



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MARCH 11, 2014

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

- A. Flagler Memorial Bridge Project Update. Page 7
Geoffrey Parker, New Millennium Engineering
- B. Presentations by Applicants for the Architectural Commission. Page 8
- C. Presentation by Applicants for the Landmarks Preservation Commission. Page 9

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

(Another opportunity will be offered immediately after the lunch break, if a lunch break is taken.)

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

A. MINUTES

1. MINUTES: DECEMBER 2, 2013
Approval of the Minutes of the Special Town Council Meeting
Deferred from the February 11, 2014, Town Council Meeting.
*Susan A. Owens, Town Clerk*Page 10
2. MINUTES: DECEMBER 11, 2013
Approval of the Minutes of the Regular Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.
*Susan A. Owens, Town Clerk*Page 14
3. MINUTES: DECEMBER 11, 2013
Approval of the Minutes of the Special Town Council Meeting-
Closed Door Session
Deferred from the February 11, 2014, Town Council Meeting.
*Susan A. Owens, Town Clerk*Page 26
4. MINUTES: JANUARY 10, 2014
Approval of the Minutes of the Special Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.
*Susan A. Owens, Town Clerk*Page 30
5. MINUTES: JANUARY 14, 2014
Approval of the Minutes of the Regular Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.
*Susan A. Owens, Town Clerk*Page 33
6. MINUTES: JANUARY 15, 2014
Approval of the Minutes of the Regular Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.
*Susan A. Owens, Town Clerk*Page 45
7. MINUTES: JANUARY 15, 2014
Approval of the Minutes of the Special Town Council Meeting-
Closed Door Session.
Deferred from the February 11, 2014, Town Council Meeting.
*Susan A. Owens, Town Clerk*Page 54
8. MINUTES: JANUARY 17, 2014
Approval of the Minutes of the Special Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.
*Susan A. Owens, Town Clerk*Page 57
9. MINUTES: JANUARY 22, 2014
Approval of the Minutes of the Special Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.
*Susan A. Owens, Town Clerk*Page 60

10. MINUTES: FEBRUARY 3, 2014 Page 64
Approval of the Minutes of the Special Town Council Meeting.
Susan A. Owens, Town Clerk
11. MINUTES: FEBRUARY 11, 2014 Page 67
Approval of the Minutes of the Regular Town Council Meeting.
***Request for Deferral to the March 11, 2014, Town Council Meeting
per Memorandum dated March 3, 2014, from Susan A. Owens, Town
Clerk.***
Susan A. Owens, Town Clerk
12. MINUTES: FEBRUARY 11, 2014 Page 69
Approval of the Minutes of the Special Town Council Meeting-Closed Door
Session
13. MINUTES: FEBRUARY 12, 2014 Page 72
Approval of the Minutes of the Regular Town Council Meeting.
Susan A. Owens, Town Clerk
14. Approval of Major Matters Considered by the Architectural Commission at Page 86
its Meeting of February 26, 2014.
John S. Page, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 34-2014 A Resolution of the Town Council of the Page 103
Town of Palm Beach, Palm Beach County, Florida Approving an
Agreement with the Palm Beach County Property Appraiser and an
Agreement with the Tax Collector of Palm Beach County for Services and
Costs Associated with the Non-Ad Valorem Assessments to Be
Implemented for the Peruvian Avenue 400 Block Streetscape Project
Assessment Area and Authorizing the Mayor to Execute the Agreements
on Behalf of the Town.
Thomas G. Bradford, Deputy Town Manager
2. RESOLUTION NO. 35-2014 A Resolution of the Town Council of the Page 114
Town of Palm Beach, Palm Beach County, Florida, Approving a Three
Year Enterprise License Agreement with ESRI Which Will Provide the
Town with Unlimited License Use and Support of ESRI Enterprise
Software at a Cost of \$25,000 per Year, and Authorizing the Town
Manager to Execute this Purchase on Behalf of the Town.
Thomas G. Bradford, Deputy Town Manager
3. RESOLUTION NO. 36-2014 A Resolution of the Town Council of the Page 128
Town of Palm Beach, Palm Beach County, Florida, Establishing Direct
Connect System Alarm Application and Annual Fees and Providing an
Effective Date.
Kirk W. Blouin, Director of Public Safety
4. RESOLUTION NO. 37-2014 A Resolution of the Town Council of the Page 132
Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase
Order in the Amount of \$127,402 to Duval Ford, for the Purchase of One

Ford F550 Cab and Chassis with an Altec At40s Aerial Bucket Unit, on Florida Sheriff's Association Contract No. 13-11-0904, and Establishing an Overall Budget of \$130,000.

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

5. RESOLUTION NO. 38-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Program Management Services to Jacobs Project Management, Co., in the Amount of \$566,340, for Accelerated Capital Improvement Program Phase 2 Program Management Services and Establishing a Program Management Phase Budget of \$570,000. Page 136

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

6. RESOLUTION NO. 39-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design Phase Engineering Services to Mock, Roos & Associates, Inc., in the Amount of \$66,740 for Construction Plans for Milling and Resurfacing Ejector Streets and Establishing a Design Phase Budget Increase of \$70,000 (from \$112,000 to \$182,000). Page 145

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

7. RESOLUTION NO. 40-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Investment Policy for the Town; Providing an Effective Date. Page 152

Jane Struder, Director of Finance

C. OTHER

1. Approval to Reschedule the November Town Council Meeting from November 11 (Veterans' Day) to November 13, 2014. Page 180

Peter B. Elwell, Town Manager

2. Ratification of the Town Manager's Approval to Extend the Emergency Generator Rental for the D-17 Pump Station. Page 182

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

3. Approval of Retirement Board Appointments. Page 184

William Hanes, Pension Administrator

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Landmarks Preservation Commission. Page 188

Edward Austin Cooney, Chair

X. REGULAR AGENDA

A. Old Business

1. Coastal Matters Page 191

a. Brief History of the Town's Coastal Protection Program. Page 192

b. Coastal Protection Program Monthly Report. Page 197

c. Further Consideration of North Ocean Boulevard Seawall Project's Expected Traffic Impacts.

d. RESOLUTION NO. 48-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount of \$44,245, to Burkhardt Construction, Inc., for Pre-Construction Phase Services for the North Ocean Boulevard Seawall Replacement Project, and Establishing a Pre-Construction Phase Budget of \$65,000. Page 202

Peter B. Elwell, Town Manager; Rob Weber, Coastal Coordinator; and H. Paul Brazil, P.E., Director of Public Works

B. New Business

1. Appeal of Denial of Right-of-Way Permit Page 213
(per letter dated February 28, 2014, from William O. Cooley).
H. Paul Brazil, P.E., Director of Public Works
2. Police Overtime Pay Policy. Page 230
Peter B. Elwell, Town Manager
3. Possible Removal of Members of the Planning and Zoning Commission. Page 232
William J. Diamond, President Pro Tem
4. Architectural Commission Appointments. Page 234
John S. Page, Director, Planning, Zoning and Building
5. Landmarks Preservation Commission Appointments. Page 247
John S. Page, Director, Planning, Zoning and Building

XI. ORDINANCES

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

PLEASE TAKE NOTE:

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

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

Note 3: If a person decides to appeal any decision made by this Council with respect to

any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

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

Note 6: A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

PUBLIC HEARINGS:

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

COMMUNICATIONS FROM CITIZENS:

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

OTHER AGENDA ITEMS:

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

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

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Presentations

Agenda Title

Flagler Memorial Bridge Project Update.

Presenter

Geoffrey Parker, New Millennium Engineering

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Presentations

Agenda Title

Presentations by Applicants for the Architectural Commission.

Presenter

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Presentations

Agenda Title

Presentation by Applicants for the Landmarks Preservation Commission.

Presenter

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 2, 2013

Approval of the Minutes of the Special Town Council Meeting
Deferred from the February 11, 2014, Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Special Town Council Meeting Held on December 2, 2013](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON MONDAY, DECEMBER 2, 2013**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order on Monday, December 2, 2013, at 10:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. POTENTIAL POSTPONEMENT OF FY14 COASTAL PROTECTION PROJECTS [Peter B. Elwell, Town Manager]

Town Manager Elwell provided an overview of the current bidding climate and the circumstances that caused bids for both the Mid-Town Beach Nourishment (Bid No. 2014-06) and Reach 7 Partial Beach Nourishment/Reach 8 Dune Restoration (Bid No. 2014-08) projects to come in extraordinarily high.

Discussion ensued regarding piggybacking off of the United States Corps of Engineers, costs and funding, bid and project timing, quantities of sand, segmenting the project, condition of the seawalls, assisting owners with maintenance of privately owned seawalls, and putting the whole project out to bid now.

George Cloutier, 240 N. Ocean Blvd., spoke regarding the condition of the seawall and the bidding process.

Alex Gilmurray, The Breakers Palm Beach CFO, spoke in support of continuing with the whole project.

Gerry Frank, 2784 S. Ocean Blvd., Shore Protection Board Member, spoke regarding piggybacking off of the County's project and the cost to taxpayers if the Town proceeds with the bids received.

Carla Herwitz, 2275 S. Ocean Blvd., spoke in support of moving forward with the bids received.

Pat Cooper, 265 Orange Grove Rd., Shore Protection Board member, spoke in support of a longer-term bidding process.

Town Manager Elwell provided the following three alternatives for providing interim storm protection during the current fiscal year: 1) construct interim sand placement in Reaches 3 and 7; 2) perform seawall monitoring and prepare for emergency dunes; and 3) no additional activities in FY 2014. He stated that Woods Hole Group is leaning towards Alternative 2.

Larry Goldberg, 3360 S. Ocean Blvd., expressed his concerns regarding Alternative 1.

Harvey Kinzelberg, 260 N. Ocean Blvd., spoke in support of having the consultant determine what needs to be fixed and doing it, revetments, and a joint plan informing owners of why they need to repair their private seawalls.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to reject all bids for both the Mid-Town Beach Nourishment (Bid No. 2014-06) and the Reach 7 Partial Beach Nourishment/Reach 8 Dune Restoration (Bid No. 2014-08) projects. On roll call, the motion carried unanimously.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to direct Staff to proceed with getting bids for Alternative 1 and to obtain an engineering report on the condition of the Reach 3 seawall and report back to the Town Council in January regarding what needs to be done to the wall and how much it will cost. On roll call, the motion carried unanimously.

V. ANY OTHER MATTERS – None

1 **VI. ADJOURNMENT**

2
3 There being no further business, the December 2, 2013, Special Town Council meeting
4 was adjourned at 12:22 p.m.
5

6
7 APPROVED:
8

9
10
11
12 _____
13 David A. Rosow
14 Town Council President

15 ATTEST:

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

22 _____
23 Date

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 11, 2013

Approval of the Minutes of the Regular Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on December 11, 2013](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, DECEMBER 11, 2013**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, December 11, 2013, at 9:34 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present, with the exception of Council President Pro Tem Wildrick, who arrived at 9:38 a.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked Rick Gonzalez for his advice and support regarding a glitch in the historical funding for the Flagler Memorial Fountain.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER – None

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

VI. APPROVAL OF AGENDA

ADDED: Item No. VIII.D.3., Request for an Attorney/Client Session was added under New Business.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the Agenda, as amended above. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

VII. PUBLIC HEARINGS

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

(Clerk's Note: At 9:38 a.m., Council President Pro Tem Wildrick joined the meeting.)

- A. RESOLUTION NO. 205-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 322 Seaspray 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.

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

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

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that the Designation Report of the property known as 322 Seaspray Avenue be made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Resolution No. 205-2013 be adopted and designating the property at 322 Seaspray Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

- B. RESOLUTION NO. 206-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 284 Monterey Road Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

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

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

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that the Designation Report of the property known as 284 Monterey Road be made a part of the record. On roll call, the motion carried unanimously.

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

Pucillo, that Resolution No. 206-2013 be adopted and designating the property at 284 Monterey Road as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

C. RESOLUTION NO. 207-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 253 Oleander 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.

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

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

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that the Designation Report of the property known as 253 Oleander Avenue be made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Resolution No. 207-2013 be adopted and designating the property at 253 Oleander Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

D. RESOLUTION NO. 208-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as the North County Road Tree Canopy 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 District Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

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

Planning, Zoning, and Building Director Page noted for the record that the Town owns this property.

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

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that the Designation Report of the property known as the North County Road Tree Canopy be made a part of the record. On roll call, the motion carried unanimously.

Discussion ensued regarding canopy maintenance, replacement options, Landmarks criteria, and the precedence that had been established regarding the Australian Pines on Wells Road.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to defer Resolution No. 208-2013 to the January 15, 2014, Town Council meeting for Staff to address the Town Council's concerns. On roll call, the motion carried 4-1, with Council Member Pucillo dissenting.

VIII. DEVELOPMENT REVIEWS

A. Appeals

B. Time Extensions and Waivers

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. SITE PLAN REVIEW #13-2013 The application of Sterling Palm Beach LLC and Sidney Spiegel; relative to property commonly known as 340 Royal Poinciana Way; described as Lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting Site Plan Modification to change eight areas of the existing parking lot striping to comply with the current ADA requirements. The proposal modifies eight areas of the parking lot to include required ADA parking spaces, access isles and ramps as provided for in the plan. The proposed changes do not reduce the amount of required parking but add an additional 4 parking spaces to the subject property.

[Attorney: John Little]

Deferred from the October 9, 2013, Town Council Meeting

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

Council President Rosow recused himself, left the dais, and provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens.

(Clerk's Note: Council President Rosow passed the gavel to Council President Pro Tem Wildrick.)

The following ex-parte communications were declared: Mayor Coniglio, Council President Pro Tem Wildrick, and Council Members Diamond,

1 Kleid, and Pucillo received e-mails from William Cooley and Attorney
2 Eubanks.

3
4 Attorney John Little, of the Gunster Law Firm, on behalf of Sterling Palm
5 Beach LLC and Sidney Spiegel, provided an overview of the applicants'
6 request.

7
8 Zoning Administrator Castro provided Staff's comments.

9
10 Discussion ensued regarding potential litigation if the Council denies the
11 request.

12
13 Larry Schneider, representing Sterling Palm Beach, stated that the current
14 parking is not (Americans with Disabilities) ADA compliant. There are
15 currently seven spaces, and they need fifteen.

16
17 Simon Taylor, Palm Beach Theatre Guild, 2674 Seminole Ave., spoke
18 regarding previous Town Council actions regarding the Royal Poinciana
19 Way Plaza, the need for full disclosure of the Theatre's lease, business
20 plans, and construction plans, and also the specifics on the Sterling Palm
21 Beach federal lawsuit.

22
23 William Cooley, 236 Fairview Ln., stated that the Town needs to hire an
24 independent engineer to determine if the ADA information received is
25 correct.

26
27 Tim Pompos, Town Fire Marshall, confirmed that the fire trucks can turn
28 safely in the proposed plan.

29
30 Larry Schneider, representing Sterling Palm Beach, stated that the Theatre
31 needs a lot of work to become ADA compliant.

32
33 Zoning Administrator Castro stated that, at the time the cure plan was
34 submitted, the Town Building Official determined that they did not need to
35 meet the ADA requirements unless there was a substantial restriping of the
36 parking lot.

37
38 Attorney Maura Ziska stated that the neighbors she represents approve of
39 the revised plan.

40
41 Connie MacGregor, 313 Chilean Ave., stated that she discussed her
42 concerns at length with the applicants, and that they did what she requested
43 and that she has no objections.

44
45 **Motion was made by Council Member Diamond, and seconded by Council Member**
46 **Pucillo, that only the ADA parking modifications related to Site Plan Review #13-**

2013 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried 4-0, with Council President Rosow recused.

(Clerk's Note: Council President Pro Tem Wildrick passed the gavel back to Council President Rosow.)

- b. VARIANCE #42-2013 The application of 310 Australian LLC, Jonathan Rapaport, Managing Member); relative to property commonly known as 310 Australian Avenue; described as The East 15 feet of Lot 22 and All of Lots 23 and 24, Block 6 of REVISED MAP OF ROYAL PARK ADDITION, according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a variance to allow construction of a new 4,562 square foot two story residence on a lot with a width of 65 feet in lieu of the 75 foot minimum required and a lot area of 8,125 square feet in lieu of the 10,000 square feet minimum required in the R-C Zoning District; a variance to allow the proposed residence to have a rear yard setback of 10 feet in lieu of the 15 foot minimum required in the R-C Zoning District. [Attorney: Maura Ziska] Deferred from the November 13, 2013 Town Council Meeting

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

Council Member Pucillo recused himself, left the dais, and provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens.

There was no ex-parte communication declared by the Town Council.

Attorney Ziska, on behalf of 310 Australian LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Connie MacGregor, 313 Chilean Avenue, stated that Architect Pat Seagraves addressed her concerns and that she has no further objection to the proposed project.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Variance #42-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried 4-0, with Council Member Pucillo recused.

2. New Business

- a. SITE PLAN REVIEW #16-2013 The application of John Andrica; relative to property commonly known as 134 Seagate Road; described as Lot 9, NORTH SHORE ADDITION TO PALM BEACH, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded Plat Book 20, Page 62; located in the R-B Zoning District. The applicant is requesting a Site Plan Review to construct a new 4,300 square foot two story home on a nonconforming platted lot, which is 97.97 feet deep in lieu of the 100 feet minimum required. [Representative: Rick Gonzalez, AIA]

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

The following ex-parte communications were declared: Mayor Coniglio corresponded by e-mail with Mr. Andrica.

Architect Gonzalez, on behalf of John Andrica, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Site Plan Review #16-2013 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

- b. SPECIAL EXCEPTION #20-2013 WITH SITE PLAN REVIEW The application of The Breakers Palm Beach, Inc.; relative to property commonly known as 1 South County Road; described as All of that plat of Breakers Row Plat No. 1 Re-Plat, recorded in Plat Book 46, Pages 188 through 190, Public Records of Palm Beach County; located in the PUD-A Zoning District. The applicant is requesting modification of a hotel amenity which requires a special exception with site plan review approval. The request is to expand the existing 7,416 square foot playground by adding an additional 2,096 square feet, new equipment and a 1,470 square foot canopy to shade the area. In addition, the playground is proposed to be lighted and the existing Astroturf to be replaced. The playground is located west of the Beach Club next to the Italian Restaurant. [Attorney: James M. Crowley, Esq.]

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

There was no ex-parte communication declared by the Town Council.

Attorney Crowley, on behalf of The Breakers Palm Beach, Inc., provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Special Exception #20-2013 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and that the site plan review related to Special Exception #20-2013 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

- c. VARIANCE #43-2013 The application of David Dalenberg; relative to property commonly known as 414 Australian Avenue; described as Lots 38, 39 and 40, Block 5, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a variance to replace an awning over a portion of an existing second floor terrace with a second floor addition over the existing first floor with an east side yard setback of 5.3 feet in lieu of the 10 feet minimum required. [Representative: Jose Gonzalez]
John S. Page, Director of Planning, Zoning and Building

There was no ex-parte communication declared by the Town Council.

Mr. Gonzalez, on behalf of David Dalenberg, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, that Variance #43-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

- d. VARIANCE #44-2013 The application of Virginia E. Dadey; relative to property commonly known as 267 Atlantic Avenue; described as Lots 73 and 74 (less the South 5 feet thereof), ORANGE GROVE PARK, according to the Plat thereof as recorded in the Plat Book 5, Page 97, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The

applicant is requesting a variance to construct a 235.46 square foot one story, one car garage addition and a swimming pool (8 ft x 26 ft) on the east side of the existing residence. The proposed addition and pool require the following variances: (1) an east side yard setback of 3 feet in lieu of the 10 foot minimum required; (2) a lot coverage of 36.47% in lieu of the 30% maximum allowed and the 31.76% existing; and, (3) a landscaped open space of 40.32% in lieu of the 45% minimum required and 47.66 existing. [Attorney: Maura Ziska] [Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]
John S. Page, Director of Planning, Zoning and Building

There was no ex-parte communication declared by the Town Council.

Attorney Ziska, on behalf of Virginia E. Dadey, provided an overview of the applicant's request.

Architect Jackie Albarran provided additional information regarding the project.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding the increase in these types of variance requests in this area.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Variance #44-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

Council Member Pucillo requested that the Town Council review the setback requirements in this area.

D. Other

1. Temple Emanu-El: One Year Review of Conditions of Approval for Special Exception No. 8-2012 with Variance, 224, 226 and 234 Seminole Avenue and 190 North County Road

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

Zoning Administrator Castro provided Staff's comments.

Deputy Police Chief Szarszewski provided information on the complaints received related to the property and the curing of those complaints.

Ronald Schram, representing Temple Emanu-El, along with Temple President

1 Tony Lampert, stated that this review is for the Garden only, not the valet service,
2 and that they have complied with all of the conditions of approval.

3
4 Robert Sheff, 219 Seminole Ave., spoke regarding the need for more landscaping,
5 the Blessing of the Animals event, the number of events per year, noise from a
6 kids' bounce house, and continued valet issues.

7
8 Sophia Burnichon, 231 Seminole Ave., stated that the neighbors would support
9 this if the Temple were required to come back before the Town Council next year
10 for further review of the conditions of approval, and expressed her concerns
11 regarding the valet operations.

12
13 Further discussion ensued regarding the valet complaints and the need for better
14 communication amongst the applicable departments.

15
16 **Motion was made by Council Member Pucillo, and seconded by Council President**
17 **Pro Tem Wildrick, to ratify the previous conditions of approval, relating to the**
18 **Garden, and to remove the requirement that the Temple come back before the**
19 **Town Council in one year. On roll call, the motion carried unanimously.**

- 20
21 2. Proposed Declaration of Use Agreement for Sixt Rental Car, Special Exception
22 No. 19-2013 with Variances, 340 Royal Poinciana Way
23 *John S. Page, Director of Planning, Zoning, and Building*

24
25 **Motion was made by Council Member Diamond, and seconded by Council Member**
26 **Kleid, to approve the proposed Declaration of Use Agreement for Sixt Rental Car.**
27 **On roll call, the motion carried unanimously.**

28
29 *The following item was added to the Agenda:*

- 30
31 3. Consideration of Scheduling a Special Town Council meeting on Thursday,
32 December 12, 2013, at 8:30 a.m., in the Town Council Chambers, 360
33 South County Road, Palm Beach, Florida to meet in Closed-Door
34 Attorney/Client Session regarding the case of the Town of Palm Beach and
35 David Rosow vs Sterling Palm Beach, LLC, and Palm Beach Newspapers,
36 LLC d/b/a the Palm Beach Daily News a/k/a The Shiny Sheet, Case No.
37 502013CA013672XXXXMB AF pending in the fifteenth Judicial Circuit of
38 Florida in and for Palm Beach County. Attorney/Client Session Attendees:
39 Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert
40 N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo;
41 Town Manager Peter B. Elwell; Attorney John C. Randolph; and Court
42 Reporter from Ley & Marsaa Court Reporters, Inc.

43
44 **Motion was made by Council Member Diamond, and seconded by Council Member**
45 **Kleid, to approve the scheduling of a Special Town Council meeting on Thursday,**
46 **December 12, 2013, to meet in a Closed-Door Attorney/Client Session regarding the**

1 case of Town of Palm Beach and David Rosow vs Sterling Palm Beach, LLC, and
2 Palm Beach Newspapers, LLC d/b/a the Palm Beach Daily News a/k/a The Shiny
3 Sheet, Case No. 502013CA013672XXXXMB AF. On roll call, the motion carried
4 unanimously.

5
6 IX. ORDINANCES – None

7
8 X. ANY OTHER MATTERS – None

9
10 XI. ADJOURNMENT

11
12 There being no further business, the December 11, 2013, regular Town Council meeting
13 was adjourned at 12:28 p.m.

14
15
16 APPROVED:

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

24 ATTEST:

25
26
27 _____
28 Susan A. Owens, MPA, MMC
29 Town Clerk

30
31
32 _____
33 Date

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 11, 2013

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

Deferred from the February 11, 2014, Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Special Town Council Meeting Held on December 12, 2013](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON THURSDAY, DECEMBER 12, 2013**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 8:32 a.m. on Thursday, December 12, 2013, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

ADDITION: Discussion on Potential Sales Tax Increase Proposed by Palm Beach County

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

III. TOWN OF PALM BEACH; AND DAVID ROSOW VS STERLING PALM BEACH, LLC; AND PALM BEACH NEWSPAPERS, LLC D/B/A THE PALM BEACH DAILY NEWS A/K/A THE SHINY SHEET, CASE NO. 502013CA013672XXXXMB AF, IN THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA IN AND FOR PALM BEACH COUNTY

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

Town Council President Rosow announced the following:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is thirty minutes
- c.) The names of the persons attending:
 - Gail L. Coniglio, Mayor
 - Robert N. Wildrick, Town Council President Pro Tem
 - William J. Diamond, Town Council Member
 - Richard M. Kleid, Town Council Member
 - Michael J. Pucillo, Town Council Member

Peter B. Elwell, Town Manager
John C. Randolph, Town Attorney
Ley and Marsaa, Court Reporters

Council President Rosow announced that he was recusing himself, left the dais, and provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens.

(Clerk's Note: Council President Rosow passed the gavel and turned the meeting over to Council President Pro Tem Wildrick.)

At 8:35 a.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 9:11 a.m., in the Town Council Chambers.

(Clerk's Note: Council President Pro Tem Wildrick passed the gavel back to Council President Rosow.)

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

Town Council President Rosow announced the termination of the Attorney/Client Session. He requested that Town Attorney Randolph provide a report on the meeting.

Town Attorney Randolph reported that settlement negotiations were discussed; however, there has been no resolution to this matter. The Town will be proceeding to court tomorrow.

IV. ANY OTHER MATTERS

The following item was added to the agenda:

A. Discussion on Potential Sales Tax Increase Proposed by Palm Beach County

Mayor Coniglio advised the Town Council that the County was proposing a 0.5% increase in the sales tax. The increase would be shared by the School Board, the County, and a certain amount of the leftovers would go to the municipalities. She asked whether the Council wanted to take position or just have her gather more information.

It was the consensus of the Town Council to have Mayor Coniglio use her discretion in representing the Town on this matter.

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Thursday, December 12, 2013, was adjourned at 9:15 a.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date _____

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: JANUARY 10, 2014

Approval of the Minutes of the Special Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Special Town Council Meeting Held on January 10, 2014](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON FRIDAY, JANUARY 10, 2014**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 9:34 a.m. on Friday, January 10, 2014, in the Town Council Chambers. On roll call, all of the elected officials were found to be present, with the exception of Council President Pro Tem Wildrick, who arrived at 9:37 a.m.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

Chris Kellogg, Chamber Music Society of Palm Beach, 475 N. County Rd., spoke regarding the Chamber's concert series and a zoning situation regarding use of the Mar-A-Lago Club.

Council President Rosow suggested that, since this matter was not noticed, it should be added to the January 15, 2014, Town Council meeting agenda.

Town Manager Elwell stated that Staff will work with Mr. Kellogg in the meantime to see if the issue can be resolved.

III. APPROVAL OF AGENDA

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

IV. RESOLUTION NO. 9-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Town Caucus; Naming Therein the Candidates Nominated and Named in this Resolution; Declaring That a Municipal Election Shall be Held.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 9-2014. On roll call, the motion carried unanimously.

V. **MAYOR'S PROCLAMATION TO THE QUALIFIED ELECTORS OF THE TOWN OF PALM BEACH REGARDING THE TOWN ELECTION TO BE HELD ON FEBRUARY 4, 2014.**

Mayor Coniglio read the proclamation into the record.

VI. **ANY OTHER MATTERS**

A. Report on Recent Rainfall

Town Manager Elwell reported that the Town received between 8"-13" of rainfall over night. We received more rain than our system could handle, and 46 of the 48 pump stations worked as designed. As many as a dozen vehicles were stranded or abandoned and the Police Department had to rescue the people inside them. 116 homes in the north end lost power for most of the night. Public Works crews worked throughout the night and this morning to fix the system.

Council Member Pucillo thanked the Police Department as he and his wife were in one of the stranded vehicles.

VII. **ADJOURNMENT**

There being no further business, the Special Town Council Meeting of Friday, January 10, 2014, was adjourned at 9:52 a.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: JANUARY 14, 2014

Approval of the Minutes of the Regular Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on January 14, 2014](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, JANUARY 14, 2014**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, January 14, 2014, at 9:35 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present, with the exception of Council President Rosow. Council President Pro Tem Wildrick assumed the position of Council President for these proceedings. A quorum was present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Owens gave the invocation. Council President Pro Tem Wildrick led the Pledge of Allegiance.

III. PRESENTATIONS

A. Presentations by Applicants for the Planning and Zoning Commission.

The following individual made a presentation before the Town Council:

- Danielle H. Moore

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding beach renourishment efforts and pursuing federal funding for them, and regarding Staff's great response to the recent rain and flooding.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Town Manager Elwell reported that there are only four remaining vacancies in the Fire Rescue Department and four remaining vacancies in the Police Department, and that full staffing is expected by the end of the month. He thanked the public safety personnel for their service during this tumultuous time.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Fred Hess, Fraternal Order of Police (FOP) President, spoke regarding the FOP's lease of Town-owned property in West Palm Beach.

Bill Metzger, 277 Esplanade Way, spoke regarding the traffic impacts from the Accelerated Capital Improvements Program, and the Town Hall Square restoration project.

William Cooley, 236 Fairview Rd., spoke regarding the certification of the PUD-5 petitions.

David Herwitz, 2275 S. Ocean Blvd., spoke regarding coastal protection.

Jere Zenko, 232 Tangier Ave., spoke regarding the Pepe Survey and an e-mail between Marty Klein and Council Member Pucillo.

Council President Pro Tem Wildrick thanked Wendy Victor for serving as Caucus Secretary, and Stephan Hall as Caucus Chair.

VII. APPROVAL OF AGENDA

The following changes were made to the Agenda:

MOVED: Item No. X.B.3, Certification of PUD-5 Referendum Petition, was moved to the last item on the agenda.

WITHDRAWN: Item No. X.B.6., Appeal of Dangerous Dog Determination, was withdrawn.

ADDITION: Request to add to the end of the January 15, 2014, Town Council meeting a discussion on the request by the Chamber Music Society of Palm Beach to use the Mar-A-Lago Club for a Concert Series was added under Any Other Matters.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the Agenda, as amended above. On roll call, the motion carried 4-0, with Council President Rosow absent.

VIII. CONSENT AGENDA

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the Consent Agenda. On roll call, the motion carried 4-0, with Council President Rosow absent.

A. MINUTES

1. MINUTES: DECEMBER 2, 2013

Approval of the Minutes of the Special Town Council Meeting **Request for Deferral to the February 11, 2014, Town Council Meeting per Email Dated January 8, 2014, from Susan A. Owens, Town Clerk.**

Susan A. Owens, Town Clerk – Deferred to the February 11, 2014, Council meeting.

2. MINUTES: DECEMBER 10, 2013

Approval of the Minutes of the Regular Town Council Meeting **Request for Deferral to the February 11, 2014, Town Council Meeting per Email Dated January 8, 2014, from Susan A. Owens, Town Clerk.**

Susan A. Owens, Town Clerk – Deferred to the February 11, 2014, Council meeting.

3. MINUTES: DECEMBER 11, 2013

Approval of the Minutes of the Regular Town Council Meeting **Request for Deferral to the February 11, 2014, Town Council Meeting per Email Dated January 8, 2014, from Susan A. Owens, Town Clerk.**

Susan A. Owens, Town Clerk – Deferred to the February 11, 2014, Council meeting.

4. MINUTES: DECEMBER 12, 2013

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

Request for Deferral to the February 11, 2014, Town Council Meeting per Email Dated January 8, 2014, from Susan A. Owens, Town Clerk.

Susan A. Owens, Town Clerk – Deferred to the February 11, 2014, Council meeting.

5. Approval of Major Matters Considered by the Architectural Commission at its Meeting of December 12, 2013.

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

B. RESOLUTIONS

1. RESOLUTION NO. 1-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Lopez Group, Inc., in the Amount of \$146,862 for Worth Avenue Maintenance Services and Establishing a Budget of \$151,268.

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

2. RESOLUTION NO. 2-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock, Roos & Associates, Inc., in the Amount of \$158,895 for E-3 and E-2 (El Pueblo Way to Tangier Avenue) Force Main Replacement Easement Research and Surveying Services Including Verification of Pipe Location.

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

3. RESOLUTION NO. 3-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase to Mock Roos and Associates, Inc., for Additional Construction Phase Engineering Services for the E-6 Bradley Park to Tangier Avenue Force Main Replacement, and Establishing a New Total Authorization Not-to-Exceed \$53,262 and a New Total Construction Phase Engineering Services Budget of \$56,000.

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

4. RESOLUTION NO. 4-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order No. 131356 for Construction Phase Engineering Services for the A-7 to Hammon Avenue Force Main Replacement Project, in the Amount of \$6,468 and Increasing the Construction Phase Engineering Budget by \$7,000 for this Project, for a Revised Total Budget of \$82,000.

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

5. RESOLUTION NO. 5-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Batallan Enterprises, Inc., DBA Propertyworks for Turf Maintenance, in the Amount of \$35,174 and Establishing a Project Budget of \$36,932.

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

6. RESOLUTION NO. 6-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$123,163 to Navistar Inc., for the Purchase of One International Workstar Cab and Chassis on FSA Contract No. 13-11-0904, and Establishing an Overall Budget of \$126,000.

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

C. OTHER

1. Report of the Ordinances, Rules, & Standards Committee Meeting of December 3, 2013.

William J. Diamond, Chair

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Recreation Advisory Commission Annual Report.
Pamela McIver, Recreation Advisory Commission Chairperson

Chairwoman McIver provided an overview of the Recreation Advisory Commission Annual Report.

By consensus of the Town Council, the Report was accepted.

X. REGULAR AGENDA

A. Old Business

1. COASTAL PROTECTION MATTERS

Reach 3 Roadway Protective Seawall Condition Assessment Discussion.
H. Paul Brazil, P.E., Director of Public Works

Kevin Shannon, Kimley-Horn & Associates, presented their findings.

Discussion ensued regarding the costs to replace versus repair the seawall, whether it could withstand a hurricane, the different types of bulkheads and repairs needed, areas of priority, interim sand placement, working around sea turtle nesting season, funding options, working with the owners of private seawalls, and the Town taking the lead on the project.

Harvey Kinzelberg, 260 N. Ocean Blvd., expressed his support of Staff's recommendations and suggested that the Town do the repairs and assess the owners.

George Cloutier, 240 N. Ocean Blvd., stated that the work should be done in conjunction with the sand replacement, and spoke regarding the costs and other options.

By consensus of the Town Council, this item was conceptually approved, with work on the Type I Bulkhead to be expedited. Staff was further directed to get repair estimates for each segment of the seawall, clarify ownership of the segments, and report back to the Town Council at the February 11, 2014, Town Council meeting.

2. COASTAL PROTECTION MATTERS

FY2014 Potential Interim Sand Replacement Project

Discussion ensued regarding costs versus benefits, how to pay for the project, keeping the bids open in the event the Town decides to proceed with the project at a later date, and state credits given for areas adjacent to public beaches.

RESOLUTION NO. 7-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Rio-Bak Corporation in the Amount of \$3,386,117.04 for the Construction of the FY 2014 Interim Sand Replacement Project in Reaches 3 and 7, Establishing a Project Budget of \$3,725,000.

No action was taken.

RESOLUTION NO. 8-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Applied Technology & Management, Inc., in the Amount of \$63,631.68 for Construction Management Services Associated with the FY 2014 Interim Sand Replacement Project in Reaches 3 and 7, Establishing a Project Budget of \$73,000.
H. Paul Brazil, P.E., Director of Public Works

No action was taken.

By consensus of the Town Council, Staff was directed to request that the respondents for the two above referenced proposals extend their bid pricing through at least the April 2014 Town Council meetings in the event the Town wishes to proceed with the project at a later date.

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding Jason Weeks v. Town of Palm Beach, Case No. 502012CA006664XXXX MBAE, pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. Discussion of this Matter to Begin Immediately Following the January 15, 2014, Town Council Meeting in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph; and Court Reporter from Pleasanton, Greenhill Meek & Marsaa Court Reporters, Inc.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the scheduling of the Attorney/Client Session regarding Jason Weeks v. Town of Palm Beach, Case No. 502012CA006664XXXXMBAE, in the United States Court of Federal Claims. On roll call, the motion carried 4-0, with Council President Rosow absent.

2. Actions Being Taken to Improve Reliability of the Electric Power Supply on Palm Beach.

TIME CERTAIN: 11:00 AM

FPL Representative

Ethel Isaacs Williams, FP&L Regional Manager, spoke regarding the recent service disruptions and ensured the Council that they are working diligently to solve the problem.

Eli Perez, FP&L West Palm Beach Engineer Leader, provided additional information regarding the disruptions, and went over the actions taken to

address them. He stated that one problem is that these disruptions have been occurring during times when work is not allowed on the island, and he requested that FP&L be allowed to assess the system and make the necessary repairs during season.

Discussion ensued regarding the time and equipment needed for this work.

By consensus of the Town Council, Staff was directed to put together a plan to allow FP&L the ability to do repair work during season and to report back to the Town Council. In the interim, Staff was authorized to use their discretion in allowing such work.

(Clerk's Note: The following item was heard as the last item on the agenda.)

3. Certification of Petitions Requesting a Referendum re: PUD-5.
Susan A. Owens, Town Clerk

(Clerk's Note: Council President Pro Tem Wildrick passed the gavel to Council Member Kleid in order to recuse himself.)

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

William Cooley, 236 Fairview Rd., requested that the Council defer this item to allow for a hearing on what he felt were improprieties in making the final decision on this matter.

Motion was made by Council Member Diamond to repeal Ordinance No. 6-2013. Motion died for lack of a second.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to schedule the referendum regarding the PUD-5 for March 25, 2014. On roll call, the motion carried 3-0, with Council President Pro Tem Wildrick recused and Council President Rosow absent.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve a transfer of \$25,000 from the General Fund Contingency to cover the cost of the special election. On roll call, the motion carried 3-0, with Council President Pro Tem Wildrick recused and Council President Rosow absent.

4. Review of Potential Traffic Impacts for the Accelerated Capital Improvement Program (Phase II) and Other Capital Improvement Projects.
H. Paul Brazil, P.E., Director of Public Works

Discussion ensued regarding the extent of the traffic disruptions should the Flagler Memorial Bridge close, options for mitigating them, and being able to respond during emergency situations.

Representatives of the Palm Beach Country Club spoke regarding the condition of the Club's seawall.

Discussion ensued regarding the cost of remobilization, should it become necessary, changing plans and schedules from FDOT, and the condition of the Country Club's seawall.

Motion was made by Council Member Pucillo, and seconded by Council Member Diamond, to approve the Staff recommended delays, and direct Staff to report back to the Town Council in February on those projects listed under "Tentative Delay of Construction – Special Consideration". On roll call, the motion carried 4-0, with Council President Rosow absent.

5. RFP No. 2014-09 re: Lease of Town-Owned Properties.
Jay Boodheshwar, Director of Recreation and Special Projects

Discussion ensued regarding the need for a long-term plan to more fully utilize these facilities.

Neil Kozokoff, President of Parkland Management Company of South Florida, the sole respondent to the RFP, suggested that the Town include him in creating a Master Plan and a public-private partnership.

Motion was made by Council Member Pucillo, and seconded by Council Member Diamond, to reject all bids related to RFP No. 2014-09 regarding leasing of Town-owned properties. On roll call, the motion carried 4-0, with Council President Rosow absent.

By consensus of the Town Council, Staff was also directed to develop a plan for use or disposition of these properties and report back to the Town Council.

6. Appeal of Dangerous Dog Determination
Kirk W. Blouin, Director of Public Safety

Item was withdrawn.

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

By consensus of the Town Council, the appointment of Danielle H. Moore to the Planning and Zoning Commission was ratified.

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 21-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118 Relating to Traffic and Vehicles at Article III, Parking, Stopping and Standing; Section 118-92, Penalty for Violating Parking Regulations Generally; by Amending Paragraph (a), Subparagraph (12) Relating to Parking in Loading Zone; and by Creating a New Subparagraph (22) Establishing a Parking Regulation for Illegal Parking in Residential Loading Zones; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Thomas G. Bradford, Deputy Town Manager

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to defer Ordinance No. 21-2013. On roll call, the motion carried 4-0, with Council President Rosow absent.

(Clerk's Note: The above ordinance was not deferred to a time certain as it will be going back to first reading due to the need for substantial changes.)

B. First Reading

1. ORDINANCE NO. 4-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets, Sidewalks and Other Public Places, Article I, in General, at Section 106-1, Making it Unlawful to Allow Vegetation or Any Other Item, Substance, Material or Thing to Obstruct Street Signs, Regulatory Signage, Street Lighting or Traffic Signals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Thomas G. Bradford, Deputy Town Manager

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Ordinance No. 4-2014, on first reading. On roll call, the motion carried 4-0, with Council President Rosow absent.

2. ORDINANCE NO. 5-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 38, Emergency Services; at Article II, Alarm Systems; Section 38-35 Relating to Service Charge for Excessive False Alarms and Non Payment of Fines; at Section 38-62 Relating to Applications; Fees; and at Section 38-93 Relating to General

Alarm User Requirements; So as to Provide That Direct Connect Alarm Systems Are Available to Businesses and Residential Customers Within the Town; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Thomas G. Bradford, Deputy Town Manager

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Ordinance No. 5-2014, on first reading. On roll call, the motion carried 4-0, with Council President Rosow absent.

3. ORDINANCE NO. 6-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2013, Providing an Effective Date.

Jane Struder, Director of Finance

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve Ordinance No. 6-2014, on first reading. On roll call, the motion carried 4-0, with Council President Rosow absent.

XII. ANY OTHER MATTERS

- A. Request to Add to the End of the January 15, 2014, Town Council Meeting a Discussion of the Request by the Chamber Music Society of Palm Beach to Use the Mar-A-Lago Club for a Concert Series.

By consensus of the Town Council, this item will be added to the end of tomorrow's Town Council meeting agenda.

1 **XIII. ADJOURNMENT**

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3 There being no further business, the January 14, 2014, regular Town Council meeting
4 was adjourned at 1:03 p.m.
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7 APPROVED:
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12 ATTEST:

Robert N. Wildrick

Town Council President Pro Tem

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Susan A. Owens, MPA, MMC
18 Town Clerk
19

20 _____
21 Date

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: JANUARY 15, 2014

Approval of the Minutes of the Regular Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on January 15, 2014](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON
WEDNESDAY, JANUARY 15, 2014**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, January 15, 2014, at 9:33 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present, with the exception of Council President Pro Tem Wildrick. A quorum was present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio expressed her gratitude and appreciation for Council President Rosow's service to the Town.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

The Council Members each expressed their gratitude and appreciation for Council President Rosow's service to the Town.

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

VI. APPROVAL OF AGENDA

The following change was made to the Agenda:

DEFERRED: Item No. VIII.A.1.a., Site Plan Review #1-2014 was deferred to the February 12, 2014, Town Council meeting.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Site Plan Review #1-2014 be deferred to the February 12, 2014, Town Council meeting. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the Agenda, as amended above. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

The item below was added to the agenda:

Town Attorney Randolph requested consideration of scheduling a Special Town Council meeting to discuss the ballot language for the PUD-5 referendum special election.

By consensus of the Town Council, a special meeting to discuss the ballot language for the PUD-5 referendum special election was scheduled for Friday, January 17, 2014, at 9:30 a.m.

VII. PUBLIC HEARINGS

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

- A. RESOLUTION NO. 208-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as the North County Road Tree Canopy 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 District Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach. [Deferred from the December 11, 2013, Town Council Meeting]
Peter B. Elwell, Town Manager

Town Manager Elwell spoke regarding the proposed changes to the landmarking of the North County Road Tree Canopy area, and the Town's efforts to maintain the beauty of its general appearance.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that the Designation Report of the property known as the North County Road Tree Canopy, located between Wells Road and Miraflores Drive, be accepted and made a part of the record. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Resolution No. 208-2013 be adopted and designating the property known as the North County Road Tree Canopy, located between Wells Road and

Miraflores Drive, as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

VIII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. New Business

a. SITE PLAN REVIEW #1-2014 The application of The 2000 Condominium Assn., Inc. at Sloan's Curve; relative to property commonly known as 2000 South Ocean Blvd.; described as North and South Building at The 2000 CONDOMINIUM AT SLOAN'S CURVE, a Condominium, according to the Declaration of Condominium recorded in ORB 3645, Page 1027, Public Records of Palm Beach County, Florida; located in the PUD-B Zoning District. The applicant is requesting a Site Plan Review to install two generators, both 600 KW in size, that are proposed to be located in the northwest corner of the north garage and on the west side of the south garage, both part of the 2000 Condominium at Sloan's Curve PUD. [Attorney: Maura Ziska]
Request for Deferral to the February 12, 2014, Town Council Meeting Per Letter Dated January 6, 2014, from Maura A. Ziska. John S. Page, Director of Planning, Zoning & Building - This item was deferred to the February 12, 2014, Town Council meeting.

b. VARIANCE #1-2014 The application of Alan M. Berman and Laurie Berman; relative to property commonly known as 271 Plantation Road; described as Lot 22, Plat of EAST SHORE ADDITION, according to the plat thereof as recorded in Plat Book 21, Page 14 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow a 36 KW generator to be placed in the street side yard along North Lake Way with a setback of 15.33 feet in lieu of the 25 foot minimum required. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning & Building

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

Attorney Ziska, on behalf of Alan M. Berman and Laurie Berman, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding a new administrative policy concerning the acceptable decibel levels of generators prior to the approval of the final inspection.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Variance #1-2014 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 4-0, with Council President Pro Tem Wildrick absent.

- c. VARIANCE #2-2014 The application of F. William Bryan and Noel Rebecca Bryan; relative to property commonly known as 1350 North Ocean Boulevard; described as lengthy legal description on file; located in the R-B/B-A Zoning Districts. The applicant is requesting a variance to construct a 10 ft. x 40 ft. swimming pool on the beach parcel east of the North Ocean Boulevard which will require the following variances: a 4.5 ft. front yard setback in lieu of the 10 ft. minimum required; and, a zero (0) east rear yard setback in lieu of the 10 ft. minimum required. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning & Building

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

Attorney Ziska, on behalf of F. William Bryan and Noel Rebecca Bryan, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Variance #2-2014 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 4-0, with Council President Pro Tem Wildrick absent.

- d. VARIANCE #3-2014 The application of Joseph M. & Lauren E. Pizza; relative to property commonly known as 50 Middle Road; described as Lots 58 & 59, SINGER ADDITION; located in the R-

B Zoning District. The applicant is requesting a variance to allow two additions which include a connecting balcony totaling 504 square ft. which increases the cubic content ratio from 4.41 to 4.43 in lieu of the 3.98 maximum allowed. [Attorney: Peter Broberg] [Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried: 7-0]

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

There was no ex-parte communication declared by the Town Council.

Attorney Broberg, on behalf of Joseph M. & Lauren E. Pizza, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding time extension criteria.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Variance #3-2014 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 4-0, with Council President Pro Tem Wildrick absent.

- e. VARIANCE #4-2014 The application of Oliver R. Grace, Jr.; relative to property commonly known as 270 Algoma Road; described as Lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting modifications to an existing landmarked residence by adding one and two story additions and detached guest house/pool cabana which will require the following variances: 1) a 234.6 square foot two story infill addition including balcony to the west side of the residence that would have a west side yard setback ranging from 4.1 feet to 8.51 feet in lieu of the 15 foot minimum required; 2) the addition of balcony railings above the existing one story and one story addition on the north west corner of the house that would have a building height plane setback of 26.84 feet in lieu of the 34.78 feet required, a 26.84 foot front yard setback in lieu of the 35 foot minimum required, and an angle of vision of 136° in lieu of the 120° degrees maximum allowed; 3) a 447.96 square foot second story addition to the east side of the residence that will have a 32.2 front yard setback in lieu of the 35 foot minimum required and a building height plane setback of 31.66 feet in lieu of the 46.17 feet minimum required and an angle of vision of 131° in lieu of the

120° degrees maximum allowed; 4) a proposed angle of vision of 131° in lieu of the 120° for a proposed new 2,012 square foot one story guest house/cabana to the east side of the property; 5) the addition of balcony railings above the existing one story on the east side of the house that would have a front yard setback of 32.2 feet in lieu of the 35 foot minimum required and an angle of vision of 136° in lieu of the 120° degrees maximum allowed. [Attorney: Maura Ziska] [Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried: 7-0]

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

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

Attorney Ziska, on behalf of Oliver R. Grace, Jr., provided an overview of the applicant's request.

Architect Albarran provided additional information regarding the project.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Variance #4-2014 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 4-0, with Council President Pro Tem Wildrick absent.

- f. VARIANCE #5-2014 The application of Patsy S. Johnson; relative to property commonly known as 751 Island Drive; described as Lot 87 and the South 10 feet of Lot 85, as shown of PLAT 2 of EVERGLADES ISLAND DEVELOPMENT in the Town of Palm Beach, Florida, according to the Plat thereof as recorded in the Plat Book 21, Page 51, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting variances to allow an existing boat lift and pilings to be rebuilt in the same location after the reconstruction of the seawall which is currently 24.25 feet west of the U.S. Pierhead line and the Town's Bulkhead line in lieu of the 6 foot maximum allowed; to allow the marginal dock to be 20 feet from the north property line in lieu of the 25 foot minimum required; and, to allow the marginal dock to

be 20 feet from the south property line in lieu of the 25 foot minimum required. [Attorney: Maura Ziska]

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

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

Attorney Ziska, on behalf of Patsy S. Johnson, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Variance #5-2014 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 4-0, with Council President Pro Tem Wildrick absent.

D. Other

1. Potential Study of Reducing Setbacks in Various Residential Zoning Districts

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

Director of Planning, Zoning, and Building Page spoke regarding the potential study due to the increase in setback variances being requested.

Zoning Administrator Castro provided a history of the Town's consideration of revising the setback requirements.

Discussion ensued regarding whether or not to move forward with the study, the flaws of the current system, meeting the hardship requirement, and previous studies.

The consensus of the Council was that no further study is necessary.

2. Proposed Reconsideration of the Town Council Action Directing the Planning & Zoning Commission to Review the Town of Palm Beach Traffic & Parking Improvement Plan Prepared by American Consulting Engineers in December 2006

David Rosow, Town Council President

Council President Rosow spoke regarding the proposed review of the 2006 Town of Palm Beach Traffic & Parking Improvement Plan. He

recommended that the Council remove this as a study item for the Planning & Zoning Commission, as more parking could not be found.

The consensus of the Council was to remove this item from the Planning & Zoning Commission's responsibility.

IX. ANY OTHER MATTERS

A. Request by the Chamber Music Society of Palm Beach for the Use of Mar-A-Lago Club for a Concert Series.

Christopher Kellogg, Chamber Music Society of Palm Beach, stated that he was pleased that the Town has allowed the Society to continue their remaining concert series and that he appreciates the consideration that was given to them.

By consensus of the Town Council, the Chamber Music Society of Palm Beach's use of Mar-A-Lago for their Concert Series was approved, subject to Staff conditions.

X. ADJOURNMENT

There being no further business, the January 15, 2014, regular Town Council meeting was adjourned at 10:35 a.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: JANUARY 15, 2014

Approval of the Minutes of the Special Town Council Meeting-
Closed Door Session.

Deferred from the February 11, 2014, Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Special Town Council Meeting Held on January 15, 2014](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON WEDNESDAY, JANUARY 15, 2014**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 10:45 a.m. on Wednesday, January 15, 2014, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

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

III. JASON WEEKS VS TOWN OF PALM BEACH, CASE NO. 502012CA00664XXXXMBAE, PENDING IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA.

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

Town Council President Rosow announced the following:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is thirty minutes
- c.) The names of the persons attending:
 - Gail L. Coniglio, Mayor
 - David A. Rosow, Town Council President
 - Robert N. Wildrick, Town Council President Pro Tem
 - William J. Diamond, Town Council Member
 - Richard M. Kleid, Town Council Member
 - Michael J. Pucillo, Town Council Member
 - Peter B. Elwell, Town Manager
 - John C. Randolph, Town Attorney
 - Ley and Marsaa, Court Reporters

At 10:47 a.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 11:21 a.m., in the Town Council Chambers.

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

Town Council President Rosow announced that the Town Council had provided the Town Attorney with additional guidance on how to proceed in this matter.

IV. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Wednesday, January 15, 2014, was adjourned at 11:23 a.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: JANUARY 17, 2014

Approval of the Minutes of the Special Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on January 17, 2014](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
FRIDAY, JANUARY 17, 2014**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order on Friday, January 17, 2014, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present, with the exception of Council President Pro Tem Wildrick.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the Agenda. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

IV. RESOLUTION NO. 10-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Directing the Town Clerk of Said Town to Place the Ballot Question on the Official Ballot for the Special Election to be Held in Said Town on the Twenty-Fifth Day of March 2014; Adopting the Official Ballot to Be Used in Said Election; Authorizing the Town Clerk to Arrange for Voting Equipment to Be Used in Said Election; and Directing the Mayor of Said Town to Issue a Proclamation of Said Election, Naming Therein the Ballot Question; And, Designating the Town Clerk of the Town of Palm Beach and the Supervisor of Elections of Palm Beach County, or Their Designees, to Serve as the Canvassing Board. [John C. Randolph, Town Attorney]

Town Attorney Randolph spoke regarding the preparation of the proposed ballot question.

Bobbie Lindsay Buck, 212 Caribbean Rd., spoke regarding her objectives on the Royal Poinciana Way Committee, getting a model so people can visualize any changes, the importance of having the ballot language express preservation, and provided her own suggested ballot language.

Susan Markin, 1450 N. Lake Way, stated that she wants to make sure the matter is put to the voters in a fair and concise way.

Discussion ensued regarding placement of “yes” and “no” on the ballot, and the Petitioners’ suggested language.

William Cooley, 236 Fairview Rd., stated that this question could have gone on the February 4, 2014, general election ballot. In response to Mayor Coniglio, he stated that he was willing to compromise on the language.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to defer Resolution No. 10-2014 to allow Town Attorney Randolph to meet with the Petitioners’ Attorney, Nancy Stroud, to discuss alternate language. Town Council President Rosow will then call a special meeting at such time as alternate language has been drafted. On roll call, the motion carried 3-1, with Council Member Pucillo dissenting and Council President Pro Tem Wildrick absent.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the January 17, 2014, special Town Council meeting was adjourned at 10:07 a.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: JANUARY 22, 2014

Approval of the Minutes of the Special Town Council Meeting.
Deferred from the February 11, 2014, Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Special Town Council Meeting Held on January 22, 2014](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON WEDNESDAY, JANUARY 22, 2014**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order on Wednesday, January 22, 2014, at 4:30 p.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present, with the exception of Council President Pro Tem Wildrick, who arrived at 4:34 p.m.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the Agenda. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick absent.

IV. RESOLUTION NO. 10-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Directing the Town Clerk of Said Town to Place the Ballot Question on the Official Ballot for the Special Election to be Held in Said Town on the Twenty-Fifth Day of March 2014; Adopting the Official Ballot to Be Used in Said Election; Authorizing the Town Clerk to Arrange for Voting Equipment to Be Used in Said Election; and Directing the Mayor of Said Town to Issue a Proclamation of Said Election, Naming Therein the Ballot Question; And, Designating the Town Clerk of the Town of Palm Beach and the Supervisor of Elections of Palm Beach County, or Their Designees, to Serve as the Canvassing Board. [John C. Randolph, Town Attorney]

William Cooley, 236 Fairview Rd., spoke regarding the proposed versions of the ballot language.

Discussion ensued regarding the parties activities in drafting the proposed versions of the ballot language and the differences between the versions.

Michael Ainsley, 202 Plantation Rd., Save Our Main Street Political Action Committee Chair, expressed the PAC's concerns and preferences regarding the ballot language.

Anne Pepper, 333 Sea Spray Ave., expressed her support for version C and stated that the Save Our Main Street PAC has no standing in this matter.

Tom Parker, 215 Jamaica Ln., stated that the Council should support whichever version Town Attorney Randolph and Attorney Nancy Stroud are agreeable with.

Further discussion ensued regarding the proposed versions of the ballot language, what would be allowable under the PUD-5, and whether other citizens having standing on the matter.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, to approve Resolution No. 10-2014, with the ballot language below. On roll call, the motion carried unanimously.

**TOWN OF PALM BEACH ZONING ORDINANCE
AMENDMENT NO. 6-2013**

Shall Ordinance 6-2013 amending the Town's zoning code creating an optional PUD-5, an Historic Mixed Use Development within the C-TS Zoning District between Royal Poinciana Way, Sunset Avenue, Bradley Place, and County Road be approved? PUD-5 requires specific design guidelines be met and incentivizes owners in part with greater density, potentially greater height and fewer parking requirements in return for preservation of buildings or parts thereof which contribute to the historical character of the area.

☐ **YES For approval of the zoning amendment**

☐ **NO For rejection of the zoning amendment**

V. ANY OTHER MATTERS - None

1 **VI. ADJOURNMENT**

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3 There being no further business, the January 22, 2014, special Town Council meeting
4 was adjourned at 5:34 p.m.
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7 APPROVED:
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11 _____
12 David A. Rosow
13 Town Council President
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15 ATTEST:
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19 _____
20 Susan A. Owens, MPA, MMC
21 Town Clerk
22

23 _____
24 Date

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: FEBRUARY 3, 2014

Approval of the Minutes of the Special Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Special Town Council Meeting Held on February 3, 2014](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 3, 2014**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 1:00 p.m. on Monday, February 3, 2014, in the Town Council Chambers. On roll call, all of the elected officials were found to be present, with the exception of Mayor Coniglio.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. RESOLUTION NO. 28-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Resolution No. 10-2014; Adopting this New Resolution Directing the Town Clerk of Said Town to Place the Ballot Question on the Official Ballot for the Special Election to be Held in Said Town on the Twenty-Fifth Day of March 2014; Adopting the Official Ballot to Be Used in Said Election; Authorizing the Town Clerk to Arrange for Voting Equipment to Be Used in Said Election; and Directing the Mayor of Said Town to Issue a Proclamation of Said Election, Naming Therein the Ballot Question; And, Designating the Town Clerk of the Town of Palm Beach and the Supervisor of Elections of Palm Beach County, or Their Designees, to Serve as the Canvassing Board. [John C. Randolph, Town Attorney]

Town Attorney Randolph provided an overview of the ballot question amendments required by the Palm Beach County Supervisor of Elections.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, to approve Resolution No. 28-2014. On roll call, the motion carried unanimously.

Town Manager Elwell read the amended Mayor's proclamation into the record on the Mayor's behalf.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Monday, February 3, 2014, was adjourned at 1:07 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: FEBRUARY 11, 2014

Approval of the Minutes of the Regular Town Council Meeting.

Request for Deferral to the March 11, 2014, Town Council Meeting per Memorandum dated March 3, 2014, from Susan A. Owens, Town Clerk.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Memorandum dated March 3, 2014, from Susan A. Owens, MMC, Town Clerk](#)



TOWN OF PALM BEACH

Office of the Town Clerk

MEMORANDUM

DATE: March 3, 2014
TO: Peter B. Elwell, Town Manager
FROM: Susan A. Owens, MPA, MMC, Town Clerk
RE: Request for Deferral of Minutes

Please consider this a request to defer the following meeting minutes to the April 8, 2014, Town Council meeting:

- February 11, 2014

If you have any questions on this request, please do not hesitate to contact me.

Thank you.



TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: FEBRUARY 11, 2014

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

Presenter

Supporting Documents

- [Minutes of the Special Town Council Meeting Held on February 11, 2014](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, FEBRUARY 11, 2014**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 4:20 p.m. on Tuesday, February 11, 2014, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

By consensus of the Town Council, the agenda was approved.

III. ROGER DALE CORBIN VS TOWN OF PALM BEACH, CASE NO. 13-80106-CIV-MARRA/MATTHEWMAN, pending in the United States District Court, Southern District of Florida.

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

The Town Council President Rosow announced the following:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is thirty minutes
- c.) The names of the persons attending:
 - Gail L. Coniglio, Mayor
 - William J. Diamond, Town Council Member
 - Richard M. Kleid, Town Council Member
 - Michael J. Pucillo, Town Council Member
 - Penelope D. Townsend, Town Council Member
 - Robert N. Wildrick, Town Council Member
 - Peter B. Elwell, Town Manager
 - John C. Randolph, Town Attorney
 - Margaret L. Cooper, Esq.
 - Pleasanton, Greenhill, Meek & Marsaa, Court Reporters

At 4:22 p.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 4:43 p.m., in the Town Council Chambers.

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

Town Council President Rosow announced that the Town Council had provided the Town Attorney with instructions on how to proceed in this matter.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Tuesday, February 11, 2014, was adjourned at 4:44 p.m.

APPROVED:

Robert N. Wildrick
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: FEBRUARY 12, 2014

Approval of the Minutes of the Regular Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on February 12, 2014](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, FEBRUARY 12, 2014**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, February 12, 2014, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO – None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Wildrick announced the following Council Committee appointments.

- Administrative & Personnel Committee: Council Member Kleid (Chair) and Council Member Townsend
- Finance & Taxation Committee: Council President Pro Tem Diamond (Chair) and Council President Wildrick
- Ordinances, Rules, & Standards Committee: Council Member Townsend (Chair) and Council Member Pucillo
- Public Safety Committee: Council President Wildrick (Chair) and Council President Pro Tem Diamond
- Public Works Committee: Council Member Pucillo (Chair) and Council Member Kleid

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

VI. APPROVAL OF AGENDA

The following changes were made to the agenda:

WITHDRAWN: Item Nos. VIII.B.2.c., Variance #7-2014, and VIII.B.2.d., Variance #8-2014, were withdrawn.

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

VII. PUBLIC HEARINGS

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

A. RESOLUTION NO. 25-2014 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 315 Tangier 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.

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

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

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, that the Designation Report of the property known as 315 Tangier Avenue be accepted and made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, that Resolution No. 25-2014 be adopted and designating the property known as 315 Tangier Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

B. RESOLUTION NO. 26-2014 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 267 Atlantic 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.

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

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

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, that the Designation Report of the property known as 267 Atlantic Avenue be accepted and made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, that Resolution No. 26-2014 be adopted and designating the property known as 267 Atlantic Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision #B-008-2014, 225 Indian Road, Per Letter dated January 23, 2014, from Maura Ziska, Esq.

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

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

Attorney Ziska provided an overview of her client's appeal.

Discussion ensued regarding the Architectural Committee's authority to deny demolitions.

Motion was made by Council Member Kleid, and seconded by Council President Pro Tem Diamond, to uphold the appeal of ARCOM Decision #B-008-2014, 225 Indian Road, and to authorize demolition. On roll call, the motion carried unanimously.

Town Attorney Randolph was directed to attend the next ARCOM meeting to inform its members of their authority and responsibilities.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. Items Related to Del Frisco's Restaurant in Royal Poinciana Plaza

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

(Clerk's Note: Council President Wildrick passed the gavel to Council President Pro Tem Diamond for the next two items.)

- (1) Appeal of Administrative Decision Regarding Hours of Operation and Related Off-Street Parking Requirements, by John W. Little III, Attorney for Sterling Palm Beach, LLC, and Also By Harvey E. Oyer III, Attorney for Del Frisco's Grille, Relative to Del Frisco's Grille Restaurant in the Royal Poinciana Plaza.

No ex-parte communications were declared by the Town Council.

Attorney Oyer, representing Del Frisco's Grille, provided an overview of his client's appeal.

Alev Ersoy, Del Frisco's Grille General Manager, provided an overview of the reservation system.

Zoning Administrator Castro provided Staff's comments.

Attorney Little, representing Sterling Palm Beach, provided additional information regarding usage of the parking lot.

Discussion ensued regarding the 1979 agreement, shared parking provisions, and the number of empty parking spaces in the Plaza at various times.

Simon Taylor, Palm Beach Theatre Guild, spoke in opposition to giving away parking spaces to Del Frisco's before the plans for the Playhouse are known.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Diamond, to deny the appeal of the administrative decision regarding hours of operation and related off-street parking requirements relative to Del Frisco's Grille Restaurant in the Royal Poinciana Plaza. On roll call, the motion carried 4-0, with Council President Wildrick recused.

- (2) SPECIAL EXCEPTION #9-2013 The application of Harvey E. Oyer, III, Attorney for Del Frisco's Restaurant Group; relative to property commonly known as 340 Royal Poinciana Way, Suites 300, 300A, 302, 302A, 306 & 308;

described as lengthy legal description on file; located in the C-PC Zoning District. The applicant is requesting modification of previous special exception approval (Special Exception #20-2012) to allow for Sunday operating hours from 10:00 a.m. to 11:00 p.m. The previously approved operating hours for Sunday were 5:00 p.m. to 11:00 p.m. No other changes to the conditionally approved operating hours are being proposed. [Attorney: Harvey E. Oyer, III]

Deferred from the June 12, 2013, Town Council Meeting

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

No ex-parte communications were declared by the Town Council.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Townsend, and seconded by Council Member Pucillo, that Special Exception #9-2013 be denied based upon the finding that such grant will adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have not been met. On roll call, the motion carried 4-0, with Council President Wildrick recused.

(Clerk's Note: Council President Pro Tem Diamond passed the gavel back to Council President Wildrick.)

b. MODIFIED SITE PLAN REVIEW #1-2014 (WITH VARIANCE)

The application of The 2000 Condominium Assn., Inc. at Sloan's Curve; relative to property commonly known as 2000 South Ocean Blvd.; described as North and South Building at The 2000 CONDOMINIUM AT SLOAN'S CURVE, a Condominium, according to the Declaration of Condominium recorded in ORB 3645, Page 1027, Public Records of Palm Beach County, Florida; located in the PUD-B Zoning District. The applicant is requesting a Site Plan Review to install two generators, both 600 KW in size, that are proposed to be located in the northwest corner of the north garage and on the west side of the south garage, both part of the 2000 Condominium at Sloan's Curve PUD. A variance is being requested to relocate a drive aisle in the south garage with a width of 18.66 feet in lieu of the 25 foot minimum required and the 17.9 foot existing drive aisle width in the area of the proposed generator location. [Attorney: Maura Ziska]

Deferred from the January 15, 2014, Town Council Meeting

John S. Page Director of Planning, Zoning & Building

No ex-parte communications were declared by the Town Council.

Attorney Ziska, on behalf of The 2000 Condominium Assn., Inc., provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, that the variance related to Modified Site Plan Review #1-2014 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.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, that Modified Site Plan Review #1-2014 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

2. New Business

a. SITE PLAN REVIEW #2-2014 WITH SPECIAL EXCEPTION

The application of Ambassador Hotel Co-Op (Bill Whitehead, Manager); relative to property commonly known as 2730 South Ocean Blvd.; described as AMBASSADOR HOTEL CO-OP APTS INC COMMON AREA A/K/A 23-44-43, N 216 FT OF S 385 FT OF N 3000 FT OF FRAC SEC LYG BET ELY R/WLI OF SR A-1-A & ATLANTIC OCEAN; located in the R-D (2) Zoning District. The applicant is requesting a Site Plan Review to renovate the exterior walkways of the West Building by increasing the width of the walkways by 16 inches (717.6 sq. ft. total) and upgrading the railing using glass barriers. The new railing will be continued to the pool deck. In addition, the façade of the West Building will be improved providing for more articulation and architectural features incorporating Modern elements. The height of the West Building is currently 44.9 feet (existing nonconforming) and is proposed to be increased to 49.9 feet. (62.6 feet maximum allowed) (Sec. 134-229, Sec. 134-1060(8)(d) and Sec. 134-1064). The lot coverage of the West Building totals just 5.6% of the overall lot coverage of the site (27.47%) and would increase to 5.22% of overall lot coverage with the proposed renovations. [Attorney: Neil M. Schiller]

John S. Page Director of Planning, Zoning & Building

No ex-parte communications were declared by the Town Council.

Attorney Marcie Oppenheimer Nolan, Becker & Poliakoff, on behalf of Ambassador Hotel Co-Op, along with Architect David Miller, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding concerns over the proposed parapet blocking the views of the neighboring condos, and sending the item to ARCOM before Council approval.

Irwin Shechtman, 2770 S. Ocean Blvd., Association Board Member, spoke in opposition to the parapet height increase.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, that all portions of Site Plan Review #2-2014, with the exception of the parapet height increase, be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, that all portions of the special exception related to Site Plan Review #2-2014, with the exception of the parapet height increase, 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 President Pro Tem Diamond, and seconded by Council Member Kleid, to defer those portions of Site Plan Review #2-2014 with Special Exception related to the parapet height increase to the March 12, 2014, Town Council meeting in order for the applicant to meet with the neighboring property owners to address their concerns regarding the parapet height increase.

- b. VARIANCE #6-2014 The application of Roger A. Lawson and Melanie K. Lawson; relative to property commonly known as 114 Clarke Avenue; described as Lot 9 and the East 9 feet of Lot 11 of PRIMAVERA ESTATES (Ocean Section), according to the plat thereof as recorded in Plat Book 6, Page 82 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow a 379 square foot carport/awning addition to the south side of the residence that would result in 34.9% of lot coverage in lieu of the 30% maximum allowed and the 32.8% existing. [Attorney: Maura Ziska]

[ARCOM Recommendation: Implementation of the proposed variance will not cause negative architectural impacts on the subject property. Carried 7-0]

John S. Page Director of Planning, Zoning & Building

No ex-parte communications were declared by the Town Council.

Attorney Ziska, on behalf of Roger A. Lawson and Melanie K. Lawson, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, that Variance #6-2014 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. VARIANCE #7-2014 The application of 225 Indian Road, LLC (David Frisbie, Manager); relative to property commonly known as 225 Indian Road; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting approval to build a new 12,171 square foot two story residence with the following variances being requested: 1) to have a point of measurement for building height of 9 feet National Geodetic Vertical Datum (NGVD) in lieu of the 7.5 feet NGVD maximum allowed for lots abutting a low street. 2) to have a point of measurement for cubic content ratio (CCR) of 9 feet National Geodetic Vertical Datum (NGVD) in lieu of the 7.5 feet NGVD maximum allowed for lots abutting a low street. 3) to have an overall height of 33.2 feet in lieu of the 30 foot maximum allowed as measured from 7.5 NGVD. 4) to allow a parapet on the gable ends on a pitched roof 6.7 feet above the maximum overall height which is permitted for a flat roof and parapet system of the point of measurement variance is granted. [Attorney: Maura Ziska]

[ARCOM Recommendation: Defer the variance requests to the February 26, 2014 ARCOM Meeting]

Request for Withdrawal from the February 12, 2014, Town Council Meeting Per Letter Dated February 4, 2014, from Maura Ziska.

John S. Page Director of Planning, Zoning & Building

This item was withdrawn.

- d. VARIANCE #8-2014 The application of 219 Indian Road, LLC (David Frisbie, Manager); relative to property commonly known as

219 Indian Road; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting approval to build a new 11,447 square foot two story residence with the following variances being requested: 1) to have a point of measurement for building height of 9 feet National Geodetic Vertical Datum (NGVD) in lieu of the 7.5 feet NGVD maximum allowed for lots abutting a low street. 2) to have a point of measurement for cubic content ratio (CCR) of 9 feet National Geodetic Vertical Datum (NGVD) in lieu of the 7.5 feet NGVD maximum allowed for lots abutting a low street. 3) to have an overall height of 33.2 feet in lieu of the 30 foot maximum allowed as measured from 7.5 NGVD. 4) to allow a parapet on the gable ends on a pitched roof 6.7 feet above the maximum overall height which is permitted for a flat roof and parapet system of the point of measurement variance is granted. [Attorney: Maura Ziska]
[ARCOM Recommendation: Defer the variance requests to the February 26, 2014 ARCOM Meeting]

Request for Withdrawal from the February 12, 2014, Town Council Meeting, Per Letter Dated February 4, 2014, from Maura A. Ziska.

John S. Page Director of Planning, Zoning & Building

This item was withdrawn.

C. Other

1. Items Related to The Breakers Hotel Planned Unit Development (PUD)

- (1) Application by The Breakers Palm Beach, Inc., to amend the PUD-A (Breakers Hotel and Beach Club) by Adding a 4,559 (4,190 net) square foot, Second Floor Addition above the Beach Club Restaurant with an Associated Elevator.

The following ex-parte communications were declared: Mayor Coniglio, Council President Pro Tem Diamond, and Council Member Kleid spoke with Paul Leoni, who advocated for the amendment. Council Member Pucillo spoke with representatives of The Breakers, who advocated for the amendment.

Attorney Crowley provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

RESOLUTION NO. 11-2014 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Resolution 70-10, The Breakers Planned Unit

Development (PUD- A), By Adding 4,559 Square Feet Of Accessory Hotel Space To The Beach Club For Construction Of Fitness Center Facility.

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Diamond, to approve Resolution No. 11-2014. On roll call, the motion carried unanimously.

(2) SPECIAL EXCEPTION #1-2014 WITH SITE PLAN REVIEW

The application of The Breakers Palm Beach, Inc.; relative to property commonly known as 1 South County Road; described as All of that plat of Breakers Row Plat No. 1 Re-Plat, recorded in Plat Book 46, Pages 188 through 190, Public Records of Palm Beach County; located in the PUD-A Zoning District. The applicant is requesting approval for construction projects involving accessory hotel uses including the following: The construction of a handicapped beach access structure (ramp) south of the main hotel seawall. This ramp is a replacement for a similar structure which was destroyed by a hurricane. The replacement of the existing 1,588 sq. ft. pavilion on the second floor (Ocean Terrace) of the Beach Club with a 4,559 sq. ft. structure (4,190 sq. ft. under air condition) to be used for a proposed relocated fitness center. The fitness center is currently on the first floor of the Beach Club. Existing spa functions on the first floor will be expanded into that space. The second story fitness center addition will be no higher than the existing pavilion on the Ocean Terrace, which it will replace. Improvements associated with the Beach Club are a proposed new elevator, a relocated building entrance on the north side of the building, and renovation of the courtyard on the east side of the building. Except for the new elevator and the courtyard renovations, the changes to the beach club building will take place within the foot print (foundation) of the existing building. No variances are requested. [Attorney: James M. Crowley]

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

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Diamond, that Special Exception #1-2014 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, and that the site plan review related to Special Exception #1-2014 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met. On roll call, the motion carried unanimously.

2. Consideration of Zoning Study Items

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

Zoning Administrator Castro provided an overview of study items 1-7.

There was a consensus for approval of study items 1-3 and 5-7.

Discussion on study item 4 ensued regarding litigation, property value, and the Bert Harris Act.

The following individuals spoke in opposition to study item 4:

- Gary Marder, 1 Ocean Ln.
- Jack McDonald, on behalf of a consortium of owners who would be significantly affected by this item
- Bob Moore, 318 Bunker Ranch Rd., West Palm Beach
- Maura Ziska, on behalf of Donald Burns, 1021 N. Ocean Blvd.

Deputy Town Manager Bradford provided an overview of study item 8.

Parking/Code Enforcement Manager Houston spoke regarding the misuse of visitor passes and the difficulty in getting them back.

Discussion ensued regarding options for the enforcement of visitor pass regulations.

By consensus of the Town Council, the following dispositions of the study items were approved:

1. **Approved for further consideration**
2. **Approved for further consideration**
3. **Approved for further consideration**
4. **No further action to be taken**
5. **Approved for further consideration**
6. **Approved for further consideration**
7. **Approved for further consideration**
8. **Approved for further consideration. The Council provided the following additional directions: add a provision that, in the event of permit revocation, an individual would not be able to purchase another permit for a period of one year, and to look into a coloring or numbering system for the permits which will be different each year.**

3. Instructing Town Staff to obtain a proposal from the Town's Landmarks consultants to place the entire five acre area on Royal Poinciana Way and Sunset Ave that make up the PUD-5 area on the National Register of

1 Historic Places and designate it as a Historic District. The Staff should
2 further explore the extent to which property owners will be eligible for
3 Federal Tax Incentives equivalent to 20% income tax credits, and local
4 real estate tax abatements on qualified restoration of properties within the
5 District.

6 *Michael J. Pucillo, Town Councilmember*

7
8 Council Member Pucillo provided his comments on this item.

9
10 Historical Preservation Consultants Murphy and Stillings provided
11 additional information on what such a designation means and its benefits.

12
13 Director of Planning, Zoning, & Building Page stated that one downside is
14 that the public may not understand the differences between the federal
15 designation and the Town's designation and their tax implications.

16
17 Alexander Ives, Preservation Foundation and Royal Poinciana Way
18 Committee Member, spoke in support of the proposal.

19
20 **By consensus of the Town Council, Staff was directed to obtain a proposal from the**
21 **Town's Landmarks consultants and to report back to the Town Council at the**
22 **March 12, 2014, Town Council meeting.**

23
24 **IX. ANY OTHER MATTERS**

- 25
26 A. Council Member Kleid requested that the Royal Poinciana Way model be
27 relocated to a more accessible area and for it to be able to be moved to locations
28 outside of Town Hall.

29
30 Director of Planning, Zoning, and Building Page stated that Staff will look into
31 other locations.

X. ADJOURNMENT

There being no further business, the February 12, 2014, regular Town Council meeting was adjourned at 1:02 p.m.

APPROVED:

Robert N. Wildrick
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date _____

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of February 26, 2014.

Presenter

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

Supporting Documents

- [Memorandum dated February 28, 2014 from John S. Page, Director of Planning, Zoning and Building](#)
- [Minutes of the Architectural Commission Meeting of February 26, 2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of February 26, 2014

Date: February 28, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of February 26, 2014.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of February 26, 2014.

GENERAL INFORMATION

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

Attachment

JSP:cmd



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

WEDNESDAY, FEBRUARY 26, 2014, 09:00 a.m.

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

I. CALL TO ORDER (09:00:19 a.m.)

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

II. ROLL CALL (09:00:21 a.m.)

Robert J. Vila, Chairman	PRESENT
Nikita Zukov, Vice Chairman	ABSENT (excused)
Kenn Karakul, Member	ABSENT (pending classification)
Ann L. Vanneck, Member	PRESENT
Henry Homes III, Member	PRESENT
Richard Sammons, Member	PRESENT
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Alternate Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT (arrived at 9:15 a.m.)
Michael B. Small, Alternate Member	ABSENT (excused)

Let the record show that Mr. Gruss and Mr. Ives were voting today.

Let the record show that a court reporter, Paula McGuirk, US Legal Support, was present today, as hired by Attorney James Green for B-007-2014 and B-008-2014, 219 and 225 Indian Road, respectively.

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

III. PLEDGE OF ALLEGIANCE: (09:00:50 a.m.)

- IV. **APPROVAL OF THE MINUTES FROM THE JANUARY 22, 2014 MEETING: (09:01:08 a.m.)**
MOTION BY MR. HOMES FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.

Mr. Page referenced the Voting Conflict form filed by Mr. Vila at the January meeting.

- V. **APPROVAL OF THE AGENDA: (09:01:41 a.m.)**
MOTION BY MR. HOMES FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.
- VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (09:01:54 a.m.)**
Mrs. Delp administered the oath at this time and throughout the meeting as necessary.

- VII. **OTHER BUSINESS: (09:02:06 a.m.)**

Staff update relative to demolitions

Mr. Page made some introductory remarks citing two recent instances where ARCOM expressed regret and reluctance related to approval of particular requests for demolition of structures. That had inspired a discussion as to what ARCOM can and cannot do relative to demolitions, together with suggestions for possible change. Staff had asked Mr. Randolph to opine relative to this issue. He had prepared a written response in advance of today's meeting, that response having been forwarded to the members, and then was asked to speak at today's meeting relative to this subject.

Mr. Randolph stated that as per the ordinance, ARCOM is required to grant a demolition permit if the property is not a landmark or "under consideration" for landmarking. Approval of a demolition cannot be withheld. ARCOM's recent action to defer consideration of demolition approval related to B-008-2014 for 225 Indian Road was overturned by the Town Council on appeal, thus allowing the demolition. ARCOM may, however, impose conditions relative to the demolition in an effort to protect the neighbors. He noted that a previous Architectural Commission had raised similar concerns with regard to demolitions. At that time, Mr. Randolph had proposed an ordinance, which was reviewed by the Town Council, that contained provisions which allowed for a delay in approving a demolition in the event that the Landmarks Preservation Commission (LPC) felt the property was worth landmark study. If then, the LPC placed the property "under consideration" for landmarking, ARCOM would have been able to withhold demolition approval. The Town Council, at that time, did not approve that language, and instead encouraged the LPC to place all properties "under consideration" which are appropriate for that status, as they felt that applicants should not be held up or delayed because their property was under study. Mr. Randolph's comments inspired more comments and questions from the commission members.

VIII. PROJECT REVIEW (09:14:25 a.m.)

A. MAJOR PROJECTS-OLD BUSINESS (09:14:28 a.m.)

B - 005 - 2014 Demolition and New Residence

Address: 1269 N. Lake Way

Applicant: PB Housing Investment II, LLC

Architect: Roger P. Janssen, Dailey Janssen Architects

Project Description: Demolition of an existing one-story residence and the construction of a new two-story residence with pool, landscape and hardscape Building and Trim Color - White; Roof-Terra Cotta; Shutters-Black

At the January meeting, a motion carried for approval of the demolition with the typical caveats for sodding and irrigating. A second motion carried for approval of the architecture, as presented, with the hip roof as shown on the alternate design. A third motion carried for deferral of the landscaping to the February meeting.

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

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

Mr. Meroney stated that the design team has met with the neighbors to the east and north since the last meeting. He presented the revised plans in accordance with the submitted plans. At the north property line, there was an issue with the driveway. The revised plans show an imposed corner clip, a modified wall, and changes to the hedge resulting in no visibility problems on this site. As for the privacy issue, a 6 ft. CBS property wall was added between the two properties, along with continuous landscaping at that property line, including the addition of 3 palms. At the request of the neighbor, a 4th palm will be added. Formerly, the east property line was lined with Arcas. This was re-studied, and Travelers Palms will be used instead. On the east elevation, another Coconut Palm may be added to screen the second story windows.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED WITH THE ADDITION OF A COUPLE OF PALMS ON THE EAST SIDE.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

B - 006 - 2014 New Residence

Address: 6 Ocean Lane

Applicant: Mark Pulte, Mark Timothy Luxury Homes

Architect: Benjamin Schreier, Affiniti Architects

Project Description: New two-story home and one-story guest house totaling 12,988 sq. ft. and associated landscaping and swimming pools Building Colors-White, Stone and Brown; Trim-Brown; Roof-flat concrete tiles

At the January meeting, after hearing the project, motions carried for deferral of the architecture and the landscaping.

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

ARCHITECTURAL PRESENTATION BY: Benjamin Schreier, Affiniti Architects

LANDSCAPE PRESENTATION BY: Joe Peterson
ATTORNEY PRESENT: Maura Ziska, for the applicant

Mr. Schreier presented the revised plans in accordance with the submitted plans. It should be noted that a model was brought to the meeting. Mr. Schreier stated that the plans have been revised in response to the comments made at the last meeting. Some changes include: Added insets to structure; lowered parapet; added concrete awnings covered in wood at the second story; lowered the pergola by 3 feet; ceramic tile simulating wood abandoned in favor of natural wood; revised window pattern on south elevation; and, addition of two windows on north elevation. (It should be noted that Mr. Schreier attempted to show the animation he had prepared, but technical difficulties prevented its full presentation.)

Under commission comments: The animation indicates the thickness of the stone...treated like wallpaper; why laminate concrete with wood?; we are to consider this proposed house in relationship to its neighbors...this tells us nothing about the context of the neighborhood and how this fits into the context; still have trouble with the house...awnings are heavy and are major disturbances...not enough movement in the design; looks too commercial; thank you for making the revisions you have made, but the materials look flimsy; we want to encourage Contemporary architecture; generally concerned about how the materials are being used; questioning wood over concrete; question an aluminum trellis; natural materials are better; but, improved since last month.

MOTION BY MR. IVES TO DEFER FOR RESTUDY OF THE AWNINGS, THE MATERIALS USED, AND THE COMMERCIAL VS. RESIDENTIAL FEEL OF THE BUILDING.

MOTION SECONDED BY MR. HOMES.

(THERE WAS NO VOTE AT THIS TIME BECAUSE THE COMMISSION ELECTED TO HEAR THE LANDSCAPING.)

Mr. Peterson presented the landscape/hardscape in accordance with the submitted plans. Design elements include: Date Palms to delineate the entryway; use of Clusia hedge and Coconut Palms along front; outdoor seating area in front of house; large Seagrapes to screen from the roadway; emphasis on privacy for the lot; east elevation – open with grass and staggered height Coconut Palms; south property line – Seagrapes and Cabbage Palms; west elevation – Seagrapes, Coconut Palms and Foxtail Palms; and pool and fountain.

Under commission comments: Recommend that landscape plan be deferred as well, until architecture is approved; and, question related to fire pit.

Ms. Ziska asked that Mr. Schreier be permitted to continue with additional comments. He stated that he had conferred with his client and they have elected to abandon the concept of concrete awnings in favor of wood awnings at the second floor, or the awnings could be removed altogether. In addition, they have agreed to change the metal pergola to wood.

MOTION CLARIFIED BY MR. IVES TO ADD DEFERRAL OF THE LANDSCAPE AND HARDSCAPE AS WELL.

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

Ms. Ziska asked for more direction from the commission. There was a request to see the proposed home in relationship to the rest of the streetscape, and from the water, and a comment

that the architecture does not “add” to the neighborhood and is too commercial. Chairman Vila recommended that the architect contact the members individually for feedback and assistance.

B - 007 - 2014 Demolition and New Residence

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 219 Indian Road

Applicant: 219 Indian Road, LLC

Architect: Roger Janssen, Dailey Janssen Architects

Project Description: Demolition of existing residence; Construction of new 11,447 sq. ft. two-story residence with pool, hardscape and landscape Building and Trim Color-White; Roof-Red Cement Tile

At the January meeting, a motion carried for approval of the demolition. A second motion carried for deferral of the project (architecture). A third motion carried for deferral of the variance request to the February meeting.

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

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Daily Janssen Architects

LANDSCAPE PRESENTATION BY: Chuck Yannette, Parker-Yannette Design Group

ATTORNEY PRESENT: Maura Ziska, Attorney for the applicant

OTHERS WHO TESTIFIED: Anita Pollak, 1610 North Ocean Boulevard, and James Zahringer, 215 Indian Road

Mr. Janssen presented the revised plans in accordance with the submitted plans. The plans have been revised in response to the Commission’s comments at the January meeting. Changes include: Massing changes resulting in elimination of variance requests; lowered overall height by 2 feet; eliminated many of the gable ends in favor of hip roofs; changed the orientation of the house so the smaller portion of the house is on the east side with a larger setback; reduced roof pitch; reduced the building height of the main house; eliminated entry pavilion in favor of entry gate and wall; reduced window head heights; eliminated and/or changed some windows; added cast stone surrounds to windows; and, reduced muntins patterns in the glazing.

Mr. Yannette likewise presented revised plans in accordance with the submitted plans. Changes include: Assorted changes due to re-orientation of house; moved Coconuts out of easement; Ficus hedge will be left in place and will be infilled as needed; add Clusia to the north end; and, rear shows large scattered Coconut Palms for a tropical feeling.

Anita Pollak stated that she is the neighbor next door to this house. She presented a photo to represent the panoramic view which she currently enjoys from her property. She was very concerned with the maintenance of that view, with the proposed height of the west hedge; with whether they will be doing seawall construction; whether there are any issues with hazardous material when they demolish the existing house formerly occupied by a photographer; and, whether this is an archaeological site. She also commented relative to the size of the house...that this will be the largest house in the neighborhood. Chairman Vila and Attorney Maura Ziska responded to Ms. Pollak’s concerns. Mr. Yannette responded that as for the hedge, they would agree to match the existing lower landscaping.

Under commission comments: Project improved exponentially...incredibly improved...it has consistency of scale...hip roofs eliminate the former problem of two gables of two widths right

next to each other...lowering it shows good neighborliness; windows good now; issue with front door motif; issue with bed mould – re-study; a lot of hardscape; gates could be more narrow and more vertical; like it...thank you for considering the neighbor's view...very interested to see what will happen next door as they need to fit together...it will have a major impact on Indian Road; appreciate that you offered to lower the hedge for the neighbor's view; north side plants are not highly salt tolerant; how about a 12 ft. driveway instead of 14 ft.?; make driveway look more pervious or break it up somehow.

Mr. Zahringer stated that historically, for the past 10 years, the hedges between the properties have been maintained at a height of 12 feet, but now they are much higher. He asked that they be restored to the lower height, and appreciated what the Frisbies have done with the project.

Mr. Page read a letter into the record from William and Anne Metzger, 277 Esplanade Way, listing their concerns about the size and mass of the proposed Indian Road houses which they feel would negatively impact the neighborhood.

Chairman Vila applauded the project as a good solution for most people. He noted that zoning allows construction in the town and sets the parameters for that construction. He felt this was a very good compromise and commended the design team.

MOTION BY MR. HOMES TO DEFER THIS UNTIL WE SEE THE HOUSE AT 225 AND SEE HOW THIS RELATES.

MOTION SECONDED BY MR. GRUSS.

Mr. Randolph: "I find it difficult to support a motion to defer on the basis of what might appear in the future. It seems to me your charge is to look at the adjoining neighborhood and the adjoining properties to make a determination as to whether it fits in with the neighborhood, or whether it is essentially similar, or essentially dissimilar to properties within 200 feet, and whether or not the materials are in keeping with the code."

Mr. Homes took exception to that opinion, and asked for a vote on the motion.

MOTION FAILED 3-4, WITH MRS. VANNECK, MR. SAMMONS, MR. IVES AND MR. VILA OPPOSED.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED WITH THOSE CHANGES TO THE HARDSCAPE AND THE VIEW AND THE DRIVEWAY GATE, AND THE PERMEABILITY OF SOME OF THE DRIVEWAY PAVING.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED 4-3, WITH MR. HOMES, MR. KNOWLES AND MR. GRUSS OPPOSED.

Let the record show that there was a short recess from 10:40 a.m. to 10:52 a.m.

[B - 008 - 2014 Demolition and New Residence](#)

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 225 Indian Road

Applicant: 225 Indian Road, LLC

Architect: Roger P. Janssen, Dailey Janssen Architects

Project Description: Demolition of existing residence; Construction of new 12,106 sq. ft. two-story residence with pool, hardscape and landscape

The applicant had requested approval of only the demolition at the January meeting, and requested a deferral of the remainder of the project to the February meeting. Ultimately, at the January meeting, a motion failed relative to the demolition. A second motion carried to defer the entire project, including demolition, to the February meeting.

Please be advised that the applicant has requested deferral to the March meeting.

**MOTION BY MRS. VANNECK TO DEFER B-008-2014 TO THE MARCH MEETING.
MOTION SECONDED BY MR. IVES.
MOTION CARRIED UNANIMOUSLY.**

B. [MAJOR PROJECTS-NEW BUSINESS](#) (10:42:47 a.m.)

[B - 009 -2014 New Residence](#)

Address: 167 Seagate Road

Applicant: Mads Thomsen

Architect: Scott Hughes, Hughes Umbanhowar Architects

Project Description: New single family homes, landscape design, hardscape design (preliminary); Roof-White PVC Membrane; Building Color-White

Please be advised that staff has determined that deferral of this project to the March meeting is required.

**MOTION BY MRS. VANNECK TO DEFER B-009-2014 TO THE MARCH MEETING.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.**

[B - 010 - 2014 Additions & Alterations](#)

Address: 271 Southland Road

Applicant: William Yahn

Architect: Saladrigas & Cohen Architecture Inc.

Project Description: Additions and alterations to existing 1950's residence modified to Bermuda style including hardscape, landscape and associated changes

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

ARCHITECTURAL PRESENTATION BY: Rafael Saladrigas, Saladrigas & Cohen Architecture

LANDSCAPE PRESENTATION BY: Rafael Saladrigas, Saladrigas & Cohen Architecture

OTHERS WHO TESTIFIED: William Yahn, Property Owner

Mr. Saladrigas presented the project in accordance with the submitted plans and as described above. Design elements include: 331 sq. ft. net additional square footage; flat roof area of 1984

addition removed and replaced with roof and room with 8/12 pitch; add buttry for dining room; add covered front entry with Flemish gable; master bedroom/bathroom addition; extend site wall; rework driveway; pathway gate to front entry; rework curb cut for garage; reorient the house to the west where a new pool will be placed; fenestration changes, change garage doors to paneled doors with louvers; and, add waterfall fountain. It should be noted that the presentation was supplemented by many photos establishing precedence and many design details. Mr. Saladrigas continued with the landscape/hardscape plans which are designed to provide privacy for this property owner and the neighbors. The simple landscape plan includes various hedges, Foxtail Palms, Coconut Palms, a grove of Alexander Palms, and other landscape material as described. The hardscape material is Dominican Coral used in various ways.

Under commission comments: Great detail; excellent presentation; charming job; great presentation with precedent and details...refreshing to see amount of thought put into this; exciting to see this house step up to the plate on this important corner lot; some concern about paint color (bright melon with dark blue shutters); landscape material on North Lake Way is skimpy; since all this work is being done to the house, the landscape should be of equal quality; possibly defer the landscape for upgrading; nice that the landscape will not hide the house.

Mr. Yahn testified to assure the commission that the property will be landscaped much nicer, nicer even than shown.

MOTION BY MR. SAMMONS TO ENTHUSIASTICALLY APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MR. GRUSS.

MOTION CARRIED UNANIMOUSLY.

[B - 011 - 2014 New Residence](#)

Address: 50 Blossom Way

Applicant: PBH LLC

Architect: Smith Architectural Group Inc.

Project Description: New one-story residence with pools, final landscape and hardscape. Roof-wood shake; Building-Coquina; Trim-Cypress; Shutters-Weathered Wood

Please be advised that the applicant has submitted correspondence requesting that the project be withdrawn.

MOTION BY MR. IVES TO WITHDRAW THE PROJECT.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

[B - 012 - 2014 Demolition](#)

Address: 167 Everglade Avenue

Applicant: Christopher and Susan Pappas

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

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

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

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff

Mr. Kirchhoff provided the demolition report for the existing 1928 two-story residence. Upon inquiry about the landscape at the site, Mr. Kirchhoff replied that Ficus will be retained on the two sides, but all other landscaping will be removed.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL CAVEATS FOR SODDING AND IRRIGATING WITHIN 30 DAYS.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

B - 013 - 2014 New Residence

Address: 240 Angler Avenue

Applicant: Palm Beach Angler 240 LLC

Architect: Affiniti Architects, Benjamin Schreier

Project Description: New two-story residence and final hardscape and landscape design. Roof-White flat concrete tile; Building-Yellow; Trim-White

Call for disclosure of ex parte communication: Disclosures by Mr. Sammons and Mr. Homes

ARCHITECTURAL PRESENTATION BY: Benjamin Schreier, Affiniti Architects
LANDSCAPE PRESENTATION BY: Steve Parker, Parker-Yannette Design Group

Mr. Schreier presented the project in accordance with the submitted plans for a new two-story home, 4128 sq. ft. under air, on a vacant lot. Design elements include: Two-car front-loading garage on west side of house; two-tone yellow exterior paint color, darker on first floor and lighter at second story; and, white concrete tile roof.

Under commission comments: Issue with pitch of garage roof vs. pitch of house roof...re-study garage roof pitch; this needs re-study...roof pitch should be consistent, garage should not be accented by the roof pitch, lack of proportional study, span of covered loggia is too great...it is not of the right quality yet and needs careful re-study; side-loading garage is preferred; a lot of detail issues; the way you divided the house with the belt course is not working; and, so many details do not work.

MOTION BY MR. SAMMONS TO DEFER (TO MARCH) FOR RE-STUDY.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

Mr. Schreier asked for more direction. The response: the verticality of the house; the massing; the inconsistency in the roof pitches; and the details.

Mr. Parker presented the landscape/hardscape plan in accordance with the submitted plans. Design elements include: Old Chicago brick driveway; low garden wall; entry piers; brick entryway; walkway; rear patio, pool, and spa; rear seating area and summer kitchen; small fountain off bedroom; Podocarpus hedge; Coconut Palms; Bougainvillea for color; Areca Palms in the rear; Ficus hedge.

Under commission comments: Request that Areca Palms in back be changed out for something more friendly to the neighbors; decrease the width of the driveway to 12 ft. instead of 14 ft.; hardscape in rear is excessive...make it softer and more permeable; Bougainvillea needs the sun,

so re-study due to proposed location; why Ficus on the west side?; Alexander Palms on the west side are insufficient and “too military”...needs motion; re-study...variety and movement needed.

MOTION BY MR. SAMMONS TO DEFER (TO MARCH) FOR RE-STUDY.

MOTION HAD BEEN SECONDED BY MRS. VANNECK.

MOTION SECONDED AGAIN BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY AGAIN.

B - 014 - 2014 Exterior Renovation

Address: 2730 S. Ocean Boulevard

Applicant: Ambassador Hotel Co-op Apartments Inc.

Architect: David Miller & Associates, P.A.

Project Description: This project includes the exterior renovation of the existing west building including new roof and parapet walls, railing replacement, window replacement, door replacement, mechanical equipment relocation, and associated modifications

Please be advised that the applicant has requested deferral to the March meeting.

MOTION BY MRS. VANNECK TO DEFER B-014-2014 TO THE MARCH MEETING.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

B - 015 - 2014 Demolition

Address: 266 Fairview Road

Applicant: William and Judith Cooley

Architect: Jeffrey Ray/David Hustad

Project Description: Demolition of existing structure at 266 Fairview Road

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

ARCHITECTURAL PRESENTATION BY: Jeffery Ray, Atelier d'Architecture

OWNER PRESENT: William Cooley

Mr. Ray provided the demolition report for this 1958 one-story residence designed by Ames Bennett.

MOTION BY MR. HOMES FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL CAVEATS AS TO NOXIOUS WEEDS, PLANTS, SODDING, IRRIGATION, AND “PLAY NICE.”

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B - 016 - 2014 Storefront Renovations

Address: 204 Worth Avenue

Applicant: Valentino - Carmine Pappagallo

Architect: Tricarico Architecture

Project Description: Tenant improvement of an existing retail space in a one story building. The project includes: Reconfiguration of storefront doors and glass, installation of new exterior stone, installation of new signage, integration of new roll-down hidden hurricane shutter system, and removal of existing awning.

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

ARCHITECTURAL PRESENTATION BY: Jesse De Rosa, Tricarico Architecture

Mr. De Rosa presented the project in accordance with the submitted plans and as described above. He explained that all of the Valentino stores will be re-vamped throughout the country. The project includes: Remove and replace existing signage; remove existing awning; and increase height and configuration of storefront. The existing black sign will be removed and replaced with a brass sign. Window signage will be done in applied white vinyl. The storefront material will be black granite with new taller doors.

Under commission comments: I like the old store better; recommend that you maintain the awning; it doesn't feel Mediterranean Revival or Palm Beach; need details on the shutter track system; the facade, as it exists, is better; the next door neighbor has a black surround, so now there will be two in a row; needs more deference to the Palm Beach location; black in Palm Beach gets very hot; this doesn't make it any better...it is branding on an architectural scale; did you consider hurricane proof glass?; you are not considering your customers when you take away an awning in Palm Beach; brass on the oceanfront will require a lot of maintenance; as for the black, this is Worth Avenue, with a Mediterranean style...we don't want two black eyes next to each other...this should be one of those stores that stands apart; what you have is better than what you are offering us; we must treat all applicants evenly...this meets the standard for Worth Avenue, but there are reservations about the hurricane protection; the amount of marble being used is minimal so the black marble is not objectionable; and, removing the awning is a mistake.

MOTION BY MR. HOMES TO DEFER FOR RE-STUDY.
MOTION SECONDED BY MRS. VANNECK.

Mr. Randolph stated that he felt compelled to comment. He asked the members to refer to the criteria of the ordinance which should be considered when making motions for approval, disapproval or deferral.

Under commission comments: On Worth Avenue, an exclusive shopping street, "branding" is not appropriate; this is not an improvement over the existing condition; it does not fit in the architectural context of Worth Avenue; its proximity to something that is almost exactly alike is the issue; when you take something away from the public, like an awning, passersby are being negatively affected; deferral is appropriate; detailing on the hurricane protection is lacking; Palm Beach is lucky to have Valentino on its main shopping street; we should encourage luxury retail; the look of the shutter is the issue, and for that reason, it should be deferred; the proximity to the other black store is an issue; too much black will be detrimental; an awning will affect the signage location, so deferral is needed; and, an awning will protect your merchandise.

MOTION CARRIED 5-2, WITH MR. VILA AND MR. IVES OPPOSED.

B - 017 - 2014 Fence

Address: 760 North Ocean Boulevard

Applicant: Palm Beach Country Club

Contractor: Bulldog Fence Co.

Project Description: Install a 6 ft. black chain link fence along the north property line to be 1,787 linear feet. Fence will be or is currently screened by landscaping.

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

ARCHITECTURAL PRESENTATION BY: Maura Ziska, Attorney for the applicant
OTHERS WHO TESTIFIED: Robert Fromer, Palm Beach Country Club Board Member and resident at 340 Polmer Park Rd., Bruce McAllister, 224 Bahama Lane, Dr. Steven Chang, 216 Bahama Lane

Ms. Ziska testified that two years ago, the Club proposed a chainlink fence for security around the entire property, 1000 ft. of which would have been placed along the north boundary. At that time, the neighbors on Bahama Lane objected to the northern boundary fence, so that portion of the fence was withdrawn. Since that time, there have been several trespassing incidents onto the Club property, the most recent of which was that the agent of one of the property owners cut down 30 mature trees, yielding damages of approximately \$ 300,000, resulting in legal action. There have been trespassing incidents involving lighting, irrigation, newly created paths, etc. on the Club's property. The Club feels that its only protection is to install a fence at a height of 6 feet, inset 2.5 feet from the property line, outside of the easement. The fence will be screened on both sides by landscaping, so it will not be visible as a black chainlink fence. Ms. Ziska maintained that there is no way to protect the Club's property unless there is a fence in place.

Mr. Fromer testified to the existing conditions on the Club's property and on the Bahama Lane properties adjacent to the Club's property as to landscaping, walls, and fences.

Bruce McAllister, 224 Bahama Lane, stressed the friendly relationship which is maintained when there is no fence, as is the condition between other Town golf courses and neighboring residential properties. He maintained that the removal of the trees was an unfortunate accident, for which the Bahama Lane residents are innocent. He stated that the Bahama Lane owners are seeking harmony and wish to be good neighbors. He requested that the project be withdrawn or denied. He showed an historical aerial photograph of the Bahama Lane properties and the Club property indicating previous openings in the landscape.

Mr. Fromer elaborated on 4 trespassing incidents which have occurred since 2011.

Dr. Steven Chang, 216 Bahama Lane, though sorry to hear about the unfortunate incident, felt that building a fence is a "shotgun" approach. He agreed with the comments of Mr. McAllister, and commented that the fence is redundant and unnecessary. Dr. Chang maintained that he wants to be a good neighbor, but he doesn't want to stare at an unsightly fence. He presented a series of photos illustrating the current conditions.

Chairman Vila asked about the Club's liability issues due to the amount of water features on the property, and escaping swans and snapping turtles. Ms. Ziska acknowledged that liability is a factor.

Mr. McAllister added that this should not be before ARCOM, recommending that this be handled between neighbors. He invited members of the Club to his property to envision what a 6 ft. fence would look like from his patio.

MOTION BY MRS. VANNECK: I THINK THAT WE HAVE PRECEDENCE ON EVERGLADES ISLAND, THAT THE EVERGLADES CLUB HAS A 4 FT. FENCE, AND I WOULD LIKE TO MAKE A MOTION THAT WE DENY A 6 FT. FENCE, BUT

INSTALL A 4 FT. FENCE, THAT WOULD GIVE THEM THE RELIEF FROM THE LIABILITY AND IT WOULD NOT VISUALLY AFFECT THE NEIGHBORS TO THE EXTENT THAT A 6 FT. FENCE WOULD, AND THAT IT BE SCREENED WITH PLANTING TO THE NEIGHBORS.
MOTION SECONDED BY MR. HOMES.

During discussion, the issue of right to a view came up. Mr. Randolph stated that no one has the right to a view across someone else's property.

Mr. Fromer showed a photo from 2010 which showed a full landscape buffer between the Bahama Road properties and the Club property, some of which was later altered by trespassers. The applicant made it clear that they want a 6 ft. fence, pursuant to the application filed.

MOTION FAILED 3-4, WITH MR. KNOWLES, MR. GRUSS, MR. IVES AND MR. VILA OPPOSED.

MOTION BY MR. GRUSS FOR APPROVAL AS PRESENTED (6 FT. FENCE).

MOTION SECONDED BY MR. IVES.

MOTION CARRIED 4-3, WITH MRS. VANNECK, MR. HOMES AND MR. SAMMONS OPPOSED.

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

D. **MINOR PROJECTS - NEW BUSINESS** (12:39:33 a.m.)

A - 006 - 2014 Modifications/Landscape and Hardscape

Address: 125 Wells Road

Applicant: Mr. & Mrs. Stephen Weiner

Architect: MP Design & Architecture Inc.

Project Description: Changes to existing South elevation and new landscape and hardscape

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

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture, Inc.

LANDSCAPE PRESENTATION BY: Mario Nievera

Mr. Perry presented the project in accordance with the submitted plans and as described above. He explained that the project will attempt to restore the front facade to its original condition and add some more detail. Design elements include: Change windows to French doors with transoms and Juliette balconies and black wrought iron railings; add portal window on the gable end; add two second floor dormer windows on east elevation; and, change garage doors to appear as two doors.

Mr. Nievera likewise presented the landscape/hardscape in accordance with the submitted plans. Design elements include: Maintain existing driveway (grass and paver) , but decrease the size a bit; add a parking area; four equal beds of plant material in the front; Confederate Jasmine covering the walls around the new French doors; remove existing front hedge so the entire facade is visible; Bamboo at the north end; and, other associated landscape material as presented.

Under commission comments: Attic space being turned into a gym?; love it except for use of Bamboo; why use Bamboo on such a formal house?; would prefer you bring the oaks across.

Mr. Nievera defended his choice for the Bamboo.

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

[A - 007 - 2014 Storefront modification](#)

Address: 125 Worth Avenue

Applicant: CP 125 Worth Ave LLC

Architect: Keith Spina, Glidden Spina & Partners

Project Description: Remove portion of existing glass storefront system and replace with a new door and storefront system. Add tenant signage.

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

ARCHITECTURAL PRESENTATION BY: Danny Brown, Glidden Spina & Partners

Mr. Brown presented the project in accordance with the submitted plans and as described above for a new storefront door and side lite, and signage placed over the entry element. All details and colors are to match the adjacent tenant space, except for the text of the signage.

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

[A - 008 - 2014 Site modifications](#)

Address: 1214 N. Ocean Boulevard

Applicant: David and Sarah Fiszal

Architect: Nievera Williams

Project Description: Adding new site walls, garden gates and modified driveway entrance

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

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Williams presented the project in accordance with the submitted plans and as described above. He explained that they have modified an originally proposed curb cut on North Ocean Boulevard. The applicant proposes to: Remove that curb cut and move it to Mockingbird Trail; incorporate a low 3 ft. site wall along North Ocean Boulevard; add site walls on the west and south sides; and, add Epay louvered garden gates. Landscaping will remain as originally proposed.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE) (12:56:06 a.m.) None

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (12:56:09 a.m.)

Chairman Vila thanked Attorney Randolph for his advice to the Commission at today's meeting. Mr. Vila asked that members be provided with the ordinance criteria for reference at each meeting.

Mr. Ives commented that there have been a couple of instances where dormer windows are being inserted into roofs to facilitate usable space over garages. This issue has been taken up by the Planning and Zoning Commission and will be discussed at an upcoming Town Council meeting.

Mr. Page described the new administrative policy with regard to e-mails being sent and received by commission members related to commission business. Members were provided with a copy of the new administrative procedure.

XI. ADJOURNMENT:

MOTION BY MR. HOMES TO ADJOURN THE MEETING AT 1:10 P.M.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, March 26, 2014 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

cmd

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 34-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving an Agreement with the Palm Beach County Property Appraiser and an Agreement with the Tax Collector of Palm Beach County for Services and Costs Associated with the Non-Ad Valorem Assessments to Be Implemented for the Peruvian Avenue 400 Block Streetscape Project Assessment Area and Authorizing the Mayor to Execute the Agreements on Behalf of the Town.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- [Memorandum dated February 28, 2014, from Thomas G. Bradford, Deputy Town Manager](#)
- [Resolution No. 34-2014](#)
- [Agreement with Property Appraiser Ex A](#)
- [Agreement with Tax Collector Ex B](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Peruvian Avenue 400 Block Streetscape Project - Resolution Authorizing an Agreement with the Palm Beach County Property Appraiser and an Agreement with the Palm Beach County Tax Collector for Special Non-Ad Valorem Assessments.
Resolution No. 34-2014

Date: February 28, 2014

STAFF RECOMMENDATION

In regard to the Peruvian Avenue 400 Block Streetscape Project, staff recommends the Town Council adopt Resolution No. 34-2014 authorizing the Mayor to execute an Agreement with the Palm Beach County Property Appraiser and an Agreement with the Tax Collector of Palm Beach County memorializing services and costs to be paid in conjunction with implementing and collecting the proposed special non-ad valorem assessments for the project. This is a standard agreement in use countywide and previously approved by the Town for use with other Town non-ad valorem assessment projects.

GENERAL INFORMATION

The Peruvian Avenue 400 Block Streetscape Project was completed by January 31, as promised. The non-ad valorem assessment process that causes special assessments implemented by the Town to appear on a property owner's property tax bill more or less dovetails with the statewide budget and millage rate adoption schedule. Therefore, the Initial Assessment resolution for the Peruvian Avenue 400 Block Streetscape Project Assessment Area will be considered by the Town Council at the regular monthly Town Council meeting in July.

In order to place assessments on the property tax bill, which virtually assures that the Town will receive payment, a number of steps are required to be taken in coordination with the Property Appraiser, Tax Collector, and Palm Beach County's Department of Information Systems Services (ISS). Each constitutional officer charges a fee for the work they undertake on the Town's behalf that is 1% of the value of the assessments. Using this method of billing enables the Town to avoid incurring personnel and other expenses associated with billing for annual assessments to property owners were the Town to bill the improvement beneficiaries directly. The fees charged by the Property Appraiser and Tax Collector are passed on to each property owner being assessed.

FUNDING/FISCAL IMPACT

All direct costs borne by the Town to accomplish this project will be paid for by the properties benefitting from the proposed project improvements.

TOWN ATTORNEY REVIEW

Town Attorney John Randolph has approved Resolution No. 34-2014 and the attached agreements for legal form and sufficiency.

Attachment

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance
Heather Encinosa, Esq. Nabors, Giblin

N:\Town Manager\ TGB\2014\Agenda Items\ Backup Memo for Peruvian Avenue 400 Block Streetscape Project; Res. No. XX-2014 031114 TCM

RESOLUTION NO. 34-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA APPROVING AN AGREEMENT WITH THE PALM BEACH COUNTY PROPERTY APPRAISER AND AN AGREEMENT WITH THE TAX COLLECTOR OF PALM BEACH COUNTY FOR SERVICES AND COSTS ASSOCIATED WITH THE NON-AD VALOREM ASSESSMENTS TO BE IMPLEMENTED FOR THE PERUVIAN AVENUE 400 BLOCK STREETSCAPE PROJECT ASSESSMENT AREA AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS ON BEHALF OF THE TOWN.

WHEREAS, the Town of Palm Beach, Florida (the "Town") has taken the necessary legal steps to implement a non-ad valorem assessment for the provision of certain capital improvements and related services within the Peruvian Avenue 400 Block Streetscape Project Assessment Area; and

WHEREAS, the Town intends to use the uniform method for levying, collecting, and enforcing non-ad valorem special assessments for the cost of certain local improvements and related services provided within the Peruvian Avenue 400 Block Streetscape Project Assessment Area, including, but not limited to, landscaping, lighting, signage, irrigation, and other beautification improvements, utility improvements, roadway improvements, and pedestrian access improvements and related improvements (collectively referred to as the "Peruvian Avenue 400 Block Streetscape Project Local Improvements"), as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such non-ad valorem assessments to be collected annually commencing in November 2014, in the same manner as provided for ad valorem taxes; and

WHEREAS, in order to effectuate the intended non-ad valorem assessments the Town must enter into various agreements with the Palm Beach County Property Appraiser and Tax Collector for the provision of related services and the payment of costs associated therewith.

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 Agreement between Gary R. Nikolits, as Palm Beach County Property Appraiser and the Town, attached hereto as Exhibit A, and the Agreement with Anne M. Gannon, as Tax Collector for Palm Beach County and the Town, attached hereto as Exhibit B and incorporated by reference as a part of this resolution, are hereby approved and the Mayor is authorized to execute the same on behalf of the Town.

Section 3. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of March 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

AGREEMENT

THIS AGREEMENT made and entered into this 9th day of January, 2014, by and between Gary R. Nikolits, as Palm Beach County Property Appraiser (the "Appraiser"), and the Town of Palm Beach – Peruvian Streetscape Project NAV, hereinafter "Local Government",

WHEREAS, Local Government has elected under Section 197.363(1), Florida Statutes, for the collection of its non-ad valorem assessments pursuant to the uniform method for the levy, collection and enforcement of non-ad valorem assessments as provided for in Section 197.3632, Florida Statutes, and Local Government's adoption of **Resolution 210-2013**; and

WHEREAS, the Appraiser and Local Government are required to enter into an agreement pursuant to Section 197.3632(2), Florida Statutes, for the Appraiser to provide the Local Government with the information outlined in Section 197.3632(3)(b), Florida Statutes; and

WHEREAS, Chapter 92-264, Laws of Florida was enacted to provide that non-ad valorem assessments be set forth in the Notice of Proposed Property Taxes for Palm Beach County;

NOW, THEREFORE, in consideration of the following covenants, conditions and promises the parties agree as follows:

1. The above representations are true and correct.
2. The Appraiser is entering into this Agreement without any determination that Local Government is qualified to collect its non-ad valorem assessments by the uniform method, and to the extent permitted by law, Local Government will indemnify and hold the Appraiser harmless from any challenge thereto, subject to the provisions of Florida Statute 768.28 relating to sovereign immunity.
3. The Appraiser will provide to Local Government the information described in Section 197.3632(3)(b), Florida Statutes, in compatible electronic medium by June 1, 2014.
4. Local Government in levying and collecting non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, will provide to the Appraiser the assessment rate expressed in dollars and cents per unit of assessment, the associated assessment amount and the purpose of the assessment, extended against each parcel within the boundaries of Local Government in compatible electronic medium prior to July 28, 2014. Should the above date fall upon a Holiday, Saturday or Sunday the Local Government will agree to provide to the Appraiser by the last business day prior to the Holiday, Saturday or Sunday.
5. The Appraiser will utilize the information provided by the Local Government pursuant to paragraph 4 herein in preparing the Notice of Proposed Property Taxes pursuant to Section 200.069, Florida Statutes, and, in addition to the information required in the Notice required by Section 200.069, Florida Statutes, the Appraiser shall include the non-ad valorem assessment levied pursuant to Section 197.3632, Florida Statutes, as separate, itemized entries.
6. Additionally, the Appraiser agrees to make available to Local Government an additional list of the information described in Section 197.3632(3)(b), Florida Statutes, shortly before the September 12, 2014 certification date for Local Government to reflect the changes to the assessment roll between said date and June 1, 2014.
7. In return for the providing of the information as outlined in Paragraphs 3 and 6, Local Government agrees to reimburse the Appraiser, in accordance with Section 197.3632(2), Florida Statutes, for the necessary administrative costs, as described in exhibit 'A', incurred in providing the information.
8. This agreement shall automatically be extended hereafter, from year to year, unless and until terminated by either of the parties. This Agreement may be terminated at any time by the Local Government upon written notice to the Appraiser and payment for all services provided under this Agreement through the date of termination. This Agreement may be terminated at any time by the Appraiser upon written notice to the Local Government; however, notice given by the Appraiser after January 1 and prior to October 1, shall be effective only following completion of certification of that year's non-ad valorem tax roll. Upon cancellation of the Agreement by the Appraiser, the Local Government shall reimburse all outstanding bills to the Appraiser within a reasonable time.

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this Agreement on the date first written above.

Local Government

By: _____

Gary R. Nikolits, as Palm Beach
County Property Appraiser

Attest: _____

ASSIGNMENT OF COMPUTER DATA

THIS AGREEMENT made and entered into this 9th day of January, 2014, by and between Palm Beach County Information System Services, hereinafter "ISS", and the Town of Palm Beach – Peruvian Streetscape Project NAV, hereinafter "Local Government", and Gary R. Nikolits, as Palm Beach County Property Appraiser, hereinafter the "Appraiser",

WHEREAS, Local Government has entered into a contract with the Appraiser to receive the list of properties in Local Government's jurisdiction by compatible electronic medium pursuant to the provisions of Section 197.3632 (3)(b), Florida Statutes; and

WHEREAS, Local Government has entered into a contract with ISS to take said compatible electronic medium and provide the computer services necessary for Local Government both (a) to provide the non-ad valorem assessments for the Notice of Proposed Property Taxes on compatible electronic medium to the Property Appraiser and (b) to certify the non-ad valorem assessment roll on compatible electronic medium to the Tax Collector; and

WHEREAS, Local Government, in order to expedite the services to be performed by ISS, wishes the Appraiser to deliver its property information in compatible electronic medium directly to ISS, and the Appraiser has agreed to do so and ISS has agreed to accept such;

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. The above representations are true and correct.
2. Local Government hereby assigns to ISS the property information in compatible electronic medium it is to receive from the Appraiser pursuant to the provisions of Section 197.3632 (3)(b), Florida Statutes.
3. The Appraiser agrees to deliver said property information on compatible electronic medium directly to ISS.
4. ISS hereby agrees to accept said property information in compatible electronic medium on behalf of Local Government for use in providing the computer services necessary for Local Government both (a) to provide the non-ad valorem assessments for the Notice of Proposed Property Taxes on compatible electronic medium to the Property Appraiser and (b) to certify the non-ad valorem assessment roll on compatible electronic medium to the Tax Collector.
5. Local Government agrees to provide final approval to ISS no later than July 28th for the Notice of Proposed Property Taxes and September 12th for the Actual Property Taxes. Should the above date fall upon a Holiday, Saturday or Sunday the Local Government will agree to provide ISS final approval by the last business day prior to the Holiday, Saturday or Sunday. If the approval is not received by ISS by 5:00 p.m. on the appropriate date, the Local Government agrees that it will have to take the necessary actions at its sole expense, to notify its non-ad valorem parcel owners of the Notice of Proposed Property Taxes and/or Actual Property Taxes for that year.
6. This agreement shall be automatically extended hereafter, from year to year, unless and until terminated by either of the parties. This agreement may be terminated at any time by the Local Government upon written notice to the Appraiser or by the Appraiser upon written notice to the Local Government; however, notice given by the Appraiser after January 1 and prior to October 1, shall be effective only following completion of the certification of that year's non-ad valorem tax roll.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year above first written.

Local Government:

By: _____

Attest: _____

By: _____

Gary R. Nikolits
Palm Beach County Property Appraiser

By: _____

Director, Palm Beach County
Information System Services

Exhibit 'A'

Non Ad Valorem - Cost Summary

The following is a summary of costs which this office will assess to each district that utilizes the uniform method of collection. All costs will be assessed on an annual basis at the end of each Tax Roll cycle. These costs are subject to change, and if a change is to be made the Non Ad Valorem districts will be notified of that change at the beginning of the Tax Roll cycle.

(A) There will be an initial cost for setting up the new district. The amount to be charged will be the greater of the actual cost and expenses incurred by the Property Appraiser's Office or \$500. This cost may include personnel cost, forms, supplies, data processing computer equipment, postage and programming cost.

(B) Administrative services: This fee covers administrative costs and services, it is assessed to each district annually until the cancellation of the Agreement.

Administrative services = \$150.00/district per year

Constantine Dino Maniotis
Tax Roll Coordinator
Governmental Center – Fifth Floor
301 North Olive Avenue
West Palm Beach, Florida 33401
e-mail: dmanioti@pbcgov.org



Gary R. Nikoltis
Palm Beach County
Property Appraiser

January 9, 2014

Town of Palm Beach
Jane Struder, Finance Director
360 South County Rd
Palm Beach, Florida 33480

Dear Ms. Struder,

Please provide the Levying Authority name, Purpose of Assessment and Contact Information to the Property Appraiser's office exactly how you want your NAV to be printed on the TRIM notice.
Please return this form back to me.

Levying Authority	Purpose of Assessment	Contact Information

- Levying Authority - 40 character field – example Town of Haverhill
- Purpose of Assessment – 30 character field – example Solid Waste or Garbage Service
- Contact information – 10 character field – the phone number that you want all calls to go regarding any questions about the assessments.

Sincerely,

Dino Maniotis, CFE
Tax Roll Coordinator

AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____, 2014 by and between Anne M. Gannon as Constitutional Tax Collector for Palm Beach County (the "Tax Collector"), and the Town of Palm Beach (the "Town") for the implementation and collection of the Town's non-ad valorem assessments billing Peruvian Avenue 400 Block Streetscape as follows:

1. The Town shall meet all the requirements of Florida Statutes 197.3631 and 197.3632 for the implementation of the City's non-ad valorem assessment billing.
2. Upon the performance by the Town of its requirements in compliance with the above statutes and this Agreement, the Tax Collector agrees to implement the Town's non-ad valorem assessments billing and collection.
3. The Town further agrees that it shall provide to the Tax Collector compensation for the actual cost of collecting these non-ad valorem assessments as provided in Florida Statutes (F.S. Section 197.3632(8)(c)). Since the actual costs of collection cannot be precisely determined, the parties agree that one percent (1%) of total collections will be considered the costs.
4. This Agreement shall be in effect for the tax year 2014 and subsequent years thereafter unless canceled by either the Town or the Tax Collector by giving notice in writing to the other by January 10th.
5. This Agreement may be modified by both parties in writing provided such modifications are agreed upon prior to any notice of termination.
6. This Agreement shall be changed, modified, or amended in writing as necessary to conform with any new statutory requirements when and if enacted into law.
7. Subject to the provisions and limitations of Florida Statute 768.28, the Town shall indemnify and save harmless and defend the Tax Collector, its agents, servants, and employees from and against any and all claims, liability, losses, or causes of action which may arise from any misconduct, improper action, negligent act, or omission of the Town, its servants, or employees in the performance of services under this Agreement. The Town acknowledges that the Tax Collector is entering this Agreement without any determination that the Town is legally authorized or qualified to assess these non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, determine the legality of the assessment, or determine the constitutionality of any lien resulting from nonpayment of the assessment.

8. **Notice**

All notices or other communications hereunder shall be in writing and shall be deemed duly given if delivered in person or sent by certified mail return receipt requested and addressed as follows:

If to the Town:

With a copy to:

If to the Tax Collector:
 Honorable Anne M. Gannon
 Constitutional Tax Collector,
 Serving Palm Beach County
 301 North Olive Avenue, Third Floor
 West Palm Beach, Florida 33401

With a copy to:
 Carmen Richardson,
 Director, Finance and Budget Dept.
 301 North Olive Avenue, Third Floor
 West Palm Beach, Florida 33401

DATED this ____ day of _____, 2014

 Anne M. Gannon, as
 Constitutional Tax Collector
 for Palm Beach County

Date

By: _____
 Date

ATTEST:

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 35-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Three Year Enterprise License Agreement with ESRI Which Will Provide the Town with Unlimited License Use and Support of ESRI Enterprise Software at a Cost of \$25,000 per Year, and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- [Memorandum dated February 28, 2014, from Spencer D. Wilson, Information Systems Manager](#)
- [Resolution No. 35-2014](#)
- [Agreement with ESRI](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

Via: Thomas G. Bradford, Deputy Town Manager

From: Spencer D. Wilson, Information Systems Manager

Re: Approval of a Three Year Enterprise License Agreement with ESRI Inc. for Unlimited Software Licenses and Support of their GIS Suite of Software and Adoption of Resolution No. 35-2014 Providing the Town Manager the Authority to Sign the Requisition for this Purchase.

Resolution 35-2014

Date: February 28, 2014

STAFF RECOMMENDATION

The Office of Information Systems is recommending renewing a three year Enterprise License Agreement to purchase annually unlimited software license and support from ESRI. This is a three year agreement that will cover all of the Town's usage and maintenance of ESRI software products for the next three years. The cost for this period of time is locked in and will be \$25,500.00 per year. Staff is recommending the adoption of Resolution No. 35-2014 which provides the Town Manager the authority to sign the requisitions and expend the funds from the annual budget for these purchases.

GENERAL INFORMATION

The Town currently uses ESRI software licenses within all Town Departments to access, edit and store all of the Town's Geographical data. The GIS system is the backbone for the majority of the Town's data and is used to store, organize and manipulate the data so the information can be easily obtained from a graphical view. The ESRI software is the main tool to perform all of these functions and the ability to use this software anywhere in Town with no restrictions allows for this data to be accessible to all users. The three year agreement allows the Town to purchase the ESRI licenses and support under this same contract and for the same amount for this period. This purchase was accomplished three years ago as authorized by Resolution No. 5-11. This contract will provide the Town with the same level of support and unlimited access to all of the ESRI software for the next three years at the cost of \$25,500.00 per year. If these products were purchased individually and not under this contract, the estimated three year cost would be over \$92,000 in software, support and maintenance and the Town would be limited as to the number of software licenses available.

ESRI is offering small municipalities and counties the ability to enter into this enterprise license agreement in order to promote the GIS systems software without restricting the clients. The ability to have unlimited license usage along with support for a flat fee will allow the Town to continue to expand the use of the Town's GIS system without additional costs. This is a great opportunity to have access to the software and support that the Town needs from ESRI as well as fixing the Town's costs for the next three years. All of the software products included in this agreement are proprietary to ESRI and are considered sole source.

PURCHASING REVIEW

ESRI's software is the industry standard and the only software that can provide the Town the functions needed to store and access our data geographically. ESRI is owner of this software and it can only be purchased from ESRI directly. This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to ESRI as a sole source per attached documentation.

TOWN ATTORNEY REVIEW

The agreement with ERSI and the resolution have been reviewed and approved by to the Town Attorney for legal form and sufficiency.

FUNDING/FISCAL IMPACT

This purchase will come from the Information Systems Software Support account and is included in the FY2014 budget. The annual cost for FY14 would be \$25,500.00.

cc: Jane Struder, Finance Director
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 35-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A THREE YEAR ENTERPRISE LICENSE AGREEMENT WITH ESRI WHICH WILL PROVIDE THE TOWN WITH UNLIMITED LICENSE USE AND SUPPORT OF ESRI ENTERPRISE SOFTWARE AT A COST OF \$25,000 PER YEAR, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THIS PURCHASE ON BEHALF OF THE TOWN.

WHEREAS, staff has recommended the approval of a three year Enterprise License Agreement with ESRI for unlimited license use and support for ESRI enterprise software in the amount of \$25,500.00 per year and authorizing the Town Manager to execute the agreement and purchase directly with ERSI.

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 three year Enterprise License Agreement for the unlimited use and support of the ESRI software in the amount of \$25,500.00 per year attached hereto as Exhibit A and incorporated by reference as a part of this resolution is hereby approved and the Town Manager is authorized to execute this purchase on behalf of the Town.

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH ASSEMBLED THIS 11th DAY OF MARCH 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

Michael J. Pucillo, Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk



February 4, 2014

Ms. Coraliz Cordero Kroll
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

Dear Coraliz,

The Esri Small Municipal and County Government Enterprise License Agreement (ELA) is a three-year agreement that will grant your organization access to Esri® term license software on an unlimited basis including maintenance on all software offered through the ELA for the term of the agreement. The ELA will be effective on the date executed and will require a firm, three-year commitment.

Based on Esri's work with several organizations similar to yours, we know there is significant potential to apply geographic information system (GIS) technology in many operational and technical areas within your organization. For this reason, we believe that your organization will greatly benefit from an enterprise license agreement.

An ELA will provide your organization with numerous benefits including:

- A lower cost per unit for licensed software
- Substantially reduced administrative and procurement expenses
- Maintenance on all Esri software deployed under this agreement
- Complete flexibility to deploy software products when and where needed

The following business terms and conditions will apply:

- All current departments, employees, and in-house contractors of the organization will be eligible to use the software and services included in the ELA.
- If your organization wishes to acquire and/or maintain any Esri software during the term of the agreement that is not included in the ELA, it may do so separately at the Esri pricing that is generally available for your organization for software and maintenance.
- The organization will establish a single point of contact for orders and deliveries and will be responsible for redistribution to eligible users.
- The organization will establish a Tier 1 support center to field calls from internal users of Esri software. The organization may designate individuals as specified in the ELA who may directly contact Esri for Tier 2 technical support.
- The organization will provide an annual report of installed Esri software to Esri.

- Esri software and updates that the organization is licensed to use will be automatically available for downloading.
- The organization will act as an Esri reference site and will permit Esri to publicize its use of Esri software and services.
- The fee and benefits offered in this ELA proposal are contingent upon your acceptance of Esri's Small Municipal and County Government ELA terms and conditions.
- Licenses are valid for the term of the ELA.

This program offer is valid for 90 days. To complete the agreement within this time frame, please contact me within the next seven days to work through any questions or concerns you may have. To expedite your acceptance of this ELA offer:

1. Sign and return the signature page of the ELA with a Purchase Order or issue a Purchase Order that references this ELA Quotation and includes the following statement on the face of the Purchase Order: **"THIS PURCHASE ORDER IS GOVERNED BY THE TERMS AND CONDITIONS OF THE ESRI SMALL MUNICIPAL AND COUNTY GOVERNMENT ELA, AND ADDITIONAL TERMS AND CONDITIONS IN THIS PURCHASE ORDER WILL NOT APPLY."** Have it signed by an authorized representative of the organization.
2. On the first page of the ELA, identify the central point of contact/agreement administrator. The agreement administrator is the party that will be the contact for management of the software, administration issues, and general operations. Information should include name, title (if applicable), address, phone number, and e-mail address.
3. In the purchase order, identify the "Ship to" and "Bill to" information for your organization.
4. Send the purchase order and agreement to the address, email or fax noted below:

Esri
Attn: Customer Service SG-ELA
380 New York Street
Redlands, CA 92373-8100

e-mail: service@esri.com
fax documents to: 909-307-3083

I appreciate the opportunity to present you with this proposal, and I believe it will bring great benefits to your organization.

Thank you very much for your consideration.

Best Regards,

Robyn Garrett
704-541-9810 *1-8640
rgarrett@esri.com



ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.
3325 Springbank Ln, Ste 200
Charlotte, NC 28226-3343
Phone: (704) 541-9810 Fax: (704) 541-7620
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

*To expedite your order, please attach a copy of
this quotation to your purchase order.
Quote is valid from: 02/03/2014 To: 05/04/2014*

Quotation # 20441920

Date: February 3, 2014

Customer # 184972 Contract #

Town of Palm Beach
Information Systems
360 S County Rd
Palm Beach, FL 33480

ATTENTION: Coraliz Cordero Kroll
PHONE: (561) 227-6313
FAX: 561-835-4691

Material	Qty	Description	Unit Price	Total
110035	1	Populations of 0 to 25,000 Small Government Term Enterprise License Agreement -First year payment	25,000.00	25,000.00
115571	1	ArcPad Populations of 0 to 25,000 Small Government Enterprise License Agreement -First year payment	500.00	500.00
110035	1	Populations of 0 to 25,000 Small Government Term Enterprise License Agreement -Second year payment	25,000.00	25,000.00
115571	1	ArcPad Populations of 0 to 25,000 Small Government Enterprise License Agreement -Second year payment	500.00	500.00
110035	1	Populations of 0 to 25,000 Small Government Term Enterprise License Agreement -Third year payment	25,000.00	25,000.00
115571	1	ArcPad Populations of 0 to 25,000 Small Government Enterprise License Agreement -Third year payment	500.00	500.00
			Item Total:	76,500.00
			Subtotal:	76,500.00
			Sales Tax:	0.00
			Estimated Shipping & Handling(2 Day Delivery) :	0.00
			Contract Pricing Adjust:	0.00
			Total:	\$76,500.00

The Town of Palm Beach and Esri are in agreement under current contract # 2011SGE1784 which expires April 6, 2014. This new quote is for the continuation of another three years which would start on April 7, 2014.

* Please indicate on your purchase order if this purchase is funded through the American Recovery and Reinvestment Act, and whether Esri is a Prime Recipient, Sub-recipient, or Vendor for reporting purposes. Esri may charge a fee to cover expenses related to any customer requirement to use a specific vendor management, procurement, or invoice program.

For questions contact: Robyn Garrett

Email: rgarrett@esri.com

Phone: (704) 541-9810 x8640

Acceptance of this quotation is limited to the Esri License Agreement and the Quotation Terms and Conditions
This Quotation is made in confidence for your review. It may not be disclosed to third parties, except as required by law.

If sending remittance, please address to: Esri, File No. 54630, Los Angeles, Ca 90074-4630

120



ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.
3325 Springbank Ln, Ste 200
Charlotte, NC 28226-3343
Phone: (704) 541-9810 Fax: (704) 541-7620
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

*To expedite your order, please attach a copy of
this quotation to your purchase order.
Quote is valid from: 02/03/2014 To: 05/04/2014*

Quotation # 20441920

Date: February 3, 2014

Customer # 184972 Contract #

Town of Palm Beach
Information Systems
360 S County Rd
Palm Beach, FL 33480

ATTENTION: Coraliz Cordero Kroll
PHONE: (561) 227-6313
FAX: 561-835-4691

The following items are optional items listed for your convenience.
These items are not included in the totals of this quotation.

Material	Qty	Description	Unit Price	Total
116997	3	Small Enterprise License Agreement Training Package at ESRI Site 21 Days Prepaid ILT / ILV, Over 3 Year Term, Per Student Seat, 7 Days per Annum Instructor Led Training	3,185.00	9,555.00
130595	1	ArcGIS Online Service Credits; Block of 1,000	100.00	100.00
130580	1	ArcGIS Online Additional User 5 Pack for Level 2 Plan	1,000.00	1,000.00

* Please indicate on your purchase order if this purchase is funded through the American Recovery and Reinvestment Act, and whether Esri is a Prime Recipient, Sub-recipient, or Vendor for reporting purposes. Esri may charge a fee to cover expenses related to any customer requirement to use a specific vendor management, procurement, or invoice program.

For questions contact: Robyn Garrett

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**SMALL
ENTERPRISE LICENSE AGREEMENT
COUNTY AND MUNICIPALITY**

**Authorized Distributor/Esri Use
Only:**
Cust. Name _____
Cust. # _____
PO # _____
Esri Agreement # _____

Esri, 380 New York St., Redlands, CA 92373-8100 USA • TEL 909-793-2853 • FAX 909-793-5953

This Small Enterprise License Agreement ("ELA") is by and between the organization listed on the signature page ("**Licensee**"); **Environmental Systems Research Institute, Inc. ("Esri")**; and, if Licensee is located outside the United States of America (US), the Authorized Distributor listed on the signature page ("**Authorized Distributor**"). Authorized Distributor is authorized by Esri to provide access to Online Services and provide ELA Maintenance for Enterprise Products and other benefits, as described herein, to Licensee located outside the US.

This ELA sets forth the terms for Licensee's use of Enterprise Products and incorporates by reference (i) the ELA Quotation and (ii) the License Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this ELA, the order of precedence for the documents shall be as follows: (i) Small Enterprise License Agreement, (ii) the License Agreement, and (iii) the ELA Quotation. The modifications and additional rights granted in this ELA apply only to the Enterprise Products listed in Table A.

**Table A
List of Enterprise Products**

Unlimited Quantities

Desktop Software and Extensions

ArcGIS for Desktop Advanced
ArcGIS for Desktop Standard
ArcGIS for Desktop Basic
ArcGIS for Desktop Extensions: ArcGIS 3D Analyst,
ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,
ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS
Schematics, ArcGIS Workflow Manager, ArcGIS Data
Reviewer

Server Software and Extensions

ArcGIS for Server Workgroup and Enterprise
(Advanced, Standard, and Basic)
ArcGIS for Server Extensions: ArcGIS 3D Analyst,
ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,
ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS
Workflow Manager, ArcGIS Image

Developer Tools

ArcGIS Engine
ArcGIS Engine Extensions: ArcGIS 3D Analyst,
ArcGIS Spatial Analyst, ArcGIS Geodatabase
Update, ArcGIS Network Analyst, ArcGIS
Schematics
ArcGIS Runtime Standard
ArcGIS Runtime Standard Extensions: ArcGIS 3D
Analyst, ArcGIS Spatial Analyst, ArcGIS Network
Analyst

Limited Quantities

One (1) Annual Subscription to Esri Developer
Network (EDN) Standard*
One (1) Esri CityEngine Advanced Single Use
License
One (1) Esri CityEngine Advanced Concurrent Use
License
One (1) ArcGIS Online Subscription*

Other Benefits

One (1) ArcGIS Online Subscription with specified named users and credits as determined in the program description	Level 2
Number of Esri International User Conference Registrations provided annually	2
Number of Tier 1 Help Desk Individuals authorized to call Esri	2
Maximum number of sets of backup media, if requested**	2
Virtual Campus Annual User License allowance	5,000
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement (Discount does not apply to Small Enterprise Training Package.)	

*ELA Maintenance is not provided for these items.

**Additional sets of backup media may be purchased for a fee.

Licensee may accept this ELA by signing and returning it with an Ordering Document that matches the ELA Quotation and references this ELA. **ADDITIONAL OR CONFLICTING TERMS IN LICENSEE'S ORDERING DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS ELA WILL GOVERN.** Unless otherwise mutually agreed to, this ELA is effective as of the date of the last signature on the signature page ("Effective Date"), or if no date is provided with the signature, the date of Esri's receipt of Licensee's Ordering Document incorporating this ELA by reference.

This ELA supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Enterprise Products. Except as provided in Article 4—Enterprise Product Updates, any modifications or amendments to this ELA must be in writing and signed by an authorized representative of each party.

This ELA may be executed in duplicate by the parties. An executed separate signature page transmitted through electronic means, such as fax or e-mail, is valid and binding even if an original paper document bearing each party's original signature is not delivered.

Accepted and Agreed:

(Licensee)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

**ENVIRONMENTAL SYSTEMS
RESEARCH INSTITUTE, INC.**
(Esri)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

LICENSEE CONTACT INFORMATION

Contact: _____

Address: _____

City, State, Postal Code: _____

Country: _____

ELA Quotation Number (if applicable): _____

Telephone: _____

Fax: _____

E-mail: _____

1.0—ADDITIONAL DEFINITIONS

In addition to the definitions provided in the License Agreement, the following definitions apply to this ELA:

"Deploy" means to redistribute and install the Enterprise Products and related Authorization Codes within Licensee's organization(s).

"ELA Maintenance" means Tier 2 Support, updates, and patches provided by Esri or its Authorized Distributor to Licensee for the Enterprise Products.

"ELA Quotation" means the Small Enterprise License Agreement offer letter and quotation form provided separately by Esri or its Authorized Distributor to Licensee.

"ELA Fee" means the fee set forth in the ELA Quotation.

"Enterprise Products" means the Products identified in Table A—List of Enterprise Products and any updates to such list provided in writing by Esri or its Authorized Distributor.

"Incident" means a failure of the Software to operate according to the Documentation where such failure substantially impacts operational or functional performance.

"License Agreement" means the applicable license agreement incorporated by this reference that is (i) found at <http://www.esri.com/legal/software-license>; comprised of the General License Terms and Conditions (E204) and Exhibit 1, Scope of Use (E300); and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed license agreement between Esri, Distributor (if applicable), and Licensee that supersedes such electronically acknowledged license agreement.

"Technical Support" means a process to attempt to resolve reported Incidents through error correction; patches; hot fixes; workarounds; replacement deliveries; or any other type of Enterprise Product corrections or modifications.

"Tier 1 Help Desk" means Licensee's point of contact from which all Tier 1 Support will be given to Licensee.

"Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk as the primary contact to Licensee in attempted resolution of reported Incidents.

"Tier 2 Support" means the Technical Support provided by Esri or its Authorized Distributor to the Tier 1 Help Desk when the Incident cannot be resolved through Tier 1 Support. Licensees located in the US will receive Tier 2 Support from Esri. Licensees outside the US will receive Tier 2 Support from an Authorized Distributor located in the Licensee's region.

2.0—ADDITIONAL GRANT OF LICENSE

2.1 Grant of License. Subject to the terms and conditions of this ELA, Esri grants to Licensee a personal, nonexclusive, nontransferable Term License solely to use, copy, and Deploy quantities of the Enterprise Products listed in Table A for the term provided in Section 3.1—Term (i) for which the applicable license fees have been paid and (ii) in accordance with the License Agreement.

2.2 Consultant Access. Esri grants Licensee the right to permit Licensee's consultants or contractors to use the Enterprise Products exclusively for Licensee's benefit. Licensee shall be solely responsible for compliance by consultants and contractors with this ELA and shall ensure that the consultant or contractor discontinues Product use upon completion of work for Licensee. Access to or use of Products by consultants or contractors not exclusively for Licensee's benefit is prohibited. Licensee may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor Servers for the benefit of Licensee.

3.0—TERM, TERMINATION, AND EXPIRATION

3.1 Term. The term of this ELA and all licenses hereunder shall commence on the Effective Date and continue for three (3) years, unless this ELA is terminated earlier as provided herein. Licensee is only authorized to use Deployed Enterprise Products during the term of this ELA. No indefinite term or perpetual license grants are provided with this ELA.

3.2 No Use upon Expiration or Termination. All Deployed Enterprise Product licenses and all ELA Maintenance, Virtual Campus access, and User Conference Registrations terminate on expiration or termination of this ELA.

3.3 Termination for Lack of Funds. For government or government-owned entities only, either party may terminate this ELA for Lack of Funds. Lack of Funds is the inability of Licensee to secure appropriation of funds through the legislative or governing body's approval process for annual payments due.

4.0—ENTERPRISE PRODUCT UPDATES

4.1 Future Updates. Esri and its Authorized Distributor reserve the right to update the list of Enterprise Products in Table A by providing written notice to Licensee. Licensee may continue to use all Enterprise Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Enterprise Products are incorporated into the standard program, they will be offered to Licensee via written notice for incorporation into the Enterprise Products schedule at no additional charge. Licensee's use of new or updated Enterprise Products requires Licensee to adhere to applicable additional or revised terms and conditions of the License Agreement.

4.2 Product Life Cycle. During the term of this ELA, some Enterprise Products may be retired or may no longer be available for unlimited quantity Deployment. ELA Maintenance shall be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at <http://resources.arcgis.com/content/product-life-cycles>. Updates for Enterprise Products in the mature and retired phases may not be available; however, Licensee may continue to use Deployed Enterprise Products for the term of this ELA, but Licensee will not be able to Deploy retired Enterprise Products.

5.0—ELA MAINTENANCE

ELA Maintenance is included with the ELA Fee. ELA Maintenance includes standard maintenance benefits specified in either (i) the most current applicable Esri US Software Maintenance Program document (found at <http://www.esri.com/legal>) for US-based Licensees or (ii) the applicable Authorized Distributor software maintenance policy as modified by this Article 5.0—ELA Maintenance. At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other than the defined Enterprise Products will receive maintenance under this ELA. Licensee may acquire maintenance for other Software (non-Enterprise Products) outside this ELA.

a. Tier 1 Support Provided by Licensee

1. Licensee shall provide Tier 1 Support through the Tier 1 Help Desk to all Licensee's authorized users.
2. The Tier 1 Help Desk will use analysts fully trained in the Software they are supporting.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. Tier 1 Support analysts will be the initial points of contact for all questions and Incidents. Tier 1 Support analysts shall obtain a full description of each reported Incident and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Incident. The analyst may also use any other information and databases that may be developed to satisfactorily resolve Incidents.
5. If the Tier 1 Help Desk cannot resolve the Incident, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk shall provide support in such a way as to minimize repeat calls and make solutions to problems available to Licensee.
6. Tier 1 Help Desk individuals identified by Licensee are the only individuals authorized to contact Tier 2 Support. Licensee may revise named individuals by written notice.

b. Tier 2 Support Provided by Esri or Its Authorized Distributor

1. Tier 2 Support shall log the calls received from Tier 1 Help Desk individuals.
2. Tier 2 Support shall review all information collected by and received from Tier 1 Help Desk individuals including preliminary documented troubleshooting provided by Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support shall attempt to resolve the Incidents submitted by Tier 1 Help Desk by assisting Tier 1 Help Desk individuals.
5. When the Incident is resolved, Tier 2 Support shall communicate the information to Tier 1 Help Desk individuals, and Tier 1 Help Desk shall disseminate the resolution to the user.

6.0—ENDORSEMENT AND PUBLICITY

This ELA shall not be construed or interpreted as an exclusive dealings agreement or Licensee's endorsement of Esri or its Authorized Distributor. Licensee agrees that Esri and its Authorized Distributor may publicize the existence of this ELA upon execution.

7.0—ADMINISTRATIVE REQUIREMENTS

7.1 OEM Licenses. Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri Products and Services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this ELA. Licensee shall not seek any discount from the OEM partner or Esri based on the availability of Enterprise Products under this ELA. Licensee shall not decouple Esri Products or Services from the OEM partners' application or service.

7.2 Annual Report of Deployments. At each anniversary date and ninety (90) calendar days prior to the expiration date of this ELA, Licensee shall provide a written report detailing all Deployments to either (a) Esri if Licensee is located in the US or (b) Authorized Distributor if Licensee is located outside the US. The report will be subject to audit.

7.3 Renewal. Any follow-on ELA will be offered in accordance with then-current ELA pricing and license terms and conditions.

8.0—MERGERS, ACQUISITIONS, OR DIVESTITURES

Licensee shall notify Esri and, if applicable, its Authorized Distributor in writing in the event of (i) a consolidation, merger, or reorganization of Licensee with or into another corporation or entity; (ii) Licensee's acquisition of another entity; or (iii) a transfer or sale of all or part of Licensee's organization (hereinafter

subsections i, ii, and iii collectively referred to as "Ownership Change"). There will be no decrease in the ELA Fee as a result of any Ownership Change.

8.1 If an Ownership Change increases the cumulative meter or customer count beyond the maximum level for this existing ELA, Esri and, if applicable, its Authorized Distributor reserve the right to increase the ELA Fee to the next higher ELA Fee level that applies to the new cumulative meter or customer count. In the event the Ownership Change increases the cumulative meter or customer count beyond the limits of this ELA, Esri and, if applicable, its Authorized Distributor have the option to terminate this ELA and the parties will negotiate a different agreement.

8.2 If an Ownership Change results in transfer or sale of a portion of Licensee's organization, that portion of Licensee's organization shall uninstall, remove, and destroy or transfer the Enterprise Products to Licensee.

8.3 This ELA may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri and, if applicable, its Authorized Distributor in writing in advance. If the assignment to the new entity is not approved, Licensee shall require any successor entity to uninstall, remove, and destroy the Enterprise Products, and this ELA will terminate upon such Ownership Change.

9.0—TRAINING

9.1 Training Description. Esri offers instructor-led training related to the use of its proprietary GIS software. Esri will provide to Licensee a fixed number of training days to use for Instructor-Led Training, as defined in this Small Enterprise Training Package, if purchased. Instructor-Led Training events occur at an Esri Learning Center or via the web in a cloud environment. The Esri software training course(s) to be conducted, location, schedule dates, and registration requirements are set forth in the *Esri Training* catalog located on Esri's Training website (<http://training.esri.com>). All courses are conducted in substantial conformity with course descriptions outlined on the Esri Training website. Esri reserves the right to modify course content when necessary due to software technical capabilities or limitations.

9.2 Unique Terms for the Small Enterprise Training Package

- a.** To order training, Licensee must include training in the Ordering Document for the ELA or provide an Ordering Document as required and specified within the ELA that matches the Esri quotation.
- b.** Where Licensee submits an additional Ordering Document to purchase training days for additional year(s), any unused training days will automatically roll over.
- c.** An Ordering Document is required annually for each three (3)-year term. Failure to submit an annual Ordering Document will result in the forfeit of unused training days.
- d.** Licensee must assign an individual within its organization to the role of Training Administrator to serve as liaison between Licensee's organization and Esri as well as internally manage and authorize allocated training days.
- e.** The training days are available for a period of twelve (12) months, commencing on the Effective Date, and ending when all training days are consumed, whichever is sooner.
- f.** Esri will invoice for outstanding training expenses where applicable.
- g.** Training days are not transferable and not refundable for any other Esri Products or services.

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 36-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing Direct Connect System Alarm Application and Annual Fees and Providing an Effective Date.

Presenter

Kirk W. Blouin, Director of Public Safety

Supporting Documents

- [Memorandum dated February 25, 2014, from Kirk W. Blouin, Director of Public Safety](#)
- [Resolution No. 36-2014](#)
- [Exhibit A - Fee Schedule](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk Blouin, Director of Public Safety

Re: Establishing Direct Connect Fee Schedule in Accordance with Ordinance No. 5-2014
Resolution No. 36-2014

Date: February 25, 2014

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council establish fees as permitted by Ordinance No. 5-2014 as they relate to Direct Connect alarm service.

GENERAL INFORMATION

At the February 11, 2014 Town Council meeting the second reading of Ordinance No. 5-2014 was conducted and in part approved the establishment of fees to be charged for the Direct Connect Alarm program as recommended by the Town Manager and determined by resolution of the Town Council, which may be amended from time to time.

FUNDING/FISCAL IMPACT

There is no way to predict how many residential properties will secure the Direct Connect alarm service.

TOWN ATTORNEY REVIEW

Resolution No. 36-2014 has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

KWB:lsg

RESOLUTION NO. 36-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING DIRECT CONNECT SYSTEM ALARM APPLICATION AND ANNUAL FEES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 38-62 of the Town Code of Ordinances requires that Direct Connect fees be set via resolution as recommended by the Town Manager and approved by the Town Council.

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

Section 1. The Town Council hereby establishes Direct Connect Alarm fees as set forth in “Exhibit A” attached hereto.

Section 2. The established fees shall be in effect as of October 1, 2014 and remain in effect until amended by subsequent resolution or ordinance.

Section 3. The Town Clerk is hereby directed to include the fees established herein as a part of the Town of Palm Beach Master Fee Schedule.

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH ASSEMBLED THIS 11TH DAY OF MARCH, 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

Exhibit "A"

DIRECT CONNECT FEE SCHEDULE

Registration Fees:

Security Alarms, annual permit fee	\$50.00
Direct Connect, Business, under 1000 sq. ft., annual fee	\$100.00
Direct Connect, Business, 1000+ sq. ft., annual fee	\$250.00
Direct Connect, Residential, annual fee	\$100.00
Direct Connect, Residential one-time Administrative Fee for initial set-up (effective October 1, 2014)	\$100.00

Direct Connect False Alarm Fees, Burglar:

16-17 times, each instance	\$150.00
18-23 times, each instance	\$300.00
24-28 times, each instance	\$750.00
29 or more times, each instance	\$1,000.00

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 37-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$127,402 to Duval Ford, for the Purchase of One Ford F550 Cab and Chassis with an Altec At40s Aerial Bucket Unit, on Florida Sheriff's Association Contract No. 13-11-0904, and Establishing an Overall Budget of \$130,000.

Presenter

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

Supporting Documents

- [Memorandum dated February 18, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 37-2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approve a Purchase Order for One Bucket Truck
Resolution No. 37-2014

Date: February 18, 2014

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 37-2014 to authorize the purchase of one Ford F550 cab and chassis with an Altec AT40S aerial bucket unit from Duval Ford in the amount of \$127,402 via the Florida Sheriff's Association Contract 13-11-0904 (Specification #8), and establish a total budget of \$130,000.

GENERAL INFORMATION

It is necessary at this time to replace one of the existing bucket trucks used in the Facilities Maintenance Division. The existing truck has been in use for about ten years, and has approximately 43,000 miles on it. Even more telling than its age or odometer reading is the condition. This has deteriorated to the point where extensive repairs have been required. Recently repairs totaling \$15,000 were necessary and additional repairs estimated at \$6,000 will be needed if the truck is not replaced in the next several months.

Based on the equipment depreciation schedule this truck was not scheduled for replacement until FY16 but due to its mechanical issues the future reliability and integrity of the unit is questionable. Staff recommends early replacement of this unit to minimize future repair costs and disruption of daily operations. The order fulfillment of these types of vehicles typically takes several months, so it is also prudent to order now rather than waiting until next fiscal year.

FUNDING/FISCAL IMPACT

The balance in the accumulated depreciation account for this vehicle on 9/30/14 will be \$108,412. However, these funds are not in the FY2014 budget. Funds for this purchase will come from the current year savings within the Equipment Replacement Fund budget for Public Works (approximately \$68,131) and the remainder (approximately \$61,869) requires an authorization to utilize a portion of the FY2014 Equipment Replacement Fund contingency.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works/Operations
Chester Purves, Services Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 37-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$127,402 TO DUVAL FORD, FOR THE PURCHASE OF ONE FORD F550 CAB AND CHASSIS WITH AN ALTEC AT40S AERIAL BUCKET UNIT, ON FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. 13-11-0904, AND ESTABLISHING AN OVERALL BUDGET OF \$130,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order in the amount of \$127,402 to Duval Ford for the purchase one Ford F550 cab and chassis with an Altec AT40S aerial bucket unit, consistent with Florida Sheriff's Association Contract No. 13-11-0904, and establishes an overall budget of \$130,000 (including use of FY2014 Equipment Replacement Fund contingency funds, as needed).

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

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the purchase of this vehicle, including any necessary outfitting 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 11th day of March 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 38-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Program Management Services to Jacobs Project Management, Co., in the Amount of \$566,340, for Accelerated Capital Improvement Program Phase 2 Program Management Services and Establishing a Program Management Phase Budget of \$570,000.

Presenter

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

Supporting Documents

- [Memorandum dated February 26, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 38-2014](#)
- [Jacobs Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: Approval of Modifications to Existing Construction Program Management Services Contract to Include Phase 2 Projects, Approval of Program Management Phase Budget Increase, and Approval of Purchase Order for Phase 2 Program Management Services
Resolution No. 38-2014

DATE: February 26, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 38-2014 authorizing a purchase order in the hourly not-to-exceed amount of \$566,340 for Phase 2 Engineering Services for the Accelerated Capital Improvement Program (ACIP) Management Services, and establish a program management phase budget of \$570,000. Staff further recommends that Town Council authorize the addition of Phase 2 projects to the existing scope of work and contract with Jacobs Project Management Company (Jacobs).

GENERAL INFORMATION

The Town Council at the February 11, 2014 Town Council meeting approved a 12 month extension to the original contract with Jacobs for Construction Program Management Services for the ACIP. We are currently in the transition from Phase 1 to Phase 2 projects with some projects from both phases being constructed during the 2014 construction season. We need to amend the current Jacobs contract to include Phase 2 projects and approve a purchase order for their management services on these Phase 2 projects. The Phase 2 projects include but may not be limited to the following:

1. D-4 Pump Station Improvements - Construction
2. D-3/D-4 Pump Station Electrical Upgrades
3. D-10 Pump Station Improvements – Construction
4. Pump Stations A-39, A-41, A-42, & A-43 Emergency Generators/AC
5. North Flagler Force Main - Providencia Park to Currie Park (Subaqueous Connection), 23rd Street Force Main
6. Sanitary Sewer Force Main Lining – Royal Palm Way to Royal Poinciana Way, Barton Avenue to Bradley Park Force Main Lining, A-6 Pump Station to South Ocean Boulevard Force Main Lining
7. E-3, Garden Road to Cherry Lane/E-2 Force Main Lining
8. Accelerated Capital Improvement Program Phasing Plan

9. Accelerated Capital Improvement Program Administration
10. General Drainage Improvements (Pre-Paving Program)
11. General Cub/Gutter/Sidewalk ADA Improvements (Pre-Paving Program)
12. Sanitary Sewer Upgrades
13. Stormwater Pump Station Rehabilitation
14. D-2 to D-9 Drainage Basin Interconnect
15. D-6 to D-7 Drainage Basin Interconnect
16. 400 Block Worth Avenue Drainage Upgrades
17. Mast Arm Replacements/Upgrades
18. North Fire Station – Emergency Generator Replacement
19. Memorial Fountain Replacement
20. Royal Poinciana Way Median Sidewalks
21. Ocean Outfall Abandonments
22. Landfill Improvements
23. South/Central Fire Stations – Louver Doors
24. Street Lighting Improvements
25. Street Lighting Upgrades – South Ocean Boulevard, Sloan’s Curve to Lake Avenue

Jacobs has provided effective Program Management continuity over the past three years. As we move to Phase 2 projects it is imperative that we continue with proven management of the projects and comply with audit requirements. Jacobs has maintained effective communication with Public Works, Finance and Purchasing as they assisted us with management, audit compliance and purchasing of goods and services for this ACIP.

FUNDING/FISCAL IMPACT

Funding for the requested 12 month extension of the contract is available within the ACIP Phase 1 and 2 budget.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Charles R. Langley, Senior Project Engineer
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 38-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR PROGRAM MANAGEMENT SERVICES TO JACOBS PROJECT MANAGEMENT, CO., IN THE AMOUNT OF \$566,340, FOR ACCELERATED CAPITAL IMPROVEMENT PROGRAM PHASE 2 PROGRAM MANAGEMENT SERVICES AND ESTABLISHING A PROGRAM MANAGEMENT PHASE BUDGET OF \$570,000.

* * * * *

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 engineering services contract to Jacobs Project Management Co. in the amount of \$566,340 for ACIP Phase 2 Program Management Services and establishes a program management phase budget of \$570,000.

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

Section 3. The Town Manager is hereby authorized to execute an amendment to the existing Jacobs Management Services contract to modify the list of projects and scope of work.

Section 4. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 11th day of March 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

February 25, 2014

Mr. Bill Francis, P.E.
Town of Palm Beach Public Works Department
951 Old Okeechobee Road, Suite "A"
West Palm Beach, FL 33401

REF: Program Management Scope of Services
Accelerated CIP, Phase II

Dear Bill,

As the Town nears the conclusion of Phase I of the Accelerated Capital Improvement Program, it is time to start looking ahead and planning for Phase II. This Program provides an expeditious schedule to continue with the underground infrastructure improvements started in Phase I and amongst other things, the addition of resurfacing all of the Town's roads in Phase II. Jacobs has enjoyed working closely with the Town to ensure all aspects of the program have gone according to expectations. Our proposal to provide Program Management services as discussed in our recent meetings for Phase II is provided in the following scope of services.

SCOPE OF SERVICES

Jacobs will provide construction program management services. These professional services can generally be categorized into the following Tasks.

1. Schedule Maintenance
2. Budget Maintenance
3. Meetings
4. Program Reporting
5. Program Coordination
6. Public Communication
7. Peer Reviews

A detailed discussion of specific tasks included under this work authorization follows.

TASK 1: SCHEDULE MAINTENANCE

Given the importance and need for the discrete projects included in the Town's Accelerated Capital Improvement Program, it is imperative that the Town monitor progress of each project. Having a "master schedule" that identifies the planned implementation of each project will benefit the Town by keeping all stakeholders informed of accomplishments and issues. The focus on the master schedule is to plan and manage individual projects and their overall major milestone events and to provide both funding and resources projections at a Program level. Actual progress tracking will be conducted at the master schedule level and will facilitate comparison to the original plans and approved Program changes. Jacobs will perform the following tasks related Program schedule maintenance:

- Working with Town staff, Jacobs will develop and maintain a "Master Program Schedule". Jacobs will utilize the Primavera scheduling tool P6 as the principal planning and scheduling tool for the overall program and project level management.

As scopes of work, task orders and contracts are developed and executed, more detail will be added to the overall program schedule.

- Jacobs will update the Master Schedule every month to reflect general project sequence planning and phase delineation, and to provide the capability to cost load the schedules.
- Jacobs will monitor the overall progress of each of the Town's projects by communication with the Town's Design Consultants on a regular basis via email. Project status meetings will also be attended by Jacobs on as-needed basis.
- Jacobs will track and document progress made by the Town, Contractors, and Consultants including actual percent complete status for each project. Jacobs will notify the Town in the event a task, deliverable or project milestone appears to be falling behind schedule. Jacobs will develop and present a resolution plan to the Town for consideration.
- Jacobs will request that both Design Consultants and Contractors to provide a monthly update of their schedules to allow this schedule maintenance.

TASK 2: BUDGET MAINTENANCE

Appropriate budgeting is a direct result of good project scope definition and the application of sound cost estimating methodologies. Budgets for various tasks will be developed in a range of ways such as estimates from vendors, design consultants, contractor and others directly engaged in work, to cost estimates prepared by consultants the Town is working with.

- A "Master Budget" will be prepared from a roll up of project budgets that will create a program level cost perspective that can be used to manage the Town's Accelerated Capital Improvements Program. It can be used to create a funding schedule, provide information to share with stakeholders, communicate and explain financing requirements, facilitate planning in managing accounts and improve coordination with other cost-sharing stakeholders, federal grants, and other public and private partners.
- Jacobs will update monthly the master program budget, maintain cost estimates and budgets. Jacobs will continue to monitor the financial and funding plan to match funding sources with the cost requirements and to track utilization of these funds.
- Jacobs will continue working with the Town on the procedures developed in Phase I for monitoring budget vs. ledger, and transferring information related to fiscal performance in the Master Program Budget including, but not limited to, new purchase order requisitions, adjusted purchase orders, closed purchase orders, change orders, amendments, supplements, paid-to-date amounts, encumbered amounts, and balances remaining on each purchase order. This approach will provide the Town with a clear understanding of the total amount of funds required to complete each project. All project costs will then be rolled-up into the Master Program Budget.

TASK 3: MEETINGS

Jacobs will attend meetings and prepare/present reports as needed to address both program level information, as well as individual project status. In addition, Jacobs will also coordinate and facilitate meetings as necessary with Town staff, Design Consultants and other stakeholders. Jacobs will be available to attend the following meetings, as requested by the Town. Meetings conducted by Jacobs will have an agenda and meeting minutes provided to the Town. Action items resulting from each meeting will be documented, communicated to the appropriate parties, and followed-up for full resolution.

- Project Design Kick-Off meetings
- Project Pre-Construction Coordination Meetings
- Bi-Weekly Status Meetings with Town Engineer
- Project Review Meetings
- Monthly Program Meetings

TASK 4: PROGRAM REPORTS

Routine reporting and responding to as-needed information requests is one of the most important functions of program management. This capability is inherent in having a communication process that is clear and consistent, and a system tool that is flexible and designed as specific as possible to the needs of the Town. Jacobs will ensure all parties participating in this important program have accurate, up-to-date, and timely information, via monthly program reports. These reports will address on-going projects under design, permitting issues, construction progress, budget constraints, and critical path schedule issues. Written monthly reports will be provided to the Town by Jacobs and will include:

- Brief Status of Each Program Project
- Updated Master Program Schedule
- Updated Master Program Budget
- Detailed Program Expenditures Report
-
- List of Critical Issues
- Audit Compliance Summary
- Updated Procurement Schedule
- List of deliverables submitted by Town Consultants
- Activities Forecasted for Following Month

TASK 5: PROGRAM COORDINATION

A Program of this size benefits from an outside, third party review of the work. Jacobs will provide a senior level engineer to assist the Town Engineer and Staff with part time services that consist of reviewing Phase II Program projects, resources, priorities, schedules, budgets and various internal functions. These services will provide the Town insight in order to maximize the Program and individual project execution efficiency of the Town's engineering staff. These services will include:

- Recommendations for Project Delivery Method
- Recommendations for Town Project Engineer
- Recommendations for Project Design Consultant
- Overall Program Schedule review

- Development of Project Management Plan Template for PM's
- Provide Recommendations for improving Project Purchasing Procedures

TASK 6: PUBLIC COMMUNICATION

Critical to all capital programs is how the interface is planned and carried out with the Public. Jacobs will continue to maintain the web based Program site that was developed in Phase I that includes project sheets containing all pertinent project information for each project. This includes project name, description, site map, and budget, benefits and schedule information. This web based information system will be updated on a monthly basis.

TASK 7: PEER REVIEWS

Jacobs will provide peer reviews of the Town's design consultant's work. These reviews will be to identify any "fatal flaws", and also provide any potential options for consideration that might prove to be cost effective for the Town. Opinion of Probable Cost and construction schedule development/review can also be provided if requested.

PROFESSIONAL ON-CALL SERVICES

Jacobs will provide additional professional service "on-call" as directed by the Town. This could include potential Construction Management at Risk services, and services for any unforeseen Program issues not specifically called out in this scope of services. These services will not be priced as we don't know the number, or the scope of these tasks.

POTENTIAL ADDITIONAL SERVICES

1. Jacobs is highly qualified to provide construction engineering and inspection services for any project in the Phase II Program. These services would include but not be limited to coordinating and running the pre-construction meeting, working with the design consultants to streamline submittal review and requests for information from the contractor, provide contractor schedule review, require schedule updates on a monthly basis, review and approve contractor payment applications, review any change order requests, provide a resident project representative in the field to oversee the contractors work, provide close out documentation and assist the Town with warranty items or claims that may arise post completion of the contractors work. Jacobs proposes to use Primavera Contract Manager to document all project work which allows access to the Town, design consultants and contractors to view all project information from the web on a real time basis.

Compensation for construction services is not provided in this proposal because that will have to be done on a job-by-job basis and should be covered in the budget for each project.

2. Coastal Program – Jacobs will provide similar services for Program Management, schedule development/updating, budget development/updating and project performance assistance as described above for the ACIP Phase II Program. As funding for the Coastal Program comes from a different source, we assume we will need to provide a different cost proposal for these additional services.

SCHEDULE

These services will be provided by Jacobs from approval of this proposal through completion of Phase II of the Accelerated Capital Improvement Program. We estimate that to be approximately March, 2016.

COMPENSATION

Per our Master Agreement, all of the services provided by Jacobs are on an hourly basis which determines the budget for each task. The Town is only invoiced for time actually spent on each task and if money is left over upon completion of that task, it is returned to the Program budget.

Task 1	Schedule Maintenance	\$ 32,045.00
Task 2	Budget Maintenance	\$ 51,110.00
Task 3	Meetings	\$ 39,825.00
Task 4	Program Reports	\$105,520.00
Task 5	Program Coordination	\$255,465.00
Task 6	Public Communication	\$ 29,575.00
Task 7	Peer Reviews	\$ 43,420.00
<u>Reimbursable Expenses</u>		<u>\$ 12,000.00</u>

Total Compensation = \$568,960.00

Conclusion

Jacobs is pleased to offer this proposal for Program Management Services for Phase II of the Accelerated Capital Improvement Program. We appreciate the opportunity that has been provided during Phase I and we especially look forward to continuing our relationship during the execution of the next phase of the Town's Capital Improvement Program.

If you have any questions or need any further information, please do not hesitate to contact me at 561-799-3855 or by email at bud.goblisch@jacobs.com.

Sincerely,

Jacobs

Bud Goblisch, P.E.
Project Manager

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 39-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design Phase Engineering Services to Mock, Roos & Associates, Inc., in the Amount of \$66,740 for Construction Plans for Milling and Resurfacing Ejector Streets and Establishing a Design Phase Budget Increase of \$70,000 (from \$112,000 to \$182,000).

Presenter

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

Supporting Documents

- [Memorandum dated February 26, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 39-2014](#)
- [Mock Roos Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of Purchase Order for Design of Milling and Resurfacing of Ejector Streets and Approval of Design Phase Budget Increase
Resolution No. 39-2014

Date: February 26, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 39-2014, authorizing a purchase order in the hourly not-to-exceed amount of \$66,740 for design phase engineering services for providing construction plans for milling and resurfacing of streets within the Ejector Stations Upgrades project with Mock, Roos & Associates, Inc. (Mock Roos), and establishing a design phase budget increase of \$70,000 (from \$112,000 to \$182,000).

GENERAL INFORMATION

The Town Council at their February 11, 2014 meeting authorized a \$325,000 construction phase budget increase to expand the pavement restoration of affected ejector streets from partial to full length of disturbed areas.

Staff has negotiated a Design Phase Engineering Contract with Mock Roos for developing the plans to implement the planned milling and resurfacing of the affected ejector streets. The design phase engineering budget will need to be increased by \$70,000 to cover these additional services.

FUNDING/FISCAL IMPACT

Funding for the project is fully contained within the Accelerated Capital Improvement Program - Phase 1 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.

Attachment

cc: Jane Struder, Director of Finance
William K. Francis, P.E., Town Engineer
Charles R. Langley, P.E., Senior Project Engineer
Lynda Venne-Cummings, Purchasing Agent

RESOLUTION NO. 39-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR DESIGN PHASE ENGINEERING SERVICES TO MOCK, ROOS & ASSOCIATES, INC., IN THE AMOUNT OF \$66,740 FOR CONSTRUCTION PLANS FOR MILLING AND RESURFACING EJECTOR STREETS AND ESTABLISHING A DESIGN PHASE BUDGET INCREASE OF \$70,000 (FROM \$112,000 TO \$182,000).

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 engineering design services to Mock, Roos & Associates, Inc. in the amount of \$66,740 for construction plans for milling and resurfacing Ejector streets and establishes a design phase budget increase of \$70,000 (from \$112,000 to \$182,000).

Section 2. The Town Manager, or his designee, is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of the milling and resurfacing of Ejector streets, 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 11th day of March 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

MOCK • ROOS
ENGINEERS • SURVEYORS • PLANNERS

February 26, 2014

Mr. Chuck Langley, P.E.
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No.: B3053.00
Subject: Ejector Station Paving Improvements
Professional Design Phase Services

Dear Mr. Langley:

We are submitting the attached *Proposal to Provide Design Phase Services for the Ejector Station Paving Improvements*. Please review the attached documents and return one signed copy of the *Proposal* to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will be \$66,740.

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

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.
Vice President

GGG:jeh
Enclosure
Copies: Bookkeeping

F:\mk\b3053.00\ejector station paving improvements.doc

Mock, Roos & Associates, Inc.

5720 Corporate Way West Palm Beach, Florida 33407-2066. (561) 683-3113. fax 478-7248

Proposal to Provide Design for the Ejector Station Paving Improvements

Services to be provided by: Mock•Roos

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

Proposal Date: February 26, 2014

Proposal Terms

A. Scope of Services:

The Town desires to mill and resurface several roadways following completion of its current Ejector Station Improvements project work; at the end of the 2014 construction season. The Roadways include:

- Via Del Mar – 330' in length
- Clarendon Avenue - approximately 1,000' in length
- Via Bellaria – approximately 1,050' in length
- Via Del Lago – approximately 990' in length
- Via Palma – approximately 990' in length
- Kings Road – approximately 840' in length
- Woodbridge Road – approximately 850' in length
- Regents Park Road – 100' west from entrance only
- Ocean View Road – approximately 350' in length
- Lagomar Road – approximately 570' in length
- 1590 S. Ocean Boulevard – approximately 330' in length
- Seagrape Circle – approximately 180' in length
- Parc Monceau Court – approximately 280' in length
- Via Agape – approximately 230' in length
- Travers Way will be milled & resurfaced from El Bravo Way to El Brillo Way

Clarendon Avenue, Via Del Lago, and Via Palma have known drainage concerns at the westmost limit of the roadway. The scope includes evaluating the issues to determine if any modifications can be made to improve the existing conditions. Ocean Circle/Via Fontana are not included in the project as the roadways consist of pavers. Ibis Way is assumed to be a straightforward mill and overlay from SR A1A to Ibis Isle Road and is not included in this design proposal.

Mock•Roos will provide services as follows:

1. Perform topographic field survey tasks:

- a. Perform research and calculations to prepare the field control sheet to recover and/or re-establish the horizontal and vertical control for the project corridor.
 - b. Recover and/or reset horizontal and vertical control. Elevations will be based upon National Geodetic Vertical Datum 1929.
 - c. Field locate, using conventional survey, roadway centerline and edge of pavement at 50-foot intervals, and at major ground elevation changes to depict existing ground profile at proposed project area. Cross-sections will generally consist of top or face of curb, edge of pavement, centerline, edge of pavement, top or face of curb.
 - d. Obtain additional topo at Clarendon Avenue, Via Del Lago, and Via Palma to evaluate drainage concerns.
 - e. Prepare a topographic base drawing.
2. Conduct up to two field reviews and note any areas that require special preparation prior to paving work. Incorporate all information from the field review to the base drawings.
3. Obtain up to 20 pavement cores, taken approximately as agreed to by the Town and Engineer. Prepare brief letter report documenting findings.
4. Prepare preliminary contract drawings and technical specifications governing workmanship and materials. Perform site meeting with Town to review potential improvements.
5. Evaluate drainage concerns on Clarendon Avenue, Via Del Lago, and Via Palma.
6. Provide the Town with 90% documents (including an Engineer's Opinion of Probable Construction Cost for review and comment. Incorporate Town comments into final documents.
7. Provide Town's current Ejector Station Improvements contractor with 100% documents for the contractor's use in preparing a price proposal for the additional paving work.
8. Prepare Engineer's Opinion of Probable Construction Costs.
9. Provide assist with evaluating contractor's price proposal and completion and execution of a change order for the additional paving work.
10. Coordinate with Town and Town's current Ejector Station Improvements contractor as necessary.

B. Additional Services:

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

C. Fees and Rates:

1. The total fee to provide the Scope of Services on an hourly basis with a not to exceed fee of \$66,740.
2. Mock•Roos can provide Additional Services at the Mock•Roos hourly rates in effect at that time, plus any reimbursable expenses, or for an agreed upon lump sum fee.

D. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal 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:  2/26/14

Name: Garry G. Gruber, P.E.

Title: Vice President

Date: February 26, 2014

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 40-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Investment Policy for the Town; Providing an Effective Date.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- [Memorandum Dated February 28, 2014, from Jane Struder, Finance Director](#)
- [Resolution No. 40-2014](#)
- [Investment Policy](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Amendments to the Investment Policy for the Town's Surplus Funds
Resolution No. 40-2014

Date: February 28, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 40-2014 adopting the amendments to the Town's investment policy.

BOARD OR COMMISSION RECOMMENDATION

The Investment Advisory Committee recommends that the Town Council approve the revisions to the investment policy for the Town's surplus funds.

GENERAL INFORMATION

Investment Advisory Committee approved amendments to the Town's investment policy. The changes to the Investment Policy attached to Resolution 40-2014 are shown in red type. The amendments include clarifications and modifications to ensure that the policy complies with recent SEC changes. In addition, the following changes have also been included:

- Extending the maturity limitation for Certificates of Deposit from 1 year to 5 years
- Extending the maturity limitation for Corporate Notes from 3 years to 5 years
- Extending the maturity limitation for State and/or Local Government Taxable and/or Tax-Exempt Debt from 3 years to 5 years
- Providing the flexibility to invest in prime commercial paper to a maximum of 35% of available funds rather than 25%
- Providing the flexibility to invest in Corporate Notes to a maximum of 35% of available funds rather than 25%
- Deleting Corporate Obligations from the policy (no longer an investment option)
- Modifying the weighted average maturity for Money Market Mutual Funds from 90 days to 60 days as now required by the SEC.
- The addition of a due diligence questionnaire (Attachment B) to be answered prior to investing in money market funds or intergovernmental investment pools.

Dr. Michael Andrews, Chairman of the Investment Advisory Committee, will be in attendance at the March 11th meeting to answer any questions you may have.

TOWN ATTORNEY REVIEW

The investment policy and Resolution No. 40-2014 have been approved by the Town Attorney for legal form and sufficiency.

Jls

cc: Investment Advisory Committee
Scott Stitcher, PFM Asset Management

RESOLUTION NO. 40-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE INVESTMENT POLICY FOR THE TOWN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 9, 2010, the Town adopted Resolution No. 33-10, adopting an Investment Policy for the Town; and

WHEREAS, on September 11, 2012, the Town adopted Resolution No. 98-2012 amending the Investment Policy for the Town; and

WHEREAS, upon review it has been determined that the Investment Policy should now be amended in the manner and form attached hereto.

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

Section 1. This Resolution is hereby adopted to include the Town of Palm Beach Investment Policy as Exhibit "A" attached and made a part hereto.

Section 2. This Resolution shall become effective immediately upon passage by the Town Council.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of March, 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

Exhibit A

Investment Policy Town of Palm Beach, Florida



Dated: March 11, 2014

Table of Contents

	Page
I. PURPOSE	3
II. SCOPE	3
III. INVESTMENT OBJECTIVES	3
IV. DELEGATION OF AUTHORITY	4
V. STANDARDS OF PRUDENCE	4
VI. ETHICS AND CONFLICTS OF INTEREST	5
VII. INTERNAL CONTROLS AND INVESTMENT PROCEDURE	5
VIII. CONTINUING EDUCATION	5
IX. AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS	5
X. MATURITY AND LIQUIDITY REQUIREMENTS	6
XI. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS	6
XII. AUTHORIZED INVESTMENTS AND PORTFOLIO COMPOSTION	7
XIII. DERIVATIVES AND REVERSE REPURCHASE AGREEMENTS	14
XIV. PERFORMANCE MEASUREMENTS	14
XV. REPORTING	14
XVI. THIRD-PARTY CUSTODIAL AGREEMENTS	15
XVII. INVESTMENT COMMITTEE	15
XVIII. INVESTMENT POLICY ADOPTION	16

ATTACHMENT A: Glossary of Cash and Investment Management Terms

ATTACHMENT B: Investment Pool Fund Questionnaire

Investment Policy of the Town of Palm Beach

I. PURPOSE

The purpose of this Investment Policy (hereinafter “Policy”) is to set forth the investment objectives and parameters for the management of the funds of the Town of Palm Beach, (hereinafter “Town”). This Policy is designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices.

II. SCOPE

In accordance with Section 218.415, Florida Statutes, this Policy applies to all cash and investments held or controlled by the Town and shall be identified as “general operating funds” of the Town with the exception of the Town’s Pension Funds and funds related to the issuance of debt where there are other existing policies or indentures in effect for such funds. Additionally, any future revenues, which have statutory investment requirements conflicting with this Policy and funds held by state agencies (e.g., Department of Revenue), are not subject to the provisions of this Policy.

III. INVESTMENT OBJECTIVES

Safety of Principal

The foremost objective of this investment program is the safety of the principal of those funds within the portfolios. Investment transactions shall seek to keep capital losses at a minimum, whether they are from securities defaults or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

From time to time, securities may be traded for other similar securities to improve yield, maturity or credit risk. For these transactions, a loss may be incurred for accounting purposes to achieve optimal investment return, provided any of the following occurs with respect to the replacement security:

- A. The yield has been increased, or
- B. The maturity has been reduced or lengthened, or
- C. The quality of the investment has been improved.

Maintenance of Liquidity

The portfolios shall be managed in such a manner that funds are available to meet reasonably anticipated cash flow requirements in an orderly manner. Periodical cash flow analyses will be completed in order to ensure that the portfolios are positioned to provide sufficient liquidity.

Return on Investment

Investment portfolios shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

IV. DELEGATION OF AUTHORITY

Responsibility for management of the investment program is hereby delegated to the Finance Director, under the direction of the Town Manager. No investment activity shall take place except as provided under the terms of this Policy. The Town may appoint an outside investment manager as “Agent” for the Town’s cash reserves. Such Investment Manager must be registered under the Investment Advisors Act of 1940. The “Agent” for the Town shall have discretion over the purchase and sale of securities within this investment Policy.

Positions authorized as investment signatories are the Town Manager and the Finance Director. If either of these individuals is unavailable, the Deputy Town Manager may authorize investment transactions in the place and stead of the Town Manager and the Assistant Finance Director may authorize investment transactions in the place and stead of the Finance Director.

In all cases, every investment transaction requires two authorizing signatures. However, the Town Manager and Deputy Town Manager are not authorized to countersign each other’s signature. Nor are the Finance Director and Assistant Finance Director authorized to countersign each other’s signature.

The Finance Director shall maintain an Investment Procedures and Internal Controls Manual based on this Policy. The Finance Director shall be responsible for monitoring internal controls, administrative controls and to regulate the activities of the Town’s staff involved with the investment program.

V. STANDARDS OF PRUDENCE

The standard of prudence to be used by investment officials shall be the “Prudent Person” standard and shall be applied in the context of managing the overall investment program. Investment officers acting in accordance with written procedures and this investment Policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectation are reported to the Town Council in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this Policy. The “Prudent Person” rule states the following:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

While the standard of prudence to be used by investment officials who are officers or employees is the “Prudent Person” standard, any person or firm hired or retained to invest, monitor, or advise concerning these assets shall be held to the higher standard of “Prudent Expert”. The standard shall be that in investing and reinvesting moneys and in acquiring, retaining, managing, and disposing of investments of

these funds, the contractor shall exercise: the judgment, care, skill, prudence, and diligence under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the funds, so as to minimize the risk, considering the probable income as well as the probable safety of their capital.

VI. ETHICS AND CONFLICTS OF INTEREST

Employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Also, employees involved in the investment process shall disclose to the Investment Committee any material financial interests in financial institutions that conduct business with the Town, and they shall further disclose any material personal financial/investment positions that could be related to the performance of the Town's investment program.

VII. INTERNAL CONTROLS AND INVESTMENT PROCEDURES

The Finance Director shall establish a system of internal controls and operational procedures that are in writing and made a part of the Town's operational procedures. The internal controls should be designed to prevent losses of funds, which might arise from fraud, employee error, and misrepresentation by third parties, or imprudent actions by employees. The written procedures should include reference to safekeeping, repurchase agreements, separation of transaction authority from accounting and record keeping, wire transfer agreements, banking service contracts, collateral/depository agreements, and "delivery vs. payment" procedures. No person may engage in an investment transaction except as authorized under the terms of this Policy. These procedures are intended to reduce the relatively low risk that material losses may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Independent auditors as a normal part of the annual financial audit to the Town shall conduct a review of the system of internal controls to ensure compliance with policies and procedures.

VIII. CONTINUING EDUCATION

The Finance Director and Assistant Finance Director and/or appropriate staff shall annually complete 8 hours of continuing education in subjects or courses of study related to investment practices and products.

IX. AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS

Authorized Town staff and Investment Advisors shall only purchase securities from financial institutions, which are Qualified Institutions by the Town or institutions designated as "Primary Securities Dealers" by the Federal Reserve Bank of New York. Authorized Town staff and Investment Advisors shall only enter into repurchase agreements with financial institutions that are Qualified Institutions and Primary Securities Dealers as designated by the Federal Reserve Bank of New York. The Finance Director, management designee and/or the Investment Advisors shall maintain a list of financial institutions and broker/dealers that are approved for investment purposes and only firms meeting the following requirements will be eligible to serve as Qualified Institutions:

- 1) regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule);
- 2) Capital of no less than \$10,000,000;
- 3) registered as a dealer under the Securities Exchange Act of 1934;
- 4) member of the National Association of Dealers (NASD);
- 5) registered to sell securities in Florida; and
- 6) the firm and assigned broker have been engaged in the business of effecting transactions in U.S. government and agency obligations for at least five (5) consecutive years.
- 7) Qualified Public Depository as defined by the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes

The Town's Investment Advisor(s) shall utilize and maintain its own list of approved primary and non-primary securities dealers.

All brokers, dealers and other financial institutions deemed to be Qualified Institutions shall be provided with current copies of the Town's Investment Policy. A current audited financial statement is required to be on file for each financial institution and broker/dealer with which the Town and/or investment advisor transacts business.

X. MATURITY AND LIQUIDITY REQUIREMENTS

Operating Funds

To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements. Investments of current operating funds shall have maturities of no longer than twelve (12) months.

Core Funds

Investments of reserves, project funds, debt proceeds and other non-operating funds ("core funds") shall have a term appropriate to the need for funds and in accordance with debt covenants, but in no event shall exceed five (5) years and the average duration of the funds as a whole may not exceed three (3) years.

XI. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

After the Finance Director, management designee or the Investment Advisor has determined the approximate maturity date based on cash flow needs and market conditions and has analyzed and selected one or more optimal types of investments, a minimum of three (3) Qualified Institutions and/or Primary Dealers must be contacted and asked to provide bids/offers on securities in questions. Bids will be held in confidence until the bid deemed to best meet the investment objectives is determined and selected.

However, if obtaining bids/offers are not feasible and appropriate, securities may be purchased utilizing the comparison to current market price method on an exception basis. Acceptable current market price providers include, but are not limited to:

- A. Telerate Information System
- B. Bloomberg Information Systems

- C. Wall Street Journal or a comparable nationally recognized financial publication providing daily market pricing
- D. Daily market pricing provided by the Town's custodian or their correspondent institutions

The Finance Director or the Investment Advisor shall utilize the competitive bid process to select the securities to be purchased or sold. Selection by comparison to a current market price, as indicated above, shall only be utilized when, in judgment of the Finance Director or the Investment Advisor, competitive bidding would inhibit the selection process.

Examples of when this method may be used include:

- A. When time constraints due to unusual circumstances preclude the use of the competitive bidding process
- B. When no active market exists for the issue being traded due to the age or depth of the issue
- C. When a security is unique to a single dealer, for example, a private placement
- D. When the transaction involves new issues or issues in the "when issued" market

Overnight sweep investments or repurchase agreements will not be bid, but may be placed with the Town's depository bank relating to the demand account for which the sweep investments or repurchase agreement was purchased.

XII. AUTHORIZED INVESTMENTS AND PORTFOLIO COMPOSITION

Investments should be made subject to the cash flow needs and such cash flows are subject to revisions as market conditions and the Town's needs change. However, when the invested funds are needed in whole or in part for the purpose originally intended or for more optimal investments, the Finance Director or management designee may sell the investment at the then-prevailing market price and place the proceeds into the proper account at the Town's custodian.

The following are the investment requirements and allocation limits on security types, issuers, and maturities as established by the Town. The Finance Director or management designee shall have the option to further restrict investment percentages from time to time based on market conditions, risk and diversification investment strategies. The percentage allocations requirements for investment types and issuers are calculated based on the original cost of each investment. Investments not listed in this Policy are prohibited.

The allocation limits and security types do not apply to the investment of debt proceeds. These investments shall be governed by the debt covenant included in the debt instrument.

- A. United States Government Securities
 - 1. Purchase Authorization

Authorized Staff may invest in negotiable direct obligations, or obligations the principal and interest of which are unconditionally guaranteed by the United States Government. Such securities will include, but not be limited to the following:

- Cash Management Bills
- Treasury Securities – State and Local Government Series (SLGS)
- Treasury Bills
- Treasury Notes
- Treasury Bonds
- Treasury Strips

2. Portfolio Composition

A maximum of 100% of available funds may be invested in the United States Government Securities.

3. Maturity Limitations

The length to maturity of any direct investment in the United States Government Securities is five (5) years from the date of purchase. Maturities longer than five (5) years require the Town's approval.

B. United States Government Agencies (full faith and credit of the United States Government)

1. Purchase Authorization

Authorized Staff may invest in bonds, debentures or notes issued or guaranteed by the United States Government agencies, provided such obligations are backed by the full faith and credit of the United States Government. Such securities will include, but not be limited to the following:

- Government National Mortgage Association (GNMA)
- United States Export – Import Bank
 - Direct obligations or fully guaranteed certificates of beneficial ownership
- Farmer Home Administration
 - Certificates of beneficial ownership
- Federal Financing Bank
 - Discount notes, notes and bonds
- Federal Housing Administration Debentures
- General Services Administration
- New Communities Debentures
 - United States Government guaranteed debentures
- United States Public Housing Notes and Bonds
 - United States Government guaranteed public housing notes and bonds
- United States Department of Housing and Urban Development
 - Project notes and local authority bonds

2. Portfolio Composition

A maximum of 50% of available funds may be invested in United States Government agencies.

3. Limits on Individual Issuers

A maximum of 25% of available funds may be invested in individual United States Government agencies.

4. Maturity Limitations

The length to maturity for an investment in any United States Government agency security is five (5) years from the date of purchase.

C. Federal Instrumentalities (United States Government sponsored agencies which are non-full faith and credit).

1. Purchase Authorization

Authorized Staff may invest in bonds, debentures or notes issued or guaranteed by United States Government sponsored agencies (Federal Instrumentalities which are non-full faith and credit agencies) limited to the following:

Federal Farm Credit Bank (FFCB)
Federal Home Loan Bank or its District banks (FHLB)
Federal National Mortgage Association (FNMA)
Federal Home Loan Mortgage Corporation (Freddie-Macs) including Federal Home Loan Mortgage Corporation participation certificates

2. Portfolio Composition

A maximum of 80% of available funds may be invested in Federal Instrumentalities.

3. Limits on Individual Issuers

A maximum of 30% of available funds may be invested in any one issuer.

4. Maturity Limitations

The length to maturity for an investment in any Federal Instrumentality is five (5) years from the date of purchase.

D. Non-Negotiable Interest Bearing Time Certificates of Deposit

1. Purchase Authorization

Authorized Staff may invest in non-negotiable interest bearing time certificates of deposit or savings accounts in banks organized under the laws of this state and/or in national banks organized under the laws of the United States and doing business and situated in this state, provided that any such deposits are secured by the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes and provided that the bank is not listed with any recognized credit watch information service.

2. Portfolio Composition

A maximum of 50% of available funds may be invested in non-negotiable interest bearing time certificates of deposit or savings accounts.

3. Limits on Individual Issuers

A maximum of 25% of available funds may be deposited with any one issuer.

4. Maturity Limitations

The maximum maturity on any certificate shall be no greater than ~~one (1)~~ five (5) years from the date of purchase.

E. Repurchase Agreements

1. Purchase Authorization

a. Authorized Staff may invest in repurchase agreements comprised of only those investments based on the requirements set forth by the Town's Master Repurchase Agreement. All firms with whom the Town enters into repurchase agreements will have in place an executed Master Repurchase Agreement with the Town.

b. A third party custodian shall hold collateral for all repurchase agreements with a term longer than one (1) business day.

c. Securities authorized for collateral are negotiable direct obligations of the United States Government and Federal Instrumentalities with maturities under five (5) years and must have a mark-to-market value at a minimum of 102 percent during the term of the repurchase agreement. Immaterial short-term deviations from 102 percent requirement are permissible only upon the approval of the Authorized Staff.

2. Portfolio Composition

A maximum of 50% of available funds may be invested in repurchase agreements with the exception of one (1) business day agreements and overnight sweep agreements.

3. Limits on Individual Issuers

A maximum of 25% of available funds may be invested with any one institution with the exception of one (1) business day agreements and overnight sweep agreements.

4. Maturity Limitations

The maximum length to maturity of any repurchase agreement is 60 days from the date of purchase.

F. Commercial Paper

1. Purchase Authorization

Authorized Staff may invest in commercial paper of any United States company that is rated, at the time of purchase, “Prime-1” by Moody’s and “A-1” by Standard & Poor’s (prime commercial paper).

2. Portfolio Composition

A maximum of ~~35~~ 25% of available funds may be directly invested in prime commercial paper.

3. Limits on Individual Issuers

A maximum of 15% of available funds may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for prime commercial paper shall be 270 days from the date of purchase.

G. Corporate Notes

1. Purchase Authorization

The Finance Director may invest in corporate notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States that have a long term debt rating, at the time of purchase, ~~must be rated at least single “A” category by any two (2) Nationally Recognized Statistical Rating Organizations (“NRSROs”) at a minimum “A” by Moody’s and a minimum long term debt rating of “A” by Standard & Poor’s.~~

2. Portfolio Composition

A maximum of ~~35~~ 25% of available funds may be directly invested in corporate notes and a maximum allocation in “A” rated securities of 10%.

3. Limits on Individual Issuers

A maximum of 5% of available funds may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for corporate notes shall be ~~five (5)~~ 3 years from the date of purchase.

~~H. Corporate Obligations~~

~~1. Purchase Authorization~~

~~The Authorized Staff may invest in corporate obligations issued by financial institutions that participate in the FDIC’s Temporary Liquidity Guarantee Program and are fully~~

~~insured by the FDIC and are guaranteed by the full faith and credit of the United States Government.~~

~~2. Portfolio Composition~~

~~A maximum of 50% of available funds may be directly invested in corporate obligations.~~

~~3. Limits on Individual Issuers~~

~~A maximum of 25% of available funds may be invested with any one issuer.~~

~~4. Maturity Limitations~~

~~The maximum length to maturity for corporate obligations shall be 3 years from the date of purchase.~~

I. Bankers' Acceptances

1. Purchase Authorization

Authorized Staff may invest in bankers' acceptances which are issued by a domestic bank which has at the time of purchase, an unsecured, uninsured and unguaranteed obligation rating of at least "Prime-1" by Moody's or "A-1" by Standard & Poor's.

2. Portfolio Composition

A maximum of 35% of available funds may be directly invested in bankers' acceptances.

3. Limits on Individual Issuers

A maximum of 20% of available funds may be invested with any one issuer.

4. Maturity Limitations

The maximum length to maturity for bankers' acceptances shall be 180 days from the date of purchase.

J. State and/or Local Government Taxable and/or Tax-Exempt Debt

1. Purchase Authorization

Authorized Staff may invest in state and/or local government taxable and/or tax-exempt debt, general obligation and/or revenue bonds, ~~must be rated at least single "A" category by any two (2) Nationally Recognized Statistical Rating Organizations ("NRSROs") rated at least "Aa" by Moody's or "AA" by Standard & Poor's for long-term debt~~, or rated at least "MIG-2" by Moody's or "SP-2" by Standard & Poor's for short-term debt.

2. Portfolio Composition

A maximum of 20% of available funds may be invested in taxable and tax-exempt debts.

3. Limits on Individual Issuers

A maximum of 20% of available funds may be invested with any one issuer.

4. Maturity Limitations

A maximum length to maturity for an investment in any state or local government debt security is ~~three (3)~~ **five (5)** years from the date of purchase.

K. Registered Investment Companies (Money Market Mutual Funds)

1. Investment Authorization

Authorized Staff may invest in shares in open-end and no-load money market funds provided such funds are registered under the Federal Investment Company Act of 1940 and operate in accordance with 17 C.F.R. § 270.2a-7, which stipulates that money market funds must have an average weighted maturity of ~~90~~ **60** days or less. In addition, the share value of the money market funds must be equal to \$1.00.

2. Portfolio Composition

A maximum of 50% of available funds may be invested in money market funds.

3. Limits of Individual Issuers

A maximum of 25% of available funds may be invested with any one money market fund.

4. Rating Requirements

The money market funds shall be rated “AAAm” by Standard & Poor’s or the equivalent by another rating agency.

5. Due Diligence Requirements

A thorough review of any money market fund is required prior to investing, and on a continual basis. ~~Attachment B is a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund. There shall be a questionnaire developed by the Finance Director that will contain a list of questions that covers the major aspects of any investment pool/fund.~~

L. Intergovernmental Investment Pool

1. Investment Authorization

Authorized Staff may invest in intergovernmental investment pools that are authorized pursuant to the Florida Interlocal Cooperation Act, as provided in s. 163.01, F.S.

2. Portfolio Composition

A maximum of 50% of available funds may be invested in intergovernmental investment pools.

3. Rating Requirements

The Intergovernmental Investment Pool shall be rated “AAA” by Standard & Poor’s ~~or a National Recognized Statistical Rating Organization (“NRSROs”) the equivalent by another rating agency.~~

4. Due Diligence Requirements

A thorough review of any investment pool/fund is required prior to investing, and on a continual basis. ~~Attachment B is a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund. There shall be a questionnaire developed by the Finance Director that will contain a list of questions that covers the major aspects of any investment pool.~~

XIII. DERIVATIVES AND REVERSE REPURCHASE AGREEMENTS

Investment in any derivative products or the use of reverse repurchase agreements is prohibited.

A “derivative” is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or indices or asset values.

XIV. PERFORMANCE MEASUREMENTS

In order to assist in the evaluation of the portfolios’ performance, the Town will use performance benchmarks for short-term and long-term portfolios. The use of benchmarks will allow the Town to measure its returns against other investors in the same markets.

- A. The short-term investment portfolio shall be evaluated in comparison with the weighted average return (net book value rate of return) of the Standard & Poor’s Local Government Investment Pool All 30 Day rate (LGIP30D). The Standard & Poor’s LGIP30D represents Government Investment Pools that maintain a stable net asset value of \$1 per share with an average maturity of 30 days and is rated in Standard & Poor’s two highest money market fund rating categories: “AAAm” and “AAm.”
- B. Investment performance of funds designated as core funds and other non-operating funds that have a longer-term investment horizon will be compared to an index comprised of U. S. Treasury or Government securities. The appropriate index will have a duration and asset mix that approximates the portfolios and will be utilized as a benchmark to be compared to the portfolios’ total rate of return. Investments of bond reserves, construction funds, and other non-operating funds (“core funds”) shall have a term appropriate to the need for funds and in accordance with debt covenants, but in no event shall exceed five (5) years.
- C. In order to calculate the overall return for the Town’s various investment portfolios, there will be a dollar weighted calculation for both the portfolio and the benchmark.

XV. REPORTING

On a monthly basis, the Finance Director shall generate reports for management purposes, and shall promptly submit such reports to the Town Manager. The report shall list securities in the portfolio by class or type, book value, income earned, and market value as of the report date. Current yield and total return for each pool and for the total of all reserves should be reported.

The Finance Director, management designee and/or Investment Advisor shall provide the Town Manager with a "Quarterly Investment Report" that summarizes but not limited to the following:

- A. Recent market conditions, economic developments and anticipated investment conditions.
- B. The investment strategies employed in the most recent quarter.
- C. A description of all securities held in investment portfolios at month-end.
- D. The total rate of return for the quarter and year-to-date versus appropriate benchmarks.
- E. Any areas of the Policy concern warranting possible revisions to current or planned investment strategies. The market values presented in these reports will be consistent with accounting guidelines in GASB Statement 31.

On an annual basis, the Town Manager designee shall submit to the Town Council a written report on all invested funds. The annual report shall provide all, but not limited to, the following: a complete list of all invested funds, name or type of security in which the funds are invested, the amount invested, the maturity date, earned income, the book value, the market value, the yield on each investment.

The annual report will show performance on both a book value and total rate of return basis and will compare the results to the above-stated performance benchmarks. All investments shall be reported at fair value per GASB Statement 31. Investment reports shall be available to the public.

XVI. THIRD-PARTY CUSTODIAL AGREEMENTS

Securities, with the exception of certificates of deposits, shall be held with a third party custodian; and all securities purchase by, and all collateral obtained by the Town should be properly designated as an asset of the Town. The securities must be held in an account separate and apart from the assets of the financial institution. A third party custodian is defined as any bank depository chartered by the Federal Government, the State of Florida, or any other state or territory of the United States which has a branch or principal place of business in the State of Florida, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in the State of Florida. Certificates of deposits will be placed in the provider's safekeeping department for the term of the deposit.

The custodian shall accept transaction instructions only from those persons who have been duly authorized by the Town Manager and which authorization has been provided, in writing, to the custodian. No withdrawal of securities, in whole or in part, shall be made from safekeeping, shall be permitted unless by such a duly authorized person.

The custodian shall provide the Finance Director or management designee with safekeeping statements that provide detail information on the securities held by the custodian.

On a monthly basis, the custodian will also provide reports that list all securities held for the Town, the book value of holdings and the market value as of month-end.

Security transactions between a broker/dealer and the custodian involving the purchase or sale of securities by transfer of money or securities must be made on a “delivery vs. payment” basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction. Securities held as collateral shall be held free and clear of any liens.

XVII. INVESTMENT COMMITTEE

The Town has established an Investment Committee by Ordinance number 4-04. The ordinance provides for the appointments, terms, qualifications, functions, regulations and procedures regarding the activities of the committee.

XVIII. INVESTMENT POLICY ADOPTION

The Investment Policy shall be adopted by Town resolution. The Finance Director, Assistant Finance Director, and the Investment Committee shall review the Policy annually and submit recommendations to the Town Manager for review and approval. If a change in the Policy is recommended for approval by the Town Manager, the Finance Director will prepare the necessary report to Council.

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

TOWN ATTORNEY

Attachment A

Glossary of Cash and Investment Management Terms

Agency - A debt security issued by a federal or federally sponsored agency. Federal agencies are backed by the full faith and credit of the U.S. Government. Federally sponsored agencies (FSAs) are backed by each particular agency with a market perception that there is an implicit government guarantee. An example of federal agency is the Government National Mortgage Association (GNMA). An example of a FSA is the Federal National Mortgage Association (FNMA).

Asked - The price at which securities are offered

Average Life - The average length of time that an issue of serial bonds and/or term bonds with a mandatory sinking fund feature is expected to be outstanding.

Bankers' Acceptance (BA) - A draft, bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

Basis Point - A unit of measurement used in the valuation of fixed-income securities equal to 1/100 of 1 percent of yield, e.g., "1/4" of 1 percent is equal to 25 basis points.

Bid - The indicated price at which a buyer is willing to purchase a security or commodity.

Book Value - The value at which a security is carried on the inventory lists or other financial records of an investor. The book value may differ significantly from the security's current value in the market.

Broker - A broker brings buyer and sellers together for a commission.

Certificate of Deposit (CD) - A time deposit with a specific maturity evidenced by a certificate. Large-denomination CDs are typically negotiable.

Collateralization - Process by which a borrower pledges securities, property, or other deposits for securing the repayment of a loan and/or security.

Commercial Paper - An unsecured short-term promissory note issued by corporations, with maturities ranging from 2 to 270 days.

Convexity - A measure of a bond's price sensitivity to changing interest rates. A high convexity indicates greater sensitivity of a bond's price to interest rate changes.

Current Yield (Current Return) - A yield calculation determined by dividing the annual interest received on a security by the current market price of that security.

Dealer - A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

Delivery Versus Payment (DVP) - A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or his/her custodian.

Attachment A

Glossary of Cash and Investment Management Terms

Derivatives - For hedging purposes, common derivatives are options, futures, swaps and swaptions. All Collateralized Mortgage Obligations (“CMOs”) are derivatives. (1) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities).

Derivative Security - Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

Diversification - A process of investing assets among a range of security types by sector, maturity, and quality rating.

Duration - A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate, and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

Federal Home Loan Banks (FHLB) - Government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

Federal National Mortgage Association (FNMA) - FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation’s purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA’s securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Government National Mortgage Association (GNMA OR GINNIE MAE) - Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. The security holder is protected by full faith and credit of the U. S. Government. Ginnie Mae securities are backed by the FHA, VA, or FMHM mortgages. The term “passthroughs” is often used to describe Ginnie Maes.

Government Securities - An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. See "Treasury Bills, Notes, Bonds, and SLGS."

Internal Controls - An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. Internal controls should address the following points:

Attachment A

Glossary of Cash and Investment Management Terms

1. **Control of collusion** - Collusion is a situation where two or more employees are working in conjunction to defraud their employer.
2. **Separation of transaction authority from accounting and record keeping** - By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
3. **Custodial safekeeping** - Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.
4. **Avoidance of physical delivery securities** - Book-entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
5. **Clear delegation of authority to subordinate staff members** - Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.
6. **Written confirmation of transactions for investments and wire transfers** - Due to the potential for error and improprieties arising from telephone and electronic transactions, all transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and if the safekeeping institution has a list of authorized signatures.
7. **Development of a wire transfer agreement with the lead bank and third-party custodian** - The designated official should ensure that an agreement will be entered into and will address the following points: controls, security provisions, and responsibilities of each party making and receiving wire transfers.

Investment Company Act of 1940- Federal legislation that sets the standards by which investment companies, such as mutual funds, are regulated in the areas of advertising, promotion, performance reporting requirements, and securities valuations.

Liquidity - An asset that can be converted easily and quickly into cash.

Local Government Investment Pool (LGIP) - An investment by local governments in which their money is pooled as a method for managing local funds, (i.e., Florida State Board of Administration “SBA”).

Long-Term Core Investment Program – Funds that are not needed within a one year period.

Mark-to-market - The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.

Market Value - Current market price of a security.

Attachment A

Glossary of Cash and Investment Management Terms

Master Repurchase Agreement - A written contract covering all future transactions between parties to repurchase—reverse repurchase agreement that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

Maturity - The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder. See "Weighted Average Maturity".

Money Market - The market in which short-term debt instruments (bills, commercial paper, bankers' acceptance, etc.) are issued and traded.

Money Market Mutual Fund - Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

National Association of Securities Dealers (NASD) - A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

Net Asset Value - The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets which includes securities, cash, and any accrued earnings, subtracting this from the fund's liabilities and dividing this total by the number of shares outstanding. This is calculated once a day based on the closing price for each security in the fund's portfolio. (See below.)

$$[(\text{Total assets}) - (\text{Liabilities})]/(\text{Number of shares outstanding})$$

Par - Face value or principal value of a bond, typically \$1,000 per bond.

Portfolio - Collection of securities held by an investor.

Principal - The face value or par value of a debt instrument. Also may refer to the amount of capital invested in a given security.

Qualified Public Depository - Per Florida Statute 280, means any bank, saving bank or savings association that:

- (a) Is organized and exists under the laws of the United States, the laws of this state or any other state or territory of the United States;
- (b) Has its principal place of business in this state or has a branch office in this state which is authorized under the laws of this state or of the United States to receive deposits in this state.
 - (c) Has deposit insurance under the provision of the Federal Deposit Insurance Act, as amended, 12 U.S.C. ss.1811 seq.
- (d) Meets all requirements of F.S. 280
- (e) Has been designated by the Chief Financial Officer of the State of Florida as a qualified public depository.

Attachment A

Glossary of Cash and Investment Management Terms

Rate of Return - For fixed income securities (bonds and preferred stock), current yield, that is, the coupon or contractual dividend rate divided by the purchase price. For common stock, dividend yield, which is the annual dividend divided by the purchase price.

Repurchase Agreement (repo or RP) - An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

Reverse Repurchase Agreement (Reverse Repo) - An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

Safekeeping - Holding of assets (e.g., securities) by a financial institution.

Structured Notes - Notes issued by government sponsored enterprises (FHLB, FNMA, SLMA, etc.) and corporations which have imbedded options (e.g. call features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by fluctuation of interest rates, the volatility of the imbedded options, and shifts in the shape of the yield curve.

Swap - Trading one asset for another.

Total Return - The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period. $(\text{Price Appreciation}) + (\text{Dividends paid}) + (\text{Capital gains}) = \text{Total Return}$

Treasury Bills - Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000. Auctions of three- and six-month bills are weekly, while auctions of one-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

Treasury Notes - Intermediate U.S. government debt securities with maturities of one to 10 years and issued in denominations ranging from \$1,000 to \$1 million or more.

Treasury Bonds - Long-term U.S. government debt securities with maturities of ten years or longer and issued in minimum denominations of \$1,000. Currently, the longest outstanding maturity for such securities is 30 years.

Weighted Average Maturity (WAM) - The average maturity of all the securities that comprise a portfolio. According to SEC rule 2a-7, the WAM for SEC registered money market mutual funds may not exceed 90 days and no one security may have a maturity that exceeds 397 days.

Yield - The current rate of return on an investment security generally expressed as a percentage of the security's current price.

Attachment A
Glossary of Cash and Investment Management Terms

Yield Curve - A graph showing the relationship at a single point in time between the available maturities of a security or similar securities with essentially identical credit risk and the yields that can be earned for each of those available maturities. A graphical depiction of the term structure of interest rates at any given point in time. Yield curves may be constructed for different instruments.

Yield-to-call (YTC) - The rate of return an investor earns from a bond assuming the bond is redeemed (called) prior to its nominal maturity date. **Yield Curve** - A graphic representation that depicts the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to as a positive yield curve.

Yield-to-maturity - The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.

Zero-coupon Securities - Security that is issued at a discount and makes no periodic interest payments. The rate of return consists of a gradual accretion of the principal of the security and is payable at par upon maturity.

Attachment B
Investment Pool/Fund Questionnaire

1. A description of eligible investment securities, and a written statement of investment policy and objectives.
2. A description of interest calculations and how it is distributed, and how gains and losses are treated.
3. A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
4. A description of who may invest in the program, how often, what size deposits and withdrawals are allowed.
5. A schedule for receiving statements and portfolio listings.
6. Are reserves, retained earnings, etc., utilized by the pool/fund?
7. A fee schedule, and when and how is it assessed.
8. Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Consent - Other

Agenda Title

Approval to Reschedule the November Town Council Meeting from November 11 (Veterans' Day) to November 13, 2014.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- [Memorandum dated March 4, 2014, from Peter Elwell, Town Manager](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Reschedule the November 11, 2014, Town Council Meeting

Date: March 4, 2014

STAFF RECOMMENDATION

Staff recommends that the Tuesday, November 11, 2014, Town Council meeting be rescheduled to be held on Thursday, November 13, 2014. Staff recommends no change to the Wednesday, November 12, 2014, Town Council meeting regarding development review items.

GENERAL INFORMATION

The November Town Council meeting regarding regular Town business falls on Veterans' Day this year. As that is a recognized Town holiday on which Town Hall is closed, staff recommends that the Tuesday, November 11, 2014, Town Council meeting be reschedule to be held on Thursday, November 13, 2014.

PBE:cek

cc: Thomas G. Bradford, Deputy Town Manager
Department Directors

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Consent - Other

Agenda Title

Ratification of the Town Manager's Approval to Extend the Emergency Generator Rental for the D-17 Pump Station.

Presenter

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

Supporting Documents

- [Memorandum dated February 19, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Ratification of the Town Manager's Approval to Extend the Emergency Generator Rental for the D-17 Pump Station

Date: February 19, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council ratify the Town Manager's decision to authorize Purchase Order No. 131703 in the total amount not to exceed \$30,808.50 for the continued rental of an emergency generator for the D-17 Storm Water Pumping Station from Sunbelt Rentals Incorporated.

GENERAL INFORMATION

On August 26, 2013, the 300-KW emergency generator at the D-17 Storm Water Pump Station failed and the cost for repairs exceeded the replacement value. Therefore, staff piggy-backed a contract of the Florida Sheriff's Association, and Council approved its replacement on November 12, 2013. In addition to the need to replace the generator, the Public Works Department required the rental of a temporary generator to assure uninterrupted service in the event of a power failure.

A purchase order was issued on September 6, 2013, in the amount of \$16,580.50, which covered a 16-week period. However, because there were unexpected delays acquiring the replacement generator the Town Manager exercised his emergency purchasing authority to extend the rental contract by way of Change Order No. 1 in the amount of \$9,428 to cover the period through January 27, 2014, and again by way of Change Order No. 2 in the amount of \$4,800 to cover the period through February 25, 2014. The new generator installation and connection was accomplished on February 20, and the rental generator was returned on February 21.

FUNDING/FISCAL IMPACT

Funding for this project was provided within the Fiscal Year 2014 Operating Budget.

PURCHASING REVIEW

Purchasing assisted in the Town Manager's approval of this emergency purchase and has reviewed and approved this item as presented.

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
William Francis, P.E., Town Engineer
Lynda Cummings, Purchasing Agent

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Consent - Other

Agenda Title

Approval of Retirement Board Appointments.

Presenter

William Hanes, Pension Administrator

Supporting Documents

- [Memorandum dated March 11, 2014, from William Hanes, Pension Administrator](#)
- [Current Roster](#)
- [Attendance Record](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: William P. Hanes, Pension Administrator

Re: Town of Palm Beach Retirement System

Date: March 11, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council re-appoint Wilbur Ross and C. Gerald Goldsmith to the Town of Palm Beach Retirement System Board of Trustees.

GENERAL INFORMATION

The Retirement Board of Trustees acts in a fiduciary capacity for the Town's retirement funds and in an advisory capacity to the Town Council on matters relating to the administration of the Town's various retirement plans.

Mr. Ross and Mr. Goldsmith have both completed a two-year term as members of the Town of Palm Beach Retirement Board of Trustees and are eligible for reappointment. Mr. Ross and Mr. Goldsmith have both submitted written verification of their interest in continuing to serve. No other applications were received.

These appointments are for a 3-year term beginning April 1, 2014.

Attachments

c: Danielle Olson, Director of Human Resources



Town of Palm Beach

RETIREMENT BOARD ROSTER

Town Appointees

Raymond W. Snow, Chairman	Appointed April 1, 2012 for 3 year term
C. Gerald Goldsmith	Appointed April 1, 2012 for 2 year term
Wilbur L. Ross Jr.	Appointed April 1, 2012 for 2 year term
James McCartney Wearn, Secretary	Appointed April 1, 2013 for 3 year term
Robert Garvy	Appointed April 1, 2013 for 3 year term

Employee Elected

Brett Madison-General Group	Appointed April 1, 2012 for 3 year term
Nicholas Caristo -Police Officer Group	Appointed April 1, 2013 for 3 year term
Currently Vacant – Firefighter Group	

Ex Officio

Peter B. Elwell, Town Manager	N/A
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TOWN OF PALM BEACH RETIREMENT SYSTEM BOARD

ATTENDANCE RECORD 2013/2014

MEMBERS	5/17/13	S=5/31/13	S=6/14/13	8/16/13	S=8/23/13	11/22/13	2/20/14
Snow	P	P	P	P	P	P	P
Goldsmith	P	P	P	P	P	P	P
Ross	P	P	P	E	E	P	P
Wearn	P	P	P	P	E	E	P
Garvy	P	P	P	E	P	P	P
Madison	P	P	P	P	P	P	P
Bates Police Rep	P	***	***	***	***	***	***
Cuomo** Firefighter Rep	P	U	P	No Rep to date	No Rep To date	No Rep to date	No Rep to date
Elwell	P	P	P	P	P	P	P
Caristo**** Police Rep				P	P	P	P

** Filled Jayson French's unexpired Term

***Resigned

****Caristo Took Bates unexpired term

**Cuomo terminated DROP-Retired-had to resign

Legend: S=Special Meeting, P=Present, E-Excused, U=Unexcused, A=Absence pending classification as excused or unexcused

Allowed 2 unexcused absences per calendar year

Special Meetings are not subject to the attendance policy

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Board/Commission Annual Report

Agenda Title

Landmarks Preservation Commission.

Presenter

Edward Austin Cooney, Chair

Supporting Documents

- [Memorandum dated February 27, 2014, from John S. Page, Director of Planning, Zoning and Building](#)
- [Landmarks Preservation Commission Annual Report](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Annual Report - Landmarks Preservation Commission

Date: February 27, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council hear the presentation of the Annual Report for 2013 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 Landmark Preservation Commission’s activities, and to answer any questions. This report will not include a Power Point presentation.

Attachment

JL

cc: Edward Austin Cooney, Chairman, Landmarks Preservation Commission
Members, Landmark Preservation Commission
John Lindgren, AICP, Planning Administrator

Landmarks Preservation Commission - Annual Report 2013

The Commission held 12 regularly scheduled meetings in 2013.

The Commission reviewed 50 Certificates of Appropriateness (a 28% increase from the previous year), including C.O.A.'s for the Bethesda-by-the-Sea and St. Edward Roman Catholic Church restoration projects, and projects along Worth Avenue and in the Royal Poinciana Plaza.

Nine new properties were placed "under consideration" for landmarking by the Commission during 2013. The Commission was able to conduct 12 new designation hearings prior to the end of the year. Ten properties at – 127 Dunbar Road, 256 South Ocean Boulevard, 319 El Vedado Road, 125 Root Trail, 130 El Brillo Way, 1047 South Ocean Boulevard, 322 Seaspray Avenue, 284 Monterey Road, 253 Oleander Avenue, and the North County Road Tree Canopy – were landmarked according to the Town program. 320 El Vedado Road and 170 Seagate Road were not recommended for landmarking by the Commission.

The Commission conducted 12 informal reviews of zoning applications for recommendation to the Town Council.

On behalf of the Commission, staff conducted 70 approvals of minor projects and revisions.

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.

One tax abatement (Everglades Club Via Parigi Apartment Renovation) was concluded, ratified by the Town Council and forwarded to Palm Beach County and the Tax Appraiser's office for implementation.

The Commission also actively worked on the following issues:

- 1) Reviewed the reconstruction project for Memorial Fountain.
- 2) Discussed the need for variances when rebuilding nonconforming accessory structures, and the Town's regulations regarding driveway gates.
- 3) Worked with staff to revise "under consideration" letter sent to property owners.
- 4) Discussed possibility of creating historic districts, including a Worth Avenue historic district.
- 5) Completion of ethics training for new members mandated by the Town and County.

Finally, the Town's new landmark preservation consultants, Janet Murphy and Emily Stillings, completed a very successful first year of work for the Town.

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Coastal Matters

- a. Brief History of the Town's Coastal Protection Program.
- b. Coastal Protection Program Monthly Report.
- c. Further Consideration of North Ocean Boulevard Seawall Project's Expected Traffic Impacts.
- d. RESOLUTION NO. 48-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount of \$44,245, to Burkhardt Construction, Inc., for Pre-Construction Phase Services for the North Ocean Boulevard Seawall Replacement Project, and Establishing a Pre-Construction Phase Budget of \$65,000.

Presenter

Peter B. Elwell, Town Manager; Rob Weber, Coastal Coordinator; and H. Paul Brazil, P.E., Director of Public Works

Supporting Documents

- [Memorandum dated March 6, 2014, from Peter B. Elwell, Town Manager](#)
- [History of the Town of Palm Beach Coastal Protection Program](#)
- [Memorandum dated March 3, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Coastal Protection Update - March 2014](#)
- [Memorandum dated February 26, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 48-2014](#)
- [Ranking Sheet](#)
- [Burkhardt Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Brief History of the Town's Coastal Protection Program

Date: March 6, 2014

STAFF RECOMMENDATION

This is an informational item. No action is required.

GENERAL INFORMATION

At the Shore Protection Board meeting on February 27, I verbally presented a brief history of the Town's coastal protection program. The Shore Protection Board requested at that time that we refine the summary into a document that could be presented to Town Council and shared with the community. That document is attached.

At the March 11 Town Council meeting, I will present this summary. At that time, Coastal Coordinator Rob Weber, Public Works Director Paul Brazil, and I will be happy to answer questions or to amplify any portions of the report that may require some additional discussion.

PBE:cek

cc: Shore Protection Board Members
H. Paul Brazil, Director of Public Works
Robert K. Weber, Coastal Coordinator

**A Brief History
of the
Town of Palm Beach
Coastal Protection Program**

- Beach nourishment occurred in Palm Beach as far back as the 1940s.
- The Lake Worth Inlet Sand Transfer Plant was built in the late 1950s.
- The Town's modern coastal management program began in the mid-1980s.
- 1984 ...
Thanksgiving Day Storm caused the freighter Mercedes to come ashore in north end and State Road A1A to be severed between Sloan's and Widener's Curve.
- 1985 ...
FDOT constructed huge revetment in "Reach 6" between Sloan's and Widener's Curve.
- 1986 ...
Town Council adopted the original Comprehensive Coastal Management Plan (CCMP).
- 1987 ...
Mid-Town Seawall Revetment constructed as an emergency project to absorb energy from waves that were hitting this roadway protective seawall.
- Late 1980s and Early 1990s ...
Conflict in community re: scope, methods, and funding of the Coastal Protection Program.
- Late 1980s ...
Permitting and Federal Funding Process for the first Mid-Town Beach Restoration Project.
- Early 1990s ...
Experimental PEP Reef at Mid-Town (instead of beach restoration) and Town vs. County litigation re: operation of the Sand Transfer Plant.
- 1995 ...
PEP Reef removed.
Sand Transfer Plant restored.
Original Mid-Town Beach Restoration Project
(Barton to Hammon with approximately 880,000 cubic yards & 11 groins)

- Also in 1995 ...
Town Council created the original Shore Protection Board (SPB).
- 1997-1998 ...
As recommended by the SPB, the CCMP was updated.
- 1999 ...
Town Council adopted the updated CCMP and “sunsetting” the original SPB.
- 2000 ...
Town Council approved a 10-year plan for coastal protection
and issued bonds as partial funding for the program.
- 2003 ...
Construction of the expanded Mid-Town Beach Nourishment Project
(Wells to Banyan with approximately 1.2 million cubic yards)
- 2004 ...
Hurricanes Frances and Jeanne caused severe erosion in Palm Beach,
especially in Reaches 7 and 8.
- 2004-2005 ...
Emergency coastal protection projects
Seawall construction at Old Ocean Boulevard (Reach 7)
Sand berm in Reaches 7 and 8
(Sloan’s Curve to La Bonne Vie with approximately 100,000 cubic yards)
- 2005 ...
Hurricane Wilma caused further erosion.
- 2006 ...
Reach 7 Beach Restoration Project (Phipps Park to 2774 Condominium)
and dune restoration in Reach 8
(Total: approximately 1.1 million cubic yards)
Mid-Town Beach Nourishment Project
(El Mirasol to Banyan with approximately 900,000 cubic yards)
- 2007 ...
NOB Seawall Revetment Project
(interim protection from direct wave impact while planning replacement project)

- Also in 2007 ...
Sub-Tropical Storm Andrea caused more erosion,
especially in Reach 8 south of the Lake Worth Pier.
- February 2008 ...
FDEP issues “Intent to Issue” a permit for full scale beach restoration in Reach 8.
March 2008 ...
Petition filed objecting to “Intent to Issue”.
August to October 2008 ...
Administrative Hearing on the Reach 8 permit.
March 2009 ...
Administrative Law Judge’s Recommended Order for FDEP to deny Reach 8 permit.
July 2009 ...
FDEP Secretary Sole’s Final Order denying the permit.
Landmark Impact ...
Combined effect of draft permit, petition, hearing, recommended order, and final order
was establishment of more stringent standards for future permits Statewide.
- August 2008 ...
Tropical Storm Fay caused damage to nourished beaches at Mid-Town and Reach 7.
2009 ...
FEMA approved funding assistance for recovery projects at Mid-town and Reach 7.
- December 2008 ...
Town Council created the current SPB.
- 2009 ...
Town sued U.S. Government for damages from erosion caused by Lake Worth Inlet.
- 2010 ...
Town reconstructed Lake Worth Inlet Sand Transfer Plant.
- 2010-2011 ...
Partial renourishment and dune restoration at Mid-Town and in Reaches 7 and 8.
(Total: Approximately 133,000 cubic yards)
- 2009-2011 ...
SPB conducted extensive research,
then prepared and refined a long-term plan for coastal protection in Palm Beach.

- 2012 ...
 - SPB submitted a revised long-term plan
 - and Town Council retained Woods Hole Group (WHG) to perform a peer review.
 - Hurricane Sandy and multiple nor'easters caused severe erosion in Palm Beach,
 - especially in Reach 3 (in the vicinity of the Wells/Sunrise seawall), and damaged
 - the Lake Worth Inlet Sand Transfer Plant so severely it could not operate.
- Early 2013 ...
 - Town and U.S. Government ended litigation re: Lake Worth Inlet
 - and declared partnership in better managing sand dredged from the inlet.
 - U.S. Government (Army Corps of Engineers) expanded sand settling basin
 - at Lake Worth Inlet (as proposed by Town) and placed approximately
 - 400,000 cubic yards of sand on the beaches in the north end of Palm Beach.
- June 2013 ...
 - After receiving WHG's final recommendations,
 - Town Council approved an \$85 million 10-year Coastal Protection Plan.
- Late 2013 ...
 - Repaired Sand Transfer Plant resumed operation.
 - FDEP, Town, and County executed the Beach Management Agreement (BMA)
 - for Palm Beach Island, pre-approving much of the Town's 10-year plan
 - (to accomplish implementation of the plan faster and at less expense).
 - Town Council approved funding the 10-year plan with ad valorem taxes.
- Planned for 2014-2015 ...
 - Wells/Sunrise Oceanfront Roadway Protective Seawall Project
 - Mid-Town Beach Nourishment
 - (Casa Bendita to Banyan with approximately 875,000 cubic yards)
 - Interim nourishment in Reach 7 and dune restoration in Reach 8
 - (Total: Approximately 150,000 cubic yards)
- Also Possible in 2014-2015 ...
 - North Ocean Boulevard Oceanfront Roadway Protective Seawall Project

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

TO: Mayor and Town Council
VIA: Peter B. Elwell, Town Manager
FROM: H. Paul Brazil, P.E., Director of Public Works
RE: Coastal Protection Program Monthly Report
DATE: March 3, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council review the attached Coastal Protection Update document and provide any direction as deemed necessary.

GENERAL INFORMATION

At the February 11, 2014 meeting, Town Council directed Town staff to provide more frequent updates regarding ongoing coastal protection activities in Town. Attached is a newsletter-style document that provides written information and photographs. This format was previously utilized in 2009 and 2010 to update the Shore Protection Board with ongoing coastal protection activities.

At the March 11, 2014 meeting, Town staff will provide Town Council with a presentation of shoreline condition photographs. This presentation will be similar to the photographs which are presented to the Shore Protection Board during each of their meetings. This presentation of photographs can be continued on a quarterly basis, or more frequently, at Town Council's discretion.

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with this item.

Attachment

cc: Shore Protection Board
Robert Weber, Coastal Coordinator



COASTAL PROTECTION UPDATE MARCH 2014

On February 11, 2014, Town Council directed Town staff to provide more frequent updates regarding ongoing coastal protection activities in the Town. This document strives to accomplish Town Council's direction.

LAKE WORTH INLET & REACH 1

Palm Beach Harbor Deepening and Widening – A Notice of Availability (NOA) for the U.S. Army Corps of Engineers' Final Feasibility Report and Environmental Impact Statement was published in the Federal Register on February 7, 2014. This publication triggers a minimum 30-day waiting period before the Corps issues a Record of Decision on the deepening and widening of the Palm Beach Harbor Channel in the Lake Worth Inlet. Mayor Coniglio sent a letter to Colonel Alan Dodd requesting that the record clarify that all beach-quality sand for any activity in the inlet be placed on the dry beaches south of the inlet. As directed by Town Council, Mayor Coniglio sent Colonel Dodd an additional letter expressing the Town's continued concerns about the negative impacts of this project.

Maintenance Dredging – With the Corps' plans to dredge the inlet every two years, the next event is scheduled to occur this coming winter of 2014/2015. As the Corps gears up for bidding in the late summer, Town staff will work to ensure that dry beach placement of the beach-quality sand is included within the bidding scope of work.

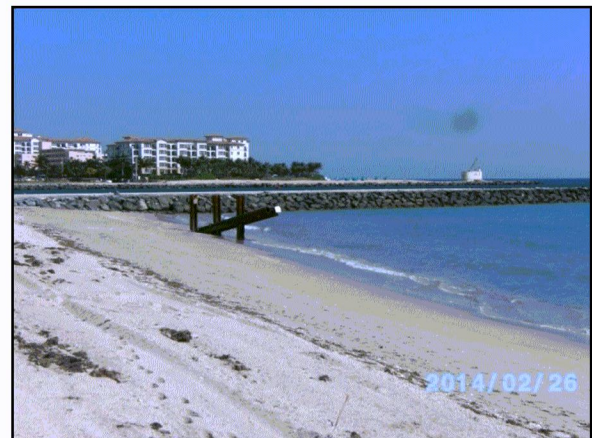
Sand Transfer Plant – Although the plant is operational, only a limited amount of sand has been pumped lately. This is primarily due to the lack of sand within reach of the plant. The natural movement of sand is dependent on the direction, duration, and intensity of wind and waves. During certain times of the year, the

movement of sand is from south to north, rather than the net annual north to south movement. The reversal of sand flow restricts the amount of sand that reaches the plant. Although the south to north movement of sand is not helpful for inlet bypassing, this sand movement is helpful for most other portions of the Town's shoreline.



Sand Transfer Plant at the Lake Worth Inlet's north jetty.

In January 2014, degradation of the discharge pipe support made it necessary to remove part of the old structure. A new support and pipe is being designed. Repairs will not be completed until the end of sea turtle nesting season. The plant is 100% operational and the timing of repairs does not impact the productivity of the plant.

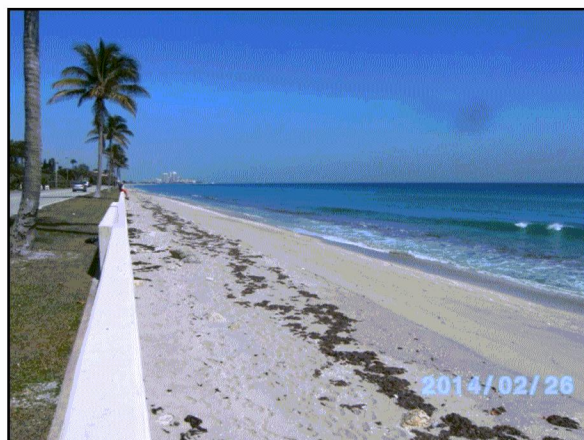


Sand transfer plant's discharge south of the inlet jetty in Reach 1.

REACH 2

Placement Extension of Maintenance Dredging

– The current 3,450-foot placement area for the inlet dredging includes the beach between the south jetty and Angler Avenue. Town staff is working with Corps staff to extend the placement limits to the south by about 2,000 feet further into Reach 2 for future maintenance events. This is a long process, which may include development of an Environmental Impact Statement. The extension will not be in place for the upcoming dredging project scheduled for this coming winter.



View of the seawall along N. Ocean Blvd. in Reach 2.

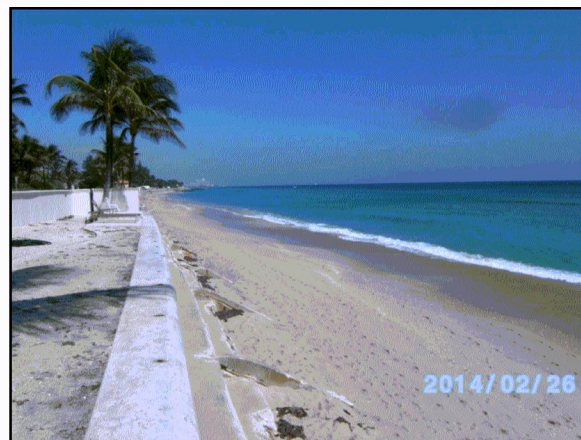
North Ocean Boulevard Seawall Replacement -

Replacement of the North Ocean Boulevard seawall across from the Palm Beach Country Club has been scheduled for construction during the summer of 2014. Although the aging wall is in the late stages of its useful life, it has not shown signs of imminent failure. Traffic impacts with this project, added to the traffic impacts associated with the continued Flagler Bridge construction, are of concern. Town Council will be considering a delay in the seawall replacement schedule at the March 11, 2014 meeting.

REACHES 3 & 4, MID-TOWN

Wells to Sunrise Seawall Repairs -

On February 28, 2014, Town Council authorized Kimley-Horn and Associates, Inc. to perform design and permitting for repairs to the roadway protective seawall along North Ocean Boulevard between Wells Road and Sunrise Road in Reach 3. Town Council will address funding of the repairs at a future meeting.



View of beach conditions between Atlantic Avenue and Dunbar Road.

Beach Nourishment – State permitting has already been addressed through the FDEP Beach Management Agreement. The Federal permitting for the next Mid-Town project is being addressed with the Corps. The Corps was reviewing this permit application prior to Town Council's rejection of all bids in December 2013. In response to Town request, the Corps temporarily shifted gears toward reviewing a smaller-scale interim project. Town staff and the Corps have shifted our focus back to permitting of the large scale beach nourishment. Approximately 850,000 cubic yards of sand is to be placed between Casa Bendita in Reach 2 to Banyan Road at the south end of Reach 4. Documents are being prepared for an April bid solicitation. Construction is currently planned to occur next winter.

REACH 7

Phipps Ocean Park Partial Beach Nourishment and Dune Restoration – Typical beach nourishment efforts are planned to occur repetitively every 6 to 8 years. In the later years of a project's life, there are sections that have eroded quicker than others. For the Town's projects, due to the net southerly natural flow of sand, this accelerated erosion occurs in the northern sections. Each time either the Mid-Town or Reach 7 beach nourishment is constructed to its full size, the Town plans to pump additional dredged sand and place it in the eroded sections of project areas. This coming winter, 150,000 cubic yards of "extra" sand will be pumped onto the beach in Mid-Town and then trucked down to eroded areas of Reaches 7 and 8.



View of the south end of Phipps Ocean Park.

Phipps Ocean Park Beach Nourishment – The next full scale beach nourishment project in Reach 7 is scheduled for the winter of 2015/2016. This project is already permitted by the State FDEP through the Beach Management Agreement. Federal permitting will need to begin in the coming months so that the permit can be issued in time for a spring 2015 bid solicitation. The project includes the placement of approximately 1,000,000 cubic yards from the north end of Town's Phipps Ocean Park to the north end of the County's Kreusler Park. Dune restoration north of Phipps Ocean Park to

Sloan's Curve will be done concurrently with the nourishment project.

All beach access points in Phipps Ocean Park are currently being rehabilitated and will soon be open to the public. These accesses were damaged during both Hurricane Sandy and the nor'easters that followed in 2013. The staircases on the beach were replaced before the start of the 2014 sea turtle nesting season. In addition to the new staircases, dune vegetation was trimmed to allow viewing of the ocean from the tiki huts along the top of the dunes.



New access point staircase at the south end of Phipps Ocean Park.

REACH 8

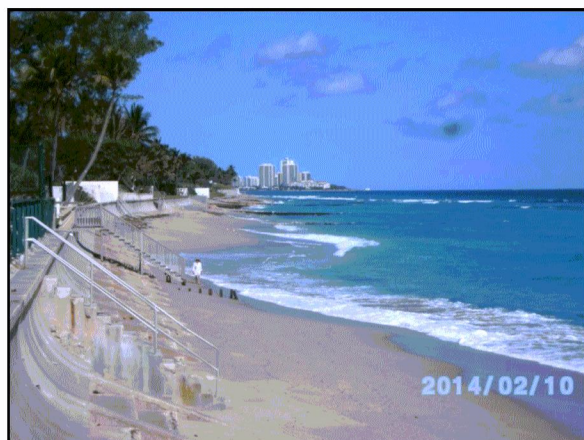
Dune Restoration in 2014 – Like the partial nourishment in Reach 7, dune restoration is planned in Reach 8 using additional dredged sand pumped onto the Mid-Town beaches. Last restored in 2011 with 25,000 cubic yards, the Town is planning to place as much as 50,000 cubic yards this coming winter along the beaches south of the Lake Worth Pier between the Bellaria and La Bonne Vie condominiums.

Environmental Impact Statement (EIS) – Dune restoration, which includes sand placement above the mean high water line, is legally the maximum amount of sand that can be placed on the Reach 8 beaches. The Town, in partnership with the County, is funding an EIS study. The result of this study, expected later this calendar year, will provide information to the regulatory

agencies to assist in review of whether or not additional sand placement beyond dune restoration can be permitted. A draft EIS is expected sometime in April. This draft will allow the public to review and comment on the document. Once the 30-day comment period expires, the Corps will address the comments made and finalize the EIS.

TOWNWIDE

Groin Rehabilitation – At the Shore Protection Board’s February 27, 2014 meeting, the board unanimously recommended that Town staff advance a proposal to Town Council to initiate design and Federal permitting services for the long-term groin rehabilitation program. Town staff is currently negotiating the groin rehabilitation scope with a consultant and will seek authorization from Town Council at the April 8 meeting.



View from Wells Road of several groins in Reach 2 that are to be prioritized for rehabilitation.

Sediment Budget – Applied Technology & Management, Inc. used the Town’s 2013 physical monitoring data and produced a sediment budget report. This annual report serves as the Town’s “annual check-up” for the shoreline and accounts the movement of sand compared to both the data from the previous year and data from 1990. Results from the analyses indicate that the Town overall has recovered well from Hurricane Sandy (2012) and the nor’easters of 2012/2013.

One of the recommendations from Woods Hole Group’s (WHG) technical review was to have additional analyses performed, using the physical monitoring data, to make information more understandable to the general public. Town staff is working with both ATM and WHG on scope and cost of this additional effort and will seek direction from Town Council at the April 8 meeting.

Sea Turtle Monitoring – Sea Turtle Nesting Season is between March 1 and November 1. Monitoring for sea turtle nesting is required by the Town’s permits and now the BMA. The Town has contracted this monitoring effort, which includes lighting and escarpment surveys, to D.B. Ecological, Inc. for the 2014 season.

Tilling – Before the start of sea turtle nesting season, the Town is required to till the beaches in the areas where the sand has been placed. Due to special conditions of the Town’s permits, the only section that required tilling in 2014 was the inlet maintenance placement area in Reach 1 and the northern portion of Reach 2. This work was completed the last week of February 2014. Tilling is the process of loosening the sand. The loosening is to assist sea turtles with their nesting efforts on nourished beaches.



View of the tilling tractor getting on the beach in Reach 2 at the Angler Avenue beach access.

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of Selection Committee Recommendation for Construction Manager At Risk for the North Ocean Boulevard Seawall Replacement and Award a Pre-Construction Phase Contract
Resolution No. 48-2014

Date: February 26, 2014

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the ranking of the selection committee for Construction Manager at Risk Services for the North Ocean Boulevard Seawall Replacement and Award a Pre-Construction Phase Contract. Additionally staff recommends that Town Council approve Resolution No. 48-2014, authorizing the award of a contract for Pre-Construction Phase Services to Burkhardt Construction, Inc., in the amount of \$44,245 and establish a pre-construction phase budget of \$65,000.

Town Staff also requests that Town Council provide direction concerning the construction schedule due to potential traffic impacts as a result of possible closures of the Flagler Memorial Bridge.

GENERAL INFORMATION

At the December 10, 2013, Town Council meeting, the Town Council approved a Request for Qualifications for a Construction Manager at Risk for the seawall replacement project which is located along North Ocean Boulevard across from the Palm Beach Country Club. Due to the age and deteriorating condition of the seawall, the planned improvements will consist of a partial demolition of the sheet pile seawall and the reconstruction of a new seawall located immediately landward of the existing seawall alignment. The terminations of the replacement seawall will connect to the existing seawalls at the north and south ends of the project limits.

The Consultants Competitive Negotiation Act (CCNA) process, in accordance with Florida Statutes, Chapter 287.055 includes establishing a review team that evaluates the qualifications submitted by the firms that express an interest in the project. Letters of Interest and Statements of Qualifications were received from five (5) construction management firms. The selection committee met on February 13, 2014, to review the submittals and establish the final rankings. The selection committee consisted of Michael J. Pucillo, Council Member and Public Works Committee Chair; Jane Struder, Finance Director; John Page, Director of Planning, Zoning and Building; Jeffrey Sanon, P.E., Project Engineer; William Francis, P.E., Town Engineer (non-voting). In addition, Finance/Purchasing staff oversaw and assisted with the selection committee's review process.

The selection committee determined that a presentation would be necessary to better assess the contractor's qualifications and asked the top three (3) firms to return and make oral presentations on February 25, 2014, to determine final rankings.

The Selection Committee's opinion was that the qualifications of Burkhardt Construction, Inc., best met the Town's requirements for this scope of work. The pre-construction services will develop a Guaranteed Maximum Price (GMP) for the project using a Construction Manager at-Risk (CMAR) approach and establish a detailed construction schedule.

A pre-construction phase services agreement has been developed and has been agreed to by both Town staff and Burkhardt Construction, Inc.

SPECIAL CONSIDERATIONS

This wall is reaching the end of its useful life and the replacement has been planned for several years. This seawall protects the adjacent evacuation route, Town infrastructure, and the Palm Beach Country Club. Representatives of the Country Club have expressed a desire to expedite the replacement of this wall. Staff has previously presented a concern that if the Flagler Memorial Bridge were to fail, the combined traffic impacts for residents of the north end of the Island may be onerous. If we were to start the project and the bridge was to subsequently fail, the Town also may incur additional costs. Staff has been informed that representatives of the Country Club will attend the meeting to address those concerns.

Staff had previously anticipated that the entire road would be closed for the duration of the upland work. Burkhardt Construction presented an alternative maintenance of traffic plan that will allow one lane of traffic (southbound) for the entire duration of the project. There would be flagging operators that would temporarily stop traffic when necessary. After the first phase of the project, from May 1 to November 1, additional lanes could be opened with only periodic lane closures.

It should also be noted that the current schedule shows 8-month duration for Phase 1, which would indicate the need for lane closures during season, since the contract will not be awarded until April and the project is not anticipated to start until June. Town Council may want to consider delaying the project until May 1, 2015. This would allow the construction manager and his contractors to order all materials, secure all permits, refine MOT plans and schedules in order to start in May and efficiently complete the phases of the project that require lane closures prior to season.

Regardless of the construction schedule, the design of this project will continue as planned and will be ready for construction when the bridge issues allow or alternate traffic accommodations can be established. During the design period, it will be necessary to have short-term, periodic lane closures on applicable roadways for investigative activities such as surveying, Geotechnical activities, and utility location services.

FUNDING/FISCAL IMPACT

Funding for the project is fully contained within the Accelerated Capital Improvement Program budget.

Please note that we are recommending a higher than normal contingency in case the project is delayed for an extended period and re-bidding becomes necessary.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency. The Town Attorney will review the Pre-Construction Services Agreement for legal form and sufficiency prior to execution by the Town Manager.

Attachments

cc: Michael J. Pucillo, Town Council Member, Public Works Committee Chair
Jane Struder, Director of Finance
John Page, Director of Planning, Zoning and Building
William K. Francis, P.E., Town Engineer
Jeffrey M. Sanon, P.E., Project Engineer
Lynda Cummings, Purchasing Agent
Adis Pedraza, Assistant Purchasing Agent
John Cmar, Purchasing Coordinator

RESOLUTION NO. 48-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN AN AMOUNT of \$44,245, TO BURKHARDT CONSTRUCTION, INC., FOR PRE-CONSTRUCTION PHASE SERVICES FOR THE NORTH OCEAN BOULEVARD SEAWALL REPLACEMENT PROJECT, AND ESTABLISHING A PRE-CONSTRUCTION PHASE BUDGET OF \$65,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order in an amount of \$44,245 to Burkhardt Construction, Inc., for pre-construction phase services for the North Ocean Boulevard Seawall Replacement Project, and establishes a pre-construction phase services budget of \$65,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of March 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

SELECTION COMMITTEE RANKINGS

	Committee Member	Michael J. Pucillo	John Page	Jeffrey Sanon	Jane Struder	Total
		Rating	Rating	Rating	Rating	Average Rating
1	Burkhardt Construction, Inc.	4.68	4.80	4.40	4.55	4.61
2	The Whiting-Turner Contracting Company	4.35	4.25	4.34	4.70	4.41
3	Hedrick Brothers Construction Co, Inc.	4.50	4.25	4.26	4.55	4.39

Vincent G. Burkhardt
President



February 26, 2014

Town of Palm Beach
Public Works/Engineering Department
Attn: Mr. Jeffrey Sanon, P.E.
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

RE: **RFQ #2014-12**
North Ocean Boulevard Seawall
Construction Manager at Risk Pre-construction Services

Dear Mr. Sanon:

Burkhardt Construction, Inc. (BCI), acting as Construction Manager At Risk (CMAR) is pleased to provide this proposal to the Town of Palm Beach (Owner) for Pre-construction Services for North Ocean Boulevard Seawall, Town of Palm Beach, as described in RFQ #2014-12. It is our understanding that the scope consists of seawall removal and replacement along North Ocean Boulevard from Country Club Road north to where the road turns west towards Bahama Lane. The work to be designed and constructed is generally described as traffic control, demolition, grading, earthwork, storm drainage, roadway reconstruction, seawall removal and replacement, landscaping and irrigation along the aforementioned corridor. As CMAR, BCI shall function as an agent of the Owner, shall be paid a fixed fee for services performed and shall be an integral part of the design team. Pre-construction services will include:

- Interface with the Owner and Design Team as required during the design phases of the project. Establish a project team that includes the Engineer and design sub-consultants and the Owner, including attending all design team meetings and review preliminary design drawings and specifications;
- Review and input of project cost and schedule;
- Review of proposed construction materials and systems;
- Project estimating and value engineering;
- Coordinating of bidding and contracting for trade subcontractors; and
- The development of a Guaranteed Maximum Price (GMP) for the construction of the facilities based on the design.

Pre-construction services shall be rendered and invoiced in the following format:

TASK I
PRE-CONSTRUCTION PROGRESS MEETINGS

The scope includes the CMAR participating in team progress meetings attended by CMAR, Design Professionals, Owner and others as requested. It is anticipated that these meetings will be held at the Owner's office, Design team's office or location as designated by the Owner.

Due to the aggressive work schedule, pre-construction team meetings are to be held every week until completion of the plans/contract documents.

Estimated 6 meetings required.

The public meetings and presentations shall be as directed by the Owner and may be requested at 90% plan completion. The public outreach portion of this scope shall consist of the CMAR facilitating a meeting with the merchants and public to discuss the project. The presentation shall include introduction of the project team, who & how to contact team individuals, discussion of the project sequences, project phasing/ schedule, business/pedestrian/traveling public access during construction and additional details as requested by the Owner.

Estimated 1 meeting required

TASK I – TOTAL LUMP SUM FEE \$ 4,025.00

TASK II
PRE-CONSTRUCTION SCHEDULING

The scope includes initial data collection with design professionals providing necessary permits required and timelines for application & securing all permits

Based on the provided information, CMAR will develop a master Pre-Construction phase bar chart schedule incorporating design development, permitting, plan review, guaranteed maximum price preparation, submittal review & approval, long lead item identification & procurement, informational meetings with the adjacent property owners and coordination with Town's program manager and project ground breaking. The Pre-Construction schedule shall be presented to the Owner for review & comment and shall be updated monthly to track Pre-Construction progress.

TASK II – TOTAL LUMP SUM FEE \$3,020.00

TASK III**PLAN REVIEW/CONSTRUCTABILITY REVIEW**

This scope includes review of the plans as provided by the Design Team. The review shall report to the Owner as to any design criteria which may present considerable constructability challenges. This scope also will assist the Design Team in any plan modifications and re-design.

This scope does not include a complete cost estimate.

TASK III – TOTAL LUMP SUM FEE \$8,900.00

TASK IV**GUARANTEED MAXIMUM PRICE (GMP) - 90% Plans**

BCI will prepare and submit a GMP proposal to the Owner after completion of the pre-construction services phase of the project. The GMP proposal will be prepared in accordance with the guidelines and delivered in the format specified by the Owner. The Owner, at its sole option and discretion, may specify different requirements for the GMP proposal. The GMP will be valid for 90 days after submission. BCI will submit the GMP proposal in a bound format which will include, but not be limited to the following:

- Cover sheet including project title and Owner project number;
- Summary sheet of GMP Proposal including subcontractor bids, allowances, contingencies, bonds, insurance, conditions and exclusions. This sheet will also contain contract time, construction start date, date of substantial completion, date of final completion, bar chart schedule and proposed work hours.
- Schedule of values
- Detailed summary of general conditions
- Allowance list statement amounts and uses
- Proposed subcontractor list
- Subcontractor bid sheets
- Plans, drawings and specifications specific to the GMP
- Any supporting documents referenced in the GMP

At such time as the GMP preparation process results in a mutually agreeable GMP value, the Owner will document its acceptance thereof in writing and both parties shall execute a contract amendment for the project that incorporates the GMP and its supporting documents into the contract. CMAR's scope of basic and additional services shall be detailed and subject to a final determination of the project scope and size and careful negotiation and coordination between BCI and the Owner.

TASK IV – TOTAL LUMP SUM FEE \$28,300.00

TOTAL PRECONSTRUCTION SERVICES FEE ALL TASKS I THROUGH IV:

\$ 44,245.00

ALTERNATE TASK:

Should the Town desire additional services for investigation, design review and constructability review; This Alternate Task shall be billed at the attached hourly rates guaranteed not to exceed.

ALTERNATE TASK FEE NOT TO EXCEED \$20,000.00

All tasks and fees include supplies, presentation materials, equipment, personnel, travel and related costs associated with performing the services described.

Presentation and acceptance, by the Owner, of a mutually acceptable GMP shall conclude preconstruction services.

We have attached our current hourly rates for your use should additional pre-construction services be requested.

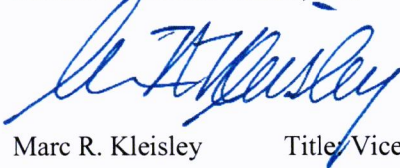
Thank you for the opportunity to submit this pre-construction services proposal for North Ocean Boulevard Seawall, Construction Manager at Risk Pre-construction Services as described in RFQ #2014-12. If you have any questions on this proposal, please contact us at (561) 659-1400.

Town of Palm Beach
RFQ #2014-12
North Ocean Boulevard Seawall
Construction Manager at Risk
Preconstruction Services
Scope & Fee Proposal
Submitted: February 26, 2014

Submitted By:

Construction Manager at Risk

Burkhardt Construction, Inc.



Marc R. Kleisley

Title: Vice President of Operations

Accepted by:
Owner

Town of Palm Beach

By: _____
Printed Name

Title: _____

Date: _____

Upon your acceptance of this letter agreement Burkhardt Construction, Inc. shall begin work immediately. Please return one original for our files.

Hourly Rates For Additional Requested
Pre-Construction Services

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Vincent G. Burkhardt	President	\$300.00
Sharon H. Burkhardt	Vice President/C.P.A.	\$175.00
Dennis E. Haynes	Vice President/Proj. Principal	\$175.00
Marc R. Kleisley	Vice President Operations	\$150.00
C.J. Rhody	Project Manager/Estimator	\$100.00
Karl T. Kaminski	Project Manager/Estimator	\$100.00
Anthony Sabatino	Project Manager/Estimator	\$100.00
Adam Rossmell	Project Manager/Estimator	\$100.00
Christopher Quenneville	Construction Field Managers	\$100.00
Brandon Rhodes	Assistant Project Manager	\$75.00
Hemant Tank	Estimator/Cost Engineer	\$75.00
Adam Rossmell	Estimator/Cost Engineer	\$75.00
Wayne King	Merchant Outreach	\$75.00
Sarah B. Hoadley	Accounting Manager/M.B.A.	\$90.00
Katy Pantaleon	Accounting	\$75.00
Tara L. Haynes	Admin. Ass't/Secretarial	\$50.00
Melissa McGraw	Marketing/Graphics	\$55.00

Hourly rates include all necessary supplies, transportation, communication, overhead and profit.

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appeal of Denial of Right-of-Way Permit
(per letter dated February 28, 2014, from William O. Cooley).

Presenter

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

Supporting Documents

- [Memorandum dated February 28, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Town of Palm Beach Application for ROW Permit](#)
- [FDOT Permit](#)
- [Letter dated February 28, 2014, from William O. Cooley](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Appeal of Denial of Right-of-Way Permit
(per letter dated February 28, 2014, from William O. Cooley).

Date: February 28, 2014

STAFF RECOMMENDATION

Staff requests that the Town Council review this appeal and provide any direction deemed necessary.

GENERAL INFORMATION

Public Works received a request for a Right-of-Way permit dated February 18, 2014, to off load a lift from a truck and temporarily place the lift in a parking space on Royal Poinciana Way. The activity was to be done relatively early on a Saturday and would last less than one hour. The maintenance of traffic plan, day and hour of work requested, and the duration of the impact were all reasonable and well thought out in terms of minimizing impact to the community. The applicant has the required Florida Department of Transportation permit for this activity. The contractor doing the work has worked successfully in the Town before and understands our requirements.

Public Works has approved many requests that are similar in duration and impact. However, those requests were associated with work in the right of way or work that caused temporary right of way impacts for the convenience of a resident or businesses that occupied the adjacent private property. For instance, we have issued right of way permits for lifting a roof top air conditioning unit or building materials, or to allow a crane to off load large trees for a residence. Other “permits for convenience” have included lifting Holiday trees onto private property and temporary generators into an easement for a specific event.

There is no necessary work associated with this request and this “permit for convenience” does not involve an activity adjacent to the requestor’s private property. The lift will be raised to illustrate the height compared to surrounding structures. The concern is the precedent that this sets. Staff does not believe that Public Works should have the authority to allow anyone to raise a platform anywhere in Town for any non-necessary task. We believe this would set a precedent that could compromise privacy, security, and the public interest, in favor of accommodating the personal convenience or desire of an individual person or group. If Town Council agrees, then Public Works should not issue this permit.

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with this request.

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
William Francis, P.E., Town Engineer
William O. Cooley

APPLICATION FOR RIGHT-OF-WAY,
ENGINEERING, OR UTILITY PERMIT

APPLICANT'S

NAME: WILLIAM COOLEY PHONE: 561-758-8787 FAX: _____

CONTRACTOR'S NAME: SCOTT LEWIS CONSTRUCTION PHONE: 561-779-9260 FAX: 561-433-0314

TOWN OF PALM BEACH CONTRACTOR VRU NUMBER: _____ DATE OF APPLICATION: 2-18-14

PROPERTY OWNER'S NAME: N/A APPLICATION TYPE: NEW RENEWAL

JOB ADDRESS/LOCATION: 225 ROYAL POINCIANA WAY (IN FRONT OF VACANT GAS STATION)

DURATION OF PERMIT: FIRST DAY 2-22-14 SAT LAST DAY 2-22-14
(DATE) (DATE)

SELECT ONE (1) PERMIT TYPE ONLY ON THIS APPLICATION - IF ADDITIONAL PERMITS ARE NEEDED, USE ADDITIONAL APPLICATION FORMS

☐ **CONSTRUCTION PARKING PERMIT** - REQUIRED FOR ANY CONSTRUCTION RELATED PARKING THAT IS NOT CONFINED WITHIN JOB SITE.

THIS APPLICATION WILL NOT BE ACCEPTED WITHOUT: TWO (2) SETS OF SITE PLANS SHOWING ON-SITE VEHICLE AND EQUIPMENT PARKING SPACES, AND A LETTER FROM THE GENERAL CONTRACTOR DESCRIBING THE CAR/TRUCK POOLING MEASURES BEING USED TO RELIEVE PARKING LOAD ON THE SITE.

☐ **DE-WATERING PERMIT** - REQUIRED TO DISCHARGE WATER FROM A PROPERTY OR FACILITY INTO THE TOWN DRAINAGE SYSTEM. PUBLIC WORKS INSPECTOR MUST BE PRESENT AT DE-WATERING STARTUP. CALL FOR INSPECTION (561) 838-5440.

BRIEF DESCRIPTION OF WORK TO BE DONE: _____ NUMBER OF HOSES: _____ SIZE OF HOSES: _____

☐ **DRIVEWAY PERMIT** - REQUIRED FOR ALTERATION, ADDITION OR REMOVAL OF ANY DRIVEWAY IN THE TOWN.

THIS APPLICATION WILL NOT BE ACCEPTED WITHOUT: TWO (2) SETS EACH OF SITE PLANS, CONSTRUCTION DETAIL DRAWINGS AND "MAINTENANCE OF TRAFFIC PLAN." IN ADDITION, IF ANY PORTION OF THE DRIVEWAY WITHIN THE RIGHT-OF-WAY OR UTILITY EASEMENT IS NOT PLAIN CONCRETE OR ASPHALT, A DRIVEWAY AGREEMENT MUST BE EXECUTED BY THE PROPERTY OWNER, RECORDED WITH THE PROPERTY AND SUBMITTED TO THE ENGINEERING DIVISION BEFORE A PERMIT WILL BE ISSUED. DECORATIVE DRIVEWAYS ARE NOT PERMITTED IN THE RIGHT-OF-WAY WHERE A SIDEWALK OR BICYCLE PATH EXIST.

NUMBER OF OPENINGS: _____ WIDTH OF OPENINGS: #1 _____ #2 _____ #3 _____

TYPE OF CONSTRUCTION (CONCRETE, ASPHALT, OTHER): _____

☐ **EXCAVATE IN RIGHT-OF-WAY** - REQUIRED FOR DIGGING IN OR UNDER ANY PAVEMENT, SIDEWALK, MEDIAN OR EASEMENT.

THIS APPLICATION WILL NOT BE ACCEPTED WITHOUT: TWO (2) SETS EACH OF CONSTRUCTION DETAIL DRAWINGS AND "MAINTENANCE OF TRAFFIC PLAN."

ALWAYS CALL BEFORE DIGGING. FOR TOWN OWNED ELECTRICAL CALL (561) 835-4683 AND SEWERS CALL (561) 838-5429 or 838-5440. ALL OTHER UTILITIES, CALL APPROPRIATE NOTIFICATION SERVICE.

BRIEF DESCRIPTION OF WORK TO BE DONE: _____

☒ **USE OF OR WORK IN RIGHT-OF-WAY** - REQUIRED FOR OPERATING TRUCKS, CRANES, LOADERS, AND SIMILAR EQUIPMENT ON RIGHT-OF-WAY.

THIS APPLICATION WILL NOT BE ACCEPTED WITHOUT: TWO (2) SETS OF THE "MAINTENANCE OF TRAFFIC PLAN."

BRIEF DESCRIPTION OF WORK TO BE DONE: EXTEND 66' MAN LIFT FOR PHOTOGRAPH. APPROX. 30-45 MINUTES

☐ **WATER OR SEWER SERVICE** - REQUIRED TO CONNECT OR DISCONNECT THESE SERVICES IN RIGHT-OF-WAY OR EASEMENT.

BRIEF DESCRIPTION OF WORK TO BE DONE: _____
INSPECTION REQUIRED BEFORE BACKFILLING EXCAVATION. CALL FOR INSPECTION 48 HOURS IN ADVANCE. SEWER CAP-OFFS REQUIRE PLUMBER TO GIVE WATER RESOURCES INSPECTOR A DETAILED LOCATION SKETCH AT TIME OF INSPECTION. CALL (561) 838-5429 FOR INSPECTION.

☐ **OTHER PERMIT REQUESTS** - REQUIRED FOR ACTIVITIES IN RIGHTS-OF-WAY OR EASEMENTS NOT ADDRESSED ABOVE.

BRIEF DESCRIPTION OF WORK TO BE DONE: _____

PERMIT CONDITIONS: THE UNDERSIGNED APPLICANT HAS THE AUTHORITY TO, AND AFFIRMS THAT ALL WORK DONE UNDER ANY PERMIT THAT MAY BE ISSUED AS A PRODUCT OF THIS APPLICATION WILL BE EXECUTED IN COMPLIANCE WITH THE "DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIVISION, STANDARDS APPLICABLE TO PUBLIC RIGHTS-OF-WAY AND EASEMENTS WITHIN THE TOWN OF PALM BEACH" AND AS MAY BE DIRECTED BY THE TOWN ENGINEER OR THE PUBLIC WORKS INSPECTOR. THE APPLICANT FURTHER ACKNOWLEDGES THAT SUBMITTING THIS APPLICATION WITH PAYMENT FOR A PERMIT IS NO GUARANTY OF RECEIVING A PERMIT. NO WORK IS AUTHORIZED UNTIL A PERMIT IS ISSUED. ALL PERMITS MUST BE ON-THE-JOB WHEN WORK IS IN PROGRESS. FAILURE TO COMPLY WITH PERMIT CONDITIONS CAN RESULT IN JOB SHUT-DOWN AND/OR FINES FOR VIOLATION.

THIS IS NOT A PERMIT

THIS ACTIVITY WILL AFFECT VEHICULAR TRAFFIC:

☒ **Yes** - Maintenance of Traffic Plan attached.

Permittee **MUST** notify Town Manager's Office one hour before traffic impact **AND** after work is complete
Town Manager's Office 561-838-5410

☐ **No** - CALL NOT REQUIRED (False information subject to fine)

Description: CLOSE RIGHT LANE DURING EQUIP. DELIVERY AND AGAIN DURING EQUIP. REMOVAL. APPROX. 15 MIN. BOTH TIMES

W. Scott Fair 2-18-14
(APPLICANT'S SIGNATURE) (DATE)

FOR PUBLIC WORKS OFFICE - CONDITIONS: _____

SEE PAGE 2 ON BACK FOR ADDITIONAL PERMIT CONDITIONS

TOWN APPROVAL SIGNATURE

DATE

APPLICATION FOR RIGHT-OF-WAY,
ENGINEERING, OR UTILITY PERMIT

EACH CONTRACTOR, SUBCONTRACTOR, UTILITY COMPANY, TELECOMMUNICATIONS FIRM, THE CITY OF WEST PALM BEACH, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION SHALL BE REQUIRED TO PROVIDE TO THE TOWN TWENTY-FOUR HOUR CONTACT INFORMATION WHENEVER WORKING WITHIN THE TOWN RIGHTS-OF-WAY. THE DESIGNATED INDIVIDUAL OR INDIVIDUALS SHALL BE REQUIRED TO RESPOND TO THE TOWN WITHIN A REASONABLE PERIOD OF TIME TO ADDRESS ANY MATTERS INVOLVING WORK WITHIN THE RIGHTS-OF-WAY LOCATED WITHIN THE TOWN.

JOB ADDRESS/LOCATION 225 ROYAL POINCIANA WAY (IN FRONT OF VACANT GAS STATION)

DURATION OF PERMIT: FIRST DAY 2-22-14 LAST DAY 2-22-14
(DATE) (DATE)

EACH APPLICANT MUST PROVIDE THE REQUIRED INFORMATION FOR EACH PROJECT THAT A RIGHT-OF-WAY PERMIT IS REQUIRED. COMPLETE THE NECESSARY INFORMATION IN THE SPACE(S) PROVIDED BELOW FOR YOUR PARTICULAR SITUATION.

EMERGENCY CONTACT INFORMATION - GENERAL CONTRACTOR:

COMPANY NAME: SCOTT LEWIS CONST. LLC ADDRESS: 16609 67TH CT. N. LOX. FL. 33470
CONTACT PERSON: SCOTT LEWIS TITLE: MANAGER
24-HOUR TELEPHONE NUMBER: 561-779-9260

EMERGENCY CONTACT INFORMATION - SUB-CONTRACTOR:

COMPANY NAME: _____ ADDRESS: _____
CONTACT PERSON: _____ TITLE: _____
24-HOUR TELEPHONE NUMBER: _____

EMERGENCY CONTACT INFORMATION - TELECOMMUNICATIONS FIRM:

COMPANY NAME: _____ ADDRESS: _____
CONTACT PERSON: _____ TITLE: _____
24-HOUR TELEPHONE NUMBER: _____

EMERGENCY CONTACT INFORMATION - UTILITY COMPANY:

COMPANY NAME: _____ ADDRESS: _____
CONTACT PERSON: _____ TITLE: _____
24-HOUR TELEPHONE NUMBER: _____

EMERGENCY CONTACT INFORMATION - CITY OF WEST PALM BEACH:

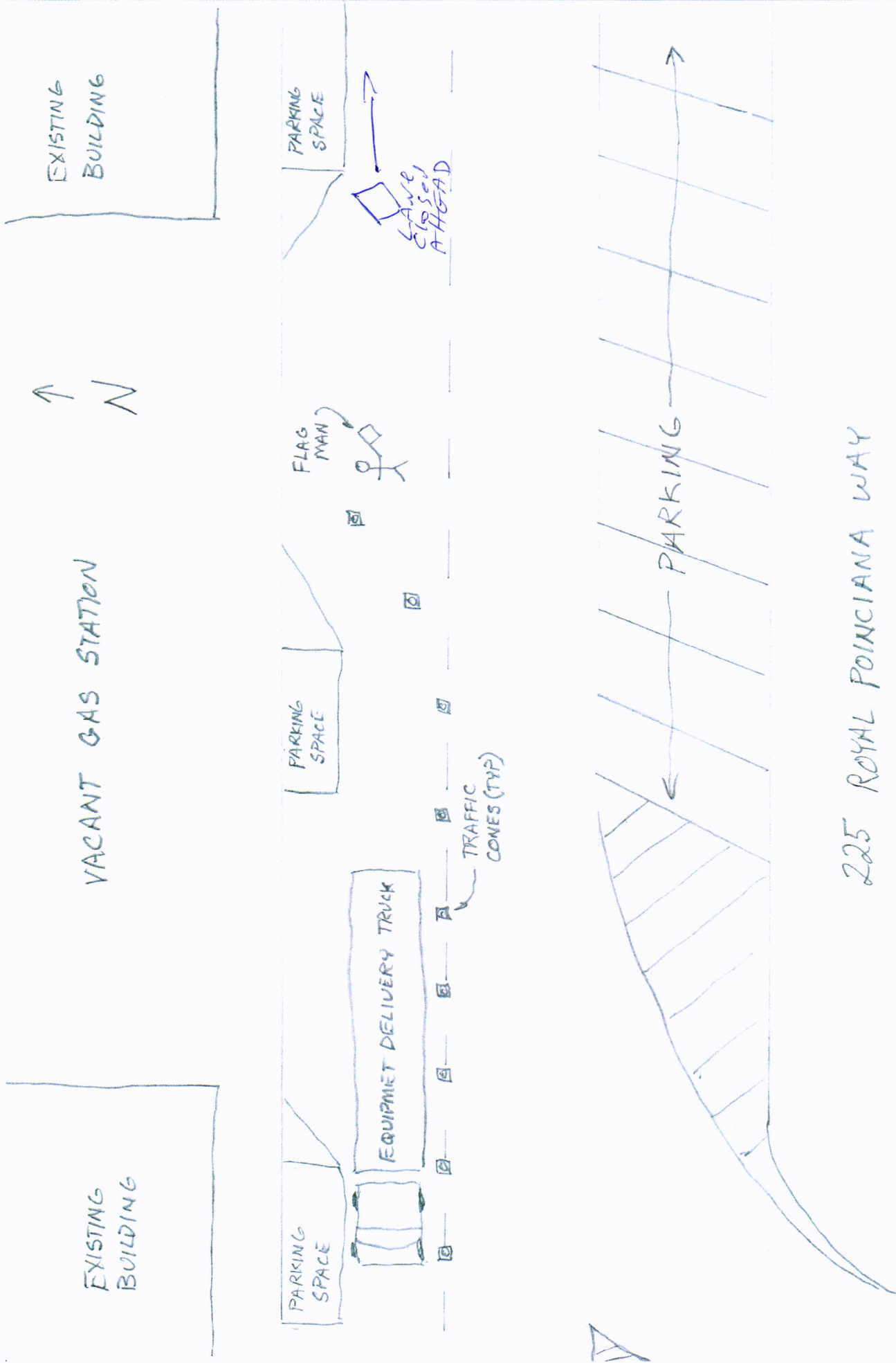
COMPANY NAME: _____ ADDRESS: _____
CONTACT PERSON: _____ TITLE: _____
24-HOUR TELEPHONE NUMBER: _____

EMERGENCY CONTACT INFORMATION - FLORIDA DEPARTMENT OF TRANSPORTATION:

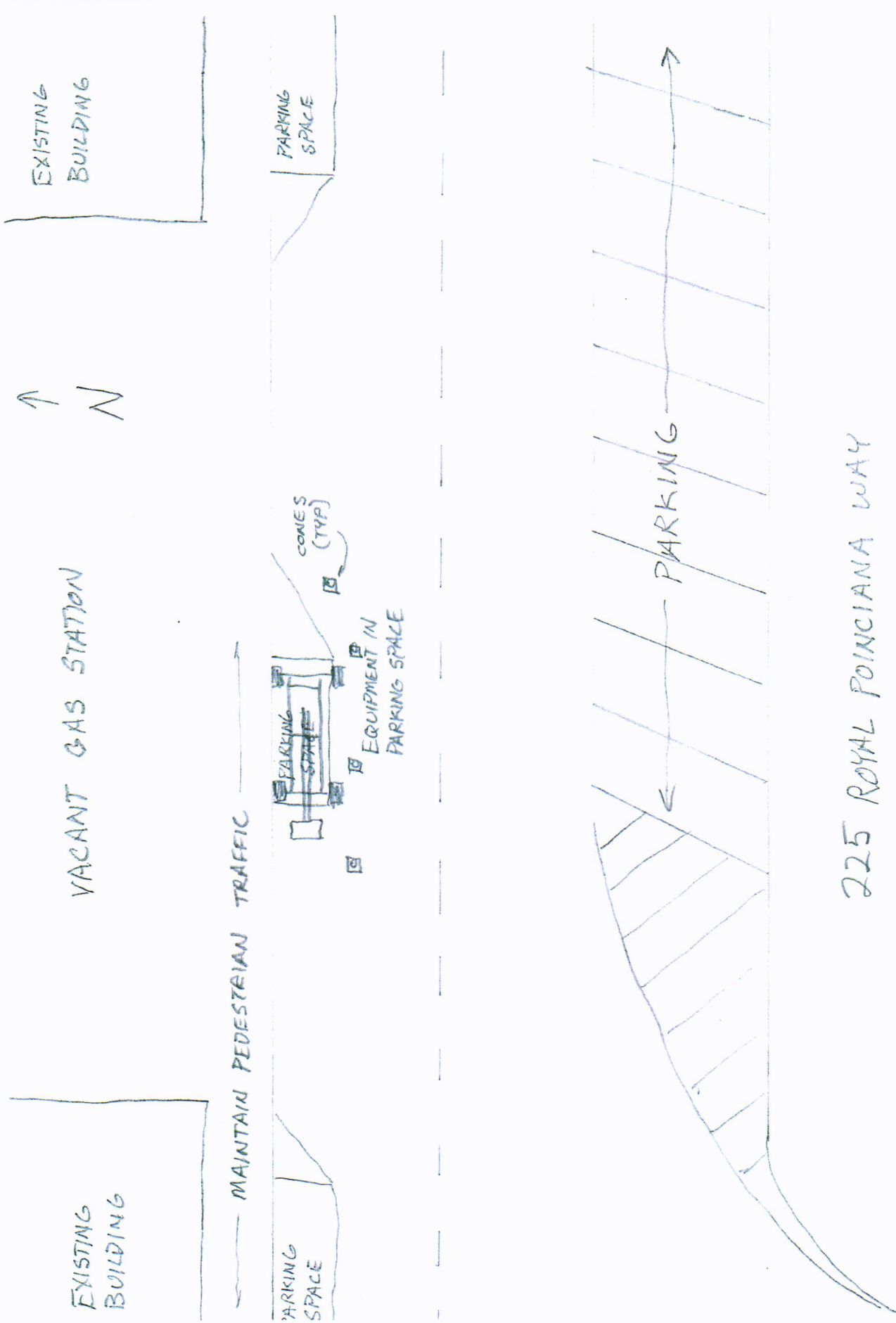
COMPANY NAME: _____ ADDRESS: _____
CONTACT PERSON: _____ TITLE: _____
24-HOUR TELEPHONE NUMBER: _____

APPROVAL SIGNATURE

DATE

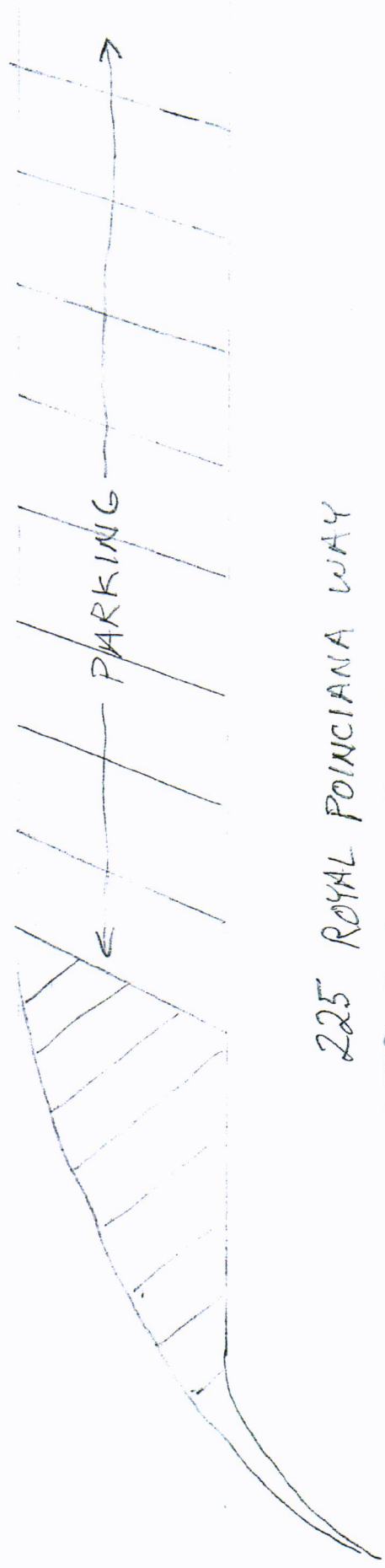
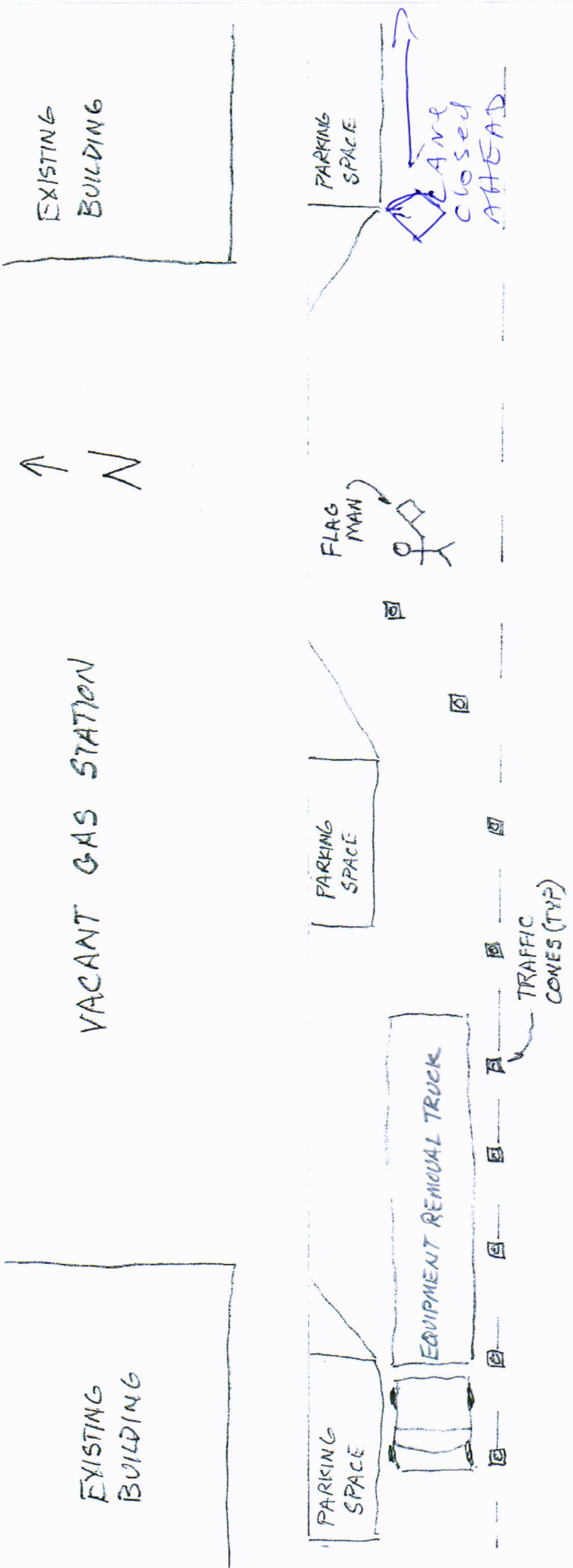


SITE DURING EQUIPMENT DELIVERY



225 ROYAL POINCIANA WAY

SITE DURING PHOTOGRAPH



225 ROYAL POINCIANA WAY
SITE DURING EQUIPMENT REMOVAL

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
GENERAL USE PERMIT850-440-05
MAINTENANCE
05/08
Page 1 of 2

2014K-496-0046

Date: 2-20-14 Permit No.: 14-K-496-0046
PENDING

Name of Applicant or Authorized Agent: WILLIAM COOLEY
 Entity (if applicable): SCOTT LEWIS CONSTRUCTION, LLC
 (If entity, furnish contact information for responsible representative)
 Address: P.O. BOX 2346 PALM BEACH, FL 33480 Zip Code: 33480
 City/State: PALM BEACH, FLORIDA Telephone No.: 561-779-9260
 Email Address: SCOTTELEWISCONSTRUCTION@GMAIL.COM

Activity / Project Site

County: PALM BEACH State Road: 11A 704 Section: 93280 ROYAL POINCIANA WAY
 From Mile Post: 9.838 to Mile Post: 10.067
 Construction Proposed or Underway: Yes ☐ No ☒ FM Project No.: _____

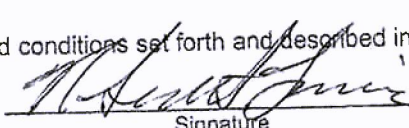
Name of Municipality if Work is within Limits: TOWN OF PALM BEACH
 Description of Work Activity: UNLOAD 66' MAN LIFT, RAISE TO 45' HEIGHT FOR PHOTOGRAPH, RELOAD MAN LIFT. RIGHT LANE TO BE CLOSED FOR 15 MINUTE PERIOD TO UNLOAD. OPEN FOR PHOTO. CLOSED FOR 15 MINUTE PERIOD TO RELOAD.

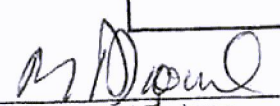
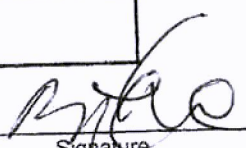
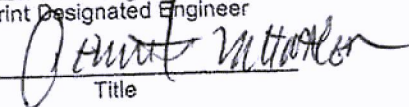
General Provisions

1. Attach any pertinent plans or drawings.
2. Attach notification letters sent to any Utilities both aerial and underground that will be potentially impacted.
3. The designated FDOT Engineer shall be notified 48 hours prior to beginning of work. Contact ALLEN POWERS B.T. DOWD (561) 227-7023 copy of this permit and approval will be on the job site at all times during the construction of this facility
4. All work, materials and equipment shall be subject to inspection and approval by FDOT. Applicants certification of work at completion is required.
5. The permittee shall be responsible to place and display safety devices and proper maintenance of traffic in accordance with the latest version of the Department's Design Standards, index series 600, or an alternative plan signed and sealed by a professional Engineer and attached with the permit.
6. All FDOT property shall be restored to its original condition. Any damage to FDOT property as a result of this work shall be repaired and restored in a manner acceptable to the FDOT at the sole expense of the permittee.

	Special Provisions	

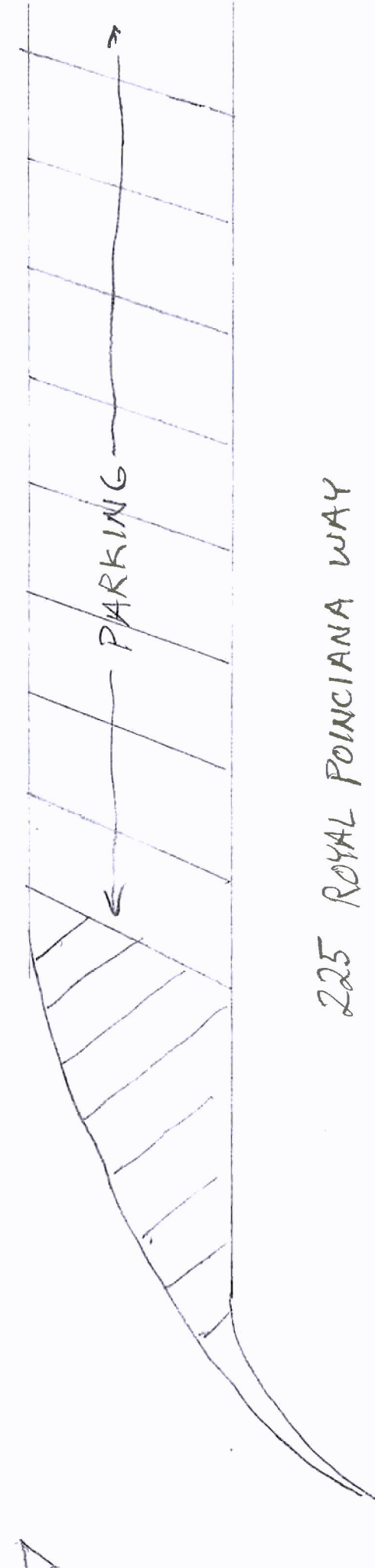
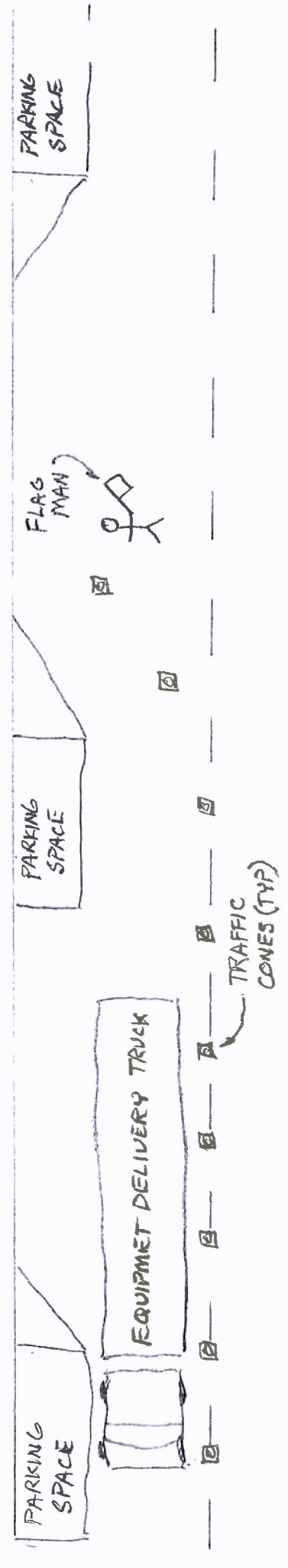
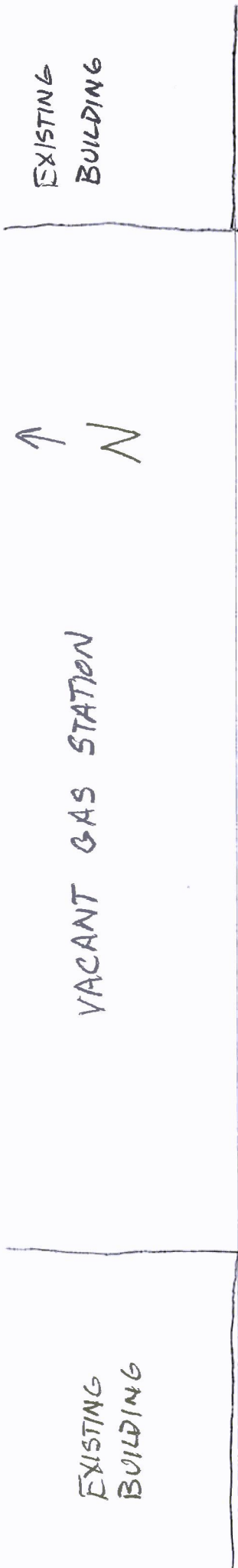
	Conditions	
1. In the event the permittee fails to meet any of the requirements of this permit by the FDOT, the permitted activity must cease until brought into compliance. If compliance can not be met, then the permit will be rendered void and said work shall be removed from the right of way at no cost to the FDOT.		
2. Work shall commence within <u>1-2</u> days of permit approval. <u>1-2 HOUR DURATION</u> Work shall be completed by <u>2-22-14</u> <u>SATURDAY 2-22-14 8AM-10AM</u> (Date) <u>OR 3-1-14</u>		
3. The rights and privileges herein set out are granted only to the extent of the State's right, title and interest in the land to be entered upon and used by the permittee, and the permittee will, at all times, and to the extent permitted by law, assume all risk of and indemnify, defend and save harmless the State of Florida and the FDOT from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said permittee of the aforesaid rights and privileges.		

	Applicant	
I hereby agree to comply with all terms and conditions set forth and described in this permit.		
<u>N. SCOTT LEWIS</u> Printed or Typed Name and Title	 Signature	<u>2-20-14</u> Date

	FDOT	
Approved By:  Print Designated Engineer	 Signature	<u>2/24/14</u> Date
 Title		

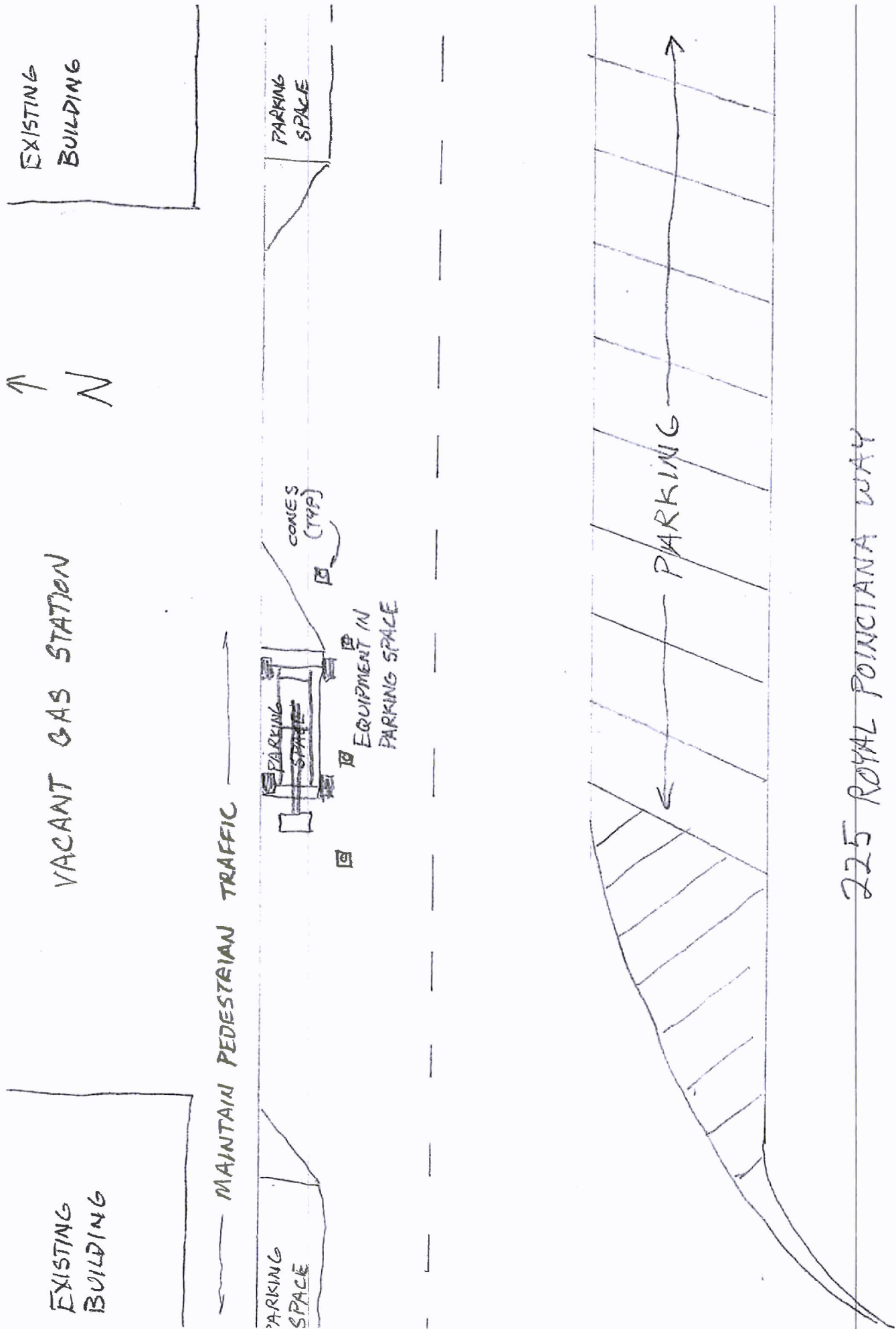


Temporary Places



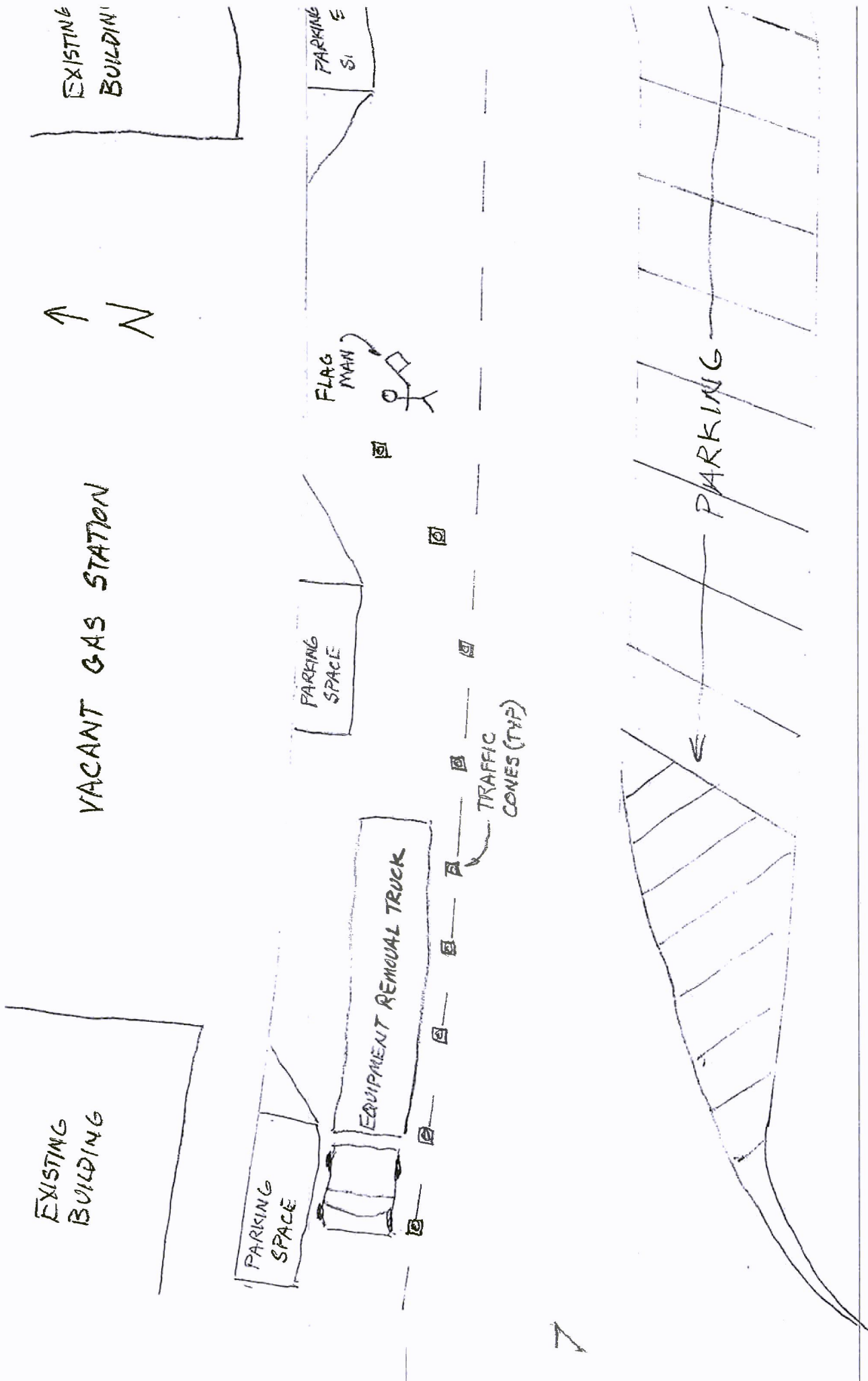
225 ROYAL POINCIANA WAY

SITE DURING EQUIPMENT DELIVERY



225 ROYAL POINCIANA WAY

SITE DURING PHOTOGRAPH



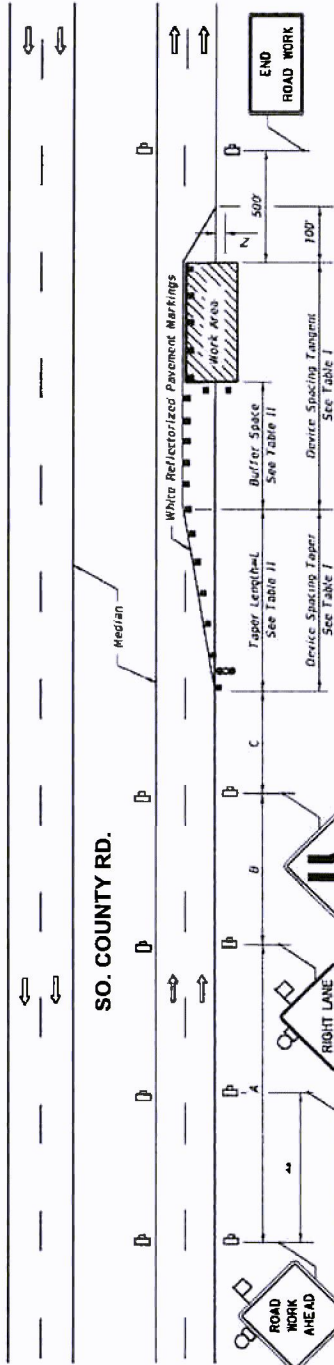


Table II Buffer Space and Taper Length			
Speed (mph)	Buffer Space (ft.)	Taper Length (ft.)	
		Dist. (ft.)	Notes (Merge)
25	155	125	WS ² L = 60
30	200	180	
35	250	245	
40	305	320	L = WS
45	360	400	
50	425	500	
55	495	600	
60	570	720	
65	645	840	

Table I Device Spacing			
Speed (mph)	Max. Distance Between Devices (ft.)		Notes
	Cones or Tubular Markers	Flags or Drums	
25	25	50	50
30 to 45	25	50	50
50 to 70	25	50	50

BOOK TYPICAL FOR REFERENCE ONLY

GENERAL NOTES

- 1 Work operations shall be confined to one traffic lane, leaving the adjacent lane open to traffic.
- 2 On undivided highways the median signs as shown are to be omitted.
- 3 When work is performed in the median lane on divided highways, the channelizing device plan is inverted and left lane closed and lane ends signs substituted for the right lane closed and lane end signs.

The same applies to undivided highways with the following exceptions:

- a. Work shall be confined within one median lane.
- b. Additional barricades, cones, or drums shall be placed along the centerline abutting the work area and across the trailing end of the work area.

When work on undivided highways occurs across the centerline so as to encroach on both median lanes, the inverted plan is applied to the approach of both roadways.

- a. Signs and traffic control devices are to be modified in accordance with INTERMITTENT WORK STOPPAGE details (sheet 2 of 2) when no work is being performed and the highway is open to traffic.
- 5 The two channelizing devices directly in front of the work area may be omitted provided vehicles in the work area have high-intensity rotating, flashing, oscillating, or strobe light's operating.
- 6 When paved shoulders having a width of 8 ft. or more are closed, channelizing devices shall be used to close the shoulder in advance of the taper to direct vehicular traffic to remain within the travel way. See index No. 612 for shoulder taper formulas.
- 7 When a side road intersects the highway within the TTC zone, additional TTC devices shall be placed in accordance with other applicable TTC indexes.
- 8 This TCZ plan does not apply when work is being performed in the middle (lanes) of a six or more lane highway. See index No. 614.
9. For general TCZ requirements and additional information, refer to Index No. 600.

DISTANCE BETWEEN SIGNS			
Speed	Spacing (ft.)		
	A	B	C
40 mph or less	200	200	200
45 mph	350	350	350
50 mph	500	500	500
55 mph or greater	700	700	700

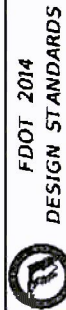
* The ROAD WORK 1 MILE sign may be used as an alternate to the ROAD WORK AHEAD sign and the RIGHT LANE CLOSED 1/2 MILE sign may be used as an alternate to the RIGHT LANE CLOSED AHEAD sign.

500' beyond the ROAD WORK AHEAD sign or midway between signs whichever is less

SYMBOLS

- Work Area
- Sign With 18" x 18" (N.H.) Orange Flag And Type B Light
- Channelizing Device (See Index No. 600)
- Work Zone Sign
- Advance Warning Arrow Board

LAST REVISION 07/01/09



MULTILANE, WORK WITHIN TRAVEL WAY
MEDIAN OR OUTSIDE LANE

INDEX NO. 613
SHEET NO. 1 of 2

WHERE ANY VEHICLE, EQUIPMENT, WORKERS OR THEIR ACTIVITIES ENCRUCH ON THE LANE ADJACENT TO EITHER SHOULDER AND THE AREA 2' OUTSIDE THE EDGE OF TRAVEL WAY.

CONDITIONS

- 1 Temporary white edgeline may be omitted for work operations less than 3 consecutive calendar days.
- 2 For work operations up to approximately 15 minutes, signs, channelizing devices, arrow board, and buffer space may be omitted if all of the following conditions are met:
 - a. Speed limit is 45 mph or less;
 - b. No sight obstructions to vehicles approaching the work area for a distance equal to the buffer space and the taper length combined;
 - c. Volume and complexity of the roadway has been considered;
 - d. The closed lane is occupied by a class 5 or larger, medium duty truck(s) with a minimum gross weight vehicle rating (GVWR) of 16,000 lb with high-intensity, rotating, flashing, oscillating, or strobe lights mounted above the cab height and operating.
- 3 For work operations up to 60 minutes, arrow board and buffer space may be omitted if conditions a, b, and c in DURATION NOTE 2 are met, and vehicles in the work area have high-intensity, rotating, flashing, oscillating, or strobe lights operating.

SOUTHBOUND LEFTLANE CLOSURE

HARRISON CRANE CUSTOMER	360 S. COUNTY RD PROJECT LOCATION	DAVID HARRISON CONTACT PERSON	305-633-5228 PHONE	2-11-2014 DATE
----------------------------	--------------------------------------	----------------------------------	-----------------------	-------------------

***SPECIAL PROVISIONS/CONDITIONS
GENERAL USE PERMITS
ATTACHMENT "A"***

It is the Permittee's responsibility to obtain final acceptance of permitted work (completed) and the restoration of the Right of Way from the Department prior to usage.

Permittee shall use the current editions of the Department's Design Standards, Standard Specifications for Road and Bridge Construction and applicable manuals, policies and procedures.

Permittee will restore the Right of Way as a minimum, to its original condition or better in accordance w/FDOT's Standard Specifications for Road & Bridge Construction or as directed by the Resident Operations' Engineer.

All maintenance of traffic (MOT) will be in accordance with the Department's current edition of the Design Standards, (600 series). The Operations Engineer or his designee reserves the right to direct the removal/relocation/modification of any traffic device(s) at the Permittee's sole expense.

Restricted hours of operation will be from 9:00 am to 3:30 pm, (Monday thru Friday), unless otherwise approved by the Operations Engineer, or designee.

Permittee shall coordinate all work with David Moore of Transfield Services @ 954-317-8044 or email: mooreda@transfieldservices.com

PERMIT VALID FOR SEVEN (7) DAYS FROM THE DATE OF ISSUE.

Permittee shall coordinate all work with Town of Palm Bch, Allen Powery @ 561-227-7023.

WILLIAM O. COOLEY

236 Fairview Road
Palm Beach, Florida 33480

Peter Elwell, Town Manager
Palm Beach Town Hall
360 South County Road
Palm Beach, Florida 33480

February 28, 2014

Re: Staff denial of right-of-way permit

Dear Mr. Elwell,

On Tuesday, I received an email from Paul Brazil, PE, Director of Public Works, denying my application for a right-of-way permit to raise a "man lift" on the sidewalk on Royal Poinciana Way to an elevation of 43 feet to graphically show what a 43 foot high building would look like if allowed to be built under the proposed PUD-5.

While Mr. Brazil was very helpful and very courteous, I can appreciate the conundrum he must have faced considering the political volatility of the PUD-5 issue. I offer my apologies to him and others on the staff for placing them in an awkward position, but I was merely following standard procedures set up for obtaining a right-of-way permit. As an aside, we did obtain the State of Florida Department Of Transportation permit.

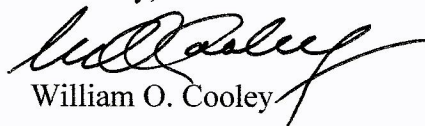
I was listed as the "applicant" and Scott Lewis Construction Company was listed as the "contractor" on the application. As the applicant, I would like to request that this matter be placed on the regular agenda of the March 11th Town Council meeting and have the Town Council consider granting this permit. Is this something you do, or must I seek a council member to place it on the agenda?

The whole operation would take less than an hour. We plan to do it early on a weekend morning to avoid, as much as possible, heavy traffic. We plan to have one or two off-duty Palm Beach police personnel on hand.

It would seem to me, that this is something in which the Town would have a keen interest as the potential height of these new buildings would be of concern to both sides of this issue.

May I hear back from you on this matter and let me know whether or not I will be on the agenda. Thank you for your continued consideration.

Sincerely,



William O. Cooley

cc: Mayor and Town Council

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Police Overtime Pay Policy.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- [Memorandum dated March 6, 2014, from Peter B. Elwell, Town Manager](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Police Overtime Pay Policy

Date: March 6, 2014

STAFF RECOMMENDATION

I recommend that Town Council's consideration of this matter be deferred to the special Town Council meeting on July 17, 2014, so that this matter can be considered in full context along with other budget related matters.

GENERAL INFORMATION

At the Town Council meeting on February 11, former Mayor Jack McDonald suggested that the Town increase the amount of overtime paid to police officers. Town Council requested that this matter be placed on the March 11 Town Council meeting agenda.

The police officers' desire to have this matter considered was brought to my attention in the latter part of 2013 by Public Safety Director Kirk Blouin and Deputy Police Chief Dan Szarszewski. I have had several conversations with Director Blouin about this matter and I am reviewing possible courses of action to propose for Town Council consideration. I need some additional time to complete my review and I believe it would be proper for the Town Council to consider this matter in full context, not only with a complete report about factors directly associated with police officer overtime but also in conjunction with other budgetary matters. Therefore, I recommend that Town Council defer this matter to the special Town Council meeting on July 17, 2014, regarding the proposed FY15 budget. At that meeting, I will make a recommendation for Town Council action supported by relevant background information.

PBE:cek

cc: Kirk W. Blouin, Director of Public Safety
Danielle Olson, Director of Human Resources
Jane Struder, Director of Finance

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Possible Removal of Members of the Planning and Zoning Commission.

Presenter

William J. Diamond, President Pro Tem

Supporting Documents

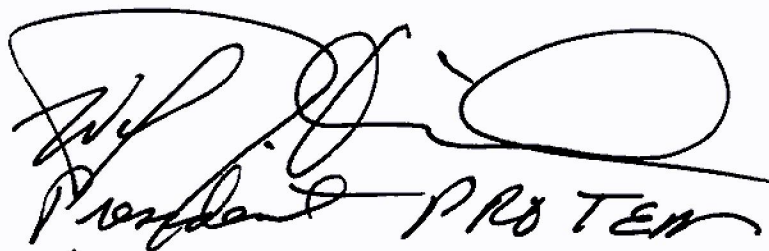
- [Memorandum dated February 26, 2014, from William J. Diamond](#)

TO: PETER ELWELL

2/26/14

FROM: BILL DIAMOND

PLEASE PLACE ON THE
MARCH 11th TOWN COUNCIL
~~CA~~ AGENDA THE POSSIBLE
REMOVAL OF THE FOLLOWING
MEMBERS OF THE PLANNING &
ZONING COMMISSION: BRUCE
LANGMAID AND THOMAS GREENBAUM.
THANK YOU.



President PRO TEM
TOWN COUNCIL
TOWN OF PALM BEACH

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Architectural Commission Appointments.

Presenter

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

Supporting Documents

- [Memorandum dated February 28, 2014 from John S. Page, Director of Planning, Zoning and Building](#)
- [Ballot for Appointment of Regular Members to the Architectural Commission](#)
- [ARCOM Roster](#)
- [ARCOM Attendance and Voting Conflict Records](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Architectural Commission Appointments

Date: February 28, 2014

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint a regular member to the Architectural Commission to fill the seat being vacated as a result of the term expiration of Henry Homes III.
- Staff recommends that the Town Council appoint a regular member to the Architectural Commission to fill the seat being vacated as a result of the term expiration of Peter I.C. Knowles II.
- Staff recommends that the Town Council make any appointments to the Architectural Commission which may become necessary as a result of making the aforementioned appointments.

GENERAL INFORMATION

- **Mr. Homes** is completing his Term 1 as a regular member of the Architectural Commission, and **is eligible for re-appointment.**
- **Mr. Knowles** is completing his Term 1 as a regular member of the Architectural Commission and **is eligible for re-appointment.**
- None of the existing alternate member(s) have indicated, by filing an Application for Service on the Architectural Commission, that they wish to be promoted at this time to regular member status.
- Pursuant to the news release notifying the public of the upcoming vacancies on the Architectural Commission, Harold Epstein has submitted an Application for Service on the Architectural Commission together with other appropriate qualifying information.
- All applicants are registered voters in the town as required by Section 18-167 (b) Qualifications of Members.

Architectural Commission Appointments

February 28, 2014

Page 2

SPECIAL CONSIDERATIONS

- As of the March 2014 term expirations, there will be two (2) Florida registered architects, **Nikita Zukov and Richard Sammons**, remaining on the roster of the Architectural Commission. Pursuant to Section 18-166, **“at least two members, but not more than three members, of such commission 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. In addition to the two registered architects, one member of such commission shall be a landscape architect, if available. However, in the event a landscape architect is not available, then one member of such commission shall be a master gardener or someone with equivalent expertise in landscape.”**
- **Ann Vanneck** currently serves as the member who is **“someone with equivalent expertise in landscape.”** None of the applicants is a landscape architect or master gardener.

Attachments

JP:cmd

cc: Susan Owens, Town Clerk
Veronica Close, Assistant Director of Planning, Zoning and Building
John Lindgren, Planning Administrator

TO THE ARCHITECTURAL COMMISSION

Town Council Meeting on March 11, 2014

Position(s) to be filled: (2) Regular Members - Terms to expire 3/2017
(Due to term expiration of Henry Homes III)
(Due to term expiration of Peter I.C. Knowles II)

Please circle 2 name(s) from the list of names appearing below

Regular Members seeking Re-appointment

Henry Homes III	Completing Term 1 as a regular member
Peter I.C. Knowles II	Completing Term 1 as a regular member

Alternate Members Applying for Promotion to Regular Member

None

Others Who Have Submitted Applications

Harold Epstein

Signature of Town Council Member: _____

**Any currently serving Alternate who is not elevated to the position of Regular Member will retain his/her current position, provided that the Alternate Member's term is active.*

Ballot Form Date 2/28/2014

ARCHITECTURAL COMMISSION MEMBERS

	<u>Appointed</u>	<u>Term Expires</u>	
Robert J. Vila, Chairman 690 Island Drive (c) 917-392-4347 (h) 651-1124	3/2010 3/2013	3/2013 (Term 1) 3/2016 (Term 2)	
Nikita Zukov, Vice Chairman 130 Sunrise Avenue # 408 (c) 452-2422	ARCHITECT 3/2010 3/2012	3/2012 (Term 1)* *Fulfilling the unexpired term of Thomas Youchak, serving 24 mo., (more than 50% of a term) 3/2015 (Term 2)	
Kenn Karakul 4 El Bravo Way (o) 379-5594 (h) 659-7612	6/2009 3/2010 3/2013	3/2010 (less than 50% of a term) 3/2013 (Term 1) 3/2016 (Term 2)	
Henry Homes III 157 Peruvian Avenue (h) 833-6533	3/2011	3/2014 (Term 1)	
Peter I. C. Knowles II 248 Sanford Avenue (h) 804-9137	11/2011	3/2014 (Term 1)* *Fulfilling the unexpired term of Alexander Griswold, serving 28 mo., (more than 50% of a term)	
Ann Vanneck 217 West Indies Drive (h) 881-5364	3/2011 3/2012	3/2012 (Term 0*) *Fulfilling unexpired member term of Leslie Diver, serving 12 mo., (less than 50% of a term) 3/2015 (Term 1)	
Richard Sammons 455 Worth Avenue, #302-303 (h) 646-270-1094 (w) 561-805-8591	ARCHITECT 3/2012	3/2015 (Term 1)	

Martin D. Gruss (Alternate) 777 S. Flagler Drive #801E (Mailing address) West Palm Beach, FL 33401 (h) 655-3388	3/2010 3/2013	3/2013 (Term 1) 3/2016 (Term 2)	
Alexander C. Ives (Alternate) 237 Jamaica Lane (h) 309-1645	3/2011 3/2012	3/2012 (Term 0*) *Fulfilling unexpired alternate term of Ann Vanneck, serving 12 mo., (less than 50% of a term) 3/2015 (Term 1)	
Michael B. Small (Alternate) P.O. Box 2375 Palm Beach, FL (h) 844-2606 (o) 833-1100	3/2013	3/2015 (Term 1*) *Fulfilling unexpired alternate term of Dr. Martin Phillips; serving 2 yrs, (more than 50% of a term)	

ARCOM ATTENDANCE RECORD 2011

MEMBERS

	1/11	2/11	3/11	4/11	5/11	6/11	7/11	8/11	9/11	10/11	11/11	12/11
JEFFERY SMITH	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	U__	P__
ROBERT VILA	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__
KENN KARAKUL	P__	P__	P__	P__	P__	P__	P__	P__	P__	U__	P__	P__
NIKITA ZUKOV	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__
ANN VANNECK	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__
HENRY HOMES III			P__	P__	P__	P__	P__	P__	P__	P__	P__	P__
ALEX HUFTY GRISWOLD			P__	P__	P__	P__	P__	P__	resigned			
PETER I.C. KNOWLES	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__
MARTIN D. GRUSS	U__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__
ALEXANDER C. IVES			P__	P__	P__	P__	P__	P__	P__	P__	P__	P__
DR. MARTIN PHILLIPS										P__	P__	
WILLIAM STRAWBRIDGE	P__	P__							(termed out - appointed to LPC)			
LESLIE DIVER	P__	P__							(left ARCOM - appointed to LPC)			
SAM BOYKIN	E__	E__							(term up-did not wish to be reappointed)			

LEGEND: P= present

E=excused absence

U=un excused absence

A=absence pending classification as excused or un excused

ARCOM ATTENDANCE RECORD 2012

MEMBERS

	1/12	2/12	3/12	4/12	5/12	6/12	7/12	8/12	9/12	10/12	11/12	12/12	
<u>MEMBERS</u>													
JEFFERY SMITH	P__	P__	(termed out)										
ROBERT VILA	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	U__	P__	
KENN KARAKUL	P__	P__	P__	P__	P__	P__	P__	P__	U__	U__	P__	E__	
NIKITA ZUKOV	P__	P__	P__	P__	P__	P__	E__	P__	P__	E__	P__	P__	
ANN VANNECK	U__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	
HENRY HOMES III	P__	P__	P__	P__	P__	P__	P__	P__	U__	P__	P__	P__	
PETER I.C. KNOWLES	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	U__	
RICHARD SAMMONS			P__	P__	P__	P__	P__	P__	P__	P__	P__	U__	
<u>ALTERNATE MEMBER</u>													
MARTIN D. GRUSS	P__	P__	P__	U__	P__	U__	P__	P__	P__	P__	P__	P__	
ALEXANDER C. IVES	P__	P__	P__	U__	P__	P__	P__	P__	U__	P__	P__	E__	
DR. MARTIN PHILLIPS	P__	P__	P__	P__	P__	P__	P__	P__	E__	P__	resigned 11/12		

LEGEND: P= present
 E=excused absence
 U=un excused absence
 A=absence pending classification as excused or un excused

ARCOM ATTENDANCE RECORD 2013

1/13 2/13 3/13 4/13 5/13 6/13 7/13 8/13 9/13 10/13 11/13 12/13

MEMBERS

ROBERT VILA	P_	P_	P_	P_	P_	U_	P_	P_	P_	U_	P_
KENN KARAKUL	P_	P_	P_	P_	P_	P_	P_	U_	P_	P_	P_
NIKITA ZUKOV	U_	P_	P_	P_	P_	P_	E_	P_	P_	U_	P_
ANN VANNECK	P_	P_	P_	P_	P_	P_	P_	P_	U_	P_	P_
HENRY HOMES III	P_	P_	E_	P_	P_	P_	P_	P_	P_	P_	P_
PETER I.C. KNOWLES	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
RICHARD SAMMONS	P_	P_	P_	P_	P_	P_	U_	E_	P_	P_	P_

ALTERNATE MEMBER

MARTIN D. GRUSS	P_	P_	P_	P_	U_	P_	P_	U_	P_	P_	P_
ALEXANDER C. IVES	P_	P_	P_	P_	U_	P_	P_	P_	P_	P_	P_
MICHAEL B. SMALL	n/a_	n/a_	P_	U_	U_	P_	P_	P_	P_	P_	P_

LEGEND: P= present
 E=excused absence
 U=un excused absence
 A=absence pending classification as excused or un excused

ARCOM ATTENDANCE RECORD 2014

MEMBERS

	1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14	10/14	11/14	12/14
ROBERT VILA	P_	P_	—	—	—	—	—	—	—	—	—	—
KENN KARAKUL	P_	A_	—	—	—	—	—	—	—	—	—	—
NIKITA ZUKOV	P_	E_	—	—	—	—	—	—	—	—	—	—
ANN VANNECK	P_	P_	—	—	—	—	—	—	—	—	—	—
HENRY HOMES III	P_	P_	—	—	—	—	—	—	—	—	—	—
PETER I.C. KNOWLES	P_	P_	—	—	—	—	—	—	—	—	—	—
RICHARD SAMMONS	P_	P_	—	—	—	—	—	—	—	—	—	—

ALTERNATE MEMBER

MARTIN D. GRUSS	P_	P_	—	—	—	—	—	—	—	—	—	—
ALEXANDER C. IVES	P_	P_	—	—	—	—	—	—	—	—	—	—
MICHAEL B. SMALL	P_	E_	—	—	—	—	—	—	—	—	—	—

LEGEND: P= present
 E=excused absence
 U=un excused absence
 A=absence pending classification as excused or un excused

ARCOM VOTING CONFLICTS 2011

MEMBERS

	1/11	2/11	3/11	4/11	5/11	6/11	7/11	8/11	9/11	10/11	11/11	12/11
JEFFERY SMITH	<u>V&VPD</u>	<u>VPD</u>	—	—	—	<u>V&VPD</u>	—	—	—	—	—	—
KENN KARAKUL	—	—	—	—	—	—	—	—	—	<u>V</u>	<u>VPD</u>	—
ROBERT VILA	—	—	—	—	—	—	—	—	—	—	—	—
NIKITA ZUKOV	—	—	—	—	—	—	—	—	—	—	—	—
ANN VANNECK	—	—	—	<u>V</u>	<u>VPD</u>	—	—	—	—	—	—	—
HENRY HOMES III	—	—	—	—	—	—	—	—	—	—	—	—
ALEX HUFTY GRISWOLD	—	—	—	—	<u>V</u>	<u>VPD</u>	—	<u>V2</u>	—	—	—	—
MARTIN D. GRUSS	—	—	—	—	<u>V</u>	—	—	—	—	—	—	—
PETER I.C. KNOWLES	—	—	—	—	—	—	—	—	—	—	—	—
ALEXANDER C. IVES	—	—	—	—	—	—	—	<u>V2</u>	—	—	—	—
WILLIAM STRAWBRIDGE	—	—	—	—	—	—	—	—	—	—	—	—
LESLIE DIVER	—	—	—	—	—	—	—	—	—	—	—	—
SAM BOYKIN	—	—	—	—	—	—	—	—	—	—	—	—

LEGEND: V = one voting conflict during a meeting
V2 = two voting conflicts during a meeting
VPD = voting conflict previously declared

VPD to be used when a conflict has been declared at a previous meeting for an ongoing project.
The originally declared conflict will be counted only for ongoing projects, per JCR
Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year

ARCOM VOTING CONFLICTS 2012

MEMBERS

	1/12	2/12	3/12	4/12	5/12	6/12	7/12	8/12	9/12	10/12	11/12	12/12
JEFFERY SMITH	<u>VPD & V</u>	<u>VPD</u>	(termed out)									
ROBERT VILA	—	—	—	—	—	—	—	—	—	—	—	—
KENN KARAKUL	<u>VPD</u>	—	—	V	—	—	—	—	—	—	—	—
NIKITA ZUKOV	—	—	—	—	—	—	—	—	—	—	—	—
ANN VANNECK	—	<u>VPD</u>	—	—	—	—	—	—	—	—	—	—
HENRY HOMES III	—	—	—	—	—	—	—	—	—	—	—	—
PETER I.C. KNOWLES	—	—	—	—	—	—	—	—	—	—	—	—
RICHARD SAMMONS	—	—	—	—	—	—	V	—	—	—	—	—

ALTERNATE MEMBERS

MARTIN D. GRUSS	—	—	—	—	—	—	—	—	—	—	—	—
ALEXANDER C. IVES	—	—	—	—	—	—	—	—	—	—	—	—
DR. MARTIN PHILLIPS	—	—	—	—	—	—	—	—	—	—	—	—

LEGEND: V = one voting conflict during a meeting
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VPD = voting conflict previously declared

²VPD to be used when a conflict has been declared at a previous meeting for an ongoing project.

³The originally declared conflict will be counted only for ongoing projects, per JCR
Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year

ARCOM VOTING CONFLICTS 2013

MEMBERS

	1/13	2/13	3/13	4/13	5/13	6/13	7/13	8/13	9/13	10/13	11/13	12/13
ROBERT VILA	—	—	—	—	—	—	—	—	—	—	—	—
KENN KARAKUL	—	—	—	VPD	—	—	—	—	—	—	—	—
NIKITA ZUKOV	—	—	—	—	—	—	—	—	—	—	—	—
ANN VANNECK	—	—	—	—	—	—	—	—	—	—	—	—
HENRY HOMES III	—	—	—	—	—	—	—	—	—	—	—	—
PETER I.C. KNOWLES	—	—	—	—	—	—	—	—	—	—	—	—
RICHARD SAMMONS	—	—	—	—	—	—	—	—	—	—	—	—

ALTERNATE MEMBERS

MARTIN D. GRUSS	—	—	—	—	—	—	—	—	—	—	—	—
ALEXANDER C. IVES	—	—	—	—	—	—	—	—	—	—	—	—
MICHAEL B. SMALL	—	—	—	—	—	—	—	—	—	—	—	—

LEGEND: V = one voting conflict during a meeting
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ARCOM VOTING CONFLICTS 2014

MEMBERS

	1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14	10/14	11/14	12/14
ROBERT VILA	V	—	—	—	—	—	—	—	—	—	—	—
KENN KARAKUL	—	—	—	—	—	—	—	—	—	—	—	—
NIKITA ZUKOV	—	—	—	—	—	—	—	—	—	—	—	—
ANN VANNECK	—	—	—	—	—	—	—	—	—	—	—	—
HENRY HOMES III	—	—	—	—	—	—	—	—	—	—	—	—
PETER I.C. KNOWLES	—	—	—	—	—	—	—	—	—	—	—	—
RICHARD SAMMONS	—	—	—	—	—	—	—	—	—	—	—	—

ALTERNATE MEMBERS

MARTIN D. GRUSS	—	—	—	—	—	—	—	—	—	—	—	—
ALEXANDER C. IVES	—	—	—	—	—	—	—	—	—	—	—	—
MICHAEL B. SMALL	—	—	—	—	—	—	—	—	—	—	—	—

LEGEND: V = one voting conflict during a meeting
V2 = two voting conflicts during a meeting
VPD = voting conflict previously declared

VPD to be used when a conflict has been declared at a previous meeting for an ongoing project.
The originally declared conflict will be counted only for ongoing projects, per JCR
Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year

TOWN OF PALM BEACH

Town Council Meeting on: March 11, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Landmarks Preservation Commission Appointments.

Presenter

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

Supporting Documents

- [Memorandum dated February 28, 2014, from John S. Page, Director of Planning, Zoning and Building](#)
- [Ballot for Appointment of Regular Members to the Landmarks Preservation Commission](#)
- [Landmarks Preservation Commission Roster](#)
- [Attendance and Voting Conflict Information for Landmarks Preservation Commission](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 11, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Landmarks Preservation Commission Appointments

Date: February 28, 2014

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint a regular member to the Landmarks Preservation Commission to fill the seat being vacated as a result of the term expiration of William J. Strawbridge Jr.
- Staff recommends that the Town Council appoint a regular member to the Landmarks Preservation Commission to fill the seat being vacated as a result of the term expiration of Jacqueline Albarran.
- Staff recommends that the Town Council appoint a regular member to the Landmarks Preservation Commission to fill the seat vacated as a result of the election of Penelope Townsend to the Town Council.
- Staff recommends that the Town Council appoint an alternate member to the Landmarks Preservation Commission to fill the seat vacated as a result of the resignation of Elizabeth “Libby” Marshall.
- Staff recommends that the Town Council make any appointments to the Landmarks Preservation Commission which may become necessary as a result of making the aforementioned appointments.

GENERAL INFORMATION

- **Mr. Strawbridge** is completing his Term 1 as a regular member of the Landmarks Preservation Commission and **is eligible for re-appointment.**
- **Mrs. Albarran** has served three, one-year terms as the “non-resident expert” on the Landmarks Preservation Commission. The “non-resident expert” may be appointed annually, and the individual appointed may serve an unlimited number of terms. As such, she **is eligible for re-appointment.**
- **Ms. Townsend** served one year of her Term 1 on the Landmarks Preservation Commission. The person appointed to fulfill the balance of Ms. Townsend’s term will serve more than 50% of a term. As such, that term will be deemed Term 1 for the appointee.

Landmarks Preservation Commission Appointments

February 28, 2014

Page 2

- **Ms. Marshall** resigned from the Landmarks Preservation Commission. The person appointed to fulfill the balance of Ms. Marshall's term will serve 12 months which is less than 50% of a term. As such, that term will be deemed Term 0 for that appointee.
- Existing alternate member(s) who are interested in promotion to regular member status have filed an Application for Service on the Landmarks Preservation Commission.
- Pursuant to the news release notifying the public of the upcoming vacancies on the Landmarks Preservation Commission, persons have submitted Applications for Service on the Landmarks Preservation Commission together with other appropriate qualifying information.
- All applicants, other than those applying for the "non-resident expert" seat, listed on the attached ballot(s) are registered voters in the Town of Palm Beach, as required by Section 54-36 (a) of the Town of Palm Beach Code of Ordinances.

SPECIAL CONSIDERATIONS

- As of the March 2014 term expirations, there will be one (1) Florida registered architect and no (0) Florida registered landscape architect remaining on the roster of the Landmarks Preservation Commission. Pursuant to Section 54-36, **at least two members, but not more than three members, of such commission 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.**
- At least one additional registered architect must be appointed as a "member" to comply with local code, but the Code actually allows for the appointment of two additional architects.
- Please note that **Jacqueline Albarran (FL registered architect)** has submitted an Application for Service for re-appointment as the "non-resident expert".
- Please note that **Anne Fairfax (architect, but not FL registered)** has submitted an Application for Service seeking promotion to regular member status.
- Pursuant to Section 54-36, **"Each member shall be a registered voter in the town, however, one member may be a non-resident of the town."**

Attachments

JSP:cmd

cc: Susan Owens, Town Clerk
Veronica Close, Assistant Director of Planning, Zoning & Building
John Lindgren, Planning Administrator

**BALLOT FOR APPOINTMENT OF REGULAR MEMBERS
TO THE LANDMARKS PRESERVATION COMMISSION**

Town Council Meeting on March 11, 2014

Position(s) to be filled: **3** Regular Members

- (1) Non-Resident Member - Term to expire 3/2015
(Due to term expiration of Jacqueline Albarran)
- (1) Resident Member - Term to expire 3/2016
(Due to election of Penelope Townsend to the Town Council)
- (1) Resident Member – Term to expire 3/2017
(Due to term expiration of William J. Strawbridge, Jr.)

Please circle 3 name(s) from the list of names appearing below

Non-Resident Regular Member Seeking Re-appointment

Jacqueline Albarran (**ARCHITECT**) Completing Term 3 as “non-resident expert”

Regular Member Seeking Re-appointment

William J. Strawbridge Jr. Completing Term 1 as regular member

Alternate Members Applying for Promotion to Regular Member*

Anne Fairfax (Serving Term 1 as Alternate Member)
(**ARCHITECT, NOT FL REGISTERED**)

Patrick Killian (Serving Term 1 as Alternate Member)

Others Who Have Submitted Applications

John T. Gannon
Jorge A. Sanchez
Robert K. Wood
Orator E. Woodward

Signature of Town Council Member: _____

***Any currently serving Alternate who is not elevated to the position of Regular Member will retain his/her current position, provided that the Alternate Member's term is active.*

Ballot Form Date 2/28/2014

LANDMARKS PRESERVATION COMMISSION ROSTER

RESIDENTIAL ADDRESS

BUSINESS

E-MAIL ADDRESS

Edward Austin Cooney – **Chairman**
445 Brazilian Avenue #12
Palm Beach, FL 33480
358-8853

edward.cooney@gmail.com

William P. Feldkamp - **Vice Chairman**
ARCHITECT
251 Bradley Place, #1
Palm Beach, FL 33480
248-5769

billfeldkamp@gmail.com

Dudley L. Moore, Jr.
220 El Bravo Way
Palm Beach, FL 33480
833-2413

dln@migatl.com

Jacqueline Albarran
ARCHITECT
11979 Polo Club Rd.
Wellington, FL 33414
346-9892

jackie@jackiealbarran.com

324 Royal Palm Way # 227
Palm Beach, FL 33480
655-7676

William J. Strawbridge
223 Atlantic Avenue #4E
Palm Beach, FL 33840
644-4873

wstraw@gmail.com

Elizabeth S. Murphy
265 Park Avenue
Palm Beach, FL 33480
632-7086

emylilyeve@aol.com

561-215-8371

~~Penelope D. Townsend~~

**ELECTED TO TOWN COUNCIL
FEBRUARY 2014**

Alternate Commission Members

~~Elizabeth 'Libby' Marshall~~ ~~225 Southern Boulevard, Ste. 100~~
~~**LANDSCAPE ARCHITECT**~~ ~~West Palm Beach, FL 33405~~
~~(contact at business address/phone)~~ ~~(561) 833-2268~~

~~libby@landplandesign.com~~
~~**RESIGNED September, 2013**~~

Anne Fairfax
ARCHITECT (NOT FL REG.)
455 Worth Avenue, #302-303
Palm Beach, FL 33480
(646) 270-1791

214 Brazilian Ave., Ste. 100
Palm Beach, FL 33480
805-8591

AnneFairfaxPB@gmail.com

Patrick Killian
321 Peruvian Avenue
Palm Beach, FL 33480
655-8332

patrick@patrickkillianinc.com

Rev. 2/25/2014-cmd

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2011

MEMBERS	1/11	2/11	3/11	4/11	5/11	6/11	7/11	8/11	9/11	10/5/11	10/19/11	11/11	12/11
Edward A. Cooney	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
William P. Feldkamp	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
William Cooley	P_	P_	P_	P_	P_	A_	P_	P_	P_	P_	P_	P_	P_
Dudley L. Moore Jr.	P_	U_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
Jacqueline Albarran			P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
William J. Strawbridge			P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
Leslie C. Diver			P_	E_	P_	P_	P_	P_	P_	P_	P_	U_	P_
Eugene Pandula	P_	P_	(term expired-did not re-apply)										
William Lee Hanley Jr.	A_	P_	(termed out)										

ALTERNATE MEMBERS	1/11	2/11	3/11	4/11	5/11	6/11	7/11	8/11	9/11	10/5/11	10/19/11	11/11	12/11
D. Imogene Willis	P_	E_	P_	P_	E_	P_	P_	E_	P_	A_*	E_	P_	P_
Wallace Rogers	P_	P_	P_	P_	P_	P_	P_	P_	P_	A_*	P_	P_	P_
Rachel Lorentzen	P_	P_	P_	P_	E_	P_	U_	P_	P_	A_*	P_	P_	P_

LEGEND: P=Present, E=Excused, U=Unexcused, A=Absence Pending Classification as "excused" or "unexcused"

*Please note that absences from 10/5/2011 continued meeting do not negatively impact member's attendance record as this is an extra meeting.

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2012

MEMBERS	1/12	2/12	3/12	4/12	5/12	6/12	7/12	8/12	9/12	10/12	11/12	12/12
Edward A. Cooney	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_
William P. Feldkamp	_P_	_P_	_P_	_U_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_
William Cooley	_P_	_P_	(did not seek another term)									
Dudley L. Moore Jr.	_P_	_P_	_P_	_P_	_E_	_P_	_P_	_P_	_P_	_P_	_P_	_E_
Jacqueline Albarran	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_U_	_P_	_P_	_P_
William J. Strawbridge	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_U_	_P_	_P_	_P_	_P_
Leslie C. Diver	_P_	_U_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_E_
Elizabeth Murphy			_P_	_P_	_P_	_E_	_P_	_P_	_P_	_P_	_P_	_P_
ALTERNATE MEMBERS	1/12	2/12	3/12	4/12	5/12	6/12	7/12	8/12	9/12	10/12	11/12	12/12
Jorge Sanchez				_P_	_P_	_U_	_P_	_P_	_U_	_P_	_P_	_P_
Elizabeth Marshall				_P_	_P_	_P_	_P_	_P_	_P_	_P_	_E_	_P_
Anne Fairfax				_P_	_P_	_P_	_P_	_P_	_U_	_P_	_P_	_P_
D. Imogene Willis	_U_	_U_	(termed out as alternate/did not apply for regular seat)									
Wallace Rogers	_P_	_P_	(did not seek another term)									
Rachel Lorentzen	_P_	_P_	(not re-appointed)									

LEGEND: P=Present, E=Excused, U=Unexcused, A=Absence Pending Classification as "excused" or "unexcused"

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2013

MEMBERS	1/13	2/13	3/13	4/13	5/13	6/13	7/13	8/13	9/13	10/13	11/13	12/13
Edward A. Cooney	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
William P. Feldkamp	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
Dudley L. Moore Jr.	P_	U_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
Jacqueline Albarran	P_	P_	P_	P_	P_	P_	P_	P_	P_	U_	P_	P_
William J. Strawbridge	P_	P_	P_	P_	P_	P_	P_	U_	P_	P_	P_	P_
Leslie C. Diver	P_	P_	n/a_									
Elizabeth Murphy	P_	P_	U_	P_	P_	P_	P_	P_	P_	P_	P_	P_
Penelope Townsend			P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
ALTERNATE MEMBERS	1/13	2/13	3/13	4/13	5/13	6/13	7/13	8/13	9/13	10/13	11/13	12/13
Jorge Sanchez	P_	P_	n/a_									
Elizabeth Marshall	P_	P_	P_	P_	P_	P_	P_	P_	P_	resigned		
Anne Fairfax	P_	P_	U_	P_	P_	P_	U_	P_	U_	P_	P_	P_
Patrick Killian			P_	P_	P_	U_	P_	P_	P_	P_	P_	P_

LEGEND: P=Present, E=Excused, U=Unexcused, A=Absence Pending Classification as "excused" or "unexcused"

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2014

MEMBERS	1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14	10/14	11/14	12/14
Edward A. Cooney	P__	P__	__	__	__	__	__	__	__	__	__	__
William P. Feldkamp	P__	P__	__	__	__	__	__	__	__	__	__	__
Dudley L. Moore Jr.	U__	P__	__	__	__	__	__	__	__	__	__	__
Jacqueline Albarran	P__	P__	__	__	__	__	__	__	__	__	__	__
William J. Strawbridge	P__	P__	__	__	__	__	__	__	__	__	__	__
Elizabeth Murphy	P__	P__	__	__	__	__	__	__	__	__	__	__
Penelope Townsend	P__	elected to Town Council										
ALTERNATE MEMBERS	1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14	10/14	11/14	12/14
Anne Fairfax	P__	E__	__	__	__	__	__	__	__	__	__	__
Patrick Killian	P__	P__	__	__	__	__	__	__	__	__	__	__

LEGEND: P=Present, E=Excused, U=Unexcused, A=Absence Pending Classification as "excused" or "unexcused"

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

VOTING CONFLICTS 2011

MEMBERS	1/11	2/11	3/11	4/11	5/11	6/11	7/11	8/11	9/11	10/11	11/11	12/11
Edward A. Cooney	—	—	—	—	—	—	—	—	—	—	—	—
William P. Feldkamp	—	—	—	—	—	—	—	—	—	—	—	—
William Cooley	—	—	—	—	—	—	—	—	—	—	—	—
Dudley L. Moore Jr.	—	—	—	—	—	—	—	V	VPD1	—	—	—
Jacqueline Albarran	—	—	—	—	—	—	—	—	—	—	—	—
William J. Strawbridge Jr.	—	—	—	—	—	—	—	—	—	—	—	—
Leslie C. Diver	—	—	—	—	—	—	—	—	—	—	—	—
Eugene Pandula	—	—	—	—	—	—	—	—	—	—	—	—
William Lee Hanley Jr.	—	—	—	—	—	—	—	—	—	—	—	—
ALTERNATE MEMBERS	1/11	2/11	3/11	4/11	5/11	6/11	7/11	8/11	9/11	10/11	11/11	12/11
D. Imogene Willis	—	—	—	—	—	—	—	—	—	—	—	—
Wallace Rogers	—	—	—	—	—	—	—	—	—	—	—	—
Rachel Lorentzen	—	—	—	—	—	—	—	—	—	—	—	—
LEGEND:	V	=	One Voting Conflict during a meeting	VPD	=	Voting Conflict Previously Declared						
	V2	=	Two Voting Conflicts during a meeting									
	V3	=	Three Voting Conflicts during a meeting									

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

VOTING CONFLICTS 2012

MEMBERS	1/12	2/12	3/12	4/12	5/12	6/12	7/12	8/12	9/12	10/12	11/12	12/12
Edward A. Cooney	—	—	—	—	—	—	—	—	—	—	—	—
William P. Feldkamp	—	—	—	—	—	—	—	—	—	—	—	—
William Cooley	—	—	—	—	—	—	—	—	—	—	—	—
Dudley L. Moore Jr.	—	—	—	—	—	—	—	—	—	—	—	—
Jacqueline Albarran	—	V	—	—	—	—	—	—	—	—	V	VPD1
William J. Strawbridge Jr.	—	—	—	—	—	—	—	—	—	—	—	—
Leslie C. Diver	—	—	—	—	—	—	—	—	—	—	—	—
Elizabeth Murphy	—	—	—	—	—	—	—	—	—	—	—	—
ALTERNATE MEMBERS	1/12	2/12	3/12	4/12	5/12	6/12	7/12	8/12	9/12	10/12	11/12	12/12
Jorge Sanchez	—	—	—	—	—	V	—	—	—	—	—	V
Elizabeth Marshall	—	—	—	—	—	—	—	—	—	—	—	—
Anne Fairfax	—	—	—	—	—	—	—	—	—	—	—	—
D. Imogene Willis	—	—	—	—	—	—	—	—	—	—	—	—
Wallace Rogers	—	V	—	—	—	—	—	—	—	—	—	—
Rachel Lorentzen	—	—	—	—	—	—	—	—	—	—	—	—
LEGEND:	V	=	One Voting Conflict during a meeting	VPD	=	Voting Conflict Previously Declared						
	V2	=	Two Voting Conflicts during a meeting									
	V3	=	Three Voting Conflicts during a meeting									

(termed out as alternate/did not apply for regular seat)
(not seeking another term)
(not re-appointed)

(This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part on an ongoing project.
ONLY COUNT ORIGINAL DECLARED CONFLICT PER JCR, T.A.)

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

VOTING CONFLICTS 2013

MEMBERS												
	1/13	2/13	3/13	4/13	5/13	6/13	7/13	8/13	9/13	10/13	11/13	12/13
Edward A. Cooney	—	—	—	—	—	—	—	—	—	—	—	—
William P. Feldkamp	—	—	—	—	—	—	—	—	—	—	—	—
Dudley L. Moore Jr.	—	—	—	—	—	—	—	—	—	—	—	—
Jacqueline Albarran	<u>VPD</u>	—	—	—	—	—	—	—	—	—	<u>V</u>	<u>VPD2&V2</u>
William J. Strawbridge Jr.	—	—	—	—	—	—	—	—	—	—	—	—
Leslie C. Diver	—	—										
Elizabeth Murphy	—	—	—	—	—	—	—	—	—	—	—	—
Penelope Townsend			—	—	—	—	—	—	—	—	—	—
ALTERNATE MEMBERS												
	1/13	2/13	3/13	4/13	5/13	6/13	7/13	8/13	9/13	10/13	11/13	12/13
Jorge Sanchez	<u>VPD</u>	—										
Elizabeth Marshall	<u>V</u>	<u>VPD</u>	—	—	—	—	—	—	—	—	—	—
Anne Fairfax	—	—	—	—	—	—	—	—	—	—	—	—
Patrick Killian			—	—	—	—	—	—	—	—	—	—
LEGEND:	V	=	One Voting Conflict during a meeting									
	V2	=	Two Voting Conflicts during a meeting									
	V3	=	Three Voting Conflicts during a meeting									
			Voting Conflict Previously Declared (This category to be used when a conflict has been declared at a previous meeting and the changes being reviewed are part of an ongoing project. ONLY COUNT ORIGINAL DECLARED CONFLICT PER JCR, T.A.)									

(This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part on an ongoing project.
ONLY COUNT ORIGINAL DECLARED CONFLICT PER JCR, T.A.)

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

VOTING CONFLICTS 2014

MEMBERS	1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14	10/14	11/14	12/14
Edward A. Cooney	—	—	—	—	—	—	—	—	—	—	—	—
William P. Feldkamp	—	—	—	—	—	—	—	—	—	—	—	—
Dudley L. Moore Jr.	—	—	—	—	—	—	—	—	—	—	—	—
Jacqueline Albarran	VPD2	—	—	—	—	—	—	—	—	—	—	—
William J. Strawbridge Jr.	—	—	—	—	—	—	—	—	—	—	—	—
Elizabeth Murphy	—	—	—	—	—	—	—	—	—	—	—	—
Penelope Townsend	—	—	—	—	—	—	—	—	—	—	—	—
ALTERNATE MEMBERS	1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14	10/14	11/14	12/14
Anne Fairfax	—	—	—	—	—	—	—	—	—	—	—	—
Patrick Killian	—	—	—	—	—	—	—	—	—	—	—	—
LEGEND:	V	=	One Voting Conflict during a meeting	VPD	=	Voting Conflict Previously Declared	(This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part on an ongoing project. ONLY COUNT ORIGINAL DECLARED CONFLICT PER JCR, T.A.)					
	V2	=	Two Voting Conflicts during a meeting									
	V3	=	Three Voting Conflicts during a meeting									