TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE - SUBJECT TO REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

TUESDAY, FEBRUARY 12, 2013

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. SWEARING IN OF ELECTED OFFICIALS
The Honorable Judge Peter D. Blanc

A. Mayor Gail L. Coniglio
B. Town Council Member William J. Diamond
C. Town Council Member Michael J. Pucillo

(Mayor Becomes the Presiding Officer)

IV. ORGANIZATIONAL ITEMS Page 12

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

(Town Council President Becomes the Presiding Officer)

B. Election of the Town Council President Pro Tem
Pursuant to Section 3.01 of the Town Charter

V. PRESENTATIONS

A. Recognition of Dr. Martin Phillips, Architectural Commission, From November 2011 Through November 2012.

B. Regional Medical Care Guide Update. [Dr. Michael Dennis]

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VIII. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

IX. APPROVAL OF AGENDA

X. CONSENT AGENDA

A. MINUTES

1. MINUTES: JANUARY 8, 2013 Page 16
Approval of the Minutes of the Town Council Meeting.

2. MINUTES: JANUARY 8, 2013
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session – Town of Palm Beach vs. United States of America. Page 24

3. MINUTES: JANUARY 8, 2013
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session - 160 Royal Palm, LLC vs. Town of Palm Beach. Page 27

4. MINUTES: JANUARY 9, 2013 Page 31
Approval of the Minutes of the Town Council Meeting.

5. MINUTES: JANUARY 11, 2013 — Page 52
Approval of the Minutes of the Special Town Council Meeting.

6. MINUTES: JANUARY 23, 2013 — Page 55
Approval of the Minutes of the Special Town Council Meeting.

7. Approval of Major Matters Considered by the Architectural Commission at its Meeting on January 23, 2013. — Page 59

B. RESOLUTIONS

1. RESOLUTION NO. 8-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Palm Beach County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement and Authorizing the Mayor, Town Council President, Town Manager, and Director of Public Safety to Execute the Same on Behalf of the Town. [Kirk W. Blouin, Director of Public Safety] — Page 71

2. RESOLUTION NO. 10-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2013-03 to Public Financial Management, Inc. for Financial Advisory Services, and Authorizing the Town Manager to Execute an Agreement on Behalf of the Town.
[Jane Struder, Director of Finance] — Page 87

3. RESOLUTION NO. 12-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc. in the Amount of $24,200, and Establishing an Alternative Engineering Study and Design Phase Budget for the E-6 Force Main of $26,650. [H. Paul Brazil, Director of Public Works] — Page 94

4. RESOLUTION NO. 13-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a One Year Extension, with No Changes to Terms, to Hy-Byrd Incorporated for Plan Review and Inspections Services, Including Funding in an Amount Not to Exceed $250,000.
[John Page, Director of Planning, Zoning, and Building] — Page 103

5. RESOLUTION NO. 14-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a One Year Extension, with No Changes to Terms, to M. T. Causley, Inc. for Plan Review and Inspections Services, Including Funding in an Amount Not to Exceed $50,000. [John Page, Director of Planning, Zoning, and Building] Page 108

6. RESOLUTION NO. 15-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock, Roos & Associates, Inc., in the Amount of $21,418 for E-3 (Garden Road to Cherry Lane) Force Main Replacement, Establishing a Design and Bid Phase Budget of $23,600. [H. Paul Brazil, Director of Public Works] Page 113

7. RESOLUTION NO. 16-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to D. B. Ecological Services, Inc. for Permit Required Sea Turtle Nesting Monitoring, in the Amount of $126,280 and Establishing a Project Budget of $130,000. [H. Paul Brazil, Director of Public Works] Page 121

8. RESOLUTION NO. 17-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Duval Ford, for the Purchase of One Ford F 150 Truck, on FSA Contract No. 12-20-0905 in the Amount of $16,513 and Establishing an Overall Budget of $17,213. [H. Paul Brazil, Director of Public Works] Page 125

9. RESOLUTION NO. 18-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Alan Jay Ford, for the Purchase of One Ford F-350 Utility Body Truck, on FSA Contract No. 12-20-0905 in the Amount of $32,894 and Establishing an Overall Budget of $33,894. [H. Paul Brazil, Director of Public Works] Page 131

10. RESOLUTION NO. 19-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Two (2) Boat Engines in the Amount of $26,066.00 from Fastboats Marine Group as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date. [Kirk W. Blouin, Director of Public Safety] Page 137

11. RESOLUTION NO. 20-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to R.C. Systems, Inc. in the Amount of $32,900, and Establishing a Budget of $35,000 for the Provision of Recreation Software Modules, Training, Maintenance, Web Hosting, and Support for the Recreation Center, Tennis Centers, and Marina; and Authorizing the Town Manager to Enter into an Agreement for Said Purchase. [Jay Boodheshwar, Director of Recreation and Special Projects] — Page 141

12. RESOLUTION NO. 29 -2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Granting a Non-Exclusive Utility Easement on Town Property to Florida Power & Light Company for Transformers, Conduit and Wires to Provide Service to the D-6 and D-7 Storm Water Pump Stations. [H. Paul Brazil, Director of Public Works] — Page 147

13. RESOLUTION NO. 30 -2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing $50,000 Design and Bid Phase Budget in the Amount of $10,000 for the Police Department HVAC Project, Establishing a New Design and Bid Phase Budget of $60,000. [H. Paul Brazil, Director of Public Works] — Page 158

C. OTHER

1. Ratification of Town Manager's Approval of Barton Avenue Emergency Repairs. [H. Paul Brazil, Director of Public Works] — Page 162

2. Authorization of Funding for Landscape Improvements at the Okeechobee Boulevard Yard Trash Disposal Site. [H. Paul Brazil, Director of Public Works] — Page 179

3. Rejection of All Bids for Construction of Sanitary Sewer Pump Stations Project. [H. Paul Brazil, Director of Public Works] — Page 181

4. Rejection of All Bids for Construction of Force Main Project. [H. Paul Brazil, Director of Public Works] — Page 184

XI. BOARD/COMMISSION ANNUAL REPORT

A. Investment Advisory Committee. [Michael F. Andrews, Chair and Jane Struder, Director of Finance] — Page 187

XII. COMMITTEE REPORTS

A. Administrative and Personnel Committee Meeting of January 9, 2013, re: Vega. [Richard M. Kleid, Chair] Page 220

B. Administrative and Personnel Committee Meeting of January 28, 2013, re: Vega. [Richard M. Kleid, Chair] Page 223

C. Administrative and Personnel Committee Meeting of January 28-29, 2013, re: Duquette. Page 226

1. Committee Report. [Richard M. Kleid, Chair]

2. Comments of the Town Manager. [Peter B. Elwell, Town Manager]

3. Comments on Behalf of Scott Duquette. [Stuart N. Kaplan, Esq.]

XIII. REGULAR AGENDA

A. Old Business

None

B. New Business

1. Par 3 Clubhouse Project.

a. Status Report. Page 232
[Jay Boodheshwar, Director of Recreation and Special Projects]

b. RESOLUTION NO. 21-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Declaring the Town's Official Intent for the Town to Initially Fund the Par 3 Clubhouse Project by Borrowing from the Town's Reserves and Waiving the Reserve Policies and to Reimburse the Town's Reserves Either Through Repayment over a Term of Not to Exceed Thirty (30) Years from the Town's Dock Replacement Reserve and the Recreation Enterprise Fund Reserve or Through Repayment from a Bank Note or Other Mechanism; Providing an Effective Date. Page 237
[Jane Struder, Director of Finance]

c. RESOLUTION NO. 22-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Declaring the Town's Official Intent to Seek Reimbursement for Certain Capital Expenditures Made or to Be Made with Respect to the Construction of a New Clubhouse at the Palm Beach Par 3 Golf Course from the Proceeds of its Not to Exceed $1,250,000 Principal Amount of Revenue Notes and Providing for an Effective Date. [Jane Struder, Director of Finance] Page 240

d. RESOLUTION NO. 23-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Accepting Donations from the Par 3 Foundation, in the Amount of $2,175,000 in Support of the Par 3 Clubhouse Project.
[H. Paul Brazil, Director of Public Works] Page 247

e. RESOLUTION NO. 24-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Manager at Risk Contract with Hedrick Brothers Construction for the Construction of the Par 3 Clubhouse for an Amount of $2,630,000. [H. Paul Brazil, Director of Public Works] Page 248

f. RESOLUTION NO. 11-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Builders Risk and Flood Insurance Coverage for the Construction of the Par 3 Clubhouse, in an Amount Not-to-Exceed $28,000 to Employers Mutual Inc.
[H. Paul Brazil, Director of Public Works] Page 249

2. RESOLUTION NO. 28-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of a Maintenance Agreement Between the Florida Department of Transportation and the Town of Palm Beach for Construction and Planting of Landscape Improvements in the Right-of-Way at 1300 South Ocean Boulevard.
[H. Paul Brazil, Director of Public Works] Page 253

3. FY14 Budget Matters. [Peter B. Elwell, Town Manager] Page 282

a. Budget Calendar.

b. Process for Establishing Townwide Budget Priorities.

4. Discussion of Three-Minute Rule for Communications from Citizens. [William J. Diamond, Town Council Member] Page 286

XIV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 19-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2012; Providing an Effective Date. [Jane Struder, Director of Finance] Page 289
Deferred from the January 8, 2013, Town Council Meeting.

B. First Reading

None

XV. ANY OTHER MATTERS

XVI. ADJOURNMENT

PLEASE TAKE NOTE:

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

- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Audio (Live and Archived)." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

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

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

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

Town of Palm Beach
Meeting Schedule

2/6/13

Tue 02/12/2013 09:30 AM	Town Council Meeting	Council Chambers
Wed 02/13/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
Fri 02/15/2013 09:00 AM	Retirement Board Meeting	Council Chambers
Fri 02/15/2013 09:30 AM	Royal Poinciana Way Committee	EOC
Mon 02/18/2013 04:00 AM	PRESIDENTS' DAY	TOWN HALL CLOSED
Tue 02/19/2013 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 02/20/2013 09:30 AM	Landmarks Preservation Commission	Council Chambers
Thu 02/21/2013 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Fri 02/22/2013 02:00 PM	Investment Advisory Committee Meeting	Council Chambers
Mon 02/25/2013 01:00 PM	Administrative and Personnel Committee Meeting Re: Eaton	Council Chambers
Wed 02/27/2013 09:00 AM	Architectural Commission Meeting	Council Chambers
Thu 02/28/2013 09:00 AM	Shore Protection Board Meeting	Council Chambers
Wed 03/06/2013 09:00 AM	Grievance Resolution Board re: Federlein	EOC

Wed 03/06/2013 09:00 AM	Recreation Advisory Commission Meeting	Council Chambers
Fri 03/08/2013 09:00 AM	Retirement Board Meeting	Council Chambers
Wed 03/13/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
Thu 03/14/2013 10:00 AM	Town Council Meeting	Council Chambers
Tue 03/19/2013 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 03/20/2013 09:30 AM	Landmarks Preservation Commission	Council Chambers
Thu 03/21/2013 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Wed 03/27/2013 09:00 AM	Architectural Commission Meeting	Council Chambers
Thu 03/28/2013 09:00 AM	Shore Protection Board Meeting	Council Chambers
Tue 04/09/2013 09:30 AM	Town Council Meeting	Council Chambers
Wed 04/10/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda
Organizational Items

Agenda Title
A. Election of the Town Council President
Pursuant to Section 3.01 of the Town Charter

(Town Council President Becomes the Presiding Officer)

B. Election of the Town Council President Pro Tem
Pursuant to Section 3.01 of the Town Charter

Presenter
Peter B. Elwell, Town Manager

Supporting Documents
- Memorandum dated January 17, 2013, from Peter Elwell, Town Manager
- Ballot for Appointment of Town Council President
- Ballot for Appointment of Town Council President Pro Tem

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Town Council

From: Peter B. Elwell, Town Manager

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

Date: January 17, 2013

GENERAL INFORMATION

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

If any of you wish to have your name removed from either ballot, please advise me by 5 p.m. on Monday, February 11, 2013.

Attachments

PBE:cek

cc: Gail L. Coniglio, Mayor
Susan A. Owens, Town Clerk

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT**

TOWN COUNCIL MEETING FEBRUARY 12, 2013

Please circle one name from the list of names appearing below.

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

William J. Diamond

Richard M. Kleid

Michael J. Pucillo

David A. Rosow

Robert N. Wildrick

Signature of Town Council Member: _____

N:\Town Manager\Misc Office\2013\ballot for president.docx

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT <u>PRO TEM</u>**

TOWN COUNCIL MEETING FEBRUARY 12, 2013

Please circle one name from the list of names appearing below.

Position to be filled - **Town Council President <u>Pro Tem</u>**

William J. Diamond

Richard M. Kleid

Michael J. Pucillo

David A. Rosow

Robert N. Wildrick

Signature of Town Council Member: _____

N:\Town Manager\Misc Office\2013\ballot for pro tem.docx

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: JANUARY 8, 2013

APPROVAL OF THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Regular Town Council Meeting Held on January 8, 2013

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, JANUARY 8, 2013

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, January 8, 2013, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio recognized the excellent work that Bob Hamilton and Woods Hole Group has done on the Town's Coastal Management Program, and asked that the Town Council look favorably on their request for an extension of time to complete their review.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Diamond requested a moment of silence for the passing of Patrick Flynn, and recognized Mr. Flynn's work on and dedication to the Royal Poinciana Playhouse.

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

William Cooley, 8 Windsor Court, recognized the passing of Patrick Flynn and spoke regarding the three-minute time limit for public comments and rules for citizen participation.

Bill Metzger, 277 Esplanade Way, spoke regarding his Performing Arts Committee, the Royal Poinciana Playhouse, and announced the upcoming reception and screening of the movie *Parker* on January 18, 2013.

VI. APPROVAL OF AGENDA

The following changes were made to the Agenda:

DEFERRED: Item No. XI.A.1., Ordinance No. 19-2012, was deferred to the February 12, 2013, Town Council Meeting.

ADDED: Consideration of Request for Time Extension for Woods Hole Group's Review of the Town's Coastal Protection Program was added under Any Other Matters.

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

VII. CONSENT AGENDA

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

A. MINUTES

1. MINUTES: DECEMBER 10, 2012
   Approval of the Minutes of the Public Workshop to Receive Public Comment for Woods Hole Group's Consideration in Performing its Peer Review of the Town's Coastal Protection Program.

2. MINUTES: DECEMBER 11, 2012
   Approval of the Minutes of the Town Council Meeting.

3. MINUTES: DECEMBER 12, 2012
   Approval of the Minutes of the Town Council Meeting.

(Clerk's Note: The following three Closed-Door sessions were heard together at one Special Town Council meeting. There is only one set of minutes, which incorporates all three lawsuits.)

4. MINUTES: DECEMBER 12, 2012
   Approval of the Minutes of the Special Town Council Meeting – Closed Door Session - Solid Waste Authority of Palm Beach County and Palm Beach County vs. State of Florida Department of Environmental Protection and Town of Palm Beach.

5. MINUTES: DECEMBER 12, 2012
   Approval of the Minutes of the Special Town Council Meeting – Closed Door Session - U.S. Bank National Association, as Trustee of Master Adjustable Rate Mortgages Trust 2007-3 vs. Gail Trinka a/k/a Gail T. Trinka, etc. et al.

6. MINUTES: DECEMBER 12, 2012
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session - Jason Vega, Artemis Saridakis, Levente Henter, Marcus Farmer, Samuel Riley, and Gilad Bockman vs. Town of Palm Beach, Scott Duquette, Kirk Blouin and Daniel Szarszewski.

7. MINUTES: DECEMBER 21, 2012
Approval of the Minutes of the Special Town Council Meeting –
Jason Vega, Artemis Saridakis, Levente Henter, Marcus Farmer, Samuel Riley, and Gilad Bockman vs. Town of Palm Beach, Scott Duquette, Kirk Blouin and Daniel Szarszewski.

8. MINUTES: DECEMBER 27, 2012
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session - Jason Vega, Artemis Saridakis, Levente Henter, Marcus Farmer, Samuel Riley, and Gilad Bockman vs. Town of Palm Beach, Scott Duquette, Kirk Blouin and Daniel Szarszewski.

9. Approval of Major Matters Considered by the Architectural Commission at its Meeting on December 21, 2012.

B. RESOLUTIONS

1. RESOLUTION NO. 1-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock Roos & Associates, Inc., in the Amount of $62,998 for Design and Bid Phase Services for the Lining of the Royal Poinciana Way, South County Road, and Royal Palm Way Force Mains, and Establishing a Design and Bid Phase Budget of $70,000. [H. Paul Brazil, Director of Public Works]

2. RESOLUTION NO. 2-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc., in an Amount Not to Exceed $42,332.52 for Design and Bid Phase Services for Repairs to the Sand Transfer Plant.
[H. Paul Brazil, Director of Public Works]

3. RESOLUTION NO. 3-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing a Revised Construction Phase Engineering Services Budget of $160,000 for the Pump Station S-2 Inline Booster Station.
[H. Paul Brazil, Director of Public Works]

C. OTHER

1. Town Council Confirmation of Plan for Landmarks Preservation Commission Review of the Legacy Project Design Elements, with Final Approval by the Town Council.
[Thomas G. Bradford, Deputy Town Manager]

2. Approval of Administrative and Personnel Committee Procedures.
[Richard M. Kleid, Chair, or John C. Randolph, Town Attorney]

3. Authorization to Issue Subpoenas for Administrative and Personnel Committee Hearing re: Scott Duquette.
[John C. Randolph, Town Attorney]

4. Approval of Supplemental Funding for Yard Trash Landfill Operations.
[H. Paul Brazil, Director of Public Works]

VIII. CALLING OF ATTORNEY/CLIENT SESSIONS

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

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the scheduling of the Attorney/Client Session regarding Town of Palm Beach vs United States of America, Civil Action No. 09-64 L, in the United States Court of Federal Claims. On roll call, the motion carried unanimously.

B. Consideration of Scheduling an Attorney/Client Session Regarding 160 Royal Palm, LLC vs Town of Palm Beach, Case No. 502012CA023613XXXXMB AA, pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. Discussion of this Matter to Begin Immediately Following this Regular Town Council Meeting in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph; and Court Reporter from Ley & Marsaa Court Reporters, Inc.
[John C. Randolph, Town Attorney]

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

to approve the scheduling of the Attorney/Client Session regarding 160 Royal Palm, LLC vs Town of Palm Beach. On roll call, the motion carried unanimously.

IX. BOARD/COMMISSION ANNUAL REPORT

A. Recreation Advisory Commission.
[Pamela McIver, Chair, and Jay Boodheshwar, Director of Recreation and Special Projects]

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

By consensus of the Town Council, the Recreation Advisory Commission Annual Report was accepted.

X. REGULAR AGENDA

A. Old Business

1. Flagler Memorial Bridge Update.
[Ryan Hamrick, P.E., Project Manager, PCL Civil Contractors]

Ryan Hamrick, PCL Civil Contractors, provided an update on the project.

Mayor Coniglio expressed concern over the traffic light signalization at the Royal Palm Way Bridge.

Mr. Hamrick stated that PCL has no control over those lights, but that he would make some phone calls to assist the Town.

B. New Business

1. Palm Beach Island Cats Update. [David Leavitt]

David Leavitt provided an update on Palm Beach Island Cats' activities, fundraising efforts, and plans for 2013. He thanked the Town Council and Staff for their support.

2. Update of Town's Website.
[Jay Boodheshwar, Director of Recreation and Special Projects]

a. RESOLUTION NO. 5-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Icon Enterprises, Inc. (dba CivicPlus), in the Amount of $32,750 for the Re-Design and Replacement of the Town of Palm Beach Website; and Authorizing the Town Manager to Enter

into an Agreement for Said Services.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve Resolution No. 5-2013. On roll call, the motion carried unanimously.

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 19-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2012; Providing an Effective Date. [Jane Struder, Director of Finance]
Request for Deferral to the February 12, 2013, Town Council Meeting, Per Email Dated January 2, 2013, from Susan Owens. – ***This item was deferred to the February 12, 2013, Town Council Meeting.***

B. First Reading – None

XII. ANY OTHER MATTERS

A. Request for Time Extension for Woods Hole Group's Review of the Town's Coastal Protection Program.
Per Letter Dated January 4, 2013, from Robert P. Hamilton, Jr.

Motion was made by Council Member Kleid, and seconded by Council Member Diamond, to approve the request for time extension for Woods Hole Group's review of the Town's Coastal Protection Program. On roll call, the motion carried unanimously.

XIII. ADJOURNMENT

There being no further business, the January 8, 2013, regular Town Council meeting was adjourned at 10:10 a.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: JANUARY 8, 2013
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED DOOR SESSION #1 (USA).

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on January 8, 2013

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, JANUARY 8, 2013

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 10:30 a.m. on Tuesday, January 8, 2013, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

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

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

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

Town Council President Rosow announced the following:

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

John C. Randolph, Town Attorney
Ley and Marsaa, Court Reporters

At 10:31 a.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 11:07 a.m., in the Town Council Chambers.

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

Town Council President Rosow announced the termination of the Attorney/Client Session. He stated that the Town Council met with its Attorney and received advice, with respect to this litigation, and provided him with direction.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Tuesday, January 8, 2013, was adjourned at 11:07 a.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: JANUARY 8, 2013
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED DOOR SESSION #2 (160 ROYAL PALM, LLC).

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on January 8, 2013

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, JANUARY 8, 2013

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 11:08 a.m. on Tuesday, January 8, 2013, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

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

III. 160 ROYAL PALM, LLC VS TOWN OF PALM BEACH, CASE NO. 502012CA023613XXXXMB AA, PENDING IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

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

Town Council President Rosow announced the following:

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

Ley and Marsaa, Court Reporters

At 11:09 a.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 11:53 a.m., in the Town Council Chambers.

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

Town Council President Rosow announced the termination of the Attorney/Client Session. He stated that the Town Council met with its Attorney and received advice, with respect to this litigation, and provided him with direction.

V. ANY OTHER MATTERS

Council President Rosow announced that he would like to add to the Agenda the scheduling of a Special Town Council meeting on January 23, 2013, at 8:30 a.m., in order for the Attorneys to seek further guidance with respect to the case of TOWN OF PALM BEACH VS THE UNITED STATES OF AMERICA, CIVIL ACTION NO. 09-64 L, IN THE UNITED STATES COURT OF FEDERAL CLAIMS.

Motion was made by Council President Pro Tem Wildrick, and seconded by Council Member Pucillo, to add to the Agenda the scheduling of a Special Town Council meeting on January 23, 2013, at 8:30 a.m., in order for the Attorneys to seek further guidance with respect to the aforementioned litigation. On roll call, the motion carried unanimously.

The following Item Was Added to the Agenda:

Request to Schedule Special Town Council meeting on January 23, 2013, at 8:30 a.m., to meet in Closed-Door Attorney/Client Session regarding the case of TOWN OF PALM BEACH VS THE UNITED STATES OF AMERICA, CIVIL ACTION NO. 09-64 L, IN THE UNITED STATES COURT OF FEDERAL CLAIMS.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the scheduling of a Closed-Door Attorney/Client Session regarding the case of TOWN OF PALM BEACH VS THE UNITED STATES OF AMERICA, CIVIL ACTION NO. 09-64 L, IN THE UNITED STATES COURT OF FEDERAL CLAIMS. On roll call, the motion carried unanimously.

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Tuesday, January 8, 2013, was adjourned at 11:54 a.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: JANUARY 9, 2013

APPROVAL OF THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

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

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, JANUARY 9, 2013

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO – None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Wildrick stated that he was asked by a reporter from the *Shiny Sheet* why no one was running against the incumbents. He also stated that, in his point of view, the Town Council is congenial, works very well together, and is a pleasant group with which to work.

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

VI. APPROVAL OF AGENDA

The following amendments were made:

ADDED: Item No. IX.1., Approval of the Administrative and Personnel Committee's Recommendation to Dismiss the Appeal of Jason Vega with Prejudice, was added.

ADDED: Consideration of Town Council meeting scheduling changes was added.

CORRECTION: On Item No. VIII.C.2.d., Special Exception #4-2013 with Site Plan Review Modifications, the Agenda was corrected to reflect that the attorney was Peter Broberg.

DEFERRED: Item No. VIII.C.2.h, Variance #4-2013, was deferred to the February 13, 2013, Town Council meeting.

DEFERRED: Item No. VIII.C.2.i, Variance #5-2013, was deferred to the February 13, 2013, Town Council meeting.

2:00 P.M. TIME CERTAIN: Item No. VIII.D.1, Sterling Organization Lease Update, was scheduled for a 2:00 p.m. Time Certain.

2:00 P.M. TIME CERTAIN: Item No. VIII.C.2.k, Site Plan Review #1-2013, was scheduled to follow the above item.

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

The Below Items Were Added to the Agenda:

1. January 9, 2013, Administrative and Personnel Committee Meeting Update.

   Council Member Kleid reported that, at this morning's Administrative and Personnel Committee meeting, the appeal of Jason Vega was dismissed, with prejudice.

2. Consideration of Rescheduling the January 11, 2013, Special Town Council Meeting and March 12, 2013, Town Council Meeting.

   Council President Rosow stated that the time of the January 11, 2013, Special Town Council meeting will be changed from 9:30 a.m. to 8:30 a.m. He also stated that the March 12, 2013, Town Council meeting will be rescheduled to March 14, 2013, at 10:00 a.m.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, to approve the time change of the January 11, 2013, Special Town Council meeting from 9:30 a.m. to 8:30 a.m., and the rescheduling of the March 12, 2013, Town Council meeting from March 12, 2013, to March 14, 2013, at 10:00 a.m.

VII. PUBLIC HEARINGS

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

A. RESOLUTION NO. 4-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 159 Australian Avenue Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach

Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John Page, Director of Planning, Zoning and Building]

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

Mayor Coniglio welcomed Ms. Murphy and acknowledged that she was staying within Ms. Day's long time rule of using two criteria to denote a landmark. She said that she appreciates the owner's presence and willingness to participate in the Landmarks Program.

Responding to Council President Pro Tem Wildrick, owner Allan Kauffman stated that the home and garage apartment would be brought up to Code for the Town and insurance purposes.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that the Designation Report of the property known as 159 Australian Avenue be accepted and made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, that Resolution No. 4-2013 be adopted and designating the property at 159 Australian Avenue as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Appeals – None

B. Time Extensions & Waivers – None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. VARIANCE #31-2012 The application of Fred Latsko; relative to property commonly known as **320 Polmer Park Road**; described as Lot 8 of POLMER PARK, according to the Plat thereof, as recorded in Plat Book 27, Page 53 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to build a one-story accessory pool cabana containing 520 sq. ft. which will result in a lot coverage of 35.98% in lieu of 32.67% existing and 30% maximum allowed. The proposed pool cabana would also result in a landscaped open area of 34.66% in lieu of 37.98% existing and 45% minimum required.

[Attorney: M. Timothy Hanlon]
[ARCOM Recommendation: Motion to recommend approval of the variance failed 3-2 as there were not enough members present to obtain the four affirmative votes necessary.]
Deferred from the December 12, 2012, Town Council Meeting.

The following ex-parte communication was declared: Council Member Diamond spoke with Attorney Hanlon, who advocated the position of his client. He also spoke with the neighbors, who had no objection to the proposal.

Attorney Hanlon, on behalf of Fred Latsko, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Variance #31-2012 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

2. New Business

a. MODIFIED VARIANCE #30-2012 The application of James D. Berwind; relative to property commonly known as **320 Island Road**; described as Lot 1 and Lot 2 and the East 15 feet of Lot 3, ISLAND ROAD DEVELOPMENT ADDITION to the Town of Palm Beach, according to the Plat thereof, as recorded in Plat Book 18, Page 35 of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting variances to have a swimming pool 4.25 feet from the mean high water line in lieu of the 10 foot minimum required, and, to have a portion of the front wall at a height of 8 feet in lieu of the 6 foot maximum allowed.
[Attorney: Maura A. Ziska]

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

Attorney Ziska, on behalf of James D. Berwind, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Page Lee Hufty, 340 Island Road, spoke regarding the numerous

times that she had been denied for various improvements on her property. She said that when denying applications, it should be by the same rules for everyone. She expressed concern regarding the proposed 8' high wall.

Keith Williams, Nievera Williams Design, stated that the 8' high wall is being requested to secure the homeowner's large dogs.

Discussion ensued regarding the setback, the height of the wall, and the elevation of the property.

Council Member Pucillo stated that the problem with the variance is meeting the hardship requirement.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, that the portion of Modified Variance #30-2012 relating to the swimming pool 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 that the portion of the variance relating to the front wall be denied for the reason that the application does not meet the criteria set forth in Section 134-201(a), items 1 through 7, specifically the hardship requirement. On roll call, the motion carried unanimously.

b. SPECIAL EXCEPTION #1-2013 WITH SITE PLAN REVIEW
The application of JP Morgan Chase Bank NA; relative to property commonly known as **411 South County Road**; described as Lengthy legal description on file; located in the C-TS/C-WA Zoning Districts. The applicant is requesting site plan approval for an automatic teller machine to be installed in the existing drive-in service facility, modification of a portion of the remote teller building for the purpose of adding to and modifying the existing pneumatic tube equipment and relocating and adding safety bollards. The proposal would eliminate the windows, teller drawer and awning from the remote teller building. The building will not be used for bank employees. Services will be provided to drive-up teller customers by employees inside the main bank building via audio/video connections. A special exception is requested to modify the previous approval of the drive-in service facility in the C-WA zoning district for the purpose of adding an automatic teller machine.
[Attorney: Noreen S. Dreyer]

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

Attorney Dreyer, on behalf of JP Morgan Chase Bank NA, provided an overview of the applicant's request.

Danlys Hernandez, BDG Architects, presented the proposed drive-up portion of the architectural plans for the project.

Zoning Administrator Castro provided Staff's comments.

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

c. SPECIAL EXCEPTION #2-2013 WITH VARIANCES The application of Rami Yoram Weisfisch and Pnina Apolonia Weisfisch; relative to property commonly known as **280 North Ocean Blvd.**; described as The North 65 feet of Lots 37 and 37A, the South 65 feet of Lots 36 and 36A, except that part of Lot 36 lying West of the line projected due North with East line of Lot 38, ADAMS ADDITION TO THE TOWN OF PALM BEACH, according to the Plat thereof, as recorded in Plat Book 7, Page 68, Public Records of Palm Beach County, Florida; located in the R-B/B-A Zoning District. The applicant is requesting a special exception to construct a 323.9 square foot beach cabana on property across the street from the main residence, which is in the R-B Zoning District. Variances are requested to construct a beach cabana and swimming pool with an 8.08 foot west side yard setback in lieu of the 10 foot minimum setback required; to construct a 422.5 square foot loggia addition to the west side of the house that will have a 9.94 foot side yard setback from the property line in lieu of the 15 foot setback required; to construct two (2) loggia additions totaling 609 square feet (MOL) that will increase the cubic content ratio to 4.37 in lieu of the 4.32 existing and 3.76 maximum allowed. [Attorney: Maura A. Ziska] [Landmarks Preservation Commission Recommendation: Implementation of the variance will not cause negative architectural impact to the subject property. Carried 6-0.]

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

Attorney Ziska, on behalf of Rami Yoram Weisfisch and Pnina

Apolonia Weisfisch, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Jackie Albarran, SKA Architects, stated that the height of the 48" wall will be changed to 30" to meet the requirement of the 50% Ocean Vista.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Special Exception #2-2013 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and that the variances related to Special Exception #2-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the condition that the Ocean Vista requirement be met. On roll call, the motion carried unanimously.

d. SPECIAL EXCEPTION #4-2013 WITH SITE PLAN REVIEW MODIFICATION The application of Bethesda-By-The-Sea Episcopal Church; relative to property commonly known as **141 South County Road**; described as PENDLETON TR E G LTS 1 THRU 8; located in the R-B Zoning District. The applicant is requesting to modify a special exception use and site plan approval to enclose an existing "tea house" in the center of the property and add an ADA approved access ramp. [Attorney: Peter Broberg]

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

The following ex-parte communications were declared: Mayor Coniglio and Council Member Diamond spoke with Attorney Broberg, who advocated the position of his client.

Attorney Broberg, on behalf of Bethesda-By-The-Sea Episcopal Church, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, that Special Exception #4-2013 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and that the site plan review related to Special Exception #4-2013 shall 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.

e. VARIANCE #1-2013 The application of Lisa Hedley (contract purchaser); relative to property commonly known as **173 E. Inlet Dr.**; described as Lot 23 SEA ISLE ESTATES, according to the Plat thereof as recorded in the Plat Book 25, Page 89, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow the proposed swimming pool with a front yard setback of 12.5 feet in lieu of the 25 foot minimum required.
[Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council President Rosow and Council Members Diamond, Kleid, and Pucillo spoke with Attorney Ziska, who advocated the position of her client. Mayor Coniglio spoke with a neighbor advocating the position of the applicant, with special circumstances. Council President Pro Tem Wildrick spoke with a neighbor, who approved of the project.

Attorney Ziska, on behalf of Lisa Hedley, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

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

f. VARIANCE #2-2013 The application of 700 North Lake LLC, James Goldrick, Manager; relative to property commonly known as **324 Cherry Lane**; described as Lot 11, CHERRY LANE, according to the Plat thereof as recorded in the Plat Book 23, Page 75, Public Records of Palm Beach County, Florida, except that part of Lot 11 described as follows: Beginning at a point in the S line of Lot 11, 40 ft westerly from the SE corner of Lot 11, thence E 40 ft to the SE corner of Lot 11, thence run N 80 ft to a point in the E line of Lot 11, thence run Westerly at right angles from the E line of Lot 11 to a point 16 ft from said East line of Lot 11, then run Southwesterly to a point and the place of beginning; located in the R-B Zoning District. The applicant is requesting a variance to allow accessory structures (perimeter fence, site lighting, gates and associated operating equipment) to be built on a parcel of land that has no principal residence as required by Code. [Attorney: Maura

A. Ziska]

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

Attorney Ziska, on behalf of 700 North Lake LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Variance #2-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

g. VARIANCE #3-2013 The application of Gregory S. Kino, Esq.; relative to property commonly known as **400 Arabian Road**; described as Lot C and a portion of Lot D, LAKE FRONT ADDITION TO BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 18, Page 5, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to allow the installation of four triple-pile dolphin piles associated with an existing dock that will be 49 feet from the bulkhead in lieu of the 6 foot maximum allowed. [Attorney: Gregory S. Kino]

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

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

Attorney Kino, on behalf of Robert and Suzanne Wright, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments. Mr. Castro requested that reflectors or solar lights be installed.

Attorney Kino stated that the applicant will address the neighbor's concerns and black out any light that would shine toward his property.

Robert Holuba, 1500 Lake Court, stated that his property is

immediately north of the applicant's and that he supports the variance.

Motion was made by Council President Pro Tem Wildrick, and seconded by Council Member Diamond, that Variance #3-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the condition that reflectors or solar lighting be installed on the dock. On roll call, the motion carried unanimously.

h. VARIANCE #4-2013 The application of Virginia L. Mortara; relative to property commonly known as **319 El Vedado Road**; described as Lot 52 and the West 25 feet of Lot 53, REVISED PLAT OF JUNGLE POINT ADDITION TO THE TOWN OF PALM BEACH, according to the plat thereof as recorded in Plat Book 18, Page 21, of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting variances to allow construction of a 30 foot by 6 foot marginal dock located 10 feet from the West side yard property line in lieu of the 25 foot minimum set back required; to allow a 30 foot by 6 foot marginal dock located 10 feet from the Northern neighbor's South side property line in lieu of the 25 foot minimum set back required; to allow a vessel to be docked at the proposed dock, which vessel would extend beyond the Applicant's North neighbor's side property line, but not the Applicant's side property line.
[Attorney: M. Daniel Logan] ***– This item was deferred to the February 13, 2013, Town Council meeting.***

i. VARIANCE #5-2013 The application of 101 Indian Road, LLC, Robert G. Fessler, Manager/Member; relative to property commonly known as **101 Indian Road**; described as Lengthy legal description in file; located in the R-A Zoning District. The proposal is to build a new, two story house with the following variances being requested: to allow the south side yard setback for the proposed residence to be 15 feet in lieu of the 30 foot minimum required for lots in excess of 60,000 square feet; to allow a north side yard setback for the proposed residence to be 25.67 feet in lieu of the 30 foot minimum required; to allow the proposed residence to be 25 feet from the Town Bulkhead Line in lieu of the 51.6 foot minimum required when calculating the average of the houses to the north and south's setback from the Town Bulkhead Line; to allow the overall building height to be 52.33 feet NGVD in lieu of the 48.39 maximum allowed when comparing the heights of the houses to the north and south.
[Attorney: Maura A. Ziska]
[ARCOM Recommendation: ARCOM motion to recommend

approval of the variance failed 3-2 as there were not enough members present to obtain the four affirmative votes necessary.]
Request for Deferral to the February 13, 2013, Town Council Meeting, Per Letter Dated December 26, 2012, from Maura A. Ziska. – *This item was deferred to the February 13, 2013, Town Council meeting.*

j. VARIANCE #6-2013 The application of Allan W. Kauffman and Susan M. Kauffman; relative to property commonly known as **159 Australian Avenue**; described as Lot 41 and the West one-half (w ½) of Lot 42, Block H, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, according to the Plat thereof as recorded in the Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting variances to demolish a non-conforming two story garage and rebuild a slightly larger garage in the same location. The plan also includes a proposed loggia/covered walkway to connect the garage to the main house. There is also proposed to be two additions to the main house to expand the master bedroom on the 1st floor and guest bedroom on the 2nd floor. The proposed additions would require the following variances to be requested: a west side yard setback of 4.4 feet in lieu of the 15 foot minimum required and 4.4 feet existing; a rear yard setback of 4.25 feet in lieu of the 15 foot minimum required and 2.2 feet existing; to allow a loggia addition with a cubic content ratio of 4.3 in lieu of the 4.0 maximum allowed and the 3.67 existing. A variance is being requested to allow four (4) air conditioning units in the rear yard in lieu of the maximum of two allowed and to modify a previously approved variance for a carport to replace it with a new, larger carport with the same 8.79 foot setback in lieu of 12.5 foot minimum required and a pitched roof instead of the existing flat roof carport. The new roof would add 3 feet of height in the setback. [Attorney: Maura A. Ziska]
[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.]

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

Attorney Ziska, on behalf of Allan W. Kauffman and Susan M. Kauffman, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Council Member Pucillo stated that, with respect to the garage if it is approved, this would set a significant precedent, and would affect many similar properties. He added that, if approved, it should be on record that whenever a non-conforming two story garage is demolished and a slightly larger garage in the same location is rebuilt, that otherwise would have a 10' or 15' setback and a 2' or 4' setback is allowed, that it is a very material departure from the Code. He also said that trying to preserve 50% of the old buildings is not a productive exercise and, as it is significant, we will see other proposals to do this.

Council President Rosow said that Council Member Pucillo brought up some very good points and, when the motion is made, those points will be made as a formal part of the record. Future applicants will have to bear that in mind.

Mayor Coniglio stated that her concern is that the accessory structures, the garage renovation and guest house, be secondary to the landmarked structure. She also stated that it appears to her that, from the street, it would be seen as the same height and would not appear as a lesser, secondary structure.

Zoning Administrator Castro responded that it is part of the main house now because it is attached with an open loggia; otherwise, the second story would not be allowed.

Council President Rosow asked that Staff relay Mayor Coniglio's comments to the Landmarks Preservation Commission at the time of their hearing.

Motion was made by Council Member Pucillo, and seconded by Council Member Diamond, that Variance #6-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. The record is to reflect that there are specific mitigating circumstances to the significance of this variance, namely the property being voluntarily landmarked and the significant efforts being made to adhere to the existing footprint of the building in conformity with the requirements for a larger garage. On roll call, the motion carried unanimously.

(Clerk's Note: The item below was taken out of order and heard after Item No. VIII.D.1., Sterling Organization's Update Regarding Lease of Royal Poinciana Plaza Playhouse.)

k. SITE PLAN REVIEW #1-2013 The application of James M. Crowley, Esq. or John W. Little, III, Esq. on behalf of Sterling Palm Beach LLC; relative to property commonly known as **340 Royal Poinciana Way**; described as Lengthy legal description on

file; located in the C-PC Zoning District. The applicant is requesting a site plan review modification to the Royal Poinciana Plaza parking lot due to the realignment of the new Flagler Memorial Bridge. The Florida Department of Transportation has condemned 8,388 square feet of the Plaza's property for the realignment. The request is to restripe the Plaza, specifically the remaining portion of the northwest side of the property, to capture as many off-street parking spaces as possible of those which were lost. The redesign will result in 208 parking spaces in the northwest portion of the Royal Poinciana Plaza.
[Attorneys: James M. Crowley, John W. Little]
TIME CERTAIN: 2 PM

The following ex-parte communications were declared: Council President Rosow, Council President Pro Tem Wildrick, and Council Member Diamond received correspondence from individuals in support and in opposition to the request. Council President Pro Tem Wildrick and Council Member Diamond spoke with people who were opposed to the project.

Responding to Council President Pro Tem Wildrick, Town Attorney Randolph stated that he wrote a letter on Mr. Wildrick's behalf to Megan Rogers, Staff Member, of the Palm Beach County Commission on Ethics, who reviewed the matter and determined that Council President Pro Tem Wildrick could vote on this issue.

Council President Pro Tem Wildrick requested that the Town Council recess to allow the principles, Staff, and any interested parties to meet in the Conference Room to discuss the differences in their parking calculations.

Responding to Mayor Coniglio, Town Attorney Randolph stated that she is also able to vote on the matter.

(Clerk's Note: The Town Council recessed at 2:18 p.m., and reconvened at 2:35 p.m.)

Town Attorney Randolph reported back that the parties seemed pretty close to being on the same page, with a difference in calculations of about six spaces.

John Little, Gunster Law Firm, 777 S. Flagler Drive, West Palm Beach, representing Sterling Palm Beach, provided an overview of the applicant's request and parking cure plan.

Lynn Zolezzi, Land Design South, 400 Columbia Drive, West Palm Beach, representative of the Florida Department of

Transportation (FDOT), stated that FDOT approves of the applicant's proposed cure plan.

Steven Shirley, Associated Land Surveyors, Inc., 4152 Blue Heron Blvd., West, West Palm Beach, provided an overview of the parking lot survey he conducted.

Zoning Administrator Castro provided an overview of Staff's calculation of the parking spaces, which totaled 531.

Craig Mueller, Vice President Sterling Palm Beach, stated that their surveyor identified 746 post-taking parking spaces. He also spoke regarding the south end restriping about a year and a half ago to comply with the plan that was approved in 1999, the Code Enforcement Board's deferral of the north end striping issue pending resolution of the cure plan, and the change to perpendicular parking that would overhang onto the Town's property about three feet.

John Little and Zoning Administrator Castro provided further information regarding their parking calculations.

Council Member Pucillo noted that these parking calculations were based on a 1995 approval by the Town Council, but that the Code has changed since then.

John Little responded that the 1995 approval included more than just the striping of the parking lot.

Zoning Administrator Castro stated the Staff's interpretation is that the 1995 approval was not abandoned. At the time, the Plaza's owners were also granted a variance for triple-stacked parking.

Mr. Little stated that his client's position is that they are in compliance so long as they follow the old approvals.

John R. Eubanks, Jr., Breton, Lynch, Eubanks & Suarez-Murias, P.A., 1209 N. Olive Avenue, West Palm Beach, representing Palm Beach Towers, provided an overview of his client's opposition to the project, their parking calculations, and their position that the 1995 and 1999 approvals were abandoned.

Regarding the small triangle of land owned by the Town that the applicant is requesting use of, Council Member Kleid asked if the Town could just sell the property to them. Council President Pro Tem Wildrick concurred with Council Member Kleid's suggestion.

Lynn Zolezzi reiterated that FDOT supports the plan, and that they have no problems with the tandem parking so long as there are parking attendants.

Discussion continued regarding the validity of the 1995 and 1999 variance approvals.

Mr. Little stated that his client could come back with a plan that does not include triple stacking.

William Cooley, 8 Windsor Court, spoke in opposition to the applicant's cure plan.

Allen Wyett, 1145 North Lake Way, who was on the Town Council when the variance was approved, stated that the intent of the Town Council was not for there to be double and triple-stacked parking, but to assist businesses. He spoke in opposition to the proposed cure plan.

Bob Moore, 420 Santa Fe Road, West Palm Beach, representing Palm Beach Towers, and former Planning, Zoning, and Building Director, stated that he approved their plan subject to the condition that there be valet stands. He stated that, in retrospect, he should have brought this back to the Town Council rather than it going to Code Enforcement.

Ms. Zolezzi discussed how FDOT calculates their compensation to property owners when their property is taken. She added that FDOT believes the applicant's proposed cure plan is even safer than the current configuration.

Council President Rosow stated that there seems to be a consensus among the Town Council to deduct the triple-stacked spaces, the eleven spaces that may actually be a fire lane, and the twelve spaces which would overhang the Town's property. The Town Council is willing to consider sale or leasing of the land where the twelve spaces would overhang Town property. The issue of whether the 1995 and 1999 variance approvals were abandoned also needs to be addressed.

Town Manager Elwell suggested deferring this item so that the applicant can come back with a drawing that reflects the sense of the Town Council and Staff can determine whether the variances were abandoned and whether there is supposed to be a fire lane where the applicant is proposing eleven parking spaces.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to defer Site Plan Review #1-2013 to the February 13, 2013, Town Council meeting in order to address the three issues mentioned above by Town Manager Elwell. On roll call, the motion carried unanimously.

l. SITE PLAN REVIEW #2-2013 WITH VARIANCE The application of John D. Corey; relative to property commonly known as **327 Barton Avenue**; described as Lot 5-F, Primavera Estates, Middle Section, according to the Plat thereof, as recorded in the Plat Book 7, Page 39, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting Site Plan Review to allow the construction of 2,949 square foot two-story single family residence on a non-conforming platted lot which is 75 feet in width in lieu of the 100 foot minimum required, 85.29/87.09 in depth in lieu of the 100 foot minimum required and 6,463 square feet in area in lieu of the 10,000 square foot minimum required. A variance is requested to allow construction of a new residence on a lot that is 75 feet in width to have a one-car garage in lieu of the two-car garage required for lots in excess of 75 feet in width. [Attorney: Maura A. Ziska]

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

Attorney Ziska, on behalf of John D. Corey, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments and stated that a letter was received from Dr. Ronald Hurwitz, a neighbor whose expressed concern regarding noise from the generator, the air conditioning equipment, the landscaping, and the proposed wall.

Architect Mark Marsh, Bridges, Marsh & Associates, Inc., provided a presentation of the architectural plans of the project, showing the proposed location of the generator and air conditioning equipment, which is on the east side of the proposed garage. He said that Dr. Hurwitz is also located on the east side of the property and that the proposed wall was to secure privacy, and may be reduced to 5' high.

Ron Hurwitz, 321 Barton Avenue, expressed concern regarding privacy and noise. He said that he would work with the landscape

architect and that he was in favor of the variance for a one-car garage, as he also has one.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Site Plan Review #2-2013 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, and that the variance related to Site Plan Review #2-2013, be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the condition that the applicant cooperates with the neighbors and installs landscaping to abate any noise. On roll call, the motion carried unanimously.

m. SITE PLAN REVIEW #3-2013 WITH SPECIAL EXCEPTION AND VARIANCE The application of 160 Royal Palm LLC (Glenn F. Straub, Manager); relative to property commonly known as **160 Royal Palm Way**; Being all of Lots 31, 32 and 33, Block F, ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the C-B Zoning District. The applicant is requesting a modification to the site plan and special exception from the approved zoning application Site Plan Review #6-2012 with Special Exception and Variances which requires approval from the Town Council. The following is a list of the proposed changes to the approved hotel plan and use: eliminate the roof top sundeck on the proposed Function Room and create a similar roof top sundeck on the roof top of the hotel above the lobby. The same approved restrictions would apply to the new sundeck. Proposal is also requesting modification of the stairs to the spa; modification of the doors and roof the proposed Function Room and elimination of stairs to the roof of the Function Room; relocation of the air conditioning units on top of the Function Room to planter area on the east side, middle portion of the property; modification to the shape of the water wall on the south side of the pool area. A variance is requested to allow a roof top sundeck on the third floor above the lobby of the non-conforming hotel where only two stories is allowed under today's Zoning Code. [Attorney: Maura A. Ziska]

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

Attorney Ziska, on behalf of 160 Royal Palm LLC, provided an overview of the applicant's request.

Tara Lordi, Asset Manager, provided an overview of the proposed modifications.

Zoning Administrator Castro provided Staff's comments.

Bill Maddox, owner of the building to the east and Vice President of Palma Plaza Condominium Building, spoke regarding the landscaping and stated that he would not have a problem if there was encroachment onto his property from their plants.

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

Motion was made by Council President Rosow, and seconded by Council Member Diamond, that those portions of Site Plan Review #3-2013 relative to the below items 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, and that those portions of the special exception related to Site Plan Review #3-2013 relative to the below items shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and that the variance related to Site Plan Review #3-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met:

1) **Modification of the doors on the eastern side of the function room;**
2) **Modification to the columns of the water wall on the south side of the pool area;**
3) **Replacement of the stairs to the spa and the two arches with decorative ballistry;**
4) **Elimination of the elevator shaft and stairs to the roof of the function room area;**
5) **Elimination of a sundeck on the rooftop of the function room and creating a similar roof top sundeck above the lobby-the new sundeck must comply with the same restrictions that the old sundeck was conditioned upon;**
6) **Addition of an elevator shaft to the third floor deck; and,**
7) **Proposed niche on the west side of the water wall.**

The following items related to Site Plan Review #3-2013, and its associated special exception, were approved subject to the listed conditions:

1) **Relocation of the air conditioning units from the function room to the planter area on the east side, middle portion of the property, subject to the condition**

that they are adequately screened to provide the adjacent building with protection from sight and noise; and,

2) The eastern and southern boundary lines of the property shall be screened in a manner approved by the property owners to the east, and that said screening shall be maintained in perpetuity.

The following items related to Site Plan Review #3-2013, and its associated special exception, were denied based upon the finding that such grant would adversely affect the public interest:

1) Proposed niche on the east side of the water wall-the wall must connect to the function room;
2) Modification of the French doors to the function room to sliding doors; and,
3) Direct bar access to the pool area adjacent to the lobby dining room.

On roll call, the motion carried unanimously.

Zoning Administrator Castro stated that Staff will bring back a modified Declaration of Use Agreement to the February 13, 2013, Town Council meeting to reflect these changes.

(Clerk's Note: At 12:23 p.m., the Town Council recessed for lunch; at 2:02 p.m. the Town Council reconvened the meeting.)

D. Other

1. Sterling Organization's Update Regarding Lease of Royal Poinciana Plaza Playhouse.
[Adam Munder, Vice President, Business Development, Sterling Organization]
TIME CERTAIN: 2 PM

Adam Munder, Sterling Organization, provided an update on the lease negotiations for the Royal Poinciana Plaza Playhouse.

Council President Rosow tentatively scheduled another update on the lease for the February 13, 2013, Town Council meeting. If, after speaking with the parties, he is satisfied with their progress, he stated that he may remove the item from the agenda.

IX. <u>ANY OTHER MATTERS</u>

1. Approval of the Administrative and Personnel Committee's Recommendation to Dismiss the Appeal of Jason Vega with Prejudice.

Motion was made by Council Member Kleid, and seconded by Council President Pro Tem Wildrick, to approve the Administrative and Personnel Committee's recommendation to

dismiss the appeal of Jason Vega with prejudice. On roll call, the motion carried unanimously.

X. ADJOURNMENT

There being no further business, the January 9, 2013, regular Town Council meeting was adjourned at 5:15 p.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: JANUARY 11, 2013

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on January 11, 2013

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON FRIDAY, JANUARY 11, 2013

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order on Friday, January 11, 2013, at 8:32 a.m., in the Town Council Chambers. On roll call, Council President Rosow and Council Member Kleid were not present. A quorum was present, and Council President Pro Tem Wildrick assumed the position of Council President for these proceedings.

II. PLEDGE OF ALLEGIANCE

Council President Pro Tem Wildrick led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the Agenda. On roll call, the motion carried 3-0, with Council President Rosow and Council Member Kleid absent.

IV. RESOLUTION NO. 6-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Town Caucus; Naming Therein the Candidates Nominated and Named in this Resolution; Declaring That a Municipal Election Shall Not be Held.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 6-2013. On roll call, the motion carried 3-0, with Council President Rosow and Council Member Kleid absent.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the January 11, 2013, Special Town Council meeting was adjourned at 8:35 a.m.

APPROVED:

_____
Robert N. Wildrick
Town Council President Pro Tem

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: JANUARY 23, 2013
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED DOOR SESSION.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on January 23, 2013

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON WEDNESDAY, JANUARY 23, 2013

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 8:30 a.m. on Wednesday, January 23, 2013, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

ADDITION: Rescission of the Dismissal of the Appeal of Jason Vega was added under Any Other Matters.

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

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

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

Town Council President Rosow announced the following:

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

Peter B. Elwell, Town Manager
Jerry Stouck, Attorney (via telephone)
John C. Randolph, Town Attorney
Ley and Marsaa, Court Reporters

At 8:31 a.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 9:10 a.m., in the Town Council Chambers.

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

Town Council President Rosow announced the termination of the Attorney/Client Session. He stated that the Town Council met with its Attorney and received advice, with respect to this litigation, and provided him with direction.

V. ANY OTHER MATTERS

The Below Item Was Added to the Agenda:

A. Rescission of the Dismissal of the Appeal of Jason Vega

Motion was made by Council Member Kleid, and seconded by Council Member Pucillo, to rescind the Town Council's approval of the dismissal of the case of Jason Vega, and that it be heard, subject to conditions and terms set forth by the Administrative and Personnel Committee, which will be set at their January 28, 2013, meeting. On roll call, the motion carried unanimously.

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Wednesday, January 23, 2013, was adjourned at 9:18 a.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent Agenda

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of January 23, 2013.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated January 29, 2013, from John S. Page, Director of Planning, Zoning and Building
- Minutes of the Architectural Commission Meeting of January 23, 2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of January 23, 2013

Date: January 29, 2013

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, 2013.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of January 23, 2013.

GENERAL INFORMATION

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

Attachment

JSP:cmd

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

WEDNESDAY, JANUARY 23, 2013, 9:30 a.m.

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

I. CALL TO ORDER (9:31:30 a.m.)

Chairman Vila called the meeting to order at 9:31 a.m.

II. ROLL CALL (9:31:32 a.m.)

Robert J. Vila, Chairman	PRESENT
Nikita Zukov, Vice Chairman	UNEXCUSED
Kenn Karakul, Member	PRESENT
Ann L. Vanneck, Member	PRESENT
Henry Homes III, Member	PRESENT
Richard Sammons, Member	PRESENT
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Alternate Member	PRESENT *(Voting Member today)*
Alexander C. Ives, Alternate Member	PRESENT

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

III. PLEDGE OF ALLEGIANCE: (9:31:52 a.m.)

IV. APPROVAL OF THE MINUTES FROM THE DECEMBER 21, 2012 MEETING: (9:32:15 a.m.)

MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

V. APPROVAL OF THE AGENDA : (9:32:38 a.m.)

MOTION BY MR. HOMES FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:32:40 a.m.)

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

VII. OTHER BUSINESS: (9:32:44 a.m.) None

VIII. PROJECT REVIEW (9:32:47 a.m.)

A. **MAJOR PROJECTS-OLD BUSINESS (9:32:57 a.m.)**

B - 087 - 2012 New Pool Cabana
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 320 Polmer Park
Applicant: Fred Latsko
Architect: Robert L. Bell
Project Description: Construction of a 520 sq. ft. single story pool cabana including open porch. Variances requested for lot coverage and landscaped open space

At the November meeting, after review of the project, a motion was approved for deferral to December. At the December meeting, after review of the project and ARCOM providing a recommendation relative to the variances, a motion carried for deferral of the architecture to the January meeting.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Robert L. Bell, Architect
ATTORNEY PRESENT: M. Timothy Hanlon, Attorney for the applicant

Mr. Hanlon reviewed the history relative to this project to date, including the fact that the Town Council granted both requested variances for the project. Mr. Hanlon stated that since the last ARCOM meeting, the architect has reduced the size of the cabana from 520 sq. ft. to 437 sq. ft., and has moved the bath from the end of the building. Mr. Bell explained the changes to the plans since last month in more detail.

MOTION BY MR. KARAKUL FOR APPROVAL WITH THE CHANGES/CONDITIONS AS EXPRESSED BY MR. SAMMONS AND MRS. VANNECK; THAT THE COLUMNS MATCH, THAT THE DOORS LINE UP (DOORS CENTERED BETWEEN COLUMNS, AND THAT THE PROPORTION OF THE ENTABLATURE IS CORRECTED, WITH ALL OF THE ABOVE SUBJECT TO REVIEW BY THE CHAIRMAN.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.

B - 092 - 2012 New Residence
Address: 149 Brazilian Avenue
Applicant: Mary Campbell
Architect: Michael J. Johnson c/o LaBerge & Menard Inc.
Project Description: New 7500 sq. ft. residence, two-story (with two-story pool house incl.) stucco finish, metal windows and shutters, French Country style, final landscape plan. Building Color: Grey; Trim Color: White; Shutter Color: Blue; Roof: Grey Concrete Tiles/Slate

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

At the December meeting, a motion carried for deferral to the January meeting to address the detailing.

ARCHITECTURAL PRESENTATION BY: Michael J. Johnson, Architect, and Daniel Menard, Design Architect
OTHERS WHO TESTIFIED: Vivian Doris, 155 Brazilian Avenue

Mr. Menard presented the revised plans pursuant to ARCOM's comments last month relative to the roof overhang, the stucco band, roof slope and configuration, fenestration details, number and location of quoins, and changes to second floor dormers. Additional changes made since last month: removal of some fake chimneys; rear courtyard changes to enhance symmetry; and, reduced number of shutters throughout.

Mr. Sammons commented that the design is much improved, but questioned the lintel design, the thick sill stone, and the entry portal design. (Exact comments available in meeting audio.)

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED WITH THE CAVEAT THAT THE SUGGESTIONS FROM MR. SAMMONS BE USED, INCORPORATED IN THE DESIGN.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

B - 093 - 2012 Demolition and New Residence
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 101 Indian Road
Applicant: Fair Dinkum Construction
Architect: Smith and Moore Architects, Inc.
Project Description: Demolition of an existing two-story residence, pool and accessory structure; Construction of a new two-story single family residence, guest house and pool, hardscape and landscape. Building Color: Cream; Trim Color: White; Shutter Color: Blue; Roof: Grey flat concrete tile

At the December meeting, a motion carried for approval of the demolition; the commission made a recommendation relative to the variances; and, a motion carried for deferral of the project to the January meeting primarily for re-study of the siting of the project.

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

ARCHITECTURAL PRESENTATION BY: Harold Smith, Smith and Moore Architects
LANDSCAPE PRESENTATION BY: John Lang, Lang Design Group

ATTORNEY PRESENT: Maura Ziska, Attorney for the applicant

Mr. Smith reported that one of the entrances on the north side of the property has been eliminated, leaving one entrance from Indian Road to the south and one entrance from East Inlet Drive to the north. He reviewed minor changes to the floor plan and elevations, including revised west and north elevations which were shown on the Elmo projector. Mr. Lang presented a preliminary landscape/hardscape plan with few changes since last month.

Under commission comments: Nice, but very massive; verandas are too deep; reduce the mass of the rear block; scale of trees needs to be stronger and taller.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED WITH THE CAVEAT THAT BOTH VERANDAS BE REDUCED IN DEPTH FROM 18 FEET TO 14 FEET.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

B. **MAJOR PROJECTS-NEW BUSINESS** **(10:15:22 a.m.)**
B - 002 - 2013 Demolition and New Residence
Address: 173 E. Inlet Drive
Applicant: Ms. Lisa Hedley
Architect: Roger P. Janssen, Dailey Janssen Architects
Project Description: Demolition of existing one-story residence, hardscape and landscape. Proposed CBS construction of new one-story residence with 3,367 air conditioned square feet with pergola, pool, landscape, hardscape and site lighting. Building, Trim and Roof Color: White; Roof: Flat Cement Tile

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

ARCHITECTURAL PRESENTATION BY: Roger P. Janssen, Dailey Janssen Architects
LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Janssen provided the required demolition report for this residence.

MOTION BY MR. HOMES FOR APPROVAL OF DEMOLITION AS REQUESTED.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.

Mr. Janssen presented the new home in accordance with the submitted plans and as described above. He described it as a simple, understated Ranch style home with all single-lite fenestration, and noted that a variance had already been granted for the encroachment of the pool into the front yard. As for the landscape/hardscape, Mr. Williams stated that a portion of the Ficus will be retained on the east and west, but all other landscape/hardscape will be removed in preparation for the new home construction. Design elements include: Garden gate off Inlet Drive on axis with the front door; 40 ft. x 13.5 ft. pool; citrus garden; Coconuts: Bougainvillea at garage; clean, contemporary garden; limestone walkway and pool coping; and, semi-tumbled paver driveway.

Under commission comments: Wonderfully modest and perfectly appropriate; terrific project which relates to the block; the Avocado tree will die…be sure to plant salt tolerant material.

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

B - 003 - 2013 Landscape/Hardscape
Address: 1348 North Lake Way
Applicant: Pat Carney
Architect: Joe Peterson, Peterson Design Professionals
Project Description: Two-story residence seeking final landscape approval as well as approval of paint colors

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

ARCHITECTURAL PRESENTATION BY: Harold Smith, Smith and Moore Architects
LANDSCAPE PRESENTATION BY: Joe Peterson, Peterson Design Professionals
ATTORNEY PRESENT: L. Frank Lynch, Attorney for the applicant

Mr. Peterson stated that preliminary landscape approval had been obtained in April. At that time, there had been a request to have an additional tree planted in the front, and that has been done, as well as additional plantings along the north and south property lines. Staff pointed out that certain site walls on the south property line, now at 6 feet in height, will have to be adjusted down to 4 feet.

Mr. Smith presented revised paint colors: Yellow for the body of the house; off-white trim, muted green shutters, and dark grey roof tiles.

Under commission comments: Colors lovely, except for roof; preference for the originally presented white roof, or at least a lighter grey roof tile; and questioning the design of gate piers.

Attorney Lynch, on behalf of the property owners, spoke in favor of a non-white roof for maintenance considerations.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED, WITH THE SITE WALLS CONFORMING TO THE HEIGHT REQUIREMENTS FROM THE LAKE TRAIL; THE PIER DESIGN TO BE MORE APPROPRIATE, ARCHITECTURALLY, TO THE HOUSE; AND THAT THE ROOF IS A LIGHT GREY IN COLOR, IF NOT WHITE.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

B - 004 -2013 Demolition and New Residence
Address: 327 Barton Avenue
Applicant: John David Corey
Architect: Bridges, Marsh & Associates
Project Description: Demolition of existing two-story residence/two-story guesthouse/garage. Proposal to construct new two-story residence with attached single car garage in a Mediterranean/Tuscan villa style, with proposed landscape/hardscape. Building Color: American White: Trim Color: Decorator White; Roof Color: Italian Grey; Roof: Clay Barrel Tile (per the application)

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

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Bridges Marsh & Associates
LANDSCAPE PRESENTATION BY: Jorge Sanchez, Sanchez & Maddux
OTHERS WHO TESTIFIED: Paul Castro, Zoning Administrator

Mr. Marsh presented the demolition report for this 1924 home which has experienced lack of maintenance; has several non-conformities, assorted windows, bad flooring and structural failures.

MOTION BY MR. HOMES FOR APPROVAL OF THE DEMOLITION.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED 5-2, WITH MESSRS. SAMMONS AND VILA OPPOSED.

Mr. Marsh described the new house as having a restrained Classical symmetrical look with a balanced symmetrical street elevation, and a main entrance and portico on the west elevation. The proposed roofing is Ludowici Italian Fire Flash roof in a light color grey/red blend on a simple white on white house color palette. Window frames and muntins will be done in dark grey metal. He noted that variance approval had been obtained from the Town Council for the one-story garage. Mr. Sanchez presented the landscape/hardscape in accordance with the submitted plans. Design elements include: Small pool in rear, gravel & stone motor court; wrought iron arch, walls enclosing the entire property; Podocarpus hedges and other plant material as shown.

Mr. Lindgren noted that the gates cannot exceed 9 ft., so the plans will have to be revised. He read a letter into the record from Dr. Ronald J. Hurwitz, 321 Barton Avenue, wherein Dr. Hurwitz lists his concerns relative to dust, noise, etc. during demolition and construction.

Mr. Castro testified that the Town Council approved the variance for the garage with two conditions: 1) That the property owner is to work with the neighbor to the east regarding the wall and landscaping; and 2) that the a/c equipment, on the east side of the house, is screened with a wall and landscaping.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED, INCLUDING THOSE TWO ISSUES…THE SCREENING OF THAT SIDE OF THE GARAGE AND THE EQUIPMENT AND THE HEIGHT OF THE GATES.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.

Let the record show that there was a short recess at 11:08 a.m.

B - 005 - 2013 Landscape/Hardscape
Address: 168 Seaspray Avenue
Applicant: Mario & Sue Mercurio
Architect: Efflorescence, Inc.
Project Description: Final landscape/hardscape presentation

Call for disclosure of ex parte communication: No disclosures

LANDSCAPE PRESENTATION BY: Alan Stopek, Efflorescence Inc.

Mr. Stopek provided the landscape/hardscape pursuant to the submitted plans. He explained that the plans were designed in consideration of privacy, screening and noise concerns. To accomplish that goal, the entire perimeter will be screened by walls, varying from 4 ft. to 6 ft. in height. Design elements include: Exterior living room area and dining room area, castle stone paving in a herringbone pattern at selected areas, cast stone pool deck, palms, hedges and canopy trees in staggered heights at the perimeter, and, two metal gates with wood stain.

Under commission comments: This had been controversial when originally approved because the garage doors are right in the front… where is landscaping or trellising at garage?; this was controversial…one of the main sticking points for the neighbors was that the hedges would be maintained…you've ignored that; garage doors too visible; where is the mystery?; try to reduce the curb cut and add more landscaping at the garage doors…trellis would be good…reduce amount of pavement…reduce garage door size itself because it is really a one-car garage.

MOTION BY MR. HOMES TO DEFER (TO FEB.) AND SUGGEST THAT THE APPLICANT RETURN TO THE NEXT MEETING WITH THE NEIGHBORS AND THAT WE HAVE SOME CONSENSUS BETWEEN THE THREE.

Mr. Lindgren read a letter into the record from the eastern abutting neighbor, Joan de Bie, 164 Seaspray Avenue, wherein she addresses a boundary issue with regard to this project.

Chairman Vila repeated the motion, and recommended that it should be added to the motion that the property owner needs to resolve the issue with the survey and the discrepancy with the setback. (The motion was not formally amended by the maker.)

MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.

Mr. Stopek asked for further clarification, and the commission responded accordingly.

B - 006 - 2013 Addition
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 237 Oleander Avenue
Applicant: Terry Alfuth
Architect: SKA Architect + Planner, Jacqueline Albarran, Architect P.A.
Project Description: New one-story, one-car garage addition to an existing two-story single family residence. Roof, walls, windows and doors, and all detailing to match existing. Variances requested for west side yard setback, rear yard setback, front yard setback, and lot coverage.

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

ARCHITECTURAL PRESENTATION BY: Jacqueline Albarran
ATTORNEY PRESENT: Maura Ziska for the applicant

Ms. Ziska described the variances requested for the project. Mrs. Albarran presented the project in accordance with the submitted plans and as described above. She explained that the new garage will be placed on top of existing hardscape. The project received favorable comments.

MOTION BY MR. SAMMONS THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

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

B - 007 -2013 Modifications to previous approval
Address: 160 Royal Palm Way
Applicant: 160 Royal Palm Way LLC
Architect: Rafael A. Rodriguez
Project Description: The Palm House is currently under renovation pursuant to the approval of the Town Council in May 2007 and 2012. The applicant is requesting modifications to the ARCOM approved plans of September 26, 2012. The following is a list of proposed changes to the hotel plan and use: (1) Eliminate the roof top sundeck on the proposed Function Room and create a similar roof top sundeck on the roof top of the hotel above the lobby, in essence a transfer of the use from the Function Room to the Hotel with the same restrictions being adhered to. (2) Elimination of the pool deck stair to the lower level spa area. (3) Modification of the Function Room facades including: (a) Doors; (b) Stairs to Sundeck; (c) Elevator to Sundeck; and, (d) Rooftop a/c equipment moved to planter area on the east side, behind stair #3 on the ground floor. (4) Modification of the shape of the water wall on the south side of the pool area. NOTE: This is the project description as advertised

Project Description as shown in Presentation materials: (1) Elimination of rooftop access to the Function Room including elevator shaft, elimination of stairs, removal of parapet wall, and move the AC units; (2) Removal of stairs to spa; (3) Replace balustrades with parapet wall; (4) Redesign of water wall; (5) Function Room east side has one 8 ft. door opposed to 2 doors now; (6) Changed door design to full arch to match rear lobby opposed to transom and added two more doors for Function Room; (7) Addition of rooftop lounge (the Sunset Deck) above the lobby; (8) Addition of elevator shaft above lobby; and (9) Move of stairs to grassy knoll.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Tara Lordi, Owner's Representative and Rafael Rodriquez, Architect
ATTORNEY PRESENT: Maura Ziska for the applicant
OTHERS WHO TESTIFIED: Paul Castro, Zoning Administrator

Ms. Lordi and Mr. Rodriquez presented the project in accordance with the submitted plans and as described above. Ms. Lordi explained that activity was removed from the top of the Function Room in deference to the neighbors. *It should be noted that this presentation and corresponding discussion relative to each of these items was quite lengthy, and the recording of the meeting is available on the Town's website.* During review of the plans, certain inaccuracies were once again noted by the commission relative to this project.

Mr. Castro explained that the Town Council required the 14 ft. water wall to assist with noise issues. He asked that the applicant be required to raise the wall to the east of the Sunset Deck to prevent anyone climbing up to the roof. He added that use of the Sunset Deck is limited to certain hours per the Declaration of Use Agreement.

Chairman Vila called for consensus on each of the nine (9) items, one by one. As for Item #5, the commission asked that they be off-centered, flush, solid service doors. As for Item #8, Chairman

Vila asked that the "Taco Bell" type roof be modified. The commission reminded that the east wall at the Sunset Deck must be built up so the rooftop cannot be accessed.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE FOLLOWING ITEMS AS LISTED ABOVE: #1 (AS LISTED), #2 (AS LISTED), #3 (AS LISTED), #4-APPROVE THE SCALLOPPED EDGE OF THE WATER WALL; #5-FUNCTION ROOM EAST SIDE NEEDS TO BE A SERVICE DOOR OF 8 FT. OFF-CENTERED; #6 (AS LISTED); #7-(AS LISTED) AND MAKE SURE THAT ALL ACCESS TO THE EAST ROOFTOP IS PREVENTED; #8- (AS LISTED), BUT THE ROOF OF THAT SHAFT NEEDS TO BE RE-STUDIED; AND #9 (AS LISTED).
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

Let the record show that Mr. Sammons and Mr. Gruss left the meeting at this point.

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

D. **MINOR PROJECTS - NEW BUSINESS**: **(12:34:45 a.m.)**
A - 001 - 2013 Modifications to bank
Address: 411 S. County Road
Applicant: J.P. Morgan Chase Bank (Corey Lenga) Leasehold Interest Holder
Architect: BDG Architects
Project Description: Closing off Teller windows at Drive-up building; jogging the corner to accommodate a pneumatic tube, and adding an ATM.

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

ARCHITECTURAL PRESENTATION BY: Danlys Hernandez, BDG Architects

Ms. Hernandez stated that this project is a minor modification to a previous ARCOM approval relating solely to the drive-up teller portion. Town Council approval has already been obtained for the project.

Under commission comments, Mrs. Vanneck raised a concern relative to safety of persons who might walk up to the ATM which is designed for vehicular use only.

MOTION BY MR. IVES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED 5-1, WITH MRS. VANNECK OPPOSED.

A - 002 - 2013 Roof Tile Color Change
Address: 1030 North Lake Way
Applicant: Mr. and Mrs. Fischer
Architect: Glidden Spina & Partners
Project Description: Change previously approved roof tile Entegra "Gun Metal" Gray to Entegra "Lignite with Black Antique" Gray

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

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners

Mr. Spina presented the third roof tile presented for use at this residence. He showed a sample of the actual proposed new roof tile as described above.

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

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE) (12:43:11 a.m.)
None

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (12:43:17 a.m.)
None

XI. ADJOURNMENT: (12:43:29 a.m.)
MOTION BY MR. HOMES TO ADJOURN THE MEETING AT 12:52 P.M.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, February 27, 2013 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

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TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 8-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Palm Beach County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement and Authorizing the Mayor, Town Council President, Town Manager, and Director of Public Safety to Execute the Same on Behalf of the Town.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- Memorandum dated January 24, 2013, by Kirk W. Blouin, Director of Public Safety
- Resolution No. 8-2013
- Mutual Aid Agreement

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Palm Beach County Mutual Aid Agreement
Resolution No. 8-2013

Date: January 24, 2013

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve Resolution No. 8-2013, authorizing the execution of the Palm Beach County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement. The Town has participated in this agreement for many years. Once executed, the renewed agreement will continue in full force and effect until January 31, 2017.

GENERAL INFORMATION

The Palm Beach County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement provides law enforcement agencies with the legal capability to request and render assistance to each other during certain events as specified in the Agreement. These events include the investigation of crime including, but not limited to homicide, robbery, sex offenses and other serious crimes, and response to natural and man-made disasters, including but not limited to civil disturbances, protest demonstrations, aircraft disasters, fires, bomb threats, and homeland security issues. Renewal of the agreement will allow for continued cooperation and assistance between local law enforcement agencies.

TOWN ATTORNEY REVIEW

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

KWB/lsg
Attachments

RESOLUTION NO. 8-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES COMBINED OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT AND AUTHORIZING THE MAYOR, TOWN COUNCIL PRESIDENT, TOWN MANAGER, AND DIRECTOR OF PUBLIC SAFETY TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

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

Section 1. The Palm Beach County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement attached hereto and incorporated by reference as a part of this Resolution is hereby approved and the Mayor, Town Council President, Town Manager, and Director of Public Safety are authorized to execute the same on behalf of the Town.

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 12TH DAY OF FEBRUARY, 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
ATTEST:	_____
	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES
COMBINED
OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION

MUTUAL AID AGREEMENT

WITNESSETH

WHEREAS, the subscribing Law Enforcement Agencies as listed in ***Attachment I***, which is incorporated by reference, are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

(1) Intensive situations, including, but not limited to, emergencies as defined under Section 252.34, Florida Statutes, and

(2) Continuing, multi-jurisdictional law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people; and,

WHEREAS, the subscribing Law Enforcement Agencies have the authority under Section 23.1225, Florida Statutes, et. seq., The Florida Mutual Aid Act, to enter into a combined mutual aid agreement for law enforcement service which:

(1) Permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines, and;

(2) Provides for rendering of assistance in a law enforcement emergency as defined in Section 252.34.

NOW, THEREFORE, THE AGENCIES AGREE AS FOLLOWS:

SECTION I: PROVISIONS FOR OPERATIONAL ASSISTANCE

The subscribed Law Enforcement Agencies hereby approve and enter into this Agreement whereby each of the agencies so represented may request and render law enforcement assistance to the other to include, but not necessarily be limited to, dealing with civil disturbances, large protest demonstrations, aircraft disasters, fires, natural or man-made disasters, sporting events, concerts, public school graduations, parades, escapes from detention facilities, and incidents requiring utilization of specialized units.

SECTION II: PROVISIONS FOR VOLUNTARY COOPERATION

Each of the subscribed Law Enforcement Agencies hereby approve and enter into this Agreement whereby each of the agencies may request and/or voluntarily render routine law enforcement assistance to the other, to include, but not necessarily be limited to, investigating homicides, sex offenses, robberies, assaults, burglaries, larcenies, gambling, motor vehicle thefts, controlled substance violations, pursuant to Chapter 893, Florida Statutes, DUI violations, backup services during patrol activities, School Police Officers enforcing laws within 1000 feet of a school or School Board property, inter-agency task forces and/or joint investigations, and coverage for overtime details.

SECTION III: PROCEDURE FOR REQUESTING ASSISTANCE

In the event that an agency that is a party to this Agreement is in need of assistance as set forth above, such agency shall notify the agency or agencies from whom such assistance is required. The Agency Head or his/her authorized designee whose assistance is sought shall evaluate the situation and his/her available resources and will respond in a manner he/she deems appropriate.

The Agency Head in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.

School District Police Officers are hereby authorized to enforce laws in an area within 1000 feet of a school or school board property and within 1000 feet of any school sponsored event including, but not necessarily limited to, public school graduations, proms, dances and project graduations.

Should a sworn law enforcement officer(s) be in another subscribed agency's jurisdiction and violation of Florida Statutes occurs, which is a crime of violence, in the presence of said officer, he/she shall be empowered to exercise authority as a law enforcement officer as if the officer was in his/her own jurisdiction. Should enforcement action be taken, said officer shall notify the agency having normal jurisdiction and upon the latter's arrival, turn the situation over to them and offer any assistance requested including, but not limited to, a follow-up written report documenting the event and the actions taken. This provision so prescribed in this paragraph is not intended to grant general authority to conduct investigations, serve warrants and/or subpoenas or to respond without request to emergencies already being addressed by the agency of normal jurisdiction, but is intended to address critical, life-threatening or public safety situations, prevent bodily injury to citizens, and/or secure apprehension of violent criminals whom the law enforcement officer may encounter.

In any jurisdiction where the Sheriff of Palm Beach County has primary law enforcement responsibilities, the following shall apply: When a sworn law enforcement officer of a subscribing law enforcement agency has established probable cause to arrest an

individual(s) as a result of an investigation regarding any Forcible Felony, as defined in Section 776.08, Florida Statutes, or any act of Domestic Violence as defined in Section 741.28, Florida Statutes, that occurred within the jurisdiction of the arresting officer, he/she is authorized to make this arrest in any jurisdiction where the Sheriff has primary law enforcement responsibilities upon exigent circumstances and provided said offense occurred within the previous twenty-four (24) hours. Prior to any officer making any such arrest pursuant to this paragraph, the officer shall notify the Palm Beach County Sheriff's Office Commanding Officer in charge of the district in which the action will be taken. This paragraph does not include the authority to make non-consensual or forcible entries into private dwellings, residences, living spaces or business spaces which are not open to the public, i.e., authority derived pursuant to this paragraph may be exercised only when in places open to the public or private places into which the arresting officer has entered with the consent of an occupant entitled to give consent.

In all other jurisdictions within the Palm Beach County, the following shall apply: Sworn law enforcement officers of subscribing law enforcement agencies are hereby authorized to exercise the power to make arrests in any subscribing agency's jurisdiction of persons identified as a result of investigations regarding any offense constituting a felony or any act of Domestic Violence as defined in Section 741.28, Florida Statutes, that occurred within the jurisdiction of the arresting officer. However, this paragraph does not include authority to make non-consensual or forcible entries into private dwellings, residences, living spaces or business spaces which are not open to the public, i.e., authority derived pursuant to this paragraph may be exercised only when in places open to the public or private places into which the arresting officer has entered with the consent of an occupant entitled to give consent. Prior to any officer taking enforcement action pursuant to this paragraph, the officer shall notify the Commanding Officer in charge of the jurisdiction in which the action will be taken, unless exigent circumstances prevent such prior notification, in which case notification shall be made as soon after the action as practicable.

The Agency Head's decision in these matters shall be final.

SECTION IV: COMMAND AND SUPERVISORY RESPONSIBILITY

The personnel and equipment that are assigned by the assisting agency head shall be under the immediate command of a supervising officer designated by the assisting agency head. Such supervising officer shall be under the direct supervision and command of the agency head or his/her designee of the agency requesting assistance.

CONFLICTS:

Whenever a Law Enforcement Officer is rendering assistance pursuant to this Agreement, the Law Enforcement Officer shall abide by and be subject to the rules and regulations, personnel policies, general orders and standard operating procedures of his/her own employer. If any such rule, regulation, personnel policy, general order or standard operating procedure is contradicted, contravened or otherwise, in conflict with

a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure shall control and shall supersede the direct order.

HANDLING COMPLAINTS:

Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this Agreement, the Agency Head or his/her designee of the requesting agency shall be responsible for the documentation of said complaint to ascertain at a minimum:

1. The identity of the complainant.

2. An address where the complaining agency can be contacted.

3. The specific allegation.

4. The identity of the employees accused without regard to agency affiliation.

If it is determined that the accused is an employee of the assisting agency, the above information with all pertinent documentation gathered during the receipt and processing of the complaint shall be forwarded without delay to the Agency Head or his/her designee of the assisting agency for administrative review. The requesting agency may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the requesting agency violated any of their agency's policies or procedures.

SECTION V: LIABILITY

Each agency engaging in any mutual cooperation and assistance, pursuant to this Agreement, agrees to assume responsibility for the acts, omissions, or conduct of such agency's employees while engaged in rendering such aid pursuant to this Agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable.

SECTION VI: POWERS, PRIVILEGES, IMMUNITIES AND COSTS

A. Employees of each participating Law Enforcement Agency, when actually engaging in mutual cooperation and assistance outside of their jurisdictional limits, but inside the State of Florida, under the terms of this Agreement, shall, pursuant to the provisions of Section 23.127(1), Florida Statutes, have the same powers, duties, rights, privileges and immunities as if the employee was performing duties inside the employee's political subdivision in which normally employed.

B. Each agency agrees to furnish necessary personnel, equipment, resources and facilities and to render services to each other agency to the Agreement as set forth above; provided however, that no agency shall be required to deplete unreasonably its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.

C. Communication with personnel from outside agencies will be accomplished with a shared radio frequency. Should the agency furnishing aid not have the capability to communicate on a shared radio frequency, then the requesting agency will either provide radios to the personnel of the agency furnishing aid or pair personnel from the agency furnishing aid with personnel from agencies that have the capability to communicate on a shared radio frequency.

D. A political subdivision that furnishes equipment pursuant to this part must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.

E. The agency furnishing aid pursuant to this section shall compensate its employees during the time such aid is rendered and shall defray the actual travel and maintenance expenses of its employees while they are rendering such aid, including any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such assistance.

F. The privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, workers' compensation, salary, death and other benefits that apply to the activity of an employee of an agency when performing the employee's duties within the territorial limits of the employee's agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extraterritorially under the provisions of this Mutual Aid Agreement. The provisions of this section shall apply with equal effect to paid, volunteer, auxiliary, and reserve employees.

G. Nothing herein shall prevent the requesting agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.

H. Nothing in this Agreement is intended or is to be construed as any transfer or contracting away of the powers or functions of one party hereto to the other.

SECTION VII: EFFECTIVE DATE

This Agreement shall take effect upon execution and approval by the hereinafter named officials and shall continue in full force and effect until **January 31, 2017**. On or about September 30, 2016, a committee will be established by the Palm Beach County Association of Chiefs of Police, Inc., to review this Agreement and revise, if necessary. Under no circumstances may this Agreement be renewed, amended, or extended except in writing.

SECTION VIII: CANCELLATION

Any agency may cancel their participation in this Agreement upon delivery of written notice to the other agencies. Cancellation will be at the direction of any subscribing agency.

IN WITNESS WHEREOF, the agencies hereto cause these presents to be signed on the date specified.

ATTEST:

CITY OF ATLANTIS:

Michael Dahlgren, Mayor (date)	Robert G. Mangold, Chief of Police (date)
Mo Thornton, City Manager (date)	(date)

CITY OF BOCA RATON:

Susan Whelchel, Mayor (date)	Daniel C. Alexander, Chief of Police (date)
Leif Ahnell, City Manager (date)	(date)

CITY OF BOYNTON BEACH:

Woodrow Hay (date)	G. Matthew Immler, Chief of Police (date)
Lori LaVerriere, City Manager (date)	(date)

CITY OF DELRAY BEACH:

Nelson McDuffie, Mayor (date)	Anthony W. Strianese, Chief of Police (date)
David T. Harden, City Manager (date)	(date)

FLORIDA ATLANTIC UNIVERSITY:

Mary Jane Saunders, President (date)	Charles Lowe, Chief of Police (date)
(date)	(date)

CITY OF GREENACRES:

Samuel J. Ferreri, Mayor (date)	Michael L. Porath, Director of Public Safety (date)
Wadie Atallah, City Manager (date)	(date)

TOWN OF GULFSTREAM:

Joan Orthwein, Mayor (date)	Garrett J. Ward, Chief of Police (date)
William H. Thrasher, Town Manager (date)	(date)

TOWN OF HIGHLAND BEACH:

Bernard Featherman, Mayor (date)	Craig Hartmann, Chief of Police (date)
Kathleen D. Weiser, Town Mgr (date)	(date)

TOWN OF HYPOLUXO:

Kenneth M. Schultz, Mayor (date)	Sean M. Scheller (date)
Barbara L. Searls, Town Clerk (date)	(date)

TOWN OF JUNO BEACH:

Mort Levine, Mayor (date)	Brian J. Smith, Chief of Police (date)
Joseph F. LoBello, Town Manager (date)	(date)

TOWN OF JUPITER:

Karen Golonka, Mayor (date)

Frank J. Kitzerow, Chief of Police (date)

Andrew D. Lukasik, Town Manager (date)

(date)

TOWN OF JUPITER INLET COLONY:

Daniel J. Comerford, Mayor (date)

John A. Stewart, Chief of Police (date)

Samuel J. Pruitt, III, Town Administrator (date)

(date)

TOWN OF LAKE CLARKE SHORES:

Gregory P. Freebold, Mayor (date)

William W. Smith, III, Chief of Police (date)

Dan P. Clark, Town Administrator (date)

(date)

TOWN OF LANTANA:

David J. Stewart, Mayor (date)

Sean M. Scheller, Chief of Police (date)

Deborah Manzo, Town Manager (date)

(date)

TOWN OF MANALAPAN:

Basil S. Diamond, Mayor (date)

Carmen Mattox, Chief of Police (date)

Linda A. Stumpf, Town Manager (date)

(date)

VILLAGE OF NORTH PALM BEACH:

David B. Norris, Mayor (date)	Richard E. Jenkins, Chief of Police (date)
Ed Green, Village Manager (date)	(date)

TOWN OF OCEAN RIDGE:

Geoffrey Pugh, Mayor (date)	Christopher T. Yannuzzi, Chief of Police (date)
Ken Schenck, Town Manager (date)	(date)

TOWN OF PALM BEACH:

Gail L. Coniglio, Mayor (date)	12/14/12 Kirk W. Blouin, Chief of Police (date)
Peter B. Elwell, Town Manager (date)	David A. Rosow, President, Town Council (date)

PALM BEACH COUNTY SHERIFF'S OFFICE:

(date)	Ric L. Bradshaw, Sheriff (date)
(date)	(date)

PALM BEACH COUNTY SCHOOL DISTRICT:

Frank A. Barbieri, Jr., Esq., Chairman (date)	Lawrence J. Leon, Chief of School Police (date)
E. Wayne Gent, Superintendent (date)	(date)

CITY OF PALM BEACH GARDENS:

David J. Levy, Mayor (date)	Stephen J. Stepp, Chief of Police (date)
Ronald Ferris, City Manager (date)	(date)

TOWN OF PALM BEACH SHORES:

John Workman, Mayor (date)	Steven Kniffin, Chief of Police (date)
Cynthia Lindskoog, Town Manager (date)	(date)

VILLAGE OF PALM SPRINGS:

Bev Smith, Mayor (date)	Tom Ceccarelli, Director of Public Safety (date)
Karl E. Umberger, Village Manager (date)	(date)

CITY OF RIVIERA BEACH:

Thomas Masters, Mayor (date)	Clarence D. Williams, III, Chief of Police (date)
Ruth C. Jones, City Manager (date)	(date)

TOWN OF SOUTH PALM BEACH:

Dr. Donald Clayman, Mayor (date)	Roger M. Crane, Chief of Police (date)
Rex Taylor, Town Manager (date)	(date)

STATE ATTORNEY FOR THE FIFTEENTH JUDICIAL CIRCUIT IN AN FOR PALM BEACH COUNTY:

_____ (date)	_____ Peter Antonacci, State Attorney Fifteenth Judicial Circuit In and For Palm Beach County, Florida (date)
_____ (date)	_____ (date)

VILLAGE OF TEQUESTA:

_____ Tom Paterno, Mayor (date)	_____ Gerald F. Pitocchelli, Chief of Police (date)
_____ Michael R. Couzzo, Jr., Village Manager (date)	_____ (date)

CITY OF WEST PALM BEACH:

_____ Jeri Muoio, Mayor (date)	_____ Vincent Demasi, Chief of Police (date)
_____ Edward R. Mitchell, City Administrator (date)	_____ (date)

Attachment I

Atlantis Police Department
Boca Raton Police Department
Boynton Beach Police Department
Delray Beach Police Department
Florida Atlantic University
Greenacres Police Department
Gulfstream Police Department
Highland Beach Police Department
Hypoluxo – Town of
Juno Beach Police Department
Jupiter Police Department
Jupiter Inlet Colony Police Department
Lake Clarke Shores Police Department
Lantana Police Department
Manalapan Police Department
North Palm Beach Police Department
Ocean Ridge Police Department
Palm Beach Police Department
Palm Beach County Sheriff's Office
Palm Beach County School District Police Department
Palm Beach Gardens Police Department
Palm Beach Shores Police Department
Palm Springs Police Department
Riviera Beach Police Department
South Palm Beach Police Department
State Attorney, Fifteenth Judicial Circuit for Palm Beach County
Tequesta Police Department
West Palm Beach Police Department

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 10-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2013-03 to Public Financial Management, Inc. for Financial Advisory Services, and Authorizing the Town Manager to Execute an Agreement on Behalf of the Town.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated February 1, 2013, from Jane Struder, Finance Director
- Resolution No. 10-2013
- Fee Schedule

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Financial Advisory Services RFP No. 2013-03
Resolution No. 10-2013

Date: February 1, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 10-2013 authorizing the Town Manager to enter into a contract with Public Financial Management, Inc. to provide financial advisory services for the Town's future debt financing needs.

Staff is requesting an initial budget of $5,000 for these services which represents the fee that would be paid if we obtain a bank loan of less than $1 million. The maximum possible fee would be $45,000 and would be incurred only if we issue bonds of $60 million or more. The funds will only be spent if we issue debt. We are requesting a General Fund contingency allocation of $5,000 to commence these services.

GENERAL INFORMATION

At the November 15, 2012, Town Council meeting we indicated that we would be issuing a RFP for Financial Advisory Services to assist in planning for the financing of future Town projects. The Selection Committee consisted of Robert Wildrick, Town Council President Pro Tem; Denis Coleman, Resident and Former Town Council member; Thomas G. Bradford, Deputy Town Manager; and Jane Struder, Finance Director. On January 14, 2013, the Selection Committee met and reviewed the one proposal that was received and interviewed representatives from Public Financial Management. The Selection Committee recommended the award of a contract to Public Financial Management for financial advisory services.

FUNDING/FISCAL IMPACT

The attached Resolution references an attached schedule of fees. We are requesting an initial budget of $5,000 appropriated from the General Fund contingency. The per hour fees on the

schedule will only be used if the firm provides a significant amount of services and no debt is issued.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

The proposed Resolution has been reviewed by the Town Attorney and is approved for legal form and sufficiency.

jls
cc: John C. Randolph, Town Attorney
Thomas G. Bradford, Deputy Town Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 10-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING RFP NO. 2013-03 TO PUBLIC FINANCIAL MANAGEMENT, INC. FOR FINANCIAL ADVISORY SERVICES, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT ON BEHALF OF THE TOWN.

WHEREAS**,** the Town issued RFP No. 2013-03 on December 2, 2012, for and

WHEREAS, a selection committee was formed to review the responses to RFP No. 2013-03; and

WHEREAS, the selection committee has unanimously recommended retaining the services of Public Financial Management, Inc. for financial advisory services.

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

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

Section 2: RFP No. 2013-03 is hereby awarded to Public Financial Management, Inc. based upon the content of their proposal dated January 9, 2013, including the updated attached fee proposal.

Section 3: The Town Manager is authorized to execute an agreement with Public Financial Management, Inc. on behalf of the Town.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of February 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
	_____
ATTEST:	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

Fee Schedule – Public Financial Management, Inc.

1. For services related to financial planning, policy development and financial analysis, PFM shall receive hourly rates as listed below. Fees for support staff are included in the hourly rates for professionals. Services will be billed monthly.

Experience Level Hourly Rate

Managing Director	$180
Director	$180
Senior Managing Consultant	$180
Senior Analyst	$150
Analyst	$150

2. For services related to the issuance of Bonds, PFM will be paid a per bond fee at closing of transaction based on the below schedule.

FEE PROPOSAL PER $1,000 UPON SUCCESSFUL CLOSING		
Par Value Range of Bonds Issued		**Fee per $1,000**
Up to 25,000,000		$0.90
Next 15,000,000		$0.70
Next 20,000,000		$0.60
Par Value Range of Bonds Issued		**Max Fee**
Amounts Over $60,000,000		$45,000

Minimum fee for a successful closing of bonded debt (minimum fees apply until the Fee per $1,000 is greater) is $15,000.

Minimum fee for a successful closing of bonded debt issued via Bank Loan or other alternative financing (minimum fees apply until the Fee per $1,000 is greater):

Par Value up to $1 million	$ 5,000
Par Value up to $3 million	$ 8,500
Par Value over $5 million	$12,500 min and $25,000 max

Note that multiple series within a transaction will be treated as separate transactions to compensate for the added level of complexity.

3. The financial advisory compensation proposed above does not apply to services related to bond proceeds investments, structured investment products, escrow structuring, investment management, or arbitrage rebate. Fees for these special services shall be negotiated as a function of the complexity of the proposed engagement and the specific scope of services outlined. PFM Asset

Management, LLC, registered investment advisor, is prepared to offer the Town its full range of structured products, investment management and arbitrage rebate compliance services. This might include the procurement of structured products or other investment securities for a bond construction account or refunding escrow. If needed, these services would be performed by PFM Asset Management, LLC pursuant to a separately negotiated letter agreement. PFM Asset Management, LLC fully discloses all fees related to any transaction.

4. Reimbursable Expenses - In addition to fees for services, PFM will be reimbursed for necessary, reasonable, and documented out-of-pocket expenses incurred, including travel, meals, lodging telephone, mail, and other ordinary cost and any actual extraordinary cost for graphics, printing, data processing and computer time which are incurred by PFM. Appropriate documentation will be provided.

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 12-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc. in the Amount of $24,200, and Establishing an Alternative Engineering Study and Design Phase Budget for the E-6 Force Main of $26,650.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 30, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 12-2013
- Kimley-Horn Scope of Services

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for E-6 Alternative Engineering Study and Design
Accelerated Capital Improvement Program
Resolution No. 12-2013

Date: January 30, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 12-2013, amending the E-6 Force Main Replacement Project Scope and awarding an Alternative Engineering Study and Design service contract, on an hourly not-to-exceed basis, in the amount of $24,200 to Kimley-Horn and Associates, Inc. for the new study and design services for the E-6 Pump Station and establish a budget of $26,650.

GENERAL INFORMATION

Contained within the Accelerated Capital Improvement Program is a project for the replacement of the force main from the E-6 Sanitary Sewer Pump Station on Lake Trail at Tangier Avenue to the S-2 Master Pump Station in Bradley Park.

In early October, Public Works discovered a break in the existing E-6 force main while trying to test it for future continuous use. In early January, Public Works attempted to TV the force main from Bradley Park to identify the possible location of the break and verify the condition of the pipe, but was unable to maneuver the camera in the pipe due to heavy scaling. Staff is currently coordinating with a contractor to access the force main from another location and TV the line to locate the break. If the heavy scaling is identified again at the alternate location, the cost to restore the entire E-6 force main as per plans will increase significantly. The increase in cost would be for additional preparation of the host pipe prior to lining, which was not anticipated.

The E-6 Pump Station's existing pumps are not capable to pump through the subaqueous force main or through the existing 30" force main along Bradley Place. The E-6 Pump Station which also handles all of the sanitary sewer flows north of Tangier Avenue must, under the existing plan, then pump through the existing 12" E-6 force main along Lake Trail from Tangier Avenue to Bradley Park, which may have one or more breaks that have yet to be identified due to possible heavy scaling in the pipe.

Staff would like to amend the project scope to evaluate and possibly upgrade the E-6 Pump Station to pump the north end flow collected at the E-6 Station directly to the East Central Regional Water Reclamation Facility (ECR) through the existing subaqueous force main at Tangier Avenue. A hydraulic analysis will be performed to determine the magnitude of improvements needed to the existing pump station should the Town pump directly to ECR. Pumping directly to the ECR from the E-6 Pump Station may eliminate the need for the E-6 force main replacement from Tangier Avenue to Bradley Park, reducing the overall project costs.

SPECIAL CONSIDERATION

Time is of the essence for completion of the proposed alternative because we are nearing the final closure of Lift Station 22 in West Palm Beach and will begin pumping directly to the ECR later this year.

FUNDING/FISCAL IMPACT

Funding for this project is included in the Accelerated Capital Improvement Program

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

cc: Eric B. Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Michael Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager

RESOLUTION NO. 12-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT OF $24,200, AND ESTABLISHING AN ALTERNATIVE ENGINEERING STUDY AND DESIGN PHASE BUDGET FOR THE E-6 FORCE MAIN OF $26,650.

* * * * * *

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

Section 1. The Town Council hereby awards a contract to Kimley-Horn and Associates, Inc. in the amount of $24,200 and establishes an alternative engineering study and design phase budget of $26,650.

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for the E-6, Bradley Park to Tangier Avenue, Force Main Replacement Alternative Engineering Study and Design.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of February 2013.

Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	Richard M. Kleid, Town Council Member
	Michael J. Pucillo, Town Council Member
ATTEST:	David A. Rosow, Town Council Member
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

Kimley-Horn
and Associates, Inc.

January 28, 2013

Suite 200
1920 Wekiva Way
West Palm Beach,
Florida
33407

Mr. Doug Terry
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

Re: E-6 Lift Station Improvements

Dear Doug,

Kimley-Horn and Associates, Inc. ("KHA" or "CONSULTANT") is pleased to submit this scope of services to the Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to the improvements at the E-6 Lift Station in Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

It is understood that the E-6 Lift Station will be required to pump to the East Central Regional Water Reclamation Facility (ECR) for an interim period of time so that repairs can be made to the 12-inch forcemain that extends south along the Lake Trail to the S-2 Inline Booster Pump Station. Currently the pumps at E-6 liftstation do not have the hydraulic capability to pump directly to the ECR. The Town has decided to upgrade the lift station to provide this capability. Additionally, several pipeline improvements are proposed in the immediate vicinity of E-6 to provide operational flexibility and pipeline isolation.

Scope of Services

KHA will perform hydraulic calculations to determine the conditions of service and select pumps. Construction drawings will be prepared that will be suitable for construction and for submittal to the FDEP and the Town's Building Department for permitting. During the development of the construction plans and specifications, KHA will perform the following services:

- Perform one (1) site visit to gather information that may affect the design of the improvements.
- Prepare hydraulic design calculations to select the new wastewater pumps.
- Attend one (1) design progress meeting with the Town.

TEL 561 845 0665
FAX 561 863 8175

- Provide recommendation to the Town for upgrading the proposed electrical service from D-4 Pump Station.
- Prepare and submit the appropriate Florida Department of Environmental Protection (FDEP) permit application with supporting documentation for the Owner's signature and subsequent transmittal to the City of West Palm Beach and the Palm Beach County Health Department.
- Respond to one (1) reasonable request for additional information (RAI) from the Health Department.
- Provide a limited feasibility study of slip lining the 30-inch forcemain along North Lake Way to replace the existing 12-inch E-6 Lift Station forcemain.

KHA will prepare construction plans suitable for use by the Town's selected contractor containing the following information:

1. Cover Sheet
2. Site Plan
3. Wetwell Section and Details
4. Forcemain Improvement Details
5. Electrical Plan
6. One Line Diagram
7. Electrical Details
8. Technical Specifications

Electrical plans and specifications will be prepared by a subconsultant employed by Kimley-Horn. KHA will prepare the general civil and mechanical plans and technical specifications.

We will submit plans and specifications for review at the 80% completion stage and accommodate one round of reasonable requests for revisions by the Town.

KHA will attend the prebid meeting, review the bid proposal from the apparent low bidder, and prepare a bid tabulation and memorandum to the Town containing our findings after our review of the bids. KHA will also assist the Town with responding to questions received from prospective bidders, if required. KHA will provide up to 5 signed and sealed copies of the construction documents for the Town to distribute to the selected contractor for permitting.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town, will be considered additional

services. Additional services we can provide include, but are not limited to, the following:

- Surveying and Mapping
- Soft Digs – Existing Utility Locates
- Easement Descriptions
- Geotechnical Investigation
- Construction Phase Services

Information Provided By the Town

We shall be entitled to rely on the completeness and accuracy of all information provided by the Town. The Town shall provide all information requested by KHA during the project, including but not limited to the following:

1. Access to the site.
2. Record drawings and data for the existing stations.

Schedule

We will provide our services as expeditiously as practicable to meet the mutually agreed upon schedule.

Fee and Billing

KHA will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. We recommend that the Town establish a budget of $24,200 for the project. The $500 FDEP permit application fee is included.

Closure

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

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a change order to the original purchase order that was issued for the initial scope of work.

We appreciate the opportunity to offer these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Kevin Schanen, P.E.
Vice President

Attachments – Fee Breakdown

ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	E-6 Pumpstation Upgrades	SHEET	1 of 1
CLIENT:	Town of Palm Beach	FILE NO	
ESTIMATOR:	Jason Lee	DATE	01/28/13
		ALLOCA	0.0810

DESCRIPTION: See Scope of Services	DIRECT LABOR (MAN-HOURS)											
	P8 PM (JEP)	P7 PM (KMS)	P5 Mech (JL)	P4 Engineer (FH)	P2 Analyst (JF)	D8 Designer (AB)	P2 Drafting (SB)	N6 Clerk (DC)	SUB (Bailey)	COMP	EXP	LINE TOTAL
												$0
												$0
Site Visit			4.5									$596
Hydraulic Calcs			13.5									$1,789
Pump Selection			4.5									$596
30-inch valve placement			4.0				4.0					$879
Construction Plans												$0
Cover							2.0					$175
Site Plan			2.0				18.0					$1,836
Section and Details			3.0				9.0					$1,183
Electrical Plans			1.0				1.0		4500.0			$4,720
Technical Specifications		2.0	9.0					4.0				$1,884
80% Review meeting		3.0	3.0									$935
Respond to Comments and produce final plans			2.0				4.0	1.0				$697
Submit to Palm Beach Health Dept												$0
Prepare application			2.0				4.0					$614
Prepare Supporting Documentation			1.0				9.0					$918
Permit Application Fee							1.0				$500	$587
Submit to City of WPB			1.0				1.0					$220
Submit to PBCHD							2.0					$175
Respond to comments		2.0	4.0				6.0	1.0				$1,496
												$0
Feasability Study		3.0	18.0					2.0				$3,089
												$0
Attend pre-bid meeting/review bids/summary memo			8.0					1.0				$1,143
Answer questions during bidding		0.5	4.0					1.0				$703
												$0
												$0
TOTAL HOURS	**0**	**11**	**85**	**0**	**0**	**0**	**61**	**10**	**4500**	**0**	**500**	**166**
LABOR ($/HOUR)	**163.86**	**165.87**	**122.58**	**114.66**	**84.36**	**105.27**	**80.76**	**76.86**	**1.00**	**0.00**	**1.0**	
ALLOCATION	**0.00**	**141.07**	**839.00**	**0.00**	**0.00**	**0.00**	**399.04**	**62.26**	**0.00**	**0.00**	**0.00**	
TOTALS	**0.00**	**1,882.71**	**11,197.01**	**0.00**	**0.00**	**0.00**	**5,325.40**	**830.86**	**4,500.00**	**0.00**	**500.00**	**$24,236**

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 13-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a One Year Extension, with No Changes to Terms, to Hy-Byrd Incorporated for Plan Review and Inspections Services, Including Funding in an Amount Not to Exceed $250,000.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated January 28, 2013 from John S. Page, Director of Planning, Zoning, and Building
- Resolution No. 13-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization to Extend Plan Review and Inspection Services Contract – Hy-Byrd Incorporated
Resolution No. 13-2013

Date: January 28, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council authorize the second twelve-month extension of the contract with Hy-Byrd Incorporated for Plan Review and Inspection services in an amount not to exceed $250,000.

GENERAL INFORMATION

In FY2011, the Town conducted an RFP for the provision of contract Plan Review and Inspection Services to supplement the services provided by Town employees. The services of an outside contractor have been utilized for a number of years, and are intended to maintain a consistent level of service by the Town in periods where permit activity is greater than can be accommodated by in-house staff in a timely manner.

Hy-Byrd Incorporated was awarded a Plan Review and Inspection Services contract pursuant to RFP 2010-28. The contract term was March 1, 2011to February 28, 2012, with provisions for extending the contract up to four (4) twelve-month renewals. The contract was extended by the Town Council to February 28, 2013, for the first of the one-year extension periods, upon adoption of Resolution No. 1-2012 on February 16, 2012.

The company continues to perform the services satisfactorily. This request is for the second contract extension. There are no changes to the original terms of the contract.

FUNDING/FISCAL IMPACT

Funds have been approved in the Planning, Zoning and Building Department Budget to provide for these services.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Finance Director
Veronica W. Close, Assistant Director, Planning, Zoning & Building
Jeff Taylor, Building Official
Lynda Venne, Purchasing Agent
Michael Crisafulle, Hy-Byrd Incorporated

RESOLUTION NO. 13-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING A ONE YEAR EXTENSION, WITH NO CHANGES TO TERMS, TO HY-BYRD INCORPORATED FOR PLAN REVIEW AND INSPECTIONS SERVICES, INCLUDING FUNDING IN AN AMOUNT NOT TO EXCEED $250,000.

WHEREAS, a contract was awarded to Hy-Byrd Incorporated commencing on March 1, 2011 for Plan Review and Inspection Services; and

WHEREAS, the first twelve-month extension was granted by the Town Council upon adoption of Resolution No. 1-2012 on February 16, 2012; and

WHEREAS, Hy-Byrd Incorporated has provided acceptable service under that contract; and

WHEREAS, that contract allows for four (4) twelve-month extensions.

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

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

Section 2: The second contract extension for a period of twelve months, beginning March 1, 2013 and ending February 28, 2014, is hereby awarded to Hy-Byrd Incorporated in an amount not to exceed $250,000, under the same terms as originally stated and subject to continued future appropriations in FY14.

Section 3: The Town Manager is hereby authorized and directed to execute this contract extension on behalf of the Town of Palm Beach.

Section 4: The Town Manager, or his designee, is hereby authorized and directed to execute this contract extension on behalf of the Town of Palm Beach.

Section 5: The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of these services.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach this 12th day of February 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
ATTEST:	_____
	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 14-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a One Year Extension, with No Changes to Terms, to M. T. Causley, Inc. for Plan Review and Inspections Services, Including Funding in an Amount Not to Exceed $50,000.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated January 28, 2013, from John S. Page, Director of Planning, Zoning, and Building
- Resolution No. 14-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization to Extend Plan Review and Inspection Services Contract – M. T. Causley, Inc.
Resolution No. 14-2013

Date: January 28, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council authorize the second twelve-month extension of the contract with M.T. Causley, Inc. for Plan Review and Inspection services in an amount not to exceed $50,000.

GENERAL INFORMATION

In FY2011, the Town conducted an RFP for the provision of contract Plan Review and Inspection Services to supplement the services provided by Town employees. The services of an outside contractor have been utilized for a number of years, and are intended to maintain a consistent level of service by the Town in periods where permit activity is greater than can be accommodated by in-house staff in a timely manner.

M. T. Causley, Inc. was awarded a Plan Review and Inspection Services contract pursuant to RFP 2010-28. The contract term was March 1, 2011to February 28, 2012, with provisions for extending the contract up to four (4) twelve-month terms. The contract was extended by the Town Council to February 28, 2013, for the first of the one-year extension periods, upon adoption of Resolution No. 2-2012 on February 16, 2012.

The company continues to perform the services satisfactorily. This request is for the second contract extension. There are no changes to the original terms of the contract.

FUNDING/FISCAL IMPACT

Funds have been approved in the Planning, Zoning and Building Department Budget to provide for these services.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Finance Director
Veronica W. Close, Assistant Director, Planning, Zoning & Building Department
Jeff Taylor, Building Official
Lynda Venne, Purchasing Agent
Michael T. Causley, M. T. Causley, Inc.

RESOLUTION NO. 14-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING A ONE YEAR EXTENSION, WITH NO CHANGES TO TERMS, TO M. T. CAUSLEY, INC. FOR PLAN REVIEW AND INSPECTIONS SERVICES, INCLUDING FUNDING IN AN AMOUNT NOT TO EXCEED $50,000.

WHEREAS, a contract was awarded to M. T. Causley, Inc. commencing on March 1, 2011 for Plan Review and Inspection Services; and

WHEREAS, the first twelve-month extension was granted by the Town Council upon adoption of Resolution 002-2012 on February 16, 2012; and

WHEREAS, M. T. Causley, Inc. has provided acceptable service under that contract; and

WHEREAS, that contract allows for four (4) twelve-month extensions.

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

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

Section 2: The second contract extension for a period of twelve months, beginning March 1, 2013 and ending February 28, 2014, is hereby awarded to M. T. Causley, Inc.in an amount not to exceed $50,000 under the same terms as originally stated and subject to continued future appropriations in FY14.

Section 3: The Town Manager is hereby authorized and directed to execute this contract extension on behalf of the Town of Palm Beach.

Section 4: The Town Manager, or his designee, is hereby authorized and directed to execute this contract extension on behalf of the Town of Palm Beach.

Section 5: The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of these services.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach this 12th day of February 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
ATTEST:	_____
	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 15-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock, Roos & Associates, Inc., in the Amount of $21,418 for E-3 (Garden Road to Cherry Lane) Force Main Replacement, Establishing a Design and Bid Phase Budget of $23,600.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 30, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 15-2013
- Mock Roos Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: Award of Contract for Design and Bid Phase Services for the E-3 (Garden Road to Cherry Lane) Force Main Replacement Project Accelerated Capital Improvement Program
Resolution No. 15-2013

DATE: January 30, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 15-2013 authorizing the award of the E-3 (Garden Road to Cherry Lane) Force Main Replacement Design and Bid Phase Services contract in the amount of $21,418 to Mock Roos & Associates, and establishing a design and bid phase budget of $23,600.

GENERAL INFORMATION

Contained within the current Accelerated Capital Improvement Program is the study, design and construction of the E-3 (Garden Road to Cherry Lane) Force Main Replacement. The existing 12" force main is currently accepts flows from the north end of the island from the E-1 and E-2 pump stations. The force main runs along the bike trail from the E-3 Station at Garden Road to a gravity sewer main located at Cherry Lane. From Cherry Lane, the north end sewage travels by way of gravity to the E-6 Pump Station at Tangier Avenue. This force main was constructed in 1956 and has reached the end of its useful life. We have experienced several failures of pipes of this age townwide.

We have negotiated a design and construction documents contract with Mock Roos & Associates in the amount of $21,418. Staff also recommends a contingency of $2,182 resulting in a total estimated project budget of $23,600.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Michael Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 15-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO MOCK, ROOS & ASSOCIATES, INC., IN THE AMOUNT OF $21,418 FOR E-3 (GARDEN ROAD TO CHERRY LANE) FORCE MAIN REPLACEMENT, ESTABLISHING A DESIGN AND BID PHASE BUDGET OF $23,600.

* * * * *

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

Section 1. The E-3 (Garden Road to Cherry Lane) Force Main Replacement contract is hereby awarded to Mock Roos & Associates for their proposal amount of $21,418, with a total design and bid phase budget of $23,600.

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for the design and bid phase with Mock Roos & Associates.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of February 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
ATTEST:	_____
	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

MOCK • ROOS
ENGINEERS • SURVEYORS • PLANNERS

January 29, 2013

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

Ref. No.: B2057.01
Subject: E-3 Forcemain Rehabilitation

Dear Mr. Roach:

We are submitting the attached *Proposal To Provide Professional Engineering Services to Prepare Construction Drawings and Technical Specifications for the Rehabilitation of the E-3 Forcemain.* Please review the attached documents and return one signed copy of the *Proposal* to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will be $21,418.

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

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.
Vice President

GGG:jeh
Enclosure
Copies: Bookkeeping

L:\mk\B2057.01\hr01hgcm.doc

Mock, Roos & Associates, Inc.
5720 Corporate Way, West Palm Beach, Florida 33407-2066, (561) 683-3113, fax 478-7248

Proposal To Provide Professional Engineering Services to Prepare Construction Drawings and Technical Specifications for the Rehabilitation of the E-3 Forcemain

Services to be provided by: Mock•Roos

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

Proposal Date: January 29, 2013

Proposal Terms

A. Project Description:

The Town wants to rehabilitate the 12-inch diameter cast-iron E-3 forcemain from the E-3 Pump Station to an existing sanitary sewer manhole in the vicinity of Cherry Lane, approximately 4,200 feet south along Lake Trail. Mock•Roos will provide the professional services as outlined under **B. Scope of Services** below.

B. Scope of Services:

1. Meet with the Town to identify and review existing facility information such as as-built drawings.

2. Prepare a set of construction drawings at a scale of 1" = 20' in plan view only using Palm Beach County aerials and record information obtained from the Town.

3. Review the drawings in the field and update as necessary to reflect existing conditions.

4. Ascertain as best possible the most probable location of pipeline access excavations.

5. Provide copies of the preliminary drawings to the utility companies for the identification of possible conflicts.

6. Prepare specific construction details along with other details needed to define the scope of work.

7. Provide copies of the construction drawings to Town staff for review and comments. Review packages will be provided at 50% and 90% complete intervals.

8. Incorporate received comments as appropriate into the final construction drawings.

9. Prepare and compile the technical construction specifications.

10. Prepare a Schedule of Bid Items and the Engineer's Opinion of Probable Construction Cost and provide to the Town.

11. Coordinate with Town as necessary throughout project.

12. Provide limited bid phase services.

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services.

2. Additional Services can be provided upon Mock•Roos receiving a revised scope of services and approved change order.

D. Fees and Rates:

1. The total fee to provide the Scope of Services is anticipated to be $21,418.

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

E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.

2. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

F. Acceptance and Authorization to Proceed:

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

MOCK•ROOS

Signed: 1/29/13

Name: Garry G. Gruber, P.E.

Title: Vice President

Date: January 29, 2013

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Prepare Construciton Drawings and Technical Specifications for the Rehabilitation of the E-3 Forcemain

	Labor Classification				
Task Description	**Project Director**	**Senior Engineer**	**Engineer III**	**Administrative Assistant**	**Subconsultant / Expenses**
Meet with Town & Review Record Data	4	4	8		
Preliminary Drawings	2	8	40		
Field Reviews	2	4	4		
Coordinate with Utility Companies			8	2	
Review with Town	4	4	4		
Technical Details		4			
Technical Specifications		8			
Final Documents & Opinion of Cost	2	8	28	4	
Project Coordination with Town	4			4	
Limited Bid Phase Services	4	4	4		
Labor Subtotal Hours	22	44	96	10	
Labor Hourly Billing Rate	$50.00	$48.33	$38.50	$20.00	
Labor Individual Totals	$1,100.00	$2,126.52	$3,696.00	$200.00	$0.00
		Total Mock•Roos Direct Labor		$7,122.52	
		Multiplier		3.00	
		Total Direct Labor @ 3.0		21,367.56	$0.00
		Reimbursibles		50.00	
Project Total	**$21,418**				

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 16-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to D. B. Ecological Services, Inc. for Permit Required Sea Turtle Nesting Monitoring, in the Amount of $126,280 and Establishing a Project Budget of $130,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 28, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 16-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Authorization to Extend Sea Turtle Nesting Monitoring Contract
Resolution No. 16-2013

Date: January 28, 2013

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 16-2013, authorizing a contract extension for sea turtle nesting monitoring to D.B. Ecological Services, Inc., in the amount of $126,280, and establishing a project budget of $130,000 for the 2013 sea turtle nesting monitoring period, as required by the Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (USACE).

GENERAL INFORMATION

The Town of Palm Beach is required by both FDEP and USACE permit conditions to monitor sea turtle nesting at the following locations:

- 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.

D.B. Ecological Services, Inc. has successfully performed permit required sea turtle monitoring services for the Town over the past six (6) years. This firm provided these services for five (5) years following award of the lowest qualified bidder for sealed bid No. 2007-21 and for one (1) year following award of the lowest qualified bidder for sealed bid No. 2012-10. The current contract with D.B. Ecological Services, Inc. allows for annual extensions up to five (5) years, through the 2016 sea turtle nesting season, at a fixed annual cost of $126,280. This is a reduced scope and cost from the prior contract.

FUNDING/FISCAL IMPACT

Annual costs for sea turtle nesting monitoring are included within the Shore Protection Board recommended and Town Council approved FY 2013 Coastal Management Program budget. Sufficient funds exist in the Coastal Management Program budget to cover the cost of these permit required services.

PURCHASING REVIEW

The Purchasing Division has reviewed the information provided and has approved the content.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this resolution and approved for legal form and sufficiency.

Attachment

cc: John Randolph, Town Attorney
Jane Struder, Finance Director
Robert Weber, Coastal Coordinator
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 16-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONTRACT EXTENSION TO D. B. ECOLOGICAL SERVICES, INC. FOR PERMIT REQUIRED SEA TURTLE NESTING MONITORING, IN THE AMOUNT OF $126,280 AND ESTABLISHING A PROJECT BUDGET OF $130,000.

* * * * *

WHEREAS, a contract was awarded on February 16, 2012, to D.B. Ecological, Inc., to provide sea permit required turtle nesting monitoring services related to the annual sea turtle monitoring; and

WHEREAS, D.B. Ecological, Inc. has provided acceptable service under that contract; and

WHEREAS, that contract allows for four (4) twelve-month extensions.

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

Section 1. The first contract extension for Sea Turtle Nesting Monitoring is hereby approved for D.B. Ecological Services, Inc., for the amount of $126,280 and establishing a project budget of $130,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of February 2013.

Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	Richard M. Kleid, Town Council Member
	Michael J. Pucillo, Town Council Member
ATTEST:	David A. Rosow, Town Council Member
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 17-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Duval Ford, for the Purchase of One Ford F 150 Truck, on FSA Contract No. 12-20-0905 in the Amount of $16,513 and Establishing an Overall Budget of $17,213.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 28, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 17-2013
- RFQ No. 38-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for the Purchase of One (1) Ford F150 Truck.
Resolution No. 17-2013

Date: January 28, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 17-2013 for the purchase of one new 2013 Ford F-150 Truck from Duval Ford in the amount of $ 16,513 via the Florida Sheriffs Association Bid #12-20-0905, Specification # 38. (Reference RFQ No. 38-2013). The total budget is established at $17,213 to include Town installed items (radios, antennas, RNI fuel system, safety equipment, registration and decals).

GENERAL INFORMATION

Per the equipment depreciation schedule, this truck was due for replacement in 2012 however it was postponed to replace another vehicle in Water Resources that was in worse condition. It is necessary at this time to replace the current truck in the Services Division. The truck we are replacing is 12 years old and has reached the end of its useful life. This purchase is reflected within the FY2013 Equipment Replacement Fund budget.

FUNDING/FISCAL IMPACT

Funds for this purchase will come from the Equipment Replacement Fund in the amount of $17,213. These funds will cover the purchase, as well as $700 for Town installed items (RNI fuel systems, decals, radios, safety equipment and registration. For this specific purchase, $18,000 was approved in the FY2013 budget.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

The resolution for this item is a standard form that has been previously reviewed and approved by the Town Attorney.

Attachment
cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works/Operations
Chester Purves, Services Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 17-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A PURCHASE ORDER TO DUVAL FORD, FOR THE PURCHASE OF ONE FORD F 150 TRUCK, ON FSA CONTRACT NO. 12-20-0905 IN THE AMOUNT OF $16,513 AND ESTABLISHING AN OVERALL BUDGET OF $17,213.

* * * * *

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

Section 1: In accordance with FSA Contract No. 12-20-0905, the Town of Palm Beach hereby authorizes the purchase one, Ford F-150 Truck, for the purchase price of $16,513, and establishes an overall budget of $17,213.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for this vehicle.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of February 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
	_____
ATTEST:	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 38-2013

Ford F-150 (F1C) Truck 4 X 2

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the Florida Sheriff's Association's bid No. 12-20-0905 , which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.

All terms, conditions and specifications of the Florida Sheriff's Association for Bid No. 12-20-0905 shall apply.

SCHEDULE OF BID ITEMS

The undersigned as bidder does declare that no other persons other than the bidder herein named has any interest in this bid or in the contract to be taken, and that it is made without any connection with any other person or persons making bid for the same article, and is in all respects fair and without collusion or fraud.

The undersigned further declares that he has carefully examined the specifications and is thoroughly familiar with its provisions and with the quality type and grade of materials called for therein.

The undersigned further declares that he proposes to furnish the equipment called for within the specified time for the following price:

1. TERMS	2. F.O.B.	3.SHIPMENT VIA	4. QUOTATION VALID UNTIL
Net 30	DESTINATION		

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1	FSA Specification No. 38 2013 Ford F-150 (F1C) with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone.	1	EA	$ 14,447	$ 14,447
2	85a – Power Windows/door locks	1	EA	$ 949	$ 949
3	47R – Floor Mats	1	EA	$ 94	$ 94

Company Name: Duval Ford Authorized Signature: [signature]

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
4	VV – Vent Visors – Stick on Style	1	EA	$ 126.00	$ 126.00
5	Bua – Back UP Alarm	1	EA	$ 126.00	$ 126.00
6	Dealer Installed Option: 96W – DI – Spray on Bed Liner	1	EA	$ 545.00	$ 545.00
7	Dealer Installed Option: DT – Window Tint Rear and Side Glass	1	EA	$ 226.00	$ 226.00
				Total	$ 16,513.00

REMARKS: _____

The Proposer certifies that this proposal is submitted in accordance with the specification in its entirety and with full understanding of the conditions governing this RFQ. The undersigned representative submits this proposal and certifies that they are an authorized representative of the Proposer who may legally bind the Proposer.

Firm: Duval Ford

***Signature:** Christy Self **Name/Title:** Christy Self

Address: P.O. BOX 76087 **Zip:** 32238

Federal ID#: 59-1211159

Telephone Number: (904) 388-2144 **Fax:** (904) 387-6816

Date: 1-15-13

***Failure to affix signature may result in disqualification of proposal.**

Name of Bidder's Contact Person: _____

Address: _____

Phone Number: _____ Fax Number: _____

E Mail Address: _____

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 18-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Alan Jay Ford, for the Purchase of One Ford F-350 Utility Body Truck, on FSA Contract No. 12-20-0905 in the Amount of $32,894 and Establishing an Overall Budget of $33,894.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 28, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 18-2013
- RFQ 37-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for the Purchase of One (1) F-350 Utility Body Truck.
Resolution No. 18-2013

Date: January 28, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 18-2013 for the purchase of one new 2013 Ford F-350 Utility Body Truck from Alan Jay Ford in the amount of $ 32,894 via the Florida Sheriffs Association Bid #12-20-0905, Specification #44 (Reference RFQ No. 37-2013). The total budget is established at $33,894 to include Town installed items (radios, antennas, RNI fuel system, safety equipment, registration and decals).

GENERAL INFORMATION

It is necessary at this time to replace the current truck in the Water Resources Division. The truck we are replacing is 12 years old and has reached the end of its useful life. The replacement was planned and is reflected within the FY2013 Equipment Replacement Fund Budget.

FUNDING/FISCAL IMPACT

Funds for this purchase will come from the Equipment Replacement Fund in the amount of $33,894. These funds will cover the purchase, as well as $1000 for Town installed items (RNI fuel systems, decals, radios, safety equipment and registration. For this specific purchase $32,000 is approved in the FY2013 budget. The remaining amount of $1894.00 will be obtained from the unencumbered funds in the Public Works portion of the Equipment Replacement Fund.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

The resolution for this item is a standard form that has been previously reviewed and approved by the Town Attorney.

Attachment
cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works/Operations
Chester Purves, Services DivisionManager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 18-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A PURCHASE ORDER TO ALAN JAY FORD, FOR THE PURCHASE OF ONE FORD F-350 UTILITY BODY TRUCK, ON FSA CONTRACT NO. 12-20-0905 IN THE AMOUNT OF $32,894 AND ESTABLISHING AN OVERALL BUDGET OF $33,894.

* * * * *

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

Section 1: In accordance with FSA Contract No. 12-20-0905, the Town of Palm Beach hereby authorizes the purchase of one, Ford F-350 Utility Body Truck, for the purchase price of $32,894, and establishes an overall budget of $33,894.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for this vehicle.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of February 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
	_____
ATTEST:	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 37-2013

Ford F-350 (F3C) with Utility Body

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the Florida Sheriff's Association's bid No. 12-20-0905 , which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.

All terms, conditions and specifications of the Florida Sheriff's Association for Bid No. 12-20-0905 shall apply.

SCHEDULE OF BID ITEMS

The undersigned as bidder does declare that no other persons other than the bidder herein named has any interest in this bid or in the contract to be taken, and that it is made without any connection with any other person or persons making bid for the same article, and is in all respects fair and without collusion or fraud.

The undersigned further declares that he has carefully examined the specifications and is thoroughly familiar with its provisions and with the quality type and grade of materials called for therein.

The undersigned further declares that he proposes to furnish the equipment called for within the specified time for the following price:

1. TERMS	2. F.O.B.	3.SHIPMENT VIA	4. QUOTATION VALID UNTIL
Net 30	DESTINATION	Driver	Manufacturer's Order Cutoff 2013 Model year or 30 days, whichever occurs first.

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1	FSA Specification No. 44 2013 Ford F-350 SD (F3C) with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone.	1	EA	$ 19,635	$ 19,635
2	67D - Alternator extra HD	1	EA	$ 74	$ 74
3	WTF - Floor Mats	1	EA	$ 199	$ 199

Company Name: Alan Jay Ford Lincoln

Authorized Signature:

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
4	RFQ – Rainshields – Flange Style	1	EA	$ 145	$ 145
5	LG15 – 1,500 lb. Lift Gate	1	EA	$ 2,995	$ 2,995
6	CLVWC – Trailer Towing Package	1	EA	$ 685	$ 685
7	USOB – Spray-On Bed Liner for Utility Body	1	EA	$ 695	$ 695
* 8	696D54J – Knaphide Utility Body with Mechanic Drawers, T-Handles, LED Lights and Overhead Material Rack	1	EA	$ 8,317	$ 8,317
9	BUA – Back Up Alarm	1	EA	$ 149	$ 149
				Total	**$** 32,894

REMARKS: * 696D54J $5395, Mechanic Drawers $1495, T-Handles $279, LED Tail Lights $149, Overhead Material Rack $999 Total = $8,317

The Proposer certifies that this proposal is submitted in accordance with the specification in its entirety and with full understanding of the conditions governing this RFQ. The undersigned representative submits this proposal and certifies that they are an authorized representative of the Proposer who may legally bind the Proposer.

Firm: Alan Jay Ford Lincoln

***Signature:** _____ **Name/Title:** Chris Wilson, Fleet Sales Manager

Address: P.O. BOX 9200 SEBRING FL **Zip:** 33871-9200

Federal ID#: 20-5996360

Telephone Number: (863) 402-4234 **Fax:** (863) 402-4221

Date: 01/14/2013

***Failure to affix signature may result in disqualification of proposal.**

Name of Bidder's Contact Person: Chris Wilson

Address: P.O. BOX 9200, SEBRING FL 33871-9200

Phone Number: 863-402-4234 Fax Number: 863-402-4221

E Mail Address: chris.wilson@alanjay.com

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 19-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Two (2) Boat Engines in the Amount of $26,066.00 from Fastboats Marine Group as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- Memorandum dated January 24, 2013, from Kirk W. Blouin, Director of Public Safety.
- Resolution No. 19-2013
- Bid Tabulation

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Authorize Purchase of Boat Engines
Resolution No. 19-2013

Date: January 24, 2013

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve Resolution No. 19-2013, authorizing the purchase and installation of two (2) 2013 Mercury Outboard Engines in the amount of $26,066.00 from Fastboats Marine Group in accordance with Bid No. 2013-07.

GENERAL INFORMATION

The current Mercury Outboard Engines were purchased in 2009 and are on a three (3) year replacement schedule. These items are included in the Town's Equipment Replacement Program and were previously considered and approved by the Town Council during the FY 2013 Budget process. Sealed Bids were received by the Purchasing Division on January 9, 2013 and Fastboats Marine Group was the lowest responsive responsible bidder. A copy of the bid tabulation is attached.

FUNDING/FISCAL IMPACT

Sufficient funds have been included in the FY2013 Equipment Replacement Fund budget to fully cover the $26,066.00 purchase.

PURCHASING REVIEW

These items have been reviewed by the Purchasing Division and are approved as recommended.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this resolution and approved for legal form and sufficiency.

KWB/lsg
Attachments

RESOLUTION NO. 19-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF TWO (2) BOAT ENGINES IN THE AMOUNT OF $26,066.00 FROM FASTBOATS MARINE GROUP AS PREVIOUSLY CONSIDERED AND APPROVED BY THE TOWN COUNCIL DURING THE FY2013 BUDGET PROCESS AND INCLUDED IN THE TOWN'S EQUIPMENT REPLACEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Palm Beach Police Department is hereby authorized and directed to purchase the two (2) Boat Engines in accordance with Bid No. 2013-07, Mercury Boat Engines, in the amount of $26,066.00 from Fastboats Marine Group.

Section 2. A copy of bid tabulation for Bid No. 2013-07 (Exhibit A) is attached hereto and is hereby incorporated within this Resolution and made a part hereof.

Section 3. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 12TH DAY OF FEBRUARY, 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
ATTEST:	_____
	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

Exhibit A

TOWN OF PALM BEACH

BID NO. 2013-07

MERCURY OUTBOARD ENGINES

BID TABULATION

Vendor:	Power Plus Marina	The Outboard Shop	Fastboats Marine Group
Address:	510 Bunker Rd.	1585 N. Dixie Highway	1490 North Federal Highway
	West Palm Beach, FL 33405	Pompano Beach, FL 33060	Pompano Beach, FL 33062
Telephone:	(561) 588-7088	(954) 781-5611	(954) 581-8355
Fax:	(561) 547-6797	(954) 785-6677	(954) 333-7184
Contact:	Saundra Schmitt	Kenneth Hill	Kim Sweers

Line	Description - Lot 1	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
1	300XXL Verado HD - 2013 Mercury Outboard Engine	1	EA	$ 14,798.00	$ 14,798.00	$ 22,030.00	$ 22,030.00	$ 16,398.00	$ 16,398.00
2	300CXXL Verado HD 2013 Mercury Outboard Engine	1	EA	$ 15,088.00	$ 15,088.00	$ 22,470.00	$ 22,470.00	$ 16,688.00	$ 16,688.00
3	Labor to de-rig existing engines and rig new engines	1	LS	$ 1,210.00	$ 1,210.00	$ 3,000.00	$ 3,000.00	$ 784.00	$ 784.00
4	Labor to crate existing engines	1	LS	$ -	$ -	$ 300.00	$ 300.00	$ 196.00	$ 196.00
				$	31,096.00	$	47,800.00	$	34,066.00

Line	Description - Lot 2 Trade In	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
1	300XXL Verado HD - 2013 Mercury Outboard Engine s/n 1B717392 approx. 1800 hrs	1	EA	$ 1,500.00	$ 1,500.00	$ 1,500.00	$ 1,500.00	$ 4,000.00	$ 4,000.00
2	300CXXL Verado HD - 2013 Mercury Outboard Engine s/n 1B733892 approx. 1800 hrs.	1	EA	$ 1,500.00	$ 1,500.00	$ 1,500.00	$ 1,500.00	$ 4,000.00	$ 4,000.00
				$	3,000.00	$	3,000.00	$	8,000.00

Grand Total:	$ 28,096.00	$ 44,800.00	$ 26,066.00

Bid Opened on January 9, 2013 at 2:00 PM

Opened by: *Adie Pedraza*

Witnessed by: *John Cover*

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 20-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to R.C. Systems, Inc. in the Amount of $32,900, and Establishing a Budget of $35,000 for the Provision of Recreation Software Modules, Training, Maintenance, Web Hosting, and Support for the Recreation Center, Tennis Centers, and Marina; and Authorizing the Town Manager to Enter into an Agreement for Said Purchase.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated January 31, 2013, from Jay Boodheshwar, Director of Recreation and Special Projects
- Resolution No. 20-2013
- Final Ranking for RFP No. 2013-04

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Authorization to Purchase Recreation Management Software
Resolution No. 20-2013

Date: January 31, 2013

STAFF RECOMMENDATION

Staff recommends Town Council approve the final ranking of the "RFP No. 2013-04, Software for Recreation Center, Tennis Centers and Marina" selection committee. Staff further recommends Town Council approve Resolution No. 20-2013, authorizing the Town Manager to enter into an agreement with R.C. Systems, Inc. in an amount of $32,900 to provide recreation software modules, training, maintenance, web hosting, and support for the recreation center, tennis centers, and marina, and establishing an overall budget of $35,000.

GENERAL INFORMATION

Internal Auditor, Crowe Horwath LLP, conducted an audit of Recreation Department operations in the spring 2012. A final report and recommendations was provided to the Mayor and Town Council at the June 19, 2012, meeting. Crowe Horwath reported a clean audit, finding no discrepancies during their review. However, four "Opportunities for Improvement" (OFI) were submitted, which are outlined below:

- OFI 1 – Inadequate Software for Recreation Programs (medium risk)
- OFI 2 – Lack of Centralization for Supporting Documentation (medium risk)
- OFI 3 – Missing/Misstated Information on the Internal Contract Listing (low risk)
- OFI 4 – Lack of Increase in Program Fees (low risk)

OFIs 2, 3 and 4 were completely addressed during the audit or shortly thereafter. OFI 1 – Inadequate Software is the remaining item. Upon receiving the audit report in June 2012, staff immediately began the process of informally researching software packages that would meet our operating needs. Other Recreation Departments in our area were consulted during our research. Once we were ready to move forward with the formal phase of procuring a software package, staff engaged with the Purchasing Division to develop the RFP.

RFP NO 2013-04, Software for Recreation Center, Tennis Centers and Marina was issued on October 28, 2013. We received responses from five (5) software firms specializing in recreation management. The proposals were initially reviewed by the selection committee on December 12, 2012. The

selection committee included Jane Struder – Finance, Rod Gardiner – Recreation, Lisa Walkowich – Recreation, and Jim Palmer – Information Systems. Non-voting members included Spencer Wilson – Information Systems, and Jay Boodheshwar, Kenneth Kooyenga, and Adam Dunayer – Recreation.

The firms were ranked and the top two (2) were Vermont Systems, Inc. (Rec Trac) and RC Systems, Inc. (Rec Pro). Each firm was invited to make a presentation and answer questions about their experience, their approach to solving our software needs, and other factors, on January 15, 2013. The selection committee then scored the two finalists with the final rankings as follows: (1) RC Systems, Inc. (2) Vermont Systems, Inc..

If Council approves the selection committee's recommendation, the first step will be to negotiate the final terms of a one year agreement to provide recreation software modules, training, maintenance, web hosting, and support for (1) recreation center (2) tennis centers, and (1) marina, with an all-in-one system/database. The agreement will be renewable annually for up to four (4) additional twelve (12) month periods. The option for renewal will only be exercised upon written mutual agreement and with all original terms, conditions and pricing as outlined in the RFP and the vendor's proposal. Any renewal will be subject to appropriation of funds by the Town Council.

Once the agreement is finalized and approved by the Town Attorney and Town Manager, a purchase order will be issued.

FUNDING/FISCAL IMPACT

The Internal Auditor's report, recommending the use of recreation management software was not received until after the FY2013 budget process was well underway. A budget number was not added at the time, since staff was unclear of the costs that may be associated with the software purchase. The total first year cost for the software, training, maintenance, support, and hosting is $32,900. Staff is recommending funding from the Recreation Enterprise Fund contingency account. Said account has a balance of $235,600. Annual fees for maintenance, software updates, support, and web hosting services for on-line transactions are estimated at $4,550 for years 2 - 5 and will be included in future operating budgets.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency. The agreement will be reviewed and approved by the Town Attorney before it is executed by the Town Manager.

Attachments

c: John C. Randolph, Town Attorney
Lynda Cummings, Purchasing Agent
Selection Committee Members

RESOLUTION NO. 20-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO R.C. SYSTEMS, INC. IN THE AMOUNT OF $32,900, AND ESTABLISHING A BUDGET OF $35,000 FOR THE PROVISION OF RECREATION SOFTWARE MODULES, TRAINING, MAINTENANCE, WEB HOSTING, AND SUPPORT FOR THE RECREATION CENTER, TENNIS CENTERS, AND MARINA; AND AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR SAID PURCHASE.

* * * * *

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

Section 1. A contract is hereby awarded to R. C. Systems, Inc. in the amount of $32,900.

Section 2. The Town Manager is hereby authorized and directed to execute an agreement on behalf of the Town of Palm Beach for recreation software modules, training, maintenance, web hosting for on-line transactions, and ongoing support with R.C. Systems, Inc.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of February, 2013.

_____
Gail L. Coniglio, Mayor

_____
William J. Diamond, Town Council Member

_____
Richard M. Kleid, Town Council Member

_____
Michael J. Pucillo, Town Council Member

ATTEST:

_____
David A. Rosow, Town Council Member

_____
Susan A. Owens, MMC, Town Clerk

_____
Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

MEMORANDUM

DATE: January 28, 2013

TO: Jay Boodheshwar
Director of Recreation and Special Projects

FROM: Lynda S. Cummings, CPPB
Purchasing Agent

SUBJECT: Final Ranking – RFP No. 2013-04 – Software for Recreation and Tennis Centers and Marina

---

The Town received five (5) proposals that were shortlisted by the Selection Committee to two finalists – R.C. Systems and Vermont Systems, Inc. The Selection Committee met on January 15, 2013 for presentations and demonstration of the software. All members of the committee listed below were present:

Rod Gardiner – Assistant Recreation Director
Lisa Walkowich - Recreation
Jane Struder – Finance Director
Jim Palmer – Information Systems
Spencer Wilson – Information Systems Manager (Non-Voting)
Jay Boodheshwar – Recreation Director (Non-Voting)
Kenneth Kooyenga – Docks Manager (Non-Voting)
Adam Dunayer – Tennis Manager (Non-Voting)
Lynda Cummings – Purchasing Agent (Non-Voting)
John Cmar – Buyer (Non-Voting)

After thorough consideration of the two (2) finalists' proposals, the Selection Committee arrived at a final ranking as follows:

1. R.C. Systems, Inc.
2. Vermont Systems, Inc.

It is the recommendation of the Selection Committee to award a contract to R. C. Systems, Inc. for Software for the Recreation and Tennis Centers and the Marina.

LSC:

Cc: File: RFP No. 2013-04
John Randolph, Town Attorney
Selection Committee Members

RFP No. 2013-04 - Recreation Software
- ORAL INTERVIEWS -
SELECTION COMMITTEE RANKINGS

	Committee Member	Rod Gardiner	Lisa Walkowich	Jim Palmer	Jane Struder	Total
	Company	**Rating**	**Rating**	**Rating**	**Rating**	**Average Rating**
1	R.C. Systems, Inc.	3.90	3.55	4.38	4.25	4.02
2	Vermont Systems, Inc.	3.85	3.25	3.95	3.95	3.75

Selected Firm

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 29-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Granting a Non-Exclusive Utility Easement on Town Property to Florida Power & Light Company for Transformers, Conduit and Wires to Provide Service to the D-6 and D-7 Storm Water Pump Stations.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 28, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 29-2013
- Easement Form
- Survey View 1
- Survey View 2

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Grant of Easement to Florida Power & Light -
D-15 (D-6 & D-7) Pump Station Rehabilitation
Resolution No. 29-2013

Date: January 28, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 29-2013 granting a non-exclusive utility easement to Florida Power & Light (FPL), upon Town owned land Block 20, of the Revised plat of ROYAL PARK ADDITION TO PALM BEACH, FLORIDA as recorded in Plat book 4, Page 1 Public Records of Palm Beach County, Florida.

GENERAL INFORMATION

Town Staff presented a conceptual FPL easement at the February 16, 2012 Town Council as part of authorizing a Construction Manager at Risk (CMAR) contract for D15 (D6 &D7) Pump Station Rehabilitation with Burkhardt Construction.

FPL requires an easement for their transformers, conduit, electrical wires and other equipment necessary to provide electrical service to the D-6 Pump Station and D-7 Pump Station. The proposed non exclusive easement to accommodate the transformers and conduit/wires as described in the attached sketch and legal description. The sketch and legal description of the proposed easement is provided by Dennis J. Leavy & Associates, Inc.

Town staff is returning to Town Council with a final ("As-built") easement description and survey to formally grant the underground utility easement to FPL. The purpose of this easement will be to loop service to provide redundancy to Town owned facilities within Lakeside Park. Looping the FPL services will also benefit the Town residents in the area.

FUNDING/FISCAL IMPACT

There is no financial impact to the Town associated with granting this easement.

TOWN ATTORNEY REVIEW

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

Attachment

cc: James M. Bowser, P.E., Town Engineer
Douglas Terry, Water Resources Manager
Michael Roach, P.E., Project Engineer
Jorge I. Sanchez, FPL

RESOLUTION NUMBER 29-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING A NON-EXCLUSIVE UTILITY EASEMENT ON TOWN PROPERTY TO FLORIDA POWER & LIGHT COMPANY FOR TRANSFORMERS, CONDUIT AND WIRES TO PROVIDE SERVICE TO THE D-6 AND D-7 STORM WATER PUMP STATIONS.

* * * * *

WHEREAS, the Town is constructing and operating the D-6 and D-7 Storm water Pump Stations; and

WHEREAS, FPL has requested that the Town of Palm Beach grant an easement to FPL to install transformers, conduit and wires to support an electrical service to the Town's D-6 and D-7 Storm water pump stations; and

WHEREAS, the installation of the transformer, conduit and wires are necessary to operate the D-6 and D-7 Storm water pump station.

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

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

Section 2. Town Manager is hereby authorized to execute an easement between the Town of Palm Beach and Florida Power and Light Company.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of February 2013.

_____
Gail L. Coniglio, Mayor

_____
William J. Diamond, Town Council Member

_____
Richard M. Kleid, Town Council Member

_____
Michael J. Pucillo, Town Council Member

ATTEST:

_____
David A. Rosow, Town Council Member

_____
Susan A. Owens, MMC, Town Clerk

_____
Robert N. Wildrick, Town Council Member

Work Request No. _____

Sec.22&27, Twp 43 S, Rge 43 E

Parcel I.D.50.43.43.23.05.020.0010
(Maintained by County Appraiser)

Form 3722 (Stocked) Rev. 7/94

EASEMENT

This Instrument Prepared By

Name: _____
Co. Name: Florida Power & Light Company
Address: 810 Charlotte Ave.
West Palm Beach, FL 33410
pg _____ of _____.

Reserved for Circuit Court

The undersigned, in consideration of the payment of $1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of all underground electric utility facilities (including wires, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement described as follows:

The right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20__.

Signed, sealed and delivered in the presence of:

_____
(Witness' Signature)

Print Name: _____
(Witness)

_____
(Witness' Signature)

Print Name: _____
(Witness)

Town of Palm Beach
(Corporate's name)

By: _____
(President's signature)

Print Name: Peter B. Elwell, Town Manager

Print Address: 360 S. County Road
Palm Beach, FL 33480

Attest: _____
(Secretary's signature)

Print Name: _____

Print Address: _____

_____

(Corporate Seal)

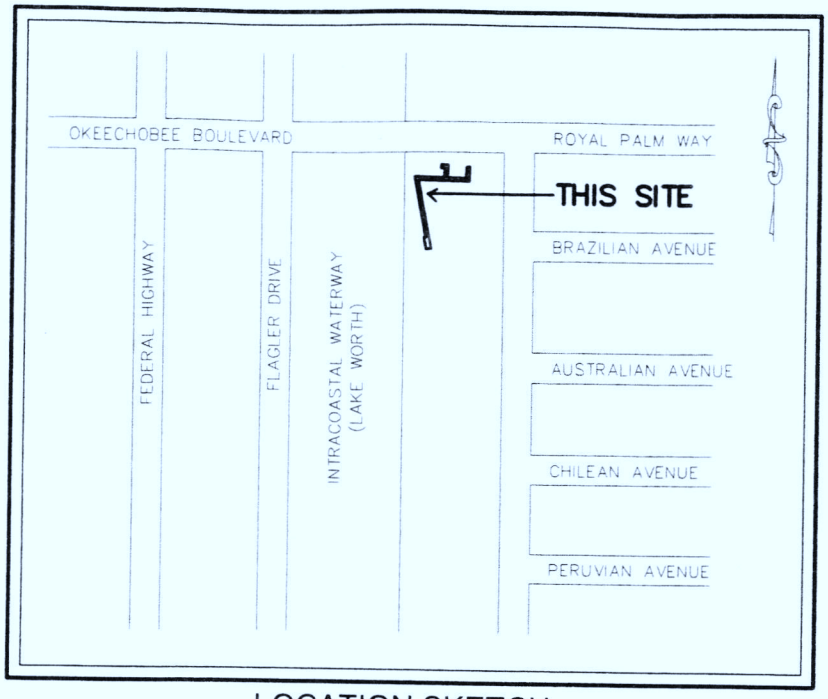
STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, and _____ respectively the _____ President and _____ Secretary of _____, a _____ corporation, on behalf of said corporation, who are personally known to me or have produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

_____
Notary Public, Signature

Print Name _____

SKETCH & DESCRIPTION



LOCATION SKETCH
(NOT TO SCALE)

12/11/12

SURVEY NOTES:

1. BEARINGS DEPICTED HEREON ARE BASED UPON THE WEST LINE OF LOT 2, BLOCK 1, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, AS RECORDED IN PLAT BOOK 4, PAGE 1, PALM BEACH COUNTY PUBLIC RECORDS. SAID LINE HAVING AN ASSUMED BEARING OF NORTH 02°08'22" WEST.
2. THIS INSTRUMENT NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THE UNDERSIGNED MAKES NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND/OR EASEMENTS OF RECORD.
4. THE LICENSED BUSINESS NUMBER FOR DENNIS J. LEAVY & ASSOCIATES INC. IS LB #6599, THE CERTIFYING SURVEYORS LICENSE NUMBER IS LS #5888.
5. THIS IS NOT A SURVEY.

Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers
460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION
For: Mock, Roos & Associates, Inc.

DRAWN: NFC	SCALE: N/A	DATE: 12/11/12
CHK: DAB	JOB# 12-140-1	SHEET: 1 OF 3

K:\2012 jobs\12-140\dwg\12-140.dwg 12/11/2012 4:36:30 PM EST

DESCRIPTION:

A variable width strip of land lying within portions of Sections 22 and 27, Township 43 South, Range 43 East, of Palm Beach County, Florida. Being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 2, Block 1, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; thence North 02°08'22" West along the West line of said Lot 2 (AS A BASIS OF BEARINGS), a distance of 65.09 feet to the Northwest corner of said Lot 2; thence North 88°53'32" West, a distance of 282.03 feet to the POINT OF BEGINNING; thence North 10°42'54" West, a distance of 123.26 feet; thence South 88°17'31" East, a distance of 150.44 feet; thence North 01°42'29" East, a distance of 43.23 feet; thence South 87°53'05" West, a distance of 10.02 feet; thence South 01°42'29" West, a distance of 32.56 feet; thence North 88°17'31" West, a distance of 54.59 feet; thence North 01°42'29" East, a distance of 37.25 feet; thence North 88°17'31" West, a distance of 20.00 feet; thence South 01°42'29" West, a distance of 10.00 feet; thence South 88°17'31" East, a distance of 10.00 feet; thence South 01°42'29" West, a distance of 27.25 feet; thence North 88°17'31" West, a distance of 88.29 feet; thence South 10°42'54" East, a distance of 184.63 feet; thence South 79°17'06" West, a distance of 5.00 feet; thence South 10°42'54" East, a distance of 35.00 feet; thence North 79°17'06" East, a distance of 15.00 feet; thence North 10°42'54" West, a distance of 83.94 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in the Town of Palm Beach, Palm Beach County, Florida.

Containing 4677 square feet more or less.

LEGEND:

O.R.B. = OFFICIAL RECORD BOOK
PCN = PARCEL CONTROL NUMBER
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.B. = PLAT BOOK
P.B.C.R. = PALM BEACH COUNTY RECORDS
PG. = PAGE
(P) = PER REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA,, RECORDED IN PLAT BOOK 4, PAGE 1, PALM BEACH COUNTY RECORDS, PALM BEACH COUNTY, FLORIDA

R/W = RIGHT OF WAY
± = MORE OR LESS

Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers
460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION
For: Mock, Roos & Associates, Inc.

DRAWN: NFC	SCALE: N/A	DATE: 12/11/12
CHK: DAB	JOB# 12-140-1	SHEET: 2 OF 3

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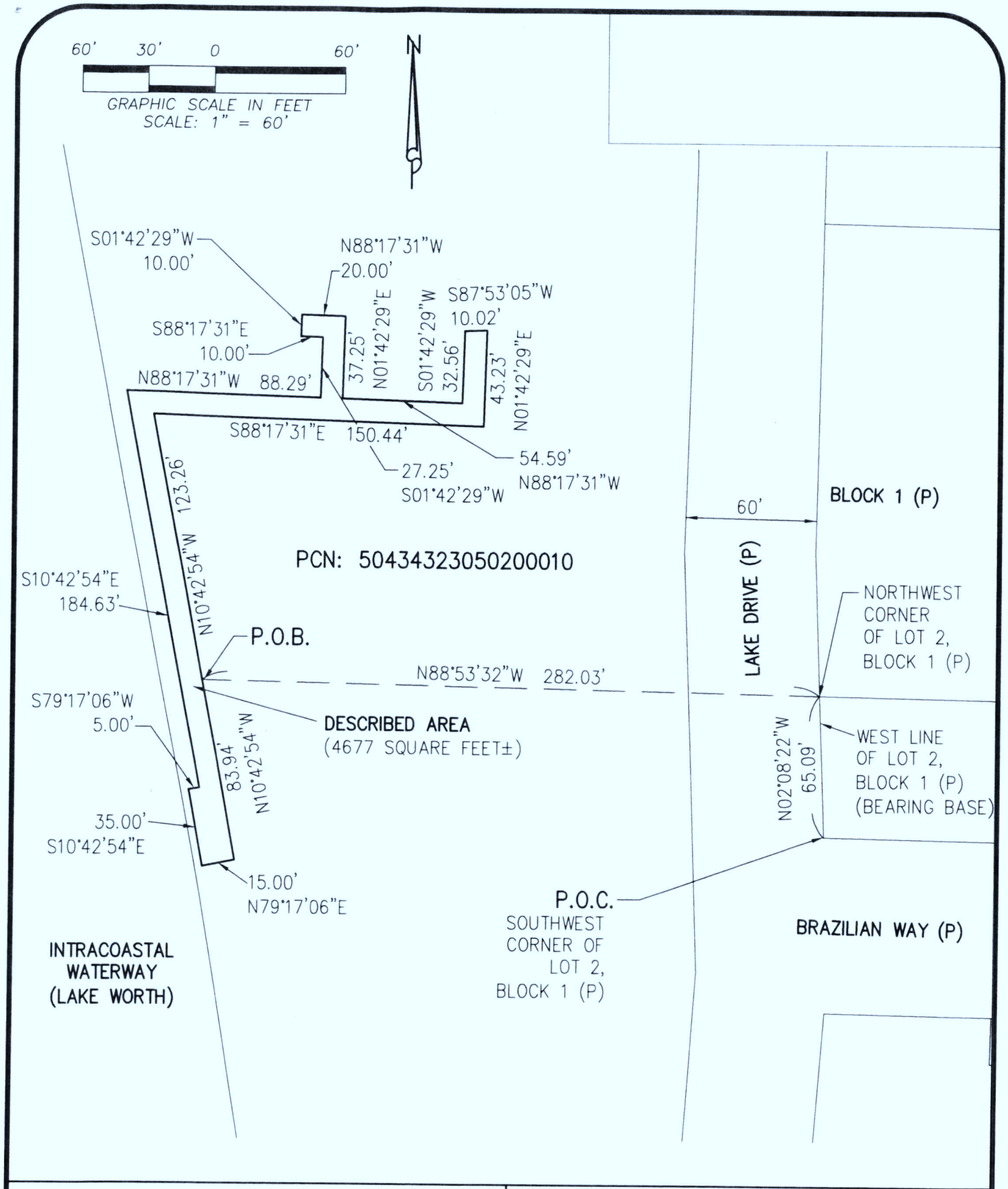

Dennis J. Leavy & Associates, Inc.
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460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
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SKETCH & DESCRIPTION
For: Mock, Roos & Associates, Inc.

DRAWN: NFC	SCALE: 1"=60'	DATE: 12/11/12
CHK: DAB	JOB# 12-140-1	SHEET: 3 OF 3

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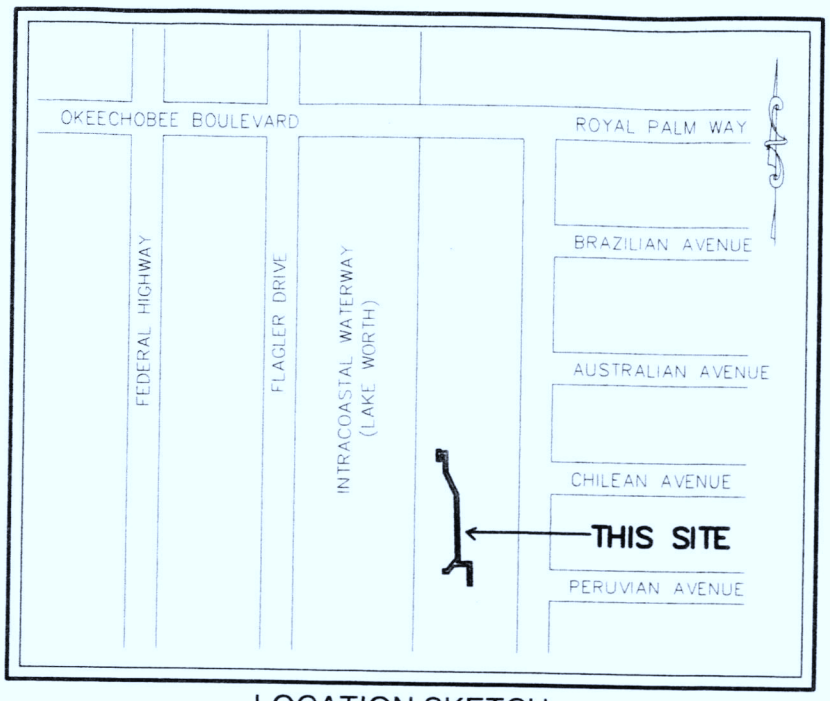
SKETCH & DESCRIPTION



LOCATION SKETCH
(NOT TO SCALE)

12/11/12

SURVEY NOTES:

1. BEARINGS DEPICTED HEREON ARE BASED UPON THE WEST LINE OF LOT 5, BLOCK 12, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, AS RECORDED IN PLAT BOOK 4, PAGE 1, PALM BEACH COUNTY PUBLIC RECORDS. SAID LINE HAVING AN ASSUMED BEARING OF NORTH 02°01'20" WEST.
2. THIS INSTRUMENT NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THE UNDERSIGNED MAKES NO REPRESENTATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER, THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND/OR EASEMENTS OF RECORD.
4. THE LICENSED BUSINESS NUMBER FOR DENNIS J. LEAVY & ASSOCIATES INC. IS LB #6599, THE CERTIFYING SURVEYORS LICENSE NUMBER IS LS #5888.
5. THIS IS NOT A SURVEY.

Dennis J. Leavy & Associates, Inc.
Land Surveyors * Mappers
460 Business Park Way * Suite B
Royal Palm Beach, Florida 33411
Phone: 561 753-0650 Fax: 561 753-0290

SKETCH & DESCRIPTION
For: Mock, Roos & Associates, Inc.

DRAWN: NFC	SCALE: N/A	DATE: 12/11/12
CHK: DAB	JOB# 12-140-2	SHEET: 1 OF 3

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DESCRIPTION:

A 10 foot wide strip of land lying within Section 27, Township 43 South, Range 43 East, of Palm Beach County, Florida. Being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 5, Block 12, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; thence North 02°01'20" West along the West line of said Lot 5 (AS A BASIS OF BEARINGS), a distance of 52.52 feet; thence South 87°58'40" West, a distance of 65.02 feet to the POINT OF BEGIINING; thence South 88°01'56" West, a distance of 40.23 feet; thence North 38°31'59" East, a distance of 11.83 feet; thence North 01°58'04" West, a distance of 182.48 feet; thence North 26°54'03" West, a distance of 68.48 feet; thence North 01°58'04" West, a distance of 57.21 feet; thence South 88°01'56" West, a distance of 19.47 feet; thence North 01°58'04" West, a distance of 5.00 feet; thence South 88°01'56" West, a distance of 10.00 feet; thence South 01°58'04" East, a distance of 30.00 feet; thence North 88°01'56" East, a distance of 10.00 feet; thence North 01°58'04" West, a distance of 15.00 feet; thence North 88°01'56" East, a distance of 9.47 feet; thence South 01°58'04" East, a distance of 49.42 feet; thence South 26°54'03" East, a distance of 68.48 feet; thence South 01°58'04" East, a distance of 176.58 feet; thence South 38°31'59" West, a distance of 42.85 feet; thence South 88°01'56" West, a distance of 9.11 feet; thence South 01°58'04" East, a distance of 10.00 feet; thence North 88°01'56" East, a distance of 13.72 feet; thence North 38°31'59" East, a distance of 26.17 feet; thence North 88°01'56" East, a distance of 38.77 feet; thence South 01°58'04" East, a distance of 56.38 feet; thence North 88°01'56" East, a distance of 10.00 feet; thence North 01°58'04" West, a distance of 66.38 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in the Town of Palm Beach, Palm Beach County, Florida.

Containing 5051 square feet more or less.

LEGEND:

O.R.B. = OFFICIAL RECORD BOOK
PCN = PARCEL CONTROL NUMBER
P.O.B. = POINT OF BEGINNING
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P.B. = PLAT BOOK
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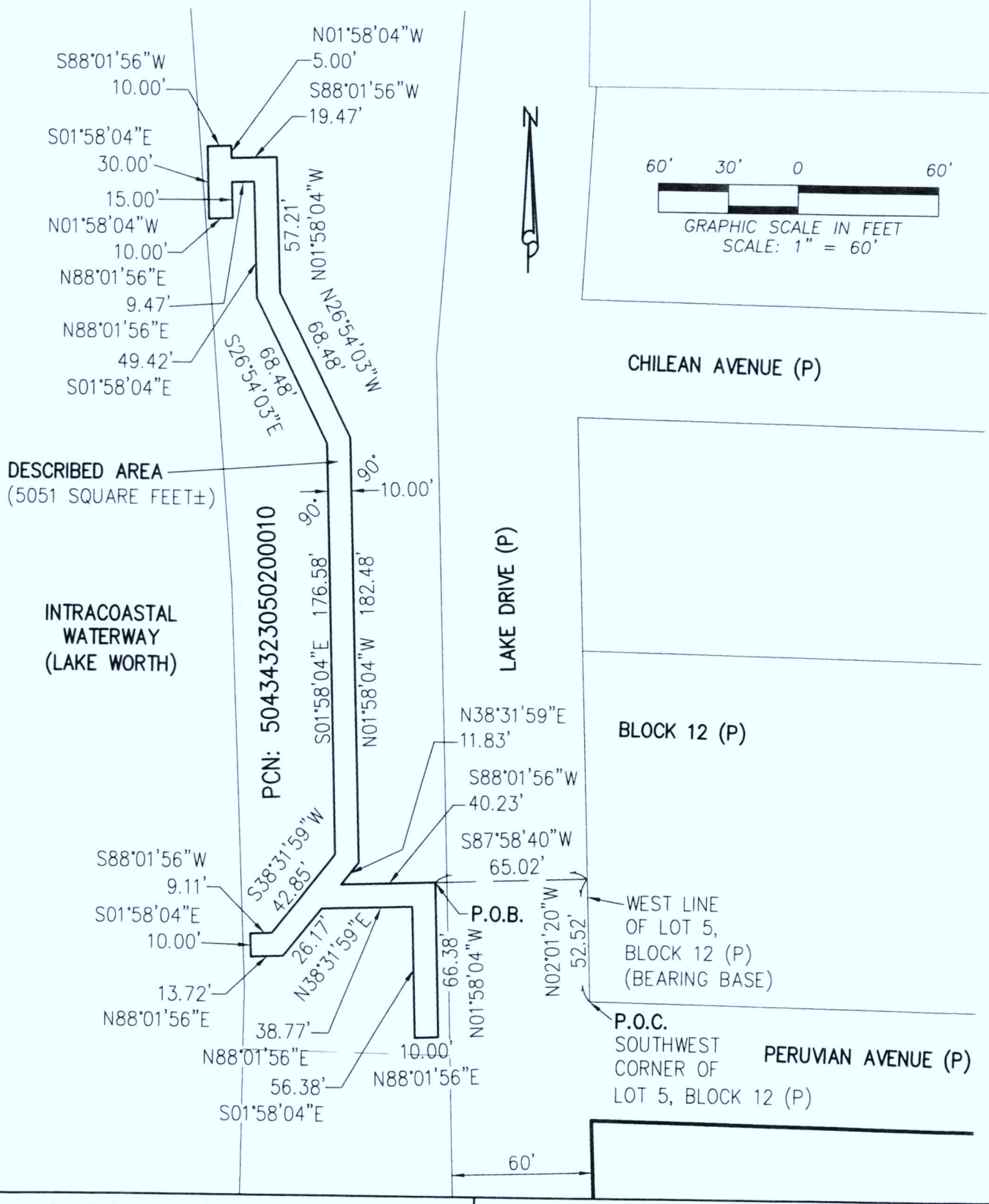

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SKETCH & DESCRIPTION
For: Mock, Roos & Associates, Inc.

DRAWN: NFC	SCALE: 1"=60'	DATE: 12/11/12
CHK: DAB	JOB# 12-140-2	SHEET: 3 OF 3

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TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 30-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing $50,000 Design and Bid Phase Budget in the Amount of $10,000 for the Police Department HVAC Project, Establishing a New Design and Bid Phase Budget of $60,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated February 1, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 30-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

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

RE: Additional Design and Bid Phase Services for Police Department HVAC Project
Resolution No. 30-2013

DATE: February 1, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council authorize an increase of the design phase budget for this project to $60,000.

GENERAL INFORMATION

The Town Council previously approved Resolution No. 119-2012 to begin the design phase of the Police Department HVAC system. The system has had several failures and has reached the end of its useful life. The consultant's original proposal included engineering services necessary to design the project, to develop plans and specifications for the work, to develop the scope of work and bid documents, and to assist Town staff during the bidding process. The design phase budget was previously established at $50,000 at the September 11, 2012 Town Council meeting.

During the preliminary design process, the consultant has advised that testing of the existing HVAC system for air flow would be beneficial in determining the adjustments to be made in the new system design. Similarly, a customer questionnaire was obtained from the building occupants to identify areas that are too hot or too cold. Data from the existing system performance will be incorporated in the design of the new system. This testing ("system balancing") was not included in the original scope of work.

Town staff recommends that the new design phase budget be $60,000. The budget increase will allow for the additional testing described above and for any other minor investigation or testing required to complete this effort.

FUNDING/FISCAL IMPACT

Funding for this project is contained within the Capital Improvement Fund (Pay-As-You-Go).

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

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

RESOLUTION NO. 30-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, INCREASING EXISTING $50,000 DESIGN AND BID PHASE BUDGET IN THE AMOUNT OF $10,000 FOR THE POLICE DEPARTMENT HVAC PROJECT, ESTABLISHING A NEW DESIGN AND BID PHASE BUDGET OF $60,000.

* * * * *

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

Section 1. The Police Department HVAC Project contract was awarded to Kimley-Horn & Associates, Inc., (Kimley-Horn) for their proposal amount of $48,875, with a total design and bid phase budget of $50,000. Because additional air testing is required, staff is requesting an increase in the amount $10,000 and establishing a new project budget of $60,000.

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for the design and bid phase services with Kimley-Horn.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the design and bid phase services for the Police Department HVAC 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 on this 12th day of February, 2013.

Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	Richard M. Kleid, Town Council Member
	Michael J. Pucillo, Town Council Member
ATTEST:	David A. Rosow, Town Council Member
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent - Other

Agenda Title

Ratification of Town Manager's Approval of Barton Avenue Emergency Repairs.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 30, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Letter dated January 8, 2013, from Kimley-Horn

TOWN OF PALM BEACH

Information for Town Council Meeting on: February12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Ratify Town Manager's Approval of Emergency Repairs on Barton Avenue

Date: January 30, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council ratify the Town Manager's decision to implement emergency repair work on Barton Avenue and process all necessary payments per Chapter 7, Sections 7-1 and 7-2 of the Town of Palm Beach Purchasing Manual.

GENERAL INFORMATION

On December 4, 2012, a failure of the Town's 20" prestressed concrete cylinder pipe (PCCP) force main occurred near the Barton Avenue and South County Road intersection.

The immediate repair to the force main was imperative because it posed a threat to the community's public health and safety. Sewerage not being able to be distributed off the island and allowed to build up and overwhelm the pump station was a health concern. The undermining of the road from the damaged pipe would have caused a sink hole which would also been a safety concern.

Following Chapter 7, Sections 7-1 and 7-2 of the Town of Palm Beach Purchasing Manual, under the Town Manager's approval, the Town was able to receive quotes from D. S. Eakins to perform force main repairs at a cost of $26,586.02, Kimley-Horn and Associates to manage the project in the field and keep records at a cost of $2,508.58, and Big D Paving to restore the roadway once the pipe work was completed at a cost of $3,000.

The force main repair was completed by Wednesday, December 12, 2012. Attached is a letter dated January 8, 2013 from Kimley-Horn and Associates justifying the expenses needed to complete the repair.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the 307 Capital Improvement Fund.

PURCHASING REVIEW

The Purchasing Division has reviewed the information provided.

Attachments

cc: Thomas G. Bradford, Deputy Town Manager
Jane Struder, Finance Director
James Bowser, P.E., Town Engineer
Douglas Terry, Water Resources Division Manager
Jeffrey Sanon, P.E., Project Engineer

Kimley-Horn
and Associates, Inc.

January 8, 2013

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

Mr. Doug Terry
Town of Palm Beach
951 Old Okeechobee Road, Suite A
West Palm Beach, Florida 33401

Re: Barton Avenue Forcemain Repair Invoice Review

Dear Doug,

In accordance with our agreement, Kimley-Horn and Associates, Inc. (KHA) provided construction phase services for the above referenced forcemain repair project. The project was successfully completed and we are in receipt of the final invoice from the contractor, D.S. Eakins (DSE) in the amount of $26,586.02. We have reviewed the invoice and backup that was provided and find it to be acceptable based on our observations of the actual work performed in the field.

It should be noted that the final invoice exceeded the original verbal repair estimate that was provided by DSE. The original estimate of $25,000 was overrun by $1,586.02 because the original estimate did not consider pipeline joint restraints that were required to be installed on the existing segment of pipeline upstream of the isolation valve immediately east of the repair area. These restraints were required to prevent joint separation to the east of the isolation valve during the repair and further allowed wastewater from lift station A-4 to be redirected along an alternate forcemain route. Without the restraints, wastewater would have had to be pumped and hauled by tanker from station A-4 continuously for several days at a significant expense to the Town. The overrun costs consisted of the material cost of two pipe restraints, crew time to install the restraints, and the additional excavation, and trench restoration related to the restraint installation.

Should you have any questions, please feel free to contact me at (561) 840-0820.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Kevin Schanen, P.E.
Vice President

Attachments

K:\WPB_Civil\044063111 Barton Ave 20 in FM Repair\Pay Apps\Barton FM Repair Invoice Review.docx

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

INVOICE

D.S. EAKINS CONSTRUCTION CORPORATION
P.O. Box 530185
Lake Park FL 33403-8902
(561) 842-0001

Invoice No: 17337
Date: 12/19/2012
Due Date: 12/29/2012

Job No: 12-5500
PO #: 130504

Bill To:

TOWN OF PALM BEACH PURCHASING
951 OLD OKEECHOBEE RD

WEST PALM BEACH FL 33401

Terms: Net 10 Days

EMERGENCY REPAIR

Quantity	Unit	Description	Ticket # - Date	Unit Price	Extended Price
3.00	HR	Pipecrew	305728 - 12/04/1	285.00	855.00
10.00	HR	Pipecrew	305986 - 12/05/12	285.00	2,850.00
10.00	HR	Dewatering	305986 - 12/05/12	40.00	400.00
3.00	HR	Triaxel Rental	305661 - 12/05/12	70.00	210.00
10.00	HR	Pipecrew	305985 - 12/06/12	285.00	2,850.00
10.00	HR	Dewatering	305985 - 12/06/12	40.00	400.00
10.00	HR	Pipecrew	305551 - 12/06/12	285.00	2,850.00
4.00	HR	Triaxel Rental	305936 - 12/06/12	70.00	280.00
18.00	CY	1/2" Road Base	305934 - 12/06/12	13.00	234.00
18.00	CY	1/2" Road Base	305935 - 12/06/12	13.00	234.00
13.00	HR	Pipecrew	305550 - 12/07/12	285.00	3,705.00
26.00	HR	Dewatering	305987 - 12/07/12	40.00	1,040.00
13.00	HR	Pipecrew	305987 - 12/07/12	285.00	3,705.00
3.00	HR	Triaxel Rental	305849 - 12/07/12	70.00	210.00
5.00	HR	Triaxel Rental	305931 - 12/07/12	70.00	350.00
2.00	HR	Triaxel Rental	305856 - 12/07/12	70.00	140.00
9.00	CY	#57 Stone	305933 - 12/07/12	15.00	135.00
18.00	CY	1/2" Road Base	305928 - 12/07/12	13.00	234.00
5.00	HR	Triaxel Rental	305731 - 12/07/12	70.00	350.00
5.00	HR	Triaxel Rental	306035 - 12/7/12	70.00	350.00
36.00	CY	1/2" Road Base	306035 - 12/07/12	13.00	468.00
10.00	HR	Pipecrew	305989 - 12/10/12	285.00	2,850.00
8.00	HR	Triaxel Rental	305732 - 12/10/12	70.00	560.00
18.00	CY	1/2" Road Base	305732 - 12/10/12	13.00	234.00
		MATERIALS			

INVOICE

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. Box 530185
Lake Park FL 33403-8902

(561) 842-0001

Invoice No: 17337
Date: 12/19/2012
Due Date: 12/29/2012

Job No: 12-5500
PO #: 130504

Bill To:

TOWN OF PALM BEACH PURCHASING
951 OLD OKEECHOBEE RD

WEST PALM BEACH FL 33401

Terms: Net 10 Days

EMERGENCY REPAIR

Quantity	Unit	Description	Ticket # - Date	Unit Price	Extended Price
2.00		FERGUSON	490188 - 12/06/12	546.01	1,092.02

Invoice:	26,586.02
Sales Tax:	0.00
Invoice Total:	26,586.02
Balance Due:	26,586.02

Services Charges will be charged at the rate of 1 1/2% per month (18% per annum) on all amounts owing after 30 days from date of statement until paid in full.

TOTAL

12-5500

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12/5/2012

Town of P.B.
Barton

TD 52

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
X	Dump Truck-Triaxle	3	Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
X	Remove asph		Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

TOLL

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305661

PO# 130504

12-5500

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

Wednesday

12/5/2012

Town of Palm Beach
Barton Ave - Job # 12-5500
Repair on 20" Force Main

1	Backhoe 228 Komatsu	10	Hrs. at
1	Loader/Bobcat 250 Bobcat	10	Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
1	Pump 10" WP	10	Hrs. at
1	Pipe Crew	10	Hrs. at
			Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

TOPS

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305986

2-5500

PO# ~~135054~~ 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

2-20" Bell Clamps

Thursday

12 / 6 / 20 12

Town of Palm Beach
Barton Ave SO# 12-5500
Repair on 20" Force Main

1	Backhoe 228 Komatsu	10	Hrs. at
1	Loader/Bobcat 250 Komatsu	10	Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
1	Pump 10" WP	10	Hrs. at
1	Pipe Crew	10	Hrs. at
			Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

Todd

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305985

Palm Beach

PO# 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12-5500
Barton Ave

12 / 6 / 20 12

PREP 20" CONCRETE PIPE FOR REPLACEMENT

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
1	Pipe Crew	10	Hrs. at
			Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

Todd

CUSTOMER

Matt Terry

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305551

TOT HV PO# 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12/6/2012

TOWN of P.B
Barton
12-5500 TOS2

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
X	Dump Truck-Triaxle	4	Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
X	HAUL ASPH OUT		Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

TOS

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305936

TOT DEL PO# 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12/6/2012

TOWN of PB
Barton
12-5500 TOS2

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
			Hrs. at
X	Road Base 1¼ / ½	18	CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

TOS

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305934

TOTDel / PO - 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12 / 6 / 20 12

TOWN of P.B
BARTON
12-5500 TO52

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
			Hrs. at
	Road Base 1¼ / ½	18	CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305935

Palm Beach PO 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12-5500
BARTON AVE

12 / 7 / 20 12

Pump Down 20" FM, Remove 17' of Concrete FM, Replace 17' of 20" DIP Backfill, Compact, Wash Down Road

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
1	Pipe Crew	13	Hrs. at
			Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305550

PO# 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12-5500

Friday
12 / 7 / 20 12

Town of Palm Beach
20" Force Main Repair
Replaced old Pipe with DIP

1	Backhoe 228 Komatsu	13	Hrs. at
1	Loader/Bobcat 135 Komatsu	13	Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
1	Pump 12" WP	24	Hrs. at
1	Pipe Crew	13	Hrs. at
1	Hydr Pump	2	Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

TOPS
CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305987

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12-5500

12 / 7 / 20 12

Town of Palm Beach
Barton Ave. Fm Repair
1 Load 3 HRS

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
3cy	Dump Truck-Triaxle	3	Hrs. at
	Boom Truck		Hrs. at
	Foreman	1	Hrs. at
	Labor	1	Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
	Haul in Fill		Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

TOPS
CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305849

TD1HR

12-5500

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12/7/2012

Town of P.B
Barton

TD52

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
X	Dump Truck-Triaxle	5	Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
			Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

TO/C

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305931

12-55

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12/07/2012

Town of Palm Beach
Barton Ave - FM Repair

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
+51	Dump Truck-Triaxle	2 hrs	Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
	Hauled fill		Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

TO/C

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305956

TDTOel

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12-5500

12 / 7 / 2012

Town of P.B
Barton

TD52

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
			Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4	9	CY at
	Dumping Fee		CY at

TOPS

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305933

TDTOel

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12-5500

12 / 7 / 2012

Town of P.B
Barton

TD52

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
			Hrs. at
	Road Base 1¼ / ½	18	CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

TOPS

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305928

PO# 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12-5500

12 / 7 /20 12

Town of Palm Beach
20" Force Main Repair

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
1	TANKER	5	Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305731

TDT DFL

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12-5500

Palm Beach
Barton AVE

12 / 7 /20 12

CITY OF WEST PALM BEACH
FM Repair

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
55	Boom Truck	FILL TO	Hrs. at
	Foreman		Hrs. at
	Labor	BENOIT	Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew	½ PIPE	Hrs. at
			Hrs. at
	Road Base 1¼ / ½	2 LOADS	CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee	5 HRS.	CY at

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

306035

PO# 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12-5500

Monday

12 / 10 / 20 12

Town of Palm Beach
20" Force Main Repair
Job# 12-5500

1	Backhoe	10	Hrs. at
1	Loader/Bobcat	10	Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
4	Pump 10"		Hrs. at
1	Pipe Crew	10	Hrs. at
			Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305989

PO 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12-5500

Monday

12 / 10 / 20 12

Town of Palm Beach 12-5500
Tru. Trucking Co
Hauled Asphalt

	Backhoe		Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
1	Dump Truck-Triaxle	8	Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
	Pump		Hrs. at
	Pipe Crew		Hrs. at
			Hrs. at
	Road Base 1¼ / ½	18	CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305732

PO# ~~135044~~ 130504

D.S. EAKINS
CONSTRUCTION CORPORATION

P.O. BOX 530185
LAKE PARK, FL 33403
(561) 842-0001

12 / 4 / 2012

Town of Palm Beach Ave
Repair 20" FM -
Job # 12-5500

1	Backhoe 238 Komatsu	3	Hrs. at
	Loader/Bobcat		Hrs. at
	Roller		Hrs. at
	Dump Truck-Triaxle		Hrs. at
	Boom Truck		Hrs. at
	Foreman		Hrs. at
	Labor		Hrs. at
	Concrete Saw		Hrs. at
	Tractor & Lowboy		Hrs. at
	Tractor & Dump Trailer		Hrs. at
1	Pump 10" w/p		Hrs. at
1	Pipe Crew	3	Hrs. at
			Hrs. at
	Road Base 1¼ / ½		CY at
	Fill/Stabilizer		CY at
	Rock: Pea / ¾ / #4		CY at
	Dumping Fee		CY at

CUSTOMER

OPERATOR/SUPERVISOR/FOREMAN

TRUCKER

305728

FERGUSON ENTERPRISES, INC.
1950 NW 18TH STREET
POMPANO BEACH, FL 33069-1394

INVOICE NUMBER	CUSTOMER	PAGE
0490188	31521	1

PLEASE REFER TO INVOICE NUMBER WHEN MAKING PAYMENT AND REMIT TO:

Please contact with Questions:
954-973-8100

FEI-POMPANO BEACH, FL WW #125
PO BOX 100286
ATLANTA, GA 30384-0286

SHIP TO:

DS EAKINS CONSTRUCTION CORP
PO BOX 530185
LAKE PARK, FL 33403

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
1208	1208	FL2PAB	BRAD POWERS	099	TOWN OF PALM BEACH	12/06/12	10 86870

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
3	3	SPWPC20	20 SIGMA BELL REST F/ C900 *PVLOK	515.100	EA	1545.30
			INVOICE SUB-TOTAL			1545.30
			TAX	Palm	Beach	92.72

only used 2- Bell Rest
Returned (1)

RMS: NET 10TH PROX

ORIGINAL INVOICE

TOTAL DUE 1638.02

accounts are due and payable per the invoiced terms. All past due amounts are subject to a service charge at the maximum rate allowed by state law plus ts of collection including attorney fees if incurred. Freight terms are FOB our dock unless otherwise specified above.

WARRANTY PROVISIONS: SEE REVERSE SIDE A

FERGUSON ENTERPRISES, INC. REQUEST FOR CREDIT

SELL WHSE	SHIP WHSE	MEMO NO.
		148147

_____ Return Matl. - Stock
_____ Return Matl. - Defective
_____ Billing Error - Stock
_____ Billing Error - Direct
_____ Billing Error - Price
_____ Sales Tax Credit
_____ Policy Adjustment

CREDIT TO: E A Kiney
STREET:
CITY & STATE:

PICKED UP FROM:
STREET: Palm Bch
CITY & STATE: 125500

DATE RETURNED	WRITTEN BY	ORIGINAL INVOICE NO.	ORIGINAL INVOICE DATE	ORIGINAL INVOICE AMOUNT	REFERENCED BY

AGING DATE	SALESMAN

SHOWROOM SALE ____Y ____N	SHOWROOM WRITER

AFFECT STOCK (Y/N)	QUANTITY	ITEM CODE	DESCRIPTION	UNIT PRICE	U/M	TOTAL AMOUNT	UNIT	INVENTORY ADJ. DATE
	1		20" Rest PVC Sigma					

REMARKS: INCLUDE DEFECT OR REASON FOR RETURN.

SUBTOTAL	FREIGHT	TAX	DELIVERY	TOTAL

RESTOCKING % _____
MISC $ _____
D/M NO. _____
MFG CREDIT $ _____

CUSTOMER'S SIGNATURE _____
APPROVED BY _____

FEIGEN103 (7/10)

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent - Other

Agenda Title

Authorization of Funding for Landscape Improvements at the Okeechobee Boulevard Yard Trash Disposal Site.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 29, 2013, from H. Paul Brazil, P.E., Director of Public Works

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorize Supplemental Funding for Landscape Improvements

Date: January 29, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council approve an amount not to exceed $25,000 to provide landscape improvements at the Town's Okeechobee landfill site. Staff recommends transferring this funding from the General Fund Contingency to the Public Works operating budget.

GENERAL INFORMATION

The Town's vegetative landfill site on Okeechobee Boulevard is adjacent on its western boundary to the Lake Worth Drainage District canal and beyond that a residential neighborhood. Although not required by the permit conditions, some additional landscape improvements would enhance the appearance of the site when viewed from the west. It is recommended that an appropriate landscape buffer be provided, such as areca palms to be planted inside the western property boundary. The estimated cost for these palms, planted at the necessary spacing, is $25,000 for that boundary. Town staff recommends installation of these palms, subject to negotiating landscape improvements acceptable to the other parties.

FUNDING/FISCAL IMPACT

These services were not anticipated in the Public Works operating budget for FY2013, and it is recommended that funds be authorized from the General Fund Contingency. Town staff recommends an amount not to exceed $25,000 be approved for these services.

cc: Jane Struder, Director of Finance
Cheryl Somers, Assistant Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Chester Purves, Services Division Manger
Lynda Cummings, Purchasing Agent

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent - Other

Agenda Title

Rejection of All Bids for Construction of Sanitary Sewer Pump Stations Projects.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 31, 2013, from H. Paul Brazil, P.E., Director of Public Works

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization to Reject All Bids for Construction of Sanitary Sewer Pump Stations Project

Date: January 31, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council reject all bids related to Bid No. 2013-10 for the construction of the Sanitary Sewer Pump Stations Project.

GENERAL INFORMATION

The 2013 Accelerated Capital Improvement Program (ACIP) construction schedule includes four (4) pump station projects. In an effort to keep the costs low and manage the projects more efficiently, the individual projects have been bid together to be completed by one contractor. The projects and descriptions are as follows:

- Pump Station A-7 Inline Booster Station - will upgrade the existing sanitary sewer pump station by adding in-line booster pumps, downsizing the existing wetwell, and adding a new generator & two new air compressors.
- Pump Station A-39 & A-41 Improvements - includes general station improvements, electrical, structural, and mechanical systems.
- Pump Station A-42 & A-43 Improvements - includes rehabilitating and updating the existing pump stations.
- Ejector Pump Station Upgrades (multi-family stations) - replaces 18 pneumatic pump stations and structures in their entirety with Town purchased prefabricated ejector systems. Four (4) pneumatic pump stations will be rehabilitated and we will install Town purchased ejector systems. Additionally, we will install new corresponding force mains and air lines.

On January 31, 2013, the bid opening was held and only one out of the Town's four pre-selected pump station contractors submitted a bid for the project. The bid was from Murray Logan Construction Company in the amount of $13,430,003.00. This amount is substantially more than the approximated $4,609,000.00 opinion of probable cost provided by our design consultants.

The structure of the bid request does not allow staff to negotiate with the low bidder in an effort to reduce the project cost. The only option is to reject all bids and work with our consultants to modify the project scope of work and completion schedule in an effort to rebid the project and attract additional bidders. We will also discuss the project with the bidders to try to understand why the bids are higher than the project cost estimate. After modifying the project bid documents, we will re-bid this project. There is a possibility that if the project is awarded within the construction season, a portion of the project may carry over into the 2014 construction season.

Staff recommends rejecting the bid and approving a design and bidding phase budget of $20,000 to have the design consultants administer the revisions necessary to rebid the project with a more cost effective result. The $20,000 consists of a maximum increase of $5,000 to the existing purchase orders of our design consultants for additional bid phase services.

Lastly, the concept of bundling these projects was recommended by staff at a recent Public Works Committee meeting. Staff will ask that the Public Works Committee meet again shortly after this Town Council meeting to discuss the alternatives moving forward. Staff will develop these alternatives based on conversations with our design consultants and contractors once the bids have been rejected. If the Town Council approves, staff will proceed with the re-bid process after decisions are made at the Public Works Committee meeting (without waiting for Town Council confirmation at the March 14 Town Council meeting). Our current goal is to return to the April Town Council meeting for contract awards.

FUNDING/FISCAL IMPACT

The only cost associated with rejecting these bids is the up to $5,000 cost of additional design services.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division, which agrees with the recommendation to reject all bids.

cc: Kirk Blouin, Director of Public Safety
Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Jeffrey Sanon, P.E., Project Engineer
Douglas Terry, Water Resources Division Manager
Lynda Venne, Purchasing Agent

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Consent - Other

Agenda Title

Rejection of All Bids for Construction of Force Main Project.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 31, 2013, from H. Paul Brazil, P.E., Director of Public Works

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization to Reject All Bids for Construction of Force Main Project

DATE: January 31, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council reject all bids related to Bid No. 2013-11 for the construction of Force Main Project.

GENERAL INFORMATION

The 2013 Accelerated Capital Improvement Program (ACIP) construction schedule includes four (4) force main projects. In an effort to keep the costs low and manage the projects more efficiently, the individual projects have been bid together to be completed by one contractor. The projects and descriptions are as follows:

- A-7 to Hammon Avenue Force Main Replacement - will replace the existing 16" force main from the A-7 Pump Station on South County Road along Via Marina and South Ocean Boulevard up to Hammon Avenue
- Pinewalk Force Main Replacement – will replace the existing 8" force main that currently runs across the Breakers Golf Course to Barton Avenue from the A-4 Pump Station with a new force main from A-4 along a pedestrian path up to South County Road
- A-42 to A-41 and Par 3 to A-39 Force Main Replacements – will replace two segments of Small diameter force main with 12" and 16" force main on either side of the Par 3 Golf Course that will, when complete, direct all south end wastewater northward that currently flows to the Lake Worth
- North Flagler Drive Force Main – will construct a new force main along North Flagler Drive in West Palm Beach from the westerly end of the new subaqueous force main up to the existing 30" Town force main by Currie Park as well as construct a small segment of joint use force main along 23rd Street west of Tamarind Avenue

On January 31, 2013, the bid opening was held and only one out of the Town's five pre-selected underground utility contractors submitted a bid for the project. The bid was from Johnson-Davis, Inc. in the amount of $6,859,975. This amount is substantially more than the approximated $4,670,000 opinion of probable cost provided by our design consultants.

The structure of the bid request does not allow staff to negotiate with the low bidder in an effort to reduce the project cost. The only option is to reject all bids and work with our consultants to modify the project scope of work and completion schedule in an effort to rebid the project and attract additional bidders. We will also discuss the project with the bidders to try to understand why the bids are higher than the project cost estimate. After modifying the project bid documents, we will re-bid this project. There is a possibility that if the project is awarded within the construction season, a portion of the project may carry over into the 2014 construction season.

Staff recommends rejecting the bid received and approving design and bidding phase budget increases up to a maximum of $10,000 to have the design consultants administer the revisions necessary to rebid the projects with a more cost effective result. The $10,000 consists of a maximum increase of $5,000 to the existing purchase orders of one or more of our design consultants for additional bid phase services.

Lastly, the concept of bundling these projects was recommended by staff at a recent Public Works Committee meeting. Staff will ask that the Public Works Committee meet again shortly after this Town Council meeting to discuss the alternatives moving forward. Staff will develop these alternatives based on conversations with our design consultants and contractors once the bids have been rejected. If Town Council approves, staff will proceed with the re-bid process after decisions are made at the Public Works Committee meeting (without waiting for Town Council confirmation at the March 14 Town Council meeting). Our current goal is to return to the April Town Council meeting for contract awards.

FUNDING/FISCAL IMPACT

The only cost associated with rejecting these bids is the up to $5,000 cost of additional design services.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division, which agrees with the recommendation to reject all bids.

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Charles Langley, P.E., Senior Project Engineer
Jeff Sanon, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Board/Commission Annual Report

Agenda Title

Investment Advisory Committee. (Dr. Michael Andrews, Chairman)

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum dated February 1, 2013, from Dr. Michael Andrews, Chairman
- PFM Asset Management Report
- Performance Reports

Town of Palm Beach
Investment Advisory Committee

To: Mayor and Town Council

From: Dr. Michael Andrews, Chairman
Investment Advisory Committee

Date: February 1, 2013

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 was created to review the Town's current investment policy and make recommendations to improve and diversify investment returns for the Town's surplus funds. In 2007, the Committee was also charged with the task of overseeing the Town's OPEB trust investments.

Surplus Fund Investments
The Town's surplus funds are managed by PFM Asset Management and the Florida League of Cities Investment Trust.

PFM Asset Management
The Town's total investment with PFM represents approximately 62.8% of the total portfolio. A report is attached showing the details of the PFM portfolio as of December 31, 2012.

During 2010, the Committee allocated the bond proceeds from the 2010 Revenue Bonds to PFM for investment. As of December 31, 2012, $21 million is invested with PFM from the proceeds of the 2010 Revenue Bonds.

Florida League of Cities Bond Funds
The balance of the Town investments ($32.5 million) are with the Florida League of Cities Investment Trust 1 – 3 year ($23 million) and intermediate bond funds ($9.4 million) (FMIvT). These investments represent 37% of the surplus funds portfolio.

The FMIvT 1-3 year fund has returned .93% and the Intermediate fund returned 2.83% for the one year period ended December 31, 2012. Attached are reports with return information through December 31, 2012.

Health Insurance (OPEB) Trust
The Committee oversees the investment of the assets of the Health Insurance (OPEB) Trust. Initial deposit in May 2007, into the trust was $16,000,000. Since that time an additional $3,300,000 has been added to the investment in the trust.

The asset classes and policy target ranges for the Health Insurance Trust are shown below:

	Asset Class		Target	Range	Benchmark
Return Enhancement	Domestic Equity	*U.S. All Cap*	27.5	22.5-32.5	Russell 3000
	Non U.S. Equity	*International*	17.5	15-20*	MSCI AC World ex. US
	Alternative Strategies	*Directional Hedge*	10.0	7.5-10	HFRI FOF Strategic/
	* FL statues limit investment in foreign securities (equity, fixed include, and other) to 25%. Unconstrained, the target allocation to equities would be 22.5% Domestic and 22.5% International				
Risk Reduction	**Asset Class**		**Target**	**Range**	**Benchmark**
	Alternative Strategies	*Absolute Return*	10.0	7.5-10	HFRI FOF Conservative
	Fixed Income	*Multi-Strategy*	10.0	7.5-10	Barclays Capital Aggregate
		Convertibles	10.0	7.5-10	BOA Conv. Bond US IG
	Real Assets	*Marketable Real Assets*	15.0	10-20	Custom Index

The fund added four new investments during 2012: FMI Common Stock Fund, FPA Crescent Fund, Vanguard Short Term US Treasury Fund, and Van Eck Global Hard Assets I Fund. The fund sold the following funds: Sound Shore Fund, Vanguard Mid-Cap Growth Index ETF Fund, Income Research Convertible Bonds, Guggenheim Plus II Fund and the Vanguard Energy Admiral Fund. The current money managers and investment benchmarks are as follows:

Manager	**Investment Benchmark**
Fidelity Spartan Total Market Index	Wilshire 5000 Index
FMI Common Stock Fund	Russell 2500 Index
FPA Crescent Fund	Russell 2500 Index
Artisan International Institutional Fund	MSCI EAFT Net Index
Dodge & Cox International Stock Fund	MSCI EAFE Net Index
Forester Offshore, Ltd.	HFRI Fund-of-Funds Strategic Index
Archstone Market Neutral, Ltd.	HFRI Fund-of-Funds Conservative Index
PIMCO Total Ret II Instl Fund	BC Aggregate Index
Vanguard Short Term US Treasury Fund	Barclays US Treasury: 1-5 Year
Vanguard Inflation Protected Sec Fund	BC US Treasury Inflation Notes Index
PIMCO Commodity Real Return Str.	DJ-UBS Commodity Index
Van Eck Global Hard Assets I Fund	S&P North American Natural Resources
Government STIF 15	Citigroup Treasury Bill 3 Month Index

Attached is a summary of the investments in the Health Insurance (OPEB) Trust and the quarterly returns as of December 31, 2012. For the one year period ending December 31, 2012 the fund returned 11.5%.

General Information

The current members of the Investment Advisory Committee include:

Name:	**Term Expires**
Dr. Michael Andrews, Chairman	May 2013
William John Mikus	May 2014
Bernard R. Panfel	May 2014
Benton P. Bohannon	May 2013
Kevin McClusky	May 2013

During the past 12 months the committee has held 4 meetings.

The next meeting of the Committee is scheduled for Friday, February 22, 2013. PFM Capital Management and Prime Buchholz will be in attendance to discuss the investment policies and performance through December 31, 2012.

Town of Palm Beach, Florida

Investment Performance Review
Quarter Ended December 31, 2012

Investment Advisors

Steven Alexander, CTP, CGFO, Managing Director
D. Scott Stitcher, CFA, Senior Managing Consultant
Gregg Manjerovic, CFA, Portfolio Manager
Rebecca Geyer, CTP, Senior Analyst

PFM Asset Management LLC

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Section D Short Term and Bond Proceed Portfolios Performance
Section E Short Term Portfolio Performance
Section F CIP Fund Performance
Section G Asset Allocation Chart

Tab III. December 31, 2012 PFM Month-End Statement
(PFM Month End Statement available online at www.pfm.com)

PFM Funds December 31, 2012 Month-End Statement
(PFM Funds Month end Statement available online at www.pfmfunds.com)

This material is based on information obtained from sources generally believed to be reliable and available to the public, however PFM Asset Management LLC cannot guarantee its accuracy, completeness or suitability. This material is for general information purposes only and is not intended to provide specific advice or recommendation. The information contained in this report is not an offer to purchase or sell any securities.

TAB I

Summary

- In the fourth quarter, the markets were impacted by U.S. politics and policies—particularly the presidential election, the Federal Reserve's (Fed's) new round of quantitative easing (QE3), and fiscal cliff negotiations.
- The U.S. housing market continued to show signs of improvement, and the unemployment rate was unchanged for the quarter at 7.8%.
- The domestic economy has seen modest growth over the past year, and while the resolution of the fiscal cliff talks has relieved investors, increasing the federal debt ceiling must now be addressed.

Economic Snapshot

- New-home sales in the U.S. rose to their highest level in two-and-a-half years in November, jumping 15.3% from a year earlier.
- The Consumer Price Index rose 1.8% year-over-year in November before seasonal adjustment. Wage increases have been subdued as evidenced by the change in hourly earnings, which has averaged less than 2% in recent months.
- Fourth quarter U.S. gross domestic product (GDP) growth is expected to be in a range of 1% to 2%, which is slower than GDP growth experienced in the third quarter.
- Superstorm Sandy, which blew through the East Coast in October, caused massive amounts of damage, closed the markets for two days, and depressed economic activity across a third of the nation.
- Economic concerns about Europe somewhat subsided, which pushed European stock markets higher. The MSCI Europe Index rose 7.02% for the quarter.

Interest Rates

- Interest rates rose slightly during the quarter across most maturities, while yield spreads on Agencies, corporates, and mortgage-backed securities (MBS) remained narrow.
- Treasury yields fell in the first half of November, but then moved higher as investors shifted assets into the rallying stock market.
- The Fed announced that it will keep short-term rates at extremely low levels until the unemployment rate falls below 6.5%, and the prospect remains for long-run inflation to stay below 2.5%. The Fed also initiated further quantitative easing with an open-ended program to buy $45 billion in Treasuries in addition to its existing program to purchase $40 billion in Agency mortgage-backed securities each month.

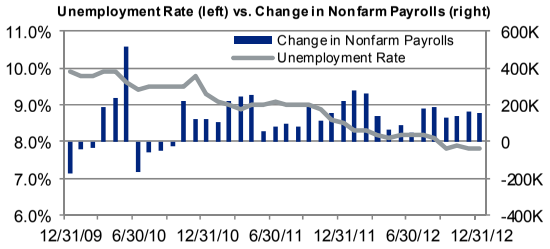
Sector Performance

- Returns of high-quality corporate bonds (especially financial firms) performed well for the quarter, as these issuers continued to be bolstered by global central bank support for financial markets.
- The Fed's QE3 purchase program initially caused Agency MBS to appreciate sharply in value, but that trend quickly reversed and Agency MBS underperformed other fixed-income sectors for the quarter.
- The performance of municipal bonds suffered in the fourth quarter, as fiscal cliff negotiations about possible changes to the tax code caused investors to sell positions.
- Reduced supply of Agencies kept spreads at historically narrow levels; Agencies became relatively less attractive over the quarter.

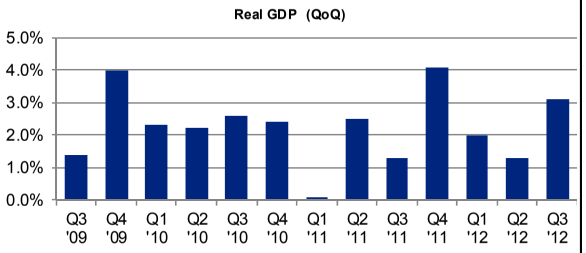
The views expressed within this material constitute the perspective and judgment of PFM Asset Management LLC (PFMAM) at the time of distribution and are subject to change. Information is obtained from sources generally believed to be reliable and available to the public; however, PFMAM cannot guarantee its accuracy, completeness, or suitability. This material is for general information purposes only and is not intended to provide specific advice or recommendation. The information contained in this report is not an offer to purchase or sell any securities.

Economic Snapshot

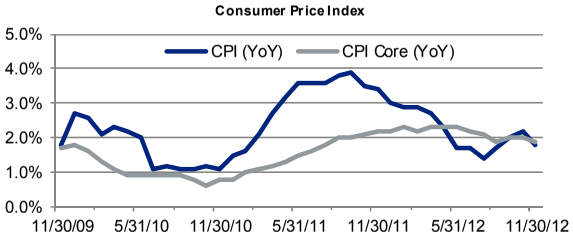
Labor Market		Latest	Sep 2012	Dec 2011
Unemployment Rate	Dec	7.8%	7.8%	8.5%
Change In Non-Farm Payrolls (month)	Dec	155,000	132,000	223,000
Average Hourly Earnings (YoY)	Dec	2.1%	1.9%	2.1%
Personal Income (YoY)	Nov	4.1%	3.5%	3.6%
Initial Jobless Claims (Month)	Dec 28	372,000	369,000	383,000



Growth				
Real GDP (QoQ SAAR)	Q3	3.1%	1.3%[1]	4.1%[2]
GDP Personal Consumption (QoQ SAAR)	Q3	1.6%	1.5%[1]	2.0%[2]
Retail Sales (YoY)	Nov	3.7%	5.4%	6.8%
ISM Manufacturing Survey	Dec	50.7	51.5	53.1
Existing Home Sales (millions) - month	Nov	5.04	4.69	4.38



Inflation / Prices				
Personal Consumption Expenditures (YoY)	Nov	1.4%	1.6%	2.4%
Consumer Price Index (YoY)	Nov	1.8%	2.0%	3.0%
Consumer Price Index Core (YoY)	Nov	1.5%	2.1%	4.7%
Crude Oil Futures (WTI, per barrel)	Dec 31	$91.82	$92.19	$98.83
Gold Futures (oz)	Dec 31	$1,676	$1,771	$1,567

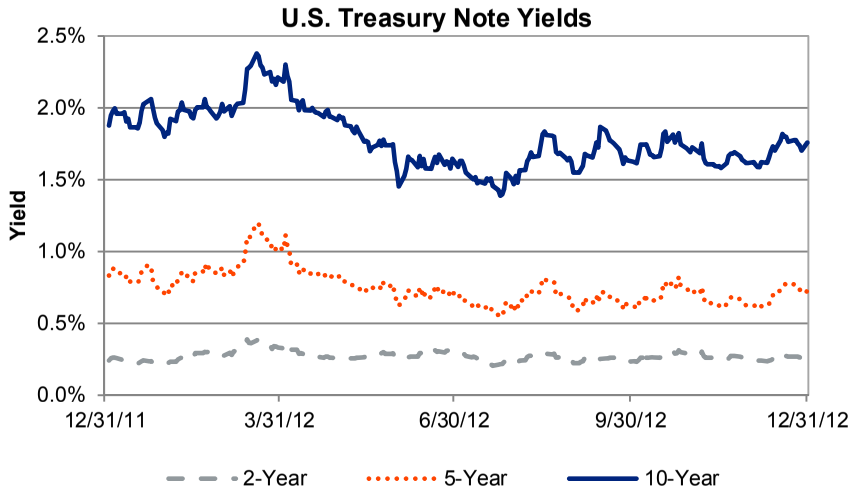


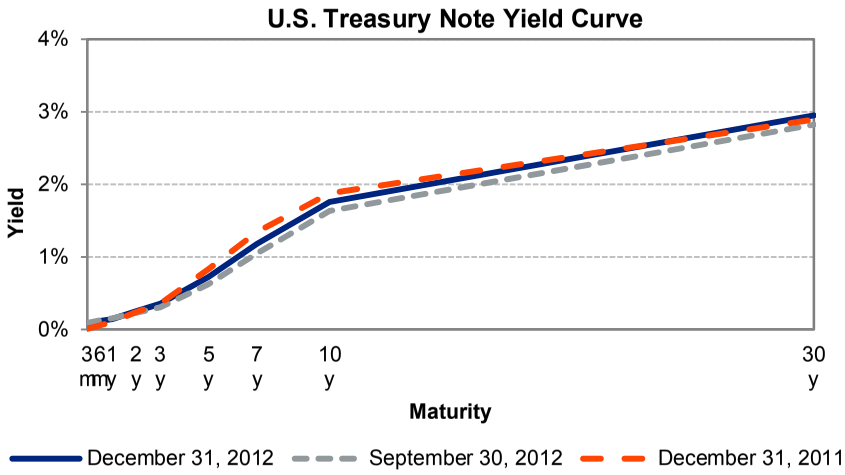
1. Data as of Second Quarter 2012 *2. Data as of Fourth Quarter 2011*

Note: YoY = year over year, QoQ = quarter over quarter, SAAR = seasonally adjusted annual rate, WTI = West Texas Intermediate

Source: Bloomberg

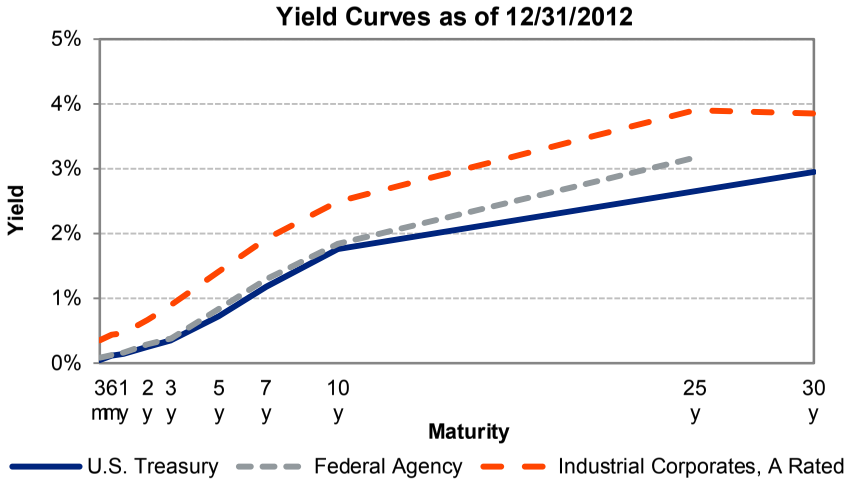
Interest Rate Overview





U.S. Treasury Note Yields

Maturity	12/31/12	9/30/12	Change over Quarter	12/31/11	Change over Year
3-month	0.09%	0.12%	(0.03%)	0.02%	0.07%
1-year	0.14%	0.16%	(0.02%)	0.13%	0.01%
2-year	0.27%	0.25%	0.03%	0.28%	(0.00%)
5-year	0.74%	0.63%	0.11%	0.85%	(0.11%)
10-year	1.81%	1.70%	0.12%	1.96%	(0.14%)
30-year	2.94%	2.82%	0.12%	2.91%	0.03%



Source: Bloomberg

B of A Merrill Lynch Index Returns

	As of 12/31/2012		Returns for Periods Ended 12/31/2012		
	Duration	Yield	3 Month	1 Year	3 Years
1-3 Year Indices					
U.S. Treasury	1.87	0.26%	0.07%	0.43%	1.44%
Federal Agency	1.70	0.31%	0.12%	0.85%	1.56%
U.S. Corporates, A-AAA Rated	1.94	0.95%	0.44%	4.02%	3.31%
Agency MBS (0 to 3 years)	1.85	1.37%	(0.31%)	1.60%	3.42%
Municipals	1.81	0.61%	0.02%	1.03%	1.56%
1-5 Year Indices					
U.S. Treasury	2.72	0.38%	0.04%	0.91%	2.62%
Federal Agency	2.36	0.44%	0.16%	1.38%	2.28%
U.S. Corporates, A-AAA Rated	2.80	1.22%	0.55%	5.85%	4.70%
Agency MBS (0 to 5 years)	2.11	1.45%	(0.26%)	2.50%	4.45%
Municipals	2.53	0.84%	(0.10%)	1.63%	2.37%
Master Indices					
U.S. Treasury	5.99	0.96%	(0.10%)	2.16%	5.89%
Federal Agency	3.84	0.85%	0.22%	2.44%	4.10%
U.S. Corporates, A-AAA Rated	6.80	2.32%	0.79%	9.19%	8.32%
Agency MBS	2.14	1.47%	(0.27%)	2.59%	4.78%
Municipals	7.47	2.59%	0.51%	7.26%	6.83%

Returns for periods greater than one year are annualized; 3 Month return is periodic

Source: Bloomberg

TAB II

Executive Summary

PORTFOLIO STRATEGY

- The Town's 1-5 Year Investment, Short Term and 2010A CIP Portfolios are of high credit quality and invested in U.S. Treasury, Federal Agency, high quality corporate and commercial paper securities.
- PFM continued to actively manage the 1-5 Year Investment Portfolio during the fourth quarter and found value in the market, taking advantage of market inefficiencies or changes in economic outlook. As a result the Portfolio realized over $3,667 in gains on sales during the quarter. PFM is continually in the market monitoring for opportunities to add value to the Portfolio.
- The 1-5 Year Investment Portfolio's quarterly total return performance was 0.09%, outperforming the benchmark's performance of 0.06% by 0.03%. Over the past year, the Portfolio earned 1.37%, versus 0.98% for the benchmark.
- The Short Term and 2010A CIP Portfolios continue to provide the Town with favorable yield relative to the benchmark. At quarter end the portfolios had a weighted average Yield to Maturity at Cost of 0.27%, exceeding the Yield of its benchmark the S&P GIP Government 30 Day Index by 9 basis points (0.09%).
- Five year Treasury yields swung in a 24 basis point range. Yields were driven lower by economic disruption from Hurricane Sandy, a higher projection for Greek debt, President Obama's re-election and assured continuity of an accommodative Federal Reserve (Fed), an expansion of the Fed's bond purchase program, and fears the U.S. would go over the fiscal cliff. Bond yields were pushed higher by stronger than expected job reports for September and November, a Greek debt buyback program, the prospect of Presidential candidate Mitt Romney appointing a replacement for Ben Bernanke at the Fed, a global rally in stocks, and confidence that the fiscal cliff would be avoided.
- After all the ups and downs, Treasury yields finished the quarter modestly higher. Political turmoil may cause a transient flight-to-quality as has been seen this quarter and may be seen in the coming quarter. Yet, the larger, lasting effect is likely to come from the budding trend of equity fund inflows at the expense of bond fund outflows. The so-called "Great Rotation", as it is popularly called, is the reversal of fund flows from the past 4 years.
- Fiscal drag caused by tax hikes on the wealthy and resumption of full payroll taxes, and concern over a possible government shutdown may be supportive of a counter-trend rally in the bond market. While our longer term view is that yields will eventually drift gradually higher, we intend to keep durations close to neutral to protect the Town's Portfolios against the regularly recurring flights into Treasuries.
- In the 1-5 Year Investment Portfolio, our strategy for the upcoming quarter is very simple: with rates in established ranges, we will focus on adding incremental yield found in the corporate sector area where we will concentrate our investment research. Corporate yield spreads tightened sharply throughout 2012, but remain attractive. We believe new issues will continue to offer good value and excellent entry points or favorable yields for adding to allocations.
- As always, we strive to maintain safety of principal and appropriate liquidity, while seeking opportunities to add value through active management. Our strategy will remain flexible and may change in response to changes in interest rates, economic data, market outlook or specific opportunities that arise.

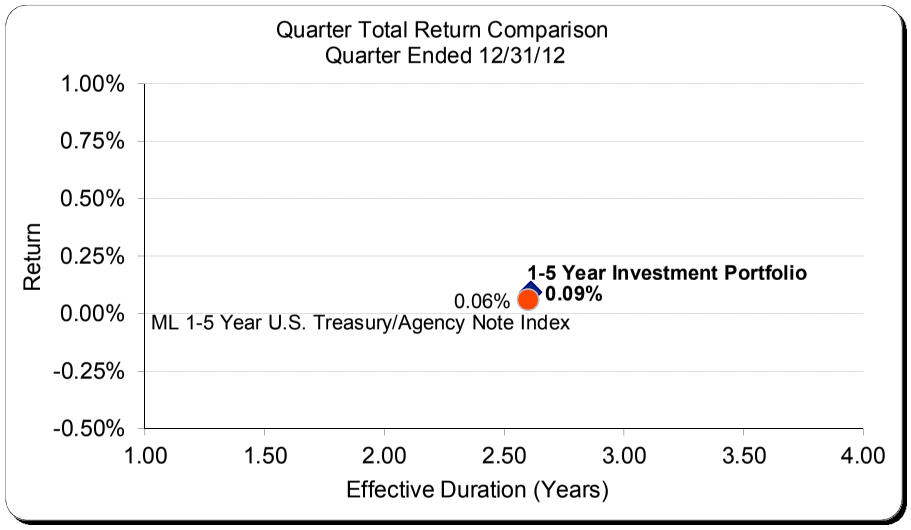
1-5 Year Investment Portfolio (Actively Managed) Performance - 68904260

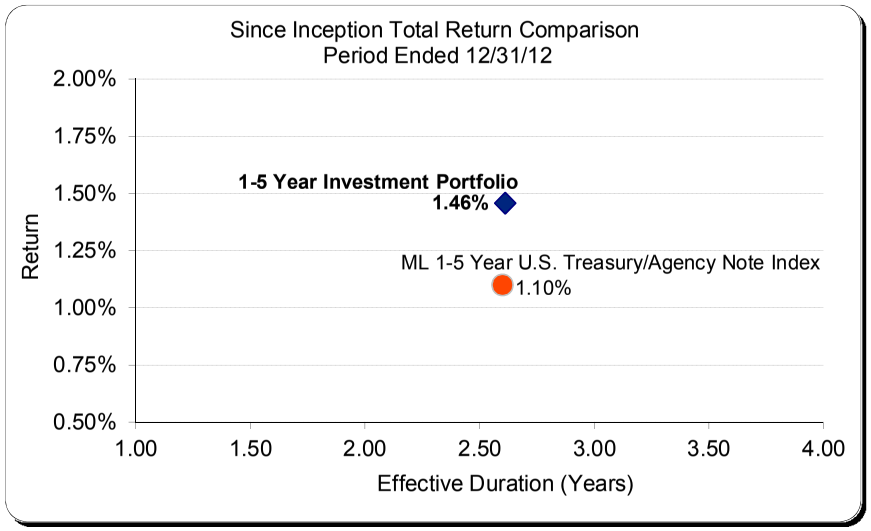
Total Portfolio Value[1,2]	December 31, 2012	September 30, 2012
Market Value	**$17,839,349.92**	$17,822,855.53
Amortized Cost	**$17,694,918.42**	$17,658,398.25

Total Return[1,2,3,4,5,6,7,8]	Quarterly Return December 31, 2012	Calendar Year To Date	Last 12 Months	Last 24 Months	Since Inception 9/30/2011
1-5 Year Investment Portfolio (Actively Managed)	**0.09%**	**1.37%**	**1.37%**	**N/A**	**1.46%**
Merrill Lynch 1-5 Year U.S. Treasury/Agency Index	0.06%	0.98%	0.98%	N/A	1.10%

Effective Duration (Years)[4]	December 31, 2012	September 30, 2012
1-5 Year Investment Portfolio (Actively Managed)	**2.61**	2.61
Merrill Lynch 1-5 Year U.S. Treasury/Agency Index	2.60	2.58
Portfolio Duration % of Benchmark Duration	100%	101%

Yields	December 31, 2012	September 30, 2012
Yield at Market	**0.43%**	0.39%
Yield at Cost	**0.74%**	0.72%



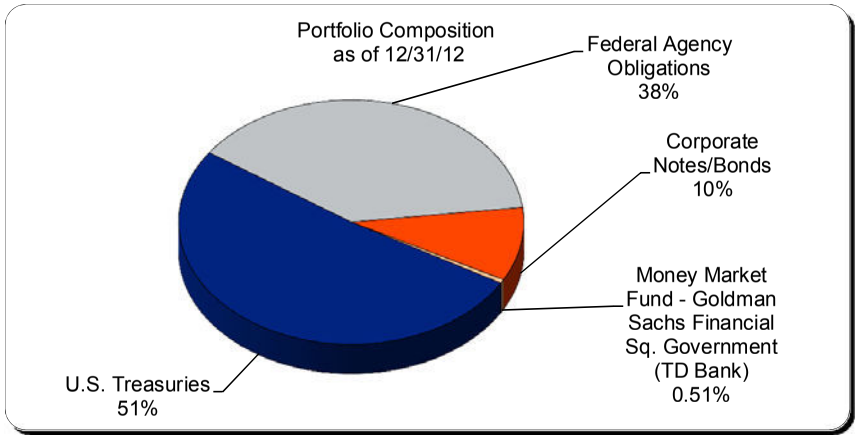


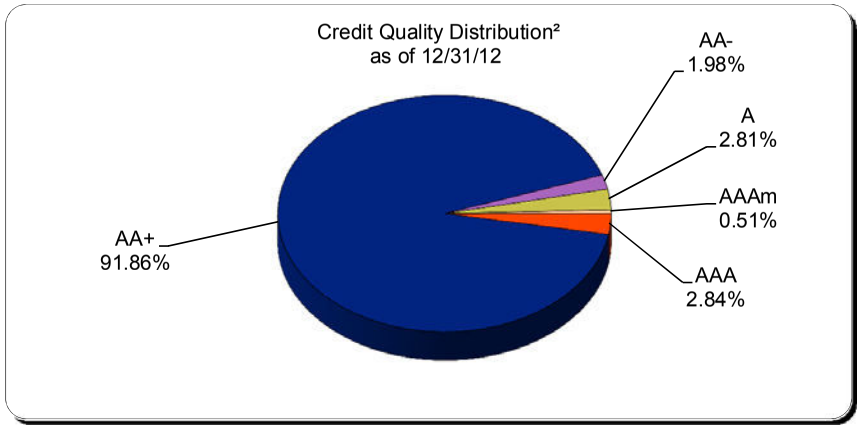
Notes:

1. In order to comply with GASB accrual accounting reporting requirements; forward settling trades are included in the monthly balances.
2. End of quarter trade-date market values of portfolio holdings, including accrued interest. Includes money market fund/cash.
3. Performance on trade date basis, gross (i.e., before fees), is in accordance with The CFA Institute's Global Investment Performance Standards (GIPS).
4. Merrill Lynch Indices provided by Bloomberg Financial Markets.
5. Quarterly returns are presented on an unannualized basis.
6. Includes money market fund/cash in performance and duration computations.
7. Returns presented for 12 months or longer are presented on an annual basis.
3. Past performance is not indicative of future results.

1-5 Year Investment Portfolio (Actively Managed) Composition and Credit Quality Characteristics

Security Type[1]	December 31, 2012	% of Portfolio	September 30, 2012	% of Portfolio
U.S. Treasuries	**$9,147,557.45**	**51.3%**	$9,850,820.26	55.3%
Federal Agencies	**6,861,603.84**	**38.5%**	6,624,427.48	37.2%
Commercial Paper	**0.00**	**0.0%**	0.00	0.0%
Commercial Paper - TLGP	**0.00**	**0.0%**	0.00	0.0%
Certificates of Deposit	**0.00**	**0.0%**	0.00	0.0%
Bankers Acceptances	**0.00**	**0.0%**	0.00	0.0%
Repurchase Agreements	**0.00**	**0.0%**	0.00	0.0%
Municipal Obligations	**0.00**	**0.0%**	0.00	0.0%
Corporate Notes/Bonds	**1,738,801.59**	**9.7%**	1,248,612.81	7.0%
Corporate Notes - FDIC insured	**0.00**	**0.0%**	0.00	0.0%
Mortgage Backed	**0.00**	**0.0%**	0.00	0.0%
Money Market Fund - Goldman Sachs Financial Sq. Government (TD Bank)	**91,387.04**	**0.5%**	98,994.98	0.6%
Totals	**$17,839,349.92**	**100.0%**	$17,822,855.53	100.0%



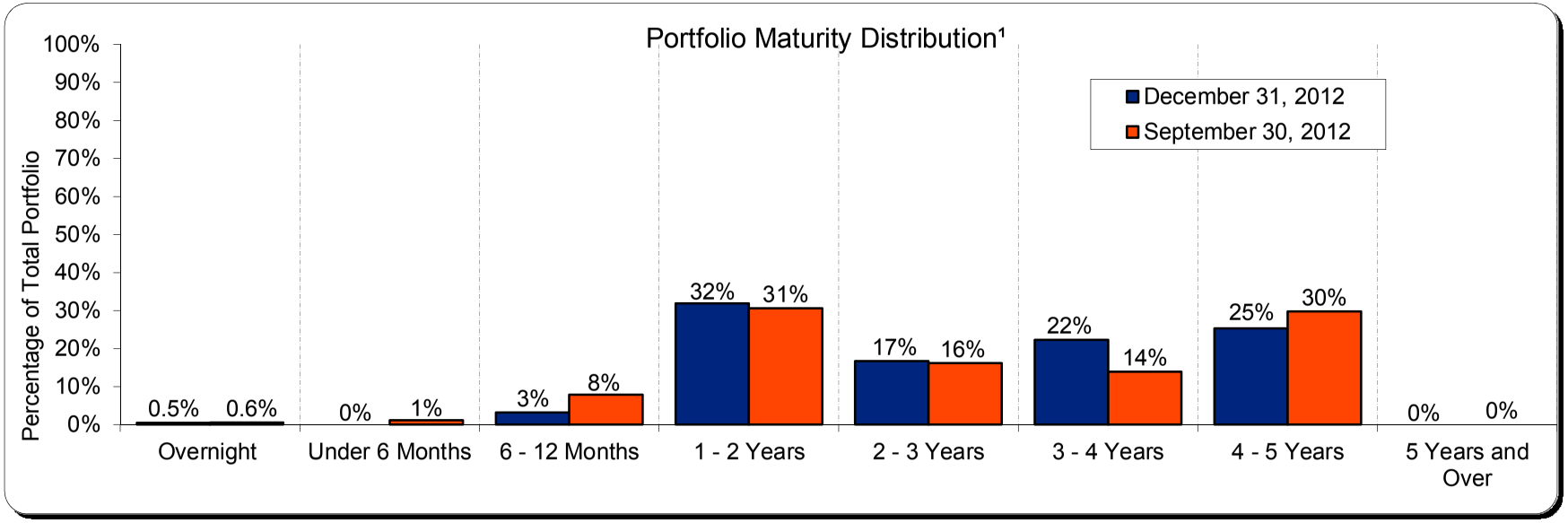


Notes:

1. End of quarter trade-date market values of portfolio holdings, including accrued interest.
2. Credit rating of securities held in portfolio, inclusive of money market fund/LGIP. Standard & Poor's is the source of the credit ratings.

1-5 Year Investment Portfolio (Actively Managed) Maturity Distribution

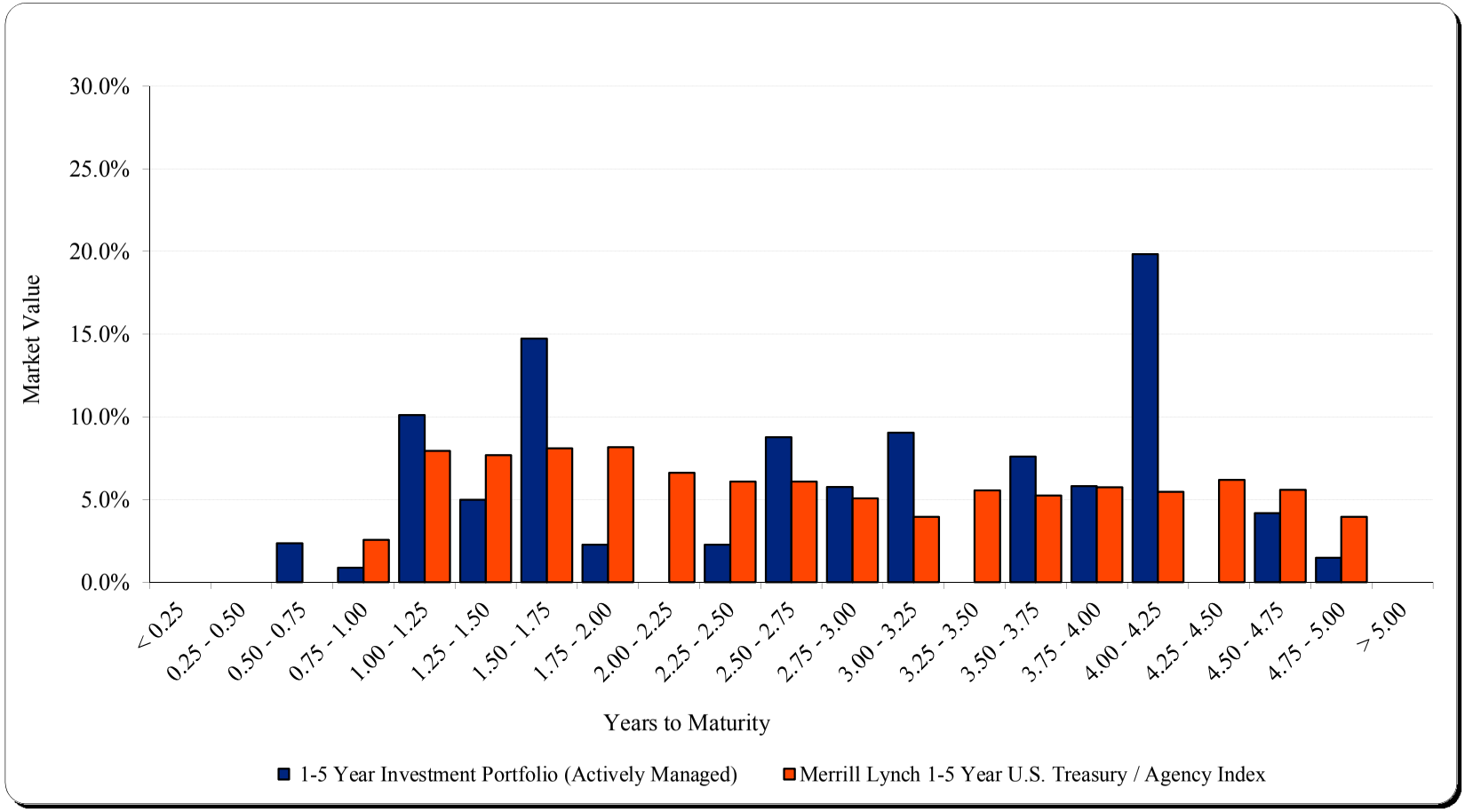
Maturity Distribution[1]	December 31, 2012	September 30, 2012
Overnight (Money Market Fund)	**$91,387.04**	98,994.98
Under 6 Months	**0.00**	200,352.86
6 - 12 Months	**570,469.01**	1,403,937.51
1 - 2 Years	**5,695,173.77**	5,455,380.87
2 - 3 Years	**2,977,154.43**	2,881,054.24
3 - 4 Years	**3,982,747.97**	2,474,962.67
4 - 5 Years	**4,522,417.70**	5,308,172.40
5 Years and Over	**0.00**	0.00
Totals	**$17,839,349.92**	$17,822,855.53



Notes:

1. Callable securities in portfolio are included in the maturity distribution analysis to their stated maturity date, although they may be called prior to maturity.

1-5 Year Investment Portfolio (Actively Managed) Maturity Distribution versus the Benchmark[1]



Notes:

1. Due to the nature of the security, Mortgage-Backed Securities are represented based on their average life maturity rather than their final maturity.

Short Term and Bond Proceed Portfolios Statistics

Account Name	Amortized Cost[1,2,3] December 31, 2012	Amortized Cost[1,2,3] September 30, 2012	Market Value[1,2,3] December 31, 2012	Market Value[1,2,3] September 30, 2012	Duration (Years)[4] December 31, 2012
Short Term Fund - 68904245	**$27,936,682.29**	$12,940,474.81	**$27,943,799.23**	$12,948,293.37	**0.48**
2010A CIP Fund - 68904255	**9,721,487.73**	22,237,504.16	**9,727,687.38**	22,254,190.45	**0.32**
Money Market Fund - PFM Funds Prime Series Excess Funds - 995174	**9,193,537.97**	11,688,914.89	**9,193,537.97**	11,688,914.89	**53 Days**
Money Market Fund - PFM Funds Prime Series 2010B WORTH AVENUE - 995179	**69,483.15**	86,800.82	**69,483.15**	86,800.82	**53 Days**
Money Market Fund - PFM Funds Prime Series 2010A CIP - 995180	**11,198,613.32**	4,866,248.46	**11,198,613.32**	4,866,248.46	**53 Days**
Money Market Fund - Goldman Sachs Financial Squares Government Fund (TD Bank) - Short Term Fund	**81,947.99**	65,530.43	**81,947.99**	65,530.43	**51 Days**
Money Market Fund - Goldman Sachs Financial Squares Government Fund (TD Bank) - 2010A CIP	**48,223.04**	61,850.73	**48,223.04**	61,850.73	**51 Days**
Total	**$58,249,975.49**	$51,947,324.30	**$58,263,292.08**	$51,971,829.15	

Account Name	Yield to Maturity on Cost[5] December 31, 2012	Yield to Maturity on Cost[5] September 30, 2012	Yield to Maturity at Market December 31, 2012	Yield to Maturity at Market September 30, 2012	Duration (Years)[4] September 30, 2012
Short Term Fund - 68904245	**0.28%**	0.32%	**0.22%**	0.23%	0.61
2010A CIP Fund - 68904255	**0.42%**	0.59%	**0.22%**	0.30%	0.32
Money Market Fund - PFM Funds Prime Series Excess Funds - 995174[6]	**0.18%**	0.21%	**0.18%**	0.21%	47 Days
Money Market Fund - PFM Funds Prime Series 2010B WORTH AVENUE - 995179[6]	**0.18%**	0.21%	**0.18%**	0.21%	47 Days
Money Market Fund - PFM Funds Prime Series 2010A CIP - 995180[6]	**0.18%**	0.21%	**0.18%**	0.21%	47 Days
Money Market Fund - Goldman Sachs Financial Squares Government Fund (TD Bank) - Short Term Fund	**0.01%**	0.01%	**0.01%**	0.01%	53 Days
Money Market Fund - Goldman Sachs Financial Squares Government Fund (TD Bank) - 2010A CIP	**0.01%**	0.01%	**0.01%**	0.01%	53 Days
Weighted Average Yield	**0.27%**	0.40%	**0.21%**	0.25%	

Benchmarks	December 31, 2012	September 30, 2012
S&P GIP Government 30 Day Index[7]	**0.18%**	0.17%

Notes:

1. End of quarter trade-date market values of portfolio holdings, including accrued interest.
2. In order to comply with GASB accrual accounting reporting requirements; forward settling trades are included in the monthly balances.
3. Includes any money market fund/cash balances held in custodian account.
4. Money Market Fund duration is based on weighted average duration in days.
5. Past performance is not indicative of future results.
6. Seven day yield as of quarter end. The yields shown above represent past performance. Past performance is no guarantee of future results and yields may vary. The current fund performance may be higher or lower than that cited. The current seven-day yield does not include realized gains and losses on the sale of securities. The yields shown above may reflect fee waivers by service providers that subsidize and reduce the total operating expenses of the Funds. Fund yields would be lower if there were no such waivers.
7. Monthly yields, source Bloomberg.

Short Term Portfolio Statistics

Account Name	Amortized Cost[1,2,3] December 31, 2012	Amortized Cost[1,2,3] September 30, 2012	Market Value[1,2,3] December 31, 2012	Market Value[1,2,3] September 30, 2012	Duration (Years)[4] December 31, 2012
Short Term Fund - 68904245	**$27,936,682.29**	$12,940,474.81	**$27,943,799.23**	$12,948,293.37	**0.48**
Money Market Fund - PFM Funds Prime Series Excess Funds - 995174	**9,193,537.97**	1,283,786.84	**9,193,537.97**	1,283,786.84	**53 Days**
Money Market Fund - Goldman Sachs Financial Squares Government Fund (TD Bank)	**81,947.99**	65,530.43	**81,947.99**	65,530.43	**51 Days**
Total	**$37,212,168.25**	$14,289,792.08	**$37,219,285.19**	$14,297,610.64	

Account Name	Yield to Maturity on Cost[5] December 31, 2012	Yield to Maturity on Cost[5] September 30, 2012	Yield to Maturity at Market December 31, 2012	Yield to Maturity at Market September 30, 2012	Duration (Years) September 30, 2012
Short Term Fund - 68904245	**0.28%**	0.32%	**0.22%**	0.23%	0.61
Money Market Fund - PFM Funds Prime Series Excess Funds - 995174[6]	**0.18%**	0.21%	**0.18%**	0.21%	47 Days
Money Market Fund - Goldman Sachs Financial Squares Government Fund (TD Bank)	**0.01%**	0.01%	**0.01%**	0.01%	53 Days
Weighted Average Yield	**0.25%**	0.31%	**0.21%**	0.23%	

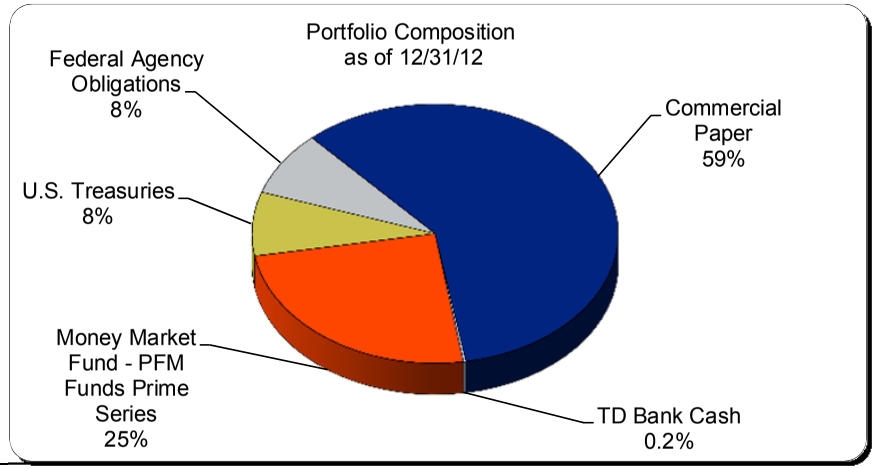
Benchmarks	December 31, 2012	September 30, 2012
S&P GIP Government 30 Day Index[7]	**0.18%**	0.18%

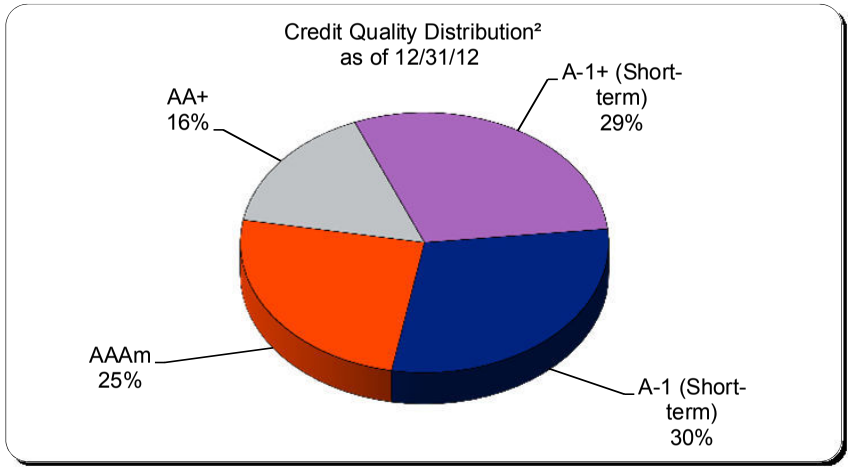
Notes:

1. End of quarter trade-date market values of portfolio holdings, including accrued interest.
2. In order to comply with GASB accrual accounting reporting requirements; forward settling trades are included in the monthly balances.
3. Excludes any money market fund/cash balances held in custodian account.
4. Money Market Fund duration is based on weighted average duration in days.
5. Past performance is not indicative of future results.
6. Seven day yield as of quarter end. The yields shown above represent past performance. Past performance is no guarantee of future results and yields may vary. The current fund performance may be higher or lower than that cited. The current seven-day yield does not include realized gains and losses on the sale of securities. The yields shown above may reflect fee waivers by service providers that subsidize and reduce the total operating expenses of the Funds. Fund yields would be lower if there were no such waivers.
7. Monthly yields, source Bloomberg.

Short Term Fund Portfolio Composition and Credit Quality Characteristics

Security Type[1]	December 31, 2012	% of Portfolio	September 30, 2012	% of Portfolio
U.S. Treasuries	**$2,965,881.84**	**8.0%**	$2,964,309.37	12.0%
Federal Agencies	**3,001,956.39**	**8.1%**	0.00	0.0%
Commercial Paper	**21,975,961.00**	**59.0%**	9,983,984.00	40.4%
Certificates of Deposit	**0.00**	**0.0%**	0.00	0.0%
Bankers Acceptances	**0.00**	**0.0%**	0.00	0.0%
Repurchase Agreements	**0.00**	**0.0%**	0.00	0.0%
Municipal Obligations	**0.00**	**0.0%**	0.00	0.0%
Corporate Notes/Bonds	**0.00**	**0.0%**	0.00	0.0%
TD Bank Cash	**81,947.99**	**0.2%**	65,530.43	0.3%
Money Market Fund - PFM Funds Prime Series	**9,193,537.97**	**24.7%**	11,688,914.89	47.32%
Totals	**$37,219,285.19**	**100.0%**	$24,702,738.69	100.0%



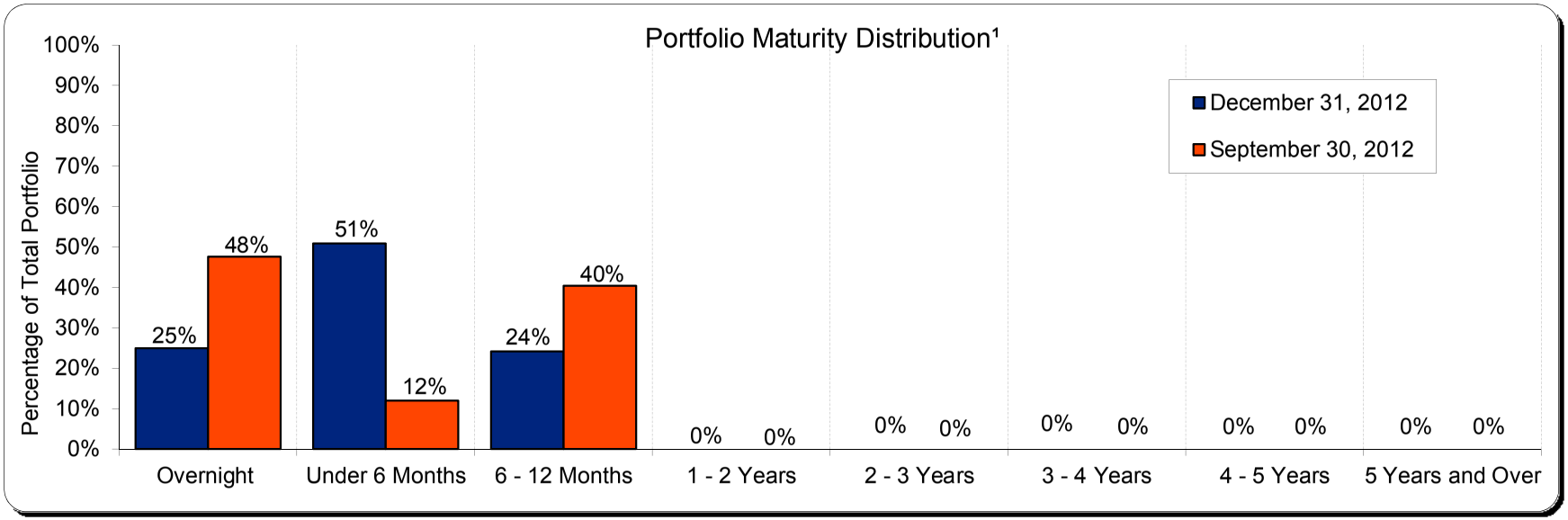


Notes:

1. End of quarter trade-date market values of portfolio holdings, including accrued interest.
2. Credit rating of securities held in portfolio, inclusive of money market fund/LGIP. Standard & Poor's is the source of the credit ratings.

Short Term Fund Portfolio Maturity Distribution

Maturity Distribution[1]	December 31, 2012	September 30, 2012
Overnight (Money Market Fund)	**$9,275,485.96**	$11,754,445.32
Under 6 Months	**18,951,943.84**	2,964,309.37
6 - 12 Months	**8,991,855.39**	9,983,984.00
1 - 2 Years	**0.00**	0.00
2 - 3 Years	**0.00**	0.00
3 - 4 Years	**0.00**	0.00
4 - 5 Years	**0.00**	0.00
5 Years and Over	**0.00**	0.00
Totals	**$37,219,285.19**	$24,702,738.69



Notes:

1. Callable securities in portfolio are included in the maturity distribution analysis to their stated maturity date, although they may be called prior to maturity.

2010A CIP Portfolio Statistics

Account Name	Amortized Cost[1,2,3] December 31, 2012	Amortized Cost[1,2,3] September 30, 2012	Market Value[1,2,3] December 31, 2012	Market Value[1,2,3] September 30, 2012	Duration (Years)[4] December 31, 2012
CIP Fund - 68904255	**$9,721,487.73**	$22,237,504.16	**$9,727,687.38**	$22,254,190.45	**0.32**
Money Market Fund - PFM Funds Prime Series 2010A CIP - 995180	**11,198,613.32**	4,866,248.46	**11,198,613.32**	4,866,248.46	**53 Days**
Money Market Fund - Goldman Sachs Financial Squares Government Fund (TD Bank)	**48,223.04**	61,850.73	**48,223.04**	61,850.73	**51 Days**
Total	**$20,968,324.09**	$27,165,603.35	**$20,974,523.74**	$27,182,289.64	

Account Name	Yield to Maturity on Cost[5] December 31, 2012	Yield to Maturity on Cost[5] September 30, 2012	Yield to Maturity at Market December 31, 2012	Yield to Maturity at Market September 30, 2012	Duration (Years) September 30, 2012
CIP Fund - 68904255	**0.42%**	0.59%	**0.22%**	0.30%	0.32
Money Market Fund - PFM Funds Prime Series 2010A CIP - 995180[6]	**0.18%**	0.21%	**0.18%**	0.21%	47 Days
Money Market Fund - Goldman Sachs Financial Squares Government Fund (TD Bank)	**0.01%**	0.01%	**0.01%**	0.01%	53 Days
Weighted Average Yield	**0.29%**	0.52%	**0.20%**	0.28%	

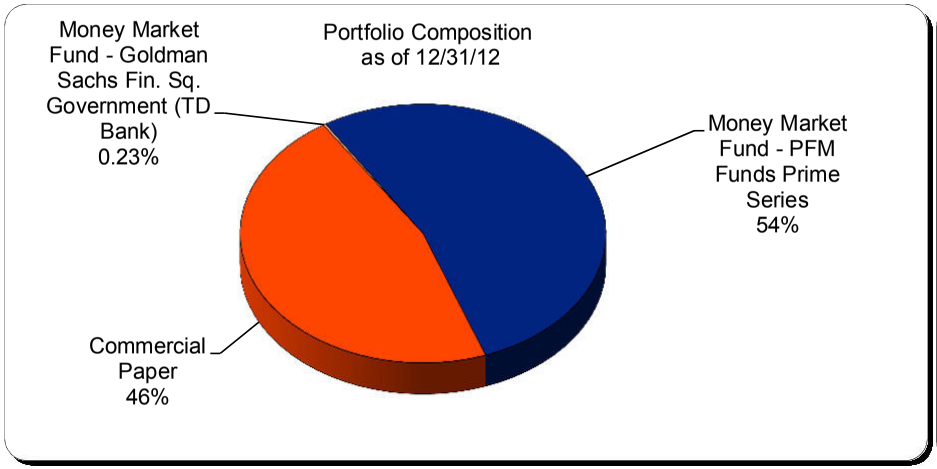
Benchmarks	December 31, 2012	September 30, 2012
S&P GIP Government 30 Day Index[7]	**0.18%**	0.18%

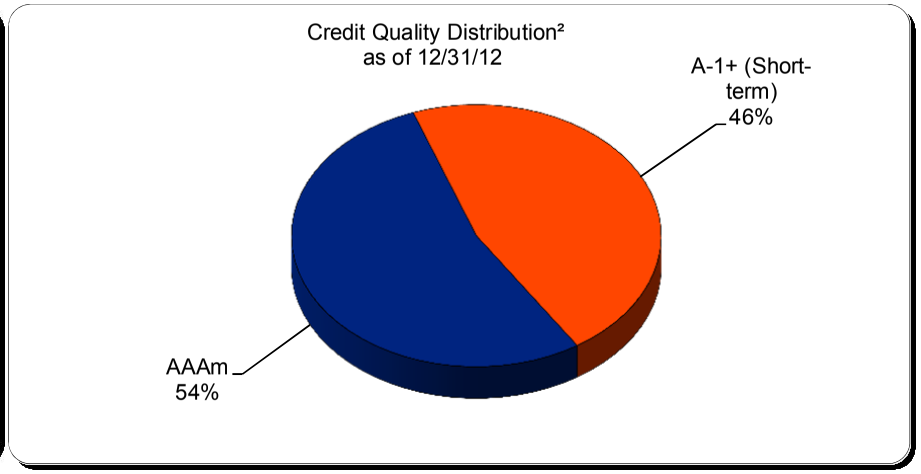
Notes:

1. End of quarter trade-date market values of portfolio holdings, including accrued interest.
2. In order to comply with GASB accrual accounting reporting requirements; forward settling trades are included in the monthly balances.
3. Excludes any money market fund/cash balances held in custodian account.
4. Money Market Fund duration is based on weighted average duration in days.
5. Past performance is not indicative of future results.
6. Seven day yield as of quarter end. The yields shown above represent past performance. Past performance is no guarantee of future results and yields may vary. The current fund performance may be higher or lower than that cited. The current seven-day yield does not include realized gains and losses on the sale of securities. The yields shown above may reflect fee waivers by service providers that subsidize and reduce the total operating expenses of the Funds. Fund yields would be lower if there were no such waivers.
7. Monthly returns, source Bloomberg.

2010A CIP Portfolio Composition and Credit Quality Characteristics

Security Type[1]	December 31, 2012	% of Portfolio	September 30, 2012	% of Portfolio
U.S. Treasuries	**$0.00**	**0.0%**	$3,493,306.65	12.9%
Federal Agencies	**0.00**	**0.0%**	9,039,530.84	33.3%
Commercial Paper	**9,727,687.38**	**46.4%**	9,721,352.96	35.8%
Certificates of Deposit	**0.00**	**0.0%**	0.00	0.0%
Bankers Acceptances	**0.00**	**0.0%**	0.00	0.0%
Repurchase Agreements	**0.00**	**0.0%**	0.00	0.0%
Municipal Obligations	**0.00**	**0.0%**	0.00	0.0%
Corporate Notes/Bonds	**0.00**	**0.0%**	0.00	0.0%
Money Market Fund - Goldman Sachs Fin. Sq. Government (TD Bank)	**48,223.04**	**0.2%**	61,850.73	0.2%
Money Market Fund - PFM Funds Prime Series	**11,198,613.32**	**53.4%**	4,866,248.46	17.9%
Totals	**$20,974,523.74**	**100.0%**	$27,182,289.64	100.0%



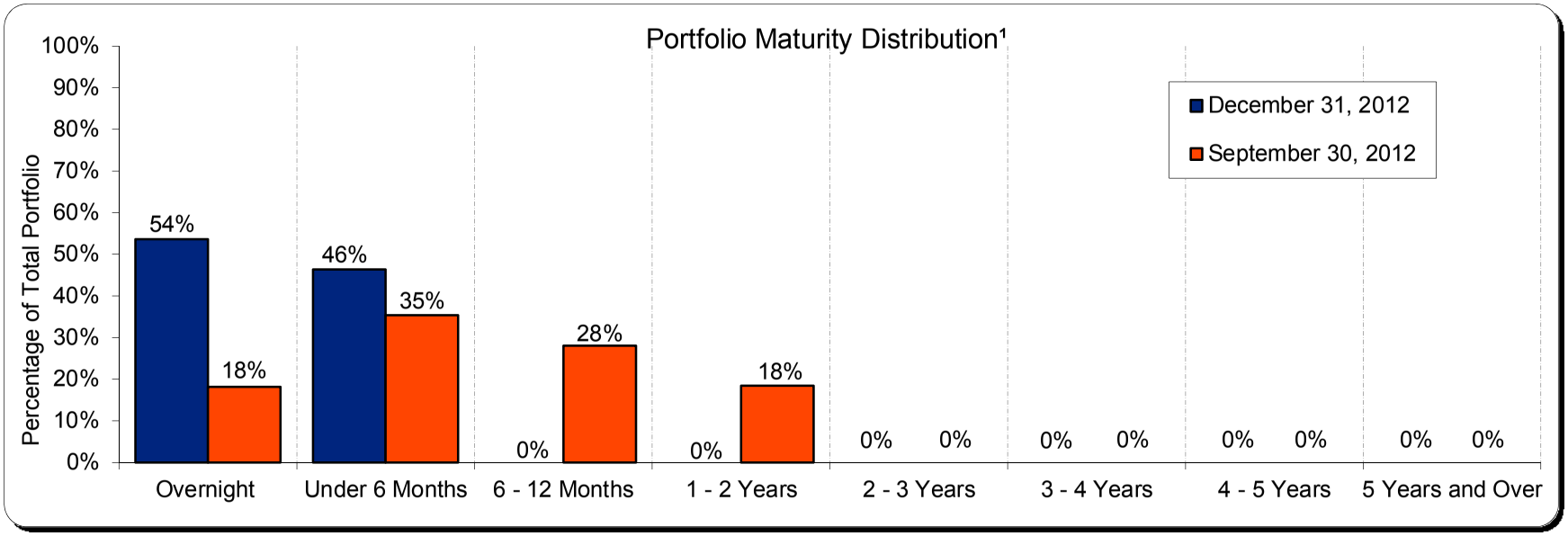


Notes:

1. End of quarter trade-date market values of portfolio holdings, including accrued interest.
2. Credit rating of securities held in portfolio, inclusive of money market fund/LGIP. Standard & Poor's is the source of the credit ratings.

2010A CIP Portfolio Maturity Distribution

Maturity Distribution[1]	December 31, 2012	September 30, 2012
Overnight (Money Market Fund)	**$11,246,836.36**	$4,928,099.19
Under 6 Months	**9,727,687.38**	9,622,667.37
6 - 12 Months	**0.00**	7,623,484.46
1 - 2 Years	**0.00**	5,008,038.62
2 - 3 Years	**0.00**	0.00
3 - 4 Years	**0.00**	0.00
4 - 5 Years	**0.00**	0.00
5 Years and Over	**0.00**	0.00
Totals	**$20,974,523.74**	$27,182,289.64



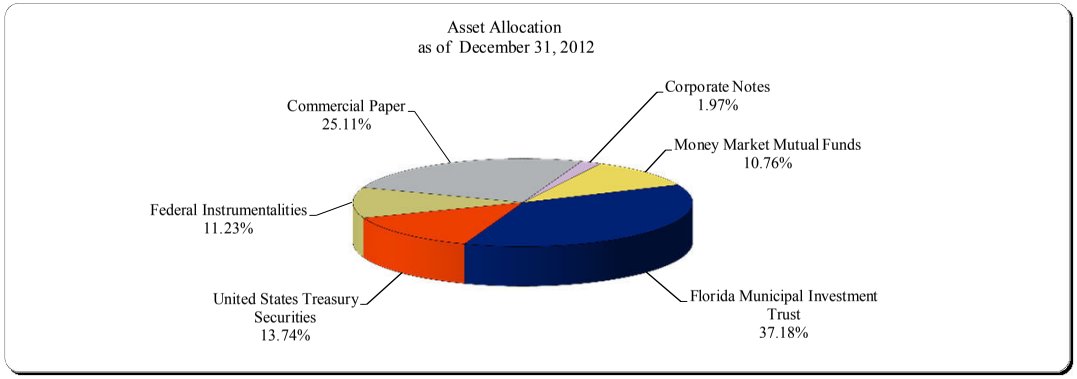
Notes:

1. Callable securities in portfolio are included in the maturity distribution analysis to their stated maturity date, although they may be called prior to maturity.

Town of Palm Beach - Non-Bond Funds[1]

Asset Allocation as of December 31, 2012*

Security Type	December 31, 2012	December 31, 2012	Notes	Permitted by Policy
United States Treasury Securities	12,023,685.08	13.74%		100%
United States Government Agency Securities	-	0.00%		50%
Federal Instrumentalities	9,825,645.82	11.23%		80%
Certificates of Deposit	-	0.00%		50%
Repurchase Agreements	-	0.00%		50%
Commercial Paper	21,969,585.43	25.11%		25%
Corporate Notes	1,721,297.34	1.97%	5	25%
Corporate Notes TLGP - FDIC insured	-	0.00%		50%
Bankers' Acceptances	-	0.00%		35%
State and/or Local Government Debt	-	0.00%		20%
Money Market Mutual Funds	9,415,096.04	10.76%		50%
Florida Municipal Investment Trust	32,526,960.00	37.18%	2,4	50%



Individual Issuer Breakdown	December 31, 2012	December 31, 2012	Notes	Permitted by Policy
Government National Mortgage Association (GNMA)	-	0.00%		25%
US Export-Import Bank (Ex-Im)	-	0.00%		25%
Farmers Home Administration (FMHA)	-	0.00%		25%
Federal Financing Bank	-	0.00%		25%
Federal Housing Administration (FHA)	-	0.00%		25%
General Services Administration	-	0.00%		25%
New Communities Act Debentures	-	0.00%		25%
US Public Housing Notes & Bonds	-	0.00%		25%
US Dept. of Housing and Urban Development	-	0.00%		25%
Federal Farm Credit Bank (FFCB)	1,790,096.96	2.05%		30%
Federal Home Loan Bank (FHLB)	415,526.51	0.47%		30%
Federal National Mortgage Association (FNMA)	6,164,544.33	7.05%		30%
Federal Home Loan Mortgage Corporation (FHLMC)	1,455,478.02	1.66%		30%

Individual Issuer Breakdown	December 31, 2012	December 31, 2012	Notes	Permitted by Policy
Toyota CP	5,989,176.66	6.85%		15%
Bank of Nova Scotia CP	4,993,670.85	5.71%		15%
General Electric CP	4,993,161.67	5.71%		15%
Barclays CP	2,997,399.99	3.43%		15%
JP Morgan Chase CP	2,996,176.26	3.42%		15%
Johnson & Johnson Corporate Notes	500,499.11	0.57%		5%
Procter & Gamble Corporate Notes	350,666.64	0.40%		5%
General Electric Corporate Notes	369,207.65	0.42%		5%
JP Morgan Chase Corporate Notes	500,923.94	0.57%		5%
Money Market Fund - PFM Funds Prime Series 995174	9,193,537.97	10.51%		25%
Money Market Fund - Goldman Sachs Financial Squares Government Fund (TD Bank)	221,558.07	0.25%	3	25%
FMIvT 1-3	23,049,372.00	26.35%	2	50%
FMIvT Intermediate	9,477,588.00	10.83%	2	50%

Notes:

1. End of month trade-date amortized cost values of portfolio holdings, including accrued interest.
2. Managed by the Town.
3. Money Market Fund Sweep Account includes cash from Series 2010A at Town's request.
4. Combined total for Florida Municipal Investment Trust cannot exceed 50%.
5. Maximum allocation in A rated securities is 10%. At month end there was 1.91% rated A by Moody's.

* Does not include bond proceeds

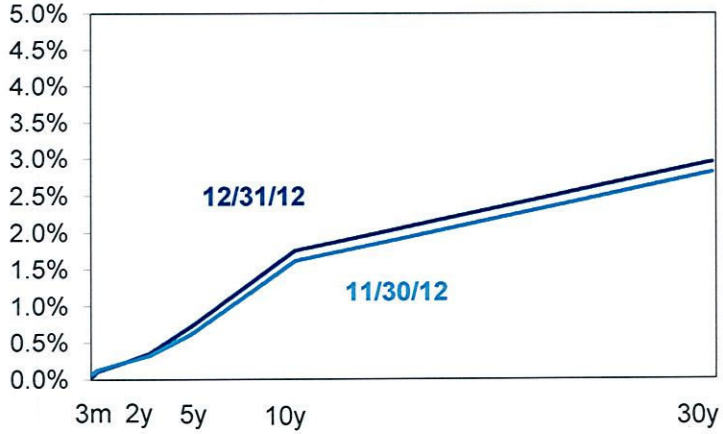
TAB III

Atlanta Capital Management Company December 2012

Florida Municipal Investment Trust

Performance*	December 2012
0-2 Year High Quality Bond Fund	**0.05%**
Bank of America Merrill Lynch 1 Year Treasury Note	**0.03%**
1-3 Year High Quality Bond Fund	**0.06%**
Bank of America Merrill Lynch 1-3 Year Government Index	**0.04%**
Intermediate High Quality Bond Fund	**-0.06%**
Barclays HQ Intermediate Aggregate Index	**-0.03%**

Recent Treasury Yield Curves



Economic data were mostly positive in December as existing home sales, durable goods orders, and industrial production came in better than expected. Bond market returns were muted for the period although all sectors outperformed Treasuries. Credit was the best performing sector, besting Treasuries by 0.58% while mortgages outperformed by 0.36%. Asset-backed securities and agencies both posted excess returns of 0.04%.

The FMIvT High Quality 0-2 Year and 1-3 Year Funds modestly outperformed their benchmarks. The yield advantage from their asset-backed and mortgage holdings helped boost returns. The FMIvT High Quality Intermediate Bond Fund trailed the HQ Intermediate Aggregate by 3 basis points as the portfolios underweight to credit detracted from performance.

* Performance Returns: Asset Consulting Group (ACG) gross of fees

Atlanta Capital Management Company December 2012

Florida Municipal Investment Trust

	Interest Income (1) (Coupon + Amortization)		Return from Change in Price (From Interest Rate Change + Roll Down)		TOTAL RETURN
0-2 Year HQ Bond Fund	0.03%	+	0.02%	=	0.05%

	Interest Income (1) (Coupon + Amortization)		Return from Change in Price (From Interest Rate Change + Roll Down)		TOTAL RETURN
1-3 Year HQ Bond Fund	0.05%	+	0.01%	=	0.06%

	Interest Income (1) (Coupon + Amortization)		Return from Change in Price (From Interest Rate Change + Roll Down)		TOTAL RETURN
Intermediate HQ Bond Fund	0.09%	+	-0.15%	=	-0.06%

(1) Based on beginning period yield-to-maturity

* Performance Returns: Asset Consulting Group (ACG) gross of fees

Florida Municipal Investment Trust

Summary of Performance Returns - Net of All Fees and Expenses

Periods Ending December 31, 2012

	Market Values (000s)	One Month	Sept. 30, FYTD	One Year	Three Years	Five Years	Seven Years	Ten Years
Fixed Income Portfolios								
FMIvT 0-2 Year High Quality Bond Fund [1]	$211,942	0.03 %	0.08 %	0.42 %	0.52 %	N/A	N/A	N/A
BofA ML 1 Year Treasury Note Index		0.03 %	0.07 %	0.26 %	0.56 %	1.43 %	2.48 %	2.19 %
FMIvT High Quality 1-3 Year Bond Fund	$527,219	0.05 %	0.07 %	0.93 %	1.27 %	2.49 %	3.33 %	2.88 %
BofA ML 1-3 Yr Government Index		0.04 %	0.08 %	0.51 %	1.46 %	2.45 %	3.35 %	2.81 %
FMIvT Intermediate High Quality Bond Fund	$339,729	(0.08)%	0.02 %	2.83 %	4.24 %	4.73 %	5.07 %	4.33 %
Barclays Capital High Quality Intermediate Aggregate [2]		(0.03)%	0.07 %	3.08 %	4.97 %	5.18 %	5.37 %	4.65 %
FMIvT Broad Market High Quality Bond Fund	$206,883	(0.21)%	(0.09)%	2.95 %	5.02 %	5.18 %	5.33 %	4.64 %
Barclays Capital Aggregate A+		(0.18)%	0.05 %	3.46 %	5.76 %	5.60 %	5.64 %	4.94 %
FMIvT Expanded High Yield Bond Fund	$45,290	1.58 %	3.13 %	14.32 %	10.60 %	8.83 %	N/A	N/A
Barclays Capital High Yield 2% Constrained Index		1.58 %	3.29 %	15.79 %	11.79 %	10.45 %	9.28 %	10.60 %
Equity Portfolios								
FMIvT High Quality Growth Portfolio	$44,170	0.38 %	(0.29)%	15.94 %	9.62 %	2.34 %	4.76 %	6.72 %
Russell 1000 Growth		(0.03)%	(1.33)%	15.26 %	11.35 %	3.13 %	5.16 %	7.52 %
FMIvT Diversified Value Portfolio	$45,317	4.40 %	3.56 %	20.13 %	10.54 %	(0.17)%	N/A	N/A
Russell 1000 Value		2.07 %	1.53 %	17.50 %	10.86 %	0.59 %	3.32 %	7.38 %
FMIvT Russell 1000 Enhanced Index Portfolio	$115,417	0.61 %	(0.03)%	15.72 %	11.90 %	1.90 %	4.58 %	7.51 %
Russell 1000		1.04 %	0.12 %	16.42 %	11.12 %	1.91 %	4.30 %	7.52 %
FMIvT Diversified Small to Mid Cap Equity Portfolio	$76,725	0.41 %	3.55 %	15.49 %	15.53 %	9.63 %	9.97 %	12.07 %
Custom Index [3]		2.61 %	3.10 %	17.87 %	13.49 %	4.24 %	5.28 %	10.08 %
FMIvT International Equity Portfolio [4]	$61,871	2.69 %	5.31 %	15.50 %	(0.45)%	(8.42)%	(1.52)%	N/A
MSCI ACWI Ex-US		3.49 %	5.90 %	17.40 %	4.33 %	(2.44)%	4.00 %	10.21 %

[1] *Assets from the FMIvT High Quality Government Fund were transitioned on April 1, 2009, to the FMIvT 0-2 Year High Quality Bond Fund.*

[2] *Index Returns presented represent the Barclays Capital Intermediate Government/Credit (Ex Baa)+ABS+MBS.*

[3] *Custom Index consists of the Russell 2500 beginning June 1, 2010 and prior to that the Russell 2000.*

[4] *Portfolio renamed and manager changed in April 2011.*

Note: Portfolio performance returns are indicative of the performance of each portfolio, but are not necessarily representative of the actual return of a particular participant within the Trust due to issues related to the timing of contributions and withdrawals by individual participants. Beginning July 2008 and ending September 2010, the net of fee performance includes the impact of securities lending activity, which may increase or decrease the total expenses of the portfolio.

Prepared by: Asset Consulting Group

Florida Municipal Investment Trust

Summary of Performance Returns

Periods Ending December 31, 2012

	Market Values (000s)	One Month	Sept. 30, FYTD	One Year	Three Years	Five Years	Seven Years	Ten Years
Fixed Income Portfolios								
FMIvT 0-2 Year High Quality Bond Fund [1]	$211,942	0.05 %	0.14 %	0.63 %	0.75 %	N/A	N/A	N/A
BofA ML 1 Year Treasury Note Index		0.03 %	0.07 %	0.26 %	0.56 %	1.43 %	2.48 %	2.19 %
FMIvT High Quality 1-3 Year Bond Fund	$527,219	0.06 %	0.12 %	1.14 %	1.43 %	2.57 %	3.45 %	3.02 %
BofA ML 1-3 Yr Government Index		0.04 %	0.08 %	0.51 %	1.46 %	2.45 %	3.35 %	2.81 %
FMIvT Intermediate High Quality Bond Fund	$339,729	(0.06)%	0.07 %	3.05 %	4.43 %	4.88 %	5.24 %	4.52 %
Barclays Capital High Quality Intermediate Aggregate [2]		(0.03)%	0.07 %	3.08 %	4.97 %	5.18 %	5.37 %	4.65 %
FMIvT Broad Market High Quality Bond Fund	$206,883	(0.19)%	(0.01)%	3.27 %	5.30 %	5.35 %	5.55 %	4.89 %
Barclays Capital Aggregate A+		(0.18)%	0.05 %	3.46 %	5.76 %	5.60 %	5.64 %	4.94 %
FMIvT Expanded High Yield Bond Fund	$45,290	1.60 %	3.20 %	14.63 %	10.89 %	9.03 %	N/A	N/A
Barclays Capital High Yield 2% Constrained Index		1.58 %	3.29 %	15.79 %	11.79 %	10.45 %	9.28 %	10.60 %
Equity Portfolios								
FMIvT High Quality Growth Portfolio	$44,170	0.44 %	(0.12)%	16.72 %	10.33 %	2.97 %	5.42 %	7.39 %
Russell 1000 Growth		(0.03)%	(1.33)%	15.26 %	11.35 %	3.13 %	5.16 %	7.52 %
FMIvT Diversified Value Portfolio	$45,317	4.48 %	3.82 %	21.35 %	11.64 %	0.73 %	N/A	N/A
Russell 1000 Value		2.07 %	1.53 %	17.50 %	10.86 %	0.59 %	3.32 %	7.38 %
FMIvT Russell 1000 Enhanced Index Portfolio	$115,417	0.65 %	0.09 %	16.36 %	12.33 %	2.22 %	4.88 %	7.80 %
Russell 1000		1.04 %	0.12 %	16.42 %	11.12 %	1.91 %	4.30 %	7.52 %
FMIvT Diversified Small to Mid Cap Equity Portfolio	$76,725	0.47 %	3.71 %	16.23 %	16.24 %	10.12 %	10.52 %	12.67 %
Custom Index [3]		2.61 %	3.10 %	17.87 %	13.49 %	4.24 %	5.28 %	10.08 %
FMIvT International Equity Portfolio [4]	$61,871	2.71 %	5.39 %	15.82 %	0.18 %	(7.63)%	(0.63)%	N/A
MSCI ACWI Ex-US		3.49 %	5.90 %	17.40 %	4.33 %	(2.44)%	4.00 %	10.21 %

[1] *Assets from the FMIvT High Quality Government Fund were transitioned on April 1, 2009, to the FMIvT 0-2 Year High Quality Bond Fund.*

[2] *Index Returns presented represent the Barclays Capital Intermediate Government/Credit (Ex Baa)+ABS+MBS.*

[3] *Custom Index consists of the Russell 2500 beginning June 1, 2010 and prior to that the Russell 2000.*

[4] *Portfolio renamed and manager changed in April 2011.*

Note: Portfolio performance returns presented here are gross of all fees and expenses. Further, performance of each portfolio presented here is not necessarily representative of the actual return of a particular participant within the Trust due to issues related to the timing of contributions and withdrawals by individual participants.

Prepared by: Asset Consulting Group

Executive Summary

Town of Palm Beach

Health Insurance Trust

Preliminary Executive Summary as of December 31, 2012

Market Value	% of Portfolio		1 Mo.	3 Mo.	Fiscal YTD	Calendar YTD	1 YR	2 YRS	3 YRS	5 YRS	Return Since	Inception Date
$20,631,990	**100.0**	**Total Fund**	**1.4**	**1.9**	**1.9**	**11.5**	**11.5**	**4.2**	**6.8**	**0.7**	**0.9**	**Jul-07**
		Target Index	1.1	1.1	1.1	9.9	9.9	4.3	6.8	1.5	1.7	Jul-07
		Actual Index	1.2	1.3	1.3	9.7	9.7	4.0	6.6	1.4	1.6	Jul-07
		Consumer Price Index	-0.3	-0.8	-0.8	1.7	1.7	2.3	2.1	1.8	1.8	Jul-07
$10,226,757	**49.6**	**Global Equity**	**2.3**	**3.3**	**3.3**	**18.9**	**18.9**	**5.2**	**8.3**	**-1.0**	**-1.0**	**Jul-07**
$6,238,422	**30.2**	**Domestic Equity**	**1.3**	**0.9**	**0.9**	**16.3**	**16.3**	**6.3**	**9.8**	**-0.6**	**-0.8**	**Jul-07**
		Russell 3000 Index	**1.2**	**0.2**	**0.2**	**16.4**	**16.4**	**8.4**	**11.2**	**2.0**	**1.5**	
$4,882,928	23.7	Fidelity Spartan Total Market Index Adv Fund	1.2	0.2	0.2	16.4	16.4	8.4	11.3	2.2	1.6	Jul-07
		Wilshire 5000 Index	**1.2**	**0.3**	**0.3**	**16.1**	**16.1**	**8.1**	**11.3**	**2.3**	**1.7**	
$899,198	4.4	FMI Common Stock Fund	1.4	4.3	4.3	NA	NA	NA	NA	NA	0.1	Apr-12
		Russell 2500 Index	**2.6**	**3.1**	**3.1**	**17.9**	**17.9**	**7.2**	**13.3**	**4.3**	**4.3**	
$456,296	2.2	FPA Crescent Fund	1.8	1.9	1.9	NA	NA	NA	NA	NA	3.4	Apr-12
		S&P 500 Index	**0.9**	**-0.4**	**-0.4**	**16.0**	**16.0**	**8.8**	**10.9**	**1.7**	**3.0**	
		60% Russell 2500 / 40% BC Global Credit	**1.9**	**2.8**	**2.8**	**15.6**	**15.6**	**7.8**	**11.4**	**5.7**	**5.7**	
		HFRI Equity Hedge (Total) Index	**1.6**	**1.8**	**1.8**	**7.4**	**7.4**	**-0.8**	**2.8**	**-0.1**	**0.5**	
$3,988,335	**19.3**	**International Equity**	**4.0**	**7.3**	**7.3**	**23.5**	**23.5**	**3.4**	**5.8**	**-1.9**	**-1.5**	**Jul-07**
		MSCI EAFE (Net)	**3.2**	**6.6**	**6.6**	**17.3**	**17.3**	**1.5**	**3.6**	**-3.7**	**-3.3**	
$1,957,697	9.5	Dodge & Cox Intl Stock Fund	5.6	9.1	9.1	21.0	21.0	0.8	5.0	-1.9	-1.8	Jul-07
		MSCI EAFE (Net)	**3.2**	**6.6**	**6.6**	**17.3**	**17.3**	**1.5**	**3.6**	**-3.7**	**-3.3**	
$2,030,638	9.8	Artisan International Instl Fd	2.5	5.7	5.7	25.6	25.6	NA	NA	NA	6.4	Jul-11
		MSCI EAFE (Net)	**3.2**	**6.6**	**6.6**	**17.3**	**17.3**	**1.5**	**3.6**	**-3.7**	**-1.2**	

Executive Summary

Town of Palm Beach

Health Insurance Trust

Preliminary Executive Summary as of December 31, 2012

Market Value	% of Portfolio		1 Mo.	3 Mo.	Fiscal YTD	Calendar YTD	1 YR	2 YRS	3 YRS	5 YRS	Return Since	Inception Date
$3,888,514	**18.8**	**Total Flexible Capital**	**1.2**	**2.1**	**2.1**	**9.0**	**9.0**	**3.1**	**4.2**	**2.0**	**2.5**	**Jul-07**
		HFRI Fund of Funds Composite Index	**1.6**	**1.8**	**1.8**	**5.2**	**5.2**	**-0.4**	**1.6**	**-1.7**	**-1.1**	
$1,741,784	8.4	Forester Offshore A2, Ltd.	1.1	2.0	2.0	9.3	9.3	3.2	3.9	2.2	3.5	Jul-07
		HFRI FOF: Strategic Index	**1.9**	**1.8**	**1.8**	**6.1**	**6.1**	**-0.8**	**1.5**	**-2.4**	**-1.6**	
$2,146,730	10.4	Archstone Absolute Return Strategies Fund, Ltd.	1.3	2.2	2.2	8.8	8.8	3.1	4.8	1.8	1.5	Jul-07
		HFRI FOF: Conservative Index	**0.7**	**1.3**	**1.3**	**3.9**	**3.9**	**0.1**	**1.7**	**-1.5**	**-1.2**	
$4,085,652	**19.8**	**Total Fixed Income**	**0.0**	**0.4**	**0.4**	**4.9**	**4.9**	**3.9**	**4.9**	**4.2**	**4.2**	**Jul-07**
		Fixed Income Composite Index	**-0.1**	**0.1**	**0.1**	**2.5**	**2.5**	**2.6**	**4.1**	**4.5**	**4.9**	
$2,297,185	11.1	PIMCO Total Ret II Instl Fund	0.0	0.6	0.6	8.2	8.2	6.3	6.8	NA	8.8	Feb-09
		Barclays U.S. Aggregate	**-0.1**	**0.2**	**0.2**	**4.2**	**4.2**	**6.0**	**6.2**	**5.9**	**6.5**	
$1,788,467	8.7	Vanguard Short Term US Treas Adm Fd	0.1	0.1	0.1	0.8	0.8	NA	NA	NA	0.9	Dec-11
		Barclays U.S. Treasury: 1-5 Year	**0.0**	**0.0**	**0.0**	**0.9**	**0.9**	**2.1**	**2.7**	**3.4**	**1.0**	
$2,266,462	**11.0**	**Total Inflation Hedging**	**-0.1**	**-1.8**	**-1.8**	**3.0**	**3.0**	**2.2**	**8.0**	**-5.7**	**-5.0**	**Jul-07**
		Inflation Hedging Composite Index	**-0.6**	**-3.1**	**-3.1**	**2.4**	**2.4**	**2.2**	**8.1**	**0.9**	**1.4**	
$647,458	3.1	Vanguard Inflation-Protected Securities Adm Fund	-0.6	0.6	0.6	6.9	6.9	10.0	8.8	NA	9.3	Jan-09
		Barclays U.S. Treasury: U.S. TIPS	**-0.6**	**0.7**	**0.7**	**7.0**	**7.0**	**10.2**	**8.9**	**7.0**	**9.5**	
$693,594	3.4	PIMCO Commodity Real Ret Str Instl Fund	-2.8	-5.8	-5.8	5.3	5.3	-1.3	NA	NA	10.7	Jul-10
		Dow Jones-UBS Commodity Index	**-2.6**	**-6.3**	**-6.3**	**-1.1**	**-1.1**	**-7.4**	**0.1**	**-5.2**	**4.2**	
$925,409	4.5	Van Eck Global Hard Assets I Fund	2.4	-0.3	-0.3	NA	NA	NA	NA	NA	-3.5	Apr-12
		S&P North American Natural Resources Sector	**0.9**	**-3.1**	**-3.1**	**2.2**	**2.2**	**-2.7**	**5.5**	**-1.5**	**-2.0**	

Executive Summary

Town of Palm Beach

Health Insurance Trust

Preliminary Executive Summary as of December 31, 2012

Market Value	% of Portfolio		1 Mo.	3 Mo.	Fiscal YTD	Calendar YTD	1 YR	2 YRS	3 YRS	5 YRS	Return Since	Inception Date
$164,606	**0.8**	**Total Liquid Capital**	**0.0**	**0.0**	**0.0**	**0.1**	**0.1**	**0.1**	**0.1**	**0.4**	**0.8**	**Jul-07**
$164,606	0.8	Government Stif 15	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.4	0.8	Jul-07
		Citigroup 3 Month T-Bill	**0.0**	**0.0**	**0.0**	**0.1**	**0.1**	**0.1**	**0.1**	**0.4**	**0.8**	

Please Note:

- Periods greater than one year are annualized
- Since inception returns are calculated from the first full month
- Actual Index calculated using manager allocations and index returns
- Performance and market values are subject to change based on statement availability from the investment manager/custodian
- Target Index: 27.5% Russell 3000 Index/ 17.5% MSCI EAFE Net Index/ 20% HFRI FOF Index/ 20% Barclays U.S. Aggregate Index/15% Inflation Hedging Composite Index
- Target Index reflects the policy limitations regarding international constraints
- Inflation Hedging Composite Index reflects manager allocations and index returns. Components have changed over time.
- Fixed Income Composite Index effective 12/01/2011: 50% Barclays U.S. Aggregate Index / 50% Barclays US Treasury: 1-5 Year Index
- Fixed Income Composite Index (prior to 11/30/2011): 50% Barclays Aggregate Index / 50% BOA Conv. Bond US Inv. Gr. Index
- Domestic Equity, Fixed Income, Inflation Hedging: Performance includes terminated managers
- Forester Offshore A2, Ltd.: Market value estimated using manager-reported preliminary performance
- Government Stif 15: Client specific cash performance not available. Citigroup Treasury Bill 3 Month Index is being reported.

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda
Committee Reports

Agenda Title
Administrative & Personnel Committee Meeting of January 9, 2013, re: Vega.

Presenter
Richard M. Kleid, Town Council Member

Supporting Documents
- Report of the Administrative & Personnel Committee Meeting of January 9, 2013

REPORT OF THE ADMINISTRATIVE AND PERSONNEL COMMITTEE
JASON VEGA HEARING OF WEDNESDAY, JANUARY 9, 2013

I. CALL TO ORDER AND ROLL CALL

The Hearing was called to order at 9:00 a.m. on Wednesday, January 9, 2013, in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Rosow, and seconded by Chairman Kleid, to approve the Agenda, as printed. On call for a vote, the motion carried unanimously.

III. CONSIDERATION OF DISMISSAL OF APPEAL OF JASON VEGA

Administrative and Personnel Committee (APC) Counsel Hanley provided an overview of the procedural background for this hearing. She stated that Mr. Vega and his counsel have not met any of the procedures or deadlines set by the APC. On December 19, 2012, the APC issued an Order to Show Cause as to why the deadlines were not met and why the appeal should not be dismissed. The response to the Order was due on December 31, 2012. No response was received. On January 4, 2013, Ms. Hanley noticed Mr. Livoti, counsel for Mr. Vega, and Ms. Cooper, counsel for the Town, of this hearing and the reasons for it. No response was received from Mr. Vega or his attorney.

Chairman Kleid noted that neither Mr. Vega nor his representatives were present.

Motion was made by Committee Member Rosow, and seconded by Chairman Kleid, to dismiss the appeal of Jason Vega with prejudice. On call for a vote, the motion carried unanimously.

IV. ADJOURNMENT

There being no further business, the Administrative and Personnel Committee Meeting of Wednesday, January 9, 2013, was adjourned at 9:04 a.m.

APPROVED:

_____
Richard M. Kleid
Chairman

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda
Committee Reports

Agenda Title
Administrative & Personnel Committee Meeting of January 28, 2013, re: Vega.

Presenter
Susan A. Owens, Town Clerk

Supporting Documents
- Report of the Administrative & Personnel Committee Meeting of January 28, 2013

REPORT OF THE ADMINISTRATIVE AND PERSONNEL COMMITTEE
JASON VEGA HEARING OF MONDAY, JANUARY 28, 2013

I. CALL TO ORDER AND ROLL CALL

The Hearing was called to order at 9:00 a.m. on Monday, January 28, 2013, in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Rosow, and seconded by Chairman Kleid, to approve the Agenda, as printed. On call for a vote, the motion carried unanimously.

III. ESTABLISH PROCEDURES FOR SUBMITTING DOCUMENTS AND CONDUCT FUTURE HEARING REGARDING JASON VEGA

Attorney for the Committee Christine Hanley provided the background for these proceedings.

The following rules and procedures were set with respect to this hearing:

- The Hearing will be limited to review of the Grievance Resolution Board's (GRB) proceeding and ruling. It will not be a de novo hearing.
- Appellant will be given seven (7) business days from today to advise the Town of his new attorney. If Appellant decides to represent himself, he must notify the APC of same.
- After that, the attorney will be required to submit a brief stating Mr. Vega's position, and why he believes the GRB's decision was improper.
- GRB witness testimony will not be reheard.
- Time will be allotted for oral arguments.
- The APC will receive such evidence as presented by the Appellant and the Appellee.
- Each party will be responsible for transcribing the portion(s) of the GRB hearing they will be entering into evidence.
- The Appellant must file a brief within thirty (30) business days of notifying the Town of his new attorney.

- The Town shall have twenty (20) business days in which to respond to Appellant's brief.
- Requests for any enlargement of this time schedule may be considered where good cause is shown.
- After the brief and rebuttal have been submitted, the APC Chair will determine the appropriate length of time for oral arguments. This time allotted for oral arguments will include rebuttal. Both attorneys are to transmit, through Attorney Hanley, their requests for the amount of time for oral arguments, and then the APC Chair will rule on them.
- Attorney Hanley will contact all parties to coordinate a hearing date, and ensure that both parties are aware of the time allowed for oral arguments.
- The Appellant shall present their case first, followed by the Appellee.
- The APC will work through Attorney Hanley for all communications.
- All communication must be provided to the Appellant and his attorney.

Motion was made by Committee Member Rosow, and seconded by Chairman Kleid, to adopt the rules of procedure enumerated above. On call for a vote, the motion carried unanimously.

IV. ANY OTHER MATTERS – None

V. <u>ADJOURNMENT</u>

There being no further business, the Administrative and Personnel Committee Meeting of Monday, January 28, 2013, was adjourned at 9:07 a.m.

APPROVED:

_____
Richard M. Kleid
Chairman

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Committee Reports

Agenda Title

Administrative and Personnel Committee Meeting of January 28-29, 2013, re: Duquette.

1. Committee Report. [Richard M. Kleid, Chair]
2. Comments of the Town Manager. [Peter B. Elwell, Town Manager]
3. Comments on Behalf of Scott Duquette. [Stuart N. Kaplan, Esq.]

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Report of the Administrative & Personnel Committee Meeting of January 28-29, 2013

REPORT OF THE ADMINISTRATIVE AND PERSONNEL COMMITTEE
SCOTT DUQUETTE HEARING ON MONDAY, JANUARY 28, 2013,
AND CONTINUED TO TUESDAY, JANUARY 29, 2013

I. CALL TO ORDER AND ROLL CALL

The Hearing was called to order at 9:30 a.m. on Monday, January 28, 2013, in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Rosow, and seconded by Chairman Kleid, to approve the Agenda, as printed. On call for a vote, the motion carried unanimously.

All witnesses were sequestered and ordered not to discuss the case or any matters relating to the case while outside of the hearing.

Chairman Kleid announced the procedural rules for the proceedings.

Attorney Kaplan expressed concern regarding the unsworn testimony of those interviewed during the Town's investigation, and asked how this could be addressed, particularly for those witnesses that would not be appearing.

Chairman Kleid stated that the Town Council issued subpoenas for those individuals; however, subpoenas could not be served on Gilad Bockman or Jared Mancil. He stated that the APC has already ruled that the individuals' testimony at the time did not require that they be sworn. As for the subpoenas, the Committee would have to determine the penalty for those that did not follow the subpoenas.

Attorney Kaplan expressed concern that Town Manager Elwell would be present throughout the testimony since he is a witness and the witnesses must be sequestered.

Attorney Cooper responded that the Town is allowed to have a representative, and that it has elected Town Manager Elwell as that representative.

Committee Member Rosow noted that, since Mr. Duquette would be present to represent his side, it is okay to allow Mr. Elwell to represent the Town. Chairman Kleid concurred.

Attorney Kaplan expressed concern regarding the Committee's ability to be impartial given that the members were active in similar lawsuits and settlements, some of which involve witnesses from these proceedings.

Committee Member Rosow and Chairman Kleid stated that Mr. Duquette and the case before them did not come up during those discussions or settlements.

Attorney Kaplan requested that the Administrative and Personnel Committee members recuse themselves.

Attorney for the Committee Robert Kilbride stated that, unless the Committee members have a financial conflict of interest, they are mandated by the State to vote on the matter.

Chairman Kleid ruled that the Committee members would not be recusing themselves.

III. PRESENTATION OF TOWN'S CASE

[MARGARET COOPER, ESQ. ON BEHALF OF TOWN MANAGER PETER ELWELL AND PUBLIC SAFETY DIRECTOR KIRK BLOUIN]

Town Clerk Susan Owens administered the oath to those providing testimony. The following witnesses were called:

- Officer Artemis Saridakis
- Officer Jason Vega
- Marcus Farmer, former Officer
- Peter Sampo, Independent Investigator for Town
- Peter Elwell, Town Manager

Attorney Cooper gave her opening statements. In addition, she introduced Town Exhibits #1-11:

1. Town of Palm Beach's Investigative Reports and Demotion
2. Complaints from Officers Saridakis, Vega, Farmer, Bockman, Henter, & Mancil
3. Assignment Overlap-Duquette & Saridakis
4. Assignment Overlap-Duquette & Vega
5. Assignment Overlap-Duquette & Bockman
6. Assignment Overlap-Duquette & Farmer
7. Assignment Overlap-Duquette & Henter
8. Assignment Overlap-Duquette & Mancil
9. CD: Sampo interview with Duquette
10. CD: Duquette/Laudermill meeting
11. Interview Transcripts

Attorney Kaplan gave his opening statements. During cross-examination of the witnesses, Attorney Kaplan introduced Appellant Exhibits #1-5:

1. Photos of Artemis Saridakis

2. Incident/Investigation Report regarding possible drowning
3. Artemis Saridakis commendation from Scott Duquette
4. Jason Vega Performance Review Report
5. Letter of commendation for Scott Duquette from trainees

The Administrative and Personnel Committee Meeting recessed at 5:45 p.m. on January 28, 2013, until 9:35 a.m. on January 29, 2013.

CALL TO ORDER AND ROLL CALL

The meeting of the Administrative and Personnel Committee was reconvened and called to order at 9:35 a.m. on January 29, 2013, in the Town Council Chambers. On roll call, Chairman Richard M. Kleid and Committee Member David A. Rosow were present.

All witnesses were sequestered and ordered not to discuss the case or any matters relating to the case while outside of the hearing.

IV. PRESENTATION OF SCOTT DUQUETTE'S CASE

[STUART KAPLAN, ESQ. ON BEHALF OF POLICE OFFICER SCOTT DUQUETTE]

Town Clerk Owens administered the oath to those providing testimony. The following witnesses were called:

- Danielle Olson, Director of Human Resources
- Kirk Blouin, Director of Public Safety
- Daniel Szarszewski, Deputy Police Chief
- Sergeant Jennifer Sandman

Attorney Kaplan introduced Appellant Exhibit #6: December 2009 Arrest Summary and comments

V. REBUTTAL BY TOWN

Attorney Cooper provided the Town's rebuttal.

VI. REBUTTAL BY OFFICER DUQUETTE

Attorney Kaplan provided the Appellant's rebuttal.

VII. CLOSING STATEMENTS BY THE PARTIES

Attorneys Cooper and Kaplan provided their respective closing statements.

VIII. DELIBERATIONS AND DECISION BY THE ADMINISTRATIVE AND PERSONNEL COMMITTEE

Attorney Kilbride announced the charge of the Committee. He stated that the Committee will be making a recommendation to the Town Council, which will make the final determination on this matter. The Town Council may accept, deny, or modify the Committee's recommendations.

Chairman Kleid requested that Attorney Kilbride prepare a list of possible facts so that the Committee can chose which they feel are factually correct.

Attorney Kilbride prepared the requested facts and stated that they are only to be used as guidelines. He counseled that the facts the Committee decides upon must be significant and relevant, and limited to only the evidence heard or read.

ADMINISTRATIVE AND PERSONNEL COMMITTEE FINDINGS:

On January 28, 2013, and January 29, 2013, the Town of Palm Beach's Administrative and Personnel Committee ("Committee") met and conducted a hearing pursuant to Sec. 82-209 of the Palm Beach Code of Ordinances for the purpose of resolving an appeal filed by Scott Duquette on May 10, 2012, regarding his demotion. The findings of this hearing are as follows:

1. The Committee accepted and considered as part of the record all of the documents submitted by the parties and considered the sworn testimony of the witnesses.

2. Officer Duquette, during the period in question, admitted to having made certain statements to subordinate officers that the Committee found to be bigoted in nature.

3. Officer Duquette did not make the statements with any malicious intent.

4. His statements to and actions with his subordinates were in the nature of a mutual banter, or exchange, except in the case of statements and actions with Officer Vega and Officer Farmer.

5. Officer Duquette was and continues to be an outstanding police officer with good leadership qualities, with the exception of the comments, statements and actions he admitted during his interview, covering the relevant time period.

6. The six (6) complaints of discrimination relied upon by the Town and investigated by Attorney Sampo were suspect in that there appeared to be ulterior motives for filing them and the complainants did not appear credible.

7. The Committee rejects any investigative findings and statements attributed to three of the six complainants who did not testify at the APC hearing. These include Officer Bockman, Officer Mancil, and Officer Henter. Their investigative statements were given no weight by the Committee.

8. During the course of his interview by Attorney Sampo, Officer Duquette was open and forthright with the Town and acknowledged his shortcomings and poor judgment.

9. The Committee finds, however, that if Officer Duquette continues making similar bigoted or racially biased comments, the Committee believes the Public Safety Director should exercise his discretion to terminate Officer Duquette.

ADMINISTRATIVE AND PERSONNEL COMMITTEE RECOMMENDATIONS:

A. Based upon these findings, Committee Member Rosow believes that the Public Safety Director's initial demotion of Officer Duquette from Captain to Officer was justified under the circumstances.

Committee Member Rosow recommends that Officer Duquette should be reinstated to the position of Sergeant on the one-year anniversary of his initial demotion.

B. Based upon these findings, Chairman Kleid believes that the Public Safety Director's initial demotion of Officer Duquette from Captain to Officer was justified under the circumstances. Chairman Kleid believes that Officer Duquette has been contrite, has fully acknowledged the poor judgment he exercised, and retains strong leadership skills.

Chairman Kleid recommends that Officer Duquette be "fast-tracked" for promotion to a supervisory level position with appropriate counseling and training offered to him in the interim.

IX. ANY OTHER MATTERS – None

X. ADJOURNMENT

There being no further business, the Administrative and Personnel Committee Meeting of Monday, January 28, 2013, and continued to January 29, 2013, was adjourned at 3:35 p.m.

APPROVED:

_____
Richard M. Kleid
Chairman

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Par 3 Golf Course Clubhouse Status Report.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated February 1, 2013, from Jay Boodheshwar, Director of Recreation and Special Projects

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation & Special Projects

Re: Par 3 Golf Course Clubhouse Status Report

Date: February 1, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council review this status report, approve the associated resolutions provided under separate cover, and direct staff to enter into the necessary agreements to proceed with the construction of the new Par 3 Golf Course clubhouse.

GENERAL INFORMATION

Town Council will recall that Raymond Floyd donated his time in 2008 to design and raise funds, through the newly created Par 3 Foundation, Inc., to help the Town renovate the Par 3 Golf Course. Nearly $3,000,000 of private money was contributed to the renovation effort, but there were insufficient funds to construct a new clubhouse at the same time as the golf course's renovation in 2009.

At the April 10, 2012, Town Council meeting, a proposal from the Par 3 Foundation, Inc. was approved and staff was directed to work with the Foundation to complete the necessary planning required to move forward with the construction of a new clubhouse at the Par 3. The conceptual plan at the time included a 2 story structure, approximately 6,000 square feet (3,500 sq. ft. under air), and was estimated to cost approximately $2,250,000 to build. A pro-shop would be located on the first floor and a restaurant on the second floor. The proposal from the Par 3 Foundation included:

- A "matching grant" of $1,000,000 provided to the Town for the construction of clubhouse
- Architectural services paid for directly by the Foundation
- A commitment to provide future revenue with proceeds from the annual Raymond Floyd Open golf outing, to help the Town pay down its $1,250,000 share of the project costs.

In addition to approving the proposal and the Town's share of $1,250,000, Town Council directed that all necessary project funds beyond the Town's commitment were to be raised by the Par 3 Foundation in the event the project budget was to increase. Town Council also approved borrowing the Town's share of the project costs from the Recreation Enterprise Fund's reserves,

with the expectation it would be repaid with proceeds from the future Phase 2 Accelerated Capital Improvement Program bond issue.

Early in the design development phase of the project, it became clear that project costs were originally underestimated. The size of the structure increased by a few hundred square feet (now approximately 6,650) to provide sufficient space for key design features, such as the kitchen and expanded balconies. Soils reports also confirmed a substantial foundation would be required in the form of concrete piles. These items, and others, increased the overall costs of the project. Fortunately, numerous vendors stepped forward with donations of materials and services to help keep costs down. Below are the donation descriptions and estimated values.

Vendor	**Description of Donation**	**Value**
Haifa Limestone	Stone counter tops, floor tiles, stone entry steps - materials & installation	$57,743
Absolute Hardwood Flooring, Inc.	Hardwood floors throughout building - materials & installation	$38,800
Leeds Custom Design	Vanity base cabinets and millwork - materials only	$20,000
George Ford Painting Contractor, Inc.	Painting services for millwork and cabinets	$30,000
NYE Portfolio, Inc.	Restaurant bar and back bar - materials & installation	$75,000
Livingston Builders, Inc.	Refurbishment of pro-shop furniture and fixtures	$50,000
Coastal Millworks, Inc.	Staircase - materials & installation	$9,541
Jack Walsh Carpets and Rugs, Inc.	Carpeting throughout building - materials only	$8,762
	Total Donations	**$289,846**

On December 19, 2012, staff met with the Par 3 Foundation Board of Directors to provide a progress report. The increased project costs were discussed, including a desired plan to upgrade the building interiors beyond what is included in the base bid package. The Foundation approved a significant increase in its share of the project costs, committing an additional $455,000, bringing its total share to $1,455,000. This commitment is for the base building and ancillary expenses paid directly by the Town such as the establishment of new utility services, low voltage wiring, builders' risk insurance, etc. An additional $430,000 was also committed to building furnishings and fixtures, as well as an interiors upgrade package. This package will encompass the addition of interior millwork finishes and other upgrades, which is in the process of being designed for bidding during the month of February. Below is a table outlining the original budget and details of the December 19 increase to the Foundation's share of the project costs. Please note there are no additional financial contributions being requested of the Town beyond its original commitment of $1,250,000.

Original Project Budget Estimate Approved by Town Council - April 10, 2012	**Town Share**	**Foundation Share**	**Total**
Conceptual Plan (6,000 sq. ft)	$1,250,000	$1,000,000	$2,250,000

Par 3 Foundation Approved Increase to its Share of Costs - December 19, 2012	**Town Share**	**Foundation Share**	**Total**
Base Bid + Alternates	$1,250,000	$1,380,000	$2,630,000
Expenses Paid Directly by Town	$0	$75,000	$75,000
Furniture, Fixtures & Art	$0	$100,000	$100,000
Interior Upgrades Package	$0	$330,000	$330,000
	$1,250,000	**$1,885,000**	**$3,135,000**

The Town has received $1,455,000 to cover the base bid and project expenses paid directly by the Town. The $100,000 approved for furniture and fixtures may be purchased directly by the Foundation and donated to the Town. If the Foundation decides to have the Town make these purchases, the $100,000 will be provided to the Town before any purchases are committed. The $330,000 allocation for the interiors upgrade will be provided at a future date, once the exact costs are identified. An amendment to Hedrick Brother's Guaranteed Maximum Price (GMP) will be presented at a future Town Council meeting to include the interior upgrades.

Details of the Town's coordination with Hedrick Brothers, as well as the CMAR contract details and GMP, are provided under separate cover by H. Paul Brazil, Director of Public Works. Also provided under separate cover by Jane Struder, Director of Finance, is information relative to the Town's short-term and long-term funding sources for its share of the project costs.

FUNDING/FISCAL IMPACT

Since all costs associated with the increase in the project budget will be paid for by the Par 3 Foundation, there are no additional fiscal impacts to the Town beyond the April 10, 2012, commitment to provide $1,250,000 as the Town's share.

cc: Par 3 Foundation, Inc. Board of Directors
Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Lynda Venne, Purchasing Agent
Jonathon Moore, Smith & Moore
Robin Lunsford, Hedrick Brothers Construction

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 21-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Declaring the Town's Official Intent for the Town to Initially Fund the Par 3 Clubhouse Project by Borrowing from the Town's Reserves and Waiving the Reserve Policies and to Reimburse the Town's Reserves Either Through Repayment over a Term of Not to Exceed Thirty (30) Years from the Town's Dock Replacement Reserve and the Recreation Enterprise Fund Reserve or Through Repayment from a Bank Note or Other Mechanism; Providing an Effective Date.

RESOLUTION NO. 22-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Declaring the Town's Official Intent to Seek Reimbursement for Certain Capital Expenditures Made or to Be Made with Respect to the Construction of a New Clubhouse at the Palm Beach Par 3 Golf Course from the Proceeds of its Not to Exceed $1,250,000 Principal Amount of Revenue Notes and Providing for an Effective Date.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated February 1, 2013, from Jane Struder, Finance Director
- Resolution No. 21-2013
- Resolution No. 22-2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Palm Beach Par 3 Clubhouse Financing
Resolution No. 21-2013
Resolution No. 22-2013

Date: February 1, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 21-2013 and Resolution No. 22-2013. Both Resolutions relate to the financing, described below, of the Par 3 Clubhouse Project.

GENERAL INFORMATION

It is the Town's intent to finance the Town's portion of $1,250,000 of the Par 3 Clubhouse project with a future debt issue. Until bonds or a bank loan are issued, the Town will need to use the Recreation Enterprise fund reserves as temporary financing for the project. Resolution No. 21-2013, waives the Town's reserve policies and indicates a payback schedule until a debt issue reimburses the reserves.

Resolution No. 22-2013 is a reimbursement Resolution which gives the Town the option to reimburse the Recreation Enterprise Fund Reserves in the future with a bank loan or Revenue bonds.

TOWN ATTORNEY REVIEW

The Town's bond counsel prepared the attached Resolutions.

FUNDING/FISCAL IMPACT

The total project costs are approximately $3,135,000. This amount will be funded from Town Contributions of $1,250,000 and $1,885,000 in donations.

jls
cc: John C. Randolph, Town Attorney
Rick Miller, Town Bond Counsel
Jay Boodheshwar, Director of Recreation and Special Projects
H. Paul Brazil, Director of Public Works

RESOLUTION NO. 21-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA, DECLARING THE TOWN'S OFFICIAL INTENT FOR THE TOWN TO INITIALLY FUND THE PAR 3 CLUBHOUSE PROJECT BY BORROWING FROM THE TOWN'S RESERVES AND WAIVING THE RESERVE POLICIES AND TO REIMBURSE THE TOWN'S RESERVES EITHER THROUGH REPAYMENT OVER A TERM OF NOT TO EXCEED THIRTY (30) YEARS FROM THE TOWN'S DOCK REPLACEMENT RESERVE AND THE RECREATION ENTERPRISE FUND RESERVE OR THROUGH REPAYMENT FROM A BANK NOTE OR OTHER MECHANISM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Palm Beach, Palm Beach County, Florida, hereby finds that construction of a new clubhouse at the Town of Palm Beach's Par 3 Golf Course are necessary to enhance said property for the use of the public; and

WHEREAS, the Town Council is currently in the process of planning and making preliminary expenditures in connection with the planning, construction and equipping of the Par 3 clubhouse project improvements (the "Project"); and

WHEREAS, the Town proposes to expend up to $1,250,000 for the above referenced improvements anticipating resident contributions of approximately $1,885,000, for a total project cost of approximately $3,135,000; and

WHEREAS, the Town proposes to finance the Project by borrowing up to $1,250,000 from the Town's "Reserve Funds," referenced below; and

WHEREAS, subject to subsequent proceedings of the Town Council, the Town may repay the amount borrowed from the Reserve Funds, plus interest at the Town's blended yield determined annually on the Town's surplus funds over a period of not to exceed thirty (30) years; and

WHEREAS, it is intended that said initial funding be provided come from the Dock Replacement Reserve and the Recreation Enterprise Fund Reserve Funds (the "Reserve Funds"); and

WHEREAS, alternatively, the Town may repay the Town's Reserve Funds through the issuance of a bank note or revenue bond, in which event the Reserve Funds would be reimbursed upon the issuance of the bank note or revenue bond and the remaining proceeds of the bank note or revenue bond used to pay the remaining costs of the Project to be paid by the Town.

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

Section 1. The recitals set forth above are adopted by the Town Council as the findings of the Town and are incorporated herein.

Section 2. The Town hereby authorizes the amount of up to $1,250,000 to be borrowed from the Town's Reserve Funds and hereby waives the reserve policies.

Section 3. Subject to subsequent proceedings of the Town Council, the Town may reimburse the interfund borrowing from the Reserve Funds contemplated under this Resolution by way of annual transfers for repayment at an interest rate tied to the Town's blended yield determined annually on the Town's surplus funds over a period of not to exceed thirty (30) years in the case of funds borrowed from the Town's Recreation Enterprise Fund Reserve Fund and from the Town's Dock Replacement Reserve Fund.

Section 4. Alternatively, to the extent the Town Council determines to issue a bank note or Revenue bonds to finance the Project, under separate resolution, it shall repay said Reserve Funds from the proceeds of the bank note or Revenue bond thereby authorized.

Section 5. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of February, 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
ATTEST:	_____
	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

RESOLUTION NO. 22-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA, DECLARING THE TOWN'S OFFICIAL INTENT TO SEEK REIMBURSEMENT FOR CERTAIN CAPITAL EXPENDITURES MADE OR TO BE MADE WITH RESPECT TO THE CONSTRUCTION OF A NEW CLUBHOUSE AT THE PALM BEACH PAR 3 GOLF COURSE FROM THE PROCEEDS OF ITS NOT TO EXCEED $1,250,000 PRINCIPAL AMOUNT OF REVENUE NOTES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council (the "Town Council") of the Town of Palm Beach, Palm Beach County, Florida (the "Town") hereby finds that the construction of a new clubhouse at the Par 3 Golf Course are necessary to enhance said property for the use of the Public; and

WHEREAS, the Town Council is currently in the process of planning and making preliminary expenditures in connection with the construction and equipping of the clubhouse (herein, the "Project") at the Town's Par 3 Golf Course; and

WHEREAS, the Town proposes to issue its Revenue Notes, in one or more series, in an aggregate principal amount not exceeding $1,250,000 (the "Notes") to finance or refinance the costs of the Project and related facilities to be funded by the Town, the remaining costs of approximately $1,885,000 million to be funded by resident contributions; and

WHEREAS, it is intended by the Town that the interest on the Notes, if and when issued, will be excludable from gross income for Federal income tax purposes; and

WHEREAS, the Town has incurred and anticipates that it will incur certain capital expenditures relating to the Project prior to the issuance of the Notes; and

WHEREAS, such expenditures were paid and will be paid from legally available moneys held in the Town's Dock Replacement Reserve and Recreation Enterprise Fund Reserve Funds (collectively, the "Reserve Funds"); and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations (the "Regulations") require the Town to declare its official intent in connection with incurring certain capital expenditures in connection with the Project prior to the issuance of the Notes in order to allow the Town to be reimbursed for such expenditures from a portion of the proceeds of the Notes; and

WHEREAS, it is intended by the Town Council that this Resolution constitutes such official intent with respect to the reimbursement of the certain capital expenditures incurred or to be incurred prior to the issuance of the Notes.

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

Section 1. The recitals set forth above are adopted by the Town Council as the findings of the Town and are incorporated herein.

Section 2. The statements contained in this Resolution with respect to the reimbursement of the capital expenditures referred to in this Resolution are intended to be statements of official intent as required by, and in conformance with, the provisions of Section 1.150-2(e) of the Treasury Regulations.

Section 3. The expenditures to be reimbursed pursuant to this Resolution have been incurred within 60 days prior to the date hereof or will be incurred after the date hereof in connection with the Project.

Section 4. The maximum principal amount of Notes expected to be issued, in one or more series, for the Project and related facilities is $1,250,000.

Section 5. The Town reasonably expects to reimburse the expenditures of funds from the Town's aforesaid Reserve Funds contemplated under this Resolution with the proceeds of the Notes of the Town subsequent to the date hereof, and no funds from sources other than the "reimbursement bond issue" (as such term has the meaning assigned to it under the Regulations) portion of the Notes are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside by the Town pursuant to the Town's budget or financial policies to pay for such expenditures to be paid for by the Town.

Section 6. The Town will, upon receipt of the proceeds of the Notes (or within 30 days thereof), allocate in writing the amount of proceeds of the Notes (i.e., the reimbursement bond issue) used to reimburse the prior capital expenditures incurred in connection with the Project (herein, the "Prior Expenditures"). Such allocation will be accomplished not later than 18 months from the later of (a) the earliest date such Prior Expenditures were incurred or (b) the date the Project is placed in service (but in no event later than 3 years after the first Prior Expenditure was made).

Section 7. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED in a regular session on this 12th day of February, 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
	_____
ATTEST:	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 23-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Accepting Donations from the Par 3 Foundation, in the Amount of $2,175,000 in Support of the Par 3 Clubhouse Project.

RESOLUTION NO. 24-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Manager at Risk Contract with Hedrick Brothers Construction for the Construction of the Par 3 Clubhouse for an Amount of $2,630,000.

RESOLUTION NO. 11-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Builders Risk and Flood Insurance Coverage for the Construction of the Par 3 Clubhouse, in an Amount Not-to-Exceed $28,000 to Employers Mutual Inc.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 30, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 23-2013
- Resolution No. 24-2013
- Resolution No. 11-2013
- In-Kind Donations
- Project Budget and Source of Funds
- Budget Spreadsheet

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award of Construction Manager At-Risk Contract for Par 3 Clubhouse Project
Resolution No. 23-2013 Acceptance of Par 3 Foundation Donations
Resolution No. 24-2013 Construction Manager at Risk
Resolution No. 11-2013 Purchase of Builders Risk and Flood Insurance

Date: January 30, 2013

STAFF RECOMMENDATION

If Town Council chooses to move forward with this project, Resolution No. 23-2013 accepting the Par 3 Foundation donation should be approved first. Staff then recommends approving Resolution No. 24-2013 awarding the Construction Manager at Risk (CMAR) contract to Hedrick Brothers Construction in the amount of $2,630,000. Also staff recommends approving Resolution No. 11-2013 authorizing the Town's purchase of Builders Risk and Flood Insurance for $28,000. Lastly, staff recommends a $5,400 increase to Purchase Order 130397 for bid phase services associated with the proposed interior upgrades.

GENERAL INFORMATION

Town staff has worked closely with the Par 3 Foundation, Hedrick Brothers Construction, and Smith &Moore during the pre-construction phase of this project. With the generous donations of time, effort and expertise from those partners, the design provides sufficient space for key features, such as the kitchen and exterior balconies. The plans and specifications were competitively bid by Hedrick Brothers to subcontractors and suppliers, and a final Guaranteed Maximum Price (GMP) proposal was provided to the Town. Subsequent negotiations resulted in a final GMP of $2,630,000 for the base bid and also including the alternate bids items.

On December 19, 2012, Town staff met with the Par 3 Foundation Board of Directors to provide a progress report. The proposed project costs were discussed, including a desired plan to upgrade the building interiors. The Foundation approved a significant increase in its share of the project costs, committing an additional $555,000, bringing its total share to $1,555,000. This commitment was for the base building, expenses paid directly by the Town, and building furnishings and fixtures. Fortunately, numerous vendors also stepped forward with donations of materials and services to help keep costs down. Those vendors along with their proposed donations are attached. The total of those in-kind donations is approximately $290,000. All of those individual in-kind donations will be accepted by and passed along through the Par 3 Foundation.

An additional $330,000 was also committed to the interiors upgrade, which is in the process of being designed for bidding during the month of February. A nominal cost is required for the additional cost estimating, bidding and coordination by Hedrick Brothers to achieve that interiors upgrade. Staff recommends that a change order to the preconstruction agreement (PO#130397) in the amount of $5,400 for those additional services. It is anticipated that approval of a GMP adjustment to increase the CMAR amount for this interiors upgrade would be sought from the Town Council at its March 12, 2013 meeting.

The Town has received $1,455,000 to cover the base bid, alternates, and project expenses paid directly by the Town. The $100,000 approved for furniture and fixtures may be purchased directly by the Foundation and donated to the Town. If the Foundation decides to let the Town make these purchases, the $100,000 will be provided to the Town before any purchases are committed. The $330,000 allocation for the interiors upgrade will be provided at a future date, once the exact costs are identified.

During the development of the GMP the provision of Builders Risk Insurance was discussed, and based on advice from the Risk Manager the Town will purchase this insurance as well as Flood Insurance. A separate resolution is provided to authorize that purchase through the Town's insurance agent.

FUNDING/FISCAL IMPACT

Since all costs associated with the increase in the project budget will be paid for by the Par 3 Foundation, there are no additional fiscal impacts to the Town beyond the April 10, 2012, commitment to provide $1,250,000 as the Town's share.

PURCHASING REVIEW

The Purchasing Division has reviewed the information provided and has approved the content.

ATTORNEY REVIEW

The contract was reviewed and approved by special legal counsel. The resolutions have been reviewed by the Town Attorney and have been approved as to legal form and sufficiency.

Attachments

cc: Par 3 Foundation
Hedrick Brothers Construction
Jane Struder, Director of Finance
Jay Boodheshwar, Director of Recreation and Special Projects
Eric B. Brown, P.E., Assistant Director of Public Works
James Bowser, P.E., Town Engineer
Karen Temme, Risk Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 23-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING DONATIONS FROM THE PAR 3 FOUNDATION, IN THE AMOUNT OF $2,175,000 IN SUPPORT OF THE PAR 3 CLUBHOUSE PROJECT.

* * * * *

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

Section 1. The donations provided by the Par 3 Foundation for the Par 3 Clubhouse Project consisting of combined cash and in-kind donations totaling $2,175,000 are accepted by the Town for the purpose of constructing the new Clubhouse facility as well as the furnishing and outfitting.

Section 2. The in-kind donations associated with the construction are provided to Hedrick Brothers, who will coordinate and manage those materials and services as part of their CMAR contract duties.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the acceptance of such donations, and their inclusion into the 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 on this 12th day of February 2013.

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Gail L. Coniglio, Mayor

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William J. Diamond, Town Council Member

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Richard M. Kleid, Town Council Member

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Michael J. Pucillo, Town Council Member

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David A. Rosow, Town Council Member

ATTEST:

_____
Susan A. Owens, MMC, Town Clerk

_____
Robert N. Wildrick, Town Council Member

RESOLUTION NO. 24-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONSTRUCTION MANAGER AT RISK CONTRACT WITH HEDRICK BROTHERS CONSTRUCTION FOR THE CONSTRUCTION OF THE PAR 3 CLUBHOUSE FOR AN AMOUNT OF $2,630,000.

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

Section 1: The Town of Palm Beach hereby authorizes the Town Manager to execute a contract with Hedrick Brothers Construction for a Construction Manager at Risk (CMAR) contract for the Par 3 Clubhouse Project for an amount of $2,630,000.

Section 2: The Town Manager, or his designee, is hereby authorized and directed to execute a CMAR contract and purchase order on behalf of the Town of Palm Beach for the Par 3 Clubhouse Project.

Section 3: The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the Par 3 Clubhouse 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 12th day of February 2013.

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Gail L. Coniglio, Mayor

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William J. Diamond, Town Council Member

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Richard M. Kleid, Town Council Member

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Michael J. Pucillo, Town Council Member

_____
David A. Rosow, Town Council Member

ATTEST:

_____
Susan A. Owens, MMC, Town Clerk

_____
Robert N. Wildrick, Town Council Member

RESOLUTION NO. 11-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PROPOSED BUILDERS RISK AND FLOOD INSURANCE COVERAGE FOR THE CONSTRUCTION OF THE PAR 3 CLUBHOUSE, IN AN AMOUNT NOT-TO-EXCEED $28,000 TO EMPLOYERS MUTUAL INC.

* * * * *

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

Section 1. The Town Council hereby approves payment to Employers Mutual, Inc. dba Ascension Benefits and Insurance Solutions, in an amount not-to-exceed $28,000 for the premiums associated with the Builders Risk and Flood Insurance coverage for the Par 3 Clubhouse project.

Section 2. The Town Manager is hereby authorized and directed to execute payment on behalf of the Town of Palm Beach for this Builders Risk Insurance and Flood Insurance coverage.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take actions as may be necessary to insure proper insurance coverage for the construction of the Par 3 Clubhouse, including any necessary change orders or policy revisions as recommended by the Public Works Director and the Risk Manager.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of February 2013.

_____
Gail L. Coniglio, Mayor

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William J. Diamond, Town Council Member

_____
Richard M. Kleid, Town Council Member

_____
Michael J. Pucillo, Town Council Member

ATTEST:

_____
David A. Rosow, Town Council Member

_____
Susan A. Owens, MMC, Town Clerk

_____
Robert N. Wildrick, Town Council Member

IN-KIND DONATIONS

Vendor	Description of Donation	Value
Haifa Limestone	Stone counter tops, floor tiles, stone entry steps - materials & installation	$57,743
Absolute Hardwood Flooring	Hardwood floors throughout building - materials & installation	$38,800
Leeds Custom Design	Millwork and casings - materials	$20,000
George Ford Painting	Painting services for millwork and casings	$30,000
NYE Portfolio	Restaurant bar and back bar - materials & installation	$75,000
Livingston Builders	Refurbishment of pro-shop furniture and fixtures	$50,000
Coastal Millworks	Staircase - materials & installation	$9,541
Walsh Carpeting	Carpeting throughout building - materials & installation	$8,762
	Total Donations	**$289,846**

PROJECT BUDGET AND SOURCE OF FUNDS

	Town Share	Foundation Share	Total
Project Budget Estimate Approved by Town Council - April 10, 2012	$1,250,000	$1,000,000	$2,250,000

Foundation Approves Increase to Share of Costs - December 19, 2012	Town Share	Foundation Share	Total
Base Bid + Alternates	$1,250,000	$1,380,000	$2,630,000
Expenses Paid Directly by Town	$0	$75,000	$75,000
Furniture, Fixtures & Art	$0	$100,000	$100,000
Interior Upgrades Package	$0	$330,000	$330,000
	$1,250,000	**$1,885,000**	**$3,135,000**

Estimate Totals

Description	Amount	Totals	Rate
Labor	101,257		
Material	56,957		
Subcontract	2,012,873		
Equipment	3,180		
Other			
Cost of Work	2,174,267	2,174,267	
Construction Mgt Fee	339,750		
Liability Insurance	28,930		1.10 %
Sub-Total:	368,680	2,542,947	
Contractor's Fee	203,436		8.00 %
Permit Fee by Owner			
Payment & Perf Bond	35,963		
HB Preconstruction Donation	30,000		
Contingency	100,000		3.80 %
Sub Total:	369,399	2,912,346	
Haifa Donation	(57,743)		
Livingston Builders	(12,500)		
Leeds Donation	(20,000)		
George Ford Donation	(30,000)		
Coastal Millworks Donation	(9,541)		
NYE Donation	(75,000)		
Carpet Donation	(8,762)		
Absolute Donation	(38,800)		
HB Preconstruction Donation	(30,000)		
	(282,346)	2,630,000	
Total		2,630,000	

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 28-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of a Maintenance Agreement Between the Florida Department of Transportation and the Town of Palm Beach for Construction and Planting of Landscape Improvements in the Right-of-Way at 1300 South Ocean Boulevard.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 31, 2013, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 28-2013
- Letter dated December 11, 2012, from Donald J. Skowron, Jr.
- Landscape Plan for 1300 South Ocean Boulevard
- Agreement Between Property Owners and Town of Palm Beach
- Agreement Between FDOT and Town of Palm Beach

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Florida Department of Transportation Maintenance Memorandum of Agreement at 1300 South Ocean Boulevard
Resolution No. 28-2013

Date: January 31, 2013

STAFF RECOMMENDATION

Town staff requests Town Council direction concerning authorization for the Mayor, on behalf of the Town, to enter into a Maintenance Memorandum of Agreement (MMOA) with the Florida Department of Transportation (FDOT) for private landscape improvements in the FDOT right-of-way at 1300 South Ocean Boulevard. If approved, said approval is contingent upon the property owner at 1300 South Ocean Boulevard entering into a separate agreement with the Town guaranteeing their maintenance of the landscape improvements in the FDOT right-of-way.

GENERAL INFORMATION

The property owners at 1300 South Ocean Boulevard, in preparation for a planned event, landscaped their property to include that portion in the FDOT right-of-way. The resident did not secure the appropriate FDOT or Town of Palm Beach permits and now would like to keep the plants within the right-of-way. In order to keep the new landscaping in the FDOT right-of-way, FDOT and Town right-of-way permits must be secured.

FDOT does not issue permits for improvements within FDOT rights-of-way to individual property owners. FDOT requires that the local governmental agency enter into a MMOA with FDOT. If the Town agrees to enter into a MMOA with FDOT on behalf of the property owner, the Town requires that the property owner enter into a separate agreement with the Town guaranteeing that the property owner will maintain the improvements in the right-of-way. The Town's agreement requires proper maintenance of the improvements and if the property owner fails to maintain as agreed, the Town has specific remedies to protect the Town's interest, including ability to lein the property to recover any expenses to the Town. A copy of the proposed agreement which details these protections is attached.

The last MMOA signed by the Town on behalf of a property owner was in the early 1990's. Although this will only be the second MMOA, staff is concerned that in time the Town may have

many more. If Town Council is inclined to allow these, staff recommends that a policy be established to guide staff in this process.

FUNDING/FISCAL IMPACT

There is no financial impact to the Town for this agreement.

TOWN ATTORNEY REVIEW

These agreements have been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
John C. Randolph, Town Attorney
Charles Langley, P.E., Senior Project Engineer
Michael Roach, P. E., Project Engineer

RESOLUTION NO. 28-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF PALM BEACH FOR CONSTRUCTION AND PLANTING OF LANDSCAPE IMPROVEMENTS IN THE RIGHT-OF-WAY AT 1300 SOUTH OCEAN BOULEVARD.

* * * *

WHEREAS, the property owners at 1300 South Ocean Boulevard, in preparation for a planned event, landscaped their property to include that portion in the FDOT right-of-way; and

WHEREAS, the property owners did not secure the appropriate FDOT or Town of Palm Beach permits and would like to keep the plants within the right-of-way; and

WHEREAS, in order to keep the new landscaping in the FDOT right-of-way, FDOT and Town right-of-way permits must be secured; and

WHEREAS, completion of the landscape improvements would be of interest to both the Town of Palm Beach and the Florida Department of Transportation.

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

Section 1. The Mayor is hereby authorized to execute the Maintenance Memorandum of Agreement between the State of Florida Department of Transportation and the Town of Palm Beach for landscape improvements that were made by the resident of 1300 South Ocean Boulevard within the State's right-of-way.

Section 2. A copy of the Agreement is attached hereto and is hereby incorporated within this resolution and made a part thereof.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of February 2013.

_____
Gail L. Coniglio, Mayor

_____
William J. Diamond, Town Council Member

_____
Richard M. Kleid, Town Council Member

_____
Michael J. Pucillo, Town Council Member

_____
David A. Rosow, Town Council Member

ATTEST:

_____
Susan A. Owens, MMC, Town Clerk

_____
Robert N. Wildrick, Town Council Member

Don Skowron, Incorporated

donskowron@me.com (561) 602-6277

December 11, 2012

Mr. Peter Elwell
Town Manager
Town of Palm Beach
Palm Beach, FL 33480

Re: FDOT Permit # 12L-496-0007-93060 Landscaping At 1300 S Ocean Blvd, Palm Beach, Florida

Mr. Elwell,

We are requesting your review of the attached information for consideration to be heard in the Resolution section of the next available meeting of the Town Council of the Town of Palm Beach, Palm Beach County, Florida. We are requesting a resolution that Authorizes the Execution of a Maintenance Memorandum of Agreement between the Florida Department of Transportation and the Town of Palm Beach for previously installed Landscape Improvements (consisting of small trees and low level landscape) within the State Road Right-of Way located on the east and west side of the A1A fronting 1300 South Ocean Boulevard, residence of Dwight and Martha Schar.

Our attached plans and exhibits are attached for your review and action. I am available to discuss the plans and information attached as well as explain the sequencing of the project and the nature of our request. I look forward to talking with you in the near future.

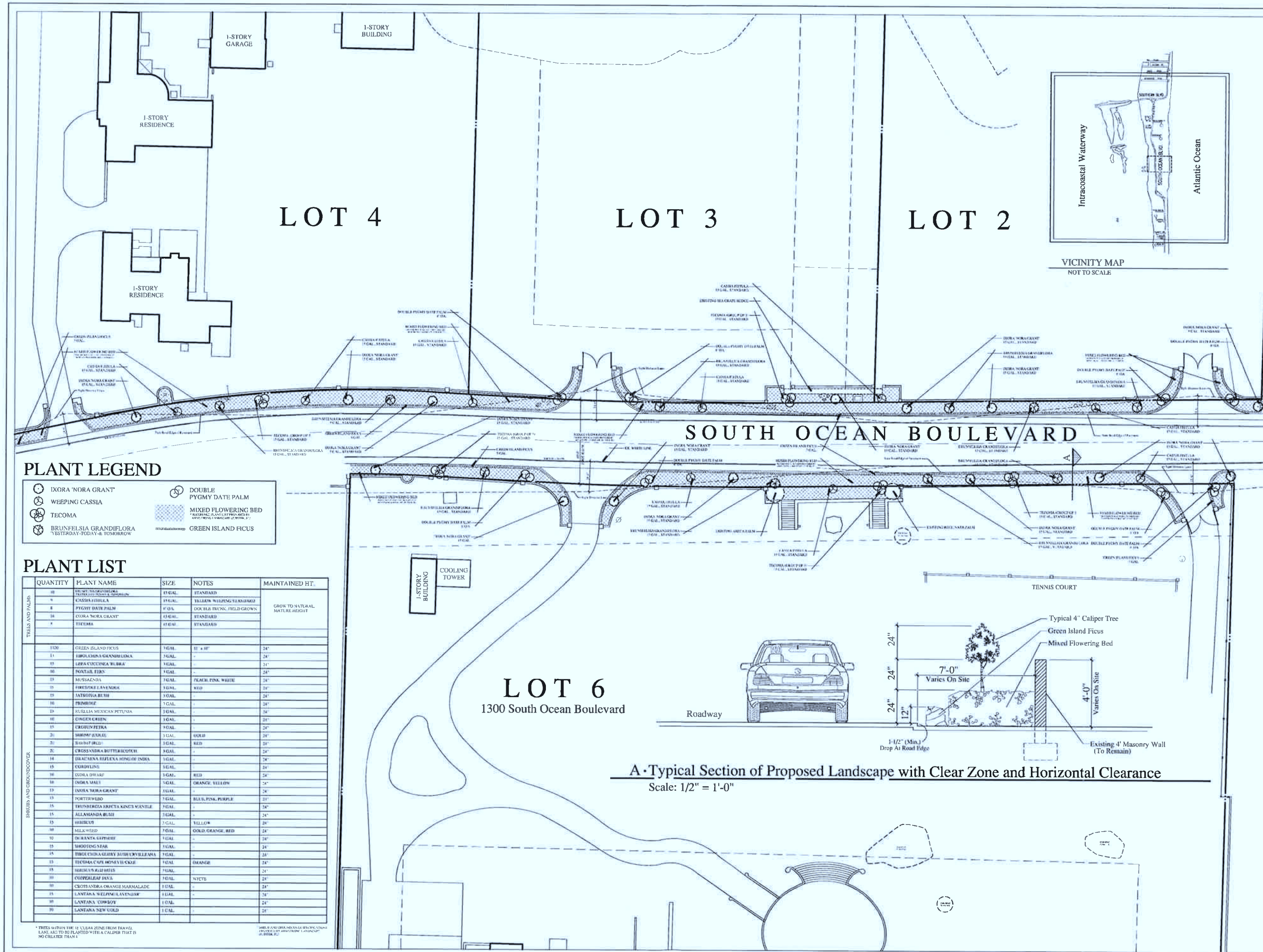
With Best Regards,

DSkowron

Donald J. Skowron, Jr., ASLA
donskowron@me.com
(561) 602-6277

Attachments: Landscape Plan
Draft Maintenance Plan

CC: Gail L. Coniglio, Mayor
Mr. James Bowser, Town Engineer
Mr. and Mrs. Dwight Schar



PLANT LEGEND

- IXORA 'NORA GRANT'
- WEEPING CASSIA
- TECOMA
- BRUNFELSIA GRANDIFLORA 'YESTERDAY-TODAY-& TOMORROW'
- DOUBLE PYGMY DATE PALM
- MIXED FLOWERING BED * REFERENCE PLANT LIST PRO-RED 17, ANNUAL/PERENNIAL/GROUNDCOVER 2-7
- GREEN ISLAND FICUS

PLANT LIST

	QUANTITY	PLANT NAME	SIZE	NOTES	MAINTAINED HT.
TREES AND PALMS	10	BRUNFELSIA GRANDIFLORA 'YESTERDAY-TODAY & TOMORROW'	45 GAL.	STANDARD	GROW TO NATURAL MATURE HEIGHT
	9	CASSIA FISTULA	45 GAL.	YELLOW WEEPING STANDARD	
	8	PYGMY DATE PALM	8' O.A.	DOUBLE TRUNK, FIELD GROWN	
	16	IXORA 'NORA GRANT'	45 GAL.	STANDARD	
	8	TECOMA	45 GAL.	STANDARD	
SHRUBS AND GROUNDCOVER	1320	GREEN ISLAND FICUS	3 GAL.	18" x 18"	24"
	11	EREOLOGINA GRANDIFLORA	3 GAL.	-	24"
	15	LERA CUCUMEA 'RUBRA'	3 GAL.	-	24"
	16	BOSTON FERN	3 GAL.		24"
	13	MUSSAENDA	3 GAL.	PEACH, PINK, WHITE	24"
	15	FIRESPOKE LAVENDER	3 GAL.	RED	24"
	13	JATROPHA BUSH	3 GAL.	-	24"
	16	PRIMROSE	3 GAL.	-	24"
	13	RUELLIA MEXICAN PETUNIA	3 GAL.	-	24"
	16	GINGER GREEN	3 GAL.	-	24"
	15	CROTON PETRA	3 GAL.	-	24"
	20	SHRIMP (GOLD)	3 GAL.	GOLD	24"
	20	SHRIMP (RED)	3 GAL.	RED	24"
	20	CROSSANDRA BUTTERSCOTCH	3 GAL.	-	24"
	14	DRACAENA REFLEXA SONG OF INDIA	3 GAL.	-	24"
	15	CORDYLINE	3 GAL.	-	24"
	16	IXORA DWARF	3 GAL.	RED	24"
	16	IXORA MAUI	3 GAL.	ORANGE, YELLOW	24"
	13	IXORA 'NORA GRANT'	3 GAL.	-	24"
	13	PORTERWEED	3 GAL.	BLUE, PINK, PURPLE	24"
	15	THUNBERGIA ERECTA KING'S MANTLE	3 GAL.	-	24"
	15	ALLAMANDA BUSH	3 GAL.	-	24"
	15	HIBISCUS	3 GAL.	YELLOW	24"
	10	MILK WEED	3 GAL.	GOLD, ORANGE, RED	24"
	10	DURANTA SAPPHIRE	3 GAL.	-	24"
	15	SHOOTING STAR	3 GAL.	-	24"
	15	THEVETIA GLORY BUSH OTVILLEANA	3 GAL.	-	24"
	13	TECOMA CAPE HONEYSUCKLE	3 GAL.	ORANGE	24"
	15	NERIUM OLEANDER	3 GAL.		24"
	10	COPPERLEAF JAVA	3 GAL.	NYETS	24"
	10	CROSSANDRA ORANGE MARMALADE	3 GAL.	-	24"
	15	LANTANA WEEPING LAVENDAR	3 GAL.	-	24"
	10	LANTANA COWGOY	3 GAL.		24"
	10	LANTANA NEW GOLD	3 GAL.	-	24"

* TREES WITHIN THE 12' CLEAR ZONE FROM TRAVEL LANE ARE TO BE PLANTED WITH A CALIPER THAT IS NO GREATER THAN 4

SHRUBS AND GROUNDCOVERS SHALL BE PLANTED AS SPECIFIED IN "ARBORIST'S LANDSCAPE" (R. BERRY, PE)

SEAL

DON SKOWRON INCORPORATED
donskowron@mc.com
lic6666574

SCALE: 1/16" = 1'-0"

PLANTING PLAN (AS-BUILT)

1300 South Ocean Boulevard
Palm Beach, Florida

DATE ISSUED:
OCTOBER 22, 2012

DOT SUBMITTAL 10.22.12
DOT SUBMITTAL 12.4.12
- AS-BUILTS PER DOT REV 2/4

DATE PLANTED
OCTOBER 15, 2012

L1

THIS DOCUMENT PREPARED BY/
RECORD AND RETURN TO:

AGREEMENT

THIS AGREEMENT, is made and entered into this _____ day of _____, 20___, by and between SHERI SKLORMAN, AS TRUSTEE OF THE 1300 SOUTH OCEAN BOULEVARD REVOCABLE TRUST DATED SEPTEMBER 30, 2004, whose post office address is 1200 South Ocean Boulevard, palm Beach, Florida 33480, hereinafter referred to as "Owner," its successors and assigns, and the TOWN OF PALM BEACH, Palm Beach County, whose post office address is Florida, 360 South County Road, Palm Beach Florida 33480, hereinafter referred to as "Town "

WITNESSETH:

WHEREAS, Owner is the owner of the following described property situated, lying, and being in the Town of Palm Beach, Palm Beach County, Florida, more fully described as follows:

STREET ADDRESS:	1300 South Ocean Boulevard Palm Beach, Florida 33480
PROPERTY CONTROL NO:	50-43-44-02-11-000-0020
LEGAL DESCRIPTION:	Lot 2, CASA APAVA, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, Plat Book 191, Page 192, Public Records of Palm Beach County, Florida;

and

WHEREAS, Owner has installed certain landscaping within the state road right-of-way on the east and west sides of State Road A1A (South Ocean Boulevard) at 1300 South Ocean Boulevard, without benefit of required permits from the Florida Department of Transportation (FDOT) or the Town; and

WHEREAS, in order to maintain said landscaping the FDOT requires a permit to be obtained; and

WHEREAS, it is the policy of the FDOT, if landscaping is to be permitted within the right-of-way, that the permit must be in the name of the local jurisdiction for the reason that should the owner default on its upkeep, the FDOT can hold the local jurisdiction liable for the maintenance and/or removal of abandoned landscape; and

WHEREAS, the Town has agreed to apply for said permit subject, however, to Owner agreeing to maintain said landscaping in a manner satisfactory to the FDOT and the Town; and

WHEREAS, in order to assure said maintenance it is necessary to enter into this Agreement.

NOW, THEREFORE, the undersigned hereby agree as follows:

1. In consideration of the receipt from the Town of a right-of-way permit to maintain certain landscaping within the state road right-of-way located on the east and west sides of State Road A1A (South Ocean Boulevard) at 1300 South Ocean Boulevard, and in consideration of the Town making application for the FDOT right-of-way permit to maintain said landscaping, the undersigned Owner agrees, on behalf of said Owner, its successors and assigns, that the landscaping installed pursuant to the permit to be granted by the FDOT shall be in conformity with the plans and conditions as approved by the Town Council of the Town of Palm Beach. Further, it is agreed that said landscaping shall be maintained at the sole expense of Owner and that the maintenance shall be in a manner satisfactory to the FDOT and the Town.

2. In the event the Owner fails to maintain the landscaped area in a manner satisfactory to the FDOT or the Town, or in the event the landscaping is abandoned, dies, or comes into a state that in the sole discretion of the FDOT or the Town it is deemed necessary to remove and/or replace said landscaping, Owner shall, upon the request of the FDOT or the Town, remove or replace said landscaping to the satisfaction of the FDOT or the Town. In the event the Owner fails to undertake the maintenance, removal or replacement of the landscaping in a manner satisfactory to the FDOT or the Town, the Town shall have the right to conduct said activities and to lien the individual property the Owner for any costs incurred by the Town and not paid by the Owner. In the event it becomes necessary for the Town to incur costs because of the Owner's failure to maintain the landscaping or to remove or replace the landscaping pursuant to the terms of this Agreement, Owner shall be billed for the costs incurred by the Town. Any costs not paid within thirty (30) days after the due date shall bear interest from the due date at the highest rate allowable by law. The Town may, at any time thereafter, bring an action at law against the Owner to pay the same and/or foreclose the lien against the Owner of said property.

3. Owner agrees to save, defend and hold harmless the Town, its officers, employees, representatives, successors and assigns, and/or the State of Florida, its officials, employees, representatives and assigns harmless from and against any and all claims, demands, suits, actions, damages, liability and expense for any damage to personal property or for bodily injury which may occur as a result of said landscaping remaining within the State Road A1A right-of-way.

4. Owner hereby agrees that this Agreement shall be recorded in the public records of Palm Beach County, Florida at its expense and shall be a covenant running with the land binding on the Owner, its successors or assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

Signed, Sealed, and Delivered
in the presence of:

_____
Witness
Print Name: _____

_____
Witness
Print Name: _____

_____
Witness
Print Name: _____

_____
Witness
Print Name: _____

OWNER:

_____
Sheri Sklorman as Trustee of the
1300 South Ocean Boulevard
Revocable Trust dated
September 30, 2004

TOWN OF PALM BEACH

By_____
Peter B. Elwell, Town Manager

ATTEST:

_____
Susan Owens, Town Clerk

Recommend Approval:

_____
H. Paul Brazil, Director of Public Works

_____
John C. Randolph, Town Attorney

ACKNOWLEDGMENTS ON FOLLOWING PAGE

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by SHERI SKLORMAN AS TRUSTEE OF THE 1300 SOUTH OCEAN BOULEVARD REVOCABLE TRUST DATED SEPTEMBER 30, 2004, who is personally known to me, or produced _____ (type of identification; i.e., driver's license number, etc.).

_____
Notary Public

My commission expires:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____ 20__, by PETER B. ELWELL and SUSAN OWENS, the Town Manager and Town Clerk respectively, on behalf of the TOWN OF PALM BEACH, who are personally known to me, or produced _____ (type of identification; i e., driver's license number, etc.).

_____
Notary Public

My commission expires:

p:\docs\13156\00008\doc\1f90860 docx

SECTION No.:	**93060**
Permit No. (s):	**12L-496-0007-93060**
S.R. No.:	**A1A**
COUNTY:	**Palm Beach**

DISTRICT FOUR (4)
LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____20__, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, a component agency of the State of Florida, hereinafter called the DEPARTMENT and the **Town of Palm Beach** a municipal corporation, existing under the Laws of Florida, hereinafter called the AGENCY.

W I T N E S S E T H:

WHEREAS, the DEPARTMENT has jurisdiction over State Road A1A (South Ocean Boulevard) as part of the State Highway System as described in Exhibit A; and

WHEREAS, the AGENCY seeks to install or have installed and maintain certain landscape improvements within the right of way of State Road (South Ocean Boulevard) as described within Exhibit B; and

WHEREAS, as part of the continual updating of the State of Florida Highway System, the DEPARTMENT, for the purpose of safety, protection of the investment and other reasons, has constructed and does maintain the highway facility as described in Exhibit A (attached hereto and incorporated by reference herein), within the corporate limits of the AGENCY); and

WHEREAS, the AGENCY is of the opinion that highway facilities within the AGENCY'S limits that contain *landscape improvements,* as defined in page 2, paragraph 2; shall be maintained by the AGENCY and

WHEREAS, it is the intent of the AGENCY and the DEPARTMENT that the AGENCY shall maintain all right of way within the medians, outside the travelway and improvements made to the travelway that was made at the request of the AGENCY; and

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party; and

WHEREAS, the AGENCY by Resolution No._____ dated _____, 20____, attached hereto and by this reference made a part hereof, desires to enter into this Agreement and authorizes its officers to do so;

NOW THEREFORE, for and in consideration of the mutual benefits to flow each to the other, the parties covenant and agree as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.

2. INSTALLATION OF FACILITIES

   The Adjacent Property Owner/Applicant shall install or have installed the *landscape improvements,* defined as plant materials, irrigation system and/or *hardscape*, which may include any site amenities, fountain, tree grates, decorative free standing wall, landscape accent lighting and/or patterned pavement on the sidewalk or within the medians and areas outside the travelway, to the right of way line and/or areas within the travelway (if applicable), in accordance with Permit 12L-496-0007. *Patterned pavement* may include concrete pavers, stamped concrete and/or stamped asphalt, but excludes standard concrete sidewalk.

3. MAINTENANCE OF FACILITIES

   A. The AGENCY agrees to maintain the landscape improvements, as existing and those to be installed, within the physical limits described in Exhibit A and as defined as: plant materials, irrigation, and / or hardscape within the medians and areas outside the travelway to the right of way line and areas within the travelway containing specialty surfacing as existing and as described in Exhibit B. The non-standard improvements outside the travelway shall be maintained by the AGENCY regardless if the said improvement was made by the DEPARTMENT, the AGENCY, or others by periodic mowing, fertilizing, weeding, curb and sidewalk edging, litter pickup, necessary replanting, irrigation system repair and/ or repair of any median concrete replacement associated with patterned pavement (if applicable) following the DEPARTMENT'S landscape safety and maintenance guidelines, Exhibit C, the Maintenance Plan. The AGENCY'S responsibility for maintenance shall include all landscaped / turfed and hardscape areas within the median and areas outside the travelway to the right-of-way and areas within the travelway containing specialty surfacing. It shall be the responsibility of the AGENCY to restore an unacceptable ride condition of the roadway caused by the differential characteristics of non-standard surfacing and the associated header curb and concrete areas on DEPARTMENT right-of-way within the limits of this Agreement.

   B. Such maintenance to be provided by the AGENCY is specifically set out as follows: to maintain, which means to properly water and fertilize all plants; to keep them as free as practicable from disease and harmful insects; to properly mulch the planting beds; to keep the premises free of weeds; to mow the turf to the proper height; to properly prune all plants which at a minimum includes: (1) removing dead or diseased parts of plants, (2) pruning such parts thereof to provide clear visibility to signage, permitted outdoor advertising signs per Florida Statute 479.106 and for those using the roadway and/or sidewalk; (3) preventing any other potential roadway hazards. Plants shall be those items which would be scientifically classified as plants and include but are not limited to trees, shrubs, groundcover and turf. To maintain also means to remove or replace dead or diseased plants in their entirety, or to remove or replace those that fall below original

landscape improvements project standards. Palms shall be kept fruit free year round. To maintain also means to keep the header curbs that contain the specialty surfacing treatment in optimum condition. To maintain also means to keep the hardscape areas free from weeds and to repair said hardscape as is necessary to prevent a safety hazard. To maintain also means to keep litter removed from the median and areas outside the travel way to the right of way line. All plants removed for whatever reason shall be replaced by plants of the same species type, size, and grade as specified in the original plans and specifications. Any changes to the original plans shall be submitted by permit application to the DEPARTMENT for review and approval.

C. If it becomes necessary to provide utilities (water/electricity) to the medians or areas outside the travelway for these improvements, all costs associated with the utilities associated with landscape accent lighting and/or irrigation system including, but not limited to the impact and connection fees, and the on-going cost of utility usage for water and electrical, are the maintaining AGENCY'S responsibility.

D. The above named functions to be performed by the AGENCY may be subject to periodic inspections by the DEPARTMENT at the discretion of the DEPARTMENT. Such inspection findings will be shared with the AGENCY and shall be the basis of all decisions regarding, repayment, reworking or agreement termination. The AGENCY shall not change or deviate from said plans without written approval of the DEPARTMENT.

4. NOTICE OF MAINTENANCE DEFICIENCIES

A. If at any time after the AGENCY has undertaken the landscape improvements installation and/or maintenance responsibility mentioned above, it shall come to the attention of the DEPARTMENT'S District Secretary that the limits, or a part thereof, are not properly maintained pursuant to the terms of this Agreement, said District Secretary, may at his/her option, issue a written notice that a deficiency or deficiencies exist(s), by sending a certified letter to the AGENCY, to place said AGENCY on notice thereof. Thereafter, the AGENCY shall have a period of thirty (30) calendar days within which to correct the cited deficiencies. If said deficiencies are not corrected within this time period, the DEPARTMENT may, at its option, proceed as follows:

(1) Complete the installation, or part thereof, with the DEPARTMENT or Contractor's personnel and deduct the cost of such work from the final payment for said work or part thereof, or/and

(2) Maintain the landscape improvements or any part thereof, with the DEPARTMENT or Contractor's personnel and invoice the AGENCY for expenses incurred, and/or

(3) Terminate the Agreement in accordance with Paragraph 9, and remove, by the DEPARTMENT or private Contractor's personnel, all of the landscape improvements installed under this Agreement or any preceding Agreements except as to trees and palms and/or charge the AGENCY the reasonable cost of such removal.

B. The AGENCY agrees to reimburse the DEPARTMENT all monies expended for the landscape improvements, should the landscape improvements fail to be maintained in accordance with the terms and conditions of this Agreement in the amounts listed in those plans.

5. FUTURE DEPARTMENT IMPROVEMENTS

It is understood between the parties hereto that the landscape improvements covered by this Agreement may be removed, relocated, or adjusted at any time in the future, as determined to be necessary by the DEPARTMENT in order that the adjacent state road be widened, altered, or otherwise changed to meet with future criteria or planning of the DEPARTMENT.

The AGENCY shall be given sixty (60) calendar day's notice to remove said landscape/hardscape after which time the DEPARTMENT may remove same. All permits (including tree permits), fees, and any mitigation associated with the removal, relocation or adjustments of these improvements are the maintaining AGENCY'S responsibility.

6. FUTURE AGENCY IMPROVEMENTS

The AGENCY may construct additional landscape improvements within the limits of the rights of ways identified as a result of this document, subject to the following conditions:

(a) Plans for any new landscape improvements shall be subject to approval by the DEPARTMENT. The AGENCY shall not change or deviate from said plans without written approval by the DEPARTMENT.

(b) The AGENCY shall procure a permit from the DEPARTMENT.

(c) All landscape improvements shall be developed and implemented in accordance with appropriate state safety and roadway design standards.

(d) The AGENCY agrees to comply with the requirements of this Agreement with regard to any additional landscape improvements installed at no cost to the DEPARTMENT.

7. ADJACENT PROPERTY OWNER IMPROVEMENTS

The DEPARTMENT may allow an adjacent property owner subject to prior approval by the AGENCY, to construct additional landscape or hardscape improvements within the limits of the right of-way identified in Exhibit A of this Agreement. The AGENCY shall be responsible for maintaining under this agreement those improvements subject to the following conditions:

(a) Plans for any new landscape improvements shall be subject to approval by the DEPARTMENT and shall require a valid permit attached with a letter of consent to said plans by the AGENCY. The plans shall not be changed or deviated from without written approval by the DEPARTMENT and the AGENCY.

(b) All landscape improvements shall be developed and implemented in accordance with appropriate state safety and roadway design standards.

(c) The AGENCY agrees to comply with the requirements of this Agreement with regard to any additional landscape improvements installed by an adjacent owner.

8. AGREEMENT TERMINATION

This Agreement may be terminated under any one (1) of the following conditions:

(a) By the DEPARTMENT, if the AGENCY fails to perform its duties under this Agreement, following ten (10) days written notice.

(b) By the DEPARTMENT, for refusal by the AGENCY to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the AGENCY in conjunction with this Agreement.

9. AGREEMENT TERM

The term of this Agreement commences upon execution by all parties. The term of this Agreement shall remain in effect for twenty-five (25) years.

10. LIABILITY AND INSURANCE REQUIREMENTS

A. With respect to any of the AGENCY'S agents, consultants, sub-consultants, contractors and/or sub-contractors, such party in any contract for the landscape improvements shall agree to indemnify, defend, save and hold harmless the DEPARTMENT from all claims, demands, liabilities, and suits of any nature arising out of, because of or due to any intentional and/or negligent act or occurrence, omission or commission of such agents, consultants, subconsultants, contractors and/or subcontractors subject however to the provisions and limitations set forth in Florida Statute Section 768.28. The AGENCY shall provide to the DEPARTMENT written evidence of the foregoing upon the request of the DEPARTMENT. It is specifically understood and agreed that this indemnification clause does not cover or indemnify the DEPARTMENT for its own negligence.

B. In the event that AGENCY contracts with a third party to provide the services set forth herein, any contract with such third party shall include the following provisions:

(a) AGENCY'S contractor shall at all times during the term of this Agreement keep and maintain in full force and effect, at contractor's sole cost and expense, Comprehensive General Liability with minimum limits of $1,000,000.00 per occurrence combined single limit for Bodily Injury Liability and Property Damage Liability and Worker's Compensation insurance with minimum limits of $500,000.00 per Liability. Coverage must be afforded on a form no more restrictive that the latest edition of the Comprehensive General Liability and Worker's Compensation policy without restrictive endorsements, as filed by the Insurance Services Office. The AGENCY and DEPARTMENT shall be named as additional insured on such policies, which policies shall accordingly be endorsed. The AGENCY shall deliver proof of such coverage to the DEPARTMENT.

(b) AGENCY'S contractor shall furnish AGENCY with Certificates of Insurance of Endorsements evidencing the insurance coverages specified herein prior to the beginning performance of work under this Agreement.

(c) Coverage is not to cease and is to remain in full force and effect (subject to cancellation notice) until all performance required of AGENCY'S contractor is completed. All policies must be endorsed to provide the DEPARTMENT with at least thirty (30) days notice of cancellation and or/or restriction. If any of the insurance coverages will expire prior to the completion of work, copies of renewal policies shall be furnished at least (30) days prior to the date of expiration.

11. E-VERIFY REQUIREMENTS

AGENCY shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of;

(1) Shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Agency during the term of the contract; and

(2) Shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the Agency term.

12. This writing embodies the entire Agreement and understanding between the parties hereto and there are no other Agreements and understanding, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby.

13. The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, nor enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money will/may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of the DEPARTMENT that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of TWENTY-FIVE THOUSAND DOLLARS ($25,000.00) and which have a term for a period of more than one year.

14. The DEPARTMENT'S District Secretary shall decide all questions, difficulties, and disputes of any nature whatsoever that may arise under or by reason of this Agreement, the prosecution or fulfillment of the service hereunder and the character, quality, amount and value thereof; and his decision upon all claims, questions, and disputes shall be final and conclusive upon the parties hereto.

15. This Agreement may not be assigned or transferred by the AGENCY, in whole or in part, without the prior written consent of the DEPARTMENT.

16. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. In the event of a conflict between any portion of the contract and Florida law, the laws of Florida shall prevail. The Agency agrees to waive forum and venue and that the Department shall determine the forum and venue in which any dispute under this agreement is decided.

17. NOTICES
Any and all notices given or required under this Agreement shall be in writing and either personally delivered with receipt acknowledgement or sent by certified mail, return receipt requested. All notices shall be sent to the following addresses:

<u>If to the DEPARTMENT:</u>
State of Florida Department of Transportation
3400 West Commercial Blvd.
Ft. Lauderdale, FL 33309-3421
Attention: Elisabeth A. Hassett, R.L.A.
FDOT District IV Landscape Architect

<u>If to the AGENCY:</u>
Town of Palm Beach
Public Works Department
Post Office Box 2029
Palm Beach, Florida 33401
Attention: James M. Bowser, P.E.
Town Engineer

18. LIST OF EXHIBITS

Exhibit A: Permit Project & Landscape Improvements Maintenance Boundaries
Exhibit B: Landscape Improvements Plans
Exhibit C: Maintenance Plan for Landscape Improvement

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective the day and year first above written.

TOWN OF PALM BEACH

By: _____
Chairperson/Mayor

Attest: _____ (SEAL)
Clerk

Legal Review

_____ _____
Attorney Date

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
Transportation Development Director

Attest: _____ (SEAL)
Executive Secretary

Legal Review

_____ _____
Office of the General Counsel Date

SECTION No.:	**93060**
Permit No. (s):	**12L-496-0007-93060**
S.R. No.:	**A1A**
COUNTY:	**Palm Beach**

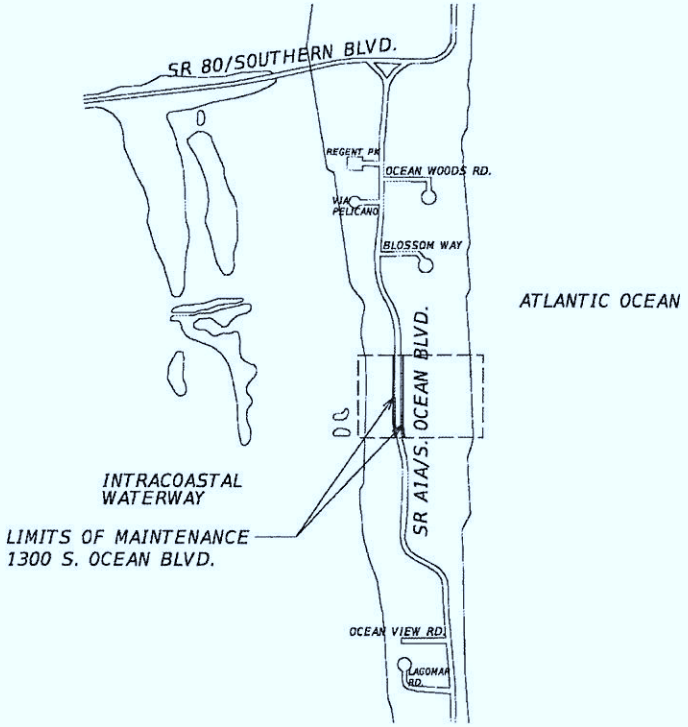
EXHIBIT A

PERMIT PROJECT LOCATION AND LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARIES

I. LANDSCAPE IMPROVEMENTS LOCATION:
State Road A1A (South Ocean Boulevard) (M.P. 24.231)

II. LIMITS OF MAINTENANCE FOR LANDSCAPE IMPROVEMENTS:
State Road A1A (South Ocean Boulevard) (M.P. 24.25) to (M.P. 24.33)

III. LIMITS OF MAINTENANCE GRAPHIC:



1300 South Ocean Blvd. Key Sheet

Palm Beach, Florida

Permit # 12L-496-0007-93060

SECTION 580
LANDSCAPE INSTALLATION
580-1 Description.
Install, establish and maintain landscaping as indicated in the Contract Documents.
580-2 Materials.
580-2.1 Plants:
580-2.1.1 Grade Standards and Conformity with Type and Species:
Only use nursery grown plant materials purchased from Florida based Nurseryman Stock that comply with all required inspection, grading standards, and plant regulations in accordance with the latest edition of the Florida Department of Agriculture's "Grades and Standards for Nursery Plants."
Unless otherwise specified, minimum grade for all plants is Florida No. 1 or better. All plants must be the specified size and grade at the time of delivery to the site and the minimum grade maintained throughout the project construction period and plant establishment period.
Use only plants that are true to type and species and ensure that the plants not specifically covered by Florida Department of Agriculture's "Grades and Standards for Nursery Plants" conform in type and species with the standards and designations in general acceptance by Florida nurseries. Prior to planting, furnish certification to the Engineer that all plant materials have been purchased from Florida based Nurseryman Stock.
A minimum of two plants of each species on each shipment must be shipped with tags stating the botanical nomenclature and common name of the plant. Should discrepancies between botanical nomenclature and common name arise, the botanical name will take precedence.
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580-2.1.2 Inspection and Transporting: Move nursery stock in accordance with all federal and state regulations and accompany each shipment with the required inspection certificates for filing with the Engineer.
580-2.2 Water: Meet the requirements of Section 983.
580-2.3 Mulching: Use of Cypress Mulch prohibited.
580-3 Planting Requirements.
580-3.1 Delivery: All materials must be available for inspection before installation and will be subject to approval or rejection.
580-3.2 Layout: Mark proposed planting beds and individual locations of trees and palms as shown in the Contract Documents for Engineer's review, prior to excavation or planting. The Engineer may request to review all proposed construction and maintenance practices before the start of the operations.
Make no changes to the layout, materials or any variations of plant materials from the Contract Documents without the Engineer's written approval.
580-3.3 Soil Drainage: All planting holes and beds must drain sufficiently prior to installing any plants. Immediately notify the Engineer of drainage or percolation problems before plant installation.
580-3.4 Installation of Plants: For installation of the plants as identified in the Contract Documents, comply with the requirements of the Design Standards, Index No. 544.
Personnel performing these services are under the sole responsibility and supervision of the Contractor and must be competent, experienced, and skilled in all aspects of the required landscape installation and establishment practices.
580-3.5 Contractor's Responsibility for Condition of the Plantings: Begin maintenance of all plants immediately after each planting.
Keep all plants watered, fertilized, mulched, pruned, and staked and guyed as necessary to assure specified minimum grade of Florida No. 1 throughout the duration of the project construction period and establishment period. During the establishment period, keep the individual planting locations and planting beds free of litter and undesirable vegetation. Ensure that the plants are maintained so that they are healthy, vigorous, and undamaged throughout the duration of the project construction period and establishment period. For the duration of the establishment period, operate and maintain in good operating condition, all components of any irrigation system installed in compliance with the Contract Documents.
During the establishment period, replace any plants that fall below specified minimum grade. Use replacement plants of the same species, size and planting medium as the plant being replaced and as specified in the Contract Documents.
580-3.6 Inspection Requirements. Certify monthly on a form provided by the Department that the plants have been installed and are being maintained per Contract Documents. A Registered Landscape Architect acting as the Contractor's Landscape Quality Control representative will oversee the establishment period.
The Contractor's Landscape Quality Control representative must perform quarterly inspections of planting areas and submit findings in report form to the
725
Department. Information to be included in inspection report from the Contractor's Quality Control representative must include as a minimum the following:
Date of inspection
Description of inspection
Location of inspection
Weather conditions
Condition of plants – identify by species, location, and number of plants that are no longer the specified minimum.
Condition of planting beds (including mulching, mowing, weeding, fertilizing, watering, and staking and guying), if applicable
Other comments
Signature and seal of Contractor's Landscape QC representative
Submit the certified inspection report to the Engineer within seven calendar days after performing the inspection. Any corrections to the inspection report must be revised/corrected and resubmitted within three calendar days after notification by the Engineer. Any deficiencies noted on the inspection report must be corrected within ten days of notification from the Department.
Periodic, random verifications will be performed by the Department to ensure the quality of the plants and correctness of the certified landscape inspection report. Any unresolved disputes that arise between the QC reporting and the verifications performed by the Department will be referred to the Statewide Disputes Review Board.
580-4 Disposal of Surplus Materials and Debris.
Remove from the jobsite any surplus excavated material from plant holes unless otherwise directed by the Engineer. Surplus is defined as material not needed after installation of plants per Contract Documents. Upon commencement of the plant installation, remove daily all landscape installation debris from the landscape locations described in the Contract Documents. Remove all excess staking and guying materials from the jobsite.
580-5 Plant Establishment Period and Contractor's Warranty.
Take responsibility for the proper maintenance, survival and condition of all plants for a period of one year after final acceptance in accordance with 5-11. Notify the Engineer upon completion of installation of all plants.
Mowing as part of the landscape work will be identified in the Contract Documents. Continue any mowing of the landscape areas specified in the Contract Documents throughout the establishment period.
Provide a Warranty/Maintenance Bond to the Department in the amount of the total sums bid for all landscape items as evidence of warranty during this plant establishment period. The cost of the bond will not be paid separately, but will be included in the costs of other bid items.
In addition to satisfying the provisions of Section 287.0935, Florida Statutes, the bonding company is required to have an A.M. Best rating of "A" or better. If the bonding company drops below the "A" rating during the Warranty/Maintenance Bond period, provide a new Warranty/Maintenance Bond
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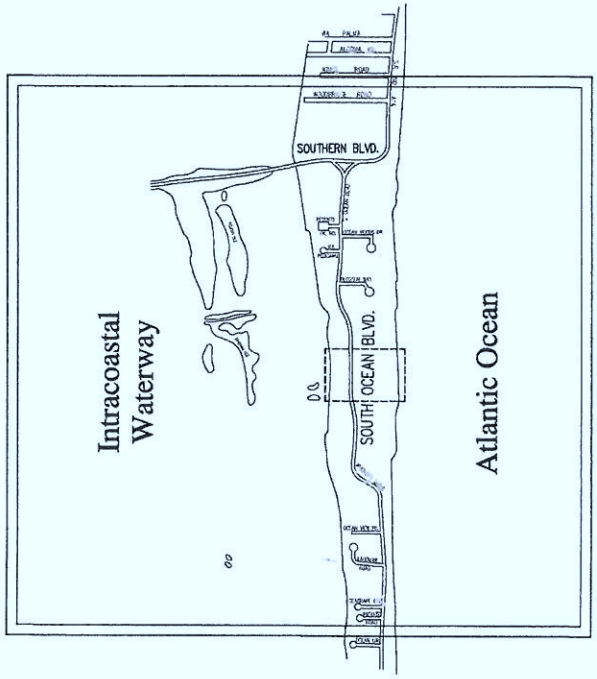
for the balance of the establishment period from a bonding company with an "A" or better rating. In such event, all costs of the premium for the new Warranty/Maintenance Bond will be at the Contractor's expense.
The Engineer may conduct interim inspections of all landscape items during the plant establishment period, as well as at the end of the plant establishment period. As part of the warranty to the Department, and at no cost to the Department, replace all plants found not to meet minimum specifications as shown in 580-2.1.1 and 580-3.5 within ten days after each inspection.
Prior to the end of the establishment period, remove all staking and guying from the project.
At the end of the establishment period, the Engineer will release the Contractor from further warranty work and responsibility provided all plants are established and all previous warranty and remedial work, if any, has been completed to the satisfaction of the Engineer.
580-6 Method of Measurement.
The quantities to be paid will be the items shown in the Contract Documents, completed and accepted.
580-7 Basis of Payment.
Prices and payments will be full compensation for all work and materials specified in this Section.



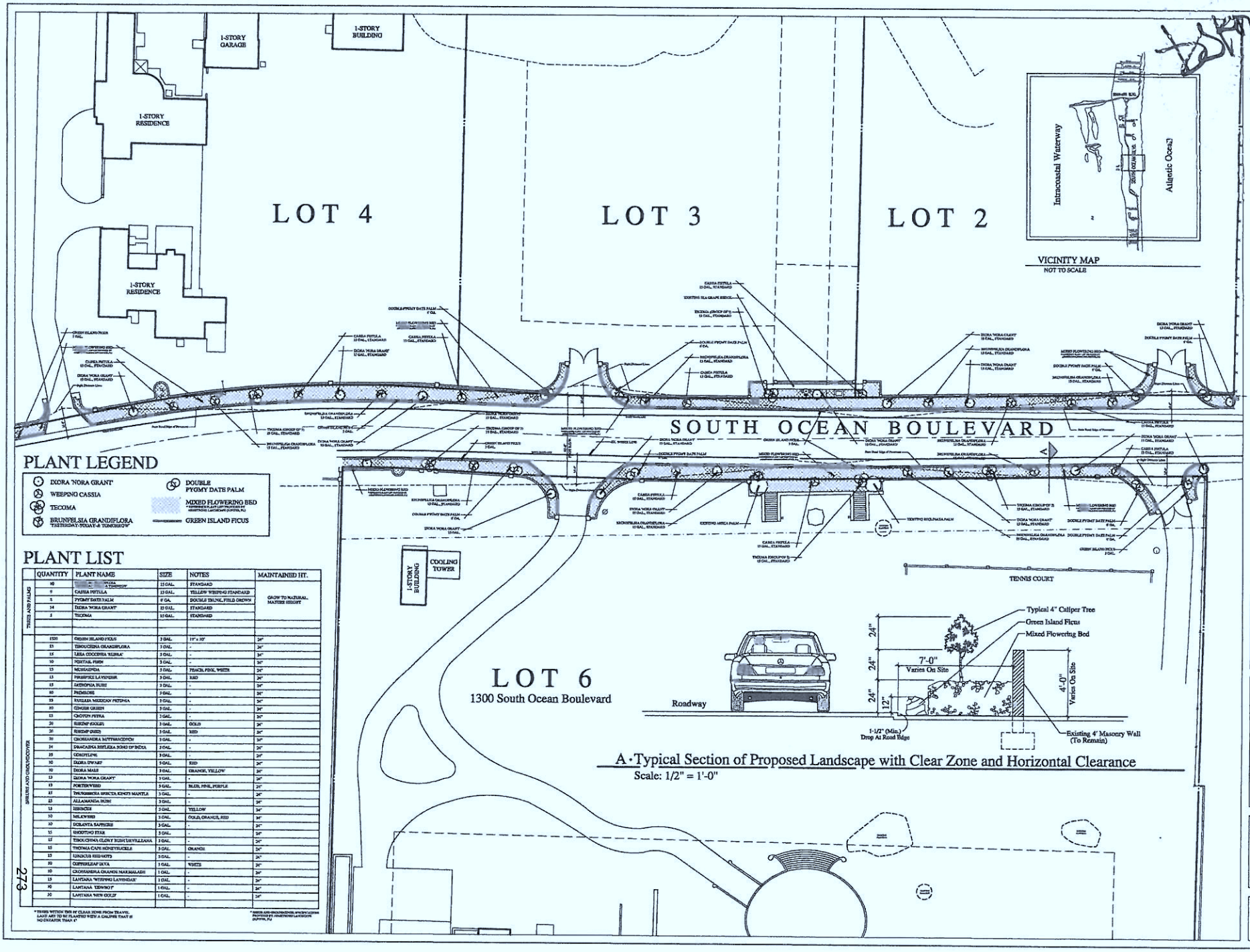
N LOCATION MAP
N.T.S.

SHEET SET KEY:

- Key Sheet
- L1 (Planting Plan - As-Built)
- FDOT Standard Index 544
- FDOT Standard Index 601
- FDOT Standard Index 602
- FDOT Standard Index 603
- FDOT Standard Index 546

NOTES:

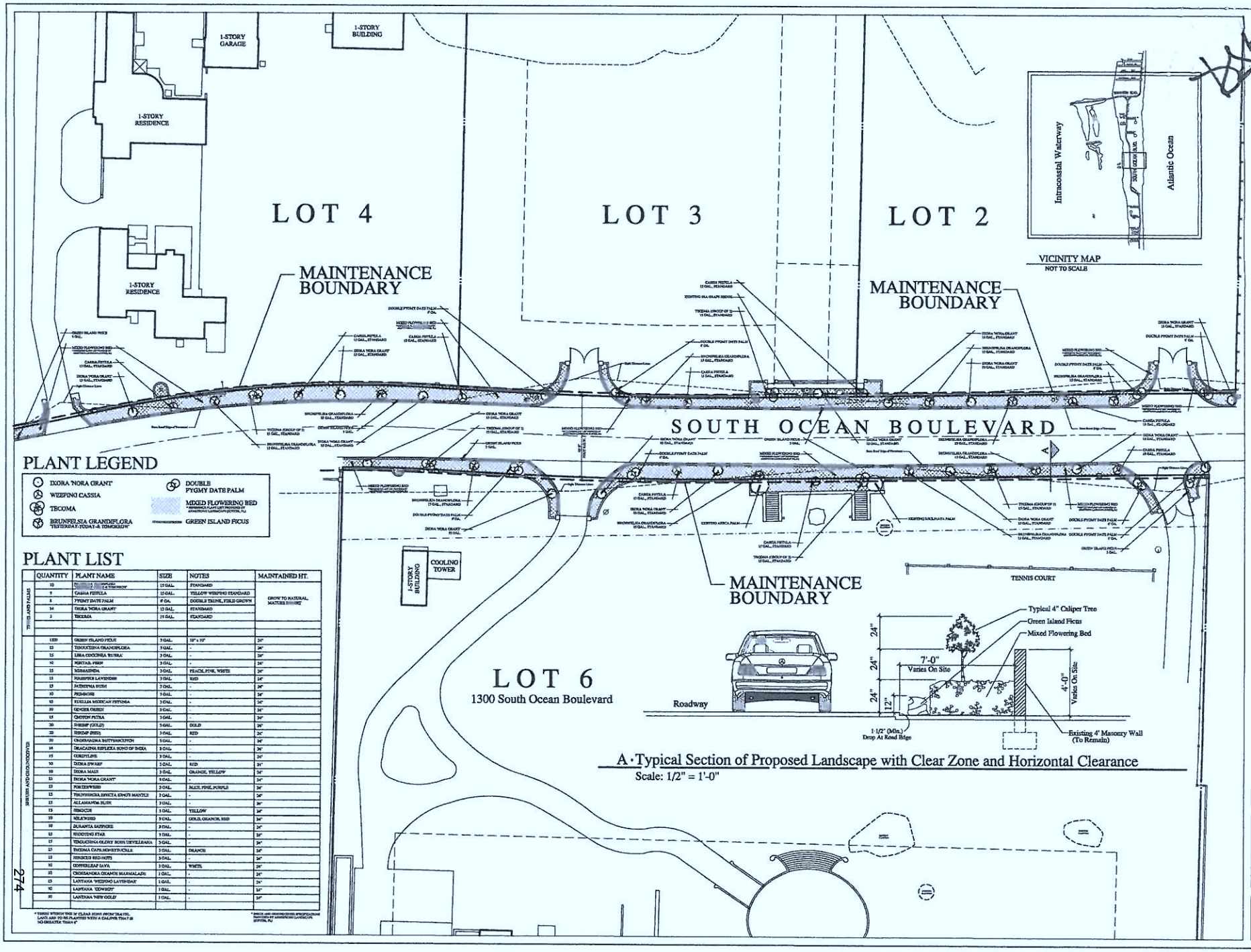
- Refer to FDOT Standard Index 544 for Installation of Vegetation.
- Refer to FDOT Standard Specifications for Road and Bridge Construction Section 580 for Landscape Installation Specs.
- All Materials and Construction within the FDOT Right-Of-Way will Conform to the Latest FDOT Design Standards and Latest Standard Specifications for Road and Bridge Construction
- Maintenance Of Traffic M.O.T. for this Project will comply with the Florida Department of Transportation F.D.O.T. Design Standard Index 601, 602, and 603.
- Sight Distance Lines are in accordance with Standard Index 546.



	QUANTITY	PLANT NAME	SIZE	NOTES	MAINTAINED HT.
DRY PLANTS	10	IXORA 'NORA GRANT'	15 GAL.	STANDARD	GROW TO NATURAL MATURE HEIGHT
	5	CASSIA FISTULA	15 GAL.	YELLOW WEEPING STANDARD	
	5	PYGMY DATE PALM	5' GAL.	DOUBLE TRUNK, FULL GROWN	
	14	IXORA 'NORA GRANT'	15 GAL.	STANDARD	
	5	TECOMA	15 GAL.	STANDARD	
SPRINKLED GROUNDCOVER	1520	GREEN ISLAND FICUS	3 GAL.	10" x 10"	24"
	13	TIBOUCHINA GRANDIFLORA	3 GAL.	-	24"
	15	LEEA COCCINEA 'ELISHA'	3 GAL.	-	24"
	10	NOTAL FERN	3 GAL.	-	24"
	13	MUSSAENDA	3 GAL.	PEACH, PINK, WHITE	24"
	13	PERSEPHIZE LAVENDER	3 GAL.	RED	24"
	15	LATONIA BURE	3 GAL.	-	24"
	10	PRIMROSE	3 GAL.	-	24"
	13	RUELLIA MEXICAN PETUNIA	3 GAL.	-	24"
	10	GINGER GREEN	3 GAL.	-	24"
	13	CROTON PETRA	3 GAL.	-	24"
	20	SHRIMP (GOLD)	3 GAL.	GOLD	24"
	20	SHRIMP (RED)	3 GAL.	RED	24"
	20	CROSSANDRA BUTTERCUPTOP	3 GAL.	-	24"
	14	DRACAENA REFLEXA SONG OF INDIA	3 GAL.	-	24"
	15	CORDYLINE	3 GAL.	-	24"
	10	IXORA DWARF	3 GAL.	RED	24"
	10	IXORA MAUI	3 GAL.	ORANGE, YELLOW	24"
	13	IXORA 'NORA GRANT'	3 GAL.	-	24"
	13	PORTERWEED	3 GAL.	BLUE, PINK, PURPLE	24"
	15	PAUGSSIOPA OPHCTA KING'S MANTLE	3 GAL.	-	24"
	13	ALLAMANDA BUSH	3 GAL.	-	24"
	13	HIBISCUS	3 GAL.	YELLOW	24"
	10	MILKWEED	3 GAL.	GOLD, ORANGE, RED	24"
	10	DOLANTA SAPHIRE	3 GAL.	-	24"
	15	SHOOTING STAR	3 GAL.	-	24"
	15	TIBOUCHINA GLORY BUSH URVILLEANA	3 GAL.	-	24"
	15	THUNBA CAPE HONEYSUCKLE	3 GAL.	ORANGE	24"
	15	LONICUS RED HOTS	3 GAL.	-	24"
	10	CUPHEALAP IATA	3 GAL.	WHITE	24"
	10	CROSSANDRA GRANDIS MARMALADE	1 GAL.	-	24"
	13	LANTANA 'WEEPING LAVENDER'	1 GAL.	-	24"
	10	LANTANA 'EDWIN O'	1 GAL.	-	24"
	10	LANTANA 'NEW GOLD'	1 GAL.	-	24"

* THOSE WITHIN THE 30' CLEAR ZONE FROM TRAVEL LANES ARE TO BE PLANTED WITH A CALIPER THAT IS NO GREATER THAN 4"

* MIXED AND GROUNDCOVER SHOWN ACCORDING TO PLAN BY HINSTRONG LANDSCAPE (SUPPLIER, FL)



A · Typical Section of Proposed Landscape with Clear Zone and Horizontal Clearance
Scale: 1/2" = 1'-0"

PLANT LEGEND

- IXORA 'NORA GRANT'
- WEEPING CASSIA
- TECOMA
- BRUNFELSIA GRANDIFLORA 'YESTERDAY-TODAY & TOMORROW'
- DOUBLE PYGMY DATE PALM
- MIXED FLOWERING BED
- GREEN ISLAND FICUS

PLANT LIST

	QUANTITY	PLANT NAME	SIZE	NOTES	MAINTAINED HT.
TREES AND PALMS	10	[illegible]	15 GAL.	STANDARD	GROW TO NATURAL MATURE HEIGHT
	8	CASSIA FISTULA	15 GAL.	YELLOW WEEPING STANDARD	
	8	PYGMY DATE PALM	8' OA.	DOUBLE TRUNK, FULLY GROWN	
	34	IXORA 'NORA GRANT'	15 GAL.	STANDARD	
	5	TECOMA	15 GAL.	STANDARD	
SHRUBS AND GROUNDCOVERS	1320	GREEN ISLAND FICUS	3 GAL.	18" x 18"	24"
	12	TABEBUIA GRANDIFLORA	3 GAL.	-	24"
	15	LIRIA COCCINEA 'RUBRA'	3 GAL.	-	24"
	10	PENTAS, PINK	3 GAL.	-	24"
	15	MIMASINDA	3 GAL.	PEACH, PINK, WHITE	24"
	15	PHASPEX LAVENDER	3 GAL.	RED	24"
	15	ACTINIMA SUSH	3 GAL.	-	24"
	10	PEDIGOIS	3 GAL.	-	24"
	15	RUELLIA MEXICAN PETUNIA	3 GAL.	-	24"
	10	DENCIS GREEN	3 GAL.	-	24"
	15	CROTON PETRA	3 GAL.	-	24"
	20	SHRIMP (GOLD)	3 GAL.	GOLD	24"
	20	SHRIMP (RED)	3 GAL.	RED	24"
	10	CROSSANDRA BUTTERSKOTCH	3 GAL.	-	24"
	14	DRACAENA REFLEXA SONG OF INDIA	3 GAL.	-	24"
	15	CORDYLINE	3 GAL.	-	24"
	10	IXORA DWARF	3 GAL.	RED	24"
	10	IXORA MAUI	3 GAL.	ORANGE, YELLOW	24"
	15	IXORA 'NORA GRANT'	3 GAL.	-	24"
	15	FORTEWEED	3 GAL.	BLUE, PINK, PURPLE	24"
	15	THUNBERGIA ERECTA, (SONG MANTLE)	3 GAL.	-	24"
	15	ALLAMANDA BUSH	3 GAL.	-	24"
	15	HIBISCUS	3 GAL.	YELLOW	24"
	10	MILKWEED	3 GAL.	GOLD, ORANGE, RED	24"
	10	ZULANTA SAPPHIRE	3 GAL.	-	24"
	15	SHOOTING STAR	3 GAL.	-	24"
	15	TECOMA GLORY BUSH TEXELLBANA	3 GAL.	-	24"
	15	TECOMA CAPE HONEYSUCKLE	3 GAL.	ORANGE	24"
	15	HIBISCUS RED HOTS	3 GAL.	-	24"
	10	GOSSELEAF (LAVA)	3 GAL.	WHITE	24"
	15	CROSSANDRA ORANGE MARMALADE	3 GAL.	-	24"
	15	LANTANA 'WEDDING LAVENDAR'	3 GAL.	-	24"
	10	LANTANA 'COWBOY'	3 GAL.	-	24"
	10	LANTANA 'NEW GOLD'	3 GAL.	-	24"

* THINS WITHIN THE 30' CLEAR ZONE FROM TRAVEL LANES ARE TO BE PLANTED WITH A CALIPER THAT IS NO GREATER THAN 4"

* SHRUBS AND GROUNDCOVERS SPECIFICATIONS CONFORM TO AMERICAN LANDSCAPE STANDARD, INC.

DON SKOWRON INCORPORATED
doncskowron@msn.com
561-666-6574

SCALE: 1/16" = 1'-0"

MAINTENANCE PLAN

1300 South Ocean Boulevard
Palm Beach, Florida

DATE ISSUED:
OCTOBER 22, 2012

DOT SUBMITTAL 10.23.12
DOT SUBMITTAL 12.4.12
- REVISIONS PER DOT REVIEW

DATE INSPECTED
SEPTEMBER 22, 2011

LM1

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SECTION No.:	**93060**
Permit No. (s):	**12L-496-0007-93060**
S.R. No.:	**A1A**
COUNTY:	**Palm Beach**

EXHIBIT B

LANDSCAPE IMPROVEMENTS PLANS

The AGENCY agrees to install the landscape improvements in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: Donald J. Skowron, Jr., RLA
Don Skowron, Incorporated
Date: December 11, 2012

SECTION No.:	**93060**
Permit No. (s):	**12L-496-0007-93060**
S.R. No.:	**A1A**
COUNTY:	**Palm Beach**

EXHIBIT C

MAINTENANCE PLAN FOR LANDSCAPE IMPROVEMENTS

This Exhibit forms an integral part of the DISTRICT FOUR (4) LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT between the State of Florida, Department of Transportation and the AGENCY.

Please see attached

MAINTENANCE PLAN
Landscape Improvements

Project State Road No(s):	**South Ocean Boulevard, S.R. A1A, Palm Beach, FL**
Project Limits:	**Between North and South Property Lines and East and West Of Right-of-Way of 1300 South Ocean Boulevard**
Maintaining Agency:	**Town of Palm Beach, Palm Beach County, FL**
RLA of Record:	**Donald J Skowron, Jr. (LA6666674)**
Date:	**December 11, 2012**

I. General Maintenance Requirements and Recommendations:

The purpose of a plan for the landscape improvements maintenance practices is to allow the plant material on your project to thrive in a safe and vigorous manner while fulfilling their intended purpose and conserving our natural resources. Plantings and all other landscape improvements shall be maintained to avoid potential roadway hazards and to provide required clear visibility, accessibility, clearance, and setbacks as set forth by Florida Department of Transportation (FDOT) governing standards and specifications: *FDOT Design Standards, FDOT Plans Preparation Manual Vol. I, Chapter 2.11* and *FDOT Standard Specifications for Road and Bridge Construction,* as amended by contract documents, and all other requirements set forth by the District 4 Operations Maintenance Engineer. The initial portion of the Maintenance Plan describes general maintenance requirements and recommendations. The concluding section provides recommendations prepared by the Registered Landscape Architect of Record specific to the attached approved plans.

Watering Requirements:

Watering is a critical concern for not only the maintenance of healthy plant material but also for observing water conservation practices. The amount of water to apply at any one time varies with the weather, drainage conditions and water holding capacity of the soil. For plant materials that have been established, it is imperative that any mandated water restrictions be fully conformed to on FDOT roadways.

Proper watering techniques should provide even and thorough water dispersal to wet the entire root zone, but not saturate the soil or over-spray onto travel lanes.

Irrigation System:

The Agency shall ensure there are no roadway overspray or irrigation activities during daytime hours (most notably "rush hour" traffic periods). It is imperative the irrigation controller is properly set to run early enough that the watering process will be entirely completed before high traffic periods, while adhering to mandated water restrictions. To ensure water conservation, the Agency shall monitor the system for water leaks and the rain sensors to ensure they are functioning properly so that the system shuts down when there is sufficient rainfall.

Integrated Plant Management:

An assessment of each planting area's soil is recommended to periodically determine the nutrient levels needed to sustain healthy, vigorous plant growth.

Palms, shrubs, trees and turf areas shall be fertilized in such a manner and frequency to ensure that the plant material remains healthy and vigorously growing. Establishment of an integrated pest management program is encouraged to ensure healthy plants, which are free of disease and pests.

Mulching:
Mulch planting beds in such a manner as to prevent weed growth, retain moisture to the plants, protect against soil erosion and nutrient loss, maintain a more uniform soil temperature, and improve the appearance of the planting beds. Avoid mulch mounded up on the trunks of trees, palms, and the base of shrubs to encourage air movement in this area which aids in lowering disease susceptibility. Cypress mulch is prohibited on state right of way.

Pruning:
All pruning, and the associated safety criteria, shall be performed according to American National Standard Institute (ANSI) A300 standards and shall be supervised by an International Society of Arboriculture (ISA) Certified Arborist. Pruning shall be carried out with the health and natural growth of plant materials in mind, to specific pruning heights maintaining clear visibility for motorists, and provide vertical clearance for pedestrian, bicyclist, and truck traffic where applicable. Visibility windows must be maintained free of view obstructions, and all trees and palms must be maintained to prevent potential roadway and pedestrian hazards, all palms are to be kept fruit free. The specific pruning heights are determined by understanding the designer's intent when selecting and placing the plants. The intended mature maintained height and spread of plants are noted on the plans (See Exhibit B.) and see Part II. Specific Requirements and Recommendations for guidelines. The understory plant materials selected for use within the restricted planting areas (Limits of Clear Sight) are to be maintained at a height in compliance with *FDOT Design Standards* Index 546; Page 6 of 6, Window Detail. Vertical tree heights must meet *FDOT Maintenance Rating Program* (MRP) standards.

Staking and Guying:
All staking materials, except for replacements, are to be removed by the completion of FDOT warranty period or at one year (whichever comes first). Any subsequent staking and guying activities by the Agency must adhere to *FDOT Design Standards* guidelines (See Index 544). The Agency shall closely monitor staking and guying attachment materials so that they are securely fastened to avoid potential roadway hazards.

Litter Control:
The project site shall remain as litter free as practicable. It is recommended to recycle this litter to avoid unnecessary waste by its reuse. Litter removal efforts must meet *FDOT Maintenance Rating Program* (MRP) standards.

Weeding/Herbicide:
All planting areas shall be maintained as weed free as practicable by enlisting integrated pest management practices in areas specified on the plans and maintaining proper mulch levels. Extreme care is recommended if using a chemical herbicide to avoid overspray onto plant materials. It is the applicator's responsibility to restore any damage, resulting from overspray to the plantings, per the approved plans.

Plant Replacement:
Plant replacement shall be the same species and specification as the approved plan. Move and replace all plant materials that may conflict with utility relocations and service. Only plants graded Florida #1 or better, per the *Florida Department of Agriculture and Consumer Services, Grades and Standards for Nursery Plants* are permitted on FDOT roadways. Should it become necessary to change the species, a general use permit is required from FDOT for approval by the FDOT District Landscape Architect.

Maintenance of Traffic Control

Reference the FDOT website regarding the selection of the proper traffic control requirements to be provided during routine maintenance and / or new installations of this DOT roadway.

II. Specific Project Site Maintenance Requirements and Recommendations

The selected plants for this project were based on providing year round color buffering the existing walls along A1A. The intended maintenance is to provide a manicured border with a naturalistic mix of flowering plants along the wall maintained at or around 2' in height to maintain a clear view down A1A.

REFERENCES

This reference list is provided as a courtesy. The list may not contain the most current websites. The most current references must be accessed for up to date information.

Accessible Sidewalk Videos (ADA)
http://www.access-board.gov/news/sidewalk-videos.htm

Americans with Disabilities Act (ADA) (ADAAG)
http://www.ada.gov/2010ADAstandards_index.htm

American National Standard Institute, *ANSI A300, (Part 1) for Tree Care Operations – Trees, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning)*, available for purchase
www.isa-arbor.com

Florida Department of Agriculture and Consumer Services, Division of Plant Industry, *Florida Grades and Standards for Nursery Plants*, available for purchase
http://www.doacs.state.fl.us/pi/pubs.html

Florida Department of Community Affairs (DCA), *Florida Board of Building Codes & Standards, 2010 Florida Building Code, Chapter 11 Florida Accessibility Code for Building Construction Part A*
http://www2.iccsafe.org/states/florida_codes/

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 544 Landscape Installation*
http://www.dot.state.fl.us/rddesign/DS/13/IDx/00544.pdf

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 546 Sight Distance at Intersections*
http://www.dot.state.fl.us/rddesign/DS/13/IDx/00546.pdf

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 600 Traffic Control through Work Zones*
http://www.dot.state.fl.us/rddesign/DS/13/IDx/00600.pdf

Florida Department of Transportation, *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 700 Roadside Offsets*
http://www.dot.state.fl.us/rddesign/DS/13/IDx/00700.pdf

Florida Department of Transportation, *FDOT Plans Preparation Manual (PPM) Vol. I Chapter 2.11 Horizontal Clearance*
Table 2.11.5 Horizontal Clearance to Trees
Table 2.11.11 Recoverable Terrain
http://www.dot.state.fl.us/rddesign/PPMManual/2012/Volume1/Chap02.pdf

Florida Department of Transportation, *FDOT Standard Specifications for Road and Bridge Construction, Section 580 Landscape Installation*
http://www.dot.state.fl.us/specificationsoffice/Implemented/SpecBooks/2013/Files/580-2013.pdf

Florida Department of Transportation, Landscape Architecture Website
www.MyFloridaBeautiful.com

Florida Department of Transportation, *Maintenance Rating Program Handbook*
http://www.dot.state.fl.us/statemaintenanceoffice/MRPHandbook2011.pdf

Florida Department of Transportation Outdoor Advertising Database
http://www2.dot.state.fl.us/rightofway/

Florida Exotic Pest Plant Council Invasive Plant Lists
http://www.fleppc.org/list/list.htm

Florida Irrigation Society
http://www.fisstate.org

Florida Power and Light (FPL), *Plant the Right Tree in the Right Place*
http://www.fpl.com/residential/trees/right_tree_right_place.shtml

Guide to Roadside Mowing and Guide to Turf Management, available for purchase
http://infonet.dot.state.fl.us/SupportServicesOffice/plist.htm

Interlocking Concrete Pavement Institute (ICPI)
http://www.icpi.org/

International Society of Arboriculture (ISA)
www.isa-arbor.com

UF IFAS: *Selecting Tropical and Subtropical Tree Species for Wind Resistance*
http://edis.ifas.ufl.edu/pdffiles/FR/FR17500.pdf

U.S. Department of Transportation, Federal Highway Administration, *Manual on Uniform Traffic Control Devices*
http://www.mutcd.fhwa.dot.gov

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

FY14 Budget Matters.
a. Budget Calendar.
b. Process for Establishing Townwide Budget Priorities.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated February 7, 2013, from Peter B. Elwell, Town Manager
- Budget Calendar

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 12, 2013

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: FY14 Budget Calendar and Setting of Townwide Budget Priorities

Date: February 7, 2013

STAFF RECOMMENDATION

Staff recommends Town Council approval of the attached budget calendar and of the schedule and process set forth below for establishing Townwide budget priorities for FY14.

GENERAL INFORMATION

Budget Calendar

Each year, the Town adopts a budget calendar so the schedule for preparation, consideration, and adoption of the annual budget will be clear to all involved. The proposed budget calendar for FY14 (involving actions between March and October of 2013) is attached hereto. Please pay particular attention to the four items highlighted in blue. Each of these involves action(s) the Town Council will need to take in a public meeting. If the proposed meeting dates of April 11, July 8, September 10, and September 18 do not work for you, please speak up at the February 12 Town Council meeting so the Mayor and Town Council may consider alternate dates for these meetings.

Townwide Budget Priorities

From FY02 through FY09, the Mayor and Town Council completed a goal setting exercise to establish the top priority Townwide goals for each fiscal year. In 2009, Town Council requested that I propose alternative processes for making these decisions. After considering the alternatives I presented, Town Council decided to continue following the process that had been used in prior years, but to identify "Top Budget Priorities" rather than "Top Townwide Goals." This change in terminology was not merely a preference as to form. It was meant to more accurately reflect the purpose of the exercise, which has always been to provide Town Council guidance to staff at the outset of preparing each new annual budget.

We have never actually completed a process to establish Top Budget Priorities, because for the past 3 years the Town's financial circumstances dictated the adoption of a single overriding budget priority: to maintain the Town's adopted levels of service without increasing property taxes.

I believe we have achieved a position of sustainable financial stability and that we should now resume the process of having Town Council establish top Townwide budget priorities at the beginning of each new budget cycle.

Therefore, I propose the following schedule for establishment of the Town Council's top budget priorities for FY14:

Friday, February 15	The Town Manager submits to the Mayor and Town Council a list of potential Townwide budget priorities prepared by the Town staff.
Friday, February 22	**The Mayor and Town Council submit to the Town Manager their individual lists of the Town's five top budget priorities for FY14 (choosing from the list prepared by staff and/or proposing their own ideas).**
Tuesday, February 26	The Town Manager submits to the Mayor and Town Council for their individual consideration an aggregated list of all items identified by the elected officials on their individual lists of the Town's top budget priorities for FY14 (the "ballot").
Friday, March 1	**The Mayor and each Town Council member submit to the Town Manager a completed "ballot," expressing the priority ranking of their top five budget priorities for FY14.**
Friday, March 8	The Town Manager submits to the Mayor and Town Council the tabulated results of the balloting with a recommendation for adoption of the Town's top budget priorities for FY14.
Thursday, March 14	**At the monthly Town Council meeting, the Mayor and Town Council discuss the recommended Townwide budget priorities and the Town Council formally adopts the proposed list or an amended list.**

Staff will then proceed to prepare the proposed FY14 budget in accordance with the guidance we have received from the Mayor and Town Council through the above described discussions and actions.

PBE:
Attachment
c: Thomas G. Bradford, Deputy Town Manager
Department Directors

FY2014 Proposed Budget Calendar

Task	Date	Task	Date
Finance to distribute FY14 Budget instructions	03/01/2013	Town Manager's Review of Risk Management and Human Resources Budget	05/17/2013
Submit initial CIP request forms to Public Works	03/15/2013	Town Manager's Review of Town Manager and Finance Budgets	05/24/2013
Public Works reviews CIP requests with Departments	03/22/2013	Property Appraiser Issues Preliminary Property Values	06/01/2013
Public Works Forwards CIP requests to Finance	04/8/2013	Final Budget Document Pages Returned to Finance	06/10/2013
Department's Budget Requests are due to Finance	04/8/2013	Notice from Property Appraiser of Preliminary Certification of Taxable Value	07/01/2013
Special Town Council Meeting Re: Long Term Financial Plan	**04/11/2013**	**Special Town Council Meeting to Consider Proposed FY14 Budget and Initial Resolutions(s) Adopting Special Non-Ad Valorem Assessments**	**07/08/2013**
Town Manager's Review of Information Systems and Fire-Rescue Budgets	04/18/2013	Notice of Proposed Property Taxes is mailed from Palm Beach Property Appraiser	Week of August 13
Town Manager's Review of Recreation Enterprise Fund Budget	04/19/2013	**Town Council Meeting – First Public Hearing to Approve Tentative Budget and Proposed Tax Rate for FY14 and Final Resolution(s) Adopting Special Non-Ad Valorem Assessments**	**09/10/2013 5:01PM**
Town Manager's Review of Police Budget and Planning, Zoning and Building Budget	04/26/2013	**Town Council Meeting – Second Public Hearing to Adopt FY14 Budget and Tax Rate**	**09/18/2013 5:01PM**
Town Manager's Review of Public Works and Capital Budgets	05/2/2013	Resolution Adopting Final Millage Rate is Forwarded to Property Appraiser and Tax Collector and Certificate of Compliance sent to Department of Revenue	10/01/2013

January 2013

S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February 2013

S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

March 2013

S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2013

S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2013

S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2013

S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July 2013

S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2013

S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2013

S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2013

S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2013

S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2013

S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Discussion of Three-Minute Rule for Communications from Citizens.

Presenter

William Diamond, Town Council Member

Supporting Documents

- Memorandum dated February 7, 2013, from William O. Cooley

MEMORANDUM

TO: MAYOR AND TOWN COUNCIL

FROM: WILLIAM O. COOLEY

DATE: FEBRUARY 7, 2013

RE: CITIZENS COMMENTS SECTION OF THE AGENDA AND THE "3 MINUTE RULE"

==========

A few thoughts on the "3 minute rule"; this rule was instituted as a result of one citizen who would read page after page of comments to the council. The President of the council should have the ability to cut off or limit the time a citizens speaks, but this "3 minute rule" has morphed into something that is close to a violation of the First Amendment.

Suggestions:

1. **The President should first ask how many people are going to speak on any given issue. If there are a large number, he should announce a limit on time of each speaker. If there are a small number, they should be allowed to speak their piece. The President can always tell a speaker to "wrap it up" if the speaker is too long or starts to repeat themselves.**

2. **The speaker should be allowed to finish their sentence. Cutting off a speaker with a "you are finished" or "3 minutes are up, sit down" is not the way to handle citizens who wish to participate in government.**

3. **Professional's time limits; the citizens should be allowed the same amount of time for their presentations as are the developers/applicants. When a developer/applicant makes a 30 minute presentation and then an attorney, who has been hired by a group of citizens, is forced to give his/their testimony in 3 minutes, it gives the developers/applicants a great advantage. Whatever amount of time that is allowed for the**

applicant's professionals, the same amount should be allowed for the citizen's professionals.

4. **Additional comments; when a citizen makes an initial comment, and then later in the meeting something is said that needs rebuttal, the citizen should be allowed to come up to the podium more than once.**

5. **Calling the police to have a citizen stop speaking: This should never be done. The police are there to protect and serve, not to silence speakers. It is demeaning to the police and makes the Town look bad. The President should be able to control the meeting.**

6. **Calling for discussion on the motion; Palm Beach has gotten into the bad habit of going into "executive session" and thereby and thereafter cutting off all further input from the public. Executive session is fine, discuss items among yourselves, but when calling for a motion, or if someone makes a motion, ask for discussion on the motion, first from the council, and then from the citizens. When your motion is made, your executive session ends and discussion on the motion should be allowed by the council <u>and the citizens</u>. Sometimes we citizens may have something to add or a reason why the motion should or should not be passed or modified.**

I'm sure there are many other items that may be discussed on this issue but these are my suggestions for now.

Implementation of these items may extend some council meetings 10 or 15 minutes, in most cases their implementation will not extend the meeting, but if so, this is a cheap price to pay to insure full citizen involvement.

Thank you.

TOWN OF PALM BEACH

Town Council Meeting on: February 12, 2013

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 19-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2012, Providing an Effective Date.
Deferred from the January 8, 2013, Town Council Meeting.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Ordinance No. 19-2012
- Exhibit A
- Exhibit B

ORDINANCE NO. 19-2012

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE TOWN'S BUDGETS ADOPTED FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2012; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2013; and

WHEREAS, the budget amendment is necessary to transfer excess funds from the General Fund reserves to the Coastal Protection Fund to fund future Coastal Projects; and

WHEREAS, the Town Council must take action to put in place an ordinance to amend the budget.

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

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

Section 2. The General Fund and the Coastal Protection Fund budgets for the fiscal year commencing October 1, 2012, are hereby amended and adopted pursuant to the attached Exhibit "A" and "B", attached hereto and made a part of this ordinance.

Section 3. Effective Date. This ordinance shall take effect immediately upon 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 11th day of December, 2012, and for second and final reading on this 12th day of February, 2013.

_____	_____
Gail L. Coniglio, Mayor	William J. Diamond, Town Council Member
	_____
	Richard M. Kleid, Town Council Member
	_____
	Michael J. Pucillo, Town Council Member
	_____
ATTEST:	David A. Rosow, Town Council Member
_____	_____
Susan A. Owens, MMC, Town Clerk	Robert N. Wildrick, Town Council Member

Exhibit A

Town of Palm Beach, Florida
General Fund Revenues and Expenditures
Budget Amendment
October 1, 2012 through September 30, 2013

	Adopted Budget FY2013	Ordinance No. 19-2012 Amendment	Amended Budget FY2013
Revenues			
Ad Valorem Taxes	36,865,400		36,865,400
Non Ad Valorem Taxes	7,477,500		7,477,500
Licenses & Permits	6,264,300		6,264,300
Intergovernmental	1,020,450		1,020,450
Charges for Services	3,652,116		3,652,116
Fines and Forfeitures	1,299,000		1,299,000
Investment Earnings	900,500		900,500
Miscellaneous Revenues	189,981		189,981
Interfund Transfers	885,000		885,000
Use of Undesignated Fund Balance	1,157,033	2,000,000	3,157,033
Total Revenues	59,711,280	2,000,000	61,711,280
Expenditures			
Department			
Legislative	95,600		95,600
General Government	445,153		445,153
Town Manager	741,371		741,371
Advice and Litigation	468,915		468,915
Human Resources	679,988		679,988
Information Systems	1,822,385		1,822,385
Finance	1,882,423		1,882,423
Planning/Building/Zoning	3,600,142		3,600,142
Library	288,989		288,989
Fire-Rescue	10,652,190		10,652,190
Police	12,885,527		12,885,527
Emergency Disaster Response	47,950		47,950
Public Works	14,330,768		14,330,768
Transfer to Other Funds	10,926,879	2,000,000	12,926,879
Contingent Appropriations	843,000		843,000
Total Expenditures	59,711,280	2,000,000	61,711,280
Revenue over/(under) Expenditures	$0	$0	$0

Exhibit B

Town of Palm Beach, Florida
Comprehensive Coastal Management Project Fund
Budget Amendment
October 1, 2012 through September 30, 2013

	Adopted Budget FY2013	Ordinance No. 19-2012 Amendment	Amended Budget FY2013
Revenues			
Investment Earnings	20,000		20,000
Transfer from General Fund	2,738,914	2,000,000	4,738,914
Total Revenues	2,758,914	2,000,000	4,758,914
Expenditures			
Current Year Projects	869,000		869,000
Prior Year Projects	6,063,000		6,063,000
Total Expenditures	6,932,000		6,932,000
Revenues Over/(Under) Expenditures	(4,173,086)		(2,173,086)
Beginning Fund Balance	10,354,771		10,354,771
Ending Fund Balance	6,181,685		8,181,685