



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MARCH 8, 2016

9:30 AM

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA (SEE NOTE 5)

IV. PRESENTATIONS

- A. Town Beautification Project
Alexander C. Ives, President of the Preservation Foundation of Palm Beach
- B. Presentations by Applicants for Architectural Commission
- C. Presentations by Applicants for Landmarks Preservation Commission
- D. Presentations by Applicants for Retirement Board of Trustees

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VIII. APPROVAL OF CONSENT AGENDA (SEE NOTE 6)

A. MINUTES

1. MINUTES: FEBRUARY 9, 2016 Page 10
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, MMC, Town Clerk
2. MINUTES: FEBRUARY 10, 2016 Page 29
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, MMC, Town Clerk
3. Approval of Major Matters Considered by the Architectural Commission
at its Meeting of February 24, 2016 Page 41
John S. Page, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 27-2016 A Resolution of the Town Council of the
Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase
Order in the Amount of \$177,953 to Rehtien International Trucks, Inc.,
for the Purchase of One (1) International Durastar Cab and Chassis With
a Peterson RS3 Crane Body on Florida Sheriff's Association Contract No.
15-13-0904, and Establishing an Overall Budget of \$178,500.
H. Paul Brazil, P.E., Director of Public Works Page 55
2. RESOLUTION NO. 28-2016 A Resolution of the Town Council of the
Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase
Order in the Amount of \$20,320, to Burkhardt Construction, Inc., for Pre-
Construction Management Services for the Lake Trail Pavement
Improvements Project and Establishing a Pre-Construction Phase Budget
of \$26,000.
H. Paul Brazil, P.E., Director of Public Works Page 59
3. RESOLUTION NO. 29-2016 A Resolution of the Town Council of the
Town of Palm Beach, Palm Beach County, Florida, Approving an
Agreement with the Palm Beach County Property Appraiser and an
Agreement with the Tax Collector of Palm Beach County for Services and
Costs Associated with the Non-Ad Valorem Assessments to be
Implemented for the Nightingale/La Puerta Way Underground Utilities
Assessment Area and Authorizing the Mayor to Execute the Agreements
on Behalf of the Town.
Jay Boodheshwar, Deputy Town Manager Page 68
4. RESOLUTION NO. 30-2016 A Resolution of the Town Council of the
Town of Palm Beach, Palm Beach County, Florida, Approving an
Agreement with the Palm Beach County Property Appraiser and an
Page 80

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

Jay Boodheshwar, Deputy Town Manager

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

Jay Boodheshwar, Deputy Town Manager

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

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

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

Jay Boodheshwar, Deputy Town Manager

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8. RESOLUTION NO. 34-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of an Agreement Between the Town of Palm Beach and AT&T in the Amount of \$1,644.50 per Month, for a Maximum of 24 Months, for the Provision of Telephone Service Circuits and Related Service Components for the Town's Cisco Phone System; and Authorizing the Town Manager to Execute Said Agreement on Behalf of the Town

Jay Boodheshwar, Deputy Town Manager

C. OTHER

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

Page 122

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

2. Retirement Board of Trustees Appointments

Page 124

William P. Hanes, Pension Administrator

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

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

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Landmarks Preservation Commission Annual Report

Page 132

Edward Austin Cooney, Chair

X. COMMITTEE REPORTS

Page 136

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

Michael J. Pucillo, Chair

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

Page 141

Danielle H. Moore, Co-Chair

XI. REGULAR AGENDA

A. Old Business

Page 146

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

Patti Sans, Greater South County Road Association

2. Proposed Townwide Underground Utilities Project

Page 152

Thomas G. Bradford, Town Manager

a. Consideration of an Appeals Process

b. Ratification of the Selection Committee's Recommendation for RFQ No. 2016-07 Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program

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

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

d. Communications Update

Rick Asnani, Cornerstone Solutions, Inc.

B. New Business

Page 164

1. Appointments to the Architectural Commission

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

2. Appointments to the Landmarks Preservation Commission

Page 177

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

3. Review of Mercer Report on Compensation and Benefits for Public Safety Personnel

4. Designation of Voting Delegate & Alternate(s) to the Palm Beach County League of Cities, Inc.

Thomas G. Bradford, Town Manager

5. Coastal Update

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

a. Shoreline Condition Update

6. Palm Beach County Infrastructure Surtax Proposal

Gail L. Coniglio, Mayor

Page 195

7. Consideration of Funding the Design of the Proposed North County Road Tree Initiative (NCRTI) \$12,500.

Thomas G. Bradford, Town Manager

8. Time Extension - 1290 North Ocean Boulevard

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

9. Consideration of Formal Solicitation for Sale of Approximately 5.9 Acres of the 28.5 Acres of Town Property Located at 5976 Okeechobee Blvd.

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Jay Boodheshwar, Deputy Town Manager

C. Matters Pulled From Consent Agenda: If needed

XII. ORDINANCES

A. Second Reading

Page 242

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

John C. Randolph, Town Attorney

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2. ORDINANCE NO. 02-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 102, Solid Waste; Article II Collection; Division 3, Rates, Charges, Billing Procedure; at Section 102-103 Collection of Delinquent Charges; and Section 102-105, Billing for Charges; Notice of Delinquency; Providing for Severability; Providing for

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

Jane Struder, Director of Finance

Page 250

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

Thomas G. Bradford, Town Manager

B. First Reading

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

Susan A. Owens, MMC, Town Clerk

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

Jay Boodheshwar, Deputy Town Manager

XIII. ANY OTHER MATTERS

XIV. 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:** Approval of Agenda pretains only to the consideration of proposed agenda items and their location on the agenda. It does not constitute approval of the individual items on the Regular Agenda. Each individual item requires a separate affirmative vote of the Town Council in order to effectuate the subject matter of the agenda item.
- Note 6:** Consent agenda items are considered to be routine municipal business matters. 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. Matters pulled from the Consent Agenda are considered in sequential order under Regular Agenda Item X, C. unless the Town Council decides otherwise.
- Note 7:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit theTown's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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| PUBLIC HEARINGS: | Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation. |
| COMMUNICATIONS FROM CITIZENS: | Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion. |
| OTHER AGENDA ITEMS: | Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation. |

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

**Town of Palm Beach
Meeting Schedule**

3/2/16

Tue 03/08/2016 09:30 AM	Town Council Meeting	Council Chambers
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Wed 03/09/2016 09:30 AM	Local Planning Agency Meeting	Council Chambers
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Wed 03/09/2016 09:45 AM	Town Council Meeting-Development Review	Council Chambers
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Thu 03/10/2016 10:30 AM	Groin Rehabilitation Workshop	Council Chambers
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Wed 03/16/2016 09:30 AM	Landmarks Preservation Commission (LPC) Meeting	Council Chambers
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Thu 03/17/2016 02:00 PM	Code Enforcement Board Meeting	Council Chambers
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Fri 03/18/2016 09:00 AM	Retirement Board	Council Chambers
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Fri 03/18/2016 02:30 PM	Groin Rehabilitation Workshop	Council Chambers
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Tue 03/22/2016 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
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Wed 03/23/2016 09:00 AM	Architectural Commission Meeting (ARCOM)	Council Chambers
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Thu 03/24/2016 09:00 AM	Shore Protection Board Meeting	Council Chambers
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Wed 03/30/2016 09:00 AM	Special Recreation Advisory Commission Meeting	Council Chambers
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Tue 04/05/2016 09:00 AM	Underground Utilities Task Force Meeting	Council Chambers
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Thu 04/07/2016 09:30 AM	Ordinances, Rules, and Standards Committee Meeting	Council Chambers
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Tue 04/12/2016 09:30 AM	Town Council Meeting	Council Chambers
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Wed 04/13/2016 09:30 AM	Town Council Meeting-Development Review	Council Chambers
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Tue 04/19/2016 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
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Wed 04/20/2016 09:30 AM	Landmarks Preservation Commission (LPC) Meeting	Council Chambers
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Thu 04/21/2016 02:00 PM	Code Enforcement Board Meeting	Council Chambers
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Wed 04/27/2016 09:00 AM	Architectural Commission Meeting (ARCOM)	Council Chambers
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Thu 04/28/2016 09:00 AM	Shore Protection Board Meeting	Council Chambers
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Thu 05/05/2016 09:30 AM	Ordinances, Rules, and Standards Committee Meeting	Council Chambers
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Tue 05/10/2016 09:30 AM	Town Council Meeting	Council Chambers
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Wed 05/11/2016 09:30 AM	Town Council Meeting-Development Review	Council Chambers
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TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Minutes

Agenda Title

MINUTES: FEBRUARY 9, 2016

Approval of the Minutes of the Regular Town Council Meeting

Presenter

Susan A. Owens, MMC, Town Clerk

Supporting Documents

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

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, FEBRUARY 9, 2016**

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. RECOGNITIONS

- A.** Recognition of Penelope D. Townsend, Town Council, from February 2014 to February 2016.

Gail L. Coniglio, Mayor

Mayor Coniglio recognized Council Member Townsend for her service.

- B.** Recognition of Robert N. Wildrick for His Seven Years of Service on the Town Council, Including Two Years of Service as Town Council President Pro Tem and One Year of Service as Town Council President.

Gail L. Coniglio, Mayor

Mayor Coniglio recognized Council Member Wildrick for his service.

IV. SWEARING IN OF ELECTED OFFICIALS

- A.** The Honorable Judge Lisa Small

1. Richard M. Kleid
2. Bobbie Lindsay
3. Margaret A. Zeidman

Judge Lisa Small swore in Council Members Kleid, Lindsay, and Zeidman.

(Clerk's Note: As he was an incumbent, Council Member Kleid remained on the dais before and after being sworn in. Council Member Wildrick left the dais after Council Member Lindsay was sworn in; and, Council Member Lindsay assumed her seat on the dais at that time. Council Member Townsend left the dais after Council Member Zeidman was sworn in; and, Council Member Zeidman assumed her seat on the dais at that time. Mayor Coniglio then became Presiding Officer until the election of Town Council President.)

V. ORGANIZATIONAL ITEMS

- A.** Election of Town Council President
Pursuant to Section 3.01 of the Town Charter

Mayor Coniglio announced that Council Member Pucillo was elected as Town Council President.

(Clerk's Note: Council President Pucillo became the Presiding Officer.)

- B.** Election of Town Council President Pro Tem
Pursuant to Section 3.01 of the Town Charter
Thomas G. Bradford, Town Manager

Council President Pucillo announced that Council Member Kleid was elected as Town Council President Pro Tem.

VI. PRESENTATIONS

- A.** Report on the Town Square Dedication Ceremony and Related Matters
Bill Bone, Esquire, Centennial Commission President

Mr. Bone provided a report on the Town Square dedication ceremony, spoke regarding allowing the dust to settle before pursuing the design elements that were removed from the original plans, stated that the Centennial Commission is changing their name to the Town Square Commission, spoke regarding the grant restrictions on the Park, requested that the Town Council clarify the name of the Town Hall Square Historic District by changing it to the Town Square Historic District, spoke regarding the Commission's continuing fundraising efforts, and recognized major project donors.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to direct the Landmarks Preservation Commission to study Mr. Bone's request to rename the Town Hall Square Historic District, to receive public input regarding same, and to report back to the Town Council within 90 days of the Commission's next meeting. On roll call, the motion carried unanimously.

VII. COMMENTS OF MAYOR GAIL L. CONIGLIO

1 Mayor Coniglio extended her thanks to all Board Members, Town Council Members, and
2 the community for their service to the Town, recognized recent Town retirees, and
3 encouraged people to read the Fire Rescue Department's monthly newsletter.
4

5 **VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**
6

7 Council President Pucillo spoke regarding the Town Hall Square Celebration and Mr.
8 Bone's request to change the name of the Town Hall Square Historic District. He then
9 welcomed new Council Members Lindsay and Zeidman.
10

11 **IX. COMMUNICATIONS FROM CITIZENS**
12

13 Glenn Zeitz, 142 Seabreeze Ave., expressed his concerns regarding the proposed Town-
14 Wide Undergrounding Project.
15

16 Zachary Shipley, Palm Beach Residents for Undergrounding Political Committee,
17 provided an update on his Committee's activities and spoke about misinformation being
18 circulated around Town regarding the Town-Wide Undergrounding Project. He
19 requested that the Town display mock transformers to allow voters to better visualize
20 their actual size, spoke regarding shared community values and the benefits of
21 undergrounding, and stated that the undergrounding disruptions and costs would be worth
22 it.
23

24 Madelyn Greenburg, 3360 S. Ocean Blvd., expressed her concerns that some of the
25 Town's public information efforts related to the undergrounding referendum might be
26 directed to persuade voters instead of just educating them.
27

28 **Council Member Pucillo directed Town Attorney Randolph to review the matter
29 and get back to Ms. Greenburg.**
30

31 Town Manager Bradford stated that all Town public information activities related to the
32 undergrounding referendum have been approved by the Town consultant's attorney in
33 Tallahassee.
34

35 David Levitt, 1480 Via Manana, Palm Beach Island Cats, spoke regarding Palm Beach
36 Island Cats' activities and funding received from past Town Councils.
37

38 Patty Sans, Greater South County Road Association, thanked Bill Bone and Bill Metzger
39 for their Town Hall Square celebration efforts and spoke regarding the February
40 promotions being offered by members of the Association.
41

42 Lesly Smith, 300 Chapel Hill Rd., stated that she is serving on the Palm Beach Residents
43 for Undergrounding Political Committee, spoke in support of the Town-Wide
44 Undergrounding Project, and urged others to take advantage of the Town's public
45 information regarding the project, to support the project, and to keep the discussions
46 friendly.

Ira Smith, Palm Beachers for Common Sense Political Committee, spoke regarding the comments related to Undergrounding Project misinformation being disseminated, the impacts of the new FEMA floodplain maps on the height of the transformers, and how much has been spent so far on consultants for this Project.

Discussion ensued regarding how much has been spent on consultants for the Undergrounding Project so far and the likelihood of the preliminary FEMA floodplain maps not changing dramatically.

Howard Murray, 3475 S. Ocean Blvd., stated that he supports the notion of undergrounding, but has questions regarding eminent domain, reliability of aerial versus underground lines, hurricane risks, misinformation regarding the threat of hardened poles, project costs for different areas, the 25% FP&L credit, impacts to the community, and reallocation of project costs from the North End to the South End.

Jeri Zenko, 232 Tangier Ave., provided the Town Council with copies of the PEPIE Salary Survey for Fire-Rescue and Police Personnel and suggested looking at sources of revenue other than taxes to increase funding for such personnel.

Council President Pucillo stated his hope that the Undergrounding debate be one of courtesy and respect, with everyone willing to listen to each other.

X. APPROVAL OF AGENDA

Discussion ensued regarding the Town's emphasis on purchasing environmentally sensitive vehicles.

Council President Pucillo requested that it be noted for the record that the Town received \$121,441.91 from the insurance company towards the purchase of the ambulance referenced in Item No. XI.B.2., Resolution No. 10-2016.

The following changes were made to the Agenda:

PULLED FROM CONSENT: Item No. XI.B.6., Resolution No. 16-2016, was pulled from Consent and placed at the end of New Business.

TIME CERTAIN & AMENDMENT: Item No. XVI.A.3., Ordinance No. 3-2016, was scheduled for an 11:00 a.m. time certain; and, the presenter's name was amended to read: Robert "Schef" Wright, Esq.

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

(Clerk's Note: Later in the meeting, Item No. XV.B.2., Consideration of Proposal by the Palm Beach Civic Association and Palm Beach Police Foundation to Underwrite a

1 *Compensation and Benefit Study, was moved up the agenda to be heard after Item No.*
2 *XIII.A., Report of the Finance and Taxation Committee Meeting of January 4, 2016.)*
3

4 **XI. CONSENT AGENDA**

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

10 **A. MINUTES**

- 11
12 1. MINUTES: JANUARY 12, 2016
13 Approval of the Minutes of the Regular Town Council Meeting
14 *Susan A. Owens, MMC, Town Clerk*
15
16 2. MINUTES: JANUARY 12, 2016
17 Approval of the Minutes of the Special Town Council Meeting
18 *Susan A. Owens, MMC, Town Clerk*
19
20 3. MINUTES: JANUARY 13, 2016
21 Approval of the Minutes of the Local Planning Agency Meeting
22 *Susan A. Owens, MMC, Town Clerk*
23
24 4. MINUTES: JANUARY 13, 2016
25 Approval of the Minutes of the Regular Town Council Meeting
26 *Susan A. Owens, MMC, Town Clerk*
27
28 5. MINUTES: JANUARY 15, 2016
29 Approval of the Minutes of the Town Council Workshop Meeting
30 *Susan A. Owens, MMC, Town Clerk*
31
32 6. Approval of Major Matters Considered by the Architectural Commission at
33 its Meeting of January 27, 2016
34 *John S. Page, Director of Planning, Zoning & Building*
35

36 **B. RESOLUTIONS**

- 37
38 1. RESOLUTION NO. 09-2016 A Resolution of the Town Council of The
39 Town of Palm Beach, Palm Beach County, Florida, Approving an
40 Interlocal Agreement Between Palm Beach County and The Town of Palm
41 Beach for the Reimbursement of Emergency Medical Services (EMS)
42 Grant Equipment and Authorizing the Application for Funds from the
43 Palm Beach County EMS Program in the Amount of \$14,000 and
44 Establishing a Budget of \$14,000 in Fiscal Year 2016 to be Used for the
45 Purchase of Nine (9) Knox Medvault Systems and Eleven (11) Knox Key
46 Secure Systems for the Improvement and Expansion of EMS Services for

the Town; and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town; Such Funds Shall Not Supplant Existing EMS Budget.

Kirk W. Blouin, Director of Public Safety

2. RESOLUTION NO. 10-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of One (1) Ford F450 Type 1 Medium Duty Ambulance Spec #1 Purchase in Accordance With Florida Sheriff's Association Bid No. 15-11-0116 with NFPA Department Ambulance Required Equipment in the Amount of \$267,420.10 and Establishing a Total Budget of \$294,162.11.

Kirk W. Blouin, Director of Public Safety

3. RESOLUTION NO. 11-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract Extension to Batallan Enterprises DBA Property Works, in the Amount of \$25,200 for the Maintenance of the Bed on the Southern Boulevard Traffic Circle and the Circular Beds on Royal Poinciana Way, and Establishing a Project Budget of \$30,240.

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

4. RESOLUTION NO. 12-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Zimmerman Tree Service, for Palm Tree Trimming in the Amount of \$97,272 and Establishing a Project Budget of \$107,000.

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

5. RESOLUTION NO. 13-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Richard Maxwell, Inc., DBA King Tree Service, for Consulting Arborist Services, in the Annual Amount of \$43,750 and Establishing an Annual Project Budget of \$48,125.

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

6. RESOLUTION NO. 16-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-18 and Approving a Construction Contract to American Lighting and Signalization, Inc., for the Signalization and Mast Arm Improvements at the Sunrise Avenue and Sunset Avenue Intersections on North County Road, in the Amount of \$1,041,476, and Establishing a Construction Phase Budget of \$1,200,000.

*H. Paul Brazil, P.E., Director of Public Works – **Pulled From Consent and Heard under New Business***

7. RESOLUTION NO. 17-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase

Order for Construction Phase Engineering Services to Mock, Roos and Associates, Inc., for the Lake Trail Pavement Improvements in the Amount of \$246,130 and Establishing a Construction Phase Engineering Services Budget of \$270,000 Including Contingency.

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

8. RESOLUTION NO. 19-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Mock, Roos and Associates, Inc., for the Atlantic Avenue, Everglades Avenue, and Dunbar Road Drainage Improvements in the Amount of \$89,605 and Establishing a Design and Bid Phase Budget of \$100,000.

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

9. RESOLUTION NO. 20-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Pre-Construction Management Services for the Nightingale Trail/La Puerta Way Undergrounding Project to Burkhardt Construction, Inc., in the Amount of \$20,680, and Establishing a Pre-Construction Phase Services Budget of \$30,000.

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

10. RESOLUTION NO. 22-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Grant Writing and Administration Services Agreement to In Rem Solutions, Inc. at a Rate of \$150 Per Hour; and Authorizing the Town Manager to Execute Said Agreement on Behalf of the Town.

Jay Boodheshwar, Deputy Town Manager

11. RESOLUTION NO. 24-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Supporting and Encouraging Development of the Chain of Lakes Blueway Trail Project Which Includes Improvements to the Chain of Lakes, the Ocean to Lake Trails Initiative and Development of a Boat Lift at the C51 Canal S155 Control Structure; Providing an Effective Date; and for Other Purposes.

Thomas G. Bradford, Town Manager

B. OTHER

1. Rejection of Bid No. 2016-09 for Construction Contract for the Lake Trail Pavement Improvements – Accelerated Capital Improvement Program – Phase 2

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

2. Budget Calendar for FY17 Budget Process

Jane Struder, Director of Finance

(Clerk's Note: Item No. XVI.A.3., Ordinance No. 3-2016, was heard at this time.)

By consensus of the Town Council, Item No. XV.B.2., Consideration of Proposal by the Palm Beach Civic Association and Palm Beach Police Foundation to Underwrite a Compensation and Benefit Study, was moved up in the agenda to be heard after Item No. XIII.A., Report of the Finance and Taxation Committee Meeting of January 4, 2016.

XII. BOARD/COMMISSION ANNUAL REPORT

A. Investment Advisory Committee Annual Presentation

Michael F. Andrews, Ph.D., Chair

Chair Andrews provided an overview of the Annual Report.

Discussion ensued regarding benchmarks for the managed tiers, performance of the Other Post-Employment Benefits Fund, going out for new investment advisors, available cash, current interest rates, using bond funding versus buying bonds, bond costs and returns, and the Town's longer-term funds being the best producers.

By consensus of the Town Council, the Investment Advisory Committee Annual Report was accepted.

XIII. COMMITTEE REPORTS

A. Report of the Finance and Taxation Committee Meeting of January 4, 2016.

Michael J. Pucillo, Chair

Committee Chair Pucillo provided an overview of the Report and noted that four former Town Council Presidents spoke in support of public safety pension changes.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to accept the Report of the Finance and Taxation Committee meeting of January 4, 2016. On roll call, the motion carried unanimously.

(Clerk's Note: The following item was moved up the agenda from New Business.)

1. Consideration of Proposal by the Palm Beach Civic Association and Palm Beach Police Foundation to Underwrite a Compensation and Benefit Study for Town of Palm Beach Public Safety Personnel
J. Patterson Cooper and Ned Barnes, Palm Beach Civic Association and John Scarpa and Tim Moran, Palm Beach Police Foundation

Mr. Cooper spoke provided an overview of the proposal.

1 Mr. Moran provided additional information regarding the proposal.

2
3 Town Manager Bradford stated that Staff is comfortable with this
4 arrangement so long as milestones are set, and adhered to, and that Staff
5 has an opportunity to review the draft study before it is released.

6
7 The Palm Beach Civic Association and the Palm Beach Police Foundation
8 both agreed with the aforementioned terms.

9
10 Discussion ensued regarding the study including options for the Town
11 Council to choose from, whether those options will come with cost
12 estimates, providing the study to the Retirement Board of Trustees, having
13 as much information as possible, further estimates and fine tuning by the
14 Town Actuary, the rate of return being used in the Actuary's assumptions,
15 implementing any changes to the estimated rate of return, and this being a
16 third-party study.

17
18 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
19 **Member Moore, to approve the proposal by the Palm Beach Civic Association and**
20 **Palm Beach Police Foundation for a compensation and benefit study for Town of**
21 **Palm Beach public safety personnel, and to accept the Civic Association's and the**
22 **Police Foundation's donations to underwrite the study, subject to the conditions**
23 **that milestones be set, and adhered to, and that Staff has an opportunity to review**
24 **the draft study before it is released. On roll call, the motion carried unanimously.**

25
26 **B.** Report of the Ordinances, Rules & Standards Committee Meeting of January 7,
27 2016.
28 *Danielle H. Moore, Co-Chair*

29
30 Committee Co-Chair Moore provided an overview of the Report and spoke
31 regarding upcoming Committee items.

32
33 Discussion ensued regarding drones.

34
35 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
36 **President Pucillo, to accept the Report of the Ordinances, Rules & Standards**
37 **Committee meeting of January 7, 2016. On roll call, the motion carried**
38 **unanimously.**

39
40 **XIV. PUBLIC HEARINGS**

41
42 **A. RESOLUTION NO. 08-2016 A Resolution of the Town Council of the Town of**
43 **Palm Beach, Palm Beach County, Florida, Vacating, Abandoning, and**
44 **Rededicating a Portion of an Existing Public Utility Easement Within the**
45 **Property Commonly Known as 250 Palmo Way, in the Town of Palm Beach,**
46 **Florida.**

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

2
3 Director Brazil provided an overview of the easement vacation, abandonment, and
4 rededication request.

5
6 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
7 **Member Moore, to approve Resolution No. 08-2016, subject to the condition that the**
8 **owner shall pay all fees related to implementing the vacating, abandonment, and**
9 **rededication, including but not limited to recording fees. On roll call, the motion**
10 **carried unanimously.**

11
12 **XV. REGULAR AGENDA**

13
14 **A. Old Business**

15
16 1. Proposed Townwide Underground Utilities Project
17 *Thomas G. Bradford, Town Manager*

18
19 a. Communications Update
20 *Rick Asnani, Cornerstone Solutions, Inc.*

21
22 Mr. Asnani provided an update on the Public Information Program
23 and spoke regarding providing information in accordance with
24 Florida law, upcoming undergrounding presentations, and the
25 endorsements received being for undergrounding and not the bond
26 referendum.

27
28 Discussion ensued regarding future communication initiatives,
29 publications from opponents of the referendum, addressing
30 inaccuracies in other parties' publications, sticking with factual
31 information, the Town having the right to ensure that opponents do
32 not skew information, FP&L's decision to not take a position on
33 the proposed project, new information being provided every week,
34 FP&L agreeing to maintain the infrastructure, FP&L not being
35 opposed to undergrounding, publicizing meetings, who is attending
36 the meetings, reaching out to influence groups in the Town, the
37 importance of dialogue, and displaying scale models of the
38 proposed transformers, landscaping plans, and hardened poles.

39
40 Ira Smith, Palm Beachers for Common Sense Political Committee,
41 spoke regarding transformer landscaping plans, transformers on
42 Everglade Island, what hardened poles look like, FP&L's
43 experience with undergrounding, the fact that most cities that have
44 considered undergrounding have rejected it, endorsements for the
45 Town's plan, and transparency.

Discussion ensued regarding the transformers on Everglade Island, the hardened poles in the South End of Town, the Town merely disseminating facts and correcting misinformation, the Town's plan for undergrounding, transparency, Council Members being allowed to give their personal views on how they plan to vote on the issue so long as they are not using their position in the process, answering as many questions as possible, people having legitimate concerns, sticking to the rules, differences between what the Town and political committees can communicate, and using pictures of hardened poles and transformers being a good idea.

Council Member Zeidman requested that the public information program include data illustrating the enhanced reliability of underground versus overhead utilities.

b. Consideration of an Appeals Process for Assessments

Council President Pucillo spoke regarding questions being received regarding the accuracy of the assessment calculations, and the need for a process to contest factual issues.

Discussion ensued regarding which body should hear appeals, how the process should be adopted, concerns regarding appeals being filed for the purpose of bringing the project to a standstill, having a mechanism for summary appeal and disposition of a number of cases at once or without a hearing, being specific about the process if the Town Council wants to change the Code, offering owners further review but not necessarily a hearing, and requiring appellants to provide a valid reason for their appeal.

Council President Pucillo passed the gavel to Council President Pro Tem Kleid in order to make a motion to direct Town Manager Bradford and Town Attorney Randolph to prepare a draft assessment appeals process for the Town Council's consideration. The motion was seconded by Council Member Moore. On roll call, the motion carried unanimously.

c. RESOLUTION NO. 23-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Resolution No. 50-2015; Reestablishing the Underground Utilities Task Force; Memorializing the Citizens Oversight Function of the Underground Utilities Task Force During the Design and Construction Phases of the Proposed Project; Providing for an Eighth Seat on the Underground Utilities Task Force and Providing for Method of Appointment; Providing An Effective Date.

Town Manager Bradford provided an overview of the changes being proposed for the Underground Utilities Task Force.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve Resolution No. 23-2016. On roll call, the motion carried unanimously.

d. Appointment to Underground Utilities Task Force

Motion was made by Council Member Moore, and seconded by Council President Pucillo, to appoint Harry Wolin as a member of the Underground Utilities Task Force. On roll call, the motion carried unanimously.

(Clerk's Note: The Town Council recessed for lunch at 12:45 p.m. The meeting was reconvened at 2:00 p.m.)

B. New Business

1. 2016 Legislative Update
Gail L. Coniglio, Mayor

Mayor Coniglio spoke regarding Palm Beach County's consideration of increasing the sales tax rate and proposed state legislation related to changing municipal election dates, requiring municipalities to pay for the relocation of certain utilities, redistributing bed taxes to public safety, coastal management funding, and the Firefighter & Paramedic Cancer Disability Presumption.

Town Manager Bradford provided additional information regarding the proposed state legislation related to requiring municipalities to pay for the relocation of certain utilities, redistributing bed taxes to public safety, and the Firefighter & Paramedic Cancer Disability Presumption.

Discussion ensued regarding authorizing Mayor Coniglio to take whatever steps she deems necessary to oppose pending legislation that would be detrimental to the Town.

By consensus of the Town Council, Mayor Coniglio was authorized to take whatever steps she deems necessary to oppose pending legislation related to changing municipal election dates and the Firefighter & Paramedic Cancer Disability Presumption.

2. Consideration of Proposal by the Palm Beach Civic Association and Palm Beach Police Foundation to Underwrite a Compensation and Benefit Study for Town of Palm Beach Public Safety Personnel

1 *J. Patterson Cooper and Ned Barnes, Palm Beach Civic Association and*
2 *John Scarpa and Tim Moran, Palm Beach Police Foundation – Item was*
3 *moved up in the agenda and heard after Item No. XIII.A., Report of the*
4 *Finance and Taxation Committee Meeting of January 4, 2016.*

- 5
6 3. Potential Landscape Maintenance Agreement Palm Beach Towers
7 Condominium Association, Inc., 44 Cocoanut Row, Palm Beach
8 *H. Paul Brazil, P.E., Director of Public Works*

9
10 Director Brazil provided an overview of the potential landscape
11 maintenance agreement.

12
13 Discussion ensued regarding similar agreements and their success.

14
15 John Grosskopf, Palm Beach Towers General Manager, spoke regarding
16 there only being one streetlight and the Towers' desire to add some low
17 bollard lighting to enhance safety.

18
19 Director Brazil stated that such a request may require Architectural or
20 Landmarks Preservation Commission approval.

21
22 **Motion was made by Council Member Moore, and seconded by Council Member**
23 **Lindsay, to authorize Staff to prepare a draft landscape maintenance agreement**
24 **with Palm Beach Towers Condominium Association, Inc. that would be subject to**
25 **approval by the Town, the appropriate advisory commissions, and the Town**
26 **Attorney. On roll call, the motion carried unanimously.**

- 27
28 4. Consideration of Approving Finance and Taxation Committee Review of
29 Refunding of 2010 Revenue Bonds Series A and B for Annual Debt
30 Service Savings Due to Recent Drop in Interest Rates
31 *Jane Struder, Director of Finance*

32
33 Director Struder provided an overview of Staff's recommendation to
34 approve the Finance and Taxation Committee's review of refunding of the
35 2010 revenue bonds Series A and B.

36
37 Discussion ensued regarding the callability of the bonds.

38
39 Bond Counsel Richard Miller spoke regarding what happens when bonds
40 are no longer considered outstanding.

41
42 Discussion ensued regarding the borrowing ability of the Town when old
43 bonds are no longer considered outstanding and this only being a request
44 for the Finance and Taxation Committee to study the matter.

1 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
2 **Member Moore, to approve Finance and Taxation Committee review of refunding**
3 **of 2010 revenue bonds Series A and B for annual debt service savings due to the**
4 **recent drop in interest rates. On roll call, the motion carried unanimously.**

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

8
9 a. Shoreline Protection Update

10
11 Coastal Coordinator Rob Weber provided an update on shoreline
12 conditions.

13
14 Discussion ensued regarding sand grain size on the South End of
15 Town versus the County's project, the Clarke Avenue sandbar,
16 getting an easement for the Reach 8 Project, and the sand depletion
17 south of the Breakers.

18
19 b. RESOLUTION NO. 25-2016 A Resolution of the Town Council
20 of the Town of Palm Beach, Palm Beach County, Florida,
21 Awarding a Contract to Graham County Land Company, LLC, for
22 the 2016 Dune Restoration Truck Haul Project, Per Bid No. 2016-
23 02, in the Amount of \$522,802, and Establishing a Total Task
24 Budget of \$575,000.

25
26 Director Brazil provided an overview of the contract.

27
28 Discussion ensued regarding project costs.

29
30 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
31 **Member Moore, to approve Resolution No. 25-2016. On roll call, the motion carried**
32 **unanimously.**

33
34 c. Authorization to Bid Dune Plantings for Mid-Town and Phipps
35 Ocean Park Beach Nourishment Projects

36
37 Director Brazil spoke regarding funding for the projects and
38 suggested itemizing the bid to see if the Town wants to plant the
39 entire area or just the public areas.

40
41 Discussion ensued regarding looking into state grants to offset
42 some of the project costs.

43
44 **Motion was made by Council Member Moore, and seconded by Council Member**
45 **Zeidman, to authorize the issuance of bids for dune plantings for Mid-Town and**

Phipps Ocean Park Beach Nourishment Projects. On roll call, the motion carried unanimously.

6. Parking Control Efforts Related to Increased Construction Activity
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided an overview of parking control efforts being taken in relation to increased construction activity.

Discussion ensued regarding the amount of construction in the North End of Town last summer, the amount of construction parking permits allowed, the photocopying of parking permits on Everglades Island, the misuse of parking on private lots, the need for fines, Staff being able to determine which site a vehicle belongs to, recent inspection efforts, residents not being able to get in and out of their homes, issues with unregulated spaces being used by workers and their companies running shuttle services, the need to tread lightly because these are public spaces, clearing up the interpretation that construction vehicles give up their general public parking rights and must follow the rules for construction parking instead, bringing forward legislation to address these issues if needed, and prohibiting on street parking even if there is no right-of-way.

By consensus of the Town Council, the parking control efforts under development were conceptually approved.

(Clerk's Note: The following item was pulled from the Consent Agenda.)

7. RESOLUTION NO. 16-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-18 and Approving a Construction Contract to American Lighting and Signalization, Inc., for the Signalization and Mast Arm Improvements at the Sunrise Avenue and Sunset Avenue Intersections on North County Road, in the Amount of \$1,041,476, and Establishing a Construction Phase Budget of \$1,200,000.

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

Director Brazil provided an overview of the project.

Discussion ensued regarding project timing, signage near Green's Pharmacy, improving signage and striping, and John Corey and the Palm Beach Civic Association's treescape plans and possible donations for beautification in the area.

Anita Seltzer, 44 Cocoanut Row, spoke in support of a left-hand turn light at the County Rd. and Sunrise Ave. intersection.

Director Brazil spoke regarding all three of the intersections being tied together and any dedicated movement in one substantially affecting the others, but stated that they won't leave anyone stranded.

Council President Pucillo requested that Staff look into what can be done to improve the County Rd. and Sunrise Ave. intersection.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve Resolution No. 16-2016. On roll call, the motion carried unanimously.

XVI. ORDINANCES

A. First Reading

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

Bond Counsel Richard Miller provided an overview of the ordinance.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve Ordinance No. 01-2016, on first reading. On roll call, the motion carried unanimously.

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

Director Struder provided an overview of the ordinance.

Discussion ensued regarding just not picking up trash on properties that are delinquent, Town Code requirements, assessment categories, these being unusual situations, having no enforcement mechanism currently, trying to get these properties on the assessment roll, the only other option being a lien, it being more embarrassing to have stinky garbage than to go before the Code Enforcement Board, the ability to adopt the provisions set forth in the ordinance in addition to adopting a policy of not picking up trash if an account is delinquent, and increasing enforcement options.

Motion was made by Council Member Moore, and seconded by Council President Pucillo, to approve Ordinance No. 02-2016, on first reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 03-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Granting to Florida Public Utilities Company, its Successors and Assigns, a Non-Exclusive Franchise for a Period of 25 Years to Sell, Distribute, Transport, and Transmit Natural or Mixed Gas in the Town of Palm Beach, Florida; Prescribing the Terms and Conditions Under Which Said Franchise May be Exercised; Making Findings; Providing Severability; Providing an Effective Date Upon Final Passage; and Repealing Prior Ordinances.
TIME CERTAIN: 11:00 A.M.

~~Thomas G. Bradford, Town Manager~~ Robert "Schef" Wright, Esq.

Attorney Wright provided an overview of the renegotiated franchise agreement.

Town Manager Bradford added that the Fire-Rescue Department has received system maps from Florida Public Utilities indicating where gas valves are located.

Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve Ordinance No. 03-2016, on first reading. On roll call, the motion carried unanimously.

XVII. ANY OTHER MATTERS – None

XVIII. ADJOURNMENT

There being no further business, the February 9, 2016, regular Town Council meeting was adjourned at 3:39 p.m.

APPROVED:

Michael J. Pucillo
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Minutes

Agenda Title

MINUTES: FEBRUARY 10, 2016

Approval of the Minutes of the Regular Town Council Meeting

Presenter

Susan A. Owens, MMC, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on February 10, 2016](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, FEBRUARY 10, 2016**

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Wednesday, February 10, 2016, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. RECOGNITIONS – None

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO – None

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

VI. COMMUNICATIONS FROM CITIZENS – None

VII. APPROVAL OF AGENDA

Discussion ensued regarding the reasons for the three deferral requests.

The following items were deferred to the March 9, 2016, Town Council meeting:

- Item No. IX.B.1.a., Site Plan Review #8-2015 with Variance
- Item No. IX.B.1.b., Modified Special Exception #27-2015 with Site Plan Review and Variances
- Item No. IX.B.1.c., Special Exception #33-2015 with Site Plan Review and Variances

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

VIII. RESOLUTIONS

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

A. RESOLUTION NO. 26-2016 A Resolution of the Town Council of The Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that all or Portions of Property Known as 100 North County, 118 North County, and 207 Royal Poinciana Way, Meet 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

Director Page provided an overview of the resolution.

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

Discussion ensued regarding the portion of the building being landmarked, requiring the submission of building plans in the event of a request for demolition of the non-landmarked portions of the building, why Landmarks Preservation Commission (LPC) approval of changes to the non-contributing portions of the building is being requested, splitting the parcel and having the Architectural Commission review the non-contributing portions, precedent for LPC review of the entire building even if the parcel is split, the unity of title agreement, the historical practice of sending everything on a landmarked building for LPC review, including pools and cabanas, the buildings all being a part of the same parcel, and similar situations in other districts.

Town Attorney Randolph noted that the Town Council can modify the resolution, but that it would need to direct Staff accordingly within 90 days.

Motion was made by Council Member Moore, and seconded by Council President Pucillo, that the Designation Report of all or portions of the properties known as 100 North County Road, 118 North County Road, and 207 Royal Poinciana Way be accepted and made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, that Resolution No. 26-2016 be adopted and designating all or portions of the properties known as 100 North County Road, 118 North County Road, and 207 Royal Poinciana Way as landmarks of the Town of Palm Beach on the basis that they meet the 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 4-1, with Council President Pro Tem Kleid dissenting.

IX. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Request for Six Month Time Extension, Variance No. 31-2014, 230 Park Avenue
John S. Page, Director of Planning, Zoning and Building

Director Page provided an overview of the time extension request.

Property owner Rabbi Moshe Scheiner stated why the time extension was needed.

Discussion ensued regarding the need for timely submission of building plans from the property owner and whether the project could be completed within six months.

Rabbi Scheiner stated that he requested only six months in order to not push the envelope, but that approving a nine month extension would help.

Discussion ensued regarding granting a six month extension with a provision that the owner come back before the Town Council if additional time is needed.

Motion was made by Council Member Moore, and seconded by Council President Pro Tem Kleid, to approve a nine month time extension for Variance No. 31-2014, 230 Park Avenue. On roll call, the motion carried unanimously.

Rabbi Scheiner was advised to proceed with the project as quickly as possible as the Town Council may not look favorably on subsequent time extension requests.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

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

91.61 foot wide in lieu of the 100 foot minimum required. A variance is requested to permit installation of a pool in the street side yard with a setback of 6.25 feet in lieu of the 15 foot minimum required. [Attorney: M. Timothy Hanlon] [Architectural Commission Recommendation: Deferred the project to the February 24, 2016 meeting. Carried 7-0] Deferred from the December 9, 2015, and January 13, 2016, Town Council Meetings. Request for Deferral to the March 9, 2016, Town Council Meeting Per Letter Dated January 29, 2016, from M. Timothy Hanlon.
John S. Page, Director of Planning, Zoning & Building – Item was deferred to the March 9, 2016, Town Council meeting.

b. MODIFIED SPECIAL EXCEPTION #27-2015 WITH SITE PLAN REVIEW AND VARIANCES The application of Il Sogno, LLC; relative to property commonly known as 1520 S. Ocean Blvd., described as lengthy legal description on file; located in the R-A/B-A Zoning Districts. Consideration of proposed construction Management Agreement related to the conditional approval of a portion of the subject application. [Attorney: Francis X. J. Lynch]
Request for Deferral to the March 9, 2016, Town Council Meeting Per Letter Dated January 29, 2016, from Francis X.J. Lynch.
John S. Page, Director of Planning, Zoning & Building – Item was deferred to the March 9, 2016, Town Council meeting.

c. SPECIAL EXCEPTION #33-2015 WITH SITE PLAN REVIEW AND VARIANCES The application of Robert and Denise Benedickson; relative to property commonly known as 222 Seaspray Ave., described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to demolish an existing 2,444 square foot residence with an 800 square foot garage and build it back in the same location with a proposed total square footage of 3,802 on a non-conforming platted lot which is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 minimum required in the R-B Zoning District. The following variances are being requested: to allow a west side yard setback of 11.33 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for a one story section of the house; to allow a west side yard setback of 8.33 feet in lieu of the 12.5 foot minimum required for the proposed covered entry for the front door; to allow an east side yard setback of 9.67 feet in lieu of the 15 foot minimum required for the proposed second story of the house; and to allow a lot coverage to be 31% of the 30% maximum allowed; to allow a cubic content ratio to be 6.11 in lieu of the 4.38 maximum allowed.

[Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred the project to the January 27th meeting. Carried 7-0]
Request for Deferral to the March 9, 2016 Town Council Meeting Per Letter Dated January 22, 2016, from Maura A. Ziska.
*John S. Page, Director of Planning, Zoning and Building – **Item was deferred to the March 9, 2016, Town Council meeting.***

2. New Business

a. SPECIAL EXCEPTION #04-2016 WITH SITE PLAN REVIEW

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

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

There was no ex-parte communication declared.

Attorney Ziska, on behalf of the applicants, noted for the record that the property is being designed for sale to contract purchasers, and requested that any approvals run through to the contract purchasers.

Zoning Administrator Castro clarified that Attorney Ziska was requesting to change the applicant from the floor and stated that the modification was acceptable to Staff.

Discussion ensued regarding the project being built on speculation.

Attorney Ziska provided an overview of the applicants' request.

Architect Jason Skinner, Janssen Architects, provided additional information on the project.

Discussion ensued regarding whether the project had gone to the Architectural Commission (ARCOM), concerns regarding construction and traffic, additional steps being taken to protect residents, and the relation of the loggia to the setback.

Zoning Administrator Castro provided Staff's comments and recommended that between now and the ARCOM meeting that the applicants review their project design with Public Works.

Attorney Ziska stated that they would meet with Public Works and redesign the project if needed.

Discussion ensued regarding approving the project without Public Works or ARCOM approval, referring the project to ARCOM and deferring consideration to the next Town Council meeting, neighbor concerns regarding construction traffic, and having ARCOM address where construction vehicles will park.

Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to defer Special Exception #04-2016 with Site Plan Review to the March 9, 2016, Town Council meeting in order to refer the item to the Architectural Commission for their review. On roll call, the motion carried unanimously.

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 31-2015 An Ordinance of the Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances at Chapter 134, Zoning; Article 1, in General; Section 134-2, Definitions and Rules of Construction, So As To Amend the Definitions of Sign Institutional, Sign Menu and Sign Official Traffic; Further Amending Chapter 134, at Article XI, Signs, So As To Amend And Restate Article XI In Its Entirety As Set Forth in Exhibit "A" Attached Hereto; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to adopt Ordinance No. 31-2015, on second and final reading. On roll call, the motion carried unanimously.

XI. ANY OTHER MATTERS

- A. Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134, Zoning

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

Zoning Administrator Castro provided an overview of the study items that have been reviewed thus far by the Planning and Zoning Commission (PZC) and stated

that recommendations on the remaining study items will be forthcoming. He added that, for today's purposes, Staff is seeking direction from the Town Council on the PZC's recommendations in order to draft the necessary ordinance.

(Clerk's Note: It was determined that the Town Council would address and provide direction on each Study Item separately.)

- Study Item #1: Eliminate the requirement for Council approval of new homes on nonconforming lots unless there are variances required

Zoning Administrator Castro provided an overview of the PZC's recommendation, and stated that Staff concurs with their recommendation.

Discussion ensued regarding such a change applying to the last item approved by the Town Council, concerns contained in the letter submitted by Carter Pottash, property appraisals being very subjective, how Staff would determine whether an application would be reviewed administratively or by the Town Council, protecting neighborhoods, whether the Architectural Commission (ARCOM) review process would sufficiently protect neighborhoods, the Code provisions on which development review matters are considered already being pretty limited, situations where it would be difficult for the Town Council to deny an application, ARCOM having more flexibility in their review process, this matter mostly being of concern for the Sea Streets, protecting residents, the PZC vote on this item being unanimous, receiving a lot of input from the Town Council and the public many times resulting in a better outcome for the neighborhood, the recent issue with 1021 N. Ocean Blvd., these matters being considered by the Town Council only after ARCOM review, plans always looking different after ARCOM's review anyway, and requiring ARCOM approval of these items, not just their review.

By consensus of the Town Council, Staff was directed to prepare an amendment requiring the approval of new homes on nonconforming lots to obtain Architectural Commission approval prior to coming before the Town Council.

- Study Item #2: Provide more coverage for solar panels on roofs if panels cannot be seen

Zoning Administrator Castro provided an overview of the PZC's recommendation, and stated that Staff instead recommends that the Town Council consider whether the percentage of coverage should be increased if solar panels are not visible from the street.

By consensus of the Town Council, the PZC's recommendation for Study Item #2 was approved.

- Study Item #3: Clarify that "masonry" walls are required around generators in

required setbacks and review generator “siting” requirements

Zoning Administrator Castro provided an overview of the PZC’s recommendation, and stated that Staff concurs with their recommendation.

Discussion ensued regarding landscaping requirements for generators, basing decibel limits on the cumulative effect of the generator’s operations, and the Town’s decibel limits in general.

By consensus of the Town Council, the PZC’s recommendation for Study Item #3 was approved.

- Study Item #4: Modify the nonconforming building/structure provisions, and related code sections, to clarify that vacant property cannot be divided from abutting land in the same ownership when a property split would create or increase nonconformities to a building or structure

Zoning Administrator Castro provided an overview of the PZC’s recommendation, and stated that Staff instead recommends that the Town Council consider this matter and determine if a change is warranted.

By consensus of the Town Council, the PZC’s recommendation for Study Item #4 was approved.

- Study Item #5: Modify the 50% cubic footage demolition provision to include clarifying language that demolition which cumulatively exceeds 50% has to meet all Code provisions

Zoning Administrator Castro provided an overview of the PZC’s recommendation, and stated that Staff concurs with their recommendation.

Discussion ensued regarding previous demolition cases, whether five years gives an applicant enough time to complete renovations, and concerns regarding multiple smaller renovations over time culminating in a 50% or more demolition.

By consensus of the Town Council, the PZC’s recommendation for Study Item #5 was approved.

- Study Item #6: Review sign lighting requirements to specify when lighting may be allowed and when prohibited, including necessary approval process

Zoning Administrator Castro provided an overview of the PZC’s recommendation, and stated that Staff concurs with their recommendation.

1 **By consensus of the Town Council, the PZC's recommendation for Study Item #6**
 2 **was approved.**

- 3
 4 • Study Item #7: Review varying side yard setback requirements on smaller lots
 5 (especially in mid-town and R-C District neighborhoods) for consistency and
 6 appropriateness

7
 8 Zoning Administrator Castro spoke regarding the PZC's reluctance to study
 9 this matter unless the Town Council reaffirms its intent that the PZC do so.

10
 11 Discussion ensued regarding Town Council concerns from years ago regarding
 12 the matter, this only affecting the Sea Streets, needing to find some flexibility
 13 in order to maintain the character of the streets, aggregate setback options, the
 14 Preservation Foundation's review of the matter, the need for design standards
 15 in order to prevent unintended consequences as a result of allowing aggregate
 16 setbacks, having the PZC look into the matter further for just the Sea Streets,
 17 the variance process as the vehicle for change, problems with setting design
 18 standards, these types of properties being able to meet the hardship standards
 19 required for a variance, winding up in a situation where neighbors are
 20 effectively designing someone else's house, zoning by variance taking away
 21 the right to build what one wants, having the Code encourage development in
 22 character with the neighborhood, people combining lots and building structures
 23 that are too large for the character of the street, the Spaziani property, this
 24 being a tricky issue, the character of neighborhoods in the North End of Town
 25 having already been changed, a house on Hibiscus Avenue that looks like a
 26 garage, there being negative consequences whether or not setback requirements
 27 are changed, asking the PZC to review the matter with the guidance of the
 28 Preservation Foundation's Report, and directing the PZC Members to listen to
 29 the Town Council's comments on this Study Item.

30
 31 **By consensus of the Town Council, Study Item #7 was referred back to the PZC for**
 32 **further review, including consideration of the Preservation Foundation's Report and**
 33 **Town Council's comments on the item.**

- 34
 35 • Study Item #11: Review swimming pool setbacks to determine if changes
 36 should be recommended

37
 38 Zoning Administrator Castro provided an overview of the PZC's
 39 recommendation and additional consideration regarding cooling towers, and
 40 stated that Staff concurs with their recommendation.

41
 42 Discussion ensued regarding whether or not cooling towers are considered
 43 modern technology.

44
 45 **By consensus of the Town Council, the PZC's recommendation for Study Item #11**
 46 **was approved.**

- Study Item #12: Review possible changes that would allow parapets as architectural features on homes with pitched roofs, and related building height calculations

Zoning Administrator Castro provided an overview of the PZC's recommendation, and stated that Staff concurs with their recommendation.

By consensus of the Town Council, the PZC's recommendation for Study Item #12 was approved.

Zoning Administrator Castro further recommended that consideration of removing on-street parking fees from the Town Code and allowing them to be adopted by resolution be added to the PZC's Study Item List.

By consensus of the Town Council, consideration of removing on-street parking fees from the Town Code and allowing them to be adopted by resolution was added to the PZC's Study Item List.

Zoning Administrator Castro stated that Staff will put the changes approved by the Town Council today into ordinance form, and that the ordinance will come before the Local Planning Agency on March 9, 2016.

- B. Receive and consider the Receiver's Initial Report, prepared by Palm House Court-appointed Receiver Cary Glickstein for the Circuit Court of the 15th Judicial Circuit, in and for Palm Beach County, Florida.
John S. Page, Director of Planning, Zoning and Building

Council President Pucillo stated that he placed this item on the agenda for the benefit of the community and noted that there was a foreclosure hearing on the property earlier that morning.

Receiver Glickstein complimented the Town Council on the outcome of the Memorial Fountain restoration. He then provided a summary of his Initial Report filed with the Circuit Court.

Discussion ensued regarding the second mortgage being almost entirely EB5 funded and how that complicates the situation, what happens to the second mortgage if the property is foreclosed on, the Town's lien on the property and its desire to be at the table when an attempt is made to resolve this issue, the temporary abatement of the fines on the property having lapsed in January, the square footage of the property and the number of rooms, the investment needed to complete the project, there being credible financial interest in the property from investors with adequate funding, and anticipation that the receivership will continue at least through the summary judgment hearing.

XII. ADJOURNMENT

There being no further business, the February 10, 2016, regular Town Council meeting was adjourned at 11:43 a.m.

APPROVED:

Michael J. Pucillo
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Minutes

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum Dated February 18, 2016 from John S. Page, Director of Planning, Zoning & Building](#)
- [Minutes of the Architectural Commission Meeting of February 24, 2016](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of February 24, 2016

Date: February 18, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of February 24, 2016.

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 24, 2016.

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:dam



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL COMMISSION MEETING HELD ON WEDNESDAY, FEBRUARY 24, 2016

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

I. CALL TO ORDER

II. ROLL CALL

Robert J. Vila, Chairman	PRESENT
Ann L. Vanneck, Vice Chairman	PRESENT
Kenn Karakul, Member	PRESENT (arrived at 9:05 a.m.)
Richard Sammons, Member	PRESENT
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Member	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT (arrived at 9:02 a.m.)
Michael B. Small, Alternate Member	PRESENT
Maisie Grace, Alternate Member	PRESENT

III. PLEDGE OF ALLEGIANCE

Chairman Vila led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE JANUARY 27, 2016 MEETING

Motion made by Mrs. Vanneck and seconded by Mr. Garrison to approve the minutes of the January 27, 2016 meeting. Motion carried with all in favor.

V. APPROVAL OF THE AGENDA

Motion made by Mrs. Vanneck and seconded by Mr. Garrison to approve the agenda. Motion carried with all in favor.

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

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

VII. PROJECT REVIEW

A. MAJOR PROJECTS-OLD BUSINESS

B-114-2015 New Residence

Address: 204 Via Del Mar

Applicant: Via Del Mar, LLC

Architect: Smith and Moore Architects/Peter Papadopoulos

Project Description: new two story Mediterranean Revival residence with detached pool cabana on vacant lot. Final landscape and hardscape

At the October meeting this project was deferred to the December meeting at the architect's request. At the December meeting a motion carried to defer this project to the January meeting for further study. At the January meeting a motion carried to approve the Architecture and Landscaping as presented with the caveat they come back in February with different proportions and scale for the front door and the windows above the front door.

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

Mr. Papadopoulos reviewed the proposed changes to the front entry.

Commission Comments: The Commissioners had some concern with the proportions of the front door. They felt the front door had a Federal architectural feel and the house is Italianate. There seems to be some fine tuning that needs to be done to the entry.

Motion made by Mrs. Vanneck and seconded by Mr. Sammons to defer the project to the March meeting. Motion carried with all in favor.

B - 116 - 2015 Addition/Modifications

Address: 425 & 431 Chilean Ave.

Applicant: Lorraine S. Chairman

Architect: SKA Architects, Patrick Segraves

On the south side, remove bedroom and 1 balcony (27 sq. ft.) and enlarge front balcony at bedroom #2 and exercise room (95 sq. ft.). On the west side, remove west garage gate and close with 6 ft. wall, remove driveway and garage door and reduce area 45 sq. ft.

Driveway area to become patio and landscaping. Curb cuts will be eliminated. Change windows in breakfast area, demolish existing pool and replace with new pool, replace and relocate windows on second floor in proposed bedroom 1, closet and bath 3. On the north side, convert family rooms to open loggia (675 sq. ft.). On the east side, remove existing pool, remove all windows on east wall of first floor. Replace and relocate windows on proposed closet. On the east side, remove existing pool, and remove all windows on east wall of first floor. Replace and relocate windows on proposed closet and add 262 sq. ft. addition to northeast corner, to enlarge living room.

At the November meeting a motion carried to defer this project to the December meeting to accommodate the notification process.

At the December meeting a motion carried to approve both the architecture and landscaping as presented with the exception of the detailing on the front doors and the piers in the front which are to be restudied and brought back to the Commission in January. At the January meeting a motion carried to defer this project to the February meeting.

The architect has requested to defer this project to the March meeting.

Mr. Lindgren announced that he was notified by the Project Architect yesterday that they are requesting to extend the deferral to the April meeting.

Motion made by Mrs. Vanneck and seconded by Mr. Garrison to defer this project to the April meeting at the architect's request. Motion carried with all in favor.

B -118-2015 Demolition and New Residence

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 222 Seaspray Ave.

Applicant: Denise and Robert Bendickson

Architect: Roger Hansrote

Project Description: Demolition of existing 2 story residence and carriage house.

Construction of new 2 story British Colonial residence. The new residence will have a white stucco finish. The street view reveals an arched entry portico with pediment and brown shutters, doors and windows. The hip roof will have a flat white cement tile treatment.

At the November meeting a motion carried to defer the variances, architecture and landscaping to the January meeting. At the January meeting a motion carried to defer this project to the February meeting at the request of the owner's attorney.

The architect has requested to defer this project to the March meeting.

Motion made by Mr. Gruss and seconded by Mr. Garrison to defer this project to the March meeting. Motion carried with all in favor.

B -122-2015 New Residence

Address: 201 Debra Lane

Applicant: 201 Debra Lane, LLC

Architect: Dailey Janssen Architects/ Roger P. Janssen

Landscape: Dustin Mizell

Attorney: Tim Hanlon

Project Description: Construction of a new two story residence, pool, landscape and hardscape.

At the December meeting a motion carried to defer this project to the January meeting for restudy. At the January meeting a motion carried to defer this project to the February meeting for restudy.

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

Mr. Janssen stated that based on the comments last month he revisited multiple items. He reviewed the plans, elevations and enumerated the items that were addressed.

Commission Comments: The Commissioners commended Mr. Janssen on his presentation and the revisions that were made to the house. They felt the house now has a lot of character and charm.

Mr. Mizell stated that he has addressed the Commission comments from last month regarding the pedestrian entrance. He then reviewed the proposed changes to the plan and the elevation screening.

Commission Comments: The Commissioners felt the changes to the landscape plan will work well.

There were several people from the public that spoke in opposition and support of the project. Those that spoke included: Peter Broberg, Dan Tucker, David Levitt, Petina Mika, Julie Araskog, Joel Scott, Frank Mindof, John Dotterer and Jane Lindsey.

Mr. Vila thanked everyone who spoke, for their input.

Mr. Hanlon briefly responded to the some of the issues of the opposition.

Commission Comments: The Commissioners had some concern as to whether this house is in harmony with the neighborhood and whether or not the house fits in this established area. They felt that due to the elevation requirements the house is not sensitive in its approach to the area. There are other ways to create good architecture that could enhance the area. It was noted that there is still an opportunity to design something here that doesn't come across as being stately.

Motion made by Mr. Sammons and seconded by Mr. Garrison to defer this project to the March meeting for further study. Motion carried 5-2 with Mrs. Vanneck and Mr. Knowles dissenting.

B - 002-2016 Addition

Address: 1071 North Ocean Blvd.

Applicant: Maura A. Ziska, Esq. Kochman and Ziska, PA

Architect: Lang Design Group/John Lang

Project Description: Addition of driveway gates to previously approved hardscape and landscape plans.

At the January meeting a motion carried to defer this project to the February meeting for further study of the gates.

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

Mr. Lang reviewed the changes made to the gates stating they are less ornate and very simple.

Commission Comments: It was asked if the width on the gate had changed. Mr. Lang responded that it did not and the width as well as everything else has already been approved.

Motion made by Mr. Garrison and seconded by Mrs. Vanneck to approve the project as presented. Motion carried 6-1 with Mr. Sammons dissenting.

MAJOR-PROJECTS-NEW BUSINESS:

B - 001-2016 New Residence

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 280 North County Rd.

Applicant: 280 NCR, LLC

Architect: SKA Architect + Planner/Patrick Segraves

Project Description: New two story classical style home to be approximately 7,100 square feet. Home will consist of 5 bedrooms, 7 bathrooms, powder room, living room, dining room, kitchen, family room, loggia, and a three car garage with guest suite above. Final landscaping will be included.

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

Mr. Segraves began by explaining the variances that would need approval. He then reviewed the plans and elevations for the new house.

Commission Comments: The Commissioners felt the garage was overpowering and should be moved away from the front door. They could not support the garage mass being on the southeast corner of the lot. There were also comments regarding the proportions of the front door. It was suggested that the details of the house be simplified.

Motion made by Mr. Karakul and seconded by Mrs. Vanneck to defer the project to the March meeting for restudy. Motion carried with all in favor.

B - 004-2016 Demolition/New Residence

Address: 608 Island Dr.

Applicant: Denis P. and Annabelle G. Coleman

Architect: Dailey Janssen Architects/Roger Janssen

Landscape: Dustin Mizell

Project Description: Demolition of existing residence and construction of a new 2 story residence, pool, hardscape and landscape.

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

Mr. Janssen presented the survey and demolition report.

Motion made by Mrs. Vanneck and seconded by Mr. Gruss to approve the demolition with the typical caveats to sod and irrigate within 30 days. Motion carried 4-3 with Mr. Sammons, Mr. Garrison and Mr. Vila dissenting.

Mr. Janssen reviewed the proposed plans for the new residence.

Commission Comments: The Commission felt it was a creative floor plan, however, the scale seems to be way off. It was stated that this is an incredibly prominent site, and the key to the project will be the scale and proportions. There was a comment stating that the architecture is not pleasing on the south side but the plan has a very good beginning.

Mr. Mizell presented the proposed landscape/hardscape plan.

Commission Comments: The Commission strongly urged Mr. Mizell to reconsider using bougainvillea on the bridge. The Commission also felt all the palms accentuate the height of the house and are a detraction. It was suggested that the hedge be removed.

Motion by Mrs. Vanneck and seconded by Mr. Karakul to defer the project to the March meeting to restudy the heights and the distances. Motion carried with all in favor.

B - 005-2016 Additions/Modifications

Address: 1332 North Ocean Blvd.

Applicant: Avery PB Realty Trust - Vickie Giardina

Architect: John M. Melhourn

Landscape: Todd MacLean

Project Description: Construction of a new 3,300 square foot addition that will consist of: A guest wing and 4 car garage, aesthetic renovations to the existing residence, new windows, and detailing, new pool, hardscape and site walls.

It was noted that Mrs. Vanneck recused herself from voting on this project due to a conflict; Mr. Ives would be voting.

Call for disclosure of ex parte communication: Disclosure by Mr. Garrison, Mr. Small and Ms. Grace.

Mr. Melhourn reviewed the site plan, and elevations for the proposed addition and stated the project was before the Commission in May to tear down an existing three story residence that was on the neighboring property. The owner is joining the two properties together.

Mr. MacLean presented the landscape plan and reviewed the plant list.

Commission Comments: There was some confusion by the Commissioners as to access from the street to the main entry. Mr. Melhourn stated there is a terrace and stairs at the entrance; however, due to zoning issues it is a pedestrian front door. It was stated that Mr. Melhourn was doing a great job of saving and renovating the house.

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

B - 006-2016 Demolition

Address: 232 Coral Lane

Applicant: Sydney Roberts Shuman, Diane Roberts Slocum and Gail Roberts Ashford, as Successor Trustees of the Sydney M. Lowndes Two year Personal Residence Trust dated March 4, 2011

Architect: Smith and Moore Architects, Inc./Harold Smith

Landscape: Keith Williams

Project Description: Demolition of an existing 1 story residence, pool and hardscape.

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

Mr. Smith reviewed the demolition report.

Mr. Williams stated that all the landscape except the pruner hedges will be removed.

Barbara Rollhaus, 242 Coral Lane, stated that she has no opposition to the demolition but she had some concerns about the demolition process. She would like to make sure whoever conducts the demolition is licensed and experienced and there will be no damage to her property. Mr. Vila stated that Staff and inspection services are very good at keeping track of the issues she is concerned about. She also stated that this is going to be massively disruptive and she is afraid she will not be able to use her backyard while the demolition is being performed. She was especially concerned with the demolition being done at the end of March. Mr. Vila said she would be surprised at how quickly a demolition is done and they are required to put screening up. Mr. Lindgren stated that the contractor is required to give notice to the neighbors before the demolition begins.

Motion by Mr. Sammons and seconded by Mrs. Vanneck to approve the demolition as presented with the typical caveats to sod and irrigate within 30 days. Motion carried with all in favor.

B - 007-2016 Revisions

Address: 530 South Ocean Blvd.

Applicant: 530 South Ocean Blvd., LLC c/o Gregory Young

Architect: Smith and Moore Architects/Angie Janesheski

Landscape: Keith Williams

Project Description: Revisions to a previously approved single family residence.

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

Ms. Janesheski presented the design modifications to the residence, which were previously approved.

Mr. Williams stated that there were no changes made to the landscape plan with the exception of the modification to the west and south terrace alignment of the main house.

Motion made by Mr. Garrison and seconded by Mr. Knowles to approve this project as presented. Motion carried 5-2 with Mr. Sammons and Mr. Karakul dissenting.

MINOR PROJECTS - OLD BUSINESS

A - 053 - 2015 Addition/Modification

Address: 100 El Bravo Way

Applicant: Ken Tropin as Trustee of the Kenneth G. Tropin Trust

Architect: Brooks & Falotico Associates, Inc. Chuck Willette

Landscape: Scott Hyman

Project Description: Addition of office and side entry along with driveway and landscape alterations on El Bravo Way. Modifications to doors, hardscape and landscape, alterations along South Ocean Boulevard. Various additions and modifications in the courtyard and rear of the house below existing roof lines.

At the October meeting, a motion carried to defer this project to the November meeting. At the November meeting, a motion carried to approve the architecture and landscaping as presented, with the exception of the gate design and the relocation of the Venetian well head; these items were deferred to the December meeting. At the December meeting this project was deferred to the January meeting at the request of the owner's attorney. At the January meeting a motion carried to defer this project to the February meeting at the applicant's request.

Call for disclosure of ex parte communication: Disclosure by Mr. Garrison and Ms. Grace

Mr. Hyman announced that the Venetian well head has been removed from the scope and will stay in the courtyard in the current location. He then reviewed the proposed changes to the plan.

Commissioner Comments: The Commissioners were concerned with the width and location of the gate. The changes seem to bring a lot of attention to the gate, when it was previously very subtle. The Commissioners would like to see 12 ft. wide gates; there are also no engineering drawings or site triangles.

Motion made by Mr. Garrison and seconded by Mr. Sammons to defer this project for further study to the March meeting. Motion carried with all in favor.

A - 001-2016 Modification

Address: 152 Dolphin Rd.

Applicant: Dr. Josef Huawiss

Architect: Michael J. Johnson

Project Description: New design proposal for entry door.

At the January meeting a motion carried to defer this project to the February meeting.

The architect requested to defer this project to the March meeting.

Motion made by Mr. Garrison and seconded by Mrs. Vanneck to defer this project to the March meeting. Motion carried with all in favor.

A - 007-2016 Hardscape/Landscape Improvements

Address: 662 Island Dr.

Applicant: Jeffrey Walker

Architect: Mario Nievera/Keith Williams

Project Description: Front entry hardscape and landscape improvements.

At the January meeting a motion carried to defer this project to the February meeting for restudy and mitigation of some of the formality of the landscape.

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

Mr. Williams addressed the comments made by the Commission last month and reviewed the changes that were made to the proposed plan.

Commission Comments: The Commissioners suggested that coquina be used on the columns instead of caste stone, and add two trees at the entry. It was also suggested that lighting be added to the sides of the columns.

Motion made by Mr. Karakul and seconded by Mrs. Vanneck to approve this project as presented with the caveat that coquina is used on the columns instead of caste stone. Motion carried with all in favor.

MINOR PROJECTS-NEW BUSINESS

A - 008-2016 New Hardscape/Landscape

Address: 353 El Brillo Way

Applicant: 353 El Brillo Way, LLC

Architect: Parker-Yannette Design Group/Stephen Parker

Project Description: New hardscape, landscape and landscape lighting.

Call for disclosure of ex parte communication: Disclosure by Ms. Grace

Mr. Parker reviewed the proposed plans and plant list for the new hardscape and landscape.

Commissioner Comments: The Commissioners had some concern with the bubbler fountain in the drive and felt it would take up parking space if the owners were to entertain. Mr. Parker stated that the parking will be reduced to some extent, because there are three spaces being eliminated on the right. However, two spaces are being added in the grass parking to the left. Also, the circle drive is wide enough to park 2 cars. Mr. Parker said he did not want to add any more paving.

Motion made by Mr. Karakul and seconded by Mr. Garrison to approve this project as presented. Motion carried 5-2 with Mrs. Vanneck and Mr. Sammons dissenting.

A - 009-2016 Additions

Address: 630 Island Dr.

Applicant: Dr. Steven Gottlieb

Architect: Stephen T. Parker

Project Description: Addition of light fixtures at driveway entry columns, removal of vine on courtyard walls and garden walls, hedge species change at drive island, tree species change at southwest garden.

Call for disclosure of ex parte communication: Disclosure by Mr. Garrison, Mr. Vila and Ms. Grace.

Mr. Parker stated that he is presenting revisions that have already been completed.

Commission Comments: The Commissioners did not like the changes. The Commissioners reminded Mr. Parker that the process is to come to the Commission before any changes are made to an already approved plan.

Motion made by Mr. Garrison and seconded by Mr. Sammons to deny this project and that the project be returned to the original approved plan. Motion carried with all in favor.

A - 010-2016 Landscape/Hardscape Revisions

Address: 1900 South Ocean Blvd.

Applicant: Keith Frankel

Architect: Mario Nievera/Keith Williams

Project Description: Landscape and hardscape revisions as detailed since prior ARCOM approval of October 2013.

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

Mr. Williams stated that they are proposing a change in the pool design as well as the access from the upper loggia down to the pool. He reviewed the plans and proposed changes.

Commission Comments: The Commissioners liked the changes which included coral and capstone. There was some concern regarding architectural changes to the plan. Mr. Lindgren said he would research to see if any changes were made to the architecture that were not approved.

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

A - 011-2016 Revisions

Address: 195 Via Marina

Applicant: Jill Glazer-195 Via Marina, LLC

Architect: Mario Nievera/Keith Williams

Project Description: Revised final pool shape and layout. Final design for vehicular gates.

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

Mr. Williams proposed the changes to the pool design and the driveway gates. He explained that the change to the pool design was for a safety issue. The pool cannot be protected without an unsightly fence surrounding it. He proposed a rectangular pool with a cover. He then reviewed the proposed design for the gate.

Commissioner Comments: The Commissioners liked the project.

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

VIII. OTHER BUSINESS

Mr. Vila stated that they are often seeing people come back for revisions that have already been completed. The Commission is being consulted after the fact. He asked Staff what can be done to prevent this from happening. Mr. Lindgren answered that the Commission can deny the project. The architects are making changes to approved projects at their own risk. The Commission has every right and ability to deny the projects and require that they are changed back. Mr. Lindgren said they he will add some verbiage to his summary letter stating any changes from the approved plans must be approved by the Architectural Commission, and if changes are made you do so at your own risk.

Mr. Garrison thanked Mr. Vila and Mr. Karakul for all the time they have spent in making the Commission viable and keeping the Town the way it is. They were applauded by all present. Mr. Vila said serving on the Commission has been a wonderful experience for him and he will be paying attention. Mr. Karakul echoed Mr. Vila's sentiments.

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)

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

XI. ADJOURNMENT

Motion made by Mrs. Vanneck and seconded by Mr. Karakul to adjourn the meeting at 1:16 p.m. Motion carried with all in favor.

The next meeting will be held on Wednesday, March 23, 2016 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Robert J. Vila, Chairman

ARCHITECTURAL COMMISSION

nar

TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated February 5, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 27-2016](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approve a Purchase Order to Rechten International Trucks, Inc. for the Purchase of One (1) International Durastar Cab and Chassis with a Petersons RS3 Crane Body
Resolution No. 27-2016

Date: February 5, 2016

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 27-2016 to authorize the purchase of one (1) International Durastar cab and chassis with a Peterson RS3 crane body from Rechten International Trucks, Inc., in the amount of \$177,953 via the Florida Sheriff's Association Contract 15-13-0904 (Specification #12), and establish a total budget of \$178,500 including contingency.

GENERAL INFORMATION

It is necessary, at this time, to replace one of the existing crane trucks in the Services Division Trash Bureau that is used for the loading of vegetative yard waste as it has reached the end of its useful life. The crane truck being replaced was purchased in 2004, and has approximately 35,000 miles and about 15,000 operational hours on it. In recent years, this vehicle has required more maintenance and repair effort, and is recommended for replacement due to its age and condition. This truck is scheduled for replacement in 2016 based on the typical replacement interval and is reflected within the FY2016 Equipment Replacement Fund.

FUNDING/FISCAL IMPACT

Funds for this purchase will be obtained from the Equipment Replacement Fund (ERF) in the amount of \$177,953. Approval in the amount of \$178,500 has been allowed from the FY2016 budget for this purchase.

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 Division Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 27-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$177,953 TO RECHTIEN INTERNATIONAL TRUCKS, INC., FOR THE PURCHASE OF ONE (1) INTERNATIONAL DURASTAR CAB AND CHASSIS WITH A PETERSON RS3 CRANE BODY ON FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. 15-13-0904, AND ESTABLISHING AN OVERALL BUDGET OF \$178,500.

* * * * *

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 \$177,953 to Rechtiem International Trucks, Inc., for the purchase of one (1) International Durastar cab and chassis with Peterson RS3 crane body, consistent with Florida Sheriff's Association Contract No. 15-13-0904, and establishes an overall budget of \$ 178,500 with contingency.

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 8th day of March 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated February 23, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 28-2016](#)
- [Burkhardt Proposal](#)
- [Final Ranking](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approve a Purchase Order for Pre-Construction Management Services for the Lake Trail Pavement Improvements Project
Accelerated Capital Improvement Program - Phase 2
Resolution No. 28-2016

DATE: February 23, 2016

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 28-2016, approving a purchase order for Pre-Construction Management Services to Burkhardt Construction, Inc. (BCI), for the Lake Trail Pavement Improvements Project in the amount of \$20,320 and establishing a pre-construction phase services budget of \$26,000 including contingency.

GENERAL INFORMATION

The pedestrian pathway (bike path) on Lake Trail is located parallel to the seawall along the Intracoastal waterway from Royal Palm Way to Reef Road. The approximate five (5) miles of asphalt pavement has had asphalt overlays and top coating applications applied to it throughout the years, along with other patch repairs. Lake Trail is in varying degrees of disrepair throughout the length of the trail. In addition to the bike path, the pathway access points from the adjacent residential streets are deteriorating as well. This construction is designed to repair and improve these deficiencies, and is scheduled to be completed during the 2016 construction season.

The Town advertised for the construction services for the Lake Trail Pavement Improvements Project on December 6, 2015, and received one (1) bid at the January 13, 2016 bid opening. The single bid was received from JMS Construction Services, Inc., in the amount of \$1,141,863. Since there is no basis for price comparison with only one bid, Staff recommended that it is in the Town's best interest to reject the single bid received. At the February 9, 2016 Town Council meeting, Town Council approved the rejection of Bid No. 2016-09. Staff recommends that the Construction Management Services delivery method be utilized for the project, since a competitive bid process can be utilized for the various trades, and a greater level of subcontractor coordination and enhanced levels of public information and construction coordination can be employed to minimize the impact to residents along the trail, as well as reduce the costs of the Town's engineering consultant for construction administration.

Since the project is under \$2 million, the pre-approved horizontal construction managers contract can be utilized for the project. BCI is one of two (2) vendors awarded construction management services for facility improvements as a result of RFQ 2015-39. BCI has extensive experience with construction management, along with their experience working within the Town and were deemed to be the more qualified of the two contractors to perform this work.

BCI's scope of work will include review and input of project cost and schedule, constructability review, development of subcontractors list and bidding sheets, and development of a total construction cost for award and initiation of construction. Staff has reviewed the BCI proposal and recommends approving a purchase order for pre- construction management services with BCI, in the amount of \$20,320. Staff also recommends a contingency of \$5,680 for a total pre-construction phase services budget of \$26,000.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Town's Accelerated Capital Improvement Program - Phase 2 and the 307 "Pay As You Go" Fund.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
William K. Francis, P.E., Town Engineer
Patricia Strayer, P.E., Senior Project Engineer
Jeffrey M. Sanon, P.E., Project Engineer
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 28-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$20,320, TO BURKHARDT CONSTRUCTION, INC., FOR PRE-CONSTRUCTION MANAGEMENT SERVICES FOR THE LAKE TRAIL PAVEMENT IMPROVEMENTS PROJECT AND ESTABLISHING A PRE-CONSTRUCTION PHASE BUDGET OF \$26,000.

* * * * *

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 \$20,320 to Burkhardt Construction, Inc., for Pre-Construction Management Services for the Lake Trail Pavement Improvements Project and establishes a pre-construction phase services budget of \$26,000.

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 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 8th day of March 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret Zeidman, Town Council Member

Vincent G. Burkhardt
President



February 22, 2016

Town of Palm Beach
Public Works/Engineering Department
Attn: Mr. Paul Brazil, Director of Public Works
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

RE: Lake Trail Pavement Improvements

Dear Mr. Brazil:

Burkhardt Construction, Inc. (BCI), acting as Construction Manager (CM) is pleased to provide this proposal to the Town of Palm Beach (Owner) for Pre-construction Services for Lake Trail Pavement Improvements from Royal Palm Way to Reef Road. It is our understanding that the scope consists of work along Lake Trail. The work designed and to be constructed is generally described as traffic control, demolition, grading, earthwork, asphalt and concrete reconstruction, and private property restoration along the aforementioned corridor. As CM, 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:

- Review and input of project cost and schedule;
- Review of proposed construction documents;
- Project estimating; and
- The development of Total Construction Cost (TCC) 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 CM to participate in team progress meetings, attended by the CM, 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 3 meetings required.

Public meetings and presentations shall be as directed by the Owner and may be requested at 90% or 100% plan completion. The public outreach shall consist of the CM facilitating a meeting with the residents 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, pedestrian/traveling public access during construction and additional details as requested by the Owner.

No meetings anticipated

TASK I – TOTAL LUMP SUM FEE \$2,400.00

TASK II

PRE-CONSTRUCTION AND CONSTRUCTION PHASE SCHEDULING

Based on the provided information, CM 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 along with construction phase sequencing.

TASK II – TOTAL LUMP SUM FEE \$700.00

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 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 \$1,920.00

TASK IV**TOTAL CONSTRUCTION COSTS (TCC) - 100% Plans**

BCI will prepare and submit a proposal of the total construction costs to the Owner after completion of the pre-construction services phase of the project. The TCC 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 TCC proposal. The TCC will be valid for 90 days after submission. BCI will submit the TCC 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 TCC 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, critical path 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 TCC
- Any supporting documents referenced in the TCC

At such time as the TCC preparation process results in a mutually agreeable TCC value, the Owner will document its acceptance thereof in writing and both parties shall execute a contract amendment for the project that incorporates the TCC and its supporting documents into the contract. CM'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 \$15,300.00

TOTAL PRECONSTRUCTION SERVICES FEE ALL TASKS I THROUGH IV:

\$ 20,320.00

ALTERNATE TASK: NOT INCLUDED

All tasks and fees include supplies, presentation materials, equipment, personnel, travel and related costs associated with performing the services described.

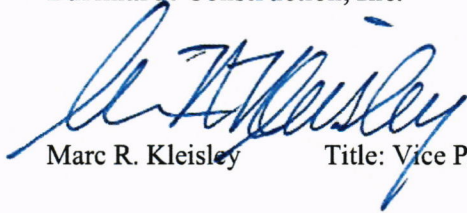
Presentation and acceptance, by the Owner, of a mutually acceptable TCC shall conclude preconstruction services.

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 Lake Trail Pavement Improvements. If you have any questions on this proposal, please contact us at (561) 659-1400.

Submitted By:
Construction Manager

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.



TOWN OF PALM BEACH

MEMORANDUM

DATE: August 20, 2015

TO: H. Paul Brazil, Director – Public Works

FROM: Adis Pedraza –Purchasing Manager 

SUBJECT: Final Ranking – RFQ No. 2015-39 – Construction Manager at Risk Continuing Services

The Town received proposals from nine (9) contractors. The Selection Committee met on August 20, 2015. All members of the committee listed below were present:

Danielle H. Moore – Public Works Committee Chairperson
John Page – Director of Planning, Zoning and Building
Eric Brown, P.E. – Assistant Director of Public Works
Cheryl Somers – Assistant Director of Finance
William K. Francis, P.E. – Town Engineer
H. Paul Brazil - Director of Public Works (Non-Voting)
Ilyse Valdivia – Assistant Purchasing Manager (Non-Voting)
John Cmar – Purchasing Coordinator (Non-Voting)

One proposal was deemed to be Non-Responsive and was not rated. After thorough consideration of the eight (8) proposals the Selection Committee arrived at final rankings as follows:

For Facility Improvement Projects:

1. Hedrick Brothers Construction Co., Inc.
2. Burkhardt Construction, Inc.

For Utility Improvement Projects:

1. Burkhardt Construction, Inc.
2. The Whiting-Turner Contracting Company

It is the recommendation of the Selection Committee to award contracts to the above firms for the Construction Manager at Risk Continuing Services.

Cc: File: RFQ No. 2015-39
John Randolph, Town Attorney
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 29-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement with the Palm Beach County Property Appraiser and an Agreement with the Tax Collector of Palm Beach County for Services and Costs Associated with the Non-Ad Valorem Assessments to be Implemented for the Nightingale/La Puerta Way Underground Utilities Assessment Area and Authorizing the Mayor to Execute the Agreements on Behalf of the Town.

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

- [Memorandum Dated February 29, 2016, from Jay Boodheshwar, Deputy Town Manager](#)
- [Resolution No. 29-2016](#)
- [Exhibit A - Agreement with Palm Beach County Property Appraiser](#)
- [Exhibit B - Agreement with Tax Collector of Palm Beach County](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: A Resolution Approving Agreements with the Palm Beach County Property Appraiser and the Palm Beach County Tax Collector for the Nightingale/La Puerta Way Underground Utilities Project and its Associated Special Non-Ad Valorem Assessments.
Resolution No. 29-2016

Date: February 29, 2016

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 29-2016. Adoption of this resolution is necessary to set forth the responsibilities of each party in the upcoming assessment process for the Nightingale/La Puerta Way Underground Utilities Project.

GENERAL INFORMATION

In accordance with applicable Florida Statutes, at your meeting on December 8, 2015, the Town Council adopted Resolution No. 200-2015 electing to use the uniform method of levying, collecting and enforcing non-ad valorem assessments for the Nightingale/La Puerta Way Underground Utilities Assessment Area. Also per state statute, the Florida Department of Revenue, the Palm Beach County Tax Collector and the Palm Beach County Property Appraiser were notified of the Town's intentions. By letter dated February 29, 2016, the Property Appraiser has transmitted their standard agreement for the aforementioned services. By letter dated January 28, 2016, the Tax Collector transmitted their standard agreement for its related services.

If the Town Council decides later this year that it does not wish to proceed with the assessment for any reason, the process is stopped, the Property Appraiser and Tax Collector are notified, and an assessment does not appear on any tax bill.

The tentative process to bring this matter to fruition will approximate the following:

- Between April 2016 and the July 2016 Town Council meeting, staff submits a report on the feasibility of using internal financing vs. the current plan to use a line of credit and long term bank financing.
- July 12, 2016 - Adoption of the initial assessment resolutions. All final costs of the

project will be provided and made public at this time.

- August 20, 2016 (on or about) – Mail notice to each affected property owner within the proposed boundaries of the assessment areas advising of the tentative assessment amount and the date, time and place of adoption of the final resolution.
- September 13, 2016 (on or about) – Adoption of final assessment resolution.

FUNDING/FISCAL IMPACT

As this is a special assessment project, all costs will be borne by the benefitting property owners and not the property owners of the Town as a whole.

TOWN ATTORNEY REVIEW

The attached resolution is in a form previously reviewed and approved by the Assessment attorney.

Attachments

cc: H. Paul Brazil, P.E., Director of Public Works
Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Heather Encinosa, Esq.

RESOLUTION NO. 29-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA APPROVING AN AGREEMENT WITH THE PALM BEACH COUNTY PROPERTY APPRAISER AND AN AGREEMENT WITH THE TAX COLLECTOR OF PALM BEACH COUNTY FOR SERVICES AND COSTS ASSOCIATED WITH THE NON-AD VALOREM ASSESSMENTS TO BE IMPLEMENTED FOR THE NIGHTINGALE/LA PUERTA WAY UNDERGROUND UTILITIES ASSESSMENT AREA AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS ON BEHALF OF THE TOWN.

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 Nightingale/La Puerta Way Underground Utilities 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 Nightingale/La Puerta Way Underground Utilities Assessment Area, including, but not limited to, removal of overhead utility lines and facilities, construction of underground utility lines and related facilities, landscaping, and other utility and utility related improvements (collectively referred to as the "Nightingale/La Puerta Way 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 2016, 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 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 Interlocal 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 8th day of March 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

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

February 29, 2016

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

Dear Jane,

Attached, is the copy of our standard agreement for services in accordance with Florida Statutes 197.3632 (3). Please advise your board to execute two copies at their next scheduled meeting. Return all originals to the Property Appraiser's Office, one set with Mr. Nikoltis' signature will be returned to you for your files. Please provide the Levying Authority name, Purpose of Assessment and Contact Information to the Property Appraiser's office it is very important that you return it back to us.

Please call (561) 355-2681 if you need assistance in this matter.

Sincerely,

Dino Maniotis, CFE
Tax Roll Coordinator

enc.

cc: Information System Services
Palm Beach County Tax Collector

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

February 29, 2016

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

Dear Jane,

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 Palm Beach
- Purpose of Assessment – 30 character field – example **Underground Utilities**
- 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

THIS AGREEMENT made and entered into this **29** day of **February, 2016**, by and between Gary R. Nikolits, as Palm Beach County Property Appraiser (the "Appraiser"), and **Local Government Town of Palm Beach –Underground Utilities Assessment**, 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.

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, 2016.
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, 2016. 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, 2016 certification date for Local Government to reflect the changes to the assessment roll between said date and June 1, 2016.
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. The parties recognize the Appraiser processes changes to the assessment roll through a procedure known as Certificate of Corrections (C of C's). The Appraiser agrees to provide a copy of each C of C's processed to Local Government. The parties recognize Local Government has a process to make changes on its assessment roll. Local Government agrees to provide the Appraiser with information in written form, of any changes it makes.
9. 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: _____

Exhibit 'A'

Non Ad Valorem - Cost Summary

The following is a summary of costs which this office will assess to each Local Government 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 Local Government 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 NAV assessment to the tax roll. 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 per F.S. 197.3632(2) which will be assessed to each Local Government annually until the cancellation of the Agreement.

Administrative services = \$150.00/ Local Government per year



ANNE M. GANNON
CONSTITUTIONAL TAX COLLECTOR
Serving Palm Beach County

Governmental Center • 301 N. Olive Avenue, 3rd Floor • West Palm Beach, FL 33401
Mailing Address • Post Office Box 3715 • West Palm Beach, FL 33402-3715
www.pbctax.com • Tel (561) 355-2264 • Fax (561) 355-4123

TOWN OF PALM BEACH
Exhibit B
FEB 02 2016
Town Manager's Office

Serving you.

January 28, 2016

**Belle Glade
Service Center**

2976 State Road 15
Belle Glade
33430

**Central Palm Beach
Service Center**

4215 South Military Trail
Lake Worth
33463

**Delray Beach/South County
Service Center**

501 South Congress Avenue
Delray Beach
33445

**Palm Beach Gardens
Driver License Office**

3185 PGA Boulevard
Palm Beach Gardens
33410

**Palm Beach Gardens/NE County
Service Center**

3188 PGA Boulevard
Palm Beach Gardens
33410

**Royal Palm Beach
Service Center**

200 Civic Center Way
Royal Palm Beach
33411

**West Palm Beach/Downtown
Service Center**

301 North Olive Avenue
West Palm Beach
33401

Town of Palm Beach
Mr. Thomas G. Bradford, Town Manager
PO Box 2029
Palm Beach FL 33480

Re: Interlocal Agreement

Dear Mr. Bradford:

Please complete the enclosed Interlocal Agreement for the implementation and collection of the Town of Palm Beach's non-ad valorem assessment billing for Nightingale Trail/La Puerta Way Underground Utilities Assessment Area and return it to my attention at:

Palm Beach County Tax Collector
Attn: Finance & Budget
301 N. Olive Avenue, 3rd Floor
West Palm Beach FL 33401

Please feel free to contact me at (561) 355-6836 or
mdillman@pbctax.com if you have any questions.

Sincerely,

Mary Dillman
Administrative Assistant
Finance & Budget

md

Enclosure

AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2016 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 Nightingale Trail/La Puerta Way Underground Utilities Assessment Area as follows:

1. The Town shall meet all the requirements of Florida Statutes 197.3631 and 197.3632 for the implementation of the Town'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 2016 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 _____, 2016

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

Date

By: _____
Date

ATTEST:

TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Resolutions

Agenda Title

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

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

- [Memorandum Dated February 29, 2016, from Jay Boodheshwar, Deputy Town Manager](#)
- [Resolution No. 30-2016](#)
- [Exhibit A - Agreement with Palm Beach County Property Appraiser](#)
- [Exhibit B - Agreement with Tax Collector of Palm Beach County](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: A Resolution Approving Agreements with the Palm Beach County Property Appraiser and the Palm Beach County Tax Collector for the Lake Towers Underground Utilities Project and its Associated Special Non-Ad Valorem Assessments.
Resolution No. 30-2016

Date: February 29, 2016

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 30-2016. Adoption of this resolution is necessary to set forth the responsibilities of each party in the upcoming assessment process for the Lake Towers Underground Utilities Project.

GENERAL INFORMATION

In accordance with applicable Florida Statutes, at your meeting on December 8, 2015, the Town Council adopted Resolution No. 200-2015 electing to use the uniform method of levying, collecting and enforcing non-ad valorem assessments for the Lake Towers Underground Utilities Assessment Area. Also per state statute, the Florida Department of Revenue, the Palm Beach County Tax Collector and the Palm Beach County Property Appraiser were notified of the Town's intentions. By letter dated February 29, 2016, the Property Appraiser has transmitted their standard agreement for the aforementioned services. By letter dated January 28, 2016, the Tax Collector transmitted their standard agreement for its related services.

If the Town Council decides later this year that it does not wish to proceed with the assessment for any reason, the process is stopped, the Property Appraiser and Tax Collector are notified, and an assessment does not appear on any tax bill.

The tentative process to bring this matter to fruition will approximate the following:

- Between April 2016 and the July 2016 Town Council meeting, staff submits a report on the feasibility of using internal financing vs. the current plan to use a line of credit and long term bank financing.

- July 12, 2016 - Adoption of the initial assessment resolutions. All final costs of the project will be provided and made public at this time.
- August 20, 2016 (on or about) – Mail notice to each affected property owner within the proposed boundaries of the assessment areas advising of the tentative assessment amount and the date, time and place of adoption of the final resolution.
- September 13, 2016 (on or about) – Adoption of final assessment resolution.

FUNDING/FISCAL IMPACT

As this is a special assessment project, all costs will be borne by the benefitting property owners and not the property owners of the Town as a whole.

TOWN ATTORNEY REVIEW

The attached resolution is in a form previously reviewed and approved by the Assessment attorney.

Attachments

cc: H. Paul Brazil, P.E., Director of Public Works
Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Heather Encinosa, Esq.

RESOLUTION NO. 30-2016

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

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 Lake Towers Underground Utilities 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 Lake Towers Underground Utilities Assessment Area, including, but not limited to, removal of overhead utility lines and facilities, construction of underground utility lines and related facilities, landscaping, and other utility and utility related improvements (collectively referred to as the "Lake Towers 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 2016, 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 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 Interlocal 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 8th day of March 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

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

February 29, 2016

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

Dear Jane,

Attached, is the copy of our standard agreement for services in accordance with Florida Statutes 197.3632 (3). Please advise your board to execute two copies at their next scheduled meeting. Return all originals to the Property Appraiser's Office, one set with Mr. Nikoltis' signature will be returned to you for your files. Please provide the Levying Authority name, Purpose of Assessment and Contact Information to the Property Appraiser's office it is very important that you return it back to us.

Please call (561) 355-2681 if you need assistance in this matter.

Sincerely,

Dino Maniotis, CFE
Tax Roll Coordinator

enc.

cc: Information System Services
Palm Beach County Tax Collector

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

February 29, 2016

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

Dear Jane,

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 Palm Beach
- Purpose of Assessment – 30 character field – example **Underground Utilities**
- 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

THIS AGREEMENT made and entered into this **29** day of **February, 2016**, by and between Gary R. Nikolits, as Palm Beach County Property Appraiser (the "Appraiser"), and **Local Government Town of Palm Beach –Underground Utilities Assessment**, 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.

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, 2016.
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, 2016. 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, 2016 certification date for Local Government to reflect the changes to the assessment roll between said date and June 1, 2016.
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. The parties recognize the Appraiser processes changes to the assessment roll through a procedure known as Certificate of Corrections (C of C's). The Appraiser agrees to provide a copy of each C of C's processed to Local Government. The parties recognize Local Government has a process to make changes on its assessment roll. Local Government agrees to provide the Appraiser with information in written form, of any changes it makes.
9. 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: _____

Exhibit 'A'

Non Ad Valorem - Cost Summary

The following is a summary of costs which this office will assess to each Local Government 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 Local Government 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 NAV assessment to the tax roll. 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 per F.S. 197.3632(2) which will be assessed to each Local Government annually until the cancellation of the Agreement.

Administrative services = \$150.00/ Local Government per year



ANNE M. GANNON

CONSTITUTIONAL TAX COLLECTOR

Serving Palm Beach County

Governmental Center • 301 N. Olive Avenue, 3rd Floor • West Palm Beach, FL 33402
Mailing Address • Post Office Box 3715 • West Palm Beach, FL 33402-3715
www.pbctax.com • Tel (561) 355-2264 • Fax (561) 355-4123

TOWN OF PALM BEACH

Exhibit B

FEB 02 2016

Town Manager's Office

Serving you.

January 28, 2016

Belle Glade
Service Center

2976 State Road 15
Belle Glade
33430

Central Palm Beach
Service Center

4215 South Military Trail
Lake Worth
33463

Delray Beach/South County
Service Center

501 South Congress Avenue
Delray Beach
33445

Palm Beach Gardens
Driver License Office

3185 PGA Boulevard
Palm Beach Gardens
33410

Palm Beach Gardens/NE County
Service Center

3188 PGA Boulevard
Palm Beach Gardens
33410

Royal Palm Beach
Service Center

200 Civic Center Way
Royal Palm Beach
33411

West Palm Beach/Downtown
Service Center

301 North Olive Avenue
West Palm Beach
33401

Town of Palm Beach
Mr. Thomas G. Bradford, Town Manager
PO Box 2029
Palm Beach FL 33480

Re: Interlocal Agreement

Dear Mr. Bradford:

Please complete the enclosed Interlocal Agreement for the implementation and collection of the Town of Palm Beach's non-ad valorem assessment billing for Lake Towers Underground Utilities Assessment Area and return it to my attention at:

Palm Beach County Tax Collector
Attn: Finance & Budget
301 N. Olive Avenue, 3rd Floor
West Palm Beach FL 33401

Please feel free to contact me at (561) 355-6836 or mdillman@pbctax.com if you have any questions.

Sincerely,

Mary Dillman
Administrative Assistant
Finance & Budget

:md

Enclosure

AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2016 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 Lake Towers Underground Utilities Assessment Area as follows:

1. The Town shall meet all the requirements of Florida Statutes 197.3631 and 197.3632 for the implementation of the Town'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 2016 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 _____, 2016

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

Date

By: _____
Date

ATTEST:

TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Resolutions

Agenda Title

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

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

- [Memorandum Dated February 29, 2016, from Jay Boodheshwar, Deputy Town Manager](#)
- [Resolution No. 31-2016](#)
- [Exhibit A - Agreement with Palm Beach County Property Appraiser](#)
- [Exhibit B - Agreement with Tax Collector of Palm Beach County](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: A Resolution Approving Agreements with the Palm Beach County Property Appraiser and the Palm Beach County Tax Collector for the Town Hall Square Historic District Sidewalk Replacement Project and its Associated Special Non-Ad Valorem Assessments.
Resolution No. 31-2016

Date: February 29, 2016

STAFF RECOMMENDATION

Staff recommends that Town Council adopt Resolution No. 31-2016. Adoption of this resolution is necessary to set forth the responsibilities of each party in the upcoming assessment process for the Town Hall Square Historic District Sidewalk Replacement Project.

GENERAL INFORMATION

In accordance with applicable Florida Statutes, at your meeting on December 8, 2015, the Town Council adopted Resolution No. 200-2015 electing to use the uniform method of levying, collecting and enforcing non-ad valorem assessments for the Town Hall Square Historic District Assessment Area. Also per state statute, the Florida Department of Revenue, the Palm Beach County Tax Collector and the Palm Beach County Property Appraiser were notified of the Town's intentions. By letter dated February 29, 2016, the Property Appraiser has transmitted their standard agreement for the aforementioned services. By letter dated January 28, 2016, the Tax Collector transmitted their standard agreement for its related services.

If the Town Council decides later this year that it does not wish to proceed with the assessment for any reason, the process is stopped, the Property Appraiser and Tax Collector are notified, and an assessment does not appear on any tax bill.

The tentative process to bring this matter to fruition will approximate the following:

- Between April 2016 and the July 2016 Town Council meeting, staff submits a report on the feasibility of using internal financing vs. the current plan to use a line of credit and long term bank financing.

- July 12, 2016 - Adoption of the initial assessment resolutions. All final costs of the project will be provided and made public at this time.
- August 20, 2016 (on or about) – Mail notice to each affected property owner within the proposed boundaries of the assessment areas advising of the tentative assessment amount and the date, time and place of adoption of the final resolution.
- September 13, 2016 (on or about) – Adoption of final assessment resolution.

FUNDING/FISCAL IMPACT

As this is a special assessment project, all costs will be borne by the benefitting property owners and not the property owners of the Town as a whole.

TOWN ATTORNEY REVIEW

The attached resolution is in a form previously reviewed and approved by the Assessment attorney.

Attachments

cc: H. Paul Brazil, P.E., Director of Public Works
Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Heather Encinosa, Esq.

RESOLUTION NO. 31-2016

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

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 Town Hall Square Historic District 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 Town Hall Square Historic District Assessment Area, including the replacement of sidewalks (collectively referred to as the "Town Hall Square Historic District 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 2016, 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 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 Interlocal 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 8th day of March 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

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

February 29, 2016

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

Dear Jane,

Attached, is the copy of our standard agreement for services in accordance with Florida Statutes 197.3632 (3). Please advise your board to execute two copies at their next scheduled meeting. Return all originals to the Property Appraiser's Office, one set with Mr. Nikoltis' signature will be returned to you for your files. Please provide the Levying Authority name, Purpose of Assessment and Contact Information to the Property Appraiser's office it is very important that you return it back to us.

Please call (561) 355-2681 if you need assistance in this matter.

Sincerely,

Dino Maniotis, CFE
Tax Roll Coordinator

enc.

cc: Information System Services
Palm Beach County Tax Collector

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

February 29, 2016

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

Dear Jane,

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 Palm Beach
- Purpose of Assessment – **30 character field** – example **Town Hall Square Historic Dist**
- Contact information – **10 character field** – the phone number that you want all calls to go regarding any questions about the assessments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dino Maniotis".

Dino Maniotis, CFE
 Tax Roll Coordinator

THIS AGREEMENT made and entered into this **29** day of **February, 2016**, by and between Gary R. Nikolits, as Palm Beach County Property Appraiser (the "Appraiser"), and **Local Government Town of Palm Beach – Town Hall Square Historic Dist Assessment**, 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 No. 200-2015**; 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, 2016.
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, 2016. 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, 2016 certification date for Local Government to reflect the changes to the assessment roll between said date and June 1, 2016.
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. The parties recognize the Appraiser processes changes to the assessment roll through a procedure known as Certificate of Corrections (C of C's). The Appraiser agrees to provide a copy of each C of C's processed to Local Government. The parties recognize Local Government has a process to make changes on its assessment roll. Local Government agrees to provide the Appraiser with information in written form, of any changes it makes.
9. 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: _____

Exhibit 'A'

Non Ad Valorem - Cost Summary

The following is a summary of costs which this office will assess to each Local Government 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 Local Government 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 NAV assessment to the tax roll. 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.

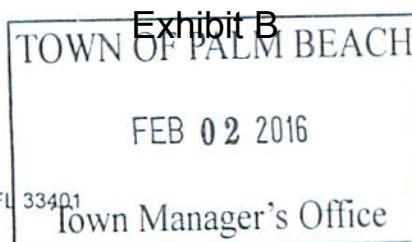
(B) Administrative services: This fee covers administrative costs and services per F.S. 197.3632(2) which will be assessed to each Local Government annually until the cancellation of the Agreement.

Administrative services = \$150.00/ Local Government per year



ANNE M. GANNON
CONSTITUTIONAL TAX COLLECTOR
Serving Palm Beach County

Governmental Center • 301 N. Olive Avenue, 3rd Floor • West Palm Beach, FL 33401
Mailing Address • Post Office Box 3715 • West Palm Beach, FL 33402-3715
www.pbctax.com • Tel (561) 355-2264 • Fax (561) 355-4123



Serving you.

January 28, 2016

**Belle Glade
Service Center**

2976 State Road 15
Belle Glade
33430

**Central Palm Beach
Service Center**

4215 South Military Trail
Lake Worth
33463

**Delray Beach/South County
Service Center**

501 South Congress Avenue
Delray Beach
33445

**Palm Beach Gardens
Driver License Office**

3185 PGA Boulevard
Palm Beach Gardens
33410

**Palm Beach Gardens/NE County
Service Center**

3188 PGA Boulevard
Palm Beach Gardens
33410

**Royal Palm Beach
Service Center**

200 Civic Center Way
Royal Palm Beach
33411

**West Palm Beach/Downtown
Service Center**

301 North Olive Avenue
West Palm Beach
33401

Town of Palm Beach
Mr. Thomas G. Bradford, Town Manager
PO Box 2029
Palm Beach FL 33480

Re: Interlocal Agreement

Dear Mr. Bradford:

Please complete the enclosed Interlocal Agreement for the implementation and collection of the Town of Palm Beach's non-ad valorem assessment billing for Town Hall Square Historic District Assessment Area and return it to my attention at:

Palm Beach County Tax Collector
Attn: Finance & Budget
301 N. Olive Avenue, 3rd Floor
West Palm Beach FL 33401

Please feel free to contact me at (561) 355-6836 or mdillman@pbctax.com if you have any questions.

Sincerely,

Mary Dillman
Administrative Assistant
Finance & Budget

md

Enclosure

AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2016 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 Town Hall Square Historic District Assessment Area as follows:

1. The Town shall meet all the requirements of Florida Statutes 197.3631 and 197.3632 for the implementation of the Town'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 2016 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 _____, 2016

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

Date

By: _____
Date

ATTEST:

TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated February 25, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 32-2016](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approval of an Amendment to the Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach – Construction Parking
Resolution No. 32-2016

Date: February 25, 2016

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 32-2016 to amend the Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach – Construction Parking.

GENERAL INFORMATION

This Standards manual was created by Ordinance No. 11-94 on July 12, 1994, and may be amended from time to time by Resolution of the Town Council. Since the last update of the Standards manual in December 2012, an additional item has been recommended for inclusion. Staff proposes a revision to Chapter XII, Miscellaneous Provisions – Construction Parking.

According to the current Standards, the Public Works Director, or his designee, may issue up to three (3) construction parking permits per site upon demonstration that all available space on the site has been utilized and that a “car and/or truck pooling” is initiated. Appendix “C” outlines the fees for these permits, however, the Manual does not establish any criteria for the “car and/or truck pooling”.

Private construction in the Town has increased significantly over the past few years. This, along with utility construction, and capital improvement projects, has created significant traffic impacts. Staff feels it is in the Town's best interest to establish a new/increased fee structure for construction parking permits and set forth criteria for “car and/or truck pooling” (i.e. restrict “car and/or truck pooling” from on-island locations) in order to minimize the number of construction parking permits and better control the public parking on the island.

The language in the Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach – Construction Parking, Chapter XII – Miscellaneous Provisions, Driveways and Driveway Approaches would be amended to include the following language:

Paragraph 1, Sentence 3

Amended as... “In the event parking is needed for construction related personnel in excess of the construction site’s capability or the three (3) permits allowed, “car and/or truck pooling” shall be facilitated from permitted off-street parking lots and/or off-island locations. No on-street parking spaces within the Town shall be utilized for these purposes with the exception of spaces permitted by the Placard Parking Program.”

Appendix “C”, Non-Metered Space (Excludes Worth Avenue)

\$ 75.00	per vehicle up to three (3) days, three (3) vehicles maximum
\$ 15.00	per day thereafter
\$200.00	per month, per vehicle, three (3) vehicles maximum

FUNDING/FISCAL IMPACT

There is no fiscal impact as a result of this Resolution.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
William K. Francis, P.E., Town Engineer
John Page, Director of Planning, Zoning and Building
Veronica Close, Assistant Director of Planning, Zoning and Building
Allen Powery, Right-of-Way Inspector

RESOLUTION NO. 32-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIVISION, STANDARDS APPLICABLE TO PUBLIC RIGHTS-OF-WAY, AMENDING CHAPTER XII – MISCELLANEOUS PROVISIONS REGARDING CONSTRUCTION PARKING; PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the Town Council authorized the creation of the Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements by Ordinance 11-94 on July 12, 1994; and

WHEREAS, the Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements is reviewed from time to time and may be modified by Resolution of the Town Council; and

WHEREAS, the Town has determined that it is necessary to amend Chapter XXI – Miscellaneous Provisions, Construction Parking, Page 57, Paragraph 1 to add the following language as Sentence 3:

In the event parking is needed for construction related personnel in excess of the construction site's capability or the three (3) permits allowed, "car and/or truck pooling" shall be facilitated from permitted off-street parking lots and/or off-island locations. No on-street parking spaces within the Town shall be utilized for these purposes with the exception of spaces permitted by the Placard Parking Program.

WHEREAS, the Town has determined that it is necessary to amend Appendix "C", Non-Metered Space (excluding Worth Avenue) to include the following language:

\$ 75.00	per vehicle up to three (3) days, three (3) vehicles maximum
\$ 15.00	per day thereafter
\$200.00	per month, per vehicle, three (3) vehicles maximum

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of March 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Resolutions

Agenda Title

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

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

- [Memorandum Dated February 29, 2016, from Jay Boodheshwar, Deputy Town Manager](#)
- [Resolution No. 33-2016](#)
- [RFQ No. 19-2016 Bid Tabulation](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Award of RFQ No. 19-2016 for Information Technology Support Services
Resolution No. 33-2016

Date: February 29, 2016

STAFF RECOMMENDATION

Staff recommends Town Council adopt Resolution No. 33-2016, terminating the agreement with Evolvtec and awarding a new agreement to Auxis, LLC, for Request for Quotes (RFQ) No.19-2016 and approving a purchase order to Auxis, LLC in the amount of \$120,000, for information technology (IT) support services for the Office of Information Technology.

GENERAL INFORMATION

At the December 8, 2015, Town Council meeting a contract was awarded to Evolvtec via Resolution No. 188-2016 for IT support services. After two months of working with Evolvtec staff would like to terminate its contract and award an agreement with the next lowest bidder, Auxis, LLC. In accordance with the State of Florida IT Consulting Services Contract, No. 973-561-10-1 (which is the contract piggybacked upon by the Town for these services), the Town may cancel its agreement with Evolvtec with or without reason per its Termination for Convenience clause.

As previously reported, staff is in the process of evaluating the Town's current IT organizational structure to determine what (if any) changes should be made to position it for long term success. To allow staff sufficient time to finalize its organizational assessment while providing the necessary IT support services to ensure the Town's technology needs are being met, RFQ No. 19-2016 was issued to obtain pricing in accordance with State of Florida Contract No. 973-561-010-1, Project Area 3: Operational and Support, for the provision of IT support services to augment Town staff.

The RFQ requested pricing for a variety of services, including:

- | | |
|---------------------------|--|
| 1. Network Support | 4. Storage & Data Protection |
| 2. Windows Server Support | 5. Infrastructure Applications Support |
| 3. Virtualization Support | 6. SQL Database Support |

7. Desktop Support
8. Business Applications Support
9. IT Management Support

10. Monitoring
11. Remote Service Desk

Five (5) proposals were received from companies under State Contract 973-561-010-1, to complete said tasks. The proposal received from Evolvtec was initially determined to be the lowest responsive bid and Auxis, LLC was second. See attached tabulation.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department. Cancellation of the agreement with Evolvtec and award of RFQ No. 19-2016 to Auxis, LLC is hereby recommended.

TOWN ATTORNEY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency.

FUNDING/FISCAL IMPACT

Funding for the IT support services will be fully contained in the FY2016 Information Technology operating budget, through savings from the two vacant positions and deferment of certain expenditures that were originally planned for FY2016. The requested \$120,000 is a not to exceed number to ensure service gaps are met through the end of FY2016. No additional appropriation is required at this time.

Attachments

Cc: Department Directors
Jim Palmer, Acting Information Systems Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 33-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TERMINATING THE AGREEMENT WITH EVOLVTEC; AND AWARDING AN AGREEMENT TO AUXIS, LLC IN THE AMOUNT OF \$120,000 FOR THE PROVISION OF INFORMATION TECHNOLOGY SUPPORT SERVICES FOR THE OFFICE OF INFORMATION TECHNOLOGY, AS OUTLINED IN RFQ NO. 19-2016; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE TOWN.

* * * * *

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 of Palm Beach, RFQ No. 19-2016, is hereby rescinded from Evolvtec and awarded to the next lowest bidder, Auxis, LLC, in the amount of \$120,000, for the provision of Information Technology support services for the Office of Information Systems.

Section 2. The Town Manager is hereby authorized to execute a contract on behalf of the Town of Palm Beach for the provision of information technology support services with Auxis, LLC.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further legal actions as may be necessary to effectuate the provision of information technology support services to the Town of Palm Beach.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of March, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

**TOWN OF PALM BEACH****RFQ No. 19-2016****Information Technology
Support Services
TABULATION**

TOWN OF PALM BEACH													
RFQ No. 19-2016													
Information Technology Support Services													
TABULATION													
Vendor:			Aptuity Solutions		Auxis, LLC		Bell Techlogix, Inc.		EvolvTec (formerly BLM Technologies of Florida)		Naztec International Group, LLC		
Address:			2765 W. Cypress Creek Rd. Suite C		8151 Peters Rd. Third Floor		4400 W. 96th Street		4370 Oakes Road, Suite 700		8983 Okeechobee Blvd., Ste. 202-125		
Telephone:			Fort Lauderdale, FL 33309		Plantation, FL 33324		Indianapolis, IN 46268		Fort Lauderdale, FL 33314		West Palm Beach, FL 33411		
Fax:			954-254-0993		954-236-4000		317-608-5879		954-5521 x203		561-802-4110 x101		
Contact:			954-756-8074		954-236-6853		(none)		954-587-7210		866-434-6471		
			Jay Provenzano		Jose Alvarez		Tim Wheeler		Jim Jones		Sal Pazhoor		
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
1	Network Support	24	Hourly	\$ 115.00	\$ 2,760.00	\$ 92.00	\$ 2,208.00	\$ 125.00	\$ 3,000.00	\$ 65.00	\$ 1,560.00	\$ 65.00	\$ 1,560.00
2	Windows Server Support	40	Hourly	\$ 75.00	\$ 3,000.00	\$ 81.00	\$ 3,240.00	\$ 125.00	\$ 5,000.00	\$ 50.00	\$ 2,000.00	\$ 70.00	\$ 2,800.00
3	Virtualization Support	40	Hourly	\$ 115.00	\$ 4,600.00	\$ 81.00	\$ 3,240.00	\$ 125.00	\$ 5,000.00	\$ 95.00	\$ 3,800.00	\$ 85.00	\$ 3,400.00
4	Storage & Data Protection	20	Hourly	\$ 75.00	\$ 1,500.00	\$ 81.00	\$ 1,620.00	\$ 125.00	\$ 2,500.00	\$ 85.00	\$ 1,700.00	\$ 55.00	\$ 1,100.00
5	Infrastructure Applications Support	24	Hourly	\$ 75.00	\$ 1,800.00	\$ 81.00	\$ 1,944.00	\$ 100.00	\$ 2,400.00	\$ 50.00	\$ 1,200.00	\$ 75.00	\$ 1,800.00
6	SQL Database Support	28	Hourly	\$ 150.00	\$ 4,200.00	\$ 103.00	\$ 2,884.00	\$ 125.00	\$ 3,500.00	\$ 60.00	\$ 1,680.00	\$ 85.00	\$ 2,380.00
7	Desktop Support	70	Hourly	\$ 75.00	\$ 5,250.00	\$ 56.00	\$ 3,920.00	\$ 100.00	\$ 7,000.00	\$ 55.00	\$ 3,850.00	\$ 55.00	\$ 3,850.00
8	Business Applications Support	26	Hourly	\$ 150.00	\$ 3,900.00	\$ 96.00	\$ 2,496.00	\$ 100.00	\$ 2,600.00	\$ 60.00	\$ 1,560.00	\$ 70.00	\$ 1,820.00
9	IT Management Support	12	Hourly	\$ 150.00	\$ 1,800.00	\$ 124.00	\$ 1,488.00	\$ 125.00	\$ 1,500.00	\$ 60.00	\$ 720.00	\$ 49.00	\$ 588.00
10	Monitoring	1	Lump Sum/ Month	\$ 7,250.00	\$ 7,250.00	\$ 2,356.00	\$ 2,356.00	\$ 14,501.00	\$ 14,501.00	\$ 2,500.00	\$ 2,500.00	\$ 12,800.00	\$ 12,800.00
11	Remote Service Desk	1	Lump Sum/ Month	\$ 1,750.00	\$ 1,750.00	\$ 12,000.00	\$ 12,000.00	\$ 4,300.00	\$ 4,300.00	\$ 7,500.00	\$ 7,500.00	\$ 14,200.00	\$ 14,200.00
Total				\$	37,810.00	\$	37,396.00	\$	51,301.00	\$	28,070.00	\$	46,298.00

LOWEST

Quote states: Our bid would require for monitoring and remote desk to be a combined package.

Extended Total differs from quote submitted (Unit Price prevails)

Extended Total differs from quote submitted (Unit Price prevails)

Quote states: One-Time Setup of \$4,150 for Line 10 & \$18,000 for Line 11

Received 'No-Bid' responses from:
AAJ Computer Services, Inc.
Unisys Corporation

Also requested quotes from (No Response):

CommerNet
Radgov, Inc.
Millennium Technology Group
Brightwing
Radise International
Insight Public Sector, Inc.
TopSource - No longer in business

TOWN OF PALM BEACH

Town Council Meeting on: March 8, 2016

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 34-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of an Agreement Between the Town of Palm Beach and AT&T in the Amount of \$1,644.50 per Month, for a Maximum of 24 Months, for the Provision of Telephone Service Circuits and Related Service Components for the Town's Cisco Phone System; and Authorizing the Town Manager to Execute Said Agreement on Behalf of the Town

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

- [Memorandum Dated February 29, 2016, from Jay Boodheshwar, Deputy Town Manager](#)
- [Resolution No. 34-2016](#)
- [Exhibit A - Agreement](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Approval of Extension to Agreement with AT&T for Provision of Telephone Circuits and Related Service Components
Resolution No. 34-2016

Date: February 29, 2016

STAFF RECOMMENDATION

Staff recommends Town Council adopt Resolution No. 34-2016, approving an extension to the agreement between the Town of Palm Beach and AT&T for the provision of telephone service circuits and related service components in the amount of \$1,644.50 per month for a maximum of 24 months and not to exceed \$39,468.

GENERAL INFORMATION

The Town's agreement with AT&T to provide telephone service via two Primary Rate Interface (PRI) lines and related components for our Cisco phone system has come to an end. AT&T has offered to extend said agreement at the current rates for up to 24 months for the services in which they currently provide. During this 24-month period, staff will be working with AT&T representatives to evaluate existing services in an attempt to reduce costs and improve overall service.

TOWN ATTORNEY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency.

FUNDING/FISCAL IMPACT

Funding for the services provided by AT&T is fully contained in the FY2016 Information Technology operating budget

Attachments

Cc: Jim Palmer, Acting Information Systems Manager

RESOLUTION NO. 34-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE EXTENSION OF AN AGREEMENT BETWEEN THE TOWN OF PALM BEACH AND AT&T IN THE AMOUNT OF \$1,644.50 PER MONTH, FOR A MAXIMUM OF 24 MONTHS, FOR THE PROVISION OF TELEPHONE SERVICE CIRCUITS AND RELATED SERVICE COMPONENTS FOR THE TOWN'S CISCO PHONE SYSTEM; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE TOWN.

* * * * *

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

Section 1. An extension to the agreement between the Town of Palm Beach and AT&T for the provision of telephone service circuits and related service components is hereby approved in the amount of \$1,644.50 per month for a maximum of 24 months and not to exceed \$39,468, as outlined in Exhibit A.

Section 2. The Town Manager is hereby authorized to execute an agreement on behalf of the Town of Palm Beach for the provision of telephone circuits and related service components with AT&T.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further legal actions as may be necessary to effectuate the provision of the required telephone circuits and related service components to the Town of Palm Beach.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 8th day of March, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member



BELLSOUTH® PRIMARY RATE ISDN SERVICE
AT&T ILEC Pricing Schedule Provided Pursuant To Custom Rates and Terms
AL, FL, GA, KY, LA, MS, NC, SC, TN

AT&T MA Reference No. _____

Customer	AT&T
Town of Palm Beach Street Address: 360 S County Road City: Palm Beach State/Province: FL Zip Code: 33480 Country: USA	AT&T ILEC Service-Providing Affiliate
Customer Contact (for Notices)	AT&T Contact (for Notices)
Name: Jim Palmer Title: Interim It Street Address: 360 S County Road City: Palm Beach State/Province: FL Zip Code: 33480 Country: USA Telephone: (561) 227-6311 Fax: Email: JPalmer@TownofPalmBeach.com Customer Account Number or Master Account Number: 561 838 5400 322	Name: Evelyn Wulff Street Address: 13450 W Sunrise Blvd City: Sunrise State/Province: FL Zip Code: 33323 Country: USA Telephone: 9548381823 Fax: 8664173607 Email: ew0435@att.com Sales/Branch Manager: Angela Muniz Rutherford SCVP Name: Phil Hinson Sales Strata: Southeast Sales Region: Southeast <u>With a copy (for Notices) to:</u> AT&T Corp. One AT&T Way Bedminster, NJ 07921-0752 ATTN: Master Agreement Support Team Email: mast@att.com
AT&T Solution Provider or Representative Information (if applicable) ☐	
Name: _____ Company Name: _____ Agent Street Address: _____ City: _____ State: _____ Zip Code: _____ Telephone: _____ Fax: _____ Email: _____ Agent Code: _____	

This BellSouth® Primary Rate ISDN Service Pricing Schedule is a Pricing Schedule under the Master Agreement between AT&T and Customer, and is part of such Agreement. Customer requests that its identity be kept confidential and not be publicly disclosed by AT&T or by any regulatory commission, unless required by law.

Customer (by its authorized representative)	AT&T (by its authorized representative)
By:	By:
Printed or Typed Name: Tom Bradford	Printed or Typed Name:
Title: Town Manager	Title:
Date:	Date:

BELLSOUTH® PRIMARY RATE ISDN SERVICE
AT&T ILEC Pricing Schedule Provided Pursuant To Custom Rates and Terms
AL, FL, GA, KY, LA, MS, NC, SC, TN

1. SERVICE, SERVICE PROVIDER AND SERVICE PUBLICATION

Service	BellSouth® Primary Rate ISDN - Voice/Data Standard Service	
Service Provider (Check one option only)	Service Publication (incorporated by reference)	Service Publication link
☐ AT&T Alabama	AT&T Alabama Service Publications, including General Exchange Guidebook, Section A42.3	http://cpr.att.com/pdf/al/product_line.htm
☒ AT&T Florida	AT&T Florida Service Publications, including General Exchange Guidebook, Section A42.3	http://cpr.att.com/pdf/fl/product_line.htm
☐ AT&T Georgia	AT&T Georgia Service Publications, including General Exchange Guidebook, Section A42.3	http://cpr.att.com/pdf/ga/product_line.htm
☐ AT&T Kentucky	AT&T Kentucky Service Publications, including General Exchange Guidebook, Section A42.3	http://cpr.att.com/pdf/ky/product_line.htm
☐ AT&T Louisiana	AT&T Louisiana Service Publications, including General Exchange Guidebook, Section A42.3	http://cpr.att.com/pdf/la/product_line.htm
☐ AT&T Mississippi	AT&T Mississippi Service Publications, including General Exchange Guidebook, Section A42.3	http://cpr.att.com/pdf/ms/product_line.htm
☐ AT&T North Carolina	AT&T North Carolina Service Publications, including General Exchange Guidebook, Section A42.3	http://cpr.att.com/pdf/nc/product_line.htm
☐ AT&T South Carolina	AT&T South Carolina Service Publications, including General Exchange Price List, Section A42.3	http://cpr.att.com/pdf/sc/product_line.htm
☐ AT&T Tennessee	AT&T Tennessee Service Publications, including General Exchange Price List, Section A42.3	http://cpr.att.com/pdf/tn/product_line.htm

2. PRICING SCHEDULE TERM AND EFFECTIVE DATES

Pricing Schedule Term	24 months
Pricing Schedule Term Start Date	When only New Service is included in this Agreement: at Cutover of the first Service Component Existing Services are included: on the Effective Date (This applies even when new Service Components are added.)
Effective Date of the Rates and Discounts	Pricing Schedule Term Start Date
Expiration Date of the Rates and Discounts	Upon termination or expiration of the Pricing Schedule Term
Rates Following Expiration or Termination of Pricing Schedule Term	Service Publication monthly rates in effect at time of expiration or termination of Pricing Schedule Term



BELLSOUTH® PRIMARY RATE ISDN SERVICE
AT&T ILEC Pricing Schedule Provided Pursuant To Custom Rates and Terms
AL, FL, GA, KY, LA, MS, NC, SC, TN

3. MINIMUM PAYMENT PERIOD

Service Components	Percentage of Monthly Fee Applicable to Calculation of Early Termination Charges	Minimum Payment Period per Service Component
All (except DID numbers)	50%	Until end of Pricing Schedule Term

4. CUSTOMER'S CURRENT ORDER

4.1 Order

Order: (Select one)	☐ New install(s) Only (All Service Components under this Pricing Schedule are new installs) Requested installation date(s)*:
	☒ Existing Service Included (Some or all Service Components under this Pricing Schedule already installed) Existing Circuit ID(s): 80.IPZX.512644.001 and 80.IPZX.512645.001
	☐ Requested Installation Date(s)* for new Service Components, if applicable:
	☐ If applicable, this Pricing Schedule supersedes and replaces in its entirety that certain agreement dated , , entitled .

*Except as otherwise provided in this Pricing Schedule, requested installation date(s) for all new Service(s) purchased under this Agreement shall be no later than 90 days after the Effective Date of this Agreement, unless Customer is an E-Rate Applicant for the Services or AT&T causes delay.

4.2 Service Components, Quantities and Rates

Service Component (USOC)	Quantity	Unit Monthly Recurring Charge (MRC)	Total Monthly Recurring Charge (MRC X Quantity)	Non-recurring Charge
ISDN PRI Interface(s) (PR71V)	2	\$343.00	\$686.00	\$0.00
Access Line(s) (1LD1E)	2	\$130.00	\$260.00	\$0.00
B-Channels (PR7BV)	46*	\$14.00	\$644.00	\$0.00
ISDN PRI Calling Name Delivery Feature(s) ("Calling Name ID") (PR7CN)	1	\$10.00	\$20.00	\$0.00
Telephone Numbers (DID Numbers) (PR7TF) (North Carolina PR7TG)	345	\$0.10	\$34.50	\$0.00
Interoffice Channel(s) (if applicable) – total number of miles (based on airline miles attributed to each access line) (1LN1B)	0	Select one	\$0.00	\$0.00
Interoffice Channel(s) (if applicable) – total number of channels (based on one per access line) (1LN1A)	0	\$0.00	\$0.00	\$0.00
Total Charges for PRI Interface(s), Access Line, B-Channel(s), PRI Calling Name Delivery Feature(s), DID Telephone Numbers, and Interoffice Channel(s):			\$1644.50	\$0.00

* Minimum 23 B-Channels (PR7BV), per PRI Interface
 In the event that any total amounts conflict with any per-unit rates in the table above, the per-unit rates shall control.

4.3 Subsequent DID Numbers, B-Channels, Calling Name ID. Customer and AT&T may agree to add DID Numbers, B-Channels and/or Calling Name ID Services under the rates in this Pricing Schedule after Cutover of the associated ISDN PRI Service Component(s), but only if the Customer requested installation date is more than 90 days before the end of the Pricing Schedule Term.

BE_PRI_SDA_24_36_ps_se ETF Waiver	AT&T and Customer Confidential Information Page 3 of 5	SDA ILEC v.10/24/14
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BELLSOUTH® PRIMARY RATE ISDN SERVICE
AT&T ILEC Pricing Schedule Provided Pursuant To Custom Rates and Terms
AL, FL, GA, KY, LA, MS, NC, SC, TN

4.4 Service Sites and Circuit Quantity. Service may not be installed outside the territory that the Service Provider is authorized to provide the Service, or at a carrier hotel, a collocation cage or any similar location. The demarcation point for Service at each Customer Site must be within 60,000 feet of the AT&T serving central office.

Site	Quantity of Circuits per Site	Service Site – Street address	City (in same state as Service Provider in Section 1)
1	2	360 S County Road	Palm Beach
2	0	[N/A or Enter Service Location address]	[N/A or Enter City]
3	0	[N/A or Enter Service Location address]	[N/A or Enter City]
4	0	[N/A or Enter Service Location address]	[N/A or Enter City]
5	0	[N/A or Enter Service Location address]	[N/A or Enter City]
6	0	[N/A or Enter Service Location address]	[N/A or Enter City]
7	0	[N/A or Enter Service Location address]	[N/A or Enter City]
8	0	[N/A or Enter Service Location address]	[N/A or Enter City]
9	0	[N/A or Enter Service Location address]	[N/A or Enter City]
10	0	[N/A or Enter Service Location address]	[N/A or Enter City]

(If additional locations apply, please attach on a separate page. BTNs and CLLI may be attached separately instead of addresses.)

5. ADDS

Customer may order Service Components at the same Site(s) as the Service Components identified in section 4.2, in excess of quantities listed in Section 4.2, if installed no later than 6 months after the Effective Date; except, Service Components identified in Section 4.3 may be installed until 90 days prior to end of the Pricing Schedule Term.

6. USE OF SERVICE

Customer may not use the Service to bypass the switched access charges that must be paid to a local telecommunications company for the termination or origination of international, interLATA or intraLATA calls. If Customer uses the Service to bypass such switched access charges, Customer must compensate AT&T for any resulting switched access charges that AT&T is obligated to pay or entitled to collect. This Customer obligation shall not be capped or limited in any fashion.

7. GENERAL TERMS

If agreed to by the parties, this Agreement may be superseded and replaced by a new term agreement that includes all the Service Components then being purchased by Customer under this Agreement and no early termination charges shall apply, if the new term agreement also includes:

- (i) an effective date within 180 days before the expiration of the Pricing Schedule Term; or,
- (ii) (a) a term equal to or greater than the remainder of the Pricing Schedule Term, and (b) the Service Components, Quantities and Rates for replacement agreement are equal to or greater than the Service Components, Quantities and Rates in this Pricing Schedule.



**BELLSOUTH® PRIMARY RATE ISDN SERVICE
AT&T ILEC Pricing Schedule Provided Pursuant To Custom Rates and Terms
AL, FL, GA, KY, LA, MS, NC, SC, TN**

8. EARLY TERMINATION

If Customer migrates an AT&T ILEC PRI Service or Service Component, including DS1 used as transport for AT&T ILEC PRI Service (the "Terminated ILEC Service") to a qualifying AT&T Business Voice over IP (BVoIP) Service, then AT&T will waive the Early Termination Charge directly resulting from terminating the Terminated ILEC Service if:

- (1) the Terminated ILEC Service has been installed at the Customer site for no fewer than 12 months;
- (2) the term for the replacement agreement is equal to or greater than the remaining term for the Terminated ILEC Service;
- (3) the replacement AT&T BVoIP Service is installed or available at the same Customer sites as the Terminated ILEC Service; and
- (4) activation of the replacement AT&T BVoIP service at the Customer site occurs within 90 days of termination of the Terminated ILEC Service at that Customer site.

9. NOTICE OF WITHDRAWAL

Service and Service Component Withdrawals during Pricing Schedule Term	
Prior Notice Required from AT&T to Withdraw and Terminate a Service	12 months
Prior Notice Required from AT&T to Withdraw and Terminate a Service Component	120 days

<i>For AT&T internal use only</i>	
Billing Telephone Number for Existing service, if applicable:	
SDA Code:	BIGE22
ECATS/AT&T Contract ID No.:	

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

Consent Other

Agenda Title

Ordinance No. 4-2016 5:01

Presenter

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

Supporting Documents

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

ATTACHMENTS:

Description	Type
Memorandum Dated February 23, 2016 from John S. Page, Director of Planning, Zoning and Building	Memo

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

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

Date: February 23, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council conduct the public hearings on Ordinance No. 4-2016 at the Town Council meetings at which the proposed Ordinance is to be heard prior to 5:00 p.m. The proposed Ordinance will be heard on first reading at the March 9, 2016 meeting, and it is anticipated that the second reading will be on April 13, 2016.

GENERAL INFORMATION

Florida Statutes require the Town Council to hold at least one of two public hearings to adopt a comprehensive plan amendment or zoning amendment ordinance after 5:00 p.m. However, the Statute provides that the time can be changed if a majority plus one of the local governing body elect to have a hearing at another time. Staff is requesting that the Town Council elect to conduct the public hearings on Ordinance No. 4-2016 during the course of the normal Council business. The first reading of the proposed Ordinance will be on March 9, 2016, and it is anticipated that the second reading will be on April 13, 2016. Both public hearings may occur before 5:00 p.m.

TGB:jsp:pc

cc: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Veronica B. Close, AICP, Asst. Director of Planning, Zoning and Building
Paul W. Castro, AICP, Zoning Administrator
zf

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

C. - 2.

Agenda Title

Retirement Board of Trustees Appointments

Presenter

William P. Hanes, Pension Administrator

Supporting Documents

Retirement Board of Trustees Appointments

ATTACHMENTS:

Description	Type
Memorandum Dated March 8, 2016, from William P. Hanes, Pension	Memo
Ballot for appointment of members TOPB Retirement System March 8, 2016	Ballot
TOPB Retirement Board of Trustees Roster	Other
Attendance Record	Other

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: William P. Hanes, Pension Administrator

Re: Retirement Board of Trustees Appointments

Date: March 8, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council appoint two members 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.

Two applications have been received and submitted for review and appointment.

These appointments are to fill terms concluding March 31, 2019.

Attachments

C: Danielle Olson, Director of Human Resources

**BALLOT FOR APPOINTMENT OF MEMBERS
TO THE TOWN OF PALM BEACH RETIREMENT SYSTEM
BOARD OF TRUSTEES
Town Council Meeting on March 8, 2016**

Positions to be filled:

2 Members Term to Expire 03/31/2019

Please select Two applicants

Applications Submitted By:

_____ Mr. Bradford D. Kaufman _____ Term ending 3/31/19

_____ Mr. Jeffrey S. Amling _____ Term ending 3/31/19

Signature of Town Council Member: _____



Town of Palm Beach

RETIREMENT BOARD ROSTER

Town Appointees

C.Gerald Goldsmith, Co-Chairman	Appointed April 1, 2014 for 3 year term
Wilbur L. Ross Jr., Co-Chairman	Appointed April 1, 2014 for 3 year term
Daniel W. Stanton	Appointed April 1, 2015 for 3 year term
Bradford D. Kaufman	Appointed November 10, 2015 to fill unexpired term*
Vacant	Term expires March 31, 2016

Employee Elected

Brett Madison-General Group, Secretary	Elected April 1, 2015 for 3 year term
Michael Marx-Firefighter Group	Elected April 1, 2014 for 3 year term
Daniel Wilkinson -Police Officer Group	Elected November 2014 to fill unexpired term*

Thomas Bradford, Town Manager	Serves Ex Officio
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*Term ends March 31, 2016

**TOWN OF PALM BEACH
RETIREMENT SYSTEM BOARD**

ATTENDANCE RECORD 2014/2015

MEMBERS	11/21/14	2/20/15	5/15/15	8/21/15	11/20/15	12/14/15- Special Meeting			
Goldsmith	P	P	P	P	P	P			
Ross	P	P	P	P	P	P			
Kaufman	N/A	N/A	N/A	N/A	P	P			
Madison	P	P	P	P	P	P			
Wilkinson	P	P	P	P	P	P			
Marx	P	P	P	P	P	P			
Bradford		P	P	P	P	P			
Daniel Stanton			*	P	P	P			

Legend: S=Special Meeting, P=Present, E=Excused, U=Unexcused, A=Absence pending classification as excused or unexcused

Allowed 2 unexcused absences per 12 month period

Special Meetings are not subject to the attendance policy

*Daniel Stanton appointed 4-1-15 will not be sworn in until the 8-21-15 meeting of the Board

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

C. - 3.

Agenda Title

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

Presenter

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

Supporting Documents

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

ATTACHMENTS:

Description	Type
Memorandum dated March 1, 2016, from H. Paul Brazil, P.E., Director of Public Works	Memo

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Town Square - Acceptance of Donation
Accelerated Capital Improvement Program - Phase 2

DATE: March 1, 2016

STAFF RECOMMENDATION

Staff recommends that Town Council accept the anonymous donation of two (2) tables and six (6) chairs for Memorial Park. Staff also recommends Town Council allow Public Works the flexibility to add two (2) additional tables and six (6) additional chairs at a later date, should the need arise.

GENERAL INFORMATION

The Town Square Park currently has two (2) tables. Each table has three (3) chairs. Public Works has received several requests from residents to add additional seating. The anonymous donor has generously offered to donate the funds needed.

If approved, we will add two (2) tables and six (6) chairs that will match the existing 24" round tables, and side chairs. The specified tables and chairs were approved by the Landmarks Preservation Commission and Town Council as part of the Town Square Phase II Project. The estimated value of the new tables and chairs is \$3,310.

Public Works has also requested the flexibility to add up to two (2) additional tables and six (6) additional chairs at a future time should the need arise.

FUNDING/FISCAL IMPACT

There is no current funding impact.

PURCHASING REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
William K. Francis, P.E., Town Engineer
Patricia Strayer, P.E., Senior Project Engineer
Michael Roach, P.E. Project Engineer
Adis Pedraza, Purchasing Manager

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

IX. - A.

Agenda Title

LPC Annual Report

Presenter

Edward Austin Cooney, Chair

Supporting Documents

Landmarks Preservation Commission Annual Report

ATTACHMENTS:

Description	Type
Memorandum Dated February 19, 2016, from John S. Page, Director of Planning, Zoning and Building	Memo
Landmarks Preservation Commission Annual Report	Report

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Annual Report - Landmarks Preservation Commission

Date: February 19, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council hear the presentation of the Annual Report for 2015 by Edward Austin “Ted” Cooney, Chairman of the Landmarks Preservation Commission (LPC).

GENERAL INFORMATION

Attached is a summary of the activities of the Landmarks Preservation Commission for the past year. Edward Austin “Ted” Cooney, the Chairman of the Landmarks Preservation Commission, is prepared to address the Town Council with additional comments regarding the Commission’s activities, and to answer any questions.

Attachment

cc: Edward Austin Cooney, Chairman, Landmarks Preservation Commission
Landmark Preservation Commission
John Lindgren, AICP, Planning Administrator

Landmarks Preservation Commission - Annual Report 2015

The Commission held 12 regularly scheduled meetings in 2015, and had an average attendance rate of 86% with a total of 17 absences for the year (11 excused, and 6 unexcused).

The Commission reviewed 49 Certificates of Appropriateness, including C.O.A.'s for The Breakers, the Everglades Club, the Four Arts Plaza, the First National Bank building, the Southern Bridge Replacement, and the Town Hall Square Historic District/Memorial Fountain Landscape/Hardscape project. The Commission also audited the private provider work relative to the unfortunate and difficult issue of demolition work that occurred at 105 Clarendon Avenue.

Nine new properties were placed “under consideration” for landmarking by the Commission during 2015. The Commission was able to conduct ten new designation hearings prior to the end of the year. Seven properties at – 233 Clarke Avenue, 17 Middle Road, 311 South County Road, 211 Royal Poinciana Way, 283 Royal Poinciana Way, 122 Kings Road, and 123 Kings Road – were landmarked according to the Town’s program. One historic district (Regents Park Historic District) was also created according to the Town’s program. One additional property (255 Royal Poinciana Way/Main Street News) and one additional district (Parc Monceau – 7 homes on Parc Monceau) were reviewed by the Commission, but were not recommended to Town Council for landmarking.

The Commission conducted 14 informal reviews of zoning applications for recommendation to the Town Council.

On behalf of the Commission, staff conducted 90 approvals of minor projects and revisions, which was a 29% increase from the previous year.

Staff conducted Member Orientation Meetings to review procedures and inform new members of ordinances, policies and procedural matters that they will encounter in future meetings.

Seven tax abatement projects were reviewed by the Commission during the year. Two tax abatements were concluded, ratified by the Town Council and forwarded to Palm Beach County and the Tax Appraiser's office for implementation. These tax abatements were for 1 South County Road (The Breakers Tower project), and 350 Worth Avenue (Phase 3 of the Everglades Club Kitchen Renovation).

The Commission also actively worked on the following issues:

- 1) Reviewed the landscape and hardscape plans for the Town Hall Square Historic District/Memorial Fountain Landscape/Hardscape project.
- 2) Recommended to Town Council that it consider the process of placing Memorial Park and Fountain on the National Register of Historic Places, which was put on hold by Town Council pending the completion of the Town Hall Square Historic District/Memorial Fountain Landscape/Hardscape project.

- 3) Recommended to Town Council that the Royal Poinciana Way Historic District be placed on the National Register of Historic Places, which Town Council pursued, and the national designation was completed.
- 4) Completion of ethics training for new members as mandated by the Town and County.

Commissioners remain enthusiastic and engaged in their volunteer service to the Town, and look forward to the continued preservation of our heritage.

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

X. - A.

Agenda Title

FTC Report 2/8/2016

Presenter

Michael J. Pucillo, Chair

Supporting Documents

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

ATTACHMENTS:

Description	Type
Report of the Finance and Taxation Committee Meeting of February 8, 2016	Report

**REPORT OF THE FINANCE AND TAXATION COMMITTEE
MEETING HELD ON MONDAY, FEBRUARY 8, 2016**

I. CALL TO ORDER AND ROLL CALL

The Finance and Taxation Committee meeting was called to order on February 8, 2016, at 9:34 a.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Pucillo led the Pledge of Allegiance.

III. COMMUNICATIONS FROM CITIZENS – *None*

IV. APPROVAL OF AGENDA

Motion was made by Committee Member Kleid, and seconded by Chair Pucillo, to approve the Agenda. On call for a vote, the motion carried unanimously.

V. DISCUSSION OF POTENTIAL ALTERNATIVE OPTIONS FOR DEFINED BENEFIT PLAN FOR PUBLIC SAFETY EMPLOYEES

Chair Pucillo spoke regarding how the presentation was prepared and the instructions that were given to the Actuary in preparation for the presentation.

Director Struder provided an overview of the different scenarios presented.

Wilbur Ross, 328 El Vedado, Retirement Board of Trustees Co-Chair, expressed his support for solving recruitment and retention issues, but expressed concern that the figures used in the presentation were from 2014.

Discussion ensued regarding when updated figures would be available, reviewing the status of the retirement plan on a long-term basis, and the effect market changes since 2014 would have on the plan.

Actuary Brad Armstrong confirmed that 2015 figures would be available prior to the March 7, 2016, Retirement Board of Trustees meeting.

David Rosow, 1460 N. Lake Way, spoke regarding the importance of obtaining up-to-date data, changing employment market conditions, other municipalities' retirement systems, increasing the multiplier and eliminating the defined contribution plan for public safety employees, putting any changes into place before the next budget cycle, the funding obligation continuing to grow no matter what the Town does, changing course, the Town's discretionary 4% contribution, and the 457K Plan. He recommended a 10% public safety employee contribution, a 2.5% multiplier, and a retirement age of 56.

Discussion ensued regarding the unfunded liabilities under the defined benefit plan, differences in the municipal marketplace, the history of the pension changes, public safety employee culture, market conditions and their effect on the plan, and having the Retirement Board of Trustees look into getting a better investment manager.

By consensus of the Committee, the item was deferred until the 2015 data is available.

VI. RESULTS OF SURVEY CONDUCTED BY THE HUMAN RESOURCE DEPARTMENT [Danielle Olson, Director of Human Resources]

Chair Pucillo provided an overview of the survey and spoke regarding general employees' perceptions regarding the fairness of changing the public safety employees' retirement plan.

Director Olson provided an overview of the results.

Public Safety Director Blouin spoke regarding differences in the survey results depending upon how long the employee has been with the Town, the turnover rate being highest among new employees, 65% of public safety employees having three years or less with the Town, and nearly all senior employees being in the DROP Program.

VII. POLICE FOUNDATION AND CIVIC ASSOCIATION REQUEST [Pat Cooper, Civic Association and Tim Moran, Police Foundation]

John Scarpa, 1676 S. Ocean Blvd, Palm Beach Police Foundation President and Palm Beach Civic Association Member, stated that both the Police Foundation and the Civic Association are proposing to underwrite an independent benefit study for public safety personnel. The study would be conducted by the Mercer Organization, and a final report would be available on or about March 3, 2016.

Pat Cooper, Palm Beach Civic Association, added that the study will look at the Town's total compensation and pension benefits and compare them to those of other municipalities.

Tim Moran, 257 Dunbar Rd., Palm Beach Police Foundation, stated that the study would only include general employees if the results indicate that public safety and general employees are treated the same in other municipalities.

Discussion ensued regarding different mentalities, concerns, and expectations between public safety and general employees, trying to get as much data as possible within the specified timeframe, public relations problems if the study focuses only on public safety personnel, what question the Police Foundation and Civic Association want Mercer to answer, whether the study will be limited to Palm Beach agencies, what will be included in the study, how intangible benefits are to be evaluated, working closely with Staff during the study, having Staff review the draft report, looking into what organizations employees are leaving the Town to join, costs involved in the study, and study timing.

Chair Pucillo stated the importance of finalizing Mercer's recommendations before preparation of next year's budget. He stated that the Committee will meet in March to make recommendations for the Town Council's consideration in April.

Discussion ensued regarding future Committee meeting dates, whether the report will compare Town salaries with those of the other municipalities, the final report including a series of options without costs attributed to them, and concerns over the timing of the recommendations and getting cost estimates before next year's budget process begins.

Gerry Frank, 2784 S. Ocean Blvd., Civic Association and Police Foundation Member, spoke regarding the Civic Association's recent survey results showing that safety is one of the main reasons people choose to live in Palm Beach and spoke in support of raising taxes if needed to address public safety personnel recruitment and retention.

Discussion ensued regarding opposition to any tax increase, the need for public safety to be the Town's goal, and the ability to find a revenue neutral solution to these matters.

It was the consensus of the Committee to recommend that the Town Council approve the proposal made by the Palm Beach Civic Association and Palm Beach Police Foundation and to accept their donation to underwrite a compensation and benefit study for public safety personnel.

VIII. ANY OTHER MATTERS

Chair Pucillo stated to Director of Public Safety Blouin that the Committee understands the problem, and that it is committed to dealing with the issue.

1 **IX. ADJOURNMENT**

2
3 There being no further business, the Finance and Taxation Committee meeting of
4 Monday, February 8, 2016, was adjourned at 11:07 a.m.
5

6
7 APPROVED:
8

9
10
11 _____
12 Michael J. Pucillo
13 Chair
14

15
16 ATTEST:

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

Date

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

X. - B.

Agenda Title

ORS Report 2/4/2016

Presenter

Danielle H. Moore, Co-Chair

Supporting Documents

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

ATTACHMENTS:

Description	Type
Report of the Ordinances, Rules, & Standards Committee Meeting of February 4, 2016	Report

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE
MEETING HELD ON THURSDAY, FEBRUARY 4, 2016**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on February 4, 2016, at 9:30 a.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Moore, and seconded by Chair Townsend, to approve the Agenda. On call for a vote, the motion carried unanimously.

III. COMMUNICATIONS FROM CITIZENS – *None*

IV. REGULAR AGENDA

A. Old Business

1. Update on Private Providers Administrative Procedure (*Bill Bucklew, Building Official*)

Building Official Bucklew provided an overview of the changes made to address Attorney Green's concerns.

By consensus of the Committee, the Private Providers Administrative Procedure was approved.

2. Potential Regulation of Drones (*Nicholas Caristo, Police Lieutenant*)

Lieutenant Caristo provided an overview of the need for drone regulations and the recommendations received from the Federal Aviation Administration's attorney.

Chair Townsend noted that the last line of Section 14-35(d)(c) of the ordinance should read, "aircraft operation [is](#) for personal use."

Discussion ensued regarding the setting of code enforcement provisions for violations, the necessity for licenses or demonstrated ability to operate drones, allowing environmental monitoring activities, the regulations seeming cumbersome, the need to be consistent, handling of time sensitive situations, how long a permit would be good for, needing language that allows for some flexibility in the application process, problems with codifying administrative procedures, possibly deterring legitimate organizations from getting a permit, concerns over the term “specific” in regards to the time and place required on the permit application, whether a certificate of insurance would be required every time a drone is flown or only when the permit application is submitted, redrafting the verbiage under the “Permit Application.” Section, allowing flexibility for environmental monitoring purposes but tightening regulations for other uses, all permits being reviewed by the Police Department, delineating acceptable and non-acceptable reasons for issuance of a permit in the ordinance or allowing the Police Department to make that determination, when to send this ordinance to the Town Council, this item passing on to the next ORS Committee and Committee Member Moore carrying forward Chair Townsend’s concerns regarding the ordinance, not having an ordinance adopted in time for this Season, how many drone-related incidents there have been, and the current Code provision prohibiting the taking off or landing of aircraft in the Town.

By consensus of the Committee, the item was deferred to the March 3, 2016, ORS Committee meeting to allow Staff to make the following amendments:

- **Amend the last line of Section 14-35(d)(c) to read, “aircraft operation is for personal use.”;**
- **Renumber the section entitled “Permit Application.” to Section 14-35(f);**
- **Remove the word “specific” before the words “time” and “place” in the renumbered Section 14-35(f);**
- **Amend the verbiage in the renumbered Section 14-35(f) to be more specific, but less restrictive; and**
- **Renumber the section entitled “Penalty.” to Section 14-35(g)**

3. Chapter 10 - Animals (*Jay Boodheshwar, Deputy Town Manager*)

Deputy Town Manager Boodheshwar provided a history of the recent amendments made to Chapter 10 and stated that this draft of the ordinance addresses the concerns raised by the Outdoor Amusement Business Association (OABA).

Discussion ensued regarding the OABA’s desire to treat all animals the same and their acceptance of the exemption for petting zoo animals.

Chair Townsend passed the gavel in order to make a motion to recommend Town Council approval of the proposed amendments to Chapter 10. The motion was

seconded by Committee Member Moore. Upon call for a vote, the motion carried unanimously.

B. New Business

1. Proposed Changes to Smart Irrigation Regulations (*John Page, Director of Planning, Zoning and Building*)

Director Page provided an overview of the initial review of Smart Irrigation regulations, stated that additional review is needed from Public Works and the irrigation industry before a final recommendation can be made to the Committee, and proposed that the issue be readdressed at the ORS Committee's March 3, 2016, meeting.

Discussion ensued regarding private and public properties being subject the same regulations, Public Works' concerns regarding same, and the importance of water conservation.

By consensus of the Committee, the item was deferred to the March 3, 2016, ORS Committee meeting.

2. Potential Waiver of Charitable Solicitation Fees for Organizations Receiving Funding from the Town (*Susan Owens, Town Clerk*)

Town Clerk Owens provided an overview of the potential waiver of charitable solicitation fees, and recommended that any such waiver be contingent upon the application and all documentation being received on time.

Discussion ensued regarding possible unintended consequences of a blanket fee waiver, regulating fee waivers to safeguard the Town, Town Council concerns regarding a blanket fee waiver, how many fee waivers should be allowed, the number of events held by organizations receiving funding from the Town, and delineating specific types of solicitations that would be eligible for fee waivers instead of limiting the number of fee waivers.

Chair Townsend passed the gavel in order to make a motion to recommend Town Council approval of charitable solicitation permit application fee waivers for the first three events held in any given year by organizations which receive financial support from the Town through its budgeting process, provided that the application and all required documentation is received at least 60 days prior to the proposed effective date of the permit applied for. The motion was seconded by Committee Member Moore. Upon call for a vote, the motion carried unanimously.

V. **ANY OTHER MATTERS** – None

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee meeting of Thursday, February 4, 2016, was adjourned at 10:11 a.m.

APPROVED:

Danielle H. Moore
Co-Chair

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

A. - 1.

Agenda Title

Consideration of Request to Expand Tabby Sidewalks

Presenter

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

Supporting Documents

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

ATTACHMENTS:

Description	Type
Memorandum Dated March 2, 2016, from H. Paul Brazil, P.E., Director of Public Works	Memo
Plans	Other

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Town Square – South County Road Association Request
Accelerated Capital Improvement Program - Phase 2

DATE: March 2, 2016

STAFF RECOMMENDATION

Staff asks for guidance from Town Council as it pertains to South County Road Associations' request for tabby sidewalks from Peruvian Avenue to Chilean Avenue and from Brazilian Avenue to Royal Palm Way.

GENERAL INFORMATION

The South County Road Association is requesting the tabby sidewalks that are a part of the Town Hall Square Phase II project be extended to the north and to the south of the project limits. The extension would be from Chilean Avenue to Peruvian Avenue to the south of the project and from Brazilian Avenue to Royal Palm Way to the north.

Based on the unit costs from the Town Hall Square Phase II project to replace the existing sidewalk with tabby concrete from back of curb to face of building, the estimated costs from Brazilian Avenue to Royal Palm Way is \$500,000, from Chilean Avenue to Peruvian Avenue is \$300,000. Per the Florida Department of Transportation (FDOT) drawings Public Works has on file, the sidewalks are generally half owned by the private building owners. The other half is owned by the FDOT. Costs would be split approximately 50/50 between the Town and the adjacent building property owners. Therefore, the total estimated costs to the South County Road Association would be on the order of \$400,000.

This work could be completed this summer with the next phase of construction. Also, please realize that these estimated costs and the distribution of costs are very preliminary and should be used for planning purposes only.

FUNDING/FISCAL IMPACT

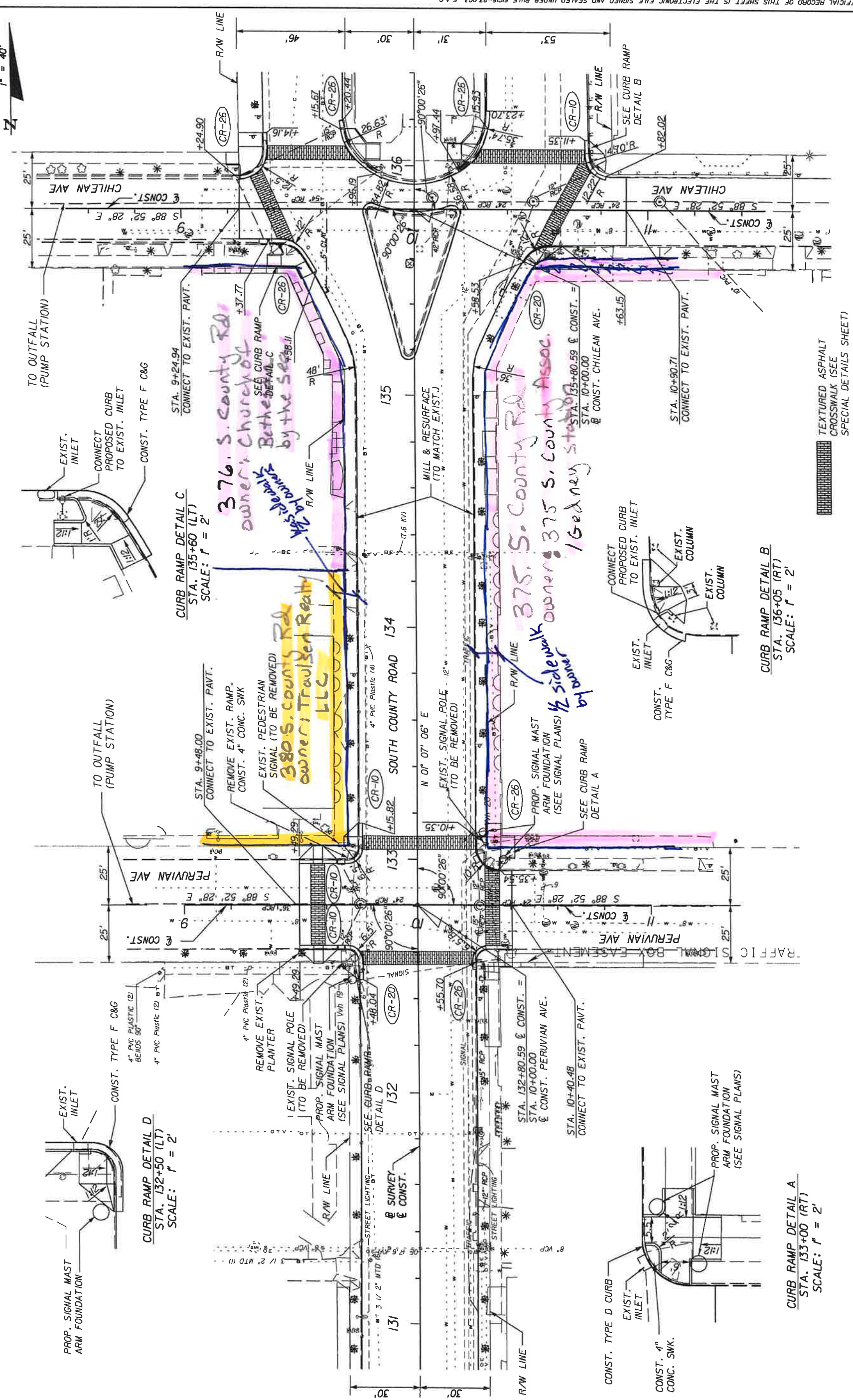
The Town would need funding estimated to be \$400,000 to complete the public portions of the sidewalks to tabby. Assessments may be needed to construct and maintain the new tabby sidewalks. FDOT may pay for basic concrete sidewalks in the right-of-way as portions of the existing sidewalk are in poor shape, but not for tabby and not the costs on private property.

PURCHASING REVIEW

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

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Patti Sans, President, GSCRA
Jane Struder, Director of Finance
William K. Francis, P.E., Town Engineer
Patricia Strayer, P.E., Senior Project Engineer
Michael Roach, P.E. Project Engineer
Adis Pedraza, Purchasing Manager

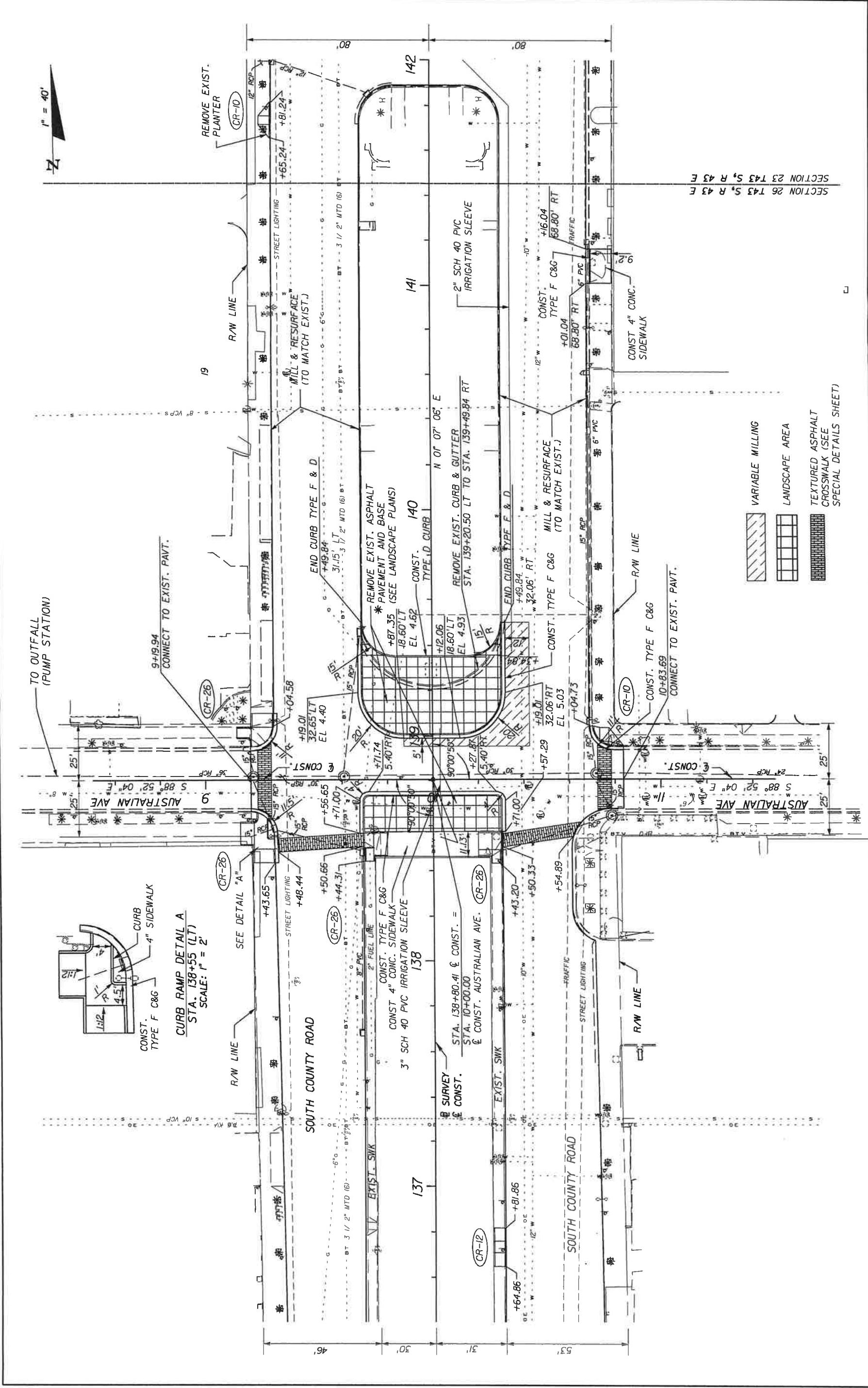


					 Washington Group International Integrated Engineering, Construction, and Management Solutions 8001 FAIRWAY DRIVE, SUITE 280 DEERFIELD BEACH, FL 33441 USA TEL: 561-241-1000 FAX: 561-241-1088 WWW.WASHINGTONGROUP.COM CERTIFICATE OF AUTHORIZATION NO. 00000333 ALAN L. HEDBERG, P.E. ENGINEER OF RECORD P.E. LICENSE NO. 38166		ROAD NO. A/A COUNTY PALM BEACH FINANCIAL PROJECT ID 229749-1-52-01		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION PLAN		SHEET NO. 36	
REVISIONS												
DATE		BY		DESCRIPTION		DATE		BY		DESCRIPTION		

NOTICE: THIS DOCUMENT CONTAINS UNCLASSIFIED INFORMATION EXCEPT WHERE SHOWN OTHERWISE

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REVISIONS				STATE OF FLORIDA			SHEET NO.	
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DEPARTMENT OF TRANSPORTATION	PLAN	
						ROAD NO.	COUNTY	FINANCIAL PROJECT ID
						A/A	PALM BEACH	229749-1-52-01
Washington Group International Integrated Engineering, Construction, and Management Solutions 400 FAIRWAY DRIVE, SUITE 200 DEERFIELD BEACH, FL 33441 USA PH (854) 421-8080 FAX (854) 421-2488 CERTIFICATE OF AUTHORIZATION NO. 00000333 ENGINEER OF RECORD: ALAN L. HEDBERG, P.E. P.E. LICENSE NO. 58165						10/15/2006 7:44:54 AM U:\27570\223749\5201\roadway\plan\rd20.dgn		

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

A. - 2.

Agenda Title

Underground Utilities

Presenter

Supporting Documents

Proposed Townwide Underground Utilities Project
Thomas G. Bradford, Town Manager

a. Consideration of an Appeals Process Ordinance

b. Ratification of the Selection Committee's Recommendation for RFQ No. 2016-07
Professional Engineering Services for the Town-Wide Undergrounding of Utilities
Program

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

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

d. Communications Update

Rick Asnani, Cornerstone Solutions, Inc.

ATTACHMENTS:

Description	Type
a. Memorandum Dated MArch 2, 2016, from Thomas G. Bradford, Town Manager	Memo
Draft Ordinance for Appeals Process	Ordinance
b. Memorandum Dated February 10, 2016, from H. Paul Brazil, P.E., Director of Public Works	Memo
c. Final Ranking - RFQ No. 2016-07	Memo
Peter Brandt Resume	Other
Peter Brandt Engagement Letter	Letter

TOWN OF PALM BEACH

Information for Town Council Meeting on March 8, 2016

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Proposed Townwide Underground Utilities Project

Date: March 2, 2016

STAFF RECOMMENDATION

Staff recommends the Town Council:

- a. Review the draft ordinance prepared by the Town Attorney for a modified appeals process and provide direction in proceeding with ordinance adoption.
- b. Consider the Selection Committee's recommendation to engage Kimley-Horn & Associates for provision of professional engineering services for the townwide underground utilities program pursuant to the RFQ No. 2016 – 07 selection process.
- c. Consider approving the engagement of Peter Brandt, Esq. for negotiation of the engineering services contract anticipated with Kimley-Horn and Associates and providing funding from the general fund contingency in the amount of \$35,000 for the contract negotiation services.
- d. Receive the final communications update from Rick Asnani of Cornerstone Solutions prior to the March 15 referendum.

GENERAL INFORMATION

Consideration of draft ordinance for appeals process for assessments

Section 90 – 49 (c) of the Town Code of Ordinances grants the Town Manager the authority on his or her own initiative or in response to a filed petition from the owner of any assessed property to correct any error in applying the assessment to that particular property. In light of the large number of parcels that may be assessed in the townwide underground utilities project the Town Council decided to amend the appeals process. Town Attorney Randolph has prepared a draft ordinance for your review in this regard. The draft ordinance provides for a property owner to appeal a decision of the town manager to the Town Council if he/she fails to correct any alleged error applying the assessment apportionment method to any particular property, which correction would have reduced the assessment relating to that property. Mr. Randolph's draft ordinance is attached hereto for your review.

Ratification of the selection committee's recommendation for professional engineering services

Please see Mr. Brazil's memorandum which follows pertaining to this subject. **The town will not proceed with this professional engineering services program if the voters reject the bond referendum on March 15.**

Approval of engagement of Peter Brandt, ESQ. for negotiation of engineering services contract and requesting a funding allocation for said services from the general fund contingency in the amount of \$35,000.

The Town has successfully used the services of Peter Brandt on at least two previous occasions to negotiate construction related contracts. Mr. Brandt's services were used to negotiate the Worth Avenue Improvement Project contract with Burkhardt Construction, which was the Town's first CM@Risk contract. Prior to that the Town used Mr. Brandt to negotiate the contract with Hedrick Brothers for the Town Hall Renovation Project. In the previous contract negotiations, the Town spent between \$20,000 and \$28,000 to negotiate the contracts. As this was some time ago, I am requesting \$30,000 at this time from the FY 2016 General Fund Contingency to initiate this work. **This work will not commence if the voters do not approve the bond referendum on March 15.** A copy of Mr. Brandt's letter of engagement and his resume are attached for your review.

Communications Update

Rick Asnani of Cornerstone Solutions, Inc. will provide the Town Council and public with an update of the activities associated with the Town's public information program since your last meeting and describe the final communications to be issued prior to the March 15 referendum.

TGB

ATTACHMENTS

cc: UUTF Members
Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Jane Struder, Director of Finance
Patricia Strayer, Senior Project Engineer
John C. Randolph, Town Attorney
Rick Asnani, Cornerstone Solutions
Jon Cooper, Cornerstone Solutions

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Ratification of the Selection Committee's Recommendation for RFQ No. 2016-07 Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program

Date: February 10, 2016

STAFF RECOMMENDATION

Staff recommends that Town Council ratify the recommendation of the selection committee and the ranking of the firms that responded to RFQ No. 2016-07, Professional Engineering Services, for the Town-Wide Undergrounding of Utilities Program and authorize contract negotiations with Kimley-Horn and Associates, Inc.

GENERAL INFORMATION

The Underground Utilities Task Force ("UUTF") held their first organizational meeting on June 25, 2015, and another meeting on July 7, 2015. At this time, staff was asked to provide information concerning design consultants and construction delivery methods for the program. At their August 4, 2015 meeting, the UUTF concurred with staff that they authorize a selection committee for Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program. On September 10, 2015, Town Council approved the selection committee to evaluate the qualifications submitted by the firms who express an interest in the Town-Wide undergrounding of utilities.

The Town issued a Request for Qualifications (RFQ 2016-07) of Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program on November 8, 2015. The Town received nine (9) proposals on December 18, 2015. The selection committee met on January 22, 2016 with a short list of four (4) firms: Erdman Anthony, Kimley-Horn and Associates, Stanley Consultants Inc., and Stantec Consulting Services Inc.

The selection committee met again on February 5, 2015 for presentations from each of the short listed firms. The attached memorandum from the Purchasing Manager indicates that the recommendation of the selection committee is to award the contract to Kimely-Horn and Associates.

If the Town Council approves of this recommendation, staff will request a proposal for the first phases of work intended to be negotiated by the third party person/entity chosen for this purpose, and staff will return to Town Council for authorization after the Town-Wide referendum and contract negotiations are over.

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with approval of this selection committee.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Selection Committee Members
 Charles Langley, P.E., Senior Project Engineer
 Adis Pedraza, Purchasing Manager



TOWN OF PALM BEACH

MEMORANDUM

DATE: February 5, 2016

TO: H. Paul Brazil, Director – Public Works

FROM: Adis Pedraza, Purchasing Manager 

SUBJECT: Final Ranking – RFQ No. 2016-07 - Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program

The Town received proposals from nine (9) contractors. Four companies were finalists, shortlisted by the Selection Committee – Erdman Anthony; Kimley-Horn and Associates, Inc.; Stanley Consultants Inc.; and, Stantec Consulting Services Inc. The Selection Committee met on February 5, 2016, for presentations and interviews with the shortlisted companies. All members of the committee listed below were present:

Danielle H. Moore – Town Council Member, Public Works Committee Chair
Jeffrey Smith – Chairman of the Underground Utilities Task Force
Jay Boodheshwar – Deputy Town Manager
Jane Struder – Director of Finance
Eric Brown, P.E. – Assistant Director of Public Works
William K. Francis, P.E. – Town Engineer
H. Paul Brazil, P.E. – Director of Public Works (Non-Voting)
Thomas G. Bradford – Town Manager (Non-Voting)
Adis Pedraza – Purchasing Manager (Non-Voting)
Ilyse Triestman – Assistant Purchasing Manager (Non-Voting)
John Cmar – Purchasing Coordinator (Non-Voting)

After thorough consideration of the four (4) finalists' proposals, the Selection Committee arrived at a final ranking as follows:

1. Kimley-Horn and Associates, Inc.
2. Stanley Consultants Inc.
3. Erdman Anthony
4. Stantec Consulting Services Inc.

It is the recommendation of the Selection Committee to award a contract to Kimley-Horn and Associates, Inc. for the Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program.

Cc: File: RFQ No. 2016-07
John Randolph, Town Attorney
Selection Committee Members

PERSONAL PROFILE

Name: Alan C. (Peter) Brandt, Jr.

Employment: Ferencik, Libanoff, Brandt, Bustamante and Goldstein, P.A
150 South Pine Island Road Suite 400
Fort Lauderdale, Florida 33324
Tel: (954) 474-8080 – Fax (954) 474-7343
Email: pbrandt@flbbwlaw.com
<http://www.flbbwlaw.com>

Bar Associations: The Florida Bar
State Bar of Georgia
Broward County Bar Association
American Bar Association

THE FLORIDA SUPREME COURT:

- Former Member, The Florida Bar Board of Governors (Seat No. 1, 2002-2006)
- Member, The Florida Board of Bar Examiners, (1998-2003);
Emeritus Member (2003-present)

Bar Activities: Broward County Bar Association:

- President (2001-2002)
- Board of Directors (1995-2000)
- Construction Law Committee (Founder and Chair, 1993-1995)-current member
- Former Member, various committees (Mediation, Law Library)

The Florida Bar:

- The Florida Bar, Construction Law Committee (RPTL)
- Vice Chair, Florida Bar Construction Certification Committee (2004-2005); member (2004-June, 2010)

American Bar Association:

- American Bar Association (Forum Committee on the Construction Industry)
- Member, various Divisions, Forum Committee

Practice Areas: My practice has been principally devoted to the representation of construction industry clientele (owners, design professionals, sureties and contractors), including

transactional matters, general advice and counsel, and related litigation, arbitration and mediation of disputes, as well as general corporate matters indigenous to that practice.

TEACHING:

- Adjunct instructor, Florida International University, Department of Construction Management, Masters Program, 1993-2000. I periodically taught an elective course on construction law to master's degree candidates, most of whom were industry professionals.

PROFESSIONAL ACCREDITATIONS:

- Qualified Arbitrator, The Florida Supreme Court
- Florida Supreme Court Certified Civil Circuit Mediator
- Board Certified Construction Lawyer, *Florida Bar Board of Legal Specialization and Education*

PUBLICATIONS (The Florida Bar):

- Author, **Florida Construction Law and Practice**, 2nd Edition, December, 1993: Chapter 3 (3.1-3.32), *Rights and Liabilities of Architects and Engineers*, The Florida Bar (Steering Committee)
- Author, *supra*, 1991 (Steering Committee)
- Author, **Construction Litigation in Florida**, 1983: Chapter 3 (3.1-3.30), *Rights and Liabilities of Architects and Engineers*, The Florida Bar (Steering Committee)

OUTLINES AND SEMINARS (The Florida Bar):

- Panel Member, **Alternative Dispute Resolution (*Gladiators Not Welcome: Effective Advocacy in Mediation*)**, February 28, 2013)
- Paper author and speaker, **2nd Annual Construction Law Institute 2009**, March 5-7, 2009 Orlando, Florida (*Surety General Agreements of Indemnity*)
- Outline author and speaker, **1998 Construction Lien Law in Florida**; (*Transfer, Exemptory and Conditional Bonds, August, 1998*)
- Outline author and speaker, **1998 Construction Law Seminar**; (*Advanced Construction Lien, Insurance and Bond issues, May, 1998*)
- Outline author and speaker, **The Florida Construction Lien Law Seminar, Arbitration: Pro and Con**, The Florida Bar, 1990
- Outline author and speaker, **Mechanics' Liens 1979**, *Chapter 713 Bonds*, 1979
- Outline author and speaker, **Mechanics' Lien Practice, Including 1977 Amended Provisions**, *Chapter 713 Bonds*, The Florida Bar, 1977
- Outline author and speaker, **Selected Topics in Construction Bonding**, *The Private Construction Performance Bond*, The Florida Bar, 1977

OUTLINES AND SEMINARS (ABA, Industry Groups, and CLE Vendors):

- The Seminar Group, Program Co-Chair, **4th Annual Construction Law in Florida**, author and presenter: ***“Project Delivery Methods,”*** October 15-16, 2015
- The Seminar Group, Program Co-chair, **3rd Annual Construction Law in Florida**, and presenter: ***Managing Insurance Coverage Issues in Construction Defect Mediation***, October 23-24, 2014
- The Seminar Group, Program Co-chair and presenter: ***Mediating Complex Construction Disputes***, October 16-17, 2013
- The Seminar Group, author and presenter, ***Suretyship and Discreet Challenges Facing Bonding Companies in Florida***, August 11, 2012
- ABA Forum Committee (presenter), ***Expert Witnesses***, September, 2010
- NBI, ***Change Orders*** (author and presenter), 2007
- HMS, ***Legal Issues for Florida Architects*** (author and presenter), 2007
- NBI, ***Averting Chaos on the Job Site: Proactively Understanding Components of a Good Contract*** (author and presenter), 2006
- AGC, ***Construction Liens and Pay Bonds 101***, August 6, 1998
- Outline author and speaker, ***The Payment Bond: Vintage 1998***, 1998
- Outline author, ***Rights and Liabilities of Design Professionals***, 1997; author and speaker, 1996
- Outline author and speaker, *supra*, 1995
- Outline author and speaker, ***Surety Claims and Defenses***, 1994
- Outline author and speaker, *supra*, 1993

OTHER:

- *The Best Lawyers in America* (Construction Law)
- *Lawyer of the Year, 2014, Best Lawyers in America* (Construction Law-Miami District)
- AV rating, *Martindale-Hubbell* (Register of Preeminent Attorneys)
- *Chambers USA Leading Lawyers*
- *Who's Who Legal: Florida*
- *Super Lawyers: Florida*
- *The International Who's Who of Construction Lawyers*
- Frequent presentations to construction industry professional groups and in-house client seminars
- Advisory Board, *The Junior League of Fort Lauderdale* (2001-2004)
- Alternate, *City of Fort Lauderdale Board of Adjustment* (1994-1996)
- Co-chair, Fort Lauderdale Debutante Heart Committee (1989)
- Board of Governors, *St. Thomas More Society* (2003-present)
- Broward Bar Foundation (secretary/treasurer)
- Member, *Leiby Alexander Brandt ADR Group* (ADR services for the Construction Bar)

FERENCIK LIBANOFF BRANDT BUSTAMANTE AND GOLDSTEIN

PROFESSIONAL ASSOCIATION

ROBERT E. FERENCIK, JR.
IRA L. LIBANOFF
ALAN C. (PETER) BRANDT, JR.
NESTOR BUSTAMANTE, III
JORDANA L. GOLDSTEIN

ATTORNEYS AT LAW

SABADELL FINANCIAL CENTER
150 S. PINE ISLAND ROAD, SUITE 400
FORT LAUDERDALE, FL 33324

BROWARD (954) 474-8080
DADE (305) 949-8003
FAX (954) 474-7343

JORDAN NADEL

March 3, 2016

SANDRA D. KENNEDY, Of Counsel
JANET E. RITENBAUGH, Of Counsel
LISA K. NORTH, Of Counsel
LAURA A. BAKER, Of Counsel

Email: pbrandt@flblawyers.com

URL: <http://www.flblawyers.com>

Via E-Mail to: tbradford@townofpalmbeach.com

Thomas G. Bradford, Town Manager
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Township Utilities

Dear Tom:

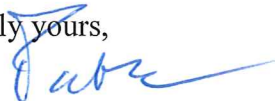
As requested, attached is an engagement agreement for legal services attending the proposed undergrounding of Township utilities. This agreement is very generic, so if more detail is required, please feel free to edit accordingly.

I have included my colleague, Laura Baker, as additional counsel to insure that representation is always seamless and immediately available should our assignment(s) require additional help or assistance, vacation coverage, or to address other contingences. Like me, Laura is a Florida Bar Board Certified Construction Lawyer. Although the scope of our representation is not yet completely defined, I will be the primary attorney servicing the Town, and expect few occasions where both of us will be providing services concurrently.

I thank you for the opportunity to again provide construction related legal services to the Town.

Best regards.

Very truly yours,



Alan C. (Peter) Brandt, Jr.
Florida Bar Board Certified Construction Lawyer

ACB:br
Enclosure

AUTHORITY TO REPRESENT

THE TOWN OF PALM BEACH, FLORIDA (hereafter "CLIENT") hereby retains FERENCIK LIBANOFF BRANDT BUSTAMANTE AND GOLDSTEIN, P.A. (hereafter "ATTORNEYS") for representation and legal counsel in and about the negotiation and preparation of design, engineering, and construction contracts attending the proposed undergrounding of Township utilities.

The CLIENT agrees to pay all costs and expenses reasonably necessary in the discretion of ATTORNEYS, and to pay ATTORNEYS a reasonable fee for their services which will be funded by the CLIENT, at the following rates:

Alan C. (Peter) Brandt, Jr.	\$315.00 per hr.
Laura P. Baker	\$250.00 per hr.
Paralegals (if warranted)	\$105.00 per hr.

Should the CLIENT elect to terminate this Agreement, for any reason whatsoever, CLIENT shall pay all costs, expenses, and reasonable ATTORNEYS' fees incurred to date of termination.

ATTORNEYS shall have the right to discontinue working on the CLIENT'S matters and/or withdraw from representing the CLIENT if either or both of the following shall occur:

1. The CLIENT does not make the payments required by this Agreement.
2. Irreconcilable differences arise between the CLIENT and the ATTORNEYS. These irreconcilable differences shall include, but not be limited to, CLIENT'S failure to follow the ATTORNEYS' advice and counsel with respect to negotiations and document content.

The CLIENT is represented by the firm and the firm has the reasonable right to decide which ATTORNEYS, paralegals, clerks and staff members of the firm work on the file. The firm also has the right to change an assignment of firm personnel if the firm believes it is in the best interest of the CLIENT.

Any controversy or claim arising out of or relating to this fee Agreement, or the breach thereof, shall upon demand by either party be settled by binding arbitration before the Florida Bar Fee Arbitration Committee. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

There is to be no waiver, change or modification of this Agreement unless the same is in writing and signed by the CLIENT and the ATTORNEYS.

APPROVED AND ACCEPTED on this ____ day of March, 2016.

FERENCIK LIBANOFF BRANDT BUSTAMANTE AND GOLDSTEIN, P.A.
150 S. Pine Island Road, Suite 400
Fort Lauderdale, FL 33324

BY: 
For the Firm

THE TOWN OF PALM BEACH, FLORIDA

BY: _____
Its _____

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

B. - 1.

Agenda Title

ARCOM Appointments

Presenter

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

Supporting Documents

Appointments to the Architectural Commission

ATTACHMENTS:

Description	Type
Memorandum dated February 29, 2016 from John S. Page, Director of Planning, Zoning and Building	Memo
Ballot for Appointment of Regular Members to the Architectural Commission	Ballot
ARCOM Roster	Exhibit
Attendance and Voting Conflict Information for ARCOM	Exhibit

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Architectural Commission Appointments

Date: February 29, 2016

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint a regular member to the Architectural Commission due to the term expiration of Robert J. Vila.
- Staff recommends that the Town Council appoint a regular member to the Architectural Commission due to the term expiration of Kenn Karakul.
- Staff recommends that the Town Council appoint an alternate member to the Architectural Commission due to the term expiration of Maisie Grace.
- 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

- **Robert J. Vila**, regular member, **is not eligible for re-appointment.**
- **Kenn Karakul**, regular member, **is not eligible for re-appointment.**
- **Maisie Grace**, alternate member, **is eligible for re-appointment** and has filed an Application for Service on the Architectural Commission. She has indicated that she is interested in promotion to regular member status should a regular member seat become available.
- **Alexander C. Ives**, alternate member, has filed an Application for Service on the Architectural Commission. He has indicated that he is interested in promotion to regular member status should a regular member seat become available.
- **Michael B. Small**, alternate member, has filed an Application for Service on the Architectural Commission. He has indicated that he is interested in promotion to regular member status should a regular member seat become available.
- Pursuant to the news release notifying the public of the upcoming vacancies on the Architectural Commission, persons have 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.

Attachments

JP:dm

cc: Susan Owens, Town Clerk
Veronica Close, Assistant Director of Planning, Zoning and Building
John Lindgren, Planning Administrator

Town Council Meeting on March 8, 2016

Please circle 2 name(s) from the list of names appearing below

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ARCHITECTURAL COMMISSION MEMBERS

	<u>Appointed</u>	<u>Term Expires</u>
Robert J. Vila, Chairman	3/2010 3/2013	3/2013 (Term 1) 3/2016 (Term 2)
Ann Vanneck, Vice Chairman	3/2011 3/2012 3/2015	3/2012 (Term 0*) *Fulfilling unexpired member term of Leslie Diver, serving 12 mo., (less than 50% of a term) 3/2015 (Term 1) 3/2018 (Term 2)
Kenn Karakul	6/2009 3/2010 3/2013	3/2010 (less than 50% of a term) 3/2013 (Term 1) 3/2016 (Term 2)
Peter I. C. Knowles II	11/2011 3/2014	3/2014 (Term 1)* *Fulfilling the unexpired term of Alexander Griswold, serving 28 mo., (more than 50% of a term) 3/2017 (Term 2)
Richard Sammons	ARCHITECT 3/2012 3/2015	3/2015 (Term 1) 3/2018 (Term 2)
Martin D. Gruss	7/15/2014	3/2017 (Term 1*) *Fulfilling the unexpired term of Homes, serving more than ½ term
Robert N. Garrison	ARCHITECT 7/15/2014 3/2015	3/2015 (Term 0*) *Fulfilling the unexpired term of Zukov, serving less than ½ term 3/2018 (Term 1)

Alexander C. Ives (Alternate)	3/2011 3/2012 3/2015	3/2012 (Term 0*) *Fulfilling unexpired alternate term of Ann Vanneck, serving 12 mo., (less than 50% of a term) 3/2015 (Term 1) 3/2018 (Term 2)
Michael B. Small (Alternate)	3/2013 3/2015	3/2015 (Term 1*) *Fulfilling unexpired alternate term of Dr. Martin Phillips; serving 2 yrs, (more than 50% of a term) 3/2018 (Term 2)
Maisie Grace (Alternate)	7/15/2014	3/2016 (Term 1*) *Fulfilling the unexpired term of Gruss, serving more than ½ term

ARCOM 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
ROBERT VILA	P__	P__	P__	P__	P__	U__	P__	P__	P__	P__	U__	P__
KENN KARAKUL	P__	P__	P__	P__	P__	P__	P__	P__	U__	P__	P__	P__
NIKITA ZUKOV	U__	P__	P__	P__	P__	P__	E__	P__	P__	P__	U__	P__
ANN VANNECK	P__	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__	P__
PETER I.C. KNOWLES	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__
RICHARD SAMMONS	P__	P__	P__	P__	P__	P__	U__	E__	P__	P__	P__	P__

ALTERNATE MEMBER

MARTIN D. GRUSS	P__	P__	P__	P__	U__	P__	P__	P__	U__	P__	P__	P__
ALEXANDER C. IVES	P__	P__	P__	P__	U__	P__	P__	P__	P__	P__	P__	P__
MICHAEL B. SMALL	n/a__	n/a__	P__	U__	U__	P__	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_	P_	P_	P_	A_	P_	P_	P_	P_	U_	P_
KENN KARAKUL	P_	U_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
NIKITA ZUKOV	P_	E_	P_	P_	resigned							
ANN VANNECK	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
HENRY HOMES III	P_	P_	P_	P_	resigned							
PETER I.C. KNOWLES	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_
RICHARD SAMMONS	P_	P_	P_	U_	P_	P_	E_	P_	U_	P_	P_	P_
MARTIN D. GRUSS							P_	P_	U_	P_	P_	P_
ROBERT N. GARRISON							U_	P_	P_	P_	P_	P_

ALTERNATE MEMBER

MARTIN D. GRUSS	P_	P_	P_	P_	P_	P_	(promoted to regular member)					
ALEXANDER C. IVES	P_	P_	P_	P_	P_	P_	P_	P_	P_	P_	U_	U_
MICHAEL B. SMALL	P_	E_	P_	P_	P_	P_	P_	P_	U_	P_	P_	P_
ALICIA "MAISIE" GRACE							P_	P_	P_	P_	U_	P_

LEGEND: P= present
 E=excused absence
 U=un excused absence
 A=absence pending classification as excused or un excused

ARCOM ATTENDANCE RECORD 2015

	1/15	2/15	3/15	4/15	5/15	6/15	7/15	8/15	9/15	10/15	11/15	12/15
<u>MEMBERS</u>												
ROBERT VILA	_P__	_P__	_P__	_P__	_P__	_U__	_P__	_P__	_U__	_P__	_P__	_P__
KENN KARAKUL	_U__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_U__	_P__	_P__	_P__
ANN VANNECK	_P__	_P__	_P__	_P__	_P__	_E__	_P__	_P__	_P__	_P__	_P__	_P__
PETER I.C. KNOWLES	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_E__	_P__	_P__
RICHARD SAMMONS	_P__	_P__	_P__	_U__	_P__	_P__	_E__	_U__	_P__	_P__	_P__	_P__
MARTIN D. GRUSS	_P__	_P__	_P__	_U__	_P__	_U__	_P__	_P__	_P__	_P__	_P__	_P__
ROBERT N. GARRISON	_P__	_P__	_P__	_P__	_P__	_U__	_P__	_P__	_P__	_U__	_P__	_P__
												P
<u>ALTERNATE MEMBER</u>												
ALEXANDER C. IVES	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__
MICHAEL B. SMALL	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__	_P__
ALICIA “MAISIE” GRACE	_P__	_P__	_P__	_P__	_P__	_U__	_P__	_P__	_P__	_P__	_P__	_U__

LEGEND: P= present
 E=excused absence
 U=un excused absence
 A=absence pending classification as excused or un excused

ATTENDANCE RECORD 2016

MEMBERS

Robert Vila

Kenn Karakul

Ann Vanneck

Peter Knowles

Richard Sammons

Martin D. Gruss

Robert N. Garrison

ALTERNATE MEMBERS

Alexander C. Ives

Michael B. Small

Alicia "Maisie" Grace

LEGEND P=PRESENT

F=EXCUSED

U-UNEXCUSED

A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"

X=COMMISSION DID NOT MEET

#=TERM EXPIRED

1/27/2016
 2/24/2016
 3/23/2016
 4/27/2016
 5/25/2016
 6/22/2016
 7/27/2016
 8/24/2016
 9/28/2016
 10/26/2016
 11/23/2016
 12/28/2016

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
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 five (revised June 2013) or more conflicts of interest in any one calendar year

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	—	—	—	—	—	—	V _	—	—	—	—	—
NIKITA ZUKOV	—	—	—	—	—	_resigned	—	—	—	—	—	—
ANN VANNECK	—	—	—	—	—	—	—	—	—	—	—	—
HENRY HOMES III	—	—	—	—	—	_resigned	—	—	—	—	—	—
PETER I.C. KNOWLES	—	—	—	—	—	—	—	—	—	—	—	—
RICHARD SAMMONS	—	—	—	VPD	—	—	—	—	—	—	—	—
MARTIN D. GRUSS	—	—	—	—	—	—	—	—	—	—	—	—
ROBERT N. GARRISON	—	—	—	—	—	—	—	—	—	—	—	—

ALTERNATE MEMBER

MARTIN D. GRUSS	—	—	—	—	—	—	—	—	(promoted to regular member)			
ALEXANDER C. IVES	—	—	—	—	—	—	—	—	—	—	—	—
MICHAEL B. SMALL	—	—	—	—	—	—	—	—	—	—	—	—
ALICIA "MAISIE" GRACE	—	—	—	—	—	—	—	—	—	—	—	—

LEGEND: V = one voting conflict during a meeting
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Excessive conflicts of interest are defined as ~~three~~ five (revised 2013) or more conflicts of interest in any one calendar year

ARCOM VOTING CONFLICTS 2015

	1/15	2/15	3/15	4/15	5/15	6/15	7/15	8/15	9/15	10/15	11/15	12/15
<u>MEMBERS</u>												
ROBERT VILA	—	—	—	—	—	—	—	—	—	—	—	—
KENN KARAKUL	—	—	—	—	—	—	—	VPD	—	—	—	—
ANN VANNECK	—	—	—	—	—	—	—	—	—	—	—	—
PETER I.C. KNOWLES	—	—	—	—	—	—	—	—	—	—	—	—
RICHARD SAMMONS	—	V _	VPD	—	V _	VPD	—	—	V _	—	—	—
MARTIN D. GRUSS	—	—	—	—	V _	—	—	—	—	—	—	—
ROBERT N. GARRISON	—	—	—	—	—	—	—	—	—	—	—	—
<u>ALTERNATE MEMBER</u>												
ALEXANDER C. IVES	—	—	—	—	—	—	—	—	V _	—	—	—
MICHAEL B. SMALL	—	—	—	—	—	—	—	—	—	—	—	—
ALICIA “MAISIE” GRACE	—	—	—	—	—	—	—	—	—	—	—	—

LEGEND: V = one voting conflict during a meeting
V2 = two voting conflicts during a meeting
VPD = voting conflict previously declared

¹ VPD to be used when a conflict has been declared at a previous meeting for an ongoing project.

² The originally declared conflict will be counted only for ongoing projects, per JCR

Excessive conflicts of interest are defined as ~~three~~ five (revised 2013) or more conflicts of interest in any one calendar year

TOWN OF PALM BEACH
ARCHITECTURAL REVIEW COMMISSION

VOTING CONFLICTS 2016

MEMBERS

Robert Vila	P	P	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#
Kenn Karakul	P	P	P	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#
Ann Vanneck	P	P	P	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#
Peter Knowles	P	P	P	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#
Richard Sammons	P	P	P	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#
Martin D. Gruss	P	P	P	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#
Robert N. Garrison	P	P	P	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#

ALTERNATE MEMBERS

Alexander C. Ives	P		P		P		P		P		P		P		P		P		P					
Michael B. Small	P		P		P		P		P		P		P		P		P		P					
Alicia "Maisie" Grace	P		P		P		P		P		P		P		P		P		P					

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 five or more conflicts of interest in any one calendar year.

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

B. - 2.

Agenda Title

LPC Appointments

Presenter

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

Supporting Documents

Appointments to the Landmarks Preservation Commission

ATTACHMENTS:

Description	Type
Memorandum dated February 29, 2016 from John S. Page, Director of Planning, Zoning and Building	Memo
Ballot for Appointment of Regular Members to the Landmarks Preservation Commission	Ballot
LPC Roster	Exhibit
Attendance and Voting Conflict Information for LPC	Exhibit

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Landmarks Preservation Commission Appointments

Date: February 29, 2016

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 Jacqueline Albarran.
- 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 Page Lee Hufty.
- 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 Rachel Lorentzen.
- 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

- **Mrs. Albarran** (Licensed Florida Architect) is completing her Term 2 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**, and has submitted an Application for Service on the Landmarks Preservation Commission.
- **Ms. Hufty** is completing her Term 1 as a regular member of the Landmarks Preservation Commission and **is eligible for re-appointment**, and has submitted an Application for Service on the Landmarks Preservation Commission.
- **Ms. Lorentzen** is completing her Term 1 as a regular member of the Landmarks Preservation Commission and **is eligible for re-appointment**, but did not submit an Application for Service on the Landmarks Preservation Commission.

Landmarks Preservation Commission Appointments

March 8, 2016

Page 2

- **Richard Rene Silvin**, Alternate Member, has filed an Application for Service on the Landmarks Preservation Commission. He has indicated he is interested in promotion to regular member status should a Regular Member seat become available.
- **Jacqueline Weld Drake**, Alternate Member, has filed an Application for Service on the Landmarks Preservation Commission. She has indicated she is interested in promotion to regular member status should a Regular Member seat become available.
- 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 2016 term expirations, there will be one (1) Florida registered architect (Nikita Zukov) and no (0) Florida registered landscape architects 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.**
- Please note that two Florida-registered architects have applied to fill the single non-resident expert position (Jacqueline Albarran and Eugene Pandula). One **must** be appointed to the Commission; they cannot both be appointed.
- 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:dam

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 8, 2016

Position(s) to be filled: 3 Regular Members

- (2) Resident Members - Term to expire 3/2019
(Due to term expiration of Page Lee Hufty and Rachel Lorentzen)
- (1) Non-Resident Member - Term to expire 3/2017
(Due to term expiration of Jacqueline Albarran)

Please circle 3 name(s) from the list of names appearing below

Non-Resident Experts (Vote for one only)

Jacqueline Albarran (ARCHITECT) Completing Term 2 as “non-resident expert”

Eugene Pandula (ARCHITECT)

Regular Member Applying for Re-Appointment

Page Lee Hufty Completing Term 1 as a Regular Member

Alternate Members Applying for Promotion to Regular Member*

Richard Rene Silvin Serving Term 1 as an Alternate Member

Jacqueline Weld Drake Serving Term 1 as an Alternate Member

Others Who Have Submitted Applications

Anne Fairfax

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 2/29/2016

LANDMARKS PRESERVATION COMMISSION ROSTER

<u>RESIDENTIAL ADDRESS</u>	<u>E-MAIL ADDRESS</u>	<u>TERM INFORMATION</u>	
Edward Austin Cooney, Chairman		Appointed 5/13/2014	Expires 3/2017 (Term 1)
John T. Gannon, Vice Chairman		Appointed 5/13/2014	Expires 3/2017 (Term 1)
Nikita Zukov ARCHITECT		Appointed 5/13/2014	Expires 3/2017 (Term 1)
Jacqueline Albarran ARCHITECT <i>Non-Resident Expert</i>		Appointed 5/13/2014 Appointed 3/10/2015 (*no term limitations)	Expires 3/2015 (Term 1)* Expires 3/2016 (Term 2)*
Page Lee Hufty		Appointed 5/13/2014	Expires 3/2016 (Term 1)
Rachel Lorentzen		Appointed 5/13/2014	Expires 3/2016 (Term 1)
William J. Strawbridge		Appointed 3/10/2015	Expires 3/2018 (Term 1)
Richard Rene Silvin		Appointed 5/13/2014	Expires 3/2017 (Term 1)
<u>Alternate Commission Members</u>			
Carol N. Wyett		Appointed 5/13/2014	Expires 3/2017 (Term 1)
Jacqueline Weld Drake		Appointed 3/10/2015	Expires 3/2017 (Term 1)* *fulfilling 2 yr. balance of Strawbridge term – more than 50% of term

Revised 3/31/2015



EDWARD AUSTIN COONEY
JOHN T. GANNON
NIKITA ZUKOV
JACQUELINE ALBARRAN
PAGE LEE HUFTY
RACHEL LORENTZEN
WILLIAM J. STRAWBRIDGE

RICHARD RENE SILVIN	P
CAROL N. WYETT	P
JACQUELINE WELD DRAKE	P

A=ABSENT PENDING CLASSIFICATION AS "EXCUSED" OR "UNEXCUSED"
X=COMMISSION DID NOT MEET

1/20/2016
2/17/2016
3/16/2016
4/20/2016
5/18/2016
6/15/2016
7/20/2016
8/17/2016
9/21/2016
10/19/2016
11/16/2016
12/21/2016

TOWN OF PALM BEACH

ATTENDANCE RECORD 2015

LANDMARKS PRESERVATION COMMISSION

MEMBERS

1/15 2/15 3/15 4/15 5/15 6/15 7/15 8/15 9/15 10/15 11/15 12/15

WILLIAM O. COOLEY	_P_	_P_										
EDWARD AUSTIN COONEY	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_
JOHN T. GANNON	_P_	_P_	_P_	_P_	_P_	_P_	_E_	_P_	_P_	_P_	_U_	_P_
NIKITA ZUKOV	_P_	_P_	_P_	_P_	_P_	_P_	_E_	_P_	_P_	_P_	_U_	_P_
JACQUELINE ALBARRAN	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_	_P_
PAGE LEE HUFTY	_P_	_P_	_P_	_P_	_P_	_P_	_E_	_P_	_P_	_P_	_P_	_P_
RACHEL LORENTZEN	_P_	_P_	_P_	_P_	_U_	_P_	_E_	_E_	_P_	_P_	_P_	_P_
WILLIAM J. STRAWBRIDGE JR.		_P_	_P_	_P_	_P_	_P_	_P_	_U_	_P_	_P_	_P_	_P_

ALTERNATE MEMBERS 1/15 2/15 3/15 4/15 5/15 6/15 7/15 8/15 9/15 10/15 11/15 12/15

RICHARD RENE SILVIN	_P_	_P_	_P_	_P_	_E_	_P_	_P_	_P_	_P_	_P_	_P_	_E_
CAROL N. WYETT	_P_	_P_	_P_	_P_	_E_	_P_	_P_	_E_	_U_	_P_	_E_	_P_
WILLIAM J. STRAWBRIDGE JR.	_P_	_P_		(promoted to regular member)								
JACQUELINE WELD DRAKE		_U_	_P_	_P_	_P_	_P_	_E_	_P_	_P_	_P_	_E_	_P_

LEGEND: P=Present, E=Excused, U=Unexcused, A=Absence Pending Classification as "excused" or "unexcused"

TOWN OF PALM BEACH

ATTENDANCE RECORD 2014
(after LPC re-seated)

LANDMARKS PRESERVATION COMMISSION

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
WILLIAM O. COOLEY	—	—	—	—	P	P	P	P	P	P	P	P
NIKITA ZUKOV	—	—	—	—	E	P	E	P	P	P	E	P
JACQUELINE ALBARRAN	—	—	—	—	P	P	P	P	P	P	P	P
EDWARD AUSTIN COONEY	—	—	—	—	P	P	U	P	P	P	P	P
JOHN T. GANNON	—	—	—	—	P	P	P	U	P	P	U	P
PAGE LEE HUFTY	—	—	—	—	P	P	P	P	U	P	P	P
RACHEL LORENTZEN	—	—	—	—	P	P	P	P	P	P	E	P

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
RICHARD RENE SILVIN	—	—	—	—	P	P	P	P	P	P	P	P
CAROL N. WYETT	—	—	—	—	P	P	P	P	E	P	P	P
WILLIAM J. STRAWBRIDGE JR.	—	—	—	—	P	P	P	P	U	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__	P__	P__	__	__	__	__	__	__	__	__
William P. Feldkamp	P__	P__	P__	P__	__	__	__	__	__	__	__	__
Dudley L. Moore Jr.	U__	P__	P__	P__	__	__	__	__	__	__	__	__
Jacqueline Albarran	P__	P__	P__	P__	__	__	__	__	__	__	__	__
William J. Strawbridge	P__	P__	P__	P__	__	__	__	__	__	__	__	__
Elizabeth Murphy	P__	P__	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__	P__	__	__	__	__	__	__	__	__	__
Patrick Killian	P__	P__	P__	P__	__	__	__	__	__	__	__	__
APPOINTEES	1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14	10/14	11/14	12/14
Jorge A. Sanchez			P__									
John T. Gannon			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 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
VOTING CONFLICT RECORD 2016

MEMBERS

EDWARD AUSTIN COONEY
JOHN T. GANNON
NIKITA ZUKOV
JACQUELINE ALBARRAN
PAGE LEE HUFTY
RACHEL LORENTZEN
WILLIAM J. STRAWBRIDGE JR.

ALTERNATE MEMBERS

RICHARD RENE SIL VIN
CAROL N. WYETT
JACQUELINE WELD DRAKE

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 five or more conflicts of interest in any one calendar year.

1/20/2016
2/17/2016
3/16/2016
4/20/2016
5/18/2016
6/15/2016
7/20/2016
8/17/2016
9/21/2016

#####

TOWN OF PALM BEACH

VOTING CONFLICTS 2015

LANDMARKS PRESERVATION COMMISSION

MEMBERS

1/15 2/15 3/15 4/15- 5/15 6/15 7/15 8/15 9/15 10/15 11/15 12/15

WILLIAM O. COOLEY

— —

EDWARD AUSTIN COONEY

— —

JOHN T. GANNON

— —

NIKITA ZUKOV

— —

JACQUELINE ALBARRAN

VPD2

PAGE LEE HUFTY

— —

RACHEL LORENTZEN

— —

WILLIAM J. STRAWBRIDGE

— —

ALTERNATE MEMBERS

1/15 2/15 3/15 4/15 5/15 6/15 7/15 8/15 9/15 10/15 11/15 12/15

RICHARD RENE SILVIN

— —

CAROL N. WYETT

— —

WILLIAM J. STRAWBRIDGE JR.

— — (promoted to regular member)

JACQUELINE WELD DRAKE

— —

LEGEND: V = One Voting Conflict during a meeting

VPD = Voting Conflict Previously Declared (This category is 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

**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	<u>VPD2</u>	—	—	—	—	—	—	—	—	—	—	—
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	—	—	—	—	—	—	—	—	—	—	—	—
APPOINTEES	1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14	10/14	11/14	12/14
Jorge A. Sanchez	—	—	—	—	—	—	—	—	—	—	—	—
John T. Gannon	—	—	—	—	—	—	—	—	—	—	—	—

LEGEND: V = One Voting Conflict during a meeting
V2 = Two Voting Conflicts during a meeting
V3 = Three Voting Conflicts 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.)

TOWN OF PALM BEACH

**VOTING CONFLICTS 2014
(after LPC re-seated)**

LANDMARKS PRESERVATION COMMISSION

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

WILLIAM O. COOLEY

— — — — — — — — — — — — — —

NIKITA ZUKOV

— — — — — — — — — — — — — —

JACQUELINE ALBARRAN

— — — — — V VPD V VPD2 VPD&V

EDWARD AUSTIN COONEY

— — — — — — — — — — — — — —

JOHN T. GANNON

— — — — — — — — — — — — — —

PAGE LEE HUFTY

— — — — — — — — — — — — — —

RACHEL LORENTZEN

— — — — — — — — — — — — — —

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

RICHARD RENE SILVIN

— — — — — — — — — — — — — —

CAROL N. WYETT

— — — — — — — — — — — — — —

WILLIAM J. STRAWBRIDGE JR.

— — — — — — — — — — — — — —

LEGEND: V = One Voting Conflict during a meeting

VPD = Voting Conflict Previously Declared (This category is 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

VOTING CONFLICTS 2013

[illegible]

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.)

LEGEND:

V	=	One Voting Conflict during a meeting
V2	=	Two Voting Conflicts during a meeting
V3	=	Three Voting Conflicts during a meeting

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

B. - 4.

Agenda Title

Designation of Voting Delegate & Alternate(s) to the Palm Beach County League of Cities

Presenter

Gail L. Coniglio, Mayor

Supporting Documents

Designation of Voting Delegate & Alternate(s) to the Palm Beach County League of Cities, Inc.

ATTACHMENTS:

Description	Type
Memorandum Dated March 2, 2016, from Thomas G. Bradford, Town Manager	Memo
Voting Delegate Form 2016	Other

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Designation of Voting Delegate and Alternate(s) to the Palm Beach County League of Cities, Inc.

Date: March 2, 2016

STAFF RECOMMENDATION

Staff recommends the Town Council give consideration to taking official action to designate a voting delegate and alternate(s) to vote on behalf of the Town at Palm Beach County League of Cities general membership meetings, special general membership meetings and/or functions of the general membership.

GENERAL INFORMATION

Periodically the Palm Beach County League of Cities asks its member municipalities to update their voting delegate and alternate(s) records for each municipality. Section 3.05 of the Town Charter states that the Mayor is the Town Official designated to represent the Town in all agreements with governmental entities. Mayor Coniglio regularly attends the meetings of the Palm Beach County League of Cities. Based upon the Town Charter Mayor Coniglio should be designated the voting delegate of the Town to the League of Cities.

The voting alternate(s) and the number of alternate(s) is completely at your discretion. It is recommended that at least one alternate be designated so that the Town can be properly represented at any meeting of the Palm Beach League of Cities in the absence of the Mayor.

TGB

ATTACHMENT



Palm Beach County LEAGUE of CITIES, Inc.

Designation of Voting Delegate & Alternate(s) to the Palm Beach County League of Cities, Inc.

In accordance with Article Four of the Bylaws of the Palm Beach County League of Cities, Inc., as amended August 26, 2015, the governing body of (City, Town, or Village name):

Took the official action and designated the following voting delegate and alternate(s) to vote on behalf of the above named municipality at any League of Cities general membership meeting, special general membership meeting and/or function of the general membership. This designation applies **ONLY** to weighting voting items for the General Membership.

Voting Delegate

Email:

Alternate(s)

Email:

Alternate(s)

Email:

Alternate(s)

Email:

Alternate(s)

Email:

Alternate(s)

Email:

Alternate(s)

Email:

Action taken this ____ day of _____, 2016

Mayor Signature

Attest:

Clerk Signature (SEAL)

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

B. - 7.

Agenda Title

Consideration of Funding the Design of the Proposed North County Rd. Tree Initiative

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

Consideration of Funding the Design of the Proposed North County Road Tree Initiative (NCRTI) \$12,500.

ATTACHMENTS:

Description

[Memorandum Dated March 2, 2016, from Thomas G. Bradford, Town Manager](#)

Type

Memo

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Consideration of Funding the Design of the Proposed North County Road Tree Initiative (NCRTI) at a cost of \$12,500

Date: March 3, 2016

STAFF RECOMMENDATION

Staff recommends the Town Council give consideration to a request for the Town to fund the cost of the design for a streetscape project on North County Road from Royal Poinciana Way northward to Park Avenue on the west and to Sunrise Avenue on the east.

GENERAL INFORMATION

The Palm Beach Civic Association, Beautification Committee, and John David Corey have been working on a plan to fund a streetscape project on North County Road. It is my understanding that they intend to raise the capital funds necessary to provide for the trees and the irrigation associated therewith. At the Town Council meeting on March 8, 2016, the Town Council approved an upgrade to the signalization of the intersections of Sunset and Sunrise Avenues with North County Road. It occurred to all that the best time to do the streetscape work would be when the contractor for the signalization project was doing the work in the area. The request is for the Town to fund the cost of the streetscape design as “seed money” which will enable the Beautification Committee and Mr. Corey to raise funds by showing the design to potential donors and allow the contractor to ultimately install the chosen landscaping and irrigation system as a change order to the signalization project when the funds are in hand. For your information, the Palm Beach Orthodox Synagogue located at 120 North County Road does not wish to have any trees placed along the frontage of their property on North County Road. Ned Barnes, on behalf of the Palm Beach Civic Association, and John David Corey will be present to answer any questions you may have in regard to this proposal.

FUNDING/FISCAL IMPACT

Kimley-Horn is the engineer for the signalization project. The cost to add the streetscape design, including irrigation is \$12,500. It is recommended that this cost be funded from the FY 2016 General Fund Contingency.

TGB:

CC: H Paul Brazil, P. E., Director of Public Works
William Francis, P.E., Town Engineer
Ned Barnes, President, Palm Beach Civic Association
John David Corey

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

B. - 9.

Agenda Title

5976 Okeechobee Blvd

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

Consideration of Formal Solicitation for Sale of Approximately 5.9 Acres of the 28.5 Acres of Town Property Located at 5976 Okeechobee Blvd.

ATTACHMENTS:

Description	Type
Memorandum Dated February 29, 2016, from Jay Boodheshwar, Deputy Town Manager	Memo
Appraisal Report Dated July 19, 2015, from Stewart & Company for 5.9 Acres at 5976 Okeechobee Blvd.	Memo

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Consideration of Formal Solicitation for Sale of Approximately 5.9 Acres of the 28.5 Acres of Town Property Located at 5976 Okeechobee Blvd.

Date: February 29, 2016

STAFF RECOMMENDATION

Staff recommends Town Council give consideration for the issuance of a formal solicitation for the sale of approximately 5.9 acres of the 28.5 acres of Town property located at 5976 Okeechobee Boulevard, and provide direction to staff.

GENERAL INFORMATION

At the August 11, 2015, Town Council meeting staff provided an appraisal report from Stewart and Company, Inc. for various Off-Island properties owned by the Town, including the property at 5976 Okeechobee Blvd. Said appraisal was commissioned to give the Mayor and Town Council a relative idea as to the values of the Town's various real estate holdings. See attached. At said meeting it was determined that the timing was not appropriate to conduct a formal solicitation for the disposition of any Town owned properties but staff was directed to evaluate unsolicited offers and communicate same to the Mayor and Town Council.

Subsequent to the August 11, 2015, meeting multiple unsolicited purchase inquiries have been received by the Town regarding various properties owned by the Town, included several for the property located at 5976 Okeechobee Blvd. that was appraised. The interest expressed exceeded the appraisal value range of \$2,950,000 to \$3,200,000 for the 256,200 square feet of property fronting Okeechobee Blvd. Staff is seeking direction regarding Town Council's interest in issuing a formal solicitation.

Attachment

cc: John C. Randolph, Town Attorney
H. Paul Brazil, P.E., Director of Public Works
Kirk Blouin, Director of Public Safety

REAL ESTATE APPRAISAL REPORT

Of

5976 Okeechobee Boulevard,
West Palm Beach, Palm Beach County, Florida
PO 151223

As of
July 19, 2015

Prepared For
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Prepared by
STEWART & COMPANY, INC.
William Stewart, MAI
State-Certified General Real Estate Appraiser-RZ233

File Name: 15-025C

Stewart & Company

Real Estate Analysts



Real Estate Analysts

5237 Summerlin Commons Blvd., Suite 305

Ft. Myers, FL 33907

239-275-2207

FAX 239-349-2611

E-mail: billstewart@stewartcoappraisal.com

July 19, 2015

Mr. Jay Boodheshwar, Deputy Town Manager
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Real Estate Appraisal Report
5976 Okeechobee Boulevard, West Palm Beach,
Palm Beach County, Florida
File Name: 15-025C, PO 151223

Dear Mr. Boodheshwar:

At your request, we have prepared an appraisal for the above referenced property. Please reference page 10 of this report for important information regarding the scope of research and analysis for this analysis including property identification, inspection, the highest and best use analysis, and valuation methodology.

We certify that we have no present or contemplated future interest in the property. The appraiser has provided no services with regard to the subject property in the past three years.

Your attention is directed to the Limiting Conditions and Assumptions section of this report (page 8). Acceptance of this report constitutes an agreement with these conditions and assumptions.

At the request of the client, the value estimate provided in this appraisal is a range of value, and not a specific estimate. The scope of the assignment was for the appraiser to inspect the subject property, analyze it in relation to the market data, and provide a range of value based upon the best available comparable sales data.

Mr. Boodheshwar
Town of Palm Beach
July 19, 2015
Page 2

Based on the appraisal described in the accompanying report, subject to the Limiting Conditions and Assumptions, Extraordinary Assumptions and Hypothetical Conditions, we have made the following value conclusion:

Current As Is Market Value of 5976 Okeechobee Boulevard:

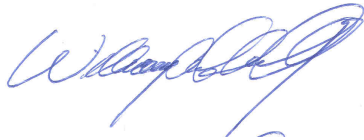
The estimated range of market value per square foot for the subject, as of July 19, 2015, is \$11.50 per square foot to \$12.50 per square foot. Multiplying this by the 256,200 square feet in the subject site provides an overall range of value, after rounding, of:

\$2,950,000 to \$3,200,000

The market exposure time preceding July 19, 2015 would have been 6 months to nine months and the estimated marketing period¹ as of July 19, 2015 is 6 months.

Respectfully submitted,

Stewart & Company, Inc.



William Stewart, MAI
State-Certified General Real Estate Appraiser-RZ233

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Summary of Important Facts and Conclusions

GENERAL	
Subject:	Okeechobee Boulevard Parcel 5976 Okeechobee Boulevard, West Palm Beach, Palm Beach County, Florida, The subject is a 5,882 acre vacant site being split from a larger parcel.
Owner:	Town of Palm Beach
Legal Description:	No legal descriptions were provided to the appraiser. The parcels were identified by tax identification numbers and addresses.
Date of Report:	July 19, 2015
Intended Use:	The intended use is to provide information to assist the client in negotiating to sell the subject site.
Intended User(s):	The Town of Palm Beach and its representatives.
Assessment:	\$2,468,443
Sale History:	There have been no closed transactions involving the subject site in the past three years according to the Palm Beach County Property Appraiser.
Improvements:	The subject site is vacant with no improvements.
Zoning:	The subject larger parcel, which includes the subject site, is Zoned RH, or residential high density, by Palm Beach County. The site is designated CH/8, or commercial high, on the future land use plan.
Highest and Best Use as Vacant:	Rezoning of the site to a commercial designation more consistent with neighborhood uses and the land use plan designation, and development with a commercial use compatible with the neighborhood.

Type of Value: Market Value Range of Fee Simple Estate

Reconciled Value Ranges: 5976 Okeechobee Boulevard

Value Conclusions \$2,950,000 to \$3,200,000

Effective Date July 19, 2015

Property Rights Fee simple

Definitions

MARKET VALUE is the most probable price, which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (a) Buyer and seller are typically motivated;
- (b) Both parties are well informed or well advised, and acting in what they consider their own best interests;
- (c) A reasonable time is allowed for exposure in the open market;
- (d) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (e) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Source: Iberiabank Appraisal Guidelines

A **Fee Simple** estate is defined as:

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

Marketing Time is defined as:

An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of the appraisal.

Marketing time differs from exposure time, which is always presumed to precede the effective date of the appraisal.

Advisory Opinion 7 of the Appraisal Standards Board of The Appraisal Foundation and Statement on Appraisal Standards No. 6, "Reasonable Exposure Time in Real Property and Personal Property Market Value Opinions" address the determination of reasonable exposure and marketing time.

Gross Building Area (GBA): Total floor area of a building, excluding unenclosed areas, measured from the exterior of the walls of the above-grade area. This includes mezzanines and basements if and when typically included in the region.

Rentable Area (RA): For office buildings, the tenant's pro rata portion of the entire office floor, excluding elements of the building that penetrate through the floor to the areas below. The rentable area of a floor is computed by measuring the inside finished surface of the dominant portion of the permanent building walls, excluding any major permanent penetrations of the floor. Alternatively, the amount of space on which the rent is based; calculated according to local practice.

Gross Leasable Area (GLA): Total floor area designed for the occupancy and exclusive use of tenants, including basements and mezzanines; measured from the center of joint partitioning to the outside wall surfaces.

Limiting Conditions and Assumptions

Acceptance of and/or use of this report constitutes acceptance of the following limiting conditions and assumptions; these can only be modified by written documents executed by both parties.

This appraisal is to be used only for the purpose stated herein. While distribution of this appraisal in its entirety is at the discretion of the client, individual sections shall not be distributed; this report is intended to be used in whole and not in part.

No part of this appraisal, its value estimates or the identity of the firm or the appraiser may be communicated to the public through advertising, public relations, media sales, or other media.

All files, work papers and documents developed in connection with this assignment are the property of Stewart & Company, Inc.. Information, estimates and opinions are verified where possible, but cannot be guaranteed. Plans provided are intended to assist the client in visualizing the property; no other use of these plans is intended or permitted.

No hidden or unapparent conditions of the property, subsoil or structure, which would make the property more or less valuable, were discovered by the appraiser or made known to the appraiser. No responsibility is assumed for such conditions or engineering necessary to discover them. Unless otherwise stated, this appraisal assumes there is no existence of hazardous materials or conditions, in any form, on or near the subject property.

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, was not called to the attention of the appraiser nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test for such substances. The presence of such hazardous substances may affect the value of the property. The value opinion developed herein is predicated on the assumption that no such hazardous substances exist on or in the property or in such proximity thereto, which would cause a loss in value. No responsibility is assumed for any such hazardous substances, or for any expertise or knowledge required to discover them.

Unless stated herein, the property is assumed to be outside of areas where flood hazard insurance is mandatory. Maps used by public and private agencies to determine these areas are limited with respect to accuracy. Due diligence has been exercised in interpreting these maps, but no responsibility is assumed for misinterpretation.

Good title, free of liens, encumbrances and special assessments is assumed. No responsibility is assumed for matters of a legal nature.

Necessary licenses, permits, consents, legislative or administrative authority from any local, state or Federal government or private entity are assumed to be in place or reasonably obtainable.

It is assumed there are no zoning violations, encroachments, easements or other restrictions which would affect the subject property, unless otherwise stated.

The appraisers are not required to give testimony in Court in connection with this appraisal. If the appraisers are subpoenaed pursuant to a court order, the client agrees to pay the appraiser Stewart & Company, Inc.'s regular per diem rate plus expenses.

Appraisals are based on the data available at the time the assignment is completed. Amendments/modifications to appraisals based on new information made available after the appraisal was completed will be made, as soon as reasonably possible, for an additional fee.

Americans with Disabilities Act (ADA) of 1990

A civil rights act passed by Congress guaranteeing individuals with disabilities equal opportunity in public accommodations, employment, transportation, government services, and telecommunications. Statutory deadlines become effective on various dates between 1990 and 1997. Stewart & Company, Inc. has not made a determination regarding the subject's ADA compliance or non-compliance. **Non-compliance could have a negative impact on value; however this has not been considered or analyzed in this appraisal.**

Scope of Work

According to the Uniform Standards of Professional Appraisal Practice, it is the appraiser's responsibility to develop and report a scope of work that results in credible results that are appropriate for the appraisal problem and intended users. Therefore, the appraiser must identify and consider:

- the client and intended users;
- the intended use of the report;
- the type and definition of value;
- the effective date of value;
- assignment conditions;
- typical client expectations; and
- typical appraisal work by peers for similar assignments.

This analysis is prepared for Mr. Jay Boodheshwar; Town of Palm Beach. The problem to be solved is to provide a market value range for the subject property with the use of comparable sales data. The intended use is to provide data to assist the client in negotiating to sell the subject site. This data is intended for the use of Town of Palm Beach and its representatives.

SCOPE OF WORK

Report Type:	This is a Summary Report as defined by Uniform Standards of Professional Appraisal Practice under Standards Rule 2-2(B). This format provides a summary of the appraisal process, subject and market data and valuation analyses.
Property Identification:	The subject has been identified by the street address, legal description and the assessors' parcel number.
Inspection:	A complete inspection of the site was made on July 1, 2015, and the photographs used in the appraisal were taken at that time. The site was visited again on July 19, 2015.
Market Area and Analysis of Market Conditions:	A complete analysis of market conditions has been made. The appraiser maintains and has access to comprehensive databases for this market area and has reviewed the market for sales and listings relevant to this analysis.
Highest and Best Use Analysis:	A highest and best use analysis as vacant and as improved was completed for the property.

Valuation Analyses

Cost Approach:	A cost approach was not applied. There are not improvements to be appraised and a cost approach does not provide any credible value estimate.
Sales Comparison Approach:	A sales approach was applied as there is adequate data and this approach best reflects the market for the properties being appraised.
Income Approach:	An income approach was not applied. The subject is a vacant site and an income approach is not considered appropriate.
Hypothetical Conditions:	There are no hypothetical conditions for this appraisal.
Extraordinary Assumptions:	There are no extraordinary assumptions for this appraisal.
Competency Statement	Within the Uniform Standards of Professional Appraisal Practice (USPAP), there is a competency rule which states that “prior to accepting an assignment or entering into an agreement to perform any assignment, an appraiser must properly identify the problem to be addressed and have the knowledge and experience to complete the assignment competently”. Regarding the subject property, the appraiser does possess the necessary knowledge and experience to competently complete this assignment.

Market Area

The general area in which the subject property is located is Palm Beach County, located along the east coast of Florida. Palm Beach County is north of the Miami Metropolitan area and east and southeast of Lake Okeechobee.

Palm Beach County is a typical coastal county along the east coast of the state. The topography of the area is such that there are barrier islands along the Atlantic Ocean coast, and these islands are bordered on the west by the Intracoastal Waterway. The majority of the population within the county lives along the beaches and in the areas to the east side of the county. The City of West Palm Beach is the largest incorporated area within the county. The central and west parts of the county consist of agricultural uses and the northern portions of the Everglades.

The overall population of the county, as of early 2010, was approximately 1.3 million people. This population is estimated to be 63% white, 16% black, and 18% Hispanic. The county also has a slightly higher percentage of foreign born residents at 22% that is typical in the state. The median income is \$52,700, somewhat higher than the state average, and nearly 40% of the county receives Social Security.

The major economic activities within the county include the Port of Palm Beach, Florida's fourth largest container port and a large cruise port. In addition, there are major bio-science, pharmaceutical and aerospace companies with the county. Agriculture is a large part of the economy, and sugar cane covers approximately one-third of the county's land mass. Tourism and construction are also major economic factors in Palm Beach County.

Transportation access into and from Palm Beach County is very good, with I-95 and the Florida Turnpike providing north/south access through the county. Access to the west coast is relatively easy via I-75, just south of the county. In addition, the All Aboard Florida rail station has recently begun construction, and when completed will provide access by train to South Florida and Orlando. Overall access into and within Palm Beach County is considered to be very good.

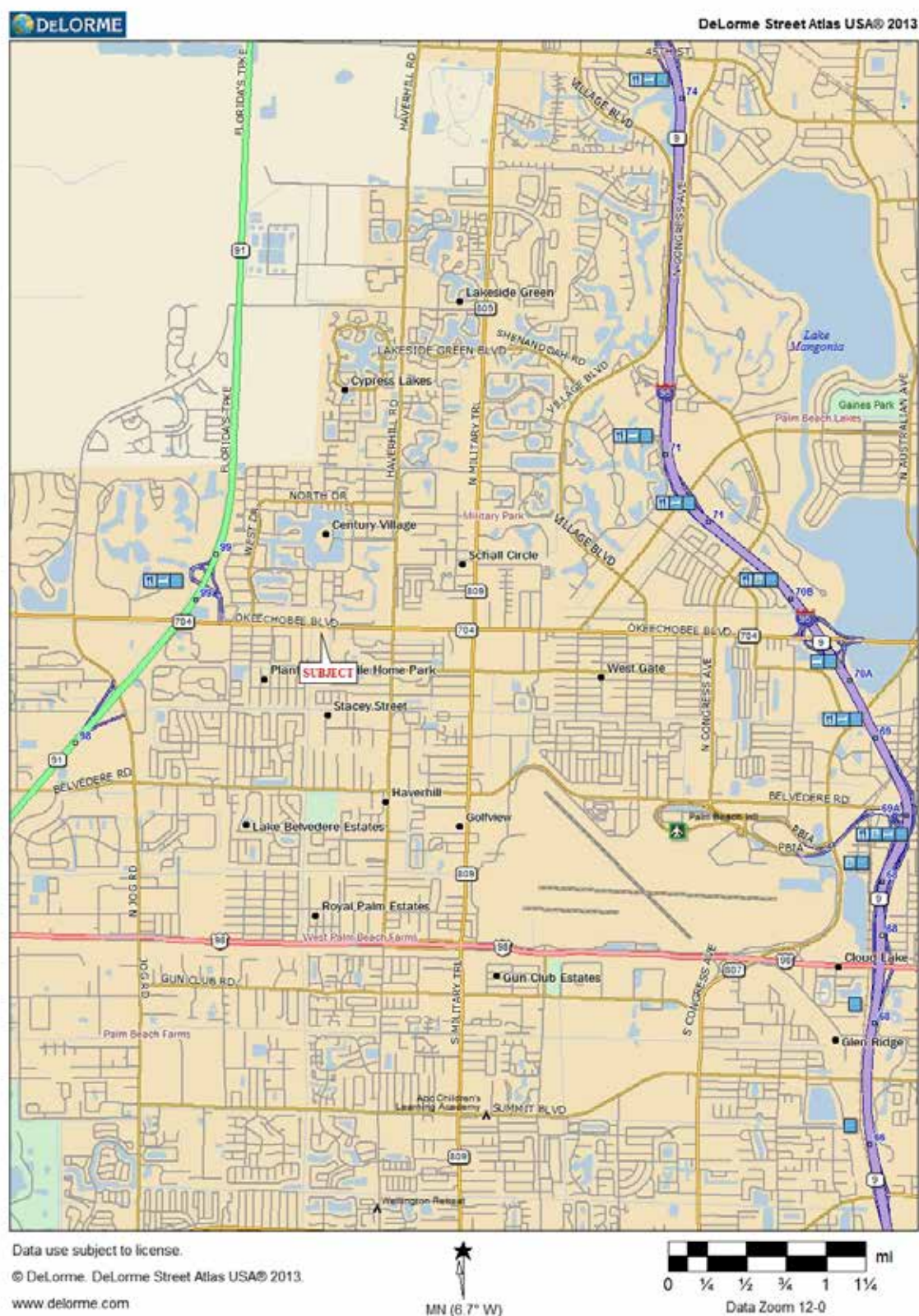
In conclusion, this part of Florida has a diverse economy, and has a more dense population than many parts of the State. In addition, the county has a large agricultural base to the west of the population areas. While the county has suffered from the overall economic downturn of the past few years, there is still real estate activity, and prices appear to have stabilized within the area. As the economy improves over the next few years, it is anticipated that overall real estate activity will also improve.

The immediate neighborhood within which the subject is located consists of the frontage parcels on Okeechobee Boulevard between the Florida Turnpike to the west and I-95 to the east. This area is west of the downtown business district of West Palm Beach. Okeechobee Boulevard through the neighborhood is an eight lane divided highway providing east/west access though much of central Palm Beach County. Almost all frontage uses along this road are commercial in character, with a wide variety of uses and property types. There is little vacant land remaining along Okeechobee Boulevard within the subject neighborhood, and demand for both vacant and improved properties is good, and prices appear to be increasing. It is my opinion that this neighborhood will continue to improve.

Location Map



Market Area Map



Property Description

The following description is based on our property inspection, and public record information.

Site	
Location:	The subject site is located at 5976 Okeechobee Boulevard. The parcel is on the south side of the road, just east of Breezy Lane.
Current Use:	The subject site is part of a larger parcel. The site that is the subject of this appraisal is vacant land.
Site Size:	Total: 5.882 acres; 256, 200 square feet. The subject site is cleared and available for development.
Shape:	The subject is rectangular in shape.
Frontage/Access:	Good. The subject has approximately 610 feet of frontage on Okeechobee Boulevard, and a depth of 420 feet, according to the maps provided by my client.
Visibility:	Good
Topography:	The subject has level topography at grade and no areas of wetlands.
Soil Conditions:	The soil conditions observed at the subject appear to be typical of the region and adequate to support development.
Utilities:	Electricity: The site is served by electricity. Sewer: Public Water: Public Adequacy: The subject has full public utilities and availability is considered adequate.
Site Improvements:	There are street lights There are sidewalks There are curbs and gutters There is a curb cut near the northwest corner of the site, and this curb cut leads to a driveway providing access to the improvements at the rear of the larger parcel from which the subject is being split. An easement for this driveway will need to remain on the subject, but the exact location is flexible.

Flood Zone: The subject is located in an area mapped by the Federal Emergency Management Agency (FEMA). The subject may be located in FEMA flood zone X500, which is not classified as a flood hazard area.

The subject does not appear to be within a flood zone. However, the flood zone map of Palm Beach County shows small areas of the site as 'Proposed Flood Zone AE' which would be in a flood zone. These proposed flood zones were as of August 2014, and they comprise only a small portion of the site.

FEMA Map Number: 1201920155B

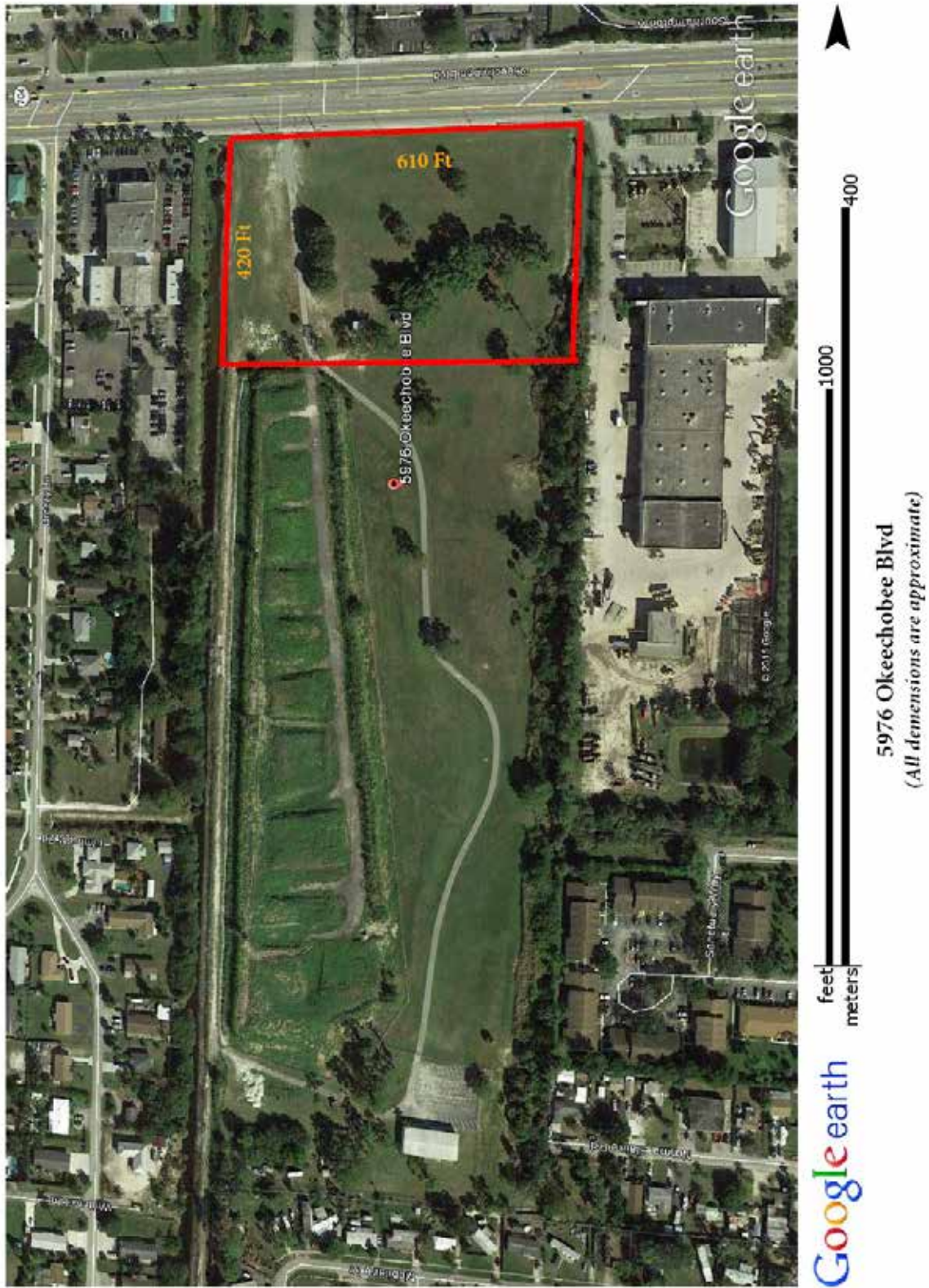
FEMA Map Date: March 1, 1979

Environmental Issues: There are no known environmental issues.

Encumbrance/
Easements: There are no known detrimental easements or encumbrances. There will need to be a 22 foot wide access easement through the subject site from Okeechobee Boulevard to provide access to the southerly portion of the parcel which is not included in this appraisal.

Site Comments: This site is typical of many sites located along Okeechobee Boulevard.

Aerial Plat



**** Please note that a 22 feet easement in a location TBD will need to be maintained to provide ingress/egress from Okeechobee Blvd. to the southern section of this property.**

Subject Photographs



Okeechobee Boulevard Looking West from the Subject



Okeechobee Boulevard Looking East from the Subject on the Right.



Subject Road Frontage Looking Southeasterly



Subject Site Looking South from Okeechobee Boulevard



Existing Driveway Through the Site looking South from Okeechobee Boulevard



Subject Site on the Left, Looking South at the Drainage Feature
along the West Line of the Subject

Assessment and Taxes

The subject is assessed and taxed by Palm Beach County, and the information shown is for the 2014 tax year.

Taxing Authority/Jurisdiction	Palm Beach County
Assessment Year	2014
Tax Parcel Number	00-42-43-26-05-004-0000
Land Assessed Value	\$2,465,281
Building Assessed Value	\$3,162
Other Property Assessed Value	\$0
Total Assessed Value	\$2,468,443

The assessment shown is for the larger parcel from which the subject is to be split. This larger parcel contains 18.8 acres, and the assessment per acre is \$131,185. Multiplying this by the 5.882 acres contained within the subject results in an implied assessment of \$771,630. If the zoning is changes as is probable, it is likely that the site as split would be reassessed to reflect this change.

As the current owner is tax exempt, there were no ad valorem taxes for the subject for 2014. However, at tax amount that would apply to a non-tax exempt owner can be estimated by multiplying the millage rate for the area of .0188006 by the implied assessment of \$771,360. This results in as estimated tax amount for the subject of \$14,507.

Zoning

LAND USE CONTROLS	
Zoning Code/Future Land Use	The subject larger parcel, which includes the subject site, is Zoned RH, or residential high density, by Palm Beach County. The portion of the site that includes the subject is designated CH/8, or commercial high, on the future land use plan..
Zoning Description	The residential high density use for the subject allows a variety of multi-family residential uses. The CH/8 land use plan designation allows a wide variety of commercial uses, primarily geared toward those 'providing a wide variety of service for individuals, business and government establishments and other organizations.'
Zoning Change Likely	The subject site is being split from a larger parcel. The RH zoning makes some sense for the larger parcel, but is not considered reasonable for the smaller subject site fronting on heavily commercial Okeechobee Boulevard. The site immediately east of the subject is a neighborhood retail facility, and the property immediately west is a car dealership. The majority of the smaller sites fronting Okeechobee Boulevard in this area are zoned CG, or Commercial General, and it is my opinion that a rezoning to CG would be possible, if not probable. This rezoning would allow many of the commercial uses permitted within the CH/8 commercial land use plan designation.
Current Use Legally Conforming	The current use is conforming
Zoning Comments	The current land use regulations are not typical for the area for a site of this type, and are a result, in my opinion, of the ownership of the site by a public entity. A rezoning to a designation more in-line with the area is considered probable.

Highest and Best Use

Highest and best use may be defined as

The reasonably probable and legal use of vacant land or improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

Legally Permissible: Legally permissible uses in this area controlled by the previously described land use regulations of Palm Beach County. These regulations currently allow are in conflict, with the zoning being for high density residential use, and the land use plan designation being commercial high, which only allows limited residential uses. Based upon the character of the area and the surrounding zoning, it is considered probable that the subject site could be rezoned to CG, as is much of the frontage along Okeechobee Boulevard. This would be consistent with the land use plan designation and the other sites within the neighborhood. In this case, legally permissible uses would be commercially oriented.

Physically Possible: The primary restriction on physically possible uses is the size of the subject site. At over five acres and with over 600 feet of road frontage, the site is large enough for almost any legally permitted commercial uses, and is also large enough to subdivide and have a mix of uses. The physically possible uses would any of the legally permissible commercial uses, if the zoning change is obtained.

Financially Feasible: Considering the current market, financially feasible uses would include many of the commercial uses along Okeechobee Boulevard. This could include retail, professional office, restaurants, and other commercially oriented uses. In addition, the site is large enough that a mix of these uses could be situated on the parcel.

Maximally Productive. Among the feasible uses which use will produce the highest net return, it is my opinion that the most productive use of the site is one which takes into account the location along Okeechobee Boulevard. This would be a mix of commercial uses, developed as demand dictates.

Highest and Best Use of the Site

The highest and best use of the site, as vacant, is for the development of a mix of commercial uses consistent with the neighborhood. This could not occur until the process of changing the zoning to be consistent with the land use plan designation has occurred, and this process could be lengthy.

Valuation Methodology

Three basic approaches may be used to arrive at an estimate of market value. They are:

The Cost Approach

The Income Approach

The Sales Comparison Approach

Cost Approach

The Cost Approach is summarized as follows:

Cost New

- Depreciation

+ Land Value

= Value

Income Approach

The Income Approach converts the anticipated flow of future benefits (income) to a present value estimate through a capitalization and or a discounting process.

Sales Comparison Approach

The Sales Comparison Approach compares sales of similar properties with the subject property. Each comparable sale is adjusted for its inferior or superior characteristics. The values derived from the adjusted comparable sales form a range of value for the subject. By process of correlation and analysis, a final indicated value is derived.

Final Reconciliation

The appraisal process concludes with the Final Reconciliation of the values derived from the approaches applied for a single estimate of market value. Different properties require different means of analysis and lend themselves to one approach over the others.

Analyses Applied

A **cost analysis** was considered and was not developed because it does not produce a credible value estimate in the current market.

A **sales comparison analysis** was considered and was developed because there is adequate data to develop a value estimate and this approach reflects market behavior for this property type.

An **income analysis** was considered and was not developed because the scope of the assignment called only for the consideration of comparable sales data. In my opinion, this does not reduce the credibility of the value estimate.

Sales Comparison Approach

The Sales Comparison Approach is based on the premise that a buyer would pay no more for a specific property than the cost of obtaining a property with the same quality, utility, and perceived benefits of ownership. It is based on the principles of supply and demand, balance, substitution and externalities. The following steps describe the applied process of the Sales Comparison Approach.

The market in which the subject property competes is investigated; comparable sales, contracts for sale and current offerings are reviewed.

The most pertinent data is further analyzed and the quality of the transaction is determined.

The most meaningful unit of value for the subject property is determined.

Each comparable sale is analyzed and where appropriate, adjusted to equate with the subject property.

The value indication of each comparable sale is analyzed and the data reconciled for a final indication of value via the Sales Comparison Approach.

Comparable Sales

We have researched comparable sales of both vacant and improved industrial properties in the area of the subject. These sales and location maps are on the following pages

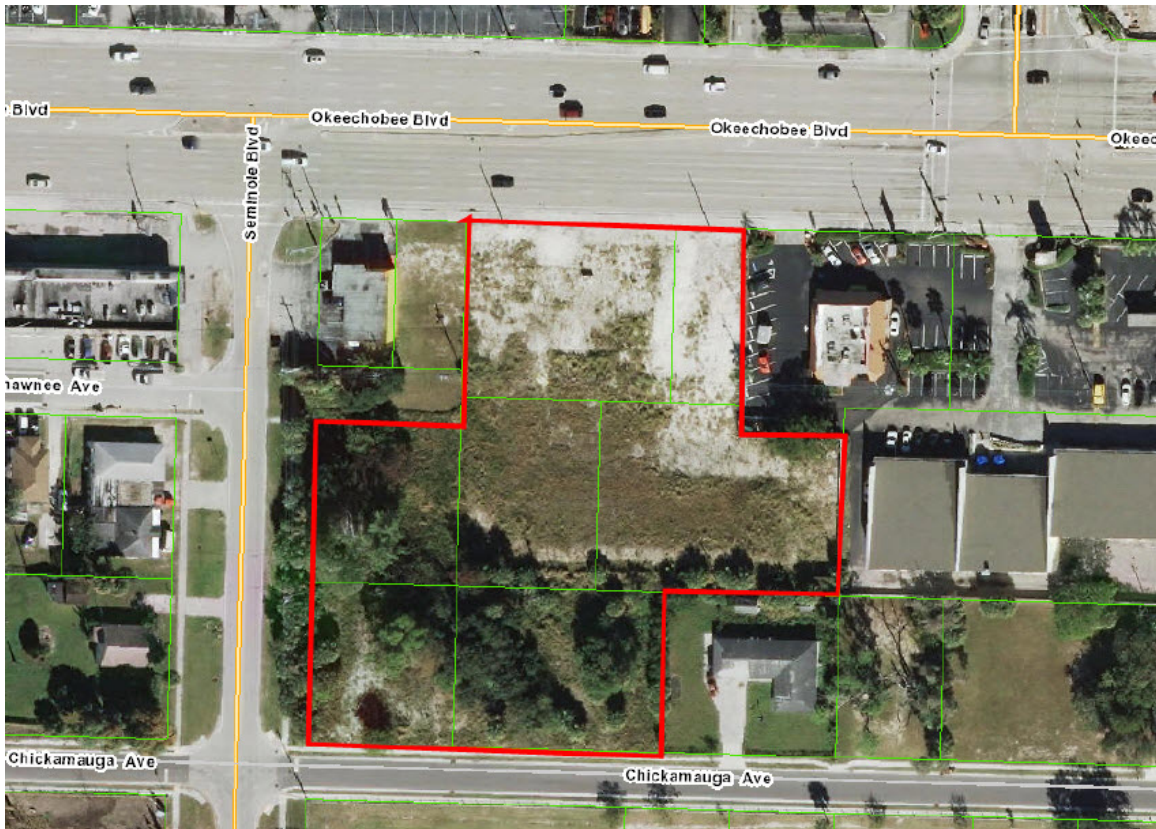
Vacant Land Sales

The following sales are the best vacant land sales found which are considered comparable to the subject property.

These sales are summarized on the chart below, a detailed sales data sheets are on the following pages.

No.	Location	Sale Date	Price	Size in SF	Price/ SF
1.	2620 Okeechobee Boulevard	07/09/2012	\$1,300,000	101,930	\$12.75
2.	5613 Okeechobee Boulevard	01/28/2014	\$550,000	78,190	\$7.03
3.	1950 Golden Lakes Boulevard	06/03/2014	\$1,035,000	81,762	\$12.66
4.	2630 Okeechobee Boulevard	05/15/2015	\$400,000	5,489	\$72.88

Land Sale No. 1



Property Identification

Record ID	7811
Property Type	Commercial
Address	2620 Okeechobee Boulevard, West Palm Beach, Palm Beach County, Florida
Tax ID	Multiple tax id numbers

Sale Data

Grantor	Palm Beach Imports, Inc.
Grantee	Sil-Fir Corp.
Sale Date	July 09, 2012
Deed Book/Page	25328/0180
Property Rights	Fee simple
Conditions of Sale	Arm's length
Financing	Cash to seller
Sale History	None in prior three years
Legal Desc.	Lengthy
Verification	Other sources: Public records, Confirmed by William Stewart
Sale Price	\$1,300,000
Cash Equivalent	\$1,300,000

Land Sale No. 1 (Cont.)

Land Data

Zoning	Frontage is CG, south portion is RH
Topography	Partially cleared
Utilities	Public
Shape	Irregular
Future Land Use Plan	CN and RH-Palm Beach County
Highest and Best Use	Commercial development
Access	Good

Land Size Information

Gross Land Size	2.340 Acres or 101,930 SF
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Indicators

Sale Price/Gross Acre	\$555,556
Sale Price/Gross SF	\$12.75

Remarks

This is the first, and largest, purchase in an assemblage of several parcels. The most recent purchase was adjacent to this site on Okeechobee Boulevard in May of 2015.

Land Sale No. 2



Property Identification

Record ID	7813
Property Type	Commercial
Address	5613 Okeechobee Boulevard, West Palm Beach, Palm Beach County, Florida
Tax ID	00-42-43-23-42-002-0000

Sale Data

Grantor	Legacy Bank of Florida
Grantee	Two Brothers Investment Group
Sale Date	January 28, 2014
Deed Book/Page	26627/1484
Property Rights	Fee simple
Conditions of Sale	Arm's length REO sale
Financing	Cash to seller
Sale History	Jan. 2011 for \$257,900
Legal Desc.	Lengthy
Verification	Confirmed by William Stewart

Sale Price	\$550,000
Cash Equivalent	\$550,000

Land Sale No. 2 (Cont.)

Land Data

Zoning	CG, Commercial General
Topography	Level with a water feature
Utilities	Public
Shape	Rectangular
Future Land Use Plan	CH/8-Palm Beach County
Highest and Best Use	Commercial development
Access	Good, service road

Land Size Information

Gross Land Size	1.795 Acres or 78,190 SF
Usable Land Size	0.900 Acres or 39,204 SF , 50.13%
Unusable Land Size	0.895 Acres or 38,986 SF , 49.86%

Indicators

Sale Price/Gross Acre	\$306,407
Sale Price/Gross SF	\$7.03
Sale Price/Usable Acre	\$611,111
Sale Price/Usable SF	\$14.03

Remarks

This is a typical commercial site, except that the northerly approximately 40% of the site is an existing pond. The southerly portion of the site is encumbered by the service road, leaving approximately 50% of the site buildable.

Land Sale No. 3



Property Identification

Record ID	7810
Property Type	Commercial
Address	1950 Golden Lakes Boulevard, West Palm Beach, Palm Beach County, Florida
Tax ID	74-42-43-28-43-005-0000

Sale Data

Grantor	Branch Banking and Trust Company
Grantee	AZG, Inc.
Sale Date	June 03, 2014
Deed Book/Page	26841/1849
Property Rights	Fee simple
Conditions of Sale	Arm's length REO sale
Financing	Cash to seller
Sale History	None in the prior three years
Legal Desc.	Tact E, Okeechobee Boulevard MUPD
Verification	Other sources: Public records, Confirmed by William Stewart
Sale Price	\$1,035,000
Cash Equivalent	\$1,035,000

Land Sale No. 3 (Cont.)

Land Data

Zoning	CG, General Commercial
Topography	Level and cleared
Utilities	Public
Shape	Rectangular
Future Land Use Plan	Commercial High-Palm Beach County
Highest and Best Use	Commercial development
Access	Good corner

Land Size Information

Gross Land Size	1.877 Acres or 81,762 SF
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Indicators

Sale Price/Gross Acre	\$551,412
Sale Price/Gross SF	\$12.66

Remarks

This site is access by Golden Lakes Boulevard, a signalized intersection, and a service road along the south line. The service road lessens the usable area of the site.

Land Sale No. 4



Property Identification

Record ID	7812
Property Type	Commercial
Address	2630 Okeechobee Boulevard, West Palm Beach, Palm Beach County, Florida
Tax ID	00-43-43-30=01-004-0030

Sale Data

Grantor	Spencer Square Holdings, Inc.
Grantee	Sil-Fir Corp.
Sale Date	May 15, 2015
Deed Book/Page	27546/100
Property Rights	Fee simple
Conditions of Sale	Arm's length
Financing	Cash to seller
Sale History	None in prior three years
Legal Desc.	Lengthy
Verification	Other sources: Public records, Confirmed by William Stewart

Sale Price	\$400,000
Cash Equivalent	\$400,000

Land Data

Zoning	CG, Commercial
Topography	Cleared
Utilities	Public
Shape	Irregular
Future Land Use Plan	CN-Palm Beach County
Highest and Best Use	Commercial development
Access	Good

Land Sale No. 4 (Cont.)

Land Size Information

Gross Land Size 0.126 Acres or 5,489 SF

Indicators

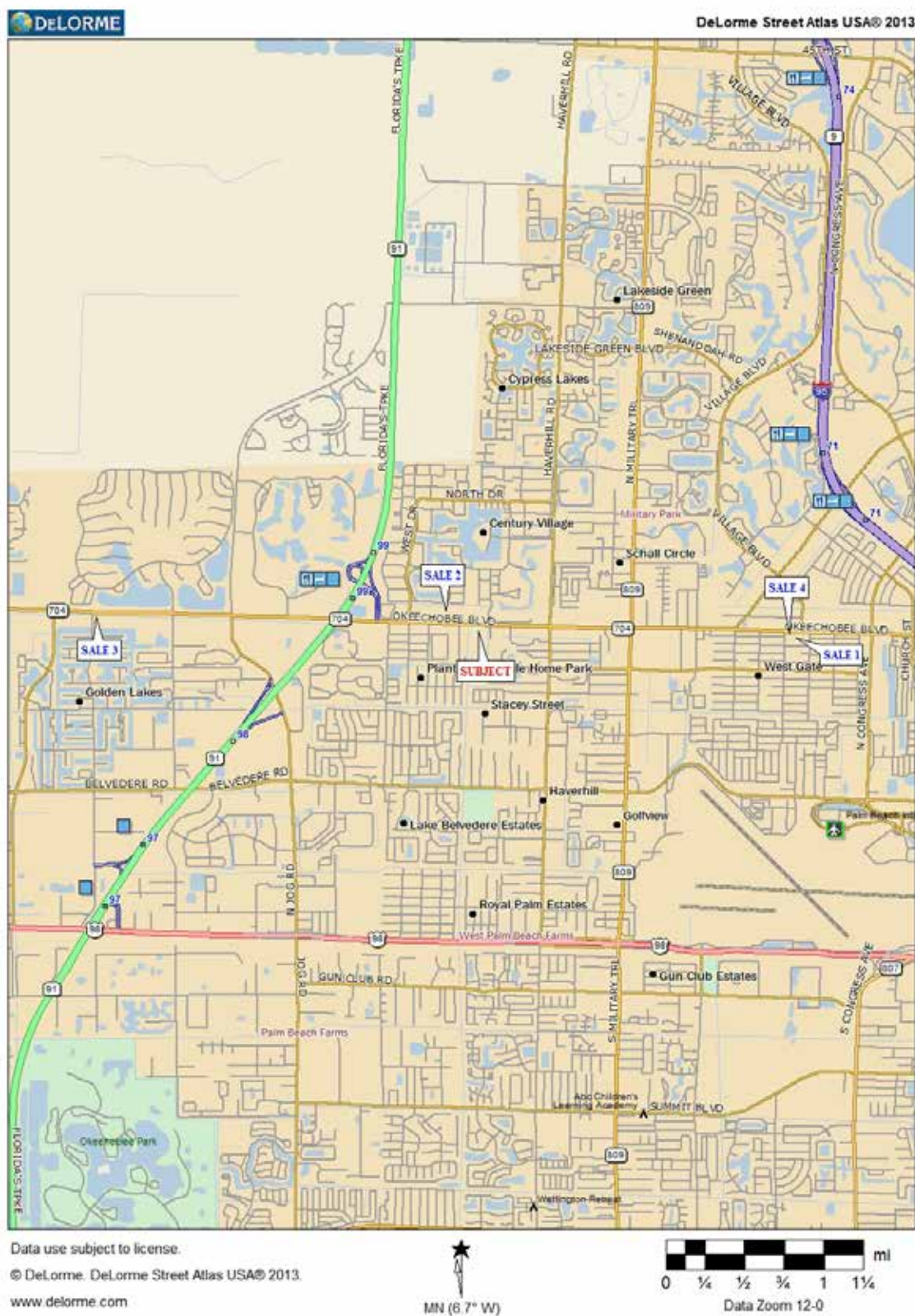
Sale Price/Gross Acre \$3,174,603

Sale Price/Gross SF \$72.88

Remarks

This is the most recent purchase in an assemblage of several parcels. This parcel provided addition frontage on Okeechobee Boulevard for the larger site.

Land Sales Location Map



Analysis

The above sales have been analyzed and compared with the subject property. We have considered adjustments in the areas of:

ÿ Property Rights Sold	ÿ Market Trends
ÿ Financing	ÿ Location
ÿ Conditions of Sale	ÿ Physical Characteristics

Comparable Sale Comparisons

Property Rights

All sales transferred similar property rights, and no adjustments are considered necessary.

Financing

No financing adjustment was necessary for any of the sales.

Conditions of Sale

All sales are arm's length transactions with no unusual conditions. There are no adjustments considered necessary for sale condition.

Economic Trends

The sale dates range from 2012 to 2015. There are market indications that prices are increasing over time, and therefore the more recent sales are given greater weight.

Location

All of the sales are within the general area of the sales have frontage on Okeechobee Boulevard. Sale Number three is just west of the subject neighborhood, but it was considered necessary to extend the search for sales data due to the small number of vacant sites within the immediate neighborhood, and the lack of recent sales data.

Size

All of the sales are smaller than the subject, and Sale Number 4 is much smaller. Sale Number 4 would not typically have been included in this analysis, but is included as it is the only sale found in 2015. However, it is the most recent purchase in the assemblage represented by Sale Number 1, and the price is considered much too high for this reason.

Zoning

As mentioned previously, the subject site has multifamily zoning as part of the larger parcel, but the land use plan designation is for commercial use consistent with the neighborhood. The highest and best use is for the rezoning to commercial to be consistent with the land use plan and the neighborhood, but this can be a lengthy process and the sales are all considered superior to the subject as they already have the appropriate commercial zoning.

Land Sales Comparison Conclusion

All of the sales are considered, and the range of prices per square foot is from a low of \$7.03 for Sale Number 2 to a high of \$72.88 for Sale Number 4. The reason for the unreasonably high price for Sale 4 has been discussed, and this sale is given little weight, except to represent that there is demand for frontage parcels within the neighborhood.

Sale Number 1 is the oldest sale but is included as it is the most similar in size to the subject. This parcel has commercial zoning along the road frontage and residential zoning at the rear of the site. The sale is considered to be inferior with regard to date of sale, but superior with regard to zoning.

Sale Number 2 is the parcel with the most similar location to the subject, as it is almost directly across Okeechobee Boulevard. This sale does not have direct frontage and access, however, but service road frontage and access. In addition, this site has a large pond in place, which reduces the usable area of the site. This parcel is considered to be inferior to the subject physically, but is zoned appropriately. The sale price per usable square foot for this site is estimated to be \$14.03.

Sale Number 3 is the other sale considered most comparable to the subject. This parcel also has service road access, but does have direct frontage. The site is zoned commercial.

Taking all of the above into consideration, the estimated range of value per square foot for the subject is \$11.50 per square foot to \$12.50 per square foot. Multiplying this by the 256,200 square feet in the subject site provides an overall range of value, after rounding, of \$2,950,000 to \$3,200,000.

Final Reconciliation

The process of reconciliation involves the analysis of each approach to value. The quality of data that is applied, the significance of each approach as it relates to market behavior and defensibility of each approach are considered and weighed. Finally, each is considered separately and comparatively with each other.

Cost Approach

The cost approach takes into consideration the ability of a potential purchaser to consider building a substitute property to the subject. As discussed, the cost approach was not utilized in this appraisal as it does not produce a credible value estimate, in our opinion.

Sales Comparison Approach

The sales comparison approach utilized several actual sales of properties which are as similar to the subject property as possible and which have occurred relatively recently. These sales were analyzed, comparisons were made, and the indicated sale prices per square foot of land area are considered. This approach best reflects the behavior of participants in the market.

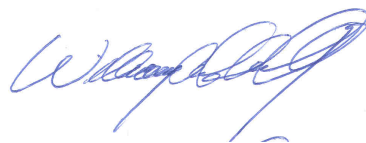
Income Approach – Direct Capitalization

The income approach is not considered in this appraisal as the site is vacant land with no improvements to produce income.

Value Indications

Reconciled Value Ranges:	5976 Okeechobee Boulevard
Value Conclusions	\$2,950,000 to \$3,200,000
Effective Date	July 19, 2015
Property Rights	Fee simple

Stewart & Company, Inc.



William Stewart, MAI
State-Certified General Real Estate Appraiser-RZ233

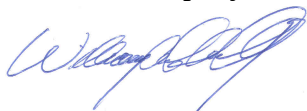
Certification Statement

I certify that, to the best of my knowledge and belief...

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions as well as requirements (if any), and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this report.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Uniform Standards of Professional Appraisal Practice and the Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

- The By-Laws and Regulations of the Institute require each Member and Candidate to control the use and distribution of each appraisal report signed by such Member or Candidate. Therefore, except as hereinafter provided, the party for whom this appraisal report was prepared may distribute copies of this appraisal report, in its entirety, to such third parties as may be selected by the party for whom this appraisal report was prepared; however, selected portions of this appraisal report shall not be given to third parties without the prior written consent of the signatory of this appraisal report. Further, neither all nor any part of this appraisal report shall be disseminated to the media, sales media or other media for public communication without the prior written consent of the signator of this appraisal report.
- As of the date of this report, I have completed the requirements of the continuing education program of the Appraisal Institute.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- This appraisal assignment was not based upon a requested minimum valuation, a specific valuation, or approval of a loan.
- The undersigned appraiser has experience in appraising properties of this type and thus meets the competency requirements.
- The appraiser has provided no services with regard to the subject in the three years prior to this assignment.

Stewart & Company, Inc.



William Stewart, MAI
State-Certified General Real Estate Appraiser RZ233

Addenda

Qualifications

QUALIFICATIONS OF WILLIAM E. STEWART, JR.

EDUCATION:

Graduate of The University of Florida in 1972

Bachelor of Science in Business Administration

Major in Real Estate and Urban Land Studies

Society of Real Estate Appraisers

Course 101: Introduction to Appraising Real Property, 1971 and 1984

Course 201: Principles of Income Property Valuation, 1975

Professional Practices Seminar, 1975 and 1979

American Institute of Real Estate Appraisers

Course II: Appraisal of Urban Properties, 1976

Course VI: Investment Analysis, 1979

Standards of Professional Practice: Ethics Seminar, 1980, 1986, and 1991

Seminars on varied subjects

MEMBERSHIPS:

Member (MAI) of the Appraisal Institute, Florida Gulf Coast Chapter

Realtor Member of the Cape Coral Association of Realtors

Accredited Cape Coral Residential Specialist Realtor

EXPERIENCE:

Hunnicuttt & Associates, Inc., Private Appraisal Department, 1972-77

Associated with John Sawyer, MAI, SRPA, 1977-1978

Associated with Paul R. Jacobs, Inc., 1978 and 1979

Jacobs, Stewart & Associates, Inc., 1980

Stewart, Stephan & Bowen, Inc., 1980 to 2010

Stewart & Company, 1998 to Present

LICENSES:

State-Certified General Real Estate Appraiser RZ233 in Florida

MISCELLANEOUS:

Qualified as an expert witness in the Lee, Collier, Hendry, and Charlotte Counties

Qualified as a fee appraiser by the Florida Department of Transportation

Qualified as a fee appraiser by the Florida Department of Environmental Protection

Qualified as a fee appraiser by the South Florida Water Management District

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

A. - 1.

Agenda Title

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

Presenter

John C. Randolph, Town Attorney

Supporting Documents

ATTACHMENTS:

Description

[Ordinance No. 01-2016](#)

Type

Ordinance

ORDINANCE NO. 01-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 90 OF THE TOWN OF PALM BEACH CODE OF ORDINANCES, TITLED “PUBLIC IMPROVEMENTS” BY AMENDING SECTION 90-104 OF THE TOWN OF PALM BEACH CODE OF ORDINANCES TITLED “POWERS OF THE DISTRICT” TO CLARIFY THE PALM BEACH MUNICIPAL SERVICES SPECIAL DISTRICT’S AUTHORITY WITH REGARD TO AD VALOREM TAXATION; AMENDING SECTION 90-141, TITLED “TAXING POWER NOT PLEDGED” TO PROVIDE THAT ASSESSMENTS IMPOSED PURSUANT TO THE PROVISIONS OF CHAPTER 90 TO FUND PROJECT COST OF LOCAL IMPROVEMENTS MAY BE USED BY THE TOWN TO PAY AND SECURE GENERAL OBLIGATION BONDS, NOTES OR OTHER OBLIGATIONS OF THE TOWN ISSUED UNDER CHAPTER 166 OF THE FLORIDA STATUTES, THE FLORIDA CONSTITUTION, AND OTHER PROVISIONS OF FLORIDA LAW TO FUND PROJECT COST OF LOCAL IMPROVEMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR FULL FORCE AND EFFECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council finds it to be in the best interest of the Town to amend Section 90-104 of the Town of Palm Beach Code of Ordinances to clarify the Palm Beach Municipal Services Special District’s authority with regard to ad valorem taxation; and

WHEREAS, the Town Council finds it to be in the best interest of the Town to modify the language of Section 90-141 of the Town of Palm Beach Code of Ordinances to make clear that assessments imposed by the Town to fund project cost of local improvements may be used by the Town to pay and secure general obligation bonds, notes or other obligations of the Town issued under Chapter 166 of the Florida Statutes, the Florida Constitution, and other provisions of Florida law to fund Project Cost of Local Improvements.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Amendments of Section 90-104 of Chapter 90 of the Town Code of Ordinances. Section 90-104(11) and (32) of the Town of Palm Beach Codes of Ordinances, entitled Powers of the District, is hereby amended at item (11) to read as follows and so as to rescind in its entirety item (32) and renumber item (33) as (32):

(11)To divide the district services and facilities into separate units, benefit areas, or subsystems for the purpose of imposing special assessments, setting rates, fees, or charges, accounting or financing improvements or additions, or for any other purpose.

* * *

(32) Nothing herein is intended to or shall be construed to limit the power of local self-government of a municipal corporation or conflict with the Constitution of the state or the Town of Palm Beach Charter.

SECTION 2. Amendment of Section 90-141 of Chapter 90 of the Town Code of Ordinances. Section 90-141 of the Town of Palm Beach Codes of Ordinances, entitled Taxing Power Not Pledged, is hereby amended to read in its entirety as follows:

SEC. 90-141. -. TAXING POWER NOT PLEDGED. Obligations issued under the provisions of this article shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the Town within the meaning of the Constitution of the state, but such obligations shall be payable only from pledged revenue in the manner provided herein and by the resolution authorizing the obligations. The issuance of obligations under the provisions of this article shall not directly or indirectly obligate the town to levy or to pledge any form of ad valorem taxation for obligations issued under this article. No holder of any such obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the town to pay any such obligations or the interest thereon or to enforce payment of such obligations or the interest thereon against any property of the town, nor shall such obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the town, except the pledged revenue. Notwithstanding the foregoing, assessments imposed by the town pursuant to this article to fund the project cost of local improvements may be used by the Town to pay and secure general obligation bonds, notes or other obligations of the Town issued under Chapter 166 of the Florida Statutes, the Florida Constitution, and other provisions of Florida law to fund project cost of local improvements.

SECTION 3. Full Force and Effect - Chapter 90 as Amended Remains in Effect. Except as amended by this Ordinance, Chapter 90 of the Town of Palm Beach Code of Ordinances remains in full force and effect.

SECTION 4. Codification. It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Town of Palm Beach Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ENACTED in a regular, adjourned session on first reading this 9th day of February, 2016 and for a second and final reading this 8th day of March, 2016.

Gail L. Coniglio
Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Town Council President Pro-Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Margaret A. Zeidman, Town Council Member

Susan A. Owens, MPA, MMC, Town Clerk

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

A. - 2.

Agenda Title

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

Presenter

Jane Struder, Director of Finance

Supporting Documents

ATTACHMENTS:

Description	Type
Ordinance No. 02-2016	Ordinance

ORDINANCE NO. 02-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 102, SOLID WASTE; ARTICLE II COLLECTION; DIVISION 3, RATES, CHARGES, BILLING PROCEDURE; AT SECTION 102-103 COLLECTION OF DELINQUENT CHARGES; AND SECTION 102-105, BILLING FOR CHARGES; NOTICE OF DELINQUENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 102, Solid Waste; Article II, Collection; Division 3, Rates, Charges, Billing Procedures; Section 102-103, Collection of Delinquent Charges, to read as follows:

“Sec. 102-103. - Collection of delinquent charges.

If any property owner shall fail to pay a solid waste collection bill within thirty (30) days from the mailing of the bill, the property owner will receive a second statement with past due penalties on the total outstanding account balance, including any prior penalties. If the property owner fails to pay the second billing notice after an additional thirty (30) days, the property owner will receive notice as provided by law to appear before the code enforcement board. The code enforcement board will use any of its powers to bring the solid waste collection customer to compliance including, but not limited to, directing a lien to be filed on the customer's property.”

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 102, Solid Waste; Article II, Collections; Division 3, Rates, Charges, Billing Procedures; Section 102-105, Billing for Charges; Notice of Delinquency, to read as follows:

“Sec. 102-105. - Billing for charges; notice of delinquency.

The director shall bill the owner on a quarterly basis beginning on October 1 of each year. All fees shall be deemed delinquent thirty (30) days after the date of mailing. Unless such bills are paid on or before the due date, a ten percent penalty shall be calculated on the total outstanding account balance, including prior penalties.”

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of February, 2016, and for second and final reading on this 8th day of March, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

A. - 3.

Agenda Title

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

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

ATTACHMENTS:

Description

[Ordinance No. 03-2016](#)

Type

Ordinance

ORDINANCE NO. 03-2016

AN ORDINANCE GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF 25 YEARS TO SELL, DISTRIBUTE, TRANSPORT, AND TRANSMIT NATURAL OR MIXED GAS IN THE TOWN OF PALM BEACH, FLORIDA; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE UPON FINAL PASSAGE; AND REPEALING PRIOR ORDINANCES.

WHEREAS, the Town of Palm Beach, Florida owns and/or exercises control over the Town's Rights-of-Way and other Rights-of-Way (as both are defined herein); and

WHEREAS, the Company (as defined herein) has requested permission from the Town to erect, construct, operate, and maintain a gas system; to import, transport, sell and distribute Gas (as defined herein) within the Town; and for these purposes to construct and install facilities and equipment, and to lay and maintain gas mains, service pipes, and any other appurtenances, as are necessary, used or useful in the sale, transportation and distribution of Gas within the Town's Rights-of-Way and other Rights-of-Way; and

WHEREAS, the Town's Rights-of-Way to be used by the Company are public properties acquired and maintained by the Town at expense to the Town's taxpayers, and the right to use the Town's Rights-of-Way is a property right without which the Company would be required to invest capital and incur property acquisition costs; and

WHEREAS, the Town desires to insure that the Town's Rights-of-Way and other Rights-of-Way used by the Company are used safely and properly, and when such Rights-of-Way are disturbed, to insure that they are promptly restored to a safe and secure condition to protect the health, safety, and welfare of the citizens and residents of the Town; and

WHEREAS, state statutes and Town ordinances authorize the Town to grant a franchise for the purposes set forth herein; and

WHEREAS, the Palm Beach Town Council finds that it is in the public interest of its citizens to enter into this Franchise Agreement (as defined herein) with the Company.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA:

- 1. Definitions.** For the purposes of this Franchise Agreement, the following terms, phrases, words, and their derivatives shall have the meanings given herein. When not

inconsistent with the context, words used in the present tense include the future and past tenses, words in the plural include the singular, and words in the singular include the plural.

- A. “Affiliate” means, with respect to any particular Person means any other Person controlling, controlled by or under common control with such Person. For purposes of this definition, “control” (including the terms “controlling,” “controlled by” and “under common control with”) means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a Person, whether through the ownership of voting securities, by contract or otherwise, and such “control” will be conclusively presumed if any Person owns 10% or more of the voting or other ownership interests, directly or indirectly, of any other Person.
- B. “Business Day” means a day other than a Saturday or Sunday or a day on which commercial banks located within the Town are closed.
- C. “Commission” shall mean the Florida Public Service Commission.
- D. “Company” shall mean Florida Public Utilities Company, a Florida corporation, its successors, and assigns.
- E. “Customer” shall mean any Person supplied with Gas service by the Company within the Town Limits.
- F. “Distribution System” shall mean any and all transmission pipe lines, main pipe lines, and service pipe lines, together with all necessary and desirable appurtenances, including, but not limited to, all tubes, traps, vents, vaults, manholes, meters, gauges, regulators, valves, conduits, attachments, and structures, as are used or useful in the sale, importation, distribution, transportation, and transmission of Gas within the Town Limits.
- G. “Effective Date” shall mean the date this Franchise Agreement becomes effective as described in Section 3 below.
- H. “Expenses” means court costs, including taxed and untaxed costs, and reasonable attorneys’ fees, whether suit be brought or not, and includes, without limitation, expenses incurred in any appellate or bankruptcy proceeding (including reasonable legal and investigative expenses).
- I. “Franchise” or “Franchise Agreement” shall mean this ordinance as adopted by the Town and accepted by the Company.
- J. “Franchise Fee” shall mean an amount equal to six percent (6.0%) of the Company’s Gross Revenues.

- K. “Gas” shall mean natural gas and/or manufactured gas and/or a mixture of natural and manufactured combustible gases that are distributed in pipes and measured by meter on the Customer’s premise. It shall not mean propane gas or liquefied petroleum gas (commonly referred to as “LP gas” or “bottled gas”), nor shall it mean hydrogen gas.
- L. “Gross Revenues” shall mean all revenues received by the Company from any Customer other than an Interruptible Customer, excluding deposits, prepayments, turn on/off charges, meter installation charges, and any other revenue not generated directly and solely from the sale, distribution, transportation, and transmission of Gas.
- M. “Industrial Customer” means a Customer whose principal business activity is categorized within Standard Industrial Classification codes 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, or 39.
- N. “Interruptible Customer” means a Customer served under the Company’s Rate Schedule IS, Interruptible Service, or Rate Schedule ITS, Interruptible Transportation Service, in the event that such Rate Schedules, which are presently closed to new business, are re-opened to allow new Customers to take service thereunder.
- O. “Party” shall mean the Town of Palm Beach or Florida Public Utilities Company, which may be referred to collectively herein as the “Parties” to this Franchise Agreement.
- P. “Person” shall mean any individual, firm, partnership, estate, corporation, company or other entity, including, but not limited to, any government entity.
- Q. “New Industrial Customer” means any Industrial Customer that (i) was not a Customer as of the Effective Date or (ii) was a Customer as of the Effective Date but has since relocated any of its facilities within the Town Limits.
- R. “Rights-of-Way” shall mean the Town’s Rights-of-Way and all other publicly-owned rights-of-way, private roads, and easements, including utility easements, that are (i) publicly held or dedicated for public use, including for use in providing utility services, or (ii) presently opened or to be opened to public use for motor vehicular, bicycle, or pedestrian movement, or both (i) and (ii) above.
- S. “Town” shall mean the Town of Palm Beach, Florida, a municipal corporation organized and existing under the laws of the State of Florida.
- T. “Town Clerk” means the Person appointed, hired or otherwise designated or charged by the Town to accept, organize, maintain and/or keep records of the Town.

- U. “Town Engineer” means the Person appointed, hired or otherwise designated or charged by the Town to perform professional and technical engineering duties for the Town which may include, by example, performing supervisory and administrative duties in planning and coordinating the operation of engineering services on behalf of the Town.
- V. “Town Limits” shall mean the incorporated limits of the Town, including any such territory as may be hereafter added or annexed to, or consolidated with, the Town.
- W. “Town Manager” means the Person appointed, hired or otherwise designated or charged by the Town to implement municipal policy and/or otherwise serve as the administrator for the Town in connection with day-to-day functions, including, in the absence of the Town Manager, the Acting Town Manager.
- X. “Town’s Own Use” means the consumption of Gas by the Town in the operation of its governmental facilities.
- Y. “Town’s Rights-of-Way” shall mean all rights-of-way, streets, alleys, highways, waterways, bridges, sidewalks, easements and other ways or places: (i) in or with respect to which the Town has the legal right to grant the Company a franchise to use such spaces for the purpose of conducting its business in the Town; (ii) that are publicly held or dedicated for public use; and (iii) that are presently opened or to be opened to public use for vehicular or pedestrian movement; provided, that the “Town’s Rights-of-Way” shall include the space at the surface of and below the right-of-way places located within the Town Limits.

2. **Grant of Authority.** The Town hereby grants to the Company the non-exclusive right, privilege, and franchise to erect, construct, operate, and maintain in, on or under any of the Town’s Rights-of-Way, as they now exist or may be hereafter constructed, opened, laid out or extended within the Town Limits, a Distribution System. This Franchise Agreement shall not be interpreted or construed to allow for the installation of any above-ground facilities in, on, or under any Town property or in any location or manner where such installation would unreasonably interfere or create a hazardous condition with respect to motor vehicular, bicycle, or pedestrian traffic or movement. In the event that the Town closes, vacates or otherwise abandons any of the Town’s Rights-of-Way, the Town shall provide to the Company an easement for the Distribution System already located in such rights-of-way in such form and content as is reasonably acceptable to the Company.
3. **Term.** This Franchise Agreement shall take effect and be in force from and after the first day of the month following the date upon which the Company files its acceptance of this Franchise Agreement with the Town Clerk (the “Effective Date”). Except as provided in Section 4 herein, the Franchise hereby granted by the Town to the Company shall be twenty-five (25) years from the Effective Date (the “Initial

Term”). Upon expiration of the Initial Term, this Franchise Agreement shall continue on the same terms then in effect at the expiration of the Initial Term on a month-to-month basis, and the Company expressly agrees that the Franchise Fee provided for herein constitutes fair and just compensation to the Town in return for the Town’s maintaining the Town’s Rights-of-Way and making the Town’s Rights-of-Way available to the Company for the Company’s use in selling Gas to Customers free of competition by the Town.

4. Termination.

- A. In the event that the Company commits, at any time, a material breach of any of the material covenants, terms, and conditions of this Franchise Agreement, the Town may terminate this Franchise Agreement, provided that the Town shall first have served the Company with a written notice pursuant to Section 22 herein, setting forth in reasonable detail all matters pertinent to such material violation or default, and the Company shall have failed, within sixty (60) days after service of such notice or within such longer period of time as may be reasonably necessary, to either cure such violation or default, or to present a plan to the Town to effect such cure pursuant to such plan within a reasonable period of time after the Town’s approval of the plan. Approval of the plan by the Town shall not be unreasonably withheld, conditioned or delayed.
- B. In the event that the Town commits, at any time, a material breach of any of the material covenants, terms, and conditions of this Franchise Agreement, the Company may terminate this Franchise Agreement, provided that the Company shall first have served the Town with a written notice pursuant to Section 22 herein, setting forth in reasonable detail all matters pertinent to such material violation or default, and the Town shall have failed, within sixty (60) days after service of such notice or within such longer period of time as may be reasonably necessary, to either cure such violation or default or to present a plan to the Company to effect such cure pursuant to such plan within a reasonable period of time after the Company’s approval of the plan. Approval of the plan by the Company shall not be unreasonably withheld, conditioned or delayed.
- C. Either Party, in its sole discretion, may terminate this Franchise Agreement without cause at any time after the expiration of the Initial Term.
- D. At such time as this Agreement is terminated and the Company ceases the sale and transporting of Gas to Customers, the Company’s obligations to pay the Franchise Fee shall terminate. (This Section 4(D) shall not be applicable in the event of the expiration of the Initial Term and the continuation of this Franchise Agreement on a month-to-month basis pursuant to Section 3 above.)

5. **Non-exclusive Franchise.** The right to use and occupy the Town's Rights-of-Way for the purposes set forth herein shall not be exclusive, and the Town reserves the right to grant a similar use of the Town's Rights-of-Way to any Person at any time during the period of this Franchise, so long as such grant shall not interfere with the Company's rights granted hereunder. This Franchise shall grant the privilege of carrying on the Company's business in all of the Town or in part of the Town, with no promise that there will be no competition by entities other than the Town, which expressly agrees not to compete against Company during the term of this Franchise pursuant to Section 6 herein. In the event the Town grants a franchise to a competitor of the Company, the grant shall not interfere with the Company's rights granted hereunder, including physical location of improvements, except as to matters that occur as a result of competition.
6. **Competition.** As further consideration for this Franchise Agreement the Town hereby agrees that during the term of this Franchise it shall not engage in the business of selling, importing, distributing, transporting, delivering, or transmitting Gas to any Person located within the Town Limits, and that it shall not otherwise compete with the Company within the Town Limits; provided, however, that neither this provision nor any other provision of this Franchise Agreement shall be construed to prohibit the Town's legal ability to generate or produce its own Gas for the Town's Own Use, and the Town's generation or production of Gas for the Town's Own Use shall not be construed to be in competition with the Company.
7. **Assignment.** Except as set forth below, this Franchise hereby granted shall not be sold, leased, assigned or otherwise alienated or disposed of (any such event a "Transfer") except with the prior written consent (the "Consent") of the Town Council, which shall not be unreasonably withheld or conditioned or unduly delayed. In the event that the Town neither grants nor denies the Consent within seventy-five (75) days after the Company's written request for Consent delivered pursuant to Section 22 below, then the Consent shall be deemed to have been granted by the Town to the Company. No Transfer shall be effective until the Person to whom the Franchise is Transferred files a duly executed instrument reciting the fact of the Transfer, accepting the terms of the Franchise, and agreeing to perform all the conditions thereof, in the office of the Town Clerk, whereupon the transferor shall be released of any further obligations under this Franchise Agreement without the necessity of any further action by any Person. Notwithstanding the foregoing, the Company may in its sole and absolute discretion, without any requirement to obtain the Consent, Transfer this Franchise (i) to an Affiliate to which, and in connection with which, the assets comprising the Distribution System are transferred or conveyed, or (ii) in connection with (A) the sale of all or substantially all of the Company's assets or of the business unit of which this Franchise is a part; (B) the merger of the Company with or into any other Person or other transfer by operation of law; or (iii) the pledge or mortgage of this Franchise and the assets comprising the Distribution System for the purpose of securing payment of monies borrowed by the Company.
8. **Compliance with Applicable Laws.**

- A. Subject to Section 10 below, the Company shall abide by all reasonable rules, regulations, and ordinances which the Town has passed or might pass in the future, including, without limitation, the most current edition of the Town's "Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach," promulgated by the Town's Department of Public Works, Engineering Division, and commonly referred to as the "Town's Right-of-Way Manual" (the "Manual" and all such reasonable rules, regulations, and ordinances being referred to as the "Town's Legal Requirements"). As of the date of this Franchise Agreement, the current version of the Manual is dated May 1994 as Revised through December 26, 2012. The Company shall also comply with the rules and regulations promulgated by the Commission applicable to the safety of the Company's system and facilities, and with any rules and regulations promulgated by the Florida Department of Transportation or the U.S. Department of Transportation, provided that, in the event of any conflict between the Town's Legal Requirements and those of the Commission or any other agency, then, unless the Town's Legal Requirements are expressly preempted by such other agency's rules or regulations, the Town's Legal Requirements shall control.
- B. For purposes of Section 8(A) above, this Franchise shall be construed and applied such that, with respect to any item of work, project or other matter for which the Town has issued a permit (to whomever issued if the Company is to perform or otherwise assist in connection with the same, each a "Permitted Project"), the Company shall be entitled to proceed with such Permitted Project based on the Town's Legal Requirements, including the version of the Manual, that were in effect on the date upon which the permit related to the Permitted Project was issued.
- C. All changes to the Town's Legal Requirements shall apply prospectively and in no event shall the Company be obligated to remediate or otherwise take any action with respect to any portion of the Distribution System or Permitted Project that no longer complies with the Town's Legal Requirements due to a subsequent change in the Town's Legal Requirements, provided, however, that if the Town makes a determination at a public hearing duly noticed that the application of the subsequent change in the Town's Legal Requirements to the previously existing Distribution System is necessary to protect the health or safety, or both the health and the safety, of persons, then such changes in the Town's Legal Requirements shall be applicable to the previously existing Distribution System, provided further that the Company shall have such time to comply with such changed Town's Legal Requirements as is reasonable and appropriate considering all circumstances, including the cost of compliance and the potential risk of harm to the health or safety of persons.

9. Deregulation.

- A. In the event the Company or any aspect of the Gas trade, as contemplated hereunder, is deregulated, the Company shall maintain and operate its Distribution System and render efficient service in accordance with such rules and regulations as are, or may be, promulgated by the Town.
- B. In the event the Town has not promulgated rules and regulations at the time of deregulation, then, the Company shall maintain and operate its Distribution System in compliance with the rules and regulations by which they were governed prior to deregulation until such time as the Town has had an opportunity to promulgate rules and regulations or pass an ordinance governing those items regulated by the Commission, governing service standards, safety standards, and quality controls. In all cases and events, the Company shall maintain and operate its Distribution System in accord with good utility practices, good engineering practices, and with due care for the public health, safety, and welfare.

10. Changes to Current Town Requirements; Deregulation Ordinances.

- A. In no event shall the Company be required to abide by or be subject to any changes, amendments, or modifications to the Town's Legal Requirements, or to any new rules, regulations, ordinances, standards, future exercises of the Town's police power or other Town actions, including, without limitation, any rules, regulations, or ordinances related to deregulation of any aspect of the Gas trade, to the extent that any such changes, amendments, modifications, or new requirements:
 - i. are preempted by Florida law or by any rules, regulations, or other requirements of the Commission, the Florida Department of Transportation, or the U.S. Department of Transportation; or
 - ii. will have a disproportionate or discriminatory effect on the Company as compared to other Persons utilizing or accessing the Rights-of-Way or are not likely to be applied (or are not in fact applied) uniformly among all Persons utilizing or accessing the Rights-of-Way.
- B. Notwithstanding anything to the contrary contained in this Franchise Agreement, the Company shall be entitled to proceed with any Permitted Project on the basis of the Town's Legal Requirements in effect on the date upon which the permit was issued.
- C. The Town will provide to the Company a copy of each new edition of the Manual promptly after any such new edition is approved by the Town Council for implementation.

11. Distribution System. The Distribution System shall be erected, placed, laid, and maintained in a manner consistent with the following; provided, however, with respect to Permitted Projects, the Company's obligation to comply with the Town's

Legal Requirements shall be as in effect as of the date of issuance of the applicable permit):

- A. The Town, through its Town Manager, Town Engineer, or other designee, shall have the authority, but shall not be required, to supervise all construction, location, restoration, relocation and installation work.
- B. The Company shall install and maintain its Distribution System in a manner that provides reasonable egress from and ingress to abutting property.
- C. While allowing the functioning of the Distribution System, the Distribution System shall be located in the Rights-of-Way, including the Town's Rights-of-Way, in compliance with the Manual and in a manner that will not unreasonably obstruct, disturb, interfere, or create a hazardous condition, on a permanent basis, with any motor vehicular, bicycle, or pedestrian traffic, water flow, water pipes, sewers, drains, catch basins, pavement, sidewalk, driveways, or any other structures installed or any other function of said structures of the delivery of municipal services by the Town. Any temporary obstructions, disturbances, or interference with any of the foregoing shall only be allowed in compliance with the Manual and shall, to the extent practicable and commercially reasonable, be limited in reasonable degree and extent, and for a reasonable amount of time, necessary to accomplish the Company's work that necessitated such obstructions, disturbances, or interference.
- D. In the event that drains, sewers, catch basins, water pipes, pavements or other like improvements, or the function of said improvements are materially damaged by erecting, placing, laying or maintaining the Distribution System, the Company shall repair the damage at its sole cost and expense to a condition that is better than or substantially equal to that which existed prior to said damage. In this regard, the Town shall give written notice to the Company pursuant to Section 22 herein, of deficiencies that need to be cured by the Company. Said notice shall set forth a reasonable period of time, under the circumstances, in which the Company shall effect such repair.
- E. Notice of construction, location, restoration or relocation of the Distribution System shall be given to the Town Engineer or his designee in compliance with the Manual, and the Town will process the Company's notice or request for authorization to conduct such work as provided for in the Manual, and as expeditiously as is reasonably practicable under the circumstances. As soon as practicable, but no more than fifteen (15) Business Days after completion of the work, the Company shall submit as-built drawings in such form and format as may be reasonably required by the Town to the Town Engineer or his designee, following which submission the Town shall, pursuant to the Manual, review and either

approve such work or provide notice to the Company of any defects or violations requiring correction, after which the Company shall make such corrections consistent with the provisions of the Manual.

- F. In the event that, at any time during the period of this Franchise the Town shall lawfully elect to alter, or change the grade of the Town's Rights-of-Way, the Company, upon reasonable written notice from the Town, shall remove, relay, and relocate any portion of the Distribution System as is necessary at the Company's own cost and expense.

12. Right to Inspect. During the term of this Franchise Agreement, the Town, through its designated agent, shall have the authority to inspect the Distribution System at a reasonable time and upon reasonable prior notice to insure compliance with governing law and the Commission's regulations at the Town's own cost and expense.

13. Franchise Fee. The Company shall pay the Franchise Fee to the Town quarterly on January 1, April 1, July 1, and October 1 of each year during the term of this Franchise unless otherwise agreed. In the event that the Franchise Fee is more than thirty (30) days delinquent, the delinquent amount shall accrue interest at the highest rate allowable by law. In the event the Company makes any Franchise Fee payment in excess of the Franchise Fee due and owing to the Town under this Franchise Agreement or if the Town is otherwise indebted to the Company, the Company shall have the right to offset such overpayment and/or indebtedness against future payments of the Franchise Fee. Notwithstanding anything to the contrary contained in this Franchise Agreement, in no event shall Company have any obligation to collect from any New Industrial Customer and remit to the Town any Franchise Fee in connection with any Gas provided to such New Industrial Customer if such New Industrial Customer states to the Company in a writing signed by a corporate officer having the authority to render such a statement, that such New Industrial Customer will not become a Customer or continue to be a Customer at its facility that has been relocated within the Town Limits if the Franchise Fee is imposed on Gas provided to it by the Company.

14. Other Fees and Taxes. Except as otherwise provided for herein, the Company shall pay to the Town all legally authorized fees, taxes, assessments, and costs levied, imposed or validly adopted by the Town during the term of this Franchise Agreement, which shall include, but are not limited to public service taxes, ad valorem taxes (intangible, personal, and real), other ad valorem and non-ad valorem assessments on any property, occupational taxes, licensing fees, permitting fees, development review fees, and inspection fees.

15. Franchise Parity.

- A. If, during the term of this Franchise Agreement, the Town, by franchise agreement, ordinance or otherwise, allows other Persons who sell, import, distribute, transport, and transmit Gas (the "Alternate Gas Providers") the

right, privilege or franchise to erect, construct, operate, and maintain in, on or under any of the Town's Rights-of-Way, as they now exist or may be hereafter constructed, opened, laid out or extended within the Town Limits, a Distribution System for the purpose of supplying or delivering Gas to Persons located within the Town Limits or receiving such Gas from a Person other than the Company within the Town Limits, and imposes a franchise fee, rate or either of their equivalent on such Alternate Gas Provider(s) for any Gas customer or class of customer within the Town Limits that is less than that imposed with respect to the same Customer or class of Customers under this Franchise Agreement, the Franchise Fee percentage rate under this Franchise Agreement shall be automatically reduced so that the Franchise Fee percentage rate to be paid by any such affected Customers is no greater than the fee or rate imposed on the Alternate Gas Provider(s) with respect to such Customers. In the event that the Town does not impose a franchise fee, rate, or their equivalent, or any similar charge, on said Alternate Gas Providers, the Company's obligation to pay the Franchise Fee under this Franchise Agreement with respect to Gross Revenues derived from the provision of service by the Company to the comparable class of customers served by such Alternative Gas Provider thereafter shall be extinguished. This section shall not apply to the Town, to the extent that the Town generates or produces its own Gas for the Town's Own Use, and in such capacity, the Town shall not be an Alternate Gas Provider.

- B. If, during the term of this Franchise Agreement, the Company enters into a franchise agreement for the provision of Gas with any other municipality located in Florida, the terms of which provide for the payment of franchise fees by the Company on a percentage basis at a percentage rate greater than six percent (6.0%), the Franchise Fee percentage rate due and payable pursuant to this Franchise Agreement shall be automatically increased to the same percentage rate that the Company has agreed to pay to the other municipality.

16. Reciprocal Indemnification.

- A. The Company shall indemnify and save the Town, its servants, agents, employees, licensees, contractors and invitees, harmless from and against any and all liability, actions, demands, claims, damages, losses and Expenses, which may be brought against or suffered, sustained, paid or incurred by the Town, its servants, agents, employees, contractors, licensees and invitees, arising from, or otherwise caused by:
 - i. any breach by the Company of any of the provisions of this Franchise Agreement; or

- ii. the negligence or willful misconduct of the Company, or any of its servants, agents, employees, licensees, contractors or invitees in carrying on its business within the Town Limits.
- B. Subject to the provisions and limitations set forth in Section 768.28, Florida Statutes (2013) or any successor statute, the Town shall indemnify and save the Company, its servants, agents, employees, licensees, contractors and invitees, harmless from and against any and all liability, actions, demands, claims, damages, losses and Expenses, which may be brought against or suffered, sustained, paid or incurred by the Company, its servants, agents, employees, contractors, licensees and invitees, arising from, or otherwise caused by:
 - i. any breach by the Town of any of the provisions of this Franchise Agreement; or
 - ii. the negligence or willful misconduct of the Town, or any of its servants, agents, employees, licensees, contractors or invitees, in carrying on the business of the Town.
- C. Notwithstanding anything to the contrary herein contained, in no event shall the Town or the Company be liable under this Franchise Agreement, in any way, for any reason, for any indirect, special or consequential damages (including damages for pure economic loss, loss of profits, loss of earnings or loss of contract), howsoever caused or contributed to.
- D. Indemnification is conditioned upon the indemnified Party providing written notice to the indemnifying Party pursuant to Section 22 herein, within thirty (30) days after the indemnified Party knew or should have known of the claim.
- E. Nothing herein is intended to act as, nor may any provision of this Franchise Agreement be construed to create or imply in any way, a waiver of the Town's rights, privileges, and immunities under the doctrine of sovereign immunity and/or limits of liability set forth in Section 768.28 of the Florida Statutes (2013) or any successor statute.
- F. The provisions of this Section 16 shall survive this Franchise Agreement for the shorter of (i) five (5) years or (ii) the period of the statute of limitations applicable to any claim against which the Company indemnifies the Town pursuant to this Franchise Agreement.

17. Insurance. The Company shall carry in full force and effect during the entire term of this Agreement, and any extension period thereof, the following insurance coverages:

- A. Comprehensive General Liability Insurance, including products, contractual, and hazard, with a minimum combined single limit of Ten Million Dollars (\$10,000,000.00). Current insurance certificates shall be

submitted to the Town by the Company, and each insurance policy shall name the Town as an additional named insured.

- B. Workers Compensation Insurance. Current insurance certificates shall be submitted to the Town by the Company, and each insurance policy shall name the Town as an additional named insured.
- C. Comprehensive Automobile Liability Insurance as required under the Florida Statutes for the benefit of the employees of the Company. Additionally, with respect to all automobile liability insurance policies, current insurance certificates shall be submitted to the Town by the Company, and each such insurance policy shall name the Town as an additional named insured.

18. Records. The Company shall maintain accounts and records in a manner consistent with Section 368.108 of the Florida Statutes and Chapter 25-7 of the Florida Administrative Code, and in a manner that permits the Company's Gross Revenues within the Town Limits to be calculated promptly and accurately. During the term of this Franchise Agreement, and for a period of six (6) months thereafter, the Town may, upon not less than 30 days' written notice to the Company, but not more than once in any calendar year, examine, audit, and make photocopies of, the Company's books of account and other business records solely as they relate to the Company's Gross Revenues within the Town Limits. Such examination of books of account shall be at the Town's sole expense; provided, however, in the event any such audit reveals an error or series of errors that in the aggregate for the period so audited (which period shall not be less than one year) that the Company has underpaid the Franchise Fees due to the Town in an amount in excess of five percent (5%), then the Company will reimburse the Town for its reasonable out-of-pocket costs of conducting the audit. Further, in the event that an audit finds that there are systemic defects or deficiencies in the Company's accounting processes, Company agrees to take commercially reasonable actions to correct such processes as soon as reasonably practicable to the extent necessary to avoid any such defects or deficiencies on a going-forward basis. To the extent consistent with Florida law, and upon the Company's request, such examination, audit, and photocopies of such books and records shall be subject to the Town's execution and delivery of a confidentiality agreement.

19. Governing Law; Venue; JURY TRIAL WAIVER. This Franchise Agreement is made pursuant to and shall be governed by and construed in accordance with the laws of the State of Florida, without regard to the conflict of laws principles thereof. The Parties hereby irrevocably submit to the exclusive jurisdiction of the courts in the State of Florida (state or federal), with venue in the county in which the Town is located, over any dispute arising out of this Franchise Agreement, and the Parties agree that all claims in respect of such dispute or proceeding shall be heard and determined in such courts. The Parties hereby irrevocably waive, to the fullest extent permitted by applicable law, any objection that they may have to the venue of such dispute brought in such court or any defense of inconvenient forum for the

maintenance of such dispute. THE PARTIES HEREBY KNOWINGLY, VOLUNTARILY AND INTENTIONALLY, AFTER CAREFUL CONSIDERATION AND AN OPPORTUNITY TO SEEK LEGAL ADVICE, WAIVE THEIR RIGHT TO HAVE A TRIAL BY JURY IN RESPECT OF ANY LITIGATION ARISING OUT OF OR IN ANY WAY CONNECTED WITH ANY OF THE PROVISIONS OF OR MATTERS RELATED TO THIS FRANCHISE.

20. Entire Agreement. This Franchise Agreement, and the schedules and exhibits hereto, contain the entire understanding and agreement of the Parties relating to the subject matter of this Franchise Agreement, and the written terms of this Franchise Agreement supersede all prior and contemporaneous representations, discussions, negotiations, understandings, and agreements relating to the subject matter of this Franchise Agreement that are not contained herein.

21. Attorney's Fees and Expenses. In the event either Party initiates action to enforce its rights hereunder, the substantially prevailing Party shall recover from the substantially non-prevailing Party its reasonable Expenses. All such Expenses shall bear interest at the highest rate allowable under the laws of the State of Florida from the date the substantially prevailing Party pays such Expenses until the date the substantially non-prevailing Party repays such Expenses. Expenses incurred in enforcing this Section shall be covered by this Section. For this purpose, the court is requested by the Parties to award actual costs and attorneys' fees incurred by the substantially prevailing Party, it being the intention of the Parties that the substantially prevailing Party be completely reimbursed for all such costs and fees. The Parties request that inquiry by the court as to the fees and costs shall be limited to a review of whether the fees charged and hourly rates for such fees are reasonable for the services provided and consistent with the usual and customary fees and costs charged by competent attorneys for similar services.

22. Notices. All notices and other communications under this Franchise shall be in writing and shall be deemed given when (a) delivered personally to the receiving Party, (b) sent by facsimile transmission (with electronic confirmation) to the receiving Party at the facsimile number for that Party set forth below, (c) on the fifth (5th) Business Day after being mailed by certified mail (postage prepaid and return receipt requested) to that Party at the address for that Party set forth below, or (d) on the day delivered by Federal Express or any similar express delivery service for delivery to that Party at that address, as such delivery date is confirmed by the written records of such express delivery service. All notices shall be addressed as follows:

If to Company:	Florida Public Utilities Company 780 Amelia Island Parkway Fernandina Beach, FL 32034 Attention: Director, Natural Gas Operations Facsimile: _____
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with a copy to:	Florida Public Utilities Company
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780 Amelia Island Parkway
Fernandina Beach, FL 32034
Attn: Director of Regulatory Affairs
Facsimile: (561) 366-1525

with a copy to: Baker & Hostetler LLP
200 S. Orange Avenue, Suite 2300
Orlando, Florida 32801
Attention: Jeffrey E. Decker
Facsimile: (407) 841-0168

If to Town: Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
Attention: Town Manager
Facsimile: (561) 838-5411

with a copy to: Jones, Foster, Johnston & Stubbs, P.A.
505 South Flagler Drive, Suite 1100
West Palm Beach, FL 33402
Attention: John C. Randolph, Esquire
Facsimile: (561) 650-0465

Any Party may change its facsimile number or address for notices under this Franchise at any time by giving the other Party notice of such change delivered in conformity with this Section 22.

23. Force Majeure. Any prevention, delay or stoppage of work or other obligations to be performed by either Party that are due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes, acts of nature, acts of God, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, civil commotion, fire or other casualty or other causes beyond the reasonable control of the Party shall excuse performance and other obligations by the Party for a period equal to the duration of that prevention, delay or stoppage. In no event shall any material default by Company due to any of the foregoing constitute grounds for termination of this Franchise. In no event shall economic hardship experienced by either Party constitute a force majeure event under this Franchise Agreement. No Force Majeure event shall excuse a Party's obligation to pay money pursuant to this Franchise Agreement. If either Party shall be prevented by a force majeure event from performing any of its obligations other than to pay money pursuant to this Franchise Agreement, then the Party unable to perform shall: (a) promptly notify the other Party in writing of the act, event, or condition that such Party asserts constitutes a force majeure event; (b) specify the basis for its claim; (c) undertake all commercially reasonable actions to mitigate and eliminate the adverse effects of the claimed force majeure event; (d) describe the actions that the Party is taking to overcome and eliminate the adverse effects of such force majeure event; and

- (e) keep the other Party informed of its progress in restoring its ability to perform its obligations under this Franchise Agreement. The Party asserting its inability to perform due to a force majeure event shall have as much time as is reasonably sufficient, under the circumstances, to restore its ability to perform.
- 24. Non-waiver.** The failure of any Party to insist in any one or more instances upon the strict performance of any one or more of the terms or provisions of this Franchise Agreement shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment shall be deemed to have been made by either Party unless said waiver or relinquishment is in writing and signed by both Parties.
- 25. Severability.** If any provision of this Franchise Agreement or application to any Party or circumstances shall be determined by any court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Franchise Agreement or the application of such provision to such Party or circumstances, other than as to which it is so determined invalid or unenforceable, shall not be affected thereby, and each provision shall be valid and shall be enforced to the fullest extent permitted by law. In the event that any material provision of this ordinance is thus declared to be invalid, the Town and the Company will negotiate in good faith to amend this Agreement so as to restore, to the maximum extent legally permissible, the original economic bargain embodied in this ordinance.
- 26. Scrivener's Errors.** Sections of this Franchise Agreement may be renumbered or re-lettered, and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or his designee, without need for a public hearing, by filing a corrected or recodified copy of same with the Town Clerk.
- 27. Ordinances Repealed.** All provisions of the Town's ordinances in conflict with the provisions of this Franchise Agreement are not applicable to the Company or to this Franchise Agreement as of the Effective Date.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of February, 2016, and for second and final reading on this 8th day of March, 2016.

Gail Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, Town Clerk

Margaret A. Zeidman, Town Council Member

UNCONDITIONAL ACCEPTANCE BY THE COMPANY

I, the undersigned official of Florida Public Utilities Company, am authorized to bind the Company and to unconditionally accept the terms and conditions of the foregoing Franchise (Ordinance No. _____), which are hereby accepted by the Company this _____ day of _____, 2016.

Florida Public Utilities Company

By: _____

Name: _____

Title: _____

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public in and for the State of Florida

My commission expires _____

Received on behalf of the Town of Palm Beach this _____ day of _____, 20__.

Name: _____ Title: _____

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

B. - 1.

Agenda Title

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

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

ATTACHMENTS:

Description	Type
Memorandum dated March 1, 2016, from Susan A. Owens, MPA, MMC, Town Clerk	Memo
Ordinance No. 05-2016	Ordinance

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Susan A. Owens, MPA, MMC, Town Clerk

Re: Charitable Solicitation Permit Fee Waivers
Ordinance No. 05-2016

Date: March 1, 2016

STAFF RECOMMENDATION

Staff recommends, as approved by the Ordinances, Rules, and Standards (ORS) Committee, that the Town Council approve Ordinance No. 05-2016, which would waive the charitable solicitation permit (CSP) application fees for the first three events held in any given year by organizations which receive financial support from the Town through its budgeting process, provided that the application and all required documentation is received on time.

GENERAL INFORMATION

At the November 10, 2015, Town Council meeting, the Four Arts King Library came before the Town Council to request a waiver of the CSP fees for their three upcoming book sales. Since the Town financially supports the Library, the Town Council decided to waive the fees for the first two events; however, the decision regarding the waiver of any future fees for any organization was deferred to the ORS Committee.

At their February 4, 2016, meeting, ORS weighed support for the community against the issue of unintended consequences. Organizations which receive financial support from the Town through its budgeting process are currently allowed an unlimited number of charitable events per year; and, although there are only two organizations that the Town currently supports financially, the other being Palm Beach Island Cats, this may change in the future. To safeguard against any unintended consequences, ORS voted to recommend a maximum of three fee waivers for qualifying organizations in any given year.

The current CSP fee schedule also provides for increased penalties the later the application is received. This has proven an effective method for getting organizations to submit their applications early enough for Staff to review and approve them. Since the late fees are based upon the application fee, there would be no penalty or other incentive for organizations to submit their applications in a timely manner if the CSP fee is waived. Therefore, ORS further recommended that the waivers be conditioned upon receipt of applications and all required documentation at least 60 days prior to the event.

If this ordinance is adopted, then Staff will provide all applicable organizations (currently The King Library and Palm Beach Island Cats) with written notification of this change and a copy of this ordinance upon passage.

FUNDING/FISCAL IMPACT

The fiscal impact will depend on the number of organizations that qualify for the waiver, the number of waivers utilized, and the estimated amount of funds to be raised. Based upon the current fee schedule and number of organizations that would qualify for the waivers, the maximum loss of revenue would be \$1,720 per year.

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney.

Cc: Jane Struder, Director of Finance

ORDINANCE NO. 05-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 78, PEDDLERS AND SOLICITORS; ARTICLE III, CHARITABLE SOLICITATIONS; DIVISION 2, PERMIT, SECTION 78-105, FEES, TO PROVIDE AN EXEMPTION PROVISION FOR ORGANIZATIONS WHICH RECEIVE FINANCIAL SUPPORT FROM THE TOWN THROUGH ITS BUDGETING PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 78, Peddlers and Solicitors; Article III, Charitable Solicitations; Division 2, Permits; Section 78-105, Fees, to read as follows:

Sec. 78-105. - Fees.

Before a permit is issued pursuant to this article, there shall be paid to the town clerk an administrative processing fee, and in the event of a late filing a late filing fee, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time. This provision shall not apply to the first three events held in any given year by organizations which receive financial support from the town through its budgeting process, provided that the application and all required documentation is received at least 60 days prior to the proposed effective date of the permit applied for.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 8th day of March, 2016, and for second and final reading on this 12th day of April, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

on: 3/8/2016

Section of Agenda

B. - 2.

Agenda Title

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

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

ATTACHMENTS:

Description

[Memorandum Dated February 29, 2016, from Jay Boodheshwar, Deputy Town Manager](#)

[Ordinance No. 06-2016](#)

Type

Memo

Ordinance

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: An Ordinance Amending Chapter 10, Animals; Article I, In General; Section 10-10,
Temporary Permits of the Town Code of Ordinances
Ordinance No. 06-2016

Date: February 29, 2016

STAFF RECOMMENDATION

Staff recommends the Town Council adopt Ordinance No. 06-2016 as recommended by the Ordinances, Rules and Standards Committee at its meeting on February 4, 2016, to amend Chapter 10, Animals; Article I, In General; Section 10-10, Temporary Permits, relative to the temporary possession of animals.

GENERAL INFORMATION

At the February 10, 2015, Town Council meeting, Ordinance No. 2-2015 was adopted on seconding reading, which modified multiple sections of Chapter 10 - Animals of the Town Code of Ordinances.

Subsequent to the adoption of Ordinance No. 2-2015, it was determined that the State preempted local regulation in this area to the Florida Fish and Wildlife Conservation Commission. Chapter 68A of the Florida Administrative Code (FAC) states that any and all laws in conflict with the commission's rules are consequently void. Based on this determination, Ordinance No. 14-2015 was adopted on second reading at the May 12, 2015, Town Council meeting, rescinding Ordinance No. 2-2015 in its entirety due to the conflicts it had with the Fish and Wildlife Commission (FWC) rules.

At the September 11, 2015, ORS meeting it was determined that Chapter 10 should be modified as necessary to ensure compliance with the FAC and FWC rules. Subsequent to this meeting, ORS Chair Penny Townsend, Town Attorney John Randolph, and Jay Boodheshwar participated in a conference call with the President/CEO of the Outdoor Amusement Business Association (OABA) and their lobbyist to discuss our current ordinance and intentions of the ordinance that was rescinded. Considering the feedback received from the OABA and FWC rules, The Town Attorney modified Section 10-10 - Temporary Permits of the Code, which was presented to ORS at the January 7, 2016, meeting. After incorporating feedback from ORS, a final ordinance has been prepared by the Town Attorney and attached to this memo for approval. Said ordinance has been reviewed by the attorney for the OABA with no objections.

The changes are outlined below in strikethrough/underline:

“Sec. 10-10. - Temporary permits.

(2) A temporary possession permit shall be approved by the town manager if:

- b. The permit is for a period of time no longer than ~~128~~ hours, between the hours of 9:00 a.m. to 6:00 p.m., on residential properties, and the applicant has specified in their application specific times the animals will be present at the property in question and, if different, the specific times the animals will be on display. This 8 hour period may fluctuate for private clubs in the town which request a permit for an extended period of time not to exceed 8 hours and not to go beyond 9:00 p.m.
- c. A floor plan or site plan, whichever is deemed appropriate by the town for the property in question is submitted in conjunction with a fully completed town application for a temporary permit indicating to the satisfaction of the town the location of the animals to be displayed, the location where the animals will be displayed and the location of the people that will be in attendance to view the animals to be displayed. A buffer of not less than 50 feet shall be maintained between the location of the wildlife and the nearest adjacent residentially zoned area of the Town.
- e. No animals permitted under this exception shall be permitted in residentially zoned areas of the town, ~~other than class III wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state and those for which a permit is not required pursuant to rule 68A-6.0022, Florida Administrative Code, as amended. Class I and class II wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state may be allowed on all town owned property and all commercial, R-D(1), R-D(2) and PUD-A zoning districts provided all permit requirements have been met and a minimum setback buffer of not less than 50 feet is maintained between the location of the wildlife and the nearest adjacent residentially zoned areas of the town except for animals which are part of a petting zoo otherwise permitted as set forth above.~~

TOWN ATTORNEY REVIEW

The attached ordinance was prepared and approved by the Town Attorney.

Attachment

cc: Kirk Blouin, Director of Public Safety
John C. Randolph, Town Attorney

ORDINANCE NO. 06-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 10, ANIMALS; ARTICLE I, IN GENERAL; SECTION 10-10, TEMPORARY PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 10, Animals; Article I, In General; Section 10-10, Temporary Permits, to read as follows:

“Sec. 10-10. - Temporary permits.

(a) Permits may be granted for the temporary possession of animals otherwise prohibited under this chapter in connection with either a special event, as said term is defined in this Code or in regard to a private event, subject to the following conditions:

- (1) Application shall be filed with the town clerk at least 30 days prior to the event at which the temporary possession permit is requested. An application fee is hereby authorized and shall be paid upon filing of the application with the town clerk. The application fee shall be established by adoption of a resolution of the town council and may be amended by adoption of a resolution of the town council. The 30-day period may be waived by the town manager if it is determined by the town manager that good cause exists for waiving the period and further providing that all other requirements set forth in this section are met.
- (2) A temporary possession permit shall be approved by the town manager if:
 - a. The applicant agrees to abide by the most recently adopted rules and regulations designated as the wildlife code of the state as promulgated by the fish

and wildlife conservation commission or its successor organization as designated by the state.

- b. The permit is for a period of time no longer than ~~128~~ hours, between the hours of 9:00 a.m. to 6:00 p.m., on residential properties. ~~and the applicant has specified in their application specific times the animals will be present at the property in question and, if different, the specific times the animals will be on display. This 8 hour period may fluctuate for private clubs in the town which request a permit for an extended period of time not to exceed 8 hours and not to go beyond 9:00 p.m.~~
- c. A floor plan or site plan, whichever is deemed appropriate by the town for the property in question is submitted in conjunction with a fully completed town application for a temporary permit indicating to the satisfaction of the town the location of the animals to be displayed, the location where the animals will be displayed and the location of the people that will be in attendance to view the animals to be displayed. A buffer of not less than 50 feet shall be maintained between the location of the wildlife and the nearest adjacent residentially zoned area of the Town.
- d. Adequate proof is submitted that a trained animal handler licensed or permitted by the state fish and wildlife conservation commission or its successor organization as designated by the state will be responsible for the handling of any animal permitted, and that a sufficient number of licensed and permitted handlers be present to handle the animal or animals for the duration of the special event.
- e. No animals permitted under this exception shall be permitted in residentially zoned areas of the town, ~~other than class III wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state and those for which a permit is not required pursuant to rule 68A-6.0022, Florida Administrative Code, as amended. Class I and class II wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state may be allowed on all town owned property and~~

~~all commercial, R-D(1), R-D(2) and PUD-A zoning districts provided all permit requirements have been met and a minimum setback buffer of not less than 50 feet is maintained between the location of the wildlife and the nearest adjacent residentially zoned areas of the town except for animals which are part of a petting zoo otherwise permitted as set forth above.~~

- f. A certificate of insurance naming the town as insured shall be provided for an amount of insurance not less than \$5,000,000.00 to indemnify the town against any and all liability relating to the presence of the animals in the town. A certificate of insurance shall not be required for events described in subsection (a)(2)e. relating to animals appropriate for a petting zoo such as ponies and trained monkeys.
- g. Notwithstanding the requirements set forth in subsections c. and d., a permit may be allowed for animal displays used in conjunction with educational wildlife programs on town property and on public or private school property within the town.
- h. The applicant agrees to all written conditions issued by the town in conjunction with and requisite to the permit.

(b) If a permit is denied by the town manager, the applicant may appeal the decision to the town council, which shall give consideration to the appeal at the next regular meeting of the town council subsequent to the denial of the permit.

(c) If a special event or a private event is scheduled or held involving the display or possession of animals prohibited by this section, absent a permit as required under this section, the event may be terminated or dispersed by action of the code enforcement officer, fire rescue officer or by the police department.”

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can

be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 8th day of March, 2016, and for second and final reading on this 12th day of April, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member