



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JANUARY 14, 2014

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
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. PRESENTATIONS

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

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

(Another opportunity will be offered immediately after the lunch break.)

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

A. MINUTES

1. MINUTES: DECEMBER 2, 2013 Page 7
Approval of the Minutes of the Special Town Council Meeting
Request for Deferral to the February 11, 2014, Town Council Meeting per Email Dated January 8, 2014, from Susan A. Owens, Town Clerk.
Susan A. Owens, Town Clerk
2. MINUTES: DECEMBER 10, 2013 Page 9
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk
3. MINUTES: DECEMBER 11, 2013 Page 20
Approval of the Minutes of the Regular Town Council Meeting
Request for Deferral to the February 11, 2014, Town Council Meeting per Email Dated January 8, 2014, from Susan A. Owens, Town Clerk.
Susan A. Owens, Town Clerk
4. MINUTES: DECEMBER 12, 2013 Page 22
Approval of the Minutes of the Special Town Council Meeting-Closed Door Session
Request for Deferral to the February 11, 2014, Town Council Meeting per Email Dated January 8, 2014, from Susan A. Owens, Town Clerk.
Susan A. Owens, Town Clerk
5. Approval of Major Matters Considered by the Architectural Commission at its Meeting of December 12, 2013. Page 24
John S. Page, Director of Planning, Zoning, and Building

B. RESOLUTIONS

1. RESOLUTION NO. 1-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Lopez Group, Inc., in the Amount of \$146,862 for Worth Avenue Maintenance Services and Establishing a Budget of \$151,268. Page 47
H. Paul Brazil, P.E., Director of Public Works
2. RESOLUTION NO. 2-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock, Roos & Associates, Inc., in the Amount of \$158,895 for E-3 and E-2 (El Pueblo Way to Tangier Avenue) Force Main Replacement Easement Research and Surveying Services Including Verification of Pipe Location. Page 51
H. Paul Brazil, P.E., Director of Public Works
3. RESOLUTION NO. 3-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase to Mock Roos and Associates, Inc., for Additional Construction Phase Engineering Services for the E-6 Bradley Park to Tangier Avenue Force Main Replacement, and Establishing a New Total Authorization Not-to-Exceed \$53,262 and a New Total Construction Phase Engineering Services Budget of \$56,000. Page 61
H. Paul Brazil, P.E., Director of Public Works

4. RESOLUTION NO. 4-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order No. 131356 for Construction Phase Engineering Services for the A-7 to Hammon Avenue Force Main Replacement Project, in the Amount of \$6,468 and Increasing the Construction Phase Engineering Budget by \$7,000 for this Project, for a Revised Total Budget of \$82,000.
H. Paul Brazil, P.E., Director of Public Works Page 66
5. RESOLUTION NO. 5-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Batallan Enterprises, Inc., DBA Propertyworks for Turf Maintenance, in the Amount of \$35,174 and Establishing a Project Budget of \$36,932.
H. Paul Brazil, P.E., Director of Public Works Page 70
6. RESOLUTION NO. 6-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$123,163 to Navistar Inc., for the Purchase of One International Workstar Cab and Chassis on FSA Contract No. 13-11-0904, and Establishing an Overall Budget of \$126,000.
H. Paul Brazil, P.E., Director of Public Works Page 74

C. OTHER

1. Report of the Ordinances, Rules, & Standards Committee Meeting of December 3, 2013. Page 79
William J. Diamond, Chair

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Recreation Advisory Commission Annual Report. Page 83
Pamela McIver, Recreation Advisory Commission Chairperson

X. REGULAR AGENDA

A. Old Business

1. COASTAL PROTECTION MATTERS
Reach 3 Roadway Protective Seawall Condition Assessment Discussion. Page 87
H. Paul Brazil, P.E., Director of Public Works
2. COASTAL PROTECTION MATTERS Page 93
FY2014 Potential Interim Sand Replacement Project

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

RESOLUTION NO. 8-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Applied Technology & Management, Inc., in the Amount of \$63,631.68 for

Construction Management Services Associated with the FY 2014 Interim Sand Replacement Project in Reaches 3 and 7, Establishing a Project Budget of \$73,000.

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

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding Jason Weeks v. Town of Palm Beach, Case No. 502012CA006664XXXXMBAE, pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. Discussion of this Matter to Begin Immediately Following the January 15, 2014, Town Council Meeting in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph; and Court Reporter from Pleasanton, Greenhill Meek & Marsaa Court Reporters, Inc. Page 105
2. Actions Being Taken to Improve Reliability of the Electric Power Supply on Palm Beach. Page 106
TIME CERTAIN: 11:00 AM
FPL Representative
3. Certification of Petitions Requesting a Referendum re: PUD-5. Page 107
Susan A. Owens, Town Clerk
4. Review of Potential Traffic Impacts for the Accelerated Capital Improvement Program (Phase II) and Other Capital Improvement Projects. Page 181
H. Paul Brazil, P.E., Director of Public Works
5. RFP No. 2014-09 re: Lease of Town-Owned Properties. Page 185
Jay Boodheshwar, Director of Recreation and Special Projects
6. Appeal of Dangerous Dog Determination Page 189
Kirk W. Blouin, Director of Public Safety
7. Appointment to Planning and Zoning Commission. Page 190
John S. Page, Director of Planning, Zoning, and Building

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 21-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118 Relating to Traffic and Vehicles at Article III, Parking, Stopping and Standing; Section 118-92, Penalty for Violating Parking Regulations Generally; by Amending Paragraph (a), Subparagraph (12) Relating to Parking in Loading Zone; and by Creating a New Subparagraph (22) Establishing a Parking Regulation for Illegal Parking in Residential Loading Zones; Providing for Severability; Providing for Repeal of Page 195

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

Thomas G. Bradford, Deputy Town Manager

B. First Reading

1. ORDINANCE NO. 4-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets, Sidewalks and Other Public Places, Article I, in General, at Section 106-1, Making it Unlawful to Allow Vegetation or Any Other Item, Substance, Material or Thing to Obstruct Street Signs, Regulatory Signage, Street Lighting or Traffic Signals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Page 199

Thomas G. Bradford, Deputy Town Manager

2. ORDINANCE NO. 5-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 38, Emergency Services; at Article II, Alarm Systems; Section 38-35 Relating to Service Charge for Excessive False Alarms and Non Payment of Fines; at Section 38-62 Relating to Applications; Fees; and at Section 38-93 Relating to General Alarm User Requirements; So as to Provide That Direct Connect Alarm Systems Are Available to Businesses and Residential Customers Within the Town; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Page 206

Thomas G. Bradford, Deputy Town Manager

3. ORDINANCE NO. 6-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2013, Providing an Effective Date. Page 214

Jane Struder, Director of Finance

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

PLEASE TAKE NOTE:

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

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

- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item (s) be moved to the Regular Agenda and individually considered.
- Note 6:** A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

PUBLIC HEARINGS:

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

COMMUNICATIONS FROM CITIZENS:

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

OTHER AGENDA ITEMS:

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

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

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 2, 2013

Approval of the Minutes of the Special Town Council Meeting

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

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Email dated January 8, 2014, from Susan A. Owens](#)

From: Susan Owens/PalmBeach
To: Anne Boyles/PalmBeach@PalmBeach
Date: 01/08/2014 09:30 AM
Subject: Re: Email Requesting Deferral

Anne,

I would like to request deferral of the following sets of minutes to the February 11th meeting:

1. 12/2/2013 STC
2. 12/11/2013 TC
3. 12/12/2013 STC-CDS

The ORS Report will be completed in time for the January meeting.

Thank you,
Susan A. Owens, MPA, MMC
Town Clerk
Town of Palm Beach
FACC Southeast District Director
360 South County Road
Palm Beach, FL 33480
561.838.5416 (ofc) / 561.838.5417 (fax)



TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 10, 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 December 10, 2013](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON DECEMBER 10, 2013**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, December 10, 2013, at 9:33 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

Council President Rosow recognized the passing of Harry Loy Anderson.

Mayor Coniglio introduced Stephanie Zachary. Ms. Zachary stated that she is the new Palm Beach Outreach Coordinator for US Representative Lois Frankel's Office. She requested that, if the Town ever needs any assistance from Representative Frankel's office, to feel free to contact her.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. PRESENTATIONS

A. Recognition of Elizabeth "Libby" Marshall, Landmarks Preservation Commission, From March 2012 Through September 2013

Mayor Coniglio recognized Elizabeth "Libby" Marshall for her service on the Landmarks Preservation Commission.

B. Recognition of Leslie A. Shaw for Service on Planning & Zoning Commission from February 2006 through September 2013

Mayor Coniglio recognized Leslie A. Shaw for his service on the Planning & Zoning Commission.

C. Recognition of Lifeguard Supervisor Craig Pollock as the 2013 Town Employee of the Year

Mayor Coniglio recognized Craig Pollock as the 2013 Town Employee of the Year and his service to the community.

D. Presentations by Applicants for the Code Enforcement Board

The following applicants made presentations to the Town Council:

- Robert G. Donnelly
- Matthew Natale
- Thomas Parker

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio expressed thanks for living in paradise, and thanked the community and Staff for their service to the Town. She asked that everyone be grateful, and have a safe and healthy New Year.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Rosow reiterated the Mayor's wishes for a healthy and prosperous New Year.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Dr. Jerome Klein, 225 Emerald Lane, expressed his concerns regarding the lengthy construction on his neighbors' properties, and how they have adversely affected his property.

Gregg Beletsky, Worth Avenue Association President, expressed the Board's and the Association's thanks to the Town for its support of their efforts, spoke regarding the beach cleanups and thanked the Town for their involvement in them, and wished everyone happy holidays and a happy New Year.

Eric Gilbertson, 151 Chilean Avenue, expressed his thanks to a Public Works employee for his assistance in removing tree branches from his property and suggested that he be named Employee of the Month, spoke regarding the Council's questions of Public Works Director Brazil at the November Town Council meeting and how he had great responses, stated that he was glad that the Town Council decided to not televise their meetings, and wished everyone a merry Christmas.

Laurel Baker, Palm Beach Chamber of Commerce, expressed her thanks to the Town Council for their good decisions, spoke regarding some memos written to the Town that she found from five years ago, expressed her concerns regarding traffic and parking in the Town, and stated that the business community appreciates the Town also.

VII. APPROVAL OF AGENDA

PULLED FROM CONSENT: Item No. VIII.B.1, Resolution No. 198-2013, was pulled from the Consent Agenda and placed under New Business, as Item No. XII.B.6.

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.

VIII. CONSENT AGENDA

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

A. MINUTES

1. MINUTES: NOVEMBER 12, 2013
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk
2. MINUTES: NOVEMBER 13, 2013
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk
3. Approval of Major Matters Considered by the Architectural Commission at its Meeting of November 15, 2013.
John S. Page, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 198-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of One (1) Parking Enforcement Vehicle in the Amount of \$18,443 from Hub City Ford, as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.
*Kirk Blouin, Director of Public Safety – **Pulled from Consent and Heard Under New Business.***
2. RESOLUTION NO. 199-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Three (3) Patrol Vehicles in the Amount of \$97,497 from Stingray Chevrolet, as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's

Equipment Replacement Program; Providing an Effective Date.

Kirk Blouin, Director of Public Safety

3. RESOLUTION NO. 200-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, Florida, Authorizing the Purchase of Two (2) Code Enforcement Vehicles in the Amount of \$35,180 (\$17,590 per Vehicle) From Alan Jay Nissan, Inc., as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Kirk Blouin, Director of Public Safety

4. RESOLUTION NO. 201-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of AutoVu License Reader System in the Amount of \$38,266.90 from Dana Safety Supply, Inc., as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Kirk Blouin, Director of Public Safety

5. RESOLUTION NO. 202-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2014-05 and a Contract to Advanced Disposal Services Solid Waste Southeast, Inc., for Compacted Garbage Collection, in the Amount of \$237,414 and Establishing a Project Budget of \$257,000.

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

6. RESOLUTION NO. 203-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of FDEP Contract No. 13PB3, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Lake Worth Inlet Management Plan Implementation, Specifically the Sand Transfer Plant Rehabilitation (Phase I), and Authorizing the Town Council President to Execute Same on Behalf of the Town.

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

7. RESOLUTION NO. 204-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Upgrade Purchase of the Town's IBM ISeries System, Tape Drives, Software and Maintenance from the FY14 Equipment Replacement Budget from Midrange Support and Service, 1122 East Atlantic Ave., Suite C, Delray Beach, FL 33483 in the Amount of \$90,809.10 and Authorizing the Town Manager to Execute the Purchase on Behalf of the Town.

Thomas G. Bradford, Deputy Town Manager

8. RESOLUTION NO. 209-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described (Everglades Club, 347 Worth Avenue, Via Parigi Apartment Renovation) and Stating That the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."
John S. Page, Director of Planning, Zoning, and Building

C. OTHER

1. Authorization of a Selection Committee for Construction Management Services for the North Ocean Boulevard Seawall Project.
H. Paul Brazil, P.E., Director of Public Works
2. Ratification of Selection Committee Rankings for Marine Resource Assessment and Monitoring Services - RFQ No. 2014-03.
H. Paul Brazil, P.E., Director of Public Works
3. Ratification of Selection Committee Rankings for Coastal Engineering Services - RFQ No. 2014-04.
H. Paul Brazil, P.E., Director of Public Works
4. Approval of Appointment to the Investment Advisory Committee.
Jane Struder, Director of Finance
5. Approval of Appointments to the Shore Protection Board.
Peter B. Elwell, Town Manager

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Shore Protection Board Annual Report.
E. Llwyd Ecclestone, Shore Protection Board Chairperson

E. Llwyd Ecclestone, Shore Protection Board Chairperson, provided an overview of the Shore Protection Board's Annual Report.

By consensus of the Town Council, the Shore Protection Board Annual Report was accepted.

X. COMMITTEE REPORTS

- A. Ordinances, Rules, and Standards Committee Meeting of December 3, 2013.
William J. Diamond, Chair

Council Member Diamond gave a verbal report on the actions of the ORS

meeting of December 3, 2013.

Discussion ensued regarding the Direct Connect Alarm System, the proposed ordinance prohibiting vegetation or any other item from obstructing street signs, street lighting, or traffic signals, the extent of the obstructed signage problem, signs on private versus public property, code enforcement actions on these violations, and unnecessary regulation.

By consensus of the Town Council, Town Attorney Randolph was directed to draft an ordinance adopting a prohibition on obstruction of signage that addresses the concerns mentioned above.

XI. PUBLIC HEARINGS

- A. RESOLUTION NO. 210-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments Levied Within a Portion of the Incorporated Area of the Town Constituting the Peruvian Avenue 400 Block Streetscape Project Assessment Area; Stating the Need for Such Levy; Providing for the Mailing of this Resolution; and Providing an Effective Date.

Thomas G. Bradford, Deputy Town Manager

Deputy Town Manager Bradford stated that this resolution establishes the Town's intent to levy a special assessment for this project, not the actual assessment.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 210-2013. On roll call, the motion carried unanimously.

XII. REGULAR AGENDA

- A. Old Business

1. Flagler Memorial Bridge Project Update.
Geoffrey Parker, New Millennium Engineering

Geoffrey Parker, New Millennium Engineering, introduced himself as the new Senior Project Engineer, and provided an update on the project.

2. Discussion of the Florida Public Utilities Commission (FPUC) Lawsuit.
Michael J. Pucillo, Town Council Member

Discussion ensued regarding a last round of settlement meetings to avoid having to file a lawsuit.

1 **By consensus of the Town Council, Council Member Pucillo was authorized to**
2 **represent the Town in the settlement meetings with FPUC and the other affected**
3 **parties.**

4
5 B. New Business

- 6
7 1. Palm Beach Hotel Request for Use of Right-of-Way During Season.
8 *H. Paul Brazil, P.E., Director of Public Works*

9
10 Discussion ensued regarding the nature of the work and concerns
11 regarding the length of the construction.

12
13 **Motion was made by Council Member Diamond, and seconded by Council Member**
14 **Pucillo, to approve the request for use of public right-of-way during season, subject**
15 **to the condition of a \$2,000 per day fine for any work performed after February 1,**
16 **2014. On roll call, the motion carried unanimously.**

- 17
18 2. Potential Town of Palm Beach Participation in a Coalition of Local
19 Governments Working to Effect Federal Communications Commission
20 (FCC) Wireless Rulemaking.
21 *Thomas G. Bradford, Deputy Town Manager*

22
23 Deputy Town Manager Bradford provided an overview of the recent
24 notice by the FCC that they were considering telecommunications rule
25 changes to greatly increase the allowable locations for telecommunication
26 equipment.

27
28 Discussion ensued regarding the adverse effects of this change on the Town
29 and Home Rule Authority.

30
31 **Motion was made by Council Member Diamond, and seconded by Council Member**
32 **Kleid, to approve an increase to the telecommunications budget of \$3,800 and to**
33 **participate in a coalition of local governments working to effect Federal**
34 **Communications Commission (FCC) Wireless Rulemaking. On roll call, the motion**
35 **carried unanimously.**

- 36
37 3. Operational Enhancements within the Building Division of the Planning,
38 Zoning, and Building Department.
39 *John S. Page, Director of Planning, Zoning, and Building*

40
41 Planning, Zoning, and Building Director Page announced that Bill
42 Bucklew has been promoted to the position of Town Building Official and
43 that they have had a new opportunity to review operations and identify a
44 number of enhancements to existing services. Director Page and Building
45 Official Bucklew then provided an overview of those operational
46 enhancements.

Discussion ensued regarding the amount of time the Town allows for property owners to build homes, the lack of a requirement that complete plans be submitted before construction is approved, increasing the time to call in and request an inspection from midnight to 7:00 a.m., researching the operations of other municipalities, offering more online services, addressing the adverse effects of dirt that sits on construction sites for extended periods of time, construction noise and diesel truck fumes, code enforcement of construction violations, raising fines, and the amount of right-of-way parking spaces allotted for construction sites that are close together.

Alan Goldboro, 2500 S. Ocean Drive, spoke regarding using certified contractors for inspections rather than Staff, and requiring that an engineering report be submitted prior to construction approval.

Town Manager Elwell clarified that owners are allowed up to three construction right-of-way parking permits, provided a historical perspective on the allowance of these permits and the current issuance policy, and suggested that this matter be referred to ORS for further review.

By consensus of the Town Council, review of the number of right-of-way construction parking permits allowed was referred to the ORS Committee.

4. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter.

Peter B. Elwell, Town Manager

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the appointment of Town Manager Elwell pursuant to Section 4.01(b) of the Town Charter. On roll call, the motion carried unanimously.

5. Appointment to the Code Enforcement Board.

Kirk W. Blouin, Director of Public Safety

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, to ratify the appointments of Robert G. Donnelly as a regular member to the Code Enforcement Board, and Matthew Natale as an alternate member to the Code Enforcement Board.

The Item below was Pulled from the Consent Agenda:

6. RESOLUTION NO. 198-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of One (1) Parking Enforcement Vehicle in the Amount of \$18,443 from Hub City Ford, as Previously Considered and Approved by

the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.
Kirk Blouin, Director of Public Safety

Discussion ensued regarding the size of the new vehicles, the length of time they are parked when issuing a ticket, having the yellow lights flashing at all times, the reasons why these vehicles were selected, why use of the vehicles is more efficient and safer than walking, staffing changes in the parking control division, and parking ticket revenue.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve Resolution No. 198-2013. On roll call, the motion carried unanimously.

XIII. ORDINANCES

A. First Reading

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

Thomas G. Bradford, Deputy Town Manager

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Ordinance No. 21-2012, on first reading. On roll call, the motion carried unanimously.

XIV. ANY OTHER MATTERS – None

1 **XV. ADJOURNMENT**

2
3 There being no further business, the December 10, 2013, regular Town Council meeting
4 was adjourned at 11:38 a.m.
5

6
7 APPROVED:
8

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

15 ATTEST:
16

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

23 _____
24 Date

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 11, 2013

Approval of the Minutes of the Regular Town Council Meeting

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

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Email dated January 8, 2014, from Susan A. Owens](#)

From: Susan Owens/PalmBeach
To: Anne Boyles/PalmBeach@PalmBeach
Date: 01/08/2014 09:30 AM
Subject: Re: Email Requesting Deferral

Anne,

I would like to request deferral of the following sets of minutes to the February 11th meeting:

1. 12/2/2013 STC
2. 12/11/2013 TC
3. 12/12/2013 STC-CDS

The ORS Report will be completed in time for the January meeting.

Thank you,
Susan A. Owens, MPA, MMC
Town Clerk
Town of Palm Beach
FACC Southeast District Director
360 South County Road
Palm Beach, FL 33480
561.838.5416 (ofc) / 561.838.5417 (fax)



TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: DECEMBER 12, 2013

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

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

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Email dated January 8, 2014, from Susan A. Owens](#)

From: Susan Owens/PalmBeach
To: Anne Boyles/PalmBeach@PalmBeach
Date: 01/08/2014 09:30 AM
Subject: Re: Email Requesting Deferral

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TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Minutes

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated December 13, 2013, from John S. Page, Director of Planning, Zoning, and Building](#)
- [Minutes of the Architectural Commission Meeting of December 12, 2013](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of December 12, 2013

Date: December 13, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of December 12, 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 December 12, 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 S. COUNTY ROAD, PALM BEACH, FL
THURSDAY, DECEMBER 12, 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 (9:18:47 a.m.)

Chairman Vila called the meeting to order at 9:18 a.m.

II. ROLL CALL (9:18:55 a.m.)

Robert J. Vila, Chairman	PRESENT
Nikita Zukov, Vice Chairman	PRESENT
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
Alexander C. Ives, Alternate Member	PRESENT
Michael B. Small, 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: (9:19:11 a.m.)

IV. APPROVAL OF THE MINUTES FROM THE NOVEMBER 15, 2013 MEETING: (9:19:30 a.m.)
MOTION BY MR. HOMES FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

V. **APPROVAL OF THE AGENDA: (9:19:43 a.m.)**

MOTION BY MRS. VANNECK TO TAKE ITEM B-103-2013 DEMOLITION OF 1340 NORTH OCEAN BOULEVARD AND MOVE IT COINCIDE WITH B-093-2013 FOR 1340 NORTH OCEAN BOULEVARD AND MOVE FOR APPROVAL OF THE REMAINDER OF THE AGENDA.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:20:17 a.m.)**

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

VII. **OTHER BUSINESS: (9:20:30 a.m.)** None

VIII. **PROJECT REVIEW: (9:20:33 a.m.)**

A. **MAJOR PROJECTS-OLD BUSINESS: (9:20:36 a.m.)**

B - 036 - 2013 New Residence

Address: 270 El Bravo Way

Applicant: Mr. & Mrs. Gary L. Schottenstein

Architect: Roger Janssen, Dailey Janssen Architects

Project Description: New two-story residence with 11,395 air conditioned square feet with pool, hardscape, landscape and site lighting. Building: Coral; Trim: Coral; Roof: Terra Cotta

This project was not heard at the May meeting, but was deferred to the June meeting. It is now a "combo" project. At the June meeting, a motion carried "to defer to next month with clarification on all of these very important details and ornamentation so that we can understand what we are looking at and if it's architecturally suitable, and also look at reducing some of the massing to the north." At the July meeting, a motion carried for approval of the architecture as presented, with a re-study of the chimney cap. Another motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject property. There was a third motion which carried, for deferral of the landscaping to the August meeting, after meetings with Mr. Vila and Mrs. Vanneck, and taking into account the recommendations that were made. At the August meeting, the project was deferred to the September meeting for substantial re-study. At the September meeting, the project was not heard, and the landscape was deferred to the December meeting.

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

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: John Lang, Lang Design Group

Mr. Lang presented the revised landscape/hardscape plans pursuant to the submitted plans. Items that were to be restudied include: The privacy wall between the Berwinds and the Schottensteins on the west boundary; the large patio that was to the north of the pool, the stools in the pool, the motor court fountain; and the landscape on the north side. Since the last meeting, several meetings have taken place with the neighbor and the neighbor's landscape professional, and they have come to mutual agreement as evidenced by the letter from Mr. Berwind to that effect which was distributed to the members. Changes made include: Substantial screening between the properties; the pool was pulled off the edge of the property; the large patio to the north of the pool

was removed; the north boundary is now softer and more old Florida with meandering hedge and many additional trees; eliminated 6 ft. wall to the north of the motor court in favor of landscaping; motor court fountain reduced in size by 30%; and, will match the neighbor's El Bravo wall on the Schottenstein property for symmetry and to frame views to the water. Mr. Lang also presented the proposed fire pit and noted that it has been sanctioned by the Fire Marshal.

The members were very pleased with the changes made. Mr. Karakul requested additional trees on the north elevation to address the mass of the house. Mr. Lang agreed to add 5 additional palm trees. Mr. Vila suggested a simplification of the landscape material along Island Road. Mr. Lang stated he would be happy to meet with Mr. Vila and Mrs. Vanneck relative to this matter. Mr. Janssen presented a revised chimney cap design on the Elmo projector in response to previous comments, however, Mr. Sammons commented that moulding details were lacking on the revision.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED WITH THE STIPULATION THAT THE NORTH ELEVATION LANDSCAPING BE RE-VISITED WITH MR. VILA AND MRS. VANNECK, AND THAT 5 PALMS ARE ADDED. MOTION SECONDED BY MRS. VANNECK.

THERE WAS NO VOTE FOR OR AGAINST THIS MOTION SINCE THE PLANS DID NOT REFLECT SO MANY CHANGES PRESENTED TODAY.

AS A RESULT, IT WAS CLARIFIED THAT THE MOTION WOULD INCLUDE APPROVAL TO REMOVE THE NORTH MASONRY GARDEN WALL ON THE NORTH ELEVATION; REVISION OF THE ENTIRE PLANTING SCHEME FOR THE NORTH ELEVATION ALONG ISLAND ROAD (SUBJECT TO MEETING WITH MR. VILA AND MRS. VANNECK); ADDITION OF 5 PALMS; ADDITION OF ELEVATIONS DEMONSTRATING WHAT THE WALL ALONG EL BRAVO WAY WILL LOOK LIKE; A WALL AND A TRASH GATE ON EL BRAVO; CHANGES TO THE FIRE PIT AS PROPOSED; AND, ELEVATION OF WESTERLY WALL NEEDED. (Staff later noted that the two members cannot meet together with Mr. Lang.)

MRS. VANNECK WITHDREW HER SECOND. AS SUCH, THE MOTION DIED FOR LACK OF A SECOND.

MOTION BY MR. HOMES FOR DEFERRAL TO THE JANUARY MEETING. MOTION SECONDED BY MR. KNOWLES.

UPON ROLL CALL, MOTION FAILED, 2-5, WITH ONLY MR. HOMES AND MR. KNOWLES SUPPORTING THE MOTION.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE CONCEPT AS PRESENTED WITH A FEW EXCEPTIONS AND TO COME BACK WITH A FULL SET OF PLANS PRIOR TO THE JANUARY MEETING FOR APPROVAL BY MR. VILA, MR. SAMMONS, AND MYSELF. WE WILL BE REMOVING THE WALL TO THE NORTHEAST; WE WILL REVIEW (MR. VILA AND MYSELF) THE NORTH ELEVATION LANDSCAPING TO REDUCE IT BUT ADD 5 PALMS; WE ARE GOING TO REPLICATE ON EL BRAVO, ON THE WEST SIDE, WE WILL REPLICATE THE EXISTING TRASH GATE THAT'S ON THE OTHER SIDE, AND THE CHIMNEY CAP TOTAL DETAILS ARE TO BE ACCEPTABLE TO MR. SAMMONS.

Mr. Lindgren cautioned against the multiple reviews to be done by commission members.

**AS SUCH, MR. VILA RE-STATED THAT THIS IS AN APPROVAL OF THE PROJECT, AS PRESENTED, WITH THE EXCEPTION OF THESE 5 ITEMS, WHICH ARE TO BE BROUGHT BACK TO US AT NEXT MONTH'S MEETING.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED 6-1, WITH MR. HOMES OPPOSED.**

B - 103 - 2013 Demolition

Address: 1340 N. Ocean Boulevard
Applicant: Elizabeth & Michael Chu
Architect: Randall Stofft Architects
Project Description: Demolition of existing two-story residence

At the November meeting, this project was not heard, and was deferred to the December meeting at the request of the attorney for the applicant.

Call for disclosure of ex parte communication: See disclosures under B-093-2013

ARCHITECTURAL PRESENTATION BY: Randall Stofft
OTHERS WHO TESTIFIED: Michael Chu, Property Owner

Let the record show that Mr. Stofft distributed mini-sets related specifically to the demolition.

Mr. Chu made some introductory remarks relative to the project. He noted that he has reviewed the project with many of his neighbors who have written letters for the record. He thanked the members for their input relative to the project at the October meeting, as the project is now better.

Mr. Stofft provided a very brief demolition report, stating that the existing home is in fair condition.

**MOTION BY MR. KARAKUL FOR APPROVAL OF THE DEMOLITION.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

B - 093 - 2013 New Residence

Address: 1340 N. Ocean Boulevard
Applicant: Elizabeth & Michael Chu
Architect: Randall Stofft Architects
Project Description: New 2-story single family residence with final landscape/hardscape.
Building-soft white: Roof-grey; Trim-stone/wood

At the October meeting, a motion carried to defer the project to next month (November), until the demolition comes before ARCOM, and after the demolition is approved, ARCOM will re-visit this. At the November meeting, the project was not heard and was deferred to the December meeting at the request of the attorney for the applicant.

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

ARCHITECTURAL PRESENTATION BY: Randall Stofft
LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design
ATTORNEY PRESENT: Maura Ziska for the applicant

It should be noted that a model was brought to the meeting.

Mr. Lindgren testified that three (3) letters in opposition to the project had been received, contrasting to twenty (20) in support of the project. He noted that objectors did not feel the modern style of architecture is in keeping with the neighborhood. Supporters of the project feel that the house will be a great addition to the neighborhood.

Mr. Stofft reviewed the changes made to the architecture since the last time this project was heard: Eliminated the brushed granite water table in favor of coquina; settled on stained Epay for the vertical elements and for the modified fence detail; lowered the towers; eliminated the glass ceiling at the entry. A sample of the brushed stainless railing was shown. Mr. Williams stated that few changes were made to the landscape/hardscape. More Coconut Palms have been added to the east facade to buffer the house from North Ocean Boulevard, and some other minor landscape changes. Mrs. Vanneck asked that an additional palm tree be added on the north elevation where there appears to be a "hole".

There was a question as to whether the neighbors to the south and north have sent letters relative to the project. Ms. Ziska stated that the neighbors to the north, Bill and Becky Bryan, have written a letter of support. Mr. Homes stated that the feedback he has gotten has been negative because those persons would like something other than contemporary architecture.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED WITH THE ADDITION OF ONE PALM TREE.

MOTION SECONDED BY MR. ZUKOV.

Mr. Lindgren read the letter of support from Mr. Bryan (1350 North Ocean Boulevard which looks directly at the proposed home) into the record.

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

[B - 097 - 2013 New Residence](#)

Address: 516 S Ocean Boulevard

Applicant: Mr. and Mrs. Chris Sinclair

Architect: MP Design & Architecture Inc.

Project Description: New two-story residence, pool, landscape & hardscape

At the October meeting, a motion carried to approve the project subject to re-visiting the details next month (November) of the east elevation, soffit and cornice details, the pool house and the north side at the main entry door. At the November meeting, the project was not heard and was deferred to the December meeting at the request of the architect.

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

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture

Mr. Perry presented the revised plans showing: East elevation-removed second floor transoms over doors; simplified cornice over master terrace; North elevation – removed cartouche; made entry door single instead of double; added grills to windows; lowered the stone; Pool cabana – changed the columns, added brackets and pitched eave detail.

Under commission comments: North elevation-keep the A201 version with window over staircase, the one with the sill above; make that staircase window match the two on the first floor below; cabana much improved; troubled by project-at north entry, arches dissimilar in size-incorrect construction due to horizontal thrust of arches; questioning the tower effects on such a small building; on ocean facade, the amount of wall left over upstairs with the windows is insignificant; at second floor loggia columns, beam would be better in timber; inconsistency in details; glued on stone with no support-not quality construction; issue with design of mouldings; project not studied well enough; north elevation entry would be better if lowered; problem with brackets at the west second story not matching rest; object to stone cornice-bring wood brackets back; this is an important house and we have an opportunity to create an important house to outlive us all; don't ignore the details, and make this an excellent project; and, cartouche may not be a bad idea on the north elevation with a double door entrance.

MOTION BY MRS. VANNECK TO DEFER TO THE JANUARY MEETING HAVING RECEIVED ALL SORTS OF INFORMATION FROM THE PANEL.

MOTION SECONDED BY MR. SAMMONS.

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

[B - 098 - 2013 Addition and Renovation](#)

Address: 240 Garden Road

Applicant: Mr. & Mrs. Louis Polk

Architect: MP Design & Architecture Inc.

Project Description: One-story addition and renovation to existing residence, new pool, landscape and hardscape

This project had been on the October agenda, but the architect had requested deferral to the November meeting. At the November meeting, a motion carried for approval as presented, but incorporating Mr. Sammons' suggestions about the modifications to the front entrance. This motion included a deferral of the landscape/hardscape and pool to the December meeting at the request of the architect.

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

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Williams presented the revised landscape/hardscape plans pursuant to last month's deferral. Design elements include: Keep Mango tree, Gumbo Limbo tree, the west hedge, Adonidea Palms and 2 Fishtail Palms on the east side; two curb cuts; planted coral treads up to the front door; low coral 18" high walls; 46' long pool; coral stone terraces in Chippendale design; and, garden area on west side.

Under commission comments, Mrs. Vanneck noted that the Dombeya will not work in the proposed location, facing north under trees.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED, WITH THE CAVEAT THAT THE DOMBEYA BE EXCHANGED.

MOTION SECONDED SIMULTANEOUSLY BY MR. HOMES AND MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

[B - 100 - 2013 Landscape/Hardscape](#)

Address: 149 Brazilian Avenue

Applicant: 149 Brazilian LLC

Architect: John Lang, Lang Design Group

Project Description: Landscape/Hardscape for new residence - final

At the October meeting, a motion carried for approval of the project as presented with a deferral of the gate and piers which are deferred to next month (November). At the November meeting, the project was not heard, and was deferred to the December meeting at the request of the landscape architect.

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

LANDSCAPE PRESENTATION BY: John Lang, Lang Design Group

Mr. Lang presented a simplified design of the front entry gate, pursuant to the commission's request. He noted that the Town informed the design team that the survey was incorrect as to the width of the rear utility easement, so that has been corrected on the plans and adjustments have been made to the landscaping accordingly. In response to a question, Mr. Lang stated that the gate dimensions are 5 ft. 7 inches in height, and 16 ft. wide. The commission felt that 16 ft. was too wide, and at least one member thought the gate was too high.

MOTION BY MR. SAMMONS TO REDUCE THE GATE WIDTH TO 14 FEET AND APPROVE.

MOTION SECONDED BY MRS. VANNECK.

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

[B - 101 - 2013 New residence](#)

Address: 167 Dunbar Road

Applicant: Laura Andrassy

Architect: Roger P. Janssen

Project Description: New 2-story residence, pool, hardscape and landscape. Roof-wood shingles; Building and trim color-off white

At the November meeting, this project was not heard, and was deferred to the December meeting at the request of the architect

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

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: Chuck Yannette, Parker Yannette

Mr. Janssen presented the project in accordance with the submitted plans and as described above. Design features include: Entrance off Dunbar; main two story body and center axis to front; garage entered off alley; open courtyard with pool, loggia & pergola; apartment above garage; rustic cedar shake roof; white stucco; mahogany colored aluminum wood clad windows; white outlookers; copper gutters and downspouts; and single lite casement windows with Colonial shutters.

Under commission comments: Questioning second story pergola; issue with width of windows not matching; issue with mullion pattern on French doors, center section in back; like the pergola and the wooden roof, but project is troubling...height is maximized with a lot of room in upper stories; issues with front windows with shutters...strange and inconsistent; issue with whether the proposed shutters, as dimensioned...will they actually function?; make the whole house lower; issue with front entry detail and stenciled balustrade; a thin presentation...nothing thought through all the way; the style really bothers me...an assemblage of details without any overall design; looks high and massive...looks unproportional...a hodge podge as you go around the house...go back, simplify, lower it and get the fenestration in sync...pay more attention to detail...and we need to have everything in one packet so we can understand; address and improve the detailing, the railing system, shutters between spindly columns...fine tune the fenestration...width of upper vs. lower operable shutters that require a ladder is wrong.

MOTION BY MR. SAMMONS TO DEFER TO THE JANUARY MEETING.

MOTION SECONDED BY MRS. VANNECK.

THE COMMISSION ELECTED TO HOLD OFF ON THE VOTE TO ALLOW THE LANDSCAPE TO BE HEARD.

Mr. Yannette presented the landscape/hardscape pursuant to the submitted plans. Design elements include: Keep most of the large trees; leave the Coconuts in the front yard; Canary Island Date Palms in the front; Magnolias flank the house; alleyway done in Chattahoochee stone with brick edge; courtyard in coral stone; driveway in red brick with coral stone border; and, fountain on axis with pool.

Under commission comments: Pleased you don't have big driveway gates; mitigate the height of the house with taller landscape material; bring Magnolias closer to house; the existing vegetation is drawn larger than it actually is; and question the use of Bamboo at the pool.

MOTION CARRIED UNANIMOUSLY TO DEFER THE ARCHITECTURE AND LANDSCAPING TO THE JANUARY MEETING.

Let the record show that there was a short recess from 11:05 a.m. to 11:15 a.m.

[B - 102 - 2013 Demolition and New Residence](#)

Address: 310 Australian Avenue

Applicant: 310 Australian Avenue, LLC

Architect: SKA Architect + Planner, Patrick W. Segraves, A.I.A.

Project Description: New two-story Mediterranean style home to be approximately 4500 sq. ft. Home will consist of three bedrooms, four and one-half bathrooms, living room, dining room, family room, kitchen, loggia, cabana bath and two car garage with guest bedroom and guest bathroom above. Final landscape and hardscape will also be included. Demolition of existing one-story residence, demolition of two-story garage/guest house and demolition of one-story carriage house. Roof-terracotta clay barrel tile; Building color-white; Trim-cast stone

At the November meeting, this project was not heard, and was deferred to the December meeting at the request of the attorney for the applicant.

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

ARCHITECTURAL PRESENTATION BY: Patrick Segraves, SKA Architect + Planner

LANDSCAPE PRESENTATION BY: Dustin Mizell
OTHERS WHO TESTIFIED: Ted Cooney, Chairman of the Landmarks Preservation Commission

Mr. Segraves reported that two variances for this project were recently approved by the Town Council. He provided the demolition report noting that this 1928 structure is in fair condition and there is no architect of record. Most of the existing hedges on both sides will be retained.

In response to some comments in opposition, Mr. Segraves stated that this house is not landmarked and is not on a list of properties to be landmarked

Under commission comments: It is a beautiful house; a significant house; a positive contributor to the street; a nice reminder of old Palm Beach; I bemoan the destruction of this house which is part of a set of structures on Australian which is part of the historic part of town; even if we cannot say no to the demolition, we can approve it with the caveat that you be very careful what you put there.

**MOTION BY MRS. VANNECK TO APPROVE THE DEMOLITION.
MOTION SECONDED "RELUCTANTLY" BY MR. HOMES.
THERE WERE 4 PERSONS AGAINST THE MOTION WHICH INSPIRED FURTHER DISCUSSION.**

Mr. Page understood the reluctance of the commission, but the house is not landmarked or under consideration for landmarking. Mr. Randolph has advised, in the past, that legal issues arise if we refuse to allow for demolition. Mr. Knowles questioned why demolitions come before ARCOM if they are required to approve them. Mr. Lindgren explained that demolitions are considered major projects and must be noticed to the neighbors.

UPON ROLL CALL, MOTION FAILED, 3-4, WITH MR. HOMES, MR. KNOWLES, MR. SAMMONS AND MR. VILA OPPOSING.

Mr. Page offered to contact Mr. Randolph as to how to proceed.

**MOTION BY MRS. VANNECK TO MOVE THIS PROJECT TO LATER IN THE AGENDA AFTER INFORMATION FROM MR. RANDOLPH IS OBTAINED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

Later in the meeting, Mr. Page reported that he had discussed this issue with Mr. Randolph. Mr. Randolph reaffirmed the concern that staff had expressed early. He advised that if ARCOM is to refuse the demolition permit, that very specific criteria, or a very specific objection must be stated for the record. If ARCOM does not approve the demolition today, the applicant would be forced to file an appeal with the Town Council.

**MOTION BY MR. HOMES TO RECONSIDER THE PROJECT.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

Mr. Segraves stated that he is the associate architect on the next project, and the architect has a time conflict due to a flight. As such, Mr. Segraves asked that this project be held until after the next project, B-108-2013.

MOTION BY MRS. VANNECK TO DEFER THE PROJECT UNTIL AFTER THE ITEM AFTER THIS. (B-108-2013)

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

Later in the meeting, Mr. Page was asked to repeat Mr. Randolph's advice as shown above.

Under commission comments, there was significant further discussion relative to this matter. Some members felt that insufficient information was presented, especially photographic evidence of the existing structure. Another member asked that the property owner be considered, a property owner who knows that the home is neither landmarked, nor under consideration for landmarking when purchasing the property. Members questioned why they are forced to "rubber stamp" demolition requests. It was suggested that perhaps the code language be changed to address matter such as this. Mr. Page stated that he can invite Mr. Randolph to a future meeting to discuss this issue with ARCOM.

Ted Cooney, Chairman of the LPC, testified that he has always admired this grouping of three cottages on the street. The LPC is limited by several constraints when determining how many properties can be studied in any given year. He noted that just because this particular property is not yet designated, or not yet under consideration, it does not mean that the structure is not worthy of designation. It has simply not been added to any list of properties to be studied at this time.

MOTION BY MR. HOMES TO RECONSIDER THE DEMOLITION.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE DEMOLITION.

MOTION SECONDED BY MR. VANNECK.

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

Mr. Segraves continued with the presentation for the new two-story, Mediterranean Revival house pursuant to the submitted plans and as described above. He explained that two variances for lot size and rear setback were approved by the Town Council. Design elements include: Attached garage with guest quarters in the rear of the property; 10 ft. wide driveway; simple courtyard designed house; clay barrel tile roof; cast stone and stucco.

Under commission comments: The quality of the architecture here is not as good as the building it is replacing...issue with details-trim around the round arched door not correct, upstairs arch not correct, French door openings very large for the style; difference between the drawn elevations vs. the rendering; inconsistencies...in general, does not meet the standard, especially since it is replacing something that had a higher standard; wrought iron scrolls holding up the balconies seem too light to hold up concrete; all French doors will require lights; natural coral is preferred for the first floor terraces rather than stucco; lacking definition at entry; detailing needs further study; like the garage in rear and creation of courtyard; and, worthy of special study.

**MOTION BY MR. KARAKUL FOR DEFERRAL TO THE JANUARY MEETING.
SECOND TO THIS MOTION OCCURS LATER, AFTER LANDSCAPING PRESENTED.**

Dustin Mizell rose to present the landscape/hardscape. Mrs. Vanneck took this opportunity to ask him to “beef up” the front landscape material which she felt was much too small. Mr. Mizell responded that he was somewhat limited by the Town’s sight triangle requirements.

**MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.**

Let the record show that there was a lunch break from 1:15 p.m. to 2:15 p.m., at which time the meeting resumed with B-109-2013 for 50 Middle Road. Mr. Vila passed the gavel to Mr. Zukov as he could not attend the rest of the meeting.

B. MAJOR PROJECTS-NEW BUSINESS: (11:22:19 a.m.)

B - 081 - 2013 New guest house, pool, landscape

Address: 1214 N. Ocean Boulevard

Applicant: David & Sarah Fiszal

Architect: MP Design & Architecture Inc.

Project Description: New one-story guesthouse, new pool, and revision to previously approved landscape plan

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

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

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Perry presented the project in accordance with the submitted plans and as described above. He explained that the new house is under construction and the property owner would now like to add a pool cabana with small loggia in the southwest corner and change the location of the pool. He stated that the neighbor to the west supports the request since the pool equipment will be placed on the south side. The cabana detailing matches the main house: white stucco, cedar shake roof, and clean lines. Mr. Williams described the new rectangular pool pushed further to the north; coral terrace off pool cabana; lush, tropical Coconut Palms along the rear property line; trash area in northwest corner; and associated landscape changes.

Under commission comments: Pitch of roof seems low for a shingle roof...pitch should match the 5/12 of main house; looks pedestrian...better if the whole thing was lower; it’s fine, but change the pitch and the columns; do not like the way the cabana relates to the main house; that cabana needs to be perfect even if it doesn’t match the main house.

**MOTION BY MR. ZUKOV TO APPROVE WITH THE CABANA MATCHING THE
MAIN HOUSE AS TO COLUMNS AND ROOF.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED 5-2, WITH MRS. VANNECK AND MR. SAMMONS OPPOSED.**

[B - 104 -2013 Addition](#)

Address: 414 Australian Avenue

Applicant: David D. Dalenberg

Architect: Jose Gonzalez, Gonzalez Architects

Project Description: Replace an awning over a portion of an existing second floor terrace with a second floor addition. The architecture and appearance will be maintained and enhanced.

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

ARCHITECTURAL PRESENTATION BY: Jose Gonzalez, Gonzalez Architects

Mr. Gonzalez presented the project in accordance with the submitted plans and as described above. He explained that the terrace enclosure will tie into the roof lines of the existing house with a barrel tile roof. The project required a side setback variance which was approved yesterday.

Under commission comments: Good use of space, but the north elevation (blank wall) needs something; and, a blind window is the traditional solution.

MOTION BY MR. SAMMONS FOR APPROVAL WITH THE INCLUSION OF A BLIND WINDOW IN THE AREA ABOVE THE GARAGE THAT IS VISIBLE TO THE STREET FOR RHYTHM, OR SOME OTHER DEVICE THAT WOULD ADD RHYTHM AND INTEREST TO THAT AREA.

**MOTION SECONDED SIMULTANEOUSLY BY MRS. VANNECK AND MR. HOMES.
MOTION CARRIED UNANIMOUSLY.**

[B - 105 - 2013 Driveway Gate](#)

Address: 320 Island Road

Applicant: James Berwind

Architect: Nievera Williams Design

Project Description: Proposed driveway gate design

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

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Williams explained that the two driveway gates are located on the northeast and northwest corners of the property. The gates are constructed in Epay wood with slided angled panels on an Epay frame, 12 ft. wide x 6 ft. high.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. ZUKOV.

MOOTION CARRIED UNANIMOUSLY.

[B - 106 - 2013 Demolition](#)

Address: 167 Seagate Road

Applicant: Mads Thomsen

Architect: Scott Hughes, Hughes Umbanhowar Architects

Project Description: Authorization to demolish existing structure

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

ARCHITECTURAL PRESENTATION BY: Scott Hughes, Hughes Umbanhowar Architects

Mr. Hughes provided the demolition report for this 1956 Contemporary, one-story house with 3,900 sq. ft. designed by Frederick Kessler. Existing landscaping will be retained.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED. (Typical caveats for sodding and irrigating, etc. noted on the plans)

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

[B - 107 - 2013 Demolition and New Residence](#)

Address: 134 Seagate Road

Applicant: John Andrica

Architect: Rick Gonzalez, AIA

Project Description: Demolition of an existing two-story residence with a pool, hardscape and landscape. Construction of a new 4,300 sq. ft. two-story residence with a pool, hardscape and landscape. Building Color - Tan; Trim Color - Bone; Roof - Charcoal Cement Tile

Call for disclosure of ex parte communication: Disclosures by Mr. Zukov, Mrs. Vanneck and Mr. Small

ARCHITECTURAL PRESENTATION BY: Rick Gonzalez, AIA

LANDSCAPE PRESENTATION BY: John Schmidt

OTHERS WHO TESTIFIED: John Andrica, Property Owner

Mr. Andrica stated that he and his family are happy to return to Palm Beach and he looked forward to ARCOM's input relative to the project.

Mr. Gonzalez provided the demolition report for this 1954 one-story house with two-story addition, designed by Simonson and Holly, which has been badly altered over the years. Surrounding hedges on all 3 sides will be retained.

MOTION BY MR. HOMES FOR APPROVAL OF THE DEMOLITION AS PRESENTED WITH THE TYPICAL CAVEATS FOR SODDING, IRRIGATING, AND REMOVAL OF NOXIOUS SPECIES.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

Mr. Gonzalez continued with the presentation for the new two-story house in the Regency style in accordance with the submitted plans and as described above. Design elements include: dormer, entry portico, two loggias with trellis between, two car garage, swimming pool adjacent to loggia space, 6 over 6 traditional windows, and, small 12'x12' pergola for garden. Mr. Gonzalez showed photos of other Regency style homes.

Under commission comments: Thank you for providing architectural references; on south elevation, it looks like columns are missing; good addition for the street; problem with the height of the windows and the way they tie into the cornice, which exaggerates the height; appreciate the architectural references, but they are not appropriate to this house....none of the elements are

really Regency...wrought iron railings misplaced...windows up and down are the same and should not be so...does not meet any standard...recommend deferral for re-design; disagrees with fellow member(s)...these windows and handrails are found all over Paris...like the design very much; dormer does not fit scale-wise, seems like an add-on...oval front door window is inconsistent...don't understand small walls and lights in front, the scale of the driveway...try to disguise the garage with landscaping; the oculus at roof does not work...triple windows are too much...width of portico too much, scale it down...elongating or verticality is typically found on French doors or tall windows that open into the room, rather than on double hung windows...improve the central portion of the house...change garage doors so they disappear more.

MOTION BY MR. SAMMONS TO DEFER FOR RE-STUDY.

MOTION SECONDED BY MR. HOMES.

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

Mr. Schmidt presented the landscape/hardscape in accordance with the submitted plans. The existing Ficus hedge will remain, except for the portion in the front setback. Other vegetation will be removed during the demolition. The landscape design scheme is simple and elegant with low plantings along the roadway.

Under commission comments: Scale the front landscaping to better address the height and mass of the house; the curb cuts are too wide at 20 ft. which contributes to excessive hardscape...reduce the curb cuts to as minimal as possible to decrease the continuous interruptions to the street.

IT WAS CLARIFIED THAT THE DEFERRAL REFERS TO THE ARCHITECTURE AND THE LANDSCAPE/HARDSCAPE.

[B - 108 - 2013 New residence](#)

Address: 2288 Ibis Isle Road West

Applicant: Roberta Joseph

Architect: Kyle H. Webb, AIA

Project Description: A proposed final two-story single family residence in the International Style with flat roofs. Proposed final landscape and hardscape. Residence is four bedrooms, 5 bathrooms, two-car attached garage, pool and hot tub. Exterior materials include white stucco walls, Cypress wood siding, and grey limestone accent walls. Building Color - white; Trim - Cypress; Roof - flat: green & ballasted and/or flat/white.

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

ARCHITECTURAL PRESENTATION BY: Kyle Webb, Architect, Patrick Segraves, Associate Architect

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

It should be noted that a model was brought to the meeting.

Mr. Webb presented the project in accordance with the submitted plans and as described above. He stated that both neighbors across the street are in favor of the project. The proposed home will have 5,000 sq. feet, two story with a two-car attached garage. Other design elements include:

Pool and water feature in front of the house; green roof above garage; sod and stone paved driveway with a single curb cut; and, no equipment on the roof.

Under commission comments: Very nice example of a modern house...good materials, but second floor heavy in this area of town; Nice materials and model...a lot of glass not shaded in any way...not really the International style, more Contemporary...like the integration of the water with the architecture...may be a little big for the neighbors...recommend coquina over limestone...reasonable and attractive; could use Dominican stone instead of Florida keystone; there will be much more new construction expected on this street, so not so concerned about the proposed size.

Mr. Williams presented the landscape/hardscape in accordance with the submitted plans. Design elements include: Saved some of trees and palms and will re-use; plank stone and grass driveway; green roof over garage (Ficus Green Island proposed/succulents suggested); 16 ft. wide driveway with Epay wood gates; water feature that wraps around the east and north sides of house; cantilevered grass shelf out over the water; and associated landscaping.

Under commission comments: Very handsome; regarding the size of the curb cut, we want to be consistent, and in this case, the width is warranted because there is no excessive radius, the rectilinear nature is required for the style of the building, and the driveway is permeable.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED, WITH A STUDY OF THE MATERIALS TO PERHAPS INCLUDE LOCALLY REFERENCED MATERIAL. MOTION SECONDED SIMULTANEOUSLY BY MR. KARAKUL AND MR. HOMES. MOTION CARRIED UNANIMOUSLY.

(Now back to B-102-2013 for 310 Australian Avenue)

(After the lunch break, Mr. Vila was not in attendance. Therefore, Mr. Gruss was a voting member for the remainder of the meeting. Mr. Karakul and Mr. Ives had not yet returned, so Mr. Small and Mr. Ives were voting members. Both gentlemen returned during future projects and then resumed voting.)

B - 109 - 2013 Additions

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 50 Middle Road

Applicant: Joseph M. Pizza

Architect: Roger Janssen, Dailey Janssen Architects, P.A.

Project Description: (1) Replace existing 432 sq. ft. awning structure with enclosed a/c structure on existing footprint; (2) construct a new 26 sq. ft. enclosed storage closet; and (3) construct a new 48 sq. ft. unenclosed covered side porch

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

Mr. Janssen explained that the previous approval of this project has expired. No changes were made since the original approval.

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

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

[B - 110 - 2013 New Residence](#)

Address: 1475 North Lake Way

Applicant: Mr. & Mrs. Nicholas Coleman

Architect: MP Design & Architecture Inc.

Project Description: New two-story residence, pool, landscape and hardscape. Building and Trim
Color - white; Roof - grey standing seam

Since Mr. Perry had not returned to the meeting...

**MOTION BY MRS. VANNECK TO HOLD THIS PROJECT UNTIL THE NEXT IS
HEARD.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.**

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture
LANDSCAPE PRESENTATION BY: Don Skowron

Call for disclosure of ex parte communication: Disclosures by Mr. Small and Mr. Zukov

When the item was re-called, Mr. Perry presented the project in accordance with the submitted plans and as described above. He noted that this is on the corner of North Lake Way and Manana Lane, and the applicant's attorney will forward a request to change the address to a Manana Lane address. Mr. Perry described this as an Anglo Caribbean British West Indies with a contemporary flair. Design elements include: Two-story residence, standing seam roof, clapboard siding at the second story, two curb cuts with drive thru in center, garage facing Manana Lane.

Under commission comments: Nice, simple house; hesitancy between the clapboard and stucco-resolve that; windows in stair are odd; questioning detail around window; a lot of glass faces south; window patterns-make them match; we don't have necessary details; a lot of glass; no character; you didn't provide the details; it can be successful if executed correctly, but the landscaping is key; and, correct size of two windows at entrance.

Mr. Skowron provided the landscape/hardscape presentation in accordance with the submitted plans. He described it as a Ficus edged property, like its neighbors, with grassy areas for the children and palms and a Clusia in the front to accent the facade. Some existing trees will be relocated elsewhere on site.

Under commission comments: Issue with scale of trees on West; make it softer along North Lake; needs taller trees to mitigate the second story; service door should be further disguised; not

attractive the way the driveway goes in; add height up against the house; issue with north elevation planting plan, the garage doors so prominent, so screen that wing much more heavily.

MOTION BY MR. KARAKUL TO DEFER TO JANUARY.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

It was clarified that the architect should address the following: Restudy the front fenestration; study the proportion of the fenestration; restudy the division of the clapboard vs. stucco; restudy the rear elevation...very glassy and issue with presence of mullions.

[B - 111 - 2013 Gates](#)

Address: 1348 North Lake Way

Applicant: 1348 North Lake Way, LLC

Architect: Joe Peterson

Project Description: Installation of automatic gates on existing piers. Installation of lights on existing piers.

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

LANDSCAPE PRESENTATION BY: Joe Peterson

ATTORNEY PRESENT: Frank Lynch for the applicant

Mr. Lynch first stated that the request for the lights is now removed from the project. The gates are 70" high and located 19 ft. from the pavement. The gates, white aluminum, will slide to the north and south behind the wall and hedge. It is requested for security and safety reasons. Under commission comments, there was a concern about "ugly rollers" for the gates.

MOTION BY MR. KARAKUL TO ACCEPT WITH A PROVISIO THAT A SKIRT BE PUT ON IT SO THE WHEELS ARE NOT VISIBLE AND THAT IT BE A WHITE GATE.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

C. [MINOR PROJECTS - OLD BUSINESS \(1:43:14 a.m.\)](#)

[A - 035 -2013 Shutters](#)

Address: 1720 S. Ocean Boulevard

Applicant: Ruby S. Rinker

Contractor: Folding Shutter Corp.

Project Description: Installing (26) rolling armor screens - crank; installing (2) rolling shutters - electric

At the October meeting, a motion carried to defer to next month (November) and bring a demo unit and photos of installations. At the November meeting, a motion carried that the retractable armor system be approved in the loggia, and non-street fronting exposures, and that street fronting windows and openings come back to us in December for an alternative solution.

Call for disclosure of ex parte communication: There was no call for ex parte communication

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Bridges Marsh & Associates

CONTRACTOR PRESENT: Gary Knelson, Folding Shutter
OTHERS WHO TESTIFIED: Ruby Rinker, Property Owner

Mr. Marsh explained the position of Mrs. Rinker relative to the rolling armor screens which had been reviewed by the commission twice before. He maintained that the rolling screens seem like a reasonable approach and an understated solution to protect the house from the elements. Mr. Knelson again showed a sample of the project set within the framework of one of the windows in the Town Council Chambers. Mrs. Rinker clearly stated her request for this product, and her personal circumstances supporting the request.

Under commission comments: This is the same product we did not like last month even though the applicant was asked to return with alternatives; this impacts the visual aesthetic on the street sides of the house; (and contrasting) this proposal will have minimal visual impact; other types of shutters are available; we're being asked to grant leniency, and that is not the job of ARCOM.

**MOTION BY MR. HOMES TO DEFER TO THE JANUARY MEETING FOR
ALTERNATIVES PER OUR PREVIOUS APPROVAL.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

The applicant was not happy with the motion for deferral, and requested a definitive decision.

**MOTION BY MRS. VANNECK TO DENY THE PROJECT.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED 5-2, WITH MR. KARAKUL AND MR. GRUSS OPPOSED.**

[A - 040 - 2013 Addition, Fenestration, Pool Revisions](#)

Address: 221 Ocean Terrace

Applicant: Robert & Helen Ficalora

Architect: YRA Design Inc.

Project Description: Facade and hardscape revisions to a previously approved one and two-story home

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

ARCHITECTURAL PRESENTATION BY: Kermit White, YRA Design Inc.
LANDSCAPE PRESENTATION BY: Tony Grimaldi

Mr. White showed the previously approved site plan, noting that the applicant now wants a new pool and a relocation of the pool equipment to the side of the house to be screened by a wall. The addition of a summer kitchen is also requested. Though some new awnings are shown on the plans, Mr. White stated that no awnings are being presented today as they have, in fact, been deleted from the request. The generator has likewise been removed from the plan. Review of the elevations also revealed several fenestration changes.

**MOTION BY MR. KARAKUL FOR APPROVAL OF THE ARCHITECTURE WITHOUT
THE CANVAS AWNINGS.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.**

Mr. Grimaldi stated that the landscaping has not changed, but the pool and pool equipment have changed. Mrs. Vanneck noted that the pool equipment noise will impact the neighbor. Mr. White responded that high efficiency equipment will be used with very minimal noise.

**MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED, THE LANDSCAPE,
THE CHANGE IN THE POOL AND POOL EQUIPMENT.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

D. [MINOR PROJECTS - NEW BUSINESS \(2:16:24 a.m.\)](#)

[A - 042 - 2013 Front entry revision](#)

Address: 127 Reef Road

Applicant: Casa de Playa, LLC

Architect: Smith and Moore Architects

Project Description: Front entry revision to previously approved project

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

ARCHITECTURAL PRESENTATION BY: Peter Papadopoulos, Smith and Moore Architects

Mr. Papadopoulos presented the project in accordance with the submitted plans and as described above to change the wing walls and entry steps and remove some parking area in favor of sod.

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

[A - 043 - 2013 Porch enclosures](#)

Address: 346 Crescent Dr.

Applicant: Robert & Donna Lloyd George

Architect: J. Melhorn, Architect

Project Description: Two parts; first enclose the existing covered balcony on the front elevation and second, to enclose and condition the existing rear second story covered terrace for use as art studio.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: John Melhorn

Mr. Melhorn presented the project in accordance with the submitted plans and as described above. Under commission comments: Looks attractive; OK in the back, but not in the front...it looks heavy just cantilevered out there.

**MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.**

[A - 044 - 2013 Dock Lighting](#)

Address: 3120 S. Ocean Blvd.

Applicant: 3120 Condominium Association, Inc.

Contractor: Malone Electric

Project Description: Request to install low intensity security/safety lighting on previously approved multi-family dock

Call for disclosure of ex parte communication: No disclosures

ATTORNEY PRESENT: Gregory Kino

CONTRACTOR PRESENT: Jay DePotter, Malone Electric

Mr. Kino testified that the Town Council approved a multi-family dock last year at this property, but requested lighting to be approved by ARCOM. Proposed lighting, per Mr. DePotter, includes 9 (13w amber LED) pedestal lights and 8 (8w amber LED) pagoda lights to be installed strictly for safety reasons. Both varieties are photoelectric.

MOTION BY MRS. GRUSS FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

IX. [COMMUNICATIONS FROM CITIZENS \(3 MINUTE LIMIT PLEASE\)](#) (2:32:07 a.m.) None

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

Mr. Karakul noted that the landscaping at the power station on County Road is in terrible condition. Mr. Page had asked Mr. Brazil, Director of Public Works, about this issue previous to this meeting. He indicated that landscape material is ordered to screen the area, and it should be completed before Christmas.

Mr. Karakul stated that at the Mar-a-Lago beach pavilions, lights have been changed to high wattage LED lights which are very bright at night. Staff will check on this situation.

Mrs. Vanneck stated that the public's perception is that ARCOM is allowing people to use less than 45% green space in the front yard. Mr. Page responded that the code requirements have not been altered, and must be met.

Mrs. Vanneck questioned whether there was something that could be done to limit the number of construction projects on a street. Mr. Page responded that, per Mr. Randolph, there would be serious legal issues if the Town tried to tell someone that they cannot have a building permit on their house if there is another permit open on the street. We are obligated to let the construction occur provided all codes are satisfied.

XI. ADJOURNMENT:

MOTION BY MR. HOMES TO ADJOURN THE MEETING AT 3:48 P.M.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, January 22, 2014 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: January 14, 2014

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated December 18, 2013, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 1-2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

TO: Mayor and Town Council
VIA: Peter Elwell, Town Manager
FROM: H. Paul Brazil, P.E., Director of Public Works
RE: Authorization to Extend Worth Avenue Maintenance Contract
Resolution No. 1-2014
DATE: December 18, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 1-2014 to authorize the third twelve-month extension of the Worth Avenue Maintenance contract with Lopez Group, Inc., in the amount of \$146,862 and to establish a total budget of \$151,268.

GENERAL INFORMATION

Lopez Group, Inc. was awarded the Worth Avenue maintenance contract, per RFP No. 2011-03, as approved on November 9, 2010 with Resolution No. 129-10. Lopez Group has performed satisfactorily and the contract provides for the option of (4) twelve-month renewals. The original contract was awarded in the amount of \$128,041.04 for the base year. Additional services have been added since then (for example, replanting of annual flower beds twice per year). The FY2013 budget was \$144,549 and the contractor requested a CPI increase of 1.6% for FY 2014 as allowed by the contract, which increases the contract amount to \$146,862. The total budget is recommended to be established at \$151,268 which includes a 3% contingency. The contractor will be paid for actual work completed.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Worth Avenue Commercial District Maintenance Program assessment to complete this work.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Thomas Bradford, Deputy Town Manager
Eric Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 1-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT EXTENSION TO LOPEZ GROUP, INC., IN THE AMOUNT OF \$146,862 FOR WORTH AVENUE MAINTENANCE SERVICES AND ESTABLISHING A BUDGET OF \$151,268.

* * * * *

WHEREAS, a contract was awarded on November 9, 2010, to Lopez Group, Inc., to provide maintenance services on Worth Avenue; and

WHEREAS, Lopez Group, 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 third contract extension for maintenance services on Worth Avenue is hereby awarded to Lopez Group, Inc. for the amount of \$146,862 for a period of twelve months, beginning January 1, 2013 and ending December 31, 2013, and a budget of \$151,268 is hereby established for this work.

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

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 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 14th day of January 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated December 23, 2013, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 2-2014](#)
- [Mock Roos Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

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 Easement Research and Surveying Services to Include Verification of Pipe Location for the E-3 and E-2 (El Pueblo Way to Tangier Avenue) Force Main Rehabilitation Project
Accelerated Capital Improvement Program Phase I
Resolution No. 2-2014

DATE: December 23, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 2-2014 authorizing the award of a contract for Easement Research and Surveying Services including verification of the pipe location to Mock Roos & Associates, Inc., in the amount of \$158,895 for the rehabilitation of the E-3 and E-2 (El Pueblo Way to Tangier Avenue) Force Main project.

GENERAL INFORMATION

Contained within the current Accelerated Capital Improvement Program (ACIP) is the study, design, and rehabilitation of the E-3 (Garden Road to Cherry Lane) Force Main and the E-2 (El Pueblo to Garden Road) force main. The existing 12" force main currently accepts flows from the north end of the island from the E-1 and E-2 pump stations. The force main runs along Lake 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.

Upon review of the project and lessons learned from the E-6 force main project (a project similar in scope and recently completed), staff would like to add project scope to the E-3 and E-2 Force Main Rehabilitation Project to include easement research and surveying services including additional pipe investigation to the project.

The additional scope would include but not be limited to survey of the force main, Lake Trail, street lights, and all utilities along the trail, as well as a title search to verify easements and prepare sketch and legal descriptions for those properties where formal easements do not exist.

The lessons learned by staff and the consultant from the E-6 force main project is that the drawings from this 1956 force main do not accurately locate the existing force main along Lake Trail, coupled with changes to individual properties along the trail. As with E-6, some individual properties have dedicated easements for Lake Trail while some do not. For those properties

where there is no formal easement, the Town operates under a prescribed easement. The additional scope would allow Public Works and their consultant to give better project direction and reduce future access and maintenance concerns.

Please see below the general breakdown of proposal costs as staff does not anticipate using the total funding but asks Town Council to approve to expedite the project:

Task 1- Entails the consultant doing title searches on all properties from El Pueblo Way south to Tangier Avenue to verify if there is an easement for Lake Trail and/or the force main. This will help staff and the consultant identify what is in place regarding easements, if any. The estimated cost for this work is \$11,225.

Task 2- The consultant will prepare sketch and legal descriptions for all properties that do not have a dedicated easement for Lake Trail and/or the force main. The proposed cost for this work is \$80,345. This cost takes into consideration worst case scenario that all properties from El Pueblo to Tangier will need a sketch and legal description, and Task 1 will dictate the level of work to be performed in Task 2.

Task 3- The consultant and their subs will verify the location of the E3 and E-2 force main pipe through a series of services, including ground penetration radar, potholing, and small excavations. Based on lessons learned from the E-6 force main lining project, the force main was not found in the location per the map or drawing the Town had on record. The consultant's cost for this task is \$45,370 which may not be used in its entirety, depending on how much the force main deviates from the Town's records.

Task 4- The consultant will revise the plans and specifications based on the findings from the pipe location verification. The consultant cost for this task is \$17,185.

Task 5- General Coordination meeting to discuss changes in pipe locations or deviations in the site conditions. The cost for this task is \$4,320.

Total proposal to include any reimbursables is \$158,895.

Town staff recommends authorizing the revision to E-3 and E-2 (El Pueblo Way to Tangier Avenue) Force Main Replacement project scope to include easement research and surveying services including verification of the pipe location. Staff has negotiated a contract with Mock Roos & Associates Inc., in the amount of \$158,895.

SPECIAL CONSIDERATIONS

For the ACIP and some Pay-As-You Go projects, the Town Council has allowed Public Works to have surveying, geotechnical services, and utility locates performed in the winter months or season as these tasks are essential to the project designs for construction the following summer.

Staff requests Town Council to renew the approval of allowing Public Works and their consultants to perform those essential tasks within the right of way during season.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

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

RESOLUTION NO. 2-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT TO MOCK, ROOS & ASSOCIATES, INC., IN THE AMOUNT OF \$158,895 FOR E-3 AND E-2 (EL PUEBLO WAY TO TANGIER AVENUE) FORCE MAIN REPLACEMENT EASEMENT RESEARCH AND SURVEYING SERVICES INCLUDING VERIFICATION OF PIPE LOCATION.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Mock Roos and Associates, Inc., for a not-to-exceed amount of \$158,895 for the Rehabilitation of the E-3 and E-2 (El Pueblo Way to Tangier Avenue) Force Main Easement Research and Surveying Services including verification of the pipe location.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of January 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



December 20, 2013

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

Ref. No.: B2057.20
Subject: Professional Services for the E-2 and E-3 Forcemain Easement Research, Preparation and Contract Document Updating

Dear Mr. Roach:

We are submitting the attached *Proposal To Provide Services for the E-2 and E-3 Forcemain Easement Research, Preparation and Contract Document Updating*. 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 \$158,895.

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

I:\mk\b2057.20\revised e-2 and e-3 forcemain easement research, preparation and contract document updating.docx

Mock, Roos & Associates, Inc.

5720 Corporate Way, West Palm Beach, Florida 33407-2066, (561) 683-3113, fax 478-7248

**Proposal To Provide Services
For the E-2 and E-3 Forcemain Easement Research, Preparation and
Contract Document Updating**

Services to be provided by: Mock•Roos

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

Proposal Date: December 20, 2013

Proposal Terms

A. Scope of Services:

Task 1 – Title Search

1. Perform a search of the public records within one Section of one Township for easements and deeds in favor of the Town and prior (other) water companies. Three land section searches are included.
2. Perform a search of the public records within an individual fee simple (private) ownership parcel for easements and deeds in favor of the Town and prior (other) water companies. Fifty parcel searches are included.
3. Review title work for easements in favor of the Town that pertain to the existing forcemain (included in above).
4. Provide the services of a title search company.
5. Perform quality assurance review(s) of work products by others.

Task 2 - Easement Research, Sketch & Description Preparation, and Topography

1. Obtain horizontal site control based upon the North American Datum of 1983 on the 1990 adjustment (NAD 83/90) and vertical site control based upon National Geodetic Vertical Datum of 1929 (NGVD 29).
2. Field locate existing right-of-way/boundary monumentation in order to place existing property lines in their respective position.
3. Locate the landward side of the existing bulkhead, the existing asphalt path and the location of the existing forcemain at each bend point and at each lot line with intervals not to exceed 100 feet. Forcemain to be located in the field as outlined in Task 3 below.
4. Locate other Town-owned utilities within the corridor including street lights, stormwater crossings, gravity sewer, etc.
5. Prepare a calculated basemap along Lake Trail from El Pueblo Way to Tangier.

- a. The basemap will be calculated using plats of record and ownership lines based upon deeds of record as provided by the Town.
- b. The basemap will depict the existing bulkhead, the existing asphalt path, existing Town-owned utilities and the location of the existing forcemain at each bend point and at each lot line with intervals not to exceed 100 feet together with a spot elevation at each of the points mentioned.
6. Prepare a sketch to accompany a description as defined in Rule 5J-17.052 (5)(a)(b) of the Minimum Technical Standards adopted by the Board of Professional Surveyors and Mappers for each individual parcel in which an easement does not exist as determined by review of the above mentioned title work. Task includes forty-eight parcels. Services do not include coordinating with property owners.
7. Provide the services of a professional surveyor.
8. Perform quality assurance review(s) of work products by others.

Task 3 – Pipe Location Services

1. Perform a site visit with the Town to identify potential critical areas along the projected forcemain alignment.
2. Provide the services of a specialty underground locates firm to field locate the horizontal locations of the existing forcemain using a combination of Electro-Magnetic (EM) and Ground Penetrating Radar (GPR) methods. A total of 16 hours are included.
3. Perform surface excavations to verify the location of the pipe, including depth. All disturbed areas will be restored in kind. A total of 35 surface excavations (approximated at 150 foot intervals) are included.
4. Provide the services of an underground contractor to field locate the existing forcemain by digging potholes. These services will only be employed in instances where the underground locates (above) are unsuccessful in physically locating the existing forcemain. All disturbed areas will be restored in kind. A total of 8 potholes are included in this proposal.
5. Provide on-site management of pipe location services and document progress as necessary (included in above).
6. Assist with having the horizontal location of the existing pipeline marked (painted) in the field so that the topographic survey, performed under Task 2 above, can be performed.
7. Update the project basemap based on the updated horizontal location information.
8. Meet with the Town to discuss the revised forcemain location data and how it may impact the rehabilitation of the forcemain.

Task 4 – Revise and Update Contract Documents

1. Coordinate and attend a site meeting with a qualified pipe bursting contractor to review project conditions pertaining to the suitability for the pipe bursting alternative.
2. Prepare technical specifications for a pipe bursting rehabilitation method.

3. Revise and update technical specifications for cured-in-place liner based on E-6 forcemain project recently completed by the Town.
4. Prepare a conceptual temporary by-pass pumping system configuration for inclusion in the contract documents and to be used by the bidders for bid purposes.
5. Prepare an opinion of estimate construction costs for the pipe bursting method and for the cured-in-place liner method.
6. Prepare Bid Proposal form for cured-in-place liner as the Base Bid and pipe bursting as an Alternative Bid.
7. Prepare Measurement and Payment Section to match the Bid Proposal items.
8. Submit 95% complete contract document package to Town for review. Meet with Town and incorporate comments.
9. Provide 100% complete contract document package to Town for bidding purposes.
10. Perform limited Bid Phase services (project to be bid to pre-approved Town underground contractors).

Task 5 – Miscellaneous Meetings/Coordination

1. Attend up to 4 meetings and coordinate with Town staff.

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 from the Town.

D. Fees and Rates:

1. The total fee to provide the Scope of Services on an hourly basis with a not to exceed fee of \$158,895.
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.

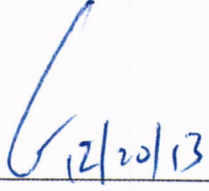
E. Conditions:

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:  12/20/13

Name: Garry G. Gruber, P.E.

Title: Vice President

Date: December 20, 2013

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated January 3, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 3-2014](#)
- [Letter dated January 3, 2014, from Mock Roos](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: Request for Additional Construction Phase Engineering Services for the E-6
Bradley Park to Tangier Avenue Force Main Replacement
Accelerated Capital Improvement Program Phase I
Resolution No. 3-2014

DATE: January 3, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 3-2014, approving a purchase order increase for additional Construction Phase Engineering Services for the E-6 Bradley Park to Tangier Avenue Force Main Replacement Project. These additional construction engineering services will increase existing Purchase Order No. 131479 to a new total not-to-exceed amount of \$53,262 with a new total construction phase engineering budget of \$56,000.

GENERAL INFORMATION

At the July 9, 2013, Town Council Meeting, Council approved Resolution No. 98-2013, that authorized a construction phase engineering services contract with Mock Roos & Associates, Inc. for the E-6 Bradley Park to Tangier Avenue Force Main Replacement Project. The project consisted of lining the existing force main along Lake Trail in advance of placing the force main back into service.

The 12" force main which had been constructed in 1956 and had been inactive since the 1980's was to be put back in service as part of the Town's Accelerated Capital Improvements Program Phase I. As part of the contractor's general preparation and testing for the force main to accept the liner, a hole was discovered in the existing main. The hole had to be located and repaired in order to continue with the lining process. The contractor requested and staff approved a time extension for the repairs and some other minor unforeseen conditions found within the pipe. In order to complete the project on time, the consultant performed a portion of the services and it is anticipated that the original budget will be exceeded during the final closeout of the project.

Staff recommends authorizing additional construction phase engineering services to Mock Roos & Associates, Inc., to prepare necessary easement documentation and for the additional services to monitor construction of the project.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Town's Accelerated Capital Improvement Program Phase I.

The original authorization via Resolution No. 98-2013 was for a purchase order not-to-exceed \$43,292 and a construction engineering phase budget of \$48,000. One change order has been made to the purchase order in the amount of \$3,485 revising the amount to \$46,577. With the expanded scope recommended in this memorandum, the purchase order will be increased by \$6,485 to a not-to-exceed amount of \$53,262 with a 5% contingency of \$2,738 for a new construction phase engineering services budget of \$56,000.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Michael A. Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 3-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER INCREASE TO MOCK ROOS AND ASSOCIATES, INC., FOR ADDITIONAL CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE E-6 BRADLEY PARK TO TANGIER AVENUE FORCE MAIN REPLACEMENT, AND ESTABLISHING A NEW TOTAL AUTHORIZATION NOT-TO-EXCEED \$53,262 AND A NEW TOTAL CONSTRUCTION PHASE ENGINEERING SERVICES BUDGET OF \$56,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order increase to Mock Roos and Associates, Inc., to a new total not-to-exceed \$53,262 for the E-6 Bradley Park to Tangier Avenue Force Main Replacement Construction Phase Engineering Services, and establishes a new total construction phase engineering services budget of \$56,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of January 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



January 3, 2014

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

Ref. No. B1013.10
Subject: E-6 Forcemain Rehabilitation

Dear Mike:

This letter is to formally document that Mock•Roos is providing additional services for the subject project and the remaining services to close out the project will exceed the balance remaining on our purchase order. Additional services included:

- Coordination to assist contractor identify an apparent "hole" in the existing pipe
- Coordination of corrective measures taken by contractor to address the apparent hole in the existing pipe
- Field observations beyond the original contract schedule (contractor was granted a 15 day time extension)
- Meetings and coordination efforts (beyond the original scope) to assist in assuring that the contractor completed all project work this season

Every effort will be taken to minimize costs; however, we anticipate a purchase order increase from \$46,777 to \$53,262 for these additional services will be necessary.

If you have any questions, please contact me at 683-3113, extension 293.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry Gruber, P.E.
Vice President

GGG:jeh

Copies: Bookkeeping

mk/b1013.10/add'l svc/l002ggjh.doc

Mock, Roos & Associates, Inc.

5720 Corporate Way, West Palm Beach, Florida 33407-2066, (561) 683-3113, fax 478-7248

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum Dated December 19, 2013, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 4-2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorize a Change Order and Additional Appropriation for Increased Construction Phase Engineering Services for the A-7 to Hammon Avenue Force Main Replacement Project
Accelerated Capital Improvement Program
Resolution No. 4-2014

Date: December 19, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 4-2014 authorizing a change order to Purchase Order No. 131356 with Mock, Roos & Associates, Inc. (Mock Roos) for the A-7 to Hammon Avenue Force Main Replacement Project for additional construction phase services in the amount of \$7,000, and increase the construction phase engineering services budget from \$75,000 to \$82,000.

GENERAL INFORMATION

This project consists of replacing an existing sanitary sewer force main in Via Marina (County Road to South Ocean Boulevard) and in South Ocean Boulevard (from Via Marina to County Road).

During construction of the replacement force main along South Ocean Boulevard and Via Marina, the Town Council increased the construction phase budget by Resolution No. 173-2013 to provide additional reconstruction of the roadways to correct structural deficiencies. The Town Council also approved the acceptance of donated funds from The Breakers to replace planned asphalt pavement with paver bricks along Pinewalk by Resolution No. 163-2013.

We anticipate that construction phase engineering services to monitor the above referenced additional construction activities will exceed our available budget. We are in the process of finalizing paperwork with the construction contractor and Mock Roos which includes pay requests, submittal and review of as builts and required close out documents. There is one punch list item that will require the contractor to mobilize next year to complete in South Ocean Boulevard. Staff recommends an increase to the construction phase engineering budget and an increase to Purchase Order 131356 with Mock Roos.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Accelerated Capital Improvement Program. Approval of the above recommended, additional engineering services will require that the construction management budget for this project be increased by \$7,000, which includes a small contingency, and establishes a total revised budget of \$82,000.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

cc: Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Charles R. Langley, P.E., Senior Project Engineer
Douglas Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 4-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA, INCREASING
EXISTING PURCHASE ORDER NO. 131356 FOR CONSTRUCTION
PHASE ENGINEERING SERVICES FOR THE A-7 TO HAMMON
AVENUE FORCE MAIN REPLACEMENT PROJECT, IN THE
AMOUNT OF \$6,468 AND INCREASING THE CONSTRUCTION
PHASE ENGINEERING BUDGET BY \$7,000 FOR THIS PROJECT,
FOR A REVISED TOTAL BUDGET OF \$82,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order increase of \$6,468 to Mock, Roos & Associates, Inc., for the A-7 to Hammon Avenue Force Main Replacement Project.

Section 2. The Town Council of the Town of Palm Beach hereby approves an increase of \$7,000 to the construction management budget for the A-7 to Hammon Avenue Force Main Replacement Project, with a revised total budget of \$82,000.

Section 3. The Town Manager is hereby authorized and directed to execute a change order on behalf of the Town of Palm Beach for these additional engineering services.

Section 4. The Town Manager is hereby authorized and directed to affect an increase to the construction phase engineering budget.

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 additional construction work for the project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach
this 14th day of January 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated December 19, 2013, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 5-2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on January 14, 2014

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: H. Paul Brazil, Director of Public Works

RE: Award Temporary Turf Maintenance Contract
Resolution No. 5-2014

DATE: December 19, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 5-2014 awarding a temporary contract for ten [10] months to Batallan Enterprises, Inc., DBA Propertyworks for the mowing of all Town properties, in the amount of \$35,174 and establishing a budget of \$36,932.

GENERAL INFORMATION

The Town had a contract with Marc & Sons for the turf maintenance of various green areas around Town buildings and throughout Town medians and parks per Bid No. 2012-32. This included mowing, weed-eating, edging, and blowing and small parcels were maintained by push-mowing. All areas are maintained weekly from April-November and bi-weekly from December-March. However, Marc & Sons did not perform to Town standards and their contract was terminated. Propertyworks has been performing the mowing on a temporary basis and it is recommended they continue through FY2014, at which time this scope of work will be re-bid combining the mowing and turf maintenance together for FY2015.

Staff concludes that the vendor has the credentials and resources to successfully execute the temporary scope of services, as they are currently performing mowing services for the Town.

FUNDING/FISCAL IMPACT

These services are accounted for within the Public Works operating budget for FY2014

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 5-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO BATALLAN ENTERPRISES, INC., DBA PROPERTYWORKS FOR TURF MAINTENANCE, IN THE AMOUNT OF \$35,174 AND ESTABLISHING A PROJECT BUDGET OF \$36,932.

* * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Batallan Enterprises, Inc., DBA Propertyworks, for turf maintenance in the amount of \$35,174, and establishes a project budget of \$36,932.

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for these services.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of January 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated December 17, 2013, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 6-2014](#)
- [RFQ 45-2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approve a Purchase Order for One Road Tractor
Resolution No. 6-2014

Date: December 17, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 6-2014 to authorize the purchase of one International Workstar Cab and Chassis body from Navistar, Inc., in the amount of \$123,163 via the Florida Sheriffs Association Bid #13-11-0904, (Specification #12) and establishing a total budget of \$126,000.

GENERAL INFORMATION

This truck is scheduled for replacement in 2014. It is necessary at this time to replace one of our existing road tractors used for transporting municipal solid waste from our transfer station to the SWA disposal facility and is reflected within the FY2014 Equipment Replacement Fund. The existing truck is 22 years old and has 128,000 miles. It has reached the end of its useful life.

FUNDING/FISCAL IMPACT

Funds for this purchase will come from the Equipment Replacement Fund in the amount of \$123,163. \$130,075 was previously approved in the FY2014 budget for this purchase.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

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

RESOLUTION NO. 6-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$123,163 TO NAVISTAR INC., FOR THE PURCHASE OF ONE INTERNATIONAL WORKSTAR CAB AND CHASSIS ON FSA CONTRACT NO. 13-11-0904, AND ESTABLISHING AN OVERALL BUDGET OF \$126,000.

* * * * *

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

Section 1: The Town Council of the Town of Palm Beach hereby approves a purchase order in the amount of \$123,163 to Navistar Inc., for the purchase of one International Workstar Cab and Chassis, consistent with FSA Contract No. 13-11-0904 and establishes an overall budget of \$126,000.

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 14th day of January 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 45-2014**

2014 INTERNATIONAL WORKSTAR CAB AND CHASSIS

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the Florida Sheriff's Association's Bid No. 13-11-0904, 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. 13-11-0904 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		4. QUOTATION VALID UNTIL	
Net 30		DESTINATION		VIA		September 30 th , 2013	
Item	Description /Specifications	Qty	Unit	Unit Cost		Extended Cost	
1.	FSA Specification No. 12 – 2014 International Workstar Cab And Chassis 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	\$ 90,195.00		\$ 90,195.00	
2.	12BCP - Engine upgrade - specify N13 390 HP 1450 TORQUE	1	EA	\$ 224.00		\$ 224.00	
3.	13ATR - Allison 4000RDS Auto Transmission to include synthetic oil, TES 295 or approved equivalent	1	EA	\$ 13,160.00		\$ 13,160.00	
4.	10HJB - 5 th Wheel 24 INCH AIR SLIDE UPGRADE FROM FIXED FIFTH WHEEL IN BASE SPEC	1	EA	\$ 725.00		\$ 725.00	
5.	14HRB – Rear Axle: 46,000 lb	1	EA	\$ 5,033.00		\$ 5,033.00	

Company Name: NAVISTAR INC Authorized Signature: [Signature]

6.	14ULY - Rear Suspension: 46,000 lb Hendrickson HMX- 460-54 LB UPGRADE TO 4 SPRING SUSPENSION IN BASE SPEC	1	EA	\$ 3,840.00	\$ 3,840.00
7.	WET TRAN – Hydraulic Wet Line Kit for transfer trailer TRLR – INCLUDES HOTSHIFT PTO FOR AUTO TRANS	1	EA	\$ 7,920.00	\$ 7,920.00
8.	14HRE – 46000 LB DIFF LOCK DRIVER CONTROLLED BOTH AXLES	1	EA	\$ 2,066.00	\$ 2,066.00
TOTAL				\$ 123,163.00	

REMARKS: _____

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

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: NAVISTAR, Inc

*Signature: [Signature] Name/Title: JOHN BRADLEY / ACT MGR

Address: 27451 CEDAR PARK CT; WESLEY CHAPEL, FL Zip: 33544

Federal ID#: 36-1264810

Telephone Number: (561) 882-9050 Fax: (561) 882-0218

Date: 12-13-13

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

Name of Bidder's Contact Person: JOHN BRADLEY

Address: 3787 INTERSTATE PARK ROAD; RIVIERA BEACH, FL 33404

Phone Number: 561 882-9050 Fax Number: 561 882-0218

Email Address: bradley@RECHTEN.COM

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Consent - Other

Agenda Title

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

Presenter

William J. Diamond, Chair

Supporting Documents

- [Report of the ORS Committee Meeting of December 3, 2013](#)

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE
MEETING HELD ON TUESDAY, DECEMBER 3, 2013**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Tuesday, December 3, 2013, at 10:00 a.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

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

III. COMMUNICATIONS FROM CITIZENS – None

IV. REGULAR AGENDA

A. New Business

- 1) Proposed Expansion of the Direct Connect Alarm System to Residential Properties. [Daniel Szarszewski, Deputy Police Chief]

Discussion ensued regarding offering the Direct Connect Alarm System to residents as an enhancement to their existing systems, how the system works with existing alarm systems, improvement in the police department's response time, false alarm fees, and alarm registration and connection fees.

Motion was made by Committee Member Pucillo, and seconded by Chairman Diamond, to recommend to the Town Council the proposed amendment to the Code of Ordinances, Chapter 38, Section 38-93(d) expanding the Direct Connect Alarm System to residential properties. On call for a vote, the motion carried unanimously.

- 1 2) Review of Draft Ordinance Making it Unlawful to Allow Vegetation etc.
2 to Obstruct Street Signs, Regulatory Signage, Street Lighting, or Traffic
3 Signals. [Thomas G. Bradford, Deputy Town Manager]
4

5 Discussion ensued regarding the extent of the obstructed signage problem,
6 dealing with signs on private versus public property, reporting
7 obstructions, and code enforcement of these provisions.
8

9 **Motion was made by Committee Member Pucillo, and seconded by Chairman**
10 **Diamond, to recommend to Town Council the proposed amendment dealing with**
11 **vegetation, material, or things obstructing street signs, regulatory signage, street**
12 **lighting, or traffic signals as edited in Chapter 106, Streets, Sidewalks and other**
13 **Public Places, Article 1, at Section 106-1(3) that everything from, “upon receipt of**
14 **confirmation of obstruction”, be omitted from the proposed ordinance. On call for**
15 **a vote, the motion carried unanimously.**
16

17 Dr. Klein, 225 Emerald Lane, spoke regarding quality of life issues, such
18 as construction noise and traffic, which he would like the Committee to
19 address in the future.
20

21 **V. ANY OTHER MATTERS**
22

23 Deputy Town Manager Bradford spoke regarding the receipt of numerous requests in the
24 north end of Town for inclusion in the current utilities underground conversion projects,
25 researching the petitioning process for the required 67% of the people from the inlet to
26 almost the northern boundary of Palm Beach Country Club, the qualifications of Florida
27 Power & Light’s (FPL) 25% discount, the cost, the equitable assessment process. He
28 stated that he will be bringing these items back to the Committee at a future date.
29

30 Discussion ensued regarding the benefits of the proposed utilities undergrounding, FPL’s
31 discount, the Everglades Island project costs, implementation timing, and how far the
32 project should be implemented.
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1 **VI. ADJOURNMENT**

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3 There being no further business, the Ordinances, Rules, and Standards Committee
4 Meeting of Tuesday, December 3, 2013, was adjourned at 10:55 a.m.
5

6
7 APPROVED:

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12 _____
13 William J. Diamond
14 Chairman

15
16
17 ATTEST:

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

20 _____
21 Date

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Board/Commission Annual Report

Agenda Title

Recreation Advisory Commission Annual Report.

Presenter

Pamela McIver, Recreation Advisory Commission Chairperson

Supporting Documents

- [Memorandum dated January 2, 2014, from Pamela McIver, RAC Chairperson and Jay Boodheshwar Director of Recreation and Special Projects](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Pamela McIver, Recreation Advisory Commission Chairperson
Jay Boodheshwar, Director of Recreation and Special Projects

Re: Recreation Advisory Commission (RAC) Annual Presentation

Date: January 2, 2014

GENERAL INFORMATION

The contents of the annual Recreation Advisory Commission report include:

1. Current commission membership and meeting information.
2. Efforts to growth participation at the Phipps Tennis Center.
3. Par 3 Clubhouse Project.
4. Improvements at the Town Docks.
5. Tour of Recreation Department facilities.

Commission Membership/Meetings

The Recreation Advisory Commission (RAC) is comprised of seven (7) regular members and three (3) alternate members appointed by Town Council for three-year terms. A chairperson and vice-chairperson are selected by the members on an annual basis. The Commission held five regular meetings this past year. The current Commission membership is as follows:

Commissioner	Position	Term Expires
Pamela McIver	Chairperson	4/14
Daniel McDonnell	Vice-Chairperson	4/15
Khooshe Aiken	Regular Member	4/14
Stephen D. Hall	Regular Member	4/16
Roberta Mambrino	Regular Member	4/14
Timothy O'Hara	Regular Member	4/15
Donald Singer	Regular Member	4/16
Dr. G. Ellen Howe	Alternate Member	4/16
Matthew Smith	Alternate Member	4/15
Alexandra Woodfield	Alternate Member	4/16

Mrs. Alexandra Woodfield was appointed by the Town Council on April 9, 2013, to replace Mr. Christopher Storkerson, who is now serving on the Investment Advisory Commission.

Phipps Tennis Center Growth Initiative

Following discussion at the January 2013, RAC meeting, regarding a noticeable decrease in play at the Phipps Tennis Center, a plan was developed in conjunction with RAC Chairperson, Pam McIver, and the Commission to engage directly with tennis players. The goal was to examine what the contributing factors were and what could be done to rectify the decrease. Two open forums were held on February 27 and March 6, 2013, to give the players an opportunity to share their thoughts. Customers were asked what could be done to make their experience at Phipps more fun and what recommendations they had for attracting new and past players who may have left for other facilities. Approximately 40 participants attended. The atmosphere was very open, and the players were free with their praise and concerns.

At the forums, the primary concerns expressed were related to consistency of staffing, mixers, and nonresident fees. Upon the conclusion of the sessions, staff reviewed the feedback from the sessions and developed an action plan, which was presented to the RAC. The plan included action items related to staffing, mixer sign-ups and games, fees and charges, annual and 12-Play pass enhancements, tournament/events eligibility changes, and the announcement of a teaching professional to be assigned to Phipps beginning in November 2013. Following the communication of the actions that were developed to improve and increase play, numerous compliments and expressions of gratitude were received by staff and members of the RAC. Since then, we've seen an increase in play at Phipps and a higher level of activity and enthusiasm.

Par 3 Clubhouse Project

The RAC received ongoing progress reports throughout the construction phase of the Par 3 Clubhouse project, and toured the facility on November 6, 2013. The structure is approximately 6700 sq. feet (4,000 under air), featuring a pro-shop, offices, storage, and rest-rooms on the first floor. A bar and restaurant is located on the second floor, which will be operated as "al Fresco." The second floor includes approximately 2,500 sq. ft. of covered balcony space, with views of the golf course, intra-coastal and ocean. The balconies have roll down wind/rain screens and electric heaters. The owners of Pizza al Fresco and Renato's were selected through a competitive "Request for Proposals" process this past summer to operate the restaurant. The Dedication and Ribbon Cutting ceremony for the new clubhouse has been set for January 17, 2014, at 4:00pm.

Town Docks Improvements

Electrical upgrades on the Australian Dock were completed this past summer. The 208v 3 phase shore power has been upgraded to a more efficient 480v 3 phase for the six most western slips and the north side T-head on the Australian dock. These upgrades will allow our marina to be more competitive in attracting vessels that need 480 power to run their on-board systems. Staff will also be completing a variety of repairs to the electrical conduit under all three docks in the upcoming months. Damage was uncovered during the electrical upgrade project. The much needed structural repairs to the Australian and Brazilian dock houses were also completed in August, 2013. These repairs were necessary to ensure the structural integrity of these buildings.

Recreation Department Facilities Tour

At the November 6, 2013, RAC meeting, the Commission participated in a tour of the Recreation Department facilities. RAC members visited the Recreation Center, Seaview Park and Phipps Ocean Park tennis centers, the Town Docks, and the Par 3 Golf Course. Staff members were on hand to provide information and answer questions. The tour included a brief history of each facility, types of programs offered, and the introduction of staff members. This was the second year in a row for the tour, which proved to be very informative and enjoyable for all who participated.

Conclusion

The members of the RAC had another engaging past year and look forward with enthusiasm for the year ahead, especially the opening of the new Par 3 Clubhouse. In closing, the RAC feels the Recreation Department remains positioned for continued success in FY 2014 and beyond.

c: Recreation Advisory Commission

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Regular Agenda - Old Business

Agenda Title

COASTAL PROTECTION MATTERS

Reach 3 Roadway Protective Seawall Condition Assessment Discussion.

Presenter

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

Supporting Documents

- [Memorandum dated January 6, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Executive Summary](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Reach 3 Roadway Protective Seawall Condition Assessment

Date: January 6, 2014

STAFF RECOMMENDATION

Town staff recommends that Town Council move forward with design and permitting for repairs of the roadway protective seawall and plan for construction following the 2014 sea turtle nesting season (November 1, 2014). A proposal for design and permitting services will be provided at the February 11 Town Council meeting.

If repairs to the seawall are directed by Town Council, Town staff requests Town Council direction regarding funding for repairs to the private sections of the seawall.

GENERAL INFORMATION

On December 2, 2013, during a Special Town Council meeting to discuss the FY 2014 Coastal Protection Project, Town Council directed Town staff to have an engineer perform a condition assessment of the roadway protective seawall along North Ocean Boulevard in Reach 3, and to present the results to Town Council at the regular Town Council meeting on January 14, 2014.

The area evaluated included approximately 2,000 feet of seawall located between Wells Road and Sunrise Avenue. For the purpose of the evaluation, the seawall was separated into five (5) segments. Each segment represents a section of the seawall with similar construction characteristics. The seawall is stable and the consultant has not reported any signs of immediate failure. An executive summary is attached.

However, major wave impacts could damage elements of the structure. KHA identified 58 areas that require repairs. The repairs recommended include sealing cracks, reconstructing concrete sections, replacing reinforcement and concrete patchwork, and removing loose concrete. One segment of the seawall was completely covered with sand and further investigation would be required to determine its condition.

The most efficient time to conduct repairs is when the seawall is exposed. Design, permitting, and a bid solicitation must all occur before these non-emergency seawall repairs can be performed. KHA did not specify a recommended time to conduct the repairs, nor was an expected length of time for construction identified. Town staff recognizes that measures to improve both the shoreline (via sand placement) and the structure (via seawall repairs) should be performed.

The Mid-Town Beach Nourishment Project is scheduled for the winter of 2014/2015. The project includes sand placement fronting this roadway protective seawall. Repairs to the seawall should take place before the beach nourishment project. Design, permitting, and bidding activities can take place so that repairs could begin immediately following completion of sea turtle nesting season on October 31.

An interim sand replacement project will be presented by Town staff as a separate item, immediately following the presentation by KHA regarding seawall condition and repairs. If interim sand is placed in early 2014, remaining sand adjacent to and covering the seawall after October 31 would need to be excavated to complete repairs.

The KHA report may be viewed in its entirety on the Town's website at www.townofpalmbeach.com. Click on the "Government" icon (top left), click on "Department" icon, and click on "Coastal Protection" icon. The report is located on the left side of the webpage by clicking on "Reach 3 Seawall Assessment".

SPECIAL CONSIDERATION

The majority of the 2000-foot long seawall along North Ocean Boulevard in Reach 3 is privately owned. The sections of the seawall that intersect the Rights-of Way for Wells Road, Dunbar Road, and Atlantic Avenue are public. There are some sections of the seawall where private/public ownership will require additional research based upon the siting of the seawall and the easement of North Ocean Boulevard.

FUNDING/FISCAL IMPACT

Our consultant prepared a preliminary cost estimate. Please realize that these are very preliminary in nature and are very conservative. We anticipate that the complete repair could be on the order of \$1 to \$1.5 million. Our consultant provided a prioritization of repairs should an effort to address the most urgent matters first. Four categories of repairs were identified. Priorities 1 and 2 included structural repairs. Priorities 3 and 4 included sealing, patchwork, and monitoring. Repair work associated with priorities 1 and 2 have an engineer's cost estimate of approximately \$500,000 to \$750,000 (nearly half of the complete repair costs).

The Town Council approved FY 2014 Coastal Management Program Budget did not include funding for all of the roadway protective seawalls (both public and private) in Reach 3. However, the FY 2014 Coastal Management Program Budget and 10-Year Forecast included anticipated appropriations of \$1 million annually for seawall repairs between FY 2015 to FY 2023 (\$9 million total). The \$9 million funding was included within the recent Accelerated Capital Improvement bond. This would be an appropriate funding source for the Town-owned public sections of the seawall in Reach 3.

Staff has identified 3 alternatives for funding this project for Council consideration:

1. The Town could pay for all costs associated with the project since it is roadway protective.
2. The Town could complete the project and assess the private owners for their prorated cost.
3. The Town could repair the sections of wall that are owned by the Town and give instructions to private owners on how to properly repair the sections they own.

Please note ownership determinations would impact potential cost sharing or authorized assessments by Town Council. Also, sections 106-81, 106-82, and 106-83 of the Town's Code of Ordinances address the maintenance of roadway protective seawalls along Ocean Boulevard.

Attachment

cc: Shore Protection Board
Robert Weber, Coastal Coordinator
Dave Stewart, Kimley-Horn

Executive Summary

The system of bulkheads and seawalls between Sunrise Avenue and Wells Road provides erosion protection for the roadway and utilities within nearby North Ocean Boulevard. These bulkheads were evaluated by Kimley-Horn with regards to structural condition and stability. The observed deficiencies were documented and then prioritized based on the apparent reduction in the original strength of the structure and the potential for additional deterioration. Following is a summary of the five different types of bulkheads encountered in the subject area.

Type 1 Bulkhead: a cast-in-place concrete structure with a combined stepped and curved face (Figure 4). It is approximately 186 ft. long beginning at station 28+14. The bulkhead continues north beyond the limits of this study. Substantial structural damage was observed at some locations.

- Corrosion damage has spalled the top of cast-in-place concrete beams that support the lower stepped portion of the bulkhead. This reduces the durability of the bulkhead in the critical surf zone. Under some conditions a reverse hydrostatic pressure could lift the stepped sections up. This was observed at eight (8) locations.

Additional substantial deterioration was observed at some locations.

- The exposed corner of the steps is broken and missing at approximately twenty (20) locations. This reduces the strength of the concrete section and increases the height of wave run-up.

Type 2 Bulkhead: a steel sheet pile bulkhead with a cast-in-place concrete face and cap (Figure 5). It is approximately 128 ft. long beginning at station 26+85. No substantial structural damage was observed but future monitoring of horizontal cracking and corrosion staining is recommended.

Type 3 Bulkhead: a cast-in-place concrete structure with a combined stepped and curved face (Figure 6). It is approximately 758 ft. long beginning at station 19+28. Substantial structural damage was observed at some locations.

- Corrosion damage has spalled the top of cast-in-place concrete beams that support the lower stepped portion of the bulkhead. This was observed at twenty (20) locations.

Additional substantial deterioration was observed at some locations.

- The top cornice of the bulkhead is cracked and some sections are loose. This affects approximately 385 ft. of the bulkhead.
- The exposed corner of the steps is broken and missing at approximately forty-seven (47) locations. This reduces the strength of the concrete section and increases the height of wave run-up.

Type 4 Bulkhead: a prestressed concrete pile bulkhead with a cast-in-place concrete cap anchored with a tie-back system (Figure 7). It is approximately 762 ft. long beginning at station 11+66. Substantial structural damage was observed at some locations.

- The lower front corner of the cap has broken away, removing the connection between the cap and the piles. With a low beach sand condition the piles could push outward. This and other cap damage affects approximately 225 ft. of bulkhead.
- The outer face of some concrete sheet piles has spalled and exposed corroded prestressing steel. Loss of prestress reduces the flexural strength of the pile and cannot be restored using conventional methods. This affects approximately 45 ft. of bulkhead.

Type 5 Bulkhead: a vertical concrete structure that appears to have been built in several phases (Figure 8). The structural type could not be determined without a substantial excavation. It is approximately 166 ft. long beginning at station 10+00. The bulkhead continues south beyond the limits of this study. No substantial structural damage was observed but further investigation of horizontal cracking is recommended.

OPC: A conceptual Engineer's Opinion of Probable Cost ("OPC") was prepared based on the recommendations in Table 1. All of the recommended repairs are included regardless of the priority assigned in this report. The quantity of work required is subject to change as additional investigations, surveys, geotechnical investigations and design are required. Table 2 summarizes the OPC with a total project cost of approximately \$1,458,000.

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Regular Agenda - Old Business

Agenda Title

COASTAL PROTECTION MATTERS

FY2014 Potential Interim Sand Replacement Project

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

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

Presenter

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

Supporting Documents

- [Memorandum dated January 7, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 7-2014](#)
- [Resolution No. 8-2014](#)
- [Bid Tab](#)
- [ATM Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: FY 2014 Interim Sand Replacement Project
Resolution No. 7-2014
Resolution No. 8-2014

Date: January 7, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council not proceed with the interim sand placement project at this time.

However, if Town Council decides to move forward with construction of an interim project, then Town staff recommends that Town Council approve Resolution No. 7-2014 (awarding a contract to Rio-Bak Corporation in the amount of \$3,386,117.04 and establishing a total construction phase budget of \$3,725,000) and Resolution No. 8-2014 (awarding a contract to Applied Technology & Management, Inc. in the amount of \$63,631.68, and establishing a total administrative phase budget of \$73,000).

GENERAL INFORMATION

At a Special Town Council Meeting on December 2, 2013, Town Council rejected all bids for a full Mid-Town Beach Project and a smaller sand placement effort in Reaches 7 and 8. Town staff was directed to prepare a spring 2014 bid solicitation for possible construction in the winter of 2014/2015. A springtime bid solicitation, during the time of year when dredging companies are planning their winter work schedule, should result in bids received that are at or closer to the Town's estimate of \$14.35 million for the combined Mid-Town Beach Nourishment and Reach 7 Partial Beach Nourishment/Reach 8 Dune Restoration as included within the FY 2014 Coastal Management Program budget.

As a result of combined impacts from Hurricane Sandy and the winter 2012/2013 nor'easters, erosion occurred to the northern (Reach 3) segment of the Mid-Town project. Erosion to this northern segment, which includes a stretch of shoreline along North Ocean Boulevard, has exposed a seawall that has been buried for decades. In order for Town Council to make a decision about whether or not to approve an interim project to place trucked sand this coming spring in Reach 3, staff was directed to have a condition assessment performed on the seawall that runs parallel to and provides protection for North Ocean Boulevard between Wells Road and Sunrise

Avenue. A contract was awarded to Kimley-Horn for the seawall evaluation in Reach 3. The results of this effort were provided as a separate item for Town Council consideration.

Please note that repairs to the wall will be recommended. The time required for development of plans and specifications, bidding, and award will lead to completing the work next winter. Any sand placed this winter will need to be excavated to allow the repairs to be completed. This would be an additional project cost.

Town Council also directed staff to re-solicit bids for a truck haul project that includes two potential locations: [1] the north end of the Mid-Town Beach Nourishment Project (Reach 3, between Wells Road and Sunrise Avenue) and [2] the north end of the Phipps Ocean Park Beach Nourishment Project (Reach 7, from Sloan's Curve to the southern limit of Phipps Ocean Park). Bids for construction were publicly solicited on December 8 and 15, 2013, for bid opening on January 7, 2014. The solicited project included revised volumes based on Federal regulatory discussions. The project now consists of approximately 51,515 cubic yards along the dry beach and in-water between El Mirasol and Sunset Avenue and approximately 33,460 cubic yards along the dry beach between Sloan's Curve and Phipps Ocean Park. In total, the project includes the transport and placement of approximately 85,155 cubic yards of sand from an upland sand source.

The low bid for the interim sand placement project, in the amount of \$3,386,117.04, was provided by Rio-Bak Corporation. The bid includes \$2,073,645.26 for the Mid-Town segment and \$1,312,471.78 for the Phipps Ocean Park segment. The Town does have the ability to award either project segment as a stand-alone project at no additional cost or change in unit pricing. The bid includes unit pricing that is under the Town's estimate of \$40 per cubic yard. A memorandum presented at the December 2, 2013 Special Town Council meeting included an estimate of \$4 to \$6 million for this project.

While Town staff does not recommend the project at this time, the bids remain open for 90 days and can be awarded as late as April 7, 2014. By permit condition, construction activities are to be completed before May 1, 2014. It is anticipated that six weeks would be needed to construct both segments (Mid-Town and Phipps). Town staff can request that the bids remain open for an extended period of time should conditions change or if emergency action becomes necessary at any time.

If a contract is awarded for construction, Town staff is recommending we employ the design consultant, Applied Technology & Management, Inc., to perform construction management on the project, and to complete post construction certifications and State BMA and Federal permitting close out. The cost for these efforts is estimated at \$63,631.68 as detailed on the engineer's proposal. With a 15% contingency, a task budget of \$73,000 is recommended.

SPECIAL CONDITIONS

If Town Council directs Town staff to pursue the interim project, a request for Individual Project Approval (IPA) will be prepared and submitted to the State of Florida Department of Environmental Protection (FDEP), as identified within the FDEP Palm Beach Island Beach Management Agreement (BMA) Pilot Project. An IPA through the BMA will serve as the State permit.

The Town has coordinated with the USACE and their advisory agencies to obtain Federal project approvals in time for construction between February and April 2014. Reasonable expectations

have been provided by the USACE that a permit modification for Mid-Town should be received in time to allow for construction to be completed before May 1. Federal authorization for Phipps will not be necessary for this interim project as project revisions have eliminated placement of sand below the mean high water line.

FUNDING/FISCAL IMPACT

Funds for an interim sand placement in Reaches 3 and 7, for construction and construction management, have not been included in the FY 2014 budget. Funding for the Mid-Town project could be re-programmed to expedite this project. With a combined sand placement in Reaches 3 and 7 of approximately 85,515 cubic yards, most of the sand should remain in the system so volumes for next year in Mid-Town should be incrementally less which may slightly reduce the volumes and cost for construction next year.

If the funding necessary for the interim projects were recovered during the remaining nine years of the program, the FY15 property tax increase required for coastal protection would be approximately \$434 per million of taxable value (instead of the \$401 per million of taxable value previously approved by Town Council).

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

These resolutions have been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

RW

cc: Shore Protection Board
Jane Struder, Director of Finance
Robert Weber, Coastal Coordinator
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 7-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO RIO-BAK CORPORATION IN THE AMOUNT OF \$3,386,117.04 FOR THE CONSTRUCTION OF THE FY 2014 INTERIM SAND REPLACEMENT PROJECT IN REACHES 3 AND 7, ESTABLISHING A PROJECT BUDGET OF \$3,725,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Rio-Bak Corporation, for a not-to-exceed amount of \$3,386,117.04 for the FY 2014 Interim Sand Replacement Project in Reaches 3 and 7, and establishes a project budget of \$3,725,000.

Section 2. The Town Manager is hereby authorized and directed to execute this purchase order on behalf of the Town of Palm Beach for this storm protection improvement.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the said project, 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 14th day of January 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

RESOLUTION NO. 8-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO APPLIED TECHNOLOGY & MANAGEMENT, INC., IN THE AMOUNT OF \$63,631.68 FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH THE FY 2014 INTERIM SAND REPLACEMENT PROJECT IN REACHES 3 AND 7, ESTABLISHING A PROJECT BUDGET OF \$73,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Applied Technology & Management, Inc., for a not-to-exceed amount of \$63,631.68 for the Construction Management Services associated with the FY 2014 Interim Sand Replacement Project in Reaches 3 and 7, and establishes a project budget of \$73,000.

Section 2. The Town Manager is hereby authorized and directed to execute this purchase order on behalf of the Town of Palm Beach for these State and Federal regulatory required construction management activities.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the said project, 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 14th day of January 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

**TOWN OF PALM BEACH**

Bid No. 2014-13

FY2014 Interim Sand Truck Haul Project**Tabulation**

Line	Description	Qty	Unit	Vendor:				Phillips and Jordan, Inc.				Mancil's Tractor Service, INC.				Ranger Construction Industries, Inc.				Rio - Bak Corporation			
				Address:				8940 Gall Blvd.,				4551 SE Hampton Court,				4510 Glades Cutoff Road,				12773 W. Forest Hill Blvd. Suite 210,			
				Telephone:				Zephyrhills, Florida 33541				Stuart, Florida 34997				Ft. Pierce, Florida 34981				Wellington, Florida 33414			
				Fax:				813-783-1132				772-288-0951				772-464-6460				561-791-9721			
				Contact:				Art Phelps				Rick Stone				F. Scott Fowler				Thomas T. King, Jr.			
				Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total

Task 1 - Mid-Town Project Segment

1	Mobilization/Demobilization	1	L.S.	\$	41,700.00	\$	41,700.00	\$	20,238.11	\$	20,238.11	\$	35,000.00	\$	35,000.00	\$	10,140.00	\$	10,140.00	\$	15,000.00	\$	15,000.00
2	General Conditions	1	L.S.	\$	53,150.00	\$	53,150.00	\$	46,904.06	\$	46,904.06	\$	40,000.00	\$	40,000.00	\$	58,560.00	\$	58,560.00	\$	17,500.00	\$	17,500.00
3	Site Prep and Restoration	1	L.S.	\$	55,000.00	\$	55,000.00	\$	12,333.18	\$	12,333.18	\$	15,000.00	\$	15,000.00	\$	12,030.00	\$	12,030.00	\$	15,000.00	\$	15,000.00
4	Sand Procurement/Placement	71.091	Tons		2,153,711.40	\$	2,153,711.40	\$	30.48		2,166,853.68	\$	29.00	\$	2,061,639.00	\$	32.01	\$	2,275,622.91	\$	27.86	\$	1,980,595.26
5	Traffic Maintenance/MOT	1	L.S.	\$	18,500.00	\$	18,500.00	\$	25,012.74	\$	25,012.74	\$	20,000.00	\$	20,000.00	\$	32,320.00	\$	32,320.00	\$	18,500.00	\$	18,500.00
6	Beach Tilling	1	L.S.	\$	5,000.00	\$	5,000.00	\$	11,472.85	\$	11,472.85	\$	5,000.00	\$	5,000.00	\$	3,040.00	\$	3,040.00	\$	5,500.00	\$	5,500.00
7	Performance and Payment Bond	1	L.S.	\$	26,771.00	\$	26,771.00	\$	11,140.14	\$	11,140.14	\$	32,500.00	\$	32,500.00	\$	10,548.00	\$	10,548.00	\$	20,550.00	\$	20,550.00
8	Indemnification	1	L.S.	\$	10.00	\$	10.00	\$	114.73	\$	114.73	\$	100.00	\$	100.00	\$	100.00	\$	100.00	\$	1,000.00	\$	1,000.00
SUBTOTAL-TASK 1				\$	2,353,842.40	\$	2,353,842.40	\$	2,294,069.49	\$	2,294,069.49	\$	2,209,239.00	\$	2,209,239.00	\$	2,402,360.91	\$	2,402,360.91	\$	2,073,645.26	\$	2,073,645.26

Task 2 - Phipps Park Project Segment

1	Mobilization/Demobilization	1	L.S.	\$	37,700.00	\$	37,700.00	\$	20,377.04	\$	20,377.04	\$	35,000.00	\$	35,000.00	\$	10,140.00	\$	10,140.00	\$	11,000.00	\$	11,000.00
2	General Conditions	1	L.S.	\$	45,950.00	\$	45,950.00	\$	35,703.08	\$	35,703.08	\$	35,000.00	\$	35,000.00	\$	38,090.00	\$	38,090.00	\$	16,550.00	\$	16,550.00
3	Site Prep and Restoration	1	L.S.	\$	15,000.00	\$	15,000.00	\$	19,071.10	\$	19,071.10	\$	20,000.00	\$	20,000.00	\$	3,275.00	\$	3,275.00	\$	7,500.00	\$	7,500.00
4	Sand Procurement/Placement	46.423	Tons	\$	1,363,144.20	\$	1,363,144.20	\$	30.59	\$	1,420,079.57	\$	29.00	\$	1,346,267.00	\$	31.95	\$	1,483,214.85	\$	26.86	\$	1,246,921.78
5	Traffic Maintenance/MOT	1	L.S.	\$	9,000.00	\$	9,000.00	\$	20,075.00	\$	20,075.00	\$	12,000.00	\$	12,000.00	\$	7,322.00	\$	7,322.00	\$	12,000.00	\$	12,000.00
6	Beach Tilling	1	L.S.	\$	5,000.00	\$	5,000.00	\$	11,551.43	\$	11,551.43	\$	5,000.00	\$	5,000.00	\$	3,040.00	\$	3,040.00	\$	4,500.00	\$	4,500.00
7	Performance and Payment Bond	1	L.S.	\$	18,260.00	\$	18,260.00	\$	7,508.43	\$	7,508.43	\$	22,000.00	\$	22,000.00	\$	6,808.00	\$	6,808.00	\$	13,000.00	\$	13,000.00
8	Indemnification	1	L.S.	\$	10.00	\$	10.00	\$	115.51	\$	115.51	\$	100.00	\$	100.00	\$	100.00	\$	100.00	\$	1,000.00	\$	1,000.00
SUBTOTAL-TASK 2				\$	1,494,064.20	\$	1,494,064.20	\$	1,534,481.16	\$	1,534,481.16	\$	1,475,367.00	\$	1,475,367.00	\$	1,551,989.85	\$	1,551,989.85	\$	1,312,471.78	\$	1,312,471.78

SUBTOTAL-TASK 1				\$	2,353,842.40	\$	2,353,842.40	\$	2,294,069.49	\$	2,294,069.49	\$	2,209,239.00	\$	2,209,239.00	\$	2,402,360.91	\$	2,402,360.91	\$	2,073,645.26	\$	2,073,645.26
SUBTOTAL-TASK 2				\$	1,494,064.20	\$	1,494,064.20	\$	1,534,481.16	\$	1,534,481.16	\$	1,475,367.00	\$	1,475,367.00	\$	1,551,989.85	\$	1,551,989.85	\$	1,312,471.78	\$	1,312,471.78
SUBTOTAL				\$	3,847,906.60	\$	3,847,906.60	\$	3,828,550.65	\$	3,828,550.65	\$	3,684,606.00	\$	3,684,606.00	\$	3,954,350.76	\$	3,954,350.76	\$	3,386,117.04	\$	3,386,117.04



2047 VISTA PARKWAY, SUITE 201

WEST PALM BEACH, FL 33411

(561) 659-0041 FAX 659-3733

WWW.APPLIEDTM.COM

Work Proposal

Town of Palm Beach

Applied Technology & Management

Consulting Services

For

2013 Mid Town Interim Nourishment Project

1/1/2014

This Work Order, when executed, shall be incorporated in and become an integral part of the Agreement for Professional Services between the Town of Palm Beach, Florida (Town), and Applied Technology & Management (ATM), hereafter referred to as the Agreement.

Project Background

This proposal provides consulting services in support of the construction of the proposed 2014 Mid-Town and Phipps Interim Sand Truck Haul Projects. This proposal provides on-site construction observation, administration and certification services.

Specific Tasks are delineated within the following Scope of Services:

SCOPE OF SERVICES

Task 1: Construction Administration and Observation

ATM will provide project administration and observation to support project conformance with the plans and specifications, project permit and conditions of the construction contract. It is assumed within this Scope of Services that both the Mid-Town and Phipps projects will be constructed concurrently.

Task 1.1: Pre-Construction Conference

ATM will notice and direct a pre-construction conference with relevant parties including regulatory agencies, Town Staff and the project contractor. ATM will prepare a meeting agenda and project overview documents to support meeting execution.

Task 1.1 Deliverable: A draft agenda for the pre-construction conference will be provided to Town Staff for review and comment. Meeting agenda and minutes will be prepared. Copies of all correspondence and submittals provided to the regulatory agencies will be submitted to the Town for review and comment prior to submittal.

Task 1.2: Engineering Observation and Certification – Mid-Town Project Segment

ATM will provide engineering construction support services on an as needed basis as required for Project Certification and as directed by the Town. ATM will provide construction observation through daily on-site review of construction progress with the Contractor and Town. On-site visits will be conducted based on construction progress by the Contractor and in consultation with the Town. ATM will observe the construction with regard the Contractor's compliance to the contract plans and specifications and regulatory permit conditions. ATM will notify the Town and construction Contractor of any observed deficiencies. ATM will provide on-site coordination with the Contractor and Town as part of this task. During the construction process ATM will provide administrative support on an as-needed basis including Contractor coordination and review of Contractor invoices. Upon notification from the Contractor of completion of construction, ATM will coordinate a site inspection and develop a punch-list for the Contractor to complete prior to a recommendation for final payment. ATM will coordinate with the Town and Contractor as necessary to address field changes, payment requests, punch list completion, and permit-required submittals to the regulatory agencies.

ATM on-site staff will conduct turbidity monitoring as required by the FDEP permit (note turbidity monitoring is only required for the Mid-Town project segment).

ATM senior staff will attend a weekly project update and coordination meeting with the Town and Contractor. Regular observations will be conducted by local ATM staff within experience in beach construction.

This task is based on the assumption of an approximate 30-man-day construction timeline with a total daily time commitment on the order of ten hours by key observation staff. Additional senior support is included in addition to this effort.

Task 1.2 Deliverables:

- 1) A Daily observation report will be prepared by the on-site construction representative. This will be submitted to the Town electronically within 24 hours of the observations.
- 2) ATM will provide brief summary reports of project progress to the Town on a weekly basis. Additional documents will be prepared and submitted to the Town as appropriate during construction.
- 3) ATM will submit a turbidity monitoring report for each turbidity monitoring event. These reports will be submitted to JCP Compliance following Town review.
- 4) ATM will provide the Town with copies of permit-required regulatory agency submittals.
- 5) ATM will provide the Town with a recommendation for payment associated with Contractor invoice submittals.

Task 1.3: Observation and Certification – Phipps Project Segment

ATM will provide engineering construction support services on an as needed basis as required for Project Certification and as directed by the Town. ATM will provide construction observation through daily on-site review of construction progress with the Contractor and Town. On-site visits will be conducted based on construction progress by the Contractor and in consultation with the Town. ATM will observe the construction with regard the Contractor's compliance to the contract plans and specifications and regulatory permit conditions. ATM will notify the Town and construction Contractor of any observed deficiencies. ATM will provide on-site coordination with the Contractor and Town as part of this task. During the construction process ATM will provide administrative support on an as-needed basis including Contractor coordination and review of Contractor invoices. Upon notification from the Contractor of completion of construction, ATM will coordinate a site inspection and develop a punch-list for the Contractor to complete prior to a recommendation for final payment. ATM will coordinate with the Town and Contractor as necessary to address field changes, payment requests, punch list completion, and permit-required submittals to the regulatory agencies.

As all placement will be above Mean High Water (MHW) no turbidity monitoring is required for this project segment.

ATM senior staff will attend a weekly project update and coordination meeting with the Town and Contractor. Regular observations will be conducted by local ATM staff within experience in beach construction.

This task is based on the assumption of an approximate 20-day construction timeline with a total daily time commitment on the order of ten hours by key observation staff. Additional senior support is included in addition to this effort.

Task 1.3 Deliverables:

- 1) A Daily observation report will be prepared by the on-site construction representative. This will be submitted to the Town electronically within 24 hours of the observations.
- 2) ATM will provide brief summary reports of project progress to the Town on a weekly basis. Additional documents will be prepared and submitted to the Town as appropriate during construction.
- 3) ATM will provide the Town with copies of permit-required regulatory agency submittals.
- 4) ATM will provide the Town with a recommendation for payment associated with Contractor invoice submittals.

FEES

A summary of fees by task is provided in Table 1. Attachment “A” of this proposal provides detailed costs and expenses. *Invoicing shall be on a time and materials basis not to exceed the total task budget outlined herein consistent with the existing master services agreement rates and conditions.*

TABLE 1
Proposal Fees by Task

Task	Description	Total Labor	Sub-Consultant*	Direct Expenses	Total Task Budget
1.1	Pre-Construction Conference	\$3,908	\$0	\$78.16	\$3,986.16
1.2	Engineering Observation and Certification- Mid-Town	\$34,172	\$0	\$683.44	\$34,855.44
1.3	Engineering Observation and Certification – Phipps	\$24,304	\$0	\$486.08	\$24,790.08
TOTAL		\$16,072	\$0	\$1,247.68	\$63,631.68

SCHEDULE

ATM can initiate services immediately upon receipt of Notice to Proceed (NTP). It is noted that execution of this Scope of Services is contingent on Town approval of a construction contractor. All work on the beach will be completed by May 1, 2014 as required by the project permits.

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Consideration of Scheduling an Attorney/Client Session Regarding Jason Weeks v. Town of Palm Beach, Case No.

502012CA006664XXXXMBAE, pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

Discussion of this Matter to Begin Immediately Following the January 15, 2014, Town Council Meeting in the Town Council Chambers, 360

South County Road, Palm Beach, Florida. Attorney/Client Session

Attendees: Mayor Gail L. Coniglio; Town Council Members David A.

Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid,

Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C.

Randolph; and Court Reporter from Pleasanton, Greenhill Meek &

Marsaa Court Reporters, Inc.

Presenter

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

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

TIME CERTAIN: 11:00 AM

Presenter

FPL Representative

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Certification of Petitions Requesting a Referendum re: PUD-5.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Memorandum dated January 3, 2014, from Susan A. Owens, MMC, Town Clerk](#)
- [Clerk's Certification](#)
- [Letter dated January 8, 2014, from Palm Beach Preservation Alliance \(1 of 3\)](#)
- [Letter dated January 8, 2014, from Palm Beach Preservation Alliance \(2 of 3\)](#)
- [Letter dated January 8, 2014, from Palm Beach Preservation Alliance \(3 of 3\)](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Susan A. Owens, MMC, Town Clerk

Re: Certification of Referendum Petition to Require Reconsideration of Ord. No. 6-2013

Date: January 3, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council reconsider Ordinance No. 6-2013 upon the question, "Shall the ordinance amendment specified in the referendum petition be repealed?" Should the ordinance not be repealed, Staff is requesting approval to hold the special election on March 25, 2014, and a transfer of \$25,000 from the General Fund Contingency to cover the cost of the special election.

GENERAL INFORMATION

On November 13, 2013, the Town Council adopted Ordinance No. 6-2013, which amended Chapter 134 of the Town Code of Ordinances to create an optional PUD-5 Historic Preservation Mixed Use Development and PUD-5 Design Guidelines. Pursuant to Sec. 134-287, the electors have the power to approve or reject at the polls any amendment to Chapter 134 passed by the Town Council if, within 30 days after the enactment of any such amendment, a petition signed by ten percent of the registered voters (801) of the Town as of the last Town election (8,007) is filed with the Town Clerk requesting that any such amendment be either repealed or submitted to a vote of the electors.

On December 12, 2013, Nancy E. Stroud, as Counsel for the Committee of Petitioners, delivered a referendum petition to the Town Clerk's Office. The petitions were certified as to format by the Town Clerk's Office and the signatures were certified by the Palm Beach County Supervisor of Elections' Office. Pursuant to Sec. 134-292 of the Town Code of Ordinances, the Town Council shall proceed at its next regular meeting to consider any certified referendum petition for a zoning amendment received from the Town Clerk. Final action on the zoning amendment petitioned for referendum shall occur no later than 60 days after the date on which the petition is certified by the Town Clerk.

Should the Town Council decide not to repeal Ordinance No. 6-2013, a special election will need to be called within 60-90 days of the Town Council's final action. The Palm Beach County Supervisor of Elections has agreed to hold that special election on March 25, 2014, in conjunction with a countywide run-off election scheduled for that date.

FUNDING/FISCAL IMPACT

The Town estimates that the cost of the special election will be \$25,000. If a special election is called, a transfer from the General Fund Contingency in the amount of \$25,000 will be required.

TOWN ATTORNEY REVIEW

This item has been approved by the Town Attorney.

Attachments

SAO

cc: Jane Struder, Director of Finance

CERTIFICATION

I, SUSAN A. OWENS, MPA, MMC, TOWN CLERK, MUNICIPAL SUPERVISOR OF ELECTIONS, for the Town of Palm Beach, Palm Beach County, Florida, do hereby certify that **801** of the signatures submitted on the Referendum Petitions received on December 12, 2013, by the electors of the Town of Palm Beach requesting that an amendment to Chapter 134 of the Town Code be either repealed by the Town Council or submitted to a vote of the electors of the Town of Palm Beach are from qualified electors of the Town of Palm Beach and meet the requirements set forth in the Town Code of Ordinances Chapter 134.

Furthermore, I do hereby certify said Referendum Petition to be **SUFFICIENT**. The Town Council shall take final action on the zoning amendment petitioned for referendum not later than 60 days after the date of this certification.

Signed, this 14th day of January, 2014.

Susan A. Owens, MPA, MMC
Town Clerk
Town of Palm Beach

(SEAL)

Palm Beach Preservation Alliance, LLC
William O. Cooley
236 Fairview Road
Palm Beach, Florida 33480

Mayor Gail Coniglio and Members of the Palm Beach Town Council
Palm Beach Town Hall
360 South County Road
Palm Beach, Florida 33480

January 8, 2014

Re: Request for Hearing on Setting Date for Referendum Vote

Dear Mayor Coniglio and Members of the Town Council,

As a result of the records request made by attorney David A. Theriaque, in conjunction with the discovery phase of the administrative hearing on the challenge to the Comprehensive Plan (Ordinance 5-2013), we recently came into possession of notes, papers, and emails from various public officials and entities involved in the PUD-5 deliberative process.

In these emails and documents, we are uncovering records that raise many serious and disturbing questions. Some of these documents were not disclosed during the public hearings and we question why. We feel this information would have been damaging to PUD-5 supporters if timely released. We are therefore requesting a public hearing on these matters before a special election date is set by the council.

Further, potential violations of Section 286.011, *Florida Statutes*, have raised questions of whether or not the action of the Planning and Zoning Commission, acting as the LPA, might not be "invalidated" pursuant to Section 286.011(4), *Florida Statutes*.

As stated in our Town zoning ordinance, the Town Council has "...60 days after the date on which the petition is certified by the town clerk" to take final action on the following question: "Shall the ordinance amendment specified in the referendum petition be repealed?" (quoting Ordinance Section 134-292). The Town Council has until March 15, 2014 to repeal the ordinance, or in the alternative set the date for the special election. We would request that the hearing be held in the near future, and the evidence and documents considered before the "repeal" vote is held or the special election is set.

If the PUD-5 amendment is not repealed, then the Town Council must set the election "...not less than 60 days or more than 90 days from the date the town council takes its final vote thereon." (quoting from the Ordinance Section 134-293).

For the purpose of this letter, we will show the Town Council two sets of documents, that were damaging to the proponents of the PUD-5, that were apparently withheld from the Royal Poinciana Way Committee, the Planning and Zoning Commission, the Town Council, and/or the voters of Palm Beach. We are trying to ascertain why these documents were not disclosed during the public hearings.

The real possibility exists that if these documents had been made public when they were prepared and submitted to the Town, the myth on the advantages of the PUD-5 that was being advanced at the time would have evaporated.

Specifically, did the Royal Poinciana Way Committee, the Planning and Zoning Commission, or the Town Council know that the "PUD-5 Design Guidelines", referred to in Ordinance 6-2013 and appended thereto, actually had four Articles, four parts, when originally presented by Mr. Mouzon?

Did these bodies know that the third part of this report, Article 3 entitled "Sample Development", was apparently deleted from the report? You will notice in the Mouzon Report that is attached to and made a part of Ordinance 6-2013, the "original" pages 14, 15, and 16, have been deleted in their entirety and the "Definitions" section has been moved up to their position (Original Pages 14, 15, and 16 of the Mouzon Design Report are attached hereto).

The next document is the "Royal Poinciana Way PUD-5 Visualization" prepared by the Preservation Foundation. In a September 10, 2013 email from Royal Poinciana Way Committee member Alexander C. Ives, addressed to Michael Pucillo, the Preservation Foundation forwarded a twenty-one page booklet meant "to visualize possible redevelopment options and provide clarity as to what is permissible if a property owner chooses to develop under the PUD-5" (a copy of Pages 15 – 20 of that "Visualization" document are attached hereto).

The problem with the Preservation Foundation's "Visualization" document is that it told and depicted the truth, the truth of what could be done to impact that beautiful, historic block. It graphically showed what opponents of the PUD-5 had been saying the development would look like. More damning, it showed what the supporters of the PUD-5 had been denying and claimed didn't exist.

Page 3.

For example, pages 15, 16, and 17 of the Preservation Foundation's "Visualization" document show the PNC Bank property's current elevation and two "Redevelopment Options". Option 1 shows how an allowed 38-foot high building would look on the street; and Option 2 shows how an allowed 43-foot high building would look.

Pages 18, 19, and 20 of the Preservation Foundation's "Visualization" document show a depiction of "Testa's Service Station." The "current elevation" is shown on Page 18. Page 19 shows "Development Option 1" where the Testa Restaurant is not rebuilt but three-story buildings fill the balance of the lot's frontage.

"Redevelopment Option 2" on Page 20 shows how the property would appear with the build-out of three-story, 38-foot high buildings on the gas station site and a three-story addition behind the "saved" front façade of the Testa's Restaurant.

The public and the full Town Council should know the reasons why the Mouzon Report was altered and the full report was not given to the Royal Poinciana Way Committee, the Planning and Zoning Commission, the Town Council, and most importantly, the citizens of Palm Beach.

The public and the full Town Council should know why the Preservation Foundation's "Visualization" document was not circulated after it was prepared. Both of these documents graphically showed how that historic block would be altered and ruined by increased height and density allowed by the PUD-5.

Royal Poinciana Way Committee members Susan Markin and Bobbie Lindsay Buck asked time and time again for drawings, depictions, or models. They were told that none existed or they would get them "after" the PUD-5 was enacted.

If the various Committee members, or the Town Council members, or the public would have had access to this and other information, the outcome of the Town Council's vote on the PUD-5 may have been different.

Among the other improprieties used in the passage of this ordinance was the extraordinary pressure placed on the Planning and Zoning Commission by Town Council Member (and Advisory Committee Chairman) Michael Pucillo.

Town Attorney John Randolph had, in the past, admonished members of the Town Council that they should not speak at Board and Commission meetings or try to influence the votes of these Board and Commission members. In fact, he has even advised against Town Council members going to the meetings, lest they might influence these "independent" committees.

However, in the case of the PUD-5, Mr. Pucillo took the extraordinary step of not only of appearing at the Planning and Zoning Commission meeting but lobbying each individual member of the Planning and Zoning Commission and the alternate members in the weeks preceding the Planning and Zoning Commission meeting. Not only did he lobby them, Mr. Pucillo, in effect, interviewed them and, in doing so, he found out that senior alternate Planning and Zoning Commission member Jeff Cloninger (who was next in line to be elevated to fill Eugene Lawrence's vacant seat) would most likely vote against the PUD-5. Mr. Pucillo then cast the deciding vote at the next Town Council meeting to elevate a new alternate member of the Planning and Zoning Commission to a full voting seat on the Planning and Zoning Commission over a more senior alternate (see the PUD-5 email exchange between Planning and Zoning Commission Member Martin Klein and Michael Pucillo). This one vote proved to be the deciding vote as the Planning and Zoning Commission voted 4 to 3 to change the Comprehensive Plan, with newly appointed voting member Mr. Langmaid voting "yes". If standard procedure and protocol would have been followed, the PUD-5 would have failed at the Planning & Zoning Commission.

The Boards and Commissions of the Town are supposed to be advisory to the Town Council; they are supposed to be independent bodies. When you have an incestuous relationship between a Board member and a Town Council member, wherein the Board member asks the Town Council member "I'd love your guidance on how to proceed," the process has been tainted, and in fact, it has been corrupted. (See April 1, 2013 email from Martin Klein to Michael Pucillo).

The last point I will make in this letter is the fact that two tax exempt, not for profit organizations have been used in promoting this legislation in, what is in our opinion, clear violation of Treasury Department, Internal Revenue Service, rules. A copy of the IRS rule on "Lobbying" is attached hereto. It says, "In general, no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation."

It would appear to me that both the Palm Beach Civic Association and the Palm Beach Preservation Foundation, both tax-exempt not-for-profit corporations, have crossed the line and in 2013 a substantial portion of their activities has been spent on attempting to influence the passage of this legislation.

Page 5.

Attached is just a sample out of the thousands of pages of emails produced under the public records request that show the activities of these tax exempt, non-profit, corporations, which are, in our opinion, contrary to federal law.

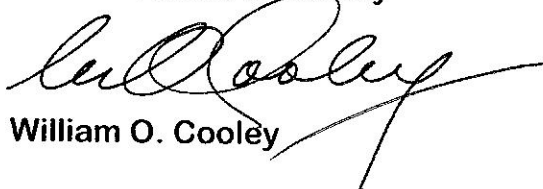
Again, we renew our request that the Town Council:

- 1) Take additional time, up to 60 days as provided in the ordinance, to consider acceptance or rejection of the ordinance.
- 2) Hold a hearing on this matter and further consider the withheld material.
- 3) Then, after all the facts have been heard, the Town Council should vote on the question of whether or not to repeal this ordinance.
- 4) If that vote fails, then the Town Council must set the election date.

Further, we would request that Mr. Pucillo recuse himself from voting on this issue as he has shown a blatant partiality, he has gone beyond the bounds of ethical conduct of a Town Council member in lobbying the P & Z Commission and he has worked hand-in-glove with tax exempt, not for profit corporations, who appear to be operating outside the IRS law, to get this PUD-5 ordinance passed by this council.

Thank you for your consideration.

Palm Beach Preservation Alliance, LLC
And William O. Cooley



William O. Cooley

Cc: Peter Elwell, Town Manager
John Randolph, Esq. Town Attorney

Enclosures

ARTICLE 3

★SAMPLE DEVELOPMENT★

This Article illustrates one of countless ways the subject urbanism could be built out using the Guidelines in this document. It is an illustration over time, assuming that the subject urbanism is built out incrementally rather than as a single large project.

EXISTING CONDITIONS

The starting point is to classify all buildings in the block according to four classifications. The [insert Jane's document name] classifies each building in the subject urbanism accordingly. Of the block, the [insert Jane's document name] identifies all but four of the buildings in the subject urbanism as contributing either historically, architecturally, or urbanistically.

HISTORICALLY CONTRIBUTING

These buildings that are historically significant and would be eligible to be listed in local or national historical registries. They should be retained.

ARCHITECTURALLY CONTRIBUTING

The quality of the architecture of these buildings is good or better, but they have no historical significance. They should be retained.

URBANISTICALLY CONTRIBUTING

The fronts of these buildings are located properly, but their architecture is less than good. The structure of these buildings should be retained, but their frontages and other parts of these buildings visible

from streets or vias should be re-skinned. Parts of the building not located within 30' of a street or via frontage may be removed.

NON-CONTRIBUTING

These buildings have little or no historical, architectural, or urbanistic merit and should be removed.

ASSUMPTIONS

ON-STREET PARKING

All parking around the perimeter of the block, plus all of the parking on Royal Poinciana Way and East Main Street for the length of the block should be counted toward the capacity of the block.

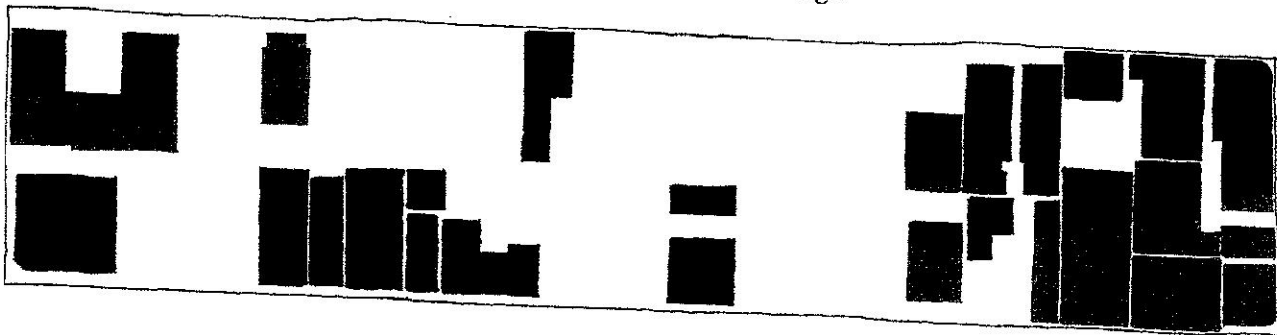
SITE PARKING

Site parking is required by the Guidelines to be in the interior of the block, shielded by buildings. This illustration shows all site parking as surface parking, but greater intensity could be achieved with underground structured parking.

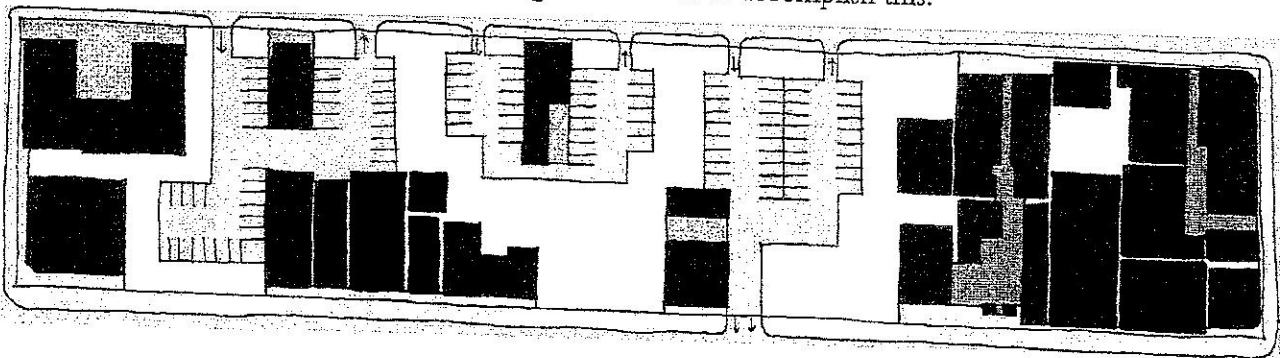
SHARED PARKING

Because parking will be shared between retail, office, residential, and lodging uses and because parking for these uses is most intense at varying times of the day and week, existing parking requirements should be reduced to account for sharing.

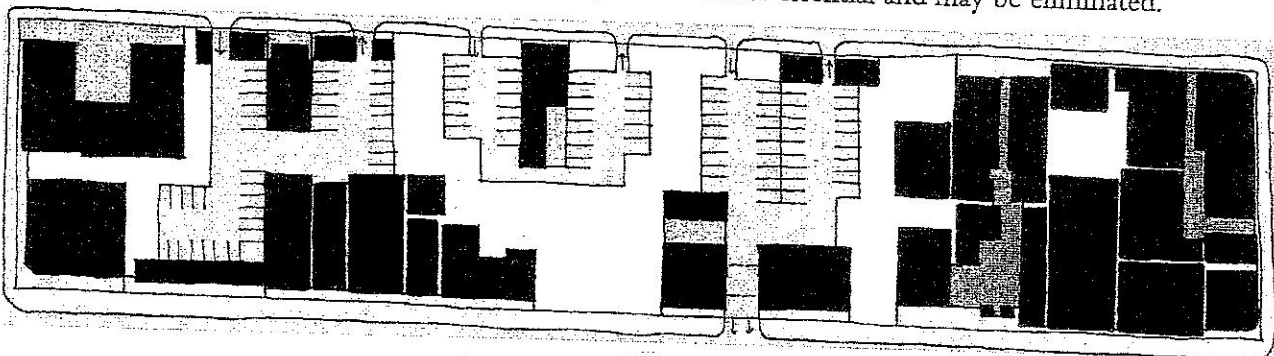
The following are the buildings identified in [insert Jane's document name] as contributing in some way to the subject urbanism. For the purposes of this illustration, they are all shown as being fully retained, although those which are only Urbanistically Contributing could be modified significantly 30' or more behind the street or via frontage.



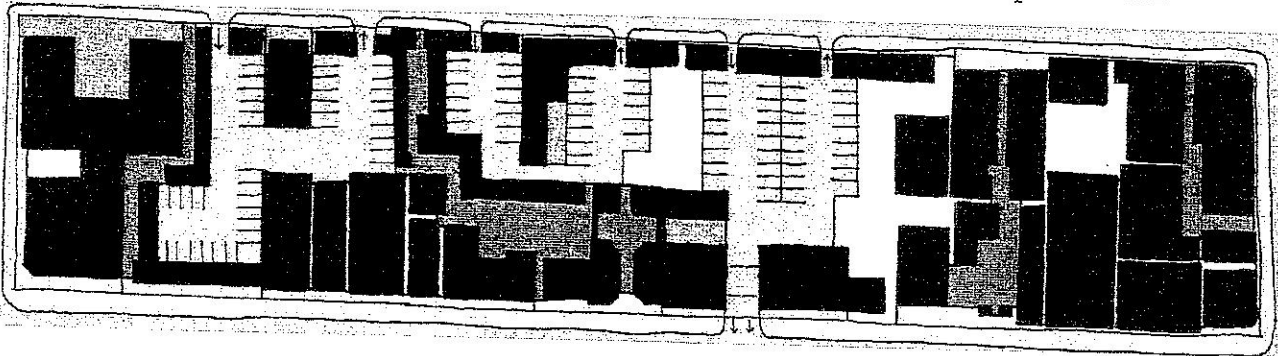
Once non-contributing buildings are removed, the next step is to design a parking scheme that allows for at least eight new via entries around the block, each of which connects to at least one other via entry. There are already two vias in the block, toward the eastern end and indicated in terra cotta. These should be retained. Areas designated as courtyards of individual buildings are indicated in green. Parking in this scheme should be shared; no specific mechanism is proposed, but some sort of property owners' association might be created to accomplish this.



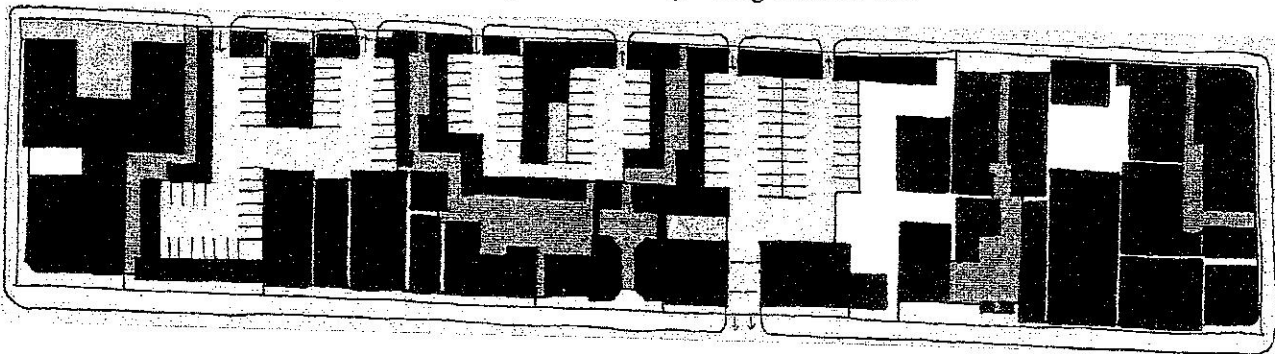
Once parking and vias have been planned, development of buildings may proceed. The first buildings to build are the ones that occupy the street frontages, as this is a very important move to begin to enhance walkability. All but one of the new buildings shown here are very thin buildings lining the street frontage. The one large building is the new bank. It is shown with a drive-through because the block is so long that it's acceptable to create a new curb cut, but this is not essential and may be eliminated.



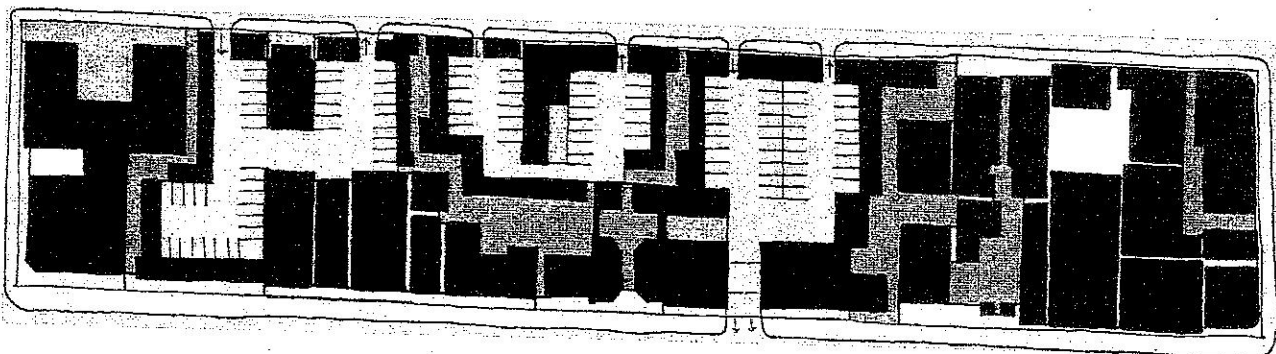
The second phase of development shown below completes building on the rest of the street frontages since this is so important to walkability. It also completes buildings on the frontages of two vias. At this point, a visitor who simply drove by would see what appeared to be a completed block.



Each of these phases of development will likely be composed of several building projects, and these projects may involve more than one landowner. Buildings shown here stay off existing property lines where possible, but some of the buildings may require land-swaps between existing property owners. This phase completes buildings along another via.



This final phase of development completes all buildings along all vias on the property, fully building out the block.



PUD-5 Visualizations

Alexander Ives [aives@palmbeachpreservation.org]

Sent: Tuesday, September 10, 2013 4:22 PM

To: Michael Pucillo

Attachments: PUD5_Visualizations_09-08-13.pdf (11 MB)

Michael,

You know about the Foundation's Baker interns and their work on PUD-5 visualizations. Thank you again for your help with them and it. Attached is their final product. I would appreciate it if you didn't pass it on to others just yet as we haven't publicly released it yet and no one has really seen it.

As you know, Bobby Lindsay-Buck has been mentioning a model and that isn't exactly what this work produced. We wanted take the over 80 pages of text and guidelines that make up the PUD-5, explain them in a simpler, visual form and then show versions of possible outcomes. Please take a look.

Alexander C. Ives

Executive Director

Preservation Foundation of Palm Beach

311 Peruvian Avenue

Palm Beach, Florida 33480

561.832.0731, ext.101

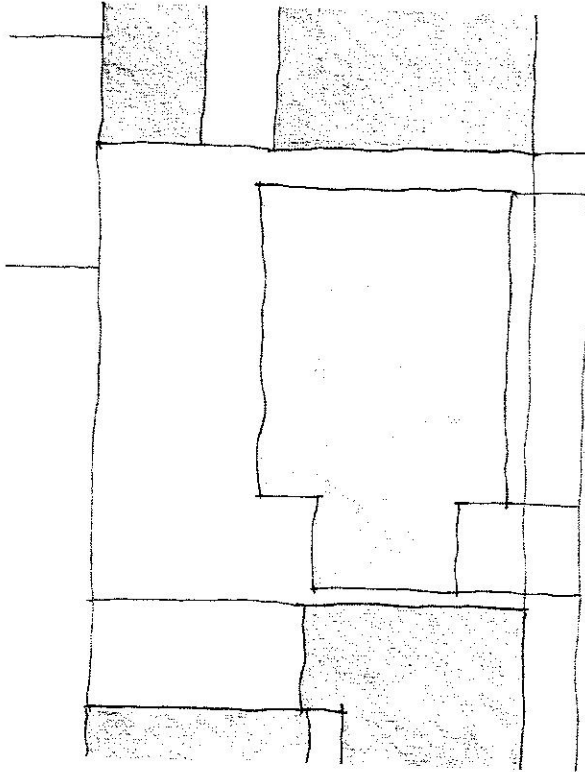
aives@palmbeachpreservation.org

For information on Memberships with the Preservation Foundation of Palm Beach, please visit our website here:
<http://www.palmbeachpreservation.org/membershipinfo.htm>

The Preservation Foundation of Palm Beach is a private, non-profit, 1500 member organization dedicated to the preservation of the historic, architectural and cultural heritage of Palm Beach, Florida. As the community advocate for maintaining the outstanding quality of life in Palm Beach, the Foundation has created a community-wide perspective seeing the unique buildings of Palm Beach as integral to the Town's character as well as its future. What once would have been only issues of growth have been reshaped as issues of quality of life. By combining history, inventiveness and ingenuity the Preservation Foundation has helped forge a contemporary Palm Beach informed by its achievements in architecture, culture and design, not dismissive of them.

Over 30 years, the Preservation Foundation of Palm Beach has given millions of dollars for the preservation and restoration of historic properties; worked advocating for over 275 landmark properties; recognized numerous architects, owners, and properties with awards; educated hundreds of thousands of children about the architectural, cultural and environmental legacy of Palm Beach; and saved thousands of archival documents in its library, among many other accomplishments.

POSSIBLE CHANGES TO NON-CONTRIBUTING STRUCTURES



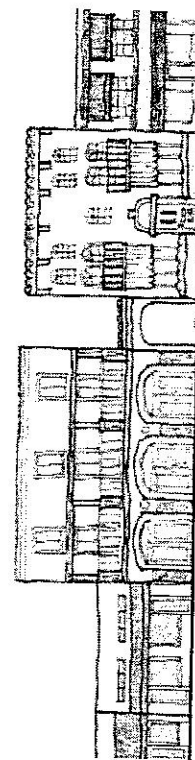
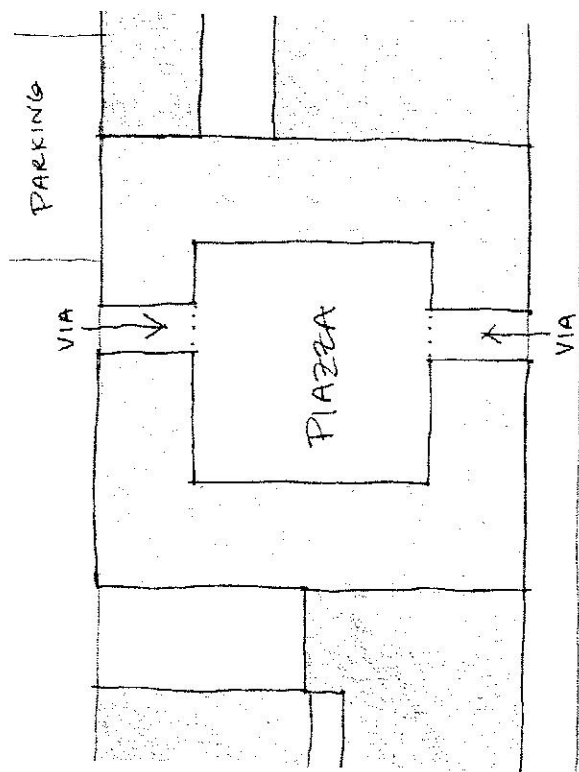
TOTAL LOT SQUARE FOOTAGE- 15,400
70% LOT COVERAGE (ALLOWED FOR
1ST/2ND FLOOR)= 10,780
35% 3RD FLOOR ALLOWABLE= 5,390
30 % PUBLIC OPEN SPACE= 4,620



PNC BANK PROPERTY

245 Royal Poinciana Way
Current Elevation

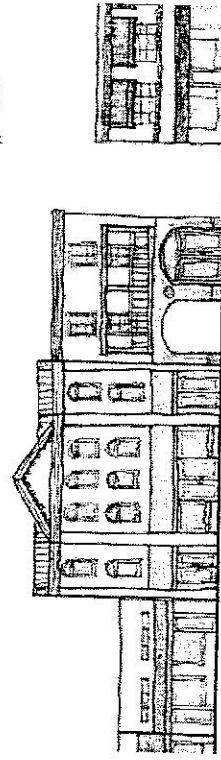
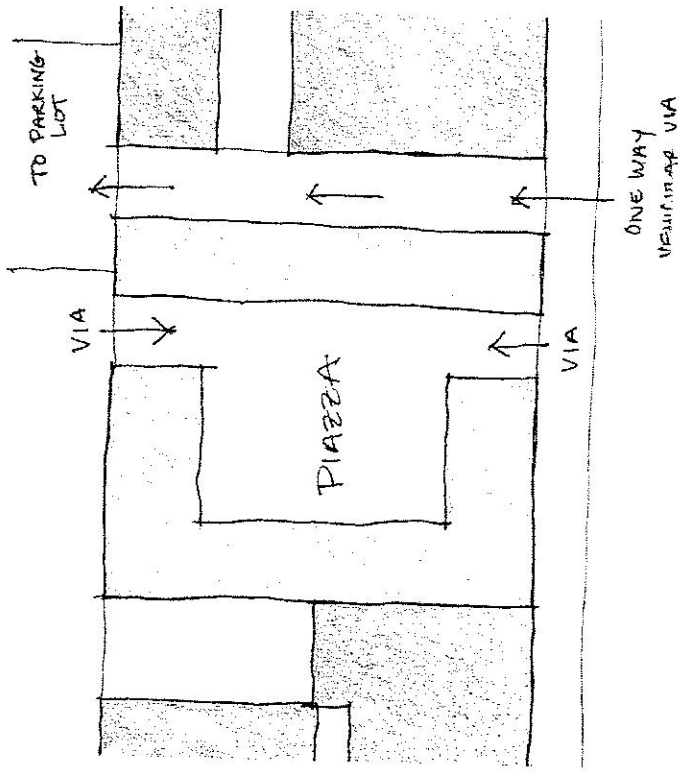
POSSIBLE CHANGES TO NON-CONTRIBUTING STRUCTURES



PNC BANK PROPERTY

245 Royal Poinciana Way
Redevelopment Option 1

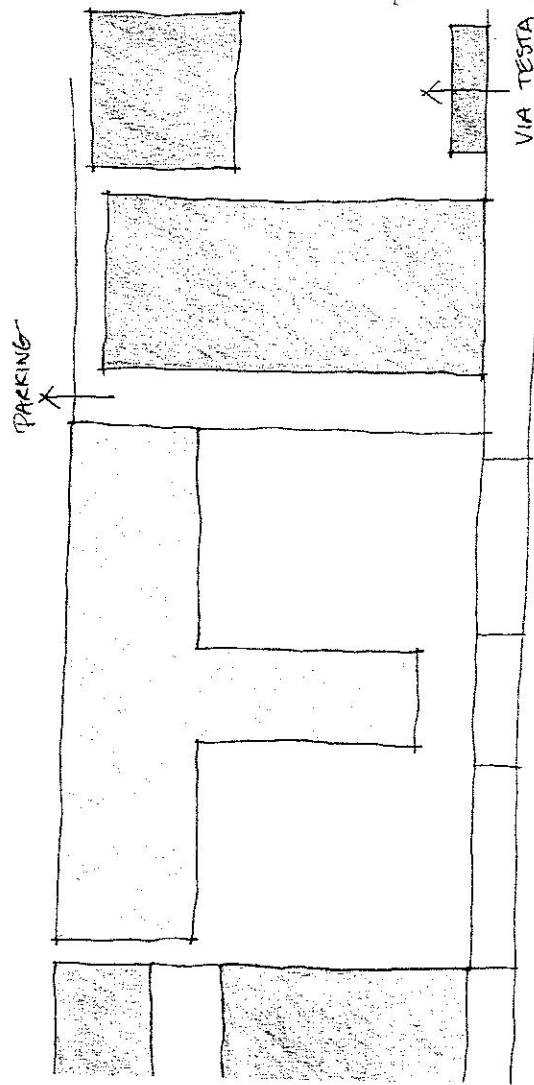
POSSIBLE CHANGES TO NON-CONTRIBUTING STRUCTURES



PNC BANK PROPERTY

245 Royal Poinciana Way
Redevelopment Option 2

POSSIBLE CHANGES TO NON-CONTRIBUTING STRUCTURES



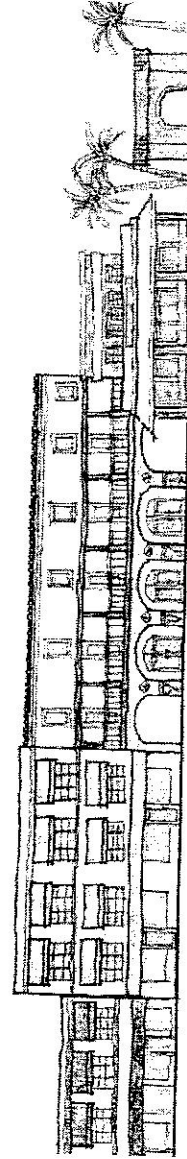
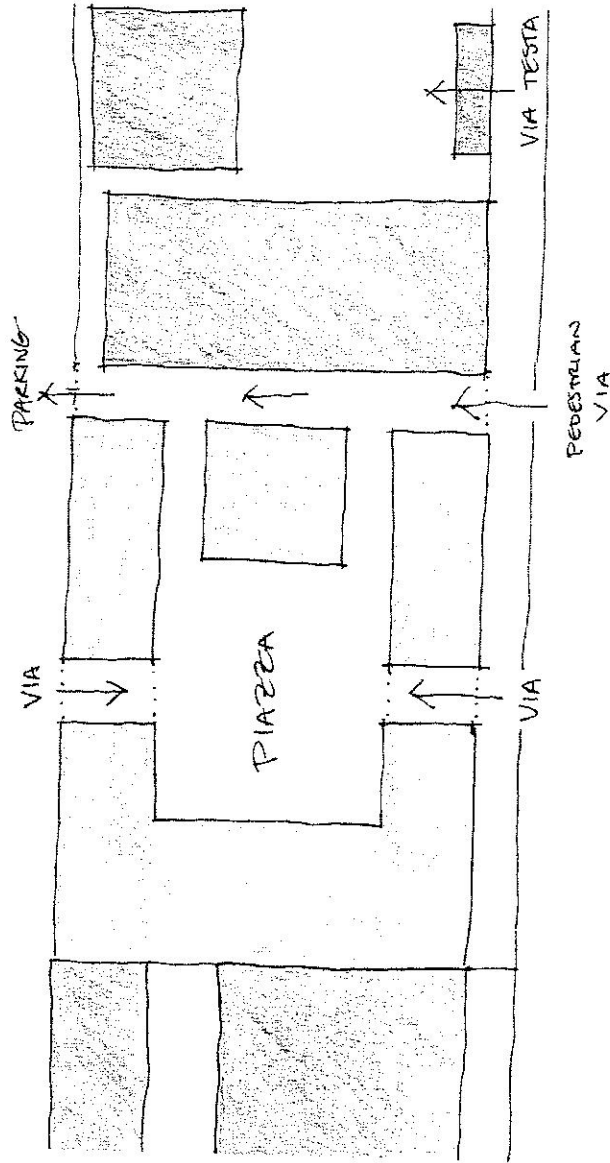
TOTAL LOT SQUARE FOOTAGE- 52,908.92
 70% LOT COVERAGE (ALLOWED FOR
 1ST/2ND FLOOR)= 37,036.244
 35% 3RD FLOOR ALLOWABLE= 18,518.122
 30 % PUBLIC OPEN SPACE= 15,872.67



TESTA'S SERVICE STATION

231 Royal Poinciana Way
 Current Elevation

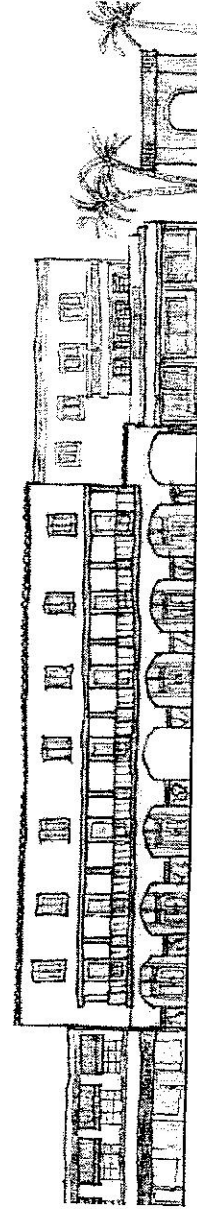
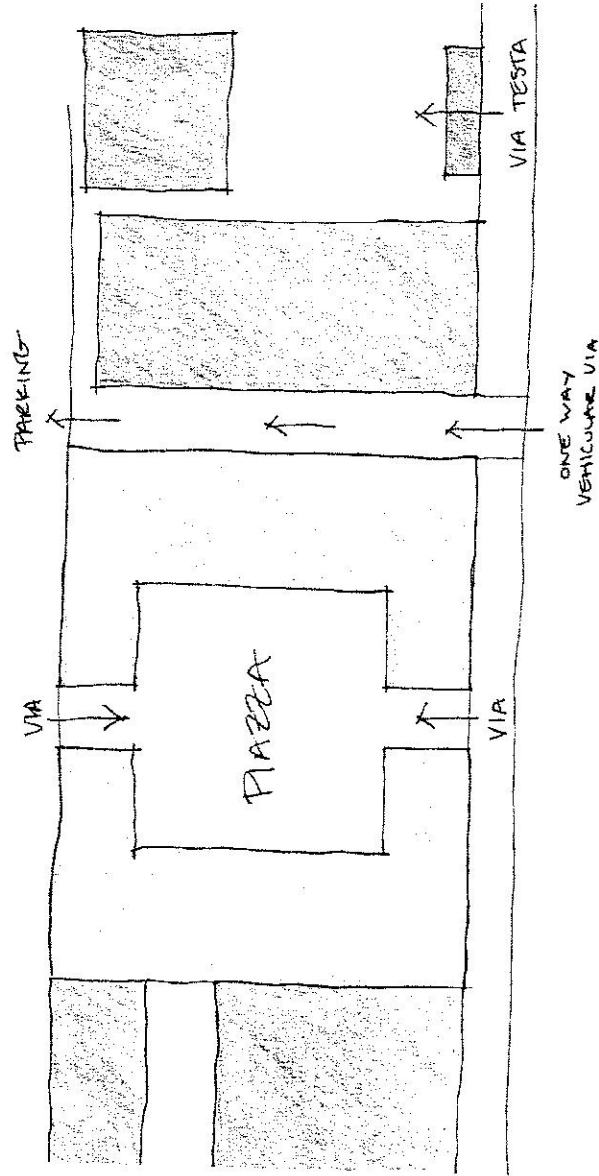
POSSIBLE CHANGES TO NON-CONTRIBUTING STRUCTURES



TESTA'S SERVICE STATION

231 Royal Poinciana Way
Redevelopment Option 1

POSSIBLE CHANGES TO NON-CONTRIBUTING STRUCTURES



TESTA'S SERVICE STATION

231 Royal Poinciana Way
Redevelopment Option 2



michael pucillo <mjpucillo@gmail.com>

Re: PUD-5

1 message

Martin I. Klein <martin@miklein.com>
To: Michael Pucillo <mjpucillo@gmail.com>

Tue, Apr 2, 2013 at 2:26 PM

Thank you. Great to see you. Time to get this back to the council and approved.

Sincerely

Marty.

Sent from Martin's iPhone

On Apr 1, 2013, at 10:01 AM, Michael Pucillo <mjpucillo@gmail.com> wrote:

> Marty: How about coffee tomorrow morning? I am taking my daughters to the airport early and could meet anytime after 8:30.

>

> Sent from my iPad

>

> On Apr 1, 2013, at 9:22 AM, "Martin I. Klein" <martin@miklein.com> wrote:

>

>> Michael-

>> Hope you had a wonderful Easter.

>> If you would liked to have a cup of coffee or just chat, either in person

>> or by telephone, please let me know. I am here through Wednesday

>> afternoon. I'd love your guidance on how to proceed.

>> Sincerely,

>> Marty

>>

>> Martin I. Klein P.C.

>> 350 East 79th Street

>> 34th Floor

>> New York, New York 10075

>> Telephone: (212) 753-9200

>> Facsimile: (212) 753-9229

>>

>>

>>

>>

>>

>>

>>

>> On 3/28/13 11:20 AM, "Michael Pucillo" <mjpucillo@gmail.com> wrote:

>>

>>> Sounds like you are pretty up to speed already. Let's chat when you get

>>> back to Town.

>>>

>>> Sent from my iPad

>>>

>>> On Mar 27, 2013, at 11:03 AM, "Martin I. Klein" <martin@miklein.com>
>>> wrote:

>>>

>>>> Michael

>>>> Whatever you think is best. After 6 years I want to move it along. I

>>>> suggested to Tanner and Gail that we set aside whatever time we need to
>>>> get it done. If two days is necessary, let's set it up. I believe Gail
>>>> thought it worthy of consideration. Tanner seems inclined to wait til
>>>> June when there is a replacement for gene Lawrence. I think it is silly
>>>> but as you know I like tanner. I do t know what we are going to do?
>>>> Listen to presentations in April and then skip to something else in may
>>>> and come back to this in June? Tanner and Bobbie have heard it all. I
>>>> have also. I believe Lesley Shaw is on board. We may get Floyd wiseman.
>>>> Lew Crampton is ok. The only negative is cloning.

>>>>
>>>> I am at the airport running to ny for a hasty board mtg and back
>>>> tomorrow for ten days with my daughter who finally came from London.

>>>>
>>>> I am available at your convenience. Let me reread everything on the
>>>> plane. We can always have coffee but I am fine and only anxious to
>>>> proceed. Shame that a very small vocal minority caused such delay but
>>>> thanks to you we are there. I don't remember if we bet a dinner or not
>>>> but I recall saying no matter what Susan would never come along. She did
>>>> that to me. I incorporated last time much of her suggestion and she and
>>>> Cooley sandbagged me. Not nice.

>>>>
>>>> Happy Easter.

>>>>
>>>> Sincerely

>>>>
>>>> Marty

>>>>
>>>> Sent from Martin's iPhone

>>>>
>>>> On Mar 27, 2013, at 10:52 AM, Michael Pucillo <mjpucillo@gmail.com>
>>>> wrote:

>>>>
>>>>> Marty: I plan to give a summary of the PUD-5 at the April P & Z
>>>>> meeting. Let me know if you have any questions or matters you want me
>>>>> to address. Also, I am happy to meet with you privately to discuss the
>>>>> matter.

>>>>>
>>>>> Best Regards.

>>>>>
>>>>> Michael

>>>>>
>>>>> Sent from my iPad

>

Lobbying

501(c)(3)

Lobbying

In general, no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as *lobbying*). A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks loss of tax-exempt status.

Legislation includes action by Congress, any state legislature, any local council, or similar governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by executive, judicial, or administrative bodies.

An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.

Organizations may, however, involve themselves in issues of public policy without the activity being considered as lobbying. For example, organizations may conduct educational meetings, prepare and distribute educational materials, or otherwise consider public policy issues in an educational manner without jeopardizing their tax-exempt status.

Additional information:

- [Measuring lobbying activity: substantial part test](#)
- [Measuring lobbying activity: expenditure test](#)

Page Last Reviewed or Updated: 18-Apr-2013

Re: PUD5 Report

nedbarnes@palmbeachcivic.org

Sent: Wednesday, August 28, 2013 10:26 PM

To: Michael Pucillo

Thanks, Mike. It would be great to get your thoughts. Also, I'd like to show you the final draft if that's ok.

Sent from my iPhone

On Aug 28, 2013, at 5:59 PM, "Michael Pucillo" <mpucillo@bermandevalerio.com> wrote:

> I will read over the report over the next few days and send you some thoughts.

>

> Sent from my iPhone

>

> On Aug 28, 2013, at 4:31 PM,

"nedbarnes@palmbeachcivic.org<mailto:nedbarnes@palmbeachcivic.org>"

<nedbarnes@palmbeachcivic.org<mailto:nedbarnes@palmbeachcivic.org>> wrote:

>

> Hi Michael,

> Paul Castro and JP sent me your report. We'll ask someone here to make a pros and cons list. If you have any thoughts or suggestions, please let me know.

> Many thanks for your help.

> Ned

RE: PUD5

Michael Pucillo

Sent: Wednesday, August 28, 2013 2:11 PM

To: nedbarnes@palmbeachcivic.org

Ned: When this first went to the Council on April or May, I prepared a report of the Committee that laid out what we did and why we did it. There is a lot in there that could be the basis for talking points. It is in the backup for the Council meeting and JP can also get me a copy. I will start there, along with the presentations I made to the Council and P&Z. If you have access to that Report you may want to look it over as well. The one change that took place after that report is that P&Z limited contributing buildings on RPW to two stories. In all other respects, the Report is accurate.



BERMAN DEVALERIO

Michael J. Pucillo

3507 Kyoto Gardens Drive, Suite 200

Palm Beach Gardens, FL 33410

Direct: 561/578-6807

Cell: 561/236-6531

From: nedbarnes@palmbeachcivic.org [mailto:nedbarnes@palmbeachcivic.org]

Sent: Wednesday, August 28, 2013 11:41 AM

To: Michael Pucillo

Subject: RE: PUD5

Hi Mike,

We're trying to get organized so we can respond to any Cooley/Markin challenge that might come after the Council meeting in September.

Ned

From: Michael Pucillo [mailto:mpucillo@bermandevalerio.com]

Sent: Wednesday, August 28, 2013 11:26 AM

To: nedbarnes@palmbeachcivic.org

Cc: Mikebrown@palmbeachcivic.org

Subject: RE: PUD5

Ned: What is your timing on this?



BERMAN DEVALERIO

Michael J. Pucillo

3507 Kyoto Gardens Drive, Suite 200

Palm Beach Gardens, FL 33410

Direct: 561/578-6807

Cell: 561/236-6531

RE: Thoughts on the PUD-5

nedbarnes@palmbeachcivic.org

Sent: Tuesday, September 03, 2013 4:49 PM

To: Michael Pucillo

Michael.

Thanks so much for these helpful comments. We're planning to run a story on the PUD5 in our weekly email bulletin this week and we'll incorporate your thoughts into the copy.

Ned

From: Michael Pucillo [mailto:mpucillo@bermandevalerio.com]

Sent: Tuesday, September 03, 2013 2:52 PM

To: nedbarnes@palmbeachcivic.org

Subject: Thoughts on the PUD-5

Ned: Having gone over the Committee Report and my notes, the following are some general points that I would make regarding the PUD-5 that I think help explain why it will be a positive development for the Town.

1. **Historic Preservation:** There is a substantial amount of preservation of the buildings that give RPW its character in the PUD-5. Jane Day's contributing building report discusses each property in the 5 acre block and designates those buildings that contribute to the character of the block and those that do not. There are actually three categories: Historically Contributing; Architecturally Contributing; and Urbanistically Contributing. The buildings in the first two categories may not be torn down and must be preserved. Portions of Urbanistically contributing buildings must be preserved, depending on the features set forth in the report. Further the Landmarks Commission has to approve any development under the PUD-5, using the Landmarks ordinance as the governing ordinance. Further, any new construction has to be consistent with the architecture and character of the existing contributing buildings. So there is a great deal of historic preservation that will be achieved by development under the PUD-5.
2. **Parking:** Many residents are not aware of the parking requirements of the current CTS zoning. As I have stated many times, the 1 space per 200 square feet of retail space is a suburban zoning rule better suited to PGA Boulevard (which has a similar requirement). If RPW were ever developed under that requirement it would lose it's Main Street character and become like so many suburban commercial districts.
3. **Pedestrian friendly requirements:** The PUD-5 has numerous requirements that are designed to ensure pedestrian friendly development. These include: requiring that 30% of the property be open to the public and accessible at all times; the prohibition on curb cuts; encouraging underground parking and giving density benefits for doing so; the provision which allows one story retail to be built on existing parking lots without additional parking; and the emphasis on vias and courtyards in the design guidelines.
4. **Lot coverage:** The 70% lot coverage is the same as the CTS. While 35% is permitted for third stories, Contributing buildings can only go to two stories.
5. **Height:** While the PUD-5 allows for three stories (limited to 35% lot coverage), contributing buildings cannot exceed two stories. Because 70% of RPW has a contributing structure on it, this means that RPW will remain largely two stories. Only two properties are likely to have more than two stories: The gas station and perhaps someday the PNC Bank building. The Breakers parking lot cannot realistically go to three stories because it lacks parking and there is a specific provision that incentives development of a one story structure on that property. So, 80% of RPW is going to stay two stories or less under the PUD-5. There may be some three story development on Sunset, but I doubt most people care if there are three stories across the street from the Publix loading

dock.

6. **Density:** While the PUD-5 permits 10 units per acre (and 13 in the case of underground parking only) which is higher than the 6 units permitted under the CTS zoning, this will have minimal impact on density. Moreover, there are incentives to reduce density in the high density properties down to the 13 units per acre limit in the Comprehensive plan. There are three properties with density levels at 38, 60, and 64 units per acre currently on RPW. If those properties were redeveloped under PUD-5 they would go from 19 units to 5, a reduction in density of 14 units. That provision has lead some committee members to note that density may well decrease under the PUD-5.
7. **Consolidation:** the concern has been expressed that there will be consolidation of properties creating a "City Place". The PUD-5 limits development to 1.5 acres, and no variances are permitted from that rule. Moreover, the historic and architecturally contributing buildings are located throughout the block which buildings cannot be torn down, further limiting any consolidation. The CTS zoning has no such limitations, which makes a "City Place" scenario more likely under the CTS zoning than under PUD-5.
8. **The Comprehensive Plan:** The Comp Plan allows density up to 13 units per acre, and the PUD-5 stays within that limit. It also incentives high density properties to reduce density to the 13 unit per acre limit. So, I think the notion that this somehow guts the Comp Plan is wrong. It would be the only code provision that actually encourages redevelopment at the Comp Plan density levels.

These are a few of the points that I would make in support of the PUD-5, and why I believe it will be a positive move for the Town. It should also be remembered that the PUD-5 is a voluntary alternative to the current CTS zoning code. CTS will remain an option. We did this because requiring development under the PUD-5 standards—to the extent it is more restrictive than CTS—would result in legal challenges. I can discuss that further if anyone is interested.

MJP



BERMAN DEVALERIO

Michael J. Pucillo

3507 Kyoto Gardens Drive, Suite 200

Palm Beach Gardens, FL 33410

Direct: 561/578-6807

Cell: 561/236-6531

PUD5 Planning Meeting

nedbarnes@palmbeachcivic.org

Sent: Thursday, October 10, 2013 3:09 PM

To: Dave Duffy (dduffy@duffyshanley.com); Bobbie Lindsay [bobbielindsay@bellsouth.net]; Bobbie Lindsay [lindsaybobbie@gmail.com]; Alexander Ives [aives@palmbeachpreservation.org]; Paul Leone [paul.leone@thebreakers.com]; Manning, Burt (burt.manning@jw.com); Brian Mciver (brimc180@aol.com); nancymurray@comcast.net; Rose, Tanner [trose@stblaw.com]

Cc: Mikebrown@palmbeachcivic.org; Michael Pucillo

Attachments:RPW Civic Assoc Statement ~1.pdf (155 KB)

To: Friends of the Royal Poinciana Way PUD5

From: Ned Barnes

An Invitation:

PUD5 Planning Meeting

Tuesday, October 15, 2013, 2:00 pm

Civic Association Community Room

Paramount Building, 2nd Floor

Please join us for an important meeting on the Royal Poinciana Way PUD5 **next Tuesday, October 15, at 2:00 pm** at the Civic Association in the Paramount Building, 2nd floor.

We will discuss the PUD5 vote at the Town Council meeting on Wednesday, October 9, and consider appropriate action going forward.

Town Council President David Rosow has stressed the value of resident participation when the Council considers the PUD5 ordinance on November 13. On that day, a final vote to adopt the PUD5 ordinance will be taken (See **Shiny Sheet** article below).

As you know, the Civic Association favors the PUD5. A letter from Civic Association Chairman and CEO Bob Wright is attached.

I hope you will attend this important brainstorming session next Tuesday. Please call or email me to let me know if you can make it. Your help and input would be very much appreciated.

Ned Barnes

561-655-0820

nedbarnes@palmbeachcivic.org

Palm Beach Daily News:

PUD survives as Rosow questions support

Backers say sparse attendance because they did not see vote as pivotal.

By William Kelly, October 10, 2013

Friends of the PUD5 Meeting Agenda

palmbeachcivicasociation@palmbeachcivic.org

Sent: Monday, October 14, 2013 10:33 AM

Attachments: RPW Friends of PUD5 Ag 131~1.doc (28 KB) ; RPW overview story 130903 ~1.doc (28 KB) ; RPW Civic Assoc Statement ~1.pdf (155 KB)

To: Friends of the Royal Poinciana Way PUD5
From: Ned Barnes
Re: Agenda for PUD5 Planning Meeting
Tuesday, October 15, 2013, 2:00 pm
Civic Association Community Room
Paramount Building, 2nd Floor

Attached is an agenda for our meeting on the Royal Poinciana Way PUD5 tomorrow, **Tuesday, October 15, at 2:00 pm** at the Civic Association in the Paramount Building, 2nd floor.

Also attached are a Civic Association story on the PUD5 written by Tim Pallesen and published online *before* the September council meeting, and the Civic Association position statement on the PUD5.

To see the recent **Shiny Sheet** article on the PUD5, please click on <http://www.palmbeachdailynews.com/news/news/pud-survivesas-rosoquestionssupport/nbKZ3/#sthash.z3tiWYRg.dpuf> .

For last Sunday's Shiny Sheet editorial:

<http://www.palmbeachdailynews.com/news/news/opinion/not-a-stunt/nbMsH/>

Please call me if you have any questions. I look forward to seeing you **tomorrow, October 15, at 2:00 pm** at the Civic Association Community Room in the Paramount Building 2nd floor.

Ned Barnes

561-655-0820

nedbarnes@palmbeachcivic.org

Friends of the PUD5
Tuesday, October 14, 2013, 10:00 am
Civic Association Community Room
Paramount Building, 2nd Floor

Agenda

1. Welcome
2. Town Council (Wednesday, November 13, 2013)
 - a) Get Out Supporters and Speakers
 1. Each one ask 5
 2. Publicity
 - a. Town Wide Mailing
 - b. Newsletters, Online Publicity
 - c. Newspaper Ad
 - d. Other
 3. Telephone Campaign
 4. Other
 - b) Identification at Meeting (Stickers, T-shirts, Signs, Banners, etc.)
 - c) Q and A/Talking Points (Michael Pucillo and Bob Moore)
 - d) Letter Writing Campaign (Online) and Letter to Editor
 - e) Petition
 - f) Other
3. Referendum
 - a) Committee and Chair
4. Other Business

PUD-5 for Royal Poinciana Way

The Palm Beach Town Council will vote on Tuesday, Sept. 10 whether to approve a new Planning Unit Development ordinance to revitalize five acres on the north side of Royal Poinciana Way between County Road and Bradley Place.

PUD-5 would ease off-street parking requirements and allow more residential units as incentives for redevelopment. In exchange, applicants would be required to follow architectural design guidelines set by the town. Parking would be located at the rear of buildings or underground. The height of most buildings would be limited to two floors.

A key provision in the new ordinance is its prohibition against demolishing existing buildings that contribute to the unique historical and architectural character of Royal Poinciana Way.

The Palm Beach Civic Association supports the PUD-5 ordinance as the most viable means to both preserve and enhance Royal Poinciana Way.

The Town Council established a committee last year to study and recommend development and zoning changes on Royal Poinciana Way. The committee, chaired by Councilman Michael Pucillo, focused first on what Palm Beach residents like about Royal Poinciana Way and how best to preserve those positive aspects. The character of the street with its “Main Street” feel was seen as a strong positive to be preserved.

As a result, PUD-5 was written to only encourage new structures consistent with the current character of Royal Poinciana Way. Building designs are limited to the architectural styles currently on the street. The pedestrian friendly quality of the street is enhanced.

The committee made its recommendations last March. The Town Council passed the ordinance on first reading by a 3-1 vote in June.

Under current rules, Royal Poinciana Way faces a blighted future because off-street parking requirements and density restrictions have become a major obstacle to redevelopment.

PUD-5 is necessary because the existing zoning code has no provision to preserve the current character of Royal Poinciana Way, which is unique and worthy of preservation.

Few buildings on Royal Poinciana Way qualify for landmark designation and most could be demolished if a developer seeks to build under the current zoning code. The elimination of existing structures combined with redevelopment under onerous parking requirements would negatively change the character of the street.

But the new ordinance would give the Landmarks Commission authority over redevelopment by applying the landmarks ordinance to all development applications.

The new ordinance also would require that 30 percent of any new development remain as open space that is accessible to the public. Parking would only be allowed behind buildings or underground. These two requirements would improve upon the pedestrian nature of the existing street.

Residents who have spoken against the ordinance say it is in conflict with the goal of the town's comprehensive plan to reduce density and traffic. They have expressed concern that properties on Royal Poinciana Way might be consolidated for new construction that looks like CityPlace in West Palm Beach.

But PUD-5 limits any development to 1.5 acres and restricts contributing building height to two stories. The requirement to

preserve buildings with historic or architectural significance further eliminates any concern that consolidation could change the character of the street.

PUD-5 would allow 10 residential units per acre, compared to the six units per acre that are now allowed under the current zoning for new construction. But some buildings now on the street were built with much higher densities. So the street's overall density could actually decrease under the new ordinance.

PUD-5 would be an alternative to the current zoning on Royal Poinciana Way. A property owner would select between the two alternatives when he applied for development approval.

Friends of the PUD 5

palmbeachcivicassociation@palmbeachcivic.org

Sent: Friday, October 18, 2013 1:54 PM

Dear Friends of the PUD 5,

We are putting together the bullet points and Q&A for the Nov 13 council meeting, and we need your help.

Will you please email me a list of the most important questions that you think we should address along with the major objections you believe we should answer? If you could also give supply the answers to these questions, I would be very grateful.

We're hoping to have a meeting of the Friends of the PUD 5 Committee to review these materials and plan our strategy on **Friday, October 25 at 9:00 am.** Would you please let me know if you're able to attend or, if not, when you are available.

Thanks for all your help.

Ned

nedbarnes@palmbeachcivic.org

PUD5 Draft Questions

palmbeachcivicassociation@palmbeachcivic.org

Sent: Friday, October 18, 2013 4:38 PM

Attachments:RPW Q&A Draft October 2013.doc (28 KB)

Dear Friends of the PUD5,

Here are 42 questions for our Q&A. I know the list is too long, but I'm hoping you will take a few minutes to review this rough draft and make any additions, corrections, etc. I'd also be grateful if you would take a crack at answering some, or all, of the questions.

Thanks to several of you who have let me know you can make our next meeting on **Friday, October 25 at 9:00 am.**

I appreciate all your help with this project and I look forward to hearing from you.

Ned

**Friends of the PUD5
Royal Poinciana Way Questions
October 18, 2013**

1. What is a Planned Unit Development 5?
2. Why do we need it?
3. What's wrong with Royal Poinciana Way as it is currently?
4. Why can't we just spruce up the area with some fresh paint and a little elbow grease?
5. What's wrong with the current zoning?
6. I like the "Main Street" feel of Royal Poinciana Way. How can we protect its character and charm?
7. Won't Palm Beach change if this new plan is passed?
8. Why was a special committee created by the Town Council to study Royal Poinciana Way?
9. What did the committee do?
10. What is the maximum density currently allowed by the Town's Comprehensive Plan? What will be allowed under the new Planned Unit Development 5?
11. What density does the current zoning allow? What will happen if the current density is increased under the new proposal?
12. What's wrong with the current parking requirements and density restrictions?
13. Can't someone do something about that vacant gas station?
14. Why do we need more condominiums on Royal Poinciana Way?
15. How can we be sure that Royal Poinciana Way will retain its Palm Beach character?
16. What are architectural guidelines and why are they important for Royal Poinciana Way?
17. What will happen if we do nothing?
18. Won't Royal Poinciana Way become another Cityplace if the new plan is adopted?
19. Why can't we just save the buildings we like and get rid of the unattractive ones?
20. Aren't we setting a precedent with Royal Poinciana Way? Won't other parts of town, like South County Road, want to adopt a similar plan?

21. Will we end up with more condos? Don't we have enough condos already?
22. Is it really a good idea to build high-end condos so close to restaurants and night clubs? Won't the condo owners and restaurant owners clash over noise, odors, etc.?
23. Why do the parking requirements need to be changed?
24. Will I have trouble parking under the new plan?
25. Will I have to park underground?
26. Isn't this really about helping out the owners of Testa's?
27. What do the Royal Poinciana Way property owners think about this proposal?
28. How many stories will be allowed on the buildings?
29. Won't this new proposal lead to larger buildings and development that is too intense for the street?
30. What about open space for the public?
31. Why did the State of Florida approve this proposal?
32. What local organizations support the Planned Unit Development?
33. What local groups oppose it?
34. How can we keep the Royal Poinciana Way buildings we love on from being torn down?
35. Could a fast-food restaurant come to Royal Poinciana Way? What about a Walmart?
36. Will the street still be a nice place to walk under the new plan?
37. Will I still be able to take my family for ice cream?
38. Who will make sure any future development of Royal Poinciana Way will be in keeping with the current architecture?
39. Doesn't the Planned Unit Development 5 proposal conflict with the Town's Comprehensive Plan?
40. Won't multiple properties be bought up by developers who want to dominate the street with extra-large buildings?
41. Must everyone on Royal Poinciana Way abide by the new Planned Unit Development, if passed?
42. What is the best way to protect, preserve and enhance Royal Poinciana Way?

PUD5 Committee this Friday, Oct 25

palmbeachcivicasociation@palmbeachcivic.org

Sent: Wednesday, October 23, 2013 11:31 AM

Attachments:RPW PUD5 Com Ag and Backup~1.pdf (368 KB)

To: Royal Poinciana Way PUD5 Joint Committee Members

From: Ned Barnes (561-655-0820; nedbarnes@palmbeachcivic.org)

Re: PUD5 Planning Meeting
Friday, October 25, 2013, 9:00 am
Civic Association Community Room
Paramount Building, 2nd Floor

Attached is the agenda and backup materials (action plan, draft talking points, draft Q&A draft, and draft letter) for our meeting this Friday, October 25, at 9:00 am at the Civic Association. Please call or email me if you have any thoughts or questions. Thanks so much for all your help. I look forward to seeing you.

Ned Barnes
561-655-0820
nedbarnes@palmbeachcivic.org

**Royal Poinciana Way PUD5
Friday, October 25, 2013, 9:00 am
Civic Association Community Room
Paramount Building, 2nd Floor**

Agenda

1. Welcome
2. PUD5 Action Plan, Q&A, and Talking Points
3. Letters
 - Letter Writing Campaign
 - Letters to the Editor
4. Town Council Meeting (Wednesday, November 13, 2013)
 - Attendees
 - Speakers
 - Identification (Stickers)
5. David Rosow Visit
6. Newsletters
7. Other Business
8. Adjourn

**Royal Poinciana Way PUD 5
Action Plan
October-November 2013**

Goals:

1. Passage of the PUD 5 ordinance on Nov 13
2. David Rosow vote in favor

Strategy:

1. Fill Town Hall Council Chambers with 80-100 supporters on Nov 13
2. Secure 15-20 speakers to address the council in support of the PUD 5 on Nov 13
3. Conduct a letter writing campaign in which president Rosow receives 50 letters in support of the PUD 5
4. Produce a town wide mailer supporting the PUD 5 and inviting residents to attend the Nov 13 meeting
5. Send letters to the Shiny Sheet editor in support of the PUD 5.

Program:

1. Develop campaign literature (overview, Q and A, bullet points, etc.) (Oct 24).
2. Hold organizing committee meeting to review plan and share responsibilities (Oct 25, 9:00 am, Civic Association)
3. Conduct telephone campaign to invite selected residents to attend Nov 13 meeting (Monday, Nov 4 thru Tuesday, Nov 12)

4. Select and brief speakers for Nov 13 meeting (Oct 28 thru Nov 8)
5. Develop letter writing campaign with sample letter and email options (Oct 28-Nov 8). Contact potential letter writers
6. Produce a town wide mailer supporting the PUD 5 and inviting residents to attend the Nov 13 Town Council meeting (to be mailed Oct 30)
7. Create and submit letters to the editor

Talking Points for PUD-5

 **DRAFT**

- Planned Unit Development 5 is an ordinance to preserve the “Main Street” character of Royal Poinciana Way while recognizing that the street is in need of revitalization.
- Property owners have shown no interest in redeveloping without PUD-5 because of off-street parking requirements and the number of residential units that can be built under the current zoning code.
- A boarded-up gas station is the first evidence of the blight that might occur if property owners never redevelop. Revitalization will not happen unless it is economically feasible.
- The new ordinance prohibits the demolition of buildings that contribute to the historical and architectural character of Royal Poinciana Way.
- New buildings must be built with the same architectural style so they will complement the street’s “Main Street” character and improve its overall appearance.
- The current code does not preserve the character of the street. Few buildings qualify for landmark designation, so most could be demolished if a developer chose to build.
- PUD-5 would allow up to 10 residential units per acre, compared with the six units per acre now allowed. This is the main incentive for property owners to redevelop. But because some buildings to be replaced were built with higher densities, the overall number of residences could be fewer after redevelopment.
- All buildings on Royal Poinciana Way would be limited in height to two floors. A few three-story buildings could be built along Sunset Avenue but only if the Town Council grants special exceptions to allow them.
- Parking would not become difficult for shoppers and restaurant patrons because residents will have their own separate off-street parking. On-street public parking will remain for everyone else.
- Off-street parking requirements under the existing code would locate parking in front of new buildings to create an undesirable strip mall appearance. The “Main Street” character of Royal Poinciana Way would be destroyed.
- Royal Poinciana Way would not be another CityPlace because PUD-5 restricts development proposals to a maximum size of 1.5 acres. CityPlace covers 20 blocks with much higher densities and taller buildings.

 **DRAFT**

- PUD-5 would not change other parts of Palm Beach because the ordinance is written to only affect five acres on Royal Poinciana Way.
- The State of Florida has approved PUD-5 because it conforms to the town's Comprehensive Plan.
- The Palm Beach Civic Association, the Preservation Foundation, the Chamber of Commerce, the Citizens Association of Palm Beach and the Planning and Zoning Commission all support PUD-5.

**Friends of the PUD5
Royal Poinciana Way Questions
October 21, 2013**

 **DRAFT**

1. What is a Planned Unit Development 5?

A proposed ordinance to preserve the “Main Street” character of Royal Poinciana Way while recognizing that the street is in need of revitalization.

2. Why do we need it?

A boarded-up gas station is the first evidence of blight that might occur if property owners are never able to redevelop their properties. Revitalization will not happen unless it is economically feasible.

3. What’s wrong with Royal Poinciana Way as it is currently?

Some existing buildings don’t contribute to the “Main Street” character and architecture of the street. The street’s appearance would be enhanced if they are replaced with better architecture.

4. What’s wrong with the current zoning?

Developers have shown no interest in redeveloping the five acres because of off-street parking requirements and tight limits on the residential units that can be built under the current zoning code.

The current code has no provision to preserve the character of the street. Few buildings on Royal Poinciana qualify for landmark designation, so most could be demolished if a developer wanted to build. “Main Street” could be replaced with more of a parking-lot appearance.

5. I like the “Main Street” feel of Royal Poinciana Way. How can we protect its character and charm?

The ordinance prohibits the demolishing of existing buildings that contribute to the historical and architectural character of Royal Poinciana Way. New buildings would have to be consistent with the existing “Main Street” character and architecture.

6. Won’t Palm Beach change if this new plan is passed?

No. PUD-5 is only for the five acres on Royal Poinciana Way.

7. What is the maximum density currently allowed by the Town’s Comprehensive Plan? What will be allowed under the new Planned Unit Development 5?

The new ordinance would allow up to 10 residential units per acre, compared with the six units per acre now allowed. But some older residential buildings were built with higher densities, so the overall number of apartments could be less after redevelopment.

8. How many stories will be allowed on the buildings?

All buildings facing Royal Poinciana Way would be limited to two floors. A few three-story residential buildings could be built to replace non-contributing buildings along Sunset Avenue if the Town Council grants special exceptions to allow them.

9. What's wrong with the current parking requirements and density restrictions?

Off-street parking if new construction is built under the current law would be in front of new buildings, destroying the "Main Street" character of the street. The density restrictions are too limited to make it profitable for a property owner to improve his property.

10. Why do we need more condominiums on Royal Poinciana Way?

Allowing a few more residential units is the incentive for property owners to revitalize their properties.

11. What are architectural guidelines and why are they important for Royal Poinciana Way?

Guidelines are to assure the optimum architecture standards and to protect and enhance the character of the street. The Landmarks Commission must approve the architecture for any development proposal under PUD-5.

12. Won't Royal Poinciana Way become another CityPlace if the new plan is adopted?

No. PUD-5 restricts any single development proposal along Royal Poinciana Way to 1.5 acres. CityPlace covers more than 20 city blocks with significantly more density and taller buildings than what would be allowed along Royal Poinciana Way. The appearance will be different because CityPlace didn't preserve any architecturally significant buildings.

13. Is it really a good idea to build high-end condos so close to restaurants and night clubs? Won't the condo owners and restaurant owners clash over noise, odors, etc.?

People who purchase condos will know in advance if they are close to a restaurant or night club. An applicant must submit a site plan for approval that locates each residence and commercial space.

14. Will I have trouble parking under the new plan?

No. On-street public parking spaces will remain on Royal Poinciana Way. Each resident will have two off-street parking spaces so public parking availability will not be affected.

15. Isn't this really about helping out the owners of Testa's?

This is about what is best for the town.

16. What about open space for the public?

PUD-5 enhances the pedestrian nature of Royal Poinciana Way by encouraging courtyards and other open space for the public.

17. Why did the State of Florida approve this proposal?

The state determined that PUD-5 conforms to the town's Comprehensive Plan.

18. What local organizations support the Planned Unit Development?

The Palm Beach Civic Association, the Preservation Foundation, the Chamber of Commerce, the Citizens Association of Palm Beach and the Planning and Zoning Commission.

19. What local groups oppose it?

Only the North End Neighborhood Association.

20. Could a fast-food restaurant come to Royal Poinciana Way? What about a Walmart?

No. The town prohibits "pattern" restaurants such as McDonald's and Starbucks. The five-acre site is too small to build a Walmart.

21. Who will make sure any future development of Royal Poinciana Way will be in keeping with the current architecture?

The Landmarks Commission must approve any development proposal under PUD-5.

22. Doesn't the Planned Unit Development 5 proposal conflict with the Town's Comprehensive Plan?

The State of Florida agrees with the town attorney and staff that PUD-5 complies with the goals of the town's Comprehensive Plan.

23. Won't multiple properties be bought up by developers who want to dominate the street with extra-large buildings?

PUD-5 prevents the consolidation of properties by limiting the size of any development proposal to 1.5 acres. This prevents a CityPlace type of development.

24. Must everyone on Royal Poinciana Way abide by the new Planned Unit Development, if passed?

No. PUD-5 is an option. Developers could still build under the current zoning code if they chose.

25. What is the best way to protect, preserve and enhance Royal Poinciana Way?

Passage of PUD-5 is the best way because it prohibits the demolishing of existing buildings that contribute to the historical and architectural character of Royal Poinciana Way and it requires new buildings to be consistent with the street's character and architecture.

The Honorable David Rosow
Town Council President
Town of Palm Beach
P O Box 2029
Palm Beach, Florida 33480
drosow@townofpalmbeach.com
561-838-5414

 DRAFT

Dear Mr. Rosow,

I urge you to vote in favor of the Planned Unit Development 5 proposal for Royal Poinciana Way on November 13. Your support for this important program is critical to the future of our Town's "Main Street."

Re: PUD5

Michael Pucillo

Sent: Wednesday, October 23, 2013 12:14 PM

To: nedbarnes@palmbeachcivic.org

Ned: a couple of comments:

1. All the buildings on RPW are not limited to two stories, only the Contributing Buildings. But that is about 70 percent of the Street. As a practical matter, Testas and the PNC Bank building are the only ones that could go to three stories.
2. The PUD 5 not only encourages preservation of the Main Street character of RPW, it also encourages first floor retail through parking abatement. Unlike CTS, first floor retail uses do not require on site parking. This is significant as it will preserve the retail nature of the street because it will encourage retail development.

I am still in Spain but get back Friday. You can call me on my cell if you want to discuss this further.

Sent from my iPhone

On Oct 23, 2013, at 4:51 PM, "nedbarnes@palmbeachcivic.org" <nedbarnes@palmbeachcivic.org> wrote:

Hi Mike,

Welcome home. Hope you had a great trip.

Our joint PUD5 committee (Civic Assoc., Preservation, Chamber, Citizens Assoc., etc.) is preparing materials (attached) for the PUD5. I'm wondering if you would take a look at these documents (Talking Points and Q&A) and let me know if you have any comments and/or suggestions.

We're trying to keep this information confidential. Our joint planning committee is meeting to discuss these materials on Friday, Oct 25 at 9 am.

Many thanks for your help.

Ned

561-655-0820

nedbarnes@palmbeachcivic.org

<RPW 25 Questions 131113.doc>

<RPW Talking Points 131113.doc>

RE: PUD5

nedbarnes@palmbeachcivic.org

Sent: Wednesday, October 23, 2013 12:42 PM

To: Michael Pucillo

Thanks, Mike. This is very helpful. Have fun. Talk with you next week. --Ned

-----Original Message-----

From: Michael Pucillo [<mailto:mpucillo@bermandevalerio.com>]

Sent: Wednesday, October 23, 2013 12:14 PM

To: nedbarnes@palmbeachcivic.org

Subject: Re: PUD5

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Ned

561-655-0820

nedbarnes@palmbeachcivic.org<<mailto:nedbarnes@palmbeachcivic.org>>

<RPW 25 Questions 131113.doc>

<RPW Talking Points 131113.doc>

This email and any attachments thereto may contain private, confidential, and 155

privileged material for the sole use of the intended recipient. If you are not the intended recipient, you may not read, copy, distribute, or use the information in this email or any attachments; please contact Michael Pucillo <mpucillo@bermandevalerio.com> immediately and permanently delete the original and any copies of this email and any attachments thereto.

PUD5 Meeting Follow Up

palmbeachcivicasociation@palmbeachcivic.org

Sent: Friday, October 25, 2013 2:01 PM

Dear Royal Poinciana Way Committee PUD5 Member,

At our meeting today, we agreed that we would do everything we can to get as many people as possible to:

1. **Write a letter to David Rosow urging him to vote in favor of the PUD5 ordinance on Nov. 13**
2. **Attend the Town Council meeting on Wednesday, November 13 and speak in support of the PUD5.**

Together, we would like to generate about 80 letters and 100+ meeting attendees. Obviously, we need your help to reach our goals.

Please help us get the word out to your friends and community organizations. I will keep a master list of those who agree to write and/or go to the Nov 13 meeting. If you let me know when you've recruited someone, we will follow up.

We are working on the final draft of a sample letter to President Rosow, PUD5 Talking Points and a Q&A to use in our recruiting. I will send these materials to you just as soon as I can.

At our meeting, we also discussed the importance of meeting with President Rosow individually or in small groups. **If you are willing to sit down with Mr. Rosow in the next two weeks, please let me know.**

You can email or call me anytime (information below). Thanks so much for all your help.

Ned

561-655-0820 (office)

561-315-2679 (cell)

nedbarnes@palmbeachcivic.org

PUD5 Walking Tour

nedbarnes@palmbeachcivic.org

Sent: Friday, October 25, 2013 11:24 AM

To: Michael Pucillo

Hi Mike,

Welcome home. Hope you had a good trip. Just wanted you to know that the Civic Assoc is planning a walking tour of Royal Poinciana Way on Friday, Nov 8, at 10 am. The tour is open to all residents and it will be led by Jane Day and Bob Moore. We will meet at the abandoned gas station—Tom Testa approved—and literally walk the group around the block pointing out the key areas for the PUD5. Hope this helps for Nov 13.

Ned

RPW

nedbarnes@palmbeachcivic.org

Sent: Monday, October 28, 2013 9:38 AM

To: Michael Pucillo

Hi Mike,

Thanks for all your help. Looking forward to having you lead our tour on Fri. Nov 8, at 10 am.

Here's my cell: 561-315-2679. Please call me anytime.

Ned

RE: Pud-5

Michael Pucillo

Sent: Monday, October 28, 2013 10:20 AM

To: jane day [dayjane@bellsouth.net]

I told Ned I would join you on the tour, as I have a pretty good handle on what can be done there. I will call you.

Michael J. Pucillo

Berman DeValerio

3507 Kyoto Gardens Drive, Suite 200

Palm Beach Gardens, FL 33410

Direct: 561/578-6807

Cell: 561/236-6531

This electronic mail transmission may contain confidential information and is intended only for the person(s) named. Any use, copying or disclosure by any other person is strictly prohibited. If you have received this transmission in error, please notify the sender via e-mail.

From: jane day [dayjane@bellsouth.net]

Sent: Monday, October 28, 2013 9:48 AM

To: Michael Pucillo

Subject: Pud-5

Hi Mike,

I am not sure if you are back yet but wanted to write and let you know that the Civic Association has asked me to do a walking tour of RPW on November 8 at 10 a.m. I have been getting calls in response to Frank Cognilio and Susan Markin and want to really have me ducks in a row to answer question.

Jane Day

RPW Walking Tour Flyer

nedbarnes@palmbeachcivic.org

Sent: Monday, October 28, 2013 11:34 AM

To: Michael Pucillo

Attachments: RPW Walking Tour Flyer Nov~1.doc (24 KB)

Here's the info for the Walking Tour Flyer that will be mailed town wide on Wednesday.

**Palm Beach Civic Association
Walking Tour
Royal Poinciana Way**

See the PUD-5 firsthand

Tour leaders:

**The Hon. Michael Pucillo
Palm Beach Town Council
Royal Poinciana Way Committee Chair**

**Preservationist Jane Day
Former Palm Beach Landmarks Consultant**

**Bob Moore
Former Palm Beach
Planning, Zoning, and Building Director**

**Friday, November 8
10:00 am**

*-Meet at the abandoned gas station
-Wear comfortable walking shoes*

- *View Royal Poinciana Way's current condition*
- *Visualize the future of our Town's Main Street*
- *Get your questions answered by the experts*

**Free and Open to Public
Space Limited, Reservations Required, Call 561-655-0820**

Royal Poinciana Way PUD-5

palmbeachcivicassociation@palmbeachcivic.org

Sent: Monday, October 28, 2013 3:12 PM

Attachments:RPW Talking Points (3).doc~1.doc (30 KB) ; RPW 25 Questions final 131~1.doc (32 KB) ; RPW 25 Questions Addendum ~1.doc (26 KB) ; RPW Walking Tour Flyer Nov~1.doc (24 KB)

Dear PUD-5 Committee:

Here are the final drafts of the PUD-5 materials: talking points, 25 questions and answers, and an overview.

Also attached is a flyer for the Walking Tour of Royal Poinciana Way on Nov 8. Please feel free to use these materials in any way you choose to get the word out.

Ned

561-655-0820

nedbarnes@palmbeachcivic.org

Royal Poinciana Way PUD-5

- Planned Unit Development 5 is an ordinance to preserve the “Main Street” character of Royal Poinciana Way while recognizing that the street is in need of restoration.
- Property owners have shown no interest in restoration without PUD-5 because of the severe off-street parking requirements and the number of residential units that can be built under the current zoning code.
- A boarded-up gas station is the first evidence of the blight that might occur if owners don’t restore their properties. Revitalization will not happen unless it is economically feasible.
- The new PUD-5 ordinance prohibits the demolition of buildings that contribute to the historical and architectural character of Royal Poinciana Way.
- Under the PUD-5, new buildings must be built with the same architectural style so they will complement the street’s “Main Street” character and improve its overall appearance.
- The current code does not preserve the character of the street. Few buildings qualify for landmark designation, so most could be demolished if a developer chose to build.
- PUD-5 would allow up to 10 residential units per acre (13 with underground parking) compared with the six units per acre now allowed. This is the main incentive for owners to improve their properties. Because some existing buildings on the street were originally built with higher densities, the overall number of residences could be fewer after redevelopment.
- Under the PUD-5, all buildings that contribute to the character and architecture of Royal Poinciana Way (about 70 percent) would be limited to two stories. Only two properties would be eligible to request that the Town Council grant special exemptions to allow three stories.
- Parking would not become difficult for shoppers and restaurant patrons under the PUD-5 because residents will have their own separate off-street parking. On-street public parking will remain for everyone else.
- Off-street parking requirements under the existing code would locate parking in front of new buildings to create an undesirable stripmall appearance. The historic “Main Street” would be destroyed.
- To encourage retail development, PUD-5 would not require new first-floor shops to have off-street parking.

- Royal Poinciana Way would not be another CityPlace because PUD-5 restricts restoration proposals to a maximum size of 1.5 acres. CityPlace covers 20 blocks with much higher densities and taller buildings.
- PUD-5 would not change other parts of Palm Beach because the ordinance is written to only affect five acres on Royal Poinciana Way.
- The State of Florida has approved PUD-5 because it conforms to the town's Comprehensive Plan.
- The Palm Beach Civic Association, the Preservation Foundation, the Chamber of Commerce, the Citizens Association of Palm Beach and the Planning and Zoning Commission all support PUD-5.

Royal Poinciana Way PUD-5
Questions and Answers

1. What is a Planned Unit Development 5?

A proposed ordinance to preserve the “Main Street” character of Royal Poinciana Way while recognizing that the street is in need of **restoration**.

2. Why do we need it?

A boarded-up gas station is the first evidence of blight that might occur if property owners are never able to **restore** their properties. **Restoration** will not happen unless it is economically feasible.

3. What’s wrong with Royal Poinciana Way as it is currently?

Some existing buildings don’t contribute to the “Main Street” character and architecture of the street. The street’s appearance would be enhanced if they are replaced with better architecture.

4. What’s wrong with the current zoning?

Developers have shown no interest in restoring the five acres because of off-street parking requirements and tight limits on the residential units that can be built under the current zoning code.

The current code has no provision to preserve the character of the street. Few buildings on Royal Poinciana qualify for landmark designation, so most could be demolished if a developer wanted to build. “Main Street” could be replaced with more of a parking-lot appearance.

5. I like the “Main Street” feel of Royal Poinciana Way. How can we protect its character and charm?

The PUD-5 ordinance prohibits the demolishing of existing buildings that contribute to the historical and architectural character of Royal Poinciana Way. New buildings would have to be consistent with the existing “Main Street” character and architecture. To encourage retail development, the ordinance does not require off-street parking for first-floor shops.

6. Won’t Palm Beach change if this new plan is passed?

No. PUD-5 is only for the five acres on Royal Poinciana Way.

7. What is the maximum density currently allowed and what will be allowed under the new Planned Unit Development 5?

The new ordinance would allow up to 10 residential units per acre (**13 with underground parking**) compared with the six units per acre now allowed. But some older residential buildings were built with higher densities, so the overall number of apartments could be less after redevelopment.

8. How many stories will be allowed on the buildings?

All buildings that contribute to the character and architecture of Royal Poinciana Way (about 70 percent) are limited to two stories. Only two properties would be eligible to request that the Town Council grant a special **exception** to allow three stories.

9. What's wrong with the current parking requirements and density restrictions?

Off-street parking if new construction is built under the current law would be in front of new buildings, destroying the "Main Street" character of the street. The density restrictions are too limited to make it profitable for a property owner to improve his property.

10. Why do we need more condominiums on Royal Poinciana Way?

Allowing a few more residential units is the incentive for property owners to **restore** their properties.

11. What are architectural guidelines being proposed for the PUD-5 and why are they important?

Architectural guidelines assure the optimum architecture standards and they protect and enhance the character of the street. The Landmarks Commission must approve the architecture for any development proposal under PUD-5.

12. Won't Royal Poinciana Way become another CityPlace if the new plan is adopted?

No. The PUD-5 restricts any single restoration proposal along Royal Poinciana Way to 1.5 acres. CityPlace covers more than 20 city blocks with significantly more density and taller buildings than what would be allowed along Royal Poinciana Way. The appearance will be different because CityPlace didn't preserve architecturally significant buildings.

13. Is it really a good idea to build high-end condos so close to restaurants and night clubs? Won't the condo owners and restaurant owners clash over noise, odors, etc.?

People who purchase condos will know in advance if they are close to a restaurant or night club. An applicant must submit a site plan for approval that locates each residence and commercial space.

14. Will I have trouble parking under the new plan?

No. On-street public parking spaces will remain on Royal Poinciana Way. Each resident will have two off-street parking spaces so public parking availability will not be affected.

15. Isn't this really about helping out the owners of Testa's?

This is about what is best for the town.

16. What about open space for the public?

PUD-5 enhances the pedestrian nature of Royal Poinciana Way by encouraging courtyards and other open space for the public.

17. Why did the State of Florida approve this proposal?

The state determined that PUD-5 conforms to the town's Comprehensive Plan.

18. What local organizations support the Planned Unit Development?

The Palm Beach Civic Association, the Preservation Foundation, the Chamber of Commerce, the Citizens Association of Palm Beach and the Planning and Zoning Commission.

19. What local groups oppose it?

The North End Neighborhood Association.

20. Could a fast-food restaurant come to Royal Poinciana Way? What about a Walmart?

No. The town prohibits "pattern" restaurants such as McDonald's and Starbucks. The five-acre site is too small to build a Walmart.

21. Who will make sure any future restoration of Royal Poinciana Way will be in keeping with the current architecture?

The Landmarks Commission must approve any development proposal under PUD-5.

22. Doesn't the Planned Unit Development 5 proposal conflict with the Town's Comprehensive Plan?

The State of Florida agrees with the town attorney and staff that PUD-5 complies with the goals of the town's Comprehensive Plan.

23. Won't multiple properties be bought up by developers who want to dominate the street with extra-large buildings?

PUD-5 prevents the consolidation of properties by limiting the size of any development proposal to 1.5 acres. This prevents a CityPlace type of development.

24. Must everyone on Royal Poinciana Way abide by the new Planned Unit Development, if passed?

No. PUD-5 is an option. Owners could still build under the current zoning code if they chose.

25. What is the best way to protect, preserve and enhance Royal Poinciana Way?

Passage of PUD-5 is the best way because it prohibits the demolishing of existing buildings that contribute to the historical and architectural character of Royal Poinciana Way and it requires new buildings to be consistent with the street's character and architecture.

Royal Poinciana Way PUD-5 An Overview

- At the recommendation of Council President David Rosow, the Town Council created an ad hoc Royal Poinciana Way Committee in the spring 2012 to explore options for protecting the future of Royal Poinciana Way. Mr. Rosow assigned Councilmember Michael Pucillo, a lifelong resident and preservation advocate, to chair the group. Town residents appointed by the council were Bobbie Lindsay Buck, Alan Golboro, Alexander Ives, Susan Markin, Nancy Murray, and Tanner Rose.
- The committee met regularly for 10 months to determine the best way to preserve the buildings on Royal Poinciana Way that contribute to the charm and character of the street while avoiding unwanted development that does not contribute.
- Led by their capable chairman Michael Pucillo, the committee members were tireless in their efforts to secure a well thought through product. They brought in valuable outside experts to offer advice and assistance. Each meeting included an opportunity for residents to voice their opinions without time restrictions.
- There was strong support on the Committee for the PUD-5. The zoning code amendments were approved by a six to one vote. A Contributing Building Report and Design Guidelines for the street were approved unanimously.
- As stated in Chairman Pucillo's report: "It is the belief of the committee that the PUD-5 is a well-considered recommendation, that, if utilized by the property owners in the area, will result in redevelopment on RPW in a manner consistent with the wishes of the vast majority of Town
- Royal Poinciana Way is a unique place with a small town Main Street character that should be preserved. Doing nothing, and allowing Royal Poinciana Way to be redeveloped under the current zoning code will not preserve our Main Street. First, the existing parking requirements are onerous and will result in development similar to suburban areas like PGA Boulevard. Second, there is no preservation incentive in the present code for this area. Few of the buildings on Royal Poinciana Way qualify for landmark designation, and most of the street could be demolished at any time. Demolition of existing structures and redevelopment with the significant parking requirements under the current zoning could wipe out our historic Main Street.
- The PUD-5 is an attempt to address the concerns above. It incentivizes the preservation of historic and architecturally significant buildings. It loosens certain – but not all – parking requirements so as to maintain a pedestrian-friendly street. While it uses increased density as an incentive for preservation and redevelopment, it also seeks to incentivize a reduction in density to levels sanctioned by the Comprehensive Plan on current high density properties. The net

result is not likely to be any material change from current density levels. It also entrusts the Landmarks Commission with authority over redevelopment, and applies the Landmarks ordinance to future development under PUD-5. By requiring that 30% of any PUD-5 development be public open space, it will limit massing of buildings and encourage pedestrian friendly vias and open areas.

From: lew crampton [mailto:lewcrampton@gmail.com]
Sent: Monday, October 28, 2013 11:45 PM
To: Edi Worthington
Subject: Fwd: Royal Poinciana Way PUD-5

Edi,

Please make copies for our Board meeting. Give Mike Pucillo a call and invite him to our board meeting, We can put him on the agenda early in the meeting. Mike said he would come if we invited him, so please follow through.

thank you very much.

--Lew

----- Forwarded message -----

From: palmbeachcivicasociation@palmbeachcivic.org
<palmbeachcivicasociation@palmbeachcivic.org>
Date: Mon, Oct 28, 2013 at 3:12 PM
Subject: Royal Poinciana Way PUD-5
To:

Dear PUD-5 Committee:

Here are the final drafts of the PUD-5 materials: talking points, 25 questions and answers, and an overview. Also attached is a flyer for the Walking Tour of Royal Poinciana Way on Nov 8. Please feel free to use these materials in any way you choose to get the word out.

Ned

561-655-0820

nedbarnes@palmbeachcivic.org

5 attachments

 **RPW Talking Points (3).doc 131113 final draft.doc**
30K



RPW 25 Questions final 131113.doc

32K



RPW 25 Questions Addendum final 131113.doc

26K



RPW Walking Tour Flyer Nov 2013.doc

24K



131105BODA.pdf

353K

RE: RPW

Bruce Mcallister [bruce.mcallister@amrl.com]

Sent: Tuesday, October 29, 2013 9:18 AM

To: Michael Pucillo

I sent it to Bobbie Lindsay to look at and use at the Wed. Civic Ass'n. meeting. She's written a longer letter which I think is excellent. if nothing else is submitted to the Shiny Sheet, I'll submit mine. Deadline I think is Thursday, so I'd send in Wed. after the Civic Ass'n. meeting.
Or, whenever you say.

Bruce

-----Original Message-----

From: Michael Pucillo [mailto:mpucillo@bermandevalerio.com]

Sent: Tuesday, October 29, 2013 9:13 AM

To: Bruce Mcallister

Subject: Re: RPW

Bruce: is this for the newspaper or Civic Assn?

Sent from my iPhone

On Oct 28, 2013, at 9:01 PM, "Bruce Mcallister"

<bruce.mcallister@amrl.com<mailto:bruce.mcallister@amrl.com>> wrote:

FYI, Bruce

Sent from my iPad

Begin forwarded message:

From: <bmcalli@amrl.com<mailto:bmcalli@amrl.com>>

Date: October 28, 2013 8:27:43 PM PDT

To: <lindsaybobbie@gmail.com<mailto:lindsaybobbie@gmail.com>>

Subject: RPW

A draft:

1. The Town Council, and indeed the entire Town, has struggled with the future of RPW for nigh on to a decade. A blue-ribbon panel, made up of talented and public spirited residents wrote an undeniably (whether you agree with PUD-5 or not) well thought out, widely publicized and comprehensive framework for whatever development time and changed circumstances may bring. It would be a dereliction of duty for this Town Council to reject this framework and to boot RPW down the road, and leave its fate to individual variance petitions without standards to future Councils. We did not elect this Council to walk away from RPW without a better solution on the horizon.
2. The life of RPW has always suffered from its long and single-sided formation. The 7-year gas station dead area and lack of vias and appropriate parking do not help. RPW needs all the help it can get to be the vibrant pedestrian-friendly, small town Main St. we want it to be. PUD-5 will accomplish that. What is more, PUD-5 provides incentives to preserve those buildings whose architecture bestirs our memories.
3. I tip my hat to Frank Coniglio who is, as ever, forthright in his views. But the point is not that "RPW isn't broke" and doesn't need fixing. The point, rather, is that this may be our Town's last chance to approach RPW with a vision, a plan and a

method to guide the future along lines that will appreciate the best of what we have, but leave room for tasteful change. The alternative is not "no change", it is decay or uncontrolled growth.

Sent from my iPad

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. If you are not the intended recipient, you may not read, copy, distribute, or use the information in this email or any attachments; please contact Michael Pucillo <mpucillo@bermandevalerio.com> immediately and permanently delete the original and any copies of this email and any attachments thereto.

PUD-5 Draft Letter

palmbeachcivicassociation@palmbeachcivic.org

Sent: Tuesday, October 29, 2013 11:07 AM

Attachments:RPW Rosow Letter 131021.doc (23 KB)

Dear Royal Poinciana PUD-5 Committee Members,

Here's a draft of a letter to President Rosow and the Town Council. Please feel free to use this, or any variation, in getting residents to write in favor of the PUD-5.

Thanks for all your help.

Ned

561-655-0820

nedbarnes@palmbeachcivic.org

The Palm Beach Town Council
The Honorable David Rosow, President
Town of Palm Beach
P O Box 2029
Palm Beach, Florida 33480
drosow@townofpalmbeach.com
561-838-5414

Dear President Rosow and Town Council Members:

I urge you to vote in favor of the optional Planned Unit Development 5 for Royal Poinciana Way. Your ad hoc committee has worked long and hard on this plan to preserve the character of our Town's main street and encourage restoration of the area. Please support this important ordinance on November 13.

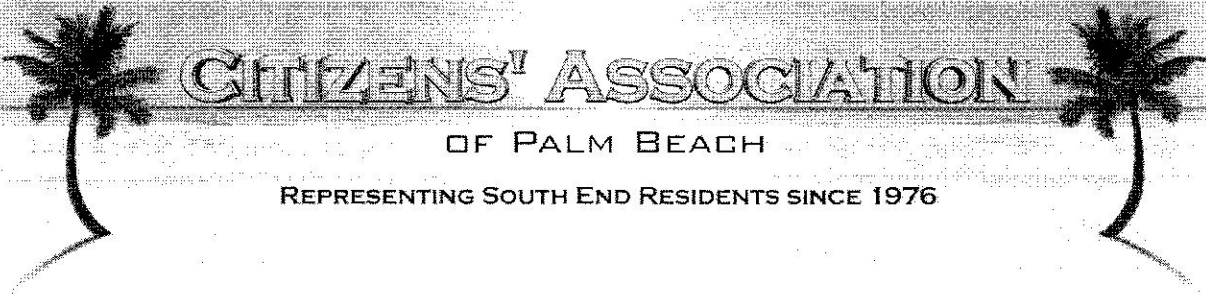
Sincerely,

PUD-5

Citizens' Association of Palm Beach [mailer_response@emailcounts.com] on behalf of Citizens' Association of Palm Beach [Directors@CitizensAssociationofPalmBeach.org]

Sent: Thursday, November 07, 2013 5:40 PM

To: Michael Pucillo



Officers

Chairman

Lewis S. W. Crampton

1st Vice Chairman

Bruce M. Heyman

Vice Chairmen

Robert M. Keats

Donald D. Singer

Secretary

Harold Epstein

Treasurer

Bernard R. Panfel, CPA

Assistant Treasurer

William P. King

General Counsel

Ellen K. Tansey

Posted on: November 7, 2013

Town Council's PUD-5 Meeting Will Be In Four Arts' Auditorium

PALM BEACH, Florida -- The Town Council will meet in the auditorium at the Society of the Four Arts on Wednesday, November 13, at 1:00 p.m., to consider final action on ordinances to modify the Town's Comprehensive Plan and create a PUD-5 zoning alternative for regulating redevelopment on Royal Poinciana Way.

This meeting will be held at the Society of the Four Arts instead of in the Town Council Chambers to ensure there will be sufficient seating for all residents who wish to attend the meeting. A large crowd is expected.

The public is invited not only to attend the meeting, but also to address the Town Council regarding support for or opposition to the proposed ordinances. After receiving public comment, the Town Council plans to discuss and vote upon both ordinances

Board of Directors

Dr. J. Rodney Blair

Tommie H. Bosniak

Jack D. Cohen

Lewis S. W. Crampton

Harold S. Epstein

Gerald A. Frank

Alan S. Golboro

Daryl Glenney

Lee D. Goldstein

Bruce M. Heyman

Alan S. Horwitz

Correction: I have corrected my mistake in the Chairman's Letter below to PUD-5. Thank you.

Edi Worthington-Platt - Operations Manager

To Town of Palm Beach Residents:

The Citizens' Association held its first Board of Directors meeting on Tuesday, November 5th. The Board voted unanimously to support the PUD-5 proposal coming before the Town Council. The final vote on the proposal will take place on Wednesday, November 13, 2013 at 1:00p.m.

I urge everyone to send a letter of support (below) to Mr. Rosow and,

Robert M. Keats
William P. King
Roerta F. Mambrino
Dan McDonnell
Harold Nectow
Bernard R. Panfel
Donald D. Singer
Rita S. Taca
Ellen K. Tansey
Jane Waldman
Ex Officio Director
E. James Ryan

if possible, to appear at the Town meeting to show support for the PUD-5 improvement program.
We are 'One Town' and Royal Poinciana Way is our Main Street too!
The PUD-5 proposal prevents further deterioration on the street and supports controlled improvement to the Royal Poinciana Way area.
Sincerely,



Lew Crampton
Chairman

The Palm Beach Mayor & Town Council
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480
pelwell@townofpalmbeach.com

Dear Mayor Coniglio, President Rosow, and Town Council Members:
I urge you to vote in favor of the optional Historic PUD-5 for the Royal Poinciana Way block. Its preservation component, including the recognition of the contributing buildings and its design guidelines, will provide much needed guidance towards preserving our historic Main Street while also encouraging restoration and managing proposed new development where appropriate.

Please support this important ordinance on November 13.
Sincerely,

Re: FW: PUD vs CRT

Bobbie Lindsay [lindsaybobbie@gmail.com]

Sent: Monday, October 28, 2013 12:57 PM

To: Bruce Mcallister [bruce.mcallister@amrl.com]

Cc: NedBarnes@palmbeachcivic.org; Elizabeth Dowdle <elizabethdowdle@mac.com> (elizabethdowdle@mac.com); Michael Pucillo

That is Rachel Lorentzen's home. We are trying to enlist the help of the pro folks. Can you talk to the folks in your office? I'll ask Dad. Bobbie

Bobbie Lindsay

561-797-9405

On Mon, Oct 28, 2013 at 12:31 PM, Bruce Mcallister <bruce.mcallister@amrl.com> wrote:

I understand the PUD needs 3 votes to move forward. I don't think we have a chance with David without a massive outpouring. Mike and the PUD need help. The choice is simple - status quo, leaving RPW to every successive Council to grant individual waivers (and face opposition and lawsuits on every occasion) or establish a sensible framework which will withstand legal challenge.

I think the "NO to everything" group have held PB hostage long enough.

Bruce

P.S. This afternoon at 4:40PM @ 216 Garden Rd. David Rossow is coming to meet with citizens who are NOT in favor of the proposed PUD and to hear their point of view and try to convince him to vote against it.

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Review of Potential Traffic Impacts for the Accelerated Capital Improvement Program (Phase II) and Other Capital Improvement Projects.

Presenter

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

Supporting Documents

- [Memorandum dated December 16, 2013, from H. Paul Brazil, P.E., Director of Public Works](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on January 14, 2014

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

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

RE: Potential Traffic Impacts – Accelerated Capital Improvement Program Phase II/
Other Capital Improvement Projects

DATE: December 16, 2013

STAFF RECOMMENDATION

Town staff recommends that the Town Council consider adjusting the construction schedule for the Accelerated Capital Improvement Program Phase II due to potential traffic impacts as a result of possible closures of the Flagler Memorial Bridge.

GENERAL INFORMATION

The Accelerated Capital Improvement Program Phase I commenced in 2010 with a budget of to upgrade, improve, and repair various aspects of the Town's infrastructure including sanitary pump stations and piping, storm water drainage pump stations and piping, and other infrastructure projects. The Phase I program has moved forward deliberately and all funds in the Phase I program will be expended by the end of this construction season, with the exception of one project in West Palm Beach which is estimated to start this spring.

The projects proposed for Phase II include sanitary and drainage improvements, upgrading curb, gutter, and sidewalk projects. Other projects include signalization mast-arm replacements and upgrades, Lake Trail/Flagler Bridge/Bradley Park improvements, replacement of the generator at North Fire Station, Memorial Fountain replacement, louver doors at Central Fire Station, landfill improvements, as well as street lighting improvements.

Over the past 12 months the old Flagler Bridge has experienced settlement and numerous mechanical failures causing a remedial plan to be implemented to establish a redundant foundation system for support of the bascule piers. During this time, the bridge was opened to two lane traffic but had a weight limit on trucks. The remedial activities were completed in November and the bridge opened to traffic with no weight restrictions. The bridge has since experienced additional settlement and has had some mechanical complications. Given the potential for further settlement, and additional closures, Town staff has reviewed the construction schedule for the Accelerated Capital Improvement Program Phase II, as well as other capital improvement projects from a "worst-case" scenario in order to mitigate any potential traffic impacts and offers the following recommendations:

Construct As Scheduled

The following projects are integral to the functioning of the overall infrastructure system and are predominantly outside the Right of Way, posing little impact to townwide traffic. It is recommended that these projects proceed as scheduled during the next construction season.

- D-4 Pump Station Improvements
Note: In order to facilitate this construction, it may be necessary to consider the use of the D-2 Pump Station / Palmo Way open area as a staging area in order to stay out of the Right of Way.
- D-3 / D-4 Electrical Upgrades
- Ejector Station Upgrades
- Pump Stations A-39, A-41, A-42, and A-43 Emergency Generators / Air Compressor
- North Flagler Drive Force Main (West Palm Beach)
 - Providencia Park to Currie Park (Subaqueous Connection)
 - 23rd Street Force Main
- E-3, Garden Road to Cherry Lane / E-2 Force Main Lining
- S-2 Pump Station Site Improvements
- A-5 / A-6 Structural, Architectural, and Pump Improvements
- 400 Block Worth Avenue Drainage Improvements
- North Fire Station Generator Improvements
- South / Central Fire Stations – Louver Doors
- Landfill Improvements

Delay Construction

The following projects would compound and impact the travelling public if they were to be constructed while the bridge was inoperable. It should be noted that the projects with an asterisk (*) include infrastructure that is very old and in need of replacement. In the event there were a failure to these systems, an emergency closure would be required. Rescheduling would be dependent on the status of the bridge and each project would be reviewed individually as to the potential impact.

- All Paving (With the exception of the Ejector Stations)
- D-10 Pump Station Improvements
- * E-6 Piping / Valve Upgrades
- * Sanitary Sewer Force Main Lining – Royal Palm Way to Royal Poinciana Way
 - Barton Avenue to Bradley Park Force Main Lining
 - A-6 Pump Station to South Ocean Boulevard Force Main Lining
- General Drainage Improvements
- General Curb / Gutter / Sidewalk ADA Improvements
- * Sanitary Sewer Upgrades
- * Storm water Pump Station Rehabilitation
- D-2 to D-9 Drainage Basin Interconnect
- D-6 to D-7 Drainage Basin Interconnect
- Mast Arm Replacements / Upgrades
- Lake Trail / Flagler Memorial Bridge / Bradley Park Improvements

- Royal Poinciana Median Improvements
- Street Lighting Improvements
- Street Lighting Upgrades – South Ocean Boulevard, Sloan’s Curve to Lake Avenue

Tentative Delay of Construction – Special Considerations

The following projects could possibly be constructed as scheduled, however, significant traffic control enhancements, special considerations, adjusted work hours, night work, etc. would need to be analyzed and implemented, as necessary.

- North Ocean Boulevard Seawall Replacement
This project will cause significant and extended impacts to traffic exiting and entering the north end of Palm Beach. We have placed it on the “Special Consideration” list due to the years of very visible planning for this project and the fact that some residents are eagerly expecting its construction in 2014. Although the wall needs to be replaced, it is not in imminent danger and staff believes that deferring this project until 2015 will not present a threat to public safety.
- Memorial Fountain Replacement and Town Hall Square Project
This project could be built in phases. The fountain and park portion of the project can be built with minimal impact to traffic.
- Undergrounding / All Non-Essential Utility Work
While the scope of many of these utility projects are unknown at this time, they tend to be very disruptive to traffic under normal circumstances. Each project would need to be evaluated on a case-by-case basis. Town staff intends to meet with all utility companies and establish specific intended schedules and restrict Right of Way permits according to the potential impact. Town staff further recommends that the decision to move forward with any undergrounding project be evaluated based on a possible closure of the Flagler Bridge for an extended period of time.

Regardless of the construction schedule, the design of all projects will continue as planned and will be ready for construction when the bridge issues allow. During the design period, it will be necessary to have short-term, periodic lane closures for investigative activities such as surveying, Geotechnical activities, and utility location services.

FUNDING/FISCAL IMPACT

There is no financial impact associated with these recommendations.

cc: Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Doug Terry, Water Resources Division Manager
Brett Madison, Facilities Maintenance Division Manager
Charles Langley, P.E., Senior Project Engineer
Michael Roach, P.E., Project Engineer
Jeffrey Sanon, P.E., Project Engineer

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

RFP No. 2014-09 re: Lease of Town-Owned Properties.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- [Memorandum dated December 30, 2013, from Jay Boodheshwar, Director of Recreation and Special Projects](#)
- [Memorandum dated December 12, 2013, from Adis Pedraza, Assistant Purchasing Agent](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: RFP No. 2014-09, Lease of Town-Owned Properties

Date: December 30, 2013

STAFF RECOMMENDATION

Staff recommends Town Council reject the proposal submitted by Parkland Management Company of South Florida, which was submitted in response to RFP No. 2014-09, Lease of Town-Owned Properties.

GENERAL INFORMATION

RFP No. 2014-09, Lease of Town-Owned Properties, was issued on November 3, 2013. Although multiple individuals and businesses expressed interest and attended pre-proposal meetings, only one (1) formal proposal was received, which was for the 627 N. Dixie property. There was no interest in the property at 701. N. Dixie by the sole respondent. The proposal was reviewed by the selection committee on December 12, 2013, to determine if an Option to Lease agreement for the property in question would be recommended, as well as a subsequent Lease Agreement (if the Option was exercised). The selection committee included Michael Pucillo - Public Works Committee Chair, H. Paul Brazil - Director of Public Works, Jane Struder - Director of Finance, and Jay Boodheshwar - Director of Recreation and Special Projects. Larry Alexander - Real Estate Attorney with Jones, Foster, Johnston & Stubbs, P.A., served as a non-voting advisor for the committee.

The proposal submitted by Parkland Management Company of South Florida included a plan to demolish the improvements at 627 N. Dixie and construct an approximately 6,500 square foot, one story neighborhood retail center with 25 on-site parking spaces, at a cost of approximately \$1,000,000 (soft and hard costs included). The retail spaces would range from 1,500 - 2,500 square feet for the tenants that would be secured. Potential tenants such as a coffee shop, cellular store, convenience store, and shipping center were cited as examples. The option fee offered was \$5,000, which would be applied to the first year's lease, if the option was exercised. A rental rate of \$60,000 per year, with a 3% annual increase was offered in exchange for a 25 year lease agreement. At the end of the 25 year term, the improvements constructed by the proposer would belong to the Town.

After giving full consideration to the proposal provided by Parkland Management Company of South Florida, the selection committee recommends Town Council reject said proposal. Furthermore, the committee recommends the development of a long-term strategy for this property and others in the area that is owned by the Town, including consideration for future municipal use, disposition, and/or

re-development. The committee felt that although the proposal submitted had merit, it wasn't the most advantageous long-term use of the property. Also, the committee didn't feel that the net financial benefit to the Town was acceptable, as there are unknown costs the Town would have to bear for relocating and storing the contents currently stored at 627 N. Dixie. (Note: Town staff is significantly reducing the volume of records stored at this site. Nevertheless, some archived records will need to continue to be stored there or elsewhere, along with most of the equipment that is currently stored there.)

FUNDING/FISCAL IMPACT

There is no out-of-pocket cost associated with approval of this selection committee recommendation.

PURCHASING REVIEW

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

Attachment

cc: Selection Committee Members
John C. Randolph, Town Attorney
Larry B. Alexander, Jones, Foster, Johnston & Stubbs, P.A.
Lynda Cummings, Purchasing Agent



TOWN OF PALM BEACH

MEMORANDUM

DATE: December 12, 2013

TO: Jay Boodheshwar
Director of Recreation and Special Projects

FROM: Adis Pedraza
Assistant Purchasing Agent

SUBJECT: Selection Committee Recommendation - RFP No. 2014-09 – Lease of
Town-Owned Properties

The Selection Committee met on December 12, 2013. All members of the committee listed below were present:

Michael J. Pucillo – Public Works Committee Chair
Jay Boodheshwar – Director of Recreation and Special Projects
H. Paul Brazil – Director of Public Works
Jane Struder- Director of Finance
Larry Alexander – Attorney – Jones, Foster, Johnston & Stubbs (Non-Voting)
Adis Pedraza – Asst. Purchasing Agent (Non-Voting)
John Cmar – Purchasing Coordinator (Non-Voting)

After thorough consideration of the single submission by Parkland Management Company of South Florida, the Selection Committee is recommending that the Town not accept the proposal. The committee did not feel that the financial terms offered were adequate to offset the current use and related costs the Town would incur.

Cc: File: RFP No. 2014-09
John Randolph, Town Attorney
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appeal of Dangerous Dog Determination

Presenter

Kirk W. Blouin, Director of Public Safety

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointment to Planning and Zoning Commission.

Presenter

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

Supporting Documents

- [Memorandum dated January 6, 2014, from John S. Page , Director of Planning, Zoning, and Building](#)
- [Ballot](#)
- [Current Roster](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Planning and Zoning Commission Appointments

Date: January 6, 2014

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint one (1) alternate member to the Planning and Zoning Commission to fill the seat being vacated as a result of the resignation of **Jeffrey A. Cloninger**.

GENERAL INFORMATION

- Mr. Cloninger's term was to expire on 9/30/2015. This appointment will be to fulfill the balance of that unexpired term, 20 months, and will therefore count as Term 1.
- Pursuant to the news release notifying the public of the vacancy on the Planning and Zoning Commission, **Carol LeCates** and **Danielle H. Moore** submitted Applications for Service on the Planning and Zoning Commission together with other appropriate qualifying information.
- The applicants listed on the attached ballot are registered voters in the Town of Palm Beach, as required by Section 2-329 of the Town of Palm Beach Code of Ordinances.

Attachments

JP: dam

cc: Susan A. Owens, Town Clerk
Veronica B. Close, Assistant Director of Planning, Zoning & Building
Paul Castro, Zoning Administrator

BALLOT FOR APPOINTMENT OF ALTERNATE MEMBER
TO THE PLANNING & ZONING COMMISSION
Town Council Meeting on January 14, 2014

Position to be filled: _1_ Alternate Member (Term to expire 9/30/2015)

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

Others Who Have Submitted Applications (Listed alphabetically)

Carol LeCates

Danielle H. Moore

Signature of Town Council Member: _____

Ballot Form 1/6/14



PLANNING & ZONING COMMISSION MEMBERS

C. Tanner Rose, Jr. (Chair)

561-838-4962 (Home)

315 S Lake Dr., #2D
Palm Beach, FL 33480First Appointed: 9/8/2008 (Alternate)

Term Expires: 9/30/2009 (Term 0)

(Fulfilling the balance of Mr. Wideman's unexpired alternate member term, 12 months, which is less than 50% of a term, and as such, will not count as a first term for him)

Appointed: 8/11/2009 (Regular Member)

Term Expires: 09/30/2012 (Term 1)

(Fulfilling the balance of Mr. Dowell's unexpired regular term (1 month) which would have been counted as term 0. However, Town Council appointment this date was for full term to expire 2012).

(Elected as Chairman by P&ZC Members at 8/14/2012 P&ZC Meeting)

Re-Appointed: 9/11/2012 (Regular Member)

Term Expires: 09/30/2015 (Term 2)

Martin I. Klein (Vice Chair)

561-881-8000 (Home)

1060 North Ocean Blvd.
Palm Beach, FL 33480

561-655-0005 (Office)

First Appointed: 5/12/2009 (Regular)

Term Expires: 9/30/2010 (Term 0)

(*fulfilling the balance of Mr. Guttman's unexpired member term, 16.5 months, which is less than 50% of a term, and as such, will not count as a first term for him)

Re-appointed: 10/12/2010 (Regular)

Term Expires: 9/30/2013 (Term 1)

Re-appointed: 10/8/2013 (Regular)

Term Expires: 9/30/2016 (Term 2)

Floyd L. Wideman, Jr.

561-841-8999 (Home)

260 El Dorado Lane
Palm Beach, FL 33480First Appointed: 2/13/2007 (Alternate)Term Expires: ~~2/2009~~* 9/30/2009 (Term 1)

(*fulfilling balance of Mr. Shaw's unexpired Alternate Member term, and serving more than 50% of a term)

Appointed: 9/8/2008 (Regular)

Term Expires: 9/30/2011 (Term 1)

Re-appointed: 10/11/2011 (Regular)

Term Expires: 9/30/2014 (Term 2)

Lewis Crampton

561-540-1520 (Home)

2335 South Ocean Blvd., #5B
Palm Beach, FL 33480

262-374-0022 (Cell)

First Appointed: 3/10/2009 (Alternate)

Term Expires: 9/30/2009 (Term 0)

(*fulfilling the balance of Mr. Klein's unexpired alternate term, 6 months, which is less than 50% of a term, and as such will not count as a first term for him)

Appointed: 9/10/2009 (Alternate)

Term Expires: 9/30/2012 (Term 1)

Appointed: 9/11/2012 (Regular)

Term Expires: 9/30/2015 (Term 1)

PLANNING & ZONING COMMISSION MEMBERS (continued)

Barbara (Bobbie) Lindsay Buck
212 Caribbean Road
Palm Beach, FL 33480

561-842-3954 (Home)
561-797-9405 (Work)

First Appointed: 09/11/2012 (Regular)

Term Expires: 9/30/2015 (Term 1)

Bruce M. Langmaid
112 Kings Road
Palm Beach, FL 33480

561-290-5916 (Home)
202-489-9700 (Cell)

First Appointed: 09/11/2012 (Alternate)

Term Expires: 9/30/2015 (Term 1)

Appointed: 05/07/2013 (Regular)

Term Expires: 9/30/2014 (Term 0)*

(*fulfilling the balance of Mr. Lawrence's unexpired term, due to Mr. Lawrence's resignation. Balance of term was less than 16.5 months, which is less than 50% of a term, and as such, will not count as a first term for him).

Alan S. Golboro
2500 S. Ocean Blvd. #1 D2
Palm Beach, FL 33480

561-582-0299 (Home)
312- 925-4685 (Work)

First Appointed: 10/08/2013 (Regular)

Term Expires: 9/30/2016 (Term 1)

ALTERNATE MEMBERS

Thomas Greenbaum (Alternate)
301 Australian Avenue
Palm Beach, FL 33480

404-375-5752 (Home)

First Appointed: 10/09/2012 (Alternate)

Term Expires: 9/30/2015 (Term 1)

Kevin J. Kenny (Alternate)
2560 S. Ocean Blvd., #418
Palm Beach, FL 33480

561-247-7230 (Home)
203-589-5589 (Work)

First Appointed: 05/07/2013 (Alternate)

Term Expires: 9/30/2015 (Term 1)*

(*fulfilling the balance of Mr. Langmaid's unexpired term, due to Mr. Landmaid's promotion to regular member. Balance of term was more than 28 months, and as such, will count as a first term for him).

Vacancy (Alternate)

Term Expires: 9/30/2015 (Term 1)*

(*Appointment will be to fulfill balance of Mr. Cloninger's unexpired Alternate Member term, and serving more than 50% of a term)

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Ordinances - Second Reading

Agenda Title

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

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- [Ordinance No. 21-2013](#)

ORDINANCE NO. 21-2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 118 RELATING TO TRAFFIC AND VEHICLES AT ARTICLE III, PARKING, STOPPING AND STANDING; SECTION 118-92, PENALTY FOR VIOLATING PARKING REGULATIONS GENERALLY; BY AMENDING PARAGRAPH (a), SUBPARAGRAPH (12) RELATING TO PARKING IN LOADING ZONE; AND BY CREATING A NEW SUBPARAGRAPH (22) ESTABLISHING A PARKING REGULATION FOR ILLEGAL PARKING IN RESIDENTIAL LOADING ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 118 of the Town Code of Ordinances, titled Traffic and Vehicles, is hereby amended at Article III, Parking, Stopping and Standing, by amending Section 118-92 at paragraph (a), subparagraph (12), and to include a new subparagraph (22) to read as follows:

Sec. 118-92. Penalty for violating parking regulations generally.

(a) It shall be unlawful for any person to violate any of the parking regulations referenced in this section.

(12) "Parking in loading zone unless vehicle is commercially marked and being used for commercial loading or unloading."

"(22) Parking in a loading zone posted as a residential loading zone unless said person is a resident of the area for which the loading zone is established."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of December, 2013, and for second and final reading on this 14th day of January, 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- [Memorandum dated January 2, 2014, from Thomas G. Bradford, Deputy Town Manager](#)
- [Ordinance No. 4-2014](#)
- [Memorandum dated January 3, 2014, from Raychel Houston, Parking-Code Enforcement Manager](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Ordinance Making it Unlawful to Allow Vegetation or any Other Item, Substance or Thing to Obstruct Street Signs, Regulatory Signage, Street Lighting or Traffic Signals.
Ordinance No. 4-2014

Date: January 2, 2014

STAFF RECOMMENDATION

Staff recommends Town Council adopt Ordinance No. 4-2014.

GENERAL INFORMATION

At their meeting on December 3, 2013, the Ordinances, Rules and Standards Committee received and approved a recommendation that originated in the Code Enforcement Division of the Police Department and was developed in conjunction with staff from Code Enforcement, Public Works, Risk Management and the Town Manager's Office to address a short coming in the Code of Ordinances relative to enforcement capabilities of the Town whenever an obstruction emanating from private property effects a street sign, regulatory sign, street lighting or traffic signals. Most such problems are handled with a telephone call asking the private property owner to correct a problem. However, if there is no cooperation Code Enforcement learned there is no ordinance granting them the authority to take corrective action. The aforementioned staff members met to devise a process whereby Public Works will confirm alleged obstructions to Code Enforcement who will then make contact with property owners involved. The ordinance before you for consideration simply makes it unlawful to allow vegetation or any other item, substance or thing to obstruct street signs, regulatory signage, street lighting or traffic signals.

Per the Town Council's request the Police Department has prepared the attached memorandum indicating approximately 12 examples of recent situations where the proposed ordinance would have been useful in the elimination of obstructions to street signs, regulatory signs, street lighting or traffic signals had a property owner not been willing to trim vegetation.

SPECIAL CONSIDERATIONS

If the Town Council prefers, we can address unresolved obstructions by having them cut back by a Town contractor and billing the property owner for the cost (instead of referring the property

owner to the Code Enforcement Board). However, even to implement that alternative, we need Ordinance No. 4-2014 to be adopted to make the Town's enforcement authority clear in this matter.

FUNDING/FISCAL IMPACT

This proposal is not intended to generate revenue. Any revenue that may result is de minimis.

TOWN ATTORNEY REVIEW

Ordinance No. 4-2014 has been approved for legal form and sufficiency by Town Attorney John Randolph.

cc: Kirk Blouin, Director of Public Safety
H. Paul Brazil, Director of Public Works
Dan Szarszewski, Deputy Chief of Police
Ann-Marie Taylor, Lieutenant, Police Department
Raychel Houston, Parking/Code Enforcement Manager
Rob Walton, Chief Code Compliance Officer
Karen Temme, Risk Manager

N: TGB\Agenda Items\2014\ Ordinance Making Unlawful Obstructions to Signs Etc. Backup Memo 011414 TCM

ORDINANCE NO. 4-2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE I, IN GENERAL, AT SECTION 106-1, MAKING IT UNLAWFUL TO ALLOW VEGETATION OR ANY OTHER ITEM, SUBSTANCE, MATERIAL OR THING TO OBSTRUCT STREET SIGNS, REGULATORY SIGNAGE, STREET LIGHTING OR TRAFFIC SIGNALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and other public places; Article I, In General, Section 106-1, to read as follows:

“Sec. 106-1. Obstructions generally.

Except as otherwise permitted by this Code:

- (1) It shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in any way.
- (2) It shall be unlawful to erect, build, construct, deposit or place upon or in any street, or any place where the public has a right of passage, any structure or obstruction of any kind; or for the owner or occupant of any lot or part thereof abutting on a street of this town to permit any obstruction to remain upon the sidewalk in front of such lot or part thereof or for the owner or occupant of such lot or part thereof to permit any sidewalk in front of such lot or part thereof to remain in such condition as to prevent convenient and safe use thereof by the public.

(3) It shall be unlawful to allow vegetation or any other item, substance, material or thing to obstruct street signs, regulatory signage, street lighting or traffic signals. The town's public works department shall confirm in writing to the designated town code enforcement official all alleged obstructions of street signs, regulatory signage, street lighting and traffic signals.

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of January 2014, and for second and final reading on this _____ day of _____, 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

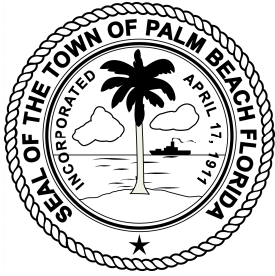
ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

n:\tgb\misc\2013\ors\Obstructions of Regualtory Signs Etc.



TOWN OF PALM BEACH POLICE DEPARTMENT

DEDICATED TO EXCELLENCE



To: Tom Bradford, Deputy Town Manager
From: Raychel Houston, Parking/Code Enforcement Manager
Re: Vegetation Obscuring Regulatory/Traffic/Parking Signs
Date: January 3, 2014

Pursuant to a request from a Town Council member to explain the need for an ordinance to compel property owners to trim vegetation that is obscuring regulatory/traffic/parking signs, I reviewed the number of requests we have received this past year. The complaints reference vegetation obscuring stop signs or street signs comes to Code Enforcement from residents as well as Public Works employees. Public Works also receives complaints from residents that they forward to Code Enforcement.

Because these situations are not violations of a Town ordinance at this time, we do not enter them in our database system to follow up on, so therefore I cannot give you an exact number of situations we have encountered this year. Based on a review of the emails we have received from Public Works, we have addressed approximately 12 complaints since July, 2013. Most of these involved hedges that were obscuring stop signs at intersections.

The code enforcement officers contact the homeowner either in person or by phone and explain the issue and request they trim the vegetation. Although some homeowners are reluctant to cut the hedges back, we have been able to obtain compliance. At the present time, vegetation overgrowing the sidewalk or the roadway is a violation we address on a regular basis and we would like the ability to compel homeowners to trim vegetation that is creating a public safety hazard.

TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 5-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 38, Emergency Services; at Article II, Alarm Systems; Section 38-35 Relating to Service Charge for Excessive False Alarms and Non Payment of Fines; at Section 38-62 Relating to Applications; Fees; and at Section 38-93 Relating to General Alarm User Requirements; So as to Provide That Direct Connect Alarm Systems Are Available to Businesses and Residential Customers Within the Town; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- [Memorandum dated January 2, 2014, from Thomas G. Bradford, Deputy Town Manager](#)
- [Ordinance No. 5-2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Ordinance Permitting the Direct Connect Alarm System to be Extended
to Residences in the Town in Addition to Businesses.
Ordinance No. 5-2014

Date: January 2, 2014

STAFF RECOMMENDATION

Staff recommends Town Council adopt Ordinance No. 5-2014.

GENERAL INFORMATION

At their meeting on December 3, 2013, the Ordinances, Rules and Standards Committee received and approved a recommendation from the Police Department to expand the Town's Direct Connect Alarm Program to include residential property in addition to commercial properties. The Town Council received a verbal report on this matter at their meeting on December 10, 2013.

Direct Connect service is not in lieu of having a traditional alarm service. Direct Connect is in addition to your traditional alarm service. Direct Connect allows the Town to receive the alarm at the same time one's alarm company does thereby allowing the Town to respond faster than waiting to be notified of an alarm by the alarm company. You must have an alarm service in order to receive Direct Connect service from the Town. The Town Council was receptive to the expansion of Direct Connect service to residential properties that wish to receive the service. Based on this response, the Town Attorney has prepared Ordinance No. 5-2014 for first reading for the January 14 Town Council meeting for Town Council consideration.

FUNDING/FISCAL IMPACT

If approved, a resolution will be required at the time of second reading to establish the following proposed fees to be charged for the expanded Direct Connect program:

Registration Fees:

Security Alarms, per year	\$50.00
Direct Connect, Business, under 1000 sq ft, per year	\$100.00

Direct Connect, Business, 1000+ sq ft, per year	\$250.00
Direct Connect, Residential	\$100.00

Direct Connect False Alarm Fees, Burglar

16-17 times, each instance	\$150.00
18-23 times, each instance	\$300.00
24-28 times, each instance	\$750.00
29 or more times, each instance	\$1000.00

There is no way to predict how many residential properties will secure the Direct Connect service.

TOWN ATTORNEY REVIEW

Ordinance No. 5-2014 was prepared by Town Attorney John Randolph.

cc: Kirk Blouin, Director of Public Safety
Jane Struder, Director of Finance
Dan Szarszewski, Deputy Chief of Police
Ann-Marie Taylor, Lieutenant, Police Department
Raychel Houston, Parking/Code Enforcement Manager
Susan Owens, Town Clerk

N: TGB\Agenda Items\2014\ Ordinance for Direct Connect Backup Memo 011414 TCM

ORDINANCE NO. 5-2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 38, EMERGENCY SERVICES; AT ARTICLE II, ALARM SYSTEMS; SECTION 38-35 RELATING TO SERVICE CHARGE FOR EXCESSIVE FALSE ALARMS AND NON PAYMENT OF FINES; AT SECTION 38-62 RELATING TO APPLICATIONS; FEES; AND AT SECTION 38-93 RELATING TO GENERAL ALARM USER REQUIREMENTS; SO AS TO PROVIDE THAT DIRECT CONNECT ALARM SYSTEMS ARE AVAILABLE TO BUSINESSES AND RESIDENTIAL CUSTOMERS WITHIN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 38 of the Town Code of Ordinances relating to Emergency Services is hereby amended at Article II, Alarm Systems; Section 38-35, to read as follows:

“Sec. 38-35. Service charge for excessive false alarms and nonpayment of fines

(a) It is found and determined that more than two false alarms within a period of 12 calendar months beginning October 1 in any year is excessive and thereby constitutes a public nuisance. The owner of any alarm system which actuates more than two false alarms in any period of 12 calendar months beginning October 1 of any year shall be charged a service charge as determined by resolution of the town council as may be amended from time to time. The owner of any alarm system which actuates more than two false alarms for fire services in any period of 12 calendar months beginning October 1 of any year shall be charged a service charge as determined by resolution of the town council as may be amended from time to time.

(b) False alarms which occur as the direct result of transmitting a direct connect alarm system signal to the police department shall not be considered a public nuisance and shall not result in a false alarm charge until more than 15 false alarms are activated in any period of 12 calendar months beginning October 1. Any false alarms activated after fifteen, whether it be by human error or malfunction, shall be charged a service

charge as determined by resolution of the town council as may be amended from time to time.

(c) If the alarm user has not paid the fines within 30 days, an automatic ten percent penalty per month shall be assessed for nonpayment of said delinquent fees. The ten percent penalty shall be calculated on the total outstanding account balance, including prior penalties. Additionally, if the alarm user has not paid the fines and penalties, he will receive proper legal notice as outlined in the state statutes to appear in person before the code enforcement board. The code enforcement board will use any of its powers to bring the alarm user to compliance, including but not limited to directing a lien to be filed on the alarm user's property.

(d) The town manager, upon written notification to the mayor and town council of intent to waive false alarm charges, may waive false alarm charges for power outages that occur within the town. In order for the town manager to invoke the discretionary power granted herein for temporary power outages, the alarm user must present to the town manager written verification from Florida Power & Light of the temporary outage at alarm user's property. No such proof shall be required for power outages when such power outage results from a tropical storm or hurricane event that directly impacts the town and which causes a power outage of 24 hours or greater affecting at least 20 percent of the town."

Section 2. Chapter 38 of the Town Code of Ordinances relating to Emergency Services is hereby amended at Article II, Alarm Systems; Section 38-62, to read as follows:

“Sec. 38-62. Applications; fees.

(a) Application for all permits under this division shall be made to the finance department of the town. The finance department shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application.

(b) The application for a direct connect alarm system permit shall be accompanied by an annual fee as determined by resolution of the town council as may be amended from time to time. The application for a business or residential direct connect alarm system permit shall be accompanied by an annual fee as determined by resolution of the town council as may be amended from time to time. A penalty of ten percent per month shall be assessed for any of the above referenced fees which are not paid when due. The ten percent penalty shall be calculated on the total outstanding account balance, including prior penalties.”

Section 3. Chapter 38 of the Town Code of Ordinances relating to Emergency Services is hereby amended at Article II, Alarm Systems; Section 38-93, to read as follows:

“Sec. 38-93. General alarm user requirements.

(a) *Audible alarm shutoff.* All audible alarm systems are required to be turned off within 30 minutes after activation. This may be accomplished by either automatic or manual means.

(b) *Testing alarms.* Alarm companies shall notify the police department prior to any service, test, repair, maintenance, adjustment, alteration or installation that might activate a false alarm.

(c) *Instructions as to operation of systems.* Each alarm company operation shall provide complete instructions to the alarm user in the proper usage of the system. Specific emphasis shall be placed on avoidance of false alarms.

(d) *Direct connect alarm system.* Every direct connect alarm system shall also be monitored by a private alarm company or answering service. The direct connect alarm system is intended to result in a redundant report of alarm actuation. Direct connect alarm systems are available to businesses who possess a valid town occupational license, governmental facilities and other residential customers.”

Section 4. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 5. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 6. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of January 2014, and for second and final reading on this _____ day of February, 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting on: January 14, 2014

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

Jane Struder, Director of Finance

Supporting Documents

- [Memorandum dated December 27, 2013, from Jane Struder, Finance Director](#)
- [Ordinance No. 6-2014](#)
- [Exhibits](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Amendments to the Town Budget
Ordinance No. 6-2014

Date: December 27, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 6-2014 amending the Town's FY2014 budgets for appropriations related to the 2013 Revenue Bond.

GENERAL INFORMATION

The Ordinance will amend the following Town budgets:

- Amend the Bond Proceeds Construction funds established in Resolution No.194-2013 to record the bond proceeds and budget for capital projects and closing costs.
- Amend the Debt Service fund to record the budget for the transfers from the Coastal Protection Fund and Recreation Enterprise Fund for debt service payments in FY14.
- Amend the Coastal Protection Fund Budget to record the transfer to the debt service fund for the debt service related to the coastal protection fund bond proceeds.
- Amend the Recreation Enterprise Fund to record the transfer of bond proceeds and the transfer to the debt service fund for debt service on the bond proceeds related to the Par 3 Clubhouse.

FUNDING/FISCAL IMPACT

The budget amendment records the bond proceeds of \$58,494,719.85 and the projects and costs associated with the bond issue. In addition, it records the transfers from the coastal protection fund of \$295,100 and from the Recreation Enterprise Fund of \$31,000 to the debt service fund for the first year debt service for the proceeds related to these funds.

TOWN ATTORNEY REVIEW

Ordinance No. 6-2014 has been reviewed and approved for legal form and sufficiency.

jls

cc: Thomas G. Bradford, Deputy Town Manager
H. Paul Brazil, Director of Public Works
Jay Boodheshwar, Director of Recreation and Special Projects
John C. Randolph, Town Attorney

ORDINANCE NO. 6-2014

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING
FOR AN AMENDMENT TO THE TOWN'S BUDGETS ADOPTED
FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2013,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2013; 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, 2014; and

WHEREAS, the budget amendment is necessary to record the bond proceeds and fund the capital expenditure costs associated with the proceeds from the 2013 Bond issue; and

WHEREAS, the budget amendment is necessary to fund the FY2014 debt service payments associated with the 2013 Bonds; 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 hereby ratified and confirmed.

Section 2. The Town of Palm Beach Budgets for the fiscal year commencing October 1, 2013, is hereby amended and adopted pursuant to the attached Exhibits “A - D”, 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 14th day of January, 2014, and for second and final reading on this ____ day of February, 2014.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

Town of Palm Beach, Florida
2013 Bond Proceeds Construction Fund Revenues and Expenses (314)
Budget Amendment
October 1, 2013 through September 30, 2014

	Adopted Budget FY2014	Ordinance No. 6-2014 Amendment	Amended Budget FY2014
Revenues			
Investment Earnings	-	90,000	90,000
Bond Proceeds	-	58,494,720	58,494,720
Total Revenues	-	58,584,720	58,584,720
Expenses			
Bond Closing Costs	-	346,900	346,900
Capital Projects	-	18,738,000	18,738,000
Transfer to Recreation Enterprise Fund	-	1,250,000	1,250,000
Transfer to Coastal Protection Fund	-	11,900,000	11,900,000
Total Expenses	-	32,234,900	32,234,900
Revenues Over/(Under) Expenditures	-	26,349,820	26,349,820
Beginning Net Assets	-		-
Ending Net Assets	-		26,349,820

Town of Palm Beach, Florida
Comprehensive Coastal Management Project Fund (309)
Budget Amendment
October 1, 2013 through September 30, 2014

	Adopted Budget FY2014	Ordinance No. 6-2014 Amendment	Amended Budget FY2014
Revenues			
Investment Earnings	30,000		30,000
Transfer from Equipment Replacement Fund	2,858,913		2,858,913
Transfer from Risk Fund	2,000,000		2,000,000
Bond Proceeds	11,960,000		11,960,000
Grants/Local Revenue	200,000		200,000
Transfer from General Fund	4,200,000	-	4,200,000
Total Revenues	21,248,913	-	21,248,913
Expenditures			
Current Year Projects	22,136,000		22,136,000
Transfer to Debt Service Fund	-	295,100	295,100
Total Expenditures	22,136,000	295,100	22,431,100
Revenues Over/(Under) Expenditures	(887,087)		(1,182,187)
Beginning Fund Balance	14,246,806		14,246,806
Ending Fund Balance	13,359,719		13,064,619

Town of Palm Beach, Florida
Recreation Enterprise Fund Revenues and Expenses
Budget Amendment
October 1, 2013 through September 30, 2014

	Adopted Budget FY2014	Ordinance No. 6-2014 Amendment	Amended Budget FY2014
Revenues			
Charges for Services	4,981,300		4,981,300
Investment Earnings	3,100		3,100
Transfer from Bond Proceeds Fund	-	1,250,000	1,250,000
Total Revenues	4,984,400	1,250,000	6,234,400
Expenses			
Salary and Wages	1,297,373		1,297,373
Employee Benefits	542,314		542,314
Contractual	1,379,400		1,379,400
Commodities	246,900		246,900
Capital Equipment	80,200		80,200
Capital Expenses	-		-
Depreciation	597,900		597,900
Transfer to General Fund	885,000		885,000
Transfer to Debt Service Fund	126,300	31,000	157,300
Contingency	249,220		249,220
Total Expenses	5,404,607	31,000	5,435,607
Revenues Over/(Under) Expenditures	(420,207)	1,219,000	798,793
Beginning Net Assets	3,154,816		3,154,816
Ending Net Assets	2,734,609		3,953,609

Town of Palm Beach, Florida
Debt Service Fund Revenues and Expenditures (205)
Budget Amendment
October 1, 2013 through September 30, 2014

	Adopted Budget FY2014	Ordinance No. 6-2014 Amendment	Amended Budget FY2014
Revenues			
Investment Earnings	500		500
Transfer from General Fund	6,100,000		6,100,000
Transfer from Recreation Enterprise Fund	126,300	31,000	157,300
Transfer from Coastal Protection Fund	-	295,100	295,100
Total Revenues	6,226,800	326,100	6,552,900
Expenditures			
Debt Service Principal	2,581,000	-	2,581,000
Debt Service Interest	3,640,000		3,640,000
Bond Costs	10,000	5,000	15,000
Total Expenditures	6,231,000	5,000	6,236,000
Revenues Over/(Under) Expenditures	(4,200)		316,900
Beginning Fund Equity	261,510		261,510
Ending Fund Equity	257,310		578,410

Master Budget / Schedule - Accelerated Phase 2 - 2014

Prepared By: WKF
Date: 10/18/2013

Program Project	2014 Bond Series / Budget			2014 Bond Series / Schedule		
	Current Engineering Budget	Current Construction Budget	Current Total Project Budget	2014	2015	2016
D-4 Pump Station Improvements - Construction	\$ 275,000	\$ 2,500,000	\$ 2,775,000	\$ 2,775,000		
D-10 Pump Station Improvements - Construction	\$ 264,000	\$ 2,400,000	\$ 2,664,000	\$ 2,664,000		
Pump Stations A-39, A-41, A-42, & A-43 Emergency Generators / AC	\$ 71,500	\$ 650,000	\$ 721,500	\$ 721,500		
North Flagler Drive Force Main						
Providencia Park to Currie Park (Subaqueous Connection)	\$ 245,630	\$ 2,233,000	\$ 2,478,630	\$ 2,478,630		
Sanitary Sewer Force Main Lining - Royal Palm Way to Royal Poinciana Way	\$ 125,000	\$ 2,415,000	\$ 2,540,000	\$ 2,540,000		
Barton Avenue to Bradley Park Force Main Lining						
A-6 Pump Station to South Ocean Boulevard Force Main Lining	\$ 94,780	\$ 861,638	\$ 956,418	\$ 956,418		
E-3, Garden Road to Cherry Lane / E-2 Force Main Lining	\$ 27,500	\$ -	\$ 27,500	\$ 9,167	\$ 9,167	\$ 9,167
Accelerated Capital Improvement Program Phasing Plan	\$ 625,000	\$ -	\$ 625,000	\$ 208,333	\$ 208,333	\$ 208,333
Accelerated Capital Improvement Program Administration	\$ 750,000	\$ 4,000,000	\$ 4,750,000	\$ 1,583,333	\$ 1,583,333	\$ 1,583,333
General Drainage Improvements (Pre-Paving Program)	\$ 300,000	\$ 1,500,000	\$ 1,800,000	\$ 600,000	\$ 600,000	\$ 600,000
General Curb / Gutter / Sidewalk ADA Improvements (Pre-Paving Program)	\$ 500,000	\$ 2,000,000	\$ 2,500,000	\$ 833,333	\$ 833,333	\$ 833,333
Sanitary Sewer Upgrades	\$ 400,000	\$ 1,650,000	\$ 2,050,000	\$ 683,333	\$ 683,333	\$ 683,333
Stormwater Pump Station Rehabilitation	\$ 250,000	\$ 1,000,000	\$ 1,250,000		\$ 250,000	\$ 1,000,000
D-2 to D-9 Drainage Basin Interconnect	\$ 125,000	\$ 500,000	\$ 625,000		\$ 125,000	\$ 500,000
D-6 to D-7 Drainage Basin Interconnect	\$ 125,000	\$ 500,000	\$ 625,000		\$ 125,000	\$ 500,000
400 Block Worth Avenue Drainage Upgrades	\$ 472,500	\$ 1,890,000	\$ 2,362,500	\$ 236,250	\$ 2,126,250	\$ 236,250
Mast Arm Replacements / Upgrades	\$ 250,000	\$ 1,000,000	\$ 1,250,000		\$ 250,000	\$ 1,000,000
Lake Trail / Flagler Memorial Bridge / Bradley Park Improvements	\$ 40,000	\$ 175,000	\$ 215,000	\$ 215,000		
North Fire Station - Emergency Generator Replacement	\$ 275,000	\$ 1,100,000	\$ 1,375,000	\$ 275,000	\$ 1,100,000	
Memorial Fountain Replacement	\$ 80,000	\$ 320,000	\$ 400,000		\$ 80,000	\$ 320,000
Royal Poinciana Way Median Sidewalks	\$ 475,000	\$ 1,910,000	\$ 2,385,000		\$ 475,000	\$ 1,910,000
Ocean Outfall Abandonments	\$ 85,000	\$ 350,000	\$ 435,000	\$ 217,500	\$ 217,500	
Landfill Improvements	\$ 50,000	\$ 225,000	\$ 275,000	\$ 275,000		
South / Central Fire Stations - Louver Doors	\$ 350,000	\$ 1,400,000	\$ 1,750,000	\$ 350,000	\$ 1,400,000	
Street Lighting Improvements	\$ 500,000	\$ 2,000,000	\$ 2,500,000	\$ 500,000	\$ 2,000,000	
Street Lighting Upgrades - South Ocean Blvd., Sloan's Curve to Lake Avenue						
	\$ 5,905,910	\$ 29,179,638	\$ 39,335,548	\$18,121,798	\$12,066,250	\$9,383,750
Sub-Total - Future Projects			\$1,337,409	\$616,141	\$410,253	\$319,048
Contingency		3.4%				
2013 BOND SERIES			\$ 40,672,957	\$ 18,737,939	\$ 12,476,503	\$ 9,702,798