



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

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

AGENDA

FEBRUARY 14, 2019

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. PRESENTATIONS

A. Thomas Mettler Scholarship Fund.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes Page 9
Kathleen Dominguez, Town Clerk
 - a. December 12, 2018, Town Council Development Review Meeting Minutes
 - b. January 8, 2019, Town Council Meeting Minutes
 - c. January 9, 2019, Town Council Development Review Meeting Minutes
 - d. January 11, 2019, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Commission at its Meeting of January 23, 2019. Page 49
Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 02-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of Bid No. 2019-05, Supply, Delivery And Installation Of Dune Vegetation To Aquatic Plants Of Florida, Inc. In The Amount Of \$80,586.75 And Award A Project Budget Of \$85,000. Page 71
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 04-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring The Results Of The Town Caucus; Directing The Town Clerk Of Said Town To Place The Names Of Certain Candidates On The Official Ballot For The General Election To Be Held In Said Town On The Twelfth Day Of March 2019; Adopting The Official Ballot To Be Used In Said Election; Authorizing The Town Clerk To Arrange For Voting Equipment To Be Used In Said Election; And Directing The Mayor Of Said Town To Issue A Proclamation Of Said Election, Naming Therein The Candidates Nominated And Named In The Resolution; And, Designating The Town Clerk And Deputy Town Clerk Of The Town Of Palm Beach And The Supervisor Of Elections Of Palm Beach County, Or Their Designees, To Serve As The Canvassing Board. Page 83
Kathleen Dominguez, Town Clerk
3. RESOLUTION NO. 06-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of the Sea Turtle Nesting Monitoring Contract with D.B. Ecological Services, Inc. through FY2020, in a Project Amount of \$200,000 for FY2019 and \$200,000 for FY2020, Contingent Upon Page 89

Funding by the Approved Budget.

Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 07-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2019-06 for the E-3, E-4 and G-9 Liftstation Improvements Project and Approving a Construction Contract to Southern Underground, Inc. in an amount of \$1,190,050, authorizing the Town Manager to Exercise the Option of Owner Direct Purchase for Materials and Sales Tax Savings, and Establishing a Construction Phase Budget of \$1,300,000, including Contingency for Both Construction and Owner Direct Purchasing.

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Dean Mealy, Purchasing Manager

C. OTHER

1. Authorization of Ordinances, Rules, and Standards Committee to Discuss a Potential Ordinance to Prohibit Plastic Straws.

Page 104

Jay Boodheshwar, Deputy Town Manager

2. Budget Calendar for FY20 Budget Process.

Page 110

Jane Le Clainche, Director of Finance

3. Appointment to MINI PERC Commission per MINI-PERC Ordinance Appendix "A", Section 1.003.

Page 113

Danielle Olson, Director of Human Resources

X. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Investment Advisory Committee.

Page 116

Michael Andrews, Chair

XI. COMMITTEE REPORTS

- A. Report of the Public Works Committee Meeting Held on December 21, 2018.

Page 143

Bobbie Lindsay, Chair

- B. Report of the Public Safety Committee Meeting Held on January 30, 2019.
TIME CERTAIN: 2:00 P.M.

Page 147

Maggie Zeidman, Chair

XII. REGULAR AGENDA

A. Old Business

1. Proposed Town Sponsorship of Business Association Special Event on 4th of July 2019 to be Hosted by the Main Street Association.

Page 154

Richard Zaretsky, Rotary Club President

2. Worth Avenue Pilot Valet Parking Program Update.

Page 183

Daren Rubenfeld, Worth Avenue Association

3. Town Marina Project Update

Page 187

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

4. Town-wide Undergrounding Project: Page 190
Steve Stern, Project Manager
 - a. Review of Project and Dashboard, Summary of Project Status.
 - b. RESOLUTION NO. 09-2019 A Resolution of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying The Selection Committee Recommendation For RFQ No. 2019-03, For The Town-Wide Overhead Utility Undergrounding Phase 2 And Phase 3 To Kaufman Lynn Construction, Inc.
Dean Mealy, Purchasing Manager
5. Update on the Compensation and Benefit Study. Page 231
Danielle Olson, Director of Human Resources
6. Coastal Update Page 233
H. Paul Brazil, P.E., Director of Public Works
TIME CERTAIN: 10:00 A.M.
 - a. Shore Line Condition Update.
 - b. Presentation of Coastal Vulnerability Study.
Bob Hamilton, Woods Hole Group

B. New Business

1. RESOLUTION NO. 10-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying the Fiscal Year 2017-18 Collective Bargaining Agreement Between the Town and the International Association of Fire Fighters, Local 2928. Page 236
Danielle Olson, Director of Human Resources
2. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter and Approval of Addendum to Professional Employment Agreement. Page 289
Kirk W. Blouin, Town Manager
3. Consideration of scheduling an Attorney/Client Session immediately following the Town Council meeting on Thursday, February 14, 2019, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida, to discuss the following matter: Palm Beach County and the Town of Palm Beach vs. City of West Palm Beach, Case No. 18-4773GM. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council President Danielle H. Moore; Town Council President Pro Tem Margaret A. Zeidman; Town Council Members Julie Araskog, Lewis S. W. Crampton, Bobbie Lindsay; Town Manager Kirk Blouin; Town Attorneys John C. Randolph and Karl J. Sanders, and Pleasanton, Greenhill, Meek & Marsaa Court Reporters.
John C. Randolph, Town Attorney

C. Matters Pulled From Consent Agenda: If needed

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 01-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, As Follows: At Article XIV, Numbering Of Premises, By Adding Section 18-967 That Will Provide Language For The Naming And Renaming Of Streets, Vias And Alleys; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Josh Martin, Director Planning, Zoning & Building

B. First Reading

1. ORDINANCE NO. 06-2019 An Ordinance of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision IV, Police Officers, by Amending Section 82-119, Deferred Retirement Option Program for Police Officers; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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Kirk W. Blouin, Town Manager

2. ORDINANCE NO. 07-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places; Article II, Streets; Section 106-48, Unlawful To Solicit From Public Streets, Making It Unlawful To Solicit From Public Streets Or Sidewalks In The Town; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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Josh Martin, Director of Planning, Zoning & Building

XIV. ANY OTHER MATTERS

XV. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 12:00 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 12:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left

column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

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

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda Presentations

Agenda Title
Thomas Mettler Scholarship Fund.

Presenter
Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum dated February 3, 2019, from Jay Boodheshwar, Deputy Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Thomas Mettler Scholarship Fund

Date: February 3, 2019

STAFF RECOMMENDATION

Staff recommends acceptance of a \$100,000 initial donation from the Mettler family to establish the Thomas Mettler Scholarship Fund for the benefit of Town employee children, in accordance with Administrative Procedure No. 1-08-8.

GENERAL INFORMATION

Over the last couple of years, Mayor Gail Coniglio and I have worked with Chris Mettler, son of the late Thomas Mettler, to assist in fulfilling the wishes of the Mettler family in creating a lasting program in memory of his father.

Thomas Mettler served on the Palm Beach Town Council from 1975 through 1982, and was elected Council President in 1981 and 1982. Mr. Mettler was also a former Municipal Judge for the Town of Palm Beach, and former chairman of the Town's Employee Retirement System Board. Mr. Mettler had a strong affinity and respect for Town Employees and felt that their service made the Town a better place.

The proposed Thomas Mettler Scholarship Fund would provide assistance to incoming college freshmen of Town employee children. The annual application process would be administered by the Town's Human Resources Department, similar to the support they provide for other existing scholarship funds. The Town's Finance Department would create a special fund to accept the Mettlers' initial (and future) donations and would be responsible for dispersing annual funds to scholarship recipients. In addition to the establishment of the Scholarship Fund, staff is working with the Mettler family to identify an appropriate way to recognize Mr. Mettler's service to the Town and support of Town employees, including but not limited to a small plaque in Town Hall.

Thomas Mettler's widow, Sarah "Sally" Mettler, his son Chris Mettler, and other members of the Mettler family are expected to attend the February 14 Council meeting, to make a few comments during Presentations.

cc: Department Directors

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Minutes

Agenda Title

Town Council Meeting Minutes

Kathleen Dominguez, Town Clerk

- a. December 12, 2018, Town Council Development Review Meeting Minutes
- b. January 8, 2019, Town Council Meeting Minutes
- c. January 9, 2019, Town Council Development Review Meeting Minutes
- d. January 11, 2019, Special Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **Minutes of the December 12, 2018, Town Council Development Review Meeting**
- ▣ **Minutes of the January 8, 2019, Town Council Meeting**
- ▣ **Minutes of the January 9, 2019, Town Council Development Review Meeting**
- ▣ **Minutes of the January 11, 2019 Special Town Council Meeting**



TOWN OF PALM BEACH

Minutes of the Town Council Meeting

Held on December 12, 2018

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order Wednesday, December 12, 2018 at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

Council President Moore thanked the Police Department for returning her four dogs this morning.

Council Member Lindsay informed everyone about the new Garden Club Guide.

V. COMMUNICATIONS FROM CITIZENS - None

VI. APPROVAL OF AGENDA

The following changes were made to the agenda:

DEFERRALS: The following items were deferred to the January 9, 2019 Town Council meeting.

Item IX.B.b., Z-18-00134 Special Exception with Site Plan Review and Variances

Item IX.B.d., Z-18-00138 Special Exception with Site Plan Review

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

VII. PUBLIC HEARINGS

A. RESOLUTION NO. 197-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 307 Brazilian Avenue Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article Iv Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

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

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

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Resolution No. 197-2018 approving the landmark. On roll call, the motion carried unanimously.

B. RESOLUTION NO. 198-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 218 Seaspray Avenue Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article Iv Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

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

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

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, to approve Resolution No. 198-2018 approving the landmark. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Extension of Time Schedule for Completion of Construction per Town Code Chapter 18, Section 18-237
200 Via Bellaria

Frank Lynch provided details of the project.

Director Martin provided Staff comments.

Discussion ensued on length of extension request and reasons for the delay.

Deputy Clerk Ruderman swore in George Ford, builder for the project.

Mr. Ford provided further details.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve time Extension of Time Schedule for Completion of Construction per Town Code Chapter 18, Section 18-237 to a year from February, 2019. On roll call, the motion carried unanimously.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at 235 SUNRISE AVE SUITE: CM 23, legal description on file, is described below. A request for a variance and a special exception to expand a non conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium hotel. [Applicant's Representative: Maura Ziska Esq] If approved, consideration of proposed Declaration of Use Agreement.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, to defer to the January 9, 2019 Town Council Meeting.

b. Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-A Estate Residential The application of Charles Holzer, Applicant, relative to property located at 977 S OCEAN BLVD, legal description on file, is described below. 1) Special Exception with Site Plan Review to allow the construction of a 9,685 square foot two-story, single family residence on a non-conforming lot that is 77 feet in depth in lieu of the 150 foot minimum required In the R-A Zoning District and 13,662 square feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning District. 2) A request for a variance to allow the proposed swimming pool to have a 5 foot rear yard setback in lieu of the 10 foot minimum required and a 30 foot front yard setback in lieu of the 35 foot minimum required in the R-A Zoning District. 3) A request for a

variance to allow a building height plane setback to be 35 feet in lieu of the 50 foot minimum setback required. [Applicant's Representative: Maura Ziska] [The Architectural Review Commission deferred this project to the December 14, 2018 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the January 9, 2019 Town Council Meeting per Letter Dated November 30, 2018 from Maura Ziska.

Item was deferred to the January 9, 2019 Town council meeting

c. Z-18-00136 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Neil and Ann Corkery, Applicant, relative to property located at 120 CHILEAN AVE, legal description on file, is described below. Request a variance to construct a 7 foot by 30 foot swimming pool on the east side of the residence that will result in a 23.8% landscaped open space in lieu of the 32.3% existing and the minimum 45% required in the R-B district. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Members Araskog, Crampton and Lindsay.

Attorney Ziska provided details of the project.
Director Martin provided Staff comments.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, that Variance No. Z-18-00136 be granted and find, in support thereof, that all of the criteria applicable to this modified application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

d. Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at 241 SEAVIEW AVE SUITE: SITE, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 4-1. The Landmarks Preservation Commission deferred the project to the December 19, 2018 meeting at the request of the attorney. Carried 7-0.]

Item was deferred to the January 9, 2019 Town council meeting

e. Z-18-00142 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of Ken and Claudia Silverman, Applicant, relative to property located at 830 S COUNTY RD, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 5,990 square foot two-story, single family residence on a non-conforming lot that is 139.99 feet in depth in lieu of the 150 foot minimum required. [Applicant's Representative: Maura Ziska Esq.] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project at the November 28, 2018 meeting. Carried 4-3.]

Ex-parte communications were declared by Council Members Araskog, Crampton and Lindsay and Mayor Coniglio.

Attorney Ziska provided details of the project.
Architect Marsh provided additional details.
Director Martin provided Staff comments.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Special Exception Z-18-00142 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met with the caveat that the owner will provide a utility easement satisfactory to the Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried unanimously.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Site Plan Review Z-18-00142 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

f. Z-18-00146 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of Harvey E. Oyer, III, Esq. on behalf of Mar-a-Lago Club, Inc., Applicant, relative to property located at 1100 S OCEAN BLVD, legal description on file, is described below. 1. The Applicant seeks approval of a Special Exception with Site Plan Review to add an accessory dock to the property in the approximate location of the prior historic dock. The dock is to be located at the northwest corner of the site and projects 25 feet from the existing seawall into the Lake Worth Lagoon. [Applicant's Representative: Harvey E Oyer III Esq] [The Landmarks Preservation Commission deferred this project to the November 16, 2018 meeting at the request of the attorney. Carried 7-0.] Request for

Deferral to the January 9, 2019 Town Council Meeting per Letter Dated November 2, 2018 from Harvey Oyer

Item was deferred to the January 9, 2019 Town council meeting

2. New Business

a. Z-18-00149 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of Carriage House and JHD Associates, LLC, Applicant, relative to property located at 264 S COUNTY RD SUITE: BLDG 1, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 248 members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 67 seats, which is the same number of seats 264 Grill restaurant had when owned by Peter Pullitzer in the 1970s. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m. A request for a special exception to provide 68 night-time (after 6pm) supplemental off-site shared parking spaces at 230/240 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House.Z-18-00149 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of Carriage House and JHD Associates, LLC, Applicant, relative to property located at 264 S COUNTY RD SUITE: BLDG 1, legal description on file, is described below. [Applicant's Representative: Maura Ziska Esq]

TIME CERTAIN 1:30 P.M.

On roll call, all of the elected officials were found to be present.

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

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

Attorney Ziska provided details of the project.

Economist Fishkind, provided an economic analysis and impact on surrounding property values.

Planner Millar, provided analysis of the future land use element and the historic preservation element in regard to the Town's Comprehensive Plan.

Architect Duggar, a sound engineer, opined on noise measurements.

Engineer Kerr, provided information circulation of valet and parking and peak hours of traffic.

Michael Mcarty, Managing Director for the Carriage House, reported on findings of photographs taken at the intersection of Royal Palm Way and South County Road.

Architect Spina, provided information on the floor plan and the history of the buildings in question.

Attorney Ziska provided details on the supplemental off-site parking request.

Attorney Eubanks, representing homeowners who are in opposition of this project, provided objections to the application.

Zoning Administrator Castro provided Staff comments.

Engineer Mirson, provided information on traffic concurrency, the supplemental off-site parking, the traffic circulation proposal, and the modifications made today.

Attorney Eubanks asked questions of the applicant's witnesses.

Council asked about details of the parking arrangements, valet parking, back up parking plan, parking prohibition on Sea Streets, room sizes and other items to be included into Declaration of Use Agreement.

Valet Operator Leone, of Palm Beach Parking explained valet parking operation.

A report from American Consulting Engineers on concurrency, parking and valet was explained.

Discussion on intensification of use, parking enforcement, traffic in Phipps Plaza during construction took place.

Melissa Ceriale, 230 South Ocean Boulevard, spoke in support of the project.

Sandra Thompson, 441 Seaview Avenue, spoke in support of the project.

John Schaefer, 200 Phipps Plaza, spoke in opposition of the project.

David Lowe, 227 Brazilian Avenue, expressed concerns with the project.

Grier Pressly, 242 Seaspray Avenue, spoke in opposition of the project.

Christy Pressly, 242 Seaspray Avenue, spoke in opposition of the project.

Liza Calhoun, 263 El Pueblo Way, spoke in support of the project.

Mimi Matthews, 225 Brazilian Avenue, spoke in opposition of the project.

Todd Glaser, 1221 North Lake Way, spoke in support of the project.

Gigi Tylander, 225 South County Road, spoke in opposition of the project.

Bob Hemstra, 218 Phipps Plaza, spoke in support of the project.

Ted Conklin, 261 Granada Road, spoke in support of the project.

Tommy Morrison, 206 Phipps Plaza, spoke in support of the project.

Carol LeCates, 212 Seabreeze Avenue, spoke in opposition of the project.

Deborah Robinson, 217 Clarke Avenue, spoke in opposition of the project.

Pat Hertzberg, 129 Seaspray Avenue, spoke in opposition of the project.

Alan Stillman, 333 Sunset Avenue, spoke in support of the project.

The Town Council recessed at 4:45 p.m. and reconvened at 4:52 p.m.

Yvonne Jones, Property Manager, 230 Royal Palm Way, spoke in support of the project.

Ann Jackson, 135 Seaview Avenue, spoke in opposition of the project.

Bob Shelton, 215 Phipps Plaza, spoke in opposition of the project.

Bill Tylander, 225 South County Road, spoke in opposition of the project.

John Beach, 140 Seaview Avenue, spoke in opposition of the project.

Maisy Grace, 247 Seaspray Avenue, spoke in opposition of the project.

Winn Lewis, 135 Seaview Avenue, spoke in opposition of the project.

Mike Hertzberg, 129 Seaspray Avenue, spoke in opposition of the project.

Katie Pressly, 133 Seaspray Avenue, spoke in opposition of the project.

James Thompson, 441 Seaview Avenue, spoke in support of the project.

Cody Crowell, 100 Worth Avenue, spoke in support of the project.

Ira Schneider, 435 Brazilian Avenue, spoke in support of the project.

Mary Kathleen Ernst, 310 Via Linda, spoke in opposition of the project.

Steven Jeffrey Greenwald, 128 Seaspray Avenue, spoke in opposition of the project.

Benjamin Peterson, 240 South County Road, spoke in support of the project.

Michelle Mickle, Real Estate Appraiser, spoke in opposition of the project.

Angel Arroyo, 215 South County Road, spoke about traffic concerns.

Attorney Musa, representing the Weltroth family at 256 South Ocean Drive, suggested deferral of project.

Discussion took place on real estate sales that have adjacent parking lots.

Attorney Ziska provided additional comments.

Discussion took place regarding protection of Sea Streets, enforcement of employee parking, special events, valet parking plan, declaration of use agreement, and intensification of use.

Discussion took place on deadlines for receiving materials.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, to defer Z-18-00149 Special Exception with Site Plan Review to the January 9, 2018 Town Council meeting with the condition that Declaration of Use modifications must be submitted by December 21, 2018. On roll call, the motion carried unanimously.

b. Z-18-00150 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Samuel Hunt III and Victoria S. Hunt, Applicant, relative to property located at 400 CHILEAN AVE SUITE: 2, legal description on file, is described below. Site Plan Review to allow the construction of a 529 square foot carport/awning to provide covered parking for 2 parking spaces on the south side of the existing condominium. The following variances are being requested to construct the awning: a) to allow in a south side yard setback of 6.3 feet in lieu of the 10 foot minimum setback required in the R-C Zoning District. b) to allow a rear yard setback of 6.17 feet in lieu of the 10 foot minimum in the R-C Zoning District. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Members Araskog, Crampton and Lindsay.

Attorney Ziska provided details of the project.
Director Martin provided Staff comments.

Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, that Site Plan Review Z-18-00150 be approved, based upon the finding that the approval of

the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11 with the following conditions: ARCOM must approve the design, and the owner will provide a utility easement satisfactory to the Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried unanimously.

Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, that Variance No. Z-18-00150 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the condition that ARCOM must approve the design. On roll call, the motion carried unanimously.

c. Z-18-00151 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Ray and Kim Celedinas, Applicant, relative to property located at 619 ISLAND DR, legal description on file, is described below. A variance request to construct an 84 square foot no profile personal watercraft lift to the south end of the existing marginal dock that will require the following variances: 1) to allow a 10 foot south riparian setback in lieu of the 25 foot minimum setback required; and 2) to allow the no profile personal watercraft lift to extend 7 feet west of the U.S. Pierhead line and the Town's Bulkhead line in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Members Araskog, Crampton and Lindsay.

Attorney Ziska provided details of the project.
Director Martin provided Staff comments.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, that Variance No. Z-18-00151 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

d. Z-18-00152 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town-Serving Commercial The application of 336 PARTNERS INC (C. Orrico), Applicant, relative to property located at 336 S COUNTY RD, legal description on file, is described below. The applicant is the owner of two adjacent properties, 220 Brazilian Avenue, which contains a single family residence, and 336 South County Road, which is a commercial building that houses C.Orrico -a retail clothing store. In 1977 Lillian Rousseau ("Lilly Pulitzer") owned the Properties and requested special exception approval from the Town Council to have her store in this location. The Town Council granted the approval with a condition that Lilly enter into a Unity of Title Agreement to tie the two properties together

and use the 20 parking spaces on 220 Brazilian for the store. Lilly sold the properties to 336 Partners, Inc./C.Orrico in 1997 and C.Orrico obtained Special Exception approval in 1997 to operate a retail store in this location with all prior conditions of approval. The applicant is now requesting the following: 1) A request for special exception approval to modify the previously approved Special Exception to eliminate the condition of approval requiring a unity of title between 220 Brazilian and 336 South County Road; and 2) A request for a variance to have zero (0) parking spaces in lieu of the previously approved 20 parking spaces on 220 Brazilian. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Members Araskog, Crampton, and Lindsay, Mayor Coniglio, and Council President Moore.

Attorney Ziska provided details of the project.
Director Martin provided Staff comments.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Special Exception Z-18-00152 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met with the caveat that the owner will provide a utility easement satisfactory to the Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried unanimously.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Variance No. Z-18-00152 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

e. Z-18-00153 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Avery and Joan Klann, Applicant, relative to property located at 117 EVERGLADE AVE, legal description on file, is described below. Applicant is proposing to construct 164 square feet one story infill addition to connect the existing garage to the house which will require the following variance: 1) a cubic content ratio ("CCR") of 4.96 in lieu the 4.85 existing and the of the 3.98 maximum allowed in the R-B Zoning District for a lot that is 12,245 square feet in area. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Review Commission approved the project as presented at the November 28, 2018 meeting. Carried 6-1.]

Ex-parte communications were declared by Council Members Araskog, Crampton and Lindsay, and Council President Moore.

Attorney Ziska provided details of the project.
Deputy Clerk Ruderman swore in Architect Albarran.
Director Martin provided Staff comments.

Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Variance No. Z-18-00153 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the caveat that the owner will provide a utility easement satisfactory to the Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried unanimously.

f. Z-18-00154 VARIANCE(S) Zoning District: R-B Low Density Residential The application of NLWFL LLC (Michael Margolis), Applicant, relative to property located at 528 N LAKE WAY, legal description on file, is described below. 1) A request for variance to allow a 60 KW generator to be placed in the street side yard setback along Tangier Avenue with a setback of 5.83 feet in lieu of the 25 foot minimum required. 2) A request for a variance to allow a swimming heater in the street side yard setback with a setback of 5.83 feet in lieu of the 25 foot minimum required. 3) A request for a variance to allow an equipment screening and noise-attenuating wall at a height of 7 feet in lieu of the 6 foot maximum allowed in a front or street side yard setback. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project as presented at the November 28, 2018 meeting. Carried 7-0.]

Ex-parte communications were declared by Council Members Araskog, Crampton and Lindsay.

Attorney Ziska provided details of the project.
A short discussion took place on height of the wall and the generator location.
Director Martin provided Staff comments.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog, that Variance No. Z-18-00153 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the caveat that the owner will provide a utility easement satisfactory to the Town of Palm Beach, prior to building permit issuance and that the decibel level will be tested at the appropriate time. On roll call, the motion carried unanimously.

The Town Council recessed at 10:36 a.m. and reconvened at 10:42 a.m.

3. Other

- a. Proposed Staff Initiated Zoning Text and Comprehensive Plan Amendment Issues

Zoning Technician Elliott suggested, removing items 3, 6, 15, 18 and 20
He requested that the remaining items be taken to the Planning & Zoning Commission to further study the items and draft a proposal to be brought back to council for adoption.

Discussion took place on all remaining items.

There was a consensus from the council that zoning text and comprehensive plan amendment issues be brought to the Planning & Zoning Commission for further study.

- b. Worth Avenue Valet Parking Pilot Program

Zoning Technician Elliott provided an update on the program.
Director Martin provided Staff comments.
Property Manager of the Esplanade, Yvonne Jones, provided further information.

A motion was made by Council Member Crampton, and seconded by Council Member Araskog to approve the Worth Avenue Valet Parking Pilot Program and remove of sign. On roll call, the motion carried unanimously.

IX. ANY OTHER MATTERS

- A. A short discussion ensued regarding noise from train horns.

The Town Council recessed at 11:22a.m. and reconvened at 1:25 p.m.

X. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of December 12, 2018, was adjourned at 6:15 p.m.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kathleen Ruderman, Deputy Town Clerk



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, JANUARY 8, 2019

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, January 8, 2019, at 9:30 a.m. in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Dominguez gave the invocation. President Moore led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the agenda:

- A verbal report of the Public Works Committee meeting of December 21, 2018 was added to the agenda under Item XI.
- Item XII. A. 6. was taken out of order and heard after Item IV.
- A presentation by Lisa De La Rionda, Director of Public Affairs for Palm Beach County, was added under Item V. C.

IV. APPROVAL OF AGENDA

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve the agenda, as amended. On roll call, the motion passed unanimously.

V. PRESENTATIONS

- A.** Royal Poinciana Playhouse Update.
Alex Patterson, UpMarkets

Ms. Patterson provided an update on the leasing efforts to secure a new tenant for the Playhouse.

- B.** Presentation from the Palm Beach Civic Association Long-Range Planning Committee.
Harvey Poppel, Palm Beach Civic Association

Mr. Poppel, 110 El Mirasol, provided a presentation on the Palm Beach Civic Association's Long-Range Planning Subcommittee's mission and strategic plan.

Mr. Crampton suggested that Mr. Poppel speak to the Town Manager and Director of Finance during the Town's budget preparation process.

- C.** Update on U.S. Census
Lisa De La Rionda, Palm Beach County Director of Public Affairs

Ms. De La Rionda provided an update on the 2020 U.S. Census awareness campaign. She spoke regarding the establishment of a Complete Count Committee (CCC) to promote awareness and education. She also provided the various methods available to all municipalities in order to ensure that everyone gets counted.

Mayor Coniglio encouraged the residents to participate in the Census. She reminded the residents that the Town of Palm Beach contributes 10% to the County's budget and that an accurate population count ensures the equitable distribution of public funds to all municipalities.

Town Manager Blouin agreed to work with the Mayor and Ms. De La Rionda to educate the residents about the 2020 U.S. Census and encourage community participation.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding recent construction noise complaints. She encouraged the residents to be mindful of their neighbors and to report any noise issues to Code Enforcement.

She commented on the aggressive solicitation tactics pedestrians are experiencing on Worth Avenue and requested that the Town Council direct staff and the Town Attorney to look into an Aggressive Solicitation Ordinance. She also requested the Ordinances, Rules and Standards Committee study proposed speed limit changes on the Lake Trail.

She sent her best wishes to Public Works employee Lamar Rickerson on his retirement and acknowledged his many years of outstanding service to the Town.

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Zeidman reminded citizens about the January 12, 2019 medication assessment services offered by the Public Safety department at the Central Fire Rescue station and the Public Safety Committee meeting scheduled for January 30, 2019 at 10:00 a.m. She also spoke regarding the importance of the decision making process in light of the upcoming Town Caucus and election.

Council Member Lindsay spoke regarding the end of construction season leading to empty construction sites used as parking lots for beach goers and contractors from other job sites. She requested that Public Works staff look into putting up a physical barrier in order to prohibit cars from illegally parking within the empty construction sites. In response to Ms. Lindsay, Town Manager Blouin reported that Code Enforcement is monitoring those areas and writing tickets on the spot for any code violations.

Council Member Crampton thanked Public Works staff Brett Madison, Paul Colby and Jason Debrincat for providing a tour of the Town's water and sewer pump systems. He spoke regarding the Town's properties located over the bridge and the potential for additional revenue from that real estate. He informed the residents that the Town's Year-End Financial dashboard report is available for public view on the Town's website and hard copies are available in the Finance Department. He also provided a brief overview of the content provided in the financial dashboard report.

Council Member Araskog thanked the Police Foundation for the Annual Policeman's Ball and Harvey Poppel from the Citizens Association for the long-range financial planning presentation. She spoke regarding truck traffic issues in the North end and the temporary cell phone tower under construction on Palmo Way that will improve cell phone service to the residents. She also commented on the passing of Attorney Margie Cooper and sent her condolences to her friends and family.

It was the consensus of the Town Council to send Lake Trail speed limit changes to the Ordinances, Rules and Standards Committee for study and to work with the Town Attorney on the development of an Aggressive Solicitation Ordinance.

Council President Moore wished everyone a Happy New Year and complimented the Breakers on the opening of their newly renovated golf course.

VIII. COMMUNICATIONS FROM CITIZENS

John Maus, store owner of Maus & Hoffman on Worth Ave, spoke regarding the aggressive solicitation tactics he has witnessed on Worth Avenue and encouraged the establishment of stronger rules and enforcement in order to solve this problem.

Daren Rubinfeld, Real Estate Attorney 247 Worth Avenue, offered to share copies of call logs and complaints received by the Town and Better Business Bureau regarding the aggressive sales tactics individuals have experienced on Worth Avenue.

Simon Taylor, expressed his appreciation of the UpMarkets firm and their efforts in securing a theater operator. He offered his view on the role of the potential operator as someone with interests in both the not-for-profit and commercial aspect of a performing arts center.

Diane Buhler, Friends of Recreation, spoke regarding her organization's beach clean-up activities and the challenge with accessing the portion of the beach located on the 900 block of N. Ocean Ave. She announced a beach clean-up date on January 19, 2019 and invited the Town Council to attend and volunteer.

Bill Metzger, 277 Esplanade Way, reported on the positive progress of the Phase 2 undergrounding project in his neighborhood.

Rick Smith, 130 Sunrise Avenue, spoke regarding his expertise of the trucking industry and volunteered to share his knowledge in the discussion of the truck traffic issues in the North end.

IX. APPROVAL OF CONSENT AGENDA

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

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES

Kathleen Dominguez, Town Clerk

- a. December 11, 2018, Town Council Meeting Minutes
- b. December 12, 2018, Town Council Development Review Meeting Minutes - *Deferred to the February 14, 2019, Town Council Meeting*

2. Approval of Major Matters Considered by the Architectural Review Commission at its meeting of December 14, 2018.

Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

- 1. **RESOLUTION NO. 01-2019** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement and Use Agreement Between the Town

of Palm Beach and Florida Power and Light (FPL) at the Par 3 Golf Course for Access, and Maintenance of FPL Equipment.
Patricia Strayer, Town Engineer

C. OTHER

1. Adoption of the 2019 Town Council Meeting Schedule.
Kirk W. Blouin, Town Manager
2. Special Event Permit and Road Closure Request for Everglades Club Centennial Gala.
Jay Boodheshwar, Deputy Town Manager

X. **BOARD/COMMISSION ANNUAL REPORT**

- A. Annual Report of the Recreation Advisory Commission.
Matthew Smith, Chair

Chair Smith provided the annual report, which included a brief synopsis of the new Recreation Center project.

It was the consensus of the Town Council to accept the report.

XI. **COMMITTEE REPORTS**

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on December 6, 2018.
Julie Araskog, Chair

Chair Araskog provided a summary of the report. She spoke regarding the issues that will be discussed at the February 7th meeting and encouraged attendance by the Civic Association and Garden Club to provide their input on the landscape regulation discussion.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve the report. On roll call, the motion passed unanimously.

- B. Verbal Report of the Public Works Committee Meeting Held on December 21, 2018.

Chair Lindsay provided an overview of the items discussed at their meeting.

Jay Boodheshwar, Deputy Town Manager, provided an update on the Florida Fish and Wildlife Commission's hearing last month. He reported that the input provided by town staff on strengthening the final regulation was well received

and a final hearing will be held in February to finalize the language to the rules for shark fishing on public beaches.

Motion was made by Council Member Crampton, and was seconded by Council President Moore, to approve the verbal report. On roll call, the motion passed unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project

- a. Review of Project and Dashboard, Summary of Project Status
Steve Stern, Underground Utilities Project Manager

Project Manager Stern provided an update on the key construction projects, upcoming community meetings and events, design and easement status and an overview of the project dashboard.

In response to a request from Council President Pro Tem Zeidman, Project Manager Stern provided clarification on the misinformation and inaccurate reporting that has circulated in the community about the cost of financing versus the actual project budget.

In response to a question from Council Member Araskog, Mr. Stern spoke regarding the reason for the possible delay for the Phase 3 north and south project design due to the cable company's response to the hurricane victims in the panhandle.

Patricia Strayer, Town Engineer, spoke regarding how the delay with the response from Comcast might delay the Phase 3 project design and the Construction Manager At Risk (CMAR) process. She stated that the CMAR award will be on time with little to no impact on the cost.

Tom Parker, Underground Utilities Task Force member, 215 Jamaica Lane, spoke regarding the bond issuance and the promise to pay interest on the outstanding balance. He addressed the misunderstanding of the Town's obligation for the project cost due to op-ed pieces written to specifically undermine the project.

President Moore commended Steve Stern and shared positive comments from the residents on his handling of securing neighborhood easements.

2. Town Marina Project Update.

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

Gordon Thomson, Baird and Associates, provided a status report on the master design and permitting process for the Town Marina project. He also provided the timeline for procuring contractors and a detailed construction timeline.

Discussion ensued regarding how any potential design changes to the master plan will impact the project and the budget.

Town Manager Blouin stated that he does not anticipate any design changes to the masterplan at this time but will address any changes with the Town Council should they arise.

In response to a question from Council Member Crampton, Public Works Director Paul Brazil provided the reasons why the Town is prohibited from placing any dredged sand from this project to its beaches.

3. 5876 Okeechobee Blvd. Land Lease Update.

Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar presented the long-term ground lease agreement options based on the responses to the Request for Proposals (RFP).

Discussion ensued regarding delaying the RFP award and securing a seasoned real estate attorney who specializes in long term land lease agreements.

In response to a question from Mayor Coniglio, Mr. Boodheshwar confirmed that there have been no vegetative plantings to the land.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to direct staff to look for an experienced real estate attorney with direct experience in long-term ground leases and report back to the Council. On roll call, the motion passed unanimously.

4. Update on the Compensation and Benefit Study.

Danielle Olson, Director of Human Resources

Director Olson provided an update on the Town's Compensation and Benefits study.

5. Approval of Town Manager Goals for FY2019.

Kirk W. Blouin, Town Manager

Town Manager Blouin provided an overview of the goals for 2019.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve the Town Manager's goals for 2019. On roll call, the motion passed unanimously.

6. Request from Cary Glickstein, Receiver, Approving an Amendment to the Conditional Settlement Agreement for the Palm House Hotel.
Cary Glickstein, Receiver

Clerk's Note: This item was taken out of order and heard after Item IV.

Mr. Glickstein presented an overview of the request to approve an amendment to the conditional settlement agreement for the Palm House Hotel by extending the deadlines of the performance requirements.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve the amended conditional settlement agreement for the Palm House Hotel. On roll call, the motion passed unanimously.

B. New Business

1. Proposed Town Sponsorship of Business Association Special Event on Memorial Day Weekend 2019, to be Hosted by the Royal Poinciana Way Association.
Richard Zaretsky, Rotary Club President

Mr. Zaretsky presented an overview of the request to post American Flags on the Royal Palm Way median for the purpose of honoring heroes and fundraising for scholarships for veterans and first responders. He further explained that the Royal Palm Way Association is in the process of changing their business name to the Main Street Association and that the original event date has changed from Memorial Day to the Fourth of July.

Discussion ensued regarding the material and the process for securing the flag poles into the ground and the plan for filling in the holes afterwards, hold harmless agreements, parking and traffic concerns.

Josh Martin, Director of Planning, Zoning and Building, spoke regarding the codified language for permanent and temporary flags and banners.

Mayor Coniglio expressed concerns with the fundraising aspect of the event and the possibility of an amendment or waiver to the Town's Code of Ordinances with respect to Charitable Solicitations.

It was the consensus of the Town Council to defer this item to a later meeting.

2. Flagler Museum Request from Harvey E. Oyer, III.
Harvey E. Oyer, III

Mr. Oyer presented an overview of the request to submit a formal application for a special event in celebration of Henry Flagler's maritime history in Palm Beach, which would require the use of a floating dock in the Intracoastal Waterway.

Discussion ensued regarding the proposed event hours, attendance and boat size.

Mayor Coniglio expressed concern about the noise, lights and event hours.

It was the consensus of the Town Council to approve Mr. Oyer's request to submit a formal application and present it to the Town Council next month.

C. Matters Pulled From Consent Agenda: *None*

XIV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 21-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Code Of Ordinances Of The Town Of Palm Beach At Chapter 66, Natural Resource Protection, At Article 1, In Section 66-311, Prohibited Plants; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
Jay Boodheshwar, Deputy Town Manager

Council President Pro Tem Zeidman expressed concerns with the language in Section 66-311 (d). She cited enforcement issues with the 50% rule and pointed out that alternative ficus hedge materials are still susceptible to white fly infestation.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to defer Ordinance No. 21-2018 to the Ordinances, Rules and Standards Committee for further study. On roll call, the motion passed 4 to 1 with Council Member Crampton dissenting.

2. ORDINANCE NO. 22-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Focusing on Excessive Nutrient Levels in Palm Beach County Water Bodies; Providing for Title; Providing for Definitions; Providing for Applicability; Providing for Timing of Fertilizer Applications; Providing for Fertilizer Free Zones; Providing for Fertilizer Content and Application Rates;

Providing for Fertilizer Application Practices; Providing for Management of Grass Clippings and Vegetative Matter; Providing for Exemptions; Providing for Training; Providing for Licensing of Commercial Applicators; Providing for Enforcement; Providing for Penalties; Providing for Appeal; Providing for Severability; Providing for Inclusion in the Code of Laws and Ordinances; Providing for Enforcement; Providing for Captions; and Providing for an Effective Date.

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

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to adopt Ordinance No. 22-2018, on second and final reading. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 01-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, As Follows: At Article XIV, Numbering Of Premises, By Adding Section 18-967 That Will Provide Language For The Naming And Renaming Of Streets, Vias And Alleys; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Josh Martin, Director of Planning, Zoning & Building

Director Martin presented an overview of the procedure for renaming villas.

Council Member Moore recommended an amendment to the 30-day notice requirement in Section 18-967 to a 90-day time frame.

Discussion ensued regarding property rights of business owners.

Motion was made by Council Member Crampton, and was seconded by Council President Moore, to approve Ordinance No. 01-2019, as amended to include a 90-day notification period. On roll call, the motion passed 3 to 2 with Council Members Araskog and Zeidman dissenting.

XIV. ANY OTHER MATTERS

Council Member Araskog spoke regarding the need to address the issue of natural landscape buffers getting destroyed during the development process. She requested a solution that would require the preservation of natural landscape during the development process in order to mitigate the visual and noisy impact of construction.

Planning and Zoning Director Martin suggested that ARCOM study a landscape policy that will require development review plans to include a natural buffer to protect neighboring homes from noise and dirt.

Council President Pro Tem Zeidman announced that the Citizen's Association is hosting a meeting on January 17th at 3:00 pm with guest speaker Steven Stern.

XV. ADJOURNMENT

There being no further business, the regular Town Council meeting of January 8, 2019 adjourned at 1:30 p.m.

APPROVED:

Danielle H. Moore
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk

Date: _____



TOWN OF PALM BEACH

Minutes of the Town Council Meeting Held on January 9, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order Wednesday, January 9, 2019 at 9:34 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Clerk Churney gave the invocation.

Council President Moore let the Pledge of Allegiance.

Planning, Zoning & Building Director Martin thanked Bill Bucklew for his excellent service and support, and presented him with his 10-year anniversary gift.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - The Mayor thanked Bill Bucklew for his dedicated service and welcomed Wayne Bergman as the new Planning, Zoning & Building Assistant Director.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

Council President Moore spoke about her concerns with commission members leaving prior to the conclusion of meetings. She also addressed her concerns with an increase construction time extension requests.

Director Martin and Building Official Bucklew offered some possible reasons such as hurricanes and /or Presidential visits. Director Martin will look into any other possible reasons that may exist.

Council Member Araskog thanked Bill Bucklew for his service and welcomed Assistant Director Bergman. She also supported Council President Moore's comments with regard to commission members.

Council Member Lindsay supported Council President Moore's comments with regard to commission members.

V. COMMUNICATIONS FROM CITIZENS

Attorney Stambaugh, representing the DeMoss family of 185 Woodbridge Road, requested that item Z-18-00146 Special Exception With Site Plan Review be removed from agenda and explained the reasons.

Attorney Oyer gave reasons why he would like to proceed with the agenda item.

Jim Engel, 176 Kings Road, spoke in support of the special exception.

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

VI. APPROVAL OF AGENDA

The following changes were made to the agenda:

DEFERRALS: The following items were deferred to the February 13, 2019 Town Council meeting.

Item VII.B.1.c., Z-18-00138 Special Exception with Site Plan Review

Item VII.B.2.d., Z-18-00160 Variances

Item VII.B.2.f., Z-18-00161 Site Plan Review

The following item was deferred to the March 19, 2019 Town Council meeting.

Item VII.B.1.b., Z-18-00134 Special Exception with Site Plan Review and Variances

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

VII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Extension of Time Schedule for Completion of Construction per Town Code
Chapter 18, Section 18-237
608 Island Drive

Bruce Malasky, President of Malasky Homes, provided details of the request.

Motion was made by Council Member Araskog, and seconded by President Pro Tem Zeidman, to approve Extension of Time Schedule for Completion of Construction per Town Code Chapter 18, Section 18-237 to February 13, 2019. On roll call, the motion carried unanimously.

2. Construction Hours Request: Acqua Café, 2875 South Ocean Boulevard
Director Martin provided details of the project.
Applicant, Evans Howell, provided further details.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, to approve construction hours request. On roll call, the motion carried unanimously.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at 235 SUNRISE AVE SUITE: CM 23, legal description on file, is described below. A request for a variance and a special exception to expand a non-conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym, which is an accessory use to the condominium hotel. [Applicant's Representative: Maura Ziska Esq] If approved, consideration of proposed Declaration of Use Agreement.

Jeff Collins, Fire Protection Engineer provided details of the project.

Fire Marshal DeLoach reported on his findings.

Discussion took place on progress of work and notification to residents

Motion was made by Council Member Crampton to not permit the opening of the gymnasium until the Fire Marshal has declared that this is a safe building. Without a second, the motion was not considered.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, that item Z-18-00108 Special Exception with Variances be deferred to the April 10, 2019 Town Council meeting for verification of fire door safety compliance and notification to residents. On roll call, the motion carried unanimously.

b. Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-A Estate Residential The application of Charles Holzer, Applicant, relative to property located at 977 S OCEAN BLVD, legal description on file, is described below. 1) Special Exception with Site Plan Review to allow the construction of a 9,685 square foot two-story, single family residence on a non-conforming lot that is 77 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning District and 13,662 square feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning District. 2) A request for a variance to allow the proposed swimming pool to have a 5 foot rear yard setback in lieu of the 10 foot minimum required and a 30 foot front yard setback in lieu of the 35 foot minimum required in the R-A Zoning District. 3) A request for a variance to allow a building height plane setback to be 35 feet in lieu of the 50 foot minimum setback required. [Applicant's Representative: Maura Ziska] [The Architectural Review Commission deferred this project to the December 14, 2018 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the March 13, 2019 Town Council Meeting per Letter Dated December 20, 2018 from Maura Ziska

Item was deferred to the March 19, 2019 Town Council meeting.

c. Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at 241 SEAVIEW AVE SUITE: SITE, legal

description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 4-1. The Landmarks Preservation Commission deferred the project to the January 16, 2018 meeting at the request of staff. Carried 7-0.]

Item was deferred to the February 13, 2019 Town Council meeting.

d. Z-18-00146 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of Harvey E. Oyer, III, Esq. on behalf of Mar-a-Lago Club, Inc., Applicant, relative to property located at 1100 S OCEAN BLVD, legal description on file, is described below. 1. The Applicant seeks approval of a Special Exception with Site Plan Review to add an accessory dock to the property in the approximate location of the prior historic dock. The dock is to be located at the northwest corner of the site and projects 40 feet from the existing seawall into the Lake Worth Lagoon. [Applicant's Representative: Harvey E Oyer III Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject landmark property. Carried 7-0.]

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

Attorney Oyer provided details of the project.

Zoning Administrator Castro provided Staff comments.

Discussion took place on restriction of hours, dock usage, noise from jets skis and other vessels, location of channel, and what items shall be included in the Declaration of Use Agreement.

Attorney Stambaugh expressed his objections to the dock on behalf of the neighboring DeMoss family.

Environmental consultant Nero, provided environmental concerns relative to depth of water and presence of seagrass. He offered his comments on a Consent of Use document for a public channel.

Discussion took place on the Consent of Use.

Nader Kazeminy, 760 Island Drive, spoke in opposition of the project. He thanked the council for their careful consideration of the project.

Elizabeth Moss spoke about security concerns.

Motion was made by Council Member Crampton, that Special Exception Z-18-00146 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met with the condition to amend the Declaration of Use Agreement to include: reasonable hours of operations, no jet skis, no live-aboards, no generators, and indemnification of the client for any drilling. Without a second, the motion was not considered.

Motion was made by Council Member Crampton, and seconded by Council Member Araskog, that Special Exception Z-18-00146 shall be deferred in order to work with the neighbors and staff on a proposed Declaration of Use Agreement to include: dock use for members and owners only, restriction expansion, prohibition of jet skis, restriction of hours of operation, no overnight live-aboards, dock hours limited to club hours, no generators or source of noise, location of channel required, notice to property owners, indemnification for drilling, address security concerns and lighting. On roll call, the motion carried unanimously.

Town Council Recessed at 11:30 a.m. and reconvened at 11:43 a.m.

e. Z-18-00149 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of Carriage House and JHD Associates, LLC, Applicant, relative to property located at 264 S COUNTY RD SUITE: BLDG 1, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 248 members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 67 seats, which is the same number of seats 264 Grill restaurant had when owned by Peter Pullitzer in the 1970s. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m. A request for a special exception to provide 68 night-time (after 6pm) supplemental off-site shared parking spaces at 230/240 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House. Z-18-00149 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of Carriage House and JHD Associates, LLC, Applicant, relative to property located at 264 S COUNTY RD SUITE: BLDG 1, legal description on file, is described below. [Applicant's Representative: Maura Ziska Esq]

TIME CERTAIN 1:30 P.M.

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

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

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

Attorney Ziska summarized the changes that were made, and addressed the Council's list of concerns provided from the December Town Council meeting.

Traffic Engineer Kerr, addressed traffic impact analysis, the valet and parking circulation plan, and the Town's peer review findings.

Sound Engineer, Cuschieri, provided information on noise levels.

Attorney Ziska reviewed Special Exception criteria.

Director Martin reported on meetings held since the last Town Council meeting with all parties.

Engineer Mirson, provided information on traffic analysis review.

Attorney Eubanks representing John and Pamela Schafer, Katherine Bryan, Bradley and Katherine Geist, expressed oppositions to the application.

Town Council recessed at 2:46 p.m. and reconvened at 2:49 p.m.

Glenn Zeitz, 142 Seabreeze Avenue, expressed his objections to the proposed project.

Tim Gannon, 1300 North Ocean Boulevard and Landmarks Preservation Commission member, spoke as a restaurateur and his experience, and offered his support for a private club.

Shaun MacKenzie, Mackenzie Engineering & Planning, Inc., spoke about parking and traffic concerns on behalf of residents Shipley, Ernst, Schafer and Pressly.

Zach Shipley, 228 Seaspray Avenue, expressed his objections to the proposed project.

Grier Pressly, 242 Seaspray Avenue, expressed his objections to the proposed project.

Maisie Grace, 247 Seaspray Avenue, expressed her objections to the proposed project.

Dale Pincourt, 1270 N Lake Way, expressed her objections to the proposed project.

Robert Forbes, 171 Clarke Avenue, expressed his concerns for the proposed project.

Anthony Myura, 169 Seaview Avenue, expressed his objections to the proposed project.

Gigi Tylander, 225 S. County Road, expressed her objections to the proposed project.

Alexander Griswold, 249 Monterey Road, offered his support for the project.

Ann Jackson, 135 Seaview Avenue, expressed her objections to the proposed project.

Terri Ruttle, 310 Seabreeze Avenue, expressed her concerns for the proposed project.

Eric Leiner, 159 Seaspray Avenue, expressed his objections to the proposed project.

Michael Formica, 218 Phipps Plaza, offered his support for the project.

Luis Musa, behalf of Lauri Welteroth, 256 S. Ocean Blvd., expressed the family's opposition to the proposed project.

Janet Levy, 500 S. Ocean Blvd, expressed her objections to the proposed project.

Mike Hertzberg, 129 Seaspray Avenue, expressed his concerns for the proposed project.

Steven Greenwald, 128 Seaspray Avenue, expressed his objections to the proposed project.

Attorney Ziska provided rebuttal comments.

Discussion took place on evening maximum capacity, number of employees, parking concerns, permit parking, golf cart use, Declaration of Use, intensification of use, special events and deferral.

Motion made by Council Member Araskog, and seconded by Council Member Crampton to defer Z-18-00149 Special Exception with Site Plan Review to the February 13, 2019 Town Council meeting in order to work with the neighbors and staff and come back to Town Council with Declaration of Use Agreement which will include all related concerns. On roll call, the motion carried unanimously.

2. New Business

- a. Z-18-00155 VARIANCE(S) Zoning District: C-OPI Office, Professional and Institutional
The application of Primary Properties, Inc., Applicant, relative to property located at 231 ROYAL PALM WAY SUITE: BLDG 1, legal description on file, is described below. 134-172; 134-201; 134-2437: Request for a variance to allow a business identification sign described as "The Suites at 231" on a building that does not have any ground floor

tenants. Presently, the Code does not allow for business identification signs on buildings that do not have ground floor tenants. [Applicant's Representative: Tim Hanlon Esq]

No ex-parte communications were declared.

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

Attorney Atterbury, provided details of the request.

Zoning Administrator Castro provided Staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance No. Z-18-00155 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

b. Z-18-00156 VARIANCE(S) Zoning District: R-A Estate Residential The application of Chuck and Amanda Schumacher, Applicant, relative to property located at 874 S COUNTY RD, legal description on file, is described below. The Applicant is proposing to install a 60 KW generator to the west of their residence and within a street side yard ("Vita Serena") that will require the following variances: 1. A variance to place the generator in the street side yard setback along Vita Serena with a setback of 8.75 feet in lieu of the 35 foot minimum required. 2. A variance to allow the proposed generator to result in a landscaped open space of 44.9% in lieu of the 45.3% existing and the 50% minimum required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. The Architectural Review Commission approved the project as presented. 7-0.]

Ex-parte communications were declared by Council Member Araskog.

Attorney Ziska provided details of the project.

Zoning Administrator Castro provided Staff comments.

Motion was made by Council Member Araskog, and seconded by Council President Moore, that Variance No. Z-18-00156 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

c. Z-18-00157 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Michael F. Neidorff, Applicant, relative to property located at 302 VIA LINDA, legal description on file, is described below. The Applicant is requesting the following variances to raise the height of the ceiling and parapet in 2 areas of the one story residence: 1) Request to raise the parapet by 2 feet and the ceiling by 2.34 feet at the

garage to accommodate a car lift so that three cars can be parked in the existing two-car garage. The garage has an existing non-conforming side yard setback of 5 feet in lieu of 12.5 feet required. The variance is to raise the height in the existing setback. 2) Request to raise the parapet over the main house to be 5.33 feet in lieu of the 4 feet existing and the 3 foot maximum allowed in the R-B Zoning District for a parapet roof height. 3) Request to allow the landscape open space to decrease from the previously permitted 39.9% to 35.7% in lieu of the 45% minimum landscaped open space required. The existing landscape open space is 32.5%. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. The Architectural Review Commission approved the project as presented with a condition relating to the architecture. 7-0.]

Ex-parte communications were declared by Council Member Araskog.

Attorney Ziska provided details of the project.

Director Martin provided Staff comments.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance No. Z-18-00157 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town, that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. On roll call, the motion carried unanimously.

d. Z-18-00158 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Palm Beach Dunbar, LLC, a New York limited liability company (John Randolph, Manager), Applicant, relative to property located at 171 DUNBAR RD, legal description on file, is described below. The Applicant is requesting a variance to add a 388 square foot addition for an additional garage bay to have a two-car garage in lieu of the one-car garage existing. This will result in an angle of vision of 123 degrees in lieu of the 114 degrees existing and 108 degrees maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project for one month to the January 23, 2019 meeting. Carried 4-3.] Request for Deferral to the February 13, 2019 Town Council Meeting per Letter Dated December 17, 2018 from Maura Ziska.

Item was deferred to the February 13, 2019 Town Council meeting.

e. Z-18-00160 VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Bryan and Christina Cressey, Applicant, relative to property located at 2315 S OCEAN BLVD, legal description on file, is described below. A variance request to allow the placement of a 60KW generator located within the street side yard setback along Old South Ocean Boulevard with a setback of 7.4 feet in lieu of the 25 foot minimum required in the R-C Zoning District. [Applicant's Representative: Maura Ziska Esq]

Ex-parte communications were declared by Council Member Araskog.

Attorney Ziska provided details of the project.

Director Martin provided Staff comments.

Motion was made by President Pro Tem Zeidman, and seconded by Council Member Araskog, that Variance No. Z-18-00160 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

f. Z-18-00161 SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of 1404NORTHLAKE LLC (Maura Ziska, Manager), Applicant, relative to property located at 1404 N LAKE WAY, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 9,263 square foot two-story, single family residence on a non-conforming lot that is 110 feet in width in lieu of the 125 foot minimum required and 19,563 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project for one month to the January 23, 2019 meeting. Carried 7-0.] Request for Deferral to the February 13, 2019 Town Council Meeting per Letter Dated December 17, 2018 from Maura Ziska.

Item was deferred to the February 13, 2019 Town Council meeting.

3. Other

a. ARCOM/LPC Combination Project Discussion

Director Martin recommended that the current Architectural Commission/Landmarks Preservation Commissions combination project criteria be amended.

A short discussion ensued.

Rene Silvin, Vice Chairman of Landmarks Preservation Commission, expressed his support of this idea.

There was a consensus among the Town Council to approve the request for a six month trial period.

VIII. ANY OTHER MATTERS - None

IX. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of January 9, 2019, was adjourned at 4:42 p.m.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kathleen Ruderman, Deputy Town Clerk



Town Clerk's Office

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON FRIDAY, JANUARY 11, 2019**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 9:30 a.m. on Friday, January 11, 2019, in the Town Council Chambers. On roll call, all of the elected officials were found to be present with the exception of Council Member Lindsay. A quorum was present.

II. PLEDGE OF ALLEGIANCE

Council President Moore led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

It was the consensus of the Town Council to approve the agenda, as printed.

IV. COMMUNICATIONS FROM CITIZENS – *None*

- V. RESOLUTION NO. 03-2019** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Town Caucus; Directing the Town Clerk of Said Town to Place the Names of Certain Candidates on the Official Ballot for the General Election to be Held in Said Town on the Twelfth Day of March 2019; Adopting the Official Ballot to be Used in Said Election; Authorizing the Town Clerk to Arrange for Voting Equipment to be Used in Said Election, Naming Therein the Candidates Nominated and Named in the Resolution; And, Designating the Town Clerk and Deputy Town Clerk of the Town of Palm Beach and the Supervisor of Elections of Palm Beach County, or Their Designees, to Serve as the Canvassing Board.

Town Attorney Randolph read the Resolution into the record.

Motion was made by Council Member Crampton, and was seconded by Council Member Araskog, to approve Resolution No. 03-2019. On roll call, the motion carried

unanimously.

VI. MAYOR'S PROCLAMATION TO THE QUALIFIED ELECTORS OF THE TOWN OF PALM BEACH REGARDING THE TOWN ELECTION TO BE HELD ON MARCH 12, 2019.

Mayor Coniglio announced the results of the Caucus and read the names of the Group Two candidates into the record.

It was the consensus of the Town Council to approve the Mayor's proclamation.

VII. WAIVER OF POTENTIAL CONFLICT OF INTEREST, AHS RESIDENTIAL

Town Attorney Randolph spoke regarding a notification letter from Gray Robinson, Attorneys-at-Law, with regard to a potential conflict of interest regarding a ground lease for a developer. He further explained that the developers are in the process of drafting a proposed Telecommunications Ordinance for the Town with respect to communications facilities in the rights-of-way.

Motion was made by Council President Pro Tem Zeidman and was seconded by Council Member Araskog authorizing the Town Manager to sign the Waiver of Potential Conflict of Interest. On roll call, the motion carried unanimously.

VIII. ANY OTHER MATTERS

Council Member Araskog commented that the Group Two candidate's name was listed as both "RICHARD RENE SILVIN" and "**RENE SILVIN**" in different sections.

Mr. Silvin of 422 Australian Avenue clarified that although his legal name is Richard Rene Silvin, his name should be printed as "**RENE SILVIN**" on the ballot.

IX. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Friday, January 11, 2019, was adjourned at 9:38 a.m.

APPROVED:

Danielle H. Moore
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of January 23, 2019.

Presenter

Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated January 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of January 23, 2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Josh Martin, Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of January 23, 2019

Date: January 28, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of January 23, 2019.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of January 23, 2019.

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

JM:kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, JANUARY 23, 2019

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**

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

II. **ROLL CALL**

Robert J. Vila, Chairman	PRESENT
Michael B. Small, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Nikita Zukov, Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT

Staff Members present were:

John Lindgren, Planning Administrator
Josh Martin, Director of Planning, Zoning and Building
Kelly Churney, Secretary to the Architectural Review Commission
John Randolph, Town Attorney

III. **PLEDGE OF ALLEGIANCE**

Chairman Vila led the Pledge of Allegiance.

IV. **APPROVAL OF THE MINUTES FROM THE DECEMBER 14, 2018 MEETING**

Motion made by Mr. Small and seconded by Mr. Garrison to approve the minutes from the December 14, 2018 meeting. Motion carried unanimously.

V. **APPROVAL OF THE AGENDA**

Mr. Small requested to withdraw project B-001-2019, 200 Merrain Rd. from the agenda.

Motion made by Mr. Small and seconded by Mr. Garrison to approve the agenda as amended. Motion carried unanimously.

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

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

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

Mr. Vila asked for a moment of silence to recognize the passing of former ARCOM Commissioner, Town resident and friend, Ann Vanneck.

There were no public comments heard at this time.

VIII. **INFORMAL REVIEW**

1. Town of Palm Beach Docks – Public Works

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

Town Attorney Randolph reminded the Commissioners to provide detailed explanations of their critiques of the project that they provided to the professionals.

Manual Ayala, REG Architects, Inc., presented the architectural plans for the new buildings and docks on S. Lake Way.

Gordon Thompson, Baird and Associates, presented the landscape and hardscape plans for the new Town docks.

Mr. Vila asked if more parking spaces would be added to the existing parking lot. Paul Brazil, Public Works, spoke about the cost associated with adding the extra drainage needed if the parking were to be expanded.

Rick Gonzalez, REG Architects, Inc., presented drawings for the buildings on the overhead projector that included modifications in response to the comments from the Commissioners provided during the ex parte meetings.

Mr. Floersheimer expressed concern for the condition of the large tree between the Australian and Peruvian docks. Mr. Brazil stated he would ask the Town's arborist to investigate the tree's condition.

Mr. Ives expressed a bit of disappointment in the style and execution of the proposed buildings. He indicated that the general approach overall was acceptable.

Mr. Corey thought the modified drawings were an improvement. He suggested simplifying the designs of the buildings for the next presentation. Mr. Corey also stated he would like to see site details, such as gates, ramps and garage locations, at the next presentation as well.

Ms. Grace questioned the design style of the buildings with their proximity to the water. She also questioned the need for the second story on the building as well as the covered seating.

Mr. Floersheimer added that other boaters have told him that the WIFI and the power on the docks needed to be addressed.

Mr. Small stated he thought the design style was appropriate and in harmony with the area.

IX. **PROJECT REVIEW**

A. **DEMOLITIONS AND TIME EXTENSIONS**

NONE

B. **MAJOR PROJECTS – OLD BUSINESS**

B-046-2017 Modifications

Address: 1236 S. Ocean Blvd.

Applicant: John L. and Margaret B. Thornton

Professional: Dustin Mizell/Environment Design Group

Project Description: Addition of two tennis courts. One court will be a hard court and the other a grass court. The courts will be surrounded by a fence approximately 10' tall and various landscaping at or above the height of the fence. Additional landscaping will be provided to buffer courts accordingly. Separate staff parking area is also included.

A motion carried at the June 2017 meeting to approve the project as presented. This project has been brought back for reconsideration because of a court ruling (see attached).

Town Attorney Randolph explained the court ruling and the reason that the project was remanded back to the Commission. Mr. Randolph read the section of the code that the Architectural Review Commission's considers when making their decision for each project. Mr. Lindgren passed out the Section 134-1759 of the Code of Ordinances that pertains to tennis courts, shuffleboard and racquetball courts.

Town Attorney Randolph addressed all of the questions from the Commissioners about the court's ruling.

Ms. Catlin asked a specific question regarding Code section 134-1759 (b). Mr. Castro provided more explanation when tennis courts are permitted and when they would require a special exception. Mr. Lindgren provided a suggestion on what sections of the code to reference in a motion, should the Commission provide an approval of the project.

Town Attorney Randolph asked Mr. Castro if he had reviewed the project pursuant to the provisions of section 134-1759 and if so, had he made a determination whether the application met all of the criteria set forth in that section. Mr. Castro provided confirmation that he did review the project and that it did meet all of the criteria in section 134-1759. Mr. Randolph asked Mr. Castro to state his position with the Town and to provide an explanation as to why he felt the project met the criteria. Mr. Castro stated that he was the Zoning Administrator with the Town of Palm Beach and provided his reasons as to why the proposed project met the provisions of section 134-1759. A short discussion ensued about this topic.

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

Amanda Quirke Hand, attorney with Lehtinen, Shultz, Reidi and De La Fuente and representing the owners at 100 Emerald Beach Way LC, notified the Commission that there was a pending appeal of Mr. Castro's decision that would be heard by the Town Council in March 19, 2019. Ms. Hand requested that the Commission defer the discussion to allow the Town Council to make a determination of the administrative appeal.

Mr. Castro stated that he told the Commission that they could hear the project before the Town Council made their decision. He provided more explanation on why he felt the application did not require a special exception application.

Motion made by Mr. Garrison and seconded by Mr. Small to defer the project to March 27, 2019 to allow the Town Council to make their decision on the administrative appeal.

Ms. Grace asked if the Town Attorney could offer an opinion as to whether the Commission's decision would be relevant if made today. Mr. Randolph responded.

Motion carried 5-2 with Messrs. Ives and Vila opposed.

B-003-2018 Demolition/New Construction

Address: 2291 Ibis Isle Rd. E.

Applicant: Lynne Eriksen

Professional: Roger Hansrote/ACI

Project Description: Demolition of an existing one story, CBS, 2547 s.f. ranch style single-family residence and swimming pool constructed in 1961.

Construction of a new 3576 s.f. AC area one story single family residence with a 523 s.f. garage, swimming pool and associated landscaping and hardscape.

Project History:

April 2018 – Deferred to May 2018 at the request of architect.

May 2018 – Deferred to October 2019 at the request of architect.

October 2018 – Approved demolition. Deferred project for restudy to November 2018

November 2018 – Deferred project to January 2019 with the request to restudy the front entrance, window mullions and roof plan.

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

Richard Leja, ACI, presented the architectural modifications for the new residence, specifically addressing the new entrance for the home.

Ms. Grace suggested elongating the sidelights next to the front door. She also suggested extending the pediment and columns out from the house to allow more room. Mr. Leja responded and stated he could make the changes suggested.

Mr. Ives questioned the proportion and ratio of the sections on the front façade and thought they did not work well together. He stated he could not support the project.

Mr. Corey agreed with Mr. Ives' comments. He questioned the roof plan on the home. He suggested moving the garage wing north to open up front entrance.

Mr. Vila questioned the roof plan but thanked the professional for making some of the changes suggested by the Commission.

Motion made by Mr. Small and seconded by Mr. Corey to defer the project for one month to the February 27, 2019 meeting for restudy. A motion carried 4-3 with Messrs. Ives, Vila and Ms. Grace opposed.

A short discussion ensued regarding the reason for the deferral.

Mr. Vila asked the Commission if they would like to provide further feedback or direction to the professional. No further suggestions were provided at this time.

Please note: A short break was taken at 10:07 a.m. The meeting resumed at 10:22 a.m.

B-120-2018 New Construction

Address: 726 Hi-Mount Rd.

Applicant: Irimar Ocean Properties LLC

Professional: Richard Sammons/Fairfax, Sammons & Partners, LLC

Project Description: New two-story residence with basement and pool cabana. New swimming pool, landscape and hardscape improvements. Existing perimeter site walls & gates to remain.

A motion carried at the November meeting to approve the project as presented and to defer the landscape presentation to the January 23, 2019 meeting.

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

Jaime Torres, Fairfax, Sammons & Partners, LLC, presented the architectural modifications for the new residence.

Mr. Corey asked for 3-D renderings for the new residence. Mr. Corey questioned the amount of glass on the second floor, west elevation and added he could not support the amount of glazing proposed. Mr. Corey asked about the lack of windows in the staff rooms.

Mr. Sammons commented on the second floor glazing.

Mr. Floersheimer agreed with Mr. Corey on the second floor glazing and expressed concern for the number of different column styles used on the home. Mr. Torres responded to the concern regarding the columns.

Mr. Zukov questioned the glass panels on the wings of the second floor. He also thought the lighting on plan should be reduced by 50%. Mr. Torres placed an alternate rendering of the wings on the overhead projector that reflected the changes proposed by Mr. Zukov.

Ms. Grace agreed with the comments about the second floor fenestration and thought the previously proposed plans were more attractive.

Mr. Ives was in favor of the proposal.

Mr. Vila thought the architectural proposed was a superlative example of architecture in Palm Beach.

Damon Sanchez, Raymond Jungles Inc., presented the landscape and hardscape plans proposed for the new residence.

Mr. Vila asked about the materials proposed for the driveway. Mr. Sanchez presented material samples of the hardscape to the Commission.

Mr. Sanchez discussed the landscape and driveway lighting proposed for the new residence.

Mr. Vila asked if the professional had plans that addressed the concerns raised by Mr. Corey for the north side of the site. Mr. Sanchez responded. Raymond Jungles also addressed the site development.

Messrs. Torres and Sanchez introduced new drawings and renderings on the overhead projector that showed modifications to the architecture, landscape and hardscape.

It should be noted that the professionals brought a model of the residence.

Ms. Grace discussed the landscape and hardscape items she preferred. She restated that she preferred the previously proposed fenestration on the second floor.

Mr. Ives stated he was in favor of the driveway but expressed some hesitation for items proposed around the pool. However, Mr. Ives stated he was fully prepared to support the project.

Ms. Shiverick agreed with Mr. Ives and was in favor of the driveway and plant choices. She suggested adding the vine material to the building.

Mr. Corey thought the plant list was interesting and successful. He expressed some hesitation for the circular driveway and thought it could be restudied. He also added that he would like to see a 3-D rendering of north elevation.

Mr. Vila thought the hardscape, especially along east façade, was magnificent. He questioned the native choices versus the exotic choices proposed. Mr. Jungles responded.

Mr. Small stated that a discussion entitled “Where Have All the Songbirds Gone?” would be held in the Town Hall, Council Chambers, on Monday, February 4, 2019 at 2 p.m.

Motion made by Ms. Grace and seconded by Mr. Garrison to approve the project as presented. Motion carried 5-2, with Messrs. Zukov and Corey opposed.

B-122-2018 Additions/Modifications

Address: 209 Wells Rd.

Applicant: Olive McCarthy

Professional: Dustin Mizell/Environment Design Group

Project Description: Addition of a vehicular gate on Wells Road. The motor court entry on Crescent Drive will be removed and the existing hardscape & landscape will be modified accordingly. A new garden pergola is also being proposed.

A motion carried at the December meeting to approve the project as presented with the caveat that the design for the pergola would be presented at the January 23, 2019 meeting.

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

Mr. Mizell presented the architectural plans for the proposed pergola.

Ms. Catlin thought the pergola was a bit bland. Mr. Mizell responded and provided the reasons for the pergola chosen.

Mr. Corey agreed with Ms. Catlin and stated he could not support the pergola.

Mr. Vila stated he likened the pergola to lawn furniture and added that the pergola would not be seen from the street. He thought the pergola was acceptable and stated he could support the project.

Mr. Ives stated that although the pergola was modest, he would support the project.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented. Motion carried 6-1, with Mr. Corey opposed.

Mr. Lindgren asked the Commissioners to request a utility easement with each approval. He stated that members have suggested language in their folder.

B-124-2018 Additions/Modifications

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

Address: 171 Dunbar Rd.

Applicant: Palm Beach Dunbar LLC

Professional: Affiniti Architects

Project Description: Alteration of an existing home to create a two-car garage in place of the existing one car garage at the rear of property. There will be no landscape or hardscape alterations. From the public ways, there will be no visible exterior changes.

A motion carried at the December meeting to defer the project for restudy in accordance with the Commissioners' comments, to leave more room for the Banyan tree, stepping back the garage bay and an accurate L-1 plan to return to the January 23, 2019 meeting.

VARIANCE(S) INFORMATION: The Applicant is requesting a variance to add a 388 square foot addition for an additional garage bay to have a two-car garage in lieu of the one-car garage existing. This will result in an angle of vision of 123 degrees in lieu of the 114 degrees existing and 108 degrees maximum allowed in the R-B Zoning District.

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

Benjamin Schreier, Affiniti Architects, presented the arborist's report regarding the Banyan tree near the proposed garage extension. Mr. Schreier presented the architectural plans for the garage proposed and reviewed the variance request.

Mr. Corey stated he would support the professional's option C for the garage design.

Ms. Grace confirmed that Mr. Schreier would perform all of the steps recommended by the arborist. Mr. Schreier confirmed he would.

Mr. Garrison asked Mr. Schreier which option he was presenting to the Commission. Mr. Schreier stated that his client would prefer option A but would also accept option B as a second option. Mr. Garrison stated he agreed with Mr. Corey and preferred option C but added that he could accept option B as well.

Mr. Floersheimer inquired about the bathroom window in the garage. Mr. Schreier indicated the window would be removed.

Motion made by Mr. Small and seconded by Mr. Ives that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously.

Mr. Small asked the professional if he would agree to dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Schreier agreed to this dedication.

A second motion made by Mr. Small and seconded by Mr. Ives to approve the project with Option B, including the arborist's conditions and the undergrounding commitment. Motion carried 6-1, with Mr. Corey opposed.

B-127-2018 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW

Address: 1404 N. Lake Way

Applicant: 1404NorthLakeLLC

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

Project Description: Construction of a new two-story residence with pool. Final hardscape and landscape.

A motion carried at the December meeting to defer the project in accordance with the Commission's comments to the January 23, 2019 meeting.

SITE PLAN REVIEW INFORMATION: Special Exception with Site Plan Review to allow the construction of a 9,263 square foot two-story, single family residence on a non-conforming lot that is 110 feet in width in lieu of the 125 foot minimum required and 19,563 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District.

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

Mr. Smith presented the architectural modifications proposed for the new residence. He presented alternate renderings as well as a new drainage plan on the overhead projector.

Ms. Grace was in favor of all of the modifications to the architecture. She added that she still questioned the overall size of the home and recommended reducing the mass of the home. She suggested using a decorative transom over the front door, she questioned the wood panels on the front door and suggested splitting up the garage bays.

Mr. Corey thought the revised design was more in keeping and more pleasing. He asked about the material proposed for the roof. Mr. Smith presented a material sample for the roof. Mr. Corey was in favor of the removal of the center bay portion facing the lake. He agreed with Ms. Grace that the house could be slightly reduced.

Ms. Shiverick was in favor of the architectural modifications. She suggested using the same color proposed for the front door on the garage doors. She agreed that the house could be slightly reduced. She suggested using the front site wall in the colored rendering without the hedge.

Mr. Ives thought the changes were successful. He thought the size of the house was acceptable for the R-A zoning district.

Ms. Catlin thought the changes lightened up the home. She agreed with Ms. Shiverick regarding look of the front without the hedge behind the wall.

Mr. Garrison was in favor of the changes, specifically to the roof and driveway. He thought the design was elegant.

Ms. Grace asked about the finished floor heights. Mr. Smith responded.

Mr. Vila stated he was appreciative of the changes and thought the home was more in keeping with the neighborhood. He expressed concern for the proposed home colors and thought the colors lacked character.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans for the new residence.

Mr. Corey asked about the proposed plantings on the bike path along the Lake Trail. Mr. Williams responded. Mr. Corey expressed concern for the formal planting schemes proposed. He suggested adding more color and interest.

Mr. Small inquired about the wall proposed next to the bike path. Mr. Williams responded. Mr. Small asked about the planting proposed next to the wall. Mr. Williams responded. Mr. Vila discussed the historic plantings on the bike path.

Mr. Garrison recommended switching the colors of the windows/doors and body of the house to give it some life. Mr. Smith agreed. Mr. Vila thought it was a good suggestion.

Mr. Floersheimer inquired about the gate to the dock on the west elevation. Mr. Smith stated that the gate will remain in its current condition but added there were future modifications planned.

Mr. Vila called for public comment.

Anne Metzger, 277 Esplanade Way, stated that she was in favor of the changes proposed. She expressed a concern that the proposed home is still too big. She questioned the proposed roof color.

Bill Metzger, 277 Esplanade Way, expressed concern that that the lot appeared smaller due to the curve of the bike path on the property.

Mr. Vila questioned the use of Ficus Nitida proposed. Mr. Williams responded and stated he could consider the use of the species. Mr. Vila thought the landscaping was traditional but a bit lacking. He asked for more tropical coloring in the landscaping.

Ms. Grace asked Mr. Smith if it was possible to reduce the home.

Maura Ziska, attorney for the owner, provided her arguments for keeping the home at the size at which it was presented.

Ms. Grace disagreed with Ms. Ziska.

Mr. Ives thought the architectural style was problem with the initial presentation, not the size and added he would support the project.

Motion made by Mr. Ives and seconded by Mr. Garrison that implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject property. Motion carried 6-1, with Ms. Grace opposed.

Ms. Ziska stated that the undergrounding had been completed at this area in Town.

A second motion made by Mr. Ives and seconded by Mr. Garrison to approve the project as presented with the following caveats: to interchange the proposed house color with the window/door color, to remove the Ficus Nitida and replace with a different material and to remove the hedge proposed for the front of the residence, behind the wall. Motion carried 5-2, with Ms. Grace and Mr. Corey opposed.

Bill Metzger, 277 Esplanade Way, inquired about the implementation of the undergrounding in this area and asked staff to address this issue. Mr. Vila asked Mr. Metzger to address this issue with staff.

C. **MAJOR PROJECTS – NEW BUSINESS**

B-001-2019 Demolition/New Construction

Address: 200 Merrain Rd.

Applicant: Thomas Vredevelt

Professional: Roger Janssen/Dailey Janssen Architects

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

Please note: This item was withdrawn with the Item V. Approval of the Agenda.

B-002-2019 Modifications

Address: 750 S. County Rd.

Applicant: 750 South County Road Realty Trust & Kurt F. Somerville, Trustee

Professional: Stephen Roy/Roy & Posey

Project Description: Exterior improvements to include a new motor court with relocated curb cut, new landscape & hardscape design, modifications to an existing porte cochère and a new cabana with garage.

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

Mr. Roy presented the architectural modifications to the existing residence. Mr. Roy presented alternate drawings on the overhead projector.

Dale Posey, Roy & Posey, presented the landscape and hardscape modifications to the existing residence.

Mr. Vila asked if the professionals had hardscape material samples. Mr. Posey stated he did not have a sample. Mr. Vila suggested using Chattahoochee stone in the concrete. Mr. Posey stated he could make the suggested change.

Ms. Shiverick was in favor of the improvement to the Porte Cochère. She was not in favor of the removal of the strangler fig. She recommended moving the tree to the front entrance to provide shade on the western facade.

Mr. Vila stated he would be opposed to moving the Strangler Fig. He stated he liked the suggestion but was concerned for the root system interfering with the structure.

Ms. Grace thought the changes were successful and was happy that the house was not being demolished.

Mr. Corey was in favor of the architectural and landscape plans. He asked about the purpose of the proposed Royal Palms. He also inquired about the second Gumbo Limbo, specifically if it would get enough light and could outgrow the location. He suggested using a smaller ornamental tree in its place.

Mr. Vila was very happy for all of the solutions presented. He was thankful for the professionals and the owners for saving the home.

Mr. Small asked Mr. Posey if Ms. Shiverick's suggestion with the Strangler Fig was a possibility. Mr. Posey responded.

Motion made by Mr. Ives and seconded by Mr. Garrison to approve the project as presented with the caveat that Chattahoochee stone is used in the driveway material.

Mr. Ives asked the professional if he would agree to dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Mr. Posey agreed to this dedication.

Mr. Floersheimer asked staff about the utility easement request. Mr. Lindgren responded.

Ms. Grace asked about the request for a utility easement that the Commission was asking of the applicant. Mr. Lindgren provided further explanation for the easement request.

Motion carried unanimously.

Please note: The Commission broke for lunch at 12:41 p.m. The meeting resumed at 1:45 p.m. Ms. Grace returned at 1:57 p.m.

B-003-2019 Demolition/New Construction

Address: 226 Merrain Rd.

Applicant: Cynthia Anderson

Professional: Daniel Kahan/Smith and Moore Architects, Inc.

Project Description: Demolition of an existing one-story residence. Proposed new primarily one-story residence with final landscape and pool.

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

Mr. Kahan presented the plans for the proposed demolition. He then presented the architectural plans for the new residence.

Mr. Zukov thought the house was beautifully designed and was very considerate. He questioned the design of the garage door otherwise thought it was a great design. Mr. Kahan responded.

Mr. Corey agreed with Mr. Zukov and thought the house was well designed, especially the pergola. He added that he was in favor of the garage proposed.

Ms. Catlin agreed and thought the house was well designed and looked as if it had always been there.

Mr. Floersheimer was in favor of the home design and details.

Mr. Small was in favor of the design, especially in the details proposed.

Ms. Shiverick was in favor of the home but questioned the lantern on the top of the home. She suggested the possibility of a stucco cap. Mr. Kahan responded and stated he would continue to study the element.

A discussion ensued about the lantern design and its materials.

Ms. Grace was in favor of the proposed home and thought the home fit well into the neighborhood.

Mr. Zukov was in favor of the clearstory suggestion.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans for the both the demolition and new residence.

Mr. Corey was in favor of the landscape and hardscape plan, specifically the sunken courtyard. Mr. Corey suggested adding to the Seagrape canopy at the front of the residence.

Mr. Garrison asked the professional about the intended method to protect their neighbors during demolition. Mr. Williams agreed to work on screening the property.

Ms. Grace stated she also agreed that a Seagrape in the front would be nice.

Motion made by Mr. Zukov and seconded by Mr. Small to approve the demolition as presented with the following caveats: remove all exotic and invasive plant species, sod and irrigate the property within 30 days and all elements on the property are to be maintained prior to demolition, with the items remaining after demolition to be maintained until new construction commences, to screen the property during demolition, to approve the new project as presented with the suggestion to change the lantern to a clearstory and to dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary. Motion carried unanimously.

B-005-2019 Demolition/New Construction

Address: 244 Fairview Rd.

Applicant: 244 Fairview LLC

Professional: LaBerge & Ménard

Project Description: Demolition of existing one-story home, new two story, 4,857 sq. ft. home, painted white with gray standing seam roof, blue shutters.

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

Mr. Ménard presented plans proposed for the demolition of the existing residence.

Motion made by Mr. Ives and seconded by Mr. Corey to approve the demolition as presented with the following caveats: remove all exotic and invasive plant species, sod and irrigate the property within 30 days and all elements on the property are to be maintained prior to demolition, with the items remaining after demolition to be maintained until new construction commences and screening the property on 3 sides with a 10-foot screen. The Commission also requested the professional to dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Motion carried unanimously.

Mr. Ménard presented the architectural plans for the new residence.

Ms. Catlin appreciated the professional's intent to move away from the typical designed homes on the street as well as increasing the amount of greenspace proposed for the lot.

Mr. Corey inquired about the north/south and east/west cross sections of the lot and thought the renderings were misleading. Mr. Ménard stated that the landscape professional would address the concerns.

Ms. Grace questioned whether the roof height could be reduced as well as the shed roof over the front door.

Mr. Garrison questioned the lack of north/south and east/west cross sections. He stated he was not in favor of the proposed metal roof, especially over the front door. He asked Mr. Ménard about the proposed shutters.

Mr. Ives questioned the terrace proposed over the garage. He thought the overall design was good.

Ms. Shiverick was in favor of the metal roof and thought it was distinguishing. She was in favor of using a screened door but felt the proposed front door should be changed.

Mr. Vila thought the proposed design was successful. He suggested simplifying the railing on the balcony over the garage doors. He also suggested reducing the pitch of the shed roof over the front door. He suggested simplifying the door and door surround. He suggested using a wood cedar roof. Mr. Ménard stated he would speak to the owner about the suggestions.

Todd Maclean, Todd Maclean Outdoor Living, presented the proposed landscape and hardscape plans for the new residence. Mr. Maclean discussed the grade changes in the front and rear yard. He presented alternate colored renderings as well as a lighting plan on the overhead projector.

Mr. Vila asked Mr. Maclean if he would consider using something other than Ficus Nitida. Mr. Maclean agreed and stated he would consider using Clusia.

Mr. Small asked about the proposed hedge material for the south elevation. Mr. Maclean responded. Mr. Small asked about the proposed hedge height. Mr. Maclean responded. Mr. Small recommended adding extra screening on the south elevation due to an overly tall house behind the proposed home.

Ms. Grace stated that she would support a wood cedar roof.

Ms. Catlin questioned the Bougainvillea's viability at the home. She asked Mr. Maclean to look at an alternative. Mr. Maclean agreed to look different alternatives. Ms. Catlin also recommended using low materials that allow visibility at the entrance of the driveway.

Mr. Corey was in favor of the landscape plans. He expressed concern for not being able to view the cross sections of the lot, particularly due to the low elevation of the street.

Motion made by Mr. Ives and seconded by Mr. Small to approve the presented with the following caveats: the roof is changed to a bleached shingle wood shake roof, there is no Ficus used in the landscape material, the hedge is higher on the south elevation, the balcony railing on the front façade is simplified and to return to the February 27, 2019 meeting with a new front door design.

A discussion ensued between staff and Mr. Corey about whether cross sections of the lot were required. Mr. Ménard stated that he would bring the cross sections of the lot at the February meeting.

Motion carried unanimously.

D. MINOR PROJECTS – OLD BUSINESS

A-044-2018 Modifications

Address: 1040 N. Lake Way

Applicant: Edward and Brooke Garden

Professional: Patrick O'Connell/Patrick Ryan O'Connell Architect

Project Description: Replace existing wood front door, sidelites and transom with new wood and glass double door.

A motion carried at the October meeting to defer the project for restudy to the November 28, 2018 meeting. A motion carried at the November meeting to defer the project to the January 23, 2019 meeting at the request of the architect.

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

Mr. O'Connell presented the modified plans for the new front door.

Mr. Ives stated he was in favor of the project.

Motion made by Mr. Ives and seconded by Mr. Garrison to approve the project as presented with the request that the professional dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Motion carried unanimously.

E. MINOR PROJECTS – NEW BUSINESS

A-003-2019 Modifications

Address: 245 Pendleton Ave.

Applicant: 245 Pendleton LLC

Professional: Jacqueline Albarran/SKA Architect + Planner

Project Description: New railing on south (front) balcony similar to other Monterey railings on the street. Three new windows and shutters on the second floor of west (side) façade to match existing. Existing black shutters to be painted celadon green.

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

Ms. Albarran presented the proposed architectural modifications to the existing residence.

Mr. Ives stated he was in favor of the project.

Motion made by Mr. Ives and seconded by Mr. Zukov to approve the project as presented with the request that the professional dedicate and record a utility easement or enter into an agreement ensuring said easement, if necessary, to facilitate utility undergrounding in the area. Motion carried unanimously.

A-004-2019 Modifications

Address: 535 N. County Rd.

Applicant: 535 North County Road LLC
Professional: Steve West/Parker Yannette Design Group
Project Description: Modification to previously approved planting design.
Changes only occur in the center island of the motor court.

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

Mr. West presented the modification to the previously approved planting design.

Mr. Corey accepted the removal of the ficus but added that he was not in favor of the Medjool Date Palm. He recommended using a different species, such as a Live Oak.

Ms. Catlin thought the Date Palms complimented the architecture.

Ms. Grace stated she preferred a similar tree to the Banyan tree.

Mr. Vila agreed with Ms. Catlin and thought the previously proposed Banyan tree was the wrong material. He stated he would support the proposal.

Mr. Floersheimer recommended using a Gumbo Limbo rather than the proposed Date Palms. Mr. West stated the reasons he preferred not to use a Gumbo Limbo.

Motion made by Mr. Small and seconded by Mr. Ives to approve the project as presented. Motion failed 3-4 with Messrs. Zukov, Corey, Garrison and Ms. Grace.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project for one month to the February 27, 2019 meeting to allow the professional to select a different specimen for the motor court. Motion carried 4-3, with Messrs. Ives, Vila and Small opposed.

A-006-2019 Modifications

Address: 2300 Ibis Isle Rd W

Applicant: Rob Bushman

Professional: Nievera Williams Design Group

Project Description: Revision of vehicular entry gate.

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

Keith Williams, Nievera Williams Design, presented the proposed modified gate.

Mr. Zukov stated he thought the gate was too simple.

Ms. Catlin thought the proposed gate was not inviting and preferred the first gate proposed.

Mr. Ives asked about the height of the gate in relation to the hedge. Mr. Williams responded. Mr. Ives was in favor of the simplicity of the gate design.

Ms. Shiverick agreed with Mr. Ives. She questioned the size of the stucco finials proposed. Mr. Vila suggested removing the finials.

Mr. Garrison asked about the gate's material and longevity. Mr. Williams responded.

Mr. Corey thought the gate looked foreboding and was similar to a service gate. He stated he was in favor of the previously proposed gate design.

Mr. Small stated the property to the north had a similar gate. He agreed with the suggestion to remove the finials.

Ms. Grace stated she was in favor of the new gate.

Motion made by Mr. Ives and seconded by Ms. Grace to approve the project as presented with the removal of the finials. Motion carried 6-1, with Mr. Corey opposed.

X. **OTHER BUSINESS**

NONE.

XI. **ADDITION COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

There were no comments heard at this time.

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

Mr. Vila stated he would not be at the meeting in April.

Mr. Small thanked Ms. Churney for the correspondence regarding the upcoming term appointments in March.

Mr. Martin discussed an upcoming policy change that will be implemented by the Planning, Zoning and Building Department regarding combination projects. Mr. Martin answered the Commissioners questions regarding this change.

Mr. Floersheimer asked about the Commission's review of demolition requests. Mr. Martin responded. Some of the Commissioners expressed their frustration about the Commission's inability to deny a demolition request. A short discussion ensued about this topic.

Mr. Small brought up the issue of ARCOM models and the of updating them with each presentation.

XIII. **ADJOURNMENT**

Motion made by Mr. Small and seconded by Mr. Corey to adjourn the meeting at 3:50 p.m. Motion carried unanimously.

The next meeting will be held on Wednesday, February 27, 2019 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

kmc

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 02-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of Bid No. 2019-05, Supply, Delivery And Installation Of Dune Vegetation To Aquatic Plants Of Florida, Inc. In The Amount Of \$80,586.75 And Award A Project Budget Of \$85,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated January 22, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 02-2019**
- ▣ **Solicitation**
- ▣ **Bid Tabulation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Town Purchasing Manager

RE: Approve Award of Bid No. 2019-05 for Supply, Delivery and Installation of Dune Vegetation to Aquatic Plants of Florida, Inc., in the amount of \$80,586.75, and establish a project budget of \$85,000.
Resolution No. 02-2019

DATE: January 22, 2019

STAFF RECOMMENDATION

Staff recommends the approval of Resolution No. 02-2019 awarding Invitation to Bid No. 2019-05 for Supply, Delivery and Installation of Dune Vegetation to Aquatic Plants of Florida, Inc., in the amount of \$80,586.75, and establish a project budget of \$85,000.

SUMMARY EXPLANATION/BACKGROUND

Purchasing issued Invitation to Bid (ITB) 2019-05 for Supply, Delivery and Installation of Dune Vegetation on November 15, 2018. The ITB was published on Demand Star to 222 suppliers, Public Purchase to 286 suppliers in addition to the Palm Beach Post and the Town Website.

Five (5) firms responded to the ITB as reflected in the attached bid tabulation. Public Works and Purchasing had the apparent low bidder, Aquatic Plants provide samples of the Sea Oat Plants for review and inspection by Public Works. Purchasing noted that the low responsive, responsible bidder, Aquatic Plants be the recommended awardee for a total bid of \$80,586.75 after the review of sample plants and references.

The current Town Council-adopted 10-year plan for the Coastal Management Program, revised in 2015, includes an annual item of \$10,000 for Dune Vegetation Maintenance. Due to the construction of the Gulfstream Road groin in Mid-Town early in 2018, no dune vegetation maintenance was performed. The scope of work for Bid Recommendation No. 2019-05 includes dune maintenance to remove exotic and invasive vegetation from the Clarke Avenue and Mid-Town Municipal Beach areas. For several years, the Town was instructed by the Florida Department of Environmental Protection (FDEP) that we could not remove invasive vegetation that was considered native. Rather, we were to trim that vegetation to its base at the level of the sand and not remove the root and the plant below the sand. Town staff was able to demonstrate the continued nuisance of the native plants that were invasive to the other dune plants and FDEP

has informed that we now can completely remove such vegetation. This effort should reduce the long-term work and cost of dune maintenance in Mid-Town. Exotic/Invasive vegetation is not necessary in Reaches 7 and 8.

Sea oat planting is typically performed following construction of dune restoration or beach nourishment projects. More than 85,000 sea oats and diversity plants were placed in 2016 in Reaches 3, 4, 7, and 8 by Earth Balance for approximately \$57,000. Impacts from both hurricanes and nor'easters have left void areas in the planted dunes. Natural vegetation has pioneered seaward of the dunes in some areas, leaving an opportunity to plant more sea oats in the dunes that will not be buried with upcoming sand placement projects.

On December 6, 2017, the Shore Protection Board listed an interim dune planting effort as a project recommended for 2018. Since then, on multiple occasions, the Mayor and Town Council have directed Town staff to move forward with a dune planting effort in all project areas that specifically includes more mature plants and a tighter spacing between the plants. To accommodate this direction, the Bid No. 2019-05 scope of work required the planting of approximately 106,000 sea oats that are of 72 cell liner size or larger (96 cell liner size in 2016), 18 inches of height from root ball to outstretched end of leaf blade (12 inches in 2016), and planted 12 inches on center (18 inches on center in 2016). These modifications are above typical industry standards and will provide the Town with a planting effort that should meet the expectations from the community.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the Contract will be \$85,000. Public Works budgeted \$10,000 in FY 2019 to accommodate a portion of this request. While the exotic and invasive plant removal task is included within the FY 2019 Coastal Management Program budget, the planting effort is not. No maintenance has been performed in Mid-Town since 2016. FY 2017, FY 2018, and FY 2019 budgets totaling \$30,000 remain mostly unspent. A sufficient amount of unappropriated and unreserved funds exists in the Coastal Fund which can be used to accommodate the cost of this project.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Shore Protection Board
 Jay Boodheshwar, Deputy Town Manager

Paul Brazil, P.E., Director of Public Works
Robert Weber, Coastal Program Manager

RESOLUTION NO. 02-2019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF BID NO. 2019-05, SUPPLY,
DELIVERY AND INSTALLATION OF DUNE VEGETATION
TO AQUATIC PLANTS OF FLORIDA, INC. IN THE
AMOUNT OF \$80,586.75 AND AWARD A PROJECT
BUDGET OF \$85,000**

WHEREAS; Purchasing issued a solicitation for the Supply, Delivery and Installation of Dune Vegetation, and;

WHEREAS; Purchasing and Public Works recommends award of Invitation to Bid No. 2019-05 to Aquatic Plants of Florida, Inc.; and

WHEREAS; Town Council approval is sought to approve the award of Invitation to Bid to Aquatic Plants of Florida, Inc. in the amount of \$80,586.75 and establish a project budget of \$85,000.

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

Section 1. The award of Invitation to Bid No. 2019-05 to Aquatic Plants of Florida of Florida is hereby approved.

Section 2. The Town Council approves a project budget in an amount not to exceed \$85,000.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of February, 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

0028 ITB No. 2019-05 SUPPLY, DELIVERY AND INSTALLATION OF DUNE VEGETATION

Aquatic Plants

INVITATION TO BID (ITB) PACKAGE

1.1. SOLICITATION PACKAGE DOCUMENTS

Filled

Survey is not weighted

TERMS & CONDITIONS | SCOPE OF WORK | DRAWINGS

1.1.1. Filled Knockout question

Please review the attached bid document to include **Instructions to Suppliers and General Conditions, ITB Services - Non Constructions Special Terms and Conditions, Scope of Work and Survey Drawing**. Please indicate Yes if you read and understood the requirements of this solicitation.

Should you want to take Exception to any language in these documents, include those Exceptions under the question provided in this Solicitation Package for the submission of Exceptions. Exceptions will not be permitted after Solicitation Response are received.

Attached documents:

 ACH Authorization Form.pdf 122 Kb	Download	Preview
 Bid No 2019-05 - Dune Vegetation - Drawings.pdf 5347 Kb	Download	Preview
 Bid No. 2019-05 Scope of Work.pdf 37 Kb	Download	Preview
 FSS 119.0701 - 2017.pdf 92 Kb	Download	Preview
 InstructionsToSuppliers and General Conditions-NonConstruction-Final.pdf 229 Kb	Download	Preview
 ITB Services - Insurance Requirements.pdf 58 Kb	Download	Preview
 ITB Services- Non Construction - Special Terms and Conditions Final.pdf 75 Kb	Download	Preview
 Public Works Building address, map.pdf 111 Kb	Download	Preview

- ☒ Yes (Best)
☐ No (Worst) (KO)

1.2. SUPPLIER RESPONSE & ACKNOWLEDGEMENTS

Filled

Survey is not weighted

PRIMARY CONTACT

1.2.1.  Filled  Knockout question  Document attachment is missing

Please provide information regarding who may be contacted regarding this bid response. Please include the below information or upload a document with this information.

Primary Contact	
Name (First, Last):	Gilbert J. Sharell
Title:	President
Address (Street Address, City, State Zip):	8120 Blaikie Court - Sarasota, FL 34240
Phone Number:	941-378-2700
Mobile Phone Number:	n/a
Email Address:	admin@apofl.com

Attached documents by supplier:

TIME FOR COMPLETION

1.2.2.  Filled  Knockout question  Document attachment is missing

Completion of project must be completed by March 1, 2019. Bids which do not indicate a completion time that is within this delivery time shall be deemed as non-responsive.

Please provide when your company can **START WORK** after issuance of Purchase Order. Please provide when your company will **COMPLETE THE PROJECT**.

	Calendar Days
1. My Company can START WORK in	January 28, 2019
2. My Company will COMPLETE THE PROJECT in	3 weeks

Attached documents by supplier:

SUB CONTRACTORS

1.2.3.  Filled

Please list or upload the subcontractors that you will use on this project. Please include the Subcontractor name, address and the amount of years you have used each subcontractor. Bidders using their own forces for the work will need to enter '**My company will not use any sub-contractors**' in No.1 under Sub-Contractor Name.

If subcontractors are listed below, the Bidder acknowledges that they have fully investigated each subcontractor listed and has in their files evidence each subcontractor has engaged successfully in his line of work for a reasonable period of time, and that the subcontractor maintains a fully equipped organization capable, technically and financially, of performing the work required. The Town reserves final approval of any subcontractors listed. Following award of contract the Town reserves the right for approval of future subcontractors and refusal of existing or future subcontractors providing work under this contract.

Please use fillable PDF form attached to list your subcontractors.

Attached documents:

 LIST OF PROPOSED SUBCONTRACTORS -FORMS.pdf 28 Kb [Download](#) | [Preview](#)

Attached documents by supplier:

Evaluation method:
Yes / No

 Town of Palm Beach subcontractors (APOFL).pdf 201 Kb [Download](#) | [Preview](#)

EQUIPMENT LISTING

1.2.4.  Filled

Please provide a list of the equipment your firm has available or will obtain for use on this project.

Please respond by uploading a list of equipment using the fillable PDF form.

Attached documents:

 EQUIPMENT LIST -FORM.pdf 32 Kb [Download](#) | [Preview](#)

Attached documents by supplier:

Evaluation method:
Yes / No

 Town of Palm Beach equipment list (APOFL).pdf 197 Kb [Download](#) | [Preview](#)

PROJECT REFERENCES

1.2.5.  Filled [Knockout question](#)

Provide five (5) business references, preferably of government type agencies within the last year. You may use the provided fillable PDF form or upload your own document which must contain at a minimum the information requested on the City provided form.

Attached documents:

 PROFESSIONAL REFERENCES - FORMS.pdf 37 Kb [Download](#) | [Preview](#)

Attached documents by supplier:

Evaluation method:
Yes / No
No - **KO**

 Town of Palm Beach reference list (APOFL).pdf 360 Kb [Download](#) | [Preview](#)

BIDDERS' QUALIFICATION

1.2.6.  Filled [Knockout question](#)

Please respond to this question by submitting fillable PDF form attached.

Attached documents:

 BIDDER'S QUALIFICATION -FORM.pdf 33 Kb [Download](#) | [Preview](#)

Attached documents by supplier:

Evaluation method:
Yes / No
No - **KO**

 Sarasota County business tax receipt.pdf 161 Kb [Download](#) | [Preview](#)

 Town of Palm Beach bidder qualifications (APOFL).pdf 277 Kb [Download](#) | [Preview](#)

 W9 APOFL.pdf 3773 Kb [Download](#) | [Preview](#)

PERFORMANCE BOND AND PAYMENT BOND REQUIREMENT

1.2.7.  Filled  Knockout question

The successful Supplier (Contractor) will be required to provide a Performance Bond and Payment bond as described here. Suppliers are required to acknowledge they are aware of this requirement and their company is able to obtain the required bonds should they be awarded a Contract.

Guaranty of Faithful Performance and Payment

Performance Bond and Payment Bonds (two separate bonds), written by a Surety firm satisfactory to the Town of Palm Beach which comply with Section 255.05(1), Florida Statutes, will be required of the successful Bidder to guarantee that he will deliver a complete project under his Contract in strict accordance with the Contract Documents and that he will pay promptly all persons supplying him with labor or materials for the work.

The Performance and Payment Bonds shall each be for an amount not less than the Total Contract Price as agreed to by both parties. The cost of this bond shall be included in the price bid in the Bid Response.

These bonds shall be substantially in the form provided herein and written by a qualified Surety firm and through a reputable and responsible surety bond agency licensed to do business in the State of Florida and Palm Beach County and meet the following requirements:

The Surety must be rated as "A" or better as to strength by Best's Insurance Guide, published by Alfred M. Best Company, Inc., 75 Fulton Street, New York, New York.

Bonding Limit - Any One Risk: The Bonding Limit of the Surety shall not exceed three (3) percent of the policy holders' surplus (capital and surplus) as listed by the aforementioned Best's Insurance Guide. The completed Bond shall be executed in four (4) counterparts and delivered to the Town of Palm Beach with the required Power-of-Attorney and executed contract.

Power of Attorney

Attorneys-in-Fact, who sign Bid Bonds and Performance or Payment Bonds, must file with such bonds a certified copy of their power of attorney to sign such bonds.

Supplier must respond to this question. Not responding will cause the Solicitation Response to be deemed non-responsive and disqualified from consideration.

- ☒ I have reviewed the requirement for performance and payment bonds and affirm, if awarded, my company will obtain the required bonds. (—) (KO)

EXCEPTION(S)

1.2.8.  Filled  Document attachment is missing

No Exceptions will be allowed after the solicitation due date and time. If an exception(s) is taken (selecting the second response) the respondent must upload a document explaining why and to what an exception(s) is being taken. Taking an exception to any of the Special Terms and Conditions MAY, depending on the item, cause your response to be deemed non-responsive and not considered for award.

Absence of an attached document is certification the Respondent does not take any exceptions to this solicitation.

Respondents must reply to this question by selecting one of the options provided below.

- ☒ I have reviewed the solicitation information and take no exceptions to any information contained in the solicitation. (—)
- ☐ I have reviewed the solicitation information and take exception(s) to the items listed in the uploaded document detailing the exception(s). (—)

Attached documents by supplier:

BIDDERS CERTIFICATION / SIGNATURE

1.2.9.  Filled 

By electronically submitting this proposal the respondent attests and certifies that:

- It understands all requirements of this solicitation and it satisfies all legal requirements (as an entity) to do business with the Town.
- Hereby propose to furnish the Services specified in the Request for Proposals. Furthermore, I agree to abide by all conditions of the solicitation and resulting contract.
- Respondent acknowledges award of a contract may be contingent upon a determination by the Town that the Respondent has the capacity and capability to successfully perform the contract.
- Respondent represents that I am either authorized to bind the Respondent, or that I am submitting the Response on behalf of and at the direction of the Respondent's representative authorized to contractually bind the Respondent.
- I represent that the Respondent and/or its applicable representative(s) has reviewed the information contained in this Solicitation and that the information submitted is accurate.
- Respondent agrees that the action of electronically submitting its response constitutes:
 - an electronic signature on the responses, generally,
 - an electronic signature on any form or section specifically calling for a signature, and
 - an affirmative agreement to any statement contained in the solicitation that requires a definite confirmation or acknowledgement.

Indicate your certification by marking the option below. Neglecting to respond to this question is equivalent to not signing a physical solicitation response and would cause Respondent's response to be disqualified and not considered for award.

Respondents must reply to this question by selecting one of the options provided below.

- ☒ Marking this option serves as a digital/electronic signature and certification of the Respondent's intent to submit a binding offer. (—) (KO)

DRUG - FREE WORKPLACE CERTIFICATION

1.2.10  Filled

Please submit a drug free form by using attached fillable PDF form.

Attached documents:

 DRUG-FREE WORKPLACE CERTIFICATION -FORM.pdf 24 Kb [Download](#) | [Preview](#)

- ☒ Yes
☐ No

Attached documents by supplier:

 Town of Palm Beach DRUG-FREE WORKPLACE CERTIFICATION (APOFL) signature.pdf 35 Kb [Download](#) | [Preview](#)

INSURANCE REQUIREMENTS

1.2.11  Filled 

Please acknowledge insurance requirements.

Attached documents:

 ITB Services - Insurance Requirements.pdf 58 Kb [Download](#) | [Preview](#)

- ☒ Yes (Best)
☐ No (Worst) (KO)

1.3. ADDENDUM - If issued will be posted here.

Filled

Survey is not weighted

SOLICITATION ADDENDUM

1.3.1.  Filled Knockout question

Solicitation Addendum(s) will be added to this question if any are issued. The Addendum document will contain all information issued as an Addendum to the solicitation.

Suppliers are required to acknowledge they did review this question and any Addenda issued.

Attached documents:

 1.3.1 No Addendum Document.pdf 92 Kb [Download](#) | [Preview](#)

- ☒ I have reviewed the document and no addendum have been issued. (—) (KO)
- ☐ I have reviewed the document and have given consideration to any issued addendum information in preparing my response to this solicitation. (—) (KO)

1.3.2.  Filled

This question is only for the buyer. You don't have to give an answer to this question.

Pre-Bid Meeting Sign-In sheet can be found attached.

Attached documents:

 SIGN IN.pdf 1060 Kb [Download](#) | [Preview](#)

Evaluation method:

Yes / No

SUPPLY, DELIVERY AND INSTALLATION OF DUNE VEGETATION

TCM Back

Aquatic Plants			Total Main			A+			Superior			EarthBalance		
Name	Qty. (Est.)	Unit	Each	Total	Each	Total	Each	Total	Each	Total	Each	Total	Each	Total
General Conditions (Mobilization and Ancillary Costs)	1	LS	\$2,000.00	\$2,000.00	\$44,500.00	\$44,500.00	\$500.00	\$500.00	\$3,000.00	\$3,000.00	\$0.00	\$0.00		
	5544	EACH	\$0.63	\$3,492.72	\$1.25	\$6,930.00	\$1.30	\$7,207.20	\$0.75	\$4,158.00	\$0.94	\$5,211.36		
	11736	EACH	\$0.63	\$7,393.68	\$1.25	\$14,670.00	\$1.30	\$15,256.80	\$0.75	\$8,802.00	\$0.94	\$11,031.84		
	66024	EACH	\$0.63	\$41,595.12	\$1.25	\$82,530.00	\$1.30	\$85,831.20	\$0.75	\$49,518.00	\$0.94	\$62,062.56		
Reach 4 – Exotic and Invasive Plant Removal	1	LS	\$11,680.75	\$11,680.75	\$31,250.00	\$31,250.00	\$26,000.00	\$26,000.00	\$15,000.00	\$15,000.00	\$32,499.00	\$32,499.00		
Reach 4 – Sea Oats	22896	EACH	\$0.63	\$14,424.48	\$1.25	\$28,620.00	\$1.30	\$29,764.80	\$0.75	\$17,172.00	\$0.94	\$21,522.24		
TOTAL			\$80,586.75		\$208,500.00		\$164,560.00		\$97,650.00		\$132,327.00			
			Apparent Awardee											

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda Resolutions

Agenda Title

RESOLUTION NO. 04-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring The Results Of The Town Caucus; Directing The Town Clerk Of Said Town To Place The Names Of Certain Candidates On The Official Ballot For The General Election To Be Held In Said Town On The Twelfth Day Of March 2019; Adopting The Official Ballot To Be Used In Said Election; Authorizing The Town Clerk To Arrange For Voting Equipment To Be Used In Said Election; And Directing The Mayor Of Said Town To Issue A Proclamation Of Said Election, Naming Therein The Candidates Nominated And Named In The Resolution; And, Designating The Town Clerk And Deputy Town Clerk Of The Town Of Palm Beach And The Supervisor Of Elections Of Palm Beach County, Or Their Designees, To Serve As The Canvassing Board.

Presenter

Kathleen Dominguez, Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated January 22, 2019, from Kathleen Dominguez, Town Clerk**
- ▣ **Resolution No. 04-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Kathleen Dominguez, Town Clerk

Re: Revision of Resolution No. 03-2019
Resolution No. 04-2019

Date: January 22, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 04-2019, as a revision of Resolution No. 03-2019 declaring the results of the Town Caucus and naming of the canvassing board.

GENERAL INFORMATION

On January 18, 2019, Governor Ron DeSantis suspended the Palm Beach County Supervisor of Elections, Susan Bucher, and replaced her with Wendy Sartory Link. The previous Resolution No. 03-2019 listed "Susan Bucher or her designee" as a member of the Town of Palm Beach's Canvassing Board. As she is no longer the Palm Beach County Supervisor of Elections, the Resolution has been revised to remove her name. The Resolution has also been revised to reflect the current list of poll workers.

TOWN ATTORNEY REVIEW

Resolution No. 04-2019 is in a form previously approved for legal form and sufficiency by the Town Attorney.

Attachment

KD:pgg

cc: Jay Boodheshwar, Deputy Town Manager

RESOLUTION NO. 034-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING THE RESULTS OF THE TOWN CAUCUS; DIRECTING THE TOWN CLERK OF SAID TOWN TO PLACE THE NAMES OF CERTAIN CANDIDATES ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION TO BE HELD IN SAID TOWN ON THE TWELFTH DAY OF MARCH 2019; ADOPTING THE OFFICIAL BALLOT TO BE USED IN SAID ELECTION; AUTHORIZING THE TOWN CLERK TO ARRANGE FOR VOTING EQUIPMENT TO BE USED IN SAID ELECTION; AND DIRECTING THE MAYOR OF SAID TOWN TO ISSUE A PROCLAMATION OF SAID ELECTION, NAMING THEREIN THE CANDIDATES NOMINATED AND NAMED IN THE RESOLUTION; AND, DESIGNATING THE TOWN CLERK AND DEPUTY TOWN CLERK OF THE TOWN OF PALM BEACH AND THE SUPERVISOR OF ELECTIONS OF PALM BEACH COUNTY, OR THEIR DESIGNEES, TO SERVE AS THE CANVASSING BOARD.

WHEREAS, at a regular and duly called Caucus of the Town of Palm Beach, Florida, held on January 8, 2019, the following persons were duly nominated at said Caucus by the voters of the Town of Palm Beach for the offices three Town Council Persons of said Town of Palm Beach, Florida, with the term of office of Mayor, Town Council Persons Groups One and Group Two to be for two-year periods, terms ending in March 2021:

MAYOR: GAIL L. CONIGLIO
GROUP ONE: DANIELLE HICKOX MOORE
GROUP TWO: JULIE ARASKOG
RICHARD RENE SILVIN

their nominations being shown by the certified copy of the Minutes of said Caucus, which said certified copy is made a part of this Resolution; and

WHEREAS, the Town Clerk has performed the necessary examination and certification required by Town Ordinance; and

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

SECTION ONE: It is hereby declared that the following candidates have been nominated and qualified for election to the seats for Mayor and for Town Council Persons in Groups One and Two, each for a two-year period:

MAYOR: GAIL L. CONIGLIO
GROUP ONE: DANIELLE HICKOX MOORE

GROUP TWO: JULIE ARASKOG
RICHARD RENE SILVIN

SECTION TWO: It is hereby declared that Mayor Gail L. Coniglio, having no opposition for election, is hereby declared to be elected as Mayor of the Town of Palm Beach, effective as of the date of the general election, March 12, 2019.

SECTION THREE: It is hereby declared that Danielle H. Moore, having no opposition for election, is hereby declared to be elected as Town Council Person in Group One, effective as of the date of the general election, March 12, 2019.

SECTION FOUR: The Town Clerk is hereby directed to have official ballots prepared for said election, and have printed thereon the names of the persons nominated for Town Council person in Group Two for a term of two years. Since the candidate for Mayor and for Town Council Group One had no opposition, the official ballot to be used in said election is substantially as follows, to wit:

OFFICIAL BALLOT

GENERAL ELECTION OF THE TOWN OF PALM BEACH IN PALM BEACH COUNTY, FLORIDA, TO BE HELD ON THE 12th DAY OF MARCH, 2019.

THE FOLLOWING PERSONS HAVE BEEN DULY NOMINATED FOR THE OFFICE OF GROUP TWO TOWN COUNCIL PERSON, FOR A TWO-YEAR PERIOD:

**TOWN COUNCIL
GROUP TWO
TWO-YEAR TERM
(Vote for One)**

**JULIE ARASKOG
RENE SILVIN**

SECTION FIVE: The terms of office of the elected officials referenced shall begin and shall run from the first regular meeting of the Town Council following the March 12, 2019, election.

SECTION SIX: There will be seven precincts with three polling locations in said election, as follows:

Precinct 1390 - St. Edward's Parish Hall, 165 North County Rd., Palm Beach, FL 33480

Precinct 1392 - St. Edward's Parish Hall, 165 North County Rd., Palm Beach, FL 33480

Precinct 1394 - Central Fire-Rescue Station, 355 South County Rd., Palm Beach, FL 33480

Precinct 7154 - Central Fire-Rescue Station, 355 South County Rd., Palm Beach, FL 33480

Precinct 7156 - South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480

Precinct 7158 - South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480

Precinct 7166 - South Fire-Rescue Station, 2185 South Ocean Blvd, Palm Beach, FL 33480

SECTION SEVEN: The following persons are hereby tentatively appointed as Clerks, Inspectors, and Deputies, respectively, of said election, to wit:

POLL CLERKS:

Howard Berman
Chevelle Banks
Carol King
Fred Martone
Debbie Nellson
Henryka Bell
Anthony Bontrager
Michael McNelis

POLL DEPUTIES

Marion Baldwin
~~Madeline Krasinski~~ Avery Finger
~~Rita Seupp~~ Todd Goldsberry

POLL INSPECTORS:

Portia Addison
Janet Brezinsky
Queen K. Byrd
Margaret Cummings
Catherine Durkan
Dinair Fisher
Myles Kantrowitz
Ahilya Mangroo
Hyacinth McFayden
~~David Mulligan~~ Zekiye Michals
Sheldon Notgarnie
Dora Spencer
Godfrey Tull
Sheila Waggener
Linda Wartow
Timothy Cook
Sylvia Singer
Gail Howe

Said clerks, deputies, and inspectors are hereby directed to hold said election in accordance with law, and in such a manner as to prevent fraud, deceit, and abuse thereat, and to make their return of the result of said election to the Town Council in a manner prescribed by law.

The Town Council hereby authorizes the Town Clerk to assign replacement and/or On-

Call Poll Workers as needed.

SECTION EIGHT: The Town Clerk is hereby directed to arrange for the use of optical scan voting machines at said election and for the Supervisor of Elections of Palm Beach County to provide absentee ballots in accordance with the provisions of Chapter 101, Florida Statutes.

SECTION NINE: The Mayor of the Town of Palm Beach is hereby required to issue her Proclamation of said Election and the date thereof to wit: March 12, 2019, between the hours of 7:00 a.m. and 7:00 p.m. The names of the candidates proposed for office in said election shall be included in such Proclamation, which shall be printed in the Palm Beach Post and in La Guia News on March 4, 2019. The Town Clerk shall also post a copy of said Proclamation on the bulletin board in Town Hall.

SECTION TEN: The Town of Palm Beach Town Clerk, Kathleen Dominguez, or her designee, the Town of Palm Beach Deputy Town Clerk, Patricia Gayle-Gordon or her designee, and the Palm Beach County Supervisor of Elections, ~~Susan Bucher~~, or his/her designee, are hereby designated as the Town of Palm Beach Canvassing Board to carry out the duties, as prescribed in the Florida Statutes, for absentee ballots, the testing of the tabulating equipment, and to supervise the canvassing of the returns of the election, as prescribed by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of January 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 06-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of the Sea Turtle Nesting Monitoring Contract with D.B. Ecological Services, Inc. through FY2020, in a Project Amount of \$200,000 for FY2019 and \$200,000 for FY2020, Contingent Upon Funding by the Approved Budget.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated January 24, 2019, Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 06-2019**
- ▣ **Vendor Agreement for Two Year Extension at Same Price Structure**

Information for Town Council Meeting on February 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Town Purchasing Manager

RE: Resolution Approving Extension of Sea Turtle Nesting Monitoring Contract with D.B. Ecological Services, Inc. - **Resolution No. 06-2019**

DATE: 24 January 2019

STAFF RECOMMENDATION

Town staff recommends the approval of Resolution No. 06-2019 authorizing a contract extension for sea turtle nesting monitoring to D.B. Ecological Services, Inc. (D.B. Ecological) for a twelve month period in the amount of \$177,780 and establishing a project budget of \$200,000. An extension for the following one year, FY2020, shall be approved only upon satisfactory performance as determined at the discretion of the Public Works Director and the Purchasing Manager in the amount of \$177,780 for a two year budget of \$355,600, and a project budget of \$400,000, contingent upon funding in the 2020 fiscal year budget.

SUMMARY EXPLANATION/BACKGROUND

The Town of Palm Beach is required by both FDEP and USACE to monitor sea turtle nesting because of our sand placement projects and to comply with our Beach Management Agreement (BMA) requirements. Due to sand placement projects, the Town has monitored the following locations for sea turtle nesting activity:

- Reach 1, due to USACE inlet channel maintenance sand placement on dry beach.
- Mid-Town (Reaches 3 & 4), approximately between El Mirasol and Banyan Road.
- Phipps Ocean Park (Reach 7) and Reach 8, between Sloan's curve and the south Town limits, excluding Lake Worth Municipal Beach.

The above locations total a shoreline distance of 6.5 miles. Four (4) line items for sea turtle monitoring are included in the Town Council adopted 10-year Coastal Management Program Budget. These line items (19, 27, 34, and 42) total \$129,000. The budgeted amount of \$129,000 has been sufficient to cover the \$126,280 cost of the project-related sea turtle nesting monitoring services.

In September 2013, both FDEP and the Florida Fish & Wildlife Conservation Commission signed the Palm Beach Island Beach Management Agreement (BMA) Pilot Project with both the Town

of Palm Beach and Palm Beach County. One of the Town's obligations under the BMA is to perform sea turtle monitoring along the entire shoreline. The portions outside of the Town's beach nourishment project areas were required to be included in order to create a continuous data set for the shoreline. The additional monitoring effort within the Town's limit has included monitoring Reaches 2, 5, and 6 to address the data gaps. This resulted in an additional 5.5 miles of beach to be monitored. On January 24, 2014, D.B. Ecological provided a cost proposal of \$51,500 for the additional services needed in Reaches 2, 5, and 6 for the 2014 sea turtle nesting monitoring period. D.B. Ecological has confirmed, as done in 2018, that the cost for the BMA required services in 2019 and 2020 will remain consistent with 2014.

The first year of sea turtle nesting monitoring was 2014. The Town awarded a contract to D.B. Ecological Services, Inc. through a competitive bid process (Bid Number 2012-10) in 2014. In 2016, Robbin Trindell, Ph.D., Biological Administrator for Imperiled Species Management, Florida Fish and Wildlife Conservation Commission (FWC), requested that the Town utilize the same monitoring protocol with the same monitoring firm for the first five (5) years of data collection for the BMA because the BMA is re-evaluated every five (5) years. On October 10, 2016, Town Council accommodated FWC's request to waive the current expiration of the contract with D.B. Ecological (2016) and add two (2) additional years to the existing contract (2016 until 2018). Bid Number 2012-10 was extended from five (5) years to seven (7) years through Resolution No. 193-2016. D.B. Ecological has informed the Town that they will continue to honor the current fixed annual cost for 2019 and 2020.

FDEP has yet to host a BMA re-evaluation meeting which will review all monitoring aspects of the BMA. Due to complications with biological, it is not expected FDEP will re-evaluate the BMA in the next three years. Until the monitoring program is re-evaluated, FWC requests that the Town continue to utilize the same monitoring protocol with the same firm. The Purchasing Division has received a commitment from D.B. Ecological to honor Bid No. 2012-10 and hold costs for services at the same annual fixed cost since 2014.

Purchasing had an inquiry about rebidding the sea turtle nesting monitoring contract in October 2018. At that time, Purchasing reached out to the FWC about any potential issue(s) in a potential rebid. The following was stated from FWC:

"If an applicant other than the existing Permit Holder requests to conduct activities on the Town's beaches, FWC would not revoke the existing permit but would review the new applicant under existing requirements and determine if there would be any work not already being conducted by the existing Permit Holder. We would also review any new applicants to determine if they meet the requirements of the Florida Statute 379.2431(1) and Rule 68E-1, Marine Turtle Permits. Any new applicants must:

- Be a properly accredited person;
- Provide documentation of a minimum of two (2) nesting seasons or two hundred hours of experience including dates and specific locations where experience was acquired;
- Have experience conducting beach nourishment monitoring;
- Provide references that meet the requirements in the Rule;

- Complete a set of standardized comprehensive qualifying examination questions concerning marine turtle biology, nests, species characteristics, and the FWC Marine Turtle Conservation Handbook and must get 90% correct.

Once we receive a complete application, FWC has 90 days to determine if a second permit to conduct any work not already being done by the existing Permit Holder would be issued.

We would also consider the potential impact of any permit requests on the data collection required under the BMA. Under the Palm Beach Island Beach Management Agreement, the Town of Palm Beach, the Florida Department of Environmental Protection (FDEP), and FWC have committed to very specific monitoring requirements for marine turtle nesting and reproductive success on the Town's managed beaches. Given the specific monitoring requirements in the BMA and length of time surveying on these beaches, the existing Permit Holder would likely be the most experienced applicant with respect to the BMA monitoring if FWC received multiple requests to conduct nesting surveys on Palm Beach Island. FWC also would also consider familiarity with the Town's beaches."

After review and lengthy discussion with Public Works, it was determined to extend the current bid until FDEP hosts a BMA re-evaluation meeting which will review all monitoring aspects of the BMA. After the completion of the re-evaluation or upon further direction from the State, a new bid will be issued.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the 2019 extension will be \$177,780, for a project budget of \$200,000 for the sea turtle nesting monitoring period. The additional extension for 2020 will be the same amount and the projected optional year of \$200,000 which will be contingent upon funding by the approved budget.

Funding will come from the Coastal Protection Fund.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Public Works Director
Robert Weber, Coastal Program Manager

RESOLUTION NO. 06-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE EXTENSION OF THE SEA TURTLE NESTING MONITORING CONTRACT WITH D.B. ECOLOGICAL SERVICES, INC. THROUGH FY2020, IN A PROJECT AMOUNT OF \$200,000 FOR FY2019 AND \$200,000 FOR FY2020, CONTINGENT UPON FUNDING BY THE APPROVED BUDGET.

WHEREAS; The Town of Palm Beach is required by both FDEP and USACE to monitor sea turtle nesting because of our sand placement projects and to comply with our Beach Management Agreement requirements, and;

WHEREAS; FDEP has not held a re-evaluation meeting which will review all monitoring aspects of the Beach Management Agreement, and;

WHEREAS; It is in the best interest to the Town to continue with the current service provider for the next two years until the re-evaluation of the Beach Management Agreement is finalized, and;

WHEREAS; Staff recommends the extension of D.B. Ecological Services, Inc. for FY2019 in the amount of \$200,000 and for FY2020 in the amount of \$200,000, contingent upon funding in the approved budget.

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

Section 1. The extension of the contract with D.B. Ecological Services, Inc. is approved for FY2019 in the amount of \$200,000 and for FY2020 in amount of \$200,000, contingent upon funding in the approved budget.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of _____ 20__.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



TOWN OF PALM BEACH

PURCHASING DIVISION

January 24, 2019

DB Ecological Services Inc.
Attn: Chris Perretta
1012 SW 7 Street
Boca Raton, FL 33486

Ref: 2012-10-Sea Turtle Monitoring Services
Request for extension of contract.

Dear Chris,

The current extension for the referenced solicitation expires this year, however the Town is interested in extending this contract for an additional two (2) years, to include the 2019 and 2020 turtle monitoring seasons.

Please advise by signature below, if a two year extension of our current contract at same terms, conditions, specifications and pricing stated In your bid dated January 31, 2012 would be acceptable. The contract extensions will be subject to Town Council approval and availability of funds lawfully appropriated for this purpose.

Please, complete and return this form to the Purchasing Division by no later than **2:00 PM on January 28, 2019**. Your response may be emailed to eshibley@townofpalmbeach.com faxed to 561-835-4688.

Respectfully,

Duke Basha
Assistant Purchasing Manager

 X I hereby agree to a one year extension of the subject bid.

 I do not approve a one year extension of the subject bid for the following reasons:

Christine Perretta
SIGNATURE

1/24/19
DATE

Christine Perretta
NAME (PRINT)

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 07-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2019-06 for the E-3, E-4 and G-9 Liftstation Improvements Project and Approving a Construction Contract to Southern Underground, Inc. in an amount of \$1,190,050, authorizing the Town Manager to Exercise the Option of Owner Direct Purchase for Materials and Sales Tax Savings, and Establishing a Construction Phase Budget of \$1,300,000, including Contingency for Both Construction and Owner Direct Purchasing.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated January 24, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 07-2019**
- ▣ **Bid Tab Tally**
- ▣ **Letter Dated January 18, 2019, from Kimley Horn**

Information for Town Council Meeting on February 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Town Purchasing Manager

RE: Resolution to Approve Award of Invitation to Bid No. 2019-06 and Award of a Construction Contract for E-3, E-4, and G-9 Liftstation Improvement Projects to Southern Underground Industries, Inc. - **Resolution No. 07-2019**

DATE: 24 January 2019

STAFF RECOMMENDATION

Town staff recommends the approval of Resolution No. 07-2019 awarding Invitation to Bid (ITB) No. 2019-06 and approving a construction contract to Southern Underground, Inc. in an amount of \$1,190,050 for construction of the E-3, E-4, and G-9 Liftstation Improvements Project and authorizing the Town Manager to exercise the option of Owner Direct Purchase for materials and establishing a construction phase budget of \$1,300,000, including contingency for both construction and owner direct purchasing.

SUMMARY EXPLANATION/BACKGROUND

Purchasing issued Invitation to Bid No. 2019-06 on November 27, 2018 for E-3, E-4, and G-9 Wastewater Pump Stations. Seven firms responded to the solicitation. The solicitation was broadcast to 1,598 vendors through Demand Star and 842 through Public Purchase. This was the first solicitation to be issued under the new electronic bidding platform.

After review of all submittals, Public Works, along with the design firm, Kimley-Horn, recommended moving forward with Southern Underground Industries, Inc. Kimley-Horn had estimated the project at two million dollars (\$2,000,000). Through an aggressive outreach and the new electronic bidding platform, the low, responsive, responsible bid was eight hundred thousand dollars (\$800,000) less than the estimate.

As part of the Accelerated Capital Improvement Program Phase II, a condition assessment was performed by Mock-Roos and Associates, Inc. in 2016 on all the Town's sanitary sewer stations. The stations in the assessment were graded from 1 "in like new condition" to 5 "in need of immediate replacement". The E-3 Pump Station (adjacent to the Lake Trail between the Via Marina and Garden Road Access), E-4 Pump Station (adjacent to the Lake Trail - N. Lake Way west of Hi Mount Rd) and G-9 Pump Station (West of the Mid-Town Restroom and Lifeguard Building – S. Ocean Blvd. and Chilean Ave. intersection) all received a conditional assessment

value of 4 for limited elements within each station, meaning improvements were needed in the next 2-5 years. In February 2017, Town Council awarded a design and bid phase engineering contract to Kimley-Horn to complete the E-3, E-4, and G-9 Liftstation Improvements Project. Plans, specifications and permitting for the improvements were completed by Kimley-Horn and sent out for public bid by the Town's Purchasing Division. Some of the repairs required at the stations are: replace pumps and rails, add sump pumps to valve vaults, replace valves, conduits, seals, wiring, controls, replacing access hatches and repairs to the structures themselves.

Purchasing contacted all references listed and secure excellent referrals for Southern Underground Industries, Inc. This will be the first project for Southern Underground Industries, Inc. with the Town of Palm Beach.

FISCAL IMPACT/FUNDING SOURCE

The funding for the construction phase for the E-3, E-4, and G-9 Liftstation Improvements Project is contained within the Town's Accelerated Capital Improvement Program - Phase II budget.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Public Works Director

RESOLUTION NO. 07-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 2019-06 FOR THE E-3, E-4, AND G-9 LIFTSTATION IMPROVEMENTS PROJECT AND APPROVING A CONSTRUCTION CONTRACT TO SOUTHERN UNDERGROUND, INC., IN AN AMOUNT OF \$1,190,050, AUTHORIZING THE TOWN MANAGER TO EXERCISE THE OPTION OF OWNER DIRECT PURCHASE FOR MATERIALS AND SALES TAX SAVINGS, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$1,300,000, INCLUDING CONTINGENCY FOR BOTH CONSTRUCTION AND OWNER DIRECT PURCHASING.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Southern Underground, Inc. in an amount of \$1,190,050, authorizing the Town Manager to exercise the option of Owner Direct Purchase for materials and sales tax savings, and establishing a construction phase budget of \$1,300,000, including contingency, for both construction and owner direct purchasing.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements, and is authorized to approve additional tasks, as necessary, within budget.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of February 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



ITB NO. 2019-06
E-3, E-4 AND G-9 WASTEWATER PUMP STATION IMPROVEMENTS

SCHEDULE OF BID ITEMS:	Qty	Unit	Murray Logan	Intercounty Engineering	Hinterland Group	TV Diversified	D.S. Eakins	Southern Underground	V-Engineering
Mobilization/Demobilization Performance and Payment Bonds	1	L.S.	\$63,000.00	\$38,148.00	\$50,000.00	\$15,000.00	\$129,507.00	\$100,000.00	\$120,000.00
	1	L.S.	\$14,680.00	\$58,650.00	\$25,000.00	\$37,360.00	\$23,800.00	\$25,000.00	\$25,000.00
Insurance and Indemnification E-3 Demolition	1	L.S.	\$11,488.00	\$14,800.00	\$5,000.00	\$24,906.00	\$8,000.00	\$15,000.00	\$85,000.00
	1	L.S.	\$11,000.00	\$58,685.00	\$60,000.00	\$25,000.00	\$24,000.00	\$15,000.00	\$225,000.00
E-3 Sanitary By-Pass Pumping	1	L.S.	\$63,000.00	\$42,360.00	\$50,000.00	\$10,000.00	\$72,923.00	\$32,000.00	\$20,000.00
E-3 Civil/Mechanical Improvements	1	L.S.	\$266,000.00	\$417,994.00	\$280,000.00	\$230,763.00	\$385,391.00	\$293,500.00	\$350,000.00
E-3 Electrical Improvements	1	L.S.	\$80,500.00	\$68,474.00	\$95,000.00	\$176,836.00	\$78,200.00	\$83,000.00	\$80,000.00
E-3 Site Restoration	1	L.S.	\$34,000.00	\$20,256.00	\$40,000.00	\$110,000.00	\$55,130.00	\$31,850.00	\$50,000.00
E-4 Demolition	1	L.S.	\$200,000.00	\$42,630.00	\$80,000.00	\$25,000.00	\$33,000.00	\$33,600.00	\$225,000.00
E-4 Sanitary By-Pass Pumping	1	L.S.	\$69,400.00	\$42,360.00	\$30,000.00	\$10,000.00	\$68,570.00	\$15,000.00	\$20,000.00
E-4 Civil/Mechanical Improvements	1	L.S.	\$154,000.00	\$218,479.00	\$275,000.00	\$169,324.00	\$290,020.00	\$172,000.00	\$350,000.00
E-4 Electrical Improvements	1	L.S.	\$66,700.00	\$51,905.00	\$75,000.00	\$89,324.00	\$65,205.00	\$71,000.00	\$80,000.00
E-4 Site Restoration	1	L.S.	\$52,000.00	\$41,428.00	\$45,000.00	\$110,000.00	\$59,050.00	\$18,700.00	\$50,000.00
G-9 Demolition	1	L.S.	\$4,400.00	\$78,453.00	\$35,000.00	\$25,000.00	\$24,000.00	\$16,700.00	\$225,000.00
G-9 Sanitary By-Pass Pumping	1	L.S.	\$18,400.00	\$42,360.00	\$20,000.00	\$10,000.00	\$50,000.00	\$9,900.00	\$20,000.00
G-9 Civil/Mechanical Improvements	1	L.S.	\$75,000.00	\$230,615.00	\$85,000.00	\$170,000.00	\$99,820.00	\$99,800.00	\$350,000.00
G-9 Electrical Improvements	1	L.S.	\$101,000.00	\$43,254.00	\$105,000.00	\$114,102.00	\$95,335.00	\$102,000.00	\$80,000.00
G-9 Site Restoration	1	L.S.	\$57,000.00	\$86,480.00	\$43,000.00	\$125,000.00	\$51,916.00	\$56,000.00	\$50,000.00
TOTAL			\$1,341,568.00	\$1,597,331.00	\$1,398,000.00	\$1,477,615.00	\$1,613,867.00	\$1,190,050.00	\$2,405,000.00
								Apparent	Awardee

Att:



January 18, 2019

Patricia Strayer, P.E.
Town of Palm Beach Public Works
951 Old Okeechobee Road, Suite A
West Palm Beach, FL 33401

RE: E-3, E-4, and G-9 Wastewater Pump Station Improvements
ITB No. 2019-06
KHA Job No. 044063211

Dear Patricia,

The Town of Palm Beach publicly advertised the bid documents and scheduled pre-bid meeting for this project, which was held on December 4, 2018 to discuss the project with potential bidders. On January 16, 2019 bids were publicly opened and read. A bid tabulation was prepared by Town of Palm Beach staff and provided to Kimley-Horn and Associates, Inc. that includes a summary of the Total Bid Amounts for the seven (7) bids that were received. The bids ranged from \$1,190,050.00 to \$2,405,000.00. The Engineer's Opinion of Probable Construction Cost for the project as advertised was \$2,302,000.00.

Kimley-Horn and Associates, Inc. has been asked to review the bid proposal for the apparent low bidder for completeness with respect to the lowest responsive, responsible bidder. The bid package of Southern Underground Industries, Inc. was provided by the Town and reviewed by Kimley-Horn. The results of our review follows:

- No math errors were found on the Schedule of Bid Items.
- Upon review of the bid package, it was found that Southern Underground Industries, Inc. has submitted the documentation requested by the bid.

Kimley-Horn contacted three references provided by Southern Underground Industries, Inc. and received very positive reviews and we see no reason the Town should not award this project to Southern Underground Industries, Inc. Based on the results of our review, Southern Underground Industries, Inc. submitted the lowest responsive, responsible bid for the project.

Should you have any questions or comments, please do not hesitate to contact this office at (561) 840-0256.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Jason Lee, P.E.

Attachment: Bid Tab

Cc: File

K:\WPB_Civil\044063211 E-3 and G-9\Bid Phase\Bid Review TPB E-3, E-4, G-9 Wastewater Pump Station Improvements.docx



ITB NO. 2019-06
E-3, E-4 AND G-9 WASTEWATER PUMP STATION IMPROVEMENTS

SCHEDULE OF BID ITEMS:	Qty	Unit	Murray Logan	Intercounty Engineering	Hinterland Group	TV Diversified	D.S. Eakins	Southern Underground	V-Engineering
Mobilization/Demobilization Performance and Payment Bonds Insurance and Indemnification E-3 Demolition	1	L.S.	\$63,000.00	\$38,148.00	\$50,000.00	\$15,000.00	\$129,507.00	\$100,000.00	\$120,000.00
	1	L.S.	\$14,680.00	\$58,650.00	\$25,000.00	\$37,360.00	\$23,800.00	\$25,000.00	\$25,000.00
	1	L.S.	\$11,488.00	\$14,800.00	\$5,000.00	\$24,906.00	\$8,000.00	\$15,000.00	\$85,000.00
E-3 Sanitary By-Pass Pumping E-3 Civil/Mechanical Improvements E-3 Electrical Improvements E-3 Site Restoration	1	L.S.	\$11,000.00	\$58,685.00	\$60,000.00	\$25,000.00	\$24,000.00	\$15,000.00	\$225,000.00
	1	L.S.	\$63,000.00	\$42,360.00	\$50,000.00	\$10,000.00	\$72,923.00	\$32,000.00	\$20,000.00
	1	L.S.	\$266,000.00	\$417,994.00	\$280,000.00	\$230,763.00	\$385,391.00	\$293,500.00	\$350,000.00
E-4 Sanitary By-Pass Pumping E-4 Civil/Mechanical Improvements E-4 Electrical Improvements E-4 Site Restoration	1	L.S.	\$80,500.00	\$68,474.00	\$95,000.00	\$176,836.00	\$78,200.00	\$83,000.00	\$80,000.00
	1	L.S.	\$34,000.00	\$20,256.00	\$40,000.00	\$110,000.00	\$55,130.00	\$31,850.00	\$50,000.00
	1	L.S.	\$200,000.00	\$42,630.00	\$80,000.00	\$25,000.00	\$33,000.00	\$33,600.00	\$225,000.00
G-9 Demolition G-9 Sanitary By-Pass Pumping G-9 Civil/Mechanical Improvements G-9 Electrical Improvements G-9 Site Restoration	1	L.S.	\$69,400.00	\$42,360.00	\$30,000.00	\$10,000.00	\$68,570.00	\$15,000.00	\$20,000.00
	1	L.S.	\$154,000.00	\$218,479.00	\$275,000.00	\$169,324.00	\$290,020.00	\$172,000.00	\$350,000.00
	1	L.S.	\$66,700.00	\$51,905.00	\$75,000.00	\$89,324.00	\$65,205.00	\$71,000.00	\$80,000.00
G-9 Site Restoration	1	L.S.	\$52,000.00	\$41,428.00	\$45,000.00	\$110,000.00	\$59,050.00	\$18,700.00	\$50,000.00
	1	L.S.	\$4,400.00	\$78,453.00	\$35,000.00	\$25,000.00	\$24,000.00	\$16,700.00	\$225,000.00
	1	L.S.	\$18,400.00	\$42,360.00	\$20,000.00	\$10,000.00	\$50,000.00	\$9,900.00	\$20,000.00
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	1	L.S.	\$101,000.00	\$43,254.00	\$105,000.00	\$114,102.00	\$95,335.00	\$102,000.00	\$80,000.00
	1	L.S.	\$57,000.00	\$86,480.00	\$43,000.00	\$125,000.00	\$51,916.00	\$56,000.00	\$50,000.00
TOTAL			\$1,341,568.00	\$1,597,331.00	\$1,398,000.00	\$1,477,615.00	\$1,613,867.00	\$1,190,050.00	\$2,405,000.00
								Apparent	Awardee

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Consent - Other

Agenda Title

Authorization of Ordinances, Rules, and Standards Committee to Discuss a Potential Ordinance to Prohibit Plastic Straws.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum dated February 3, 2019, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **City of Delray Beach Ordinance No. 10-19**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Authorization of Ordinance, Rules and Standards Committee to Discuss a
Potential Ordinance to Prohibit Plastic Straws

Date: February 3, 2019

STAFF RECOMMENDATION

Staff recommends consideration of the Town Council to authorize the Ordinance, Rules and Standards (ORS) Committee to discuss the merits of developing an ordinance prohibiting single-use plastic straws.

GENERAL INFORMATION

The City of Delray Beach Commission approved the first reading of Ordinance No. 10-19 (attached), on January 15, 2019, which would prohibit the distribution of single-use plastic straws at most of its businesses by the year 2020. The second and final reading of said ordinance will be considered at the February 5, 2019, meeting. If Delray's ordinance is approved, they will join five (5) other Florida communities (Deerfield Beach, Hallandale Beach, Marco Island, Ft. Meyer Beach, and Miami Beach) who have already adopted ordinances to limit or prohibit the use of plastic straws.

After learning about this effort, Council President Danielle Moore requested Council consideration for a similar measure. Therefore, staff is seeking consideration of the Town Council to authorize the ORS Committee to discuss the merits of developing a similar ordinance for the Town.

To put things into perspective about the magnitude of this issue, approximately 500 million straws are used daily in the US, most for less than 20 minutes. As you all know, plastics never fully degrade, but break down into micro-plastics instead. Plastic straws are non-recyclable plastics and a threat to marine life and birds. They are among the top items found during beach cleanups.

Attachment

cc: John C. Randolph, Town Attorney
Josh Martin, Director of Planning, Zoning & Building

ORDINANCE NO. 10-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING TITLE 11, "BUSINESS REGULATIONS", OF THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER 121, "PROHIBITION OF SINGLE-USE PLASTIC STRAWS," PROHIBITING THE DISTRIBUTION OF PLASTIC STRAWS, PROVIDING PENALTIES FOR ANY SUCH DISTRIBUTION, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the City of Delray Beach (hereinafter referred to as the "City") finds that single-use plastic straws pose an environmental hazard to the health, safety, and welfare of the residents and visitors of Delray Beach, Florida, as well as negatively impact water quality and surrounding wildlife; and

WHEREAS, while certain plastics can be recycled, the vast majority of single-use plastic straws cannot be recycled due to their lack of resin code and small size, making them a nuisance on the environment; and

WHEREAS, Delray Beach has a vibrant and growing hospitality business community, much of which is located within a mile of the City's beaches and marine waterways, which use or distribute single-use plastic straws that are lightweight and easily blow out of trash bins and recycle containers leaving them to accumulate in storm runoff and waterways, making them a common type of pollutant found on the City's beaches and marine waterways; and

WHEREAS, single-use plastic straws are non-biodegradable and take hundreds of years to decompose. Even then, the plastic merely breaks down into micro-plastic pieces which marine life ingest, decreasing their life span; and

WHEREAS, the public at large is becoming increasingly aware of the negative environmental consequences from using single-use food service items which are non-biodegradable; and

WHEREAS, non-plastic straws such as those made of paper, plant, vegetable, and other natural products, are readily available and are a more environmentally responsible alternative to plastic straws; and

WHEREAS, the City Commission of Delray Beach find adoption of this Ordinance is in the best interest and promotes the health, safety, and welfare of the citizens, residents, and businesses of the City of Delray Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF

DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. Title 11, “Business Regulations”, of the Code of Ordinances City of Delray Beach, Florida shall be amended to add Chapter 121, “Prohibition of Single-Use Plastic Straws”, as follows:

Sec. 121. – PROHIBITION OF SINGLE-USE PLASTIC STRAWS.

(A) Definitions. For the purpose of this Chapter:

- (1) “Person” means any person, business, corporation, public nonprofit entity, agency or institution, partnership, or other organization or group, however organized.
- (2) “Natural products” means an item containing nothing artificial or synthetic in its compounds while it remains a whole item and throughout its decomposition process.
- (3) “Single-use” is defined as an item that is intended to be used one time in its same form by the customer, food vendor, or entity.
- (4) “Plastic Straw” means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. Single-use plastic straw includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, or other similar materials.
- (5) “Marine degradable” means products that will biodegrade under the marine environmental conditions of aerobic marine waters or anaerobic marine sediments in less than 120 days. Products predominately made with plastics, either petroleum or biologically based, shall not be considered marine degradable.
- (6) “Distribution” or to “distribute” means the vending, sale, giving, deployment or delivering of a straw for any purpose, other than as defined herein, whether or not incident to the sale, vending, provision of any kind of beverage in a container.
- (7) “Restaurant and beverage establishments” means any establishment within the City of Delray Beach, Florida that sells prepared food or beverages for consumption on, near, or off its premises by customers including dine-in and take-out public eating places (whether food is served in connection with or separate from other business), bars and night clubs, bakeries, coffee shops, delis, catering halls, hotel-based restaurants, cafes and bars, ice cream shops, and convenience stores with fountain beverage dispensers.

(B) Distribution of Plastic Straws Prohibited

- (1) Upon adoption of this Ordinance, all restaurant and beverage establishments may distribute plastic straws only upon request of a patron.

- (2) Eighteen (18) months after the date of adoption of this Ordinance, restaurants and beverage establishments may not distribute plastic straws within the City.
- (B) Exemptions.
- (1) Single-use plastic straws can be distributed to a customer when based upon a medical or physical condition for which non-plastic straws would be unsuitable.
- (2) Single-use plastic straws can be distributed for use on private property used as a residence, by the School Board of Palm Beach County, by a hospital or residential medical facility, such as a nursing home or assisted living, by beverages prepared and packaged outside the City, provided such beverage is not altered, packaged, or repackaged within the City, by supermarkets, convenience retailers, and restaurant suppliers.
- (C) Penalties for Distribution. After the expiration of the eighteen (18) month period referenced in Sec. 121(B)(2) above, for any violation of this Chapter:
- (1) First offense within any twelve (12) month period is punishable by a One Hundred Dollar (\$100.00) fine.
- (2) Second offense within any twelve (12) month period is punishable by a Two Hundred Dollar (\$200.00) fine.
- (3) Third offense within any twelve (12) month period is punishable by a Five Hundred Dollar (\$500.00) fine.
- (D) Enforcement.
- (1) It shall be the duty of the Code Enforcement Division of the Neighborhood and Community Services Department or its designee to enforce all the provisions of this Chapter in conjunction with Chapter 37 of the Code of Ordinances of the City of Delray Beach.

Section 3. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2019.

ATTEST

M A Y O R

City Clerk

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Consent - Other

Agenda Title

Budget Calendar for FY20 Budget Process.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum Dated, February 1, 2019, From Jane Le Clainche, Director of Finance**
- ▣ **FY20 Proposed Budget Calendar**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Finance Director

Re: Budget Calendar for FY20 Budget Process

Date: February 1, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the proposed FY20 budget calendar.

GENERAL INFORMATION

The attached budget calendar for FY20 includes all significant deadlines and meetings that are planned for the budget process. These include both State mandated actions (e.g. the special Town Council meeting in July and public hearings in September) and the Town's self-directed actions (e.g. the Town Council meeting in April to review the Long Term Financial Plan). Items requiring Town Council action are highlighted in blue and shown in red type on the calendar.

The dates for the public hearings in September are tentative and are subject to change based on the dates of the County and School Board public hearings. Significant dates during the budget process include:

- **April 9, 2019** – Review of Long Term Financial Plan and discussion of the FY19 budget, process and priorities.
- **July 11, 2019** – Town Council meeting to review Town staff's proposed FY20 budget and Initial Resolutions Adopting Special Non-Ad Valorem Assessments.
- **September 10, 2019 at 5:01pm** – First public hearing on tentative budget and proposed tax rate.
- **September 18, 2019 at 5:01pm** – Second public hearing on budget and proposed tax rate.

Staff looks forward to working with the Mayor and Town Council on the FY20 budget.

Attachment

jll

cc: Department Directors
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney

FY2020 Proposed Budget Calendar

Task	Date	Task	Date
Finance to distribute FY20 Budget instructions	01/18/2019	Town Manager's Review of Initial Town Manager, Finance, and ERF Budgets	04/01/2019
Town Council Meeting – Adoption of the Town Manager's Goals for FY19	01/08/2019	Additional Review of Departmental Budgets, Capital, Coastal and Health/OPEB	April and May
Submit initial CIP Request forms to Public Works, IT Requests to IT, and Reorganization/Reclassification requests, to HR	02/15/2019	Property Appraiser Issues Preliminary Property Values	05/30/2019
Town Council Meeting – Discussion of FY20 LTFP	04/9/2019	Final Budget Document Pages Returned to Finance	06/07/2019
All Budget Information submitted to Finance	03/11/2019	Notice from Property Appraiser of Preliminary Certification of Taxable Value	06/28/2019
Town Manager's Initial Review of IT Budget	03/20/2019	Distribution of Proposed FY19 Budget Document	Week of July 1
Town Manager's Initial Review of Fire-Rescue Budget and Police Budgets	03/22 & 29/2019	Town Council Meeting to Consider Proposed FY20 Budget and Initial Resolutions(s) Adopting Special Non-Ad Valorem Assessments	07/11/2019
Town Manager's Initial Review of Recreation Budget and Marina and Golf Enterprise Fund budgets	03/25/2019	Notice of Proposed Property Taxes is mailed from Palm Beach Property Appraiser	Week of August 12
Town Manager's Initial Review of Planning, Zoning and Building Budget	03/26/2019	Town Council Meeting – First Public Hearing to Approve Tentative Budget and Proposed Tax Rate for FY20 and Final Resolution(s) Adopting Special Non-Ad Valorem Assessments	09/10/2019 5:01PM
Town Manager's Initial Review of Public Works Budgets	03/27/2019	Town Council Meeting – Second Public Hearing to Adopt FY20 Budget and Tax Rate	09/18/2019 5:01PM
Town Manager's Review of Initial Human Resources and Risk Budget	03/28/2019	Resolution Adopting Final Millage Rate is Forwarded to Property Appraiser and Tax Collector and Certificate of Compliance sent to Department of Revenue	10/01/2019

January 2019	February 2019	March 2019	April 2019	May 2019	June 2019
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July 2019	August 2019	September 2019	October 2019	November 2019	December 2019
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TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Consent - Other

Agenda Title

Appointment to MINI PERC Commission per MINI-PERC Ordinance Appendix "A", Section 1.003.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- ▣ **Memorandum Dated January 31, 2019, from Danielle Olson, Director of Human Resources**
- ▣ **Bio of Stephen E. Jacobs**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Appointment to the Public Employees Relations Commission Panel per PERC Ordinance Appendix "A" Section 1.003

Date: January 31, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council appoint Mr. Stephen E. Jacobs to fill the position of “Chair” to the Town of Palm Beach Public Employees Relations Commission (PERC).

GENERAL INFORMATION

The current term of the Chair, held by Ray Snow, of the Public Employees Relations Commission (PERC) is vacant. A Blue Ribbon Panel was appointed by Town Council on January 8, 2019, to recommend one or more qualified individuals for appointment to the Town's Public Employees Relations Commission (PERC). The Blue Ribbon Panel, comprised of Ned Barnes, president of the Palm Beach Civic Association and Roberta Mambrino, of the Citizens Association of Palm Beach, met on January 9, 2019 to select a qualified individual to submit to the Town Council for appointment to the MiniPERC. The Blue Ribbon Panel unanimously recommends Mr. Stephen E. Jacobs, whose bio is provided, to fill the position of “Chair”.

FUNDING/FISCAL IMPACT

There is no funding impact to the Town of Palm Beach regarding this issue.

Attachments

Information Re: Stephen E. Jacobs

Mr. Jacobs has served on Bellaria's Board of Directors since 2007 and has been President since 2012. He also serves on the Board of The Citizens Association of Palm Beach, Inc. and is its General Counsel.

Profession: Attorney at law

Professional Experience:

- Weil, Gotshal & Manges is an international law firm with more than 1200 lawyers and with 20 offices in the U.S., Europe and China.
- Started in the New York office (then the only office) in 1962, as the firm's 25th lawyer and retired as a senior partner at the end of 2004.
- Headed the firm's Corporate Department (its largest) for many years.
- Now serves as Counsel to Jefferies Financial Group (formerly Leucadia National Corporation), a long-time client, a NYSE corporation which invests in a variety of business, including real estate.
- Advised many corporate boards over the years on transactional, finance and governance issues.

Education:

- Graduate of Columbia University Law School; Decisions Editor, Columbia Law Review; both a James Kent and Harlan Fiske Stone Scholar.
- Graduate of the Wharton School of Finance and Commerce at the University of Pennsylvania (Accounting Major); graduated with distinction; Member of both Beta Gamma Sigma and Beta Alpha Psi (national honorary business and accounting societies).

Personal:

- Married with four children and seven grandchildren.

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Board/Commission Annual Report

Agenda Title

Annual Report of the Investment Advisory Committee.

Presenter

Michael Andrews, Chair

ATTACHMENTS:

- ▣ **Memorandum Dated February 1, 2019, from Dr. Michael Andrews, Chairman**
- ▣ **One Cent Sales Tax Report**
- ▣ **Investment Report Dated December 31, 2018**
- ▣ **Quarterly OPEB Investment Summary Report**
- ▣ **Meeting schedule for 2019**



Town of Palm Beach Investment Advisory Committee

To: Mayor and Town Council

From: Dr. Michael Andrews, Chairman
Investment Advisory Committee

Date: February 1, 2019

Subject: Annual Report to Mayor and Town Council

On behalf of the Investment Advisory Committee, I am pleased to provide the following report on the current status of the investments and actions taken during the past year by the Investment Advisory Committee.

The Investment Advisory Committee is responsible for overseeing the investment of the Town's surplus funds and the OPEB trust investments. The Committee was also charged with the oversight of the 1% Sales Surtax proceeds. A copy of the most recent quarterly report for the 1% Sales Surtax is attached.

Surplus Fund Investments

The Town's surplus funds are managed by PFM Asset Management, the Florida Education Investment Trust (FEITF), and the Florida League of Cities Investment Trust, and the Town holds investments in Certificates of Deposit. The blended return for the surplus investments including certificates of deposit for the year ending December 31, 2018 is 1.52% compared to the benchmark of 1.19% on a total balance of core investments of \$118,579,140.

PFM Asset Management

The Town's total investment with PFM represents approximately 16.68% of the total core portfolio. PFM 1-5 Year Actively Managed Portfolio one year return as of December 31, 2018 is 1.43%.

Florida League of Cities Bond Funds

The Florida League of Cities Investment Trust (FMIvT) has 22.48% of the Town investments; a total of \$37.2 million. \$25.5 million is with the Florida League of Cities Investment Trust 1 – 3 year and \$11.7 million is in 0-2 year bond fund. In FY18, due to rising interest rates the IAC decided to move the investment from the intermediate bond fund to the 0-2 as a precautionary measure.

The FMIvT 1-3 year fund has returned 1.83% and the 0-2 year fund returned 2.13% for the one year period ended December 31, 2018.

Certificate of Deposits

The Town has \$21.4 million in Certificate of Deposits representing 17.87% of the portfolio with a one year return of 1.83%. The current CD holdings have durations ranging from 3 months to 5 years, and the interest rates range from 1.5% to 2.05%.

Bond proceeds from the 2013 Revenue Bonds in the amount of approximately \$8.2 million are in an 18 month CD with an interest rate of 1.55%.

Short Term Investments

The Town has approximately \$32.4 million in short term investments in the Florida Education Investment Trust Fund (36.9%), a Bank United Money Market account (2.33%) and a TD Bank NOW account (3.71%) for a total of 42.98% of the portfolio. The one-year return of FEITF as of December 31, 2018 is 2.01%.

Bond proceeds from the 2013 Revenue Bonds in the amount of approximately \$9.3 million have been invested between Certificates of Deposit and the FEITF investments.

Attached is the Monthly Investment report with return information through December 31, 2018.

Health Insurance (OPEB) Trust

The Committee oversees the investment of the assets of the Health Insurance (OPEB) Trust. The asset classes and actual and policy target allocation for the Health Insurance Trust as of December 31, 2018, are shown below:

Asset Class	Actual Allocation	Target Allocation
Domestic Equity	43.93%	45%
International Equity	17.54%	15%
Non-Traditional Assets	8.73%	10%
Fixed Income	20.24%	20%
Real Estate	6.42%	10%
Liquid Capital	3.14%	0%

Attached is a summary of the investments in the Health Insurance (OPEB) Trust and the quarterly returns as of December 31, 2018. For the one-year period ending December 31, 2018 the fund returned -6.12%. The fiscal year ended September 30, 2018 return was 6.3%. In FY18, the Investment Advisory Committee recommended and the Town Council approved a change in the actuarial assumption from 7% to 6.5%.

The market value of the portfolio as of December 31, 2018 was \$29,360,346. AndCo Consulting oversees the investments for this trust. The current money managers and investment benchmarks for the trust are shown on the following page:

Manager

Fidelity Total Market Index
 Vanguard S&P MC 400
 American Funds Europacific Growth Fund
 Dodge & Cox International Stock Fund
 Forester Offshore, Ltd.
 Crescent Direct Lending Levered Fund II
 Vanguard Total Bond Market Index Fund
 Met West Total Return Bond Fund
 PIMCO Diversified Income Bond Fund
 Intercontinental US REIF
 Government STIF 15

Investment Benchmark

Wilshire 5000 Index
 S&P MidCap 400 Index
 MSCI AC World ex USA Net Index
 MSCI EAFE Net Index
 HFRI Fund-of-Funds Strategic Index
 HFRI Fund-of-Funds Strategic Index
 Barclays US Aggregate Index
 Barclays US Aggregate Index
 Bloomberg Barclays Global Credit
 NCREIF Fund Index
 Citigroup Treasury Bill 3 Month Index

General Information

The current members of the Investment Advisory Committee include:

Name:	Term Expires
Dr. Michael Andrews, Chairman	May 2019
Kathleen Anderson	May 2020
David McDonald	May 2019
Chris Storkerson	May 2019
Andrew Frazier	May 2020

During the past 12 months the committee has held 4 meetings.

The next meeting of the Committee is scheduled for Friday, February 15, 2019 at 2:30pm. AndCo Consulting and PFM Asset Management will be in attendance to discuss the performance through December 31, 2018. The Health Fund Actuary will present the annual update to the OPEB Trust Actuarial Report. A 2019 meeting schedule is attached to this report.



1% Sales Tax Quarterly Report

PRESENTATION TO INVESTMENT ADVISORY COMMITTEE

FEBRUARY 15, 2019

Receipts

	Amount Received
Total for FY2017	\$350,846.68
Total for FY2018	\$576,791.86
November 2018	\$55,501.31
December 2018	\$43,783.46
Total FYTD2019	\$99,284.77
Total Received Since 2017	\$1,026,923.31

Disbursements

- ▶ The Town Council approved using \$2.6 million of the one-cent surtax revenues for the undergrounding project at the July 12, 2017 Town Council meeting.

Town of Palm Beach

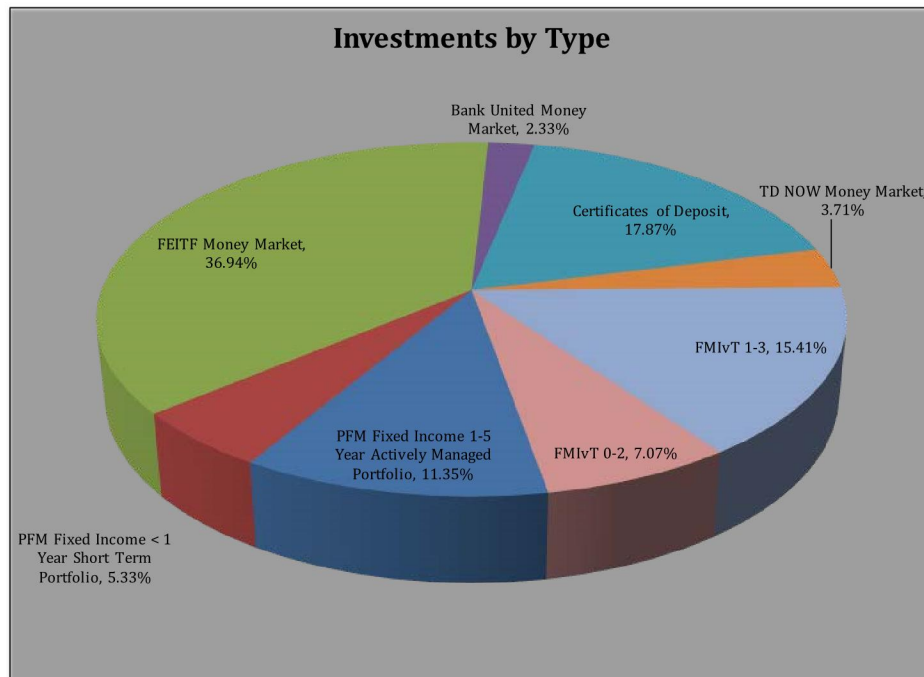
Investment Portfolio Performance



December 2018

Portfolio Return by Investment

Investment	December Balance	Return December-18	2019 Fiscal YTD (3 mo.)	2018 Fiscal YTD (3 mo.)	2018 Fiscal (12 mos.)
Core Investments					
PFM Fixed Income 1-5 Year Actively Managed Portfolio	\$ 18,781,025	\$ 176,677	\$ 259,677	\$ (61,299)	\$ (54,590)
PFM Fixed Income < 1 Year Short Term Portfolio	8,829,171	26,508	31,388	24,607	105,720
FEITF/TD Custody Money Market	22,358,773	28,684	77,721	42,194	303,183
Bank United Money Market	3,854,310	6,157	18,245	9,679	63,975
TD Bank NOW Account	6,143,268	10,157	32,871	0	110,397
Certificates of Deposit	21,406,930	32,663	122,205	101,863	543,193
FMivT 0-2	11,698,948	13,982	55,324	0	96,109
FMivT 1-3	25,506,715	66,590	174,752	(11,968)	149,857
FMivT Intermediate	0	0	0	(9,557)	(149,682)
Total Core Investments	\$ 118,579,140	\$ 361,419	\$ 772,183	\$ 95,519	\$ 1,168,162
ACIP Bond Funds					
Certificates of Deposit	\$ 8,167,106	\$ 10,508	\$ 31,525	\$ 31,000	\$ 125,049
FEITF/TD Custody Money Market	1,116,889	2,327	10,862	302	41,688
Bank United Money Market	0	0	0	20,045	46,294
PFM Fixed Income 2013	0	0	0	1,785	1,785
Total ACIP Bond Funds	9,283,995	12,836	42,387	53,132	214,816
GO Bond Funds (Undergrounding)					
FEITF/TD Custody Money Market	\$ 37,671,363	\$ 86,858	\$ 221,603	0	0
Total GO Bond Funds	37,671,363	86,858	221,603	0	0
Total Bond Funds	\$ 46,955,358	\$ 99,694	\$ 263,990	\$ 53,132	\$ 214,816
Total	\$ 165,534,498	\$ 461,113	\$ 1,036,173	\$ 148,651	\$ 1,382,978



Portfolio Total Return vs. Benchmark

Core Investments	Monthly December-18	2019 Fiscal YTD (3 mo.)	2018 Fiscal YTD (3 mo.)	1 Year	3 Years	5 Years
Long Term Core Investments Total Return Performance (Discretionary)						
PFM Fixed Income 1-5 Year Actively Managed Portfolio	0.94%	1.39%	-0.32%	1.43%	1.26%	N/A
Merrill Lynch 1-5 Year U.S. Treasury/Agency Index	1.10%	1.71%	-0.38%	1.53%	1.09%	N/A
Certificates of Deposit (a)	0.16%	0.48%	0.42%	1.83%	N/A	N/A
Merrill Lynch 1 Year Treasury Index	0.36%	0.76%	0.01%	1.86%	N/A	N/A
FMIvT 0-2	0.38%	0.78%	N/A	2.13%	1.35%	0.97%
ICE BofA ML 1 Yr Treasury Note	0.36%	0.79%	N/A	1.87%	1.06%	0.70%
FMIvT 1-3	0.60%	1.04%	0.03%	1.83%	1.26%	1.00%
BOA Merrill Lynch 1-3 Year Govt Index	0.79%	1.30%	-0.25%	1.61%	0.97%	0.82%
Town's Long Term Core Investments Total Return Performance	0.47%	0.85%	0.06%	1.52%	1.35%	1.24%
Total Return Blended Benchmark Performance (b)	0.61%	1.08%	-0.17%	1.19%	0.91%	0.95%
(a) The monthly return for the Certificates of Deposit is a weighted average monthly yield. The yield is the maximum return the Town can earn if held to maturity.						
(b) The blended benchmark includes the Merrill Lynch 1 Year U.S. Treasury Index, Merrill Lynch 1-5 Year U.S. Treasury/Agency Index, Merrill Lynch 1-3 Year Gov't Index, and the Barclays Capital HQ Intermed Agg.						
Short Term Portfolio Yield to Maturity at Cost Performance (Non-Discretionary)	Annualized Yield August 2018	Annualized Fiscal YTD (12 mo.)	Prior Fiscal YTD (12 mos.)	1 Year	3 Years	5 Years
PFM Fixed Income < 1 Year Short Term Portfolio Yield to Maturity at	3.01%	3.01%	N/A	N/A	N/A	N/A
Cost S&P GIP Government 30 Day Index (c)	2.44%	2.35%	N/A	N/A	N/A	N/A
(c) Short Term Benchmark changed to the Standard & Poor's LGIP30D represents Government Investment Pools Index.						

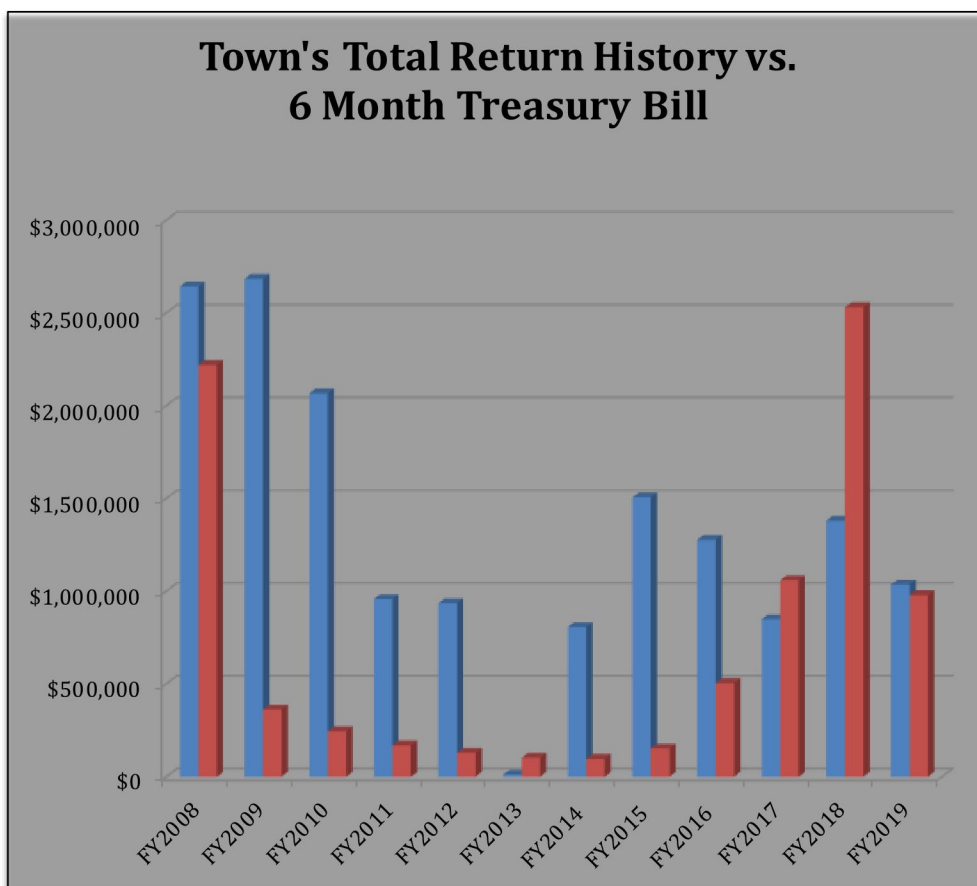
Money Market Fund Total Return Performance	Monthly December-18	2019 Fiscal YTD (3 mo.)	2018 Fiscal YTD (3 mo.)	1 Year	3 Years	5 Years
Florida Education Investment Trust	2.44%	N/A	N/A	2.01%	N/A	N/A
iMoneyNet Money Market Fund Index	2.19%	N/A	N/A	1.76%	N/A	N/A

Money Market Fund Total Return Performance	Monthly December-18	2018 Fiscal YTD (3 mo.)
Blended rate including both short and long term investments, excluding 2013 bond funds	0.41%	0.77%

*PFM began calculating the Town's Total Investment Return starting January of 2017

Total Investment Return History

Fiscal Year	Town's Total Return	Estimated Return - 6 Month TBill	Difference
FY2008	\$ 2,642,478	\$ 2,219,743	\$ 422,735
FY2009	2,683,901	363,524	2,320,377
FY2010	2,067,072	244,917	1,822,155
FY2011	957,872	169,447	788,425
FY2012	935,823	129,485	806,338
FY2013	11,870	103,463	(91,593)
FY2014	807,906	98,048	709,858
FY2015	1,506,923	153,068	1,353,855
FY2016	1,276,858	504,712	772,146
FY2017	849,246	1,060,160	(210,914)
FY2018	1,380,900	2,531,526	(1,150,627)
FY2019	1,036,174	978,526	57,648
Total	\$ 16,157,023	\$ 8,556,620	\$ 7,600,403

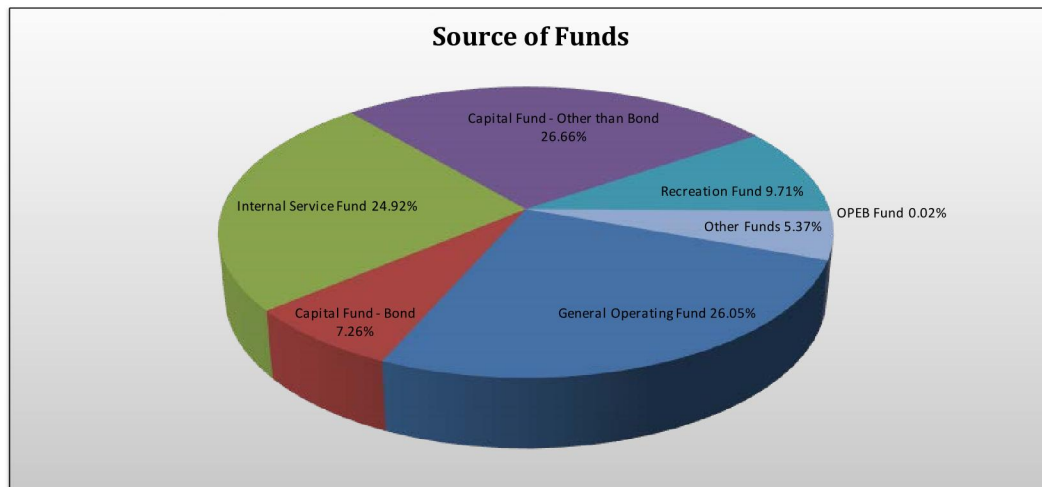


Town's FY2018 Monthly Investment Return vs. 6 Month Treasury Bill

Period	Investment Balance	Town's Monthly Total Return	6 Month T-Bill Rate	Estimated Return - 6 Month T-Bill	Difference
Oct-18	\$ 150,389,693	\$ 222,591	2.34%	293,260	\$ (70,669)
Nov-18	158,155,326	352,470	2.52%	332,126	20,344
Dec-18	165,534,498	461,113	2.56%	353,140	107,973
Jan-19				-	-
Feb-19				-	-
Mar-19				-	-
Apr-19				-	-
May-19				-	-
Jun-19				-	-
Jul-19				-	-
Aug-19				-	-
Sep-19				-	-
Total		\$ 1,036,174		\$ 978,526	\$ 57,648

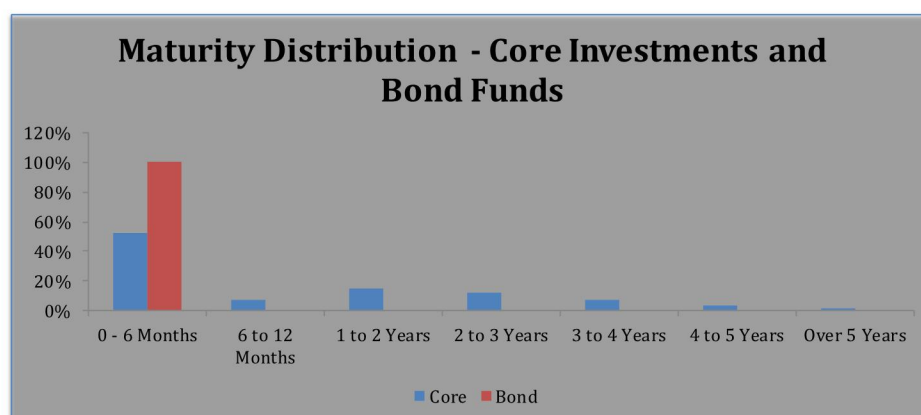
Portfolio Composition by Source of Funds

Investment	General Operating	Capital	Internal Service	Recreation	OPEB	Other Funds	Total
Non-Bond Funds							
PFM Fixed Income:							
1-5 Year	(8,829,171)	11,042,127	14,950,084	1,617,986	-	-	18,781,025
PFM Fixed Income:							
< One Year	8,829,171	-	-	-	-	-	8,829,171
Money Market	10,686,611	9,102,824	2,974,266	2,702,899	24,660	6,865,092	32,356,351
Certificates of Deposit	21,406,930	-	-	-	-	-	21,406,930
FMIvT Fixed Income:							
0-2 Year	382,658	4,384,405	4,384,766	2,547,119	-	-	11,698,948
FMIvT Fixed Income:							
1-3 Year	834,294	9,559,130	9,559,917	5,553,374	-	-	25,506,715
Sub Total Non Bond Funds	33,310,493	34,088,486	31,869,032	12,421,378	24,660	6,865,092	118,579,140
Bond Funds							
PFM Fixed Income	-	-	-	-	-	-	-
Certificates of Deposit	-	8,167,106	-	-	-	-	8,167,106
Money Market	-	1,116,889	-	-	-	37,671,363	38,788,252
Sub Total Bond Funds	-	9,283,995	-	-	-	37,671,363	46,955,358
Total	33,310,493	43,372,481	31,869,032	12,421,378	24,660	44,536,455	165,534,498



Portfolio Distribution by Maturity

	PFM Investments	Money Market Accts.	FMIvT 0-2 Year	FMIvT 1-3 Year	Certificates of Deposit	Total
Core Investments						
0 - 6 Months	\$8,951,248	\$32,356,351	\$336,472	\$892,559	\$17,281,926	\$59,818,556
6 to 12 Months	6,620,311	-	5,091,871	468,827	-	8,671,884
1 to 2 Years	3,438,806	-	2,150,167	7,114,163	4,125,004	16,828,139
2 to 3 Years	3,376,828	-	2,243,077	8,673,527	-	14,293,432
3 to 4 Years	3,048,160	-	1,017,211	4,805,623	-	8,870,995
4 to 5 Years	2,174,843	-	260,093	2,027,390	-	4,462,326
Over 5 Years	-	-	600,057	1,524,626	-	2,124,683
Total Core Investments	\$27,610,197	\$32,356,351	\$11,698,948	\$25,506,715	\$21,406,930	\$118,579,141
Bond Funds						
0 - 6 Months	\$0	\$38,788,252	\$0	\$0	\$8,167,106	\$46,955,358
6 to 12 Months	-	-	-	-	-	-
1 to 2 Years	-	-	-	-	-	-
2 to 3 Years	-	-	-	-	-	-
3 to 4 Years	-	-	-	-	-	-
4 to 5 Years	-	-	-	-	-	-
Over 5 Years	-	-	-	-	-	-
Total Bond Funds	\$0	\$38,788,252	\$0	\$0	\$8,167,106	\$46,955,358



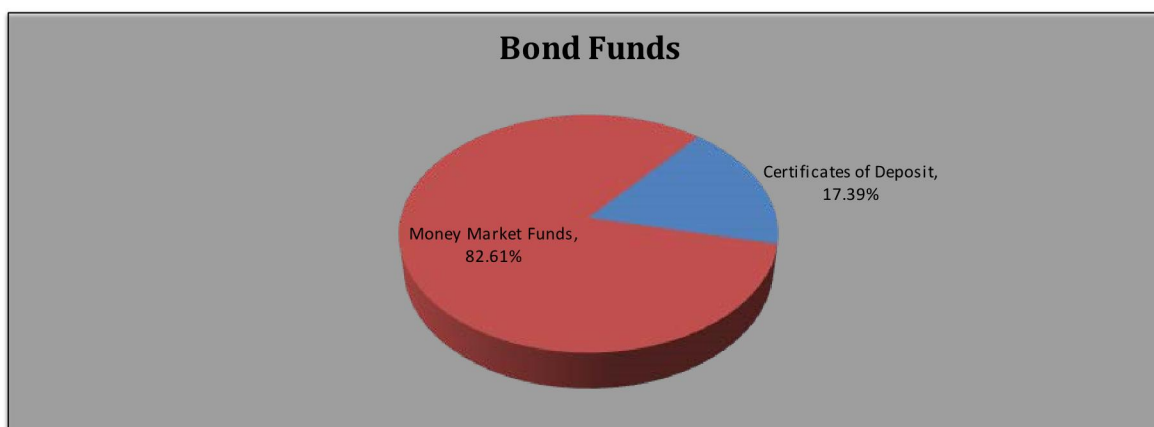
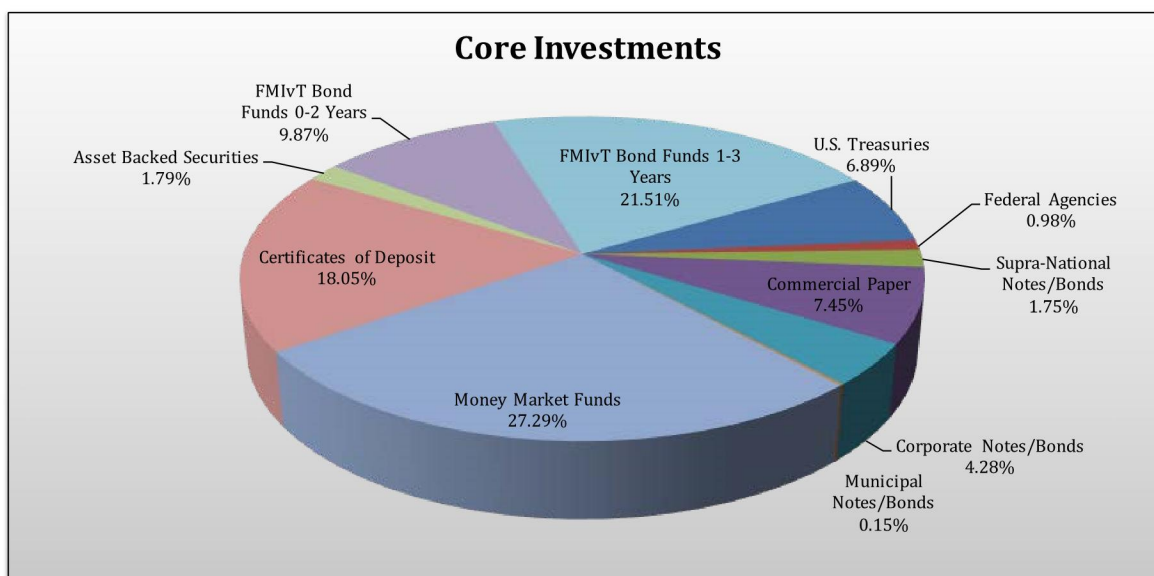
Core Investments - Weighted Average Duration Calculation

Investment	Market Value	% of Portfolio	Duration (Yrs)	Weighted Avg. Duration (Yrs)
PFM Fixed Income 1-5 Year	\$ 18,781,025	15.84%	2.33	0.37
PFM Fixed Income < 1 Year	\$ 8,829,171	7.45%	0.63	0.05
FEITF/TD/Bank United Money Market	\$ 32,356,351	27.29%	0.17	0.05
Bank United Certificate of Deposit	\$ -	0.00%	0.00	0.00
TD Bank Certificates of Deposit	\$ 8,162,768	6.88%	0.42	0.03
Capital Bank Certificates of Deposit	\$ 8,237,649	6.95%	0.98	0.07
Centennial Bank Certificate of Deposit	\$ 5,006,512	4.22%	0.28	0.01
FMIvT 0-2	\$ 11,698,948	9.87%	0.73	0.07
FMIvT 1-3	\$ 25,506,715	21.51%	1.44	0.31
Total	\$ 118,579,140	100.00%		0.95

Portfolio Composition by Security Type

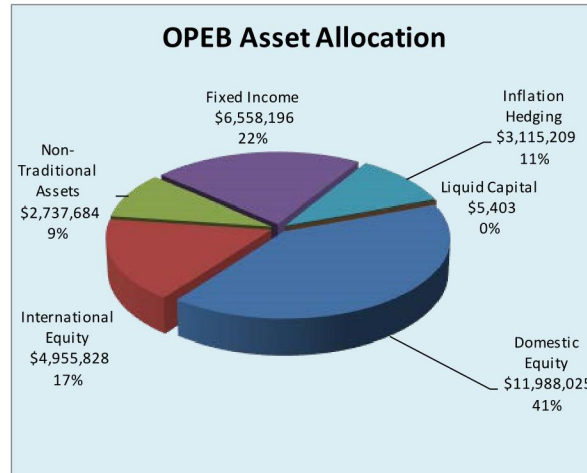
Security Type	Value	Distribution
Core Investments		
U.S. Treasuries	\$ 8,172,028	6.89%
Federal Agencies	1,164,947	0.98%
Supra-National Agency Notes/Bonds	2,074,359	1.75%
Commercial Paper	8,829,171	7.45%
Corporate Notes/Bonds	5,072,755	4.28%
Municipal Notes/Bonds	179,356	0.15%
Asset Backed Security/Collateralized Mortgage Obligation	2,117,582	1.79%
Money Market Funds	32,356,351	27.29%
Certificates of Deposit	21,406,930	18.05%
Florida Municipal Investment Trust Bond Funds 0-2 Years	11,698,948	9.87%
Florida Municipal Investment Trust Bond Funds 1-3 Years	25,506,715	21.51%
Total Core Investments	\$ 118,579,140	100.00%

Security Type	Value	Distribution
Bond Funds		
U.S. Treasuries	\$ -	-0.01%
Federal Agencies	-	0.00%
Commercial Paper	-	0.00%
Certificates of Deposit	8,167,106	17.39%
Money Market Funds	38,788,252	82.61%
Total Bond Funds	\$ 46,955,358	100.00%



Health Insurance Trust (OPEB) Performance
as of December 31, 2018
Market Value - \$29,360,346

	1 mo	QTD	Fiscal YTD	Calendar YTD	1 Yr	3 Yrs	5 Yrs	Return Since May 2007
Total Fund	-4.92	-9.06	-9.06	-6.12	-6.12	4.03	1.96	2.93
Target Index	-4.16	-7.65	-7.65	-4.25	-4.25	4.44	3.37	NA



Investment Performance Review
Period Ending December 31, 2018

Town of Palm Beach OPEB Trust

Preliminary Results



Index Returns (%)

Equities	Month	3 M	YTD	1 Year	3 Yr Ann	5 Yr Ann
S&P 500 Total Return	(9.03)	(13.52)	(4.38)	(4.38)	9.25	8.49
Russell Midcap Index	(9.93)	(15.38)	(9.08)	(9.08)	7.02	6.24
Russell 2000 Index	(11.88)	(20.21)	(11.03)	(11.03)	7.34	4.40
Russell 1000 Growth Indx	(8.60)	(15.89)	(1.52)	(1.52)	11.14	10.40
Russell 1000 Value Index	(9.61)	(11.73)	(8.28)	(8.28)	6.93	5.93
Russell 3000 Index	(9.31)	(14.31)	(5.25)	(5.25)	8.95	7.90
MSCI EAFE NR	(4.85)	(12.54)	(13.79)	(13.79)	2.87	0.53
MSCI EM NR	(2.66)	(7.47)	(14.58)	(14.58)	9.24	1.65

Index Returns (%)

Fixed Income	Month	3 M	YTD	1 Year	Mod. Adj. Duration	Yield to Worst
U.S. Aggregate	1.84	1.64	0.01	0.01	5.87	3.28
U.S. Corporate Investment Grade	1.47	(0.18)	(2.51)	(2.51)	7.10	4.20
U.S. Corporate High Yield	(2.14)	(4.53)	(2.08)	(2.08)	3.96	7.95
Global Aggregate	2.02	1.20	(1.20)	(1.20)	6.96	2.03

Levels (%)

Key Rates	12/31/18	12/31/17	12/31/16	12/31/15	12/31/14
3 Month	2.35	1.38	0.50	0.16	0.04
US 2 Year	2.49	1.88	1.19	1.05	0.66
US 10 Year	2.68	2.41	2.44	2.27	2.17
US 30 Year	3.01	2.74	3.07	3.02	2.75
ICE LIBOR USD 3M	2.81	1.69	1.00	0.61	0.26
Euribor 3 Month ACT/360	(0.31)	(0.33)	(0.32)	(0.13)	0.08
Bankrate 30Y Mortgage Rates Na	4.51	3.85	4.06	3.90	3.99
Prime	5.50	4.50	3.75	3.50	3.25

Russell Indices Style Returns

	V	B	G	L	M	S
	-8.3	-4.8	-1.5			
	-12.3	-9.1	-4.8			
	-12.9	-11.0	-9.3			

YTD

2017

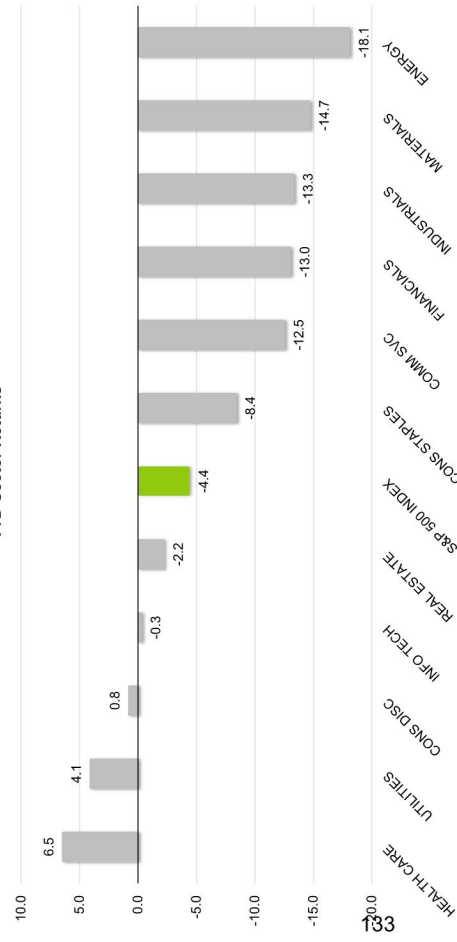
Levels

Currencies	12/31/18	12/31/17	12/31/16
Euro Spot	1.15	1.20	1.05
British Pound Spot	1.28	1.35	1.23
Japanese Yen Spot	109.69	112.69	116.96
Swiss Franc Spot	0.98	0.97	1.02

Levels

Commodities	12/31/18	12/31/17	12/31/16
Oil	45.41	57.40	56.24
Gasoline	2.26	2.49	2.34
Natural Gas	2.94	3.06	3.16
Gold	1,281.30	1,337.70	1,187.30
Silver	15.54	17.57	16.50
Copper	263.10	335.95	252.20
Corn	375.00	393.25	397.50
BBG Commodity TR Idx	159.72	179.96	176.94

YTD Sector Returns



2017 Sector Returns

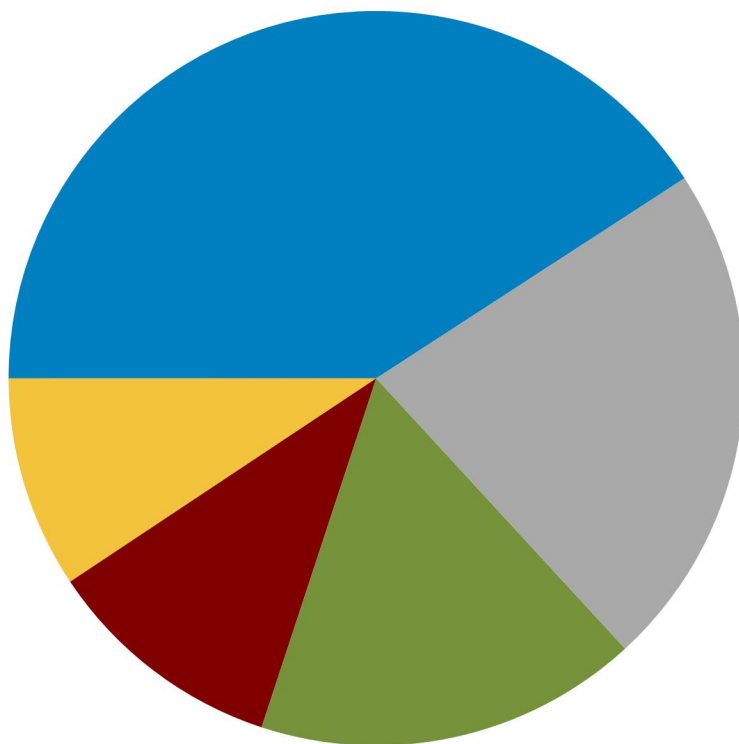
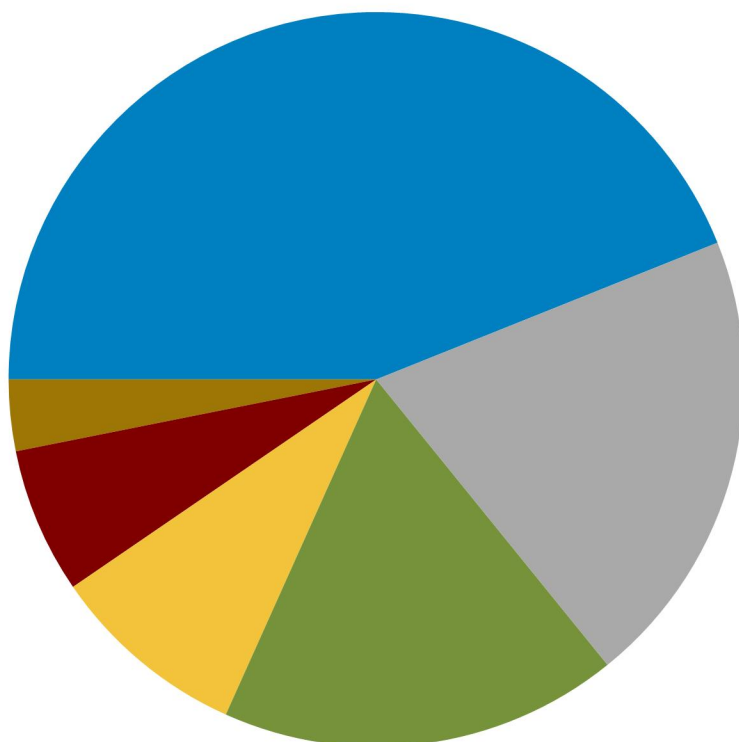


Asset Allocation by Asset Class
Total Fund
As of December 31, 2018

September 30, 2018 : \$32,293,472

December 31, 2018 : \$29,360,346

TCM Backup 02-14-19



Allocation	Market Value (\$)	Allocation (%)	Allocation	Market Value (\$)	Allocation (%)
Domestic Equity	14,186,881	43.93	Domestic Equity	11,988,025	40.83
Total Fixed Income	6,537,655	20.24	Total Fixed Income	6,558,196	22.34
International Equity	5,662,702	17.54	International Equity	4,955,828	16.88
Total Non-Traditional Assets	2,819,607	8.73	Total Real Estate	3,115,209	10.61
Total Real Estate	2,072,148	6.42	Total Non-Traditional Assets	2,737,684	9.32
Total Liquid Capital	1,014,479	3.14	Total Liquid Capital	5,403	0.02

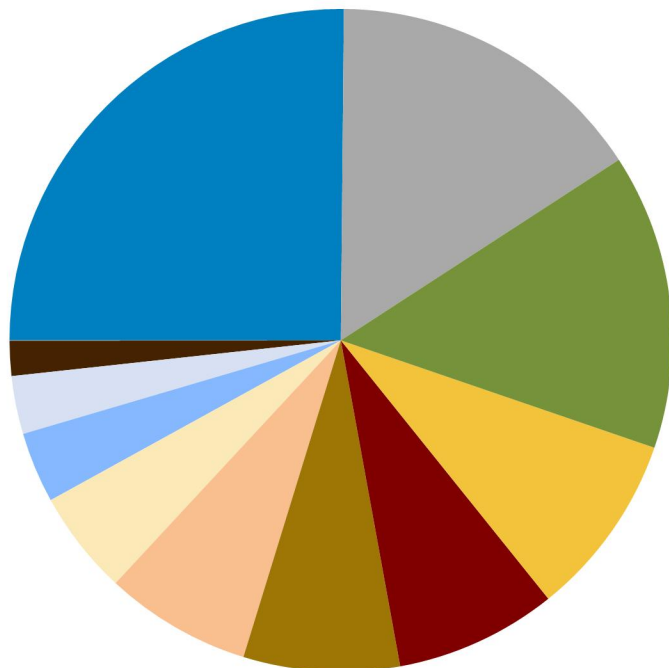
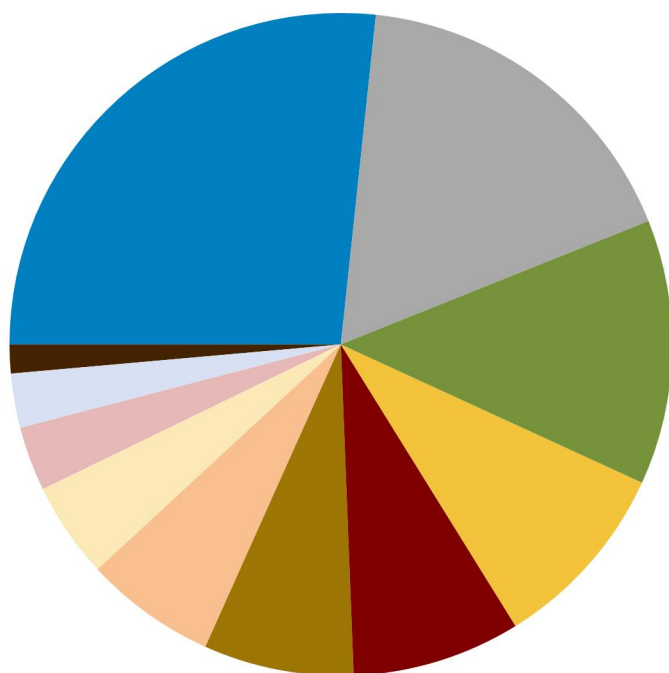


Asset Allocation by Manager
Total Fund
As of December 31, 2018

December 31, 2018 : \$29,360,346

September 30, 2018 : \$32,293,472

TCM Backup 02-14-19



Allocation		Allocation		Allocation	
	Market Value		Market Value		Allocation
Fidelity Total Market Index Fund (FSKAX)	8,617,031	Fidelity Total Market Index Fund (FSKAX)	7,381,040		25.1
Vanguard S&P MC 400 (VSPMX)	5,569,849	Vanguard S&P MC 400 (VSPMX)	4,606,984		15.7
Met West Total Return Bond Fund (MWTIX)	4,171,791	Met West Total Return Bond Fund (MWTIX)	4,235,446		14.4
Dodge & Cox Intl Stock Fund (DODFX)	3,008,780	Dodge & Cox Intl Stock Fund (DODFX)	2,636,132		9.0
American Funds Europacific Growth R6 (RERGX)	2,653,922	American Funds Europacific Growth R6 (RERGX)	2,319,696		7.9
Forester Offshore A2, Ltd.	2,364,799	Forester Offshore A2, Ltd.	2,236,161		7.6
Intercontinental U.S. REIF	2,072,148	Intercontinental U.S. REIF	2,100,195		7.2
PIMCO Div Inc Bond Fund (PDIIX)	1,510,763	PIMCO Div Inc Bond Fund (PDIIX)	1,491,778		5.1
Government STIF 25	1,014,479	Principal Enhanced Property Fund	1,015,014		3.5
Vanguard Total Bond Index Adm (VBTLX)	855,101	Vanguard Total Bond Index Adm (VBTLX)	830,972		2.8
Crescent Direct Lending Levered Fund II	454,808	Crescent Direct Lending Levered Fund II	501,523		1.7
Principal Enhanced Property Fund	-	Government STIF 25	5,403		0.0



Asset Allocation & Performance
Total Fund
As of December 31, 2018

Asset Allocation & Performance [Gross of Fees] - Trailing Returns

	Allocation		Performance(%)							Inception Date	
	Market Value \$	%	MTH	QTD	FYTD	YTD	1 YR	3 YR	5 YR		Inception
Total Fund	29,360,346	100.0	-4.92 (57)	-9.06 (65)	-9.06 (65)	-6.12 (91)	-6.12 (91)	4.03 (95)	1.96 (98)	2.93 (100)	05/01/2007
Total Fund Policy			-4.16 (21)	-7.65 (24)	-7.65 (24)	-4.25 (41)	-4.25 (41)	4.44 (92)	3.37 (93)	N/A	
All Public Plans-Total Fund Median			-4.81	-8.59	-8.59	-4.62	-4.62	5.58	4.66	5.14	
Domestic Equity	11,988,025	40.8	-10.09 (63)	-15.50 (52)	-15.50 (52)	-7.63 (51)	-7.63 (51)	7.70 (39)	6.49 (36)	4.78 (62)	06/01/2007
Russell 3000 Index			-9.31 (48)	-14.30 (41)	-14.30 (41)	-5.24 (35)	-5.24 (35)	8.97 (24)	7.91 (20)	6.54 (30)	
IM U.S. Equity (MF) Median			-9.39	-15.37	-15.37	-7.49	-7.49	6.82	5.38	5.42	
Vanguard S&P MC 400 (VSPMX)	4,606,984	15.7	-11.31 (81)	-17.29 (59)	-17.29 (59)	-11.14 (55)	-11.14 (55)	N/A	N/A	-6.62 (55)	11/01/2017
S&P MidCap 400 Index			-11.32 (81)	-17.28 (59)	-17.28 (59)	-11.08 (54)	-11.08 (54)	7.66 (30)	6.03 (28)	-6.56 (55)	
IM U.S. Mid Cap Equity (MF) Median			-10.20	-16.75	-16.75	-10.70	-10.70	5.82	4.63	-6.06	
Fidelity Total Market Index Fund (FSKAX)	7,381,040	25.1	-9.30 (50)	-14.34 (49)	-14.34 (49)	-5.29 (28)	-5.29 (28)	8.93 (12)	7.92 (11)	6.63 (16)	06/01/2007
Wilshire 5000 Total Market Index (full-cap) Index			-9.30 (50)	-14.43 (52)	-14.43 (52)	-5.29 (28)	-5.29 (28)	9.01 (10)	7.69 (17)	6.62 (16)	
IM U.S. Multi-Cap Core Equity (MF) Median			-9.31	-14.38	-14.38	-7.20	-7.20	7.04	5.85	5.20	
International Equity	4,955,828	16.9	-5.98 (79)	-12.48 (53)	-12.48 (53)	-16.57 (57)	-16.57 (57)	1.87 (71)	-0.55 (72)	1.03 (44)	06/01/2007
Total International Equity Policy			-4.49 (44)	-11.41 (43)	-11.41 (43)	-13.78 (27)	-13.78 (27)	3.15 (55)	0.70 (47)	0.49 (56)	
IM International Equity (MF) Median			-4.80	-12.23	-12.23	-16.01	-16.01	3.52	0.50	0.70	
Dodge & Cox Intl Stock Fund (DODFX)	2,636,132	9.0	-6.73 (88)	-12.39 (26)	-12.39 (26)	-17.98 (82)	-17.98 (82)	3.24 (15)	-0.47 (46)	1.00 (36)	06/01/2007
MSCI EAFE (Net) Index			-4.85 (10)	-12.54 (27)	-12.54 (27)	-13.79 (29)	-13.79 (29)	2.87 (23)	0.53 (8)	0.42 (50)	
IM International Large Cap Core Equity (MF) Median			-5.58	-13.68	-13.68	-14.90	-14.90	1.60	-0.49	0.33	
American Funds Europacific Growth R6 (RERGX)	2,319,696	7.9	-5.12 (41)	-12.59 (43)	-12.59 (43)	N/A	N/A	N/A	N/A	-13.33 (50)	07/01/2018
MSCI AC World ex USA (Net)			-4.53 (26)	-11.46 (28)	-11.46 (28)	-14.20 (43)	-14.20 (43)	4.48 (23)	0.68 (41)	-10.84 (29)	
IM International Large Cap Growth Equity (MF) Median			-5.22	-12.68	-12.68	-15.06	-15.06	2.84	0.10	-13.33	
Total Non-Traditional Assets	2,737,684	9.3	0.07	-4.55	-4.55	-1.65	-1.65	2.83	1.48	2.92	07/01/2007
Forester Offshore A2, Ltd.	2,236,161	7.6	0.09	-5.44	-5.44	-2.81	-2.81	1.64	2.18	3.89	07/01/2007
Crescent Direct Lending Levered Fund II	501,523	1.7	0.00	0.00	0.00	N/A	N/A	N/A	N/A	6.60	03/01/2018

TCM Backup

Current period valuation is not yet available for Crescent Direct Lending and Forester Offshore, and a stale value was used in this report.

Returns for periods greater than one year are annualized.

Returns are expressed as percentages. Mutual fund and ETF investments are reported net of fees.

Page 4 to 10/31/2017, returns for Vanguard ST Infl. are not included in Total FI composite, as this fund was included in the Real Assets composite.



Asset Allocation & Performance

Total Fund

As of December 31, 2018

	Allocation		Performance(%)								Inception Date
	Market Value \$	%	MTH	QTD	FYTD	YTD	1 YR	3 YR	5 YR		
TCM Backlog											
Total Fixed Income	6,558,196	22.3	1.34 (44)	0.89 (31)	0.89 (31)	0.22 (14)	0.22 (14)	1.34 (92)	1.52 (43)	2.59 (79)	06/01/2007
Fixed Income Composite Index			1.76 (24)	1.51 (10)	1.51 (10)	-0.06 (17)	-0.06 (17)	1.44 (90)	1.72 (34)	N/A	
IM Global Fixed Income (MF) Median			1.22	0.33	0.33	-1.76	-1.76	2.68	1.27	3.50	
Vanguard Total Bond Index Adm (VBTLX)	830,972	2.8	1.82 (10)	1.62 (12)	1.62 (12)	-0.07 (21)	-0.07 (21)	N/A	N/A	-0.02 (58)	09/01/2016
Blmbg. Barc. U.S. Aggregate Index			1.84 (8)	1.64 (11)	1.64 (11)	0.01 (18)	0.01 (18)	2.06 (45)	2.52 (28)	0.18 (41)	
IM U.S. Broad Market Core Fixed Income (MF) Median			1.46	0.99	0.99	-0.63	-0.63	1.99	2.26	0.08	
Met West Total Return Bond Fund (MWTIX)	4,235,446	14.4	1.73 (18)	1.53 (18)	1.53 (18)	0.22 (10)	0.22 (10)	N/A	N/A	0.56 (10)	12/01/2017
Blmbg. Barc. U.S. Aggregate Index			1.84 (8)	1.64 (11)	1.64 (11)	0.01 (18)	0.01 (18)	2.06 (45)	2.52 (28)	0.43 (15)	
IM U.S. Broad Market Core Fixed Income (MF) Median			1.46	0.99	0.99	-0.63	-0.63	1.99	2.26	-0.18	
PIMCO Div Inc Bond Fund (PDIIX)	1,491,778	5.1	0.01 (90)	-1.26 (90)	-1.26 (90)	-0.99 (36)	-0.99 (36)	N/A	N/A	-0.43 (29)	12/01/2017
Blmbg. Barc. Global Credit (Hedged)			0.88 (68)	-0.19 (65)	-0.19 (65)	-0.81 (33)	-0.81 (33)	4.08 (13)	3.71 (1)	-0.30 (27)	
IM Global Fixed Income (MF) Median			1.22	0.33	0.33	-1.76	-1.76	2.68	1.27	-1.36	
Total Real Estate	3,115,209	10.6	1.70 (N/A)	1.70 (76)	1.70 (76)	N/A	N/A	N/A	N/A	7.09 (24)	04/01/2018
NCREIF Fund Index-Open End Diversified Core (EW)			1.62 (N/A)	1.62 (78)	1.62 (78)	8.26 (70)	8.26 (70)	8.44 (53)	10.52 (66)	5.96 (74)	
IM U.S. Private Real Estate (SA+CF) Median			N/A	1.80	1.80	8.71	8.71	8.79	11.10	6.15	
Intercontinental U.S. REIF	2,100,195	7.2	1.62 (N/A)	1.62 (78)	1.62 (78)	N/A	N/A	N/A	N/A	7.01 (25)	04/01/2018
NCREIF Fund Index-Open End Diversified Core (EW)			1.62 (N/A)	1.62 (78)	1.62 (78)	8.26 (70)	8.26 (70)	8.44 (53)	10.52 (66)	5.96 (74)	
IM U.S. Private Real Estate (SA+CF) Median			N/A	1.80	1.80	8.71	8.71	8.79	11.10	6.15	
Principal Enhanced Property Fund	1,015,014	3.5	1.85 (N/A)	1.85 (36)	1.85 (36)	N/A	N/A	N/A	N/A	1.85 (36)	10/01/2018
NCREIF Fund Index-Open End Diversified Core (EW)			1.62 (N/A)	1.62 (78)	1.62 (78)	8.26 (70)	8.26 (70)	8.44 (53)	10.52 (66)	1.62 (78)	
IM U.S. Private Real Estate (SA+CF) Median			N/A	1.80	1.80	8.71	8.71	8.79	11.10	1.80	
Total Liquid Capital	5,403	0.0									
Government STIF 25	5,403	0.0									

TCM Backp 12-14-1

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Current period valuation is not yet available for Crescent Direct Lending and Intercontinental RE, and a stale value was used in this report.

Returns for periods greater than one year are annualized.

Returns are expressed as percentages. Mutual fund and ETF investments are reported net of fees.

Page 5 of 10/31/2017. returns for Vanguard ST Infl. are not included in Total FI composite. as this fund was included in the Real Assets composite.



Comparative Performance - IRR
Private Investments
As of December 31, 2018

Comparative Performance - IRR	QTD	1 YR	3 YR	5 YR	Inception	Inception Date
TCM Back						
Crescent Direct Lending Levered Fund II	0.00	N/A	N/A	N/A	6.16	03/13/2018
Intercontinental U.S. REIF	1.35	N/A	N/A	N/A	5.87	04/30/2018
Principal Enhanced Property Fund	1.50	N/A	N/A	N/A	1.50	10/01/2018



Active Return	- Arithmetic difference between the manager's performance and the designated benchmark return over a specified time period.
Alpha	- A measure of the difference between a portfolio's actual performance and its expected return based on its level of risk as determined by beta. It determines the portfolio's non-systemic return, or its historical performance not explained by movements of the market.
Beta	- A measure of the sensitivity of a portfolio to the movements in the market. It is a measure of the portfolio's systematic risk.
Consistency	- The percentage of quarters that a product achieved a rate of return higher than that of its benchmark. Higher consistency indicates the manager has contributed more to the product's performance.
Distributed to Paid In (DPI)	- The ratio of money distributed to Limited Partners by the fund, relative to contributions. It is calculated by dividing cumulative distributions by paid in capital. This multiple shows the investor how much money they got back. It is a good measure for evaluating a fund later in its life because there are more distributions to measure against.
Down Market Capture	- The ratio of average portfolio performance over the designated benchmark during periods of negative returns. A lower value indicates better product performance
Downside Risk	- A measure similar to standard deviation that utilizes only the negative movements of the return series. It is calculated by taking the standard deviation of the negative quarterly set of returns. A higher factor is indicative of a riskier product.
Excess Return	- Arithmetic difference between the manager's performance and the risk-free return over a specified time period.
Excess Risk	- A measure of the standard deviation of a portfolio's performance relative to the risk free return.
Information Ratio	- This calculates the value-added contribution of the manager and is derived by dividing the active rate of return of the portfolio by the tracking error. The higher the Information Ratio, the more the manager has added value to the portfolio.
Public Market Equivalent (PME)	- Designs a set of analyses used in the Private Equity Industry to evaluate the performance of a Private Equity Fund against a public benchmark or index.
R-Squared	- The percentage of a portfolio's performance that can be explained by the behavior of the appropriate benchmark. A high R-Squared means the portfolio's performance has historically moved in the same direction as the appropriate benchmark.
Return	- Compounded rate of return for the period.
Sharpe Ratio	- Represents the excess rate of return over the risk free return divided by the standard deviation of the excess return. The result is an absolute rate of return per unit of risk. A higher value demonstrates better historical risk-adjusted performance.
Standard Deviation	- A statistical measure of the range of a portfolio's performance. It represents the variability of returns around the average return over a specified time period.
Total Value to Paid In (TVPI)	- The ratio of the current value of remaining investments within a fund, plus the total value of all distributions to date, relative to the total amount of capital paid into the fund to date. It is a good measure of performance before the end of a fund's life
Tracking Error	- This is a measure of the standard deviation of a portfolio's returns in relation to the performance of its designated market benchmark.
Treynor Ratio	- Similar to Sharpe ratio but utilizes beta rather than excess risk as determined by standard deviation. It is calculated by taking the excess rate of return above the risk free rate divided by beta to derive the absolute rate of return per unit of risk. A higher value indicates a product has achieved better historical risk-adjusted performance.
Up Market Capture	- The ratio of average portfolio performance over the designated benchmark during periods of positive returns. A higher value indicates better product performance.

AndCo compiled this report for the sole use of the client for which it was prepared. AndCo is responsible for evaluating the performance results of the Total Fund along with the investment advisors by comparing their performance with indices and other related peer universe data that is deemed appropriate. AndCo uses the results from this evaluation to make observations and recommendations to the client.

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AndCo uses time-weighted calculations which are founded on standards recommended by the CFA Institute. The calculations and values shown are based on information that is received from custodians. AndCo analyzes transactions as indicated on the custodian statements and reviews the custodial market values of the portfolio. As a result, this provides AndCo with a reasonable basis that the investment information presented is free from material misstatement. This methodology of evaluating and measuring performance provides AndCo with a practical foundation for our observations and recommendations. Nothing came to our attention that would cause AndCo to believe that the information presented is significantly misstated.

This performance report is based on data obtained by the client's custodian(s), investment fund administrator, or other sources believed to be reliable. While these sources are believed to be reliable, the data providers are responsible for the accuracy and completeness of their statements. Clients are encouraged to compare the records of their custodian(s) to ensure this report fairly and accurately reflects their various asset positions.

The strategies listed may not be suitable for all investors. We believe the information provided here is reliable, but do not warrant its accuracy or completeness. Past performance is not an indication of future performance. Any information contained in this report is for informational purposes only and should not be construed to be an offer to buy or sell any securities, investment consulting, or investment management services.

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Proposed Investment Advisory Committee Schedule 2019

Meeting Date:	Presentations/Business:
Friday, February 15, 2019 2:30 P.M. Town Council Chambers	OPEB Trust Investment Consultant PFM Asset Management Fiduciary Liability Policy Renewal Annual Report to the Town Council Actuarial report
Friday, May 17, 2019 2:30 P.M. Town Council Chambers	OPEB Trust Investment Consultant PFM Asset Management Florida League of Cities (FMIvT) Election of Chairman and Vice Chairman
Friday, August 16, 2019 2:30 P.M. Town Council Chambers	OPEB Trust Investment Consultant PFM Asset Management
Friday, November 15, 2019 2:30 P.M. Town Council Chambers (Fiscal Year End Presentations)	OPEB Trust Investment Consultant (Investment Policy and Asset Allocation Review) PFM Asset Management Florida League of Cities (FMIvT)

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda Committee Reports

Agenda Title
Report of the Public Works Committee Meeting Held on December 21, 2018.

Presenter
Bobbie Lindsay, Chair

ATTACHMENTS:

- **Minutes of the Public Works Committee Meeting Held on December 21, 2018**



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE PUBLIC WORKS COMMITTEE MEETING FRIDAY, DECEMBER 21, 2018

I. CALL TO ORDER AND ROLL CALL

The Public Works Committee meeting was called to order on December 21, 2018, at 9:00 a.m. in the Town Council Chambers.

On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Lindsay led the pledge of allegiance.

III. APPROVAL OF AGENDA

It was the consensus of the Committee to approve the agenda.

IV. COMMUNICATIONS FROM CITIZENS

John David Corey, 426 Australian Ave., commented on the sparse condition of the Cassia tree located on the Southeast side of the Peruvian employee parking lot and requested that Public Works take a look at possibly treating it or replacing it with a live oak tree in the future.

In response to Mr. Corey, Paul Brazil, Director of Public Works, replied that staff will take a look at replacement options over the summer.

V. FICUS INVENTORY AND REPLACEMENT SCHEDULE

Paul Colby, Grounds Maintenance Supervisor, provided an overview of the Town's current ficus hedge inventory and replacement schedule.

Discussion ensued regarding costs and priority schedule.

VI. GREEN INITIATIVE PROGRAM

Brett Madison, Facilities Maintenance Supervisor, provided an overview of the Town's "Green Initiative" program. He spoke regarding the following items:

- Town-Wide Planting Survey
- Identification of Organic Alternatives
- Bid Documents
- Inspections and Education

VII. NON-TOXIC NEIGHBORHOODS, LLC

Mr. Colby, Grounds Maintenance Supervisor, reported on the information and resources that were shared by the Non-Toxic Neighborhoods group from California during their meeting with Town staff.

Discussion ensued regarding use of non-toxic, organic pesticides and educating the public on the same. Director Brazil suggested giving the information to the different civic groups to disseminate to their members.

John David Corey, 426 Australian Ave., commended the staff and the Town on their efforts.

VIII. ENGINEERING PROJECT UPDATES AND SUMMER 2019 ANTICIPATED WORK

Jason Debrincat, Senior Project Engineer, provided an overview of projects completed in 2018 by Public Works and a completion timeline for the anticipated projects in 2019.

Discussion ensued regarding the pump station improvements, impacts to Lake Trail public access points and the timeline for completion.

Chair Lindsay requested to bring back the timeline for the E-3 Sanitary Pumpstation improvements on Eden and Garden Road; negotiate a project timeline for May, 2019 and find out the reason for the high prices from construction contractors.

John David Corey mentioned the sidewalks on the corner of the 400 block of Worth Avenue and also crosswalks by the Midtown Beach. Director Brazil spoke regarding

the improvements to the area.

IX. TOPICS FOR FUTURE MEETINGS (Already Approved by Town Council)

Director Brazil inquired if there were any other topics the committee requests for future meetings other than the ones listed below:

- Green Initiative and Plant Replacement Program
- Fertilizer Ordinance Review – Requested staff to look into educating and enforcing the fertilizer ordinance.
- Town-wide Paving Program
- Project updates including the Lake Trail closures

Regarding the schedule for future meetings, it was agreed that the next meeting would be scheduled for February 2019 (after the Town Council meeting).

X. ANY OTHER MATTERS

None

XI. ADJOURNMENT

The Public Works Committee meeting of December 21, 2018 was adjourned at 10:30 a.m.

APPROVED:

Bobbie Lindsay, Chair

ATTEST:

Kathleen Dominguez
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda Committee Reports

Agenda Title
Report of the Public Safety Committee Meeting Held on January 30, 2019.
TIME CERTAIN: 2:00 P.M.

Presenter
Maggie Zeidman, Chair

ATTACHMENTS:

- ▣ **Minutes of the Public Safety Committee Meeting Held on January 30, 2019**



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE PUBLIC SAFETY COMMITTEE MEETING HELD ON WEDNESDAY, JANUARY 30, 2019

I. CALL TO ORDER AND ROLL CALL

The Public Safety Committee meeting was called to order on Wednesday, January 30, 2019, at 10:00 a.m., in the Town Council Chambers. On roll call, Chairwoman Zeidman and Committee Member Araskog were present.

II. PLEDGE OF ALLEGIANCE

Chairwoman Zeidman led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The agenda was approved, as presented.

IV. COMMUNICATIONS FROM CITIZENS

John David Corey, 426 Australian Avenue, spoke regarding the need for a three lane roadway on South County Road between Royal Palm Way and Royal Poinciana Way.

Andrew Roddy, 231 Kenlyn Road, spoke regarding pedestrian safety issues from vehicles parked in driveways that block sidewalks and banning all gas-powered landscape maintenance equipment.

Rick Smith, 130 Sunrise Avenue, offered suggestions for dealing with truck traffic issues based on his experience in the trucking industry. He suggested that trucks be prohibited from driving north on Cocoanut Row and Lake Shore Drive (north of the Flager Bridge), using signage to caution truck drivers of the high pedestrian traffic areas, strategically relocating speed limit signs (such as the one on Sunrise Avenue), and marking the road corners with yellow paint to highlight possible danger spots for pedestrians.

Chair Zeidman requested that Rick Smith work with the Acting Chief of Police (ACP) Nicholas Caristo on implementing his suggestions for truck traffic safety.

Linda Siris, 330 Cocoanut Row, expressed concern with pedestrian safety on the intersection of Cocoanut Row and Brazilian Avenue. She gave historical examples of animals and people that were injured on that intersection and suggested crosswalks for that area.

The Committee Members supported Ms. Siris's concerns and directed her to speak with ACP Caristo with her crosswalk request.

V. OUTSTANDING CITIZEN AWARDS

Fire-Rescue Chief Darrel Donatto presented Publix employees Tanya Nelson and Andy DeLong, with an Outstanding Citizen Award in honor of their heroic and extraordinary acts on Christams Eve by saving a man's life with an AED defribillator.

Acting Chief of Police Nick Caristo presented publix employee George Squire with an Outstanding Citizen Award for returning a wallet filled with a large amount of cash to its owner. He also presented TD Bank employee Sameena Bary with an Outstanding Citizen Award for her distinctive awareness and courage in the face of a bank robbery and kidnapping.

VI. TOWN COUNCIL UPDATE ON COMPENSATION STUDY

- Where We Are And The Path Forward
Maggie Zeidman, Chair

Chairwoman Zeidman spoke regarding the concerns with the public safety employee turnover issues and provided an overview of the Town's process for completing the benefits and compensation study. She expressed some frustration over the speed at which the data is being collected and suggested the following action items in order to expedite the process:

1. Do in-house what you can in collecting readily available data.
2. Engage with the Retirement Board of Trustees on any changes to the benefits and salaries.
3. Call Special Town Council meetings as information becomes available on an as-needed basis in order to propel decisions forward.

Committee Member Araskog and Mayor Coniglio spoke in support of Chairwoman Zeidman's suggestions.

Public Comments:

Representatives of the Palm Beach Civic Association and Palm Beach Police Foundation: David Duffy, Brian Burns and Tim Moran provided historical background on the public safety personnel turnover issues, expressed their support of the Town Council's efforts to address the problem and suggested ways to responsibly bring down the Town's unfunded actuarial accrued liability (UAAL).

John Scarpa, President of the Palm Beach Police Foundation, expressed his concerns with public speakers providing their name and home address and suggested that they only be required to provide their name and state they are representatives of the Town, for security reasons. He expressed his gratitude to the Palm Beach Civic Association and the Town Council for the manner in which they are addressing the high turnover and staffing issues for public safety employees.

Jack McDonald, 44 Cocoanut Row, spoke regarding the importance of public safety services to the community and suggested raising taxes in order to resolve these critical issues.

VII. POLICE DEPARTMENT UPDATE

ACP Nicholas Caristo, Acting Chief of Police

- 2018 Crime Statistics and Clearance Rate
- Recent Car Thefts in North End
- 2018 Turnover/ Attrition of Officers
- Historical Turnover Rates
- Promotions & Retirements
- Virtra Simulator, Gift Of The Police Foundation
- Goals for 2019-20: Increased Community Policing: Bicycles, ATVs
- Beach Patrol, Foot Patrol; Teen Academy, Citizen's Academy

ACP Caristo provided an overview of the 2018 crime statistics and clearance rates on a national and local level as they relate to property crimes and high-level crimes. He stated the reasons for the decrease of these types of crimes in Palm Beach are due to the commitment and proactiveness of the police officers and technology used by the departments.

ACP Caristo presented the data on the Police Department's staffing levels from 2007 to 2019 and the total number of separations of sworn personnel over the past twenty years which included the rates of resignations and retirements. He also announced the names and positions of the promotions and retirements for public safety personnel in 2018.

ACP Caristo and Town Manager Blouin provided an overview of the new virtra training simulator, the goals for 2019-20 with respect to recruiting and maintaining exceptional candidates, and the efforts to enhance community policing through the Park, Walk and Talk program and other various outreach programs.

VIII. FIRE DEPARTMENT UPDATE

Darrel Donnato, Fire Rescue Chief

- 2018 Fire and Medical Call Statistics
- 2018 Turnover/Attrition of Firefighter/Medics

- Historical Turnover Rates: 2006-2018
- Promotions & Retirements
- 2018 Innovations & Improvements: Ultrasound
- 2019-20 Goals- Community programs: Fall Prevention, Prescription Medication Review, Hurricane Preparedness and Fire Citizen's Academy

Chief Donnato reported on the various types of emergency calls and response times for Fire and EMS staff which included trauma and cardiac alerts.

In response to questions from Chairwoman Zeidman, Chief Donnato spoke regarding the reasons for the high volume of gas leak calls and provided an overview of the EMS team's response system.

In response to questions from Committee Member Araskog, Chief Donnato spoke regarding the number of responses to calls outside of the community and the reason for the decrease in response time in the South end.

Chief Donnato provided the separation rates and attrition data for the Fire Rescue personnel from FY2006 to FY2018. He spoke regarding the challenges involved with retaining quality fire-rescue members, department promotions and recruiting efforts, and accomplishments.

In response to questions from Committee Member Araskog, Chief Donnato spoke regarding the S.T.E.P. program as it relates to pay structure and how it differs from the current merit increase system. He also provided an overview of the fire rescue staff's shift schedules, average hours worked per week and their rate of pay based on their shift schedule.

Chief Donnato provided an overview of the 2018 innovations and improvements to the Fire Safety services and response times which included community outreach and prevention programs, emergency management, and cost savings with the procurement of two new fire apparatuses.

In response to a question from Mayor Coniglio, Chief Donnato explained the process and reasons for sending two fire units in response to one call. He also spoke regarding the loss of senior staff positions and the challenges involved with filling those positions.

Discussion ensued regarding the challenges involved with the public safety department's high attrition rate and how Palm Beach's attrition rate compares to other municipalities.

IX. TRAFFIC SAFETY ISSUES

- Yield to Pedestrians, crosswalks safety update

- Safety Concerns with Bikes
- Review of Florida State Law & Town Code
- Hedge height/depth impact on driver visibility

ACP Caristo provided an overview of various traffic safety issues such as vehicles not yielding to pedestrians, crosswalk safety, review of Florida State Law & Town Code with respect to sharing the road with bicyclists, and hedge height/depth impact on driver visibility.

Discussion ensued regarding the Police Department's efforts to get public compliance, bicyclists riding two abreast and impeding traffic, dangerous roadways in Town, the need for more public awareness, and line of sight issues with hedges.

Committee Member Araskog requested that ACP Caristo research the most dangerous areas in Town and the proper safety signage for those areas.

Chair Zeidman requested that ACP Caristo reach out to the local bike associations and Palm Beach Civic Association with information on bicycle laws and safety in Palm Beach.

X. LAKE TRAIL ISSUES

- Increased usage
- Police Patrol
- Speed limit signs posted
- Review of existing Town Code Motorized vehicles
- North Bridge mirrors and cameras

ACP Caristo provided insight on the safety issues with the Lake Trail which included increased usage by bikers. He suggested more police surveillance, speed limit signs, review of existing Town Code with respect to motorized vehicles, and mirrors and cameras that will monitor the trail.

Discussion ensued regarding the need for education and proper etiquette from the public on the Lake Trail.

Andrew Roddy, 231 Kenlyn Road, inquired if the Town could receive funding for an underpass walkway for the middle bridge in connection to the Town Docks project. In response to Mr. Kenlyn, Committee Member Araskog suggested that Mr. Roddy submit his request in writing to the Town Manager's Office.

XI. ANY OTHER MATTERS – None

XII. ADJOURNMENT

There being no further business, the Public Safety Committee meeting of Wednesday, January 30, 2019, was adjourned at 1:30 p.m.

APPROVED

Margaret A. Zeidman
Chair

ATTEST:

Kathleen Dominguez
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Proposed Town Sponsorship of Business Association Special Event on 4th of July 2019 to be Hosted by the Main Street Association.

Presenter

Richard Zaretsky, Rotary Club President

ATTACHMENTS:

- ▣ **Memorandum Dated February 1, 2019, from Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Letter Dated January 31, 2019, from the Rotary Club of Palm Beach Foundation**
- ▣ **Special Event Quotation**
- ▣ **E-mail Dated February 5, 2019, from Thomas G. Bradford**
- ▣ **E-mail Dated February 5, 2019, from Leslie Shaw**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Josh Martin, Director of Planning, Zoning & Building

Re: Proposed Town Sponsorship of Business Association Special Event on the 4th of July 2019, to be Hosted by the Main Street Association

Date: February 1, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council consider the attached Town-Sponsored Business Association Special Event Request for Flags for Heroes on the 4th of July 2019.

GENERAL INFORMATION

Please see attached information as provided by the Applicant related to the Business Association Special Event Proposal for Town Sponsorship.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Wayne Bergman, Assistant Director of Planning, Zoning, and Building Department

January 31, 2019

Mr. Josh Martin
Director, Planning, Building & Zoning
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

RE: Rotary Club of Palm Beach Foundation Application for a Town Sponsored Business Association Special Event for Flags for Heroes During the Independence Day Holiday Period 2019

Dear Mr. Martin:

This letter and attachments are in furtherance of the Town Council meeting on January 8, 2019, and the subsequent meeting with Town staff on January 15. At the January 8 Town Council meeting it was determined that the meeting was a de facto pre-application meeting and that Rotary Foundation representatives should meet with Town staff to address all concerns and questions raised by the Town Council on January 8. This letter represents the Rotary Club of Palm Beach Foundation understanding of the results of the staff meeting on January 15 and our update on the items Town Council and staff requested us to pursue.

Please see the video in the link below to visualize a similar Flags for Heroes public display.

<https://www.youtube.com/watch?v=CqabCKG1yFo>

Just to reiterate, in order for the Rotary Foundation to accomplish the Flags for Heroes event the following permits are required and will be timely secured if the Town Council approves the event:

1. The attached Town Sponsored Business Association Special Events Permit
2. Town Charitable Solicitation Permit(s) for the event and any private events associated therewith.
3. Town of Palm Beach, DPW, Right-of-Way (ROW) Permit
4. FDOT Banner Permit – The flags and any banners, such as that identifying the Rotary Foundation and any project underwriters, requires a banner permit from FDOT

In addition to the listed permits, the Rotary Foundation is aware that it may be required, likely as a condition of the Town ROW permit, to call 811 before staking flag spikes and to plan a grid not in conflict with marked infrastructure data marked by Sunshine811. A 12 inch spiked flag holder was shown to staff at the January 15 meeting for their familiarization.

Based upon the notes of staff from the January 8 Town Council, the agenda for the January 15 staff meeting with Rotary Foundation consisted of the items enumerated below. Rotary Foundation response to the outcome of the discussion on each item appears thereafter.

1. **Fill in (repair) the holes with soil after /sprinkler head replacement and cost.** *Rotary Foundation agrees to fill all holes with sand and/or topsoil and is responsible for any damage to Town property. We have provided staff with an executed hold harmless agreement and a certificate of insurance naming the Town as an additionally insured. If we cause damages you will be paid.*
2. **What precedent does this set/what parameters are in place for council for this fundraiser/promo.** *No precedent is set by this event. The permit document itself indicates that each permit issued stands on its own and without regards to precedents. Numerous special events in Town have fundraising efforts associated with them. Examples are the Palm Beach 5K Race of Hope to Defeat Depression on January 27, The United Way Turkey Trot and the Evening of Tribute at Mar-a-Lago in support of Navy SEALs and a Museum and Memorial. All are allowed if the applicant secures a charitable solicitation permit as has been promised by the Rotary Foundation.*
3. **What is the size of the medallion?** *There are square and round medallions. If square, 4.75"wide X 4.5" tall. If round, approximately a 5" diameter.*
4. **Does this require an ordinance amendment?** *No. On April 14, 2009, the Town Council adopted by motion similar requirements for business association special events. Subsequently, requirements were modified and adopted as an internal Administrative Procedure to formalize procedures for staff to follow when business association special event applications occurred. This application is pursuant to Town of Palm Beach Administrative Procedure No. 1-15-9.*
5. **This is an historic site. Has State Historic Preservation Office been notified?** *Yes. Subsequent to the January 8 Town Council meeting the Rotary Foundation contacted Timothy Parsons, Division Director and SHPO. Mr. Parsons indicated that placing flags temporarily in a public right of way would be unlikely to cause any irreversible or adverse effect.*

6. **Parking.** Staff concurred that parking should not be an issue for the event because it's in the summer and not all interested parties will come see the flags at the same time.
7. **The money should go to Palm Beach County residents.** The Rotary Foundation agreed at the January 8 Town Council meeting to limit scholarships to Palm Beach County residents.
8. **The Royal Poinciana Way Business Association (RPWBA) is not a party to the permit. RPWBA does not exist. Application should be in the name of the proper organization.** As we stated in our initial application, the foregoing is true. It is also true that a new business association has now been formed and is in existence per State requirements. The new association is the Main Street Palm Beach Business Association (MSPBA) and is the sponsor of the event and appears as such on the application for permit.
9. **We have to look at liability. Per Skip we will have a hold harmless agreement.** Yes. The permit application requires an executed Hold Harmless Agreement and insurance in specific amounts naming the Town as an additionally insured as evidenced by a certificate of insurance. The Rotary Foundation previously submitted these items and has re-submitted same with our revised application.
10. **Pre-Application meeting with Council, come back to next meeting with a permitting path forward per Josh.** A revised business association permit has been submitted to you herewith and it is believed to adequately address all items of the concerns indicated by Town Council and staff.
11. **One of the things that needs to be answered on the application is number of flags, banners.** The Rotary Foundation target is to install up to 500 flags. The grid we had laid out shows each median can hold more than this, perhaps three times the goal amount of 500, but that would be the maximum capacity, which is not achievable when planning to sidestep equipment and infrastructure. We can accept a cap of 500 to 750 flags, as we do not feel this will overburden the medians. As to banners, we request up to 6 banners approximately 3' X 5" in size for recognition of our major underwriters, plus Rotary and MSPBA. They will be placed in safe, unobtrusive locations.
12. **Who is being solicited?** Merchants, individuals and visitors. The target audience is Town of Palm Beach "town persons."
13. **Opening Ceremony/Dedication.** A low key, solemn event with a few speakers and perhaps a color guard. At most a half hour event. We can eliminate the generator as staff indicated it would be OK for us to plug into an outlet at the base of a Royal Palm tree for the PA system. The noise ordinance will be complied with. The plan is to grid out flag locations now and put up the flags on July 3rd. Flags will be removed on July 6.
14. **Royal Poinciana is a Landmarked Vista.** Subsequent to the January 8 Town Council meeting the Rotary Foundation contacted Timothy Parsons, Division Director and SHPO.

Mr. Parsons indicated that placing flags temporarily in a public right of way would be unlikely to cause any irreversible or adverse effect on any historic resource.

As you know, as a result of the staff meeting conducted by you with representatives of the Rotary Foundation there were four items for the Rotary Foundation to follow up on as follows:

1. **Rotary Foundation is to coordinate with the Public Works Department (DPW) and potentially its preferred vendor (TCI/Rood) to finalize a proposed grid to follow for flag layout with the goal of avoiding the irrigation lines, sprinkler heads and related control mechanisms.** *Initially, it was felt that the best way to design a flag grid to avoid problems with irrigation lines was to provide an "as-built" drawing that would delineate the irrigation layout. However, upon discussing a proposal with TCI/Rood we learned that this entails digging up the assumed path of the lines to provide visual confirmation of line locations. Thinking that this would not be desirable, we circled back to DPW for direction. DPW staff requested we provide a flag grid drawing based upon estimated demand as opposed to one based on maximum capacity. With that in hand DPW staff felt that they could direct us how to tweak a revised grid to avoid irrigation lines. Rotary immediately contacted our architect for a new grid as requested by DPW showing 500 flags, plus or minus, not one showing a 1,500 capacity as presented previously. As of this writing we have not received the updated grid. We to commit provide a flag layout that avoids any damage to irrigation. If we fail, we again agree for the record to pay to fix it. However, the goal is to work with Town staff and avoid damage.*
2. **The Rotary Foundation was requested to contact an archaeological firm to determine if the Rotary Foundation proposed event could be damaging to any potential archaeological resources that may be present. The medians are on a map of potential locations where archaeological resources may be in Town.** *John Lindgren provided us with a list of firms. The Rotary Foundation contacted Bob Carr at the Archaeological and Historical Conservancy, Inc. in Davie, Florida as Mr. Carr prepared the 2005 Archaeological Report that identified sites in Town potentially having archaeological resources. Mr. Carr indicated that our planned event was not likely to be detrimental to any resources, but that the scope of the event would warrant intermittent monitoring to ensure that this was the case. He was requested to provide the Rotary Foundation with a proposal to do just that. In addition, he was requested to provide us with a copy of his 2005 Archaeological Report, as the Town no longer has it. He indicated he would gladly send it to us and noted that it needed to be updated since it was 15 years old. Once received, we will give it to Mr. Lindgren for the Town's records.*

3. **Within the required Right of Way permit the Rotary Foundation must show site triangles, MOT is to be provided and channeling devices will be needed when the "pass through" between the east and west medians is closed for the Opening Ceremony.** *The ROW permit will be applied for after we receive Town Council approval to proceed and will contain all that has been requested. Rotary Foundation is in the process of securing these items from Road Safe Traffic Systems of West Palm Beach.*
4. **Backup will be submitted by Rotary Foundation to Josh Martin not less than 10 days before the February 14 Town Council meeting. Agreed.**

Based on all of the foregoing, the Rotary Foundation has updated the Business Association Special Events permit and the required site plan to reflect the latest information and requested changes and have submitted them with this letter to you. We look forward to seeing you at the February 14 Town Council meeting and presenting this information and our revised permitting materials to you and the Town Council.

In closing, we are encouraged by the results presented at the Town's Business Workshop on January 29. The Residents Survey Results and Interim Report on the Palm Beach Civic Association Long Range Planning Subcommittee on Future Business report by Harvey Poppel made clear that off season events are both beneficial to local businesses and are not objectionable to the majority of survey respondents. We hope that you and the Town Council agree and will look favorably on our permit application for Flags for Heroes.

If you should have any questions, please feel free to contact me or Thomas Bradford at your convenience.

Sincerely,

Richard P. Zaretsky

Richard P. Zaretsky, Esq.
President, Rotary Club of Palm Beach Foundation

Cc:

Frances Frisbie, Director, Main Street Palm Beach Association
Thomas G. Bradford, Rotary Club of Palm Beach



TOWN OF PALM BEACH

Administrative Procedure

Procedure No.....1-15-9

Effective Date.....October 8, 2015

APPROVED: 
Thomas G. Bradford, Town Manager

TITLE: TOWN SPONSORED BUSINESS ASSOCIATION SPECIAL EVENTS

OBJECTIVE:

It is the policy of the Town of Palm Beach to allow for Town-sponsored special events within the public right-of-way or other public lands within the three identified commercial areas commonly described as Worth Avenue, South County Road, and Royal Poinciana Way, by the business associations representing each area. All proposed events will be carefully reviewed, individually approved, and restricted in accordance with the procedures as outlined herein and the Town Code of Ordinances. All expenses pertaining to such special events shall be borne by the association originating the event, and the Town shall be held harmless from any and all liabilities that may arise from such events.

RESPONSIBILITY:

It is the responsibility of the business association requesting Town sponsorship of a special event to complete and submit a Business Association Special Event Proposal Form and provide supporting documents, site plans, etc. to the Town's Director of Recreation, who will ascertain whether or not the proposal is complete and sufficient information has been provided. Once deemed complete, it will be reviewed by multiple Town Departments, including but not necessarily limited to Recreation, Police, Fire Rescue, Public Works, and Planning, Zoning and Building. Each department may provide comments/recommendations regarding event conditions. Once the Director of Recreation is satisfied that such internal review is complete, the application will be presented to the Town Manager or his/her designee for approval prior to Town Council's review and final approval, denial, or approval with modifications.

PROCEDURE:

Each proposal for a special event to be sponsored by the Town shall be weighed on its individual merits and acted upon by the Town Council without regard to precedents. The following rules shall apply to special events:

- The maximum number of such Town-sponsored special events shall be two (2) per calendar year per commercial area, excluding holiday lighting ceremonies traditionally held in November and/or December.
- No more than one (1) special event per day shall be allowed in Town, based upon a first-come, first-served basis.
- Proposals should be submitted at least 90 days prior to the proposed special event and no earlier than one year in advance.
- It is expected that the duration of each event will be eight hours or less. Any and all exceptions from such rule shall be clearly identified within the proposal.
- Obstruction of public rights-of-way may be approved. Obstructions must be clearly identified within the proposal.
- Each proposal must include a detailed site plan identifying vehicular access, pedestrian access, event venue(s), and all related equipment. Barricades and related safety equipment must be provided to the satisfaction of the Town. A Maintenance of Traffic Plan (M.O.T.) may be required depending upon size and complexity of the special event.
- The business association may be responsible for securing any/all regulatory approvals necessary for each such event, including State DOT permit(s).
- Special detail officers, including Police and Fire Rescue personnel, may be required to ensure public safety at such events. The Town shall have authority to require same, and all costs shall be borne by the business association.
- Food trucks shall not be permitted, nor shall any temporary cooking facilities be allowed. All food served at each event shall be prepared in licensed restaurants, or transported to the event from alternate locations.
- A liquor license must be obtained by the business association if money is required to purchase drinks, tickets, coupons, etc. No liquor license shall be required if alcohol is served free of any charge whatsoever.
- Signage of all kinds, including banners and photo backdrops, shall be approved on a case by case basis. Signage must be set up and removed in accordance with the eight hour event restriction unless specifically allowed for longer periods by the Town Council.

- Any special equipment, including but not limited to staging, lights, amplifiers, generators, etc., must be detailed within the proposal, and will be approved, denied, or modified per Town Council approval.
- All equipment not previously identified herein, including but not limited to fencing, barriers, tents, stages, platforms, risers, canopies, portable restrooms, garbage cans, dumpsters, etc., shall be clearly identified within the proposal and shown on a detailed site plan.
- The business association must submit proof of insurance to the Town in accordance with the recommendation of the Town's Risk Manager for each special event, and each certificate of insurance shall name the Town of Palm Beach as an additional insured.
- A Hold Harmless Statement must be provided, in format satisfactory to the Town's Risk Manager, exempting the Town of Palm Beach from any and all liabilities stemming from a special event.
- The Town has the right to require a refundable bond or satisfactory form of cash deposit to be paid as a condition of approval. The bond or cash equivalent will be refunded thereafter, unless the Town determines to retain all or a portion of same for Town-determined remedial expenses.

ATTACHMENTS:

Business Association Special Event Proposal Information and Form



Business Association Special Event Proposal Information & Form

Proposal Process

The proposal process begins when you submit the completed Business Association Special Event Proposal Form to be considered for Town sponsorship. ***Keep in mind that acceptance of the proposal should in no way be construed as final approval or confirmation of your request.***

Upon receipt of your proposal the Town will assign a coordinator to help guide you through the process. The coordinator distributes the proposal to all Town departments for review. During the review process you will be notified if your event requires additional information, permits or licenses. You will be allowed time to provide us with all pending documents.

Delays in providing these items often delay our ability to finish our review and issue a decision on your special event proposal.

You may be contacted individually by these departments if they have specific questions or concerns about your event. Depending on the impact on Town services, a group meeting with all affected departments and the association may be scheduled to clarify questions and concerns.

Proposal Steps:

1. Submit your completed proposal at least 90 days prior to your proposed event. Proposals will be accepted up to 1 year in advance. Completed proposals may be:
 - Delivered: Recreation Center, 340 Seaview Avenue or
 - Mailed: Town of Palm Beach Recreation Department, ATTN: Business Association Special Event Proposal, P.O. Box 2029, Palm Beach, FL 33480 or
 - Emailed: bzickar@townofpalmbeach.com
2. You will be sent an e-mail acknowledgement that your proposal has been received. Your proposal will be reviewed by Town staff, which may take up to three weeks. During this time, you may be contacted by Town staff for clarification of event details.
3. After a full review of your proposal, including Town Council approval, you will receive either a conditions of approval letter or a denial letter. The conditions of approval letter will outline requirements for your event, such as necessary permits, approvals and/or event bonds/cash deposit fees. This may include, but is not limited, to the following:

- Certificate of Insurance showing evidence of a commercial liability policy
 - Copy of Temporary Liquor License, if applicable
 - Traffic/Parking Control Services
 - Inspections
4. Once all the conditions of approval have been met a final Special Event Approval Letter will be issued by the Town.

Fees

It will be the association's responsibility to pay for the cost of all inspections and other Town services (i.e., Police and Fire). Other fees such as permit fees may apply for tents, stages, etc. Depending on the type of event, respective fees may vary. Events will require a refundable security deposit, depending on the type, location and size of the event. Fees can range as follows:

Event Description	Event Size	Security Deposit
Minor	Less than 250 attendees	\$500
Medium	Between 251 – 1,0000 attendees	\$2,000
Major	Over 1,000 attendees	\$5,000

For additional information, contact Beth Zickar, Director of Recreation at 561-838-5485 or bzickar@townofpalmbeach.com.



BUSINESS ASSOCIATION SPECIAL EVENT PROPOSAL FOR TOWN SPONSORSHIP

EVENT TITLE Flags for Heroes

EVENT DATE 07/03/19 - 07/06/19

SECTION 1: CONTACT INFORMATION

Business Association	Main Street Palm Beach Association, Inc.(MSPBA) w/ Rotary Club	
Representative Name	Frances Frisbie (1)	Richard P. Zaretsky (2)
E-Mail Address	frances@frisbiegroup.com	RPZ@ZaretskyLaw.com
Mailing Address	125 Worth Avenue, #221 Palm Be	1615 Forum Place, STE 3AV
Primary Telephone	561-717-9803	561-689-6660
Secondary Telephone	NA	561-249-4820
Fax Number	NA	561-683-1559

SECTION 2: EVENT INFORMATION

Event Location	The two large medians within Royal Poinciana Way b	
Event Admission Fee	☐ Yes, Amount _____ ☐ No NO	
Anticipated Attendance	250 +/- over the course of 3 days	
Event Time	From: 07/03/19	To: 07/06/19
Event Set Up	Date: 07/03/19 1:00 PM - 8:00 PM	
Event Dismantle	Date: 07/06/19 3:00 PM- 8:00 PM	
Event Description		

Flags for Heroes enables citizens to recognize the heroes in their lives while raising funds f

Footnote (1) Frances Frisbie is a Director of MSPBA and their primary representative. Foot

Is this event part of a larger
marketing campaign? If yes,
please describe.

NO

Public Inquiries Contact (Name, Telephone and E-Mail Required)	Richard Zaretsky Tele: 561-689-6660; Email: RPZ@Zar
Are you requesting any street and/or sidewalk closures? YES	If yes, specify street and/or sidewalks and time of closures. Closure of the U-Turn Cross Thru between the east and
Does your event include food concessions? NO (No On-Site Cooking Permitted)	Anticipated Number of Vendors:
Does your event involve the sale or consumption of alcoholic beverages? NO	If yes, please check all that apply: ☐ Free Alcohol ☐ Distilled Spirits ☐ Alcohol Sales ☐ Beer ☐ Wine <i>If alcohol is sold at an event, the applicant is required to obtain a temporary liquor license from the Division of Alcoholic Beverages and Tobacco. Copy of temporary liquor license must be provided to Town prior to event date. Additional insurance requirements and police enforcement will be required.</i>
Does your event require amplified sound and/or music? YES. A PA system is contemplated	If yes, please check all that apply: ☒ Amplified sound for announcements & short speech ☐ Amplified sound for recorded music ☐ Amplified sound for live music <i>Approval of a Special Event Proposal does not necessarily exempt the planned event from the requirements of the Town of Palm Beach's Noise Ordinance.</i>
Will you be installing any temporary signage? ☐ Yes ☐ No Banners	If yes, list number, description and location: Signage, no, banners, yes. Banners approx. 3' X 5' stat <i>Compliance with Section 134-2371 of the Town of Palm Beach Code of Ordinances is required.</i>
Do you plan to provide portable comfort stations at your event? ☐ Yes ☐ No NO	If yes, how many stalls will be in each station: _____ ☐ Yes ☐ No Is comfort station ADA accessible? <i>If not providing, provide information as to availability of restroom facilities in the immediate area of the event site that will be available to the public, include ADA accessible and non-ADA accessible.</i>

Will you be installing any temporary structures? ☐ Yes ☐ No NO	If yes, identify number and size of tents & canopies: _____ _____ Delivery Date: _____ Removal Date: _____ Stage/Platform/Riser Dimensions: Length: _____ Width: _____ Height: _____ Delivery Date: _____ Removal Date: _____ <i>Vendors will be required to provide a certificate of commercial general liability insurance in an amount to be determined by the Town, listing the Town of Palm Beach as additional insured. Permits may be required.</i>
Will funds be solicited for any charities? ☐ Yes ☐ No YES	PB Rotary Foundation to raise funds for college scholar
Will this event utilize a generator(s) ☐ Yes ☐ No NO	If yes, list the number and size of each: It is requested that TPB allow PA system for opening ev
Site Plan YES. Event site plan has been sub	Please include a complete site plan of the proposed event, including: - An outline of the event site including the names of the streets or areas that are part of the venue and the surrounding area. - Any street or lane closure requests. - The locations of fencing, barriers and/or barricades. Include any removable fencing for emergency access. - Vehicular access. - Pedestrian access. - Location of stages, platforms, risers, canopies, tents, comfort stations, dumpsters and any other temporary structures. - Generator locations and/or source of power. - Placement of vehicles and/or trailers. - Anticipated parking locations. - Vendor locations. - Temporary signage locations. - Locations of all other event activities.

**FOR OFFICIAL USE ONLY
DEPARTMENT REVIEW**

Recreation

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Police

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Fire Rescue

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Public Works

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Planning, Zoning & Building

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

Town Manager's Office

Reviewer: _____

____ Approved

Date: _____

____ Approved w/Comments:

____ Rejected w/ Comments:

- After final Department review, please return to the Recreation Department.

Legend

Maven

Rotary Flags for Heroes

Designated areas for flag placement, if needed. All planter beds to be protected. See digital rendering for approximate placement and separation.

Rotary and Sponsor banners

Microphone

Rotary and Sponsor banners

Generator

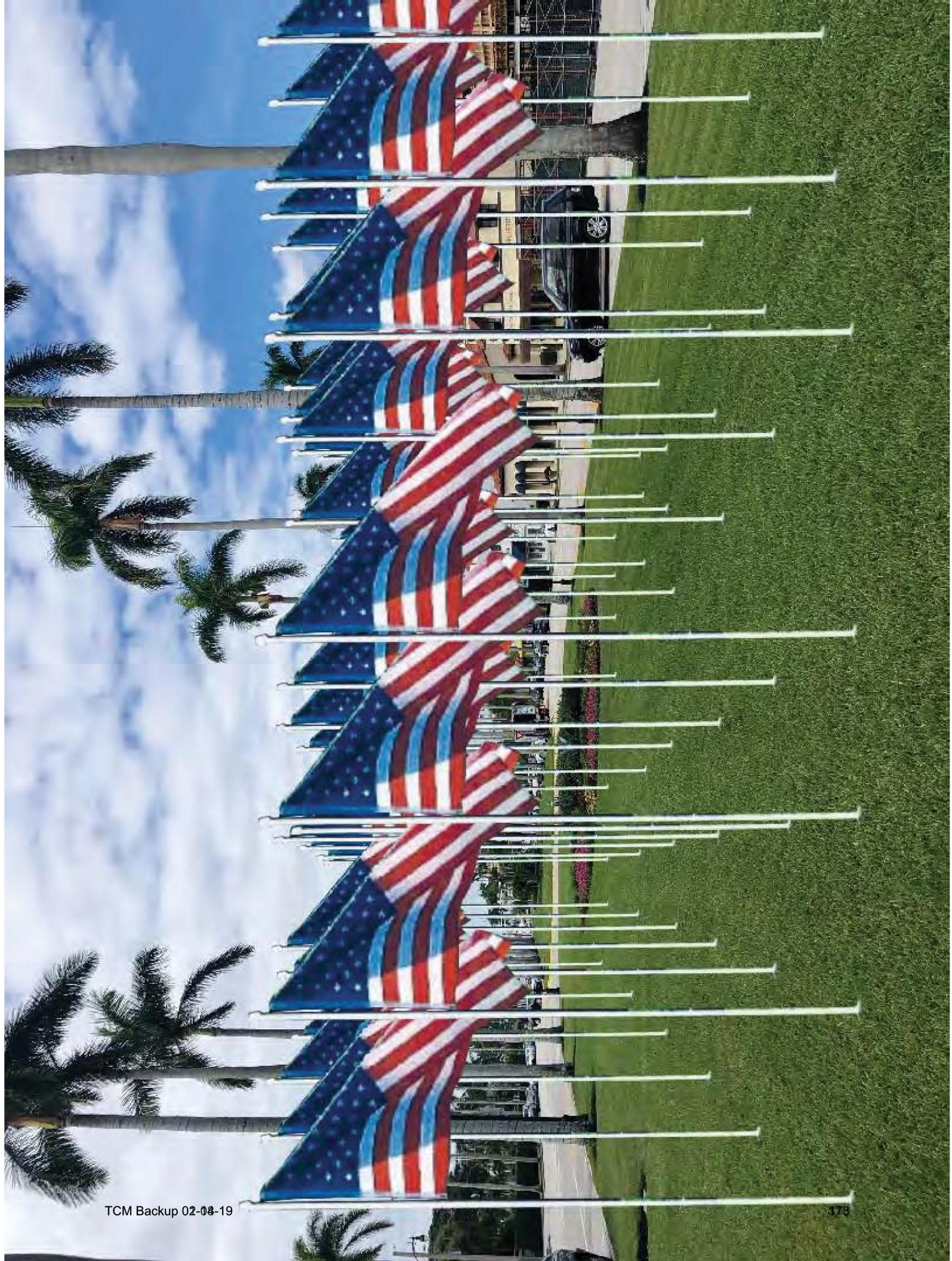
Area for Kick-off event

Rotary and Sponsor banners on west end of western median, if needed.

Approximate area for Reserved parking on days for setup and take down

Parking is abundant. It is adjacent to and across the street from the event. Multi-day event spreads traffic impact over time. Street shown is Royal Poinciana Way, aka, A1A.







CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/10/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008	CONTACT NAME: Ali Sulita PHONE (A/C, No, Ext): 1-833-3ROTARY E-MAIL ADDRESS: rotary@ajg.com FAX (A/C, No): 630-285-4062																					
INSURED All Active US Rotary Clubs & Districts PALM BEACH ROTARY FOUNDATION ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698	<table border="1"><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td colspan="2">INSURER A: Lexington Insurance Company</td><td>19437</td></tr><tr><td colspan="2">INSURER B:</td><td></td></tr><tr><td colspan="2">INSURER C:</td><td></td></tr><tr><td colspan="2">INSURER D:</td><td></td></tr><tr><td colspan="2">INSURER E:</td><td></td></tr><tr><td colspan="2">INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A: Lexington Insurance Company		19437	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
INSURER(S) AFFORDING COVERAGE		NAIC #																				
INSURER A: Lexington Insurance Company		19437																				
INSURER B:																						
INSURER C:																						
INSURER D:																						
INSURER E:																						
INSURER F:																						

COVERAGES

CERTIFICATE NUMBER: 899307648

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			015375594	7/1/2018	7/1/2019	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			015375594	7/1/2018	7/1/2019	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N ☐ N / A		NOT APPLICABLE			PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER

TOWN OF PALM BEACH, FLORIDA
360 SOUTH COUNTY ROAD
PALM BEACH, FLORIDA 33480

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

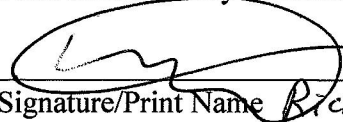
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Hold Harmless Agreement

To the fullest extent allowed by law Palm Beach Rotary Foundation shall protect, defend, reimburse, indemnify and hold harmless the Town of Palm Beach, and the Town's officers, agents, employees free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, attorneys or other professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, cause or causes of action of every kind and character in connection with, or arising directly or indirectly out of or related to the Royal Poinciana Association Memorial Day event on May 27, 2019 to include any event set-up required on May 23 -26, 2019. Without limiting the generality of the foregoing, Palm Beach Rotary Foundation's Indemnity shall include all claims, damages, losses, or expense arising out of or related to personal injury, death, damages to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copyright, proprietary information, or applications of any thereof, or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or order of any court. Palm Beach Rotary Foundation agrees to investigate, respond, adjust and provide a defense for, all and any such claims, demands and actions at Palm Beach Rotary Foundation sole expense and agrees to bear and remain liable for all such other costs and expenses relating thereto, even if such claim is groundless, false or fraudulent. Notwithstanding the foregoing, Palm Beach Rotary Foundation Indemnity's shall not extend to liability for damages to persons or property to the extent such damage was caused by any act, omission, or default of the Town, or by the Town's officers, agents and employees.

Palm Beach Rotary Foundation acknowledges and agrees that Town would not enter into this agreement without this indemnification of Town by Palm Beach Rotary Foundation, and that Town's entering into the agreement shall constitute good and sufficient consideration for this indemnification. Nothing in this agreement shall be construed to affect in any way the Town's rights, privileges, and immunities as set forth in Florida Statute 768.28.

Palm Beach Rotary Foundation


Signature/Print Name *Richard Zaretsky*

12/10/18
Date

Witness


Signature/Print Name *Daniel Franks*

12/10/18
Date



Note:
This estimate is good for 30 days from the date shown below. Prices quoted are for quantities shown.

Customer:

Palm Beach Rotary Club Foundation
% Thomas Bradford
44 Chestnut Trail
Tequesta., FL 33469-2148

Date of Request: 01.30.19

This is page 1 of 1

Quote Sent by: **Pamela Marmin**

Attn: Thomas Bradford

Project: 7/4/2019

PHONE: 561-744-7640

Fax: tgbradford@aol.com

Note: Copy of Sales tax certificate required

Sub Total:	\$850.00
Tax:	N/T
Grand Total:	\$850.00

[tel: 305-633-3883] [fax: 602-251-0537] [pmarmin@roadsafetraffic.com]

From: Thomas Bradford <tgbradford3@aol.com>
Sent: Tuesday, February 05, 2019 6:23 PM
To: Joshua Martin <jmartin@TownOfPalmBeach.com>
Cc: John Lindgren <JLindgren@TownofPalmBeach.com>
Subject: Fwd: Rotary Foundation Palm Beach, Proposal for Periodic Archaeological Monitoring of Flags for Heroes Event in Medians of Royal Poinciana Way, Palm Beach

Josh:

The Archaeological & Historical Conservancy based in Davie, Florida has decided to donate their intermittent observation services on the day in which the flags will be installed. Accordingly, there is no proposal to provide the Town. See email chain below.

I still have not received the 2005 Archaeological Report prepared for the Town by the Archaeological & Historical Conservancy. I want to give that to John Lindgren as he only has two old rickety maps from the report.

Thomas G. Bradford
44 Chestnut Trail
Tequesta, FL 33469-2148
Tele: 561.744.7640
Mobile: 561.346.6061
Email: tgbradford3@aol.com

-----Original Message-----

From: Archaeological & Historical Conservancy <archlgcl@bellsouth.net>
To: Thomas Bradford <tgbradford3@aol.com>
Sent: Mon, Feb 4, 2019 3:58 pm
Subject: Re: Rotary Foundation Palm Beach, Proposal for Periodic Archaeological Monitoring of Flags for Heroes Event in Medians of Royal Poinciana Way, Palm Beach

Thank you Thomas.

The AHC will gladly volunteer its time for this project. No proposal necessary.

Best regards,
Ryan

Archaeological and Historical Conservancy, Inc.
4800 SW 64th Avenue, Suite 107 Davie, FL 33314-4438
archlgcl@bellsouth.net
Phone: 954-792-9776 Fax: 954-792-9954
<http://www.florida-archaeology.org>

On Monday, February 4, 2019, 3:55:48 PM EST, Thomas Bradford <tgbradford3@aol.com> wrote:

Ryan:

YES.

Thomas G. Bradford
44 Chestnut Trail
Tequesta, FL 33469-2148
Tele: 561.744.7640
Mobile: 561.346.6061
Email: tgbradford3@aol.com

-----Original Message-----

From: Archaeological & Historical Conservancy <archlgcl@bellsouth.net>

To: Thomas Bradford <tgbradford3@aol.com>

Sent: Mon, Feb 4, 2019 3:35 pm

Subject: Re: Rotary Foundation Palm Beach, Proposal for Periodic Archaeological Monitoring of Flags for Heroes Event in Medians of Royal Poinciana Way, Palm Beach

Thomas,

Thank you for sending the information. I'm assuming the spikes will be hammered into the ground and then when all is said and done, manually pulled up and out of the ground. Is that correct?

Best regards,
Ryan

Archaeological and Historical Conservancy, Inc.
4800 SW 64th Avenue, Suite 107 Davie, FL 33314-4438
archlgcl@bellsouth.net
Phone: 954-792-9776 Fax: 954-792-9954
<http://www.florida-archaeology.org>

On Monday, February 4, 2019, 12:01:23 PM EST, Thomas Bradford <tgbradford3@aol.com> wrote:

Ryan:

Thank you for contacting me.

I prefer an estimate so that I can use that with the Rotary Foundation for budget purposes. On July 3 we will be installing flags in two large medians for 8-9 hours. See attached. Ignore the incorrect reference to "West Palm Beach."

The attachment shows maximum median capacity based on a 5 foot grid. The grid has been changed to a 6 foot grid with up to 500 flags in the east median (Median #2) and, if needed, up to 250 flags in the west median (Median #1). The last slide shows how the flags will be displayed.

Flags are installed into a 12 inch spiked flag holder placed into the ground.

This video link gives you a good visual of the final product and program.

<https://www.youtube.com/watch?v=CqabCKG1yFo>

I hope this helps you with the proposal. Let me know if you need anything else.

Thomas G. Bradford
44 Chestnut Trail
Tequesta, FL 33469-2148
Tele: 561.744.7640
Mobile: 561.346.6061
Email: tgbradford3@aol.com

-----Original Message-----

From: Archaeological & Historical Conservancy <archlgcl@bellsouth.net>

To: Thomas Bradford <tgbradford3@aol.com>

Sent: Mon, Feb 4, 2019 9:54 am

Subject: Re: Rotary Foundation Palm Beach, Proposal for Periodic Archaeological Monitoring of Flags for Heroes Event in Medians of Royal Poinciana Way, Palm Beach

Good morning Tom,

Bob has asked me to put together a monitoring proposal for this project. Sorry for the delay in getting this to you. As you may know, monitoring is conducted on an hourly basis in response to the ground disturbing activities. We can leave the monitoring cost as TBD, or if you would prefer we can estimate the hours, thus cost, based on your estimate of time. Please advise. Also, it would help a great deal if you have a pdf plan for the proposed work for me to reference in the proposal?

Thank you very much. I will be working on the proposal and will also track down the previous report.

Best regards,

Ryan

Ryan Franklin, PhD

Assistant Director

Archaeological and Historical Conservancy, Inc.
4800 SW 64th Avenue, Suite 107 Davie, FL 33314-4438
archlgcl@bellsouth.net
Phone: 954-792-9776 Fax: 954-792-9954
<http://www.florida-archaeology.org>

On Monday, February 4, 2019, 2:32:37 AM EST, Thomas Bradford <tgradford3@aol.com> wrote:

Bob:

I am so sorry to hear this. I hope you have a speedy recovery.

Thomas G. Bradford
44 Chestnut Trail
Tequesta, FL 33469-2148
Tele: 561.744.7640
Mobile: 561.346.6061
Email: tgradford3@aol.com

-----Original Message-----

From: Archaeological & Historical Conservancy <archlgcl@bellsouth.net>

To: Thomas G. Bradford <tgradford3@aol.com>

Cc: Ryan Franklin <ryfranklin@gmail.com>

Sent: Sun, Feb 3, 2019 3:34 pm

Subject: Re: Rotary Foundation Palm Beach, Proposal for Periodic Archaeological Monitoring of Flags for Heroes Event in Medians of Royal Poinciana Way, Palm Beach

My apologies Tom. I was in a car accident on the 15th and just starting to fully recover. I am asking the Assistant Director Ryan Franklin to prepare a proposal for tomorrow and scan the 2005 report.

Bob Carr

Archaeological and Historical Conservancy, Inc.
4800 SW 64th Avenue, Suite 107 Davie, FL 33314-4438
archlgcl@bellsouth.net
Phone: 954-792-9776 Fax: 954-792-9954
<http://www.florida-archaeology.org>

On Sunday, February 3, 2019, 3:10:45 PM EST, Thomas G. Bradford <tgbradford3@aol.com> wrote:

Bob:

I never received the proposal or a copy of the 2005 Archaeological Report prepared for the Town. Can you send me same? Thanks.

Tom Bradford

From: Leslie Shaw <lshaw318@gmail.com>
Sent: Tuesday, February 05, 2019 11:44 AM
To: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Town Council
<TCouncil@TownofPalmBeach.com>
Subject: Flags for Heroes

Dear Mayor and Council Members,

I am in support of the efforts of Rotary to assist Palm Beach in recognizing the heroes who have served and sacrificed for our country and community with the Flags for Heroes program.

While it is fitting for them to be displayed over July 4th, I hope that you would consider their being installed by May 27th for Memorial Day and be displayed through July 4th.

Respectfully submitted,

Leslie Shaw
318 Seaspray Avenue

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Worth Avenue Pilot Valet Parking Program Update.

Presenter

Daren Rubenfeld, Worth Avenue Association

ATTACHMENTS:

- ▣ **Memorandum Dated February 2, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Vehicle Intake Numbers for December, 2018**
- ▣ **Vehicle Intake Numbers for January, 2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Josh Martin, Director of Planning, Zoning & Building

Re: Worth Avenue Valet Parking Pilot Program Update

Date: February 2, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council receive a report from the valet operator regarding the Worth Avenue Valet Parking Pilot Program's (200 Block) performance data and other information discovered during the implementation of the program.

GENERAL INFORMATION

Town Council approved the Worth Avenue Valet Pilot Parking Program on December 12, 2018, subject to a condition that the valet operator return on a monthly basis to report performance data and other information discovered during implementation of the program to the Town Council at the regularly scheduled meetings.

The Valet Parking Pilot Program seeks to address the traffic congestion on Worth Avenue and the lack of available parking spaces. The program includes two valet stations along the south side of the 200 block of Worth Avenue from 10 A.M. to 6 P.M., Monday through Saturday, which began operation in December 2018, and will end on Saturday, April 27, 2019.

cc: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Director of Public Works

VALET PARKING PILOT PROGRAM									
WORTH AVENUE									
CAR INTAKE	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM
12/10/2018	1	3	3	4					11
12/11/2018	1	7	3	4	4	2			21
12/12/2018	1	1	4	2	4		1		13
12/13/2018		1	3	2	1		1		8
12/14/2018	1		8	4	3	3			19
12/15/2018			10	6	1		1		18
12/17/2018		3	6	4	6	2	1		22
12/18/2018		3	5	3	1	4			16
12/19/2018		2	8	4	7	1			22
12/20/2018	2	2	6	7	4	3	2		26
12/21/2018	1		4	4	4	5	1		19
12/22/2018	1	5	10	14	5	8	2		45
12/24/2018		2	9	16	8	6			41
12/26/2018	1	5	11	7	9	9	1		43
12/27/2018			11	10	10	5	1		37
12/28/2018		9	9	11	14	5	2		50
12/29/2018		4	9	15	8	3			39
12/31/2019	4	7	11	17	8	2			49
TOTAL BY HR.	13	54	130	134	97	58	13	0	499

VALET PARKING PILOT PROGRAM January 2019										
WORTH AVENUE										
CAR INTAKE	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	TOTAL BY DAY
1/2/2019	1	7	15	10	8	2	3			46
1/3/2019		8	6	9	5	8	2			38
1/4/2019	1	3	4	7	7	6				28
1/5/2019			11	11	5	3	1			31
1/7/2019		3	5	5	5	3				21
1/8/2019	1	3	1	6	3	4	1			19
1/9/2019	1	1	8	3	3		1			17
1/10/2019		1	12	5	7	3	3			31
1/11/2019			7	7	4	2				20
1/12/2019		3	6	9	6	4	1			29
1/14/2019			2	3	2	2	1			10
1/15/2019	1	1	6	1	2	1				12
1/16/2019	1	3	3	6	5	2				20
1/17/2019		1	8	4	5	4	2			24
1/18/2019		2	12	8	6	3				31
1/19/2019		1	5	4	4	2	1			17
1/21/2019	1	1	11	6	5	5				29
1/22/2019	1	4	10	1	5	5				26
1/23/2019	2	3	4	4	2	5				20
1/24/2019	3	1	14	4	6	1	3			32
1/28/2019		2	12	4	5		1			24
1/29/2019	1	7	5	7	2	2				24
1/30/2019		6	6	11	4					27
1/31/2019			6	4	2	1				13
TOTAL BY HR.	14	61	179	139	108	68	20	0	0	589
*Friday 1/25 and Saturday 1/26 were washout days due to rain. No cars were valet from stand.										

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town Marina Project Update

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated January 25, 2019, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▣ **Weekly Update**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

TO: Mayor and Town Council
VIA: Kirk W. Blouin, Town Manager
FROM: H. Paul Brazil, P. E., Director of Public Works
RE: Town Marina Project Update
DATE: January 25, 2019

STAFF RECOMMENDATION

Gordon Thomson with Baird and Associates will be presenting a status report regarding engineering and design for the Town Marina Project at the February 2019, Town Council Meeting.

GENERAL INFORMATION

Town staff has been fully engaged with the project consultant (Baird and Associates and Edgewater Resources) for this project and will be presenting updates to the Mayor and Town Council on a monthly basis. The project is in the permitting and design development/data collection phase, therefore, no approvals are required at this time, and the presentation is for informational purposes only.

Any recommendations for approval will be presented at subsequent Town Council meetings. The recent weekly updates are attached to this memo for your information.

Attachment

cc: Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Dean Mealy, Purchasing Manager
Jane Le Clainche, Director of Finance

Summary of Weekly Work Completed for the Town Marina Project

Prepared and submitted via email weekly to the Town by
Gordon Thompson at Baird and Associates

December 24 – January 4

- Meeting with Public Works staff to discuss project progress and review draft Town Council presentation.
- Meeting with Josh Martin and Paul Castro at Town P&Z to discuss the P&Z and ARCOM application and drawings. Minor items were identified to address ahead of official submittal. (Paul Castro will provide a case number next week after the Town Council Redevelopment meeting. We can then officially submit the application and Baird will circulate notifications to adjacent property owners.)
- Edgewater reviewed and provided comments on permit sketches. Baird has revised the sketches and resubmitted to Edgewater.
- Expected lateral load requirements provided to Ebsary and Ardaman to support lateral load assessment.
- Electrical plans were reviewed and returned to RGD for revision.

Week of January 7-11

- Town Council presentation.
- Permit application completed. Submittal pending.
- Finalized ARCOM drawings and application for submittal pending case number.
- Water based borings were completed.
- Inquiry into South Lake Park boundary survey.
- Coordination and preparation with Ebsary on lateral load test.

Week of January 14-18

- Meeting with Town Manager and Public Works staff (Friday, Jan 18).
- Permit application completed.
- Parameters for the lateral load test were developed. Lateral load test #1 was performed. Setup for lateral load test #2 was completed.
- Proposal for South Lake Park boundary survey received.
- Development of dock manufacturer pre-qualification package.
- Update of construction cost estimates.
- Sediment characterization (contaminant) samples were collected.
- Conceptual layout of dock elements along piers (piles, dock boxes, power pedestal, pump-out) was developed.

Week of January 21-25

- Informal ARCOM presentation.
- P&Z and ARCOM application was submitted.
- Meeting with FPL to locate cable crossings.
- Lateral load test were completed.
- Bulkhead excavation and steel thickness tests were completed.
- Three proposals were obtained to perform the South Lake Park boundary survey.
- Baird attended the Marina and Boatyard Conference with Mike Horn and Jason Debrincat to look at dock details, such as dock surface options, ladders, bollards, power pedestals, etc.

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project:

Steve Stern, Project Manager

a. Review of Project and Dashboard, Summary of Project Status.

b. RESOLUTION NO. 09-2019 A Resolution of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying The Selection Committee Recommendation For RFQ No. 2019-03, For The Town-Wide Overhead Utility Undergrounding Phase 2 And Phase 3 To Kaufman Lynn Construction, Inc.

Dean Mealy, Purchasing Manager

Presenter

ATTACHMENTS:

- ▣ **a. Memorandum Dated January 31, 2019, from Steve Stern, Project Manager**
- ▣ **b. Memorandum Dated January 23, 2019, from Dean Mealy, Purchasing Manager**
- ▣ **b. Resolution No. 09-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: **Steven Stern, Underground Utilities Project Manager**

Re: Utility Undergrounding Project Status Report

Date: January 31, 2019

I. Communications

Recent Events:

- Phase 1, 2, 3 - South: Cup of Joe with Bo & Town Staff, Friday February 1, 2019.
Location: South Fire Station.
 - Next Meeting: Friday March 1, 2019
- Phase 1, 2, 3 North: Coffee with the Crew & Town Staff, Monday February 4, 2019.
Location: Palmo Way – Near the Pump Station
 - Next Meeting: Monday March 4, 2019
- Civic Association, UUP Presentation, Jan 16
- Citizens Association, UUP Presentation, Jan 17
- Undergrounding Community Meeting, Tuesday, Jan 29, 2019 at Townhall

Significant Mailings:

- Notice of Street Choker/Chicane Installation – Ocean Terrace - Phase 2 North

II. Progress Summary:

Construction progress:

Phase 1 North Construction:

- FPL Primary services and Equipment activations are nearly complete.
- When primary activations are complete, subscriber conversions beginning north to south will commence.
 - The construction manager will continue to notify property owners and residents by phone, email and door hanger of upcoming cutovers.
- ATT & Comcast installation activities are in progress.
- Final pole removal and landscape target remains May 2019.

Phase 1 South Construction:

- As we work through the remainder of the FPL punch list items, subscriber conversions remain on hold.
- ATT & Comcast installation activities are in progress.
- Target for final pole removal and landscape in June 2019.

Phase 2 North Construction:

- Horizontal directional drilling complete on N Ocean Way and continuing on N Ocean Blvd.

Phase 3 North Construction:

- Pre-Construction Services Awarded to Burkhardt.

Phase 2-3 South Construction:

- CMAR award recommendation is on this Town Council agenda.

Design & Easement Progress:**Phase 2:**

- Phase 2 North Design is 99% complete
- Phase 2 South Design is 95% complete

Easement Status:

- Phase 2 North: 97% of easements approved
- Phase 2 South: 73% of easements approved

Phase 3:

- Phase 3 North Design is 59% complete
 - Phase 3 South Design is 50% complete
- Phase 3 design remains behind schedule due to delays in Comcast design delivery.

Easement Status:

- Phase 3 North: 14% of easements approved
- Phase 3 South: 5% of easements approved

Phase 4:

- Phase 4 North Design is 25% complete
- Phase 4 South Design is 22% complete

Easement Status: Not Started

III. Phase 2 North – Remaining Chicane/ Street Choker - Progress Summary:

Status summary (Jan 31):

- a) Esplanade Way:
 - While verbally approved in 4Q 2018, owner of 230 Esplanade has not signed.
- b) Angler Ave:
 - Verbal approval, pending receipt of signed document. 235 Angler Ave.
- c) Seagate Road:
 - Verbal approval, pending receipt of signed document. 135 Seagate Rd.
- d) Ocean Terrace:
 - Unable to reach agreement with owner of 235 Ocean Terrace.



Underground Utility Task Force Monthly Progress Report February 2019

Table of Contents

Dashboard – Phase 1 & 2 Construction and Phase 2, 3, 4 Design

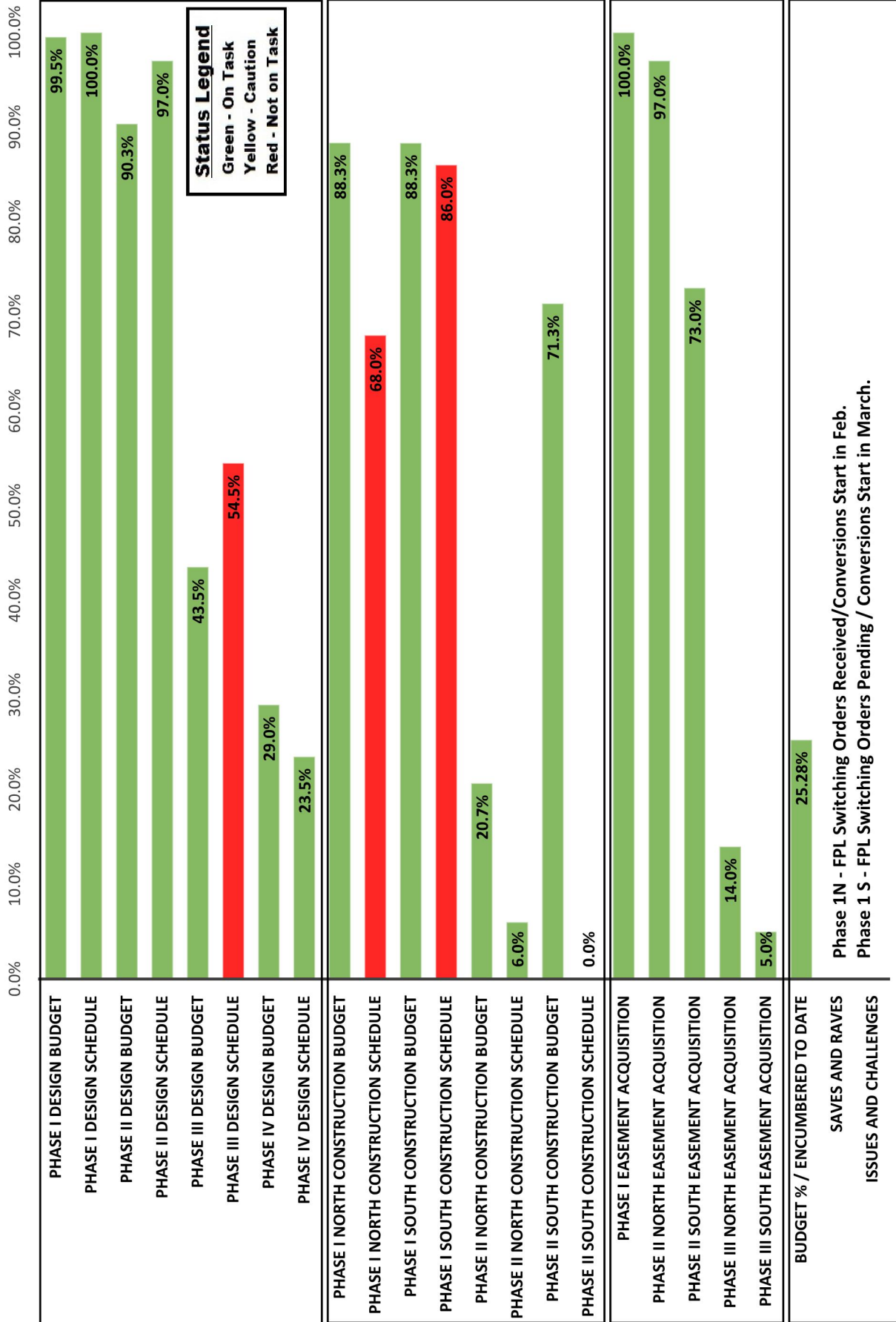
1. Kimley-Horn Progress Report Phase 2
2. Kimley Horn Progress Report Phase 3
3. Kimley Horn Progress Report Phase 4
4. Phase 2 Design Gantt Chart
5. Phase 3 Design Gantt Chart
6. Phase 4 Design Gantt Chart
7. Burkhardt Executive Project Summaries & Schedule – Phase 1N & 2N
8. Whiting Turner Executive Summary – Phase 1S
9. Project Financial Report
10. Interest Rate Forecast

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of \$102 million.

Prepared by the TMO & Finance Departments
January 31, 2019

Town of Palm Beach - Underground Utility Project Dashboard - Feb '19





Town-Wide Undergrounding - Phase 2 Design
KHA Project #044063202
January 2019 Progress Report
Period: December 26, 2018 to January 25, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 2 North Design is 99% complete
 - Phase 2 South Design is 95% complete
- Budget: Project is on budget as of January 15, 2018
 - Phase 2 North Design is at 92% of total task budget
 - Phase 2 South Design at 89% of total task budget
- Easement Status
 - Phase 2 North: 97% of easements approved
 - Phase 2 South: 73% of easements approved

B. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design revisions and construction.
- Continued modification of construction plans based on easement acquisition process.
- Continued coordination with Comcast, AT&T and FPL to finalize Conduit Plans for Phase 2 South.
- Review of Comments from FDOT Phase 2 South Landscape Permit submittal and subsequent revisions to Landscape Plans
- Continued resident meetings for easement acquisition in Phase 2 North and Phase 2 South.
- Attendance at Progress Meeting with Town and Utility Owners
- Prepare and submit legal sketches and descriptions for approved easements.
- Preparation and attendance at the January UUTF meeting.

II. Upcoming Activities (January 26, 2018 – February 25, 2019)

A. Detailed Design Phase

- Continue resident meetings to discuss easements in Phase 2 North and Phase 2 South.
- Continued modification of construction plans based on easement acquisition process.
- Continued coordination with Comcast, AT&T and FPL to finalize Conduit Plans for Phase 2 South.
- Respond to Comments from FDOT Phase 2 South Landscape Permit submittal
- Coordinate with awarded CMAR for Phase 2 South bidding process
- Progress Meeting Attendance



Town-Wide Undergrounding - Phase 3 Undergrounding
KHA Project #044063215
January 2019 Progress Report
Period: December 26, 2018 to January 25, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 3 North Design is 59% complete *
 - Phase 3 South Design is 53% complete *
 - Budget: Project is on budget as of January 15, 2019
 - Phase 3 North Design is at 36% of total task budget
 - Phase 3 South Design at 40% of total task budget
 - Easement Status
 - Phase 3 North: 14% of easements approved
 - Phase 3 South: 5% of easements approved
- * Phase 3 is currently behind schedule. Due to hurricane impacts drawing resources to the panhandle, Comcast has been unable to meet the schedule for their design.

B. Detailed Design Phase

- Continued Subconsultant/utility owner coordination related to Phase 3 Undergrounding.
- Continued progress on development of Preliminary Equipment Location and Conduit Plan for Phase 3 South
- Reviewed updated preliminary conduit/equipment plan submitted by FPL for Phase 3 South.
- Reviewed schematic conduit design plan submitted by ATT
- Submitted proposed design edits for Phase 3 North to FPL.
- Progress Meeting Attendance.
- Continued development of Phase 3 North and South easement exhibits and submittal to Town.
- Coordination and research related to Private Streets and existing utility easement use in Phase 3 South.
- Site meetings to discuss easement requests in Phase 3 North and South.
- Meeting with FPL to discuss design modifications proposed to FPL for Phase 3 North.
- Progress on development of Preliminary Landscaping and Commercial Service sizing plans.

II. Upcoming Activities (January 26, 2019 – February 25, 2019)

A. Detailed Design Phase

- Submittal of balance of easement exhibits based on new equipment locations received from FPL – Phase 3 North and South
- Continued Easement meetings with property owners – Phases 3 North and South
- Continued Progress on Conduit Plans for Phase 3 North and South.
- Coordination with CMAR for Phase 3 North and South pending Town Council award of pre-construction services.
- Public Information Meeting presentation.
- Progress Meeting Attendance



Town-Wide Undergrounding - Phase 4 Undergrounding

KHA Project #044063219

January 2019 Progress Report

Period: December 26, 2018 to January 25, 2019

I. Scope Update

A. General

- **Schedule:** Project schedule progress is shown below.
 - Phase 4 North Design is 25% complete
 - Phase 4 South Design is 22% complete
- **Budget:** Project is on budget as of January 15, 2019
 - Phase 4 North Design is at 21% of total task budget
 - Phase 4 South Design at 22% of total task budget
- **Easement Status**
 - Phase 4: N/A, will provide status when this work begins

B. Detailed Design Phase

- Development of Phase 4 Street Light Exhibits
- Subconsultant coordination related to Phase 4 Undergrounding
- Utility owner coordination related to Phase 4 Undergrounding
- Received preliminary equipment locations from FPL for Phases 4 North and 4 South
- Progress Meeting

II. Upcoming Activities (January 26, 2018 – February 25, 2018)

A. Detailed Design Phase

- Continued Subconsultant/utility owner coordination related to Phase 4 Undergrounding
- Field review of preliminary equipment locations for feasibility.
- Development of easement exhibits for Phases 4 North and South.
- Preliminary development of Equipment Location Plans
- Progress Meeting

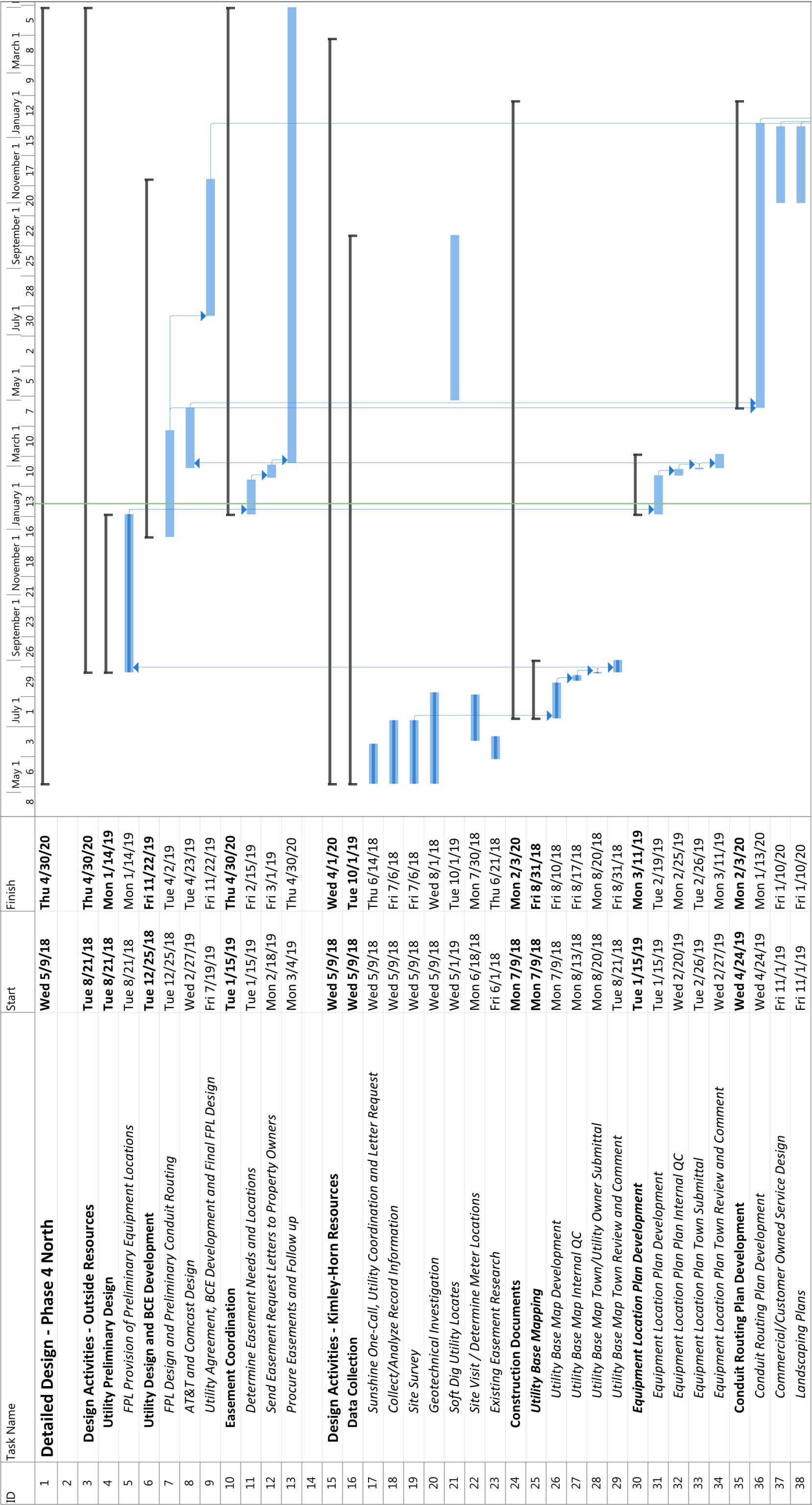
ID	Task Name	Start	Finish
1	Detailed Design North End (Phase 2 North)	Mon 6/19/17	Wed 8/15/18
2	Data Collection	Mon 6/19/17	Wed 11/22/17
3	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17
4	Collect/Analyze record information	Mon 6/19/17	Fri 8/18/17
5	Site Survey	Wed 6/21/17	Thu 8/17/17
6	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17
7	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17
8	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17
9	Utility Preliminary Design	Tue 9/12/17	Fri 1/5/18
10	FPL Provision of Preliminary Equipment Locations	Tue 9/12/17	Fri 1/5/18
11	Easement Coordination	Mon 1/8/18	Wed 8/15/18
12	Determine Easement Needs and Locations	Mon 1/8/18	Fri 2/2/18
13	Send Easement Request Letters to Property Owners	Mon 2/5/18	Fri 2/9/18
14	Procure Easements and Follow up	Mon 2/12/18	Wed 8/15/18
15			
16	Construction Documents	Fri 8/18/17	Fri 6/1/18
17	Utility Base Mapping	Fri 8/18/17	Tue 9/26/17
18	Utility Base Map Development	Fri 8/18/17	Fri 9/1/17
19	Utility Base Map Internal QC	Mon 9/4/17	Fri 9/8/17
20	Utility Base Map Town/Utility Owner Submittal	Mon 9/11/17	Mon 9/11/17
21	Utility Base Map Town Review and Comment	Tue 9/12/17	Tue 9/26/17
22	Equipment Location Plan Development	Mon 1/8/18	Tue 3/6/18
23	Equipment Location Plan Development	Mon 1/8/18	Fri 2/2/18
24	Equipment Location Plan Internal QC	Mon 2/5/18	Fri 2/16/18
25	Equipment Location Plan Town Submittal	Mon 2/19/18	Mon 2/19/18
26	Equipment Location Plan Town Review and Comment	Tue 2/20/18	Tue 3/6/18
27	Conduit Routing Plan Development	Tue 2/20/18	Fri 6/1/18
28	Conduit Routing Plan Development	Tue 2/20/18	Fri 5/18/18
29	Commercial/Customer Owned Services Design	Fri 3/2/18	Fri 5/4/18
30	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
31	Technical Specifications	Mon 4/2/18	Fri 5/18/18
32	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
33	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
34			
35	Bid Phase - Phase 2 North	Mon 1/8/18	Tue 8/7/18
36	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
37	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18

ID	Task Name	Start	Finish
38	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
39	Bidding/GMP Development	Mon 6/4/18	Mon 7/16/18
40	GMP review and Negotiation	Tue 7/17/18	Tue 8/7/18
41			
42	Town Council Award (Phase 2 North)	Tue 8/14/18	Tue 8/14/18
43			
44	Start Construction (Phase 2 North)	Wed 8/15/18	Wed 8/15/18
45	<New Task>		
46	Utility Design and BCE Development - Phase 2 North	Tue 9/12/17	Fri 7/20/18
47	FPL Design and Preliminary Conduit Routing	Tue 9/12/17	Fri 2/16/18
48	AT&T and Comcast Design	Tue 2/20/18	Mon 4/30/18
49	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
50			
51	Detailed Design South End (Phase 2 South)	Mon 6/19/17	Thu 1/31/19
52	Data Collection	Mon 6/19/17	Wed 11/22/17
53	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17
54	Collect/Analyze record information	Mon 6/19/17	Thu 8/31/17
55	Site Survey	Wed 6/21/17	Thu 8/31/17
56	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17
57	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17
58	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17
59	Utility Preliminary Design	Tue 9/26/17	Fri 1/19/18
60	FPL Provision of Preliminary Equipment Locations	Tue 9/26/17	Fri 1/19/18
61	Easement Coordination	Mon 1/22/18	Thu 8/16/18
62	Determine Easement Needs and Locations	Mon 1/22/18	Fri 2/16/18
63	Send Easement Request Letters to Property Owners	Mon 2/19/18	Fri 2/23/18
64	Procure Easements and Follow up	Mon 2/26/18	Thu 8/16/18
65			
66	Construction Documents	Fri 9/1/17	Fri 6/1/18
67	Utility Base Mapping	Fri 9/1/17	Tue 10/10/17
68	Utility Base Map Development	Fri 9/1/17	Fri 9/15/17
69	Utility Base Map Internal QC	Mon 9/18/17	Fri 9/22/17
70	Utility Base Map Town/Utility Owner Submittal	Mon 9/25/17	Mon 9/25/17
71	Utility Base Map Town Review and Comment	Tue 9/26/17	Tue 10/10/17
72	Equipment Location Plan Development	Mon 1/22/18	Tue 3/20/18
73	Equipment Location Plan Development	Mon 1/22/18	Fri 2/16/18
74	Equipment Location Plan Internal QC	Mon 2/19/18	Fri 3/2/18

ID	Task Name	Start	Finish
75	Equipment Location Plan Town Submittal	Mon 3/5/18	Mon 3/5/18
76	Equipment Location Plan Town Review and Comment	Tue 3/6/18	Tue 3/20/18
77	Conduit Routing Plan Development	Tue 3/6/18	Fri 6/1/18
78	Conduit Routing Plan Development	Tue 3/6/18	Fri 5/18/18
79	Commercial/Customer Owned Services Design	Tue 3/6/18	Fri 5/4/18
80	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
81	Technical Specifications	Mon 4/2/18	Fri 5/18/18
82	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
83	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
84			
85	Permitting Assistance - Phase 2 South	Tue 5/1/18	Thu 1/31/19
86	FDOT Utility Permit application	Tue 5/1/18	Tue 5/15/18
87	FDOT Permit Application Review Process	Wed 5/16/18	Tue 7/17/18
88	FDOT Landscape Permit and Construction Agreement/MMOA	Mon 10/1/18	Mon 10/22/18
89	FDOT Landscape Permit and Construction Agreement/MMOA Review Process	Thu 11/1/18	Thu 1/31/19
90			
91	Bid Phase - Phase 2 South	Mon 1/8/18	Fri 8/31/18
92	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
93	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18
94	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
95	Bidding/GMP Development	Mon 6/4/18	Mon 8/20/18
96	GMP review and Negotiation	Tue 8/21/18	Fri 8/31/18
97	<New Task>		
98	Utility Design and BCE Development - Phase 2 South	Tue 9/26/17	Fri 7/20/18
99	FPL Design and Preliminary Conduit Routing	Tue 9/26/17	Fri 2/16/18
100	AT&T and Comcast Design	Tue 3/6/18	Mon 5/7/18
101	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
102			
103	UUTF Bid Award Review (Phase 2 South)	Tue 4/2/19	Tue 4/2/19
104			
105	Town Council Award (Phase 2 South)	Tue 4/9/19	Tue 4/9/19
106			
107	Start Construction (Phase 2 South)	Wed 5/1/19	Wed 5/1/19

ID	Task Name	Start	Finish	February 28 4 111825	March 4 111825	April 1 8 152229	May 6 132027	June 3 101724	July 1 8 152229	August 5 121926	September 2 9 162330	October 7 142128	November 4 111825	December 2 9 162330	January 6 132027	February 3 101724	March 3 101724	April 7 142128	May 5 121926	June 2 9 162330	July 7 142128	August 4 111825	September 1 8 152229	October 6 132027	November 3 101724	December 2 9 162330	January 6 132027	February 3 101724	March 3 101724	April 7 142128	May 5 121926	June 2 9 162330	July 7 142128	August 4 111825	September 1 8 152229	October 6 132027	November 3 101724	December 2 9 162330	January 6 132027	February 3 101724	March 3 101724	April 7 142128	May 5 121926	June 2 9 162330	July 7 142128	August 4 111825	September 1 8 152229	October 6 132027	November 3 101724	December 2 9 162330	January 6 132027	February 3 101724	March 3 101724	April 7 142128	May 5 121926	June 2 9 162330	July 7 142128	August 4 111825	September 1 8 152229	October 6 132027	November 3 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ID	Task Name	Start	Finish	February 28 4 111825	March 4 111825	April 1 8 152229	May 6 132027	June 3 101724	July 1 8 152229	August 5 121926	September 2 9 162330	October 7 142128	November 4 111825	December 2 9 162330	January 6 132027	February 3 101724	March 3 101724	April 7 142128	May 5 121926	June 2 9 162330	July 7 142128	August 4 111825	September 1 8 152229	October 6 132027	November 3 101724			
39	Technical Specifications	Mon 10/1/18	Fri 2/15/19																									
40	Conduit Routing Plan Internal QC	Mon 2/18/19	Thu 2/28/19																									
41	Conduit Routing Plan Town/CMAR Submittal	Fri 3/1/19	Fri 3/1/19																									
42																												
43	Bid Phase - Phase 3 North	Mon 9/3/18	Tue 4/30/19																									
44	CMAR Procurement	Mon 9/3/18	Fri 11/2/18																									
45	CMAR Recommendation and Award	Tue 11/13/18	Tue 11/13/18																									
46	Pre-Construction Services	Wed 11/14/18	Tue 4/30/19																									
47	Bidding/GMP Development	Mon 3/4/19	Thu 4/4/19																									
48	GMP Review/Negotiation	Fri 4/5/19	Thu 4/18/19																									
49																												
50	Detailed Design - Phase 3 South	Thu 2/8/18	Tue 10/29/19																									
51																												
52	Design Activities - Outside Resources	Mon 6/25/18	Tue 4/30/19																									
53	Utility Preliminary Design	Mon 6/25/18	Tue 9/25/18																									
54	FPL Provision of Preliminary Equipment Locations	Mon 6/25/18	Tue 9/25/18																									
55	Utility Design and BCE Development	Wed 9/26/18	Fri 3/15/19																									
56	FPL Design and Preliminary Conduit Routing	Wed 9/26/18	Tue 12/4/18																									
57	AT&T and Comcast Design	Wed 10/17/18	Mon 12/17/18																									
58	Utility Agreement, BCE Development and Final FPL Design	Wed 12/19/18	Fri 3/15/19																									
59	Easement Coordination	Wed 9/26/18	Tue 4/30/19																									
60	Determine Easement Needs and Locations	Wed 9/26/18	Tue 10/30/18																									
61	Send Easement Request Letters to Property Owners	Wed 10/31/18	Mon 11/12/18																									
62	Procure Easements and Follow up	Tue 11/13/18	Tue 4/30/19																									
63																												
64	Design Activities - Kimley-Horn Resources	Thu 2/8/18	Tue 10/29/19																									
65	Data Collection	Thu 2/8/18	Thu 11/1/18																									
66	Sunshine One-Call, Utility Coordination and Letter Request	Thu 2/8/18	Fri 3/16/18																									
67	Collect/Analyze Record Information	Thu 2/8/18	Fri 4/6/18																									
68	Site Survey	Thu 2/8/18	Mon 5/7/18																									
69	Geotechnical Investigation	Tue 5/1/18	Wed 8/1/18																									
70	Soft Dig Utility Locates	Fri 6/1/18	Thu 11/1/18																									
71	Site Visit / Determine Meter Locations	Fri 3/16/18	Fri 4/27/18																									
72	Existing Easement Research	Mon 2/19/18	Fri 3/16/18																									
73	Construction Documents	Tue 5/8/18	Mon 4/1/19																									
74	Utility Base Mapping	Tue 5/8/18	Mon 6/18/18																									
75	Utility Base Map Development	Tue 5/8/18	Tue 5/29/18																									
76	Utility Base Map Internal QC	Wed 5/30/18	Mon 6/4/18																									
Project: Phase 3 Detailed Design Date: Fri 1/25/19				Task Summary Task Split Milestone Summary Project Summary Inactive Task Inactive Milestone Inactive Summary Manual Task Duration-only Manual Summary Rollup Manual Summary Start-only Finish-only External Tasks External Milestone Deadline Progress Manual Progress																								
Page 2																												



Project: Phase 4 Detailed Design
Date: Fri 1/25/19

Task

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

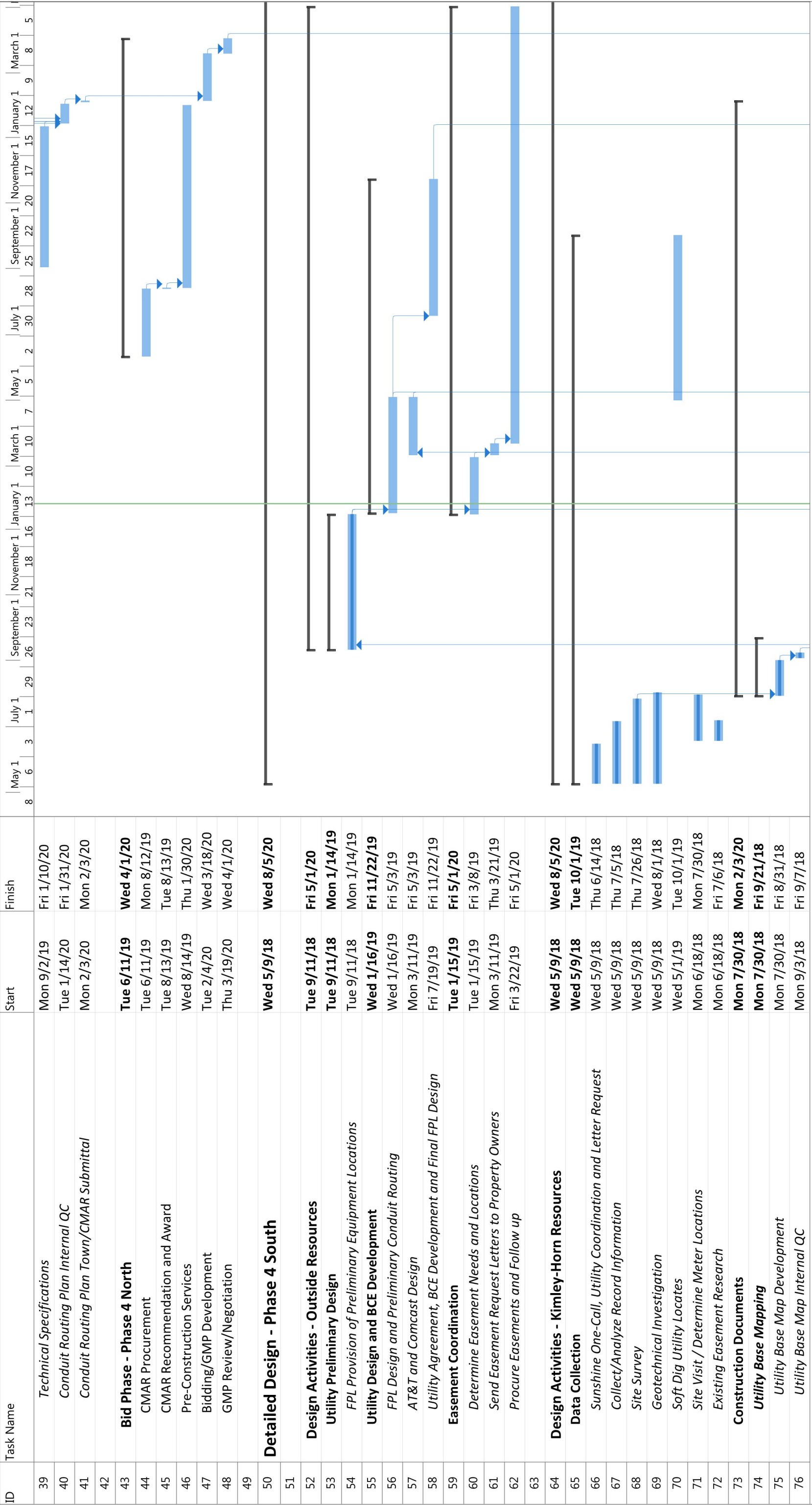
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: Phase 4 Detailed Design
Date: Fri 1/25/19

Task

Task

Split

Milestone

Summary

Project Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

ID	Task Name	Start	Finish	May 1 8	May 1 6	May 1 3	July 1 1	September 1 26	September 1 23	November 1 18	January 1 13	March 1 10	May 1 7	July 1 30	September 1 25	November 1 20	January 1 15	March 1 9	May 1 5
77	Utility Base Map Town/Utility Owner Submittal	Mon 9/10/18	Mon 9/10/18																
78	Utility Base Map Town Review and Comment	Tue 9/11/18	Fri 9/21/18																
79	Equipment Location Plan Development	Tue 1/15/19	Thu 3/21/19																
80	Equipment Location Plan Development	Tue 1/15/19	Fri 3/1/19																
81	Equipment Location Plan Plan Internal QC	Mon 3/4/19	Thu 3/7/19																
82	Equipment Location Plan Town Submittal	Fri 3/8/19	Fri 3/8/19																
83	Equipment Location Plan Town Review and Comment	Mon 3/11/19	Thu 3/21/19																
84	Conduit Routing Plan Development	Mon 5/6/19	Mon 2/3/20																
85	Conduit Routing Plan Development	Mon 5/6/19	Fri 1/10/20																
86	Commercial/Customer Owned Service Design	Fri 11/1/19	Fri 1/10/20																
87	Landscaping Plans	Fri 11/1/19	Fri 1/10/20																
88	Technical Specifications	Mon 9/2/19	Fri 1/10/20																
89	Conduit Routing Plan Internal QC	Mon 1/13/20	Fri 1/31/20																
90	Conduit Routing Plan Town Submittal	Mon 2/3/20	Mon 2/3/20																
91																			
92	Permitting Activities - Phase 4 South	Mon 1/20/20	Wed 8/5/20																
93	FDOT Utility permit Application	Mon 1/20/20	Fri 1/31/20																
94	FDOT Utility permit Application Review Process	Mon 2/3/20	Fri 4/3/20																
95	FDOT Landscaping Permit Application	Mon 1/20/20	Fri 1/31/20																
96	FDOT Landscaping Permit Application Review and MMOA Execution Process	Mon 2/3/20	Wed 8/5/20																
97																			
98	Bid Phase - Phase 4 South	Tue 6/11/19	Wed 4/1/20																
99	CMAR Procurement	Tue 6/11/19	Mon 8/12/19																
100	CMAR Recommendation and Award	Tue 8/13/19	Tue 8/13/19																
101	Pre-Construction Services	Wed 8/14/19	Thu 1/30/20																
102	Bidding/GMP Development	Tue 2/4/20	Wed 3/18/20																
103	GMP Review/Negotiation	Thu 3/19/20	Wed 4/1/20																
104																			
105	UUTF GMP Review (Phases 4 North and South)	Tue 4/7/20	Tue 4/7/20																
106																			
107	Town Council GMP Review and Award (Phases 4 North and South)	Tue 4/14/20	Tue 4/14/20																
108																			
109	Start Construction (Phases 4 North and South)	Fri 5/1/20	Fri 5/1/20																

Project: Phase 4 Detailed Design Date: Fri 1/25/19	Task	Project Summary	Manual Task	Start-only	Deadline
	Split	Inactive Task	Duration-only	Finish-only	Progress
	Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
	Summary	Inactive Summary	Manual Summary	External Milestone	

Vincent G. Burkhardt
President



Executive Summary

Vincent G. Burkhardt
President



Executive Summary
For
December 2018

Project Description

Townwide Overhead Utility Undergrounding
Phase 1 North
P.O. # 171308

Project Status:

The Town obtained the two additional clear space easements for the two switch gear areas that FPL requested during the November walk through. Once the easement documents were recorded at the court house, those easements were sent to the surveyor to be added to the as built drawings.

The signed and sealed as built drawings were reviewed and forwarded on to FPL for review. After FPL reviewed the as built drawings and performed another site walk through to verify all of the November walk through items had been remedied, they issued the approval for the "Release of Power" on December 20, 2018. When the crews return in January after the holiday break the transformers will be energized and the secondary service conversions can begin.

Currently COMCAST & AT&T are scheduled to have their systems in place by the end of January 2019.

The project continues to remain within budget and finished on schedule for the work that was controlled by Burkhardt Construction. The remaining FPL work will begin in January.

****The work as show in line item numbers 19, 20, 21, and 24 in our included schedule are delayed due to the Town's negotiations with AT&T and COMCAST.****

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 1 NORTH
SCHEDULE
RFQ No. 2017-14

ID	Task Name	% Complete	Duration	Start	Finish	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2019 Jan	Feb
1	Phase I - NORTH	68%	420 days?	Mon 6/12/17	Fri 1/18/19										
2	Fully Executed Non-GAF Agreement	100%	23 days	Mon 6/12/17	Wed 7/12/17										
3	Copy Of Executed Easements	100%	23 days	Mon 6/12/17	Wed 7/12/17										
4	Fully Executed Applicant Installed Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17										
5	Fully Executed R/O/W Agreement With FPL	100%	23 days	Mon 6/12/17	Wed 7/12/17										
6	Fully Executed Agreement With COMCAST / AT & T	100%	23 days	Mon 6/12/17	Wed 7/12/17										
7	Town Council Approval	100%	1 day	Tue 6/13/17	Tue 6/13/17										
8	Award Prime Contract	100%	13 days	Wed 6/14/17	Fri 6/30/17										
9	Permitting	100%	15 days	Mon 6/26/17	Fri 7/14/17										
10	Customer Owned Service Connection Permitting	100%	15 days	Mon 6/26/17	Fri 7/14/17										
11	Sub Contract Agreements	100%	23 days	Wed 6/14/17	Fri 7/14/17										
12	Material Procurement	100%	11 days	Fri 6/30/17	Fri 7/14/17										
13	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	100%	225 days	Mon 7/17/17	Fri 5/25/18										
14	Feeder Splice Box Installation	100%	15 days	Thu 10/12/17	Wed 11/1/17										
15	Set Transformers / Switch Cabinets (FPL)	100%	75 days	Sun 2/4/18	Thu 5/17/18										
16	Secondary Services / Wire	65%	138 days	Tue 2/20/18	Thu 8/30/18										
17	As-Built Submission / Review (FPL)	100%	47 days	Tue 2/20/18	Wed 4/25/18										
18	Pull Wire / Terminations Primary (FPL)	100%	81 days	Tue 2/20/18	Tue 6/12/18										
19	*ATT Rod Conduit, Pull Wire, Set Pedestals	30%	133 days	Tue 2/27/18	Thu 8/30/18										
20	*Comcast Pull Wire, Set Pedestals	60%	133 days	Tue 2/27/18	Thu 8/30/18										
21	Cut over / Overhead Removal (ATT/Comcast)	0%	45 days	Mon 9/3/18	Fri 11/2/18										
22	Energize Underground (FPL)	25%	30 days	Mon 9/17/18	Fri 10/26/18										
23	Secondary Service Switch Over (FPL)	0%	113 days	Mon 6/11/18	Wed 11/14/18										
24	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	90 days	Mon 9/17/18	Fri 1/18/19										
25	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%													
26	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%													
27	Storm Drainage	100%	45 days	Mon 7/17/17	Fri 9/15/17										
28	Water Main	100%	79 days	Sun 10/15/17	Wed 1/31/18										

DATED 12/27/18
CURRENT PERCENT COMPLETED 68%



Vincent G. Burkhardt
President



Executive Summary
For
December 2018

Project Description

Townwide Overhead Utility Undergrounding
Phase 2 North
P.O. # 181400

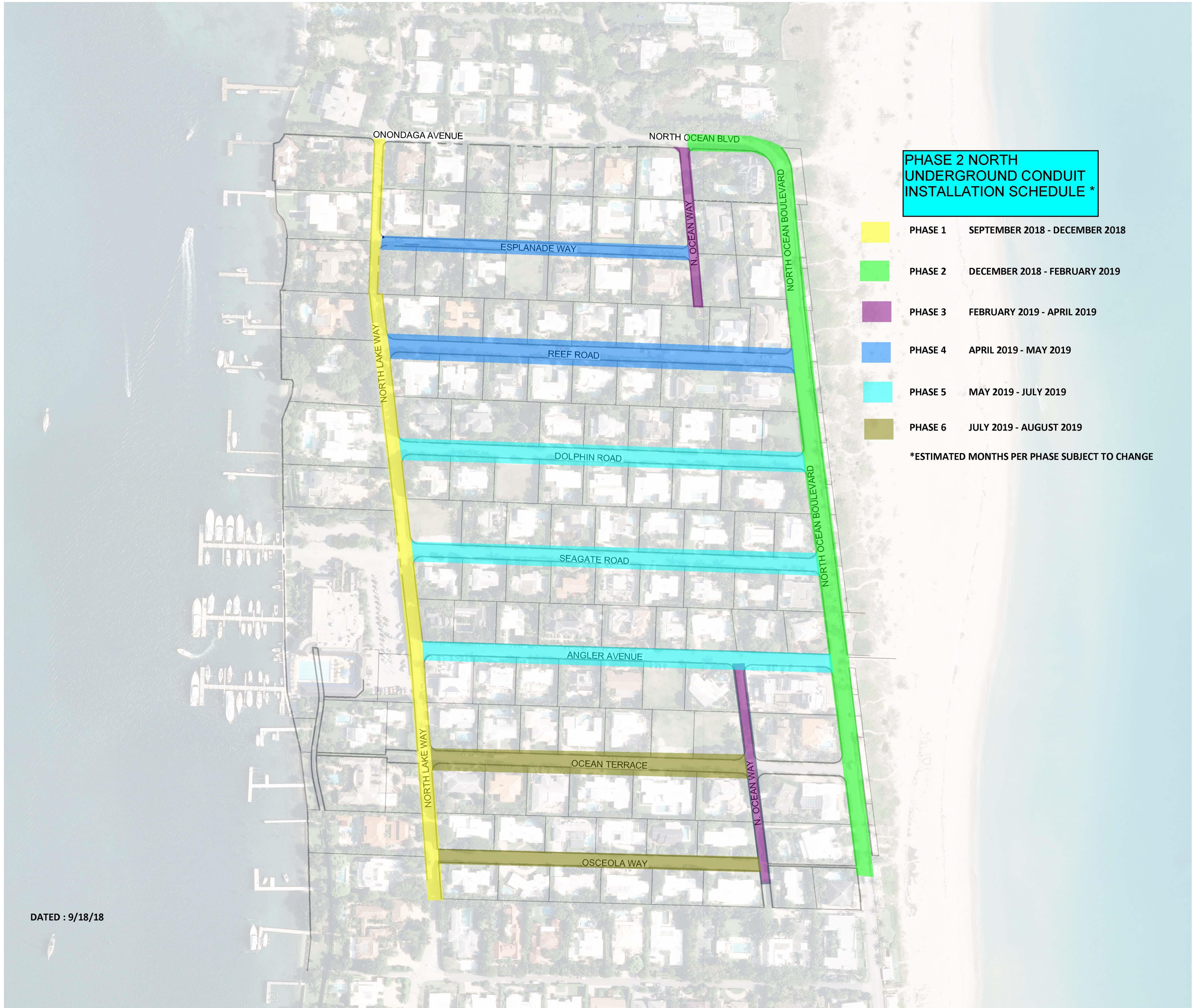
Project Status:

In December the horizontal directional drilling finished along North Lay Way. The work then turned to tying in the conduits that were drilled along North Lake Way in the area of Angler to Osceola Way. Toward the middle of the month the crews completed the tie ins and made the permanent pavement repairs at all of the remaining bore pits. On December 21, 2018 the site was shut down, cleaned and secured for the holiday season. The crews will return on January 2, 2019 to begin working again.

The project is on schedule and is remaining within budget.

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 2 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03

ID	Task Name	% Complete	Duration	Start
1	Phase 2 NORTH	6%	399 days	Tue 8/14/18
2	Town Council Approval	100%	1 day	Tue 8/14/18
3	Award Prime Contract	100%	13 days	Wed 8/15/18
4	Permitting	85%	14 days	Wed 8/15/18
5	Customer Owned Service Connection Permitting	0%	14 days	Wed 8/15/18
6	Sub Contract Agreements	95%	14 days	Wed 8/15/18
7	Material Procurement	85%	11 days	Mon 8/20/18
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	30%	240 days	Mon 9/3/18
9	Feeder Splice Box Installation	0%	140 days	Sun 12/30/18
10	Set Transformers / Switch Cabinets (FPL)	0%	155 days	Sun 1/13/19
11	Secondary Services / Wire	0%	235 days	Mon 11/5/18
12	As-Built Submission / Review (FPL)	5%	220 days	Mon 2/11/19
13	Pull Wire / Terminations Primary (FPL)	0%	145 days	Mon 2/18/19
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	180 days	Mon 3/11/19
15	*Comcast Pull Wire, Set Pedestals	0%	180 days	Mon 3/11/19
16	Cut over / Overhead Removal (ATT/Comcast)	0%	150 days	Mon 6/3/19
17	Energize Underground (FPL)	0%	140 days	Mon 4/8/19
18	Secondary Service Switch Over (FPL)	0%	180 days	Fri 4/19/19
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	180 days	Mon 6/17/19
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%		
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%		
22	Storm Drainage	0%	30 days	Mon 9/24/18



DATED : 9/18/18

SAFETY

Monthly safety inspections are conducted by WT Regional Safety Director. Daily safety inspections conducted by onsite staff.

- ◆ 0 lost time incidents to date
- ◆ 1 recordable incident to date

CONSTRUCTION

- ◆ S. Ocean Blvd (Electrical Undergrounding Crew) - Undergrounding Crews are 100% completed with conduit, equipment, concrete vaults and pads, cable and terminations. Street Lighting conduit and boxes completed. Currently waiting on switching orders from FPL.
- ◆ Phipps Ocean North Parking Lot Lighting conduit and handholes installation completed. Parking Lot poles installation by FPL complete. Currently waiting on switching orders from FPL to energize poles.
- ◆ Ibis Isle AT&T/Comcast conduit installation is completed. Concrete Curb/Asphalt Mill & Resurface (drainage) complete. Striping complete.
- ◆ Ibis Isle Watermain replacement completed.
- ◆ Restroom building complete and fully operational. C.O. granted by the building department and restroom is reopen to the public.

DOCUMENTATION:

RFIs:

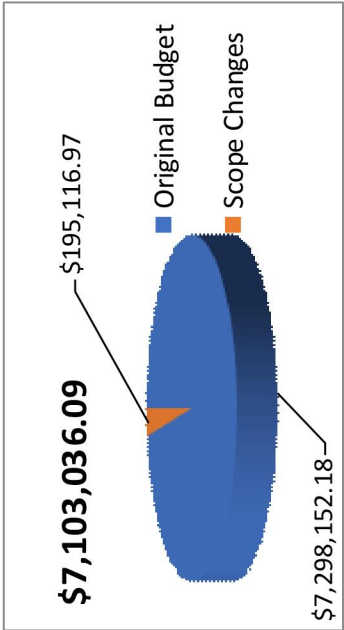
- A. 36 RFIs issued to date
- B. 0 Outstanding RFI
- SUBMITTALS:
 - A. 274+ Individual Submittals Processed
 - B. 0 Submittal Package Currently Under Review
 - C. 0 Submittal Packages Pending Submission to A/E

DRAWINGS: Added Scopes of Work

- A. Post GMP Phipps Ocean Park Restroom Building.
- B. Post GMP Phipps Ocean Park Lighting.
- C. Post GMP A-41 Wastewater Pump Station.
- D. Post GMP Ibis Bridge Watermain Crossing.

RELEVANT POTENTIAL CHANGES:

FINANCIALS—BUDGET VS. COSTS



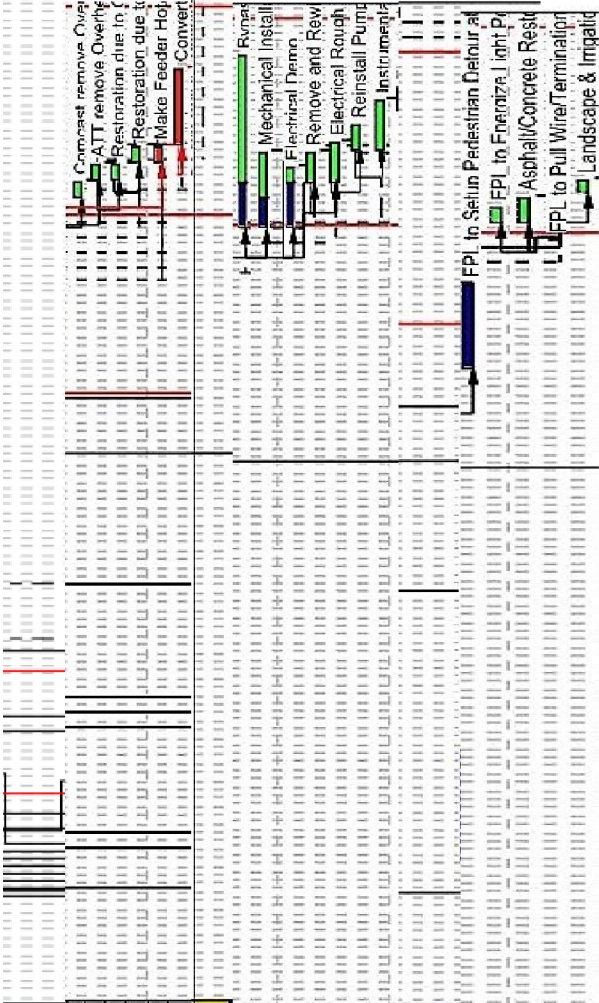
Current GMP Amount	—	\$7,103,036.09
Approved Owner Initiated Scope Changes	—	\$195,116.97
Gross Billings to Date (\$)	—	\$5,679,873.26
Gross Billings to Date (%)	—	80%
Schedule % Completed	—	86%



SCHEDULE SUMMARY

S. Ocean Undergrounding -Sta 11+10 to Sta 243+66

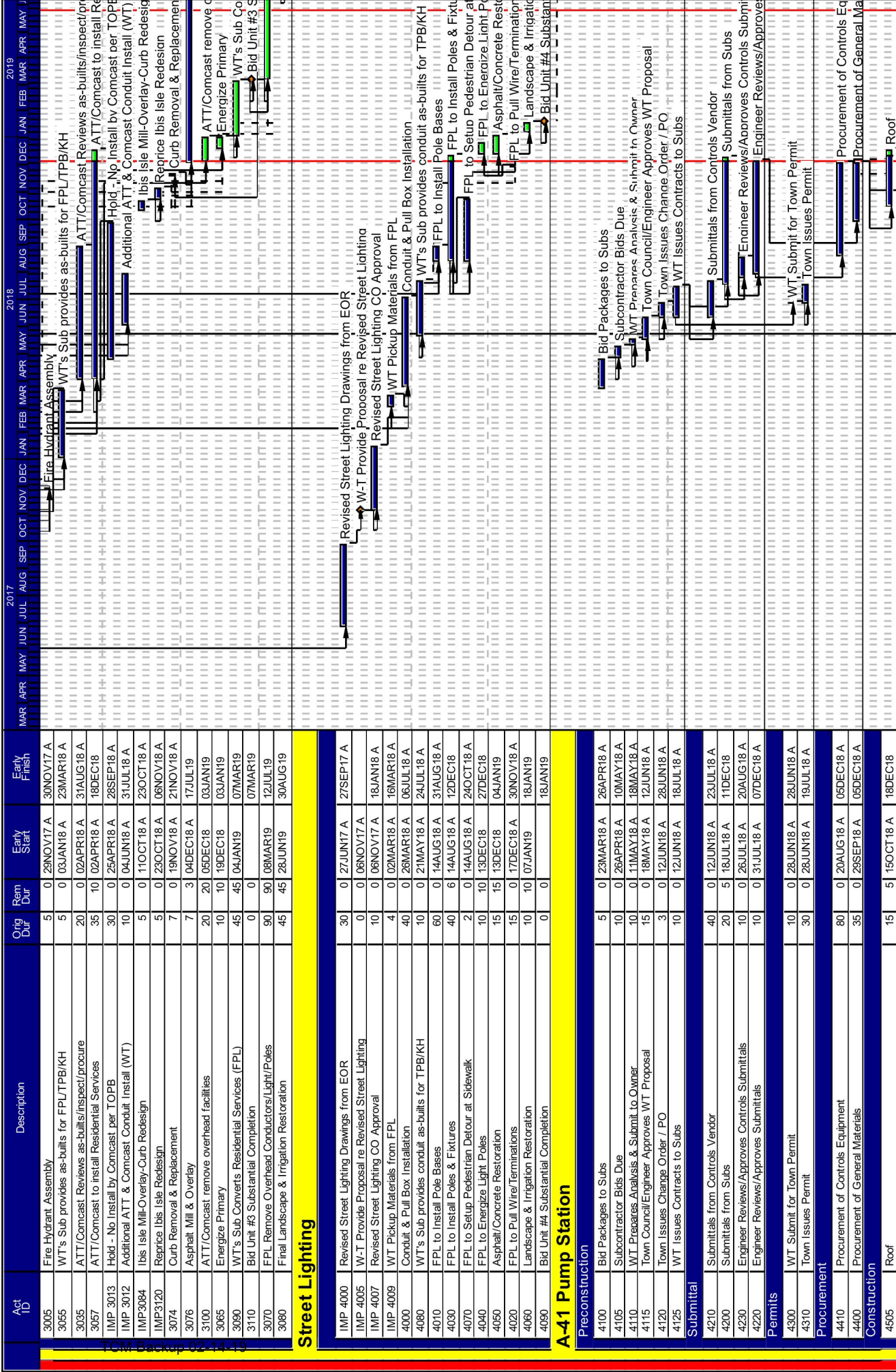
1535	Comcast remove Overhead Facilities	10	10	13DEC18	03JAN19
1530	ATT remove Overhead Facilities	10	10	01JAN19	17JAN19
1540	Restoration due to Comcast work	10	10	01JAN19	17JAN19
1537	Restoration due to ATT work	10	10	16JAN19	31JAN19
1555	Make Feeder Hot Burn-in	10	10	18JAN19	31JAN19
1570	Converting / Energizing Services	45	45	01FEB19	04APR19
A-41 Pump Station					
4525	Bypass Pumping	80	78	03DEC18 A	26APR19
4510	Mechanical Installations	30	28	04DEC18 A	05FEB19
4515	Electrical Demo	35	10	04DEC18 A	22JAN19
4520	Remove and Rewind Pumps	20	20	03JAN19	05FEB19
4540	Electrical Rough	25	25	06JAN19	12FEB19
4535	Reinstall Pumps	15	15	06FEB19	28FEB19
4545	Instrumentation & Controls	30	30	06FEB19	19MAR19
Street Lighting					
4070	FPL to Setup Pedestrian Detour at Sidewalk	2	0	14AUG18 A	24OCT18 A
4040	FPL to Energize Light Poles	10	10	13DEC18	27DEC18
4050	Asphalt/Concrete Restoration	15	15	13DEC18	04JAN19
4020	FPL to Pull Wire/Terminations	15	0	17DEC18 A	30NOV18 A
4060	Landscape & Irrigation Restoration	10	10	07JAN19	18JAN19



SCHEDULE NOTES / IMPACTS:

- Street Lighting conduit and handhole installation by Whiting-Turner 100% complete. FPL Street Lighting pole installation (by others) 100% complete. Currently waiting on switching orders from FPL for WT for proceed.
- Additional AT&T/Comcast Service Conduit by Whiting-Turner at Ibis Isle completed. AT&T direct installations pending and Comcast direct installation approx. 95% completed. Service swaps are still pending from both AT&T and Comcast.
- A-41 Pump Station roofing complete. Electrical/Mechanical installations ongoing.

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Start date 13MAR17

Finish date 26SEP19

Data date 05DEC18

Run date 05DEC18

Page number 3A

The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

© Primavera Systems, Inc.

Underground Utility Project Budget
Project Financial Summary
January 31, 2019

Expenditures	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,900,000	\$ 12,642,040	\$ 11,354,566	89.8%
Phase 2	\$ 9,170,000	\$ 9,710,000	\$ 5,401,525	\$ 1,826,077	33.8%
Phase 3	\$ 10,910,000	\$ 11,360,000	\$ 1,222,094	\$ 805,077	65.9%
Phase 4	\$ 10,370,000	\$ 10,910,000	\$ 1,306,043	\$ 259,094	19.8%
Phase 5	\$ 14,090,000	\$ 14,850,000	\$ 1,529,447	\$ 327	0.0%
Phase 6	\$ 16,820,000	\$ 17,690,000	\$ -	\$ -	
Phase 7	\$ 11,730,000	\$ 12,220,000	\$ -	\$ -	
Phase 8	\$ 12,300,000	\$ 12,890,000	\$ -	\$ -	
Other	\$ 570,000	\$ 3,680,414	\$ 3,680,414	\$ 2,433,128	66.1%
Total Project Costs To Date*	\$ 98,580,000	\$ 106,210,414	\$ 25,781,563	\$ 16,678,269	64.7%
* Updated OPC includes estimated AT&T credit					
Total Other Costs Outside Underground Budget			\$ 929,169	\$ 1,490,289	160.4%
Total Underground Project Costs			\$ 26,710,732	\$ 18,168,558	68.0%
Opinion of Cost - Master Plan			98,600,000		
AT&T and Comcast Additional Project Costs			6,700,000		
AT&T Credit - TBD					
FPL Credit			(3,300,000)		
Total Project Budget			\$ 102,000,000		
% Budgeted/Encumbered To Date Project Costs			25.28%		
% Spent to Date - Project Costs			16.35%		

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments		\$ 11,591,500	0.0%
Assessment Revenue	\$ 9,380,000	\$ 6,993,327	74.6%
Commercial Paper	\$ -	Paid off w/GO bond	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ 402,715	
Interest	\$ 12,000	\$ 386,613	3221.8%
GO Bond Proceeds	\$ 60,500,000	\$ 60,499,897	100.0%
1 Cent Sales Tax	\$ 2,500,000	\$ 1,125,000	45.0%
FPL		\$ 418,436	
Other			
Kevin McGann - CO #9		\$ 34,900	
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 793,950	104.4%
Transfer from (001) General Fund - PM Salary	\$ 130,000	\$ 130,000	
Total Project Revenues	\$ 76,128,741	\$ 85,222,879	111.9%

Underground Utility Project Budget
Phase 1 Project Costs
January 31, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Legal Sketch and Description - Easements			34,000	27,715	81.5%
Subtotal Design Phase	\$ 1,330,000	\$ 1,400,000	\$ 1,310,829	\$ 1,304,528	99.5%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,162,515	87.9%
Street Light Conversion			\$ 26,273	28,753	109.4%
Change Order for AT&T and Comcast Conduit			\$ 371,201	371,201	100.0%
Utility Design Costs			\$ 15,595	15,595	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	416,138	87.3%
Construction Engineering (KH)			\$ 230,532	171,837	74.5%
	\$ 4,210,000	\$ 4,390,000	\$ 4,738,241	\$ 4,185,759	88.3%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	3,841,724	86.3%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Other Approved Change Orders - Additional soil borings at Ibis Isle			\$ 2,200	2,200	100.0%
Utility Design Costs			\$ 33,013	33,013	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,289,694	93.9%
Construction Engineering (KH)			\$ 283,880	243,049	85.6%
	\$ 6,800,000	\$ 6,830,000	\$ 6,291,610	\$ 5,557,027	88.3%
Easement Recording Fees			\$ 347	\$ 529	
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 280,000	\$ 301,359	\$ 306,723	101.8%
Total Phase 1 Costs	\$ 12,620,000	\$ 12,900,000	\$ 12,642,040	\$ 11,354,566	89.8%

Underground Utility Project Budget
Phase 2 Project Costs
January 31, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000	360,000	\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000	420,000	\$ 335,353	\$ 318,585	95.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 10,139	80.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 32,842	81.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 85,729	62.8%
Total Phase 2 Design	\$ 735,000	\$ 780,000	\$ 806,513	\$ 728,599	90.3%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 4,015,865	715,937	17.8%
Approved Change Orders			\$ -		
FPL Design Cost			\$ 11,759	1,350	11.5%
ATT Design Cost			\$ 5,000		0.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, AT&T)				\$ 64,472	
Street Light Conversion			\$ 19,186	\$ 19,186	
Construction Engineering (KH)			\$ 248,121	\$ 59,509	24.0%
Total Phase 2 North Construction	3,800,000	4,000,000	\$ 4,334,931	\$ 897,006	0.0%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	-	
Whiting Turner Construction					
Approved Change Orders			\$ -		
FPL Design Cost			\$ 13,330	14,200	106.5%
ATT Design Cost			\$ 5,000		
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)				\$ -	
Street Light Conversion				\$ 19,268	
Construction Engineering (KH)					
Total Phase 2 South Construction	4,435,000	4,730,000	\$ 53,330	\$ 38,050	71.3%
Easement Acquisition	200,000	200,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,192	98.9%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 68,939	89.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 13,818	98.6%
Task 1.7 Legal Sketch South			\$ 16,725	\$ 12,089	72.3%
Advertising				\$ 1,101	
Jones Foster - Legal			\$ 25,000	\$ 265	1.1%
American Acquisition Group			\$ -		
Temp Services			\$ 5,000		0.0%
Recording Costs			\$ 3,605	\$ 2,018	56.0%
Total Easement Acquisition Costs	200,000	200,000	\$ 206,752	\$ 162,422	78.6%
Total Phase 2 Costs	\$9,170,000	\$9,710,000	\$ 5,401,525	\$ 1,826,077	33.8%

Underground Utility Project Budget
Phase 3 Project Costs
January 31, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000	\$ 350,000	\$ 288,851	\$ 140,094	48.5%
Task 1.2 Phase 3 South Design	\$ 535,000	\$ 580,000	\$ 503,260	\$ 243,161	48.3%
Task 1.3 Permitting Assistance			\$ 13,739		0.0%
Task 1.4 Bid Phase Assistance			\$ 36,834		0.0%
Task 1.5 Meetings			\$ 101,652	\$ 6,014	5.9%
Deductive Change Order (Scope Change)			\$ (49,840)		0.0%
Total Phase 3 Design	\$ 860,000	\$ 930,000	\$ 894,496	\$ 389,269	43.5%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 3,850,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,850		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Daniella Construction - Nightingale/LaPuerta - Townwide portion				\$ 243,470	
FPL Nightingale/LaPuerta - Townwide Portion				\$ 74,900	
Comcast Nightingale/LaPuerta - Townwide Portion				\$ 8,885	
AT&T Nightingale/LaPuerta Townwide Portion				\$ 30,555	
Total Phase 3 North Construction	\$ 3,700,000	\$ 3,850,000	\$ 12,850	\$ 357,810	0.0%
Phase 3 South Construction	\$ 6,090,000	\$ 6,320,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 11,359		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Total Phase 3 South Construction	\$ 6,090,000	\$ 6,320,000	\$ 11,359	\$ -	0.0%
Easement Acquisition	\$ 260,000	\$ 260,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 235,953	\$ 57,920	24.5%
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		
Jones Foster - Legal			\$ 25,000		
American Acquisition Group					
Temp Services			\$ 5,000		
Recording Costs				\$ 77	
Total Easement Acquisition Costs	\$ 260,000	\$ 260,000	\$ 303,389	\$ 57,998	19.1%
Total Phase 3 Costs	\$ 10,910,000	\$ 11,360,000	\$ 1,222,094	\$ 805,077	65.9%

Underground Utility Project Budget
Phase 4 Project Costs
January 31, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000	\$ 435,000	\$ 312,317	\$ 109,311	35.0%
Task 1.2 Phase 4 South Design	\$ 413,000	\$ 435,000	\$ 451,284	\$ 146,667	32.5%
Task 1.3 Permitting Assistance			\$ 14,468	\$ -	0.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	\$ -	0.0%
Task 1.6 Meetings			\$ 77,911	\$ 3,067	3.9%
Total Phase 4 Design	\$ 815,000	\$ 870,000	\$ 893,879	\$ 259,045	29.0%
Construction Costs					
Phase 4 North Construction	4,605,000	4,820,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,757		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	\$ 4,605,000	\$ 4,820,000	\$ 12,757	\$ -	0.0%
Phase 4 South Construction	4,710,000	4,980,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	\$ 4,710,000	\$ 4,980,000	\$ 13,160	\$ -	0.0%
Easement Acquisition	\$ 240,000	\$ 240,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	\$ 49	0.0%
Easement Assistance (KH) -- Switches			\$ 62,780		
<i>Surveys</i>					
Legal Sketch			\$ 38,230		
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ -	
Total Easement Acquisition Costs	\$ 240,000	\$ 240,000	\$ 386,247	\$ 49	0.0%
Total Phase 4 Costs	\$ 10,370,000	\$ 10,910,000	\$ 1,306,043	\$ 259,094	19.8%

Underground Utility Project Budget
Phase 5 Project Costs
January 31, 2019

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000	\$ 560,000	\$ 454,210		0.0%
Task 1.2 Phase 5 South Design	\$ 600,000	\$ 640,000	\$ 606,951		0.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South			\$ 17,100		0.0%
Task 1.4 Bid Phase Assistance North			\$ 37,899		0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North			\$ 77,911		0.0%
Task 1.6 Meetings South					0.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,200,000	\$ 1,194,071	\$ -	0.0%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 6,200,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 North Construction	\$ 5,890,000	\$ 6,200,000	\$ -	\$ -	0.0%
Phase 5 South Construction	\$ 6,750,000	\$ 7,120,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 South Construction	\$ 6,750,000	\$ 7,120,000	\$ -	\$ -	0.0%
Easement Acquisition	\$ 330,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
<i>Easement Assistance</i>			\$ 218,600		
Easement Assistance			\$ 75,696	\$ 250	
<i>Surveys</i>					
Legal Sketch			\$ 41,080		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ 77	
Total Easement Acquisition Costs	\$ 330,000	\$ 330,000	\$ 335,376	\$ 327	0.1%
Total Phase 5 Costs	\$14,090,000	\$14,850,000	\$ 1,529,447	\$ 327	0.0%

Underground Utility Project Budget
Other Project Costs
January 31, 2019

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan		\$ 12,015	
Community Outreach	\$ 282,519	\$ 200,734	71.1%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Commercial Paper Issuance Cost		\$ 200,675	
Commercial Paper Fees		\$ 52,252	
Commercial Paper Interest		\$ 243,096	
GO Bond Closing Costs		\$ 483,618	
GO Bond Debt Service	\$ 2,700,000	\$ 542,856	
Total Other Project Costs	\$ 3,680,414	\$ 2,433,128	66.1%

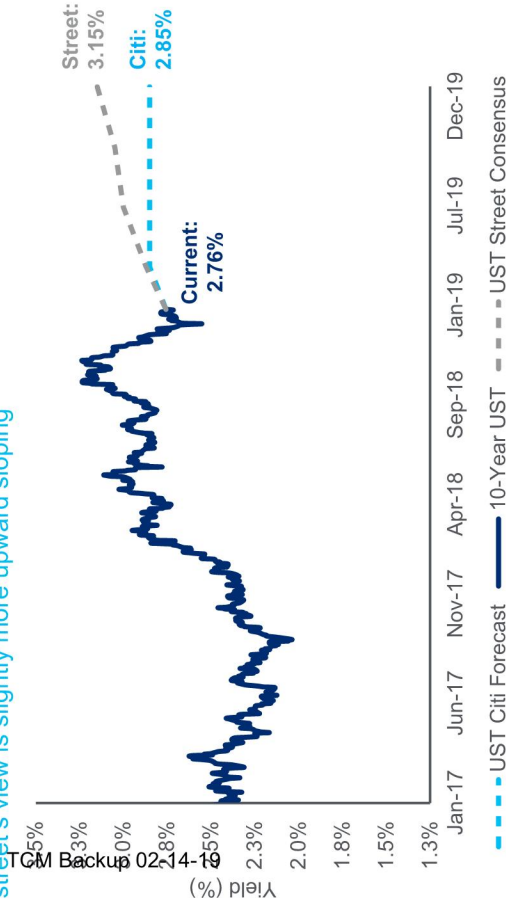
Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 294,572	83.9%
Project Construction Engineering	\$ 11,607	\$ 10,562	91.0%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 460,009	87.5%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 375,494	
PBT Real Estate v TPB		\$ 124,403	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,529	
Project Manager -Pay and benefits	\$ 265,000	\$ 211,435	79.8%
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 929,169	\$ 1,501,099	161.6%

U.S. Rate Forecasts

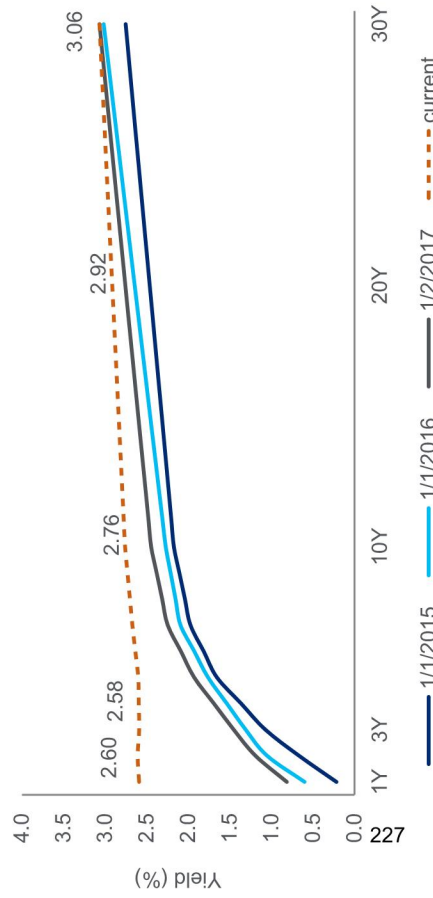
10-Year Treasury Yield Forecast

Citi forecasts a relatively flat interest rate environment through 2019, while the street's view is slightly more upward sloping



US Treasury Yield Curve

The US Treasury curve bull flattened over the past week

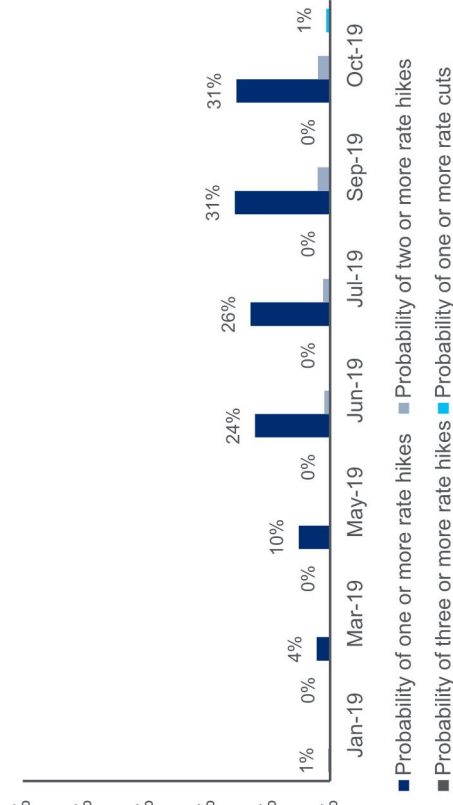


Rate Forecasts

5-Year Treasury	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	2.59%	2.70%	2.70%	2.70%	2.70%	2.70%	2.70%
10-Year Treasury	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	2.76%	2.85%	2.85%	2.85%	2.85%	2.85%	2.85%
Economists' Consensus		2.87%	3.00%	3.05%	3.15%	3.18%	3.20%
30-Year Treasury	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	3.06%	3.05%	3.05%	3.05%	3.05%	3.05%	3.05%
Economists' Consensus		3.10%	3.25%	3.30%	3.40%	3.43%	3.44%
Fed Funds	Current	1Q19	2Q19	3Q19	4Q19	1Q20	2Q20
Citi's Forecast	2.50%	2.50%	2.75%	3.00%	3.00%	3.00%	3.00%
Economists' Consensus		2.50%	2.75%	2.75%	3.00%	3.00%	3.00%

Expectations of Next Fed Increase in Rates

After the December 2018 rate hike and subsequent stock market sell-off, the market is pricing lower implied probabilities of further rate hikes in 2019



Information for Town Council Meeting on February 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO, Purchasing Manager

RE: Ratification of the Selection Committee's Recommendation for RFQ-2019-03;
Construction Manager at Risk for the Town-wide Overhead Utility
Undergrounding Phase 2 South and Phase 3 South
Resolution No. 09-2019

DATE: January 23, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council ratify the recommendation of the Selection Committee and the ranking of the firms that responded to RFQ No. 2019-03, Construction Manager at Risk for the Town-wide Overhead Utility Undergrounding Phase 2 South and Phase 3 South and authorize contract negotiations with Kaufman Lynn Construction, Inc.

SUMMARY EXPLANATION/BACKGROUND

Purchasing issued Request for Qualification (RFQ) 2019-03 for Construction Manager at Risk for the Town-wide Overhead Utility Undergrounding Phase 2 South and Phase 3 South.

Prior the issuance of the RFQ, Town Engineering Purchasing held a CMAR Open Forum on September 28, 2018. Twelve firms sent representatives to learn of the upcoming RFQ to be issued. The goal of the Forum was to increase participation in the proposal submission process. The RFQ was advertised on October 14, 2018. The advertisement was broadcast to 838 prospective bidders within Public Purchase and 1,042 within Demand Star in addition to the Town website and the Palm Beach Post. Thirty-two plan holders were noted in Public Purchase and thirty-one in Demand Star.

Seven firms submitted qualification proposals. On December 13, 2018 the Selection Committee met and ranked the seven proposals that were presented to the Town as follows:

- Kaufman Lynn Construction, Inc.
- Burkhardt Construction, Inc.
- Hedrick Brothers Construction Co., Inc.
- Black & Veatch
- The Whiting-Turner Contracting Co.
- Rohl Global Networks LP
- Ric-Man International, Inc.

The Selection Committee recommended five firms for Oral Presentations as follows based on scores of 3.0 or greater:

- Kaufman Lynn Construction, Inc.
- Burkhardt Construction, Inc.
- Hedrick Brothers Construction Co., Inc.
- Black & Veatch
- The Whiting-Turner Contracting Co.

Oral interviews were scheduled for January 11, 2019. The Whiting-Turner Contracting Co. withdrew from the oral presentation phase.

Ordinal scoring was utilized for the oral presentations. The Selection Committee unanimously ranked Kaufman Lynn Construction, Inc. as the number one ranked firm.

Staff, led by purchasing, has requested a pre-construction phase proposal from Kaufman Lynn Construction, Inc. due to the fact that the project is behind schedule after having to the rebid Phase 2 South when negotiations fell through with The Whiting-Turner Contracting Co.

Upon approval by the Town Council, contract negotiations will be initiated with Kaufman Lynn Construction, Inc. This will be led by purchasing in-conjunction with Public Works.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact associated with the approval of this Selection Committee recommendation.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works

RESOLUTION NO. 09-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING THE SELECTION COMMITTEE RECOMMENDATION FOR RFQ NO. 2019-03, FOR THE TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING PHASE 2 AND PHASE 3 TO KAUFMAN LYNN CONSTRUCTION, INC.

WHEREAS; Purchasing issued RFQ No. 2019-03 for a Construction Manager at Risk for the Town-wide Undergrounding Phase 2 and Phase 3 South, and;

WHEREAS; The Selection Committee ranked Kaufman Lynn Construction, Inc. as the best firm to proceed with for Phase 2 and Phase 3 South; and

WHEREAS; Town Council approval is requested to ratify the Selection Committee recommendation of Kaufman Lynn, Inc. which will provide for the commencement of the GMP phase.

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

Section 1. The ratification of the Selection Committee for RFQ No. 2019-03 is approved to the number one ranked firm Kaufman Lynn Construction, Inc.

Section 2. The Town Council approves the GMP phase to begin with Kaufman Lynn Construction, Inc.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further action as may be necessary.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of February, 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Update on the Compensation and Benefit Study.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- ▣ **Memorandum Dated January 31, 2019, from Danielle Olson, Director of Human Resources**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Update on the Town's Compensation and Benefits Study

Date: January 31, 2019

STAFF RECOMMENDATION

The information contained herein is for informational purposes only. There are no staff recommendations for Town Council's consideration at this time.

GENERAL INFORMATION

Below is an exhibit displaying the peers who, as of January 30, 2019, have agreed to participate in the study, submitted a fully or partially completed survey, and/or provided the consultant with supplemental data. The final study is expected to be delivered by the consultant at the Town Council meeting held on March 19, 2019. There are no other project updates to provide at this time.

Market Peers	Agreed to Participate	Received Completed Salary Survey	Received Completed Benefits Survey	Received Supplemental Data ¹	No Response to Phone Calls or E-mails
Broward County, FL Sheriff's Office	X	Expecting soon	Expecting soon		
City of Coconut Creek, FL	X	-	-	X	
City of Coral Springs, FL	X	X	-	X	
Town of Davie, FL	-	-	-	X	
City of Ft. Lauderdale, FL					X
City of Hollywood, FL Police Dept	X	Expecting soon	Expecting soon		
City of Plantation, FL	X	Expecting soon	Expecting soon		
City of Pompano Beach, FL	X	Expecting soon	Expecting soon		
City of Sunrise, FL	-	-	-	X	
City of Coral Gables, FL	X	Expecting soon	Expecting soon		
City of Miami Beach, FL	X	-	-	X	
Miami-Dade County, FL Fire Rescue	X	Expecting soon	Expecting soon		
City of Boca Raton, FL	X	Expecting soon	Expecting soon		
City of Boynton Beach, FL	X	X	X		
City of Delray Beach, FL	X				
City of Greenacres, FL	X	-	-	X	
Town of Jupiter, FL	X	X	X	X	
City of Lake Worth, FL	X	Expecting soon	Expecting soon		
Village of North Palm Beach, FL	X	X	X		
City of Palm Beach Gardens, FL	X	X	X	X	
Village of Royal Palm Beach, FL	X	X ²	X ²		
Village of Tequesta, FL	X	X	X	X	
Village of Wellington, FL	X	-	-	X	
City of West Palm Beach, FL	X	-			
Palm Beach County, FL	X	Expecting soon	Expecting soon		
Palm Beach County, FL Fire Rescue	X	Expecting soon	Expecting soon		
Palm Beach County, FL Sheriff's Office	X	X ²	X ²	X	
Solid Waste Authority					X

¹ Supplemental data may include job descriptions, benefit plan descriptions, and other documents related to the content of the survey.

² Indicates partial data received

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Coastal Update

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

TIME CERTAIN: 10:00 A.M.

- a. Shore Line Condition Update.
- b. Presentation of Coastal Vulnerability Study.

Bob Hamilton, Woods Hole Group

Presenter

ATTACHMENTS:

- ▣ **b. Memorandum dated February 1, 2019, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▣ **Woods Hole Group - Coastal Vulnerability Assessment**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Presentation of Coastal Vulnerability Study

DATE: February 1, 2019

STAFF RECOMMENDATION

Bob Hamilton with Woods Hole Group (WHG) will be presenting the results of the Coastal Vulnerability Study at the February 14, 2019 Town Council Meeting.

GENERAL INFORMATION

WHG has periodically reviewed the Town's coastal program since the 1990's. WHG conducted a peer review of the Town's Comprehensive Coastal Management Plan (CCMP) Update in 1998 and introduced the concept of applying "adaptive management" when implementing coastal projects. WHG is a well-respected firm that has provided many local and state governments with coastal program reviews and recommendations.

In 2013, WHG completed a technical review of a proposed long-term coastal program and provided input directly to Town Council prior to Town Council's adoption of the 10-Year Plan. The review concluded with a report that identified recommended projects. One of the recommendations was to perform a flooding vulnerability assessment. The purpose of the assessment would be to supplement the Town's CCMP with the identification of areas presently at risk of damage and flood. Town Council awarded a contract to WHG in December 2016 to perform a two (2) year Coastal Vulnerability Assessment.

As presented to the Shore Protection Board on January 24, 2019, Bob Hamilton will present results, solicit comments from both the public and the Town Council, and will finalize and submit the report to the Town next month. WHG has provided a brief memo that outlines the details of the presentation.

FUNDING/FISCAL IMPACTS

The cost to develop an implementation plan to address risk of public infrastructure and the cost of a multi-year capital improvement program can be determined following receipt of the final report in February 2019.

Attachment

cc: Shore Protection Board
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

February 1, 2019

COASTAL VULNERABILITY ASSESSMENT

Town of Palm Beach

Woods Hole Group will update Town Council with results and next steps related to the flood risk vulnerability project. The project will provide the Town information about vulnerability of public assets to flooding, and is intended to help prioritize future projects and investment related to flood risk mitigation and coastal resilience. A presentation to Town Council on February 14 will explain the type of information that will be produced, and illustrate example work products. Because the material is complex, Woods Hole Group has found benefit in presenting the material to clients in advance of delivering work products. By presenting the material first, the Town will be able to process the information efficiently. Woods Hole Group also hopes to gain initial comments and questions from the meeting that can be addressed proactively in the report to ensure the deliverable is tailored to the Town needs. The presentation will focus on results, including what distinguishes the approach, and how the flood maps are generated. The presentation will include:

- Overview of purpose, methods and interpreting the results
- Flooding maps for a range of conditions, including different water levels and storms
- Tables of Town assets at potential risk of flooding
- Coastal Vulnerability Index (CVI) to prioritize Town assets at potential flood risk
- Identification of potential flood pathways for water to flood Town assets
- Concepts for engineering adaptations to improve coastal resilience and manage flood risk
- Updates since the Shore Protection Board meeting on January 24, 2019
- Suggested next steps

A technical report will be submitted to the Town in February for review. Subsequent points of clarification will be addressed.

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 10-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying the Fiscal Year 2017-18 Collective Bargaining Agreement Between the Town and the International Association of Fire Fighters, Local 2928.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- ▣ **Memorandum dated January 31, 2019, from Danielle Olson, Director of Human Resources regarding the Ratification of the Agreement between the Town of Palm Beach and International Association of Fire Fighters, Local #2928**
- ▣ **Letter dated January 22, 2019, from Scott Bielecky, President of Professional Firefighters/Paramedics of Palm Beach County, Local #2928**
- ▣ **Resolution No. 10-2019**
- ▣ **Collective Bargaining Agreement - between the Town of Palm Beach and Professional Firefighters/Paramedics of Palm Beach County, Local #2928**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Ratification of the Agreement between the Town of Palm Beach and the International Association of Fire Fighters, Local #2928
Resolution #10-2019

Date: January 31, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council ratify the agreement between the Town and the International Association Fire Fighters (IAFF), Local #2928 contained herein to provide for implementation of the agreement.

GENERAL INFORMATION

On September 11, 2018, the Town and the IAFF reached a tentative agreement on an outstanding labor contract. Subsequently, employees covered by the agreement working in the job classification of Firefighter EMT/Paramedic and Firefighter Driver/Engineer EMT/Paramedic were invited to participate in a ballot vote on the same agreement. On January 22, 2019, the Town received notice that the vote resulted in ratification of the tentative agreement. Therefore, the agreement herein is presented for your final ratification. Following ratification by the Town Council, staff will take the steps necessary to implement the negotiated changes.

TOWN ATTORNEY REVIEW

The agreement between the Town and the IAFF has been reviewed and approved by Jeffery Mandel, attorney representing the Town in labor matters, for legal form and sufficiency.

Attachments

DO:jj

cc: Darrel Donatto, Fire-Rescue Chief
Jeffery Mandel, Esq.



Professional Firefighters/Paramedics of Palm Beach County, Inc. IAFF Local 2928

2328 South Congress Avenue • Suite 2-C
West Palm Beach, FL 33406-7674
561-969-0729 • Fax 561-969-1059 • www.IAFF2928.com

VIA EMAIL: kblouin@townofpalmbeach.com

January 22, 2019

Mr. Kirk Blouin
Town Manager
360 S. County Road
Palm Beach, FL 33480

Re: Town of Palm Beach Contract Ratification

Dear Mr. Blouin:

I am writing this letter to inform you that the 2017-2018 Collective Bargaining Agreement, between Local 2928 and the Town of Palm Beach was voted on during two meetings held Monday, January 14, 2019 and Friday, January 18, 2019. The ratification vote passed and was therefore, ratified.

If you should need any additional information regarding this ratification vote, please do not hesitate to contact me.

Sincerely,

Scott Bielecky
President
Professional Firefighters/Paramedics of
Palm Beach County, Inc.
IAFF 2928
Cell: 561-719-2427

cc: Darrel Donatto, Fire Rescue Chief & Director of Emergency Management:
ddonatto@townofpalmbeach.com
Brian LeBrun, DVP10: dvp10@iaff2928.com
Mark Floyd, Counsel: mfloyd@mierzwalaw.com

Affiliated with the International Association of Fire Fighters, AFL-CIO, CLC

RESOLUTION NO. 10-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING THE FISCAL YEAR 2017-18 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL #2928.

* * * * *

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

Section 1. The Fiscal Year 2017-18 collective bargaining agreement between the Town of Palm Beach and the International Association of Fire Fighters, Local #2928, is ratified by the Town.

Section 2. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate this collective bargaining agreement.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this this 14th day of February 2019.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

COLLECTIVE BARGAINING AGREEMENT

Non-Supervisory Unit

Town of Palm Beach

&

Professional Firefighters/Paramedics
Palm Beach County, Local 2928

Fiscal Year 2017-18

~~Fiscal Year 2015 through Fiscal Year 2017~~

ARTICLE 1

PREAMBLE

1.1 This Agreement is entered into by and between the TOWN OF PALM BEACH, hereinafter referred to as the Town, and the PROFESSIONAL FIRE FIGHTERS/PARAMEDICS OF PALM BEACH COUNTY, LOCAL 2928, IAFF, INC., hereinafter referred to as the Union.

1.2 It is the purpose of this Agreement to achieve and maintain harmonious relations between the Town and the Union, to document agreed-upon wages and other terms and conditions of employment, and to provide a procedure for resolution of grievances.

1.3 The provisions of this Article shall not be used as the basis for a grievance or as support for a grievance under any other Article of this Agreement.

ARTICLE 2

RECOGNITION

The Town recognizes the Union as the exclusive bargaining representative for all employees in the non-supervisory bargaining unit certified by the Town of Palm Beach Public Employees Relations Commission, as follows:

INCLUDED: All regular full-time employees of the Town of Palm Beach in the classification of Firefighters/EMT, Firefighter/Paramedic, Firefighter/EMT/Driver Operator, and Firefighter/Paramedic/Driver-Operator.

EXCLUDED: Fire Chief, Assistant Chief of Administration, Assistant Chief of Operations, Emergency Medical Services Coordinator (Division Chief), Fire Marshal (Division Chief), Training & Safety Officer (Division Chief), Battalion Chief, Assistant Fire Marshal, Administrative Lieutenant, Fire-Rescue Lieutenant/EMT, Fire-Rescue Lieutenant/Paramedic, Fire-Rescue Mechanic, EMS Billing Specialist, Office Assistant II, Administrative Coordinator, Office Manager, and all other employees of the Town of Palm Beach.

ARTICLE 3

DUES DEDUCTION

3.1 Any member of the Union, who has submitted a properly executed dues deduction authorization to the Town, in accordance with a format prescribed by the Town, shall have his/her membership dues and uniform assessments in the Union deducted from his/her wages on a monthly basis. Additionally, upon properly executed authorization, legal services plan payments shall be deducted from the employee's wages on a monthly basis; provided that the legal services plan pursuant to which such payments are being made is not utilized to render legal advice or take legal action against the Town or its elected or appointed officials. Dues, uniform assessments, and legal services plan payments so deducted from each employee's wages shall be forwarded by the Town to the Union. However, the Town shall have no responsibility or liability for any monies once sent to the Union. The Union shall indemnify the Town and hold it harmless against any and all suits, claims, demands, and liabilities which arise out of or by reason of any action taken or not taken by the Town to comply or attempt to comply with the provisions of this Article.

3.2 It shall be the responsibility of the Union to notify the Town of any change in the percentage amount of dues to be deducted at least thirty (30) days in advance of said change. Under no circumstances shall the Town be required to deduct Union fines, penalties, political action payments, or special assessments of any kind.

3.3 Any member of the Union may, on thirty (30) days written notice to the Town and the Union, request that the Town cease making deductions from his/her wages.

3.4 The Union agrees that a reasonable charge for having its dues and uniform assessments deducted by the Town is fifty cents (\$.50) per employee for each new enrollment for normal bookkeeping services. Such charges shall be deducted from the amounts forwarded by the Town to the Union.

ARTICLE 4

UNION BUSINESS AND REPRESENTATION

4.1 The District Vice President of the Union shall designate three (3) shift representatives (employees) and three (3) alternate shift representatives (employees) to represent the Union. (An alternate shift representative may represent the Union if the regular shift representative is not available.) It shall be the responsibility of the District Vice President to notify the Town in writing of the name of the three (3) shift representatives and three (3) alternate shift representatives so designated and any change thereto. (A shift representative or alternate shift representative will not be recognized by the Town unless the Fire Chief and the Human Resources Director receive such written notification.)

4.2 The on-duty shift representative shall be permitted to process a formal grievance with the appropriate Town or Departmental official at the Steps of the grievance resolution procedure herein, while on duty; provided that this activity does not interfere with emergency activities or scheduled activities which cannot reasonably be rescheduled. Under no circumstances shall the shift representative leave his/her assigned duties to process a formal grievance under the Steps of the grievance resolution procedure without first obtaining authorization from the Fire Chief, the Assistant Chief of Operations, or their designee. (The on-duty shift representative shall be permitted to represent an employee under investigation during

an interrogation under the conditions set forth in this paragraph.) The use of Town equipment and resources, including the Town's e-mail system, for Union business without the approval of the Fire Chief or his designee is prohibited.

4.3 Except for the processing of a formal grievance and the representation of an employee under investigation during an interrogation under the conditions set forth in paragraph 4.2 above, a shift representative shall be paid by the Town only when he/she performs assigned fire and rescue duties and/or work directed by the Town. Union business, including, but not limited to, attendance at negotiations, PERC proceedings, arbitrations, and grievance investigations, shall not be compensated by the Town, unless attendance is required by the Town.

MEETING ROOM

4.4 The Town agrees to grant the Union permission to use Station 3 meeting rooms for its monthly Union meetings and special Union meetings as space and scheduling permit and under the same conditions as other external organizations. The Union will supply the Town with a schedule of monthly meetings and will provide forty-eight (48) hours of special Union meetings.

4.5 On-duty personnel assigned to Station 3 on the day of the Union meeting shall be allowed to attend; provided that the Union meeting takes place after 1700 hours and that such attendance does not interfere with responding to emergency situations.

4.6 The Union agrees to leave any meeting room in its original condition at the end of the meeting.

ARTICLE 5

BULLETIN BOARDS

5.1 The Town shall provide the Union with a twenty-four (24) inches by thirty-six (36) inches space in each fire station in the kitchen/dining room area for the Union's bulletin board. (The Union shall provide the bulletin board.)

5.2 The Union's bulletin board may be utilized for the posting of notices of Union meetings, notices of Union elections and results, minutes of Union meetings, copies of the Union's constitution and by-laws and amendments thereto, notices of Union recreational, business, and social functions, names of Union officials and changes thereto, and notices of dues increases.

5.3 The Union shall post no material on its bulletin boards which may be characterized as political (other than internal Union elections), which may encourage insubordinate behavior, or which is derogatory or demeaning of Town or Departmental officials or operations. All materials placed upon the Union bulletin boards will be signed and dated by the Union President or another officer of the Union. A copy of all materials to be posted shall be provided to the Fire Chief or the Assistant Chief of Operations prior to posting. Materials which violate the provisions of this Article shall not be posted and may be removed.

ARTICLE 6

MANAGEMENT RIGHTS

6.1 Except as specifically restricted by the provisions of this Agreement, the Town reserves and retains all rights, powers, prerogatives and authority customarily exercised by Management.

6.2 Except as specifically restricted by the provisions of this Agreement, the Town has the sole and exclusive right to manage and direct any and all of its operations. Accordingly, the Town specifically, but not by way of limitation, reserves the sole and exclusive right to:

- A. Exercise complete and unhampered control to manage, direct, and totally supervise all employees of the Town;
- B. Decide the scope of service to be performed and the method of service;
- C. Determine the size and composition of the workforce;
- D. Determine the services to be provided to the public, and the maintenance procedures, materials, facilities, and equipment to be used, and introduce new or improved services, maintenance procedures, materials, facilities, and equipment;
- E. Hire and/or otherwise determine the criteria and standards of selection for employment;
- F. Determine the number, classification, grade, and types of positions;
- G. Fire, demote, suspend, or otherwise discipline bargaining unit employees; set minimum performance standards for service to be offered to the public, and set procedures and standards to evaluate the employees' job performance;
- H. Change, modify or alter the composition and size of the workforce, including the right to relieve employees from duty due to lack of work or lack of funding or any other business and/or operational reason, and recall employees;
- I. Determine the allocation and content of job classifications and determine all training parameters for all bargaining unit positions, including persons to be trained and extent and frequency of training;
- J. Determine whether and to what extent the work required in its operation shall be performed by employees covered hereunder;
- K. Modify operations, duties, tasks, and/or responsibilities, temporarily or permanently, in whole or in part, due to operational requirements; determine the number, location, and operation of all divisions and all other organizational units;

- L. Establish, amend, revise and implement any program, policy and/or procedure, provided that such action is not unreasonable;
- M. Merge, consolidate, expand, curtail, transfer, or discontinue operations, temporarily or permanently, in whole or in part, whenever in the Town's discretion business and/or operational reasons make such curtailment or discontinuance advisable;
- N. Contract and/or subcontract any existing or future work;
- O. Create, expand, reduce, alter, combine, assign, or cease any job;
- P. Control the use of equipment and property of the Town and determine the number and classification of employees assigned to any shift, station, or piece of equipment;
- Q. Exercise such other management rights as set forth in Chapter 447, Florida Statutes, and/or as determined by the state or local Public Employees Relations Commission or the courts.

6.3 The above rights of the Town are not all-inclusive but indicate the type of matters or rights which belong to and are inherent in the Town in its general capacity as management. Any of the rights, powers, and authority that the Town had prior to entering into this Collective Bargaining Agreement are retained by the Town unless otherwise restricted by a specific provision of this Agreement. If the Town fails to exercise any one or more of the above functions from time to time, this will not be deemed a waiver of the Town's right to exercise any or all of such functions.

6.4 Nothing herein shall be deemed a waiver of the Union's right to impact bargain if, and to the extent, such right exists under applicable law.

ARTICLE 7

SAFETY COMMITTEE

7.1 There shall be a Town of Palm Beach Fire-Rescue Department Safety Committee. The Safety Committee shall be comprised of four (4) members, i.e., two (2) bargaining unit employees appointed by the Union and two (2) non-bargaining unit employees appointed by the Fire Chief. The Fire Chief shall appoint one of the aforesaid bargaining unit or non-bargaining unit employees to chair the Safety Committee and preside at all of its meetings. The Town Risk Manager shall serve on the Safety Committee in an ex-officio capacity.

7.2 The Safety Committee shall meet quarterly, and such meeting shall be scheduled at the time established by the Fire Chief. (The Fire Chief may, in his/her discretion, schedule a special meeting as he/she deems appropriate.)

7.3 The purpose of the Safety Committee meetings is to discuss problems and issues relating to the safety and well-being of all Fire-Rescue Department personnel and the public.

7.4 The meeting shall be conducted on an informal basis. Any member of the Safety Committee may submit items for consideration at the Safety Committee meeting by providing same to the Fire Chief at least five (5) calendar days prior to the Safety Committee meeting. The Fire Chief shall coordinate the distribution of the Safety Committee agenda and shall also arrange for minutes to be taken and distributed to the Safety Committee members and posted at each Fire-Rescue Station.

ARTICLE 8

WORK STOPPAGES

8.1 There shall be no strikes, work stoppages, slowdowns, interference with work or operations, or picketing in furtherance of any strike or work stoppage, or any form of concerted refusal to perform work by the Union or any employee covered under this Agreement. Picketing, as used herein, shall mean any action which has the effect of preventing any employee from reporting to or continuing to work, or preventing the public from entering any facility.

8.2 The parties agree that any employee who participates in or promotes any of the aforementioned activities may be discharged or otherwise disciplined by the Town. Nothing herein shall restrict the Town from levying different disciplinary actions against different employees based on their involvement in activities prohibited hereunder.

ARTICLE 9

PERSONNEL REDUCTION

9.1 In the event it is necessary to reduce the number of bargaining unit employees, the Town shall first identify the classification(s) to be impacted. Probationary employees in such classification(s) shall be laid off first. Thereafter, the employee in the classification to be reduced with the least seniority shall be laid off first.

9.2 Employees who are laid off from their classifications may bump into the next lower classification in which they previously served or for which they are qualified. The employee(s) to be bumped shall be determined by seniority, i.e., an employee may bump the most junior employee in the classification if that junior employee has less seniority.

9.3 Employees who are laid off shall be recalled to the classifications from which they were laid off in the reverse order of their layoff (last laid off, first recalled); provided that they meet all of the requirements of the classification at the time of the recall. Laid off employees eligible for recall shall be offered recall before new employees are hired into their classification or shall be offered a position in a lower classification for which they are qualified before new employees are hired into such lower classification. An employee's recall rights hereunder shall expire in twelve (12) months from the date of his/her layoff.

ARTICLE 10

SENIORITY

10.1 Departmental seniority shall be determined by reference to the date of last hire with the Department. If two (2) or more employees have the same date of hire, seniority shall be determined by date of application with the Town. If the date of application is not dispositive of the issue, the Town shall utilize the flip of a coin in the presence of a Union representative and the employees involved.

10.2 A current seniority list shall be posted on the Town bulletin board at each fire station on or about the commencement of the fiscal year (October 1).

ARTICLE 11

PROBATIONARY EMPLOYEES

11.1 New employees in the classifications covered by the bargaining unit shall be on probation for a period of one (1) year from the date of hire. With the concurrence of the Human Resources Director, the Fire Chief may extend the one (1)-year probationary period to a maximum of an additional three (3) months, if the Fire Chief determines that such extension is

necessary. During the one (1)-year probationary period and any extension thereof, a new employee may be terminated or otherwise disciplined without recourse to the grievance resolution procedure hereunder or any other Town or Departmental grievance/appeals procedure. However, prior to finalizing his decision to terminate such probationary employee, the Fire Chief shall notify the employee of his intention and shall provide the employee (and his/her union representative) with an opportunity to meet with the Fire Chief and the Assistant Chief of Operations to informally discuss the matter.

11.2 Employees who are promoted will be on probation in the classification to which they are promoted for a period of nine (9) months, which may be extended by three (3) additional months at the discretion of the Fire Chief and upon written notice to the employee. If the Fire Chief determines that such employee has not successfully completed his/her probationary period, the employee may be returned to his/her former classification without recourse to the grievance resolution procedure hereunder or any other Town or Departmental grievance/appeals procedure. However, prior to finalizing his decision to return such employee to his/her former classification, the Fire Chief shall notify the employee of his intention and shall provide the employee (and his/her Union representative) with an opportunity to meet with the Fire Chief and the Assistant Chief of Operations to informally discuss the matter.

11.3 Newly hired employees shall-not be entitled to utilize vacation leave until they complete six (6) months of service; vacation leave may be used after completion of six (6) months of service.

11.4 Newly hired probationary employees shall not be entitled to utilize sick leave until they complete six (6) months of service. (Other conditions relating to sick leave shall be governed by current Town and Department rules, regulations, and policies.)

11.5 Newly hired probationary employees shall not be entitled to utilize floating holiday and personal leave until they complete six (6) months of service. (Other conditions relating to floating holidays and personal leave shall be governed by current Town and Department rules, regulations, and policies.)

ARTICLE 12

DISCHARGE AND DISCIPLINARY ACTION

12.1 The Disciplinary Action guidelines set forth in Article VII of the Department's Rules and Regulations shall apply to the bargaining unit employees hereunder; provided, however, that the sole and exclusive procedure for appealing any disciplinary action shall be the Grievance Resolution Procedure in Article 13 of this Agreement. (Sections 7-8.1 and 7-8.2 of the Disciplinary Action guidelines in Article VII of the Department's Rules and Regulations shall not apply to the bargaining unit employees hereunder.)

ARTICLE 13

GRIEVANCE RESOLUTION PROCEDURE

13.1 A "grievance" is defined as a dispute regarding the interpretation or application of this Agreement. Grievances are limited to claims which are dependent for resolution exclusively upon interpretation or application of one or more specific provisions of this Agreement. A grievance may be filed by a bargaining unit employee or the Union. In either case, the procedure to be followed is set forth below.

13.2 A grievance for SUSPENSION, DEMOTION or DISCHARGE must be in writing and introduced at Step 3 within 14 calendar days.

13.3 OTHER GRIEVANCES will be presented orally to the Battalion Chief within 14 calendar days of the incident which is the subject of the grievance.

STEP 1

- A. Employee and Battalion Chief (BC) discuss grievance.
- B. If NOT settled orally, grievance will be presented in writing to the BC within 2 working days.
- C. Battalion Chief provides decision in writing within 7 calendar days.

STEP 2

- A. Grievance NOT settled in Step 1 – Employee may, within 7 calendar days, submit grievance in writing to Fire Chief.
- B. Fire Chief or designee conducts investigation and provides written decision within 7 calendar days.

STEP 3

- A. Grievance NOT settled in Step 2 – Employee may, within 14 calendar days, request Town Manager to investigate grievance (this may involve all relevant individuals).
- B. Investigative meeting will be held within 14 calendar days. Town Manager provides decision in writing within 14 calendar days of holding investigative meeting. If additional time is needed, it may be allowed by agreement of Town Manager and employee filing grievance. **For disciplinary matters not involving suspension, demotion, or discharge, and performance evaluation appeals (15.3), the Town Manager's determination shall be final.**

STEP 4

SUSPENSION, DEMOTION OR DISCHARGE GRIEVANCES

- A. For disciplinary matters involving suspension, demotion, or discharge, the Town Manager's determination may be appealed by the Union to the Town Council. The deadline for filing an appeal to the Town Council shall be 14 calendar days after the Town Manager's written decision.
- B. The Town Council shall then hold an informal evidentiary hearing and make a final determination as to whether the disciplinary action was initiated for just cause (as determined by the Town Council) and whether the severity of the disciplinary action was appropriate to the situation. The Town Council may completely uphold, completely reject, or modify the disciplinary action to ensure a fair outcome of the matter.

NON-DISCIPLINARY ACTION GRIEVANCES
(Except for Performance Evaluation Appeals)

- C. For non-disciplinary action grievances (except for performance evaluation appeals), the Town Manager's determination may be appealed by the Union to arbitration pursuant to the ARBITRATION section (13.4, et seq.) below.

ARBITRATION

(Non-Disciplinary Action Grievances Except for Performance Evaluation Appeals)

13.4 If a non-disciplinary action grievance (except for a performance evaluation appeal) is not resolved in STEP 3 above, the Union may request arbitration by hand delivery or by certified or registered mail of a written notice to the Town Manager within twenty-one (21) calendar days of his/her decision in STEP 3 above. Said written notice of arbitration shall include a written statement of the position of the Union with respect to the issues upon which arbitration is being sought. Under no circumstances shall the issues to be arbitrated be expanded from the issues raised at STEP 2 of the grievance procedure.

13.5 Within ten (10) calendar days from receipt of such notice of arbitration, the parties (or either party) shall request a list of nine (9) qualified arbitrators from the Federal Mediation and Conciliation Service. The party requesting arbitration will strike an initial name from the list of arbitrators, with the parties thereafter alternately eliminating, one at a time, from said list of names, persons not acceptable, until only one (1) remains, and this person will be the arbitrator.

13.6 As promptly as possible after the arbitrator has been selected, he/she shall conduct a hearing, consider the grievance, and render his/her decision. It shall be the obligation of the arbitrator to make his/her best effort to rule within thirty (30) calendar days after briefs are filed.

The expenses of the arbitration, including the fee and expenses of the arbitrator, shall be shared equally between the parties. Each party shall bear the expense of its own witnesses and of its own representatives, including attorneys, for purposes of the arbitration hearing.

13.7 The arbitrator shall have no authority to change, amend, add to, subtract from, or otherwise alter or supplement this Agreement, or any part thereof, or amendment thereto. The arbitrator shall have no authority to consider or rule upon any matter which is stated in this Agreement not to be subject to arbitration or is not a grievance as defined in this Agreement; nor shall this Collective Bargaining Agreement be construed by the arbitrator to supersede applicable state and federal laws.

13.8 The arbitrator may not issue declaratory opinions and shall confine himself/herself exclusively to the grievance which is presented to him/her. The standard by which the action at issue is to be judged is whether there is a violation of this Agreement. The arbitrator's decision shall be final and binding.

GENERAL PROVISIONS

13.9 No decision of any arbitrator or of the Town Council or the Town Manager in any one case shall create a basis for retroactive adjustment in any other cases. All claims for back wages shall be limited to the amount of wages involved less any unemployment compensation and/or interim earnings that he/she may or might have received during the period involved.

13.10 The resolution of any grievance by the arbitrator or Town Council or the Town Manager resulting in retroactive adjustment, including back wages, shall be limited to a thirty (30)-day period prior to the date of the filing of a grievance at STEP 1.

13.11 It is agreed with respect to this grievance resolution procedure that:

- A. It is the intent of the parties that a grievance must be raised at the earliest possible time. Any grievance, in order to be entertained and processed, must be submitted in a timely manner by the grievant (whether the grievant be the Union or an individual employee).
- B. Grievances not submitted by the grievant in a timely manner shall be conclusively barred on the merits following the expiration of the prescribed time limit. The arbitrator, the Town Council, or the Town Manager (whichever is applicable) may conduct one hearing to address both the procedural and substantive issues; however, the procedural issues will be ruled upon before addressing the merits of the dispute. A grievance which is, for any reason, not the subject of a timely response by the Town or the Department shall require the grievant to proceed to the next step, and failure to proceed on a timely basis to the next step shall bar the grievance.
- C. The employees covered hereunder may avail themselves of the procedures under Steps 1, 2, and 3 of this Article without regard to Union representation or membership except as provided by Chapter 447, Florida Statutes. (Only the Union may proceed to arbitration or the Town Council, whichever is applicable.) Should an employee elect not to have Union representation, the Town shall provide the Union with copies of all documents filed by the employee or issued by the Town in connection with the grievance.

13.12 The parties agree that the above grievance resolution procedure shall be the exclusive procedure for resolving grievances as defined in paragraph 13.1 above; provided, however, that except for a performance evaluation determination made by the Town Manager, either party shall be entitled to seek review of the final determination of the arbitrator, the Town Manager or the own Council (whichever is applicable) in the circuit court.

ARTICLE 14

DRUG AND ALCOHOL TESTING

14.1 The Town, the Union, and the employees covered hereunder mutually agree that employee substance and alcohol abuse may constitute a danger to the employee, fellow employees, and the general public. It is further agreed that the safety of public property and equipment and the image of the Town and its employees are placed in jeopardy if an employee is involved in substance or alcohol abuse. Accordingly, the Union and the employees covered hereunder agree that the Town shall have the right and authority to require employees to submit to appropriate drug and alcohol testing to detect the presence of any controlled substance, narcotic, drug, or alcohol in accordance with the provisions of the Town's Personnel Manual, and the Department's Rules and Regulations, and Departmental Procedure #231, governing substance abuse, including drug and alcohol use.

14.2 Notwithstanding any other provision of this Article, the Town's Personnel Manual Regulations, and the Department's Rules and Regulations, and Departmental Procedure #231, a positive result on any drug or alcohol test may result in appropriate disciplinary action up to and including termination. An employee's refusal to submit to drug or alcohol testing in accordance with the provisions of this Article may result in disciplinary action up to and

including termination. Should the Town deem appropriate, it may order an employee, who has tested positive, to undergo rehabilitation in lieu of, or in combination with, disciplinary action. The terms and conditions of such rehabilitation and any follow-up testing shall be prescribed by the Town in consultation with a physician, psychologist, or other substance abuse treatment professional.

14.3 Any testing administered under this Article shall be administered by an appropriate laboratory or testing facility in accordance with the testing procedures set forth in Departmental Procedure #231.

14.4 The Town has the absolute right to randomly test any bargaining unit member for the existence of alcohol, illegal drugs, or other controlled substances. The selection of an employee for random testing shall be made by a valid method, such as a random number table, a computer based random number generator that is matched with employees' payroll identification numbers or other comparable identification number, or other method which is required and administered by established testing entities.

ARTICLE 15

PERFORMANCE REVIEW

15.1 Employees shall be evaluated periodically by their immediate supervisors. Such evaluations shall be reviewed and approved by non-bargaining unit Department management. Performance evaluations shall be conducted in accordance with such standards and procedures as are established (and from time-to-time revised) by the Town. In the event the Town exercises its right to revise or amend the performance evaluation standards or procedures, it shall provide a

courtesy copy of such revisions or amendments to the Union at least seven (7) calendar days prior to implementation.

15.2 Performance evaluations will be considered by the Town and the Department in such personnel matters as promotions, transfers, demotions, terminations, disciplinary actions, and pay-for-performance.

15.3 A non-probationary employee shall have the right to appeal his/her performance evaluation (rating) through Steps 1, 2 and 3 of the Grievance Resolution Procedure (Article 13).

15.4 The appeal (grievance resolution) procedures set forth in paragraph 15.3 shall be the sole and exclusive procedure for appealing a performance evaluation. (Step 4 in Article 13 of this Agreement cannot be utilized to appeal a performance evaluation.) Throughout the process of appealing his/her performance evaluation, the employee shall, at all times, have the burden of proving that his/her performance evaluation was arbitrary and capricious. With respect to an appeal of a performance evaluation, the decision of the Town Manager (or his designee) in Step 3 of Article 13 of the Grievance Resolution Procedure shall be final and binding on the parties. Probationary employees shall not be entitled to appeal their performance evaluations pursuant to the appeals (Grievance Resolution) procedure in paragraph 15.3 or any other appeals procedure.

ARTICLE 16

PROMOTIONS

16.1 Vacancies in the Driver-Operator classification shall be filled in accordance with the applicable selection processes set forth in Article II, Sections 2-2.2 of the Department's Rules

and Regulations. Such vacancies will, insofar as possible, be filled within thirty (30) calendar days after the vacancy occurs.

16.2 Notices of promotional examinations shall be posted on the Department bulletin board at each work location at least ninety (90) days in advance of a target promotional examination date. The written examination will be held no sooner than ninety (90) days after the notice, nor later than one hundred twenty (120) days after the notice. Source materials from which the examination is drawn will be identified in the examination announcement or concurrent with the issuance of such announcement. Such source materials shall be in print or otherwise obtainable.

16.3 No employee shall be permitted to apply for a promotional examination after the closing date set forth in the examination announcement. Such closing date will be between thirty (30) and thirty-five (35) days prior to the date of the examination.

16.4 In order to be eligible to take a promotional examination, an employee must meet the applicable minimum employment standards set forth in Article II, Sections 2-2.1 of the Department's Rules and Regulations and the applicable educational requirements set forth in Department Procedure #228 as of the closing date for the written examination.

16.5 No employee shall be eligible to take a promotional examination if he/she has received a suspension or higher-level disciplinary action during the twelve (12) months preceding the closing date for the written examination or at any time until the date the examination process is completed.

16.6 A promotional eligibility list shall remain in effect for two (2) years from the date the eligibility list is established or until there are no names remaining on the eligibility list,

whichever occurs first. In an effort to maintain a continuous eligibility list, the Town shall make a reasonable effort to produce a new eligibility list in advance of the two (2)-year expiration date of the current eligibility list.

16.7 Upon his/her written request, any applicant on a promotional eligibility list shall be permanently removed from such promotional eligibility list. Any applicant on a promotional eligibility list shall automatically be permanently removed from such list if he/she receives a suspension or higher-level disciplinary action. In the Fire Chief's discretion, an applicant on a promotional eligibility list may be temporarily removed from such promotional eligibility list if the applicant is on light duty, on disability leave or any other leave of absence, or if the applicant otherwise is not working or is unavailable for work, at any time after the promotional eligibility list is established. Prior to temporarily removing an applicant from a promotional list, the Fire Chief shall advise in writing the applicant of his intention and shall provide him/her with an opportunity to respond thereto.

16.8 Selections for promotions from the promotional eligibility list for Driver-Operator shall be made by the Fire Chief utilizing the Rule of Three (3). Pursuant to the Rule of Three (3), the top three (3) candidates on the promotional eligibility list will be considered for the promotional vacancy. (The Fire Chief may choose any one of the top three candidates on the promotional eligibility list.) If there is a second promotional vacancy after the first selection is made, the number four (4) candidate on the list will be added to the remaining two (2) in order to make three (3) candidates eligible for the next selection. This method will continue until the list is exhausted or expires. Should the Fire Chief pass over a higher ranked candidate in applying the Rule of Three (3), the Fire Chief shall informally counsel the passed over candidate prior to

announcing the candidate(s) selected. Any employee who is selected for but refuses a promotion shall automatically be removed from the promotional eligibility list. The Fire Chief, in his sole and exclusive discretion, may reinstate such employee to the promotional eligibility list if he/she determines that the employee had good and sufficient reason for refusing the promotion and the employee's reinstatement to the promotional eligibility list would be in the best interest of the Department.

16.9 The promotional process set forth in paragraph 16.1 above and as specified in Departmental Rules and Regulations, Article II, Sections 2-2.2 shall be conducted by an agency or organization specializing in and with experience conducting Fire-Rescue promotional assessments separate from the Town of Palm Beach, the Fire-Rescue Department or any other department or agency within the Town.

ARTICLE 17

WAGES

~~17.1 For Fiscal Year 2014-2015, effective the first payroll after ratification of this Agreement, the Salary Step Plan reflected in Exhibit A shall be deleted and replaced with salary ranges (minimums and maximums) for each bargaining unit position. The minimums and maximums of each salary range shall reflect a 3% increase, in addition to the increases in paragraph 17.2 below, over the current minimum and maximum step for each bargaining unit position.~~

~~17.1 For Fiscal Year 2017-2018, 2014-2015 (effective the first payroll after ratification of this Agreement), Fiscal Year 2015-2016 (effective the first payroll after ratification of this Agreement), and Fiscal Year 2016-2017 (effective the first payroll after ratification of this Agreement),~~ bargaining unit employees shall be provided the same merit, across-the-board, or

other generally applicable wage increases in the same method and manner as the Town's non-bargaining unit, non-exempt employees. Additionally, for Fiscal Year ~~2017-18, 2015-2016~~ (effective the first payroll after ratification of this Agreement), and Fiscal Year ~~2016-2017~~ (effective the first payroll after ratification of this Agreement), the salary ranges for the bargaining unit positions shall be increased in the same amount as any Town-wide range increases for non-bargaining unit, non-exempt employees (i.e., a 2% increase to the minimums and maximums of each salary range for FY 2015-16, and a 2% increase to the maximums of each salary range for FY 2016-17. The salary ranges for the bargaining unit positions, which include the FY 2017-18 increases, are listed in Exhibit A.

17.3 Upon the effective date of the implementation of the Relief Days in Article 18 of this Agreement, after the inclusion of the increases in paragraphs 17.1 and 17.2 above, the base hourly rates for the bargaining unit employees shall adjusted to reflect the unpaid Relief Days. Thereafter, he salary ranges (minimums and maximums) in Exhibit A shall apply.

17.4 For the 2014-2015 and 2015-16 performance years, as bargaining unit employees have already received their performance bonuses for those years, bargaining unit employees shall not receive any additional performance bonuses.

17.2 For the ~~2017-18 2016-2017~~ performance year, paid in December ~~2018 2017~~, bargaining unit employees shall be provided performance bonuses using the same program as the Town's non-bargaining unit, non-exempt employees.

ARTICLE 18

WORKWEEK

18.1 Twenty-four (24)-hour shift employees shall be regularly scheduled to work twenty-four (24) hours on duty followed by forty-eight (48) off duty, with an additional scheduled unpaid Relief Day (24-hour shift) every tenth shift.

18.2 The starting time for twenty-four (24)-hour shift employees is 0800.

18.3 Relief Days will be assigned by the Fire Chief or their designee based upon Departmental needs and may be re-assigned as needed.

18.4 The Battalion Chief may, at his discretion, approve the voluntary exchange of Relief Days on a temporary basis by two comparably qualified employees in accordance with Departmental Rules and Regulations Section 8-4.1.

ARTICLE 19

OVERTIME

19.1 All work performed by twenty-four (24)-hour shift bargaining unit employees, up to and including two hundred twelve (212) hours in a twenty-eight (28) day work cycle, shall be paid at the employee's straight time rate of pay. Work performed in excess of two hundred twelve (212) hours in the twenty-eight (28) day work cycle shall be paid at time and one-half (1.5) the employee's straight time rate of pay. Only time actually worked, annual (vacation), floating holiday, and personal days shall be counted for the purpose of calculating overtime. When an employee utilizes sick, injury, compensatory, worker's compensation, LTD, bereavement, military, jury duty, or any other paid or unpaid leave during the twenty-eight (28)

day work cycle, such leave time shall not be considered time worked and shall be excluded from the calculation of overtime.

19.2 Overtime shall be calculated and paid in one-half (1/2)-hour increments.

19.3 An overtime eligibility list shall be maintained within Telestaff to ensure that overtime is offered in a manner that is most efficient to the Department and equitable to the employees. The overtime eligibility list is accessible from the Telestaff program. On-duty officers shall use this list in the event that an employee must be called for overtime.

Minimum staffing on shift must be maintained. Vacant positions should be filled with the most qualified person for the position available, whether it be the overtime person or a more qualified person on duty. When overtime is used to fill a vacant officer's position, officers and acting officers shall be given primary consideration.

The following guidelines shall be used when overtime is needed to meet minimum staffing requirements:

- A. Personnel on their Relief Day, sorted by the lowest amount of shift overtime hours, shall be contacted first.
- B. Personnel working the off-going shift, sorted by the lowest amount of shift overtime hours, shall be contacted next. The employee with the lowest amount of overtime hours shall be contacted first.
- C. Personnel who are off-duty shall be contacted next. The employee with the lowest amount of overtime hours shall be contacted first.

- D. When two or more employees in categories A, B, or C have the lowest amount of overtime hours, the employee with the highest seniority shall be called first.
- E. If staffing requirements are not met with volunteers pursuant to A through C above, the same process using A through C above shall be followed to mandate overtime assignment(s), provided that the employee with the lowest seniority in the position being filled will be called (mandated) first on a rotating basis (i.e., once the employee with the lowest seniority fills the mandatory overtime, he/she will rotate to the bottom of the list). The position being filled will be based on the lowest classification needed after all promoted rank positions are filled by existing on-duty shift personnel holding the rank required for the position or by utilizing personnel qualified to “act” in the position needed.
- F. After being assigned “mandatory overtime,” the employee assigned the mandatory overtime has the following options:
 - a. Work the mandatory overtime as assigned, or
 - b. Make arrangements for a qualified volunteer employee(s) to work the mandatory overtime hours.

19.4 Time accrued due to special details (PIP, CPR classes, physicals, etc.), Public Assembly Inspections and Special Assignment Overtime will not be included for the purpose of this overtime limit. Absent unusual circumstances (e.g., natural disaster, major fire, etc.), employees shall not be required to work in excess of two (2) consecutive shifts.

19.5 Nothing in this Article shall be construed to require the payment of straight time or overtime for attendance at training seminars or classes unless such seminars or classes were specifically authorized by the Fire Chief prior to the attendance.

ARTICLE 20

SHIFT EXCHANGE

20.1 Shift employees will be allowed shift exchanges in accordance with the provisions of Section 8-4 of the Department's Rules and Regulations; provided that Section 8-4 of the Department's Rules and Regulations shall be modified or interpreted to:

- A. Allow shift exchanges on an hour for hour basis, and
- B. Require that requests for shift exchanges be submitted no less than twelve (12) hours prior to the beginning of the shift during which the exchange will occur.
- C. A bargaining unit employee who, due to use of sick leave or family sick, fails to work the agreed upon exchange as indicated on the submitted request shall be disqualified from consideration for future shift exchanges for a period of 6 months unless the employee provides documentation from a healthcare provider justifying the failure to work the exchanged shift.

ARTICLE 21

CALL-BACK

21.1 When an emergency call-back is ordered for a fire or medical emergency or mutual aid, employees called back will be paid for the actual time worked (i.e., logged-in to logged-out) at their straight time rate or time and one-half rate, whichever is applicable under paragraph 19.1. Employees called back hereunder shall receive a minimum of three (3) hours pay at their straight time rate or time and one-half rate, whichever is applicable under paragraph

19.1. Under no circumstances (and notwithstanding any provision of the Department's Rules and Regulations) shall travel time be paid in connection with a call-back.

ARTICLE 22

EDUCATIONAL ASSISTANCE

22.1 Employees covered hereunder are eligible to receive tuition reimbursement for (a) approved job-related courses of a non-degree program, and (b) approved non-job-related and job-related elective and core courses required for an accredited, job-related degree program. An employee who wishes to receive such tuition reimbursement must have his/her application for educational assistance approved by the Fire Chief and the Human Resources Director prior to enrolling in the course. The amount and other conditions relating to tuition reimbursement shall be governed by the provisions of the Town's Personnel Manual and Article XII, Section 12-3.3 of the Department's Rules and Regulations.

22.2 Employees in their initial probationary period will not be eligible to apply for or receive tuition reimbursement. Any employee leaving the employment of the Town less than one full year after the latest date of reimbursement for education assistance shall be required to repay the full amount of any payments made to him/her in the previous 12 months in the form of reimbursements for education expenses or bonuses for educational or vocational accomplishments, certifications or licensing.

ARTICLE 23

CERTIFICATION

23.1 All employees shall be responsible for making certain that the required state licenses and certifications for their positions are maintained and updated. The loss of such

required licenses or certifications may be grounds for reduction in rank or salary, suspension, or termination.

23.2 The Town will make available in-house Paramedic and EMT Recertification courses to enable the employees covered hereunder to take such courses while on duty. It shall be the responsibility of the employee to make himself/herself available to take such required Recertification courses while on duty. If an employee does not take such required Recertification courses while on duty, off-duty attendance at such courses shall not be considered as time worked, and the Town shall not be required to reimburse the employee for tuition or other fees.

23.3 If the Town requires the employee to take a Recertification course which is not required by the State of Florida and is not available to the employee while on duty, the off-duty time spent by an employee classified as a Lieutenant to take such course shall be considered as time worked.

23.4 Any employee who accepts a position in the Paramedic program under the Town's sponsorship arrangement shall sign an agreement indicating that the employee will remain certified and function as a Department protocolled Paramedic as a condition of employment for a period of ten (10) years unless the employee is unable to do so due to illness or injury. Additionally, any such employee shall remain employed for at least three (3) years or repay the cost of the sponsorship, as follows: (a) if the employee voluntarily leaves employment less than one (1) year after completion, the employee will repay the entire cost of the sponsorship; (b) if the employee voluntarily leaves employment less than two (2) years after completion, the employee will repay sixty-seven percent (67%) of the cost of the sponsorship;

and (c) if the employee voluntarily leaves employment less than three (3) years after completion, the employee will repay thirty-three percent (33%) of the cost of the sponsorship.

ARTICLE 24

UNIFORMS

24.1 Uniform issuance, use, and replacement will be in accordance with the Department's Rules and Regulations, Article X.

ARTICLE 25

VACATIONS

25.1 In accordance with the Town Personnel Manual, shift employees covered hereunder (i.e., employees on 24-hour shifts are provided an adjusted annual leave policy in lieu of a separate holiday program. Annual leave shall be earned, accrued, used, and scheduled in accordance with Article IX, Section 9-1 and 9-1.1 of the Department's Rules and Regulations, the Town's Personnel Manual, and the following additional provisions:

A. Each employee will be guaranteed one primary vacation period per year of one to five (1-5) consecutive leave days. In addition, each employee will be allowed a secondary vacation selection not to exceed three (3) consecutive leave days. This secondary vacation selection, however, is not guaranteed. The Fire-Rescue Chief, at his discretion, may allow additional consecutive leave days for either the primary or secondary selections. Vacation periods shall not exceed thirty (30) calendar days unless approved in writing by the Fire-Rescue Chief or his designee. Vacation periods shall run from February 1st to February 1st.

B. Vacation selection will commence on October 1st and end December 31st of the year preceding the vacation period. Vacation selection will be conducted on a seniority basis.

C. For purposes of vacation scheduling, a total of two employees (officers and non-officers) will be permitted to schedule annual leave per shift, per tour of duty. (Note: In accordance with existing procedure, other leave such as personal days and floating holidays are also subject to these annual leave “slots.”) Where staffing permits, the Battalion Chief may authorize a third annual leave “slot.” Such third annual leave slot (A/L #3) must be requested in the same manner as other annual leave in accordance with Article IX, Section 9-1 and 9-1.1 of the Department’s Rules and Regulations and Section 25.2 below. Additionally, if A/L #3 is to be taken the day of the shift, such leave will be granted by seniority, and the employee taking such leave shall be required to remain on duty until all positions are covered. Employees wishing to “guarantee” an A/L #3 shall do so by securing a standby. Such standby shall be handled in the same manner as a shift exchange and shall be subject to the applicable provisions of Article 20 (Shift Exchange). When authorized (budgeted) Departmental staffing reaches 27 employees per shift, including the Battalion Chief, the above annual leave slots, which include personal days and floating holidays, shall be increased from 2 to 3 per shift, per tour of duty, and the Battalion Chief may authorize a fourth annual leave slot (A/L #4), if staffing permits. Such additional annual leave slot (A/L #4) shall be subject to the above provisions governing A/L #3.

D. After primary and secondary vacation selections are completed, the Battalion Chief, in his discretion, may close any unused annual leave slots for the purpose of

utilizing such slots to send employees to out-of-town classes or otherwise ensure proper staffing without incurring additional overtime expenses.

25.2 Annual leave must be requested at least twelve (12) hours prior to the beginning of the shift for which annual leave is requested. “Turning back” (cancellation of) previously approved annual leave must be requested at least forty-eight (48) hours in advance of the shift for which annual leave was previously approved.

25.3 Annual leave may be used in one (1) hour increments; however, when two or more employees are requesting annual leave during the same time period, the longer request will be awarded first.

25.4 Nothing in this Article shall restrict the authority of the Fire-Rescue Chief to implement a vacation policy that ensures employees will not lose vacation time and the Town will not be forced to staff through overtime involuntarily.

ARTICLE 26

PERSONAL DAYS AND FLOATING HOLIDAYS

26.1 Personal Days — After completing six months of service with the Town, all regular, full-time employees are eligible to receive personal days. Employees working 24-hour shifts are eligible to receive 1-1/2 duty days (36 hours) which must be taken in minimum 12-hour increments. Employees working a 40-hour schedule are eligible for 3 days (24 hours) to be taken in minimum increments of 4 hours.

Personal days must be taken within the calendar year earned or they will be forfeited. Personal days will not be paid upon termination of employment, nor used during the required notice of termination.

26.2 Floating Holidays — After completing six months of service with the Town, all regular, full-time employees are eligible to receive a Floating Holiday. Employees working 24-hour shifts are eligible to receive one-half duty day (12 hours). Employees working a 40-hour schedule are eligible for one day (8 hours).

The Floating Holiday must be taken within the calendar year earned or it will be forfeited. The Floating Holiday will not be paid upon termination of employment, nor used during the required notice of termination.

26.3 In accordance with existing procedure, personal days and floating days must be requested at least seven (7) calendar days in advance. “Turning back” (cancellation of) a previously approved personal day or floating holiday must also be requested at least seven (7) calendar days in advance.

ARTICLE 27

BEREAVEMENT LEAVE

27.1 In case of death in the immediate family, a regular, full-time employee may be granted leave of absence with pay for the workdays falling within the period between the time of death and the day of the funeral, not to exceed three (3) days (one duty day for 24-hour shift employees) for a funeral within the State of Florida. “Immediate family” is defined as wife, husband, child, brother, sister, parent, grandparent, grandchildren, and any relative permanently residing in the employee’s household. For a funeral outside the State of Florida, such leave shall not exceed five (5) days (two duty days for a 24-hour shift employee).

27.2 Upon approval by the Fire Chief, sick leave may be used by eligible employees (those who have completed a minimum of six (6) months of employment) to attend the funeral of

a parent-in-law, brother-in-law, sister-in-law, step-parent. For 40-hour employees, such time shall not exceed three (3) days for a funeral within the State of Florida, or five (5) days for a funeral held outside the State of Florida. For 24-hour shift employees, such time shall not exceed one (1) duty day for a funeral held within the State of Florida or two (2) duty days for a funeral held outside the State of Florida.

In the event that sick time is approved for bereavement time off, the Fire Chief will be responsible to notify the Director of Human Resources by memorandum with the name of the employee, number of sick days taken, actual dates, and the relationship of the deceased to the employee. The memorandum should be received by Human Resources prior to the affected payroll sheets.

ARTICLE 28

COURT TIME

28.1 Any employee in a bargaining unit classification who is required to make an off-duty appearance as a subpoenaed witness in any court, administrative proceeding, or deposition arising out of the employee's duties, will be compensated for the appearance at the rate of straight time or time and one-half the employee's regular hourly rate for the time actually spent in such off-duty court, administrative, or deposition appearance. The employee will receive a minimum of two (2) hours at his/her straight-time or time and one-half rate, whichever is applicable. As a condition precedent to the Town paying any compensation hereunder, the employee will endorse over to the Town any subpoena fee, including mileage and witness fees, received. Transportation to and from such off-duty appearance shall be the sole responsibility of the employee.

ARTICLE 29

JURY DUTY

An employee who is summoned and reports for jury duty, as prescribed by applicable law, shall be paid in an amount equal to the difference between the amount of wages the employee otherwise would have earned by working a regular shift during straight time hours that day and the daily jury duty fee paid by the courts (not including traveling allowances, or reimbursement of expenses) for each day in which he/she reports for, or performs jury duty, and on which he/she otherwise would have been scheduled to work. If jury duty falls outside the employee's regular shift, no reimbursement shall be made.

ARTICLE 30

INSURANCE AND MISCELLANEOUS BENEFITS

The employees covered hereunder shall be provided health, dental, flex plan, long-term disability (LTD), Life Insurance, EAP, ICMA-RC, and workers' compensation benefits and programs under the same terms and conditions as are applicable to the other Town employees. The employees covered hereunder shall be eligible for the Town's Health Savings Account Program and the Town's Retirement Health Savings Plan under the same terms and conditions as are applicable to the other Town employees. Should the Town change the terms and conditions of the aforesaid benefit programs, including, but not limited to, employee premiums and benefits, the employees covered hereunder shall be subject to such changes on the same basis as the other Town employees.

ARTICLE 31

DOCUMENTS

31.1 The Town shall provide copies of public documents to the Union on the same basis as such documents are provided to other members of the public. Where the cost to the Union of such documents is likely to include labor charges (i.e., charges beyond the price of photocopies), the Town will provide the Union with an itemized estimate of the proposed charges in order that the Union can determine whether it wishes to proceed with its request for documents.

31.2 Public documents requested by the Union shall be provided within a reasonable time; provided that the Union makes full payment to the Town in advance of delivery. Where a document request involves substantial photocopying costs and/or labor charges, the Town will not be required to commence copying, compilation, and/or other production activities until the Union enters into a written agreement confirming that it will pay the itemized costs involved.

31.3 Notwithstanding the foregoing, the Town will provide the Union, without cost, a copy of each of the following documents:

- A. The Annual Budget
- B. The Annual Audited Financial Statement
- C. Any Amendment to the Town's Personnel Manual, the Department's Rules and Regulations, or the Department's Procedures.

ARTICLE 32

STATION CONDITIONS

32.1 The Town shall continue to provide washing machines and dryers in each of the fire-rescue stations. Such washing machines and dryers are to be used to clean noncontaminated work uniforms, linens, towels, and other items used in the fire-rescue stations. Such washing machines and dryers are not to be used for personal laundry.

32.2 For the purpose of washing personal protective clothing and contaminated work uniforms, the Town has provided a heavy-duty washer/extractor at Station No. 3. Noncontaminated work uniforms and linens, including blankets, shall not be cleaned in the washer/extractor.

32.3 The Town agrees to comply with all health and safety laws and regulations governing its Fire Stations. The parties, including the bargaining unit employees, agree to jointly cooperate to maintain a safe and healthy work environment.

ARTICLE 33

LABOR RELATIONS COMMITTEE

33.1 There shall be a Labor Relations Committee comprised of three (3) employees designated by the Union, and three (3) non-bargaining unit employees designated by the Town.

33.2 The Labor Relations Committee shall meet quarterly at a time and date mutually agreed upon by the parties. The purpose of the Labor Relations Committee meetings shall be to improve communications and discuss problems and objectives of mutual concern. Such meetings shall be off-the-record in nature, and the discussions shall not be recorded or otherwise documented unless the parties mutually agree in writing to document a particular item. Labor

Relations Committee meetings shall not be for the purpose of (or constitute) collective bargaining.

ARTICLE 34

PREVAILING RIGHTS, RULES, AND REGULATIONS

34.1 Except as otherwise provided in this Agreement, the wages, hours, and other conditions of employment of the bargaining unit employees shall be those specifically set forth or specifically incorporated by reference in this Agreement.

34.2 Except as restricted by a specific provision of this Agreement, the Union agrees that the employees covered hereunder shall comply with all programs, policies, and procedures of the Town and the Department, and any amendments thereto.

34.3 Should the Town and/or the Department exercise its right to formulate, amend, revise, and/or implement any program, policy, or procedure, the Town or the Department shall provide a courtesy copy of any new (or amended) program, policy, or procedure to the Union at least seventy-two (72) hours prior to the effective date of implementation. Simultaneous with providing a courtesy copy to the Union, the Town or the Department shall post at each fire station the new (or amended) program, policy, or procedure. "Posting" may be accomplished through electronic mail, telecommunication, bulletin board posting, or any other similar means.

34.4 In the event the Town or the Department exercises its right to issue a new (or amended) program, policy, or procedure, no bargaining unit employee shall be disciplined for violation of any such new or amended program, policy, or procedure until the Town and/or the Department has informed the Union of its posting of such new or amended program, policy, or procedure in accordance with the procedure set forth in paragraph 34.3 above. For the purpose

of this Article, hand-delivery or mailing to the Union District Vice President or any other Union steward or representative shall be deemed service upon the Union. Mailing shall be effective upon deposit in the United States Mail by the Town or the Department.

34.5 Nothing contained in this Article shall constitute a waiver of the Union's right to engage in impact bargaining if, and to the extent, required by applicable law.

ARTICLE 35

VOTING

35.1 Employees who are unable to vote during their off-duty hours due to the location of their voting precincts and their work schedules may, in the discretion of the Battalion Chief, be permitted leave without pay (not to exceed two hours) to enable them to vote. To request such leave without pay, the employee shall file a written request with the Battalion Chief advising him/her of the reasons for requesting such leave and providing him/her with confirmation of precinct location and voter registration. Such requests must be made no later than the employee's second-to-last shift prior to the shift for which the leave without pay is being requested.

35.2 It is understood and recognized that employees covered hereunder are normally aware of their upcoming work schedule and, therefore, can vote by absentee ballot if their work schedule causes a conflict with their ability to vote. It, therefore, is further understood that there is no entitlement to leave without pay for voting and that the operating requirements of the Department may preclude such time off (even if previously authorized by the Battalion Chief). Should the Battalion Chief receive a timely request in accordance with paragraph 36.1 above and determine that there are proper grounds for such request, he/she shall schedule the employee's

voting time in such a manner as to not interfere with operational requirements. Under no circumstances shall the granting of a request for leave without pay for voting purposes cause the Department additional payroll costs.

ARTICLE 36

SAVINGS CLAUSE

It is agreed by and between the parties that if any provision(s) of this Agreement is held to be unconstitutional, illegal, or otherwise void, such holding shall not affect the remaining portions of the Agreement.

ARTICLE 37

LIMITATIONS ON REOPENING NEGOTIATIONS

37.1 This Agreement contains the entire agreement between the parties in all matters relative to wages, hours, working conditions, and all other matters which have or could have been negotiated by and between the parties prior to the execution of this Agreement. Neither party shall be permitted to reopen or renegotiate this Agreement, or any part of this Agreement, for the period from its effective date through and including September 30, ~~2018~~ 2017; provided, however, that this provision shall not be deemed a waiver of the Union's right to impact bargaining if, and to the extent, required by applicable law.

37.2 Notwithstanding paragraph 37.1 above, the parties, by mutual agreement in writing, may reopen and renegotiate any article in this Agreement.

ARTICLE 38

SICK LEAVE AND INJURY TIME

38.1 In accordance with the Town of Palm Beach Personnel Manual, 24-hour shift bargaining unit employees shall accumulate sick leave at the rate of four (4) shift days per year. Department employees shall have their accumulated sick leave reduced by one (1) shift day for each duty day of approved absence due to illness. Sick leave shall begin to accrue as of the date an employee enters the service of the Town but may not be taken until he/she has been in the service of the Town for at least six (6) months. Should an employee be absent because of illness during his/her first six (6) months of service, he/she must be placed on leave of absence without pay.

38.2 The applicable policies for accruing and utilizing sick leave and those pertaining to injury time are set forth in Article IX, Sections 9.2, 9-2.1, 9-2.2, 9-2.2.1, 9-2.3, 9-2.4, 9-2.5, 9-2.6, 9-2.7, and 9-3 of the Department's Rules and Regulations and the provisions of the Town Personnel Manual; provided, however, that notwithstanding any provision of the aforesaid Departmental Rules and Regulations or the Town's Personnel Manual, the following shall apply to the employees (other than those on workers compensation leave and FMLA) covered hereunder:

A. Twenty-four (24) hour shift employees who have used more than ninety-six (96) hours of sick leave in the prior calendar year OR who have used more than ninety-six (96) hours of sick leave in the current calendar year must provide documentation from a healthcare provider in order to be eligible for paid sick leave. Eight (8) hour shift employees who have used more than forty (40) hours of sick leave in the prior calendar year OR who have used more than forty

(40) hours of sick leave in the current calendar year must provide documentation from a healthcare provider in order to be eligible for paid sick leave. Management, however, can reinstate the requirement that the first shift of illness for a bargaining unit employee be documented to be paid if it determines that such action is necessary to address excessive absenteeism or abuse by that employee.

B. There shall be no use of sick leave on a partial shift basis unless documented – i.e., sick leave for 24 hour shift employees shall be used in 24 hour increments and sick leave for 8 hour (40 hour week) employees shall be used in 8 hour increments.

C. If the employee claims sick leave while on vacation leave, vacation leave may not be converted to sick leave without a physician's certification of the exact nature and time of the illness which is the basis of the claim.

D. More than ~~four~~ ~~three~~ occurrences of sick leave for 24-hour shift employees or ~~five~~ ~~four~~ occurrences of sick leave for 8 hour (40 hour week) employees will result in ineligibility for wage increases, promotional opportunities, and/or other benefits AND disciplinary action in accordance with the following schedule:

24 Hour Employees

Occurrences:	Fifth Fourth	Sixth Fifth	Seventh Sixth	Eighth Seventh	Ninth Eighth
Ineligible for:	Shift Exchanges and Overtime	Longevity, and Bonuses	Wage Increases	Promotional Opportunities	
Discipline:	Oral Reprimand	Written Reprimand	Suspension 12 hours	Permanent Demotion/Loss of Assignment (if applicable) or 24 hour Suspension if above not applicable	Termination

8 Hour (40 Hours a Week) Employees

Occurrences:	Sixth Fifth	Seventh Sixth	Eighth Seventh	Ninth Eighth	Tenth Ninth
Ineligible for:	Loss of Flex Time and Overtime	Longevity, and Bonuses	Wage Increases	Promotional Opportunities	
Discipline:	Oral Reprimand	Written Reprimand	Suspension 4 hours	Permanent Demotion/Loss of Assignment (if applicable) or 8 hour Suspension if above not applicable	Termination

The above schedules of occurrences are based on the members' performance evaluation period, and penalties (disincentives) will be applied **on a** "rolling forward" one year from the date of issuance of discipline.

38.3 The Town shall provide Workers' Compensation benefits in accordance with Section 5-5 of the Town's Employee Personnel Manual; provided, however, that notwithstanding any provision of Section 5-5 or any of its subsections, no employee shall be entitled to receive any extended compensation from the Town beyond the initial thirteen (13) week period of base pay compensation. The Town Manager, may, in his discretion, extend compensation beyond the initial thirteen (13) week base pay compensation if he determines there are unusual or extenuating circumstances. In no event shall such extended compensation exceed an additional thirteen (13) weeks of base pay.

38.4 The parties agree and understand that the nature of the duties and responsibilities of the employees covered hereunder requires that such employees remain physically and mentally capable of performing such duties and responsibilities. Should the Fire Chief (or designee) have a reasonable belief that an employee covered hereunder may not be physically or mentally capable of

performing his/her job duties and responsibilities, the Fire Chief (or designee) shall have the right to order such employee to undergo a fitness for duty examination/evaluation (at the Town's expense) by the Town physician or other appropriate medical, psychological, or vocational professional designated by the Town.

ARTICLE 39

PHYSICAL ABILITIES TEST

39.1 The parties agree to work together to establish a wellness program which will include physical abilities testing.

ARTICLE 40

LIGHT DUTY

40.1 Light duty assignments shall be limited to those employees who are unable to perform their regular job due to an on-the-job (workers' compensation) injury.

40.2 Light duty assignments may be made in the discretion of the Fire Chief. An employee who sustained a work-related injury/illness and has been released by a physician to return to work with restrictions shall present the Fire Chief with a physician's statement detailing his/her condition and work limitations. If the Fire Chief determines that productive work is available in the Fire-Rescue Department consistent with the employee's medically certified restrictions, the Fire Chief may assign the employee to such work. An employee assigned to such work shall be compensated at the rate of pay applicable to his regular job; provided, however, that a shift employee assigned to 40-hour a week "light duty" job will receive the pay applicable to his/her regular shift job.

40.3 In the sole and exclusive discretion of the Fire Chief, an employee injured off-the-job may be offered alternative (temporary) employment in a position other than his/her regular job; provided that productive work is available and such work is consistent with the employee's medically certified restrictions. The wages, hours, and other conditions of such alternative (temporary) employment shall be those mutually agreed upon by the Town and the employee.

ARTICLE 41

RETIREMENT BENEFITS

41.1. Bargaining unit employees shall be provided retirement benefits in accordance with Effective the first payroll after amendment of the Town's Retirement System Ordinance to implement the following for bargaining unit employees (the "effective date"), the defined benefit retirement plan covering all eligible bargaining unit employees shall be modified as follows:

1. The benefit multiplier shall be 2.75% of average final compensation for credited service on and after the effective date.
2. The normal retirement age for benefits earned on and after May 1, 2012 shall be a minimum of age 56 with 10 or more years of credited service.
3. The bargaining unit employees' contributions shall be 10% of compensation, and shall be subject to adjustment the first full pay period following October 1 of each year thereafter based on the investment performance of the retirement fund, as reflected in the most recently available actuarial valuation. Provided, in no event will the bargaining unit employees' contributions be less than 8% or more than 12% of compensation.
4. The DROP and Firefighter Share accounts shall be changed from the self-directed investment method (where DROP and Share account investments are held within ICMA-RC accounts) to the system investment method (where those individual accounts are invested as part of the Town's defined benefit plan), as provided in Ordinance No. 18-2014 effective December 9, 2014.

41.2. Effective on the effective date, the Town shall discontinue contributing to the bargaining unit employees' 401(a) retirement accounts.

ARTICLE 42

DURATION

This Agreement shall take effect upon ratification by the Union and approval by the Town, except as otherwise provided herein, and shall remain in full force and effect until and including September 30, 2018⁷. In order to negotiate the provisions of a new agreement to succeed the provisions of this Agreement, the parties agree to commence negotiations for a successor agreement upon request by either party shall exchange initial proposals by March 1, 2017, and negotiations shall then proceed in accordance with applicable law. If a new collective bargaining agreement is not reached within an appropriate period of time, either party shall be free to invoke the impasse resolution procedures available under Florida law.

SIGNATURE PAGE

For Local 2928:

Jose Gonzalez
President

(Date)

For the Town:

~~Kirk Blouin~~ ~~Thomas G. Bradford~~
Town Manager

(Date)

This Agreement was approved by the Town Council of the Town of Palm Beach this ____ day of _____, 2019 ~~June, 2017.~~

~~Danielle Moore~~ ~~Richard M. Kleid~~
Town Council President

Attest:

~~Kathleen Dominguez~~ ~~Gwendolynn Peirce~~
~~Acting~~ Town Clerk

EXHIBIT A

PAY RANGES

October 1, 2017 – September 30, 2018

CLASSIFICATION	MINIMUM	MAXIMUM
Firefighter EMT	\$19.7653 <u>\$20.2594</u> / hour	\$29.8431 <u>\$30.5892</u> / hour
Firefighter/Paramedic	\$22.2179 <u>\$22.7733</u> / hour	\$33.5462 <u>\$34.3849</u> / hour
Driver Engineer/EMT	\$20.9046 <u>\$21.4272</u> / hour	\$31.5626 <u>\$32.3517</u> / hour
Driver Engineer/Paramedic	\$23.8709 <u>\$24.4677</u> / hour	\$36.0419 <u>\$36.9429</u> / hour

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter and Approval of Addendum to Professional Employment Agreement.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated January 18, 2019 From Kirk Blouin, Town Manager**
- ▣ **Amended Employment Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

From: Kirk Blouin, Town Manager

Re: Approval of Town Manager Compensation and Addendum to Professional Employment Agreement

Date: January 18, 2019

This memo is a follow-up to the performance evaluations I received from the Mayor and Town Council. Under the current Performance Pay Chart for Town employees, I would be eligible for a 7.5% salary increase. I am respectfully requesting that 6% of this increase be paid into an ICMA-RC deferred compensation plan on my behalf as was done for previous Town Managers; and the other 1.5% be applied as an increase to my base salary.

Attached is an Addendum to my Professional Employment Agreement outlining the provision for the 6% deferred compensation contribution by the Town on my behalf.

KB:gp

Attachment

cc: Danielle Olson, Director of Human Resources
Jane Le Clainche, Director of Finance

AMENDMENT TO PROFESSIONAL EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of February, 2019, by and between the Town of Palm Beach, Florida, a municipal corporation (hereinafter called the "Town") and Kirk Blouin (hereinafter called "Employee") (collectively the "Parties").

WITNESSETH:

WHEREAS, on February 13, 2018, the parties entered into a Professional Employment Agreement, a copy of which is attached hereto; and

WHEREAS, pursuant to Section 4.02 of the Town Charter, the Town Council has conducted a performance evaluation of the Town Manager, and has agreed to reappoint the Town Manager for a period of one (1) year; and

WHEREAS, the Town Council, in consideration of the reappointment of the Town Manager, has agreed to increase the salary of the Town Manager; and

WHEREAS, the Town has also agreed to pay for the employer's participation in the International City Management Association-Retirement Corporation (ICMA-RC) for Employee's participation in the ICMA-RC Deferred Compensation Plan and to pay an amount equal to 6% of Employee's annual base salary into the ICMA-RC on Employee's behalf in equal proportionate amounts each pay period, and to transfer ownership to Employee upon Employee's resignation or discharge.

NOW, THEREFORE, in consideration of the renewal of Employee's one year employment with the Town, the Town agrees that Employee's Professional Employment Agreement shall be amended at Section 4. Salary, to read as follows:

Section 4. Salary

Town agrees to pay Employee for his services rendered pursuant hereto an annual base salary of \$214,686.33 payable in installments on the Town's normal payroll cycle at the same time as other employees of the Town are paid. This is an adjustment of 1.5% of Employee's base salary included in Section 4. of Employee's Employment Agreement.

Employee's Employment Agreement is also amended to include the following additional Section 14. to read as follows:

Section 14. Deferred Compensation

Employer agrees to execute all necessary agreements provided by the International City Management Association-Retirement Corporation (ICMA-RC) for Employee's participation in the ICMA-RC Deferred Compensation Plan and, in addition to the annual base salary paid by Employer to Employee, Employer agrees to pay an amount equal to six percent (6%) of Employee's annual base salary into the ICMA-RC on Employee's behalf, in equal proportionate amounts each pay period, and to transfer ownership to Employee upon Employee's resignation or

discharge. Employee may make additional dollar contributions to ICMA-RC plan in accordance with the plan's requirements.

Other than the amendments contained herein, the Agreement of February 13, 2018 shall remain intact.

[Signature Page Follows]

IN WITNESS WHEREOF, the Town of Palm Beach has caused this Agreement to be signed and executed in its behalf by a majority of its Town Council and duly attested by its Town Clerk, and the Employee has signed and executed this Agreement both in duplicate, the day and year first above written.

WITNESS:

Dated: _____

Kirk Blouin, Employee
Dated: _____

TOWN COUNCIL:

Lewis S.W. Crampton
Dated: _____

Danielle H. Moore
Dated: _____

Julie Araskog
Dated: _____

Bobbie Lindsay
Dated: _____

Margaret Zeidman
Dated: _____

MAYOR:

Gail L. Coniglio

Dated: _____

TOWN CLERK

Kathleen Dominguez

Dated: _____

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

TOWN ATTORNEY

John C. Randolph

Dated: _____

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TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 01-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, As Follows: At Article XIV, Numbering Of Premises, By Adding Section 18-967 That Will Provide Language For The Naming And Renaming Of Streets, Vias And Alleys; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Presenter

Josh Martin, Director Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum Dated January 22, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 1-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Josh Martin, Director of Planning, Zoning & Building

Re: Naming or Renaming of Streets, Vias & Alleys

Date: January 22, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council review and approve the attached ordinance regarding notification requirements for the process of naming or renaming of streets, vias and alleys.

GENERAL INFORMATION

The Town Council is responsible for the naming and renaming of streets, vias and alleys in Town. While this task seldom occurs, it is important that those affected be noticed in a timely manner so that they have the opportunity to express any comments or concerns they have to Town Council when the naming or renaming is considered at a public meeting. Therefore, the attached ordinance was drafted, and details exactly how those affected parties (property owners, business owners and business associations) will be notified, and when they must be notified.

At the January 8, 2019 Town Council meeting, the proposed ordinance was passed on first reading with the condition that the notice sent to those affected regarding a change in the name of a street, via or alley be changed from a 30-day notice to a 90-day notice; the ordinance has been revised accordingly.

Attachment

ORDINANCE NO. 01-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, AS FOLLOWS: AT ARTICLE XIV, NUMBERING OF PREMISES, BY ADDING SECTION 18-967 THAT WILL PROVIDE LANGUAGE FOR THE NAMING AND RENAMING OF STREETS, VIAS AND ALLEYS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after a public hearing pursuant to notice required by law, the Ordinances, Rules and Standards (ORS) Committee considered all testimony and recommended modification to the Code of Ordinances;

WHEREAS, after a public hearing pursuant to notice required by law, the Local Planning Agency considered the ORS recommendation and all evidence and testimony and recommended that the Town Council adopt the subject Ordinance; and

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Chapter 18, BUILDINGS AND BUILDING REGULATIONS, of the Code of Ordinances, be amended as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals.

The above recitals are incorporated as fully setforth herein.

Section 2. Article XIV, NUMBERING OF PREMISES, Section 18-967, Naming or renaming of streets, vias & alleys, is hereby amended and added to read as follows (added language underlined, and removed language ~~stricken~~):

ARTICLE XIV. – NUMBERING AND NAMING OF PREMISES

Sec. 18-967. – Naming or renaming of streets, vias & alleys

Naming or renaming of streets, vias and alleys shall be approved by Town Council at a

public meeting, with notice to all property owners and business owners located on said street, via or alley, and to any affected business association (if applicable), at least 90 days prior to the meeting date. Said notice shall be sent via United States Postal Service (USPS), or hand delivered when delivering by USPS is not possible.

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 Comprehensive Plan of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, 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 the 8th day of January 2019, and for second and final reading on this 14th day of February 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 06-2019 An Ordinance of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision IV, Police Officers, by Amending Section 82-119, Deferred Retirement Option Program for Police Officers; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated February 6, 2019, from Kirk W. Blouin, Town Manager**
- ▣ **Ordinance No. 06-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

From: Kirk W. Blouin, Town Manager

Re: Extension of Employee's Period of DROP Participation
Ordinance No. 06-2019

Date: February 6, 2019

STAFF RECOMMENDATION

Staff recommends that the Mayor and Town Council approve the amended DROP ordinance to extend employee's period of DROP participation an additional five years for a total of ten years.

GENERAL INFORMATION

As outlined in Section 5 of the Professional Employment Agreement for Town Manager entered into on February 13, 2018, it is was agreed that following the execution of the Agreement, the Town will amend the DROP ordinance to extend an employee's period of DROP participation by five years to a maximum period of up to ten years.

The specific language in the contract is as follows; "Employee currently participates in the Town's deferred retirement option program (DROP) for police officers. The parties have agreed that Employee will be required to maintain his Florida certification as a law enforcement officer pursuant to section 943.1395, Florida Statutes, and perform law enforcement supervisory duties as Town Manager. Accordingly, Employee may continue to participate in police DROP while serving as Town Manager. It is further agreed that following the execution of this Agreement, the Town will amend the DROP ordinance to extend Employee's period of DROP participation by five years to a maximum period of up to ten years if Employee is still employed by the Town at the end of the current DROP period. All provisions of the DROP will apply to Employee during the term of this Agreement. Employee shall not be entitled to any additional benefits under the Town's retirement system for his service as Town Manager, beyond his participation in the DROP as set forth herein."

FUNDING/FISCAL IMPACT

Impact statement will be prepared following first reading and presented at second reading of ordinance. The expenses to the Town are neutral.

Page Two
Ordinance No. 06-2019
February 6, 2019

PURCHASING REVIEW

n/a

TOWN ATTORNEY REVIEW

Ordinance preparation by Retirement Board Attorney, James Linn of Lewis, Longman & Walker, P.A.

/nt

ORDINANCE NO. 06-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION IV, POLICE OFFICERS, BY AMENDING SECTION 82-119, DEFERRED RETIREMENT OPTION PROGRAM FOR POLICE OFFICERS; 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 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision IV, Police Officers, Section 82-119 “Deferred retirement option program for police officers” by creating a new subsection (j) to read as follows:

Sec. 82-119. - Deferred retirement option program for police officers.

* * *

(j) Notwithstanding any other provision of this section, for any member who is appointed town manager while participating in the DROP, participation in the DROP may not exceed a maximum of 120 months from the date of DROP entry, and any application or other document concerning such member’s DROP participation shall be revised accordingly.

* * *

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 14th day of February, 2019, and for second and final reading on this ____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: February 14, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 07-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places; Article II, Streets; Section 106-48, Unlawful To Solicit From Public Streets, Making It Unlawful To Solicit From Public Streets Or Sidewalks In The Town; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Josh Martin, Director of Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum Dated February 4, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 7-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Josh Martin, Director of Planning, Zoning & Building

Re: Solicitation from Public Streets
Ordinance No. 07-2019

Date: February 4, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve an ordinance that prohibits solicitation from public streets (including sidewalks) in the Town of Palm Beach.

GENERAL INFORMATION

The proposed ordinance is intended to protect the safety and welfare of the general public and to improve the quality of life and economic vitality of the Town by imposing regulations against aggressive and unsafe solicitation. Soliciting in the public roadway is unsafe and subjects solicitors, pedestrians, and vehicles to an unacceptable level of danger. Drivers become distracted from their primary duty to watch traffic, which results in the delay and obstruction of the public's free flow of travel. These activities further result in the congestion and blockage of streets when such persons approach vehicles in the public right-of-way to solicit or negotiate with the occupants. The most severe impacts are experienced when money or other items of value are directly and immediately exchanged, hand-to-hand, in the public right-of-way as a result of the solicitation. Distracted drivers are more prone to be involved in automobile accidents, and accidents on the public streets constitute a substantial traffic safety problem.

Aggressive soliciting, including approaching or following pedestrians, the use of threatening or abusive language, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic, is abusive and detracts from the rights of citizens to the quiet enjoyment of public places. The proposed ordinance is timely and appropriate because current laws and Town regulations are insufficient to address the aforementioned problems. Furthermore, in enacting the ordinance, the Town Council recognizes the availability of community service and other sentencing alternatives, which may be appropriate for persons who violate this chapter. The restrictions contained herein are intended to protect citizens from traffic safety problems, along with intrusive conduct and personal intimidation that accompany certain kinds of solicitation that have become an unwelcome and oppressive presence in the Town.

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney.

cc: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Director of Public Works

ORDINANCE NO. 07-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE II, STREETS; SECTION 106-48, UNLAWFUL TO SOLICIT FROM PUBLIC STREETS, MAKING IT UNLAWFUL TO SOLICIT FROM PUBLIC STREETS OR SIDEWALKS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article II, Streets; Section 106-48, Unlawful to Solicit from Public Streets, as follows:

“Sec. 106-48. - Unlawful to solicit from public streets or sidewalks.

It shall be unlawful for any person to stand in the portion of a roadway paved for vehicular traffic or on any public sidewalk of the Town for the purpose of soliciting a ride, employment, business or charitable contribution from the occupant of any vehicle or from any pedestrian on said street or sidewalk or for the purpose of inviting or enticing a person or persons to enter a commercial establishment adjacent to said street or sidewalk.”

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 14th day of February, 2019, and for second and final reading on this _____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member