMPACT

The cost to the Town for the supplemental life insurance payment to Mr. Walkowich is \$37,500. Funding for the payment will come from the Health Insurance Fund Contingency Account.

DO/kw

cc: Beth Zickar, Director of Recreation
Jane Struder, Director of Finance

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Landmarks Preservation Commission.

Presenter

Edward Cooney, Chair

ATTACHMENTS:

- ▣ **Memorandum Dated March 8, 2018 From Paul Castro**
- ▣ **LPC Annual Report**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

To: Mayor and Town Council

From: Paul W. Castro, Interim Director of Planning, Zoning and Building

Re: Annual Report - Landmarks Preservation Commission

Date: March 6, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council hear the presentation of the Annual Report for 2017 by Edward Austin “Ted” Cooney, Chairman of the Landmarks Preservation Commission (LPC).

GENERAL INFORMATION

Attached is a summary of the activities of the Landmarks Preservation Commission for the past year. Edward Austin “Ted” Cooney, the Chairman of the Landmarks Preservation Commission, is prepared to address the Town Council with additional comments regarding the Commission’s activities, and to answer any questions.

Attachment

cc: Edward Cooney, Chairman, Landmarks Preservation Commission
Members, Landmark Preservation Commission
John Lindgren, AICP, Planning Administrator

Landmarks Preservation Commission - Annual Report 2017

The Commission held 11 regularly scheduled meetings in 2017 (one meeting was cancelled because of Hurricane Irma), and had an average attendance rate of 91% with a total of 10 absences for the year (3 excused, and 7 unexcused).

The Commission reviewed 50 Certificates of Appropriateness, including C.O.A.'s for the Breakers, the Everglades Club, the Four Arts Plaza, First National Bank, Brazilian Court, the Paramount Building, Mar-a-Lago, Royal Poinciana Plaza, and Bradley Park.

Nine (9) new properties were placed "under consideration" for landmarking by the Commission during 2017. The Commission was able to conduct ten new designation hearings prior to the end of the year. Seven properties at – 228 Seaspray Avenue, 132 Clarke Avenue, 210 Dunbar Road, 125 Australian Avenue, 142 Seaspray Avenue, 315 Seaspray Avenue, and 245 Dunbar Road – were landmarked according to the Town's program. Three properties – 218 Barton Avenue, 335 Seabreeze Avenue, and 222 Everglade Avenue – were reviewed by the Commission, and found not to meet the designation criteria for landmarking, and were therefore not forwarded to Town Council.

The Commission conducted nine (9) informal reviews of zoning applications for recommendation to the Town Council.

On behalf of the Commission, staff conducted 136 approvals of minor projects and revisions, which was a 21.4% increase from the previous year.

Staff conducted Member Orientation Meetings to review procedures and inform new members of ordinances, policies and procedural matters that they will encounter in future meetings.

Six (6) tax abatement projects were reviewed by the Commission during the year. Two (2) tax abatements were concluded, ratified by the Town Council and forwarded to Palm Beach County and the Tax Appraiser's office for implementation. These tax abatements were for The Breakers (1 South County Road) and the Everglades Club (350 Worth Avenue).

The Commission also actively worked on the following issues:

- 1) Participated in a discussion with Building Official Bill Bucklew who explained the new FEMA floodplain changes and requirements.
- 2) Participated in a discussion with the Town's historic preservation consultants (Murphy & Stillings) regarding tax abatements and the Secretary of the Interior Standards for preservation.
- 3) Continued with the completion of ethics training for new and older members as mandated by the Town and County.

Commissioners remain enthusiastic and engaged in their volunteer service to the Town, and look forward to the continued preservation of our heritage.

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda Committee Reports

Agenda Title
Report of the February 8, 2018 Ordinances, Rules and Standards Committee Meeting.

Presenter
Bobbie Lindsay, Chair

ATTACHMENTS:

- ▣ **Report of the ORS Committee Meeting of February 8, 2018**

**REPORT OF THE ORS COMMITTEE MEETING
HELD ON THURSDAY, FEBRUARY 8, 2018**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee (ORS) meeting was called to order on Thursday, February 8, 2018, at 9:30 a.m. in the Town Council Chambers. On roll call, all committee members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Araskog, and was seconded by Committee Member Lindsay, to approve the Agenda. On roll call, the motion passed unanimously.

III. COMMUNICATIONS FROM CITIZENS – None

IV. REGULAR AGENDA

A. Old Business

1. Amendment of Town Code, Relative to Special Events on Public Property
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided an overview of the marked up changes to Article VII, Chapter 106 of the Town Code regarding Special Events on Public Property which included the introduction of usage fees and a damage deposit in order to protect Town property from overuse and potential damages.

Discussion ensued regarding the purpose for usage fees and damage deposits, the Town's timeline for filing requirements, appropriate timeline for appealing a large-scale event application denial, the Town's ability to control the frequency of events on certain Town properties to prevent overuse, reserving the right to request additional insurance coverage, staying consistent with the Comprehensive Plan, and the Town's ability to place restrictions on resident vs. non-resident use of Town owned and operated facilities.

1 **It was the consensus of the ORS Committee to direct staff to**
2 **research other special event appeal procedures used by similar**
3 **municipalities and report back at the next ORS meeting.**

4
5 **It was the consensus of the ORS Committee to direct staff to review**
6 **the inclusion of language that would address limiting the frequency**
7 **of special events in public spaces and placing a restriction on**
8 **resident vs. non-resident use with the Town Attorney and report**
9 **back at the next ORS meeting with the Town Attorney present.**

10
11 B. New Business

12
13 1. Amendment of Town Code, Relative to Prohibition on Demolition
14 *Jay Boodheshwar, Deputy Town Manager*

15
16 Deputy Town Manager Boodheshwar provided an overview of
17 the proposed amendment to the Town Code at Section 18-112
18 regarding the prohibition on demolition. He stated that instead of
19 the prohibition starting on December 1, that the language will be
20 changed to the Monday prior to Thanksgiving of each year.

21
22 Chair Lindsay stated her agreement to the change as she had
23 spoken to a contractor in Town who was also in agreement as the
24 demolition noise should be consistent with the construction
25 schedule.

26
27 Discussion ensued regarding the demolition season vs. the
28 construction season and the benefits of keeping the time periods
29 for those projects consistent with one another.

30
31 Paul Castro, Zoning Administrator, cautioned the Committee on
32 placing further restrictions for demolition projects during the
33 month of March.

34
35 **Chair Lindsay requested a report on how many demolition permits have**
36 **been issued between March 1 and May 1 over the past few years.**

37
38 **It was the consensus of the ORS Committee to direct staff to prepare a**
39 **report on the demolition project trends and provide options to the Town**
40 **Council at the March meeting for discussion.**

V. ANY OTHER MATTERS - *None*

VI. ADJOURNMENT

There being no further business to discuss, the Ordinances, Rules and Standards Committee Meeting was adjourned at 10:03 a.m.

APPROVED:

Bobbie Lindsay
Chair

ATTEST:

Kathleen Dominguez
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda Committee Reports

Agenda Title
Report of the Administrative and Personnel Committee Meeting of March 15, 2018.

Presenter
Richard M. Kleid, Chair

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 32-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Properties Commonly Known as 1020 S. Ocean Boulevard and 100 Via Del Lago, in the Town of Palm Beach, Florida.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated March 2, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 32-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorization to Vacate and Abandon an Existing Public Utility Easement Located at 1020 S. Ocean Boulevard and 100 Via Del Lago
Resolution No. 32-2018

DATE: March 2, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 32-2018 authorizing the abandonment of an existing public utility easement located at 1020 S. Ocean Boulevard and 100 Via Del Lago. If Town Council approves the abandonment of the utility easement, said approval should be with the condition that the owner shall pay all fees related to implementing the vacating and abandonment, including but not limited to recording fees.

GENERAL INFORMATION

In accordance with the Town Code of Ordinances, Chapter 106, Article IV, the owner of the property has made application to abandon the public utility easement on 1020 S. Ocean Boulevard and 100 Via Del Lago. The easement to be abandoned is shown as Exhibit "A", Sketch and Legal Description of the proposed Resolution. An application fee of \$1,000 was received with the Application for Abandonment to cover direct costs and processing by the Town.

The applicant recently combined the parcels by a Unity of Title so that one (1) single family residence can be built. New public utility easements have been provided in place of the public utility easement to be abandoned. The new easements to be dedicated are shown as Exhibit "B", Sketch and Legal Description of the proposed Resolution. All existing utilities within portions of the easements proposed to be abandoned have provided conditional consent. The abandonment of the existing utility easement is being made to unencumber the newly formed single property.

All utilities have been contacted and have agreed to the abandonment as described.

Information packages were sent to the 23 neighboring property owners within 300 feet of the easement to be abandoned via certified mail on March 2, 2018. To date, no responses have been received from the neighboring property owners. The abandonment request was also advertised prior to this Town Council meeting as required by Town Code.

This is an abandonment of an existing utility easement and no property is being gained by owner, therefore, a privilege fee is not applicable.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

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
Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

RESOLUTION NO. 32-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING AN EXISTING PUBLIC UTILITY EASEMENT WITHIN THE PROPERTIES COMMONLY KNOWN AS 1020 S. OCEAN BOULEVARD AND 100 VIA DEL LAGO, IN THE TOWN OF PALM BEACH, FLORIDA.

* * * * *

WHEREAS, the owner of the land hereinafter described has recently combined by a Unity of Title 1020 S. Ocean Boulevard and 100 Via Del Lago so that one (1) single family residence can be built; and

WHEREAS, it is necessary to abandon the public utility easement between said properties to unencumber the newly formed combined property; and

WHEREAS, all utility providers using said easement have agreed to the abandonment of the existing public utility easement; and

WHEREAS, new public utility easements have provided in place of the public utility easement to be abandoned; and

WHEREAS, the Town Council of the Town of Palm Beach does hereby find and determine that the utility easement located on 1020 S. Ocean Boulevard and 100 Via Del Lago as described below is no longer necessary and does not serve any public purpose, nor is it necessary for public use; and

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

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

Section 2. That the easement described and illustrated on Exhibit "A", Sheets 1 through 4, Sketch and Legal Description for 1020 S. Ocean Boulevard and 100 Via Del Lago is hereby vacated and abandoned.

Section 3. That the easement described and illustrated on Exhibit "B", Sheets 1 through 3, Sketch and Legal Description for 1020 South Ocean, LLC is hereby dedicated.

Section 4. The Town Clerk is hereby authorized to advertise and record the resolution pursuant to law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 20th day of March, 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 33-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Existing Public Utility Easements Within the Nightingale Trail and La Puerta Way Utility Undergrounding Project Limits, in the Town of Palm Beach, Florida.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated February 20, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 33-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorization to Vacate and Abandon Existing Public Utility Easements Within the Nightingale Trail and La Puerta Way Utility Undergrounding Project Limits
Resolution No. 33-2018

DATE: February 20, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 33-2018 authorizing the vacating and abandonment of an existing public utility easement located within the Nightingale Trail and La Puerta Way Utility Undergrounding Project limits.

GENERAL INFORMATION

On July 12, 2016 Town Council awarded a construction contract and approved to proceed with the Underground Utility Assessment Project to convert overhead utility services to underground services for all properties on the south side of Nightingale Trail and the north side of La Puerta Way. The work included the undergrounding of Florida Power & Light (FPL), AT&T, and Comcast utilities. The utility conversion project is completed. The use of public right-of-way and new public utility easements have been provided in place of the public utility easement to be abandoned. All existing utilities within the easements proposed to be abandoned have been rerouted. The abandonment of the existing utility easements are being made to unencumber the individual properties.

In accordance with Town Code of Ordinances, Chapter 106, Article IV, staff has prepared an application to abandon the public utility easement affected by the utility conversion. The easement to be abandoned is shown as Exhibit A, Sketch and Legal Description of the proposed Resolution for each property. All utilities have been contacted and have agreed to the abandonment as described.

Information packages were sent to the 24 affected property owners and also the 73 neighboring property owners within 300 feet of the easement to be abandoned via certified mail on February 21, 2018. To date, no responses have been received from the neighboring property owners. The abandonment request was also advertised prior to this Town Council meeting as required by Town Code.

This is an abandonment of an existing utility easement and no property is being gained by the individual property owners. Therefore, a privilege fee is not applicable.

FUNDING/FISCAL IMPACT

Funding for the abandonment application processing and recording fees is contained within the Nightingale Trail and La Puerta Way Utility Undergrounding Project.

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
Patricia Strayer, P.E., Town Engineer
Jeffrey Sanon, P.E., Project Engineer
Craig Hauschild, P.E., Civil Engineer (PZB)

RESOLUTION NO. 33-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING EXISTING PUBLIC UTILITY EASEMENTS WITHIN THE NIGHTINGALE TRAIL AND LA PUERTA WAY UTILITY UNDERGROUNDING PROJECT LIMITS, IN THE TOWN OF PALM BEACH, FLORIDA.

* * * * *

WHEREAS, the Town of Palm Beach requests easement vacations and abandonments; and

WHEREAS, the Town of Palm Beach has agreed to pay all incidental costs associated with these vacations and abandonments; and

WHEREAS, all existing property owners have been notified of these vacations and abandonments; and

WHEREAS, all utility providers using said easement have agreed to the abandonment of the existing public utility easement; and

WHEREAS, the Town Council of the Town of Palm Beach does hereby find and determine that the utility easements listed below are no longer necessary and does not serve any public purpose, nor are they necessary for public use;

- | | |
|--|---------------------|
| 1. Lot 11 (171 El Pueblo Way) | Exhibit A |
| 2. Lot 8 (1161 North Ocean Way) | Exhibit B |
| 3. Lot 5 (1171 North Ocean Way) | Exhibit C |
| 4. Lot 12 (1160 North Ocean Boulevard) | Exhibit D |
| 5. Lot 3 (1178 North Ocean Boulevard) | Exhibit E |
| 6. Lot 49 (201 La Puerta Way) | Exhibit F |
| 7. Lot 48 (203 La Puerta Way) | Exhibit G |
| 8. Lot 47 (217 La Puerta Way) | Exhibit H |
| 9. Lot 46 (220 Nightingale Trail) | Exhibit I (2 Pages) |
| 10. Lot 45 (233 La Puerta Way) | Exhibit J |
| 11. Lot 44 (241 La Puerta Way) | Exhibit K |
| 12. Lot 43 (249 La Puerta Way) | Exhibit L |
| 13. Lot 42 (265 La Puerta Way) | Exhibit M |
| 14. Lot 41 (271 La Puerta Way) | Exhibit N |
| 15. Lot 40 (1178 North Lake Way) | Exhibit O |
| 16. Lot 52 (268 Nightingale Trail) | Exhibit P |
| 17. Lot 51 (260 Nightingale Trail) | Exhibit Q |
| 18. Lot 50 (250 Nightingale Trail) | Exhibit R |
| 19. Lot 49 (244 Nightingale Trail) | Exhibit S |
| 20. Lot 48 (238 Nightingale Trail) | Exhibit T |
| 21. Lot 47 (228 Nightingale Trail) | Exhibit U |
| 22. Lot 45 (212 Nightingale Trail) | Exhibit V |
| 23. Lot 44 (1186 North Ocean Way) | Exhibit W |

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

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

Section 2. That the public easements on the attached Exhibits are hereby vacated and abandoned.

Section 3. The Town Clerk is hereby authorized to advertise and record the Resolution pursuant to law.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES

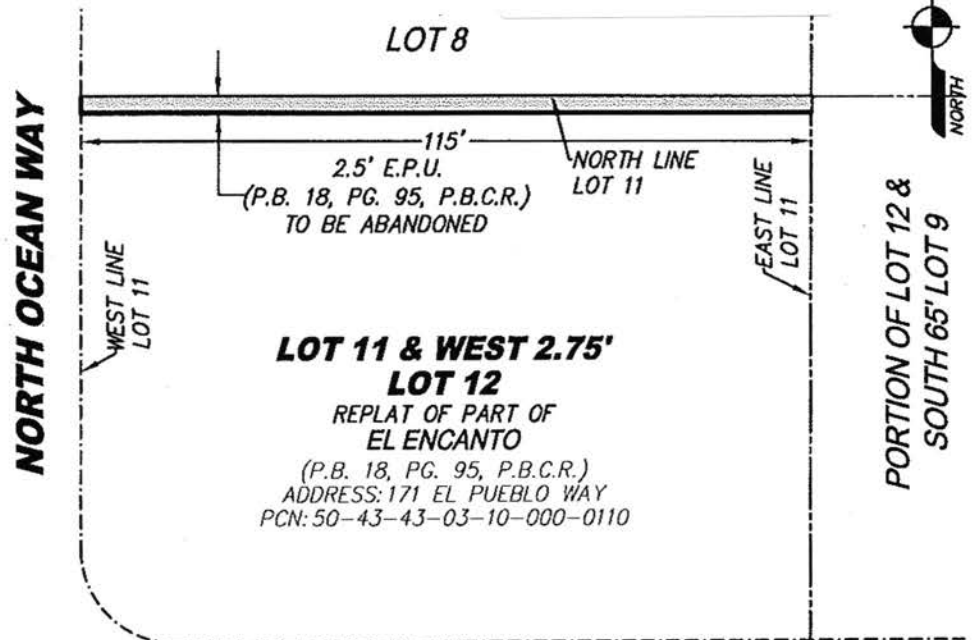
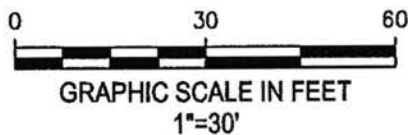
LOT 11, REPLAT OF PART OF EL ENCANTO
(P.B. 18, PG. 95, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT A

LAND DESCRIPTION:

The north 2.5 feet of Lot 11, REPLAT OF PART OF EL ENCANTO, according to the Plat thereof as recorded in Plat Book 18, Page 95, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 287 square feet, more or less.



SURVEYOR'S REPORT:

EL PUEBLO WAY

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/15/18

MICHAEL D. AVIOM, P.L.S.
Florida Registration No. 3268
AVIOM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

TCM Agenda Backup 3-20-18



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JOB #: 10194-19A

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSB

CHECKED: M.D.A.

F.B. — PG. —

SHEET: 1 OF 1

SKETCH AND DESCRIPTION
ABANDONMENT OF 2.5' EASEMENTS FOR PUBLIC UTILITIES

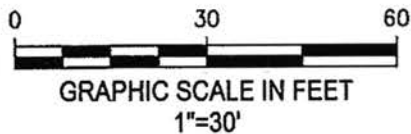
LOT 8, REPLAT OF PART OF EL ENCANTO
(P.B. 18, PG. 95, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT B

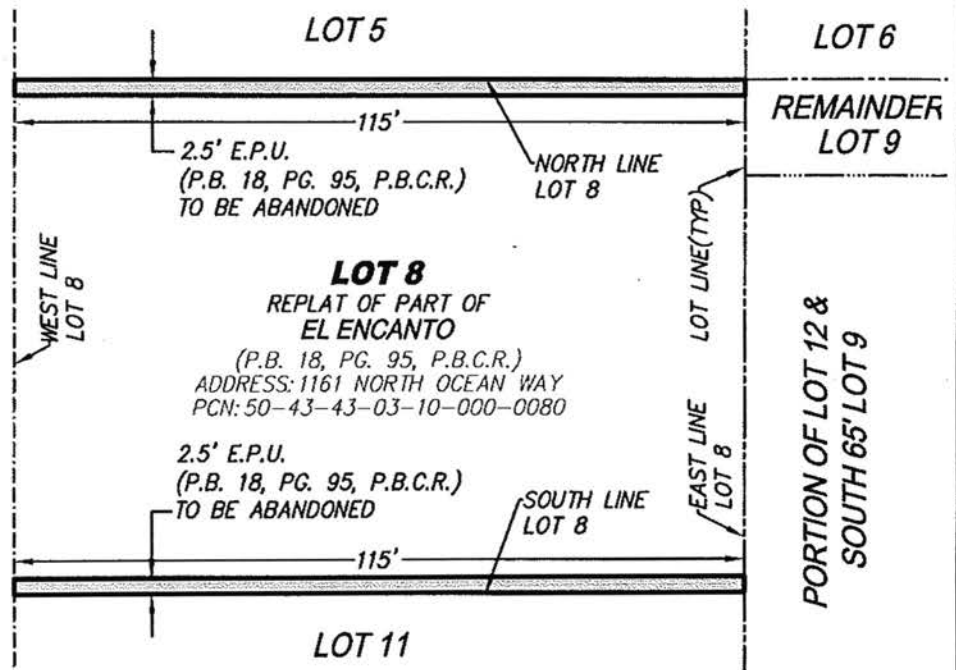
LAND DESCRIPTION:

The north 2.5 feet of Lot 8 together with the south 2.5 feet of said Lot 8, REPLAT OF PART OF EL ENCANTO, according to the Plat thereof as recorded in Plat Book 18, Page 95, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 575 square feet, more or less.



NORTH OCEAN WAY



SURVEYOR'S REPORT:

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3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

CERTIFICATION:

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Date: 2/15/18

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JOB #:	10194-19B
SCALE:	1" = 30'
DATE:	02/14/2018
BY:	KSB
CHECKED:	M.D.A.
F.B.	PG. --
SHEET:	192 OF 1

SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES

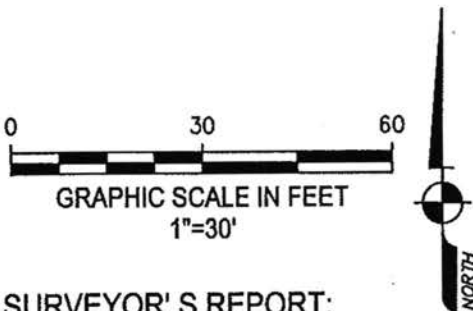
LOT 5, REPLAT OF PART OF EL ENCANTO
(P.B. 18, PG. 95, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT C

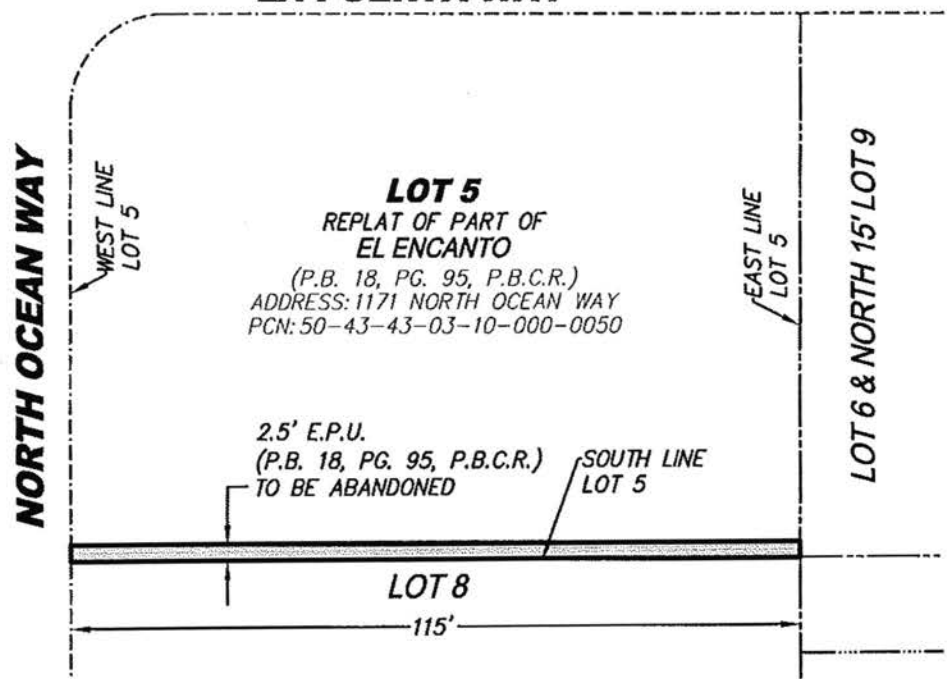
LAND DESCRIPTION:

The south 2.5 feet of Lot 5, REPLAT OF PART OF EL ENCANTO, according to the Plat thereof as recorded in Plat Book 18, Page 95, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 287 square feet, more or less.



LA PUERTA WAY



SURVEYOR'S REPORT:

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3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/15/18

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L.B. No. 3300

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JOB #: 10194-19C

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSB

CHECKED: M.D.A.

F.B. -- PG. --

SHEET: 13 OF 1

SKETCH AND DESCRIPTION
ABANDONMENT OF A 5' EASEMENT FOR PUBLIC UTILITIES

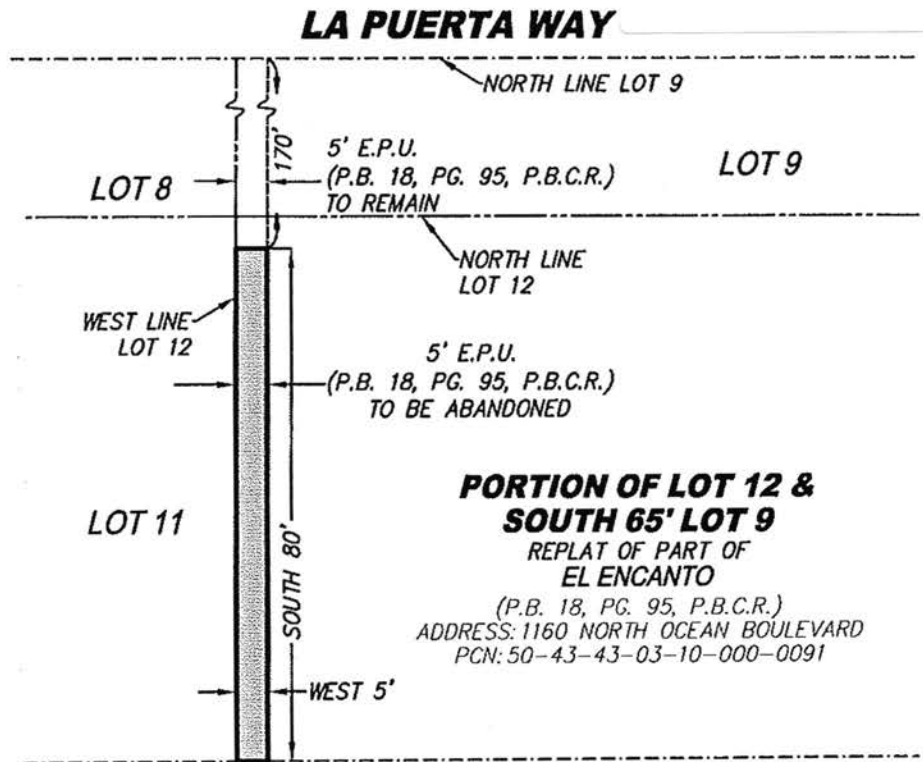
LOT 12, REPLAT OF PART OF EL ENCANTO
(P.B. 18, PG. 95, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT D

LAND DESCRIPTION:

The west 5 feet of the south 80 feet of Lot 12, REPLAT OF PART OF EL ENCANTO, according to the Plat thereof as recorded in Plat Book 18, Page 95, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 400 square feet, more or less.



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Date: 2/15/18



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JOB #:	10194-19E
SCALE:	1" = 30'
DATE:	02/14/2018
BY:	KSB
CHECKED:	M.D.A.
F.B.	PG.
SHEET:	14 OF 1

LOT 3, REPLAT OF PART OF EL ENCANTO
(P.B. 18, PG. 95, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

TCM Agenda Backup 3-20-18

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

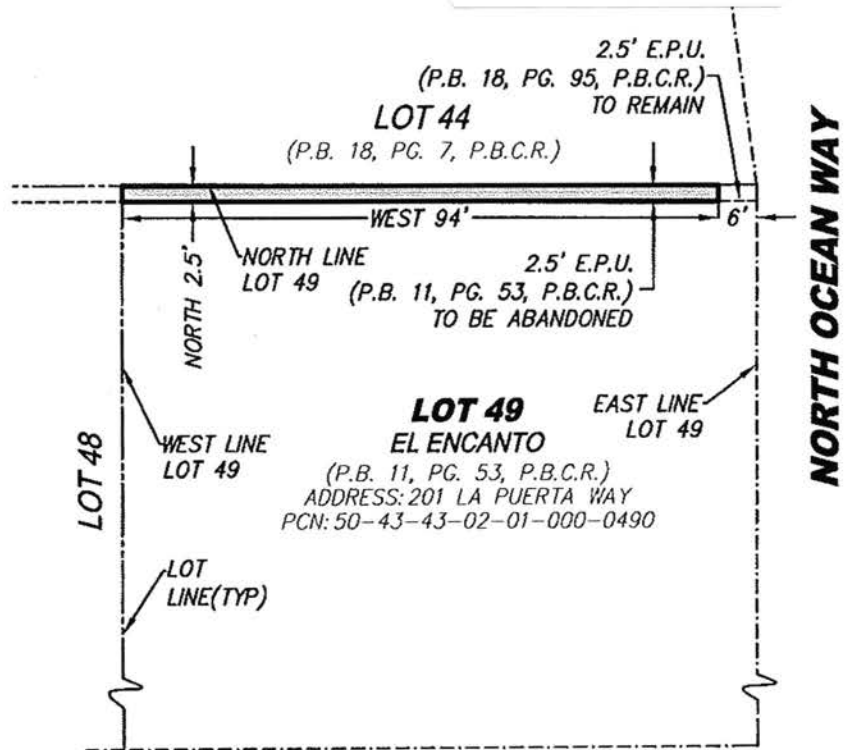
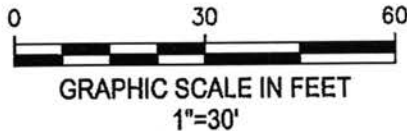
LOT 49, EL ENCANTO
(P.B. 11, PG. 53, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT F

LAND DESCRIPTION:

The north 2.5 feet of the west 94 feet of Lot 49, EL ENCANTO, according to the Plat thereof as recorded in Plat Book 11, Page 53, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 235 square feet, more or less.



LA PUERTA WAY

SURVEYOR'S REPORT:

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CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/15/18

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JOB #: 10194-19G

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSB

CHECKED: M.D.A.

F.B. -- PG. --

SHEET: 196 OF 1

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

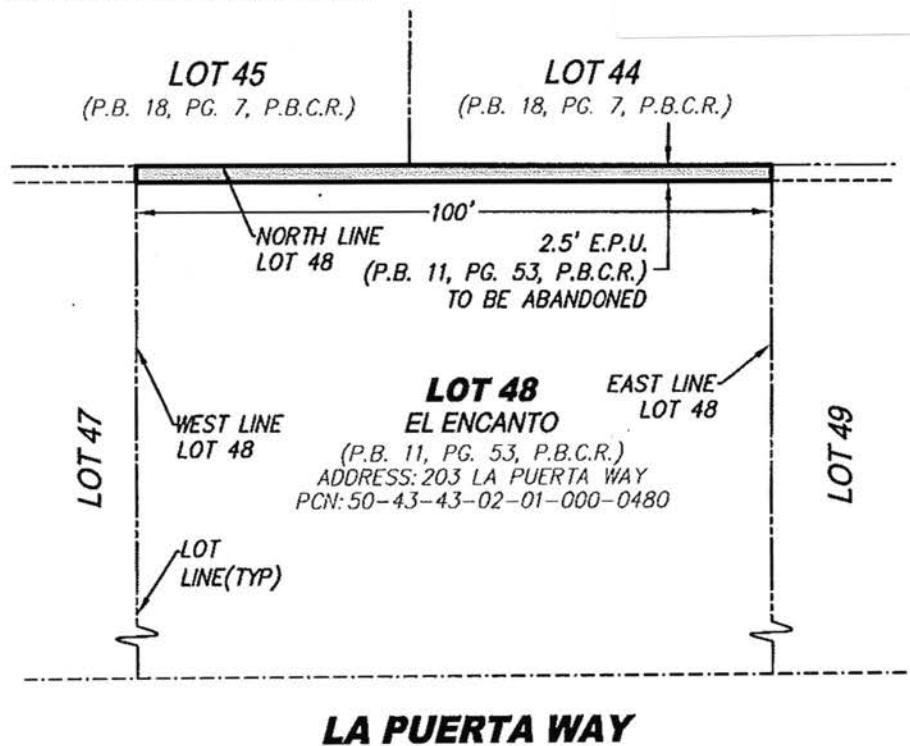
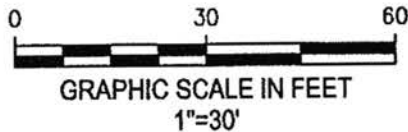
LOT 48, EL ENCANTO
(P.B. 11, PG. 53, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT G

LAND DESCRIPTION:

The north 2.5 feet of Lot 48, EL ENCANTO, according to the Plat thereof as recorded in Plat Book 11, Page 53, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



SURVEYOR'S REPORT:

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Date: 2/15/18

MICHAEL D. AVIOM, P.L.S.
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L.B. No. 3300

REVISIONS

TCM Agenda Backup 3-20-18



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JOB #:	10194-19H
SCALE:	1" = 30'
DATE:	02/14/2018
BY:	KSB
CHECKED:	M.D.A.
F.B. -- PG. --	
SHEET:	1 OF 1

SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES

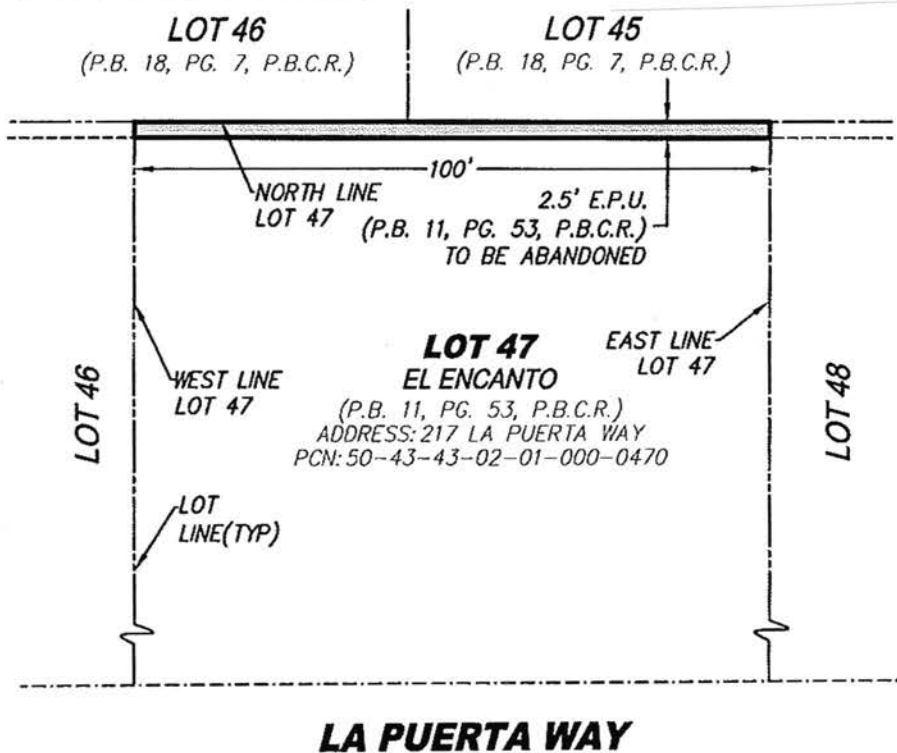
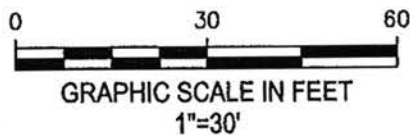
LOT 47, EL ENCANTO
(P.B. 11, PG. 53, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT H

LAND DESCRIPTION:

The north 2.5 feet of Lot 47, EL ENCANTO, according to the Plat thereof as recorded in Plat Book 11, Page 53, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



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Date: 2/15/18


MICHAEL D. AVIROM, P.L.S.

Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

TCM Agenda-Backup 3-20-18



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JOB #: **10194-191**

SCALE: **1" = 30'**

DATE: **02/14/2018**

BY: **KSB**

CHECKED: **M.D.A.**

F.B. — PG. —

SHEET: **18 OF 1**

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

LOT 46 AND A PORTION OF LOT 47, MOCKING BIRD TRAIL TRACT

(P.B. 18, PG. 7, P.B.C.R.)

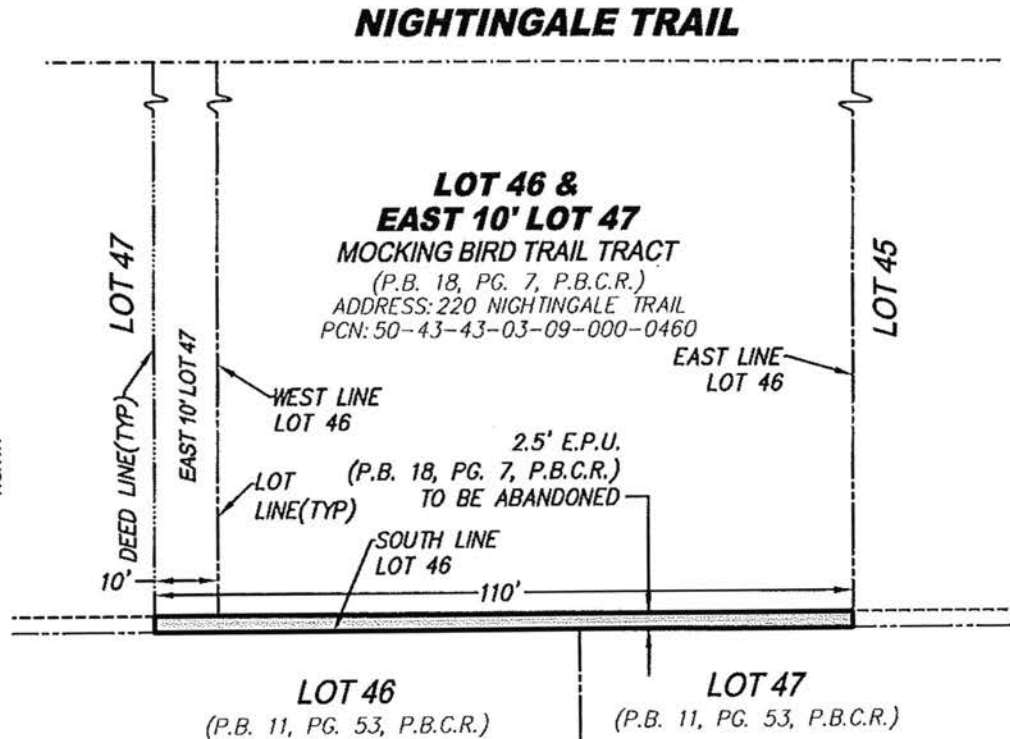
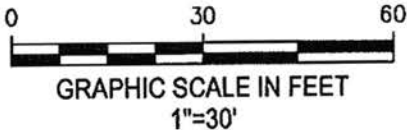
PALM BEACH COUNTY, FLORIDA

EXHIBIT I
Page 1 of 2

LAND DESCRIPTION:

The south 2.5 feet of Lot 46 together with the south 2.5 feet of the east 10 feet of Lot 47, MOCKING BIRD TRAIL TRACT, according to the Plat thereof as recorded in Plat Book 18, Page 7, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 275 square feet, more or less.



SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/15/18



MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

TCM Agenda Backup 3-20-18



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50 S.W. 2nd AVENUE, SUITE 102
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(561) 392-2594 / www.AVIROMSURVEY.com

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JOB #:	10194-19W
SCALE:	1" = 30'
DATE:	02/14/2018
BY:	KSB
CHECKED:	M.D.A.
F.B.	PG. -
SHEET:	19 OF 1

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

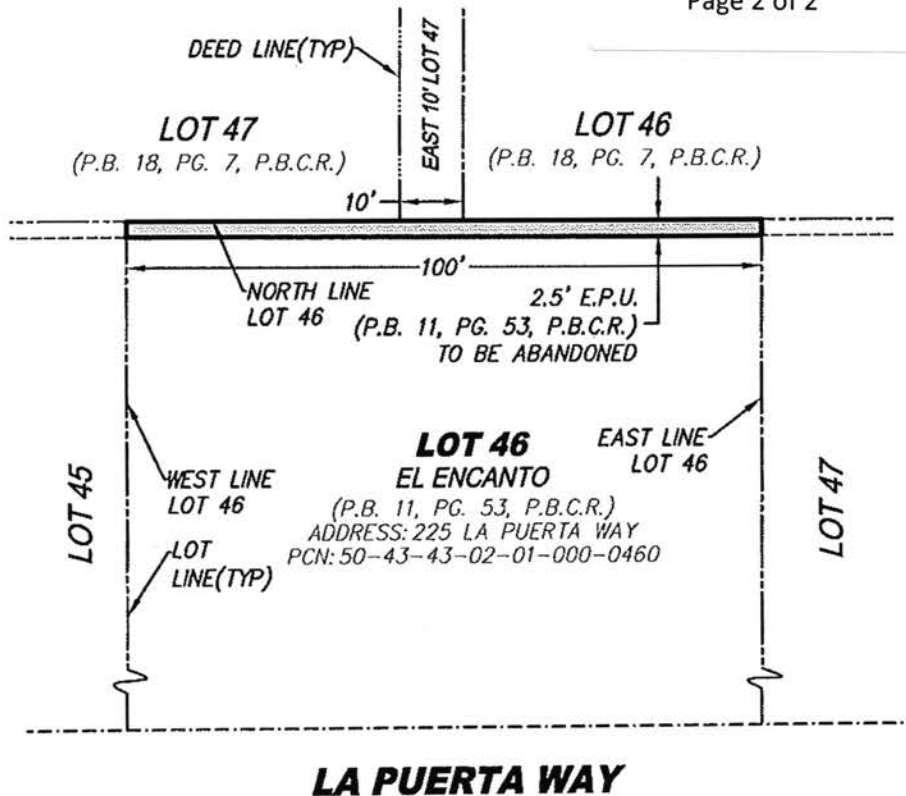
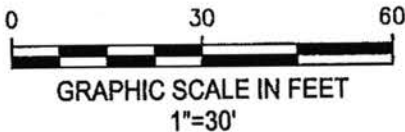
LOT 46, EL ENCANTO
(P.B. 11, PG. 53, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT I
Page 2 of 2

LAND DESCRIPTION:

The north 2.5 feet of Lot 46, EL ENCANTO, according to the Plat thereof as recorded in Plat Book 11, Page 53, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



SURVEYOR'S REPORT:

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3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/15/18

MICHAEL D. AVIOM, P.L.S.
Florida Registration No. 3268
AVIOM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

TCM Agenda Backup 3-20-18



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JOB #: 10194-19J

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSB

CHECKED: M.D.A.

F.B. -- PG. --

SHEET: 20 OF 1

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

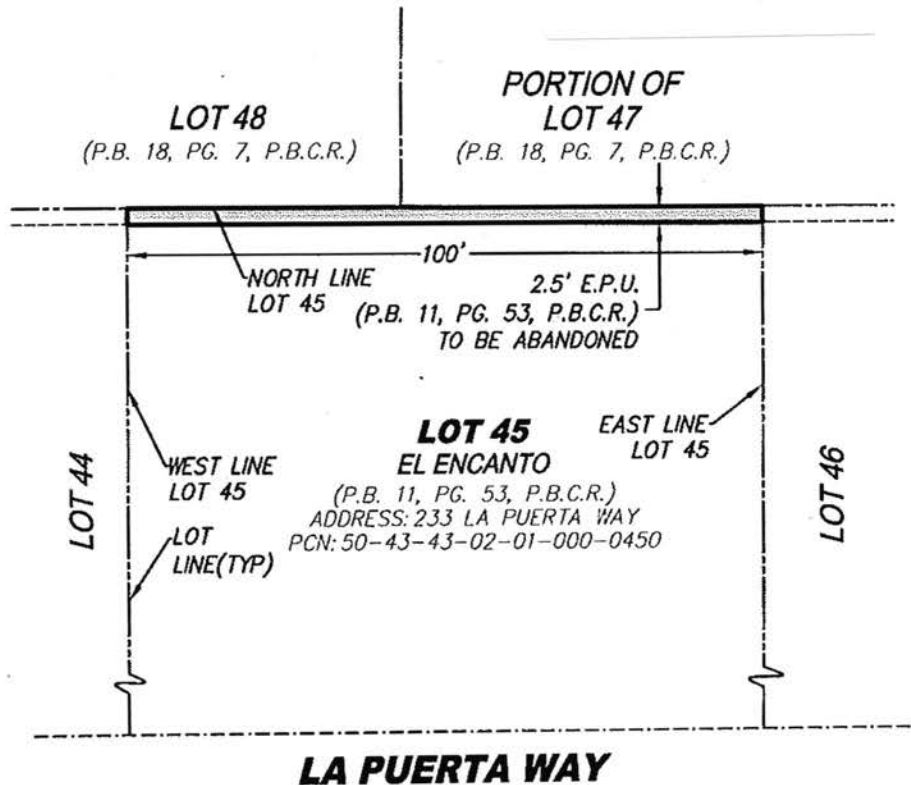
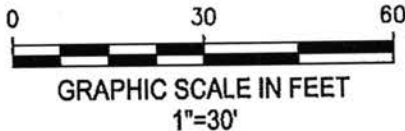
LOT 45, EL ENCANTO
(P.B. 11, PG. 53, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT J

LAND DESCRIPTION:

The north 2.5 feet of Lot 45, EL ENCANTO, according to the Plat thereof as recorded in Plat Book 11, Page 53, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



SURVEYOR'S REPORT:

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3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/15/18

MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

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JOB #:	10194-19K
SCALE:	1" = 30'
DATE:	02/14/2018
BY:	KSB
CHECKED:	M.D.A.
F.B. — PG. —	
SHEET:	201 OF 1

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

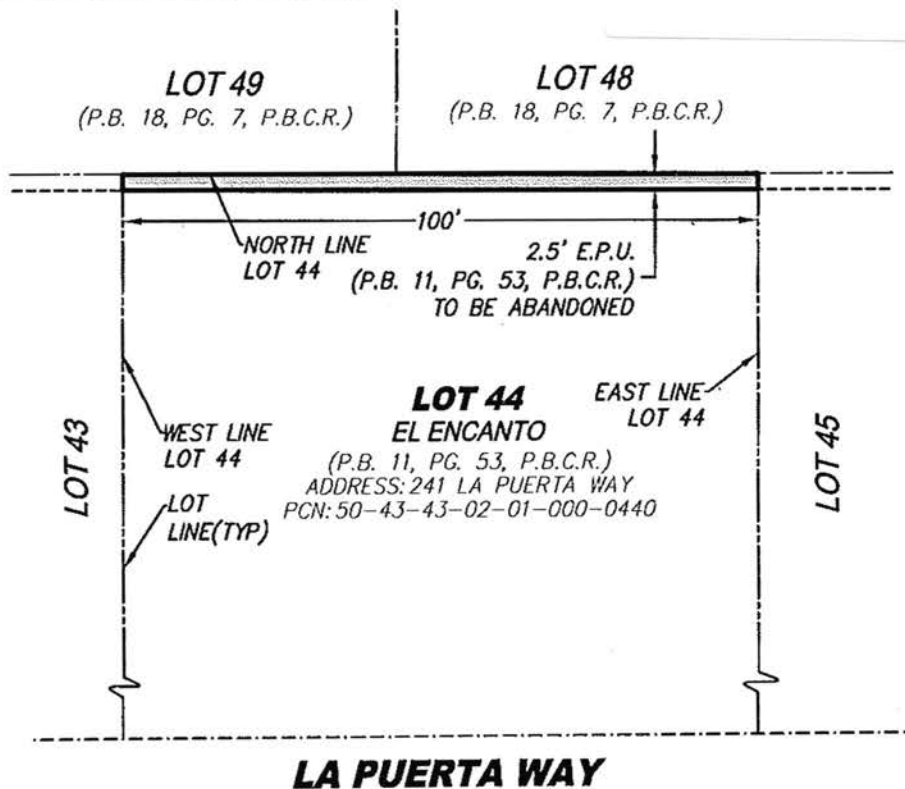
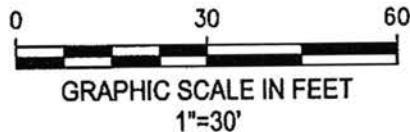
LOT 44, EL ENCANTO
(P.B. 11, PG. 53, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT K

LAND DESCRIPTION:

The north 2.5 feet of Lot 44, EL ENCANTO, according to the Plat thereof as recorded in Plat Book 11, Page 53, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



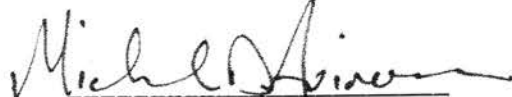
SURVEYOR'S REPORT:

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3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/15/18


MICHAEL D. AVIROM, P.L.S.

Florida Registration No. 3268
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JOB #: 10194-19L

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSB

CHECKED: M.D.A.

F.B. — PG. —

SHEET: 20 OF 1

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

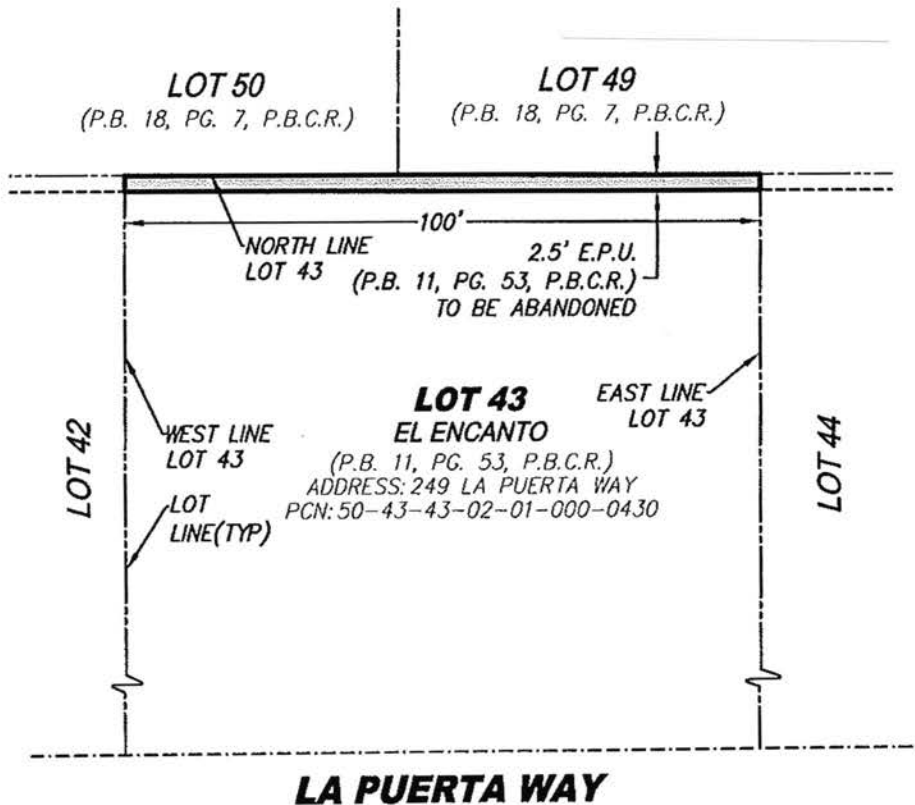
LOT 43, EL ENCANTO
(P.B. 11, PG. 53, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT L

LAND DESCRIPTION:

The north 2.5 feet of Lot 43, EL ENCANTO, according to the Plat thereof as recorded in Plat Book 11, Page 53, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



SURVEYOR'S REPORT:

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4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

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Date: 2/15/18



MICHAEL D. AVIOM, P.L.S.
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JOB #:	10194-19M
SCALE:	1" = 30'
DATE:	02/14/2018
BY:	KSB
CHECKED:	M.D.A.
F.B. — PG. —	
SHEET:	208 OF 1

LOT 42, EL ENCANTO
(P.B. 11, PG. 53, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

~~TCM Agenda Backup 3-20-18~~

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

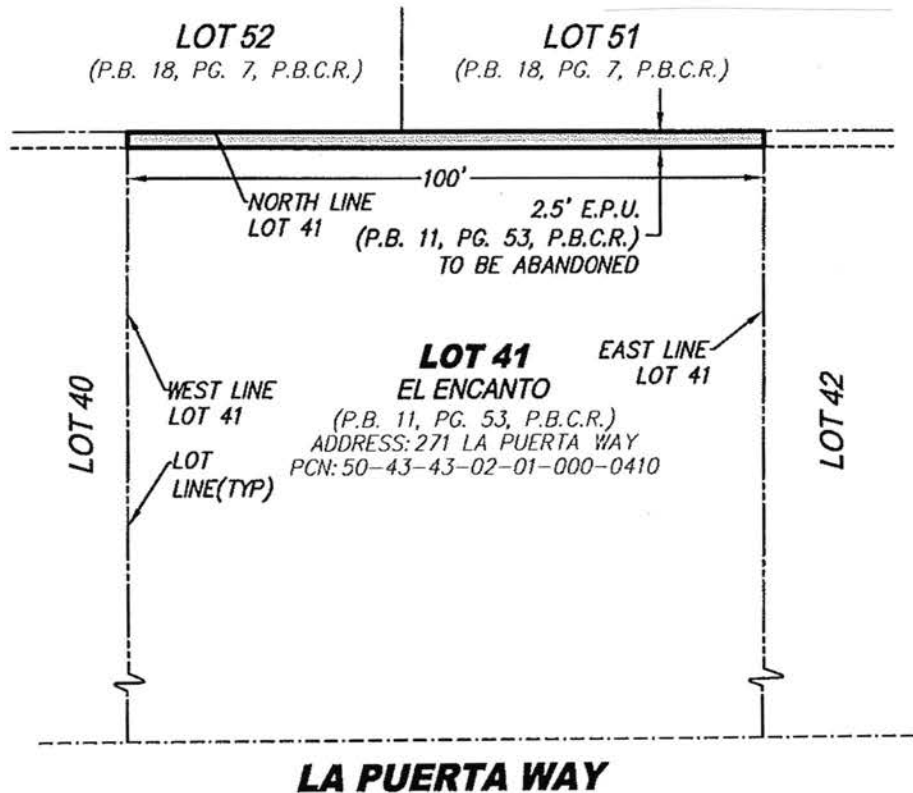
LOT 41, EL ENCANTO
(P.B. 11, PG. 53, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT N

LAND DESCRIPTION:

The north 2.5 feet of Lot 41, EL ENCANTO, according to the Plat thereof as recorded in Plat Book 11, Page 53, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



SURVEYOR'S REPORT:

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4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

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Date: 2/15/18

MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

TCM Agenda Backup 3-20-18



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JOB #: 10194-190

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSB

CHECKED: M.D.A.

F.B. -- PG. --

SHEET: 29 OF 1

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

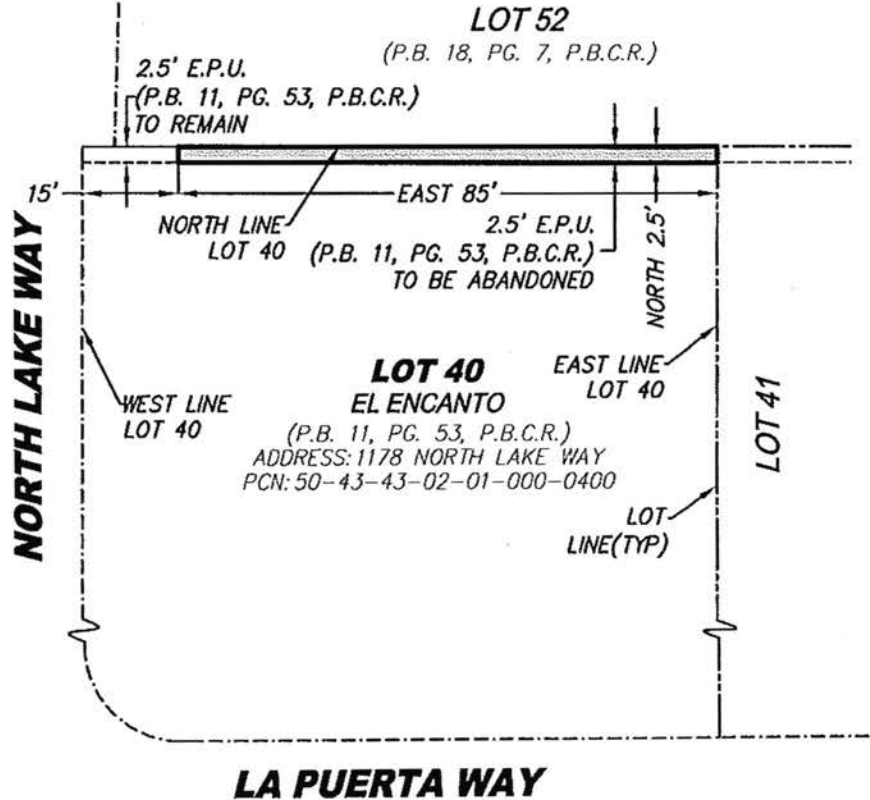
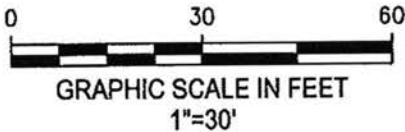
LOT 40, EL ENCANTO
(P.B. 11, PG. 53, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT O

LAND DESCRIPTION:

The north 2.5 feet of the east 85 feet of Lot 40, EL ENCANTO, according to the Plat thereof as recorded in Plat Book 11, Page 53, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 212 square feet, more or less.



SURVEYOR'S REPORT:

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3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

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Date: 2/15/18

MICHAEL D. AVIOM, P.L.S.
Florida Registration No. 3268
AVIOM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

TCM Agenda Backup 3-20-18



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JOB #:	10194-19P
SCALE:	1" = 30'
DATE:	02/14/2018
BY:	KSB
CHECKED:	M.D.A.
F.B.	PG.
SHEET:	206 OF 1

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

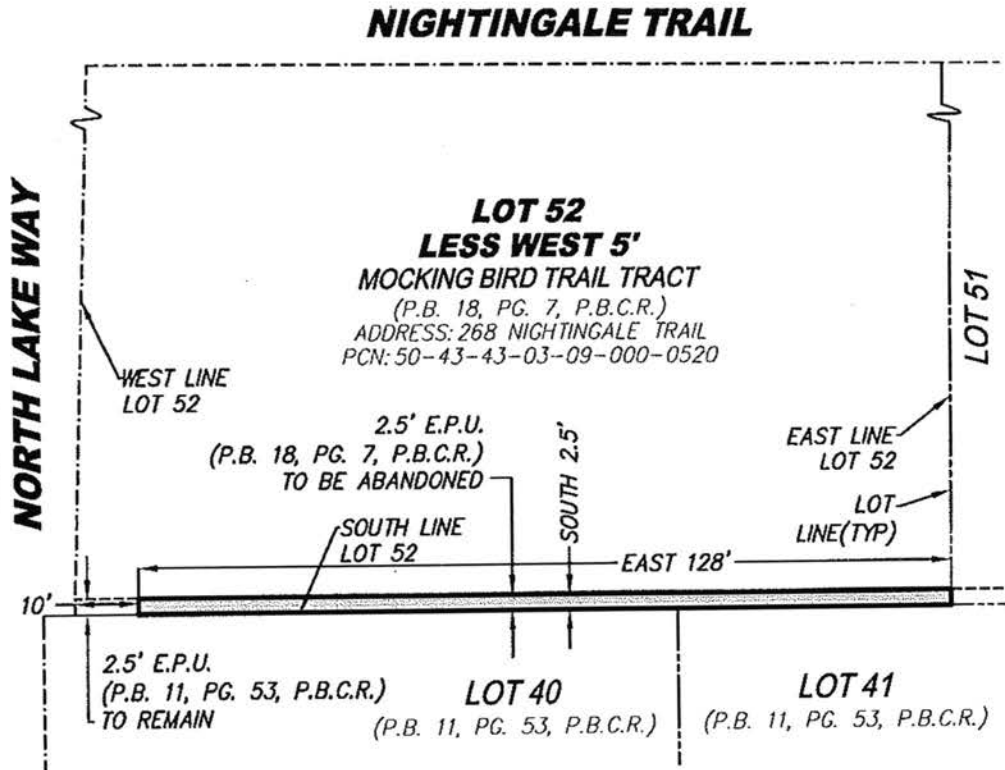
PORTION OF LOT 52, MOCKING BIRD TRAIL TRACT
(P.B. 18, PG. 7, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT P

LAND DESCRIPTION:

The south 2.5 feet of the east 128 feet of Lot 52, MOCKING BIRD TRAIL TRACT, according to the Plat thereof as recorded in Plat Book 18, Page 7, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 320 square feet, more or less.



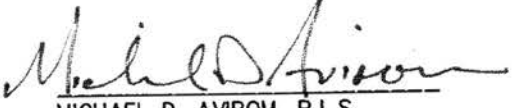
SURVEYOR'S REPORT:

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3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Parcel Control Numbers taken from the Palm Beach County Property Appraisers website.
6. Abbreviation Legend: E.P.U. = Easement for Public Utilities; P.B. = Plat Book; P.B.C.R. = Palm Beach County Records; PCN = Parcel Control Number; PG = Page; (TYP) = Typical.

CERTIFICATION:

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Date: 2/15/18


MICHAEL D. AVIOM, P.L.S.

Florida Registration No. 3268
AVIOM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

**AVIOM & ASSOCIATES, INC.
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JOB #: 10194-19Q

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSB

CHECKED: M.D.A.

F.B. — PG. —

SHEET: 2 OF 1

TCM Agenda Backup 3-20-18

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

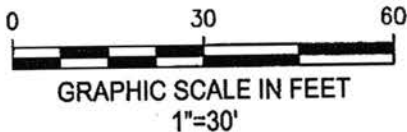
LOT 51, MOCKING BIRD TRAIL TRACT
(P.B. 18, PG. 7, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT Q

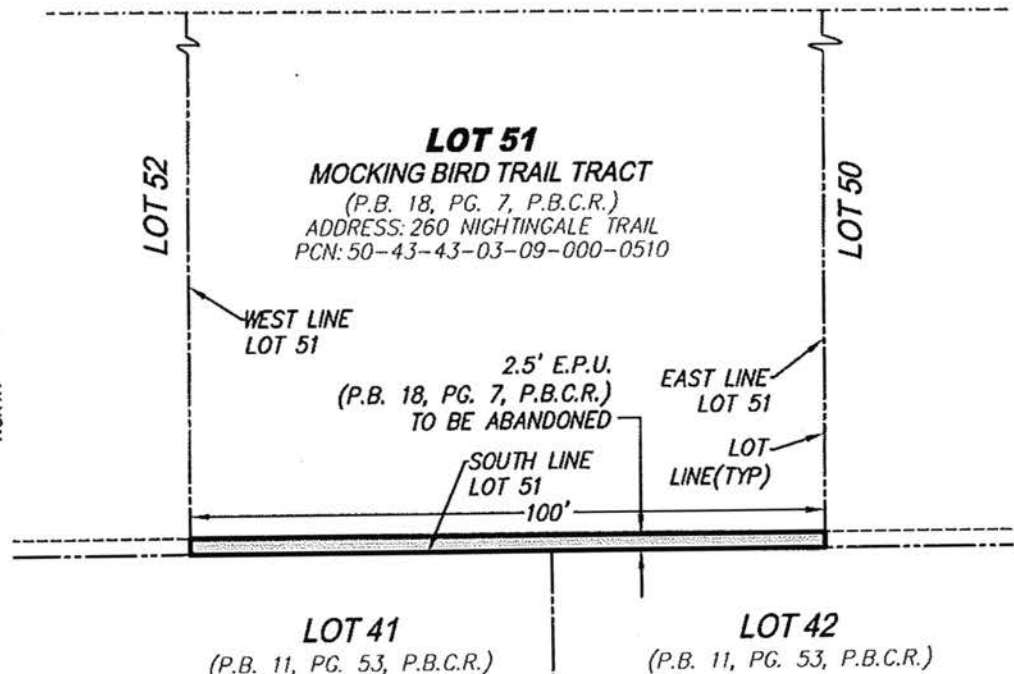
LAND DESCRIPTION:

The south 2.5 feet of Lot 51, MOCKING BIRD TRAIL TRACT, according to the Plat thereof as recorded in Plat Book 18, Page 7, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



NIGHTINGALE TRAIL



SURVEYOR'S REPORT:

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Date: 2/15/18



MICHAEL D. AVIOM, P.L.S.
Florida Registration No. 3268
AVIOM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS

**AVIOM & ASSOCIATES, INC.
SURVEYING & MAPPING**

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TCM Agenda Backup 3-20-18

JOB #: 10194-19R

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSB

CHECKED: M.D.A.

F.B. -- PG. --

SHEET: 20 OF 1

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

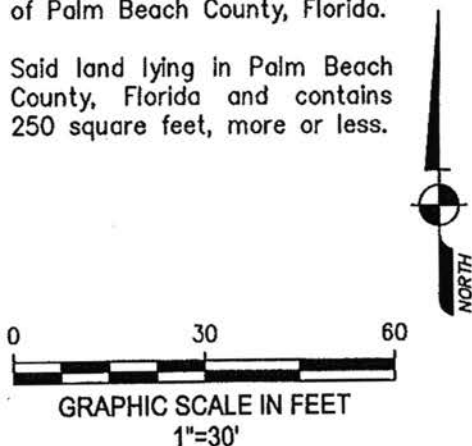
LOT 50, MOCKING BIRD TRAIL TRACT
(P.B. 18, PG. 7, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT R

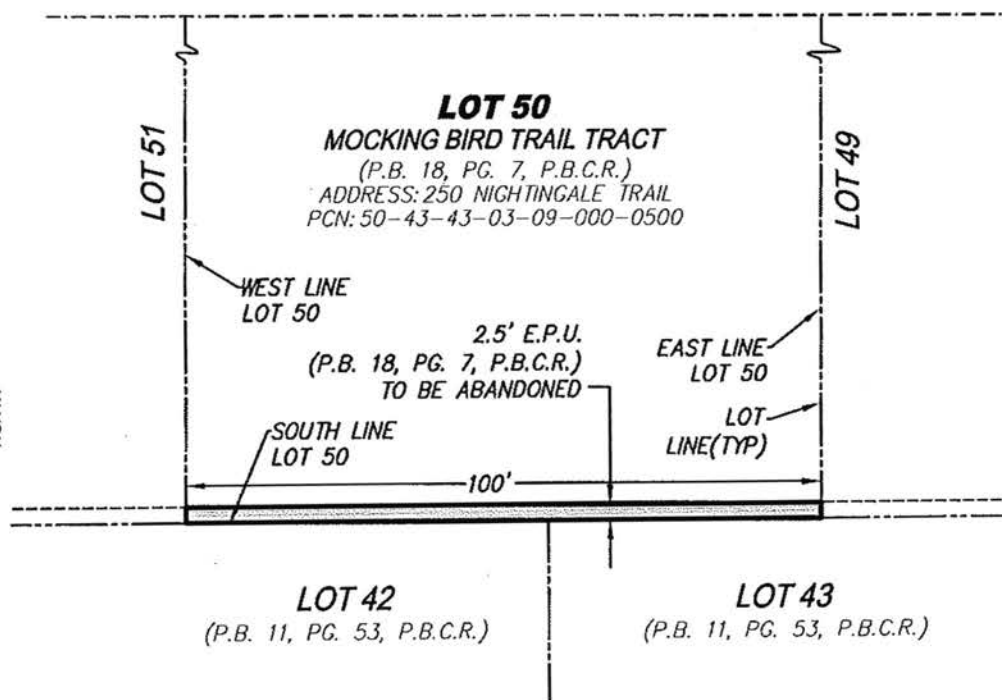
LAND DESCRIPTION:

The south 2.5 feet of Lot 50, MOCKING BIRD TRAIL TRACT, according to the Plat thereof as recorded in Plat Book 18, Page 7, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



NIGHTINGALE TRAIL



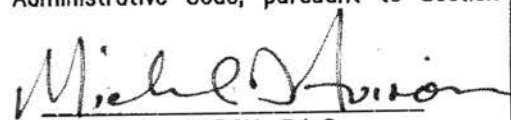
SURVEYOR'S REPORT:

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Date: 2/15/18



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REVISIONS

TCM Agenda-Backup 3-20-18



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JOB #: 10194-19S

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSB

CHECKED: M.D.A.

F.B. -- PG. --

SHEET: 29 OF 1

SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES

LOT 49, MOCKING BIRD TRAIL TRACT
(P.B. 18, PG. 7, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT S

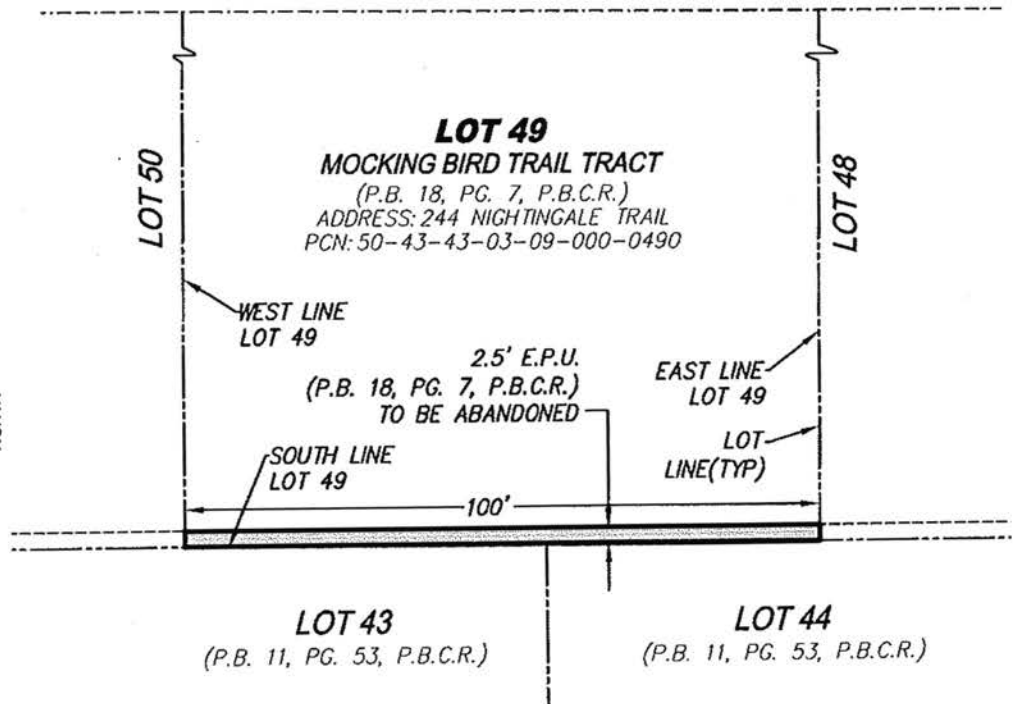
LAND DESCRIPTION:

The south 2.5 feet of Lot 49, MOCKING BIRD TRAIL TRACT, according to the Plat thereof as recorded in Plat Book 18, Page 7, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



NIGHTINGALE TRAIL



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Date: 2/15/18



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TCM Agenda Backup 3-20-18



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JOB #:	10194-19T
SCALE:	1" = 30'
DATE:	02/14/2018
BY:	KSB
CHECKED:	M.D.A.
F.B. — PG. —	
SHEET:	21 OF 1

**SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES**

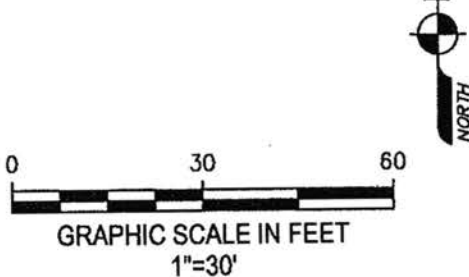
LOT 48, MOCKING BIRD TRAIL TRACT
(P.B. 18, PG. 7, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT T

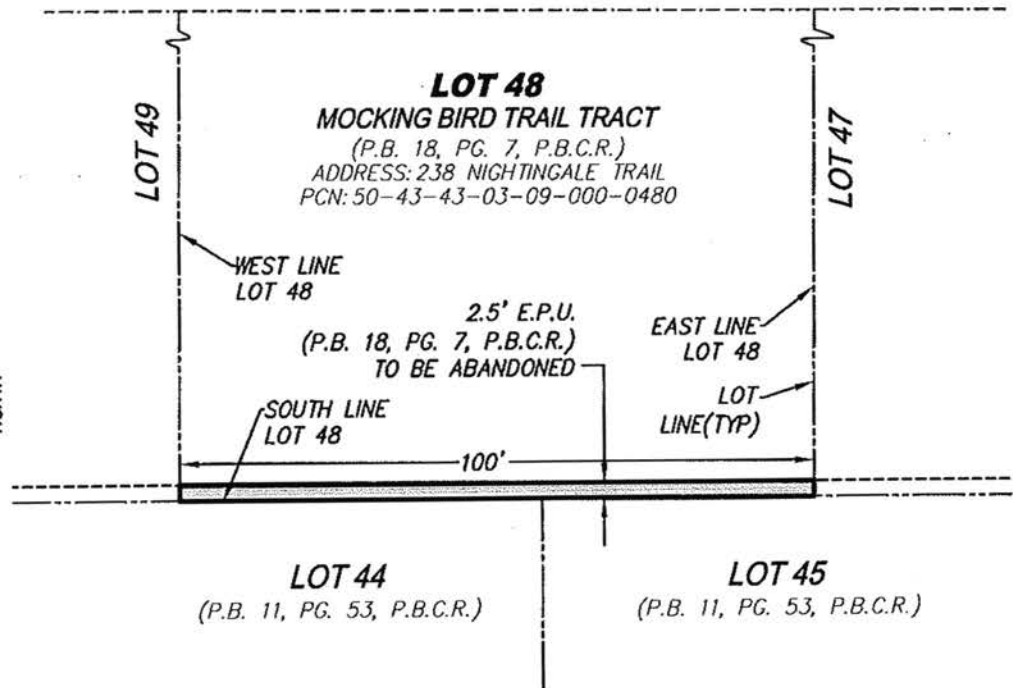
LAND DESCRIPTION:

The south 2.5 feet of Lot 48, MOCKING BIRD TRAIL TRACT, according to the Plat thereof as recorded in Plat Book 18, Page 7, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 250 square feet, more or less.



NIGHTINGALE TRAIL



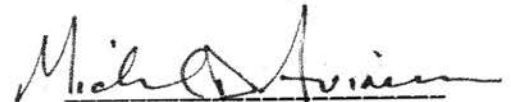
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Date: 2/15/18



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TCM Agenda-Backup 3-20-18



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JOB #:	10194-19U
SCALE:	1" = 30'
DATE:	02/14/2018
BY:	KSB
CHECKED:	M.D.A.
F.B.	PG. --
SHEET:	21 OF 1

SKETCH AND DESCRIPTION
ABANDONMENT OF A 2.5' EASEMENT FOR PUBLIC UTILITIES

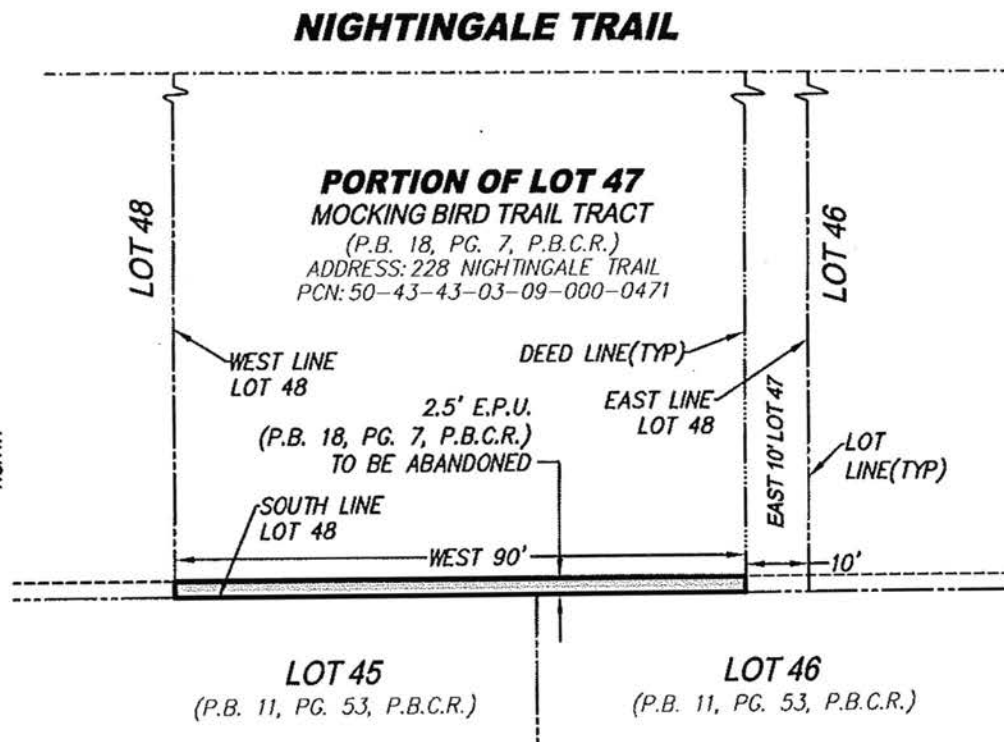
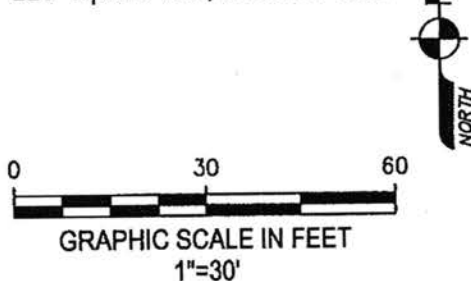
PORTION OF LOT 47, MOCKING BIRD TRAIL TRACT
(P.B. 18, PG. 7, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

EXHIBIT U

LAND DESCRIPTION:

The south 2.5 feet of the west 90 feet of Lot 47, MOCKING BIRD TRAIL TRACT, according to the Plat thereof as recorded in Plat Book 18, Page 7, of the Public Records of Palm Beach County, Florida.

Said land lying in Palm Beach County, Florida and contains 225 square feet, more or less.



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Date: 2/15/18

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TCM Agenda Backup 3-20-18



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JOB #: 10194-19V

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSB

CHECKED: M.D.A.

F.B. — PG. —

SHEET: 21 OF 1

LOT 45, MOCKING BIRD TRAIL TRACT
(P.B. 18, PG. 7, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

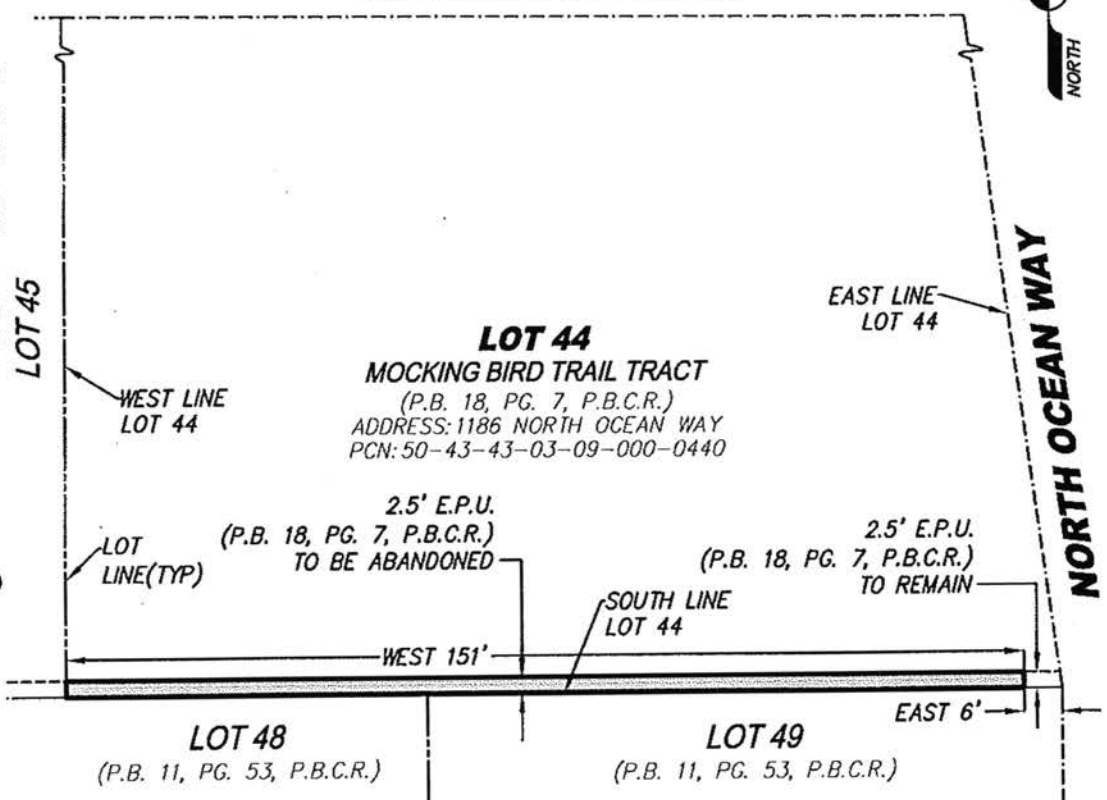
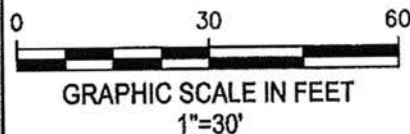
TCM Agenda Backup 3-20-18

LOT 44, MOCKING BIRD TRAIL TRACT
(P.B. 18, PG. 7, P.B.C.R.)
PALM BEACH COUNTY, FLORIDA

NIGHTINGALE TRAIL

The south 2.5 feet of the west 151 feet of Lot 45, MOCKING BIRD TRAIL TRACT, according to the Plat thereof as recorded in Plat Book 18, Page 7, of the Public Records of Palm Beach County, Florida.

Sold land lying in Palm Beach County, Florida and contains 378 square feet, more or less.



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2 / 15 / 1e

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JOB #: 10194-19Y

SCALE: 1" = 30'

DATE: 02/14/2018

BY: KSI

CHECKED: M.D.A.

F.B. — PG. —

SHEET: 214 OF 1

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project:

Steven N. Stern, Underground Utilities Project Manager

- a. Review of Project & Dashboard, Summary of Project Status.
- b. RESOLUTION NO. 34-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$1,278,500 for Phase 4 Engineering Design Services of the Town-wide Undergrounding of Utilities Program.
- c. RESOLUTION NO. 35-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for AT&T and Comcast Related Improvements for the Town-wide Utility Undergrounding Phase 1 North to Burkhardt Construction, Inc., in an Amount of \$371,200.88.
- d. RESOLUTION NO. 36-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for AT&T and Comcast Related Improvements for the Town-wide Utility Undergrounding Phase 1 South to Whiting-Turner, Inc., in an Amount of \$111,824.

Presenter

ATTACHMENTS:

- ❑ **Project Summary and Dashboard**
- ❑ **Resolution No. 34-2018**
- ❑ **Resolution No. 35-2018**

▯ **Resolution No. 36-2018**

TOWN OF PALM BEACH

Information for Town Council on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Steven Stern, Project Manager

RE: Project Status Update

DATE: March 12, 2018

1. Communications

Outreach:

- o Friday March 2nd: Cup of Joe with Bo – P1 South
- o Monday March 5th: Coffee with the Crew – P1 North

2. Progress Report & Dashboard Enhancements:

a. Financial Report

The Underground Utilities Financial Report has been enhanced based on UUTF and TC requests:

- Added pages describing summary data for Phase 3, 4 and 5.
- Included additional Easement Expense Acquisition details beginning with Phase 2.
- Added Kimley Horn Opinion of Project Costs for each phase of the project.
- Updated related costs outside of the undergrounding budget inclusive of legal expense.

b. Schedule vs. Budget - % Complete

For our report on phase design progress, we identified and reconciled a gap between % Complete of Schedule vs. % Complete of Budget in the report and dashboard. The gap was caused by the completion of activities by utility owners listed in the schedule but had no connection to the Kimley-Horn design budget.

To improve the presentation and reduce confusion Kimley Horn reorganized their Design Gantt chart to separate utility owner tasks from Kimley Horn tasks. This provide a more accurate representation of design schedule with respect to budget.

The revised schedule and progress report are now available and included within this month's dashboard and progress update.

c. Dashboard Enhancements

With the undergrounding of utility program progressing, the dashboard requires enhancement to include additional project phases and major tasks. The below milestones which are either pending presentation to the Town Council (Phase 4 Design) or recently approved for funding will be added to the dashboard for reporting and tracking.

- o Phase 2 Construction
- o Phase 3 Design
- o Phase 4 Design
- o Phase 3, 4 and 5 Easement Acquisition

3. Additional FPL Credits

On Jan 9th the Florida Public Service Commission provided contingent approval for the FPL's tariff amendments allowing additional (Cost in aid of construction) CIAC credits for conversion of existing non-hardened overhead feeder facilities to underground feeder facilities. These rates became effective upon the Florida PSC's formal order which cleared the way for FPL to finalize tariff changes with the effective date being February 13, 2018. These additional credits are expected to apply for all phases of the Townwide program and the Nightingale-LaPuerta undergrounding project since at the time of our request, these initiatives were not yet completed. Staff has requested FPL provide their estimate of the additional savings the Town should realize as a result of the Tariff approval and filing.

4. ATT Status

Over the past months we have discussed that an AT&T Special Construction Agreement is necessary to complete conversion of the existing OH to an underground system.

Last December, at the recommendation of the UUTF, staff presented ATT's offer to the TC who provided guidance that Staff engage attorney Peter Brandt and Schef Wright. Peter deferred to Schef who is the Town's council representing our interests with the FL PSC.

Over the past 2 months, Staff have worked diligently with Schef to review ATT's proposal and strategize how to:

- Further drive down the currently proposed incremental project costs for ATT fiber service deployment.
- Expedite conversion of ATT copper customers to fiber to ensure the timely decommission and removal of existing overhead infrastructure.

In February, Town Staff met with ATT and were successful to negotiate improvement to the service provider's previous offer with respect to additional cost reduction and their marketing plan.

We discussed the latest ATT offer with the Town Manager who instructed Staff to:

- Reengage Schef Wright for direct negotiations with ATT to further improve ATT's offer w/r/t additional reduced cost of construction to the Town.

To keep the project on schedule, while we continue to negotiate w/ ATT, the Town Manager instructed Staff to:

- Move forward with change orders to install communication service provider conduits and related equipment for phase 1.
- Engage ATT to design fiber for phase 2.



Town Of Palm Beach Utility Undergrounding Program

Report: February 2018

Updates

Combined efforts of FPL & Design Team have made up lost time from Hurricane Irma.

Status Legend

Green (1) - On Task
Yellow (2) - Caution
Red (3) - Not On Task

Design

Phase I Design	Budget	1	99.3%	100%
	Schedule	1	100.0%	100%
Phase II Design	Budget	1	41.4%	100%
	Schedule	1	47.0%	100%

Construction

Phase I North Construction	Budget	1	30.6%	100%
	Schedule	1	36.0%	100%
Phase I South Construction	Budget	1	54.3%	100%
	Schedule	1	35.0%	100%

Easement Acquisition

Phase I Easements	1	100.0%
Phase II Easements	1	0.0%

Communications

Communications	Budget	1	34.7%	100%
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Saves And Raves

We have eliminated one transformer from Phase 1 South.

1	1
100%	100%
8.5%	18.4%
Overall Budget	Overall Design



Underground Utility Task Force Monthly Progress Report February 2018

Table of Contents

Dashboard – Phase 1 Construction and Phase 2 Design

1. Kimley-Horn Progress Report Phase 1
2. Kimley Horn Progress Report Phase 2
3. Master Plan Gantt Chart
4. Phase 1 Design Gantt Chart
5. Phase 2 Design Gantt Chart
6. Phase 1 North Construction Schedule
7. Burkhardt Executive Project Summaries
8. Phase 1 South Construction Schedule
9. Whiting Turner Executive Summary
10. Project Financial Report
11. Interest Rate Forecast as of Feb 22, 2018

The following reports will be provided when applicable in future reporting:

- tbd

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of \$98.6 million.

Prepared by the Finance Department & TMO
March 1, 2018

Town-Wide Undergrounding Master Planning and Phase 1 Design Project
KHA Project #044063188
February Progress Report
Period: January 25, 2017 to February 24, 2018

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Master Planning is 99% complete
 - North End Design is 100% complete
 - South End Design is 100% complete
- Budget: Project is on budget as of February 15, 2018
 - Master Planning is at 99% of total task budget
 - North End Design is at 100% of total task budget
 - South End Design at 100% of total task budget
- Easement Status
 - Phase 1: 100% of easements approved

B. Master Planning Phase

- Continued coordination with AT&T regarding overall program cost reduction.

C. Detailed Design Phase

- FDOT Landscape Permit Application MMOA services completed with passage of Resolution.
- ERP Permit received and complete.

II. Upcoming Activities (February 25, 2018 – March 24, 2018)

A. Master Planning Phase

- Complete. Provide copies to Town for the record

B. Detailed Design Phase

- Complete



Town-Wide Undergrounding - Phase 2 Design

KHA Project #044063202

February 2018 Progress Report

Period: January 26 to February 25, 2018

I. Scope Update

A. General

- **Schedule:** Project schedule progress is shown below.
 - Phase 2 North Design is 51% complete
 - Phase 2 South Design is 43% complete
- **Budget:** Project is on budget as of February 15, 2017
 - Phase 2 North Design is at 37% of total task budget
 - Phase 2 South Design at 36% of total task budget
- **Easement Status**
 - Phase 2 North: 3% of easements approved
 - Phase 2 South: N/A, will provide status once this commences.

B. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design
- Continued field review of proposed equipment locations with photographs to determine existing field constraints
- Review of soft dig information received from subconsultant
- Preparation of Equipment Location Plans to illustrate service lines, equipment and easement locations. Submittal of Phase 2 North Equipment Location Plans to Town
- Coordination with FPL for significant concept design revision requests
- Coordination with Mock-Roos for equipment locations in Phase 2 South. Review of concept equipment locations provided by FPL for Phase 2 South.
- Commenced resident meetings for easement acquisition in phase 2 North.
- Submitted Phase 2 North equipment location plan to AT&T and Comcast to begin their design.

II. Upcoming Activities (February 26, 2018 – March 25, 2018)

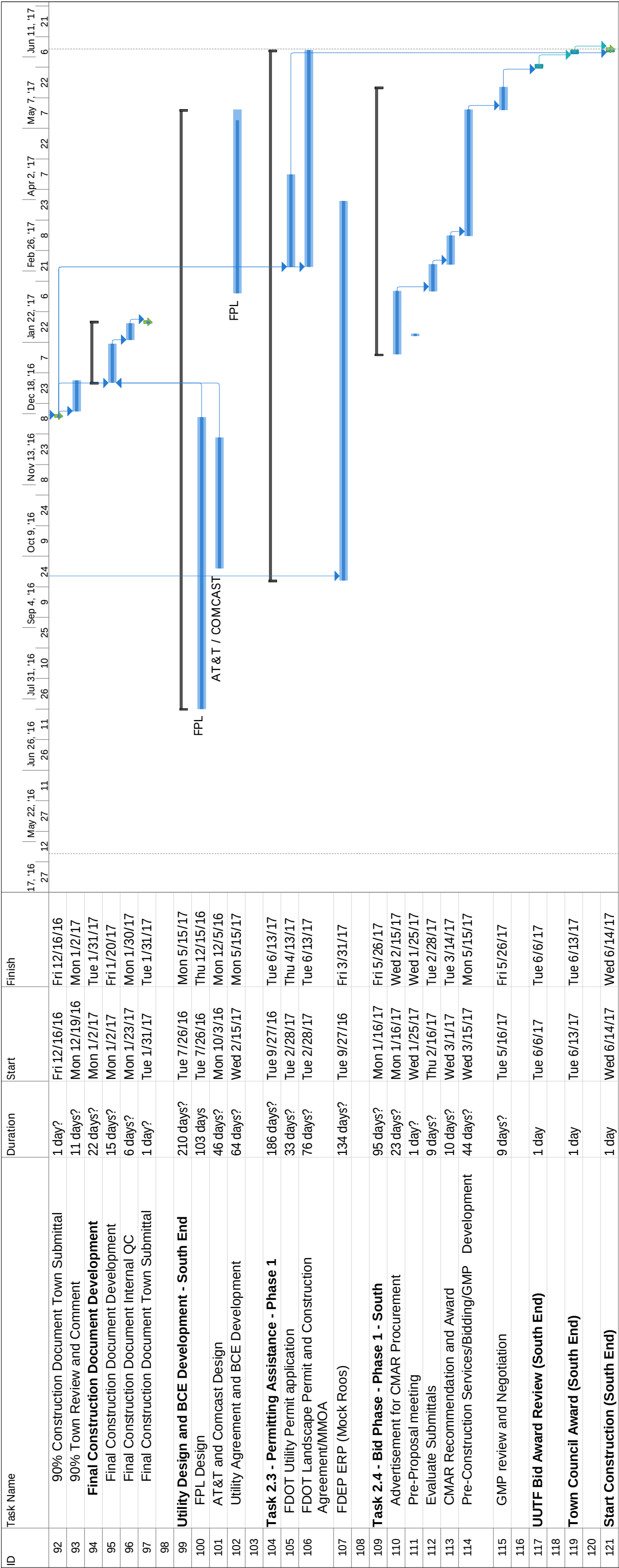
A. Detailed Design Phase

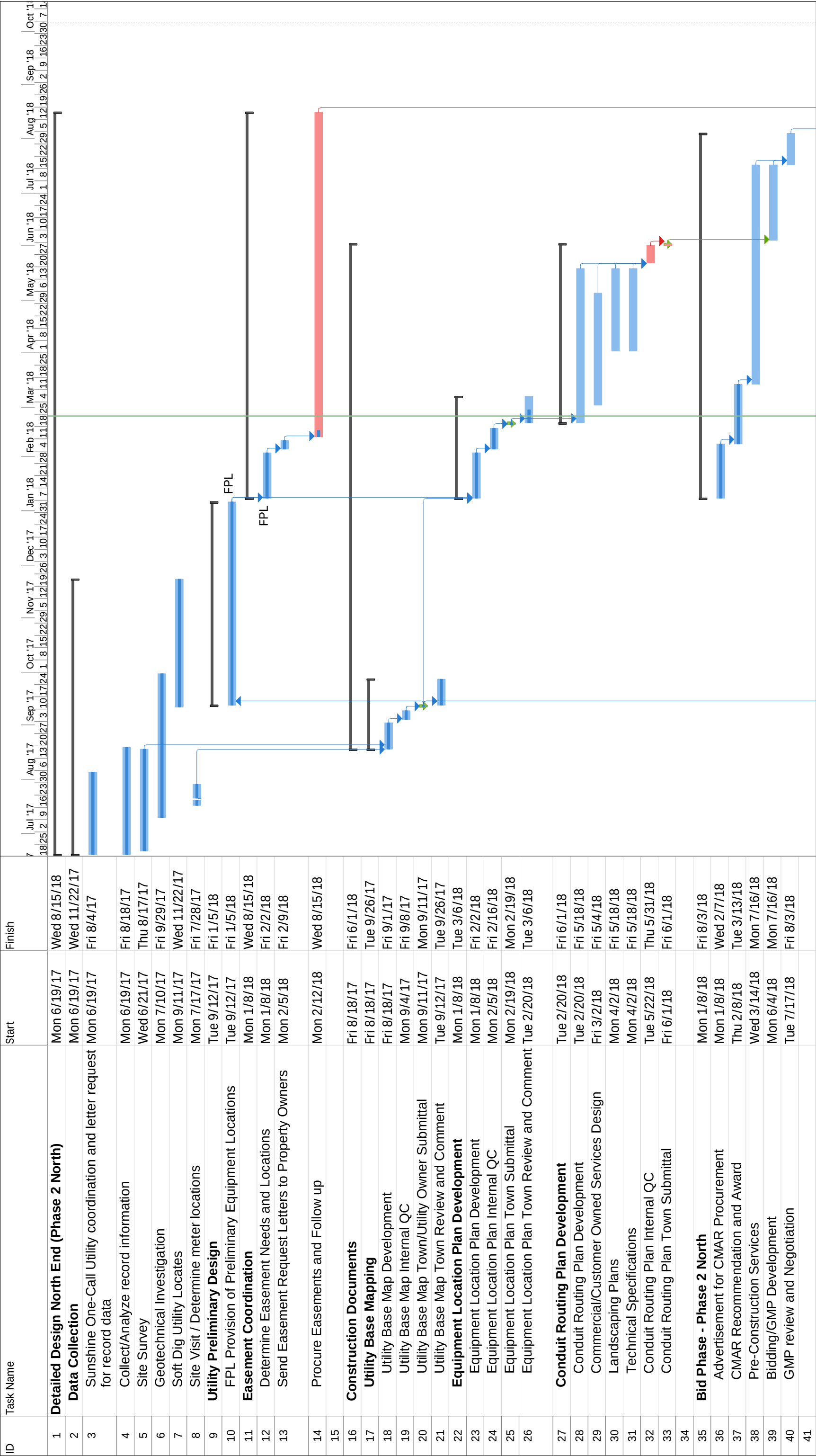
- Subconsultant/utility owner coordination related to Phase 2 Design.
- Conduct field review of proposed equipment locations in Phase 2 South, develop easement exhibits, submit to Town.
- Continue resident meetings in Phase 2 North and commence the same in Phase 2 South.
- Submit Equipment Location Plans to Town, AT&T and Comcast for Phase 2 South.
- Continue progress on design drawings towards the development of the conduit location plans.

- II. Upcoming Activities (February 26, 2018 – March 25, 2018), Continued
- Coordination with AT&T and Comcast related to their network designs
 - Progress Meeting Attendance
 - Assist Town with AT&T Negotiations
- III. Saves and Raves
- A. *Saves*: We were able to eliminate an open delta transformer bank adjacent to the Par 3 Golf Course
- B. *Raves*: Combined efforts of FPL and Design Team have been able to make up the time lost by the Hurricane

ID	Task Name	Duration	Start	Finish																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															</
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ID	Task Name	Duration	Start	Finish	17, '16 27	May 22, '16 12 27	Jun 26, '16 26 11	Jul 31, '16 26 10	Sep 4, '16 25 9	Oct 9, '16 24 9	Nov 13, '16 23 8	Dec 18, '16 23 8	Jan 22, '17 22 6	Feb 26, '17 21 8	Apr 2, '17 7 23	May 7, '17 7 22	Jun 11, '17 6 21
47	Advertisement for CMAR Procurement	23 days?	Mon 1/16/17	Wed 2/15/17													
48	Pre-Proposal meeting	1 day?	Wed 1/25/17	Wed 1/25/17													
49	Evaluate Submittals	9 days?	Thu 2/16/17	Tue 2/28/17													
50	CMAR Recommendation and Award	10 days?	Wed 3/1/17	Tue 3/14/17													
51	Pre-Construction Services/Bidding/GMP Development	44 days?	Wed 3/15/17	Mon 5/15/17													
52	GMP review and Negotiation	9 days?	Tue 5/16/17	Fri 5/26/17													
53																	
54	UUTF Bid Award Review (North End)	1 day	Tue 6/6/17	Tue 6/6/17													
55																	
56	Town Council Award (North End)	1 day	Tue 6/13/17	Tue 6/13/17													
57																	
58	Start Construction (North End)	1 day	Wed 6/14/17	Wed 6/14/17													
59																	
60	Task 2.2 - Detailed Design South End (Phase 1)	250 days?	Mon 5/16/16	Fri 4/28/17													
61	Internal Project Kick off Meeting	1 day	Thu 6/16/16	Thu 6/16/16													
62	External Project Kick off Meeting	1 day	Mon 6/20/16	Mon 6/20/16													
63	Data Collection	138 days?	Mon 5/16/16	Wed 11/23/16													
64	Sunshine One-Call Utility coordination and letter request for record data	12 days?	Mon 5/16/16	Tue 5/31/16													
65	Collect/Analyze record information	46 days?	Mon 5/16/16	Mon 7/18/16													
66	Site Survey	44 days?	Wed 5/18/16	Mon 7/18/16													
67	Geotechnical Investigation	34 days?	Wed 6/1/16	Mon 7/18/16													
68	GPR Utility Corridor Mapping	5 days?	Mon 8/8/16	Fri 8/12/16													
69	Soft Dig Utility Locates	37 days?	Tue 10/4/16	Wed 11/23/16													
70	Site Visit to Determine meter locations	10 days?	Mon 6/27/16	Fri 7/8/16													
71	Utility Coordination	85 days?	Mon 7/25/16	Fri 11/18/16													
72	Provide Survey Files to Utility Owners	1 day?	Mon 7/25/16	Mon 7/25/16													
73	Provision of FPL Equipment Locations	35 days?	Mon 10/3/16	Fri 11/18/16													
74	Field Reviews with FPL / ATT / Comcast	35 days?	Mon 10/3/16	Fri 11/18/16													
75	Easement Coordination	190 days?	Mon 8/8/16	Fri 4/28/17													
76	Determine Easement Needs and Locations	85 days?	Mon 8/8/16	Fri 12/2/16													
77	Send Letters to Property Owners	35 days?	Mon 10/17/16	Fri 12/2/16													
78	Procure Easements and Follow up	135 days?	Mon 10/24/16	Fri 4/28/17													
79																	
80	Construction Documents	141 days?	Tue 7/19/16	Tue 1/31/17													
81	60% Construction Document Development	55 days?	Tue 7/19/16	Mon 10/3/16													
82	60% Construction Document Development	44 days?	Tue 7/19/16	Fri 9/16/16													
83	60% Construction Document Internal QC	5 days?	Mon 9/19/16	Fri 9/23/16													
84	60% Construction Document Town Submittal	1 day?	Mon 9/26/16	Mon 9/26/16													
85	60% Town Review and Comment	5 days?	Tue 9/27/16	Mon 10/3/16													
86	90% Construction Document Development	65 days?	Tue 10/4/16	Mon 1/2/17													
87	90% Construction Document Development	46 days?	Tue 10/4/16	Tue 12/6/16													
88	Conductor Sizing	29 days?	Tue 11/1/16	Fri 12/9/16													
89	Landscaping Plans	26 days?	Tue 11/1/16	Tue 12/6/16													
90	Technical Specifications	46 days?	Tue 10/4/16	Tue 12/6/16													
91	90% Construction Document Internal QC	6 days?	Wed 12/7/16	Wed 12/14/16													
Project: TOPB UG Ph 1 Design_																	
Date: Wed 2/21/18																	





Project: TOPB UG Ph 2 Designr
Date: Sat 2/24/18

Task

Milestone

Summary

Project Summary

Manual Task

Manual Summary

Deadline

Critical

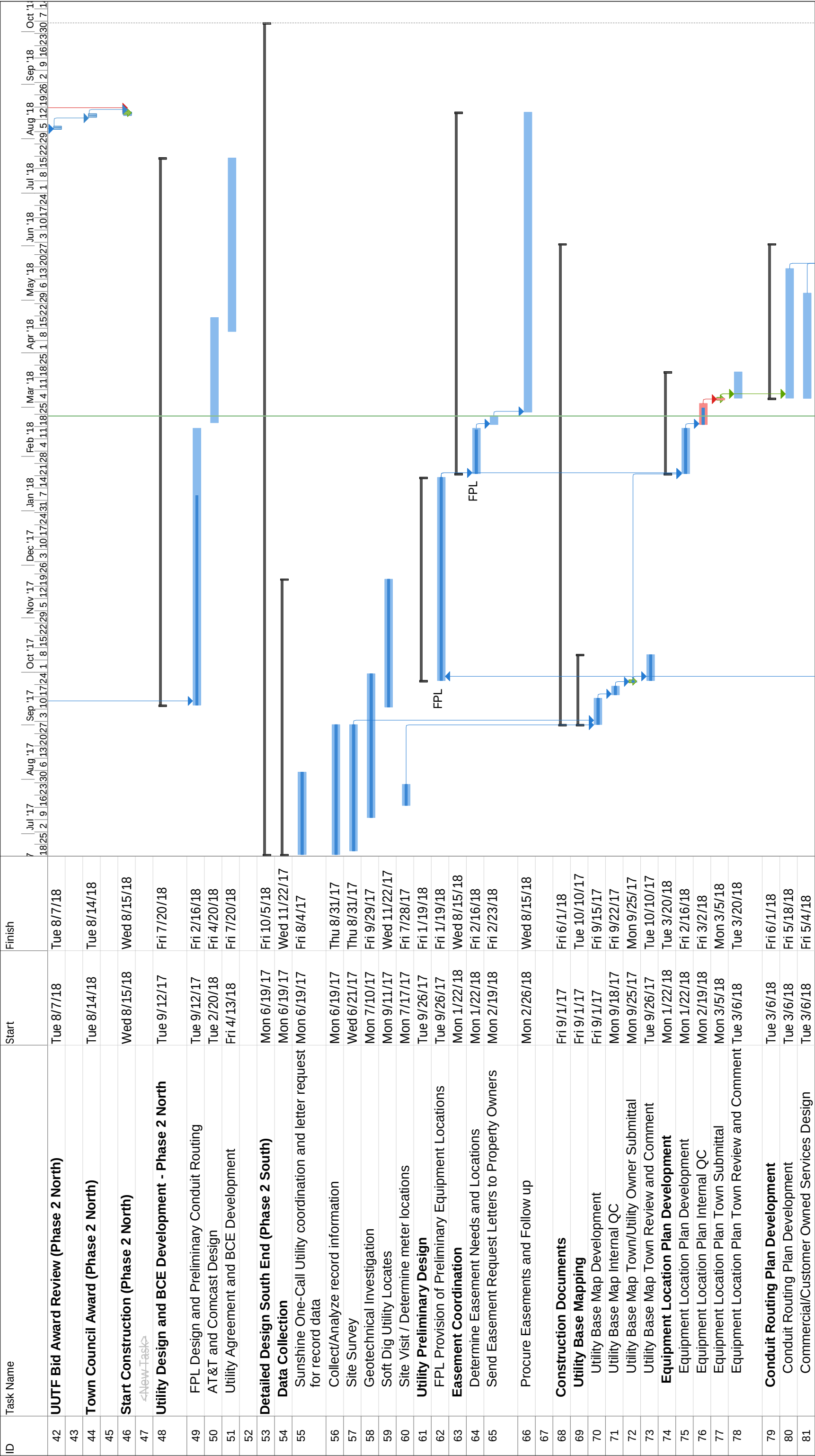
Manual Progress

Progress

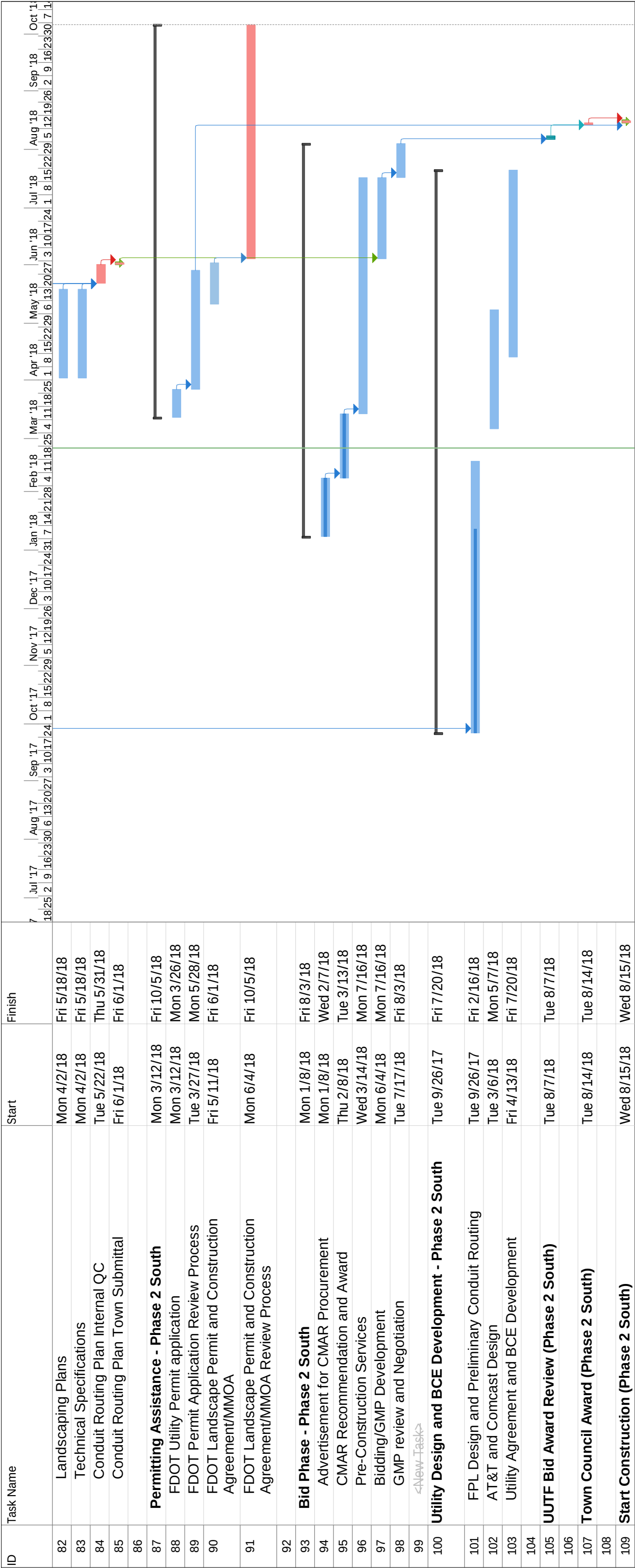
Critical Split

Progress

Page 1



Page 2



Project: TOPB UG Ph 2 Designr
Date: Sat 2/24/18

Task

Milestone

Summary

Project Summary

Manual Task

Manual Summary

Deadline

Critical

Manual Progress

Progress

Critical Split

Progress

Manual Progress

Progress

Page 3

Vincent G. Burkhardt
President



Executive Summary

Vincent G. Burkhardt
President



Executive Summary
For
January 2018

Project Description

Townwide Overhead Utility Undergrounding
Phase 1 North
P.O. # 171308

Project Status:

The crews returned back to the site on January 2, 2018 after the holiday shut down. The two horizontal directional drilling crews mainly worked on Arabian and Caribbean Roads along with North Ocean Way installing the FPL, AT & T, and COMCOAST conduits.

The third crew that installs the service tie in lines mainly worked along Arabian Road and Caribbean Road. As the service line crew continued with their work they also installed a few concrete transformer pads.

The project continues to remain within budget and is on schedule.

Vincent G. Burkhardt
President



Executive Summary
For
January 2018

Project Description

Townwide Utility Undergrounding
Onondaga Avenue & Laurie Lane Improvements
Phase 1 North
P.O. # 171308

Project Status:

The crew returned back to the site on January 2, 2018 after the resident requested Holiday shut down. They finished the water main along the south leg of East Inlet. They also constructed the water service lines towards the residential meters. Once all piping was completed the crew reconstructed the trench and made the necessary roadway repairs including asphalt.

The newly constructed water main was flushed and chlorinated. Once that operation was completed the sample points were installed and the bacteriological testing began. At this point we are awaiting final clearances from the City of West Palm Beach and the Health Department. Once the clearances are obtained the residential services along with the fire hydrants will be switched over to the new system.

The project continues to stay within budget.

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 1 NORTH
SCHEDULE
RFQ No. 2017-14

ID	Task Name	% Complete	Duration	Start	Finish	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2019	Jan	Feb
1	Phase I - NORTH	36%	420 days?	Mon 6/12/17	Fri 1/18/19											
2	Fully Executed Non-GAF Agreement	100%	23 days	Mon 6/12/17	Wed 7/12/17											
3	Copy Of Executed Easements	100%	23 days	Mon 6/12/17	Wed 7/12/17											
4	Fully Executed Applicant Installed Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17											
5	Fully Executed R/O/W Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17											
6	Fully Executed Agreement With COMCAST / AT & T	50%	23 days	Mon 6/12/17	Wed 7/12/17											
7	Town Council Approval	100%	1 day	Tue 6/13/17	Tue 6/13/17											
8	Award Prime Contract	100%	13 days	Wed 6/14/17	Fri 6/30/17											
9	Permitting	100%	15 days	Mon 6/26/17	Fri 7/14/17											
10	Customer Owned Service Connection Permitting	0%	15 days	Mon 6/26/17	Fri 7/14/17											
11	Sub Contract Agreements	100%	23 days	Wed 6/14/17	Fri 7/14/17											
12	Material Procurement	100%	11 days	Fri 6/30/17	Fri 7/14/17											
13	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	85%	225 days	Mon 7/17/17	Fri 5/25/18											
14	Feeder Splice Box Installation	20%	15 days	Thu 10/12/17	Wed 11/1/17											
15	Set Transformers / Switch Cabinets (FPL)	10%	75 days	Sun 2/4/18	Thu 5/17/18											
16	Secondary Services / Wire	25%	138 days	Tue 2/20/18	Thu 8/30/18											
17	As-Built Submission / Review (FPL)	15%	47 days	Tue 2/20/18	Wed 4/25/18											
18	Pull Wire / Terminations Primary (FPL)	0%	81 days	Tue 2/20/18	Tue 6/12/18											
19	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	133 days	Tue 2/27/18	Thu 8/30/18											
20	*Comcast Pull Wire, Set Pedestals	0%	133 days	Tue 2/27/18	Thu 8/30/18											
21	Cut over / Overhead Removal (ATT/Comcast)	0%	45 days	Mon 9/3/18	Fri 11/2/18											
22	Energize Underground (FPL)	0%	30 days	Sun 6/10/18	Thu 7/19/18											
23	Secondary Service Switch Over (FPL)	0%	113 days	Mon 6/11/18	Wed 11/14/18											
24	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	90 days	Mon 9/17/18	Fri 1/18/19											
25	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%														
26	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%														
27	Storm Drainage	90%	45 days	Mon 7/17/17	Fri 9/15/17											
28	Water Main	95%	79 days	Sun 10/15/17	Wed 1/31/18											

SAFETY

Monthly safety inspections are conducted by WT Regional Safety Director. Daily safety inspections conducted by onsite staff.

- ◆ 0 lost time incidents to date
- ◆ 0 recordable incidents to date

CONSTRUCTION

- ◆ S. Ocean Blvd (Watermain Deflection Crew) - Complete
- ◆ S. Ocean Blvd (Electrical Undergrounding Crew) - Current location just south of Sloan's Curve. Undergrounding Crews are continuing to conduct exploratory work, to minimize the potential impact of any unforeseen conditions. Approx. 97% of feeder & primary conduit is completed on S. Ocean Blvd. Approx. 75% of concrete vaults and pads for transformers and switches have been installed. Pulling of feeder and primary cable started. Approximately 20% of cable pulled to date.
- ◆ Ibis Isle Undergrounding Crew has completed FPL primary, Comcast, and AT&T conduit and cable installation along Ibis Isle Road East and West. Transformer pads and splice boxes along Ibis Isle Road East and West completed. Conduit installation along Ibis Way per the FDEP permit for the subaqueous bridge crossing completed. AT&T service conduit to each home from the ROW on Ibis Isle is being added to WT's scope of work. Pricing currently under review with the Town.

DOCUMENTATION:

RFIs:

- A. 14 RFIs issued to date
- B. 1 Outstanding RFI

SUBMITTALS:

- A. 42+ Individual Submittals Processed
- B. 0 Submittal Package Currently Under Review
- C. 0 Submittal Packages Pending Submission to A/E

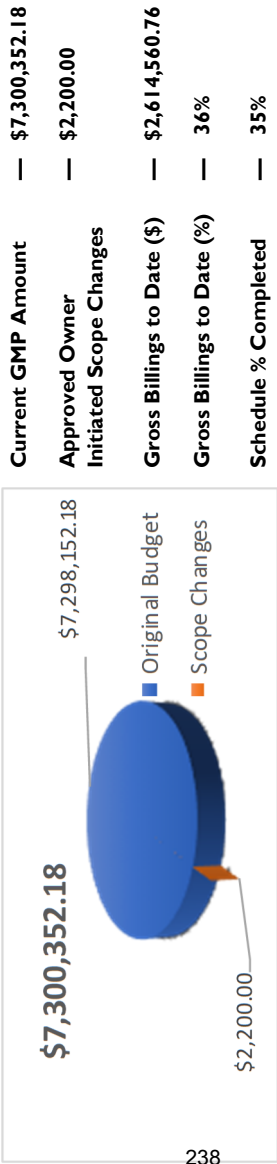
DRAWINGS: Added Scopes of Work

- A. Post GMP Phipps Ocean Park Restroom Building received January 18th from TOPB.
- B. Post GMP Phipps Ocean Park (North) Lighting—Undergrounding of electrical.
- C. Post GMP A-41 Wastewater Pump Station received January 12th from TOPB
- D. Post GMP Ibis Bridge Watermain Crossing received December 12, 2017 from KHA.

RELEVANT POTENTIAL CHANGES:

- A. FPL Line Drawing Changes to Ibis Isle Scope of Work
- B. Reduction in S. Ocean Boulevard Street Lighting Scope of Work
- C. Additional AT&T Fiber Conduits at Ibis Isle per the Town's request

FINANCIALS—BUDGET VS. COSTS



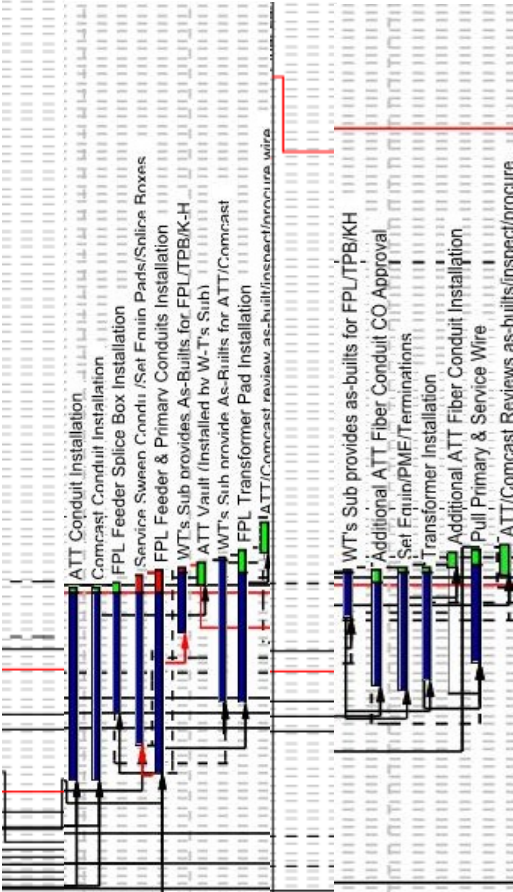
SCHEDULE SUMMARY

S. Ocean Undergrounding -Sta 11+10 to Sta 243+66

1500	ATT Conduit Installation	10	4	29AUG17	A	05FEB18
1505	Comcast Conduit Installation	10	4	29AUG17	A	05FEB18
1512	FPL Feeder Splice Box Installation	20	8	23OCT17	A	09FEB18
1545	Service Sweep Condu /Set Equip Pads/Splice Boxes	75	12	27SEP17	A	15FEB18
1543	FPL Feeder & Primary Conduits Installation	75	15	04SEP17	A	20FEB18
1547	WT's Sub provides As-Builts for FPL/TPB/KH	5	4	29DEC17	A	21FEB18
1507	ATT Vault (Installed by W-T's Sub)	15	15	06FEB18		26FEB18
1509	WT's Sub provide As-Builts for ATT/Comcast	5	4	01NOV17	A	02MAR18
1550	FPL Transformer Pad Installation	20	15	01NOV17	A	08MAR18
1514	ATT/Comcast review as-built/inspect/procure wire	20	20	05MAR18		30MAR18

Ibis Isle

3055	WT's Sub provides as-builts for FPL/TPB/KH	5	3	03JAN18	A	13FEB18
IMP 3011	Additional ATT Fiber Conduit CO Approval	10	8	10NOV17	A	13FEB18
3045	Set Equip/PME/Terminations	30	5	08NOV17	A	15FEB18
3047	Transformer Installation	30	5	13NOV17	A	15FEB18
IMP 3012	Additional ATT Fiber Conduit Installation	10	10	14FEB18		27FEB18
3049	Pull Primary & Service Wire	30	10	27NOV17	A	01MAR18
3035	ATT/Comcast Reviews as-builts/inspect/procure	20	20	07FEB18		08MAR18



SCHEDULE NOTES / IMPACTS:

- Town recently provided FPL with payment for Street Lighting materials. W-T to install conduit and boxes only.
- Additional AT&T Fiber Conduit at Ibis Isle requested by the Town. Proposal currently with the Town/KHA pending approval. This work currently on hold until further directives are received. This will delay AT&T from beginning their scope of work (pulling wire etc). Delay is not expected to impact the overall project completion date.
- Scope of work associated with Ibis Isle Subaqueous Crossing per FDEP Permit completed.

Underground Utility Project Budget
Project Financial Summary
February 28, 2018

Expenditures	Budget	Actual	% Expended
Phase 1			
Phase 1 Design	\$ 1,310,829	\$ 1,302,128	99.3%
Phase 1 Utility Costs	\$ 48,608	\$ 48,608	100.0%
Phase 1 Construction	\$ 8,536,041	\$ 3,450,385	40.4%
Phase 1 Construction Utility Costs	\$ 1,850,970	\$ 1,236,770	66.8%
Phase 1 Construction Engineering	\$ 568,532	\$ 186,915	32.9%
Phase 1 Easements	\$ 301,359	\$ 301,359	100.0%
Total Phase 1	\$ 12,616,339	\$ 6,526,166	51.7%
Phase 2			
Phase 2 Design	\$ 806,512	\$ 333,553	41.4%
Easement Acquisition	\$ 290,676	\$ 13,718	4.7%
Total Phase 2	\$ 1,097,188	\$ 347,271	31.7%
Phase 3	\$ 273,389	\$ 357,810	130.9%
Phase 4	\$ 74,417	\$ -	0.0%
Phase 5	\$ 74,417	\$ -	0.0%
Other			
Other Project Costs	\$ 980,414	\$ 1,138,628	116.1%
Total Project Costs To Date	\$ 14,825,488	\$ 8,356,157	56.4%
Total Other Costs Outside Underground Budget	\$ 794,169	\$ 821,798	103.5%
Total Underground Project Costs	\$ 15,619,657	\$ 9,177,955	58.8%
Total Project Budget	\$ 98,600,000		
% Budgeted/Encumbered To Date Project Costs	15.04%		
% Spent to Date - Project Costs	8.47%		

Project Revenues Received

Revenues	Budget	Actual	% Expended
Revenues			
Prepaid Assessments Reserved		\$ 11,237,219	0.0%
Assessment Revenue Reserved	\$ 5,080,000	\$ 3,831,728	75.4%
Commercial Paper	\$ 22,155,000	\$ 12,511,000	56.5%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest	\$ 12,000	\$ 33,236	277.0%
1 Cent Sales Tax	\$ 2,500,000	\$ 316,750	
Other			
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	
Total Project Revenues	\$ 33,353,741	\$ 31,536,674	94.6%

Underground Utility Project Budget
Phase 1 Project Costs
February 28, 2018

	Budget	Actual	% Expended
Phase 1 OPC	11,950,000		
Project Engineering			
Task 2.1 - Detailed Design North End	472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	619,411	619,411	100.0%
Task 2.3 - Permitting Assistance	17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance	42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase	125,399	125,383	100.0%
Legal Sketch and Description - Easements	34,000	25,315	74.5%
Subtotal Design Phase	\$ 1,310,829	\$ 1,302,128	99.3%
Utility Costs (FPL)			
FPL Engineering for Binding Cost Estimate	\$ 38,608		
North End Design		10,595	
South End Design		28,013	
Total FPL Engineering Costs for Design	\$ 38,608	\$ 38,608	100.0%
Utility Costs (AT&T and Comcast)			
AT&T North End Design		5,000	
AT&T South End Design		5,000	
Total Utility Costs (AT&T and Comcast)	\$ 10,000	\$ 10,000	100.0%
Construction Costs			
Phase 1 North Construction			
Preconstruction	\$ 19,720	19,720	100.0%
Burkhardt Construction	\$ 3,798,144	1,201,521	31.6%
Utility Costs (FPL, Comcast, AT&T)	\$ 476,776	96,884	20.3%
Construction Engineering (KH)	\$ 253,532	75,366	29.7%
	\$ 4,548,172	\$ 1,393,491	30.6%
Phase 1 South Construction			
Preconstruction	\$ 22,200	22,200	100.0%
Whiting Turner Construction	\$ 4,695,977	2,206,944	47.0%
Utility Costs (FPL, Comcast, AT&T)	\$ 1,374,193	1,139,886	82.9%
Construction Engineering (KH)	\$ 315,000	111,550	35.4%
	\$ 6,407,370	\$ 3,480,580	54.3%
Legal Costs/Easement Acquisition - Jones Foster	\$ 301,359	\$ 301,359	100.0%
Total Phase 1 Costs	\$ 12,616,339	\$ 6,526,166	51.7%

Underground Utility Project Budget
Phase 2 Project Costs
February 28, 2018

	Budget	Actual	% Expended
Phase 2 Opinion of Cost	\$ 9,260,000		
Phase 2 Design			
Kimley Horn			
Task 1.1 Phase 2 North Design	\$ 281,304	\$ 147,685	52.5%
Task 1.2 Phase 2 South Design	\$ 335,353	\$ 167,677	50.0%
Task 1.3 Permitting Assistance North	\$ 5,779	\$ -	0.0%
Task 1.3 Permitting Assistance South	\$ 6,895	\$ -	0.0%
Task 1.4 Bid Phase Assistance North	\$ 18,498	\$ -	0.0%
Task 1.4 Bid Phase Assistance South	\$ 22,067	\$ -	0.0%
Task 1.6 Meetings North	\$ 62,297	\$ 18,192	29.2%
Task 1.6 Meetings South	\$ 74,320	\$ -	0.0%
Total Phase 2 Design	\$ 806,512	\$ 333,553	41.4%
Utility Costs (FPL)			
FPL Engineering for Binding Cost Estimate			
North End Design			
South End Design			
Total FPL Engineering Costs for Design	\$ -	\$ -	0%
Utility Costs (AT&T and Comcast)			
AT&T and Comcast North End Design			
AT&T and Comcast South End Design			
Total Utility Costs (AT&T and Comcast)	\$ -	\$ -	0%
Construction Costs			
Phase 2 North Construction			
Preconstruction			
Burkhardt Construction			
Utility Costs (FPL, Comcast, AT&T)			
Construction Engineering (KH)			
Total Phase 2 North Construction	\$ -	\$ -	0.0%
Phase 2 South Construction			
Preconstruction			
Whiting Turner Construction			
Utility Costs (FPL, Comcast, AT&T)			
Construction Engineering (KH)			
Total Phase 2 South Construction	\$ -	\$ -	0.0%
Easement Acquisition			
<i>Kimley Horn Easement Assistance</i>			
Task 1.5 Easement Assistance North	\$ 64,936	\$ 12,638	19.5%
Task 1.5 Easement Assistance South	\$ 77,466	\$ -	0.0%
<i>Surveys</i>			
Task 1.7 Legal Sketch North	\$ 14,020	\$ 1,080	7.7%
Task 1.7 Legal Sketch South	\$ 16,725	\$ -	0.0%
Jones Foster - Legal	\$ 93,924		
American Acquisition Group	\$ -		
Temp Services	\$ 20,000		
Recording Costs	\$ 3,605		
Total Easement Acquisition Costs	\$ 290,676	\$ 13,718	4.7%
Total Phase 2 Costs	\$ 1,097,188	\$ 347,271	31.7%

Underground Utility Project Budget
Phase 3 Project Costs
February 28, 2018

	Budget	Actual	% Expended
Phase 3 Opinion of Cost	\$ 10,940,000		
Phase 3 Design			
Kimley Horn			
Task 1.1 Phase 3 North Design			0.0%
Task 1.2 Phase 3 South Design			0.0%
Task 1.3 Permitting Assistance North			0.0%
Task 1.3 Permitting Assistance South			0.0%
Task 1.4 Bid Phase Assistance North			0.0%
Task 1.4 Bid Phase Assistance South			0.0%
Task 1.6 Meetings North			0.0%
Task 1.6 Meetings South			0.0%
Total Phase 3 Design	\$ -	\$ -	0.0%
Utility Costs (FPL)			
FPL Engineering for Binding Cost Estimate			
North End Design			
South End Design			
Total FPL Engineering Costs for Design	\$ -	\$ -	0.0%
Utility Costs (AT&T and Comcast)			
AT&T and Comcast North End Design			
AT&T and Comcast South End Design			
Total Utility Costs (AT&T and Comcast)	\$ -	\$ -	0.0%
Construction Costs			
Phase 3 North Construction			
Preconstruction			
Construction			
Utility Costs (FPL, Comcast, AT&T)			
Construction Engineering (KH)			
Daniella Construction - Nightingale/LaPuerta - Townwide portion		\$ 243,470	
FPL Nightingale/LaPuerta - Townwide Portion		\$ 74,900	
Comcast Nightingale/LaPuerta - Townwide Portion		\$ 8,885	
AT&T Nightingale/LaPuerta Townwide Portion		\$ 30,555	
Total Phase 3 North Construction	\$ -	\$ 357,810	0.0%
Phase 3 South Construction			
Preconstruction			
Construction			
Utility Costs (FPL, Comcast, AT&T)			
Construction Engineering (KH)			
Total Phase 3 South Construction	\$ -	\$ -	0.0%
Easement Acquisition			
<i>Kimley Horn Easement Assistance</i>			
Task x.x Easement Assistance North	\$ 68,343		0.0%
Task x.x Easement Assistance South	\$ 167,610		0.0%
<i>Surveys</i>	\$ 37,436		
Task x.x Legal Sketch North			
Task x.x Legal Sketch South			
Jones Foster - Legal			
American Acquisition Group			
Temp Services			
Recording Costs			
Total Easement Acquisition Costs	\$ 273,389	\$ -	0.0%
Total Phase 3 Costs	\$ 273,389	\$ 357,810	130.9%

Underground Utility Project Budget
Phase 4 Project Costs
February 28, 2018

	Budget	Actual	% Expended
Phase 4 Opinion of Cost	\$10,420,000		
Phase 4 Design			
Kimley Horn			
Task 1.1 Phase 4 North Design			0.0%
Task 1.2 Phase 4 South Design			0.0%
Task 1.3 Permitting Assistance North			0.0%
Task 1.3 Permitting Assistance South			0.0%
Task 1.4 Bid Phase Assistance North			0.0%
Task 1.4 Bid Phase Assistance South			0.0%
Task 1.6 Meetings North			0.0%
Task 1.6 Meetings South			0.0%
Total Phase 4 Design	\$ -	\$ -	0.0%
Utility Costs (FPL)			
FPL Engineering for Binding Cost Estimate			
North End Design			
South End Design			
Total FPL Engineering Costs for Design	\$ -	\$ -	0.0%
Utility Costs (AT&T and Comcast)			
AT&T and Comcast North End Design			
AT&T and Comcast South End Design			
Total Utility Costs (AT&T and Comcast)	\$ -	\$ -	0.0%
Construction Costs			
Phase 4 North Construction			
Preconstruction			
Construction			
Utility Costs (FPL, Comcast, AT&T)			
Construction Engineering (KH)			
Total Phase 4 North Construction	\$ -	\$ -	0.0%
Phase 4 South Construction			
Preconstruction			
Construction			
Utility Costs (FPL, Comcast, AT&T)			
Construction Engineering (KH)			
Total Phase 4 South Construction	\$ -	\$ -	0.0%
Easement Acquisition			
<i>Kimley Horn Easement Assistance</i>	\$ 69,451		
Task x.x Easement Assistance North			
Task x.x Easement Assistance South			
<i>Surveys</i>	\$ 4,967		
Task x.x Legal Sketch North			
Task x.x Legal Sketch South			
Jones Foster - Legal			
American Acquisition Group			
Temp Services			
Recording Costs			
Total Easement Acquisition Costs	\$ 74,417	\$ -	0.0%
Total Phase 4 Costs	\$ 74,417	\$ -	0.0%

Underground Utility Project Budget
Phase 5 Project Costs
February 28, 2018

	Budget	Actual	% Expended
Phase 5 Opinion of Cost	\$14,270,000		
Phase 5			
Kimley Horn			
Task 1.1 Phase 5 North Design			0.0%
Task 1.2 Phase 5 South Design			0.0%
Task 1.3 Permitting Assistance North			0.0%
Task 1.3 Permitting Assistance South			0.0%
Task 1.4 Bid Phase Assistance North			0.0%
Task 1.4 Bid Phase Assistance South			0.0%
Task 1.6 Meetings North			0.0%
Task 1.6 Meetings South			0.0%
Total Phase 5 Design	\$ -	\$ -	0.0%
Utility Costs (FPL)			
FPL Engineering for Binding Cost Estimate			
North End Design			
South End Design			
Total FPL Engineering Costs for Design	\$ -	\$ -	0.0%
Utility Costs (AT&T and Comcast)			
AT&T and Comcast North End Design			
AT&T and Comcast South End Design			
Total Utility Costs (AT&T and Comcast)	\$ -	\$ -	0.0%
Construction Costs			
Phase 5 North Construction			
Preconstruction			
Construction			
Utility Costs (FPL, Comcast, AT&T)			
Construction Engineering (KH)			
Total Phase 5 North Construction	\$ -	\$ -	0.0%
Phase 5 South Construction			
Preconstruction			
Construction			
Utility Costs (FPL, Comcast, AT&T)			
Construction Engineering (KH)			
Total Phase 5 South Construction	\$ -	\$ -	0.0%
Easement Acquisition			
<i>Kimley Horn Easement Assistance</i>	\$ 69,451		
Task x.x Easement Assistance North			
Task x.x Easement Assistance South			
<i>Surveys</i>	\$ 4,967		
Task x.x Legal Sketch North			
Task x.x Legal Sketch South			
Jones Foster - Legal			
American Acquisition Group			
Temp Services			
Recording Costs			
Total Easement Acquisition Costs	\$ 74,417	\$ -	0.0%
Total Phase 5 Costs	\$ 74,417	\$ -	0.0%

Underground Utility Project Budget
Other Project Costs
February 28, 2018

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 42,800	95.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 595,630	99.6%
Community Outreach	\$ 282,519	\$ 197,551	69.9%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Commercial Paper Issuance Cost		\$ 158,216	
FPL Future Phases	Future Phase Budget	\$ 75,215	
Comcast Preplanning	Future Phase Budget	\$ 12,015	
Total Other Project Costs	\$ 980,414	\$ 1,138,628	116.1%

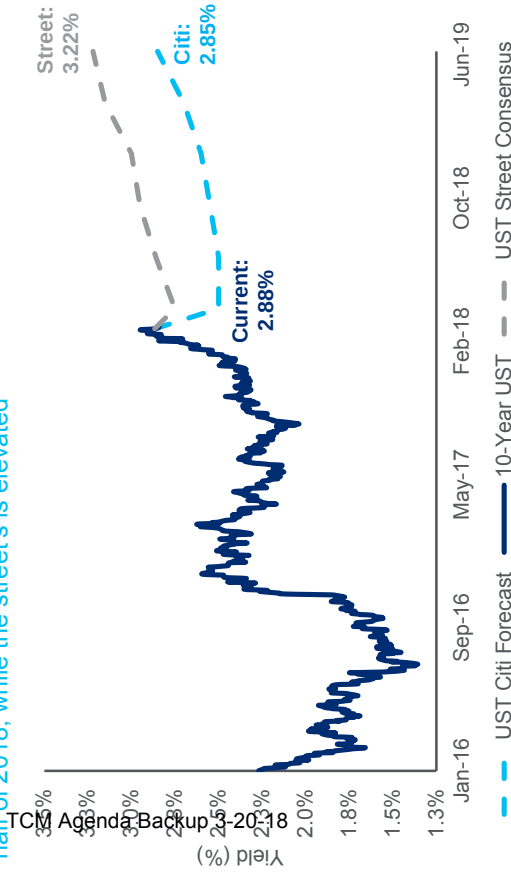
Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 173,893	49.5%
Project Construction Engineering	\$ 11,607	\$ 4,643	40.0%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 1,089	32.7%
Total Lake Worth Section	\$ 525,586	\$ 331,586	63.1%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 168,263	
Kosberg v TPB Legal and Other Costs		\$ 115,289	
PBT Real Estate v TPB		\$ 5,432	
Project Manager -Pay and benefits	\$ 130,000	\$ 80,802	62.2%
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 22,633	64.7%
Total Related Costs Outside of the Budget	\$ 794,169	\$ 821,798	103.5%

U.S. Rate Forecasts

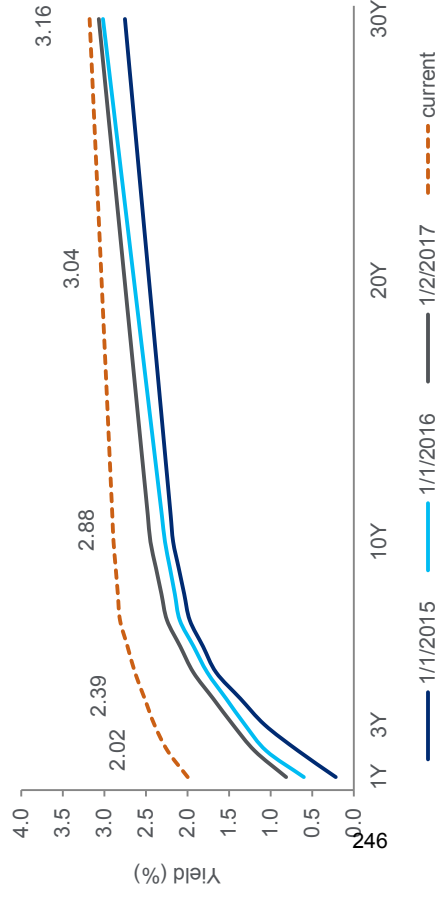
10-Year Treasury Yield Forecast

Citi forecasts a muted interest rate environment as we progress through the first half of 2018, while the street's is elevated



US Treasury Yield Curve

Investor are looking ahead to Fed Chair Powell's first Congressional appearance and for any clues on whether he anticipates 3 or 4 hikes this year

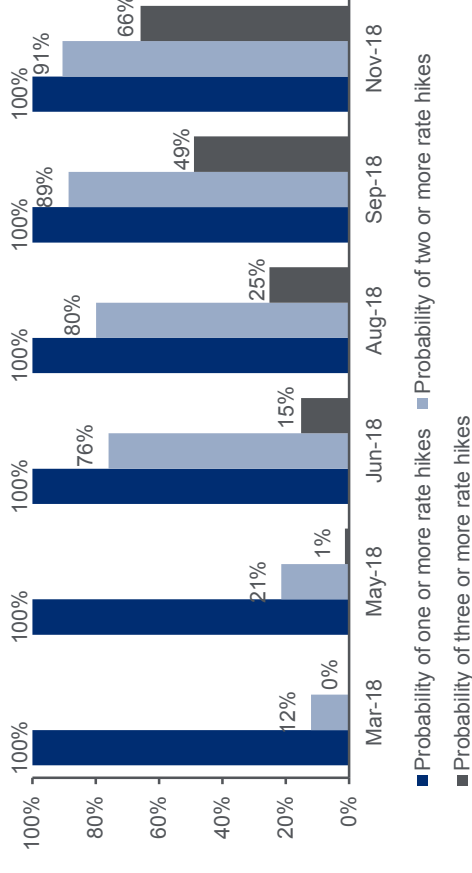


Rate Forecasts

5-Year Treasury		Current	1Q18	2Q18	3Q18	4Q18	1Q19	2Q19
Citi's Forecast		2.62%	2.10%	2.25%	2.35%	2.40%	2.45%	2.50%
10-Year Treasury		Current	1Q18	2Q18	3Q18	4Q18	1Q19	2Q19
Citi's Forecast		2.88%	2.50%	2.50%	2.55%	2.60%	2.70%	2.85%
Economists' Consensus			2.75%	2.86%	2.95%	3.00%	3.15%	3.22%
30-Year Treasury		Current	1Q18	2Q18	3Q18	4Q18	1Q19	2Q19
Citi's Forecast		3.16%	2.95%	2.95%	2.95%	2.95%	3.00%	3.10%
Economists' Consensus			3.05%	3.20%	3.29%	3.40%	3.49%	3.59%
Fed Funds		Current	1Q18	2Q18	3Q18	4Q18	1Q19	2Q19
Citi's Forecast		1.50%	1.75%	2.00%	2.25%	2.25%	2.50%	2.75%
Economists' Consensus			1.75%	2.00%	2.25%	2.25%	2.50%	2.50%

Expectations of Next Fed Increase in Rates

The market currently anticipates three more rate hikes in 2018, with the next hike likely to come in March



Source: Current rates and expectation of Fed hike as of February 23, 2018; Citi forecasts as of February 23, 2018; Bloomberg forecasts as of February 23, 2018.

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order for Phase 4 Engineering Design Services for the Town-Wide Undergrounding of Utilities Program
Resolution No. 34-2018

DATE: February 27, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 34-2018, approving a purchase order for Engineering Design Services to Kimley-Horn and Associates, Inc. (KHA) for Phase 4 of the Town-Wide Undergrounding Utilities Program for \$1,212,379.

GENERAL INFORMATION

The Town Council approved the master contract and purchase order for Task Order 1 of the Town-Wide Undergrounding Utility Program at the May 10, 2016 meeting. The first task order included the design for undergrounding utilities from Onondaga Avenue to the northern limits of the Town, Sloan's Curve to the southern limits of the Town, and subsequently added the portion that extends through Lake Worth as Task Order 2.

Phase 2 and 3 designs are presently underway. Phase 2 is scheduled to begin construction in September 2018. Phase 3 design was approved at the January 9, 2018 Town Council meeting, with construction scheduled to begin May 2019.

Staff is recommending moving forward with Phase 4 design as well. With the Commercial Paper issued on December 20, 2017 to finance the initial phases of the Underground Utility Project, we now have funding to ensure the program remains on schedule. Moving forward with Phase 4 design now allows us to evaluate the expanding phase sizes as discussed by the Town Council.

At the Town's request, KHA provided a final proposal for Phase 4 of the Town-Wide Undergrounding Utility Program on February 28, 2018. The Phase 4 project areas are from La Puerta Way to Via Marila and from Worth Avenue to the Mid-Town area. During the design phase, there will be an opportunity to review the timing of this phase in conjunction with Phase 3. Staff will revisit this construction sequencing prior to finalizing Phase 3 plans and specifications.

The submitted proposal from KHA includes:

- North and South Project Area Designs
- Surveying
- Utility Base Map Design
- Conduit Routing Design
- Permitting
- Bid Phase Assistance
- Design Meetings as Necessary

This task order will be labeled as Work Order 5 of the Master Agreement. We have negotiated the scope of work with KHA in the amount of \$1,212,379.

FUNDING/FISCAL IMPACT

Funding for these services is available in the Underground Utility Project Fund from the proceeds of the Commercial Paper program.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended. The proposed pricing is in accordance with the rates provided in the Master Agreement.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
Patricia Strayer, P.E., Town Engineer
Dean Mealy, Purchasing Manager
Steven Stern, Project Manager

RESOLUTION NO. 34-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC., IN THE AMOUNT OF \$1,212,379 FOR PHASE 4 ENGINEERING DESIGN SERVICES OF THE TOWN-WIDE UNDERGROUNDING OF UTILITIES PROGRAM.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Kimley-Horn and Associates, Inc., in an amount of \$1,212,379 for Phase 4 Engineering Design Services of the Town-Wide Undergrounding of Utilities Program.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these services, and is authorized to approve additional tasks, as necessary, within the budget.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member



February 28, 2018
March 9, 2018 (revised)

Ms. Patricia Strayer, P.E.
Town of Palm Beach
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

RE: *Town-Wide Undergrounding of Utilities Program: Phase 4 Design Services*

Dear Patricia,

The Kimley-Horn and Associates, Inc. team (Kimley-Horn) is pleased to submit this proposal to the Town of Palm Beach ("TOWN") for providing engineering services related to the design of Phase 4 for the Town-wide Undergrounding of Utilities Program. Our project understanding, scope of services, schedule, and fee follow.

Project Understanding

The Town has requested that the design phase for the two Phase 4 project areas (Phases 4 North and 4 South) commence now so that construction can begin in Phase 4 in 2020. These two areas will be from El Pueblo Way to Via Marila (including oceanfront and lakefront properties south to Laurian Lane) and from approximately Worth Avenue to Royal Palm Way, generally east of Hibiscus Avenue to South Ocean Blvd. These areas are in accordance with the overall program phasing limits identified in the master plan.

It is understood that FPL, AT&T, and Comcast all have facilities on utility poles in the Phase 4 areas. These poles are generally located in rear lot easements or in the public rights of way right of way. New underground electric and communications infrastructure is planned to be installed within the road rights of way and in new front lot easements to contain the new underground facilities. Once the new facilities have been installed, activated, and the services cut over, the rear lot poles and wires will be removed. Kimley-Horn will coordinate with FPL, AT&T and Comcast to develop the electric and communications infrastructure design for the area. In general, each utility will develop the electric and communications network design and Kimley-Horn will develop the detailed conduit plan to support the network designs prepared by each utility.

There are a number of light fixtures attached to the FPL poles through each of the Phase 4 project areas. It is understood that these existing street lights will need to be replaced with new FPL street lights. The Town has identified sanitary pump station infrastructure needs within the Phase 4 South project area but this work will occur independent of the undergrounding project as the work is not anticipated to impact the right of way significantly.

There has been discussion regarding watermain replacements across the island that should occur during the undergrounding program. Discussions between the Town and the City have yielded a conclusion that watermain work would only be performed if required to move a watermain due to a conflict with the undergrounding work.

Based on this understanding, our detailed scope of services is provided below.

Scope of Services

Task 1.1 – Phase 4 North Design (El Pueblo Way to Via Marila)

Kimley-Horn will conduct a kickoff meeting with the Town to coordinate our services. Kimley-Horn will conduct a site visit to review the field conditions and identify existing meter locations. Letter notification mailers will be provided to the Town to mail to affected residents. A design ticket will be called into Sunshine 811 such that utility companies having infrastructure in the area can be identified. We will then obtain and review available record drawings and data for the project area that may impact the design.

Kimley-Horn will perform a topographical survey of the public rights of way between El Pueblo Way and Via Marila. Rim and invert elevations for storm and sanitary utilities will be provided. Topographical spot elevations will be shown on 100-foot intervals along the conduit routes with additional detail at each intersection. Landscape areas within 4-feet of the roadway curb will be identified, and trees larger than 6-inch in diameter within 4-feet of the roadway curb will be located. The survey will also provide parcel limits within the project area based on plat/property appraiser data, including platted easements.

Kimley-Horn will obtain the horizontal and vertical locations of a representative number of known utilities within the project area. Up to twenty-eight (28) soft-dig utility locates will be performed to determine the vertical and horizontal locations of known utilities. This information will be incorporated into the drawings to determine the proposed power and communication conduit runs within the right of way.

Kimley-Horn will review the survey and utility record drawing data obtained to develop an overall base map. Known and available utility record information will be added to the base map to aid in the coordination of the design efforts. This utility base map will be provided to FPL, AT&T, Comcast, and other communications companies, if applicable, for their use in their network design efforts.

Kimley-Horn will perform a geotechnical investigation within the project area. The purpose of this investigation is to gather information regarding the existing pavement and base thickness and provide information to the selected contractor regarding soil conditions that will be encountered on the project. Up to five (5) 10-foot deep Standard Penetration Tests will be performed in the Phase 4 North project area within the existing roadways to gather the geotechnical and pavement information. This information will be presented in a brief technical report.

We will coordinate the design of the underground infrastructure with FPL, AT&T, and Comcast in order to develop the supplementary conduit plan. It is understood that the Town will pay the design and construction fees assessed by FPL, AT&T, Comcast, and other communications companies (if applicable) directly. Aboveground infrastructure required to support the underground system (Transformers, switch cabinets, pedestals, etc.) will be shown on the plans. Service line routes to the individual homes will be schematically shown so that exact routes can be field coordinated with the property owners by the contractor during construction.

Kimley-Horn will perform individual commercial service conductor sizing and voltage drop calculations to verify the proposed commercial service conductors meet minimum NEC requirements and necessary ampacity ratings for the customer load. Up to 3 commercial service conductors will be sized under this task. It is assumed that FPL will size all residential services and that these services will be owned and maintained by FPL.

It is anticipated that the final undergrounding construction documents may contain the following information:

- Cover Sheet
- Survey
- General Notes (up to 4 sheets)
- Overall Site Plan (1 sheet)
- Conduit/Equipment plan (up to 20 sheets, 1"=20')
- Equipment Details (up to 3 sheets)
- Trench and Conduit Details (up to 2 sheets)
- Construction / Restoration Details (up to 1 sheet)
- Commercial Service Sizing Spreadsheet (up to 1 sheet)
- Street Light Replacement Locations and Details (2 sheets)
- Landscape Plan (up to 10 sheets)
- Planting Details and Notes (up to 1 sheet)
- Technical Specifications

It is understood that the Town is pursuing the installation of FPL LED lighting and that FPL will perform the detailed design and installation of the poles, conductor, and service points. Kimley-Horn will provide a street lighting exhibit to FPL for use in their design of new LED lighting under the LT1 tariff. Use of this tariff is expected to minimize conduit needed for new street lighting. It is not expected that any conduit will need to be installed by the Town for street lighting, rather FPL will install necessary conduit when they install the new lights.

Kimley-Horn will submit deliverables for review at the following milestones:

- Survey Complete
- Utility Base Map Complete
- Equipment Location Map Complete
- Conduit Routing Complete

Kimley-Horn will address one round of reasonable comments after Town review of the Equipment Location Plan and Conduit Routing Plan submittals. During the design process, we will continue to coordinate with FPL, AT&T, and Comcast to ultimately obtain their final network designs and cost estimates. An Opinion of Probable Cost for the project areas will be submitted with the Conduit Routing Final Construction Document submittal. We will also submit the plans to FPL, AT&T and Comcast for coordination purposes concurrently with the Town submittals. We have assumed that ARCOM review and approval will not be required for the landscaping that may be required to screen the above grade equipment on the project. If ARCOM approval is deemed to be required by the Town, we can provide these services as an additional service.

No Town infrastructure improvements beyond the underground conversion are currently contemplated in the Phase 4 North area. If it becomes known through our coordination with the Town during this phase of the project that infrastructure improvements should be incorporated into the design, we can perform such design as an additional service.

Task 1.2 – Phase 4 South Design (A1A / South Ocean Blvd. Intersection to approx. Worth Avenue)

Kimley-Horn will conduct a kickoff meeting with the Town to coordinate our services. Kimley-Horn will conduct a site visit to review the field conditions and identify existing meter locations. Letter notification mailers will be provided to the Town to mail to affected residents. A design ticket will be called into Sunshine 811 such that utility companies having infrastructure in the area can be identified. We will then obtain and review available record drawings and data for the project area that may impact the design.

Kimley-Horn will perform a topographical survey of the public rights of way and accessible alleyways between Royal Palm Way east of Hibiscus Avenue and the alley north of Worth Avenue together with portions of the roads west of Hibiscus Avenue as shown on the Phasing Map within the master plan. Portions of Phase 4 west of Coconut Row will not be surveyed as these areas are already underground and work is not anticipated in these areas. Rim and invert elevations for storm and sanitary utilities will be provided. Topographical spot elevations will be shown on 100-foot intervals along the conduit routes with additional detail at each intersection. Landscape areas within 4-feet of the roadway curb will be identified, and trees larger than 6-inch in diameter within 4-feet of the roadway curb will be located. The survey will also provide parcel limits within the project area based on plat/property appraiser data, including platted easements.

Kimley-Horn will obtain the horizontal and vertical locations of a representative number of known utilities within the project area. Up to fifty-two (52) soft-dig utility locates will be performed in order to verify the vertical and horizontal locations of known utilities. It is assumed that sixty test (60) from the Worth Avenue project and forty-two (42) soft-dig locations from the Town Hall Square project will be reused for this project. This information will be incorporated into the drawings to determine the proposed power and communication conduit runs within the right of way.

Kimley-Horn will review the survey and utility record drawing data obtained to develop an overall base map. Known and available utility record information will be added to the base map to aid in the coordination of the design efforts. This utility base map will be provided to FPL, AT&T, Comcast, and other communications companies, if applicable, for their use in their network design efforts.

Kimley-Horn will perform a geotechnical investigation within the project area. The purpose of this investigation is to gather information regarding the existing pavement and base thickness and provide information to the selected contractor regarding soil conditions that will be encountered on the project. Up to five (5) 10-foot deep Standard Penetration Tests will be performed in the project area within the existing roadways to gather the geotechnical and pavement information. This information will be presented in a brief technical report.

We will coordinate the design of the underground infrastructure with FPL, AT&T, and Comcast in order to develop the supplementary conduit plan. It is understood that the Town will pay the design and construction fees assessed by FPL, AT&T, Comcast, and other communications companies (if applicable) directly. Aboveground infrastructure required to support the underground system (Transformers, switch cabinets, pedestals, etc.) will be shown on the plans. Service line routes to the individual homes and businesses will be schematically shown so that exact routes can be field coordinated with the property owners by the contractor during construction.

Kimley-Horn will perform individual commercial service conductor sizing and voltage drop calculations to verify the proposed commercial service conductors meet minimum NEC requirements and necessary ampacity ratings for the customer load. Up to 90 commercial service conductors will be sized under this task. It is assumed that FPL will size all residential services and that these services will be owned and maintained by FPL. Existing underground services will be maintained to the greatest extent practical although it is anticipated that some will need to be replaced in order to convert the service from the rear alley to the front street. Within Phase 4, it is anticipated that some amount of infrastructure will need to be converted underground within the rear alleys as there may be no practical way to convert the service to the front street due to the lack of space between adjacent buildings/properties (i.e. new services will not be proposed to be installed below existing buildings).

It is anticipated that the final undergrounding construction documents may contain the following information:

- Cover Sheet
- Survey
- General Notes (up to 4 sheets)
- Overall Site Plan (1 sheet)
- Conduit/Equipment plan (up to 22 sheets, 1"=20')
- Equipment Details (up to 6 sheets)
- Trench and Conduit Details (up to 2 sheets)
- Construction / Restoration Details (up to 2 sheets)
- Electrical Service Sizing Spreadsheet (up to 2 sheets)
- Street Light Replacement Locations and Details (2 sheets)
- Landscape Plan (up to 14 sheets)
- Planting Details and Notes (up to 1 sheets)
- Technical Specifications

It is understood that the Town is pursuing the installation of FPL LED lighting and that FPL will perform the detailed design and installation of the poles, conductor, and service points. Kimley-Horn will provide a street lighting exhibit to FPL for use in their design of new LED lighting under the LT1 tariff. Use of this tariff is expected to minimize conduit needed for new street lighting. It is not expected that any conduit will need to be installed by the Town for street lighting, rather FPL will install necessary conduit when they install the new lights.

Kimley-Horn will submit deliverables for review at the following milestones:

- Survey Complete

- Utility Base Map Complete
- Equipment Location Map Complete
- Conduit Routing Complete

Kimley-Horn will address one round of reasonable comments after the review period. During the design process, we will continue to coordinate with FPL, AT&T, and Comcast to ultimately obtain their final network designs and cost estimates. An Opinion of Probable Cost for the project areas will be submitted with the Conduit Routing Final Construction Document submittal. We will also submit the plans to FPL, AT&T and Comcast for coordination purposes concurrently with the Town submittals. We have assumed that ARCOM review and approval will not be required for the landscaping that may be required to screen the above grade equipment on the project. If ARCOM approval is deemed to be required by the Town, we can provide these services as an additional service.

Town infrastructure improvements beyond the underground conversion in the Phase 4 South project area includes work at the A-6 pump station. It is understood that this work will largely occur outside of the right of way and will be handled separately from the undergrounding project by the Town. No other Town infrastructure improvements beyond this and the underground conversion are currently contemplated in the Phase 4 South area. If it becomes known through our coordination with the Town during this phase of the project that infrastructure improvements should be incorporated into the design, we can perform such design as an additional service.

Task 1.3 – Permitting Assistance

It is anticipated that the following permits will be required for this project from the following agencies:

- Florida Department of Transportation (FDOT) General Utility Permit
- Florida Department of Transportation (FDOT) Landscaping Permit
- Florida Department of Transportation (FDOT) Construction Agreement and Maintenance Memorandum of Agreement (MMOA)

KHA will respond to a maximum of one (1) request for additional information from the FDOT. Additional revisions or changes in response to subsequent review comments requested by the Town shall be provided as an Additional Service. Any significant plan revisions caused by changing agency criteria after our initial design is reviewed with each appropriate agency and similar factors outside of KHA's control, additional meetings or coordination will be considered as Additional Services.

Building Department Permits, if required for service conversions, will be prepared and submitted by the Town's Construction Manager during construction.

Task 1.4 – Bid Phase Assistance

Kimley-Horn will prepare the construction documents for bidding by the Town's Construction Manager. We will prepare the construction documents for bidding, attend pre-bid meetings for the north and south project areas (up to two pre-bid meetings) and respond to requests for clarification during the bidding process. We will review the bid proposals received for each project area and attend up to four meetings with the Town to discuss our comments. A summary memorandum will be provided to the Town describing the results of the bidding process.

It has been assumed that the Town or Construction Manager will prepare the “front end” bidding instructions and contract paperwork. Therefore, the preparation of these items is not included in this proposal.

Task 1.5 – Easement Assistance (Phase 4)

Kimley-Horn will coordinate with the Town Project Manager during the easement acquisition process for Phases 4 North and 4 South. We will research the online Palm Beach County Clerk’s records for evidence of existing utility easements within the project area that can be reused for this project. Title searches will not be performed. It is assumed that if a title search for easements on a particular property is required, the Town Attorney’s office will coordinate and obtain the title search results. Existing easements that are found in the public record will be plotted on the survey and utility base map.

We will develop easement exhibits for use as discussion tools during meetings with property owners to discuss the easement request. We will conduct field meetings with those property owners where easements are being sought for the proposed electric and communications equipment. The purpose of the meetings will be to explain the easement request to the property owner, address questions/concerns they may have, and work to accommodate any reasonably implementable suggestions they may have related to the placement of equipment on their property.

Easements for equipment will be defined on the construction plans. Once a verbal agreement is reached with a property owner for an easement, Kimley-Horn will provide a separate basic sketch and legal description signed and sealed by a registered Florida surveyor for the proposed easement. We have included an allowance budget for our surveyor to describe these easements, which assumes up to 126 easements for above-ground equipment will be provided under this task. This does not include easement acquisition services for significant equipment locations in Phase 4 which have been authorized under a separate purchase order.

It is understood that the preparation of the letter notices, easement documents (except the legal sketch and description), follow up and acquisition of the executed easement documents, and recording of the final executed easements will be the responsibility of the Town Project Manager and therefore have not been included in our scope of services.

Task 1.6 – Meetings (Design Phase)

Kimley-Horn and our subconsultant team members, as appropriate, will attend scheduled project meetings as described below during the design phase of the project:

- Project kick off meeting
- Project team meetings (monthly, up to 12 meetings)
- Underground Utility Task Force Meetings (monthly, up to 6 meetings)
- Town point-of-contact meetings and other general meetings with Town staff, utility owners, etc. (up to 6 meetings)
- Stakeholder meetings (FPU, FDOT, Community, etc.) (up to 6 meetings)

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town, will be considered additional services and will be performed based on proposals approved prior to performance of the additional services.

Information and Services Provided By the Town

The following information shall be provided to Kimley-Horn:

- Utility Record Drawing Information as may be available
- Access to the Project Areas
- Town Project Manager services to prepare letter notices, easement documentation package, coordinate the execution of easements, perform title searches (if required), and recording of easements.
- Access to Town facilities for public meetings and public gatherings as needed

Schedule

Kimley-Horn will perform the scope of services above as expeditiously as practical to meet a mutually agreed upon schedule. It is anticipated that services will begin in March 2018 and will be completed by May 2020.

Fee and Billing

Kimley-Horn will perform the services in Tasks 1.1 through 1.4 for the total lump sum fees listed below. Individual task amounts are informational only. All permitting, application, and similar project fees will be paid directly by the Client. Lump sum fees will be invoiced monthly based upon the overall percentage of services performed.

Task 1.1 – Phase 4 North Design	\$312,317
Task 1.2 – Phase 4 South Design	\$451,284
Task 1.3 – Permitting Assistance	\$ 14,468
Task 1.4 – Bid Phase Assistance	\$ 37,899

Kimley-Horn will perform the services in Tasks 1.5, 1.6, and 2.1 on a labor fee plus expense basis with the estimated labor and expense fees shown below. Kimley-Horn will not exceed the total maximum labor and expense fee shown without authorization from the Client. Individual task amounts are provided for budgeting purposes only. Kimley-Horn reserves the right to reallocate budgets among tasks as we deem necessary. Due to the complexity and unknown elements of the easement acquisition process, the budget amount may fluctuate greatly.

Task 1.5 – Easement Assistance (Phase 4)	\$280,270
Task 1.6 – Meetings (Design Phase)	\$77,911

An allowance budget has been provided for easement sketch and legal descriptions provided by the project surveyor. This allowance is based on the estimated 126 easements required for Phase 4.

Legal Sketch and Description Allowance (Phase4) \$ 38,230

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 Master Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program RFQ No. 2016-07, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" shall refer to The Town of Palm Beach.

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

We appreciate the opportunity to provide these services to you. Please contact me at (561) 840-0820 or kevin.schanen@kimley-horn.com should you have any questions.

Sincerely,



By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Schanen\Proposals\Palm Beach\Undergrounding\Overall Program Documents and Presell\Phase Proposals\Phase 4\Undergrounding_Phase4 Design.docx

**Change Notification to Owner**

The Whiting-Turner Contracting Company
1901 W. Cypress Creek Road, Suite 101, Fort Lauderdale, FL 33309
Tel: (954) 776-0800 Fax: (954) 776-0797

Project: Town-Wide Overhead Utility Undergrnding Ph.1 -**W-T Job Number:** 016885.100

Palm Beach County, FL

Date: 12/05/2017**CN Number:** 000013**Project Area:**

To: Michael Roach
Town Of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

From: Matt Moo Young
The Whiting-Turner Contracting Company
1901 W. Cypress Creek Road
Suite 101
Fort Lauderdale, FL 33309

DESCRIPTION: Additional AT&T and Comcast conduits for Ibis Isle**REASON:** Design**SOURCE:****SCOPE OF WORK:** Additional Comcast & AT&T service conduit was requested per the Town to be installed on Ibis Isle.**CONTRACTORS AFFECTED:** C.R. Dunn, Inc.
Wilco Electrical, LLC**RELATED OBJECTS:****AUTHORIZATION**

WT REQUESTS AUTHORIZATION TO PROCEED WITH THE CHANGES DESCRIBED ABOVE.
COST/SCHEDULE IMPACT WILL BE AS FOLLOWS:

Cost: \$ 125,146.86**Funding:****SCHEDULE:**

- ☐ NO IMPACT
☒ POSSIBLE IMPACT - WT REVIEWING
☐ IMPACT TO SCHEDULE AS FOLLOWS _____

OWNER DIRECTION:

DISTRIBUTION: ☐ ORIGINAL FILE
☐ OWNER/OWNER REP.
☐ ARCHITECT
☐ LENDER

- ☐ PRICE ONLY - DO NOT PROCEED UNTIL PROPOSAL IS APPROVED
☐ PROCEED AND CONFIRM COST
☐ PROCEED FOR NTE COST INDICATED ABOVE
☐ PROCEED T&M
☒ PROCEED FOR LUMP SUM COST ABOVE
☐ PROCEED (NO IMPACT)
☐ PROCEED AND PRICE
☐ CANCEL
☐ REJECTED

Other: _____

OWNER'S REPRESENTATIVE

DATE

 3-13-18

COST BREAKDOWN**DATE:** 12/05/2017**JOB NO:** 016885.100**PROJECT AREA:****CN NO:** 000013

Vendor	Description	Budget Code	Billing Amount
	Construction Contingency	016885.100.09999990.X	\$ 0.00
Wilco Electrical, LLC	Undergrounding - Wilco	016885.100.26010000.S	\$ 93,753.00
C.R. Dunn, Inc.	Undergrounding - CR Dunn	016885.100.26050000.S	\$ 28,940.00
	Bond & Insurance	016885.100.93100000.F	\$ 2,453.86
Total Cost of this work:			\$ 125,146.86

APPROVAL:

WHITING-TURNER REQUESTS APPROVAL OF THE FOLLOWING ACTUAL/FINAL COST FOR THIS WORK:

PROPOSAL AMOUNT: **\$ 125,146.86**

OWNER CHANGE REF: _____

SUBMITTED BY: _____

WHITING-TURNER REPRESENTATIVE

DATE

DATE: _____

APPROVED BY: _____

OWNER'S REPRESENTATIVE

DATE

 3-13-18



TOWN OF PALM BEACH

Town-Wide Overhead Utility Undergrounding Phase 1 - South CN# 013 - Additional AT&T and Comcast Service Conduit at Ibis Isle per the Town's Request



Description	Qty	Units	Unit Rate	Total	Time Extension Requested (calendar days)	Remarks
AT&T Fiber Service & Private Service at Ibis Isle						
Electrical Subcontractor's Pricing	1	LS	\$52,605.00	\$52,605.00	0	This includes all services and private side services per the KHA sketches attached.
Subtotal				\$52,605.00		
Construction Contingency				\$0.00		Construction Contingency carried by the Town
Bond & Insurance				\$1,052.10		
W-T Markup				\$0.00		
Additional ATT Conduits at Ibis Isle Subtotal				\$53,657.10	0	
AT&T Bore Across Ibis Way & Ibis Bridge						
5" Bore (between Ibis Isle east & west)	1	LS	\$7,200.00	\$7,200.00	0	
4" Bore (along Ibis Way between S. Ocean and Ibis Isle East, excluding bridge crossing)	1	LS	\$12,540.00	\$12,540.00		
Bridge Crossing	1	LS	\$9,200.00	\$9,200.00		
Subtotal				\$28,940.00		
Construction Contingency				\$0.00		Construction Contingency carried by the Town.
Bond & Insurance				\$578.80		
W-T Markup				\$0.00		
Comcast Service Conduits at Ibis Isle Subtotal				\$29,518.80	0	
Comcast Service Conduit at Ibis Isle						
Electrical Subcontractor's Pricing	1	LS	\$41,148.00	\$41,148.00	0	This includes all services per the KHA sketches attached. Private side services are excluded.
Subtotal				\$41,148.00		
Construction Contingency				\$0.00		Construction Contingency carried by the Town.
Bond & Insurance				\$822.96		
W-T Markup				\$0.00		
Comcast Service Conduits at Ibis Isle Subtotal				\$41,970.96	0	
AT&T AND COMCAST TOTAL				\$125,146.86		



Electrical, LLC.

• Bus: (305) 248-9911 • Fax: (305) 669-8891

430 Business Park Way, Royal Palm Beach, FL

		39	40	41	42	
ATT	1-1"	255	150	850	270	1525
	2-1"	115	640			755
HH/Ped		1	4	5	2	12
Com	1-1"	206	1435	330	165	2136
	2-1"	70	30	255		355
pull with			100	130		230
HH/Ped		2	5	1	2	10

Att				
1-1"	1525	13 \$	19,825.00	
2-1"	755	16 \$	12,080.00	
Hand Hole\Ped	12	100 \$	1,200.00	
MOT	15	300 \$	4,500.00	
Restoration	1	15000 \$	15,000.00	
Subtotal		\$	52,605.00	

Comcast				
1-1"	2136	13 \$	27,768.00	
2-1"	355	16 \$	5,680.00	
Pull w/ others	230	-10 \$	(2,300.00)	
Hand Hole\Ped	10	100 \$	1,000.00	
MOT	5	300 \$	1,500.00	
Restoration	1	7500 \$	7,500.00	
Subtotal		\$	41,148.00	
TOTAL		\$	93,753.00	

C. R. Dunn, Inc.
Electrical Construction
1202 Pope Lane / Lake Worth, FL 33460
(561) 585 2155 / fax (561) 585 1233
EC 0001144

Change Order

To: Whiting and Turner

Date: 11/9/17

Attn: Matt Moo Young

Project: Ibis Island AT&T conduits

We submit the following proposal to you on a confidential basis, the information in this proposal is not to be shared with any other person without our written permission. Proposal pertains to the following plans and specifications.

1 missile, approx 40LF, landscape restoration, as-builts	1. 2227 = \$5000.00 \$1,900	2 missiles, approx 60LF, landscape restoration	19. 2283 = \$7500.00 \$6,300	4 missiles, 1 approx 140 LF, ROW restoration, some hand digging, back of house, back of pool, asbuilts
4 missiles, approx 120LF, crossing 2 driveways, landscape restoration, as-builts	2. 2245 = \$3000.00 \$1,900	1 missile, approx 40LF, landscape restoration	20. 2275 = \$3500.00 \$2,400	
1 missile, approx. 50LF, landscape restoration, asbuilts	3. 2243 = \$3000.00 \$1,900		21. 2284 = \$2000.00 \$1,900	4 missiles, approx 170LF, back of house under driveway, hand dig etc., asbuilts
1 missile, approx 40LF, landscape restoration, as-builts	4. 2250 = \$6000.00 \$4,900	2 missiles, approx 50LF, landscape restoration, asbuilts	22. 2269 = \$8500.00 \$6,700	
2 missiles, approx 70LF, crossing driveway, landscape restoration, asbuilts.	5. 2253 = \$3000.00 \$1,900	2 missiles, approx 170 LF, landscape restoration, asbuilts.	23. 2276 = \$3000.00 \$1,900	2 missiles, approx 60LF, crossing driveway, landscape restoration, asbuilts.
2 missiles, approx. 70LF, crossing driveway, landscape restoration, asbuilts.	6. 2259 = \$3000.00 \$1,900	2 missiles, landscape restoration, asbuilts	24. 2266 = \$2500.00 \$1,800	
2 missile, approx. 70LF across driveway, asbuilts	7. 2258 = \$3000.00 \$1,900	1 missile, approx. 50LF, landscape restoration, asbuilts	25. 2255 = \$3500.00 \$2,300	1 missile, approx 40LF, landscape restoration, asbuilts
2 missiles, approx 80LF, crossing driveway, adjacent to utilities in ROW, asbuilts	8. 2267 = \$3500.00 \$2,400	1 missile, approx 80, landscape restoration, asbuilts	26. 2244 = \$3500.00 \$2,400	1 missile, approx. 50LF some hand digging, landscape restoration, asbuilts
1 missile, approx 30LF minor landscape restoration, asbuilts	9. 2263 = \$3500.00 \$2,400	1 missile, approx. 20LF, hand digging, landscape restoration, asbuilts	27. 2236 = \$3000.00 \$2,000	
4 missiles, approx 200LF. Some hand digging, landscape restoration, asbuilts.	10. 2273 = \$4500.00 \$3,400		28. 2228 = \$ 500.00	
1 missile approx. 40 LF, asbuilts	11. 2285 = \$3500.00 \$2,400		29. 300' = 1 - 5" bore pipe @	ok -- unit rate lower than other electrical undergrounding sub
4 missiles, approx 140LF to back of house, landscape restoration, asbuilts.	12. 2291 = \$3500.00 \$2,400		\$24.00 ft = \$7,200.00	
1 missile approx. 40 LF, asbuilts	13. 2278 = \$1500.00 \$1,000		30. 4" Bore to Bridge and bridge to Ibis east 590' @ \$22.00 ft	ok -- unit rate lower than other electrical undergrounding sub
4 missiles, approx 140LF to back of house, landscape restoration, asbuilts.	14. 2315 = \$6000.00 \$4,800		= \$12,980.00	
1 missile approx. 40 LF, asbuilts	15. 2323 = \$3000.00 \$1,900		31. Bridge crossing \$9,850.00	\$9,200
4 missiles, approx 140LF to back of house, landscape restoration, asbuilts.	16. 2308 = \$8500.00 \$7,000			
1 missile, approx. 50LF, crossing driveway, asbuilts	17. 2300 = \$3500.00 \$2,400			
1 missile, approx 40 LF, asbuilts (not shown on KHA drawings)	18. 2288 = \$1500.00 \$1,000			

\$28,940.00

Lump sum Price ~~\$134,030.00~~ **\$104,140**

Contingency for Unknown Repairs **\$20,000.**

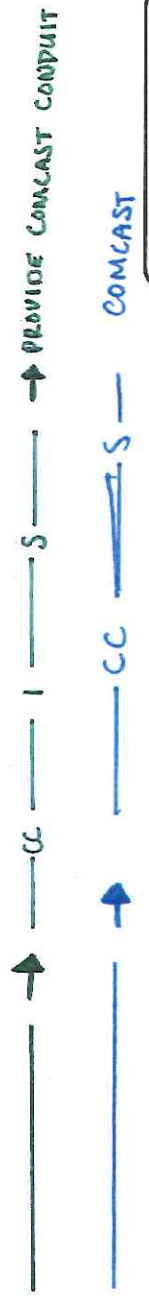
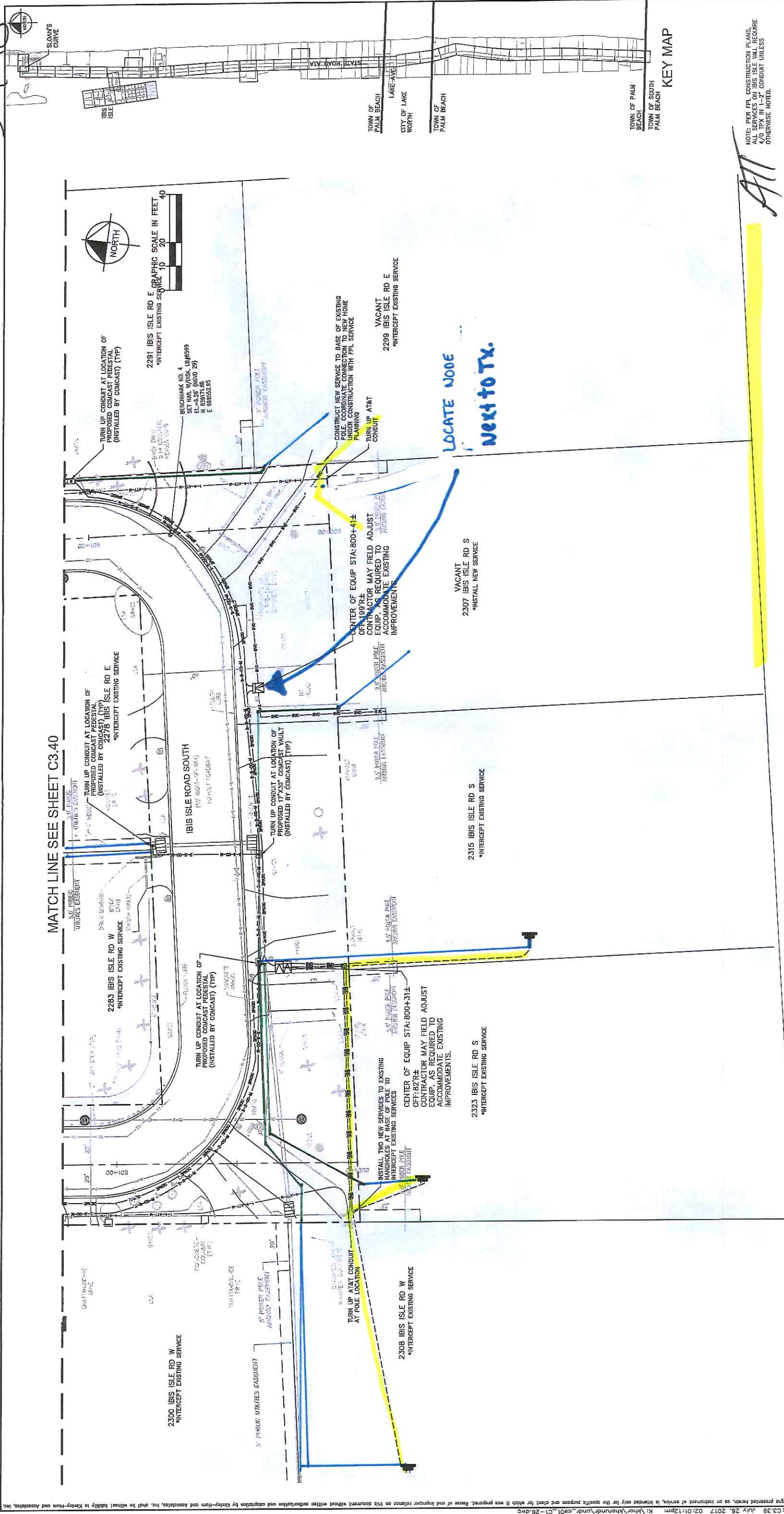
This proposal is to remain confidential. This proposal is accepted by you in any of the following methods: A) Utilizing our prices And or value engineering ideas for any purpose, including but not limited to sharing or shopping our price or ideas with any other Person. B) Requesting us to proceed with any of the work for this project. C) Written acceptance of this proposal including letter of intent to enter into a contract. Do to the increase in materials this price is good for only 30 days.

Respectfully submitted

\$124,140.00

Contingency to be held by construction manager until needed for construction. All remaining/unused funds to be returned to owner.

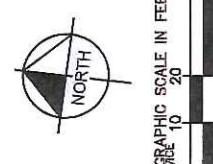
3-7-18



KEY MAP

NOTE: PER FPL CONSTRUCTION PLANS, ALL SERVICES ON IBIS ISLE WILL REQUIRE 4/0 TPX IN 1-2" CONDUIT UNLESS OTHERWISE NOTED.

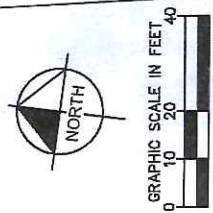
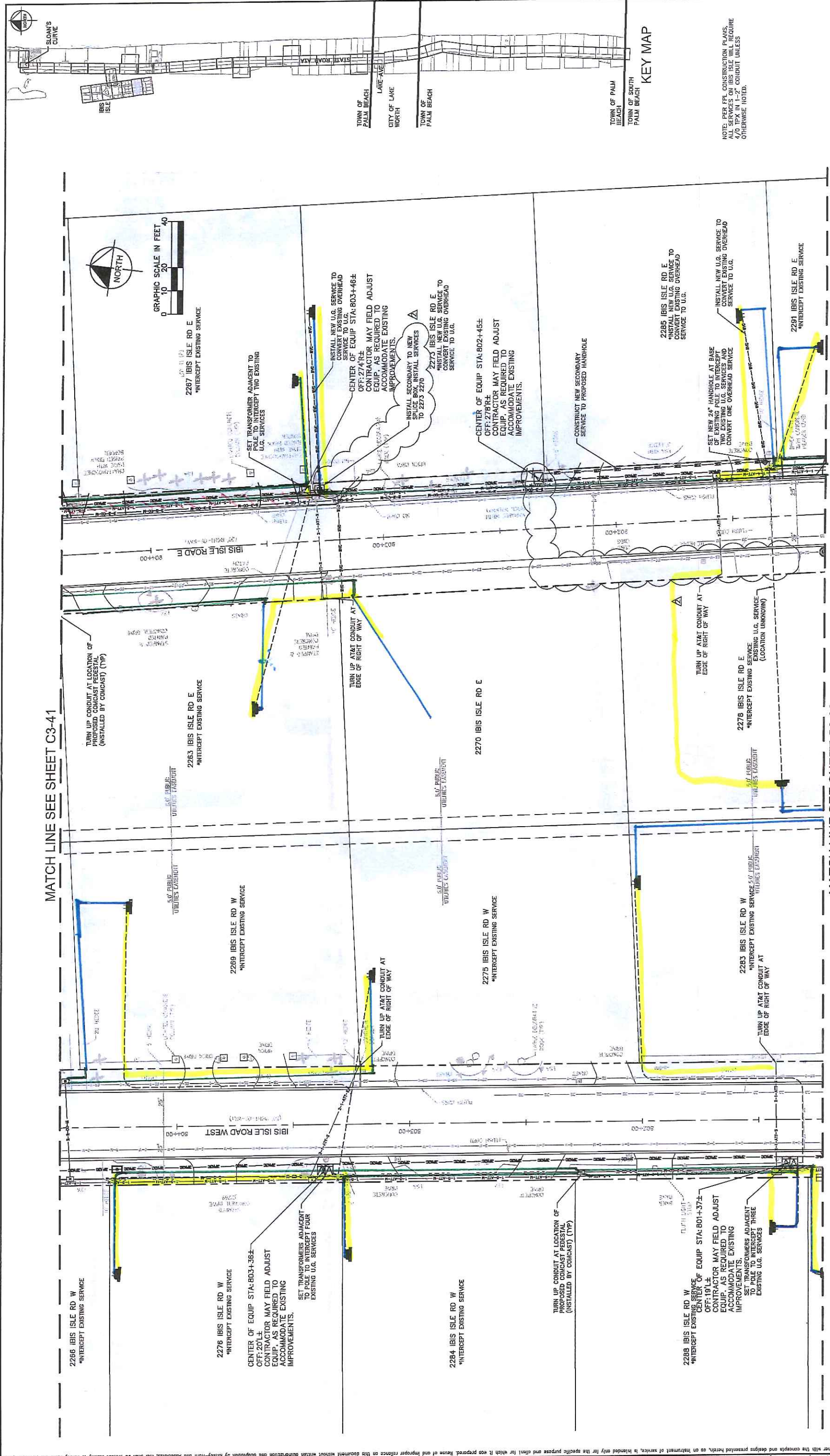
MATCH LINE SEE SHEET C3.40



ISSUED FOR CONSTRUCTION

MOCK ROOS CONSULTING ENGINEERS 5720 Corporate Way, West Palm Beach, Florida 33407 (561) 663-3113 www.MockRoos.com PA#B5040.10 DWG No. 44-43-11-06 Florida C.A. No. 48 Florida L.B. No. 48		Kimley-Horn © 2017 KIMLEY-HORN AND ASSOCIATES, INC. 1920 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL 33411 PHONE: 561-845-0665 FAX: 561-863-8175 WWW.KIMLEY-HORN.COM CA 00000696		TOWNWIDE UNDERGROUNDING PHASE 1 PREPARED FOR THE TOWN OF PALM BEACH		CONDUIT PLANS		SHEET NUMBER C3.39	
KHA PROJECT 044163188 DATE JULY 2017 SCALE AS SHOWN DESIGNED BY SMR DRAWN BY SMR CHECKED BY JPC		LISCENSED PROFESSIONAL SCOTT M. ROSSLOW FLORIDA LICENSE NUMBER 79365 DATE: _____		Palm Beach		CONDUIT PLANS		SHEET NUMBER C3.39	
ISSUED FOR CONSTRUCTION 7/17 SMR		REVISIONS		DATE		BY			

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

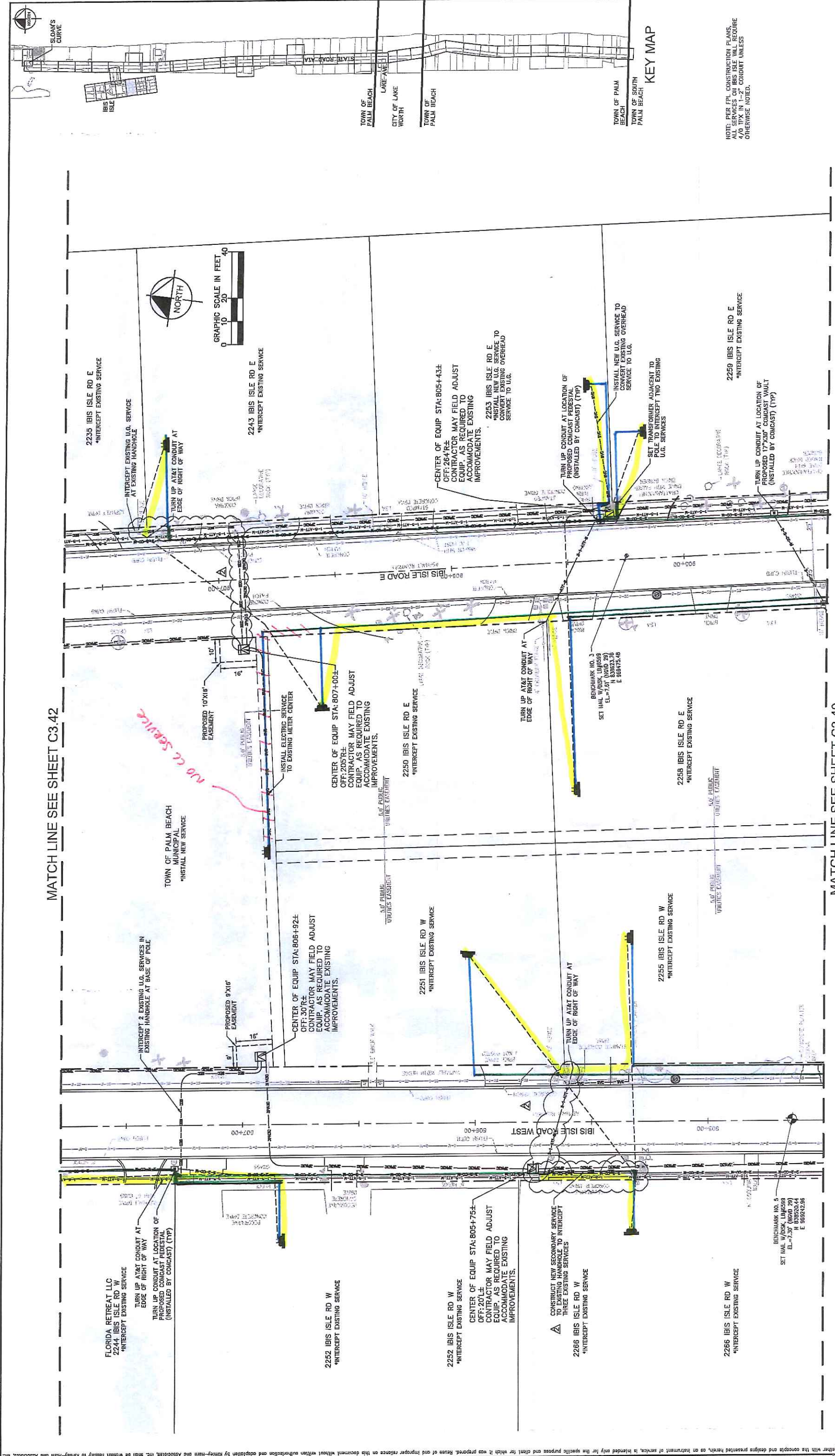


KEY MAP

NOTE: PER FPL CONSTRUCTION PLANS. ALL SERVICES ON IBIS ISLE WILL REQUIRE 4/0 TPX IN 1-2" CONDUIT UNLESS OTHERWISE NOTED.

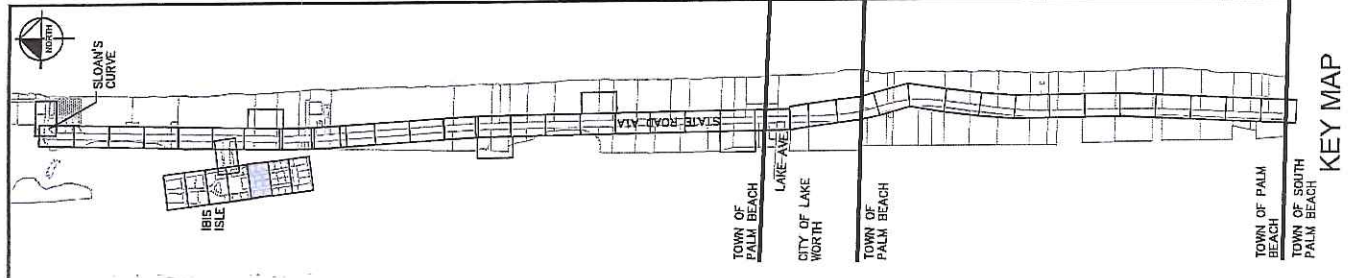
ISSUED FOR CONSTRUCTION

MOCK•ROOS		Kimley»Horn		TOWNWIDE UNDERGROUNDING		CONDUIT PLANS		SHEET NUMBER	
CONSULTING ENGINEERS		© 2017 KIMLEY-HORN AND ASSOCIATES, INC.		PHASE 1		SCOTT M. ROSSLOW		LICENSED PROFESSIONAL	
5720 Corporate Way, West Palm Beach, Florida 33407 (861) 963-3113 www.MockRoos.com		1920 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL 33411		PREPARED FOR		FLORIDA LICENSE NUMBER 79365			
PMB5040.10 DWG No. 44-43-11-08 Florida C.A. No. 48 Florida L.B. No. 48		PHONE: 561-843-0665 FAX: 561-863-8175 WWW.KIMLEY-HORN.COM CA 00000696		THE TOWN OF PALM BEACH		DATE: --- --			
No.		DATE		BY		CHECKED BY		JPC	
REVISIONS		7/17		SMR		DESIGNED BY		SMR	
ISSUED FOR CONSTRUCTION		5/17		SMR		DRAWN BY		SMR	
								</	



MATCH LINE SEE SHEET C3.42

MATCH LINE SEE SHEET C3.40



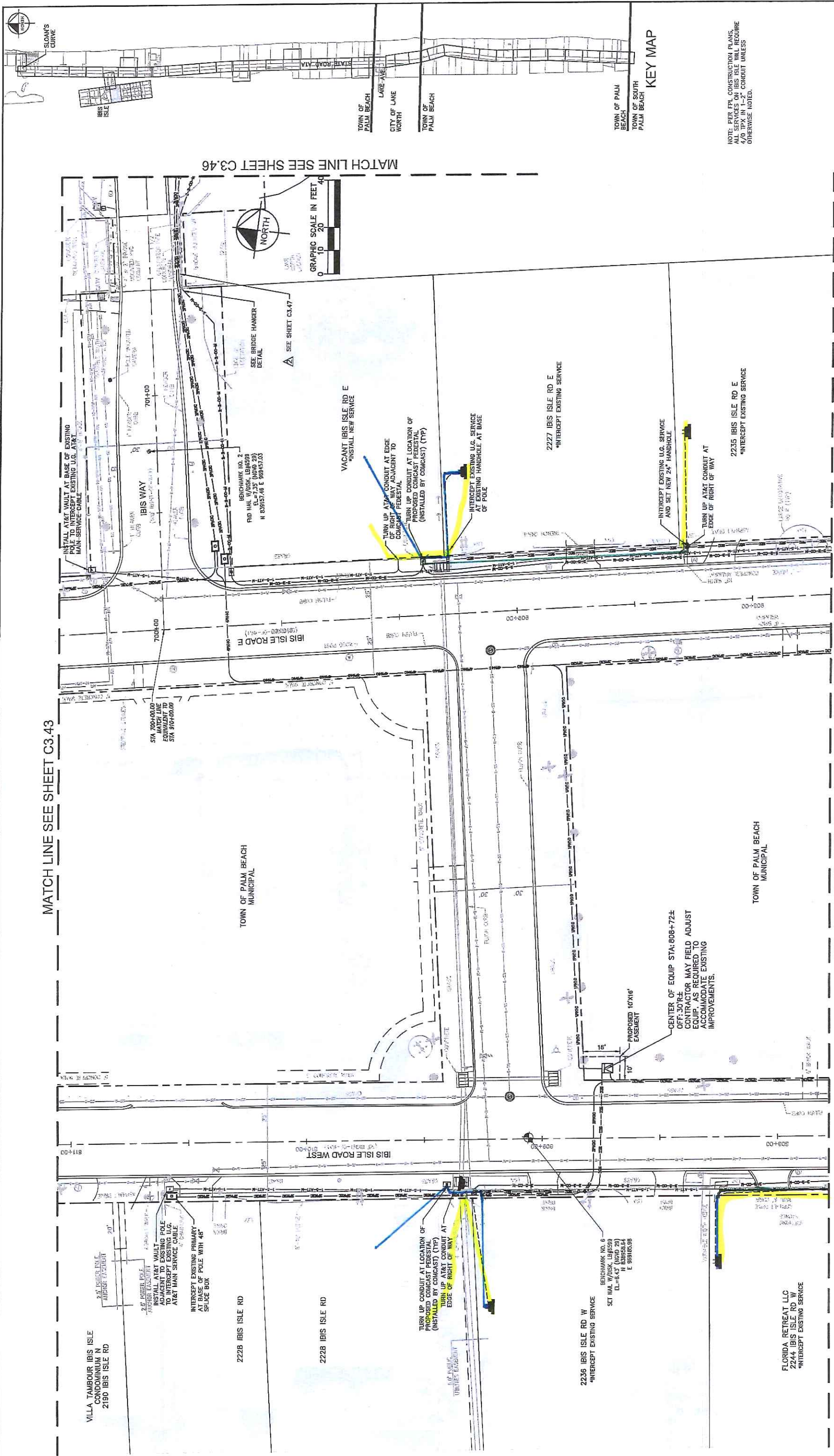
KEY MAP

NOTE: PER FPL CONSTRUCTION PLANS, ALL SERVICES IN THIS ISLE WILL REQUIRE A 10' TYP. IN-2' CONDUIT UNLESS OTHERWISE NOTED.

ISSUED FOR CONSTRUCTION

MOCK ROOS CONSULTING ENGINEERS 5720 Corporate Way, West Palm Beach, Florida 33407 (561) 683-3113 www.MockRoos.com PAH85040.10 DWG No. 44-43-11-06 Florida C.A. No. 48	Kimley»Horn © 2017 KIMLEY-HORN AND ASSOCIATES, INC. 1920 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL 33411 PHONE: 561-845-0665 FAX: 561-863-8175 WWW.KIMLEY-HORN.COM CA 00000696	KHA PROJECT 044163188 DATE JULY 2017 SCALE AS SHOWN DESIGNED BY SMR DRAWN BY SMR CHECKED BY JPC		TOWNWIDE UNDERGROUNDING PHASE 1 PREPARED FOR THE TOWN OF PALM BEACH PALM BEACH FLORIDA		LICENSED PROFESSIONAL SCOTT M. ROSSLOW FLORIDA LICENSE NUMBER 79365 DATE: _____	SHEET NUMBER C3.41
		No.		REVISIONS		No.	

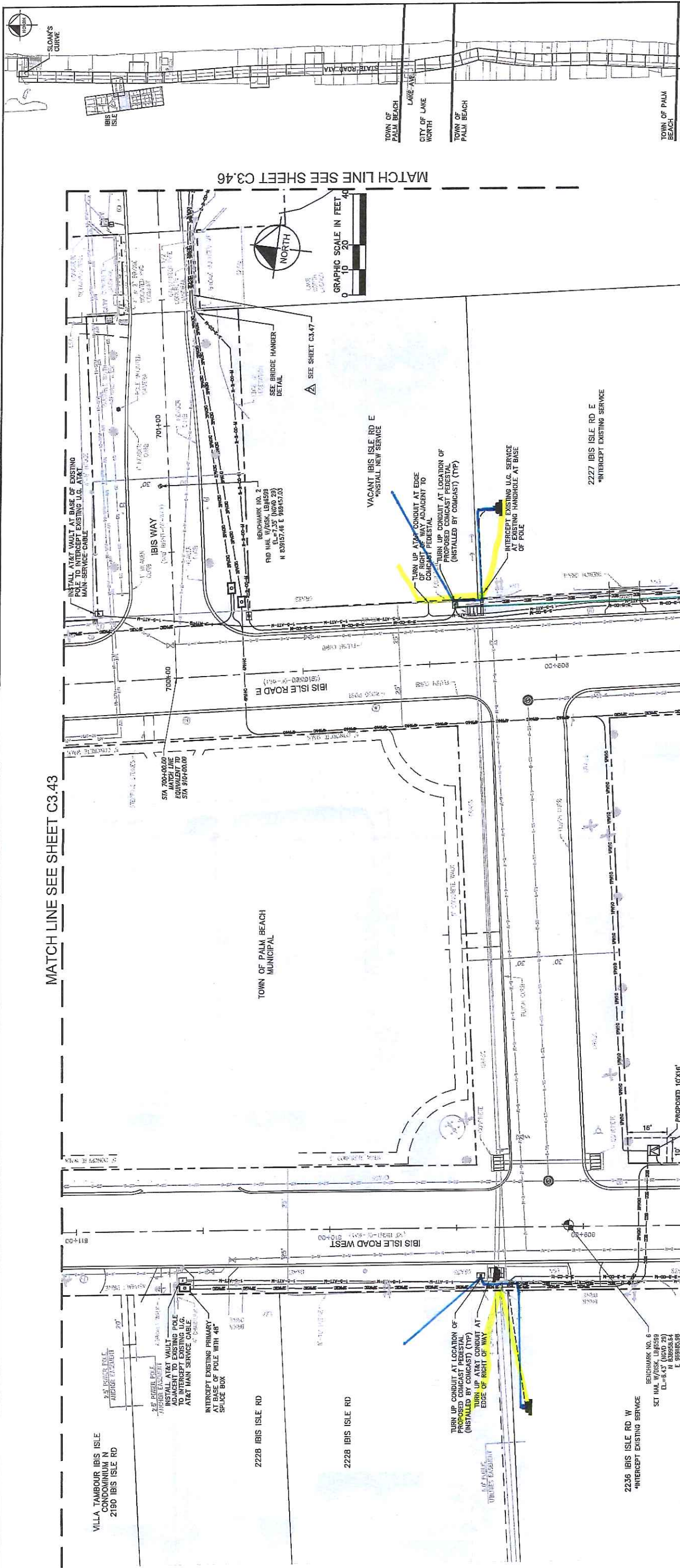
This document, together with the concepts and designs presented hereby, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



MATCH LINE SEE SHEET C3.43

MATCH LINE SEE SHEET C3.41

MATCH LINE SEE SHEET C3.46



KEY MAP

NOTE: PER FPL CONSTRUCTION PLANS,
ALL SERVICES ON IBIS ISLE WILL REQUIRE
4/0 TPX IN 1-2" CONDUIT UNLESS
OTHERWISE NOTED.

ISSUED FOR
CONSTRUCTION

SHEET NUMBER

C3.42

CONDUIT PLANS

TOWNWIDE UNDERGROUND

PHASE 1

PREPARED FOR
THE TOWN OF PALM BEACH

PALM BEACH

FLORIDA

11

KHA PROJECT

044163188

DATE 11/15/2015

JULY 2017

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DESIGNED BY SMR

RAWN BY	SMR
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[illegible]

Kimley»Horn

© 2017 KIMLEY-HORN AND ASSOCIATES, INC.
20 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL
PHONE: 561-845-0665 FAX: 561-863-8175
WWW.KIMLEY-HORN.COM CA 00000696

MOCK • ROOS

CONSULTING ENGINEERS
5720 Corporate Way, West Palm Beach,
Florida 33407 (561) 683-3113
www.MockRoos.com

7/17	SMR
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7/11	CMS
7/11	CMS

11/5

DATE	BY
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INSTRUCTION

Discussion

1507

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order Increase for the Townwide Overhead Utility
Undergrounding Phase 1 North for AT&T and Comcast Related Improvements
Resolution No. 35-2018

DATE: February 26, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 35-2018, approving a purchase order increase (change order) to Burkhardt Construction, Inc. (BCI) in the amount of \$371,200.88 for additional scope related to the installation of AT&T and Comcast service materials for the Town-wide Overhead Utility Undergrounding Phase 1 North, increasing the purchase order from \$4,828,736.28 to \$5,199,937.16 and establishing a total construction budget of \$5,504,048.20.

GENERAL INFORMATION

The Phase 1 North portion of the undergrounding project, located from Onondaga Avenue to the northern Town limits at the Inlet Dock, is ongoing and approaching a point where a decision needs to be made in regards to the installation of AT&T and Comcast services conduits. The service conduits are routed from the main line, in the right-of-way, to the service connection point located at each individual residence. The Town is currently in negotiations with AT&T as described in the attached March 6, 2018 memorandum to the Underground Utility Task Force. To keep the project on schedule a change order increasing the project purchase order for the installation of the service conduits and related construction materials is necessary.

Staff recommends proceeding with the AT&T and Comcast service installations and approving a change order to the BCI Guaranteed Maximum Price Contract. The change order, in the amount of \$371,200.88, will increase the purchase order to \$5,199,937.16 and establish a new total construction budget of \$5,504,048.20.

FUNDING/FISCAL IMPACT

Funding for these services are available within the Underground Utility Project Fund from the proceeds of the Commercial Paper 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: Jane Struder, Director of Finance
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jeffrey Sanon, P.E., Project Engineer
Michael Roach, P.E., Project Engineer
Steven Stern, Underground Utilities Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 35-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER INCREASE FOR AT&T AND COMCAST RELATED IMPROVEMENTS FOR THE TOWNWIDE OVERHEAD UTILITY UNDERGROUNDING PHASE 1 NORTH TO BURKHARDT CONSTRUCTION, INC., IN AN AMOUNT OF \$371,200.88 AND ESTABLISHING A TOTAL CONSTRUCTION BUDGET OF \$5,504,048.20.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order increase for AT&T and Comcast Related Improvements to Burkhardt Construction, Inc., in an amount of \$371,200.88, and establishes a Total Construction Budget of \$5,504,048.20.

Section 2. The Town Manager is hereby authorized to execute a purchase order increase on behalf of the Town of Palm Beach for this improvement, and is authorized to approve additional tasks, as necessary, within budget.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

TOWN OF PALM BEACH

Information for Underground Utility Task Force Meeting on: March 6, 2018

TO: Underground Utility Task Force

VIA: Kirk W. Blouin, Town Manager

FROM: Patricia Strayer, P.E., Town Engineer

RE: AT&T and Comcast Service Conduit Change Orders

DATE: March 1, 2018

STAFF RECOMMENDATION

Town staff recommends the Underground Utility Task Force (UUTF) recommend approval of Phase 1 North and South change orders for installation of AT&T and Comcast Service Conduit and Splice Boxes.

GENERAL INFORMATION

The Town of Palm Beach is in the process of converting existing overhead utilities to an underground location. Kimley-Horn previously prepared a master plan along with an opinion of probable cost of \$98.6 million for the program implementation. This opinion was largely based on a “like for like” conversion of the utilities and included the use of direct bury service cable to the residence. It is important to note that in February 2017, both AT&T and Comcast concurred that direct bury of service cable was acceptable. At this time, staff was completing Master Plan value engineering in an effort to reduce program costs closer to \$90 million. Therefore, program costs of \$98.6 million do not include service conduit for either AT&T or Comcast.

The Town expressed interest in exploring design options with AT&T and Comcast to determine if an alternate design could be deployed that both increased the level of service provided to the community and lowered the cost of the program. Multiple meetings were held with both AT&T and Comcast where the service providers presented options that consisted of either Hybrid Fiber/Coax (HFC) systems or complete Fiber Optic (FTTP) systems. Comcast presented their Hybrid Fiber/Coax system to the UUTF in the May 2017 meeting offering a proposal for improved service that was near equal to the “like for like” system with the exception of the addition of service conduit. The Town further negotiated providing service conduit to the property line of every single family home and Comcast would include in their direct cost the additional service conduit from the right-of-way/property line to the point of service. This additional cost is approximately \$1.9 million. It is important to note that the Comcast invoice for Phase 1 direct cost came in \$20,000 less than the estimated budget for this cost. At this point in time, Town staff recommended the Town accept the Comcast proposal.

AT&T also provided costs for an upgraded system. For AT&T the choice is limited to a complete fiber optic system deployment in lieu of the “like for like” copper based system. AT&T’s cost for “like for like” has always been significantly higher than the Comcast program cost. Additionally, AT&T “like for like” direct cost is more than their fiber optic system cost alternative. The significant difference in the AT&T fiber cost proposal from the estimate within the Master Plan is the addition and cost of service conduit to each single family home Town-wide along with increased size of splice boxes, service handholes, and potential pole demolition costs. Town staff has been in continuous negotiations with AT&T since May, 2017. Each offer received from AT&T has included a subsidy for service conduit installed to each single family residential property to assist the Town in offsetting related material and installation costs. The additional cost without a subsidy for this conduit is approximately \$2.85 million. Town staff is continuing to negotiate with AT&T in an attempt to obtain the lowest possible total cost for an AT&T fiber optic system.

The Phase 1 north construction has reached a critical point where any additional delay in the installation of the service conduits will result in an overall project delay and remobilization will result in additional project cost. Staff has delayed this request due to the prolonged negotiations with AT&T because it was difficult to quantify the total program cost impacts without knowing the outcome of those negotiations. The construction has reached a point that the communications providers need to begin their work to stay on schedule. Therefore, change orders for this work are being presented at Town Council on March 20th. The north construction change order is for a total amount of \$371,200.88. The Comcast portion of this change order is \$116,753.58 with the remaining \$254,447.30 attributable to AT&T service conduit and splice boxes. The amount associated with the splice boxes will result in a reduction in the AT&T direct cost. The south construction change order is \$111,824.00. Town staff recommends moving forward with these improvements, while continuing to negotiate with AT&T.

Finally, as these cost are considered, which would increase the overall program budget, a balancing factor is that the Town had an affirmative response from FPL on further consideration of credits for undergrounding. On January 9th the Florida Public Service Commission provided contingent approval for the FPL’s tariff amendments allowing additional CIAC credits for conversion of existing non-hardened overhead feeder facilities to underground feeder facilities. These rates became effective upon the Florida PSC’s formal order which cleared the way for FPL to finalize tariff changes with the effective date being February 13, 2018. These additional credits are expected to apply for all phases of the Town-wide program and the Nightingale-LaPuerta undergrounding project since these initiatives are not yet completed. Staff has requested FPL provide their estimate of the additional savings the Town should realize as a result of the Tariff approval and filing. Staff has estimated these savings to be between \$3 and \$6 million.

FUNDING/FISCAL IMPACT

Funding for these services is available in the Underground Utility Project Fund from the proceeds of the Commercial Paper program.

PURCHASING REVIEW

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

**Change Notification to Owner**

The Whiting-Turner Contracting Company
1901 W. Cypress Creek Road, Suite 101, Fort Lauderdale, FL 33309
Tel: (954) 776-0800 Fax: (954) 776-0797

Project: Town-Wide Overhead Utility Undergrnding Ph.1 -**W-T Job Number:** 016885.100

Palm Beach County, FL

Date: 12/05/2017**CN Number:** 000013**Project Area:**

To: Michael Roach
Town Of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

From: Matt Moo Young
The Whiting-Turner Contracting Company
1901 W. Cypress Creek Road
Suite 101
Fort Lauderdale, FL 33309

DESCRIPTION: Additional AT&T and Comcast conduits for Ibis Isle**REASON:** Design**SOURCE:****SCOPE OF WORK:** Additional Comcast & AT&T service conduit was requested per the Town to be installed on Ibis Isle.**CONTRACTORS AFFECTED:** C.R. Dunn, Inc.
Wilco Electrical, LLC**RELATED OBJECTS:****AUTHORIZATION**

WT REQUESTS AUTHORIZATION TO PROCEED WITH THE CHANGES DESCRIBED ABOVE.
COST/SCHEDULE IMPACT WILL BE AS FOLLOWS:

Cost: \$ 125,146.86**Funding:****SCHEDULE:**

- ☐ NO IMPACT
☒ POSSIBLE IMPACT - WT REVIEWING
☐ IMPACT TO SCHEDULE AS FOLLOWS _____

OWNER DIRECTION:

DISTRIBUTION: ☐ ORIGINAL FILE
☐ OWNER/OWNER REP.
☐ ARCHITECT
☐ LENDER

- ☐ PRICE ONLY - DO NOT PROCEED UNTIL PROPOSAL IS APPROVED
☐ PROCEED AND CONFIRM COST
☐ PROCEED FOR NTE COST INDICATED ABOVE
☐ PROCEED T&M
☒ PROCEED FOR LUMP SUM COST ABOVE
☐ PROCEED (NO IMPACT)
☐ PROCEED AND PRICE
☐ CANCEL
☐ REJECTED

Other: _____

OWNER'S REPRESENTATIVE

DATE

 3-13-18

COST BREAKDOWN**DATE:** 12/05/2017**JOB NO:** 016885.100**PROJECT AREA:****CN NO:** 000013

Vendor	Description	Budget Code	Billing Amount
	Construction Contingency	016885.100.09999990.X	\$ 0.00
Wilco Electrical, LLC	Undergrounding - Wilco	016885.100.26010000.S	\$ 93,753.00
C.R. Dunn, Inc.	Undergrounding - CR Dunn	016885.100.26050000.S	\$ 28,940.00
	Bond & Insurance	016885.100.93100000.F	\$ 2,453.86
Total Cost of this work:			\$ 125,146.86

APPROVAL:

WHITING-TURNER REQUESTS APPROVAL OF THE FOLLOWING ACTUAL/FINAL COST FOR THIS WORK:

PROPOSAL AMOUNT: **\$ 125,146.86**

OWNER CHANGE REF: _____

SUBMITTED BY: _____

WHITING-TURNER REPRESENTATIVE

DATE

DATE: _____

APPROVED BY: _____

OWNER'S REPRESENTATIVE

DATE

 3-13-18



TOWN OF PALM BEACH

Town-Wide Overhead Utility Undergrounding Phase 1 - South
CN# 013 - Additional AT&T and Comcast Service Conduit at Ibis Isle per the Town's Request



Description	Qty	Units	Unit Rate	Total	Time Extension Requested (calendar days)	Remarks
AT&T Fiber Service & Private Service at Ibis Isle						
Electrical Subcontractor's Pricing	1	LS	\$52,605.00	\$52,605.00	0	This includes all services and private side services per the KHA sketches attached.
Subtotal				\$52,605.00		
Construction Contingency				\$0.00		Construction Contingency carried by the Town
Bond & Insurance				\$1,052.10		
W-T Markup				\$0.00		
Additional ATT Conduits at Ibis Isle Subtotal				\$53,657.10	0	
AT&T Bore Across Ibis Way & Ibis Bridge						
5" Bore (between Ibis Isle east & west)	1	LS	\$7,200.00	\$7,200.00	0	
4" Bore (along Ibis Way between S. Ocean and Ibis Isle East, excluding bridge crossing)	1	LS	\$12,540.00	\$12,540.00		
Bridge Crossing	1	LS	\$9,200.00	\$9,200.00		
Subtotal				\$28,940.00		
Construction Contingency				\$0.00		Construction Contingency carried by the Town.
Bond & Insurance				\$578.80		
W-T Markup				\$0.00		
Comcast Service Conduits at Ibis Isle Subtotal				\$29,518.80	0	
Comcast Service Conduit at Ibis Isle						
Electrical Subcontractor's Pricing	1	LS	\$41,148.00	\$41,148.00	0	This includes all services per the KHA sketches attached. Private side services are excluded.
Subtotal				\$41,148.00		
Construction Contingency				\$0.00		Construction Contingency carried by the Town.
Bond & Insurance				\$822.96		
W-T Markup				\$0.00		
Comcast Service Conduits at Ibis Isle Subtotal				\$41,970.96	0	
AT&T AND COMCAST TOTAL				\$125,146.86		



Electrical, LLC.

• Bus: (305) 248-9911 • Fax: (305) 669-8891

430 Business Park Way, Royal Palm Beach, FL

		39	40	41	42	
ATT	1-1"	255	150	850	270	1525
	2-1"	115	640			755
HH/Ped		1	4	5	2	12
Com	1-1"	206	1435	330	165	2136
	2-1"	70	30	255		355
pull with			100	130		230
HH/Ped		2	5	1	2	10

Att			
1-1"	1525	13 \$	19,825.00
2-1"	755	16 \$	12,080.00
Hand Hole\Ped	12	100 \$	1,200.00
MOT	15	300 \$	4,500.00
Restoration	1	15000 \$	15,000.00
Subtotal		\$	52,605.00

Comcast			
1-1"	2136	13 \$	27,768.00
2-1"	355	16 \$	5,680.00
Pull w/ others	230	-10 \$	(2,300.00)
Hand Hole\Ped	10	100 \$	1,000.00
MOT	5	300 \$	1,500.00
Restoration	1	7500 \$	7,500.00
Subtotal		\$	41,148.00
TOTAL		\$	93,753.00

C. R. Dunn, Inc.
Electrical Construction
1202 Pope Lane / Lake Worth, FL 33460
(561) 585 2155 / fax (561) 585 1233
EC 0001144

Change Order

To: Whiting and Turner

Date: 11/9/17

Attn: Matt Moo Young

Project: Ibis Island AT&T conduits

We submit the following proposal to you on a confidential basis, the information in this proposal is not to be shared with any other person without our written permission. Proposal pertains to the following plans and specifications.

- | | | |
|--|--|--|
| <p>1 missile, approx 40LF, landscape restoration, as-builts</p> <p>4 missiles, approx 120LF, crossing 2 driveways, landscape restoration, as-builts</p> <p>1 missile, approx. 50LF, landscape restoration, as-builts</p> <p>1 missile, approx 40LF, landscape restoration, as-builts</p> <p>2 missiles, approx 70LF, crossing driveway, landscape restoration, as-builts.</p> <p>2 missiles, approx. 70LF, crossing driveway, landscape restoration, as-builts.</p> <p>2 missile, approx. 70LF across driveway, as-builts</p> <p>2 missiles, approx 80LF, crossing driveway, adjacent to utilities in ROW, as-builts</p> <p>1 missile, approx 30LF minor landscape restoration, as-builts</p> <p>4 missiles, approx 200LF. Some hand digging, landscape restoration, as-builts.</p> <p>1 missile approx. 40 LF, as-builts</p> <p>4 missiles, approx 140LF to back of house, landscape restoration, as-builts.</p> <p>1 missile, approx. 50LF, crossing driveway, as-builts</p> <p>1 missile, approx 40 LF, as-builts (not shown on KHA drawings)</p> | <p>2 missiles, approx 60LF, landscape restoration</p> <p>1 missile, approx 40LF, landscape restoration</p> <p>2 missiles, approx 50LF, landscape restoration, as-builts</p> <p>2 missiles, approx 50LF, landscape restoration, as-builts</p> <p>2 missiles, approx 170 LF, landscape restoration, as-builts.</p> <p>2 missiles, landscape restoration, as-builts</p> <p>1 missile, approx. 50LF, landscape restoration, as-builts</p> <p>1 missile, approx 80, landscape restoration, as-builts</p> <p>1 missile, approx. 20LF, hand digging, landscape restoration, as-builts</p> | <p>4 missiles, 1 approx 140 LF, ROW restoration, some hand digging, back of house, back of pool, as-builts</p> <p>4 missiles, approx 170LF, back of house under driveway, hand dig etc., as-builts</p> <p>2 missiles, approx 60LF, crossing driveway, landscape restoration, as-builts.</p> <p>1 missile, approx 40LF, landscape restoration, as-builts</p> <p>1 missile, approx. 50LF some hand digging, landscape restoration, as-builts</p> |
|--|--|--|
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- | | |
|---|---|
| 1. 2227 = \$5000.00 \$1,900 | 19. 2283 = \$7500.00 \$6,300 |
| 2. 2245 = \$3000.00 \$1,900 | 20. 2275 = \$3500.00 \$2,400 |
| 3. 2243 = \$3000.00 \$1,900 | 21. 2284 = \$2000.00 \$1,900 |
| 4. 2250 = \$6000.00 \$4,900 | 22. 2269 = \$8500.00 \$6,700 |
| 5. 2253 = \$3000.00 \$1,900 | 23. 2276 = \$3000.00 \$1,900 |
| 6. 2259 = \$3000.00 \$1,900 | 24. 2266 = \$2500.00 \$1,800 |
| 7. 2258 = \$3000.00 \$1,900 | 25. 2255 = \$3500.00 \$2,300 |
| 8. 2267 = \$3500.00 \$2,400 | 26. 2244 = \$3500.00 \$2,400 |
| 9. 2263 = \$3500.00 \$2,400 | 27. 2236 = \$3000.00 \$2,000 |
| 10. 2273 = \$4500.00 \$3,400 | 28. 2228 = \$ 500.00 |
| 11. 2285 = \$3500.00 \$2,400 | 29. 300' = 1 - 5" bore pipe @ |
| 12. 2291 = \$3500.00 \$2,400 | \$24.00 ft = \$7,200.00 |
| 13. 2278 = \$1500.00 \$1,000 | 30. 4" Bore to Bridge and bridge to |
| 14. 2315 = \$6000.00 \$4,800 | Ibis east 590' @ \$22.00 ft |
| 15. 2323 = \$3000.00 \$1,900 | = \$12,980.00 |
| 16. 2308 = \$8500.00 \$7,000 | 31. Bridge crossing = \$9,850.00 |
| 17. 2300 = \$3500.00 \$2,400 | \$9,200 |
| 18. 2288 = \$1500.00 \$1,000 | |

\$28,940.00

Lump sum Price ~~\$134,030.00~~ **\$104,140**
 Contingency for Unknown Repairs ~~\$20,000.~~ **\$20,000.**

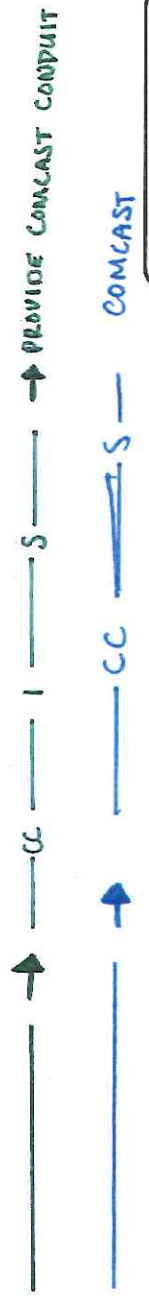
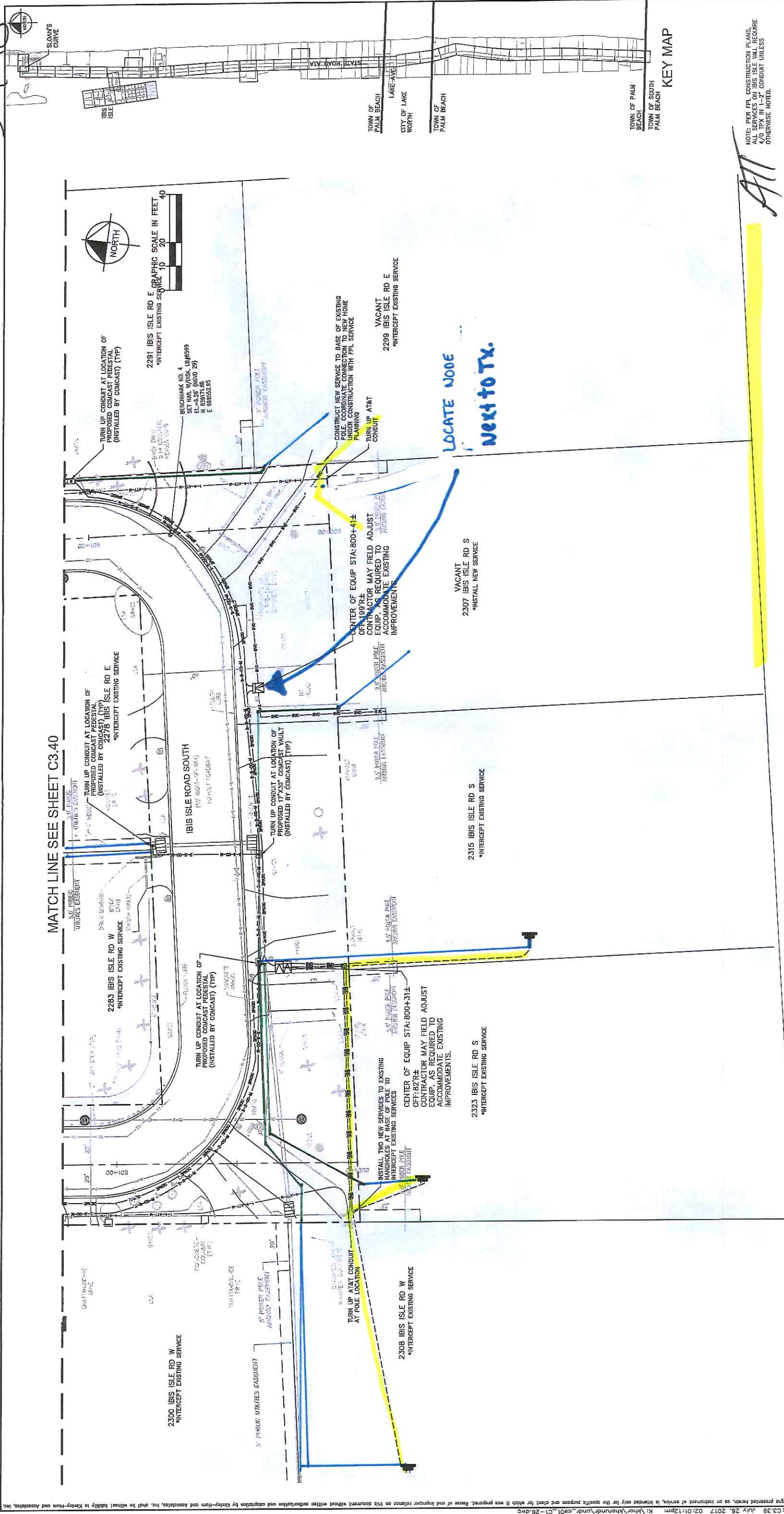
This proposal is to remain confidential. This proposal is accepted by you in any of the following methods: A) Utilizing our prices And or value engineering ideas for any purpose, including but not limited to sharing or shopping our price or ideas with any other Person. B) Requesting us to proceed with any of the work for this project. C) Written acceptance of this proposal including letter of intent to enter into a contract. Do to the increase in materials this price is good for only 30 days.

Respectfully submitted

\$124,140.00

Contingency to be held by construction manager until needed for construction. All remaining/unused funds to be returned to owner.

3-7-18

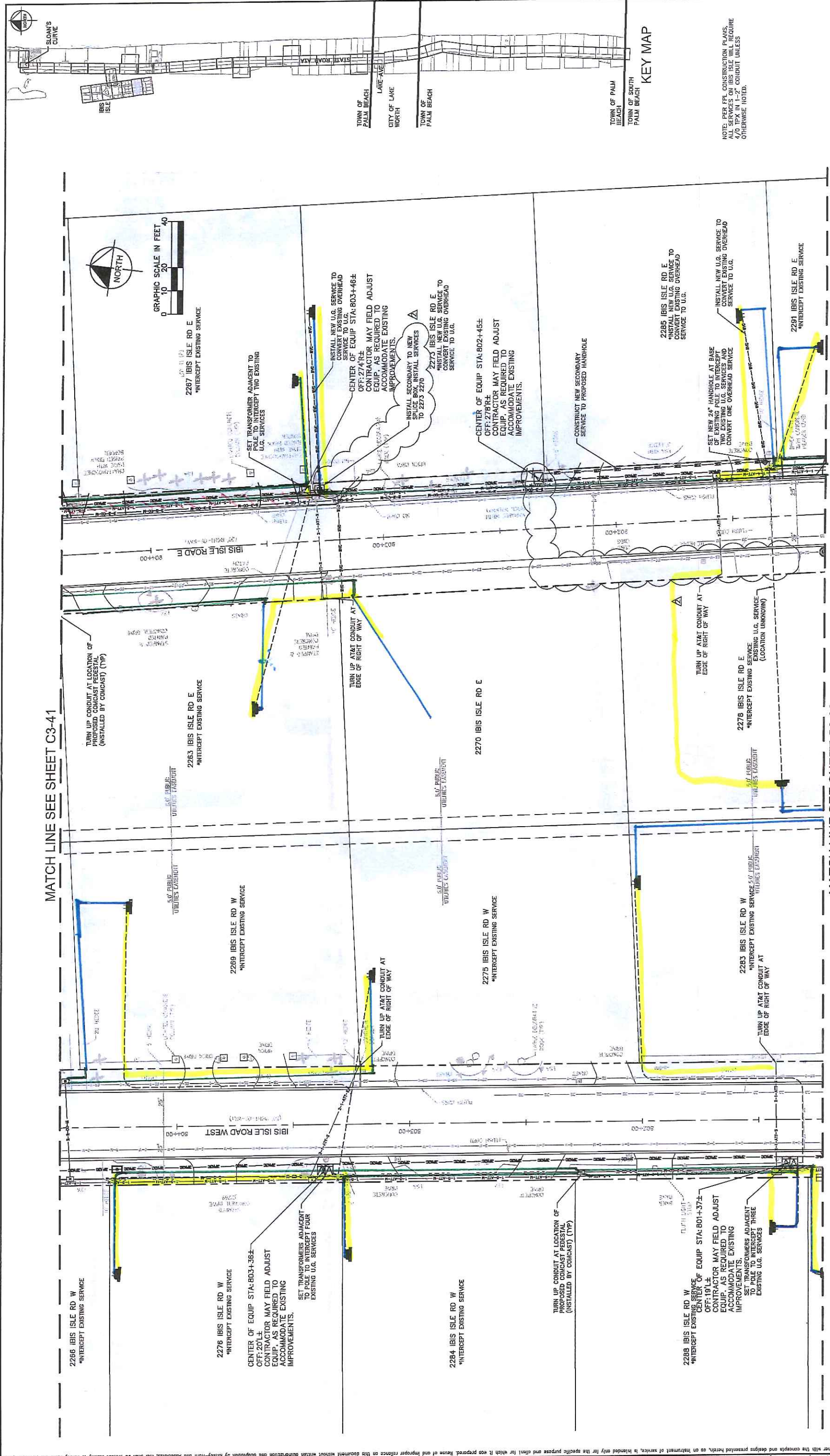


NOTE: PER FPL CONSTRUCTION PLANS, ALL SERVICES ON IBIS ISLE WILL REQUIRE 4/0 TPA IN 1-2" CONDUIT UNLESS OTHERWISE NOTED.

MATCH LINE SEE SHEET C3.40

ISSUED FOR CONSTRUCTION

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ISSUED FOR CONSTRUCTION

CONDUIT PLANS

SCOTT M. ROSSLOW
FLORIDA LICENSE NUMBER 79365

DATE: _____

TOWNWIDE UNDERGROUNDING PHASE 1
PREPARED FOR THE TOWN OF PALM BEACH

FLORIDA PALM BEACH

KHA PROJECT 044163188
DATE JULY 2017
SCALE AS SHOWN
DESIGNED BY SMR
DRAWN BY SMR
CHECKED BY JPC

Kimley»Horn
© 2017 KIMLEY-HORN AND ASSOCIATES, INC.
1920 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL 33411
PHONE: 561-845-0665 FAX: 561-863-8175
WWW.KIMLEY-HORN.COM CA 00000666

MOCK • ROOS
CONSULTING ENGINEERS
5720 Corporate Way, West Palm Beach, Florida 33407 (561) 963-3113
www.MockRoos.com
PMB5040.10 DWG No. 44-43-11-06
Florida C.A. No. 48 Florida L.B. No. 48

No.	REVISIONS	DATE	BY
1	ISSUED FOR CONSTRUCTION	7/17	SMR
2	REVISIONS SHEET	5/17	SMR

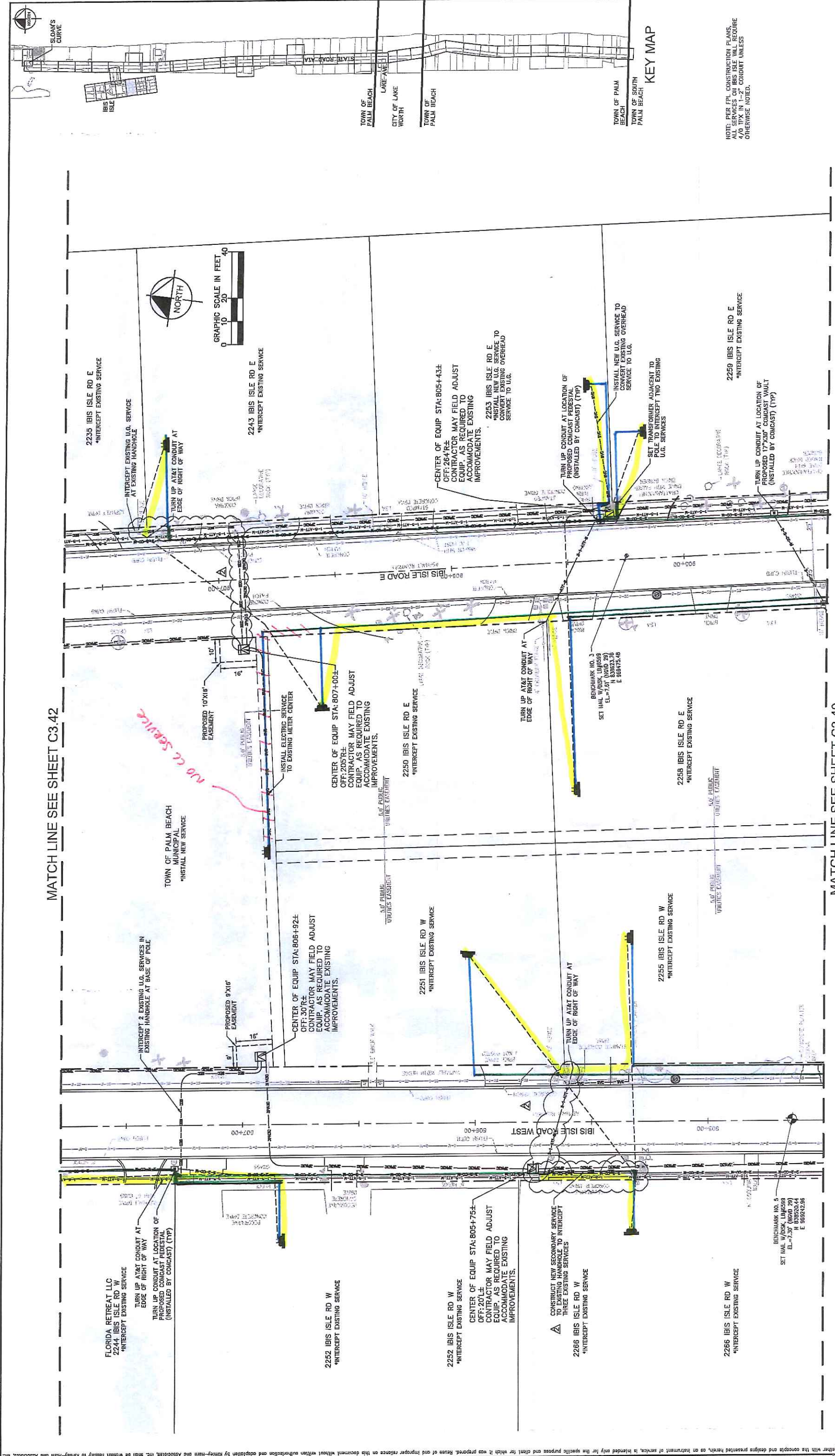
Plotted By: Scott Rosslow

Sheet Set: Underground Phase 1 Layout: C3.40 July 26, 2017 02:01:28pm

File Path: \\horne\horne\undr\undr\c3-40.ctb

Revision: 1

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Return of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



MATCH LINE SEE SHEET C3.42

MATCH LINE SEE SHEET C3.40

KEY MAP

NOTE: PER FPL CONSTRUCTION PLANS, ALL SERVICES IN Ibis Isle WILL REQUIRE A 10' TYP. IN-2' CONDUIT UNLESS OTHERWISE NOTED.

ISSUED FOR CONSTRUCTION

MOCK•ROOS CONSULTING ENGINEERS 5720 Corporate Way, West Palm Beach, Florida 33407 (561) 683-3113 www.MockRoos.com PAH85040.10 DWG No. 44-43-11-06 Florida C.A. No. 48	Kimley»Horn © 2017 KIMLEY-HORN AND ASSOCIATES, INC. 1920 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL 33411 PHONE: 561-845-0665 FAX: 561-863-8175 WWW.KIMLEY-HORN.COM CA 00000696	KHA PROJECT 044163188 DATE JULY 2017 SCALE AS SHOWN DESIGNED BY SMR DRAWN BY SMR CHECKED BY JPC		TOWNWIDE UNDERGROUNDING PHASE 1 PREPARED FOR THE TOWN OF PALM BEACH PALM BEACH FLORIDA		LICENSED PROFESSIONAL SCOTT M. ROSSLOW FLORIDA LICENSE NUMBER 79365 DATE: _____	CONDUIT PLANS	SHEET NUMBER C3.41
		No.		REVISIONS		No.		No.

This document, together with the concepts and designs presented hereby, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order Increase for the Townwide Overhead Utility
Undergrounding Phase 1 South for AT&T and Comcast Related Improvements
Resolution No. 36-2018

DATE: February 26, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 36-2018, authorizing a change order to Purchase Order No.171307 and Construction Manager at Risk Contract to Whiting-Turner Contracting Company (WT) in the amount of \$125,146.86 for the Town-wide Overhead Utility Undergrounding Phase 1 South Project to include additional scope related to the installation of AT&T and Comcast service materials and increasing the Total Construction Undergrounding Phase Budget from \$5,047,058.43 to \$5,172,205.29.

GENERAL INFORMATION

The phase 1 South portion of the undergrounding project, located from Sloan's Curve south to the Town limits, is ongoing and approaching a point where a decision needs to be made in regards to the installation of AT&T and Comcast services conduits. The service conduits are routed from the main line, in the right-of-way, to the service connection point located at each individual residence. The Town is currently in negotiations with AT&T and Comcast as described in the attached March 6, 2018 Memorandum to the Underground Utility Task Force. To continue with the installation of the service conduits and related construction materials a change order increasing the project purchase order will be necessary.

Staff recommends proceeding with the AT&T and Comcast service installations and authorizing a change order to Whiting-turner Contracting Company's Guaranteed Maximum Price Contract. Purchase Order No. 171307 will increase in the amount of \$125,146.86, and establishing a new total construction undergrounding phase budget of \$5,172,205.29.

FUNDING/FISCAL IMPACT

Funding for these services are available within the Underground Utility Project Fund from the proceeds of the Commercial Paper 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: Jane Struder, Director of Finance
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jeffrey Sanon, P.E., Project Engineer
Michael Roach, P.E., Project Engineer
Steven Stern, Underground Utilities Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 36-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER INCREASE FOR AT&T AND COMCAST RELATED IMPROVEMENTS FOR THE TOWNWIDE OVERHEAD UTILITY UNDERGROUNDING PHASE 1 SOUTH TO WHITING-TURNER CONTRACTING COMPANY IN AN AMOUNT OF \$125,146.86 AND ESTABLISHING A TOTAL CONSTRUCTION UNDERGROUNDING BUDGET OF \$5,172,205.29.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order increase for AT&T and Comcast Related Improvements to Whiting-Turner Contracting Company, in an amount of \$125,146.86, and establishes a Total Construction Phase Undergrounding Budget of \$5,172,205.29.

Section 2. The Town Manager is hereby authorized to execute a purchase order increase on behalf of the Town of Palm Beach for this improvement, and is authorized to approve additional tasks, as necessary, within budget.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

TOWN OF PALM BEACH

Information for Underground Utility Task Force Meeting on: March 6, 2018

TO: Underground Utility Task Force

VIA: Kirk W. Blouin, Town Manager

FROM: Patricia Strayer, P.E., Town Engineer

RE: AT&T and Comcast Service Conduit Change Orders

DATE: March 1, 2018

STAFF RECOMMENDATION

Town staff recommends the Underground Utility Task Force (UUTF) recommend approval of Phase 1 North and South change orders for installation of AT&T and Comcast Service Conduit and Splice Boxes.

GENERAL INFORMATION

The Town of Palm Beach is in the process of converting existing overhead utilities to an underground location. Kimley-Horn previously prepared a master plan along with an opinion of probable cost of \$98.6 million for the program implementation. This opinion was largely based on a “like for like” conversion of the utilities and included the use of direct bury service cable to the residence. It is important to note that in February 2017, both AT&T and Comcast concurred that direct bury of service cable was acceptable. At this time, staff was completing Master Plan value engineering in an effort to reduce program costs closer to \$90 million. Therefore, program costs of \$98.6 million do not include service conduit for either AT&T or Comcast.

The Town expressed interest in exploring design options with AT&T and Comcast to determine if an alternate design could be deployed that both increased the level of service provided to the community and lowered the cost of the program. Multiple meetings were held with both AT&T and Comcast where the service providers presented options that consisted of either Hybrid Fiber/Coax (HFC) systems or complete Fiber Optic (FTTP) systems. Comcast presented their Hybrid Fiber/Coax system to the UUTF in the May 2017 meeting offering a proposal for improved service that was near equal to the “like for like” system with the exception of the addition of service conduit. The Town further negotiated providing service conduit to the property line of every single family home and Comcast would include in their direct cost the additional service conduit from the right-of-way/property line to the point of service. This additional cost is approximately \$1.9 million. It is important to note that the Comcast invoice for Phase 1 direct cost came in \$20,000 less than the estimated budget for this cost. At this point in time, Town staff recommended the Town accept the Comcast proposal.

AT&T also provided costs for an upgraded system. For AT&T the choice is limited to a complete fiber optic system deployment in lieu of the “like for like” copper based system. AT&T’s cost for “like for like” has always been significantly higher than the Comcast program cost. Additionally, AT&T “like for like” direct cost is more than their fiber optic system cost alternative. The significant difference in the AT&T fiber cost proposal from the estimate within the Master Plan is the addition and cost of service conduit to each single family home Town-wide along with increased size of splice boxes, service handholes, and potential pole demolition costs. Town staff has been in continuous negotiations with AT&T since May, 2017. Each offer received from AT&T has included a subsidy for service conduit installed to each single family residential property to assist the Town in offsetting related material and installation costs. The additional cost without a subsidy for this conduit is approximately \$2.85 million. Town staff is continuing to negotiate with AT&T in an attempt to obtain the lowest possible total cost for an AT&T fiber optic system.

The Phase 1 north construction has reached a critical point where any additional delay in the installation of the service conduits will result in an overall project delay and remobilization will result in additional project cost. Staff has delayed this request due to the prolonged negotiations with AT&T because it was difficult to quantify the total program cost impacts without knowing the outcome of those negotiations. The construction has reached a point that the communications providers need to begin their work to stay on schedule. Therefore, change orders for this work are being presented at Town Council on March 20th. The north construction change order is for a total amount of \$371,200.88. The Comcast portion of this change order is \$116,753.58 with the remaining \$254,447.30 attributable to AT&T service conduit and splice boxes. The amount associated with the splice boxes will result in a reduction in the AT&T direct cost. The south construction change order is \$111,824.00. Town staff recommends moving forward with these improvements, while continuing to negotiate with AT&T.

Finally, as these cost are considered, which would increase the overall program budget, a balancing factor is that the Town had an affirmative response from FPL on further consideration of credits for undergrounding. On January 9th the Florida Public Service Commission provided contingent approval for the FPL’s tariff amendments allowing additional CIAC credits for conversion of existing non-hardened overhead feeder facilities to underground feeder facilities. These rates became effective upon the Florida PSC’s formal order which cleared the way for FPL to finalize tariff changes with the effective date being February 13, 2018. These additional credits are expected to apply for all phases of the Town-wide program and the Nightingale-LaPuerta undergrounding project since these initiatives are not yet completed. Staff has requested FPL provide their estimate of the additional savings the Town should realize as a result of the Tariff approval and filing. Staff has estimated these savings to be between \$3 and \$6 million.

FUNDING/FISCAL IMPACT

Funding for these services is available in the Underground Utility Project Fund from the proceeds of the Commercial Paper program.

PURCHASING REVIEW

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

**Change Notification to Owner**

The Whiting-Turner Contracting Company
1901 W. Cypress Creek Road, Suite 101, Fort Lauderdale, FL 33309
Tel: (954) 776-0800 Fax: (954) 776-0797

Project: Town-Wide Overhead Utility Undergrnding Ph.1 -**W-T Job Number:** 016885.100

Palm Beach County, FL

Date: 12/05/2017**CN Number:** 000013**Project Area:**

To: Michael Roach
Town Of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

From: Matt Moo Young
The Whiting-Turner Contracting Company
1901 W. Cypress Creek Road
Suite 101
Fort Lauderdale, FL 33309

DESCRIPTION: Additional AT&T and Comcast conduits for Ibis Isle**REASON:** Design**SOURCE:****SCOPE OF WORK:** Additional Comcast & AT&T service conduit was requested per the Town to be installed on Ibis Isle.**CONTRACTORS AFFECTED:** C.R. Dunn, Inc.
Wilco Electrical, LLC**RELATED OBJECTS:****AUTHORIZATION**

WT REQUESTS AUTHORIZATION TO PROCEED WITH THE CHANGES DESCRIBED ABOVE.
COST/SCHEDULE IMPACT WILL BE AS FOLLOWS:

Cost: \$ 125,146.86**Funding:****SCHEDULE:**

- ☐ NO IMPACT
☒ POSSIBLE IMPACT - WT REVIEWING
☐ IMPACT TO SCHEDULE AS FOLLOWS _____

OWNER DIRECTION:

DISTRIBUTION: ☐ ORIGINAL FILE
☐ OWNER/OWNER REP.
☐ ARCHITECT
☐ LENDER

- ☐ PRICE ONLY - DO NOT PROCEED UNTIL PROPOSAL IS APPROVED
☐ PROCEED AND CONFIRM COST
☐ PROCEED FOR NTE COST INDICATED ABOVE
☐ PROCEED T&M
☒ PROCEED FOR LUMP SUM COST ABOVE
☐ PROCEED (NO IMPACT)
☐ PROCEED AND PRICE
☐ CANCEL
☐ REJECTED

Other: _____

OWNER'S REPRESENTATIVE

DATE

 3-13-18

COST BREAKDOWN**DATE:** 12/05/2017**JOB NO:** 016885.100**PROJECT AREA:****CN NO:** 000013

Vendor	Description	Budget Code	Billing Amount
	Construction Contingency	016885.100.09999990.X	\$ 0.00
Wilco Electrical, LLC	Undergrounding - Wilco	016885.100.26010000.S	\$ 93,753.00
C.R. Dunn, Inc.	Undergrounding - CR Dunn	016885.100.26050000.S	\$ 28,940.00
	Bond & Insurance	016885.100.93100000.F	\$ 2,453.86
Total Cost of this work:			\$ 125,146.86

APPROVAL:

WHITING-TURNER REQUESTS APPROVAL OF THE FOLLOWING ACTUAL/FINAL COST FOR THIS WORK:

PROPOSAL AMOUNT: **\$ 125,146.86**

OWNER CHANGE REF: _____

SUBMITTED BY: _____

WHITING-TURNER REPRESENTATIVE

DATE

DATE: _____

APPROVED BY: _____

OWNER'S REPRESENTATIVE

DATE

 3-13-18



TOWN OF PALM BEACH

Town-Wide Overhead Utility Undergrounding Phase 1 - South
CN# 013 - Additional AT&T and Comcast Service Conduit at Ibis Isle per the Town's Request



Description	Qty	Units	Unit Rate	Total	Time Extension Requested (calendar days)	Remarks
AT&T Fiber Service & Private Service at Ibis Isle						
Electrical Subcontractor's Pricing	1	LS	\$52,605.00	\$52,605.00	0	This includes all services and private side services per the KHA sketches attached.
Subtotal				\$52,605.00		
Construction Contingency				\$0.00		Construction Contingency carried by the Town
Bond & Insurance				\$1,052.10		
W-T Markup				\$0.00		
Additional ATT Conduits at Ibis Isle Subtotal				\$53,657.10	0	
AT&T Bore Across Ibis Way & Ibis Bridge						
5" Bore (between Ibis Isle east & west)	1	LS	\$7,200.00	\$7,200.00	0	
4" Bore (along Ibis Way between S. Ocean and Ibis Isle East, excluding bridge crossing)	1	LS	\$12,540.00	\$12,540.00		
Bridge Crossing	1	LS	\$9,200.00	\$9,200.00		
Subtotal				\$28,940.00		
Construction Contingency				\$0.00		Construction Contingency carried by the Town.
Bond & Insurance				\$578.80		
W-T Markup				\$0.00		
Comcast Service Conduits at Ibis Isle Subtotal				\$29,518.80	0	
Comcast Service Conduit at Ibis Isle						
Electrical Subcontractor's Pricing	1	LS	\$41,148.00	\$41,148.00	0	This includes all services per the KHA sketches attached. Private side services are excluded.
Subtotal				\$41,148.00		
Construction Contingency				\$0.00		Construction Contingency carried by the Town.
Bond & Insurance				\$822.96		
W-T Markup				\$0.00		
Comcast Service Conduits at Ibis Isle Subtotal				\$41,970.96	0	
AT&T AND COMCAST TOTAL				\$125,146.86		



Electrical, LLC.

• Bus: (305) 248-9911 • Fax: (305) 669-8891

430 Business Park Way, Royal Palm Beach, FL

		39	40	41	42	
ATT	1-1"	255	150	850	270	1525
	2-1"	115	640			755
HH/Ped		1	4	5	2	12
Com	1-1"	206	1435	330	165	2136
	2-1"	70	30	255		355
pull with			100	130		230
HH/Ped		2	5	1	2	10

Att			
1-1"	1525	13 \$	19,825.00
2-1"	755	16 \$	12,080.00
Hand Hole\Ped	12	100 \$	1,200.00
MOT	15	300 \$	4,500.00
Restoration	1	15000 \$	15,000.00
Subtotal		\$	52,605.00

Comcast			
1-1"	2136	13 \$	27,768.00
2-1"	355	16 \$	5,680.00
Pull w/ others	230	-10 \$	(2,300.00)
Hand Hole\Ped	10	100 \$	1,000.00
MOT	5	300 \$	1,500.00
Restoration	1	7500 \$	7,500.00
Subtotal		\$	41,148.00
TOTAL		\$	93,753.00

C. R. Dunn, Inc.
Electrical Construction
1202 Pope Lane / Lake Worth, FL 33460
(561) 585 2155 / fax (561) 585 1233
EC 0001144

Change Order

To: Whiting and Turner

Date: 11/9/17

Attn: Matt Moo Young

Project: Ibis Island AT&T conduits

We submit the following proposal to you on a confidential basis, the information in this proposal is not to be shared with any other person without our written permission. Proposal pertains to the following plans and specifications.

1 missile, approx 40LF, landscape restoration, as-builts	1. 2227 = \$5000.00 \$1,900	2 missiles, approx 60LF, landscape restoration	19. 2283 = \$7500.00 \$6,300	4 missiles, 1 approx 140 LF, ROW restoration, some hand digging, back of house, back of pool, asbuilts
4 missiles, approx 120LF, crossing 2 driveways, landscape restoration, as-builts	2. 2245 = \$3000.00 \$1,900	1 missile, approx 40LF, landscape restoration	20. 2275 = \$3500.00 \$2,400	
1 missile, approx. 50LF, landscape restoration, asbuilts	3. 2243 = \$3000.00 \$1,900		21. 2284 = \$2000.00 \$1,900	4 missiles, approx 170LF, back of house under driveway, hand dig etc., asbuilts
1 missile, approx 40LF, landscape restoration, as-builts	4. 2250 = \$6000.00 \$4,900	2 missiles, approx 50LF, landscape restoration, asbuilts	22. 2269 = \$8500.00 \$6,700	
2 missiles, approx 70LF, crossing driveway, landscape restoration, asbuilts.	5. 2253 = \$3000.00 \$1,900	2 missiles, approx 170 LF, landscape restoration, asbuilts.	23. 2276 = \$3000.00 \$1,900	2 missiles, approx 60LF, crossing driveway, landscape restoration, asbuilts.
2 missiles, approx. 70LF, crossing driveway, landscape restoration, asbuilts.	6. 2259 = \$3000.00 \$1,900	2 missiles, landscape restoration, asbuilts	24. 2266 = \$2500.00 \$1,800	
2 missile, approx. 70LF across driveway, asbuilts	7. 2258 = \$3000.00 \$1,900	1 missile, approx. 50LF, landscape restoration, asbuilts	25. 2255 = \$3500.00 \$2,300	1 missile, approx 40LF, landscape restoration, asbuilts
2 missiles, approx 80LF, crossing driveway, adjacent to utilities in ROW, asbuilts	8. 2267 = \$3500.00 \$2,400	1 missile, approx 80, landscape restoration, asbuilts	26. 2244 = \$3500.00 \$2,400	1 missile, approx. 50LF some hand digging, landscape restoration, asbuilts
1 missile, approx 30LF minor landscape restoration, asbuilts	9. 2263 = \$3500.00 \$2,400	1 missile, approx. 20LF, hand digging, landscape restoration, asbuilts	27. 2236 = \$3000.00 \$2,000	
4 missiles, approx 200LF. Some hand digging, landscape restoration, asbuilts.	10. 2273 = \$4500.00 \$3,400		28. 2228 = \$ 500.00	
1 missile approx. 40 LF, asbuilts	11. 2285 = \$3500.00 \$2,400		29. 300' = 1 - 5" bore pipe @	ok -- unit rate lower than other electrical undergrounding sub
4 missiles, approx 140LF to back of house, landscape restoration, asbuilts.	12. 2291 = \$3500.00 \$2,400		30. 4" Bore to Bridge and bridge to Ibis east 590' @ \$22.00 ft	ok -- unit rate lower than other electrical undergrounding sub
1 missile, approx. 50LF, crossing driveway, asbuilts	13. 2278 = \$1500.00 \$1,000		= \$12,980.00	
1 missile, approx 40 LF, asbuilts (not shown on KHA drawings)	14. 2315 = \$6000.00 \$4,800		31. Bridge crossing	\$9,200
	15. 2323 = \$3000.00 \$1,900			
	16. 2308 = \$8500.00 \$7,000			
	17. 2300 = \$3500.00 \$2,400			
	18. 2288 = \$1500.00 \$1,000			

\$28,940.00

Lump sum Price ~~\$134,030.00~~ **\$104,140**
Contingency for Unknown Repairs **\$20,000.**

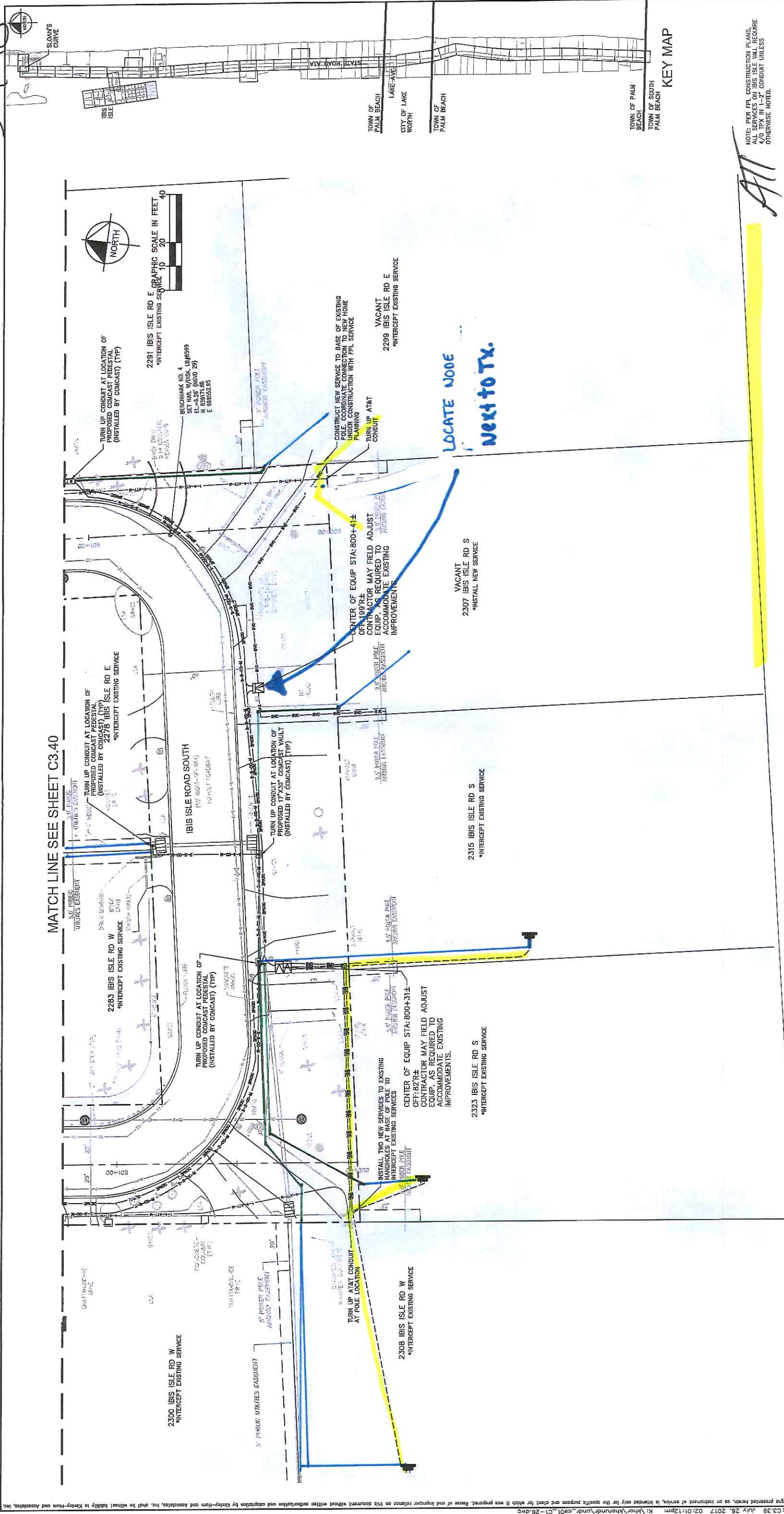
This proposal is to remain confidential. This proposal is accepted by you in any of the following methods: A) Utilizing our prices And or value engineering ideas for any purpose, including but not limited to sharing or shopping our price or ideas with any other Person. B) Requesting us to proceed with any of the work for this project. C) Written acceptance of this proposal including letter of intent to enter into a contract. Do to the increase in materials this price is good for only 30 days.

Respectfully submitted

\$124,140.00

Contingency to be held by construction manager until needed for construction. All remaining/unused funds to be returned to owner.

3-7-18

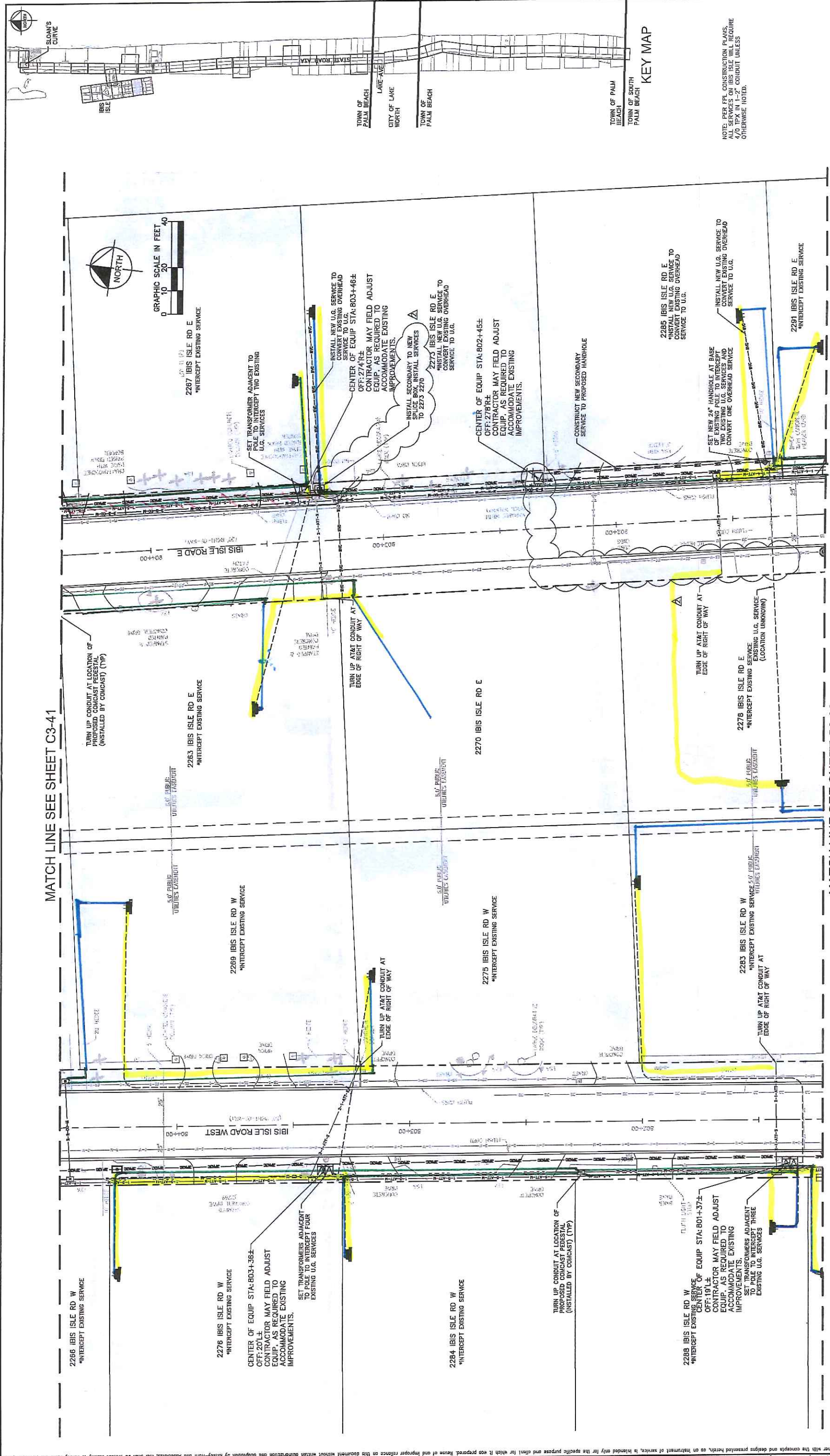


→ CC → I → S → → PROVIDE COMCAST CONDUIT
→ CC → S → COMCAST

ISSUED FOR CONSTRUCTION

MOCK ROOS CONSULTING ENGINEERS 5720 Corporate Way, West Palm Beach, Florida 33407 (561) 663-3113 www.MockRoos.com PA#B5040.10 DWG No. 44-43-11-06 Florida C.A. No. 48 Florida L.B. No. 48		Kimley-Horn © 2017 KIMLEY-HORN AND ASSOCIATES, INC. 1920 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL 33411 PHONE: 561-845-0665 FAX: 561-863-8175 WWW.KIMLEY-HORN.COM CA 00000696		TOWNWIDE UNDERGROUNDING PHASE 1 PREPARED FOR THE TOWN OF PALM BEACH		CONDUIT PLANS		SHEET NUMBER C3.39	
KIM PROJECT 044163188 DATE JULY 2017 SCALE AS SHOWN DESIGNED BY SMR DRAWN BY SMR CHECKED BY JPC		LISCED PROFESSIONAL SCOTT M. ROSSLOW FLORIDA LICENSE NUMBER 79365		DATE: _____		ISSUED FOR CONSTRUCTION		SHEET NUMBER C3.39	
No.		DATE		BY		REVISIONS		SHEET NUMBER C3.39	
ISSUED FOR CONSTRUCTION		7/17		SMR				SHEET NUMBER C3.39	
REVISIONS SHEET		5/17		SMR				SHEET NUMBER C3.39	

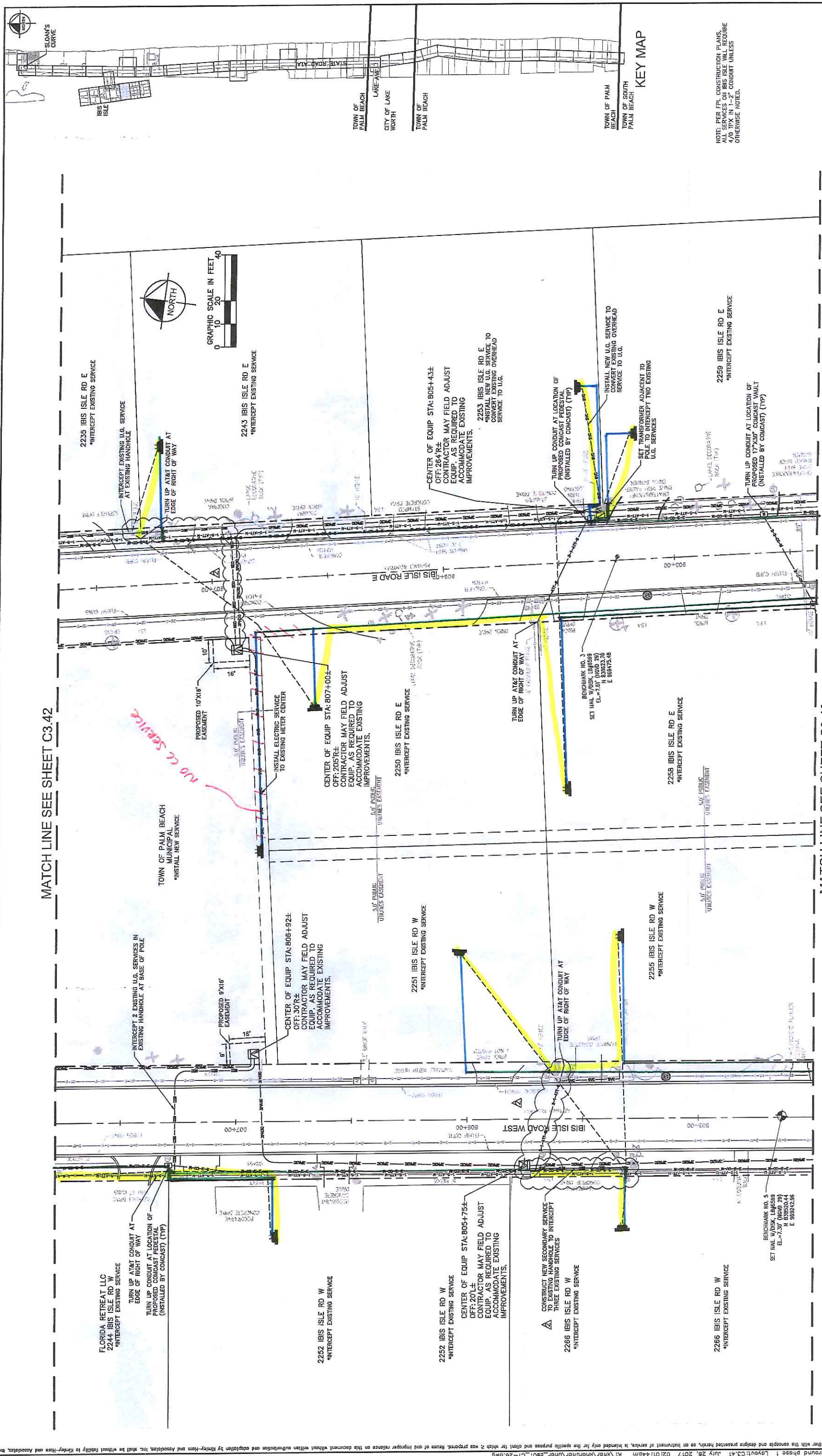
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No.		DATE		BY		DATE		DATE	
ISSUED FOR CONSTRUCTION		7/17		SMR					
REVISIONS SHEET		5/17		SMR					

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MATCH LINE SEE SHEET C3.42

MATCH LINE SEE SHEET C3.40

235 IBIS ISLE RD E
INTERCEPT EXISTING SERVICE

2243 IBIS ISLE RD E
*INTERCEPT EXISTING SERVICE

CENTER OF EQUIP STA: 805+43±
OFF: 264'R±
CONTRACTOR MAY FIELD ADJUST
EQUIP. AS REQUIRED TO
ACCOMMODATE EXISTING
IMPROVEMENTS.

*INSTALL, NEW U.G. SERVICE TO
CONVERT EXISTING OVERHEAD
SERVICE TO U.G.

2259 IBIS ISLE RD E
*INTERCEPT EXISTING SERVICE

TURN UP CONDUIT AT LOCATION OF
PROPOSED 17"x30" COMCAST VAULT
(INSTALLED BY COMCAST) (TYP)

BENCHMARK NO. 3 -
SET NAIL W/OISK, LB#8599

22258 IBIS ISLE RD E
*INTERCEPT EXISTING SERVICE

1

CENTER OF EQUIP STA: 807+00±
OFF: 205'R±
CONTRACTOR MAY FIELD ADJUST
EQUIP, AS REQUIRED TO
ACCOMMODATE EXISTING
IMPROVEMENTS.

TO EXISTING METER CENTER

-CENTER OF EQUIP STA: 806+92±
OFF: 30'R±
CONTRACTOR MAY FIELD ADJUST
EQUIP. AS REQUIRED TO
ACCOMMODATE EXISTING
IMPROVEMENTS.

2251 IBIS ISLE RD W
*INTERCEPT EXISTING SERVICE

2255 IBIS ISLE RD W
♦INTERCEPT EXISTING SERVICE

FLORIDA RETREAT LLC
2244 IBIS ISLE RD W
*INTERCEPT EXISTING SERVICE

2252 IBIS ISLE RD W
 *INTERCEPT EXISTING SERVICE

2252 IBIS ISLE RD W
*INTERCEPT EXISTING SERVICE

CENTER OF EQUIP STA: 805+75±
OFF: 20'±
CONTRACTOR MAY FIELD ADJUST
EQUIP. AS REQUIRED TO
ACCOMMODATE EXISTING
IMPROVEMENTS.

**JECT NEW SECONDARY SERVICE -
TING HANDHOLE TO INTERCEPT
XISTING SERVICES**

2266 IBIS ISLE RD W
*INTERCEPT EXISTING SERVICE

2266 IBIS ISLE RD W
*INTERCEPT EXISTING SERVICE

BENCHMARK NO. 5
W/DISK, LB#5599
=7.30" (NGVD 29)
N 838520.44
E 959242.96

ISSUED FOR
CONSTRUCTION

SHEET NUMBER

CONDUIT PLANS

C3.41

TOWNWIDE UNDERGROUND

PHASE 1

PREPARED FOR
THE TOWN OF PALM BEACH

KHA PROJECT
044163188DATE
JULY 2017

DESIGNED BY SMR

DATE	DRAWN BY	SMR
11/11/11	11/11/11	11/11/11

CHECKED BY JPC

Kimley»Horn

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320 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL
PHONE: 561-845-0665 FAX: 561-863-8175
WWW.KIMLEY-HORN.COM CA 00000696

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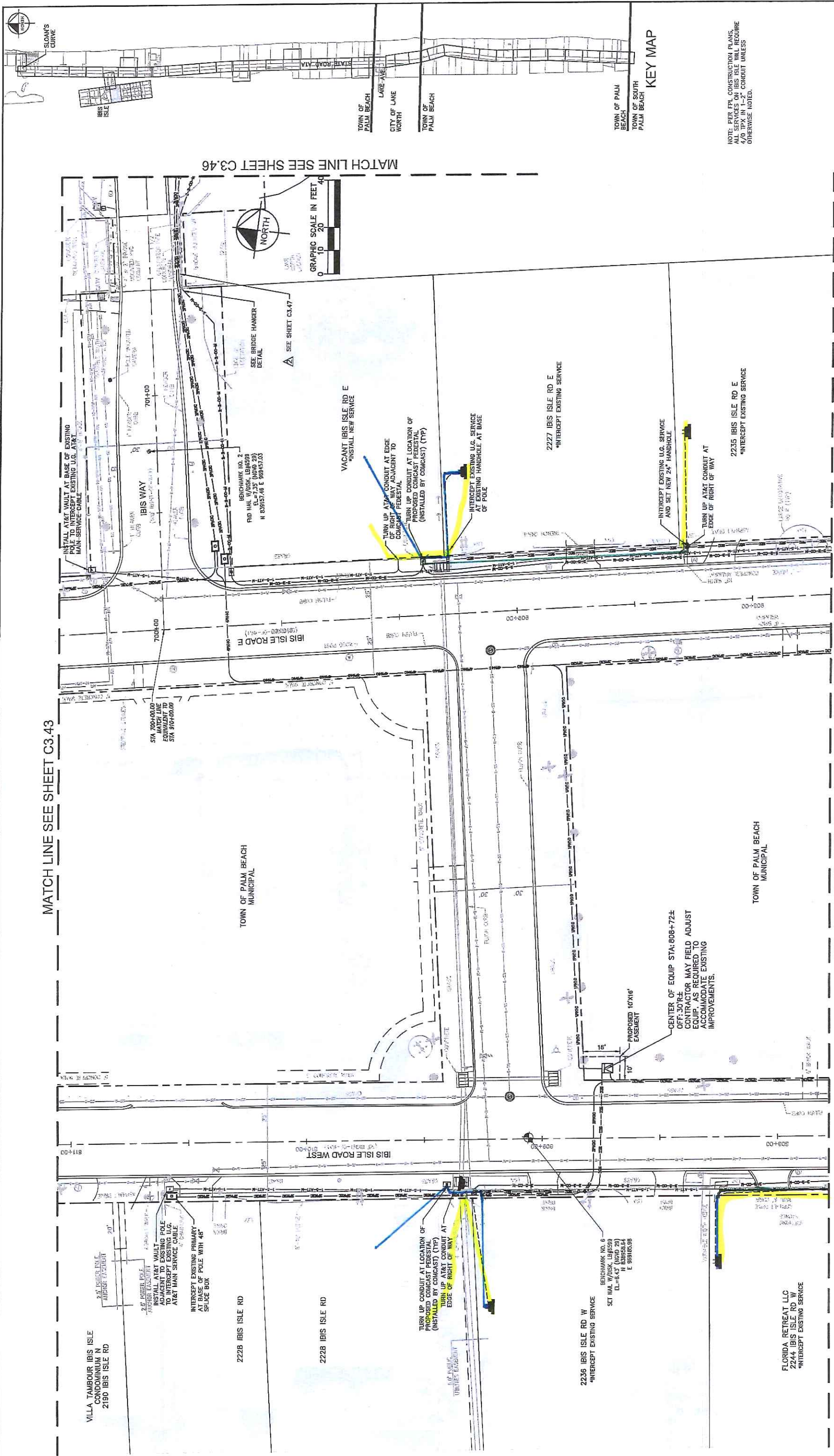
CONSULTING ENGINEERS
5720 Corporate Way, West Palm Beach,
Florida 33407 (561) 683-3113
www.MockRoads.com

Δ	ISSUED FOR CONSTRUCTION	7/17	SMR		
Δ	REVISIONS SHEET	5/17	SMR		
N _a	REVISIONS	DATE	BY		

	7/17	SMR
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5/17	SMR
DATE	BY

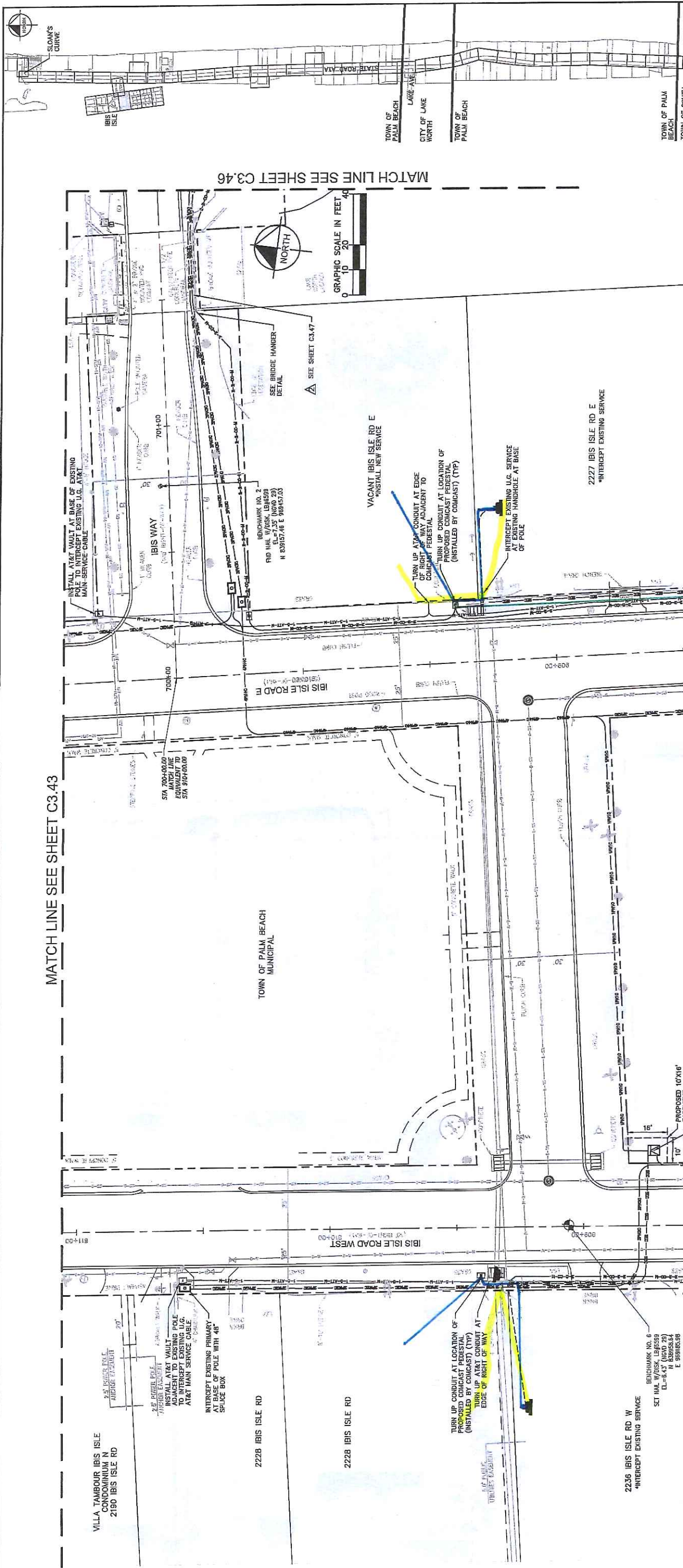
DATE	BT
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MATCH LINE SEE SHEET C3.43

MATCH LINE SEE SHEET C3.41

MATCH LINE SEE SHEET C3.46



NOTE: PER FPL CONSTRUCTION PLANS, ALL SERVICES ON IBIS ISLE WILL REQUIRE 4/0 TPX IN 1-2" CONDUIT UNLESS OTHERWISE NOTED.

ISSUED FOR
CONSTRUCTION

SHEET NUMBER

C3.42

CONDUIT PLANS

LICENSED PROFESSIONAL

SCOTT M. ROSSLOW

A LICENSE NUMBER

79365

ATF:

TOWNWIDE UNDERGROUND

PHASE 1

PREPARED FOR

THE TOWN OF PALM BEACH

ALM BEACH

FLORIDA

KHA PROJECT

044163188

DATE _____

JULY 2017

CALE AS SHOW

DESIGNED BY SM

RAWN BY SM

HECKED BY JP

Kimley»»Horn

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20 WEKIVA WAY SUITE 200, WEST PALM BEACH, FL 33411

PHONE: 561-845-0665 FAX: 561-863-8175

WWW.KIMLEY-HORN.COM CA 00000696

MOCK • ROOS

DATE OF RECEIPT

CONSULTING ENGINEERS

5720 Corporate Way, West Palm Beach,
FL 33407 (561) 999-2445

Florida 33407 (361) 683-3113
www.MackRops.com

PA#R5040 10 DWG No 44-43-11-08

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7/17	SMR
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5/17	SMR
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DATE	BY
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Source: *Journal of the American Statistical Association*, 1997, 92, 1039-1052.

CONSTRUCTION

133

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Approval of the December 12, 2017 Town Council Meeting Minutes.

Presenter

Julie Araskog, Town Council Member

ATTACHMENTS:

- ▣ **Revised minutes of the December 12, 2017 Town Council Meeting**
- ▣ **Email from Julie Araskog regarding the Town Manager reappointment discussion dated January 31, 2017**
- ▣ **Transcription of Town Manager Appointment Discussion**



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, DECEMBER 12, 2017

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, December 12, 2017, 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 Dominguez gave the invocation. President Kleid led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Araskog, and was seconded by Council Member Zeidman, to approve the Agenda, as printed. On roll call, the motion passed unanimously.

IV. RECOGNITIONS

- A. Recognition in Remembrance of Lee David Goldstein for his service on the Shore Protection Board from December 2008 to October 2017.

Mayor Coniglio spoke regarding Lee Goldstein's service to the Shore Protection Board and presented his wife, Ida Goldstein with a plaque in his memory.

- B. Recognition of Gerald Frank for his service on the Shore Protection Board from December 2008 to November 2017.

Mayor Coniglio recognized Jerry Frank, presented him with a plaque and thanked him for his many years of service on the Shore Protection Board.

V. PRESENTATIONS

- A. Royal Poinciana Playhouse Update.
Alex Patterson, UpMarkets

Alex Patterson, UpMarkets, provided an update on the restoration efforts for the Royal Poinciana Plaza.

Mayor Coniglio spoke regarding the importance of the theater to the community and thanked Ms. Patterson for the update.

- B. Presentation by Applicants for the Shore Protection Board

The following citizens presented their applications:

- Warren Belmar
 - Peter Broberg
 - Diane Buhler
 - Melissa Ceriale
 - Llwyd Ecclestone
 - Lewis Katz
 - Harvey Kinzelberg
 - William Lorentzen
 - James Sved
 - Thomas Warnke
-
- Stephen Jacoby (*Mr. Jacoby was not present but prepared a statement which was read aloud by Council Member Araskog*)

- C. Presentation by Applicants for the Investment Advisory Committee

The following applicant presented their application:

- Kathleen Anderson

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked the community volunteers, wished everyone a Merry Christmas and Happy Chanukah and recognized recent retirees from the Police and Public Works department.

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Kleid spoke regarding a recent letter to the editor about the Memorial Fountain restoration project and the importance of fact checking. Mr. Kleid also provided clarification on the cost, the donations received, and the grants collected to fund the project.

Council Member Araskog spoke regarding a recent flyer that went out about the Memorial Fountain restoration project and requested that the Town look into more cost-effective ways to communicate with the Town.

Discussion ensued regarding the intent of the flyer as a way to communicate with citizens who do not use email.

Council Member Araskog requested a motion to revisit the previously adopted motion regarding the Comprehensive Review of Town Operations (CRTO) plan and discuss amending the vote to include staff reduction through layoffs.

Town Attorney Baird spoke regarding the parliamentary procedure for reconsidering a motion on a previous vote.

Motion was made by Council Member Zeidman, and was seconded by Council Member Lindsay, to reconsider the previous vote on the CRTO plan. On roll call, the motion passed 3 to 2 with Council President Kleid and Council President Pro-Tem Moore dissenting.

A lengthy discussion ensued regarding whether the Council should include layoffs in the CRTO exercise as a cost saving option and the potential impacts.

President Kleid and Mayor Coniglio spoke regarding the scope and intent of the 2007 CRTO exercise, the Town Council's reason for achieving potential staff reduction through attrition only and the impact the study had on employee retention, recruitment, and the pension plan.

Public Comments:

Warren Belmar, 130 Sunrise Avenue, asked the Council why they were taking action on subject matters that were not properly noticed on the published agenda and stated that employee cuts are not the only solution to the problem.

Lewis Katz, 2275 South Ocean Boulevard, spoke regarding his experience with budget matters as a CFO for American Express and stated that the Town Manager should be able to make the call since he is the most knowledgeable on how the Town runs.

It was the consensus of the Town Council to keep the previous vote on the CRTO plan as is.

Discussion ensued regarding the procedure for amending the Town Code to allow for the appointment of a non-resident as an alternate member to the Shore Protection Board.

It was the consensus of the Town Council to direct staff to bring back an ordinance amending the Town Code at Chapter 2, Article X., to include a provision that allows an alternate member to be a non-resident at the January 9, 2018, meeting.

VIII. COMMUNICATIONS FROM CITIZENS

Charlot Taylor, 2165 Ibis Isle Road, inquired on the timing for cabling and resurrecting the down trees in front of her neighborhood.

In response to Ms. Taylor, Director Brazil, reported that a vendor was obtained to fix the down trees.

John David Corey, 426 Australian Ave., spoke regarding the need to reduce the speed limit to 25 mph on the roads in the North end.

Bill Metzger, 277 Esplanade Way, spoke regarding a renewed interest in the Royal Poinciana Playhouse and proposed the coordination of a performing arts center volunteer task force in order to identify and assist with a working business plan that will promote the performing arts.

Michael Scharf, 225 Dunbar Road, spoke regarding the importance of zero-based budgeting and looking at the potential for employee cuts.

In response to Mr. Scharf, Town Manager Bradford clarified the Town's approach for staff reductions through attrition only and the Town's completion of a zero-based budget for the current fiscal year.

IX. APPROVAL OF CONSENT AGENDA

Motion was made by Council Member Araskog, and was seconded by Council Member Zeidman, to approve the Consent Agenda, as printed. On roll call, the motion passed unanimously.

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES:

Kathleen Dominguez, Town Clerk

a. November 14, 2017, Town Council Meeting Minutes

b. November 15, 2017, Development Review Town Council Meeting Minutes

2. Approval of major matters considered by the Architectural Commission at its meeting of November 29, 2017.

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

B. RESOLUTIONS

1. RESOLUTION NO. 212-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of the First Amendment to the Homeless Resource Center Interlocal Agreement with Palm Beach County, Florida.
Kirk W. Blouin, Director of Public Safety
2. RESOLUTION NO. 213-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-01 and Approving a Construction Contract to Murray Logan, for the D-14 Pump Station Florida Power & Light Service Improvements, in the Amount of \$76,680 and Establishing a Construction Phase Budget of \$115,000.
H. Paul Brazil, P.E., Director of Public Works
3. RESOLUTION NO. 214-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Isuzu Truck of Ocala for the Purchase of Three (3) Isuzu Cab and Chassis with 6 Yard Packer Bodies in the Total Amount of \$281,429 on Florida Sheriff's Association Contract 17-Veh15.0, Specification 7, and Establishing an Overall Budget of \$290,000.
H. Paul Brazil, P.E., Director of Public Works
4. RESOLUTION NO. 215-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Advanced Disposal Services Solid Waste Southeast, Inc., for Bid No. 2014-05 Compacted Garbage Collection, in the Annual Amount of \$243,074.29 and Establishing a Budget of \$248,000.
H. Paul Brazil, P.E., Director of Public Works
5. RESOLUTION NO. 216-2017 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of \$73,100 for the G-9 and E-3 Wastewater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$82,000.
H. Paul Brazil, P.E., Director of Public Works
6. RESOLUTION NO. 217-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of \$107,626 for the A-4, and A-5 Wastewater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$119,000.
H. Paul Brazil, P.E., Director of Public Works

7. RESOLUTION NO. 218-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Futch's Tractor Depot for the Purchase of One (1) Kubota Tractor Loader in the Total Amount of \$64,129.80 on Florida Sheriff's Association Contract 17-Veh15.0, Specification 22, and Establishing an Overall Budget of \$67,000.
H. Paul Brazil, P.E., Director of Public Works
8. RESOLUTION NO. 219-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Relocation of the Historic or Specimen Tree From the Property at 446 North Lake Way Within the Town of Palm Beach; Designation of the Historic or Specimen Tree to Bradley Park Within the Town of Palm Beach; Providing for the Recording of Said Removal and Designation; and Providing That a Copy of This Resolution be Recorded in the Public Records of Palm Beach County, Florida.
H. Paul Brazil, P.E., Director of Public Works
9. RESOLUTION NO. 220-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Chen, Moore, and Associates, Inc., in an Amount of \$116,840 for the D-16, and D-18 Stormwater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$125,000.
H. Paul Brazil, P.E., Director of Public Works
10. RESOLUTION NO. 222-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Chen, Moore, and Associates, Inc., in an Amount of \$187,830 for the Worth Avenue 400 Block Drainage Improvements, and Establishing a Design and Bid Phase Budget of \$199,000.
H. Paul Brazil, P.E., Director of Public Works

C. OTHER

1. Approval for Use of Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves, for Two Proposed Projects, in an Amount Not to Exceed \$10,750.00.
Beth Zickar, Director of Recreation
2. Request to Consider Ordinance No. 30-2017 Prior to 5:00 p.m. at a Public Hearing.
John S. Page, Director of Planning, Zoning & Building

X. BOARD/COMMISSION ANNUAL REPORT

- A. Shore Protection Board Annual Report
Llwyd Ecclestone, Chair

Chair Ecclestone provided an overview of the annual report which included future project recommendations. He also spoke regarding the hard work and professionalism provided around the clock by the Public Works staff and Town Manager.

Motion was made by Council Member Araskog, and was seconded by Council Member Zeidman, to accept the report. On roll call, the motion passed 4 to 0 with Council Member Moore absent.

XI. COMMITTEE REPORTS

- A. Report of the Administrative and Personnel Committee Meeting Held on November 6, 8 and 9, 2017.
TIME CERTAIN: 4:00 PM
Richard M. Kleid, Chair

Brett Schneider, Counsel for the Administrative and Personnel Committee, spoke regarding the role and procedure of the Committee and the Town Council in making a determination pertaining to the grievance.

(Clerk's Note: Council Member Lindsay recused herself from the discussion due to a conflict of interest).

Committee Member Araskog and Chair Kleid provided a brief summary of their findings and conclusions for each charge.

Discussion ensued regarding the appearance of mistrust, Mr. Powery's mishandling of the Right-of-Way permits and failure to seek clarification on his tasks, and requests and directives from supervisors being one and the same.

Motion was made by Council Member Zeidman, and was seconded by Council President Pro Tem Moore, to uphold the suspension. On roll call, the motion passed 3 to 1 with Council Member Araskog dissenting and Council Member Lindsay absent.

- B. Report of the Public Works Committee Meeting Held on November 20, 2017.
Margaret A. Zeidman, Chair

Chair Zeidman provided an overview of the report.

Discussion ensued regarding revisiting truck regulations in the North end, a resident's offer to donate money for the truck study, cost and staff time to conduct the study, addressing this matter in the CRTO, the impact to the aesthetics of the area if additional signs are added next to the existing signage, issues the truck drivers are having with their GPS notification system and the narrow roads in the North end, and limiting the hours for the passage of trucks.

Town Manger Bradford stated that the roads in the North end meet the statutory requirements for signage.

Motion was made by Council President Pro Tem Moore, and was seconded Council Member Lindsay, to accept the report and to direct the Public Works Committee to further study truck regulations including placing a limit on the hours in the North end. On roll call, the motion passed unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Town Council will adjourn for a Special Holiday Luncheon

TIME CERTAIN: 12:15 PM

Richard M. Kleid, Council President

(Clerk's Note: The Town Council recessed for a two hour holiday luncheon)

2. Palm House Receiver's Third Request for Extension of Abatement Period for Conditional Abatement of Daily Non-Completion Fee for the Palm House Project.

Cary Glickstein, Court Appointed Receiver

Mr. Glickstein provided an overview of the request.

Discussion ensued regarding the court order and timeline for the receiver to start the appraisal process, obtain property value information and put the property on the market.

Motion was made by Council Member Araskog, and was seconded by Council Member Zeidman, to approve the Receiver's third request to extend the abatement period for 120 days, subject to the same terms and conditions approved in the second request. On call for a vote, the motion passed unanimously.

3. Coastal Update:

- a. Shore Line Condition Update

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

Coastal Program Manager Rob Weber provided a PowerPoint presentation on the shoreline which included photos of each reach.

Council Member Zeidman requested that staff include an update on the lagoon side of the Lake Trail in the monthly shoreline presentations.

4. Town-wide Undergrounding Project:

Steven N. Stern, Underground Utilities Project Manager

a. Review of Project & Dashboard, Summary of Project Status

Project Manager Stern provided an overview of the project highlights and the dashboard.

Discussion ensued regarding gas line hits, procedures for avoiding and repairing gas main hits during the project, gas main versus service lines in the easements, AT&T fiber service requirements for reliability and public safety.

b. Peer Review of Master Plan, Final Report Delivery.

Anthony Hanson, Principal Engineer, Patterson & Dewar Engineers Inc.

TIME CERTAIN: 2:30 PM

Anthony Hanson, Patterson Dewar, provided an overview of the project review report.

i. Staff and Consultant Comments

Dean Mealy, Purchasing Manager, spoke regarding best pricing practices for hiring and bidding a Construction Manager at Risk.

Patricia Strayer, Town Engineer, spoke regarding cost estimates for the construction bids versus the cost in the master plan.

Kevin Schanen, Project Manager, spoke regarding the vetting and negotiating process with AT&T, Comcast and FPL, the cost difference with the switchgear options, the design process, easement process, express feeders and the schedule for the feeder lines.

ii. Underground Utilities Task Force Questions and Comments

Tom Parker, Task Force member, spoke regarding his experience on the Task Force and various reasons for not

going with the most expensive switchgear option, which is the Vista Switchgear.

Susan Gary, Task Force Member, spoke regarding reliability, public safety. She also expressed her concerns with the cost estimate, project management and implementation.

In response to questions from Ms. Gary, Anthony Hanson spoke regarding the factors and complications involved for getting a project cost estimate due to the unknown equipment locations and cost inflation. He also recommended best management practices for the project.

Town Manager Bradford confirmed that staff has agreed to use the recommended procedure for the project management plan (PMP) and will use the standard PMP template.

In response to a question from Ms. Gary, Director Brazil spoke regarding the water system inventory as a negotiations tool.

Discussion ensued regarding the City of West Palm Beach's interlocal agreement with the Town for water services and who is responsible for the repair and replacement of the Town's water pipes.

Harry Wolin, Task Force member, spoke regarding the balancing act of the Task Force with keeping the project on time and on budget.

Nicki McDonald, Task Force member, inquired about the price discrepancy with the switchgears and the need for more reliability studies.

In response to questions from Ms. McDonald and Council Member Araskog, Mr. Hanson and Ms. Strayer spoke regarding the price discrepancy with the switchgear options and if there are other vendors who can provide switchgears.

Public Comments:

Lew Crampton, Civic Association, inquired on whether the peer review resulted in any cost savings to the Town.

Michael Scharf, 225 Dunbar Road, spoke regarding his view of the operational process, cost overruns, inquired about the advantages of the vista switch, and requested

clarification on the issuance of building permits and variances in relation to the underground project easements.

Howard Murray, 3475 S. Ocean Boulevard, spoke regarding his experience with underground utility projects and the reliability of the Vista versus the PME switchgear.

Harris Fried, 212 Oleander Ave., spoke regarding submersible switch boxes, lack of an action plan and taking a pause.

Tom Parker, spoke regarding inflation rates and risks in public finance, efforts to reduce cost and transparency.

iii. Mayor and Town Council Questions and Comments

Discussion ensued regarding the Vista vs. PME switchgears, varying factors for not using the Vista switchgears, concern with lower elevation areas, performance with the type of switchgears during a storm, remaining realistic on the cost estimate, the Town's budget versus Patterson and Dewar's projected budget, cost savings, matters of risk, cost difference for a switchgear PME vs. a Vista switchgear, more reliability studies, issues with easements and obtaining maps from FPL, and the incentive for extending the CMAR to the next project phase.

President Kleid requested that staff include an update on FPL's pole hardening project and CMAR contracts at the next meeting.

B. New Business

1. Appointment of Town Manager Thomas G. Bradford Pursuant to Section 4.02(b) of the Town Charter from December 13, 2017 through December 11, 2018.

Thomas G. Bradford, Town Manager

Town Manager Bradford spoke regarding his future at the Town and his desire to be re-appointed as Town Manager. He requested that action on his re-appointment be deferred at this time and that the Council charge President Kleid with preparing an agreement between himself and the Town for a smooth transition.

In response to a question from Council Member Araskog, Town Attorney Baird explained the Town Charter provision regarding the re-appointment of the Town Manager.

Discussion ensued regarding the Town Manager appointment process and the timing of the re-appointment occurring before the performance review.

Council Member Zeidman explained her desire for new leadership.

Council Member Lindsay stated that she was not comfortable re-appointing Town Manager Bradford for another year without a performance review and commented on the budget process in July.

President Kleid expressed his disappointment with some of the Council members' stance on the re-appointment of the Town Manager.

Council President Pro-Tem Moore echoed Mr. Kleid's comment and stated that this action was disgraceful and wrong.

Mayor Coniglio requested that Town Manager Bradford be given at least a nine-month contract so that he could be given a chance to complete some important tasks such as the CRTO, the FY19 budget, the underground utilities project and the departure of John Page, Director of Planning, Zoning and Building.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to have President Kleid prepare the Town Manager's professional service agreement and to approve the reappointment of the Town Manager for a period of up to nine months. On roll call, the motion passed unanimously.

2. Adoption of the 2018 Town Council Meeting Schedule

Thomas G. Bradford, Town Manager

Town Manager Bradford spoke regarding the Town's election occurring on the same day as the March Town Council meeting and proposed the Council meet to discuss Regular Business matters on the third Tuesday and the Development Review matters on the third Wednesday in March going forward.

Council Member Lindsay pointed out that the third week in March is typically Spring Break and that council members with children in school may not be available that week.

Discussion ensued regarding other conflicts with the 2018 meeting schedule, combining Town Council business and Development Review Matters in July and August into one meeting, the use of brevity during council meeting discussions and limiting council member participation to three minutes at a time and then getting back in the queue to make additional comments.

It was the consensus of the Town Council to limit their participation in meeting discussions to three minutes at a time.

It was the consensus of the Town Council to defer the discussion on combining the Regular Town Council and Development Review Matters to one meeting in August to a future meeting.

Motion was made by Council Member Araskog, and was seconded by Council Member Zeidman, to adopt the 2018 Town Council Meeting schedule with the following revisions:

Reschedule the March 13, 2018 and March 14, 2018, meetings to March 20, 2018 and March 21, 2018 due to the Town's General Election taking place on March 13, 2018.

Schedule the July 9, 2018, meeting as a Special Meeting for budget-related matters and the July 10, 2018 Meeting for Town Council Business and Development Review Matters.

Rescheduled the Tuesday, September 11, 2018, Meeting for Thursday, September 13, 2018.

On roll call, the motion passed unanimously.

3. Staff Request to Reconsider the Extension of Off-Site Supplemental Shared Parking Provisions in the Code of Ordinances as Adopted in Ordinance No. 25-2015

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

(Clerk's Note: This item was taken out of order and heard after Item XII.A 4.)

Director Page introduced Attorney Baird who spoke regarding the legality of the extension request. He stated that case law was in place when this application was made and will be applied to this application.

It was the consensus of the Town Council to proceed under the existing code.

4. Appointment to the Investment Advisory Committee.

Jane Struder, Director of Finance

(Clerk's Note: This item was taken out of order and heard after Item XI.A.)

Motion was made by Council Member Araskog, and seconded by Council Member Zeidman, to ratify the appointment of Kathleen Anderson as a regular member of the Investment Advisory Committee. On roll call, the motion passed 4-0 with Council Member Lindsay absent.

5. Appointments to the Shore Protection Board

H. Paul Brazil, Director of Public Works

Motion was made by Council Member Zeidman, and was seconded by Council Member Araskog, to ratify the appointment of Llwyd Ecclestone, Lewis Katz, Melissa Ceriale and Harvey Kinzelberg as regular members of the Shore Protection Board and Warren Belmar and William Lorentzen as alternate members of the Shore Protection Board. On roll call, the motion passed unanimously.

C. Matters Pulled From Consent Agenda: If needed – *None*

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 31-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Amending Chapter 14, Aviation, at Article II. Aircraft, so as to Rescind in its Entirety Section 14-35 Thereof, Relating to Drones; Model Aircraft in its Entirety; Providing for a New Section 14-35 Relating to Drones; Model Aircraft, so as to Provide a Definition of "Drones/Model Aircraft" and so as to Provide that Drones/Model Aircraft Operated in the Town Shall Comply with all Rules and Regulations of the Federal Aviation Administration (FAA) Relating to the Operation and Registration of Same, as well as all Rules and Regulations of the State of Florida Relating to said Operation.
Jay Boodheshwar, Deputy Town Manager

Attorney Baird read Ordinance No. 31-2017 into the record.

Motion was made by Council Member Zeidman, and was seconded by Council Member Araskog, to adopt Ordinance No. 31-2017 on second and final reading. On roll call, the motion passed 4-0 with Council Member Lindsay absent.

2. ORDINANCE NO. 32-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 46, Fire Prevention and Protection, Amending Article III, "Fire Prevention", in Accordance with Florida State Statute 633.202 and 633.208 the "Florida Fire Prevention Code" Adopted by the State of Florida Fire Marshal in Chapter 69a-60 of the Florida Administrative Code with Local Amendments, National Fire Protection Association Fire Code - N.F.P.A. 1, Florida 2015 Edition, and National Fire Protection Association Life Safety Code - N.F.P.A. 101, Florida 2015 Edition; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Codification; and Providing for an Effective Date.
Kirk W. Blouin, Director of Public Safety

Attorney Baird read Ordinance No. 32-2017 into the record.

Motion was made by Council Member Araskog, and was seconded by Council Member Moore, to adopt Ordinance No. 32-2017 on second and final reading. On roll call, the motion passed 4-0 with Council Member Lindsay absent.

B. First Reading

1. ORDINANCE NO. 34-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-67, United States Internal Revenue Code Qualification; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Thomas G. Bradford, Town Manager

Attorney Baird read Ordinance No. 34-2017 into the record.

Motion was made by Council Member Zeidman, and was seconded by Council Member Moore, to approve Ordinance No. 34-2017. On roll call, the motion passed 3-1 with Council Member Araskog dissenting and Council Member Lindsay absent.

XIV. ANY OTHER MATTERS

President Kleid requested that the Town Manager add an item to the January agenda regarding compensation of \$1.00 per year for Council Members.

Council Member Araskog spoke regarding lack of greenspace, zoning issues and variances granted to private properties. She requested that this matter be referred to the Ordinances, Rules and Standards Committee or the Planning and Zoning Commission for further study.

Council Member Lindsay explained the Town Code relative to variances granted and the reason for the decrease in greenspace.

Discussion ensued regarding whether there is sufficient criteria to determine a negative impact on the balance of the site plan and the property and the legality of the variance issue.

It was the consensus of the Town Council to direct Town Manager Bradford to bring forth information pertaining to the process for the Town Manager National Search at the January 9, 2018, Town Council Meeting.

XV. ADJOURNMENT

There being no further business to discuss, the December 12, 2017 regular Town Council meeting was adjourned at 7:30 p.m.

APPROVED:

Richard M. Kleid
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk

Date: _____

From: juliearaskog@aol.com
To: [Tom Bradford](#); [Jay Boodheshwar](#); [Kirk Blouin](#); jrandolph@jones-foster.com; [Kathleen Dominguez](#)
Subject: Fwd: Transcription of entire discussion of whether or not to renew the Town Manager's contract from the December Town Council Meeting
Date: Wednesday, January 31, 2018 10:22:03 AM
Attachments: [Final Transcription of Town Council December Meeting where Tom's Contract is discussed.docx](#)

Kirk, Jay, and Tom,

Sorry, the precious email sent before I attached the transcript of the meeting. The transcript is attached to this email. Additionally, with the difficulty for anyone who is not a professional transcriber to transcribe such long and complex meetings and with the complaints of the lack of detail and possible mistakes, I would like an agenda item to discuss having a transcriber for our Tuesday meetings. What is the cost to have our meetings transcribed? Can we get a discount if we hire someone for all meetings?

Thank you,
Julie

-----Original Message-----

From: juliearaskog <juliearaskog@aol.com>
To: tbradford <tbradford@townofpalmbeach.com>; jrandolph <jrandolph@jones-foster.com>; kblouin <kblouin@palmbeachpolice.com>; jboodheshwar <jboodheshwar@townofpalmbeach.com>; kdominguez <kdominguez@townofpalmbeach.com>
Sent: Wed, Jan 31, 2018 10:05 am
Subject: Transcription of entire discussion of whether or not to renew the Town Manager's contract from the December Town Council Meeting

Tom, Jay, and Kirk,

I transcribed word for word the entire portion of the Town Council meeting where it was decided not to renew Tom's contract for a year. I think you can have someone listen to confirm my transcription is correct. It took hours and I had to listen to each sentence several times to get it right. I could hear people who spoke off mic with the headsets on most occasions. I put each and every uh and uhm in as well as spelling words as they were pronounced: for instance, idear (for idea) and excetera for etcetera.

There are two purposes for my transcribing this meeting:

1. It appears the motion that carried is incorrect in the minutes of the meeting. I would like it corrected if that is the case. I listened to it with Sennheiser HD 415 noise control headphones and could hear quite clearly almost each and every word spoken at that meeting. There appears to be no mention of a national search in the motion itself, but instead the motion was to give Dick the authority to negotiate Tom's contract for up to nine months. In the transcript, you can see it is mentioned that a manager could be found more quickly by Bobbie on page 12 in bold before she makes her first motion: **"I hope that we have a, a comfortable transition. I don't know whether that's 9 months or something less than that. Sometimes you get lucky. Sometimes you find somebody quicker."** Bobbie's first motion found on page 13 was: **"but I would like to make a motion that we pass this to uh our President Kleid."**

There was discussion and then on page 15-16.
This is the motion in bold, and there is some overlap:

3:47:10 Dick: Let's call the question: uhm: and the motion is to what

Bobbie: to remand it to you

Dick: to give me the authority to uh

Bobbie: **to sit down**

Dick: **to negotiate with Tom**

Dani: **for a nine month contract, up to**

Bobbie: **up to**

Bobbie: **for up to**

Dick: **uh- up to a nine month contract. Uh, Do we have a second?**

Julie: **Second**

Bobbie: **Yeah, It was already seconded, I think**

Dick: **Yeah, okay. Kathleen**

Roll call is taken. Motion passes unanimously.

2. I want this to be part of the back-up and record. This is one of the most important decisions we made last year. It is a meeting residents ask about constantly. I think reducing this portion of the meeting to minutes is not enough. Residents should be able to go to the back-up to see exactly what was said at this meeting and what the motion that carried was and why.

Additionally, it is important to inform the Town Council and, especially, our Mayor, that if they are going to speak when someone else is speaking or are going to interject or just speak in general, that their mic needs to be on at all times or at least when they interject.

Thank you,

Julie

Meeting re: Tom Bradford's contract

2:58:50 Tom Bradford: Mayor and Town Council as you can see from the backup that has been submitted to you for this item that I've indicated I wish to be re-appointed as Town Manager for another year, and will do so if that is the pleasure of the Town Council. As you know the requirement for annual appointments is a provision of the Town Charter, however, upon further reflection with my wife, I am open to the idea of doing something different in my life. I have known, I am sorry, I have uh known opportunities in California and Ohio where my family is located and I have put aside and uh that I have put aside and that I think I if I devoted time to these areas something financially rewarding could come of it. Alternatively, I could do more public administration likely anywhere down South. It will be difficult to leave as I am a third generation Floridian but more importantly I don't [clears throat] I don't want to leave what I have called the greatest Town in America: Palm Beach. At least not now and not just yet in light of the circumstances we are faced with on the new horizon. I am thinking now of the work to be done for CRTO, the creation of the FY19 Budget, the underground Utilities project and the departure of John Page in PZB. I am 63 years of age and in order to access to affordable health care, I need to be 65. And I do not receive full Social Security until I am age 66. I say this as background to letting you know I have always planned to work until I am 66 and I am not in DROP, never desired to be in DROP, and I have no plans to retire at this time. Having said all of this and in light of my desire to do that which may be best for the Town and myself, I ask that we both both of us defer actions on the matter of my reappointment at this time. In addition, in keeping with such past practice in such matters, I ask that the Town Council charge President Richard Kleid with the task of working out a written agreement between the parties that will allow for a smooth transition for the town and for me personally. And I thank you for your consideration.

Dick: Julie

Julie: Uhm I'm wondering if we can defer this Dick and I'll I'll tell you why. I think uh Tom knows we kind of found last week and Tom and I were supposed to have a long meeting yesterday right after [the pension workshop] that we had scheduled and somehow someone else ended up in the appointment and I'd really like to sit down with Tom and I'd like to talk about things and I know it's in our Charter but I believe I was 3:02:00 told that we could defer the matter for a month and I kind of agree. I'd I'd love to see if we could before we even get into a discussion, I'd like to see if we could defer it to January,

Dick: Well

Julie: so that would be my question.

Dick: I don't know. Uh Do you have any uh insight on this as to whether or not we could defer it? Uh, I thought it was a uh Charter requirement that we do it now.

Attorney: Well, the Charter does state that you would consider uh reappointment but like any agenda item, which this is, it is your consideration of the reappointment based upon the Charter and if the Council decides to continue this item ah until your next meeting or uh uh time certain that you want to consider it then like any agenda item I believe you can do that

03:02:49 Julie: that's what I would recommend before we get in a big discussion and then

Dick: Let's here from other

Julie: but whatever you think

Dick: let's hear from other people: Gail

Gail: Well, I I'm confused as to why we're even having a potential deferral. The discussion has been noticed to the public, is there someone up here that doesn't want to uhm rehire Tom and if so, I'd like to know that and I'd like to know why.

Dick: I,I sort of have the same position. I think we've known about this uh for a while. It's been on the agenda. Uh. We've all had conversations with Tom, we've had meetings and excetera. But anyway, let's hear from the rest of the group: Bobbie

3:03:28 Bobbie: Well, I, I learned about the renewal when I saw the agenda which was Wednesday I think and and uh I do have a problem with it for a very simple reason which I spoke to Tom about and in in my whole career, I have never renewed somebody without a review and we've got this backwards up here. We're actually I understand it's in the Charter I looked it up, I was so surprised to see it, in fact, that I had to go back and look at December 2016 to see if we had done it before and we [3:04:05] had. So I did go back and look at the agenda from twenty sixteen. Um However, that doesn't change my view that it it doesn't make any sense to renew uh the the most important position in Town without reviewing that person uh beforehand for the performance of the previous uh period and I understand that this needs to be done in between you know while you have the sitting council, so you've got, uh, you know, five of us up here and maybe three of us are, you're [to Dick] resigning and two of us are up for reelection, so you want to do it while this council who is experienced, uhm, you know, uhm Mr. Bradford's performance has a chance to review him. But to renew and then review, doesn't make any sense at all and and so I would, I think we've it backwards and I think we should fix it.

Dick: uh, Julie

3:05:07 Julie: Um, I agree with Bobbie. And while I know you think we had a lot of time again, Uh, Tom and I, The first time I found out about it was when we had our meeting last week. We scheduled a meeting for yesterday so that I would have an hour or hour and a half with him. When I went to have our meeting he had told someone else that they could meet with him and that person was in the room. I said to them look this was my scheduled time and they said that they preceded me, that they took precedent over me Um and Uh it it was a member of the Council and I just think that I need the extra time that's number one to have a meeting with Tom. We had to, we ended up having a ten-minute phone conversation and that just for me didn't work and I agree with Bobbie, I think the review should come first, but most importantly, I'd really like to sit down with Tom and have the time to talk to him and really discuss things so I would really like to have it deferred to January or February whatever it is after the review and I respect everything you've asked for Tom and I think I uh whatever it is, I think what you've asked for is good but I, I do think we need to wait on this and I, I would move to defer but I want to hear everybody else's opinion obviously.

Dick: Gail

3:06:19 Gail: Tom, when, when did we do your priorities and actually critique you? Was that August?

Tom: No, we do uhm following the reappointment I immediately send out the evaluation forms and then after the, but that's not, I mean whether you give me a raise or not is done at that time.

Gail interrupts: Right

3:06:44 Tom: But then after a new council sits we do the goals that become part of the process for evaluation the next year. Bobbie's right, I mean it's, it's, it's reversed, but it's always been that way and here we are and now the year is up

Gail interrupts: Right

Tom: and that's how we're here.

Gail: Well, Uh, uh, uh I am respectful certainly of Tom and your service. I, I think the Council's had plenty of time to talk with you. This is, was on the agenda and frankly, I made time and I made extra time so that we could have further conversations. Uh, We have too much on the table folks. We have way too much on the table not to have uhm, first of all, an approach to where we're going. We have the CRTO [sighs] We have the undergrounding subject. We have holes in the organization, so I, I, don't know how waiting another month is going to give us that additional help. If you think next month you're not going to rehire Tom, what's your plan? Then we have a six month lag time if you decide you're going to go out for a national search maybe a ten, twelve month lag time and we've got to get through [3:07:49] the summer with

the budget, with the pension, with the considerations that we've determined from the CRTO, you, you talk about half way backwards, we're going to be in a hole, have I used my three minutes? Oh you didn't turn it on Kathleen- that's okay, uhm, I think the time is now- uhm, you put it off once again we simply look wimpy- and like we can't make a decision. Of course we can all, always come back and revisit the decision but uh, GROW UP.

3:08:30 Dick: Yeah I, uh, I have a feeling that I cannot believe that we don't know what the evaluation is going to be right now. I mean, most of us have gone through the process, we know the questions that are asked, we know the grading system and excetera, and, and I don't understand why the grade will change from today or a month from now. I mean, it seems to me that we're just going through the process for the sake of going through the process and, yet, I think it's clear to me uh what most people will put down as the evaluation. Anyway, next is Dani.

Dani off mic to Maggie: Maggie you want to go, go ahead, you can go first

[3:09:14] Maggie: Thank you, Dani. Uhm, I, I think that the evaluation while it's always good to have the evaluation first, uhm Bobbie, I think that it is uh proforma. I think that we, uhm, it's a written document and this has come up now, uh, for the appointment for the next year for Tom and Tom has read us a statement that says, uhm, well that says a lot of things, but, uhm, I think we should honor the statement and I think we know, uh, I think that the Mayor is right when she says we should stand up, be, big, big people and do what we think, uhm, and move on from there

Dani: I think we've all met with Tom. We all know and appreciate Tom's loyalty and service to this town for 20 some odd years. Uhm. Tom has read a statement, I think, uh, as far as I am concerned, my personal opinion, this is some-, this is a man who has devoted his life to this town and we all need to stand up and follow him. He has given a statement, he has some things he'd like to finish, and I would frankly be appalled that we would not allow him to do that and I don't see any purpose in deferring this decision. Tom is sitting right here. I would be happy to hand the reigns of the details off to the President of the Council who is an attorney, and has lots of experience with this. But I'd be appalled that this Council would not allow Tom to finish what he started.

3:11:01 Bobbie: Well, based on a conversation that I had recently with Tom you called, I, I thought that's what we were going to do today, I thought that's what your desire was, was to hand off to, to, uh, Mr. Kleid to work out and, and uh, you know, what it is that you want to do over the next period of time whether it's six months or however that works for you and I think we should do that today. Right here. I am very comfortable doing that.

Dick: Julie, the last word.

[3:11:35] Julie: Uhm, I'm very comfortable doing exactly that, again I will say though, and I know you all had time with him. I had been told I would have an hour and a half or two hours with him yesterday. I had a lot of questions, Gail. I had a lot I wanted to sit down with him [Gail makes a side comment but cannot hear it.] Well no, you're saying that we've all had enough time. What I'm saying is yesterday I went in to meet with him and someone on the Council told me they took precedence over me and I did not get my meeting. And I don't, and I, I'm not comfortable today just because [Gail says something off mic] No, it wasn't you, it wasn't Gail. But I will say, Uhm, I don't think that was right. I didn't get my time with Tom to ask the questions I needed to and really talk to him. It was not comfortable doing it via phone with ten minutes. He couldn't call me until 5:15. So, I would, I would like to defer it so I can really sit down with him and that would be the best for me,

Dick: Well

Julie: but if you want to go on with this three months or six months, I am happy with that, but to do the entire year at this point without being able to sit down with him I am not comfortable with that.

Dick: Well

Julie: Thank you.

3:12:33 Dick: The unknown person who took precedent was Dick Kleid. Uh, I thought it was very important to have this kind of conversation with him privately. I did ask for a meeting with him immediately after the ending [of the pension workshop]. I know. Julie, that you came in, I told you that I would be not more than ten minutes

Julie interjects: no

Dick: I did say that and Tom said to you he would be glad to, uh, see you afterwards. He also said that he would have a telephone conversation. You said to him you were not feeling particularly well and you would like to leave at that, that time, so, again, I think you had the opportunity and, yes, I did take priority, I take very few priorities as President of the Town Council, but this I told you carefully that it was only going to be ten minutes

Julie interrupts: no

Dick: I think that's what it was, and I wanted to discuss

Julie: And he said he had several meetings

Dick: Let me finish and I wanted to discuss with Tom exactly what's happening today. I thought it was important that I got his position on things. That I arrange for

a, uh, transition if that was required and I really thought that that was a very important thing to do and I, you certainly weren't deprived of sufficient time with Tom.

[3:13:54] Julie: I disagree.

Dick: At, any rate, Gail, do you have something to say?

[3:13:56] Gail: I do and you know, Mr. Kleid, I have the utmost respect for you and I know that clearly you have a legal background that would be fair, deliberate, and that you could work with Tom. My problem is when does the Council not have the authority to determine whether Tom's contract is 3 months 6 months or a year. If I were running the railroad, I would at least give him until September that we get our budget over the, over the goal line. But this isn't, this isn't a one-man decision. We or you all are supposed to be a collaborative group of people that are making careful, deliberate decisions for the future of this town, so I think it is magnanimous of you Tom to give that opportunity to Dick, but I think you all are passing the buck and I, I again find it objectionable that you, no one can determine, can elicit for me WHY. If Tom is not doing the leadership that you want to have done, I, I'd like to know why. We are not Riviera Beach where we throw somebody to the, off the desk simply because we've decided we don't like them. I would like to know that. I would like the community to know that and I would like to know what your plans are if in fact you are not going to hire him for another year.

Dick: okay. Then why don't we do exactly that. Why don't we start through the desk and we get, uh, their your opinions as to whether you think Tom has done a particularly good job, what your, what your problems are. I think we are a transparent group and I think we ought to be able to publicly state what our opinions are vis a vis Tom, particularly, and, uh, so Julie why don't you start

[3:15:42] Julie: Again, I wanted to have a conversation with Tom. I disagree with you. Yesterday, he said he had several people who were meeting with him right after you, so Dick while it, you were in the first meeting. I was told that... This is something I wanted to privately discuss with him first and then come forward here. I don't want to start this conversation. So, somebody else, we should press our buttons, frankly, this was your idea, but I think let's press our buttons and whoever wants to speak first great, but I am very uncomfortable right now because I wanted to have a conversation with him first and I should not have been denied that.

Gail interrupts: I understand that Julie but I go every week every month

Dick: your mic's not on

Gail turns on Mic: every month we have ah allotted slot of time where we, where I've always called it and Peter Elwell used to laugh at me. I called it Council school. Council school where we sit down with the Town Manager and/ or the Assistant

Town Manager on the first day of information and then in development review we sit down with the Planning and Zoning Director and his staff to get as much information as we can, so when we read as my husband says to me “how many telephone books are your reading for weekend” I am prepared to do that only to come back on Monday and ask questions as I did of Paul Brazil or Tom Bradford or whoever the case may be. If in fact you had that opportunity, did you discuss with Mr. Bradford the item on the agenda that exists this morning.

Julie: No. We decided what we were going to do was yesterday we were going to meet, Gail, for an hour or an hour and a half and we were going to discuss it so that today I would be prepared. When I arrived there, he [Tom] he had agreed to meet with Dick first and that he had other meetings with other Town Council Members. I then said I am not feeling great, I can’t wait that long. This was my meeting time. I think it should be upheld. I set it a week ago.

3:17:28 Gail: Let me ask you this. Every single one of you? Have you worked with Tom Bradford for at least ten months?

Some or more say yes

3:17:35 Gail: Okay, if you have done that you most certainly just like I would with an employee in my restaurant be able to have a conversation as to what their performance is. I don’t care if I’ve talked to them 400 times. I have knowledge of your leadership. I have knowledge of your skills. I have knowledge of your intellect. I should be able to state an opinion. That’s all this is.

Julie: Then go ahead and do it right now.

[3:17:59] Gail: I don’t vote- go for it.

[3:18:01] Dick: does anybody else want to express things?

Gail cuts in while he is speaking in a loud voice but off mic: is there any other

Dick: Maggie, are you prepared?

Maggie: Yes. But I am going to publicly state that I don’t understand why we are doing this. But if you want to go ahead and do it, we will go ahead and do it, Mayor. [3:18:23] uhm, I do, I, I, have for a long time certainly respect Tom and think that he has shown great leadership in a lot of areas. However, we are coming into a time where we are going to need to put 5.42 million dollars every year until the year 2031 toward our unfunded liability. Along with that, we have to also make preparations financial, uh, preparations prudently to continue to put sand on the beach, groins, take care of the, what’s going on in the intracoastal, we have undergrounding, we have several infra-structure projects that we need to we have started over the since 2010 that we need to complete. All of these things are

weighing on us and so we undertook a, uh, we made a decision, we made two decisions. We made a decision to put the 5.42 million toward the unfunded liability. [3:19:23] It's an obligation we have we are only 68% funded we should be 80% funded. You can't get out of that. Greenwich is bankrupt. Um. Property values in Greenwich have plummeted. You can't escape that. You can't escape the obligations that you have. And you can't put your head in the sand that we don't have. So, I think that going forward, we can't have, you heard a discussion this morning, unfortunate discussion, but you can't have things taken off the table in terms of a budget process even though, uhm, we will try very hard to, and I can't see anything in the future where we would not be keeping the employees that we have, uhm, but the other thing that you can't do is to, to try to hem in what that process is going to look like going forward. We're going to have to take a very realistic look at what we do going forward. Uhm, the only way to get that 5.4 over a long period of time is you have a couple of options: you can reduce expenditures, you can increase taxes, you can increase find ways to increase revenue, Uhm, and so, when you have the CE, [pause] and Tom stood up and took a very firm stand, but it's a different leadership stand than I think that we need- so, uhm, I think that it's we all have to be on the same page- and um so I've talked to Tom about it and I, I think and Tom has you know, uh, he would not have decided to do this he wanted to stay on until he was 66, but I think that it, we may need a little bit different type of leadership going forward and so that's honestly how I feel and that's what I feel we need to do as a Town and I think there will be pain all around. I, You know, we did do a minor tax increase 4 dollars per million whether you are a resident, you're, you're homesteaded or not, it's 4 dollars per million, yes, I voted on that. There will be things like that. We don't want to reduce services, so you gotta take it from somewhere. And you have, you have to be able to look at it with eyes wide open and make sure that it happens in the best interests of our Town, uh, of Our Town Residents and the employees, so you can't really take things off the table. So that's why I feel the way I do.

[3:22:09] Dick: Either Dani or Bobbie would you like to go next

Dani and Bobbie say maybe I will at the same time but it is inaudible

Bobbie: Oh are you going in order? Or by light? (Dani speaks off mic) My light was on.

Dick: Yeah, well, uh, it, she did

Dani: oh, go ahead Bobbie

Dick: but that's why I said either you or Bobbie

[3:22:26] Bobbie: Okay, Well, first, I'm going to start by saying, I 'm really sorry we're having this conversation right now and I reviewed Tom. I think I was the only person last year who reviewed you and ended up with my review in the paper. Everybody else on this Dias gave it to you verbally, so I wrote it down and I, and I, paid the price. It was published. And, so, I had understood from your phone call that you didn't want to have, I did not want to put you in a position, and, that you said you did not want to be in that position, so, but some of my colleagues feel differently so now we're going to have that conversation up here, and I apologize to you [Tom] for that. Uhm.

Bobbie: I made a decision

[3:23:05] Julie: Before we do can we make sure that's an agreement between all of us that we want to do that? Maybe, we just want to

Bobbie: It is up to Tom, if he wants, it's up to Tom.

Dick interrupts: Julie you, you said

Julie: okay, just asking

Dick: Julie you passed we will come back to you

Bobbie: So, Tom, you and I have had many conversations over the last two years. I have tremendous regard for your knowledge of the Town. For your uh demeanor in terms of handling uh tough issues. You've been a, You're a very solid person you've been a tremendous asset to this town for many, many years. I have had some major differences with you in the past year which would part of the reason I told you I was uncomfortable is that I said I'm not comfortable renewing you for a year when I haven't given you uh a performance review. Now my colleagues are asking me to give you a performance review on the dais, which I'm really disappointed in you for doing.

Julie: Me too

Bobbie: Uh, I will say that publicly. So, uhm, what has, what really caused me to raise my eyebrows when I saw that on the agenda and yes I was surprised, perhaps I shouldn't have been but I was surprised to see it on the agenda in in December when I, uh, when we had not reviewed you. [3:24:25] and, and we set goals in, we, February was when we started to set the goals um I don't know if they were adopted until March or April but we wrote them down and set them and, uh, and it also in the previous year when I went through this and it was in the newspaper you and I talked about it and we talked about some of my goals for you didn't make it in the top priorities but you still said they were uh they were, uh, on your radar screen and some of those items were succession. We have a lot of people in the, uh, including yourself, uh, who are of retirement age and I was very concerned about that having

been in, uh, companies, worked in companies most of my life that uhm we really didn't have a succession plan and many of our line managers, uhm, but for me the the, the, real point when I thought we really need to have, uh, some new leadership was during the after the May 19th Pension meeting when there was, when the [3:25:27] Chairman and, uh, that group had actually produced a report and that report was very critical to I think the health of and the and the budget process that we were about to enter into and you and I had several discussions both in June, when you decided not to put it on the agenda and again in July, when you didn't want to put it on the agenda and I, I know we had those discussions both verbally and in person. Uh, In person. I had a number of emails with you where I could not understand how you, we could pass a budget without having that information folded an, into our budget process and I had to intervene and actually call one of my colleagues to ask that that report be distributed among our dais in at the July Meeting after the second meeting and it was at that point that I started to think perhaps we don't have going forward we need to think about a leadership change on a very graceful and careful basis but a leadership change. I also think that the budget process [3:26:46] was unduly painful, unnecessarily painful and I felt that uhm instead of working as a partnership, I felt uh that I had uh I didn't have a partnership, so uhm I'm trying to sit hear and think about what I would write down on my review and I'm sure there are other issues.

[3:27:08] Bobbie continues: Because this is a very uncomfortable for me to do but uhm when you called the other night and you and I spoke, and you said I'd be happy to stay through a transition period and I, I think that's uh that is what I would like to see. I think uhm your institutional knowledge, meaning the knowledge that you have about the town and how it's run is critical to that. I think you've done too good a job over your years and too much uh too you've contributed too much to I would uhm never feel like dismissing you or anything like that, but I do think that uh as Maggie is saying and this is a bit extemporaneous I did not understand I was going to be saying this today but I do feel that it's time to think about new leadership in the [3:28:02] town and, and I think perhaps having seen that on the agenda forced me to say to myself well wait a minute, I don't want to renew him for a year if we're going to sit down and talk about a review in January and February and then he's renewed for a year, now maybe, you know, uh, so that, so that was where when you and I sat down that is what we talked about and uh, I, I'm not happy that we're having this conversation now, but we're having it and uh, I've been one of the proponents of transparency so I'll sit here and take my lumps with my constituents and uh, I guess that's all I have to say right now

3:28:46 Dick: Well, I don't know why everybody here is saying that they don't want to do this publicly that was exactly the reason that was exactly the reason I had a meeting with Tom and that was exactly the reason I preempted you [to Julie] because Tom told me when we met he felt he did not have the confidence of certain people sitting on this platform. He clearly knew it and you must have discussed it with him and registered your unhappiness. Whether it, Either it was with him personally or by the action at the dais when you made certain statements which

seemed to me to be, uh, unhappy with the leadership, so I decided that I would talk to Tom and find out what he really had in his mind and although frankly he, uh, was disappointed, but he did tell me that he had other opportunities, uh, he was gracious enough to say “ I don’t think I’m going to get the vote of the majority of the Town Council to stay and I, uh, would uh, uh, uh I would like to stay but if that’s the feeling and I’m know that I’m not going to get the votes of a majority of the council but I have enough respect for this town to know that a transition is required that we uh will have to go into some sort of a search for a new Town Council Manager, we uh [3:30:17] have as we know a big void in Planning and Zoning, we’re still looking for people like that, and so Tom and I had this conversation and the conversation went along certain things that he was hoping if he stayed for another 5 or 6 months, in order to go through this transition period, uh, that there were certain things that he wanted and I personally thought he was deserving of it uh I’ve had a lot of experience on the Town Council. I was hoping that you would give me the option to negotiate and remember, [3:30:51] uh, anything that came through, any kind of an agreement would have to come back to the Town Council for a vote of everybody so it was going to be totally transparent and I frankly was very disappointed that we went along this path. I thought this was a very logical way. We wouldn’t be forced to say who’s for him, who’s against him, and things of that sort, uh, and all of a sudden uh we start hearing people want to talk about this thing. I thought we could just not have it public, have it negotiated, and excetera, so I’m disappointed in that.

[3:31:27] Dick continues: And Maggie, you’re one of my dearest friends, but I, I, I think you’re wrong with respect to the fact that Tom uh defended uhm the people on the staff. I think that part of his job as Town Manager is to represent the staff and to speak up when he thinks that uh they’re being jeopardized, and excetera. But I remember very, very distinctly from that meeting after he said that and there were a lot of critical comments about it, Tom did say, he said this is my position, but if the Town Council directs me to do a particular thing and they want this to happen, I will follow their instructions and, so, I think he did everything possible, uh, and uh it’s a sad fact that we’re having this public conversation when I don’t think there was any need for it. Uh, Dani.

3:32:24 Dani: When I joined the Council, and I, you come in in February, and virtually immediately you are handed a a list of priorities that you are expected to give to the Town Manager. After a few months, you are supposed to review the Town Manager. Now, I tend to be a Northerner, although I understand Southerners. Uhm, Tom and I have different management philosophies, so I graded based on my interpretation of Tom’s management style. I received a few phone calls from residents who told me that I was unduly harsh, and that I was really too new and too uneducated uh on the Town to really make a valid evaluation of Tom. So, I took that to heart and my second year, Tom and I sat down and we went through some of the things, some of the problems that I had with Tom’s management style uhm and we came to an understanding. The most important thing I learned was that the institutional knowledge that Mr. Bradford has, there’s no one else in the Town that who that, and I would like to ask my colleagues on the desk, what’s, what’s the grand

scheme? What is your plan for, we'll do a nationwide search. I seem that seems to be what I've heard, we'll do a big search, which is great, so typically a search, any type of search is going to take 9-12 months. Are we going to [cell Seary says okay] whoops, obviously Seary thinks I'm talking too much [all laugh] Good thing Kathleen didn't hit the thing uhm what is the scheme? What is the plan, because uhm I am truly unhappy with the way this conversation is going. I don't think it's appropriate uhm and I just think it's flat out wrong. So,

3:35:02 Gail: I, I'd like to offer a proposal to you all. Um, that, if, if in fact the one year contract is not in our future that we give Tom a 9 month contract, at which point he will see us through the budget. He will see us through the CRTO. He will see us through the replacement of the Director in Planning and Zoning and hopefully keep that by rubber bands and string and chewing gum together until that can happen at which point we will have in parallel, concurrently gone out for a national search or determined if we want an acting director to fill that void, but it is clear to me that Tom, while I think you've done a great job as the Town Manager and I take, I'm a little uncomfortable saying that what you said at the Budget Meeting where you were going to look toward attrition that vote was today again 4 to 1, supported by the Town Council, so it couldn't have been that egregious, but I, I hear loud and clear what the, uhm, Town Council members are saying, so my suggestion would be that you give him a nine month contract, that we go forward and at the same time in a parallel course we go out for a National Search, remembering that could be very costly and we've done everything we can to reduce that cost, but

Dick: Bobbie

3:36:35 Bobbie: Well, you know, I'm very disappointed that this has come out the way it did. And, uh, I really think Gail that you wanted it to be this way, so I hope you're happy about that. I'm not happy about it. I think, uhm, I do want to turn it over to you, Mr. Kleid. I think you have a lot of experience as an attorney. Also, uh, you've, uh, you're the President of the Council and, uhm, I think that I don't know how much time. I know this. I know Tom has been an excellent, uh, he has been here for a long time. He is uh a hard, very hard working. He's contributed tremendously and **I hope that we have a, a comfortable transition. I don't know whether that's 9 months or something less than that. Sometimes you get lucky. Sometimes you find somebody quicker,** but if Tom is amenable to this, especially after having to go through that kind of public thing, to working with us, I think we should, we should go back to what Mr. Kleid, I think you said you intended to do all along which is sit down with Tom, uhm, and you handed me a report yest, a document uh yesterday that was an employment contract. It has a [severance] package in there. I will say to you that I am very comfortable with everything in there. I want to make sure that anybody who has given the Town what you have uh gets at at that kind of a package and I, I think that you can help us with this and I hope that you will and I hope that uh your skin is thick enough to be able to handle what just happened up here which was not intended to happen and uh and uh and I think that I am still happy to sit down with you and talk more. Although, I would say

that you are probably least surprised with some of the comments that I made because I've, I have never, I have always made it a point with anybody who reports [3:38:45] to me to make sure that they know where they stand and what I like and don't like uhm about their performance. So, uhm, I'm going to apologize to you personally and I'm going to say that's not the way I wanted it to go down, **but I would like to make a motion that we pass this to uh our President Kleid .**

[3:39:05] Dick: Okay, let me uh just for uh full disclosure. I gave everybody a copy of uh Mr. Bradford's uh professional service agreement. When he was hired, uh the former President Bob Wildrick, actually did negotiate this professional service agreement with him. It provides the terms, salaries, what happens if he leaves, and things of that sort and that particular document came back to the Town Council and was signed by the Mayor and every member of the Town Council, so it is a written agreement I thought that everybody uh should see it uhm, uh Maggie and uh Let's have Maggie and Julie and the last word and then let's see if we can dispose of this.

[3:39:57] Julie: She made a motion. Do we need a second?

[Off mic there's a motion and a second]

[3:39:59] Maggie: Well, I uh actually want to say something, so I'm going to say it. I think that this was, I don't know what the motive here was, this was, uh I spoke with Tom, and I'm not happy about it and I'm going to tell you I am not happy about it. I feel the exact same way Bobbie does. Uhm, Tom, but mostly I just wanted to address you: I appreciate everything you've done and I hope that you can continue.

Tom: Maggie, I appreciate it. I will.

Dick: Alright, [to Gail]: you want to speak?

Julie: No, I am next.

Dick: Okay, Julie then Gail and then let's see about the motion

Julie: And I will say and I haven't because I planned to do it alone with you, Tom. It was the Mayor's idea that we talk about you and say our plan. I think this was not the right place to do it. I think that we asked to be able to do it in private. The charter even says that you can choose retirement or something else. And I am uncomfortable. I apologize for what just happened, but I will talk to you alone to tell you my reasoning behind it unless the Mayor would like me too to do what Bobbie and and because it was really your [to the Mayor] decision. [Gail says something inaudible] no, no, no I said I would do it at the end, so you tell me what you want me to do, but the bottom line is Tom, I appreciate, you know, everything you have done for us thus far, I do have reservations that are very similar to Maggie's and to Bobbie's, I have some of my own. I would rather just sit down with you to talk. So I would say that I am in favor of the agreement that we're talking about. It sounds like

the Mayor brings up that nine months is probably the right uhm time period to get us through the budget. I'm wondering though if we were able to do a search and did find someone is there a way to pay through the nine months or is there something uh I mean I think I would rather have you here but I don't think you would want to train someone so I am trying to figure out the timing....

3:41:55 Dick interrupts: Yeah, the answer probably would be

Julie: up to

Dick: And I'm just, it has not been discussed. But it would be my recommendation that if you wanted nine months, but if we got a new manager in a shorter period of time that would be the period so it would be

Julie: Okay.

Dick: At most nine months, maybe shorter

Julie: And I also want to say, I think it is very gracious of you Tom to agree to this and to stay on and to work with us and uhm I will be talking, talking to you privately, but I, I do appreciate your willingness to do this and to take care of our Town. So, I thank you, Tom.

Tom: Yes I

Dick interrupts: Gail and then Dani and then let's go to the vote.

[3:46:36] Gail: I'm, I'm not the least bit uhm, uhm uncomfortable with the fact that I asked this conversation to happen today. I think it was handled wrong from the git-go. If in fact there was uncomfortableness behind close doors with this, I think that you, we should have discussed with Tom what the next action would be. But to simply tell him that we are not going to rehire you without a plan makes no sense to me. I am grateful for Mr. Kleid's intervention that he could actually talk with Tom and have a plan, but I, I don't think this should have come down this way from the git-go. And I am disappointed. Tom, uhm, whether you work here or not. I'm, I'm sorry for the way this occurred. It should have been handled differently. It should have been handled more gracefully. And if I were in your shoes there would have been no shot that I would resign. For your information, if he resigns he does not get his pen-, he does not get his severance pay and or health care. So what he suggested this morning was as magnanimous an offer that you could find, but everybody knew that this item was on the agenda, everybody had the opportunity to discuss with Tom [except for me, Julie] what they foresaw as the future of this Town. Please continue to work here. I hope that you will get the support from this council. I, I frankly think that you have uhm done a great job and uhm I wish you very well on your next adventure.

3:44:13 Tom: Thank you

Dick: Dani

3:44:17 Dani: you know I'm going to pass because my temperature has risen 100 degrees. I think that this was DISGRACEFUL at on this Council. Absolutely disgraceful. Uh

Dick tries to interrupt: Well, Uh

Dani: am horrified that you would treat any, any person, any employee in this manner. I agree with the Mayor that it should have been handled perhaps more gracefully. On the other hand, I also believe that for the sake of transparency we all needed to be able to state our issues with Tom. I believe we most of us have stated them in private and now the public has heard them. So, congratulations, but I think it was handled disgracefully.

[3:45:05] Dick: Well, as stated before, uh, I meet as President of the Town Council uh with Tom several weeks before the agenda. I approve the preliminary draft of the agenda and when we got to this particular matter, uh, Tom said that he didn't think that he had the confidence of a majority of the Town Council. Uh, We discussed that. Uh, We decided that uh we would see what could be done about it. Uh Tom and I Tom was gracious enough to say that if he wasn't going to be renewed he understood that there were uh problems with respect to a uh transition. That we needed time to do that. He graciously agreed to be there. Uh, He felt that uh if he were willing to do that uh there were certain terms and conditions uh that he wanted. He and I discussed these terms and conditions. I felt they were fair and appropriate and uh asked uh and thought maybe that I could personally negotiate this, uh come back to the Town Council at a later date and the whole idear of this conversation and the way we were going to proceed is to not have the type of conversation that we have in private and I regret that it has come to that and I was hopeful that we could have had uh this private agreement and then at a later date bring back what the terms and conditions were. Uh, I'm personally am a supporter of Tom. I think he's done a terrific job. I agree with some of my colleagues that his institutional knowledge in this town is very, very important. Uh, Sure, there are certain things that I disagreed with him. I, I thought Peter Elwell was a fabulous manager, but I never gave him a five in all of my evaluations, because I had problems with things that he did. Uhm, anyway I will now, uhm

[Someone speaking off mic]

3:47:10 Dick: Let's call the question: uhm: and the motion is to what

Bobbie: to remand it to you

Dick: to give me the authority to uh

Bobbie: to sit down

Dick: to negotiate with Tom

Dani: for a nine month contract, up to

Bobbie: up to

Bobbie: for up to

Dick: uh- up to a nine month contract. Uh, Do we have a second?

Julie: Second

Bobbie: Yeah, It was already seconded, I think

Dick: Yeah, okay. Kathleen

Roll call is taken. Passes unanimously.

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Business Workshop Report.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated March 12, 2018, from Jay Boodheshwar, Deputy Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Business Workshop

Date: March 12, 2018

STAFF RECOMMENDATION

Staff recommends Town Council review the following report and provide direction as necessary.

GENERAL INFORMATION

At the direction of Town Council, staff worked with Chamber of Commerce Executive Director, Laurel Baker, to plan and host a Business Workshop on February 26, 2018. Although staff is in the process of evaluating the Town's procedures and use of new technologies to improve customer service and efficiency, this workshop provided an opportunity to receive input from the business community, relative to how the Town could improve its interaction and processes when doing business with Town department. This workshop also provided an opportunity for key staff to briefly review the services provided by their respective departments, hear a case study from a local business that recently changed locations and hear from experts in the areas of signage, preservation, planning, etc. See attached workshop agenda.

Mrs. Baker and I moderated the workshop and the feedback received from staff and attendees was generally positive and optimistic. The consensus from those in attendance was that communication between the Town and the business community could improve and the workshop was a great start. Some of the highlights of the feedback received during the meeting include the following:

1. Look for opportunities to streamline Town application and/or permitting processes
2. Modify street signage to improve "wayfinding", which reduces traffic
3. Review Town Code to identify archaic and/or regulations that are difficult to comply with
4. Improve parking regulations to promote vehicular turnover
5. Identify "business ombudsman" to help businesses navigate through required procedures
6. Establish frequent business community input sessions with Town staff

Staff seeks Town Council feedback and direction regarding next steps.

cc: Department Directors

Laurel Baker, Chamber of Commerce Executive Director

TOWN OF PALM BEACH BUSINESS WORKSHOP

Town Hall Council Chambers
Monday, February 26, 2018
2:00 – 5:00 pm

AGENDA

Welcome & Introductions

Laurel Baker, Chamber of Commerce

Opening Remarks

Laurel Baker, Chamber of Commerce
Jay Boodheshwar, Town of Palm Beach

Comments from Town Departments

Planning, Zoning & Building, Paul Castro
Public Works, Paul Brazil
Fire-Rescue, Darrel Donatto
Police, Ann-Marie Taylor

Case Study

Carrie Bradburn/Capehart Photography

The Professionals

Ken Walker “Signage”
Alexandra Patterson “Vision: Preserving the Past While Planning for the Future”
Cody Crowell “New Age Needs”
Keith Spina “What the Town Has and What it Needs: An Architect’s Perspective”

Panel Discussion Facilitated by Moderators

Public Comments (3 minutes)

Next Steps and Closing Remarks

Laurel Baker, Chamber of Commerce
Jay Boodheshwar, Town of Palm Beach

Hosted by:

Town of Palm Beach
Palm Beach Chamber of Commerce



TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Thomas G. Bradford Severance Agreement.

Presenter

John C. Randolph, Town Attorney

ATTACHMENTS:

- ▣ **Memorandum Dated March 15, 2018, from John C. Randolph, Town Attorney**
- ▣ **Thomas G. Bradford Severance Agreement**

TOWN OF PALM BEACH

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: John C. Randolph, Town Attorney

RE: Thomas G. Bradford – Consideration of Severance Agreement

DATE: March 15, 2018

RECOMMENDATION

The Town Attorney's office (Margaret Cooper) has met with Tom Bradford and has prepared a draft Severance Agreement for consideration of the Town Council. A copy is attached. This was negotiated with the help of Council President Richard Kleid.

GENERAL INFORMATION

The purpose of a Severance Agreement is to set forth the rights and obligations of the parties subsequent to Tom's departure. The Agreement typically includes provisions relating to non-disparagement, nondisclosure of confidential information and a general release of all claims. Tom, of course, is entitled to all those benefits described in his initial Employment Agreement without the necessity of entering into a Severance Agreement. Those benefits include his entitlement to 20 weeks of severance and all other benefits outlined in the Agreement. In exchange for the additional claims, The Town has added an additional 15 weeks of pay, by way of Administrative Leave. The consideration for the additional 15 weeks is Tom's agreement to non-disparagement, non-disclosure and confidentiality, as well as his agreement to be on-call to answer any questions.

FINANCIAL CONSIDERATIONS

The financial considerations for the 20 weeks' severance that the Town is already obligated to pay under Tom's Employment Agreement are:

- a) 20 weeks' base pay at \$3,901.50/week for a total of \$78,030;
- b) 20 weeks of additional benefits (insurance) and pension contributions (including auto allowance) for a total of \$8,530.85.
- c) Total for 20 week's base pay and benefits is \$86,560.85

The financial considerations (beyond what the Town is already obligated to pay under Tom's Employment Agreement) are:

- a) 15 weeks' base pay at \$3,901.50/week for a total of \$58,522.50;
- b) 15 weeks of additional benefits (insurance) and pension contributions (not including auto allowance) for a total of \$4,523.98.
- c) Total for additional 15 weeks' base pay and benefits is \$63,046.47.
- d) Continued health insurance until Tom is eligible for Medicare, which is slightly more than one year. Total estimated is \$13,858.

Total for 20 weeks' severance pay & benefits	Total for additional 15 weeks' pay and benefits	Estimated total for health insurance benefits to be paid until age 65	Grand total for 20 weeks, plus 15 weeks and health insurance until age 65
\$86,560.85	\$63,046.47	\$13,858	\$163,465.32

EXECUTION

Tom has represented to us that he is in agreement with this and will execute it. The law (Age Discrimination Act), however, requires the Town to give him 21 days to consider after the Town approves it and 7 days to revoke after he signs.

Attachment (Severance Agreement)

SEVERANCE AGREEMENT AND GENERAL RELEASE

This Severance Agreement and General Release (“Agreement”) is entered into by and between the Town of Palm Beach, Florida, a municipal corporation (“Town”) and Thomas G. Bradford (“Employee”) (collectively, the “Parties”).

WHEREAS, Employee has been employed by the Town as the Town Manager pursuant to a Professional Employment Agreement dated December 9, 2014 (“Professional Employment Agreement”) and is entitled to certain benefits therein; and

WHEREAS, the Town has elected (a) not to renew the Professional Employment Agreement and (b) not to reappoint him as Town Manager, and Employee has elected to treat the same as a termination without cause pursuant to Section 3.B of the Professional Employment Agreement; and

WHEREAS, the Parties wish to memorialize the terms of their further agreement relating to the separation of employment;

NOW THEREFORE, in consideration of the mutual covenants and considerations contained herein, the Parties agree as follows:

Section 1. Employment Termination and Administrative Leave.

Employee has been relieved of all duties effective close of business February 12, 2018. Employee will be placed on paid administrative leave for 15 weeks starting February 13, 2018 through May 24, 2018 (“Administrative Leave”). The employment relationship between the Parties will be deemed terminated effective close of business on May 24, 2018 (“Termination Date”). While on Administrative Leave Employee shall be entitled to his base pay, less applicable payroll taxes and pension contributions, plus health, dental and disability insurance and other non-leave related benefits which he received as of February 12, 2018, which include participation in the Town pension plan and contribution to the ICMA-RC deferred compensation plan. For purposes of this Section, non-leave related benefits shall not include a car allowance or telephone stipend, which ceases as of close of business February 12, 2018. Employee shall not continue to accrue additional sick and vacation leave hours while on Administrative Leave. The Town shall pay for the insurance benefits that were in effect as of February 12, 2013 during Administrative Leave. Payment shall be made on the Town’s normal payroll cycle. In consideration for continued salary and benefits during the Administrative Leave, Employee shall be available to the Town by telephone on an as-called basis during Administrative Leave and during the Severance Period to answer any questions and assist in the transition for the new Town Manager for no additional compensation.

Section 2. Severance Period, Severance Payment, and Earned Benefits.

A. The Town acknowledges that pursuant to the Professional Employment Agreement, Employee is entitled to (i) earned but unpaid salary and benefits and (ii) severance

payments and benefits through February 12, 2018. This entitlement is with or without the Employee's execution of this Agreement.

B. The earned but unpaid benefits (earned sick, vacation, leave, compensatory time and the like) through Termination Date shall be calculated at the maximum allowable under Town policies, regardless of the nature of the termination.

C. Under the Professional Service Agreement, Employee is also entitled to a severance payment of twenty (20) weeks' base pay (at his current rate of pay), less applicable payroll taxes and pension contributions, plus twenty (20) weeks of health, dental and disability insurance and other non-leave related benefits that were in effect as of February 12, 2018. Non-leave related benefits for the purpose of this Section shall include the car allowance of \$500/month and the monthly phone stipend that was in effect as of February 12, 2018.. Employee shall not continue to accrue sick and vacation leave hours during the Severance Period. The Town will pay for the insurance benefits that were in effect as of February 12, 2018 during the Severance Period. The non-leave related benefits include participation in the Town pension plan for the twenty (20) week severance period and contributions to the ICMA-RC deferred compensation plan.

D. The earned benefits through February 12, 2018 will be paid within ten (10) days of Termination Date (May 24, 2018). The Parties agree the twenty (20) weeks of severance, insurance and non-leave related benefits will be paid by the Town in equal biweekly installments over its normal payroll cycle during the twenty (20) weeks following Termination Date ("Severance Period").

Section 3. Retiree Insurance Benefits.

Employee shall be entitled to the Town retiree insurance benefits for he and his wife in the same manner as any other retiree is provided after the expiration of the Severance Period and upon commencement of retirement benefits, to wit beginning as of October 14, 2018. However, the Town will pay for the cost of HMO health insurance benefits that were in effect as of February 12, 2018 until such time as Employee reaches the age 65 and is eligible to participate in Medicare insurance. Other retiree insurance benefits elected by Employee shall be at his expense.

Section 4. Discontinuance of Insurance Benefits During and After Severance Period.

If Employee becomes employed by a subsequent employer, during the fifteen (15) week Administrative Leave, or during the twenty (20) week Severance Period, or subsequent thereto, and the subsequent employer provides comparable insurance benefits, the Town's obligation to pay for such insurance benefits shall cease.

Section 5. No Reemployment; Employee's Rights to Other Employment.

A. Employee agrees that in the future, Employee will not seek re-employment as a full-time employee and that the Town is under no obligation to rehire Employee.

B. Employee is free to work for any governmental entity, person, or entity which does not do business before the Town or does not have business relations with the Town. As it relates to entities which do have business relations with the Town, nothing contained herein shall prevent Employee from working as a consultant or employee for any other governmental entity or any other persons or entities doing business before the Town on new matters unrelated to the specific item(s) upon which Employee has been consulted, or upon which he worked when employed as Town Manager. Employee shall be under an obligation to advise the Town of any potential conflicting outside employment relating to old matters upon which the Employee has consulted with the Town and/or which Employee worked when employed as Town Manager and to obtain a waiver of any potential conflict. The issue of waiver of potential conflicts shall be determined by the Town Attorney.

C. Although Employee may act as a consultant for others doing business before the Town, nothing herein shall be construed to relieve Employee of the prohibition of acting as a lobbyist and contacting Town officials on behalf of others doing business before the Town, as provided in the Town's Code of Ordinances.

Section 6. Unemployment Compensation; Pension Benefits.

Employee shall not apply for or be entitled to unemployment compensation until the Severance Period has expired. Employee will be eligible to retire and begin receiving benefits from the Town pension plan after the end of the twenty (20) week Severance Period.

Section 7. Return of Property.

Employee will forthwith return to the Town all of the Town's property including, but not limited to, computers, computer equipment, office equipment, cell phone, keys, passcards, calling cards, credit cards, customer lists, partner lists, analyst information, rolodexes, tapes, software, computer files, marketing and sales materials, and any other record, document or piece of equipment belonging to the Town or related to the work which Employee has done for the Town. Employee will not retain any copies which are the Town's properties, including any copies existing in electronic form, which are in Employee's possession or control. Employee acknowledges that Employee has not and will not destroy, delete, or alter any Town property without the Town's consent.

Section 8. Non-Disparagement; Letter of Recommendation.

A. Employee will not make disparaging or defamatory remarks, comments, or publications of any nature concerning the Town, its elected officials, or its staff. If Employee has any doubt as to whether a remark, comment or publication is disparaging or defamatory, he shall first consult with the Town Manager, whose judgment shall control. "Disparagement" is defined as a statement that is insulting, demeaning, or injurious to and detracts from another's reputation, whether true or untrue. "Defamation" is defined as a false statement tending to harm a person's reputation by subjecting the person to public contempt, disgrace or ridicule, or by adversely affecting the person's business..

B. The Mayor shall write a favorable letter of recommendation for Employee. All inquiries concerning Employee from future potential employers will be directed to the Mayor, who will respond in accord with the letter of recommendation.

Section 9. Confidentiality.

A. Employee acknowledges and agrees that as a direct result of employment by the Town, Employee had access to, learned about, and became familiar with confidential and proprietary information relating to and/or belonging to the Town, its elected officials, and/or its staff that is not of public record ("Confidential Information"). Employee shall not utilize or disclose to any third parties any Confidential Information in any manner whatsoever, unless required by law. If Employee has any questions concerning the confidentiality of any information, he shall first make inquiry of the Town before disclosure. The Town Manager's judgment shall control as to confidentiality determinations.

B. If Employee is contacted by any governmental agency concerning the Town, its elected officials and/or its staff or is served with a subpoena to provide information, he shall immediately notify the Town of the same and shall provide the Town an opportunity to object or take other action with regard to the same. Nothing contained herein shall prevent Employee from responding as required by law to a subpoena or from cooperating with any governmental agency that may initiate contact with Employee in conducting any investigation or inquiry within the scope of the agency responsibility.

Section 10. Default.

A. In the event of default of the Employee's obligations relating to non-disparagement, defamation and confidentiality, the Parties agree that:

- Any violation by Employee of clauses dealing with confidential and no defamation will cause significant and irreparable harm to the Town for which it has no adequate remedy at law, regardless of the outcome of any litigation; and
- The Town, upon application to a court of competent jurisdiction, shall be entitled to obtain injunctive relief, including, but not limited to, a temporary, preliminary, or permanent injunction to enforce the confidentiality and non-defamation provisions of this Agreement; and
- Employee waives any rights to jury trial with respect to breach of this Agreement; and
- The prevailing party shall pay all reasonable fees for any such legal action; and
- The Town does not waive its right to and shall be entitled to any other remedy at law, including money damages, for a violation of the confidentiality and non-defamation clauses by way of arbitration as set forth below.

B. Any other dispute under this Agreement (except injunctive relief by the Town or the Employee to enforce the confidentiality, non-disparagement, and/or non-defamation clauses) or otherwise arising out of the employment relationship or this Agreement must be resolved only by mediation and arbitration as follows. The mediation and arbitration shall be held in the State of Florida in Palm Beach County, Florida.

(1) *Mediation.* The Parties agree to attend mandatory confidential mediation and to confer in good faith to resolve all controversies or claims arising out of any alleged breach or violation of this agreement or arising out of the employment relationship as a pre-condition to arbitration. Such mediation should be held within thirty (30) days of one Party's notice to the other of the dispute and demand for mediation, scheduling permitting. Each Party shall share equally in the mediator's fees and costs. The Parties shall jointly select a mediator who shall be a Florida certified civil mediator or a Florida attorney knowledgeable with the subject matter of the dispute. Thereafter, any such claim which cannot be resolved within sixty (60) days of notice and demand for mediation shall be submitted to binding arbitration.

(2) *Arbitration.* Arbitration may be initiated by either Party making a written demand for arbitration on the other party no later than one hundred sixty (160) days from the conclusion of the mediation. A panel of three arbitrators shall decide the controversy unless otherwise agreed. The arbitration shall be held in accordance with the rules for arbitration of the American Arbitration Association. The arbitration panel shall then hear and determine the questions in dispute, and the written decision of the arbitrator shall be binding upon the parties. The arbitration panel shall have all powers and may initiate any and all remedies provided in any fair employment law or statute (federal, state, or local). Each Party shall share the fees of the chosen arbitrators and all other expenses of the arbitration, other than the respective Party's attorney's fees and expert witness fees. The arbitration fees and expenses may be assessed by the arbitrators to the prevailing party. Enforcement of the award shall be governed by the provisions of the Florida Arbitration Code and shall be fully enforceable in a court of law.

Section 11. General Release of Claims.

A. Other than covenants contained in this Agreement, Employee willingly and voluntarily waives and releases any and all known and unknown rights and claims Employee has or may have against the Town and its elected officials, agents, officers and other employees, which exist as of the expiration of the revocation period set forth below, including, but not limited to, any claim(s) under:

- The National Labor Relations Act;
- Title VII of the Civil Rights Act of 1964;
- Sections 1981 through 1988 of Title 42 of the U.S. Code;
- The Employee Retirement Income Security Act of 1974;
- The Immigration Reform and Control Act of 1986;
- The Americans with Disabilities Act of 1990 and all amendments thereto;

- The Fair Labor Standards Act;
- The Older Workers Benefit Protection Act;
- Age Discrimination in Employment Act;
- The Equal Pay Act of 1963;
- The Occupational Safety and Health Act;
- The Family and Medical Leave Act of 1993;
- The Pregnancy Protection Act laws;
- Any Workers Compensation laws;
- Unemployment Compensation laws;
- Any other federal, state or local civil or human rights law or any other federal state (including, but not limited to, Florida) or local law, regulation or ordinance; and
- Any public policy, contract, or common law claims, including any tort claims, (including negligent or intentional infliction of emotional distress, defamation, assault, battery, false imprisonment, wrongful termination, etc.) whether based on common law or otherwise.

B. This waiver also bars any claim or demand for costs, fees, or other expenses, including attorneys' fees incurred in connection with any of the above referenced claims. The listing of claims waived in this Section is intended to be illustrative rather than exhaustive. Thus, Employee acknowledges and agrees that this Agreement constitutes a full and final bar to any and all claims of any type that Employee now has against the Town, or its officials, agents, officers, directors and employees.

C. To the extent that this wavier and release may require court approval, such as claims arising under Acts providing for unemployment compensation, workers compensation, or FLSA benefits, Employee affirmatively represents that there are no facts which would support a claim by him under such Acts.

D. Except, however, this release and waiver shall not apply to any third party claims made against Employee for which the Town has provided insurance coverage to Employee and/or for which Employee has a right to indemnification and a defense from the Town. This includes third party claims for acts and/or omissions by Employee alleged to have or which actually have occurred during the course and scope of his employment with the Town. The Town shall be required to provide a defense and to indemnify Employee for all such third party claims unless and until it shall be determined by a court of competent jurisdiction that Employee's acts or omissions were outside the scope and course of his employment and such determination has been affirmed on final appeal.

E. Further, this wavier and release does not apply to any rights that Employee has relating to the Town's pension plan.

Section 12. Non-Admission.

Employee agrees that neither this Agreement nor the furnishing of the consideration for this Agreement shall be deemed or construed at any time for any purpose as an admission by the Town of any kind.

Section 13. Governing Law and Interpretation.

This Agreement shall be governed and construed in accordance with the laws of the State of Florida, with exclusive venue in Palm Beach County, Florida. Its language shall be construed as a whole, according to its fair meaning, and not strictly for or against either Party.

Section 14. Severability.

Should any provision of this Agreement be declared illegal or unenforceable by any court of competent jurisdiction and cannot be modified to be enforceable, such provision shall immediately become null and void, leaving the remainder of this in full force and effect.

Section 15. Entire Agreement; Amendment.

This Agreement sets forth the entire agreement between Employee and the Town and shall supersede any and all prior agreements or understandings between the Parties. It may not be amended except by a written agreement signed by the Parties. Employee has not relied upon any statements or representations not contained herein.

Section 16. Headings.

Section headings are used herein for convenience of reference only and shall not affect the meaning of any provision of this Agreement.

Section 17. Time to Consider Signing Agreement; Right to Revoke.

A. The Town will keep its offer open for a period of twenty-one (21) days. Employee acknowledges that Employee has been given at least twenty-one (21) days after receipt of this Agreement to decide whether to sign this Agreement. Employee may waive the twenty-one (21) day period and sign this document earlier if Employee so desires.

B. Employee understands that Employee may revoke this Agreement within seven (7) days following the day Employee executes this Agreement. Any revocation within that period must be submitted in writing to the Town and state, "I hereby revoke the Severance Agreement and General Release". The revocation must be personally hand-delivered to the Town Attorney within seven (7) days of execution of this Agreement.

C. If Employee does not accept this offer or revokes the Agreement, this Agreement shall be of no force and effect. Except, however, all monies paid and/or benefits

provided Employee after February 12, 2018 shall be credited against what the Town owes Employee under the Professional Employment Agreement. The Parties acknowledge that it has continued Employee on its payroll during negotiations of this Agreement in anticipation that the parties would reach a final Severance Agreement.

Section 18. Encouragement to Consult Attorney.

The Town hereby encourages Employee to consult an attorney before signing this Agreement. Employee acknowledges that Employee has consulted an attorney or had a full and complete opportunity to do so before signing this Agreement.

THE PARTIES HAVE READ, UNDERSTOOD, AND FULLY CONSIDERED THIS SEVERANCE AGREEMENT AND GENERAL RELEASE AND ARE MUTUALLY DESIROUS OF ENTERING INTO SUCH AGREEMENT. THE TERMS OF THIS AGREEMENT ARE THE PRODUCT OF MUTUAL NEGOTIATION AND COMPROMISE BETWEEN THE EMPLOYEE AND THE TOWN. HAVING ELECTED TO EXECUTE THIS AGREEMENT, TO FULFILL THE PROMISES SET FORTH HEREIN, EMPLOYEE FREELY AND KNOWINGLY AND, AFTER DUE CONSIDERATION, ENTERS INTO THIS AGREEMENT INTENDING TO WAIVE, SETTLE AND RELEASE ALL CLAIMS EMPLOYEE HAS OR MIGHT HAVE AGAINST THE TOWN.

IN WITNESS WHEREOF, the parties have executed this Severance Agreement and General Release as of the date set forth below.

WITNESS

Thomas G. Bradford, Employee

Dated: _____

Dated: _____

TOWN COUNCIL:

New Council Member

Dated: _____

Danielle H. Moore

Dated: _____

Julie Araskog

Dated: _____

Bobbie Lindsay

Dated: _____

Margaret Zeidman

Dated: _____

MAYOR:

Gail L. Coniglio

Dated: _____

TOWN CLERK

Kathleen Dominguez

Dated: _____

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

TOWN ATTORNEY

John C. Randolph

Dated: _____

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TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Discussion Regarding Potential Ordinance to Ban Single Use Plastic Bags.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated March 15, 2018, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Ordinance No. 04-2017**
- ▣ **Resolution No. 03-2017**
- ▣ **Ordinance No. 2017-13 - Coral Gables**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Potential Ordinance to Ban Single Use Plastic Bags

Date: March 15, 2018

STAFF RECOMMENDATION

Staff requests Town Council direction regarding the preparation of an Ordinance to ban single use plastic bags.

GENERAL INFORMATION

After much research and discussion regarding the banning of balloons and single use plastic bags by the ORS committee in 2016, two recommendations were forwarded to the Town Council for consideration.

Ordinance No. 04-2017 was presented for first reading on January 10, 2017, and was subsequently adopted at the February 14, 2017, Town Council meeting. Said ordinance prohibits the release of balloons and sky lanterns. See attached.

Resolution No. 03-2017 was presented for consideration and approved at the January 10, 2017, Town Council meeting. Said resolution strongly encouraged the Florida State Legislature to repeal section 403.7033 of the Florida Statutes so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags. A copy of the resolution was subsequently forwarded to the State. See attached.

On June 12, 2017, the ORS committee continued its discussion regarding a potential ordinance to ban single use plastic bags within the Town of Palm Beach and reviewed regulations that were approved by the City of Coral Gables. See attached Ordinance No. 2017-13, which was approved by Coral Gables and provided for a 1-year phase in period for retail establishments. ORS decided that the Town should monitor legal action against the City of Coral Gables and give consideration to a ban within the Town at a later date.

Attachments

cc: John C. Randolph, Town Attorney

ORDINANCE NO. 04-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 70, OFFENSES BY CREATING A NEW SECTION 70-9 ENTITLED BALLOONS AND SKY LANTERNS RELEASE; PROVIDING FOR THE PROHIBITION ON THE RELEASE OF BALLOONS AND SKY LANTERNS WITHIN THE TOWN; PROVIDING DEFINITIONS REGARDING THE SAME; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Palm Beach, Palm Beach County, Florida, has determined that balloons and sky lanterns released into the atmosphere return to the earth as litter; and

WHEREAS, the Town Council believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and,

WHEREAS, Florida's East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country; and,

WHEREAS, marine animals, such as sea turtles, mistake the remains from balloons as food which may potentially damage their digestive systems, lead to starvation and/or death; and,

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by marine wildlife; and,

WHEREAS, the Town Council wishes to prohibit the release of balloons and sky lanterns; and,

WHEREAS, the Town Council of the Town of Palm Beach finds that these revisions to the Town's code will preserve, promote, and protect the health, safety, and welfare of its citizens.

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 70. Offenses to add a new Section 70-9 to read as follows:

Section 70-9 – Balloons and Sky Lanterns Release.

(1) No person shall release any balloon or balloons inflated with a gas that is lighter than air or any sky lantern within the jurisdictional limits of the Town of Palm Beach.

(2) This subsection does not prohibit the following:

- a. Release of balloons indoors;
- b. Release of sky lanterns indoors; or
- c. Release of balloons by a governmental agency for scientific or meteorological purposes.

Sky lantern shall mean a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

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.

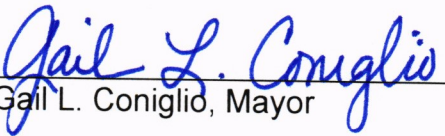
Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

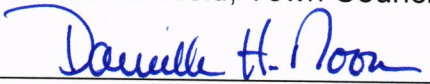
Section 5. Effective Date.

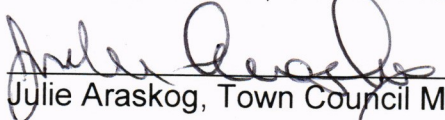
This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of January, 2017, and for second and final reading on this 14th day of February, 2017.

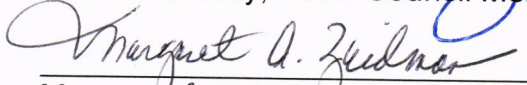

Gail L. Coniglio, Mayor

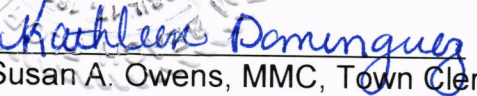

Richard M. Kleid, Town Council President


Danielle H. Moore, Council President Pro Tem


Julie Araskog, Town Council Member


Bobbie Lindsay, Town Council Member


Margaret A. Zeidman, Town Council Member


ATTEST:

FOR Susan A. Owens, MMC, Town Clerk

RESOLUTION NO. 03-2017

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, STRONGLY ENCOURAGING THE STATE LEGISLATURE TO REPEAL SECTION 403.7033, FLORIDA STATUTES, SO THAT LOCAL GOVERNMENTS ARE NO LONGER PREEMPTED FROM ENACTING APPROPRIATE LEGISLATION RELATING TO THE REGULATION OF PLASTIC BAGS.

WHEREAS, the Town Council of the Town of Palm Beach is diligent in its efforts to preserve the beautiful environment that supports the tourism industry which is so vital to the economy of the Town of Palm Beach and the State of Florida; and

WHEREAS, plastic bags are detrimental because they do not fully degrade in our oceans or land environment and they introduce unsafe chemicals into our environment; and

WHEREAS, plastic bags create the potential for death of (land) and marine animals through entanglement and ingestion; and

WHEREAS, the expansive usage of single-use shopping bags and their typical disposal rates creates an impediment to the Town's waste reduction and recycling goals while creating unsightly litter; and

WHEREAS, single-use plastic bags are difficult to recycle and frequently contaminate material that is processed through the Town's curbside recycling and composting programs; and

WHEREAS, reusable bags are considered to be the best option to reduce waste and litter, protect wildlife and conserve resources; and

WHEREAS, Council acknowledges that some businesses have taken affirmative steps to accomplish this goal and recognizes their proactive efforts; and

WHEREAS, it is in the public interest for the Council to encourage and enable the location of a viable reusable bag manufacturing operation in the State of Florida; and

WHEREAS, it is in the public interest for the Florida Legislature to provide statewide deregulation of the proliferation of single-use shopping bags; and

WHEREAS, the Florida Legislature under "The Energy, Climate Change, and Economic Security Act of 2008", enacted House Bill 7135, creating Section 403.7033, Florida Statutes; and

WHEREAS, Section 403.7033 requires the Florida Department of Environmental Protection (DEP) to perform an analysis and submit a report to the Legislature by February 1, 2010 regarding the necessity and efficacy of both statewide and local regulation of bags used by consumers to carry products from retail establishments; and

WHEREAS, the statute also provides that until such time that the Legislature adopts the recommendations of DEP, no local or state government may enact any regulation or tax on the use of such retail bags; and

WHEREAS, the DEP analysis determined a need for new or different regulations of bags used by customers to carry products from retail establishments and recommends the implementation of new standards requiring the prohibition of plastic carryout bags encourages the use of reusable bags to the benefit of the State's environment; and

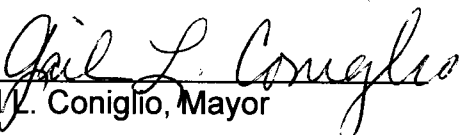
WHEREAS, the Town Council supports the efforts to repeal Section 403.7033, Florida Statutes, so that local government can enact appropriate legislation relating to the regulation of plastic bags.

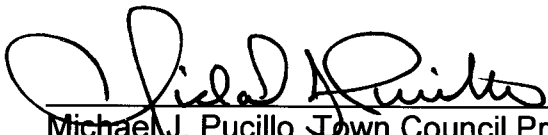
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA:

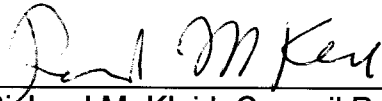
Section 1. The Mayor and Town Council support efforts to repeal Section 403.7033, Florida Statutes, so that local governments are no longer preempted from enacting appropriate legislation relating to the regulation of plastic bags.

Section 2. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of January, 2017.

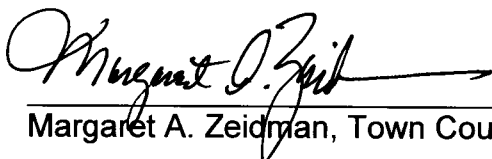

Gail L. Coniglio, Mayor


Michael J. Pucillo, Town Council President


Richard M. Kleid, Council President Pro Tem


Bobbie Lindsay, Town Council Member


Danielle H. Moore, Town Council Member


Margaret A. Zeidman, Town Council Member


Susan A. Owens, MMC, Town Clerk

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CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-13

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES CODE BY:

- CREATING SECTION 62-245 “PROHIBITION ON USE OF SINGLE-USE CARRY OUT PLASTIC BAGS” IN CHAPTER 62, ARTICLE VII SPECIAL EVENTS; AND
- CREATING ARTICLE IX “SALE, USE OR DISTRIBUTION OF SINGLE-USE CARRY OUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS WITHIN THE CITY” IN CHAPTER 34 NUISANCE, OF THE CITY CODE.

PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, ENFORCEABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Coral Gables declares that it is in the best interest of the public health, safety and welfare of its residents and visitors to reduce litter and pollutants on the land and in the waters of the City; and

WHEREAS, distribution of single-use carry out plastic bags by retailers to consumers for use in carrying purchased goods has a detrimental effect on the environment of the City, County and State; and

WHEREAS, discarded single-use carry out plastic bags contribute to overburdened landfills, threaten wildlife and marine life and degrade and litter the beaches and waters off the Florida coast, which include areas within the City; and

WHEREAS, single-use carry out plastic bags are photo-biodegradable and break down into smaller pieces which can make their way into the food chain via such animals as jellyfish and endangered sea turtles; and

WHEREAS, plastic bags constitute a portion of the litter in the City’s streets, parks, public places and waterways; and

WHEREAS, as an environmental leader among local governments in the State of Florida, the goal of the City is to replace single-use carry out plastic bags with reusable, recyclable, or compostable alternatives whenever possible; and

WHEREAS, retailers establishments such as ALDI, Trader Joes, and Whole Foods have successfully incorporated programs that encourage the use of reusable and/or recyclable alternatives to single use carry-out plastic bags; and

WHEREAS, the City's Sustainability Advisory Board and Economic Development Board have unanimously voted in support of this Ordinance; and

WHEREAS, the City has collaborated with the business community, including the Coral Gables Chamber of Commerce, Coral Gables Business Improvement District, University of Miami, and others in the development of the proposed Ordinance, including discussions on the potential impacts to businesses, educating businesses on the benefits of the Ordinance and on potential alternative products, and incorporating accommodations as necessary and appropriate; and

WHEREAS, this Ordinance provides for a 1 year implementation period allowing for an extensive education campaign and for retail establishments to expend their current stock of single-use carry out plastic bags and transition to reusable, recyclable, or compostable alternatives; and

WHEREAS, the City Commission finds that this Ordinance is necessary for the preservation of our environment and the public health, safety and welfare of City residents and visitors and future generations; and

WHEREAS, the City was a party in a lawsuit with the State of Florida, the Florida Retail Federation and Super Progreso in which the Court held that Sections 403.708(9) and 403.7033, F.S., relating to plastic bags and packaging, are unconstitutional.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

SECTION 2. That Chapter 62, Article VII "Special Events," of the Code of the City of Coral Gables, Florida, be hereby amended to add Section 62-245 as follows:

Sec. 62-245. – Prohibition on Use of Single-Use Carry Out Plastic Bags

- (a) *Definitions.* For purposes of this section only, the following definitions should apply:
- (1) *Single-use carry out plastic bag* means a bag provided by a company or individual to a customer, typically at the point of sale, for the purpose of transporting purchases, which is made predominantly of plastic derived from petroleum or a biologically-based source. This definition includes bags, as defined above, provided to an individual to transport items

provided free of charge, including but not limited to, samples and informational materials.

- (2) *City facility* includes, but is not limited to, any building, structure, park, or golf course owned, operated or managed by the City.
 - (3) *Special event permittee* means any entity or individual, and their subcontractor(s), who has been issued a special events permit by the City for a special event on City property, in a City facility or in the City's right-of-way, for the promotion or sale of their product(s) and/or business(es).
 - (4) *Compostable carry out bag* means a bag that (1) conforms to the current ASTM D6400; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials
- (b) *Prohibited Use of Plastic Bags; Penalties; Exceptions*
- (1) Special event permittees shall not provide items in single-use carry out plastic bags during special events as a condition of approval.
 - (2) Upon warning, the special event permittee must cease providing the single-use carry out plastic bags immediately. If the special events permittee does not do so he or she may be forced to discontinue the service, sale or participation in the special event.
 - (3) A violation of this section shall constitute a City code violation and may result in the revocation of the special events permit and fines and may be grounds for the placement of conditions on or for denial of a future special events permit.
 - (4) *Exceptions.* This prohibition shall not apply to Exempt Bags in 34-191(e) or other types of single-use plastic bags used, provided or given out by individuals who are special events permittees for the purpose of hosting a small private event (100 people or less) (e.g. birthday party, family reunion).

SECTION 3. That Chapter 34 "Nuisances," of the Code of the City of Coral Gables, Florida, be hereby amended to add Article IX as follows:

Article IX. – Sale, Use or Distribution of Single-Use Carry Out Plastic Bags by Retail Establishments within the City

Sec. 34-191. – Definitions

For purposes of this section only the following definitions should apply:

- (a) *Customer* means any person purchasing goods from a retail establishment.
- (b) *Single-use carry out plastic bag* means a bag provided by a company or individual to a customer, typically at the point of sale, for the purpose of transporting purchases, which is made predominantly of plastic derived from petroleum or a biologically-based source. This definition includes bags

provided to a customer to transport items provided free of charge, including but not limited to, samples and informational materials.

- (c) *Exempt bags* means (1) a compostable carry out bag (as defined in 62-245(a)(4)) or any bag without handles provided to a customer (2) to protect food or merchandise from being damaged or contaminated by other food or merchandise, when items are placed together in a reusable bag or recyclable bag, including produce bags; (3) to hold prescription medications dispensed from a pharmacy or veterinary office; (4) designed to be placed over articles of clothing on a hanger, including dry cleaning bags; (5) door hanger bags; (6) newspaper bags, (7) garbage bags; (8) pet waste bags; (9) yard waste bags; and (10) bags of any type that a customer previously owned and brings to a retail establishment for his or her own use in carrying away store goods.
- (d) *Reusable bag* means a bag with handles that is specifically designed and manufactured for multiple reuse and made of durable material specifically designed for and provided to consumers with the intention of multiple, long-term use and does not include any film plastic bags.
- (e) *Recyclable paper bag* means a bag that contains a minimum average of forty percent (40%) post-consumer recycled materials and displays the minimum percent of post-consumer content on the outside of the bag.
- (f) *Compostable carry out bag* means a bag that (1) conforms to the current ASTM D6400; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials
- (g) *Retail establishment* means any entity or individual engaged in the retail sale of goods. Retail establishment includes any supermarket, grocery store, convenience store, shop, service station, restaurant, farmers' market vendor, and any other sales outlet where a customer can directly purchase goods, materials, and products.

Sec. 34-192. – Single-Use Carry Out Plastic Bags Prohibited; Exceptions

- (a) No retail establishment shall provide to any customer a single-use carry out plastic bag, unless noted in exceptions below.
- (b) *Exceptions:* Although the discontinuation of the use of single-use carry out plastic bags is strongly encouraged by the City of Coral Gables Commission, this article shall not apply to Exempt Bags in 34-191(c).
- (c) Retail establishments can propose innovative and creative environmentally sustainable alternative programs that eliminate the use of single use plastic bags. After being submitted, the program is reviewed by City staff for approval. Each program is reviewed on a case by case basis.

Sec. 34-193. – Use of reusable bags

Retail establishments are strongly encouraged to educate their staff to promote reusable bags and to post signs encouraging customers to use reusable bags. Should retail establishments provide carryout bags, they shall be reusable (as defined in 34-191(d)), compostable carryout bags and/or recyclable paper bags free of charge or for a fee as determined by the merchant. Retail establishments may keep any fees charged for providing such bags to offset the cost of providing the bag.

Sec. 34-194. – Enforcement; penalties

- (a) If a code enforcement officer finds a violation of section 34-192 or 34-193, prior to issuing a ticket the code enforcement officer shall issue a warning to allow for time to correct violation before citing. After the warning, the code enforcement officer may issue a ticket. The ticket shall inform the retail establishment of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, and that the violation may be appealed pursuant to the procedures in Chapter 101, Article VI, Division 3 of the City Code of Ordinances. A violation of this ordinance is deemed to be irreparable as it may only be complied with in the future and not retroactively.
- (b) A retail establishment that has been issued a ticket must elect to either:
 - (1) pay the following civil fine (per day, irrespective of the number of violations in a given day):
 - (a) First violation within a 12-month period.....\$50.00;
 - (b) Second violation within a 12-month period..... \$100.00;
 - (c) Third violation within a 12-month period..... \$500.00;
 - (d) Any subsequent violation within a 12-month period..... \$1,000.00.
 - (2) request an administrative hearing before a special master as set forth in Chapter 101, Article VI, Division 3 of the City Code of Ordinances
- (c) Failure to pay the civil fine, or to timely request an administrative hearing before a hearing officer, shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission to the violation, for which fines and penalties shall be assessed accordingly.
- (d) A certified copy of an order imposing the fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes.

- (e) The hearing officer shall not have discretion to alter the penalties prescribed in this article. Any party aggrieved by a decision of a hearing officer may appeal that decision to a court of competent jurisdiction.

SECTION 4. EDUCATIONAL CAMPAIGN.

The City, desires to collaborate with the Coral Gables Chamber of Commerce (the Chamber) Business Improvement District of Coral Gables (BID), and others in a joint marketing and education effort aimed at businesses & customers. The education campaign, which will begin upon the adoption of this Ordinance, is aimed at informing special events permittees, retail establishments, and customers of its requirements. The campaign may include: community meetings, workshops, green products expos, the use of social media, citywide newsletters, programming on Coral Gables T.V., printed informational materials, email blasts to members of the Chamber and/or BID, website, resident letters and/or emails and mail inserts. New businesses will be informed about ordinance through the business tax license application process. After the conclusion of the educational campaign, the City will continue to make the Ordinance known to special event permittees and retail establishments within the City. The City will explore the possibility of joint bulk purchasing of reusable bags, compostable bags and/or recycled paper bags with its partners to assist businesses in the transition to alternative products. In addition, the City will explore and pursue grants and assistance to facilitate the transition for small businesses.

SECTION 5. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 7. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances immediately upon the signing of the Ordinance; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. EFFECTIVE DATE.

This ordinance shall become effective upon adoption and enforcement shall begin immediately with the issuance of warnings; citations will not be issued for 1 year after said date to allow for education and the transition to alternative products. In the case of special events, enforcement shall commence immediately with all new applications. On February 27, 2017, the Court entered an Order in *Florida Retail Federation, Inc. and Super Progreso, Inc. v. City of Coral Gables*, 2016-018370-CA-01

finding Sections 403.708(9) and 403.7033, F.S. relating to plastic bags and packaging unconstitutional thereby clarifying the City's ability to pass this Ordinance.

PASSED AND ADOPTED THIS NINTH DAY OF MAY, A.D., 2017.

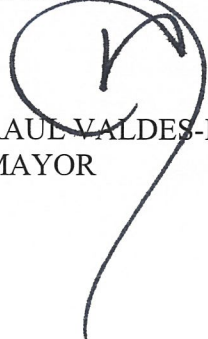
(Moved: Lago / Seconded: Keon)

(Yeas: Quesada, Keon, Lago, Mena, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: E-1)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointments to the Architectural Commission.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 12, 2018 from Kathleen Dominguez, Town Clerk**
- ▣ **Sample Ballot**
- ▣ **Application Catlin**
- ▣ **Application Corey**
- ▣ **Application - Floersheimer**
- ▣ **Application - Shiverick**
- ▣ **Application - Sorrel**
- ▣ **Application - Zukov**
- ▣ **Application - Garrison**

TOWN OF PALM BEACH

Information for Town Council Meeting on March 20, 2018

TO: Mayor and Town Council
VIA: Kirk Blouin, Town Manager
FROM: Kathleen Dominguez, Town Clerk
RE: Architectural Commission Appointment of Regular Members
DATE: March 11, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint members to the Architectural Commission (ARCOM) in order to fill the vacant seats resulting from Richard Sammons, Ann Vanneck and Robert Garrison's expired terms.

GENERAL INFORMATION

The Town Clerk's Office has received three applications seeking **NEW APPOINTMENT** from the following citizens:

- 1) Elizabeth Sorrell who resides at 309 Dunbar Road, Palm Beach, FL.
- 2) Nikita Zukov who resides at 130 Sunrise Ave., Apt. 408, Palm Beach, FL.
- 3) Dan Floersheimer who resides at 125 Chateaux Drive, Palm Beach, FL.

The Town Clerk's Office has received one application seeking **REAPPOINTMENT**:

- 4) Robert Garrison (Architect)
(Note: This applicant **is eligible for re-appointment per Section 18-168** of the Town Code)

The Town Clerk's Office has received three applications seeking **FROM ALTERNATES SEEKING APPOINTMENT FOR A REGULAR MEMBER POSITION**:

- 1) John David Corey
- 2) Betsy Shiverick
- 5) Katherine Catlin

All applicants have submitted proof of voter registration in the Town of Palm Beach.

cc: Paul Castro, Interim Director of Planning, Zoning and Building

Position(s) to be filled: 3 Regular Member(s)

Due to:

Term Expirations of Robert Garrison, Richard Sammons, and Ann Vanneck

Please circle (3) name(s) from the list of names appearing below.

*Indicates that they will accept an alternate position if they are not appointed as a regular member.

Application(s) Received Applying for Regular Appointment:

Robert Garrison – Architect	(Regular Member)
John David Corey	(Alternate Member)
Betsy Shiverick*	(Alternate Member)
Katherine Catlin*	(Alternate Member)
Elizabeth Sorrel*	(New Applicant)
Nikita Zukov	(New Applicant)
Dan Floersheimer*	(New Applicant)

Signature of Town Council Member:

Town Council President



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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

Name: Katherine "KT" Catlin

Residence Address: 265 Fairview Rd. Palm Beach, FL

Mailing Address: Same as Residence

Home Telephone: cell: 908.229.9150

E-mail Address: KTCatlin@hotmail.com

Work Telephone: 561-701-9009

I am a registered voter of the Town of Palm Beach KTC (please initial)

Appointment to ARCOM requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)

Please see attached

2. How many meetings of the Architectural Commission have you attended in the last year? 10

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

I currently serve as an Alternate on ARCOM

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

None known at this time

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

Please see attached

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

- ☐ Palm Beach Chamber of Commerce
☒ Palm Beach Civic Association
☐ Citizens' Association of Palm Beach

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Neighborhood Alliance of Palm Beach
☐ Other _____

7. Present occupation. Consultant No. of years. new

Employer. KT Consulting & Associates LLC.

8. Past occupation(s). Please See Attached Resume No. of years. 30

Employer(s). Please see attached resume

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☒ No

Are you currently a Registered Architect in another state? ☐ Yes ☒ No
If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- | | |
|---|---|
| ☒ Architecture | ☒ History |
| ☒ Landscape Architecture/Design | ☒ Design |
| ☒ Architectural History | ☒ Building Construction |

11. Please provide details regarding your educational background.

Please see attached. I have taken many courses through the National Association of Home Builders

and the National Association of Realtors, in and related to all the above fields of study.

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary)

Please see attached

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

Family Member Name	Relationship	Address	Occupation	Employer
Ralph Del Deo	father	265 Fairview Rd	retired	
Blanch Del Deo	nother	265 Fairview Rd	retired	
Earl Campazzi	Brother in law	Meryl Lynch Bld Royal Palm Way	Physician	Campazzi Concierge Med.

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

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

☒ I will resign from the Alternate position on ARCOM if I am appointed to the position I am seeking in this application.
board/commission/committee

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

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

RACE

- ☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER

☐ Male ☒ Female

PHYSICALLY DISABLED

☒ Yes ☐ No

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

SIGNATURE: Katherine "KT" Catlin DATE: March 1, 2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

ARCHITECTURAL COMMISSION (ARCOM)

ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. The seven regular members and three alternate members are Town registered voters appointed by the Town Council. Regular members are appointed for three-year terms and no member may serve more than two consecutive terms. Members are appointed on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest. At least two members, but not more than three members, shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats.

ARCOM Application Addendum for Katherine Del Deo Catlin

1. Why are you interested in serving on the Architectural Commission? (Please explain and attach additional pages if necessary)

I currently serve as an Alternate on ARCOM. The time spent on ARCOM has amplified my belief in the ability of ARCOM to assist in delivering to the residents of Palm Beach buildings and homes that both meet the changing needs of our residents and, respect and retain the history and beauty of the town. I remain committed to using my experience and training to make a difference for the town and its residents in the area of Architectural Design that maintains the integrity of the town and neighborhoods while allowing the residents to meet their needs as it relates to homes and commercial buildings.

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

In addition to my current position as an Alternate member of ARCOM, I have assisted Attorneys, Architects and developers/ builders obtain approvals in New Jersey.

11. Please provide details regarding your educational background.

I have extensive training in review and planning of buildings and land as it relates to Real Estate Development and New Construction. Many of the course I have taken are through the National Association of Home Builders. The MIRM Courses referenced on my resume are a series of Master Level courses related to the evaluation and development of real estate. I also hold the CLHMS (certified luxury home marketing specialist) designation and was a Guild Member of the Institute for Luxury Home Marketing. I chose not to continue the membership once retired. I have also been mentored by some of the industry's top professionals such as Rene Pabon, CEO & President of Childs Dreyfus Group. I have also been selected as a judge for the Greater Atlanta Home Builders awards program numerous times. I have judged numerous categories including Land Use and Development.

I have retained my membership in both National Association of Home Builders & Realtors (NAHB & NAR). Through conference attendance and the consistent flow of industry information via News Letters, Twitter and LinkedIn, I am able to stay current with trends, issues and pending legislation that impacts the building industry.

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary)

It has been an honor to bring my experience and love of Palm Beach together as a member of the Architectural Commission this past year. My extensive background along with the time spent on ARCOM ,brings with it a track record of dedication and support for the mission of the commission. Growth is inevitable and necessary. ARCOM and Landmarks are key to having growth happen in such a way that it will preserve the beauty and architectural integrity of the town while simultaneously allowing for the everchanging needs of our residents. I believe the future will hold challenges for us as the demographics and "wants" of the future and current residents evolve. I am up to the challenges, ready and willing to work with the commission and town to continually up the bar as it relates to building and housing in our town.

Katherine Del Deo Catlin, CLHMS,CMP,CSP,GRI

265 Fairview Rd
Palm Beach, Florida 33480
Mobil: 908.229.9150
Business: 561.701.9009

Experience

Owner and Consultant at KT Consulting & Associates llc. November 2017 – Present

KT Consulting & Associates llc. supports existing Sales & Marketing programs providing insights and solutions for Housing Professional and Consumers. We create marketing plans, and train Marketing Teams for properties prior to coming on the market. We work with currently marketed properties and existing marketing teams identifying what is missing in current marketing programs for on market homes.

Licensed NJ Realtor – Broker Associate at Coldwell Banker November 2017 – Present

Director Relocation Services & Global Business Development at Century 21 Worden & Green October 2004 - November 2017

Century 21 Worden & Green is one of the largest Century 21 franchises in the US with divisions servicing the Residential, Commercial, New Construction & Land and REO areas of Real Estate sales & marketing. Supervise the daily management of Relocation Services and Referral Leads for two (2) offices. Training and development of the agents, to meet the standards of the Cartus Relocation Network and troubleshooting for problematic transactions.

EO at Metropolitan Builders & Contractors Association of NJ June 2014 – December 2015

The Metropolitan Builders & Contractors Association of NJ is a local professional trade organization affiliated with the New Jersey Builders Association (NJBA) and the National Association of Home Builders (NAHB). Responsibilities included running of the daily operations, coordination and involvement with state and national offices, event planning, budgeting, fund raising and oversight of OnSite Magazine among other varied duties.

Broker Associate/ Regional Mgr. Century 21 Worden & Green October 2004 - May 2014

Broker of Record / Manager RE/MAX Distinctive Properties October 2002 - October 2004

Duties included design of office, set up of all systems, development of policies & procedures, record keeping and general management, recruiting and training sales people.

Sales & Marketing Director Pleasant Ridge Estates January 1997 - May 2002

Broker/ Sale Associate Weichert, Realtors 1995 - 2002

Sales Associate, Regional New Homes Manager, New Homes Training Manager and New Homes Site Manager

Sales Agent Coldwell Banker 1989 - 1995

Group Mgr./Control Mgr. at Macy's 1983 - 1993

Katherine Del Deo Catlin, CLHMS,CMP,CSP,GRI

265 Fairview Rd

Palm Beach, Florida 33480

Mobil: 908.229.9150

Business: 561.701.9009

Education & Certifications

Fairleigh Dickinson University; Madison, NJ, BA 1974

Licensed NJ Real Estate Broker 1994

Institute of Residential Marketing (MIRM Candidate) 1996

Certified New Homes Sales Professional 1994

Certified New Homes Marketing Professional 2001

Certified Luxury Home Marketing Specialist 2004

Graduate Realtor Institute (GRI) 1994

Continuing Education Over 300 hours

Local, State & National Trade Affiliations

Local Associations:

Gold Coast Builders Association (GCBA)

Palm Beach Civic Association

Hunterdon Somerset Association of Realtors (HSAR)

Metropolitan Builder & Contractors Association (Metro)

Sales & Marketing Council (GCBA)

State Associations:

Florida Home Builders Association (FHBA)

New Jersey Association of Realtor (NJAR)

New Jersey Builders Association (NJBA)

National Associations:

National Association of Realtors (NAR)

National Association of Home Builders (NAHB)

National Sale & Marketing Council (NSMC)

Institute for Luxury Home Marketing (CLHM)

Committees, Councils & Commissions:

Town of Palm Beach Architectural Review Commission (ARCOM) Alternate Member 2017 - present

NCJAR Board of Trustees 2003 - 2005

NCJAR PAC committee member 2001- 2002

NCJAR PAC Chairperson 2003- 2005

NCJAR Legislative committee member 2001-2004

GRI Instructor 1995 – 1996

NJBA Board of Trustees 2006

CSP Instructor 1995 - 2004

Metro PAC Board of Trustees 1993 – 2014

NAHB/NSMC Publications Committee 2002 –2004

NAHB/NSMC Publications Committee Chairperson 2003

NAHB/NSMC Membership / Local Council Committee 2002

Katherine Del Deo Catlin, CLHMS,CMP,CSP,GRI

265 Fairview Rd
Palm Beach, Florida 33480
Mobil: 908.229.9150
Business: 561.701.9009

Committees, Councils & Commissions Continued...

NJBA PR Committee 2000 – 2004
NJBA Sales & Marketing Committee 1993-96, 2002
NJBA Associate Committee 1993 – 1999
NJBA PAC Auction Committee 2000 - 2006
Musconetcong Watershed 1998 - 2001
Membership Committee Somerset County Board of Realtors (SCBR) 1994
Chairperson and Instructor SCBR Orientation Committee 1994 -1996
Visionary & Strategic Planning Committee (SCBR) 1993
Associate Vice President CBA 1993 & 1994
CBA Tradeshow Chairperson 1998, 2001
CBA PAC Auction Chairperson 1996 & 1999
Chair Person CBA Sales & Marketing Council 1994, 2002

Awards

Metro Associate of the Year 2014
NSMC National Membership Recruitment Certificate of Achievement 2001
CBA Membership Recruitment Award 2000
CBA Associate Appreciation Award 2000, 2001
CBA Sales Director of the Year 1998
CBA Special Achievement in New Home Sale 1997
CBA Kathy Hughes Memorial Award, 1995
CBA Million Dollar Sales Club 1993-2001
NJBA Million Dollar Sales Club 1995 - 2001
NJBA Chairman's Award PR Committee 2001
NJBA Associate Hall of Fame 2002
NJAR Million Dollar Sales Club 1992 – 95, 1997 – 2002
NJAR Distinguished Sales Club
Weichert Ambassador Club 1999 – 2001
Weichert Realtors Marketing Club, 1996
Weichert Realtors Sales & Marketing Club, 1997- 2001
Coldwell Banker Million-Dollar Club, 1989-1991
Coldwell Banker Multi-Million Dollar Club, 1992
Coldwell Banker Presidents Circle, 1993
Coldwell Banker New Homes Special Achievement Award 1992 &1993



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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

Name: John David Corey Residence Address: 426 Australian Avenue
Mailing Address: Same Home Telephone: 561-408-2880
E-mail Address: johncorey84@gmail.com Work Telephone: 617-590-0886

I am a registered voter of the Town of Palm Beach JC (please initial)

Appointment to ARCOM requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)

I seek a voting position on ARCOM. I was appointed in March of 2016 as an alternate and
have been an important voice to improve the scale, detailing and proportions of projects.

2. How many meetings of the Architectural Commission have you attended in the last year? ALL

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

Please see "Civic" category on attached resume.

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

NONE

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain) Yes, I helped designed and built two new houses in Palm Beach both in a neo-classical
style which fit within the context and scale of the neighborhood.

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

- | | |
|--|---|
| ☒ Palm Beach Chamber of Commerce | ☒ Preservation Foundation of Palm Beach |
| ☒ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☐ Neighborhood Alliance of Palm Beach |
| | ☒ Other <u>Palm Beach Walks</u> |

7. Present occupation. Real Estate Investor No. of years. 22
Employer. Boston Investment & Development

8. Past occupation(s). _____ No. of years. _____
Employer(s). _____

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☒ No

Are you currently a Registered Architect in another state? ☐ Yes ☒ No

If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- | | |
|---|---|
| ☒ Architecture | ☒ History |
| ☒ Landscape Architecture/Design | ☒ Design |
| ☒ Architectural History | ☒ Building Construction |

11. Please provide details regarding your educational background.

Please see attached resume.

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary)

With extensive experience in the design, restoration and construction of new residences and
historic homes in both Boston and Palm Beach, I have a broad architectural knowledge
to make a lasting contribution to the enhancement and protection of Palm Beach's character.

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

Family Member Name	Relationship	Address	Occupation	Employer
Miguel Rosales	Husband	Same	Architect	Rosales + Partners

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM should the Town Council wish to appoint you as an Alternate Member?

☐ Yes ☒ No

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

RACE

- ☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____

DATE: 2/5/18

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

ARCHITECTURAL COMMISSION (ARCOM)

ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. The seven regular members and three alternate members are Town registered voters appointed by the Town Council. Regular members are appointed for three-year terms and no member may serve more than two consecutive terms. Members are appointed on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest. At least two members, but not more than three members, shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats.

JOHN DAVID COREY
426 Australian Avenue
Palm Beach, Florida 33480

E-mail: johncorey84@gmail.com

Cell: 617-590-0886

Home: 561-408-2880

EDUCATION:

- Sep 1999 – Sep 2000 **MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Cambridge, MA**
Master of Science in Real Estate Development
School of Architecture and Planning
Awarded John A. Lyons Fellowship (Full Scholarship)
- Jun 1996 – Aug 1996 **LONDON SCHOOL OF ECONOMICS, London, UK**
Graduate Summer Program in Finance and Economics
- Sep 1991 – Jun 1995 **BOSTON COLLEGE SCHOOL OF MANAGEMENT, Chestnut Hill, MA**
Bachelor of Science in Finance – Cum Laude
Dean's List: Spring 1992; Spring 1993; Spring 1995
Golden Key National Honor Society
Syracuse University – Semester Abroad in Florence, Italy
- Sep 1982 – Jun 1991 **MILTON ACADEMY, Milton, MA**
High School Diploma, June 1991

EXPERIENCE:

- Sep 1996 – present **BOSTON INVESTMENT & DEVELOPMENT – Owner**
Boston MA
 - Founded company in 1996 to invest in undervalued real estate
 - Purchased, constructed and realized (sold or held) \$83,000,000 of real estate
 - Current portfolio includes residential and commercial properties in Boston, MA and Palm Beach, FL
 - Specializing in:
 - Restoration of single-family historic townhouses in Beacon Hill, Boston, MA
 - Restoration of Spanish Revival homes in Miami Beach, FL
 - Development of Classical single family homes in Palm Beach, FL
- Jan 2011 – present **ROSALES + PARTNERS INC – Design Associate**
Boston, MA
 - Transportation and Bridge Design Firm
 - Assist in the design of national transportation and infrastructure bridge projects
- Oct 1996 – May 1999 **SPAULDING & SLYE COLLIERS – Investment Analyst**
Boston, MA
 - Integral part of Asset Management team responsible for all financial analysis
 - Performed 10 Year DCF analysis for underwriting commercial real estate acquisitions
 - Modeled cash flows for financings, dispositions, and long-term holds for principal-held properties
 - Assistant asset manager of \$420 million commercial office real estate portfolio with financial modeling, investment performance, sell/hold analysis and client contact

CIVIC:

- Alternate Commissioner – Palm Beach Architectural Commission (ARCOM), Palm Beach, FL
- Founder – Palm Beach Walks, Palm Beach, FL
- Co-Chair– Palm Beach Civic Association Town Beautification Committee, Palm Beach, FL
- Board Member – Beacon Hill Civic Association (BHCA), Boston, MA
- Co-Chair – BHCA Tree Committee, Joint Charles Committee, 90th Anniversary Committee
- Graduate – City of Miami Beach Leadership Academy, Miami Beach, FL
- Past President – Bayshore Homeowners Association, Miami Beach, FL



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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

Name: Dan Floersheimer Residence Address: 125 Chateaux Drive

Mailing Address: 125 Chateaux Drive Home Telephone: 561-660-6616

E-mail Address: dan.floersheimer@icloud.com Work Telephone: 203-273-1673

I am a registered voter of the Town of Palm Beach df (please initial)

Appointment to ARCOM requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)

See attached

2. How many meetings of the Architectural Commission have you attended in the last year? one

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

SEE ATTACHED

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

I generally plan to be away from July - September, but willing to come back for summer meetings.

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain) I have one experience which was approved.

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

- ☐ Palm Beach Chamber of Commerce
☐ Palm Beach Civic Association
☐ Citizens' Association of Palm Beach

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Neighborhood Alliance of Palm Beach
☐ Other _____

7. Present occupation. Financial Advisor No. of years. 20+

Employer. Augmentum Advisors LLC

8. Past occupation(s). Financial Advisor / Broker No. of years. 20+

Employer(s). Bear Stearns, Oppenheimer, Grayson Burger

9. Are you currently a Registered Architect in the State of Florida? ☒ Yes ☒ No

Are you currently a Registered Architect in another state? ☐ Yes ☒ No

If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- ☒ Architecture
☐ Landscape Architecture/Design
☐ Architectural History

- ☐ History
☐ Design
☐ Building Construction

11. Please provide details regarding your educational background.

I have taken courses in draftsmanship, mechanical drawing and architecture.

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary)

See attached

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

Family Member Name	Relationship	Address	Occupation	Employer
Beverly Floersheimer	wife	125 Chateaux	homemaker	-
Barbara Rothschild	sister	301 Maddock	homemaker	-
Richard Rothschild	brother-in-law	301 Maddock	Financial Advisor	Wells Fargo

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

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

RACE

- ☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____

DATE: 3/8/18

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

ARCHITECTURAL COMMISSION (ARCOM)

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I am enamored by the building process – from simple construction to complicated designs. When travelling (both domestically and internationally) I am always looking at buildings, their relationship to the surrounding area and the materials used. I am very detailed oriented, can read blueprints and feel I would be an asset to the commission.

Boards / Commissions / Committees

- Southampton Commons, Southampton, NY – Board Member 5 years
- Mountain Laurel Homeowners Association, Greenwich, CT – Board Member and Treasurer – 15 years
- University Of California, Los Angeles, CA – Entrepreneurship Endowment Fund – Committee Member 3 years
- University of Richmond, Richmond, VA – Parent Leadership Committee 4 years
- Amherst College, Amherst, MA – Parent Leadership Committee 2 years, Outdoor Art Committee 1 yr.
- Brunswick School, Greenwich, CT – Annual Fund Committee 14 yrs.

I feel qualified because of my background, education, dedication, love of the building process and my desire to keep our beautiful island beautiful for generations to come.



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

RECEIVED

FEB 14 2018

Town of Palm Beach
PZB Dept

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

Name: BETH SHIVOLICK Residence Address: 670 ISLAND DRIVE

Mailing Address: P.O. BOX 2584 Home Telephone: _____

E-mail Address: bethshivolick@gmail.com Work Telephone: (914) 720-7357

I am a registered voter of the Town of Palm Beach OK (please initial)

Appointment to ARCOM requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)

I really enjoy serving the Town.

2. How many meetings of the Architectural Commission have you attended in the last year? 11

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

- Executive Committee of the Preservation Foundation since 10/17
- Fresh Air Fund, NYC since 1997
- Teach for America, NYC 2010-2013

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

- none -

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

My husband and I built a home on
Everglades Island. We went before Arcom in 2013.

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

- ☐ Palm Beach Chamber of Commerce
☐ Palm Beach Civic Association
☐ Citizens' Association of Palm Beach

- ☒ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Neighborhood Alliance of Palm Beach
☐ Other _____

7. Present occupation: interior designer No. of years: 14

Employer: Self

8. Past occupation(s): currency trader No. of years: 21

Employer(s): Merrill Lynch, Chemical Bank, Bank of Montreal, UBS,
NatWest Bank,
WestLB

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☒ No

Are you currently a Registered Architect in another state? ☐ Yes ☒ No
If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- ☒ Architecture
☒ Landscape Architecture/Design
☒ Architectural History

- ☒ History
☒ Design
☐ Building Construction

11. Please provide details regarding your educational background.

- BA Mt. Holyoke College 1982
- New York School of Interior Design (basic degree - one course
2006 short)

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary)

I have served as an alternate member of Arcom
since March 2016. I have learned a great deal
about architectural and design principles, building
practices, and town planning. Most importantly, I have

Architectural Commission (ARCOM) Application
Revised 06/01/2017

(see attached)

12)

experienced have a commission of ten people manages a challenging slate of projects and works through each project with real attention to detail.

I think my high standards of good taste are a valuable contribution to the Commission and to the Town. I feel like I contributed a good deal to last year's projects, specifically on the issue of color. I have had a lot of experience in choosing colors for my own residential projects.

I am tactful, respectful, considerate, and discreet. Additionally, I have the capacity to sit through long meetings without losing focus or interest!

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

Family Member Name	Relationship	Address	Occupation	Employer

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

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

RACE

- ☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER

☐ Male ☒ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: 

DATE: 2/14/18

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

ARCHITECTURAL COMMISSION (ARCOM)

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TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

 RECEIVED IN
 PERSON 01/18/18-
 TCO-RMK
ARCHITECTURAL COMMISSION (ARCOM)

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

 Name: Elizabeth Sorrell Residence Address: 309 Dunbar Rd. Palm Beach, FL 33480

 Mailing Address: 309 Dunbar Rd. Palm Beach, FL 33480 Home Telephone: 914-393-0301 (c)

 E-mail Address: Ezs9@aol.com Cell Telephone: 914-393-0301 (c)

 I am a registered voter of the Town of Palm Beach ES (please initial)

Appointment to ARCOM requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)

I am interested in preserving the beauty of the town that I've watched
change and grow over 20+ years. I understand that change can be good, but I want to
make sure that the character and integrity of the island remains *

 2. How many meetings of the Architectural Commission have you attended in the last year? NONE

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

N/A

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

I live here in Palm Beach full time and will make this commitment
a priority. Unfortunately, I am unable to attend the meeting on
Tuesday, March 20th because I will be in Vietnam.

* 1. (continued)

I have spent years building, designing, landscaping and creating homes that add to the aesthetic value of the street and in the case of Palm Beach, the island as a whole.

I believe my knowledge, experience as well as my fresh perspective will greatly benefit ARCOM.

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

Yes. I have designed, renovated and built a number of homes in Palm Beach. 1284 North Lake Way (landmarked), 233 Barton Ave, 745 North Lake Way and 309 Dunbar Road.

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

- ☐ Palm Beach Chamber of Commerce
☐ Palm Beach Civic Association
☐ Citizens' Association of Palm Beach

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Neighborhood Alliance of Palm Beach
☐ Other

Palm Beach Republican Club, member of the REC Palm Beach County

7. Present occupation. Real Estate (held my license in FL, CT, NY) No. of years. 30

Employer. Douglas Elliman (holds my license - not active agent)

8. Past occupation(s). Media Sales Representative No. of years. 4

Employer(s). Hearst, Crain Communications

9. Are you currently a Registered Architect in the State of Florida? ☐ Yes ☒ No

Are you currently a Registered Architect in another state? ☐ Yes ☒ No

If So, in which state are you currently registered?

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- ☒ Architecture
☒ Landscape Architecture/Design
☒ Architectural History

- ☒ History
☒ Design
☒ Building Construction

11. Please provide details regarding your educational background.

Northwestern University BA 1984 Political Science/Economics

NYU - Real Estate

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary)

I have been involved in the renovation, design and build of at least 15 homes in the NY, CT + FL area. I have overseen these project from start to finish.

While I have only been a full time resident for a year, I have been a part time resident of PB for

Architectural Commission (ARCOM) Application
Revised 06/01/2017

23 years. I know the Island extremely well and think I have valuable knowledge that would qualify me to serve on the Commission.

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

Family Member Name	Relationship	Address	Occupation	Employer
N/A				

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

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

RACE

- ☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER

- ☐ Male ☒ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

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

SIGNATURE: Elyse Sorel

DATE: January 17, 2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

ARCHITECTURAL COMMISSION (ARCOM)

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TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

RECEIVED

2019 JAN 23 PM 2:35 TOWN CLERK

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

Name: Nikita Zukov Residence Address: 130 Sunrise Ave Apt 408 PB

Mailing Address: _____ Home Telephone: _____

E-mail Address: npzukov@msn.com Work Telephone: 561 452-2422 Cell

I am a registered voter of the Town of Palm Beach NP (please initial)

Appointment to ARCOM requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)

I have served on this Board many times and I wish to continue helping the town grow

and develop in a beautiful/constructive way.

2. How many meetings of the Architectural Commission have you attended in the last year? Three

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

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

3/28 & 8/22/2018

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain) **No**

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

- ☐ Palm Beach Chamber of Commerce
☐ Palm Beach Civic Association
☐ Citizens' Association of Palm Beach

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Neighborhood Alliance of Palm Beach
☐ Other _____

7. Present occupation. Architect No. of years. 56 yrs
Employer. Self

8. Past occupation(s). _____ No. of years. _____
Employer(s). _____

9. Are you currently a Registered Architect in the State of Florida? ☒ Yes ☐ No

Are you currently a Registered Architect in another state? ☐ Yes ☒ No

If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- ☒ Architecture
☐ Landscape Architecture/Design
☒ Architectural History

- ☒ History
☒ Design
☒ Building Construction

11. Please provide details regarding your educational background.

Resume enclosed

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary)

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

Family Member Name	Relationship	Address	Occupation	Employer
Paula	wife	same	home maker	

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM should the Town Council wish to appoint you as an Alternate Member?

☐ Yes ☒ No

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

RACE

- ☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: _____

DATE: 7/25/18

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

ARCHITECTURAL COMMISSION (ARCOM)

ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. The seven regular members and three alternate members are Town registered voters appointed by the Town Council. Regular members are appointed for three-year terms and no member may serve more than two consecutive terms. Members are appointed on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest. At least two members, but not more than three members, shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats.

NIKITA ZUKOV
130 SUNRISE AVE, APT 408
PALM BEACH - FL 33480
561.452.2422 CELL
NPZUKOV@MSN.COM

Education

Columbia College, Bachelor of Arts 1957
Columbia University, Bachelor of Architecture 1958 (First in Class)

Professional Registrations

Florida Professional Registration
Member: The National Council of Architectural Registration Boards
Emeritus Member of the American Institute of Architects

Professional Experience

After graduation worked two years on the Hadassah Hospital in Jerusalem, Israel.
Since 1965: Private practice with offices in New York, Las Vegas, Beverly Hills and Connecticut. Client contact, fee and contract negotiations, preparation of construction budgets, project design, presentation to owners; scheduling construction documents and construction manager for most projects. Projects included: Hotels/Casinos, Regional Shopping Centers, Convention Centers, Office Building, Banks, Theaters, Luxury High Rise Housing, Townhouse Renovations, Large Retail Chain Stores, Renovation of Co-Op's, Private Luxury Homes, Corporate Headquarters and Home/Aviation Interiors. Branch offices in Hamilton, Bermuda 1966-1970. Teaching at Columbia University, School of Architecture (1957-1958)

Awards

Lucille Smyser Lowenfish Memorial Fellowship, Columbia University
William Kinne Fellows Memorial Fellowship, Columbia University
Henry Adams Award, American Institute of Architects

Affiliations

Past Chairman of the Henry Adams Award, American Institute of Architects
Chairman of the Nikita Zukov Foundation, New York
Voting Member of the Russian Nobility Association in America
Past Vice Chairman of the Landmarks Preservation Commission, Palm Beach
Past Vice Chairman of the Architectural Commission, Palm Beach

Club Memberships

The Beach Club, Palm Beach
Club Colette, Palm Beach
Board Member of the Republican Club, Palm Beach
The Metropolitan Club, New York
Honorary member of "Klub Zagrebčana", Zagreb, Croatia
Past member of the New York Athletic Club, New York

Languages

English, Croatian, Russian and German



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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

Name: Robert N. Garrison Residence Address: 156 Seabreeze Avenue
Mailing Address: 156 Seabreeze Avenue Home Telephone: 561-655-2509
E-mail Address: rng@garrisonarch.com Work Telephone: 610-804-9028

I am a registered voter of the Town of Palm Beach rng (please initial)

Appointment to ARCOM requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)

I have the training, time and desire to serve on ARCOM. My 49 years or experience in practicing, planning and architecture for major developers has been invaluable. I am committed to preserving the character of Palm Beach. It is a privilege to serve on ARCOM.

2. How many meetings of the Architectural Commission have you attended in the last year? 10

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

Current member of ARCOM since July 2014. I missed 2 meetings.

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

None.

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

None.

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

- | | |
|--|---|
| ☐ Palm Beach Chamber of Commerce | ☒ Preservation Foundation of Palm Beach |
| ☒ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☐ Neighborhood Alliance of Palm Beach |
| | ☐ Other _____ |

7. Present occupation. Architect No. of years. 39

Employer. Garrison Architects, PC (Chairman)

8. Past occupation(s). See attached No. of years. 9

Employer(s). _____

9. Are you currently a Registered Architect in the State of Florida? ☒ Yes ☐ No

Are you currently a Registered Architect in another state? ☒ Yes ☐ No
If So, in which state are you currently registered? NJ, PA, DE

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- | | |
|---|---|
| ☒ Architecture | ☐ History |
| ☐ Landscape Architecture/Design | ☐ Design |
| ☒ Architectural History | ☒ Building Construction |

11. Please provide details regarding your educational background.

University of Pennsylvania School of Architecture Class of 1959

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary)

As a current member of ARCOM, I am committed to the importance of insuring that the
architecture of the new projects is in keeping with the character of Palm Beach. I feel that I am qualified to fulfill
this responsibly. I have been a Registered Architect and Professional Planner (NJ) for more than 49 Years.

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

Family Member Name	Relationship	Address	Occupation	Employer
Antoinette Garrison	Wife	156 Seabreeze Avenue	Homemaker	

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM should the Town Council wish to appoint you as an Alternate Member?

☐ Yes ☒ No

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

RACE

- ☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: [Signature] DATE: January 22, 2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

ARCHITECTURAL COMMISSION (ARCOM)

ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. The seven regular members and three alternate members are Town registered voters appointed by the Town Council. Regular members are appointed for three-year terms and no member may serve more than two consecutive terms. Members are appointed on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest. At least two members, but not more than three members, shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats.



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**BOARD OF ARCHITECTURE & INTERIOR DESIGN
2601 BLAIR STONE ROAD
TALLAHASSEE FL 32399-0783**

(850) 487-1395

**GARRISON, ROBERT NELSON
156 SEABREEZE
PALM BEACH FL 33480**

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto www.myfloridalicense.com. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION**

AR0010426

ISSUED: 12/04/2016

**ARCHITECT
GARRISON, ROBERT NELSON**

IS LICENSED under the provisions of Ch 481 FS.
Expiration date : FEB 28, 2019 L1612040001273

DETACH HERE

RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY

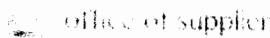
**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF ARCHITECTURE & INTERIOR DESIGN**

LICENSE NUMBER	
AR0010426	

The ARCHITECT
Named below IS LICENSED
Under the provisions of Chapter 481 FS.
Expiration date: FEB 28, 2019

**GARRISON, ROBERT NELSON
156 SEABREEZE
PALM BEACH FL 33480**





The Department of Management Services' Office of Supplier Diversity "serves those who serve Florida."

The Office of Supplier Diversity provides resources designed to improve business and economic opportunities for Florida's woman-, veteran- and minority-owned businesses. Learn more about becoming a certified business enterprise at dms.myflorida.com/osd or call 850-487-0915.



To find out about State of Florida tools supporting statewide centralized procurement activities which have streamlined interactions between vendors and state government entities, please contact or visit the Department of Management Services' MyFloridaMarketPlace at: <https://vendor.myfloridamarketplace.com>

AC# 01699316



SIGNATURE

(For the protection of our professional license holders, this license contains hidden security features to prevent counterfeiting. Unauthorized reproduction is strictly prohibited and will be prosecuted to the fullest extent of the law)

The Department of Business and Professional Regulation (DBPR) issues licenses for many licensed businesses and practitioners in the State of Florida.

DBPR is changing the way you interact with state government. Many of DBPR's services are available online at www.MyFloridaLicense.com. We encourage you to utilize these services to make address changes, licensing changes or to renew your license.

Name changes require legal documentation verifying the name change, which must be mailed to the DBPR. An original, a certified copy or a duplicate copy of an original or certified copy of a document that shows the legal name change will be accepted, unless the DBPR has a question about the authenticity of the document.

If applicable, the DBPR will send a renewal notice to your last known address or email address of record. If you have not received your renewal notice, please call our Customer Contact Center at 850.487.1395 or online at www.MyFloridaLicense.com/contactus.

Please refer to your profession's governing statutes and Administrative codes for further information regarding renewals. These may be accessed from our website.

AC# 01699316

Robert N. Garrison, RA, PP

156 Seabreeze Avenue ☐ Palm Beach, Florida 33480 ☐ (561) 655-2509

Family

I have been married for 53 years and have 3 married children and 6 grandchildren. I am fortunate to work with my family on a daily basis. I live in Palm Beach, Florida and part-time in Moorestown, NJ.

Professional Experience

1969 – 1983	Hamilton, Murphy, Garrison
1983 – 1986	Murphy Garrison Associates
1986 - Present	Garrison Architects, PC

I established Garrison Architects in 1986, an architectural firm which has now grown into a second-generation, family owned, multi-disciplined, architectural professional corporation with offices in Bellmawr, New Jersey. As a firm, we strive to provide personal service with a friendly “family” touch.

As Chairman and President, I have over forty (46) years of experience in providing Architectural Design expertise to local, county, and state governments including Architect of Record for over 50 school districts in New Jersey.

Professional and Community Memberships

Registered Architect in Florida, Pennsylvania, New Jersey, and Delaware, as well as ten other States. Professional Planner in NJ.

Member of NCARB, the Council of Educational Facility Planners International, and American Institute of Architects

Life member of the Union League Club of Philadelphia

Member of Tavistock Country Club and the Everglades Club in Palm Beach, Florida

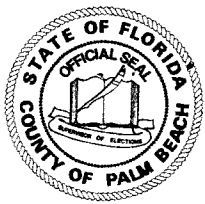
The past president of the Omega Alumna Society of Delta Tau Delta

A founding member of Academy Assets, a financial money management company

Education

University of Pennsylvania

School of Architecture, Class of 1959



Palm Beach County

SUSAN BUCHER
Supervisor of Elections

240 SOUTH MILITARY TRAIL
WEST PALM BEACH, FL 33415
POST OFFICE BOX 22309
WEST PALM BEACH, FL 33416

TELEPHONE: (561) 656-6200
FAX NUMBER: (561) 656-6287
WEBSITE: www.pbcelections.org

Certification of Registration

I, Susan Bucher, Supervisor of Elections for Palm Beach County, Florida, do hereby certify that the following information is a true and correct copy of the vote registration record on file in this office for:

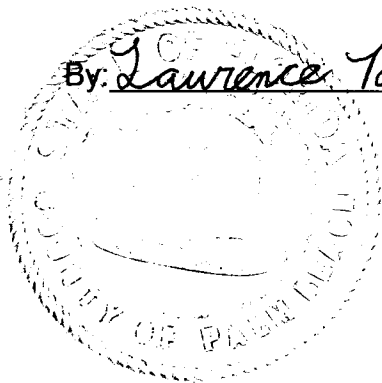
GARRISON, ROBERT NELSON

Date of Registration: 05-19-2014
FVRSIDNumber: 121673105
Certification Number: 06640348
Status: ACTIVE
Address: 156 SEABREEZE AVE, , PALM BEACH FL 33480
Precinct Number: 1392 Sex: U Race: U
Date of Birth: 08-24-1937

Witness my hand and official seal at Palm Beach County, Florida on January 22, 2018.

Susan Bucher
Supervisor of Elections
Palm Beach County, Florida

By: Lawrence B. Brown



TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointments to the Landmarks Preservation Commission.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 12, 2018 from Kathleen Dominguez, Town Clerk**
- ▣ **LPC Sample Ballot**
- ▣ **Application - Albarran**
- ▣ **Application - Cini**
- ▣ **Application - Coleman**
- ▣ **Application - Daniel**
- ▣ **Application - Feldkamp**
- ▣ **Application - Gannon**
- ▣ **Application - Patterson**

TOWN OF PALM BEACH

Information for Town Council Meeting on March 20, 2018

TO: Mayor and Town Council
VIA: Kirk Blouin, Town Manager
FROM: Kathleen Dominguez, Town Clerk
RE: Landmark Preservation Commission Appointment of Regular Members
DATE: March 11, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint members to the Landmarks Preservation Commission (LPC) in order to fill the vacant seats resulting from Jacqueline Albarran and John Gannon's expired terms.

GENERAL INFORMATION

The Town Clerk's Office has received three applications seeking **NEW APPOINTMENT** from the following citizens:

- 1) Marcia Mulford Cini who resides at 1 North Breakers Row, Palm Beach, FL.
- 2) Jeanne Daniel who resides at 322 Seaspray Avenue, Palm Beach, FL.
- 3) William Feldkamp who resides at 108 Lake Avenue, Loft 205, Lake Worth, FL.
(Note: Applicant **qualifies per Section 54-36** of the Town Code)

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

- 1) John T. Gannon
- 2) Jacqueline Albarran (Architect)

(Note: Both applicants **are eligible for re-appointment per Section 54-36** of the Town Code)

The Town Clerk's Office has received two applications seeking **APPOINTMENT FROM ALTERNATE TO REGULAR** from the following Members:

- 1) Sue Patterson
- 2) Kim Coleman

All applicants have submitted proof of voter registration in the Town of Palm Beach.

Cc: Paul Castro, Interim Director of Planning, Zoning and Building

Position(s) to be filled: 2 Regular Member(s)

Due to:

Term Expirations of Jacqueline Albarran and John T. Gannon

Please circle (2) name(s) from the list of names appearing below.

*Indicates that they will accept an alternate position if they are not appointed as a regular member.

Application(s) Received Applying for Regular Appointment:

John T. Gannon	(Regular Member)
Jacqueline Albarran (Architect)	(Regular Member)
Sue Patterson*	(Alternate Member)
Kim Coleman*	(Alternate Member)
Marcia Mulford Cini*	(New Applicant)
Jeanne Daniel*	(New Applicant)
William Feldkamp	(New Applicant)

Signature of Town Council Member:

Town Council President

Position(s) to be filled: 2 Regular Member(s)

Due to:

Term Expirations of Jacqueline Albarran and John T. Gannon

Please circle (2) name(s) from the list of names appearing below.

*Indicates that they will accept an alternate position if they are not appointed as a regular member.

Application(s) Received Applying for Regular Appointment:

John T. Gannon	(Regular Member)
Jacqueline Albarran (Architect)	(Regular Member)
Sue Patterson*	(Alternate Member)
Kim Coleman*	(Alternate Member)
Marcia Mulford Cini*	(New Applicant)
Jeanne Daniel*	(New Applicant)
William Feldkamp	(New Applicant)

Signature of Town Council Member:

Council President Pro Tem

Position(s) to be filled: 2 Regular Member(s)

Due to:

Term Expirations of Jacqueline Albarran and John T. Gannon

Please circle (2) name(s) from the list of names appearing below.

*Indicates that they will accept an alternate position if they are not appointed as a regular member.

Application(s) Received Applying for Regular Appointment:

John T. Gannon	(Regular Member)
Jacqueline Albarran (Architect)	(Regular Member)
Sue Patterson*	(Alternate Member)
Kim Coleman*	(Alternate Member)
Marcia Mulford Cini*	(New Applicant)
Jeanne Daniel*	(New Applicant)
William Feldkamp	(New Applicant)

Signature of Town Council Member:

Town Council Member

Position(s) to be filled: 2 Regular Member(s)

Due to:

Term Expirations of Jacqueline Albarran and John T. Gannon

Please circle (2) name(s) from the list of names appearing below.

*Indicates that they will accept an alternate position if they are not appointed as a regular member.

Application(s) Received Applying for Regular Appointment:

John T. Gannon	(Regular Member)
Jacqueline Albarran (Architect)	(Regular Member)
Sue Patterson*	(Alternate Member)
Kim Coleman*	(Alternate Member)
Marcia Mulford Cini*	(New Applicant)
Jeanne Daniel*	(New Applicant)
William Feldkamp	(New Applicant)

Signature of Town Council Member:

Town Council Member

Position(s) to be filled: 2 Regular Member(s)

Due to:

Term Expirations of Jacqueline Albarran and John T. Gannon

Please circle (2) name(s) from the list of names appearing below.

*Indicates that they will accept an alternate position if they are not appointed as a regular member.

Application(s) Received Applying for Regular Appointment:

John T. Gannon	(Regular Member)
Jacqueline Albarran (Architect)	(Regular Member)
Sue Patterson*	(Alternate Member)
Kim Coleman*	(Alternate Member)
Marcia Mulford Cini*	(New Applicant)
Jeanne Daniel*	(New Applicant)
William Feldkamp	(New Applicant)

Signature of Town Council Member:

Town Council Member

Position(s) to be filled: 2 Regular Member(s)

Due to:

Term Expirations of Jacqueline Albarran and John T. Gannon

Please circle (2) name(s) from the list of names appearing below.

*Indicates that they will accept an alternate position if they are not appointed as a regular member.

Application(s) Received Applying for Regular Appointment:

John T. Gannon	(Regular Member)
Jacqueline Albarran (Architect)	(Regular Member)
Sue Patterson*	(Alternate Member)
Kim Coleman*	(Alternate Member)
Marcia Mulford Cini*	(New Applicant)
Jeanne Daniel*	(New Applicant)
William Feldkamp	(New Applicant)

Signature of Town Council Member:

Gail L. Coniglio, Mayor

2018 JUN 12 PM 04:04 TOWN CLERK



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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

Name: Jacqueline Albarran Residence Address: 11979 Polo Club Road Wellington, FL 33414

Mailing Address: 324 Royal Palm Way #227 Palm Beach, FL 33480 Home Telephone: 561-346-9892 (cell)

E-mail Address: jackie@jackiealbarran.com Work Telephone: 561-655-7676

I am a registered voter of the Town of Palm Beach n/a (please initial) IA

Appointment to Landmarks Preservation Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Landmarks Preservation Commission? (Please explain and attach additional pages if necessary)

Having been an architect in Palm Beach since 1985, I have had the privilege of working on many Historic homes. I am currently serving on the Landmark's Preservation

Commission of the Town of Palm Beach and would like the opportunity to continue to serve on this Commission as the "non resident" member.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? 11

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

I served on the Landmark's Preservation Commission for two consecutive, 3 year terms from 1991-1997. I served one three year term from 1998-2001. After moving to

Wellington in 2001, I was reappointed following the ordinance change creating a non resident position. I served in this position for 9 months before offering my

position to Gene Pandula when he became a non resident. I resumed this position in 2012 and continue to serve at this time.

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

none

5. Have you ever lived in or owned a landmarked home or property? Yes ☐ No ☒ (If so, where?)

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

I have had many years of experience serving on this Commission and as the Architect of many landmarked homes in the Town of Palm Beach.

I have had the privilege of being the architect for the two Ballinger Award winners for 2017.

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

- | | |
|---|---|
| ☐ National Trust for Historic Preservation | ☒ Preservation Foundation of Palm Beach |
| ☐ Florida Trust for Historic Preservation | ☐ North End Property Owner's Association |
| ☐ Palm Beach County Historical Society | ☐ Palm Beach Civic Association |
| ☐ Citizens' Association of Palm Beach | ☐ Other Preservation Organization: _____ |

8. Present occupation. Architect No. of years. approx 30 years

Employer. Self

9. Past occupation(s). same No. of years. n/a

Employer(s). n/a

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- | | |
|---|--|
| ☒ Architecture | ☐ History |
| ☒ Design | ☐ Landscape Architecture/Design |
| ☒ Architectural History | ☐ Building Construction |

11. Please provide details regarding your educational background:

Diploma in Development Planning at the University of London, Great Britain

Diploma in Architecture at the University of Los Andes, Bogota Colombia

Diplome de Langue Francais at Ecole Lemania, Lausanne Switzerland

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)

I have had many years of experience serving on this Commission and as the Architect of many landmarked homes in the Town of Palm Beach.

I have had the privilege of being the architect for the two Ballinger Award winners for 2017.

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

Family Member Name	Relationship	Address	Occupation	Employer
n/a	n/a	n/a	n/a	n/a

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

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

16. In the event you are applying to be a Regular Member of LPC and you are not successful, will you accept appointment as an Alternate Member of LPC should the Town Council wish to appoint you as an Alternate Member?

☐ Yes ☐ No n/a

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☒ Hispanic American

☐ Other

GENDER

☐ Male

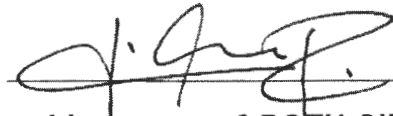
☒ Female

PHYSICALLY DISABLED

☐ Yes

☒ No

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

SIGNATURE: 

DATE: 1-11-2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

LANDMARKS PRESERVATION COMMISSION

(LPC) - The LPC safeguards the Town's historic and cultural resources through its landmarked structures and historic districts. This State of Florida Certified Commission reviews and approves structural and landscape modifications to Designated structures and properties. The LPC is comprised of seven regular and three alternate members, who are registered voters of the Town of Palm Beach and appointed by the Town Council, and who have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. One commissioner may be a non-resident of the Town who possesses specific knowledge or skills directly related to the preservation of historic structures or property. At least two members, but not more than three members, shall be registered architects in the State of Florida. In the event that there are, in the discretion of the Town Council, no bona fide applicants who are registered architects in the State of Florida, the Town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. Members are appointed for three-year terms and no member may serve more than two consecutive terms, although a member may be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term. Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.



TOWN OF PALM BEACH

JAN 19 11:53 AM TOWN CLERK

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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

Name: Marcia Mulford Cini Residence Address: 1 North Breakers Row
 Mailing Address: same Home Telephone: 561-331-8449
 E-mail Address: mmcini@mvylaw.com Work Telephone: 508-627-0250

I am a registered voter of the Town of Palm Beach mmc (please initial)

Appointment to Landmarks Preservation Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Landmarks Preservation Commission? (Please explain and attach additional pages if necessary)

see attachedn

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? one

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

see attached

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

no

5. Have you ever lived in or owned a landmarked home or property? Yes ☒ No ☐ (If so, where?)

Jericho Center, VT & Topsfield, MA

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

see attached

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

- | | |
|--|---|
| ☒ National Trust for Historic Preservation | ☒ Preservation Foundation of Palm Beach |
| ☐ Florida Trust for Historic Preservation | ☐ North End Property Owner's Association |
| ☒ Palm Beach County Historical Society | ☒ Palm Beach Civic Association |
| ☐ Citizens' Association of Palm Beach | ☐ Other Preservation Organization: _____ |

8. Present occupation. Retired Attorney No. of years. RETIRED 12-31-2017

Employer.

9. Past occupation(s). practicing attorney No. of years. 25

Employer(s).

Tinti Quinn Grover & Frey LLP Law Office of Marcia Mulford Cini

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- | | |
|---|---|
| ☒ Architecture | ☒ History |
| ☒ Design | ☒ Landscape Architecture/Design |
| ☒ Architectural History | ☒ Building Construction |

11. Please provide details regarding your educational background:

see attached

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)

see attached

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

Family Member Name	Relationship	Address	Occupation	Employer
N/A				

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

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

16. In the event you are applying to be a Regular Member of LPC and you are not successful, will you accept appointment as an Alternate Member of LPC should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

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

RACE

☐ African American

☐ Asian American

☐ Hispanic American

☐ Native American

☒ Caucasian

☐ Other

GENDER

☐ Male

☒ Female

PHYSICALLY DISABLED

☒ Yes

☐ No

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

SIGNATURE: Marina Melini

DATE: 01-17-2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

LANDMARKS PRESERVATION COMMISSION

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Landmarks Preservation Commission Application of Marcia Mulford Cini

1. I am interested in serving on the Palm Beach Landmarks Preservation Commission because I have always been involved in civic life, I have the appropriate background and qualifications, and my ancestors were prominent in Palm Beach in the late 19th and early 20th centuries. Joseph Mulford, who with his wife Mary Cluett Mulford, came here from upstate New York in the 1880s, founded Bethesda-by-the-Sea Episcopal Church, the third incarnation of which currently stands today on Barton Avenue and South County Road. We are active members in this church, having renewed our vows with Fr. James Harlan on the occasion of our 50th wedding anniversary in Palm Beach in 2013, the year we moved here. I am also at a juncture in my life, having closed my law practice and officially retired at the end of last month (December 2017), where it seems to make sense to give back to the community with my talents.

3. I have served on the Board of Directors and Chairman of the Governance Committee of the Martha's Vineyard Museum for six years (term limits require that I take this year off) during a 24 m. dollar capital campaign, historic rehabilitation and museum move. I am currently on the Board of Island Elderly Housing, Inc. (20 years) and Havenside Corporation (4 years), both on Martha's Vineyard. Vice Chairman of the Dukes County Bar Association, I was elected island-wide to two terms of two years each on the Martha's Vineyard Commission, at which time I was lured but did not succumb to the opportunities represented by election to the state legislature. I also served on the West Tisbury Historic District Commission and was Chairman of the Topsfield Historic District Commission for approximately ten years each. I was also appointed to the Tisbury Community Preservation Committee, a state statutorily mandated program, at its origination and served again for ten years (until last summer). In each instance, it would have never occurred to me to miss a meeting, so my attendance record was essentially perfect.

5. and 6. A word of explanation: In New England, designated historic properties are what Palm Beach calls "landmarked" properties. My immediate family and I have owned two, one in Jericho Center, Vermont (1814) and one in Topsfield, Massachusetts (1756). We made our home in each of these and in all respects treated them historically appropriately, including making them available for house tours.

11. My educational background suits me perfectly for this appointment. My undergraduate degree is a B. A. in history from American University in Washington, DC. Instead of pursuing Education at Columbia University in NYC, I got an M.A. in Preservation Studies from Boston University, where I specialized in adaptive reuse and twentieth century resources. After I went to B.U. Law School, earned a J.D. (Juris Doctor) degree, passed the bar exam and practiced law in Massachusetts for approximately 25 years.

12. My educational background and experience as well as how I have spent my time during my entire adult life qualify me for an appointment to the Palm Beach Landmarks Preservation Commission. In addition to pursuing a preservation career, which I did up until I went to law school in search of a more lucrative way to make a living and having served as a full time preservation consultant under the aegis of my own company, Associated Preservation Services, Inc., I

volunteered for two commissions similar to the Landmarks Preservation Commission in that they were promoters of and arbiters of alterations to historic structures. I also served on numerous civic or non-profit organization boards, always identified with the protection of historic interests. During my law practice I submitted plenty of federal tax credit applications, worked on some very large projects that included state and federal tax credits, and am currently listed on the Massachusetts Historical Commission's list of recommended historic preservation consultants. I still get phone calls about my master's degree thesis on the Kirkbride complex at Danvers State Hospital, which formed the basis for a National Register of Historic Places nomination and listing for it and more than one book and art exhibit. I truly believe not only in a "city's right to be beautiful" (Berman v. Parker) but the more you know about how we got to be the way we are, the better decisions we can make for the future.



CFN 20170123831

OR BK 29005 PG 1874
 RECORDED 04/10/2017 14:05:31
 Palm Beach County, Florida
 Sharon R. Bock, CLERK & COMPTROLLER
 Pg 1874 (1pg)

DECLARATION OF DOMICILE

For Domiciliaries of the State Of Florida:

To the Clerk of the Circuit Court (County Comptroller) of Palm Beach County, Florida.

This is my declaration of domicile in the State of Florida that I am filing this day in
 accordance and in conformity with Section 222.17, Florida Statutes.

I MARCEA M. CINI hereby declare that I reside
 in and maintain a place of abode at:

APT 161; 1 NORTH BREAKERS ROAD
 (street and number)
PALM BEACH; PALM BEACH COUNTY, Florida
 (city and county)

which place of abode I recognize and intend to maintain as my permanent home and, if I maintain another place or
 places of abode in some other state or states, I hereby declare that my above-described residence and abode in the
 State of Florida constitutes my predominant and principal home, and I intend to continue it permanently as such. I am,
 at the time of making this declaration, a bona fide resident of the State of Florida residing at:

APT 161; 1 NORTH BREAKERS ROAD
 (street and number)
PALM BEACH; PALM BEACH COUNTY, Florida
 (city and county)

I formerly resided at:

169 CUTTYHUNK AVENUE
 (street and number)
VINEYARD HAVEN, MASSACHUSETTS; COUNTY OF DUKES COUNTY
 (city, county and state)

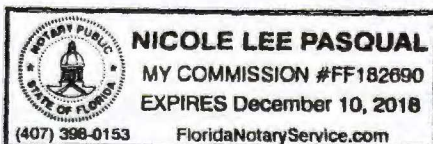
and the place or places where I maintain another or other place or places of abode are as follows: (Here list street
 address, city, county, and state of any other place or places of abode.)

169 CUTTYHUNK AVENUE; VINEYARD HAVEN, MASSACHUSETTS
COUNTY OF DUKES COUNTY

Marcia M. Cini
 (Signature)

Sworn to and subscribed before me this

3RD of April, 2017



(Signature of Notary Public, State of Florida)

NICOLE PASQUAL
 (Print, type or stamp commissioned name of Notary Public)

Personally Known ☒ or Produced Identification ☐
 (Check One)

Type of Identification Produced: _____

DECLARATION OF DOMICILE

For Domiciliaries of States Other Than the State of Florida:

To the Clerk of the Circuit Court (County Comptroller) of Palm Beach County,
Florida.

This is my declaration of domicile in the State of Florida that I am filing this day in
accordance and in conformity with Section 222.17, Florida Statutes.

I _____ hereby declare that
my domicile is in the State of _____

and that I intend to permanently continue and maintain my domicile in such state. At the time of making this
declaration I am a bona fide resident of the State of _____

My place of abode within the State of Florida, if any, is as follows: (Here list street address, city, and county of place of
abode in Florida.)

(street and number)

(city and county)

_____, Florida

(Person making declaration may also include such other and further facts with reference to any acts done or performed
by such person which such person desires or intends not to be construed as evidencing any intention to establish
his/her domicile within the State of Florida.)

(Signature)

Sworn to and subscribed before me this _____

of _____

(Signature of Notary Public, State of _____)

(Print, type or stamp commissioned name of Notary Public)

Personally Known _____ or Produced Identification _____
(Check One)

Type of Identification Produced: _____

Kathleen Dominguez

From: Kim Coleman <kim@kimcoleman.com>
Sent: Friday, March 09, 2018 5:16 PM
To: Kathleen Dominguez
Cc: edward.cooney@gmail.com; dani moore; Araskog Julie
Subject: Landmarks and Preservation

Dear Kathleen,

As I stated today when we met, I am interested in applying for a voting position on the Landmarks and Preservation Commission.

I am currently an alternate commissioner .

I would like to submit my previous application .

In light of the fact that two of my deserving fellow commissioners are reapplying for their seats , I am merely submitting my application in order to show my future interest should another voting position become available .

My best ,

Kim Coleman

Sent from my iPhone

-LPC application



Received
03/03/17 4:47
pm.- rmk

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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

Name: Kim Coleman Residence Address: 309 Via Linda Palm Beach

Mailing Address: same Home Telephone: 561-840-8688

E-mail Address: Kim@Kimcoleman.com Work Telephone: 516-527-3612

Length of Residency lifetime but I am a registered voter of the Town of Palm Beach ☒ (please initial)
Town of Palm Beach: permanent Year of registration 2004

resident since 2013
1. Why are you interested in serving on the Landmarks Preservation Commission? (Please explain and attach additional pages if necessary)

I am interested in serving because I want to preserve Palm Beach's history and beauty at this pivotal time. I have been in Palm Beach my entire life, attended Palm Beach Day 1

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? 1

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

I have served on several not for profit, school and village boards. I was acting chairman and a board member of #2

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

None

5. Have you ever lived in or owned a landmarked home or property? Yes ☐ No ☒ (If so, where?)

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

Yes, I have dealt with landmarked properties in my business and on the Architectural Review Board.

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

- | | |
|---|---|
| ☐ National Trust for Historic Preservation | ☒ Preservation Foundation of Palm Beach |
| ☐ Florida Trust for Historic Preservation | ☐ North End Property Owner's Association |
| ☐ Palm Beach County Historical Society | ☒ Palm Beach Civic Association |
| ☒ Citizens' Association of Palm Beach | ☐ Other Preservation Organization: _____ |

8. Present occupation. Interior design No. of years. 40

Employer.

Self

9. Past occupation(s). Solihay's Auction House N.Y. + Palm Beach No. of years. 10

Employer(s).

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- | | |
|---|--|
| ☐ Architecture | ☐ History |
| ☒ Design | ☐ Landscape Architecture/Design |
| ☒ Architectural History | ☐ Building Construction |
- tax courses at NYBG for 2 years
Stopped to go to Solihay

11. Please provide details regarding your educational background:

The New School
SUNY at Stony Brook at Hofstra University BA
With honors in the humanities
Helena Rubenstein Fellow at the Whitney Museum in N.Y.
The New York School of interior design

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)

My entire life has been devoted to aesthetics and design. I feel that I have a great eye and keen visualization. Most importantly I care deeply about

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

Family Member Name	Relationship	Address	Occupation	Employer
<u>Payin Coleman</u>	<u>husband</u>	<u>324 Royal Palm Way</u>	<u>Lawyer</u>	<u>Pillsbury</u>

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

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

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

The following information is required by Florida Statute 760.80. Please check one in each category.			
RACE		GENDER	
☐ African American	☐ Native American	☐ Male	☒ Female
☐ Asian American	☒ Caucasian	PHYSICALLY DISABLED	
☐ Hispanic American	☐ Other	☐ Yes	☒ No

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

SIGNATURE: _____

Riy Genta

DATE: _____

3.3.17

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

LANDMARKS PRESERVATION COMMISSION

(LPC) - The LPC safeguards the Town's historic and cultural resources through its landmarked structures and historic districts. This State of Florida Certified Commission reviews and approves structural and landscape modifications to Designated structures and properties. This Commission is comprised of seven regular and three alternate members, who are registered voters of the Town of Palm Beach and appointed by the Town Council, and who have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. One commissioner may be a non-registered voter who possesses specific knowledge or skills directly related to the preservation of historic structures or property.

- *1. Academy and have witnessed the changes both good and bad. My experience in design, architecture spatial planning and landscape are all pertinent to my understanding of preservation.
- *2. The architectural Review board in the Village of Old Brookville on Long Island for 12 years. In a crucial and challenging time on the North Shore of Long Island, we worked hard to preserve the character and integrity of our area with regard to significant development.
- *3. 2 years of study in Landscape Architecture at The New York Botanical Gardens when I left to go to Sotheby's Auction House.

Will Attend



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

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Name: JEANNE DANIEL Residence Address: 322 Seaspray AveMailing Address: SAME Home Telephone: _____E-mail Address: JDANIELE@OPTION LINE.NET Work Telephone: 917-273-0903I am a registered voter of the Town of Palm Beach JD (please initial)

Appointment to Landmarks Preservation Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Landmarks Preservation Commission? (Please explain and attach additional pages if necessary)

Please see attached pages.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? 0

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

N/A

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

June 2018. Our son is getting married at our home in Mass.

5. Have you ever lived in or owned a landmarked home or property? Yes ☒ No ☐ (If so, where?)

We live in a landmarked home at 322 Seaspray. We spent 2 1/2 years renovating this home and I have first hand experience working with the Landmarks Preservation Com. Our home won The Polly Earl Award IN 2017.

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

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

- | | |
|---|---|
| ☐ National Trust for Historic Preservation | ☒ Preservation Foundation of Palm Beach |
| ☐ Florida Trust for Historic Preservation | ☐ North End Property Owner's Association |
| ☐ Palm Beach County Historical Society | ☐ Palm Beach Civic Association |
| ☐ Citizens' Association of Palm Beach | Other Preservation Organization: _____ |

8. Present occupation. OWNER / DESIGNER No. of years. 9

Employer. bella tv

9. Past occupation(s). Luxury Retail Merchandising + Product Develop. No. of years. 30+

Employer(s). TIFFANY + CO. MACY'S
SAKS 5TH AVE SELF-JBDANIEL CONSULTING CO.

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- | | |
|--|--|
| ☐ Architecture | ☐ History |
| ☒ Design | ☐ Landscape Architecture/Design |
| ☐ Architectural History | ☐ Building Construction |

11. Please provide details regarding your educational background:

1974 Freshman year at SKIDMORE College STUDIO ART

1978 GRADUATED FROM UNIV. OF VERMONT BS IN

HOUSING + RESIDENTIAL ENVIRONMENTS

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)

Please see attached pages.

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

Family Member Name	Relationship	Address	Occupation	Employer
	N/A			

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

NO

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

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

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☒ Yes ☐ No

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Other

GENDER

☐ Male

☒ Female

PHYSICALLY DISABLED

☐ Yes

☒ No

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

SIGNATURE: _____

Jeanne B. Daniel

DATE: _____

1/11/18

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

LANDMARKS PRESERVATION COMMISSION

(LPC) - The LPC safeguards the Town's historic and cultural resources through its landmarked structures and historic districts. This State of Florida Certified Commission reviews and approves structural and landscape modifications to Designated structures and properties. The LPC is comprised of seven regular and three alternate members, who are registered voters of the Town of Palm Beach and appointed by the Town Council, and who have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. One commissioner may be a non-resident of the Town who possesses specific knowledge or skills directly related to the preservation of historic structures or property. At least two members, but not more than three members, shall be registered architects in the State of Florida. In the event that there are, in the discretion of the Town Council, no bona fide applicants who are registered architects in the State of Florida, the Town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. Members are appointed for three-year terms and no member may serve more than two consecutive terms, although a member may be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term. Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.

To the Landmarks Preservation Commission:

I am very interested in serving on the Landmarks Preservation Commission to contribute to the good work the Town of Palm Beach facilitates maintaining the historic architectural integrity of this community.

I believe I am well qualified to serve in this capacity for 4 primary reasons.

- 1) Professionally, I have spent over 35 years creating new product designs and solving design problems. My design experience spans many categories. I have managed the design process and product development for global brands in jewelry, watches, tabletop and furniture. I have had my own clothing collection, bella tu, for 9 years.
- 2) At Tiffany, where I spent 12 years in a series of senior management roles, one of my areas of responsibility was Visual Merchandising. This department managed the design of new stores and renovations of existing stores in the USA, Asia Pacific and Europe. I was in a leadership role managing the design and materials selection process.
- 3) Personally, I have renovated four homes, two in New Canaan, CT, one in Chatham, MA and our current home at 322 Seaspray Ave. I have designed all four homes exterior and interior space plans and selected all interior furnishings. I have worked closely with architects and builders. We have never torn down a home.

322 Seaspray Ave was certainly the most challenging renovation to date but my husband and I had a vision to preserve and enhance the 1919 landmarked bungalow style exterior of 322 Seaspray and create a more contemporary open floor plan interior appropriate for our family and lifestyle. We won the Polly Earl award for our renovation in 2017.

- 4) My husband and I love Palm Beach. We have been coming here together for 15 years and have a longer history with Palm Beach through my husband's great aunt, Polly Jessup. Polly was a distinguished interior designer in Palm Beach and helped shape Palm Beach's interior design heritage.

Our family recently underwrote, for five years, the Polly Jessup Design Series with the Preservation Foundation of Palm Beach. This series was designed to celebrate Polly Jessup and other notable interior designers contribution to the design legacy of Palm Beach.

Palm Beach is beautiful and in no small way is this due to the architectural diversity. We chose to tackle the challenge of renovating a landmarked home because we believe it is important to honor architecture of the past and

simultaneously develop a design that is relevant for contemporary lifestyle needs of today and the future.

I would be honored to be considered for this position on the Landmarks Preservation Commission and would give my very best effort to make a substantial contribution.

Sincerely,

A handwritten signature in blue ink, reading "Jeanne B. Daniel". The signature is written in a cursive style with a large, stylized "J" and "D".

Jeanne B. Daniel

Jeanne B. Daniel

BIO

Jeanne Daniel, 62, has been in luxury retailing for over 35 years. Her early career was in home furnishings as a buyer of Contemporary Housewares for Macy's Cellar in New York City.

In 1986, Ms. Daniel joined Tiffany in New York City and spent the next 12 years rising through the ranks in merchandising and marketing. She became Executive Vice President of Merchandising and Marketing in 1996, the highest position held by a woman in Tiffany's history. During this time, Ms. Daniel lead Tiffany's merchandising and marketing programs that were instrumental in Tiffany's successful global expansion. Many of the jewelry collections developed during this time are still successful today; Signature, Atlas, Etoile, Victoria and Tiffany Nature. Tiffany grew from less than \$70 million in volume with a presence only in the U.S. to over \$1.3 billion including 63 international locations by the time she departed.

Ms. Daniel left Tiffany in 1998 to join Saks Fifth Avenue for a year as Executive Vice President of Merchandising. After Saks, Ms. Daniel was CEO of Adornis.com, one of the first fine jewelry e-commerce websites.

In 2000, Ms. Daniel launched her own luxury branding and product development consulting firm and, over the next eight years, consulted for many prestigious brands including Tiffany, Vera Wang, Emporio Armani, Michelle Watches, Slane & Slane, Carelle, Anthony Nak and J. Walter Thompson on behalf of DeBeers.

In 2009, Ms. Daniel launched bella tu, a contemporary women's clothing collection focusing on the resort market in the US and Caribbean. The collection designs are inspired by the ancient handcraft traditions of India - hand beading, embroidery and block printing. Ms. Daniel travels to India multiple times a year to develop the bella tu collection. bella tu is sold in fine specialty stores, resorts and online at bella-tu.com.

Ms. Daniel attended Skidmore College as a Studio Art Major her freshman year and graduated from the University of Vermont with a BS in Housing and Residential Environments. She served on the board of Colonial Williamsburg from 1999-2013 and Gemvara from 2014-2016. She lives in Palm Beach and New Canaan, CT. with her husband and has two sons, Jessup (26) and Noah (21).



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

RECEIVED

LANDMARKS PRESERVATION COMMISSION

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

Name: William P. Feldkamp Residence Address: 108 Lake Ave Loft 205
Lake Worth FL 33460
 Mailing Address: Po Box 2331, PB 33480 Home Telephone: 561-248-5769
 E-mail Address: billfeldkamp@gmail.com Work Telephone: " " "

I am a registered voter of the Town of Palm Beach (please initial)

Appointment to Landmarks Preservation Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Landmarks Preservation Commission? (Please explain and attach additional pages if necessary)

To continue my experience as a registered architect
for the past 47 years.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year?

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

see attached resume

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

none

5. Have you ever lived in or owned a landmarked home or property? Yes ☐ No ☒ (If so, where?)

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

See resume

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

- | | |
|--|---|
| ☒ National Trust for Historic Preservation | ☐ Preservation Foundation of Palm Beach |
| ☐ Florida Trust for Historic Preservation | ☐ North End Property Owner's Association |
| ☒ Palm Beach County Historical Society | ☐ Palm Beach Civic Association |
| ☐ Citizens' Association of Palm Beach | ☐ Other Preservation Organization: _____ |

8. Present occupation. retired No. of years. _____
Employer. _____

9. Past occupation(s). registered architect No. of years. _____
Employer(s). See resume

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- | | |
|--|--|
| ☒ Architecture | ☐ History |
| ☐ Design | ☐ Landscape Architecture/Design |
| ☐ Architectural History | ☐ Building Construction |

11. Please provide details regarding your educational background:

See resume

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)

many years of work in the
field of architectural preservation

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

Family Member Name	Relationship	Address	Occupation	Employer
<u>none</u>				

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

no

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

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

16. In the event you are applying to be a Regular Member of LPC and you are not successful, will you accept appointment as an Alternate Member of LPC should the Town Council wish to appoint you as an Alternate Member?

☐ Yes

☒ No

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Other

GENDER

☒ Male

☐ Female

PHYSICALLY DISABLED

☐ Yes

☒ No

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

SIGNATURE: _____

Wm Feldkamp

DATE: 9 March 2018

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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William P. Feldkamp

RESUME

PERSONAL Born 27 December 1946 Lansdowne, PA

EDUCATION Carnegie Mellon University, Pittsburgh, PA B.Arch. 1969
Suffolk University, Boston, MA MBA (real estate) 1987

PROFESSIONAL Florida Registered Architect #AR0013520 1987 - present
Massachusetts Registered Architect #3843 1971 - present
NCARB Certificate No. 014870
Member American Institute of Architects 1972-2002
Member Institute for Classical Architecture and Art 2011-

WORK Hellmuth, Obata & Kassabaum (HOK), St. Louis, MO
 Drafter, junior architect 1969-1971
sample project: -Pittsburgh Great High School, Pittsburgh, PA

The Architects Collaborative, Inc. (TAC), Cambridge, MA
Senior Associate 1983-1986 1972-1986
sample projects: -Addition to Hirshhorn Museum, Washington DC
-Huntersville Elderly Housing, Norfolk, VA
-Addition to Egyptian Museum, Cairo, Egypt

Feldkamp & Company, Architects, Boston, MA 1986-2002
sample projects: -Rehab of warehouse into 71 loft apts., Boston, MA
-Waterfront home and boat dock in Bristol, RI
-3 hillside homes, Montecito, Santa Barbara, CA
-30+/- townhouse restorations/renovations
in Back Bay and Beacon Hill, Boston, MA

William Feldkamp, Registered Architect West Palm Beach 1990-2014
sample projects: -Mixed use 30 DU project, Downtown WPB, FL
-Home additions and renovations, Lake Worth, FL
-Restoration of 1888 Manse, Boston, MA

CIVIC West Palm Beach Historic Preservation Board, member 1992-1994
Historic West Palm Beach (a 501c3), member 1994-1997
President 1994-1996
Town of Palm Beach Architectural Commission, member 2004-2010
Vice-Chairman 2008-2009
Chairman 2009-2010
Town of Palm Beach Landmark Preservation Commission
Member 2010-2014
Vice-Chairman 2011-2014
Candidate for Palm Beach Town Council Seat February 2014
City of LakeWorth Historic Resources Preservation Board 2017-
Vice-Chairman 2018-

108 Lake Avenue Loft 205, Lake Worth, FL 33460

cell: 561.248.5769

e-mail: billfeldkamp@gmail.com

RECEIVED

By Town Clerk Office at 11:38 am, Jan 09, 2018



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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

Name: JOHN TIM CANNON Residence Address: 1300 N OCEAN BLVD, PB, FL 33480
625 N FLAGLER DR STE 1000
Mailing Address: WPB FL 33401 Home Telephone: N/A
E-mail Address: chestimgannon@gmail.com Work Telephone: 904-623-124

I am a registered voter of the Town of Palm Beach JTC (please initial)

Appointment to Landmarks Preservation Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Landmarks Preservation Commission? (Please explain and attach additional pages if necessary)

I believe Landmarks Commission does more to
insure the beauty and aesthetics of this
Town lasts forever and I am proud to serve.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? All of them

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

just Landmarks
more than 5 years

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

None

5. Have you ever lived in or owned a landmarked home or property? Yes ☐ No ☒ (If so, where?)

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

Yes appraising their worthiness on the board.

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

- | | |
|---|---|
| ☐ National Trust for Historic Preservation | ☐ Preservation Foundation of Palm Beach |
| ☐ Florida Trust for Historic Preservation | ☐ North End Property Owner's Association |
| ☐ Palm Beach County Historical Society | ☐ Palm Beach Civic Association |
| ☐ Citizens' Association of Palm Beach | ☐ Other Preservation Organization: _____ |

8. Present occupation. Restaurantier No. of years. 50 yrs.

Employer. Bolay

9. Past occupation(s). _____ No. of years. 30

Employer(s). Outback Steakhouse

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- | | |
|---|--|
| ☐ Architecture | ☒ History |
| ☐ Design | ☐ Landscape Architecture/Design |
| ☒ Architectural History | ☐ Building Construction |

11. Please provide details regarding your educational background:

Studied art history and architecture in Florence Italy for 3 years -

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)

I feel I bring a balanced approach to the decision making of owner's rights historical value and preservation and try to offer pragmatic solutions

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

Family Member Name	Relationship	Address	Occupation	Employer
N/A				

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

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

16. In the event you are applying to be a Regular Member of LPC and you are not successful, will you accept appointment as an Alternate Member of LPC should the Town Council wish to appoint you as an Alternate Member?

☐ Yes ☒ No

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Other

GENDER

☒ Male

☐ Female

PHYSICALLY DISABLED

☐ Yes

☒ No

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

SIGNATURE: _____

DATE: _____

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TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

LANDMARKS PRESERVATION COMMISSION

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Name: Susan S. Patterson Residence Address: 710 S. Ocean Blvd
 Mailing Address: 710 S. Ocean Blvd Home Telephone: 561-659-4447
 E-mail Address: SSOLIE@AOL.com Work Telephone: 561-346-7007
 I am a registered voter of the Town of Palm Beach X (please initial) SSP

Appointment to Landmarks Preservation Commission requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Landmarks Preservation Commission? (Please explain and attach additional pages if necessary)

I've very much enjoyed my first year of service. The notion of preserving this wonderful jewel of Palm Beach is important.

2. How many meetings of the Landmarks Preservation Commission have you attended in the last year? 10 (ish)

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

Landmarks Preservation, Palm Beach Day, Dreyfoos School of Arts, University of Wisconsin - Madison - Foundation Board, Education Board and Arts Board

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

5. Have you ever lived in or owned a landmarked home or property? Yes ☒ No ☐ (If so, where?)

Currently living in one:
710 S. Ocean Blvd

6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

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

- | | |
|---|---|
| ☐ National Trust for Historic Preservation | ☐ Preservation Foundation of Palm Beach |
| ☐ Florida Trust for Historic Preservation | ☐ North End Property Owner's Association |
| ☐ Palm Beach County Historical Society | ☐ Palm Beach Civic Association |
| ☐ Citizens' Association of Palm Beach | ☐ Other Preservation Organization: _____ |

8. Present occupation. Author No. of years. 2

Employer. Little, Brown & Co (Hachette)

9. Past occupation(s) J Walter Thompson NY No. of years. 20

Employer(s) (Advertising Agency - AD, SR VP)

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

- | | |
|---|--|
| ☒ Architecture | ☒ History |
| ☒ Design | ☐ Landscape Architecture/Design |
| ☒ Architectural History | ☐ Building Construction |

11. Please provide details regarding your educational background:

University of Wisconsin-Madison BS
University of Wisconsin-Madison MFA

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)

I've studied design and architecture extensively and I'm passionate about it and preservation. We resurrected our home from 17 years of abandonment and found process rewarding.

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

Family Member Name	Relationship	Address	Occupation	Employer
James Patterson	Husband	710 S. Ocean Blvd	Novelist	Self

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

No

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

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

16. In the event you are applying to be a Regular Member of LPC and you are not successful, will you accept appointment as an Alternate Member of LPC should the Town Council wish to appoint you as an Alternate Member?

☒ Yes

☐ No

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Other

GENDER

☐ Male

☒ Female

PHYSICALLY DISABLED

☐ Yes

☒ No

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

SIGNATURE: _____

SSPaller

DATE: _____

2/7/18

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Regular Agenda - New Business

Agenda Title

Coastal Update:

a. Shoreline Condition Update

b. RESOLUTION NO. 37-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$1,742,200 to West Construction, Inc., for the Construction of the Mid-Town Beach Groin Construction Project, Establishing a Construction Phase Budget of \$1,950,000 for Said Project, and Authorizing the Town Manager to Execute the Purchase Order and Take Action Necessary to Effectuate Completion of the Project.

c. RESOLUTION NO. 38-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Coastal Engineering Construction Administration and Support Services to Aptim, Inc., in an Amount of \$47,100, and Establish a Task Budget of \$55,000, for the Mid-Town Beach Groin Construction Project.

d. RESOLUTION NO. 39-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Permit Required Sea Turtle Nighttime Monitoring and Nest Relocation To D.B. Ecological, Inc., in an Amount of \$23,100, and Establishing a Task Budget of \$31,350, for the Mid-Town Beach Groin Construction Project.

Presenter

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

ATTACHMENTS:

- ▣ **b. Memorandum dated March 7, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **b. Resolution No. 37-2018**
- ▣ **b. Bid Tab Sheet**
- ▣ **c. Memorandum dated March 7, 2018, from H. Paul Brazil, P.E., Director of Public Works**

- ▢ **c. Resolution No. 38-2018**
- ▢ **c. Aptim Proposal**
- ▢ **d. Memorandum dated March 7, 2018, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▢ **d. Resolution No. 39-2018**
- ▢ **d. D.B. Ecological Services, Inc. Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Award Contract for Mid-Town Beach Groin Construction Project
Resolution No. 37-2018

DATE: March 7, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 37-2018 awarding Bid No. 2018-20 and approving a construction contract to West Construction, Inc., for the Mid-Town Beach Groin Construction Project, in the amount of \$1,742,200, and establishing a total construction phase budget of \$1,950,000, which includes \$207,800 in contingency.

In addition, Staff recommends that Town Council grant a waiver to Sections 42-196 through 199 of the Town of Palm Beach Code of Ordinances to allow for work past December 1, 2017, extending work hours and night-time work, as necessary, and approved by Public Works. Staff would also recommend a waiver of the Town Code of Ordinances Section 42-226 through 229 – Regulation of Noise.

GENERAL INFORMATION

The Palm Beach Island Beach Management Agreement (BMA), signed in 2013 includes several Coastal projects that have been repeatedly constructed and monitored. The only new structure identified within the BMA is a groin located in the vicinity of Gulfstream Road. This area along the shoreline is documented as being susceptible to significant erosion. Although the 2015 Mid-Town Beach Nourishment Project initially delayed the need for this groin, continued erosion from hurricanes Matthew and Irma, as well as winter storms, have displaced much of the nourishment sand. This loss of sand has caused Staff to identify the groin a priority to enhance shoreline stability.

Due to sea turtle nesting season, coastal projects are generally limited to a construction window from November 1 to February 28. With additional sea turtle monitoring approved through a federal permit, the window can be extended for certain projects from February 28 to April 30. The Town has the necessary regulatory authorizations to construct the Mid-Town Beach Groin Construction Project through the month of April. The work would begin as soon after Town Council approval, allowing for the process to issue a purchase order and continue for 35 working days.

On March 6, 2018, the Town received two (2) quotes. The Town received two (2) responses (a copy of the bid tabulation sheet is attached). The quotes ranged from \$1,742,400 to \$3,483,000. Staff recommends awarding a construction contract to West Construction, Inc., for the bid amount of \$1,742,200, and establishing a construction phase budget of \$1,950,000.

Due to the tight construction window, Town staff requests waivers to Sections 42-198, 42-199, and 42-226 through 42-229 for construction dates, hours, and noise levels to specifically include work from 7:00am to 7:00pm, 7 days a week, excluding Easter Sunday on April 1, 2018.

FUNDING/FISCAL IMPACT

Remaining bond funds from 2013 bond issue for coastal projects totals \$2,832,527.72. Sufficient funds exist within the remaining bond funds to support construction and construction administration of this project.

PURCHASING REVIEW

The Purchasing Division has reviewed the information provided and has approved the content.

TOWN ATTORNEY REVIEW

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

Attachment

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance
Robert Weber, Coastal Program Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 37-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT FOR \$1,742,200 TO WEST CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE MID-TOWN BEACH GROIN CONSTRUCTION PROJECT, ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$1,950,000 FOR SAID PROJECT, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE ORDER AND TAKE ACTION NECESSARY TO EFFECTUATE COMPLETION OF THE PROJECT.

* * * * *

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 West Construction, Inc., in an amount of \$1,742,200 for construction of the Mid-Town Beach Groin Construction Project, and establishes a construction phase budget of \$1,950,000.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for construction of the Mid-Town Beach Groin Construction Project.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member



TOWN OF PALM BEACH

Bid No. 2018-20

MID-TOWN BEACH GROIN CONSTRUCTION PROJECT

TABULATION

Due: 3/6/18 @ 2 p.m.

		Vendor:		Shoreline Foundation, Inc.		West Construction, Inc.	
		Address:		2781 SW 56th Avenue		820 North 4th Street	
				Pembroke Pines, FL 33023		Lantana, FL 33462	
		Telephone:		954-985-0460		561-588-2027	
		Fax:		954-985-0462		561-582-9419	
		Contact:		James A. Royo		Martha A. Morgan	
Item No.	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total
SCHEDULE OF BID ITEMS:							
1	Mobilization & Demobilization	1	L.S.	\$ 348,000.00	\$ 348,000.00	\$ 70,000.00	\$ 70,000.00
2	Construction Layout Survey	1	L.S.	\$ 90,000.00	\$ 90,000.00	\$ 18,200.00	\$ 18,200.00
3	Maintenance of Traffic	1	L.S.	\$ 156,250.00	\$ 156,250.00	\$ 24,300.00	\$ 24,300.00
4	Site Preparation, Excavation & Maintenance	1	L.S.	\$ 700,000.00	\$ 700,000.00	\$ 334,125.00	\$ 334,125.00
5	Furnish & Place Beach Fill	9,500	C.Y.	\$ 90.00	\$ 855,000.00	\$ 55.00	\$ 522,500.00
6	Furnish & Install Armor Stone	2,750	TN.	\$ 165.00	\$ 453,750.00	\$ 154.00	\$ 423,500.00
7	Furnish & Install Marine Mattress Foundation	6,800	S.F.	\$ 75.00	\$ 510,000.00	\$ 36.00	\$ 244,800.00
8	Environmental Compliance	1	L.S.	\$ 150,000.00	\$ 150,000.00	\$ 24,300.00	\$ 24,300.00
9	Site Restoration & Grading	1	L.S.	\$ 120,000.00	\$ 120,000.00	\$ 30,375.00	\$ 30,375.00
10	As-Built/Pay Surveys	1	L.S.	\$ 10,000.00	\$ 10,000.00	\$ 24,300.00	\$ 24,300.00
11	Bonds & Insurance	1	L.S.	\$ 90,000.00	\$ 90,000.00	\$ 25,800.00	\$ 25,800.00
TOTAL				\$	3,483,000.00	\$	1,742,200.00

Opened by: John Cmar

Witnessed by: Duke Basha

Apparent Awardee

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order for Groin Project Coastal Engineering Construction
Administration and Support Services
Resolution No. 38-2018

DATE: March 7, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 38-2018 and authorize the Town Manager to approve a purchase order with APTIM, Inc., for Coastal Engineering Construction Administration and Support Services, in the amount of \$47,100 for the Mid-Town Beach Groin Construction Project, and establish a construction phase services budget of \$55,000.

GENERAL INFORMATION

The Palm Beach Island Beach Management Agreement (BMA), signed in 2013 includes several Coastal projects that have been repeatedly constructed and monitored. The only new structure identified within the BMA is a groin located in the vicinity of Gulfstream Road. This area along the shoreline is documented as being susceptible to significant erosion. Although the 2015 Mid-Town Beach Nourishment Project initially delayed the need for this groin, continued erosion from hurricanes Matthew and Irma, as well as winter storms, have displaced much of the nourishment sand. This loss of sand has caused Staff to identify the groin a priority to enhance shoreline stability.

The construction award recommendation is also scheduled on the March 20, 2018 Town Council Meeting. With the award of this construction, the Town will be required to perform monitoring and construction oversight to meet the State and Federal permit conditions. APTIM, Inc. provided a scope of work proposal, dated February 12, 2018, which addresses all the regulatory-required tasks and deliverables necessary during construction of the Mid-Town Beach Groin Construction Project. This scope of work includes pre-construction and construction progress meetings, performing site observations, and providing construction coordination with both the contractor and the regulatory agencies.

Staff has reviewed and negotiated the APTIM, Inc. proposal and recommends approving a purchase order for Construction Administration and Support Services with APTIM, Inc. in the amount of \$47,100. Staff recommends a contingency of \$7,900 and establishing a total budget of \$55,000.

FUNDING/FISCAL IMPACT

Remaining bond funds from 2013 bond issue for coastal projects totals \$2,832,527.72. Sufficient funds exist within the remaining bond funds to support construction and construction administration of this project.

PURCHASING REVIEW

The Purchasing Division has reviewed the information provided and has approved the content.

TOWN ATTORNEY REVIEW

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

Attachment

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance
Robert Weber, Coastal Program Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 38-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR COASTAL ENGINEERING CONSTRUCTION ADMINISTRATION AND SUPPORT SERVICES TO APTIM, INC., IN AN AMOUNT OF \$47,100, AND ESTABLISH A TASK BUDGET OF \$55,000, FOR THE MID-TOWN BEACH GROIN CONSTRUCTION PROJECT.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to APTIM, Inc., in an amount of \$47,100 for Coastal Engineering Construction Administration and Support Services for the Mid-Town Beach Groin Construction Project, and establishes a task budget of \$55,000.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these construction administration and support services, and is authorized to approve additional tasks, as necessary, within budget.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member



APTIM
2481 NW Boca Raton Blvd.
Boca Raton, FL 33421
Tel: 561.391.8102
Fax: 561.391.9116

February 12, 2018

Robert Weber
Coastal Program Manager
Town of Palm Beach
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

RE: PROPOSAL FOR CONSTRUCTION ADMINISTRATION OF THE MID-TOWN BEACH GROIN IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

Dear Mr. Weber:

This proposal is submitted at your request to provide construction administration services for the Mid-Town Beach Groin in the Town of Palm Beach. Aptim Environmental & Infrastructure, Inc. (APTIM) completed engineering design and permit coordination services under a previous agreement dated December 4, 2017. APTIM will perform bidding assistance and construction coordination support services. The total cost for these services is \$47,130. A scope of services is provided in Exhibit A and the cost summary is provided in Exhibit B.

Barring no unforeseen events, the professional services described herein will be completed within four (4) months of receipt of your authorization to proceed. It is our understanding that the Town seeks to complete construction of the project prior to the beginning of peak sea turtle nesting season (May 1) and we will work diligently with the Town and selected Contractor to provide deliverables to meet this goal.

The services proposed herein will be billed monthly on a time and materials basis and will be performed in accordance with this proposal and the terms of the Professional Services Agreement (PSA) 2017-35 between the Town of Palm Beach and APTIM dated September 15, 2017. The billing rates for services rendered under this proposal will be based on the schedule of hourly billing rates incorporated by reference and attached to the PSA. The fee provided below includes equipment rental and reimbursable expenses. Thank you for the opportunity to provide these services.

If you have any questions, please call me or Jordon Cheifet.

Sincerely,

Thomas P. Pierro, P.E., D.CE
Director of Operations
Aptim Coastal Planning & Engineering, Inc.

EXHIBIT A – SCOPE OF SERVICES

Task 1 – Construction Administration

Bidding Assistance

APTIM will assist the Town in bidding the project for construction. APTIM will prepare for, and participate in, one (1) pre-bid meeting to describe the project and attempt to answer contractor questions. Addendums to the bid documents, as required, will be issued to respond to contractor questions concerning the specifications and plans for construction of the project.

After bids have been received by the Town, APTIM will review the bids and provide a recommendation for contractor selection for the project. After a recommendation has been provided to the Town for selection of the contractor, APTIM will be available to respond to questions concerning our recommendation.

APTIM will provide up to 24 hours of continuing permit coordination and support to the Town's effort to project authorization from the USACE and FDEP.

Construction Coordination

APTIM will assist the Town with periodic technical assistance during construction and observations in order to certify the project as Engineer of Record.

APTIM will provide construction coordination with the Town during construction of the groin. APTIM will perform periodic site visits (approximately 3 per week) during construction and will provide up to two (2) hours of observation per visit with an observation report. Office engineering support will also be provided for the project including review of shop drawings and technical interpretation and clarification of the plans and specifications upon request by the Town or Contractor. It is assumed the Town will forward daily construction observation photos to APTIM throughout construction to supplement our site visits. APTIM will attend one (1) pre-construction meeting and up to four (4) semi-weekly progress meetings to discuss the project during the anticipated 8-week construction schedule. It is assumed the progress meetings will be held on-site concurrent with the site visits.

APTIM will review daily quality control reports and other submittals submitted by the Contractor. APTIM will review all applications for payment and submit payment recommendations to the Town. Payment recommendations will be based on survey and weight ticket submittals provided by the Contractor and construction observations by APTIM.

After construction is complete and the contractor has demobilized from the site, APTIM will provide a written statement of completion and certification. This certification will state whether the project was constructed in substantial compliance with the plans and specifications. Our certification will be qualified and based on the extent of APTIM's involvement in construction observation. APTIM will develop a Project Completion Report. This report will include a two to three page summary of the work performed along with a compilation of the pertinent correspondence and daily observations reports.

This proposal has been developed based on an anticipated 8-week construction schedule. It also assumes that there will be an additional month of set-up and close-out work with limited or no equipment on the beach.

Permit requirements will require notification of various agencies of project kick-off and completion. APTIM will coordinate with the Town and agencies to provide the required notifications of project commencement and completion.

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order for Groin Project - Required Sea Turtle Nighttime
Monitoring and Nest Relocations
Resolution No. 39-2018

DATE: March 7, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 39-2018 and authorize the Town Manager to approve a purchase order with D.B. Ecological, Inc. for Permit Required Sea Turtle Nighttime Monitoring and Nest Relocation, in the amount of \$23,100 for the Mid-Town Beach Groin Construction Project, and establish a task budget of \$31,350.

GENERAL INFORMATION

If Town Council awards a contract for construction of the Mid-Town Beach Groin Project, the Town will be obligated to have state and federal permit-required sea turtle nesting monitoring and nest relocation activities performed.

D.B. Ecological, Inc. is the Florida Fish and Wildlife Conservation Commission (FWC) permit holder for sea turtle nesting monitoring within the Town of Palm Beach. D.B. Ecological currently performs the annual sea turtle nesting monitoring for the Town.

Due to the leatherback sea turtle nesting activity that has already occurred within the Town of Palm Beach, the Town is required to initiate nighttime monitoring as soon as it is apparent that a project could move forward. Town staff waited until bids were opened on March 6, 2018 before authorizing D.B. Ecological to initiate the project-related monitoring. Costs for night time monitoring and nest relocation efforts between March 7 and March 20 is being funded through the annual monitoring contingency.

Attached is a cost proposal from D.B. Ecological. For the project limits between Peruvian Avenue and Gulfstream Road. The nightly cost for monitoring and nest relocation services is \$550. The 42 calendar days between the date of the Town Council meeting, March 20, and the permitted date of project completion, April 30, equates to a total cost of \$23,100. Additional funds in the requested task budget would be utilized as a contingency if the Town needs to request a construction time extension of fifteen (15) days to May 15.

FUNDING/FISCAL IMPACT

The Mid-Town Beach Groin Construction Project was not included in the Town Council Adopted 10-Year Coastal Management Plan. A sufficient amount of unappropriated funds exists in the Coastal Fund.

PURCHASING REVIEW

The Purchasing Division has reviewed the information provided and has approved the content.

TOWN ATTORNEY REVIEW

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

Attachment

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance
Robert Weber, Coastal Program Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 39-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR PERMIT REQUIRED SEA TURTLE NIGHTTIME MONITORING AND NEST RELOCATION TO D.B. ECOLOGICAL, INC., IN AN AMOUNT OF \$23,100, AND ESTABLISHING A TASK BUDGET OF \$31,350, FOR THE MID-TOWN BEACH GROIN CONSTRUCTION PROJECT.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to D.B. Ecological, Inc., in an amount of \$23,100 for Permit Required Sea Turtle Nighttime Monitoring and Nest Relocation for the Mid-Town Beach Groin Construction Project, and establishes a task budget of \$31,350.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these sea turtle night time monitoring and nest relocation services, and is authorized to approve additional tasks, as necessary, within budget.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 20th day of March 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

D.B. Ecological Services, Inc.
1012 SW 7th St
Boca Raton, FL 33486
Phone # (561) 376-5502

28 February 2018

**COST PROPOSAL TO PERFORM HOURLY NIGHTTIME SEA TURTLE
MONITORING FOR THE MIDTOWN SAND PLACEMENT PROJECT**

The following is a cost proposal submitted to the Town of Palm Beach to perform the required nighttime sea turtle monitoring for the Town's Midtown Beach Sand Placement Project. The nighttime sea turtle monitoring is specified in the Town of Palm Beach - Beach Management Agreement (BMA), the Joint Coastal Permit (JCP) for the project as well the US Fish & Wildlife Service Programmatic Biological Opinion for the Region.

The nighttime sea turtle monitoring is required to be performed for the fill placement area to locate leatherback sea turtle activity. The survey must be performed each hour beginning with a survey at 9PM and the last survey performed at 6AM. Leatherback nests will be relocated based upon the FWS Programmatic Biological Opinion and FWC Marine Turtle Permit Authorization (under review).

DB Ecological Services, Inc. will supply all personnel, equipment and supplies to perform the necessary nighttime sea turtle monitoring. All activity will be performed under the State and Federal Authorizations for the projects.

MIDTOWN NOURISHMENT PROJECT - (Project extends from Peruvian Ave to Gulfstream Rd)

- The cost to provide personnel to conduct the hourly surveys beginning at 9PM and ending with the final survey occurring at 6AM (10 hours), ATV and all other necessary supplies is \$550.00 per night.

Night monitoring would begin with the first recorded leatherback sea turtle nest in the area and continue until project completion or 30 April 2018 whichever is earlier. The project will be billed for the actual number of nights the services are provided based on the \$550.00/night.

DB Ecological Services, Inc. staff must be supplied with ATV storage and beach access to perform the night monitoring at both project areas for Reach 8 and Midtown Beach Nourishment Projects.

Thank you,
Chris

Christine Perretta
DB Ecological Services, Inc.

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 02-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances At Section 2-636. – Shore Protection Board Created; Appointments; Terms; Qualifications; Advisory Function; Requirements; Officers; Procedure; (A) Generally Eliminating The Option For One of The Members To Be A Nonresident of The Town Having A Special Skill As It Relates To Shore Protection.

Presenter

John C. Randolph, Town Attorney

ATTACHMENTS:

- ▣ **Ordinance No. 02-2018**

ORDINANCE NO. 2-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT SECTION 6-236, SHORE PROTECTION BOARD CREATED; APPOINTMENTS; TERMS; QUALIFICATIONS; ADVISORY FUNCTION; REQUIREMENTS; OFFICERS; PROCEDURE; (A) GENERALLY ELIMINATING THE OPTION FOR ONE OF THE MEMBERS TO BE A NONRESIDENT OF THE TOWN HAVING A SPECIAL SKILL AS IT RELATES TO SHORE PROTECTION.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 2, Article X, of the Town's Code of Ordinances is hereby amended at Section 2-626,

"Sec. 3.01. – Shore protection board created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

(a) *Generally.* A board of the town to be known as the "Shore Protection Board" is hereby created; such board to be composed of seven members to be appointed by the town council. Two of such board members shall hold office from the date of their appointment for a period of one year; two of such board members shall hold office from the date of their appointment for a period of two years and three of such board members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the shore protection board shall hold office for three year terms. Any member who has served two full three year terms shall no longer be eligible for reappointment, however, a member may be reappointed by town council upon the expiration of one full year subsequent to their terms having expired. This provision shall not be applicable to those members subject to reappointment in 2017 who, upon reappointment, may serve one additional three year term. Members of the board shall be residents of the town. If a vacancy shall occur other than by the expiration of a term, it may be filled by the town council for the unexpired term.

(b) *Alternate members.* The town council shall appoint three alternate members to the shore protection board who shall serve when called upon by the chair of the board in the absence of any regular member. Alternate

members are required to attend all meetings of the board and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission who is absent or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the board whether they are sitting as voting members or not. Alternate members of the board shall be residents of the town.

(c) *Removal provisions.* All members of the shore protection board serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the town manager's office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexecuted. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.

(d) *Frequency of meetings.* The board shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the chairman or at the direction of the town council.

(e) *Officers, rules of procedure.* The shore protection board shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings. Four voting members of the board shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the board shall be necessary for it to take action.

(f) *Advisory capacity.* The shore protection board shall act in an advisory capacity to the town council and shall make recommendations to the town council on all matters relating to shore protection in the town including, but not limited to, issues relating to beach nourishment, coastal armoring, the sand transfer plant and matters relating to the town's Lake Worth Lagoon shoreline. In addressing these matters, the scope of the

shore protection board's duties shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of February, 2018, and for second and final reading on this 20th day of March, 2018.

Gail L. Coniglio, Mayor

Town Council President

Council President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Kathleen Dominguez, Town Clerk

Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: March 20, 2018

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 05-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulation, of the Town Code of Ordinances at Section 18-112 of Article II, Division 5, Prohibition on Demolition to Provide for a Prohibition of Demolition of Structures During the Period of the Year Commencing on the Monday Prior to Thanksgiving of Each Year and Ending the Monday After Easter of the Following Year; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated March 12, 2018, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Ordinance No. 5-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 20, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Amendment of Town Code, Relative to Prohibition on Demolition
Ordinance No. 05-2018

Date: March 12, 2018

STAFF RECOMMENDATION

Staff recommends that Town Council approve the first reading of Ordinance No. 05-2018, amending Chapter 18 of the Town Code of Ordinances at Section 18-112 – Prohibition on Demolition, as recommended by the Ordinances, Standards and Rules Committee.

GENERAL INFORMATION

While finalizing changes to the Town Code, relative to construction and landscape maintenance hours, at the December 7, 2017, ORS meeting, discussion ensued about the potential need to modify the deadline for demolition projects as well. It was the consensus of the committee to request approval from the Town Council to study Chapter 18 of the Code of Ordinances to determine if ORS would recommend changes to existing regulations. Permission was granted and at the February 8, 2018, ORS meeting the committee recommended an amendment to the Code, relative to the prohibited period for demolition of structures.

The attached Ordinance modifies Chapter 18 at Section 18-122 to prohibit demolition of structure beginning the Monday prior to Thanksgiving, instead of December 1, until the Monday after Easter the following year, instead of March 1.

For a point of reference staff researched the number of demolition applications submitted between March 1 and April 30 for the last five (5) years. There were 2 applications in 2017, 0 in 2016, 8 in 2015, 7 in 2014 and 8 in 2013.

TOWN ATTORNEY REVIEW

Ordinance No. 05-2018 was prepared by and approved by the Town Attorney for legal form and sufficiency.

Attachment

Cc: John Randolph, Town Attorney
Department Directors
Paul Castro, Acting Planning, Zoning and Building Director
Bill Bucklew, Building Official

ORDINANCE NO. 05-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, OF THE TOWN CODE OF ORDINANCES AT SECTION 18-112 OF ARTICLE II, DIVISION 5, PROHIBITION ON DEMOLITION TO PROVIDE FOR A PROHIBITION OF DEMOLITION OF STRUCTURES DURING THE PERIOD OF THE YEAR COMMENCING ON THE MONDAY PRIOR TO THANKSGIVING OF EACH YEAR AND ENDING THE MONDAY AFTER EASTER OF THE FOLLOWING YEAR; 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. Chapter 18 of the Town Code of Ordinances titled Buildings and Building Regulations is hereby amended at Section 18-112 of Article II, Division 5, Prohibition on Demolition, as follows:

"Sec. 18-112. - Prohibition on demolition.

During the period of the year commencing on the Monday prior to Thanksgiving of each year and ending the Monday after Easter of the following year, demolition of structures shall be prohibited and no permits for demolition of structures shall be issued by the Town during said periods. Demolitions of the interiors of structures are not prohibited during this time provided the demolition and the removal of debris from said demolition is completed in three days or less. Exceptions may be allowed by the Town Council for the demolition of accessory structures, when demolition shall be determined by the Town Council not to create a nuisance to surrounding properties, or in circumstances determined an emergency by the Town Council. In the event of an application for waiver to this prohibition on demolition, notice shall be filed with the Town

at least 45 days prior to the Town Council meeting at which such application is to be considered and notice shall be given to all property owners as listed with the property appraiser's office within 300 feet of the property lines on which the demolition is proposed to occur."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2018, and for second and final reading on this _____ day of _____, 2018.

Gail L. Coniglio, Mayor

, Town Council President

, Council President Pro Tem

, Town Council Member

ATTEST:

, Town Council Member

Kathleen Dominguez, Town Clerk

, Town Council Member

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