



TOWN OF PALM BEACH

Town Manager's Office

**TENTATIVE:
SUBJECT TO
REVISION**

TOWN COUNCIL MEETING

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

AGENDA

TUESDAY, JANUARY 11, 2011

9:30 A.M.

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

I. CALL TO ORDER AND ROLL CALL

Jack McDonald, Mayor
David A. Rosow, Town Council President
Gail Coniglio, Town Council President Pro Tem
William J. Diamond, Town Council Member
Richard M. Kleid, Town Council Member
Robert N. Wildrick, Town Council Member

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

- A. Recognition of Joanna Golino, Landmarks Preservation Commission, From March 2009 Through July 2010.
- B. County Commission on Ethics. [Alan Johnson, Executive Director of the County Commission on Ethics]

Page 9

- IV. COMMENTS OF MAYOR JACK McDONALD
- V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER
- VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)
- VII. APPROVAL OF AGENDA
- VIII. CONSENT AGENDA
 - A. MINUTES: DECEMBER 14, 2010 Page 28
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
 - B. MINUTES: DECEMBER 14, 2010 Page 48
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL
MEETING CLOSED-DOOR SESSION
 - C. MINUTES: DECEMBER 15, 2010 Page 51
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
 - D. MINUTES: JANUARY 7, 2011
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL
MEETING
 - E. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE Page 65
ARCHITECTURAL COMMISSION AT ITS MEETING ON
DECEMBER 17, 2010.
 - F. RESOLUTIONS
 - 1. RESOLUTION NO. 3-11 A Resolution of the Town Council of the Town Page 80
of Palm Beach, Palm Beach County, Florida, Providing for the
Designation of Historic or Specimen Trees from Properties Located
Within the Town of Palm Beach; Adding Newly Designated Historic or
Specimen Trees; Providing for the Recording of Said Designations; and
Providing That a Copy of this Resolution Be Recorded in the Public
Records of Palm Beach County, Florida.
[H. Paul Brazil, Director of Public Works]

2. RESOLUTION NO. 4-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mathews Consulting, Inc., in the Amount of \$36,028 for the A-39 and A-41 Sanitary Pump Stations Improvements, Establishing a Design and Bid Phase Budget of \$40,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements. [H. Paul Brazil, Director of Public Works] Page 87
3. RESOLUTION NO. 7-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Professional Design Consultant Fee Proposal with Bridges, Marsh & Assoc. In an Amount Not to Exceed \$65,000 for Possible Alterations and Renovations in Conjunction with the Worth Avenue Improvement Project and Authorizing the Town Manager to Execute the Same on Behalf of the Town. [Thomas G. Bradford, Deputy Town Manager] Page 100

G. OTHER

1. Approval to Use CM at Risk for Force Main Project. [H. Paul Brazil, Director of Public Works] Page 111
2. Approval of Preservation Foundation Request to Waive Parking Fees at Phipps Ocean Park for Centennial Event on January 15, 2011. [Jay Boodheshwar, Director of Recreation] Page 114

IX. REGULAR AGENDA

A. Old Business

1. Report from Publix Regarding Possible Temporary Store. [William Rayburn, Director of Asset Management, Publix]
2. Foreclosure of Code Enforcement Liens. [John C. Randolph, Town Attorney] Page 118
3. Staff Update Regarding Proposed Restaurant on Peanut Island. [John S. Page, Director of Planning, Zoning, and Building] Page 124

B. New Business

1. Update from Palm Beach Island Cats. [David Leavitt and Jeff Giangrande]

2. Request for Permission to Use Scaffolding in Town Right-of-Way at 205 Royal Palm Way. [Mike McKnight, Prodigy Contracting Group] Page 126
3. RESOLUTION NO. 6-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing D.S. Eakins Construction Corporation, Foster Marine Contractors, the Whiting-Turner Contracting Company, Murray Logan Construction, Inc., and Johnson-Davis, Inc., to Receive Bid Packages for Projects Meeting the Scope of Work of RFQ No. 2011-04. [H. Paul Brazil, Director of Public Works] Page 132

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 31-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 86, Planning, Section 86-90, Standards, at Subsections (c) and (d); Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Amending Town Code at Chapter 86, Planning, Section 86-90, Standards, at Subsections (c) and (e). [Thomas G. Bradford, Deputy Town Manager] Page 138
2. ORDINANCE NO. 32-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 94, Sales, Articles II, III and IV; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager] Page 142
3. ORDINANCE NO. 33-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 98, Secondhand Goods, Article II, Secondhand Dealers, by Deleting Sections 98-32 and 98-33 in Their Entirety; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager] Page 150
4. ORDINANCE NO. 34-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks and Other Public Places, at Article V, Section 106-158, Relating to the Prohibition of Bicycle Riding on Sidewalks Within Commercial Zoning Districts; Amending Article VIII, Section 106-291, Relating to Certificate of Page 153

Compliance; and Section 106-292, Relating to Standards for Newsrack and Modular Newsracks Including Maintenance, Installation and Locations; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]

5. ORDINANCE NO. 35-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 18, Buildings and Building Regulations; Article III, Architectural Review; Division 2, Architectural Commission; Section 18-169, Removal Provisions; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager] Page 159
6. ORDINANCE NO. 36-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 110, Subdivisions, So as to Modify the Term "Building Official" Used Throughout to "Director of Planning, Zoning & Building"; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager] Page 163

B. First Reading

None

XI. ANY OTHER MATTERS

XII. ADJOURNMENT

PLEASE TAKE NOTE

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio". 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 under "Agendas , Minutes, and Audio."
- If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

**Town of Palm Beach
Meeting Schedule**

1/5/11

Tue 01/11/2011 09:30 AM	Town Council Meeting	Council Chambers
Wed 01/12/2011 09:30 AM	Town Council Meeting - Development Review	Council Chambers
Wed 01/12/2011 02:00 PM	Water Committee Meeting	Council Chambers
Wed 01/12/2011 03:00 PM	Joint Meeting with City of Lake Worth and Other Municipalities re: Lake Worth Sewer Utility Issues	Palm Beach State College Room NS 129 4200 Congress Ave
Mon 01/17/2011 04:00 AM	MARTIN LUTHER KING, JR. HOLIDAY	TOWN HALL CLOSED
Tue 01/18/2011 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers
Wed 01/19/2011 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 01/20/2011 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Mon 01/24/2011 11:00 AM	County Budget Task Force	Council Chambers
Tue 01/25/2011 10:00 AM	ORS Meeting	Council Chambers
Wed 01/26/2011 09:00 AM	Architectural Commission (ARCOM) Meeting	Council Chambers
Thu 01/27/2011 09:00 AM	Shore Protection Board Meeting	Council Chambers
Wed 02/09/2011 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers

Thu 02/10/2011 09:00 AM	Police Officers' Retirement Board	Council Chambers
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Fri 02/11/2011 09:00 AM	General Employee Retirement Board	Council Chambers
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Fri 02/11/2011 02:00 PM	Investment Advisory Committee Meeting	Council Chambers
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Tue 02/15/2011 09:30 AM	Town Council Meeting	Council Chambers
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Wed 02/16/2011 09:30 AM	Town Council Meeting - Development Review	Council Chambers
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TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Presentations

Agenda Title

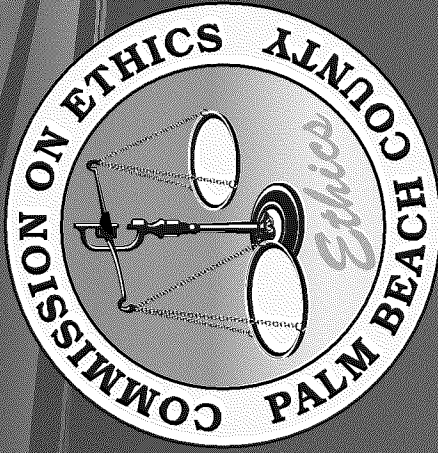
Palm Beach County Commission on Ethics Power Point Presentation.

Presenter

Alan Johnson, Executive Director of the County Commission on Ethics

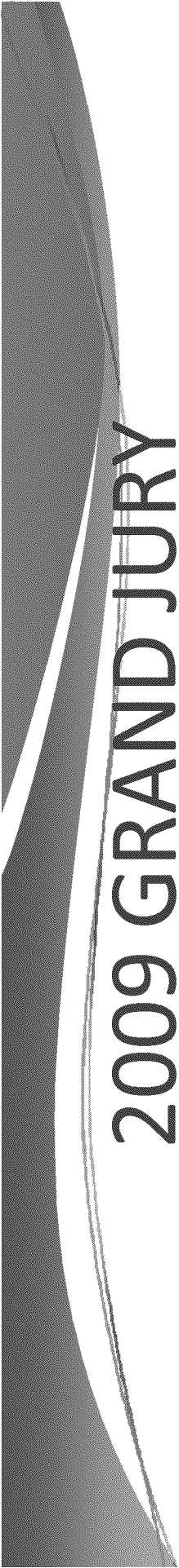
Supporting Documents

- Palm Beach County Commission on Ethics Power Point Presentation



INTRODUCTION TO THE COMMISSION ON ETHICS

Alan Johnson
Executive Director
Palm Beach County Commission on Ethics

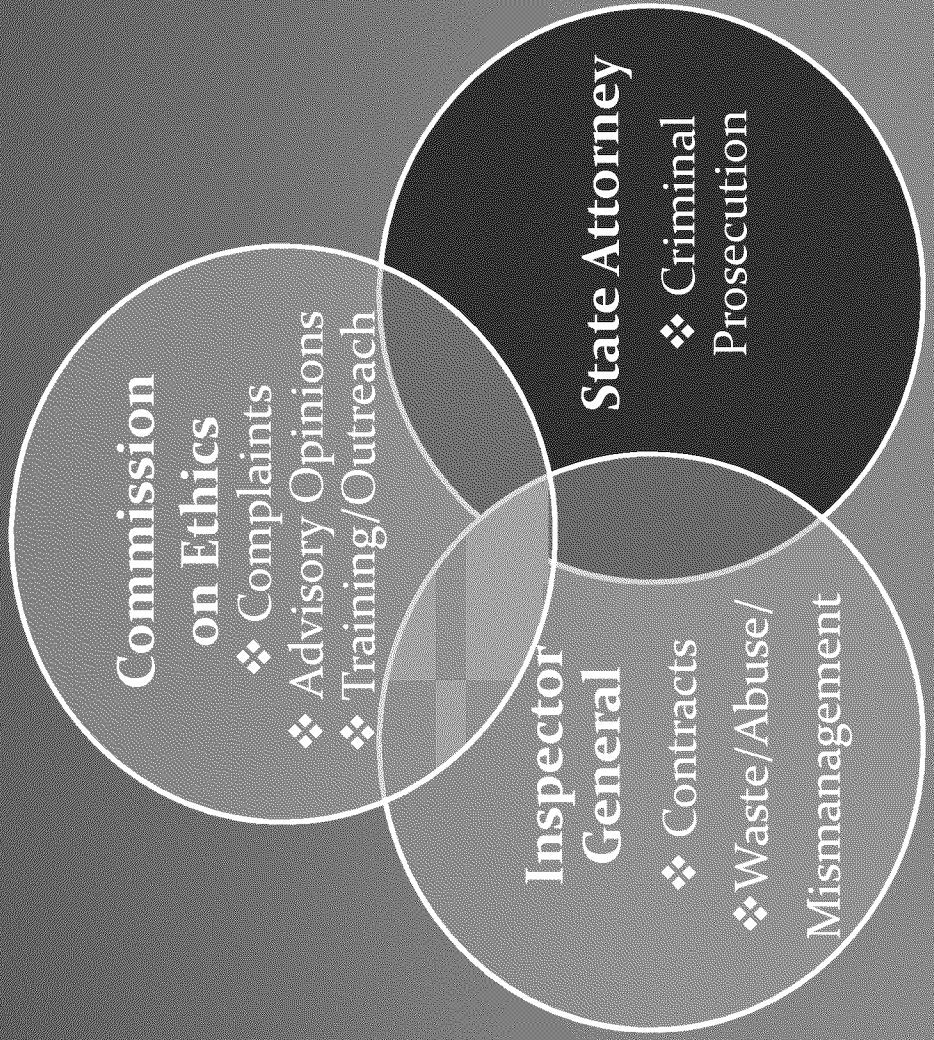


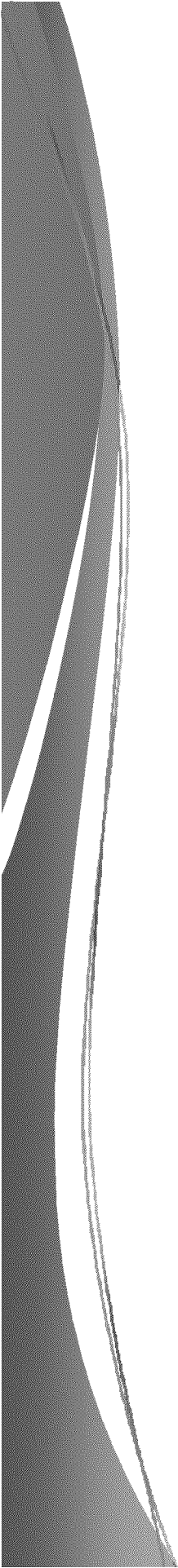
2009 GRAND JURY RECOMMENDATIONS

- Public scandal = 2009 Grand Jury recommendations
 - 3 sided attack-
- Inspector General as an independent watchdog
 - (waste, fraud, mismanagement, abuse)-
- Ethics Commission
 - (ethics complaints, opinions, training, outreach)
- State Attorney
 - (criminal prosecution)

ONE ETHICS MOVEMENT

Different Core Functions





JURISDICTION

- Jurisdiction of the **Commission on Ethics** is limited to county and municipal employees and officials, vendors and lobbyists and applies to the following ordinances:
 - *Code of Ethics*
 - *Lobbyist Registration*
 - *Post Employment*
- The jurisdiction of the **Inspector General** includes county and municipal employees, officials and vendors

Compliance vs Integrity

Laws, codes, rules and policies are compliance driven

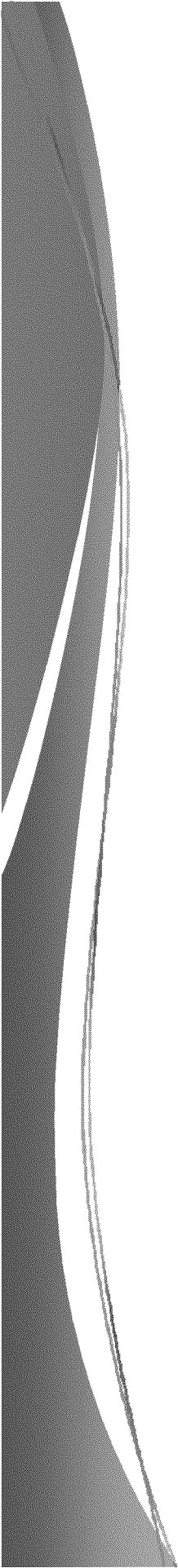
-deterrence, detection, penalties, “do’s and don’ts”

Values and principals form the foundation of an ethical society

-value judgments, right and wrong, appearance of impropriety

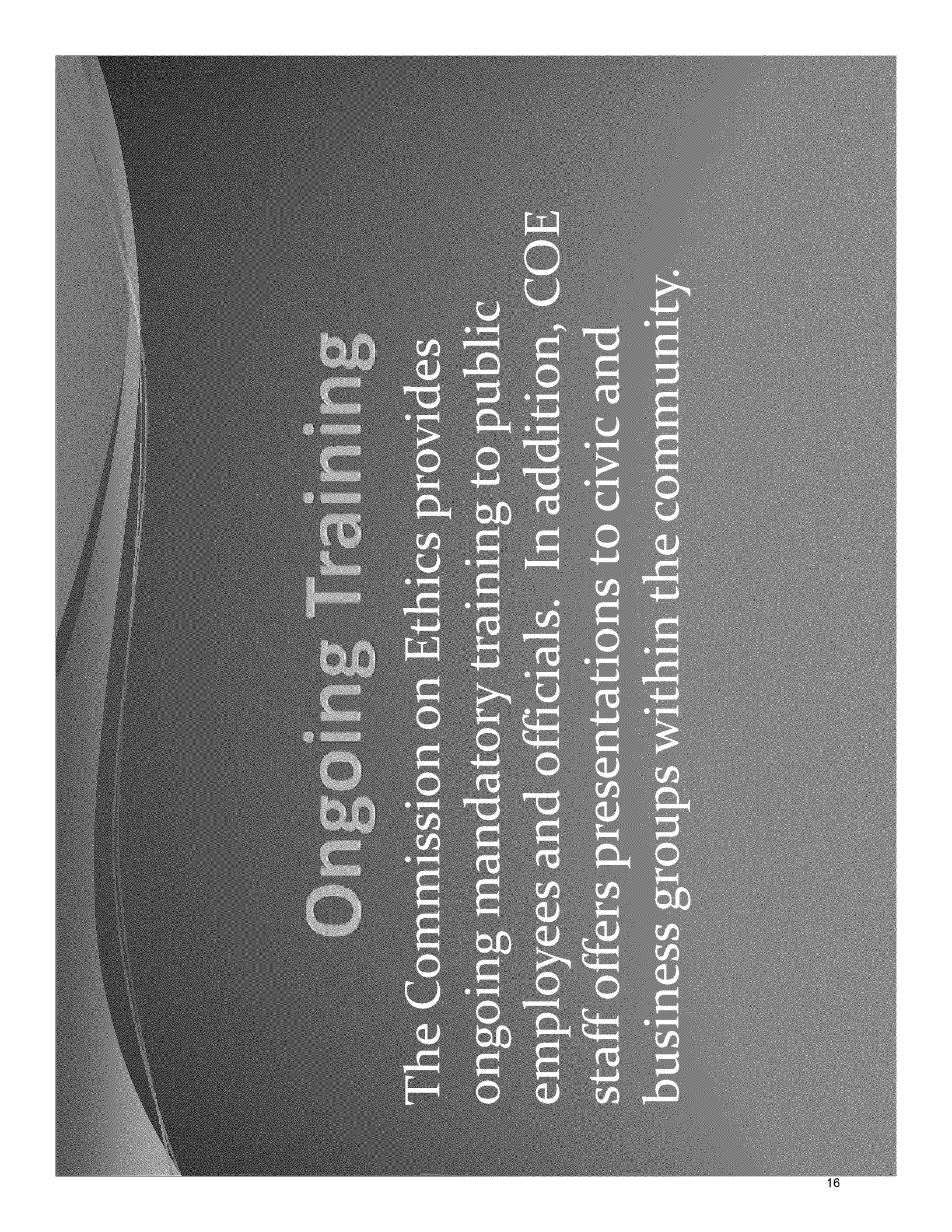
“Sound ethical judgment calls for more than meeting the moral minimum of the law”

Donald Menzel
Ethics Moments in Government
American Society for Public Administration



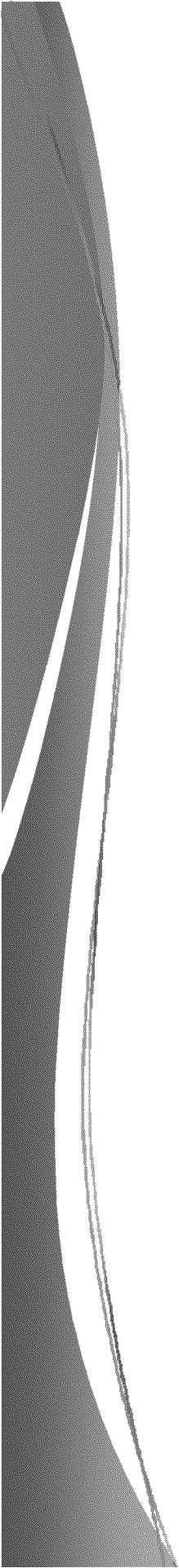
Code of Ethics

- Prohibited conduct;
 - 1-misuse of office – financial gain,
 - 2-voting conflicts,
 - 3-prohibited contractual relationships,
 - 4-accepting travel expenses from vendors,
 - 5-contingency fees,
 - 6-false applications
 - 7-disclosure of confidential information for personal gain
- 8-retaliation/interference with IG or COE investigation
- Gift law prohibitions and requirements
- Anti-nepotism law



Ongoing Training

The Commission on Ethics provides ongoing mandatory training to public employees and officials. In addition, COE staff offers presentations to civic and business groups within the community.



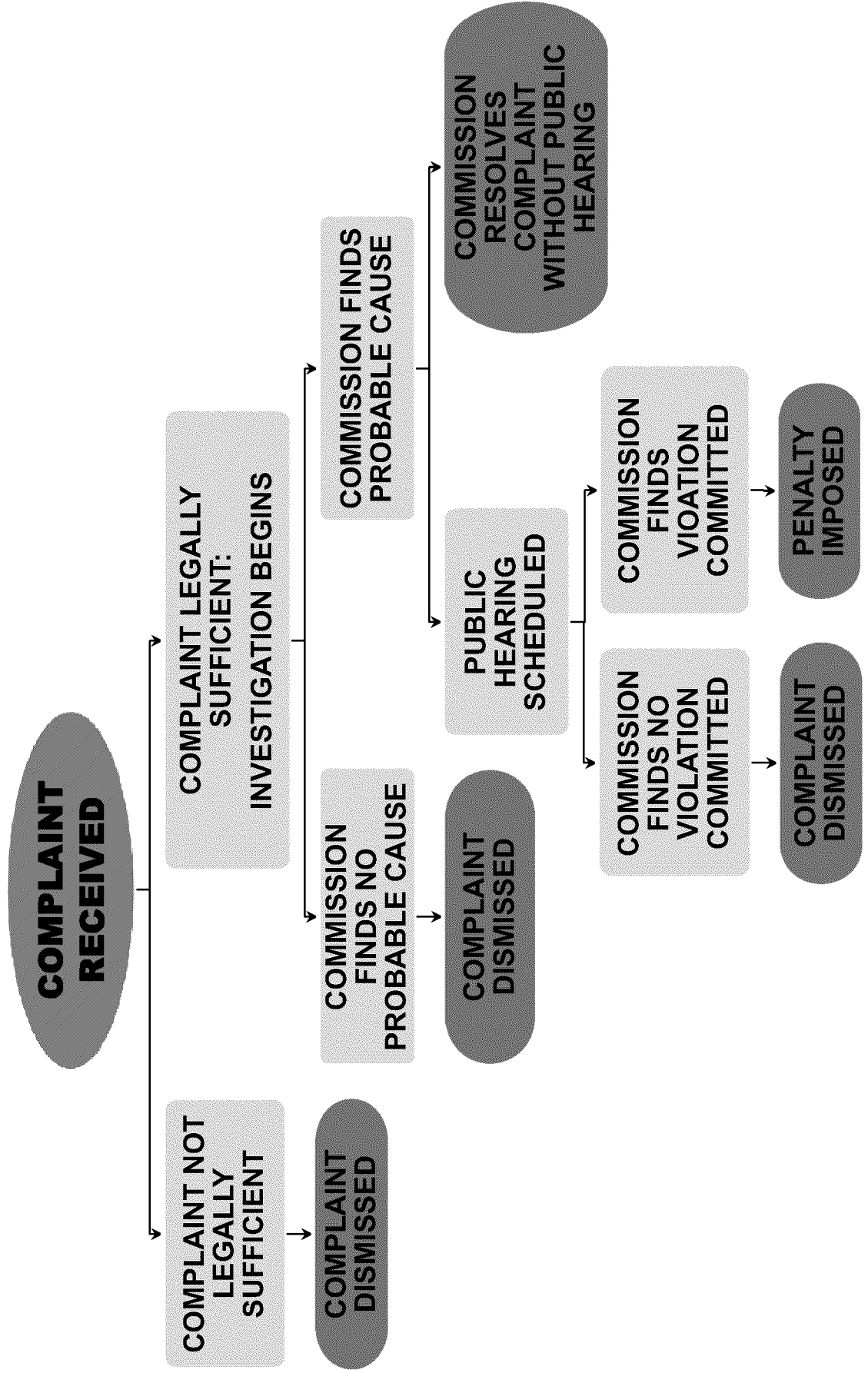
ADVISORY OPINIONS

The Commission on Ethics will accept written requests
for advisory opinions submitted by officials, employees
and vendors

COMPLAINTS

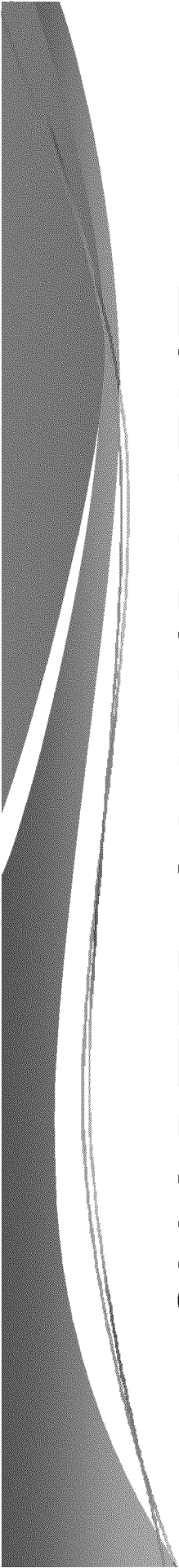
The Commission on Ethics will investigate
legally sufficient complaints regarding officials
and employees within its jurisdiction

COMPLAINT PROCESS



FRIVOLOUS COMPLAINTS

Frivolous complaints may result in costs and attorneys fees being assessed against the complainant.

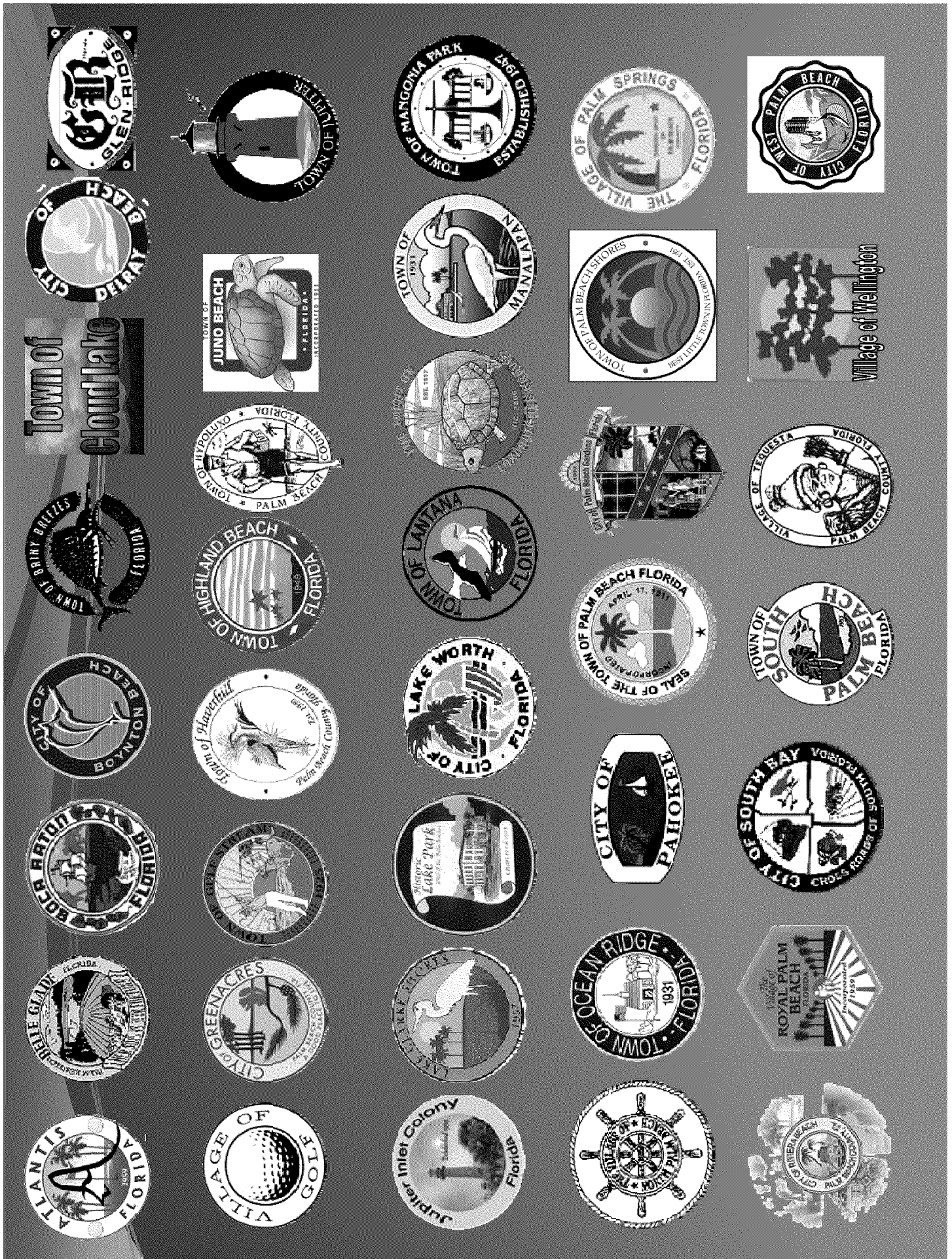


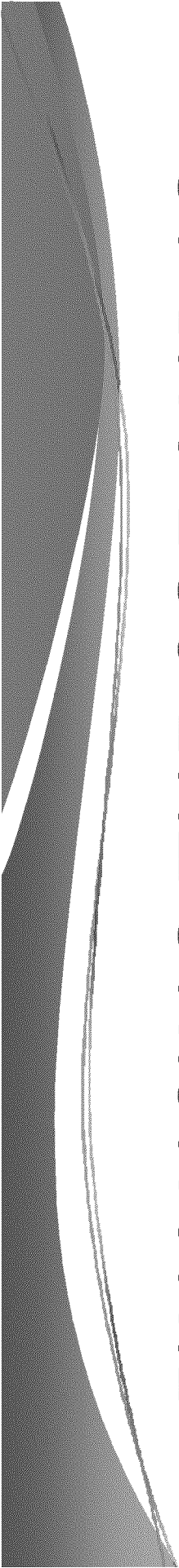
CHARTER AMENDMENT

On November 2, 2010, the issue was placed before the people as a referendum:

Over 70% of the people voted to imbed the IG and COE into the Palm Beach County Charter (effective January 1, 2011 with 90 days to draft appropriate codes)

All 38 municipalities within Palm Beach County adopted the referendum within their borders by popular vote





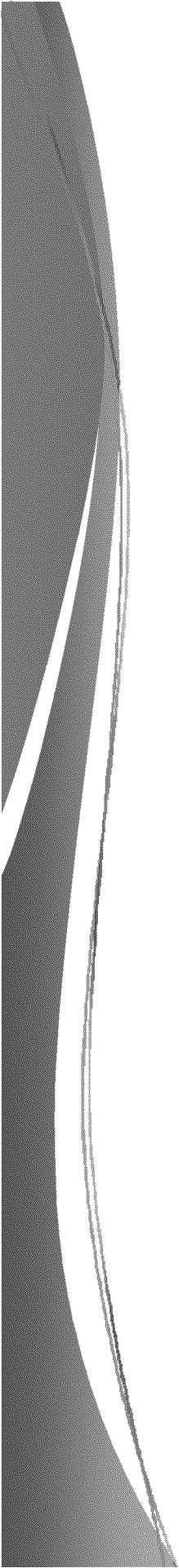
FINANCING THE COE AND IG

- Services of the Commission on Ethics are free to municipalities (ad valorem taxes)
- IG services require contribution equivalent to .25% of covered contracts (County Government absorbs additional costs)
- Both the IG and COE may enter into inter-local agreements with constitutional offices and independent taxing authorities within the county

Interlocal agreements

Both the COE and IG will be offering to enter into inter local agreements with other entities:

School District,
Solid Waste Authority,
Other Independent Taxing Districts,
Constitutional Offices within PBC



INDEPENDENCE

- By definition the COE and IG are independent offices
- Non-political – cannot be associated with party
- Cannot be associated with political campaigns for office or referendum
- Cannot appear at partisan political events
- IG and COE cannot be removed or otherwise influenced by County Commission

OUTREACH

In addition to training and advising officials and employees, the COE will be partnering with public schools and colleges, civic organizations and other venues to put ethics in the forefront of both good governance and public awareness

Public Service Announcements

Art in public places

Ethics Awareness week

Scholarships

Ethics essay and poster contests

Publications



TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: DECEMBER 14, 2010

APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

Presenter

Cheryl Somers, Acting Town Clerk

Supporting Documents

- Minutes of the Town Council Meeting Held on December 14, 2010

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, DECEMBER 14, 2010**

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, December 14, 2010, at 9:30 a.m. in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Assistant Anne Boyles gave the invocation. Council President Rosow led the Pledge of Allegiance.

III. PRESENTATIONS

A. Recognition of Town Employee of the Year and of the Palm Beach Civic Association and Citizens' Association of Palm Beach for Their Sponsorship of This Award.

Mayor McDonald recognized Alan Brown, Assistant Director of Recreation, as Town of Palm Beach Employee of the Year.

B. Presentations by Applicants for Shore Protection Board.

The following applicants provided presentations to the Town Council:

- Gerald Frank
- Lee David Goldstein
- David Herwitz

(Richard Raffo had withdrawn his request for appointment to the Board.)

Council Member Diamond raised concern about the possibility of a conflict of interest with Shore Protection Board members also serving on the Citizen's Association and Palm Beach Civic Association. He asked for a ruling. Council President Rosow responded that the January Council agenda would include a presentation on the prospective County ethics regulations. He suggested Council

1 Member Diamond, as Chair of the Ethics Commission, meet with Town Attorney
2 Randolph during the next break, discuss the issue, and report back to the Council.
3

4
5 IV. COMMENTS OF MAYOR JACK McDONALD

6 There were none.

7
8 V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

9 Council President Pro Tem Coniglio commented on:

- 10 • Resolution No. 130-10 regarding the upcoming election and the double taxation
11 charged by the Supervisor of Elections.
- 12 • Embracing the new County Ethics Commission and signing the ethics pledge.
- 13 • Appreciation for the employees and residents and renewed pride in the Town.

14 Council Member Diamond read from the Code of Ethics enacted by the City of Lake
15 Worth regarding campaign contributions in amounts more than \$100 and the disclosure
16 of such contributions. He suggested the subcommittee on ethics consider this matter. He
17 stated that if a person comes before Council who had given him a contribution, he would
18 announce it.

19
20 Council President Rosow asked that the regulations requiring that architects serving on
21 the Landmarks Preservation Commission and ARCOM be licensed in the State of Florida
22 be reviewed by the ORS Committee and changed to include architects licensed in other
23 states.
24

25
26 VI. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE

(Another opportunity for communications from citizens will be offered immediately after
the lunch break.)

27 William Cooley, 8 Windsor Court, spoke regarding a conflict of interest and possible
28 violation of the Sunshine Law for the two members of the Shore Protection Board up for
29 appointment because they also serve at members or ex-officio members of the Citizen's
30 Association Board of Directors.

31 Jimmy Ryan, 2860 South Ocean Boulevard, Chairman of the Citizen's Association,
32 responded to Mr. Cooley's remarks saying that the same 50-60 people are active in Town
33 and there is a big difference between being on a quasi-government advisory committee
34 and in a civic organization.

35
36 Laurel Baker of the Palm Beach Chamber of Commerce read the Chamber's mission
37 statement and asked that the Council and the various commissions reflect on all decisions
38 they make to be sure they are not made for political expediency.
39

1 Ned Barnes of the Palm Beach Civic Association spoke in opposition to Mr. Cooley's
2 remarks reporting that Mr. Ecclestone, Civic Association executive committee member,
3 had spoken to Town Attorney Randolph regarding the purported conflicts of interest and
4 violations of the Sunshine Law, and would give a report at the next executive committee
5 meeting.

6
7 Dr. Victor H. Fink, 130 Sunrise, Professor of Medicine Emeritus, University of Chicago,
8 spoke regarding protection of the shoreline.

9
10 Travis Geiger, 5010 Vine Cliff Way, presented his résumé for the golf manager position.

11
12 Peter Pettie, 801 South Olive, West Palm Beach, spoke about his request for a legal
13 review of the possible conflict of interest of the Shore Protection Board members, FEMA
14 disaster relief received, and the plan and cost of beach renourishment at Reaches 7 and 8.

15
16 Larry Goldberg, 3360 South Ocean Boulevard, spoke regarding the Taylor Engineering
17 study, sand, and the Reach 7 project.

18
19 Michael Kagdis, 335 Seabreeze Avenue, offered the assistance of the Boy Scouts of
20 America to help with beach cleanup. He spoke about police corruption in the Town.
21 Council President Rosow informed Mr. Kagdis that if he had any issues or evidence of
22 corruption within the Town, he should call the ethics hotline or contact Michael
23 McAuliffe, State Attorney.

24
25 Responding to earlier comments, Mayor McDonald stated that as a result of recent
26 election, the Town is no longer in charge of ethics and these issues may now go to the
27 County Inspector General. Council President Rosow spoke about the changes as a result of
28 the new ethics rules. The Council members each commented on the ethics issue.

29
30 *****The next speaker was heard after Item XII.B.2*****

31
32 David Minton, vendor for Action Sports Wear, addressed the Council reporting that his
33 company had been selected by the Centennial Commission to do a complete line of
34 products for the Centennial and products could be seen in the Royal Poinciana Plaza.

35
36 VII. APPROVAL OF AGENDA

37 The following changes were made to the Agenda:

38
39 **DELETED:** Item XII.B.4.c., Resolution No. 134-10.

40
41 **Motion was made by Council Member Kleid and seconded by Council Member**
42 **Congilio to approve the Agenda as amended. On roll call vote, the motion carried**
43 **unanimously.**

44
VIII. CONSENT AGENDA

1 A. MINUTES: NOVEMBER 9, 2010 APPROVAL OF THE MINUTES OF THE
TOWN COUNCIL MEETING

2 B. MINUTES: NOVEMBER 10, 2010 APPROVAL OF THE MINUTES OF THE
TOWN COUNCIL MEETING

3 C. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE
ARCHITECTURAL COMMISSION AT ITS MEETING ON NOVEMBER 19,
2010.

4 D. RESOLUTIONS

5 1. RESOLUTION NO. 130-10 A Resolution of the Town Council of the Town
of Palm Beach, Palm Beach County, Florida, Approving the Renewal of an
Agreement by and Between the Palm Beach County Supervisor of Elections
and the Town of Palm Beach Relating to the Use of Vote Processing
Equipment and Election Services; Providing an Effective Date. [Cheryl
Somers, Acting Town Clerk]

6 2. RESOLUTION NO. 135-10 A Resolution of the Town Council of the Town
of Palm Beach, Palm Beach County, Florida, Awarding a Professional
Services Task to Kimley-Horn and Associates, Inc., in the Amount of
\$81,355.64 for Professional Engineering Services Associated with the
Town's Vegetative Landfill Sites. [H. Paul Brazil, Director of Public
Works]

7 3. RESOLUTION NO. 136-10 A Resolution of the Town Council of the Town
of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Sign
a Maintenance Memorandum of Agreement with Florida Department of
Transportation for Landscaping Improvements at 2000 South Ocean
Boulevard.[H. Paul Brazil, Director of Public Works]

8 E. OTHER

9 1. Approval of Rescheduling the Monthly February 2011 Town Council
Meetings to be Held on Tuesday, February 15, 2011, and Wednesday,
February 16, 2011. [Peter B. Elwell, Town Manager]

10 2. Acceptance of Donation of \$30,000 from the Fortin Foundation of Florida,
Inc., for the Employee and Retiree Recognition Programs. [Peter B. Elwell,
Town Manager]

3. Approval of Employee Suggestion Program Award and Modification of Program Rules.[Danielle Olson, Director of Human Resources]

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

*****The next item heard was the 10:00 a.m. Time Certain Item XII.B.2*****

IX. PUBLIC HEARING

- A. Request for Abandonment and Rededication of Easements in Conjunction with the Publix Redevelopment Project. [H. Paul Brazil, Director of Public Works]

RESOLUTION NO. 132-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Existing and Dedicating New Utility Easements Within Property Commonly Known as 265 Sunset Avenue, Town of Palm Beach.

Council President Rosow declared a Public Hearing. Administrative Assistant Anne Boyles administered the oath to all those who would be providing testimony.

Ex-parte communication was declared by:

- Council Member Diamond spoke with Attorney Maura Ziska.
- Council Member Kleid spoke with Attorney Maura Ziska who advanced the position of her client.
- Council President Rosow spoke with Attorney Maura Ziska who advanced the position of her client.
- Council President Pro Tem Coniglio received voicemails from Attorney Maura Ziska and Hank Porcher and had a brief conversation with Publix Manager Nick Abiusi in the store.
- Council Member Wildrick had no ex-parte communication.

Public Works Director Paul Brazil reviewed the steps taken for the easement abandonment as required by Town Code. He reported that only one adjacent property owner, the Palm Beach Hotel Condo Association, had objected to the abandonment and dedication request commenting that “work was not supposed to start until April.” He explained this item did not address the construction schedule. He recommended approval of Resolution No. 132-10 with the condition that the property owner pay all fees related to implementation of the abandonment including, but not limited to, recording fees.

No one from the public wished to speak regarding this item. Mr. Hank Porcher introduced representatives of Moss & Associates, contractor for the new Publix

Store. They answered questions regarding the schedule, timeline, final date of reopening of the store, and public relations with residents. Council Member Diamond suggested that a picture and the cell phone number of the Moss & Associates contact be distributed to neighbors, as was done on the Worth Avenue Project.

Town Attorney Randolph read Resolution No. 132-10 by title, as printed above.

Motion was made by Council Member Diamond and seconded by Council Member Kleid to approve Resolution No. 132-10 with the condition that Publix Supermarket pay all fees. On roll call vote, the motion carried unanimously

X. BOARD/COMMISSION ANNUAL REPORT

A. Shore Protection Board. [E. Llwyd Ecclestone, Chair, and Rob Weber, Coastal Coordinator]

Llwyd Ecclestone, Chairman, addressed the ethics concerns discussed earlier in the meeting. He reported that he had met with Town Attorney Randolph and, based on his recommendation, Shore Protection Board members who are also members of other Town associations would not talk about Shore Board issues unless regarding the agenda or minutes. He added that if he talks about the Shore Board at a meeting, other members of the Board will leave the room.

Mr. Ecclestone presented the annual report of the Shore Protection Board.

Jere Zenko, 232 Tangier Avenue, addressed the Council regarding the lack of acknowledgement of her concerns with the cost of possible mitigation from the last beach renourishment project. Town Manager Elwell responded that the work had not yet begun that would lead to the answer to Mrs. Zenko's question.

There was discussion on mitigation, sand size and quality, the Reach 7 project, and the need for collaboration with all agencies involved in beach renourishment projects, as well as the environmentalists.

Council President Rosow asked that the projects in the report be prioritized with a focus on those that are achievable.

****The Town Council took a luncheon recess and reconvened at 2:20 p.m.****

Public Comment - After the Luncheon Recess

William Cooley, 8 Windsor Court, read from the Erickson report regarding the permitted grain size for the Reach 7 project stating that of the actual sand size delivered 90+% was .22 mm and 9+% was .32 mm, which was not in accordance with the permit. Public Works Director Brazil replied that the permitting procedure requires samples of the sand

be reported back to the Florida Department of Environmental Protection (FDEP) and he would find out if the figures are correct. Council Member Wildrick stated that the Town needs to be sure there is a procedure or audit in place to make sure the incorrect size sand is not placed on the beaches again. Town Manager Elwell assured him that the sand going into and out of the truck would be monitored.

Susan Markin, 1415 North Lake Way, spoke in opposition to the proposed restaurant at the Maritime Museum on Peanut Island and asked the Council to contact the County Commissioners to explain their support for the project.

Peter Pettie, 801 S. Olive Avenue, talked about the cost and risk of mitigation at Reach 2 and Reach 5.

XI. COMMITTEE REPORT

A. Finance and Taxation Committee Meeting of November 10, 2010. [Robert N. Wildrick, Town Council Member]

Council Member Wildrick reported that the purpose of the meeting was to review the insurance reserves and levels. He stated that the Finance Department is to come back to the Committee in February with a recommendation as to new levels. He added there would also be a report on the amount paid to the administrator of the health insurance program.

Motion was made by Council Member Diamond and seconded by Council President Pro Tem Coniglio to accept the report. On roll call vote, the motion carried unanimously.

Ethics Discussion

Council President Rosow asked for the result of the discussion between Council Member Diamond and Town Attorney Randolph regarding ethics. Town Attorney Randolph advised that he did not see the issue of a person serving on the Shore Protection Board and on a Town association as much a conflict of interest as it is a Sunshine Law issue. He further advised the Council members to make their appointments based on the best qualified candidate; then it is up to the person appointed to follow the dictates of the Sunshine Law.

Council Member Diamond clarified that it does not constitute a violation of the Sunshine Law for a person to be on a citizen's association board and the Shore Protection Board. Town Attorney Randolph agreed saying that if more than one board/commission member was present at an association meeting, they could not talk about something that either would come before their board or may reasonably come before their board. He said he had advised the board/commission members that if this should occur, one of them should leave the room.

Council President Pro Tem Congilio asked about two or more Council members attending a committee or commission meeting. Town Attorney Randolph stated that in the past he had discouraged two or more Council members from attending these meetings, and even one Council member attending an advisory meeting and participating in the discussion. He said that as far as the Sunshine Law is concerned, it is a public meeting and there is no harm in being at that meeting, but it is problematic if two or more Council members involve themselves in the discussion. He suggested advertising a joint meeting between Council and the board or commission if three or more Council members plan to attend.

A discussion followed on attending other meetings and symposiums. Town Attorney Randolph advised that whether the issue would appear on the Council agenda or on a future agenda was not the only test, the test is if something being discussed at the meeting could reasonably come before the Council. He said that if it could come before the Council, then Council members should avoid having any public or private discussion; just attending and listening would not be a violation of the Sunshine Law.

XII. REGULAR AGENDA

A. Old Business

1. County Reimbursement for Town Restoration of Old South Ocean Boulevard. [John C. Randolph, Town Attorney]

Motion was made by Council Member Wildrick and seconded by Council Member Diamond to accept the settlement offer from Palm Beach County for the Town restoration of Old South Ocean Boulevard. On roll call vote, the motion carried unanimously.

2. Town Attorney Advice Related to Foreclosures of Homesteaded Properties. [John C. Randolph, Town Attorney]

Town Attorney Randolph gave the background and legal citations regarding the foreclosure of homesteaded properties and whether or not a person is entitled to homesteaded status if they rent their properties. He offered to work with staff at Code Enforcement to get a better understanding of what is homesteaded and what is not in regard to collection of liens.

Mayor McDonald stated that most of the people in Town had furniture in excess of \$1,000. He said the point the Town levies on the property is the point you bring the people to the table.

There was consensus that there should be a close review of Code Enforcement liens as to whether or not there is a foreclosure action to go after the larger fines. Town Attorney Randolph stated he would proceed with working with Code Enforcement. Town Manager Elwell clarified that

staff would never initiate foreclose proceedings without coming to the Council for direction.

B. New Business

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

Town Attorney Randolph requested advice from the Town Council on scheduling an Attorney/Client Session immediately after the regular Town Council meeting. He announced the names of the attendees and the location of the meeting, as printed above.

Motion was made by Council Member Diamond and seconded by Council Member Kleid to approve the scheduling of the Attorney/Client Closed Door Session immediately following the regular Town Council meeting. On roll call vote, the motion carried unanimously.

2. Proposed Removal of Palm Beach County Land Use Restriction Prohibiting a Restaurant on Peanut Island. [John C. Grant, Chairman, Palm Beach Maritime Museum]

TIME CERTAIN: 11:00 AM

*****This item was heard after Item VIII*****

John Grant, Chairman, Palm Beach Maritime Museum, stated that it was the opinion of the staff at the Museum that the best bet for insuring that the south end of Peanut Island maintains a family oriented, controlled, safe environment, with appropriate security, is for the Town to support the Palm Beach Maritime Museum. He spoke about the tall ships that had visited the docks at the Coast Guard station and the educational program at the Maritime Museum. He said it was difficult and expensive to coordinate delivery of food for the events and programs at the Museum, and the addition of a museum café would greatly reduce costs and improve revenue to maintain and operate the station. Anthony Miller, Museum Waterfront Manager, reported that the Museum was trying to replace catering the food with a restaurant with a kitchen to serve fresh food to the kids and families who

1 come to the Island. He talked about the logistics: water, power, sewer, and
2 parking. He asked for the Town's support of the restaurant.

3
4 John Sprague of the Marine Industries Association of Palm Beach County
5 expressed concerns with the restaurant size, sale of alcohol, law enforcement,
6 garbage, and sewer. He stated that the Association was waiting to see the
7 parameters that the Maritime Museum was proposing and the impact on the
8 Island before making a determination on the restaurant.

9
10 Alan Fiers, Vice Mayor of Palm Beach Shores, shared the concerns and
11 reservations of Palm Beach Shores with the proposed restaurant. These
12 concerns included the extra need for law enforcement, behavioral policing,
13 parking, access and traffic, and the indirect costs to Palm Beach Shores and
14 Riviera Beach. He said he wanted the concerns addressed and vetted before
15 the Town of Palm Beach Shores took a formal and fixed position on the
16 project.

17
18 Ned Barnes stated that the Palm Beach Civic Association had no objections
19 to a cafeteria for school children, but did have greater public use issues:
20 nighttime activity, boat traffic, sanitation, and public health concerns.

21
22 Council Member Diamond suggested the Council let the issue mature and
23 have the Museum come up with answers to some of the questions. Council
24 President Rosow agreed. He cautioned about noise issues. He suggested Mr.
25 Grant come back when meaningful plans are developed.

26
27 *****The next item heard was Item IX*****
28 *****The next item heard was Item XII.B.1*****
29

30 Council President Rosow suggested that staff give a report at the next
31 Council meeting as to the facts with respect to any proposed development of
32 a restaurant on Peanut Island. Council Member Congilio agreed that all the
33 details were needed. Council Member Diamond disagreed suggesting that the
34 Council vote no and put the burden on the Museum to come back and
35 convince the Council of the concept.

36
37 **Motion was made by Council Member Diamond to disapprove of a**
38 **restaurant on Peanut Island. The motion died for lack of a second.**
39

- 40
41
42 3. Consideration of Offers to Purchase 110 Angler Avenue. [John C. Randolph,
43 Town Attorney]

44 Town Attorney Randolph reported that the Town foreclosed against 110
45 Angler, purchased the property, and was issued a certificate of title. He
46 further reported that two offers had been received to purchase the property.
47 He stated that the title companies he had spoken to would not issue clear title

1 unless the Town filed a suit to quiet title because of the foreclosure
2 proceedings of Countrywide Bank (now Bank of America). He presented
3 four options to the Council.
4

5 Council Member Wildrick suggested the Council authorize Town Attorney
6 Randolph to start negotiations with both the bank and the buyer (options 2
7 and 4).
8

9 Mayor McDonald suggested the Town file a quiet title suit and resolve the
10 issue. There was discussion regarding the cost and length of time for
11 litigation.
12

13 Attorney Maura Ziska addressed the Council representing Michael &
14 Elizabeth Chu, adjacent property owners. She stated her clients would be
15 willing to purchase the property without a clear title. Council President
16 Rosow asked Attorney Ziska to come back to Council with a reasonable
17 offer.
18

19 **There was consensus to authorize the Town Attorney to negotiate with**
20 **the bank, and, at the same time, to obtain an offer from a purchaser**
21 **without a title insurance policy and that would include holding the Town**
22 **harmless against any subsequent action by the bank. If unsuccessful**
23 **after two weeks, the Town Attorney will prepare a suit for quiet title.**
24

25 Council President Rosow requested the Town Attorney to give a report at the
26 next meeting.
27

28 4. Coastal Protection Program. [H. Paul Brazil, Director of Public Works]

- 29 a. RESOLUTION NO. 126-10 A Resolution of the Town Council of the
30 Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract
31 for \$129,435 to Coastal Technology Corporation, for the Reach 7
32 Renourishment Design Services, Tasks 1 and 2, Establishing Total Task
33 Budget of \$142,400 for Said Services, and Authorizing the Town
34 Manager to Take Actions Necessary to Complete Said Services.

35 Public Works Director Paul Brazil gave a brief history of the Reach 7
36 project. He explained the three things needed to make the next Reach 7
37 project successful: 1) a larger grain size (reasonable grain size for off
38 shore is .30-.32 mm); 2) structures like at mid-town (limited groin field);
39 and 3) more sand. There was discussion regarding the grain size of the
sand from the two borrow areas permitted for Reach 7 and the
information contained in the Erickson report. Public Works Director
Brazil explained that one of the outlying data points in the Erickson
report was .19mm sand, which was outside the permit area and reduced
the overall averages.

In response to issues raised by Bill Cooley, Town Manager Elwell clarified that the Erickson report was not ignored. He said it was debated and staff had prepared a point-by-point review and response to the Shore Protection Board.

Bill Cooley suggested the Council hire its own engineer to do a peer review. Council President Pro Tem Coniglio agreed with the need for peer review but stated that there are engineers on staff. There was discussion regarding the hiring and selection of consultants. Town Manager Elwell stated a peer review process had been established.

Council President Pro Tem Coniglio outlined the process for the selection of coastal engineering services. Council Member Wildrick reminded staff that they are accountable for monitoring the performance of the engineer hired. Public Works Director Brazil reviewed Coastal Technology's qualifications and experience.

Lewis Katz, 2275 South Ocean Boulevard, shared his efforts to find the best coastal engineering firm for the Town.

Michael Walther, President and Principal Engineer of Coastal Tech, reviewed the structures he had engineered in Florida and answered questions from the Council members.

Council Member Diamond asked the alternatives to the Council if Coastal Tech is not approved. Director of Public Works Brazil responded that there are nine other firms available or the work could be re-advertised for the third time. He said it would delay the project by a minimum of three-to-four months.

Town Manager Elwell affirmed that Coastal Tech is a well qualified firm to perform the work for the Town and he expected a successful outcome. Director of Public Works Brazil and members of the selection committee that were present agreed that Coastal Tech was the best firm for the project.

Town Attorney Randolph read Resolution No. 126-10 by title, as printed above.

Motion was made by Council Member Wildrick and seconded by Council Member Coniglio to approve Resolution No. 126-10. On roll call vote, the motion carried unanimously.

- b. RESOLUTION NO. 137-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract

to D.B. Ecological Services, Inc., in the Amount of \$133,480 for Sea Turtle Monitoring for the Town of Palm Beach, Sealed Bid Number 2007-21.

Town Attorney Randolph read Resolution No. 137-10 by titled, as printed above.

Motion was made by Council Member Kleid and seconded by Council Member Wildrick to approve Resolution No. 137-10. On roll call vote, the motion carried unanimously.

- c. RESOLUTION NO. 134-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Interlocal Agreement with the Town of Lantana for Construction Equipment Access to the Beach.

This item was withdrawn.

- d. RESOLUTION NO. 138-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Grant Agreement, FDEP Contract No. 10PB2, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach for the Bureau of Beaches and Coastal Systems Phipps Ocean Park Beach Restoration Project, and Authorizing the Town Council President to Execute Same on Behalf of the Town.

Town Attorney Randolph read Resolution No. 138-10 by titled, as printed above.

Motion was made by Council Member Coniglio and seconded by Council Member Wildrick to approve Resolution No. 138-10. On roll call vote, the motion carried unanimously.

Town Manager Elwell announced that on December 13, the Town had received the last, outstanding Federal permit for the dune project for Mid-Town and Reaches 7 and 8. He further announced that today the Town had received notification from FDEP to proceed at Mid-Town. He commended Rob Weber for his outstanding work to make this project happen.

Council Member Kleid asked about the request to use a conveyor belt. Public Works Director Brazil responded that the easement had been modified and he believed there would be a positive result.

5. Accelerated Capital Improvement Program.[H. Paul Brazil, Director of Public Works]

a. Status Report and Revised Schedule.

Council President Pro Tem Coniglio asked about the projects that staff had recommended be delayed and if there was any negative impact on delaying them in the scope of the entire project or toward the infrastructure of the Town. Public Works Director Brazil replied no, the recommendation was to do the most immediate things and those that save the Town the most amount of money and delay those that are either a low priority or for future consideration.

b. RESOLUTION NO. 133-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Jacobs Project Management Co., in an Amount Not to Exceed \$719,960 for Construction Program Management Services for the Accelerated Capital Improvement Program and Authorizing the Town Manager to Enter into an Agreement Necessary to Complete this Phase of Said Improvements.

Town Attorney Randolph read Resolution No. 133-10 by title, as printed above.

Motion was made by Council Member Diamond and seconded by Council Member Kleid to approve Resolution No. 133-10.

Public Works Director Brazil explained the additional professional expenses and reimbursables included in the contract.

On roll call vote, the motion carried unanimously.

c. Approval of Selection Committee and Construction Manager at Risk for the D-15 (D-6 and D-7) Storm Water Pump Station.

Motion was made by Council Member Diamond and seconded by Council Member Kleid to approve the selection committee and construction manager at risk for the D-15 (D-6 and D-7) storm water pump station. On roll call vote, the motion carried unanimously.

6. Internal Audit Reports. [Robert N. Wildrick, Town Council Member]

Council Member Wildrick reminded the Council members that this management process was driven by the Town Council and not the Town Manager and staff. He thanked Town staff for their cooperation with the auditors.

a. Grant Compliance Monitoring

Council Member Wildrick reported that one area of moderate risk was found and mitigation was developed to insure compliance. He further reported that one area of low risk was found and staff is working to correct it.

b. Procurement and Accounts Payable

Council Member Wildrick stated that two areas of moderate risk, two areas of low risk, and four best practices areas were found. He reported that in the moderate risk procurement area, there was an issue with people not having enough time to get the job done. He stated he had spoken to the auditors and, with the current projects, they think the Town is at risk if the work doesn't get.

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

****The next item heard was Item XII.B.8****

7. Potential Town Resident Health Insurance Program. [Danielle Olson, Director of Human Resources]

Council Member Diamond said he was opposed to a Town resident health insurance program, did not believe the Town should be involved in this business, and the cost of finding out was not worthwhile.

Motion was made by Council Member Diamond to withdraw this item from the agenda. The motion died for lack of a second.

Council President Rosow asked about sending out an RFP without any cost to the Town. Richard Schell, Vice President, Gallagher Benefit Services, Inc., responded that this would be a huge undertaking. He cited actuarial costs, the building of a program from scratch, and legal work. He reported that the demographics are not favorable due to average age and the number of people would be limited. He said there would be a tremendous amount of research to do to see if there is carrier interest.

There was consensus to drop the issue.

8. Request for Authorization and Funding of a Public Works Purchasing Coordinator. [Peter B. Elwell, Town Manager]

Town Manager Elwell reported that 30% of the purchases in Town are done by the Public Works Department, and due to the large scale and complex nature of these purchases, as well as the Accelerated Capital Improvement Program, he was recommending the additional position of Public Works Purchasing Coordinator.

Council Member Kleid questioned why the individual was isolated to Public Works. Town Manger Elwell explained that the person would dual report to Public Works and Purchasing, but would be directly accountable to the Purchasing Agent.

Council Member Diamond asked about the sales tax savings with the position. Town Manager Elwell responded that the position was needed for day-to-day operations. He added that without the position, the Town would not be able to do the Town purchase of materials for installation by contractors as part of the Accelerated Capital Improvement Program. He stated that the expectation in the \$40 million program was the Town would save about \$1 million.

Motion was made by Council Member Diamond and seconded by Council President Pro Tem Coniglio to authorize and fund a Public Works Purchasing Coordinator. On roll call vote, the motion carried unanimously.

****The next item heard was Item XII.B.7****

9. Appointment of Town Manager. [Peter B. Elwell, Town Manager]

Motion was made by Council President Pro Tem Congilio and seconded by Council Member Diamond to approve the appointment of Peter B. Elwell to serve an additional one-year term as Town Manager from December 14, 2010, through December 13, 2011. On roll call vote, the motion carried unanimously.

10. Shore Protection Board Appointments. [Peter B. Elwell, Town Manager]

Town Manager Elwell announced that Gerald Frank and Lee David Goldstein had been re-appointed to the Shore Protection Board.

Motion was made by Council Member Diamond and seconded by Council Member Wildrick to ratify the re-appointment of Gerald Frank and Lee David Goldstein to the Shore Protection Board. On roll call vote, the motion carried unanimously.

XIII. ORDINANCES

A. Second Reading

None

B. First Reading

1. ORDINANCE NO. 31-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 86, Planning, Section 86-90, Standards, at Subsections (c) and (d); Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Amending Town Code at Chapter 86, Planning, Section 86-90, Standards, at Subsections (c) and (e).

[Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Ordinance No. 31-10 by title, as printed above.

Motion was made by Council President Pro Tem Coniglio and seconded by Council Member Kleid to approve Ordinance No. 31-10 on first reading. On roll call vote, the motion carried unanimously.

2. ORDINANCE NO. 32-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 94, Sales, Articles II, III and IV; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Ordinance No. 32-10 by title, as printed above.

Motion was made by Council President Pro Tem Coniglio and seconded by Council Member Kleid to approve Ordinance No. 32-10 on first reading. On roll call vote, the motion carried unanimously.

3. ORDINANCE NO. 33-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 98, Secondhand Goods, Article II, Secondhand Dealers, by Deleting Sections 98-32 and 98-33 in Their Entirety; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Ordinance No. 33-10 by title, as printed above.

Motion was made by Council Member Wildrick and seconded by Council President Pro Tem Coniglio to approve Ordinance No. 33-10 on first reading. On roll call vote, the motion carried unanimously.

4. ORDINANCE NO. 34-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks and Other Public Places, at Article V, Section 106-158, Relating to the Prohibition of Bicycle Riding on Sidewalks Within Commercial Zoning Districts; Amending Article VIII, Section 106-291, Relating to Certificate of Compliance; and Section 106-292, Relating to Standards for Newsrack and Modular Newsracks Including Maintenance, Installation and Locations; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Ordinance No. 34-10 by title, as printed above.

Motion was made by Council Member Diamond and seconded by Council Member Kleid to approve Ordinance No. 34-10 on first reading. On roll call vote, the motion carried unanimously.

5. ORDINANCE NO. 35-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 18, Buildings and Building Regulations; Article III, Architectural Review; Division 2, Architectural Commission; Section 18-169, Removal Provisions; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Ordinance No. 35-10 by title, as printed above.

Motion was made by Council Member Diamond and seconded by Council Member Kleid to approve Ordinance No. 35-10 on first reading. On roll call vote, the motion carried unanimously.

Town Attorney Randolph commented that board/commission members had asked if they could not have an unexcused absence if it is an unscheduled meeting. He explained that the ordinance does not change this requirement for all boards/commissions and there may be additional changes to ordinances.

6. ORDINANCE NO. 36-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 110, Subdivisions, So as to Modify the Term "Building Official" Used Throughout to "Director of Planning, Zoning & Building"; Providing for Severability; Providing for Repeal of Ordinances in

Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Town Attorney Randolph read Ordinance No. 36-10 by title, as printed above.

Motion was made by Council Member Diamond and seconded by Council Member Kleid to approve Ordinance No. 36-10 on first reading. On roll call vote, the motion carried unanimously.

XIV. ANY OTHER MATTERS

There were none.

XV. ADJOURNMENT

There being no further business, the December 14, 2010, Town Council Meeting was adjourned at 4:37 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Cheryl Somers
Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: DECEMBER 14, 2010

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
CLOSED DOOR SESSION

Presenter

Cheryl Somers, Acting Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on December 14, 2010

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, DECEMBER 14, 2010**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order at 4:37 p.m. on Tuesday, December 14, 2010, in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. APPROVAL OF AGENDA

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

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

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

Town Council President Rosow announced:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is thirty minutes
- c.) The names of the persons attending: Jack McDonald, Mayor David A. Rosow, Town Council President Gail Coniglio, Town Council President Pro Tem William J. Diamond, Town Council Member Richard M. Kleid, Town Council Member Robert N. Wildrick, Town Council Member Jerry Stouck, Attorney John C. Randolph, Town Attorney Peter B. Elwell, Town Manager Ley and Marsaa, Court Reporters
- d.) Persons attending the meeting (listed above) relocate from the Town Hall Council Chambers to the immediately adjacent conference room.

At 4:40 p.m., the attendees relocated into the Council Chambers Conference Room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 5:10 p.m. in the Town Council Chambers.

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

Council President Rosow announced the termination of the Attorney/Client Session. He stated that the Council had been updated on the litigation with the United States of America, the attorney had provided information, and the Council had given him additional direction.

Town Manager Peter Elwell recommended the Council authorize an additional \$25,000 to be expended for the litigation with no appropriation required.

Motion was made by Council Member Kleid and seconded by Council Member Wildrick to authorize an additional \$25,000 for the litigation with the United State of America. On roll call vote, the motion carried unanimously.

V. ANY OTHER MATTERS

There were none.

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Tuesday, December 14, 2010, was adjourned at 5:11 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Cheryl A. Somers, Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: DECEMBER 15, 2010

APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

Presenter

Cheryl Somers, Acting Town Clerk

Supporting Documents

- Minutes of the Town Council Meeting Held on December 15, 2010

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON
WEDNESDAY, DECEMBER 15, 2010**

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Wednesday, December 15, 2010, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Assistant Anne Boyles gave the invocation. President Rosow led the Pledge of Allegiance.

III. COMMENTS OF MAYOR JACK McDONALD

There were none.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Pro Tem Coniglio commented that she had several conversations and correspondence with Palm Beach County Commissioners Priscilla Taylor, and Karen Marcus regarding yesterday's discussion about approval of a restaurant on Peanut Island. She noted that Commissioner Marcus was having a meeting on January 18, 2011, and has asked repeatedly for a representative from the Town to attend. Ms. Coniglio asked that the Council come to a firm position in order to carry it forward, even if it was just a statement of the Town's concern.

President Rosow responded that, as the Town's meeting was on January 12, 2011, staff's report would be an item for discussion in order for the Mayor to represent the Town's concerns on January 18, 2011.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

1
2 Laurel Baker, Palm Beach Chamber of Commerce, publicly thanked the *Shiny Sheet* for their
3 editorial on Sunday about the business climate still needing help. One of the issues that will be
4 addressed today was about offices on the first floor. She indicated that the Chamber of
5 Commerce is partnering with the Business Development Board, President and CEO Kelly Small,
6 to have a series of Economic Development 101 classes at the Chamber. She is encouraging each
7 Council member to attend one of the classes along with property owners and interested
8 individuals. She commented further about the issue of offices on the first floor and the confusion
9 of the recommendations.

10
11
12 VI. APPROVAL OF AGENDA

13 **Motion made by Council Member Kleid, seconded by President Pro Tem Coniglio, to**
14 **approve the Agenda. On roll call, the motion carried unanimously.**
15
16

17 VII. PUBLIC HEARINGS

18 Administrative Assistant Boyles administered the oath to all those who would be providing
19 testimony.
20

21 A. RESOLUTION NO. 131-10 A Resolution of the Town Council of the Town of Palm Beach,
22 Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property
23 Hereinafter Described (Breakers Hotel, One South County Road) and Stating That the
24 Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of
25 Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled
26 "Tax Exemptions." [John Page, Director of Planning, Zoning, and Building]

27 Town Attorney Randolph read Resolution No. 131-10 by title, as printed above.
28

29 Ex-parte communication was declared by Council Member Diamond who indicated that he was a
30 member of the Breakers Club.
31

32 Planning, Zoning and Building Director John Page noted that this was a new tax exemption for
33 improvements that were completed last year.
34

35 Historical Consultant Jane Day provided a summary of the qualifications of the Breakers Hotel
36 regarding the tax abatement program.

37 **Motion made by President Pro Tem Coniglio, seconded by Council Member Kleid, to**
38 **approve Resolution No. 131-10. On roll call, the motion carried unanimously.**
39

40 VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 26-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, at Section 134-2 to Add Clarifying Language Relative to the Rules of Construction of the Zoning Ordinance; Sections 134-36, 134-145, 134-171, 134-327, 134-330, 134-561, 134-1576 and 134-1577 to Change the Reference from Building Official to Director of the Planning, Zoning and Building Department; Section 134-7 to Include Site Plan Review in Penalties for Violation; Sec. 134-235 to Not Allow Dimensional Waiver Approval If There Is Neighbor Objection; Section 134-326 to Provide Additional Requirements for Administrative Site Plan Review; Sections 134-416, 134-417, 134-418 and 134-419 to Provide Language That Allows Expansion of Nonconforming Multi-family and Commercial Buildings or Structures Provided it Does Not Make the Buildings or Structures More Nonconforming; Sections 134-446 by Modifying the Section Title and Clarifying That Residential Development and Redevelopment Is Required to Meet Density Requirements in the Town's Comprehensive Plan in Certain Situations; Section 134-888 by Expanding Accessory Commercial Uses Allowed for the Town Golf Course and Tennis Court Facilities; Sections 134-942, 134-997 and 134-1052 to Replace the Word "May" with "Shall" in Order to Require Site Plan Review in R-C, R-D(1) and R-D(2) Zoning Districts and Correct a Cross Reference; Sections 134-949, 134-1005, and 134-1061 to Eliminate the Reference to Cubic Content in the R-C, R-D(1) and R-D(2) Zoning Districts as That Term Does Not Apply in Those Zoning Districts; Section 134-1732 to Provide a Cross Reference to the Fee for a Temporary Storage Unit, Increase The Maximum Length of Time for Said Unit, Limit the Number of Times Allowed per Calendar Year and a Suspension Provision from this Regulation During a State of Emergency; Sections 134-2172, 134-2179 and 134-2237 to Change the Required Parking Stall Dimension And/or Drive Aisle Width to Be Consistent with Other Sections of the Code; Sections 134-2296 and 134-2329 by Eliminating the Specific Costs for Parking Permits and Providing a Reference to the Fee Schedule; Section 134-2409 to Correct Typographical Errors in the Residential Political Sign Section of the Code; Section 134-2446 to Create a Section to Include a Political Sign Provisions in the Commercial Zoning Districts; Section 134-1107 and 134-1109 to Permit Office Uses on the First Floor in the Two Hundred Block of Peruvian Avenue and Bradley Place in the C-TS Zoning District; Section 134-797, 134-847, 134-898, 134-953, 134-1009 and 134-1065 to Increase the Maximum Height of the Finished Floor from Grade and Require Building Permits to Fill and Raise the Grade of Property in the R-AA, R-A, R-B, R-C, R-D(1) and R-D(2) Residential Zoning District; Section 134-1733 by Creating Said Section for Regulations for the Screening of Existing and Future Dumpsters; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [John Page, Director of Planning, Zoning, and Building]

Town Attorney Randolph read Ordinance No. 26-10 by title, as printed above.

Council Member Diamond recused himself, as his wife owns property on Peruvian Avenue, and provided Form 8b to the Town Clerk's office, and left the dais.

Discussion occurred among the Town Council regarding use of office space on the first floor on the 200 block of Peruvian Avenue. Zoning Administrator Paul Castro provided input regarding his field inspection of the predominant use in the area.

Anita Seltzer, 44 Cocoanut Row, commented regarding the progression of Section 134-1107 and 134-1109, and stated that she remains concerned about the consequences of approving office use on the first floor. She submitted for the record the fact that the minutes for the last two meetings were not posted to the website and she also submitted the request for a Variance form.

Mayor McDonald commented that he agreed with Ms. Seltzer, the Chamber of Commerce, and the Planning and Zoning Commission. He stated that the Council did not need to substitute their judgment for the judgment of the business people in Town and their own zoning commission, because once control was given up, the Council could never get it back. He added that even though it inconvenienced people, it was more important to maintain control.

Discussion continued among the Council members, and Council Member Kleid indicated that the Council was very careful to carve out specific areas for first floor office use and that he was not concerned about any spillover effect, as the Council had considered it, and the 200 block of Peruvian and Bradley Place were predominantly office use, and did not lend itself to retail space. Mr. Castro indicated that over time, special exceptions and variances were requested, and all of them had been granted.

Town Attorney Randolph pointed out that the provision relating to the principle of equivalency in being able to return to retail space, was not in this particular Ordinance and if the Council wanted to consider those two items together in the same Ordinance, this portion could be postponed and included with a subsequent Ordinance.

President Rosow indicated that hearing consent from the Town Council, the two sections, 134-1107 and 134-1109, would be taken out of the second reading and next month the whole package would be brought back, which includes the principle of equivalency for parking.

Zoning Administrator Castro noted that it would not come back until February 2011.

President Rosow noted that it would be on the Planning and Zoning Commission's agenda for review in February 2011.

Motion made by President Pro Tem Coniglio to adopt Ordinance No. 26-10, excluding sections 134-1107 and 134-1109. Council Member Kleid seconded the motion. On roll call, the motion carried 4-0, with Council Member Diamond recused.

B. First Reading

None

IX. DEVELOPMENT REVIEWS

A. Appeals

B. Time Extensions and Waivers

1. Waiver of Section 42-199, Hours of Construction Work, at 221 Worth Avenue (Per Email Dated November 24, 2010, From James Paine).

Ex-parte communication was not declared by any members of the Town Council.

Attorney James Paine, on behalf of Burton Handelsman and Love LLC at 221 Worth Avenue, provided an overview of the request for a waiver of construction hours.

Planning, Zoning and Building Director Page stated that staff set forth a list of 11 conditions, which can be found on page 35 in the backup material, if approved by the Council.

Discussion by the Town Council addressed several of the following issues:

- If two and half feet of boards obstructed the sidewalk in front of the building, the passage on the sidewalk would be very narrow; it was in the middle of the block; Taboo Restaurant would be affected.
- Building Official Jeff Taylor stated that he spoke with Mr. Batten, and conveyed that no less than 32 inches would be allowed, in order to comply with the American Disabilities Act (ADA).
- There is no current tenant.
- The safety of pedestrians needed to be considered.
- Additional interior work would be necessary when a lease is signed with a tenant.

Motion made by Council Member Kleid, seconded by Council Member Diamond, to approve the Waiver of Section 42-199, Hours of Construction Work, at 221 Worth Avenue with the conditions set forth by staff, which would not go into effect until such time as a signed lease between the landlord and tenant is consummated.

President Pro Tem Coniglio said that her concern was that the timing of the construction work was unknown, which could cause conflicts with other issues in Town.

Town Attorney Randolph advised that the applicant was asking for work hours from a particular date to a particular date, which would not apply on the basis of Mr. Kleid's motion. He noted

that the motion could be floated to allow that particular time period from the date that the lease was signed.

The maker and seconder agreed.

Amended motion made by Council Member Kleid, seconded by Council Member Diamond, to approve the Waiver of Section 42-199, Hours of Construction Work, at 221 Worth Avenue with the conditions set forth by staff, which would not go into effect until such time as a signed lease between the landlord and tenant is consummated, within a three week period.

Planning, Zoning and Building Director Page noted that the most ideal time for anything in the way of noise or unusual activity was the early morning hours.

President Rosow noted that if they were limited from 5:00 a.m. to 9:00 a.m., it would take nine weeks to complete the project.

Zoning Administrator Castro indicated that historically, this has never been allowed during season.

Council Member Kleid indicated that this was a potential to put another store on Worth Avenue, and that the Council should be as pro business as possible.

Upon roll call, the motion failed 3-2.

President Rosow	No
President Pro Tem Coniglio	No
Council Member Diamond	Yes
Council Member Kleid	Yes
Council Member Wildrick	No

President Rosow indicated that, although the request was not approved today, it could be brought back next month for approval.

2. Waiver of Section 42-199, Hours of Construction Work, at 265 Sunset Avenue (Publix Supermarket) (Per Letter Dated November 23, 2010, From Maura Ziska).

This item was withdrawn per letter dated December 10, 2010, from Attorney Maura A. Ziska.

a. Presentation from Publix (Including Alternate Store Possibility).

Hank Porcher provided an update of the progress of a Publix temporary store. He said that he expected to have a decision from Publix relatively soon regarding the store.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business - Less than 15 Minutes

a. None

2. New Business - Less than 15 Minutes

- a. SITE PLAN REVIEW #11-2010 WITH VARIANCES The application of Trillion, Inc.; relative to property commonly known as 309 Worth Avenue; described as lengthy legal description on file; located in the C-WA Zoning District. The applicant is requesting a Site Plan Approval to permit modification to a 65.72 sq. ft. bird aviary. The variances required are as follows: to permit the bird aviary with a lot coverage of 76.67% in lieu of the 76.07% existing and 75% maximum permitted; to permit a rear setback of 0 feet in lieu of the 4.75 foot existing and the 10 foot minimum required.[Attorney: M. Timothy Hanlon] [ARCOM Recommendation: Approval of the variance will not cause negative architectural impacts. Carried 4-3. However, the Commission deferred the architecture for further study. Carried 7-0.]

Ex-parte communication was declared by:

- Council Member Diamond and President Rosow spoke with Attorney M. Timothy Hanlon, who advocated for the position of his client, and they looked at the site.
- President Pro Tem Coniglio had a brief conversation several months ago with Mr. Bob Moore.

Attorney Hanlon, on behalf of the applicant, Trillion, Inc., provided an overview of the request.

Zoning Administrator Castro provided staff's comments. Mr. Castro said that staff questioned the hardship for the variances.

President Pro Tem Coniglio noted that the Architectural Commission (ARCOM) approved the request, and clarified with Attorney Hanlon that the design would come back to ARCOM for architectural approval and the applicant was comfortable with that.

Zoning Administrator Castro said that there were no letters of objection received.

Motion made by Council Member Diamond that Site Plan Review #11-2010 with Variances be approved based upon the finding that the approval of the site plan would not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use had been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. President Pro Tem Coniglio seconded the motion. On roll call, the motion carried unanimously.

Motion made by Council Member Diamond that Site Plan Review #11-2010 with Variances, be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met. Council Member Kleid seconded the motion. On roll call, the motion carried unanimously.

b. SPECIAL EXCEPTION #21-2010 The application of Wells Fargo Bank, NA; relative to property commonly known as 255 South County Road; described as lengthy legal description on file; located in the C-TS/C-B Zoning Districts. The applicant is requesting a Special Exception to allow a new 10,794 square foot bank ("Wells Fargo Bank, NA") which merged with Wachovia Bank, NA to operate in its existing location. This requires Town Council Approval and a finding that the new bank is "town-serving". [Attorney: Maura A. Ziska]

President Rosow said that he was consolidating the discussion for Special Exceptions #21-2010, #22-2010, and #23-2010 (b, c, and d).

Ex-parte communication was declared by:

Council Member Diamond, Council Member Kleid, President Rosow, and President Pro Tem Coniglio spoke with Attorney Maura Ziska, who advocated for the position of her client, and all of the Town Council members were customers of Wachovia Bank. President Pro Tem Coniglio had a brief conversation with Brad Deflin, Council Member Wildrick said he was a customer of Wachovia Bank.

Zoning Administrator Castro provided staff's comments. Mr. Castro said that staff was recommending that if the request was approved for town serving that the Bank not be required to provide annual town serving documentation unless there was concern from the Town Council or staff that the Banks were no longer town serving individually.

President Pro Tem Coniglio clarified that there were no objections from neighbors and that she was in favor of eliminating the town serving documentation. She has a caveat that Special Exception #21-2010 remains under the Landmarks Preservation Commission's current conditions.

Responding to Mr. Castro question regarding Wachovia Bank's removal of their sign and whether or not a special exception would have to come back to the Council, President Pro Tem Coniglio noted that it would. Attorney Ziska added that the special exception was for the use of the Bank, but that there was no intention of the Bank doing that.

Motion made by President Pro Tem Coniglio that Special Exception No. 21-2010 shall be granted based upon the finding that such grant would not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code had been met, and that the current Landmark Preservation Commission's conditions would

1 **apply. Council Member Kleid seconded the motion. On roll call, the motion carried**
 2 **unanimously.**
 3

4
 5 c. SPECIAL EXCEPTION #22-2010 The application of Wells Fargo Bank, NA; relative to
property commonly known as 254 Sunrise Avenue; described as The North 100 feet of lots
60 through 65, of Sunrise Avenue Addition, No. 2, Town of Palm beach, according to the
Plat thereof recorded in Plat Book 8, Page 69, of the Public Records of Palm Beach County,
Florida; located in the C-TS Zoning Districts. The applicant is requesting a Special
Exception to allow a new 1,999 square foot bank ("Wells Fargo Bank, NA") which merged
with Wachovia Bank, NA to operate in its existing location. This requires Town Council
Approval and a finding that the new bank is "town-serving". [Attorney: Maura A. Ziska]

6
 7 *This item was discussed under Special Exception 21-2010 (above).*

8 **Motion made by President Pro Tem Coniglio that Special Exception No. 22-2010 shall be**
 9 **granted based upon the finding that such grant would not adversely affect the public**
 10 **interest and that the applicable criteria set forth in Section 134-229 of the Town Code had**
 11 **been met, and that the current Landmark Preservation Commission's conditions would**
 12 **apply. Council Member Diamond seconded the motion. On roll call, the motion carried**
 13 **unanimously.**
 14

15
 16 d. SPECIAL EXCEPTION #23-2010 The application of Wells Fargo Bank, NA; relative to
property commonly known as 411 South County Road; described as lengthy legal
description on file; located in the C-TS/C-WA Zoning Districts. The applicant is requesting
a Special Exception to allow a new 9,598 square foot bank (Wells Fargo Bank NA) which
merged with Wachovia Bank, NA to operate in its existing location. This requires Town
Council Approval and a finding that the new bank is "town-serving". [Attorney: Maura A.
Ziska]

17
 18 *This item was discussed under Special Exception 21-2010 (above).*

19 **Motion made by President Pro Tem Coniglio that Special Exception No. 23-2010 shall be**
 20 **granted based upon the finding that such grant would not adversely affect the public**
 21 **interest and that the applicable criteria set forth in Section 134-229 of the Town Code had**
 22 **been met, and that the current Landmark Preservation Commission's conditions would**
 23 **apply. Council Member Diamond seconded the motion. On roll call, the motion carried**
 24 **unanimously.**
 25

e. VARIANCE #23-2010 The application of Wells Fargo Bank, NA, Trustee of the 190 South
Ocean Land Trust (Llwyd Eccelstone); relative to property commonly known as 190 S.
Ocean Blvd.; described as lengthy legal description on file; located in the R-B Zoning
District. The applicant is requesting a Variance to allow construction of a sheet pile toe
wall approximately 18 feet east of the Town's bulkhead line which is not permitted in order

to protect the existing bulkhead. [Attorney: Raymond W. Royce]

Ex-parte communication was declared by Council Member Diamond, who spoke with the applicant and Attorney Raymond W. Royce. He said he received a campaign contribution from Llwyd Ecclestone. President Rosow noted that Ron Dixon represented him for his sea wall project.

Attorney Royce, on behalf of the applicant, provided an overview of the request.

Zoning Administrator Castro provided staff's comments.

Attorney Royce indicated that regarding Mr. Castro's comments regarding Florida Department of Environmental Protection's (FDEP) notice of local approval, they worked with FDEP and received a letter permitting the project.

Responding to President Rosow, Ron Dixon, Dixon and Associates Engineers of West Palm Beach, noted that they were only permitted by the FDEP to construct on the beach between November 1st through March 1st, which was during the season. He noted that the impact to the neighborhood would be very minimal.

Discussion occurred among the Town Council and Public Works Director Paul Brazil regarding access to the beach from Peruvian Avenue. Mr. Brazil explained the specific details of the approaches to the beach. The timing and coordination of the beach dune sand placement was addressed.

Motion made by President Pro Tem Coniglio that Variance #23-2010, be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met. Council Member Kleid seconded the motion. On roll call, the motion carried unanimously.

f. VARIANCE #24-2010 The application of Villa Artemis, LLC; relative to property commonly known as 656 North County Road; described as lengthy legal description on file; located in the R-AA Zoning District. The applicant is requesting a the following Variances: 1. To demolish more than 50% of a nonconforming guest house and rebuild it on the same foot print with a 20.4 foot north side yard setback in lieu of the 30 foot minimum required. 2. To allow a second guest house where only one guest house is permitted by code. [Attorney: Maura A. Ziska]

Ex-parte communication was declared by Council Member Diamond, Council Member Kleid, and President Rosow, who spoke with Attorney Ziska, who advocated the position of her client.

Zoning Administrator Castro provided staff's comments.

President Pro Tem Coniglio verified with Mr. Castro that there were no neighbor complaints, and that the project would go to ARCOM on Friday, if the variances were allowed.

Motion made by Council Member Diamond that Variance #24-2010, be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met. President Pro Tem Coniglio seconded the motion.

Mr. Castro mentioned that the applicant would be required to enter into Kitchen Agreements with the Town, basically stating that they could not rent them out, but were for guests or their help on the property.

Council Member Diamond said that he would include that under staff's conditions.

The seconder agreed.

Amended motion made by Council Member Diamond that Variance #24-2010, be granted and found, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 had been met, with the condition set forth by staff that the applicant enter into a Kitchen Agreement. President Pro Tem Coniglio seconded the motion. On roll call, the motion carried unanimously.

3. Old Business - More than 15 Minutes

None

4. New Business - More than 15 Minutes

None

D. Other

1. Demolition Approval Procedures; Establishment of "Special Meetings"; Recommendations From Landmarks Preservation Commission. [John Page, Director of Planning, Zoning, and Building]

Planning, Zoning and Building Director Page provided an overview of Demolition Approval Procedures; Establishment of "Special Meetings"; Recommendations from Landmarks Preservation Commission.

Town Attorney Randolph indicated that because there were people that wanted to have an attempt to address the demolition of the Breakers old Golf Building, there was a suggestion to have a special meeting to consider demolition requests, as there was nothing in the Code that allowed for the calling of a special meeting. It was being asked that the Code be amended to allow special meetings to be called. He added that a Notice Requirement was discussed the last

time that this was addressed, and that it would be clouding the title to a person's property if some other consideration was placed on it other than it was landmarked or under consideration for landmarking. It was discussed whether buildings that are included on a list of potential landmarks should be added to it.

Discussion occurred among the Town Council members, Historical Consultant Jane Day, and Town Attorney Randolph with several of the following issues that were addressed:

- A home that someone wants to demolish or put an addition on could not retroactively put under the Landmarks Preservation Commission, as it was required to follow a procedure, which could not be suddenly altered.
- Historical Consultant Day could be provided enough money to protect 90 properties within a timely manner, at which point there would be a hearing for that property owner.
- Occasionally, in the past, a chair person has been allowed to call a special meeting.
- Should two members be permitted to call a special meeting whether the chair wanted it or not?
- Town Attorney Randolph noted that the demolition section of the ARCOM Ordinance could be amended that states based upon the report presented, ARCOM has the right to refer this to Landmarks Preservation Commission for its opinion as to whether or not it should be demolished.

President Rosow noted that the Town Council did not want any property titles clouded by anything that happens in the next days, weeks, or months with Landmarks Preservation Commission. It was the consensus of the Town Council that there would not be jeopardy to the homeowners as a result of a list.

2. Proposed Comprehensive Plan and Zoning Text Amendments for a Proposal to Allow Nonconforming Buildings and Structures to be Rebuilt. [John Page, Director of Planning, Zoning, and Building]

Zoning Administrator Castro provided a background regarding the proposal to allow nonconforming buildings and structures to be rebuilt.

Alan Goldboro, chairman of the Planning and Zoning Commission, 2500 South Ocean Boulevard, noted that the Planning and Zoning Commission was asking to further study the issues of nonconforming buildings and structures to be rebuilt further.

President Rosow agreed that nonconforming buildings and structures to be rebuilt was extraordinarily complicated, and that it was the consensus of the Town Council that it should be studied thoroughly by the Planning and Zoning Commission and recommendations brought before the Town Council.

1
2 Zoning Administrator Castro added that staff would like to draft an ordinance about the concerns
3 and do further research with other municipalities.
4
5

6
7 X. ANY OTHER MATTERS
8

9
10 There were none.
11
12

13
14 XI. ADJOURNMENT
15

16
17 There being no further business, the December 15, 2010, Town Council meeting was adjourned
18 at 11:34 a.m.
19
20

21
22 APPROVED:
23
24

25
26 _____
27 David A. Rosow
28 Town Council President

29
30 ATTEST:
31
32

33
34 _____
35 Cheryl Somers
36 Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Consent Agenda

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of December 17, 2010.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated January 4, 2011, from John S. Page, Director of Planning, Zoning and Building
- Minutes of the Architectural Commission Meeting of December 17, 2010

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

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 17, 2010

Date: January 4, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of December 17, 2010.

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 17, 2010.

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
360 SOUTH COUNTY ROAD, PALM BEACH

FRIDAY, DECEMBER 17, 2010, 9:00 a.m.

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

I. CALL TO ORDER (9:00:32 a.m.)

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

II. ROLL CALL:

PRESENT: Jeffery W. Smith, Chairman
William J. Strawbridge, Jr., Vice Chairman
Leslie C. Diver, Member
Kenn Karakul, Member
Nikita Zukov, Member
Robert J. Vila, Member
Ann L. Vanneck, Alternate Member
Martin D. Gruss, Alternate Member
Peter I. C. Knowles II, Alternate Member

ABSENT: Samuel M. Boykin, Member (Excused)

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

III. PLEDGE OF ALLEGIANCE (9:01:09 a.m.)

IV. APPROVAL OF THE MINUTES FROM THE NOVEMBER 19, 2010

MEETING:

MOTION BY MS. DIVER FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

V. APPROVAL OF THE AGENDA : (9:01:45 a.m.)

MOTION BY MS. DIVER FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

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

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

VII. OTHER BUSINESS:

None

VIII. PROJECT REVIEW (9:02:16 a.m.)

A. MAJOR PROJECTS - OLD BUSINESS (9:02:21 a.m.)

B - 049 - 2010 Facade

Address: 225 Worth Avenue

Applicant: Retail Brand Alliance Inc.

Architect: Mark Dillenberg, NCARB

Project Description: Interior remodeling with Worth Avenue facade modifications

This project was heard at the October meeting, was deferred to the November meeting, and then deferred again at the November meeting to the December meeting at the request of the applicant.

Call for disclosure of ex parte communication : Mr. Vila made an ex parte declaration.

Architect Mark Dillenberg returned to ARCOM subsequent to the previous deferrals. He explained the changes made since the last meeting: Revised to be an all stone facade (unfilled Dominican coral stone to match existing); clay tile roof; reduced size of building signage (shiny brass block letters) ; added Brooks Brothers, in script, at bottom of six windows; abandoned backlit signage; added 12" stone edge where building meets sidewalk; and, retain awnings over windows.

Members were adamant that the stone (which they said was Florida keystone, not Dominican coral stone) must match on both the east and west facades of the building. The architect was advised to contact Eugene Lawrence, the original architect, to determine the exact stone type. Members did not like the proposed block lettering, preferring script instead.

MOTION BY MS. DIVER FOR APPROVAL OF THE PROJECT WITH THE USE OF MATCHING THE CURRENT MATERIALS USING THE

FLORIDA KEYSTONE, AND THAT THE (BUILDING) SIGNAGE BE RETAINED IN THE SAME SCRIPT FONT, BUT ALSO NOTING THAT SHINY BRASS IS ACCEPTABLE FOR THAT SIGNAGE.

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

B - 035 - 2010 New Commercial Building

Address: 2880 South Ocean Boulevard

Applicant: HOJO Partners, LLC

Architect: The Lawrence Group Architects

Project Description: A one-story office building with a combination of flat and pitched roofs and the demolition of the existing one-story building

At the September meeting, there was a motion for approval of the demolition with the typical provisions for sodding and irrigating. There was a second motion for deferral of the project to the October meeting for re-study. (It was clarified, for the applicant, that the commission would like to see a hint of Phase II and Phase III.) At the October meeting, the project was deferred for re-study (and the architect is to return with materials). At the November meeting, the project was deferred to the December meeting at the request of the architect. **Please be advised that the architect has withdrawn the project.**

**MOTION BY MS. DIVER TO WITHDRAW B-035-2010.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

B - 053 - 2010 New Single Family Residence

Address: 108 El Mirasol, Lot 7 & 8, El Mirasol

Applicant: Neeta and Anand Khubani

Architect: Roger Hansrote

Project Description: New two-story single family residence with 3 garages, 8 bedrooms, 9 baths, 2 half baths, breezeway, porte cochere and pool (13,869 square ft. air conditioned) Roof Material: Terra Cotta Barrel tile; CBS construction; Color-beige; Trim-cast stone; Shutters-beige (Rolladen)

After hearing the project at the October meeting, the project was deferred to the November meeting. At the November meeting, the project was deferred to December at the request of the attorney for the applicant.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Roger Hansrote, Architect of Record, Jeff Beer, Consulting Architect, and Adam Mills or Morgan Wheelock Inc., Landscape Architect, presented this project. It should be noted that a model was presented during the presentation. The design concept includes: Three buildings which are all connected (main house, guest house, and garage); hardscape using Olympic stone pearl and Chicago brick in a herringbone pattern; and, landscape screening of entire property using existing and new plant material.

Commission comments: Royal Palms cannot go in at full size; front door is too plain; west elevation – prefers previous presentation; prefer previous design of window in staircase, but with no balcony; east elevation – small balcony does not line up with anything – no reason for it, so eliminate it; do not like window in tower feature (prefers previous design); east elevation – inappropriate use of 3 over 3 windows; problem with proportion of arches – east elevation; west elevation – do not treat garage fenestration the same as main house fenestration; wrong proportion for stair tower window; east elevation – second floor bay window looks Colonial and out of place; you're pulling from too many styles; replace double balcony with single; north elevation – window proportions off; clay tile roof of porte cochere seems to float; chimneys are unusual – study for proportion; and, rhythm of fenestration is off.

MOTION BY MR. ZUKOV FOR DEFERRAL BASED UPON COMMENTS MADE TODAY.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B - 060 - 2010 Aviary

ARCOM TO MAKE RECOMMENDATION REGARDING VARIANCE

Address: 309 Worth Avenue

Applicant: Trillion Inc., Tatiana Van Zandt

Architect: The Lawrence Group

Project Description: Addition of 65.72 sq. ft. aviary to existing Trillion store

Variance: Variance for rear setback 0 ft. instead of 4.75 ft. existing and 10 ft. required and variance for lot coverage of 76.67% instead of 76.07% existing and 75% permitted

Please note that at the November meeting, there was a motion that implementation of the proposed variance will not cause negative architectural impacts to the subject property. That motion carried 4-3. There was a second motion for deferral of the architecture to the December meeting.

Please be advised that the architect has requested a deferral to the January meeting.

MOTION BY MS. DIVER FOR DEFERRAL TO JANUARY.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

B - 061 - 2010 Addition

Address: 1170 North Ocean Boulevard

Applicant: Jan and Tom Moloney

Architect: SKA Architects/Patrick W. Segraves

Project Description: Addition of sunroom at existing west terrace, new pool, new site walls, new roof over existing east terrace

Please note that after reviewing the project at the November meeting, the project was deferred to the December meeting. Please be advised that the architect has requested deferral to the January 2011 meeting.

MOTION BY MS. DIVER FOR DEFERRAL TO JANUARY.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

B. MAJOR PROJECTS - NEW BUSINESS: (9:42:26 a.m.)

B - 062- 2010 Renovations and new construction

Address: 656 North County Road

Applicant: Villa Artemis, LLC

Architect: Ferguson & Shamamian Architects, LLP

Project Description: Renovations and alterations of the existing 2 story single family residence, including raising the roof and parapet walls of the Northwest wing to match the height of the main block and reconfiguring a portion of the west facade and the adjacent exterior staircase. Renovations and alterations to the existing pool house. Construction of a new 1 story guesthouse. Renovations and alterations to the landscape and hardscape.

Call for disclosure of ex parte communication: Mr. Karakul and Mrs. Vanneck made ex parte declarations.

Attorney Maura Ziska reported that this project had received Town Council approval of two variances to allow the rebuilding of the pool house and to allow an additional guest house.

Architect Mark Ferguson presented this project, along with Mario Nievera, Landscape Architect. He explained that this will be a top to bottom modernization and restoration of a 1920 home since the house basically needs everything. In addition, the project includes some alterations to the existing structure and some new construction. Mr. Ferguson reviewed the site as well as existing and proposed elevations of all structures. As for landscape/hardscape, the gates will be restored; much of the existing plant material will be maintained; the hedge that follows North County Road will remain intact; the driveway will be lined with Cocconut Palms in staggering heights; and, new plant material , new gardens, pathways, and terraces are proposed. The building exterior is stucco along with molded plaster. The building color will remain white with turquoise trim to match existing. Impact glass will be used in the restoration.

Commission comments: Impressed beyond words; samples are lacking; west elevation staircase too austere for the house; great presentation; very sensitive to history of house; very authentic; commend the property owners for this undertaking; great project, but front door and ocean side of guesthouse a bit disappointing; and, this is the best pool in Palm Beach – magical; amazing that this is being preserved; the Landmarks Commission should look at this as a possible landmark after the restoration is completed.

**MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

Mr. Gruss felt it was important to treat all applicants the same with regard to requirements for samples. Chairman Smith and other members attempted to address these concerns and noted that the architect has stated that the materials will match existing.

At this point, there was a short recess from 10:15 a.m. to 10:22 a.m.

B -065 - 2010 Addition

***ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE
REQUEST***

Address: 221 Ocean Terrace

Applicant: Robert and Hellen Ficalora

Architect: MP Design & Architecture, Inc.

A one & two story addition consisting of a master suite, guest bedroom/office with bath and enlarging the dining room and family room

Call for disclosure of ex parte communication: Several members made ex parte declarations.

A variance to allow a point of measurement of 10.97 feet National Geodetical Vertical Datum mean sea level ("NGVD") for cubic content ratio in lieu of the 8.63 feet NGVD maximum allowed to construct a 510 square foot one story addition and a 1,342 square foot second story addition. The allowable cubic content ratio ("CCR") for the lot is 3.98. If this calculation is taken from the Town's point of measurement, which is 18 inches above the road, the proposed CCR would be 4.15.

Attorney Maura Ziska, Michael Perry of MPDesign and Architecture, and Darryl McCann, Landscape Architect, were present on behalf of this project. Ms. Ziska reported that this project had been approved a year ago by ARCOM and the Town Council, for variance, but those approvals had just expired. The project is exactly the same as had been previously approved. The commission felt that they were very familiar with this project and required no further presentation. Mrs. Vanneck stated that she had voted against the project last year, so she voted similarly today.

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

**MOTION BY MR. ZUKOV THAT IMPLEMENTATION OF THE
PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE
ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY, NOTING
THAT THE TOWN COUNCIL HAD PREVIOUSLY APPROVED THE
VARIANCE.**

**MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.**

B - 066 - 2010 Demolition and New Residence

Address: 1240 North Ocean Boulevard

Applicant: Mr. and Mrs. Matt Smith

Architect: MP Design & Architecture, Inc.

Project Description: Demolition of existing residence; New two story shingle style residence, pool, hardscape and landscape; exterior renovation to existing cabana.

Let the record show that Mr. Smith declared a Conflict of Interest with regard to this project. Voting Conflict form on file. He passed the gavel to Mr. Strawbridge.

Please note that the applicant submitted a request for deferral yesterday.

MOTION BY MS. DIVER FOR DEFERRAL TO JANUARY.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B - 067 - 2010 New residence

Address 212 Nightingale Trail

Applicant: Robmar Realty, LLC

Architect: MP Design & Architecture, Inc.

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

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Mr. Perry explained that the two one-story portions of the home are on the east and west sides with the two story portion in the center. It will be a Bermuda style white stucco home with hunter green shutters, white flat tile roof, double hung windows, Chippendale railings, and a single 18 ft. garage door designed to look like two doors. Keith Williams with Mario Nievera Design Inc. outlined the plant material which will be retained, as well as new material to be added. He described the landscape design as a loose, tropical, informal landscape with a 35' x 14' pool bordered in coral. The driveway will have a salvaged brick border with random coral inlay. A garden gate is planned on axis with the front door, but it has not been designed yet.

Commission comments: Object to 18 ft. wide garage door, especially in the front of the house – make it two doors, or do something else; rear of home – second story addition is supported by columns which are too spindly; make windows match in width; do not like all glass front door with sidelights; likes the garage door as presented to encourage parking cars in the garage; issues with fenestration on north and south elevations; object to shutters on second floor window, front elevation; likes the shutters on the second floor window; do a natural wood door or painted plank door; looking for uniformity in shutters; odd to see double set of columns under balcony on south elevation; decorative water table feature might be nice; second floor gable end seems thin.

**MOTION BY MR. STRAWBRIDGE FOR DEFERRAL TO JANUARY.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

B - 068 - 2010 Landscape/Hardscape

Address: 225 Nightingale Trail

Applicant: Michael Lospinuso

Architect: Mario Nievera

Project Description: Proposed final hardscape and landscape designs

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Keith Williams of Mario Nievera Design Inc. explained that this is the third time the commission has seen this plan, as a result of advertising requirements, etc. Mr. Williams gave a brief review of the plan outlining the landscape material, including high ficus hedges around the perimeter, a palm alley lining the driveway; a brick driveway with brick border and a grass border inlay; a central entrance on axis with the front door; a pool with brick coping, a Dominican coral terrace, and brick walkways.

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

B - 069 - 2010 Covered Parking

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE REQUEST

Address: 240 North County Road

Applicant: French Villas Association, Inc.

Architect: Michael J. Miller, Miller Land Surveying

Project Description: Add 200 sq. ft. of covered parking area in a pre-existing parking lot

A variance to add 360 square feet of covered parking with a rear setback of 2.4 feet in lieu of 10.4 existing which is less than the 15 ft. required; A variance to add 200 sq. ft. of covered parking which would increase lot coverage from 32.13% existing to 32.75% in lieu of 30% required.

Call for disclosure of ex parte communication: None

Attorney Peter Broberg explained that this project, requiring variances for lot coverage and setback, would allow all residents at the French Villas to have covered parking. The spaces would be covered with the same green vinyl covering to match existing. Mr. Lindgren read an e-mail dated December 14, 2010 from Alvin Fertel, 220 Atlantic Avenue, Apt. 1, in which he registered his opposition to this project.

MOTION BY MR. ZUKOV THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

**MOTION SECONDED BY MS. DIVER.
MOTION CARRIED 6-1, WITH MR. STRAWBRIDGE OPPOSED.**

MOTION BY MR. ZUKOV TO APPROVE THE ARCHITECTURE WITH THE PROVISIO THAT THE HEDGE BE MAINTAINED AT LEAST AT 10 FEET.

**MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

B - 070 - 2010 Exterior modifications

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE

Address: 150 Worth Avenue

Architect: Jerome Baumohl, AIA, NCARB

Project Description: Ground level exterior modifications shall include the addition of individual retail tenant signage to be mounted along the existing covered walkway's North facade. All new signage will be pin mounted, matte black finish metal lettering with font/copy to be provided by existing retail tenants. For Suite 107 (Louis Vuitton), we propose to modify the center arched opening to accommodate the proposed new signage, incorporating existing architectural reveals with finish to match existing. For Suite 109 (Pucci), Suite 111 (Christoffle) and Suite 113 (Vilebrequin), we propose lowering the existing openings approximately 20" to align with existing architectural reveal with finish to match existing. For Suites 115A (Lacoste), Suite 125 (Tory Burch), and Suite 131 (Gucci), we propose to mount the signage to the existing building and with no modifications. Second level exterior modifications shall be for Suite 235 (Vacant) and include the replacement of three (3) existing faux French doors with new casement windows with finish to match existing. We are proposing the addition of two (2) new casement windows centered on existing empty arched openings at existing veranda to balance and match existing adjacent casement windows.

A variance is requested to allow signs to be erected within the right-of-way of Worth Avenue which is not permitted by Code; A variance is requested to allow an exceedence of allowable sign area for Gucci. All of Gucci's signs will total 28.92 square feet, while the Code allows a maximum of 20 square feet

Call for disclosure of ex parte communication: None

Architect Jerome Baumohl corrected the signage for Gucci to be 23.03 square feet rather than the 28.92 square feet stated above.

He explained that this proposal is in conjunction with the improvements which have been done to Worth Avenue. He reviewed the project as outlined in detail above. It should be noted that the tenant signage, as proposed for the building facade, will be 10" in height in each case.

Members who voiced an opinion were unanimous in their dislike of the proposed signage: The building is going in the wrong direction by adding that signage on the facade; it is not an enhancement; it detracts and hides building details; the Esplanade should be in keeping with Palm Beach; completely opposed.

MOTION BY MR. VILA TO DENY THE SIGNAGE AND APPROVE THE FRENCH DOORS OR CASEMENTS TO LOOK LIKE FRENCH DOORS.

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

MOTION BY MR. VILA THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

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

B - 071 - 2010 Gates

Address: 770 South County Road
Applicant: 770 South County Road, L.P.
Architect: John Lang, Lang Design Group
Project Description: Refinements to previously approved gates

Call for disclosure of ex parte communication: Mrs. Vanneck made an ex parte declaration.

Landscape Architect John Lang presented this request. He explained that when the project was originally approved, it was approved with generic gates. Today, he brought forth new gate designs for the main entrance and the service entrances. The main gate is sited 60 feet back from the road. The service gates are not visible from the street. The main gate design mimics some of the metalwork at the main entrance of the house. It is a wrought aluminum gate with an open design using small pieces of Venetian glass. The three service gates are cypress stained and tinted simple wood gates. There are a total of four gates using two gate designs.

**MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MS. DIVER.
MOTION CARRIED UNANIMOUSLY.**

B - 072 - 2010 Additions

Address: 333 Pendleton Lane
Applicant: Alison Beimler
Architect: SKA Architect & Planner, Patrick W. Segraves, AIA
Project Description: Addition of breakfast room in rear of home, two story addition at northeast corner of home to include Florida room on first floor and sitting room and master bath on second floor

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Pat Segraves presented this project. He explained that all of the perimeter landscaping at the site will remain, and described the additions as listed above. New windows and doors will be painted mahogany. The home will be re-painted and re-roofed. Wooden shutters will be cleaned and painted. A change in roof tiles is proposed from white concrete tiles to grey concrete tiles. Shutters, window trim and rafter tails will be antique white, while the body of the house will be taupe. Items such as unsightly conduits and window air conditioning units will be cleaned up. In the rear, at the new addition, three pairs of French doors, with horizontal mullions are proposed with a glass panel between them, and with casement windows above.

Commission comments: Concern about roof drainage; try to recreate an old sleeping porch at the rear second story by adding a railing or columns; changes are fine as seen from the streetview.

**MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

C. **MINOR PROJECTS - OLD BUSINESS**

A - 009 - 2010 Balustrade & site wall

Address: 300 Dunbar Road

Applicant: Dean O'Hare c/o M.Timothy Hanlon

Architect: T & L Architecture Inc.

Project Description: Addition of ornamental balustrade on top of existing parapet. Also, addition of new site wall at entry points of driveway, replace existing site wall at pool and related landscaping

Please note that at the July meeting, there was a motion for approval of the project, with the proviso that the two piers be added as recommended, that there is a solid wall by the swimming pool area, and, that the applicant returns with details of the design of the front door. Please note that at the August meeting, the architect requested deferral of the front door design to the September meeting, and a motion was made to that effect. At the September meeting, there was a motion for deferral to the October meeting at the request of the applicant. At the October meeting, after hearing the project, the project was deferred to the November meeting. At the November meeting, the project was deferred to December at the request of the architect.

Call for disclosure of ex parte communication: None

Architect Steve Tresize returned to the commission with a simplified front door design.

**MOTION BY MR. STRAWBRIDGE FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

(Let the record show that Ms. Diver had left the meeting, so Mr. Gruss voted in her stead for this project and for the remainder of the meeting.)

D. MINOR PROJECTS - NEW BUSINESS (11:31:51 a.m.)

A - 010 - 2010 Roof Change

Address: 410 North Lake Way

Applicant: Bray Childrens Trust

Architect: MP Design & Architecture, Inc.

Project Description: Change existing roof material from asphalt shingle to standing seam metal. Change existing covered loggia roof to open pergola.

Call for disclosure of ex parte communication: Several members made ex parte declarations

Michael Perry of MP Design & Architecture, Inc. presented this project as described above. He presented a sample of the roof material proposed, a grey standing seam metal. A color change for the home is proposed, changing it to pale yellow or white. The project includes some fenestration changes as described by Mr. Perry.

Commission comments: From the road, you can't see the house, and from the Lake Trail, you can only see the roof; look at a different roof material...the standing seam grey metal will not enhance the house, especially if the house is yellow; shingle or shake roof would be better; standing seam metal roofs are not appropriate for Palm Beach; the roof is fine...innovative and a bit different.

MOTION BY MR. VILA TO DEFER THE PROJECT AND URGE THE APPLICANT TO CONSIDER A WOOD SHAKE AS A ROOF MATERIAL.

MOTION SECONDED BY MR. STRAWBRIDGE.

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

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE) (11:40:27 a.m.) None

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

Mr. Page reported that there is a conflict with the November 2011 ARCOM meeting date. The November ARCOM meeting is typically the 3rd Friday of the month. Staff will work this out with the Town Manager's Office and report to the commission next month.

XI. ADJOURNMENT:

MOTION BY MR. STRAWBRIDGE TO ADJOURN AT 11:50 A.M.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, January 26, 2011 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Jeffery W. Smith, Chairman
ARCHITECTURAL COMMISSION

cmd

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 3-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation of the Historic or Specimen Trees From Properties Located Within the Town of Palm Beach; Adding Newly Designated Historic or Speciment Trees; Providing for the Recording of Said Designations; and Providing that a Copy of this Resolution be Recorded in the Public Records of Palm Beach County, Florida.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated December 27, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 3-11
- Letter dated December 22, 2010, to Mr. & Mrs. Debrule.
- Letter dated August 19, 2010, from Robert G. Haehle.

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Ewell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Historic/Specimen Tree Designation at 167 Seabreeze Avenue
Resolution No. 3-11

Date: December 27, 2010

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 3-11 to authorize changes in historic or specimen tree designations for the subject property.

GENERAL INFORMATION

Mrs. Ann Blades, who is associated with the Garden Club of Palm Beach, recommended this possible new tree designation. Mrs. Blades feels that the Royal Poinciana tree on the southwest corner of 167 Seabreeze Avenue would be a worthy addition to the Town's historic and specimen tree list. This tree was visited by the Town's horticultural consultant and Parks Supervisor who both concur with Mrs. Blades.

The required notification letter was sent to the owners, per the ordinance requirement. Subject to Town Council approval, the Royal Poinciana tree will be added to the Town's historic/specimen tree list. This change will be recorded in the official records of Palm Beach County.

TOWN ATTORNEY REVIEW

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

HPB:nb

Attachments

cc: John Page, Director of Planning, Zoning & Building
Eric B. Brown, Assistant Director of Public Works
Ed Armstrong, Parks/Streets Supervisor
Rob Walton, Chief Code Compliance Officer
Cindy Hoyt, President, Garden Club of Palm Beach
Ann Blades, Garden Club of Palm Beach

RESOLUTION NO. 3-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE DESIGNATION OF HISTORIC OR SPECIMEN TREES FROM PROPERTIES LOCATED WITHIN THE TOWN OF PALM BEACH; ADDING NEWLY DESIGNATED HISTORIC OR SPECIMEN TREES; PROVIDING FOR THE RECORDING OF SAID DESIGNATIONS; AND PROVIDING THAT A COPY OF THIS RESOLUTION BE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

* * * * *

WHEREAS, pursuant to Section 126-57 and Section 126-59 of the Town Code of Ordinances relating to preservation of historic and specimen trees, procedures are outlined for the designation, de-designation and annual inspection of certain trees as historic or specimen trees; and

WHEREAS, the Town Council of the Town of Palm Beach has undertaken the procedures required to designate the tree located on property within the Town as historic or specimen tree; and

WHEREAS, the Town Council of the Town of Palm Beach desires to record said designation in the public records of Palm Beach County, Florida, pursuant to the terms of said ordinance.

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

Section 1. Trees designated as historic or specimen shall be ADDED to the following described properties:

<u>PCN/Legal</u>	<u>Location</u>	<u>Count</u>	<u>Common Name</u>	<u>Botanical Name</u>
50-43-43-22-06-000-1600	167 Seabreeze	1	Royal Poinciana	Delonix Regia
POINCIANA PARK LTS 160, 162, 164, 166, 168, 170				

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 11th day of January, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

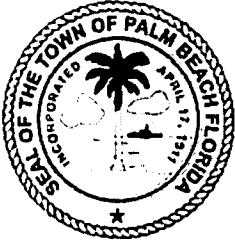
William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member



TOWN OF PALM BEACH

Office of the Town Manager

December 22, 2010

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. and Mrs. William Debrule
167 Seabreeze Avenue
Palm Beach, FL 33480

SUBJECT: Possible Historic/Specimen Tree Designation

Dear Mr. and Mrs. Debrule:

This is to inform you that the Royal Poinciana tree located on the SW corner of your property at 167 Seabreeze Avenue has been determined to be a worthy addition to the Town's Historic and Specimen Tree list. This recommendation was made by Ann Blades of the Palm Beach Garden Club based on her opinion that it is a very beautiful, well-maintained tree of specimen quality. The Town's horticulturist, Robert Hachle, and Parks Supervisor, Ed Armstrong, also viewed the tree and thoroughly concur.

Per the Town's Code of Ordinance No. 126-57 (attached), the necessary resolutions for designating the tree will be on the Town Council Agenda for the January 11, 2011, meeting. You are invited to attend that Town Council meeting to raise any concerns or share any opinions pertaining to this designation. If the resolution passes, it will be recorded in the public records of Palm Beach County. This recording ensures that purchasers of property on which historic/specimen trees are located are made aware of this designation so that this significant heritage will be preserved.

If you have any questions, please contact me (838-5410) or Ed Armstrong (838-5444) prior to January 11.

Sincerely,

Peter B. Elwell
Town Manager

PB:ems

cc: Mayor and Town Council
H. Paul Brazil, P.E., Director of Public Works
Eric B. Brown, P.E., Assistant Director of Public Works
Ed Armstrong, Parks/Streets Supervisor
Cynthia Hoyt, Garden Club President
Ann Blades, Garden Club of Palm Beach

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Historic trees and *specimen trees* are defined as follows:

(1) *Historic tree* means a tree that has been determined in the judgment of the town manager, in conjunction with the town manager's designee and a representative of the garden club of Palm Beach, to be of notable public interest because of its historic association and has been so designated by action of the town council.

(2) *Specimen tree* means a tree that has been determined in the judgment of the town manager, in conjunction with the town manager's designee and a representative of the garden club of Palm Beach, to be of high value because of its type, size, age or other professional criteria, and has been so designated by action of the town council.

(Code 1982, § 23-14)

Cross references: Definitions generally, § 1-2.

Sec. 126-57. Procedure for designation.

The designation of certain trees as historic or specimen trees shall require the following procedure by the town council:

(1) The town manager shall notify the owner of the land upon which the tree is located, by certified or registered mail, that the town council will consider such designation at its next regularly scheduled meeting, such notice being mailed not less than 20 days prior to the meeting date.

(2) The town council will hear the reasons for designation, and any objections thereto; thereafter it will make its designations, which will be promulgated as part of the official records of the town. In addition, the town shall prepare and shall record in the public records of the county an official document reflecting the designation of the historic or specimen tree, which document shall be recorded against the land upon which the tree is located.

(3) Within 14 days after the designation of historic or specimen trees, the town manager shall notify the owner of the land upon which the tree is located, who shall be furnished with a copy of the official action, by certified or registered mail, at the last known address of the owner of the property involved.

(Code 1982, § 23-15)

Sec. 126-58. Damaging, destroying without permission, trimming without permission.

(a) *Prohibited; penalties; replacement required.* No person shall, directly or indirectly, cut down, remove or move, or effectively destroy through damage any historic or specimen tree except after written permission duly obtained by application to and after a hearing before the town council. In addition, no person shall trim any historic or specimen tree without first receiving the written permission of the town manager, a person found guilty of a violation of this section shall be penalized pursuant to section 1-14 and shall be subject to mandatory injunctive relief in a civil proceeding and/or subject to the jurisdiction of the code enforcement board. Additionally, any person found guilty of a violation of this section shall be required to replace the tree that has been damaged, removed or materially altered in character through illegal trimming with, to the extent possible, two trees of a size and kind to be determined by the town manager, or the town manager's designee. One of the two replacement trees shall be planted in the same



Landscape Consultant

Robert G. Haehle

4707 NW 49th Drive, Tamarac, Florida 33319-3644
954-735-2022.....rhachle@hotmail.com

August 19, 2010

Ed Armstrong
Town of Palm Beach Public Works Department
951 Old Okeechobee Road
West Palm Beach, Fl. 33401

Possible Addition to the Historic/Specimen Tree List

Ann Blades of the Palm Beach Garden Club recommended a Royal Poinciana located at the northeast corner of Sea Breeze and South County Road for possible inclusion in our tree list. She did not know who owns the property. She sent me photos of the tree.

We drove by the tree on our tree survey and it is beautiful and would be a good addition to the list.

Robert Haehle
Landscape Consultant
4707 NW 49th Drive
Tamarac, Fl. 33319-3644

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 4-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mathews Consulting, Inc., in the Amount of \$36,028 for the A-39 and A-41 Sanitary Pump Stations Improvements, Establishing a Design and Bid Phase Budget of \$40,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete This Phase of Said Improvements.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated December 27, 2010, from H. Paul Brazil, Director of Public Works.
- Resolution No. 4-11
- Final Proposal from Mathews Consulting, Inc.
- Billing Rate Schedule

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Award of Contract for Design and Bid Services and Construction Documents for the
A-39 and A-41 Sanitary Pump Stations Improvements Project in the Accelerated Capital
Improvement Program
Resolution No. 4-11

Date: December 27, 2010

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 4-11 authorizing the award of the A-39 and A-41 Sanitary Pump Stations Improvements Design and Construction Documents contract in the amount of \$36,028 to Mathews Consulting, Inc., and establishing a design and bid phase budget of \$40,000.

GENERAL INFORMATION

Contained within the Accelerated Capital Improvement Program is the design and construction of improvements to A-39 and A-41 Sanitary Pump Stations. The work will consist of designs for replacement of the pump, motor and control systems, wet well renovations and other minor improvements. These stations are located at 2171 and 2500 So. Ocean Boulevard.

We have negotiated a Design and Construction Documents contract with Mathews Consulting, Inc., in the amount of \$36,028. Staff also recommends a project contingency of \$3,972, resulting in a total estimated amount of \$40,000.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

The Purchasing Department has reviewed the information provided and has approved the content and supporting documentation.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
Eric Brown, Assistant Director of Public Works
Doug Terry, Water Resources Division Manager
Lynda Venne, Purchasing Agent

RESOLUTION NO. 4 -11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO MATHEWS CONSULTING, INC., IN THE AMOUNT OF \$36,028 FOR THE A-39 AND A-41 SANITARY PUMP STATIONS IMPROVEMENTS, ESTABLISHING A DESIGN AND BID PHASE BUDGET OF \$40,000 FOR SAID IMPROVEMENTS, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE THIS PHASE OF SAID IMPROVEMENTS.

* * * * *

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

Section 1. The A-39 and A-41 Sanitary Pump Stations Improvements Design and Bid Phase contract is hereby awarded to Mathews Consulting, Inc. for their proposal amount of \$36,028, with a total design and bid phase budget of \$40,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for design and construction document services with Mathews Consulting, Inc.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the design and construction documents for the A-39 and A-41 Sanitary Pump Stations Improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 11th day of January, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

Town of Palm Beach
Proposal No. 5 – Mathews Consulting, Inc. (MC)
December 13, 2010

Lift Station Rehabilitation (LS A-39 and LS A-41)

Background

The Town of Palm Beach (TOWN) owns and operates a wastewater collection system which serves the Town's service area. Two of the wastewater lift stations, LS A-39 and LS A-41, are in need of rehabilitation in order to maintain acceptable levels of service and operation performance. Mathews Consulting (CONSULTANT) has been selected to provide design, bidding and construction administration services for the lift station rehabilitation project.

The project will include the following rehabilitation items at each pump station:

LS A-39 Scope of Work

- Replace air handler and ductwork located in upper level equipment room which ventilates pump room.
- Replace main floor hatch with new aluminum hatch.
- Replace Pumps #1 and #2 with new direct-drive pumps & motors, 750 gpm @ 75 feet TDH, 30 Hp.
- Replace existing air compressors and motors with new units. Does not include replacement of main air tank.
- Replace wetwell concrete stairs with new aluminum stairs.
- Provide structural repair of building concrete spalling in equipment room and in wetwell.
- Block up one (1) window and one (1) door opening with CMU. Finish with stucco and paint.
- Replace existing automatic transfer switch with a new switch.
- Include a bid pay item allowance of \$6,000 for the following electrical work:
 - Replace conduit and wire from FPL to electrical vault
 - Replace existing conduit and wire from Multitrode to wet well and add an additional 1-1/2" Sch. 80 PVC conduit.
 - Replace all switch receptacles and cover plates inside the building.
 - Replace all conduit, boxes and light fixtures in the wet well.
 - Replace all interior light fixtures.

- Replace 1-1/2" pump conduit with new 2" Sch. 80 PVC.

LS A-41 Scope of Work

- Replace air handler and ductwork located in upper level equipment room which ventilates pump room.
- Replace Pumps #1 and #3 with new direct-drive pumps & motors, 530 gpm @ 81 feet TDH, 25 Hp.
- Replace main floor hatch with new aluminum hatch.
- Replace wetwell concrete stairs with new aluminum stairs.
- Provide structural repair of building concrete spalling in equipment room and in wetwell.
- Repair and seal holes in floor upon removal of shaft drive pump motors.
- Provide new Sprayroq "Spraywall" coating to wetwell.
- Remove existing asphalt sidewalk around building and provide new concrete sidewalk.
- Replace corroded water service on exterior of building.
- Include a bid pay item allowance of \$5,000 for the following electrical work:
 - Replace existing conduit and wire from Multitrode to wet well and add an additional 1-1/2" Sch. 80 PVC conduit.
 - Replace all switch receptacles and cover plates inside the building.
 - Replace switch receptacles, exterior lights and boxes.
 - Replace all conduit, boxes and light fixtures in the wet well.
 - Replace all interior light fixtures.
 - Add a light on the West and South sides of the generator
 - Replace 1-1/2" pump conduit with new 2" Sch. 80 PVC.

Scope of Services

Engineering services for the lift station rehabilitation work include final design and bidding services. Construction administration services shall be authorized under separate service authorization. Certain assumptions have been made in preparing this scope of services. To the extent possible, they are stated herein and are reflected in the budget estimates included in this scope of services.

The Scope of Services consists of the following Phases:

- Final Design
- Bidding

Phase 1 Final Design

Item 1.1 Construction Documents

CONSULTANT shall prepare contract drawings and technical specifications for the civil, mechanical, structural and electrical rehabilitation items. Contract drawings shall include: cover sheet, general notes, plan/section drawings, and miscellaneous detail sheets. CONSULTANT shall prepare the engineering design drawings in AutoCAD release 2009 format. Contract documents shall include: “front-end” documents and technical specifications in MS Word format.

Drawings and specifications (three copies) shall be submitted for TOWN review at 50%, 90%, and 100% (bid documents) stages. CONSULTANT shall meet with the TOWN to discuss comments, and incorporate comments into final documents.

Item 1.2 Construction Cost Opinion

Preparation of construction cost opinion at the 50%, 90% and 100% design stages. The construction cost opinion shall reflect changes in general scope, extent or character of design requirements incorporated during the various design review stages.

Item 1.3 Meetings

CONSULTANT shall attend one (1) kick-off meeting and two (2) design meetings with the TOWN and provide summary of the issues discussed.

Phase 2 Bidding

Item 2.1 Bid Advertisement

CONSULTANT shall assist TOWN in obtaining bids or negotiating proposals for construction (including materials, equipment and labor). It is anticipated that work shall be awarded under a single construction contract. CONSULTANT shall provide ten (10) sets of bid documents (Drawings shall be full size 22” x 34”) and one (1) set in PDF format for bidding.

Item 2.2 Pre-Bid Conference

CONSULTANT shall prepare agenda and conduct a pre-bid conference with interested potential bidders and TOWN staff. CONSULTANT shall provide a written summary of issues discussed.

Item 2.3 Bid Clarification

CONSULTANT shall issue addenda and shall provide supplemental information or clarification, as appropriate, to interpret, clarify, or expand the bidding documents to all prospective bidders during the bid period.

Item 2.4 Contract Award

CONSULTANT shall assist TOWN in evaluating bids and proposals, and in assembling and awarding contract for construction. CONSULTANT shall submit to TOWN written recommendation concerning contract award.

Assumptions

Work described herein is based upon the assumptions listed below. If conditions differ from those assumed in a manner that will affect schedule of Scope of Work, CONSULTANT shall advise TOWN in writing of the magnitude of the required adjustments. Changes in completion schedule or compensation to CONSULTANT will be negotiated with TOWN. Services to be provided by the TOWN and other related key assumptions include:

1. TOWN will provide CONSULTANT record drawings of all available existing facilities and proposed facilities, which shall serve as the basis of design in this project. The information will be provided to CONSULTANT within 5 calendars of NTP.
2. Since the lift capacity is not changing, the work is considered to be “maintenance” in nature and thus does not require a permit from the Palm Beach County Health Department. The Contractor will be required to obtain all necessary Building Department Permits for the project.
3. It is assumed that no survey, geotechnical, or underground locating services are required for this project.
4. TOWN will provide front-end documents and the CONSULTANT will provide their technical specifications on computer disk (latest version of WORD).
5. TOWN will be responsible for preparation of any descriptions, sketches and acquisition of easements (including temporary construction easements) that may be required. CONSULTANT will identify the location and dimensions of any easements or temporary construction easements required for use of the TOWN to prepare the easement descriptions and deeds.

6. The Contract Documents will be prepared as one single bidding contract. No pre-purchase of materials and/or equipment is presumed. Re-bidding of the project is considered an Additional Services item not currently included in this Scope of Work.
7. The design is to be based on the federal, state and local codes and standards in effect at the beginning of the project. Revisions required for compliance with any subsequent changes to those regulations is considered an Additional Services Item not currently included in this Scope of Work.
8. CONSULTANT assumes that there are no contaminated soils or groundwater in the project area.
9. Contractor will be required to secure any NPDES permits and dewatering permits.

Deliverables

WORK ITEMS	DELIVERABLES	QUANTITY
Client Workshops/ Meetings	Review Notes/Comments	1 – Set per Meeting
Construction Documents	50% Drawings & Specs	3 – Sets (22" x 34")
	90% Drawings & Specs	3 – Sets (22" x 34")
	100% (Bid) Drawings & Specs	3 – Sets (22" x 34")
Bidding	Bid Sets	10 – Sets (22" x 34")

Project Schedule

The duration and completion times of all tasks are as indicated in the project schedule shown in Attachment "A".

Compensation for Services

Compensation by the TOWN to CONSULTANT for the services described in this Proposal will be in accordance with the Hourly Rate Fee method of payment with a Not-to-Exceed upper limit. The Not-to-Exceed amount of \$36,028.00 (refer to Attachment B for detailed break-down) is comprised of the following:

<u>Engineering Services</u>	<u>Estimated Fees</u>
Phase 1 – Final Design	\$ 30,612.00
Phase 2– Bidding	\$ 3,416.00
Reimbursable Expenses	<u>\$ 2,000.00</u>
TOTAL PROJECT COST	\$ 36,028.00

Additional Provisions

- The services described herein will be provided in accordance with the current generally accepted standards of the engineering profession. Reasonable material changes between work tasks, or level of effort actually required and those budgeted, may serve as a basis for modifying this scope and budget, as mutually agreed to between CONSULTANT and the TOWN.
- CONSULTANT is entitled to rely upon the accuracy of historical and existing data and information provided by the TOWN and others without independent review and verification. CONSULTANT is not responsible for the means, methods, sequences, techniques or procedures of TOWN and vendor operations or for safety precautions and programs.
- Any Opinion of the Construction Cost prepared by CONSULTANT represents its judgment as a design professional and is supplied for the general guidance of TOWN. Since CONSULTANT has no control over the cost of labor and material, or over competitive bidding or market conditions, CONSULTANT does not guarantee the accuracy of such opinions as compared to contractor bids or actual costs to the TOWN. CONSULTANT shall retain all ownership rights in information transmitted electronically.



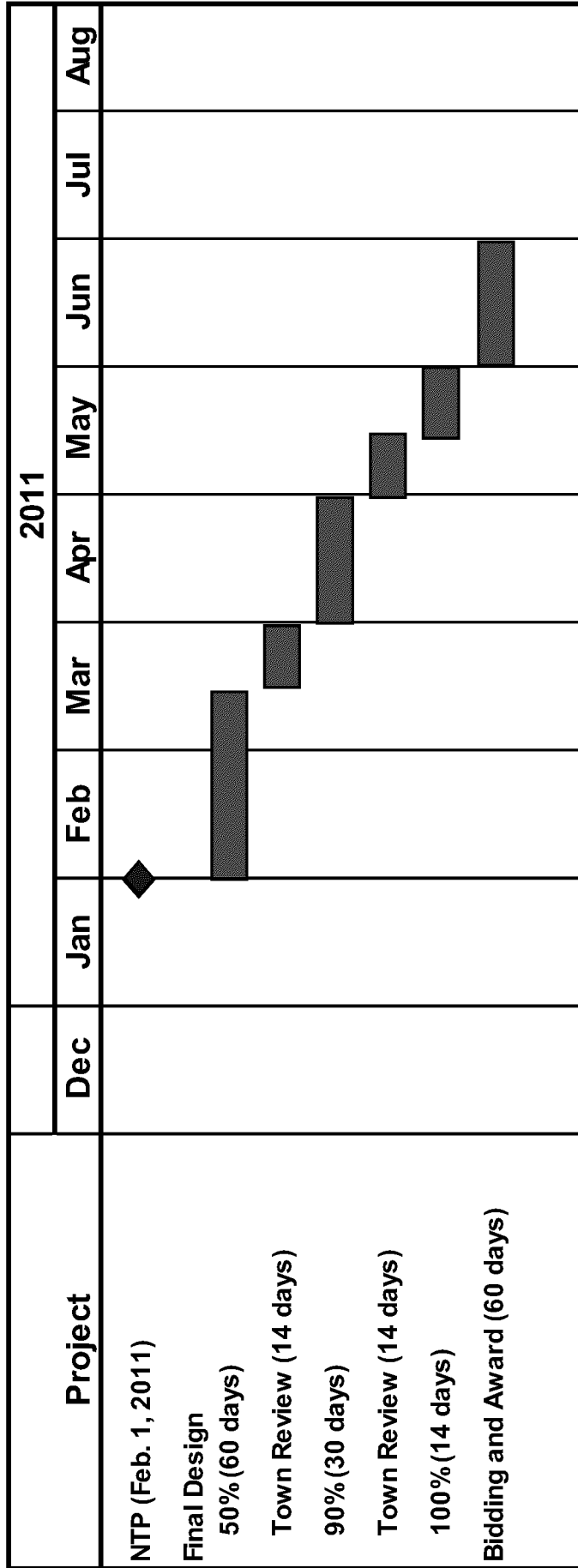
Rene L. Mathews, P.E., President

1-3-11

Date

Attachment A

Lift Station A-39 and A-41 Rehabilitation - Project Schedule



ATTACHMENT B
Town of Palm Beach - LS A-39 and A-41 Rehabilitation
Design & Bidding Services

Budget Summary

Phase No.	Item Description	Labor Classification and Hourly Rates								
		Principal Engineer \$144.00	Senior Engineer - II \$132.00	Engineer I \$108.00	Construction Manager \$98.00	Construction Inspector \$83.00	Senior Eng. Technician \$97.00	Clerical \$56.00	Total Labor	Sub-Consultant Services
1	Final Design									
	Structural Design 50%, 90%, 100%								\$0	\$5,000
	Mechanical Design 50%, 90%, 100%	18	24				120		\$17,400	
	Electrical Design 50%, 90%, 100%								\$0	\$4,000
	Cost Estimates	6	6						\$1,656	
	Meetings	6	6						\$1,656	
	Subtotal	30	36	0	0	0	120	0	\$20,712	\$9,000
2	Bidding									
	Bid Advertisement	2					3	2	\$691	
	Pre-Bid Conference	4							\$576	
	Bid Clarification	4					4	4	\$1,188	
	Contract Award	4							\$576	
	<i>Electrical Subconsultant Bidding</i>									\$350.00
	Subtotal	14	0	0	0	0	7	6	\$3,031	\$350.00
	Labor Subtotal Hours	44	36	0	0	0	127	6	\$23,743	\$9,350
	Labor Subtotal Costs	\$6,336	\$4,752	\$0	\$0	\$0	\$12,319	\$336		
	Labor Total Costs	\$23,743								
	Subconsultant Costs Total	\$9,350								
	Subconsultant Coordination Markup	1.1								
	Subconsultant Total	\$10,285								
	Reimbursable Expenses	\$2,000								
	Project Total	\$36,028								

Company Name: Mathews Consulting, Inc. Billing Rates for Town of Palm Beach Effective date: January 1, 2011

Billing Category	Direct Labor Cost (hourly)	Multiplier Rate	Hourly Billing Rate
Principal	\$ 48.00	3.0	\$ 144.00
Senior Engineer	\$ 44.00	3.0	\$ 132.00
Engineer	\$ 36.00	3.0	\$ 108.00
Sr. Inspector	\$ 32.67	3.0	\$ 98.00
Inspector	\$ 27.67	3.0	\$ 83.00
Sr. Engineering Technician	\$ 32.33	3.0	\$ 97.00
CADD Operator	\$ 29.67	3.0	\$ 89.00
Clerical	\$ 18.67	3.0	\$ 56.00

*Project specific cost proposals should include direct costs plus multiplier.

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 7-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Professional Design Consultant Fee Proposal with Bridges, Marsh & Assoc. In an Amount Not to Exceed \$65,000 for Possible Alterations and Renovations in Conjunction with the Worth Avenue Improvement Project and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated January 4, 2011, from Thomas G. Bradford, Deputy Town Manager
- Resolution No. 7-11
- BMA Professional Design Fee Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Approval of a Professional Design Consultant Fee Proposal with Bridges, Marsh & Assoc. in an Amount Not to Exceed \$65,000 for Alterations and Renovations to Design Elements within the Worth Avenue Commercial District
Resolution No. 7-11

Date: January 4, 2011

STAFF RECOMMENDATION

Staff recommends the Town Council adopt Resolution No. 7-11. If approved, Resolution No. 7-11 will authorize the Town Manager to execute a professional design consultant fee proposal with Bridges, Marsh & Assoc. in an amount not to exceed \$65,000 for alterations and renovations to design elements within the Worth Avenue Commercial District.

GENERAL INFORMATION

The Worth Avenue Improvement Project was completed on or before November 24, 2010. The Town has known since early fall of 2010 that some property owners and merchants would like to provide for enhancements to the improvements. The Public Works Committee met on October 5, 2010 to consider these issues and recommended to the Town Council that upon conclusion of the original construction contract, that the Hybrid Committee would reconvene and consider proposed changes and make recommendations to the Town Council concerning the same. The Hybrid Committee has been appointed and its members are:

- Ted Cooney
- William Feldkamp
- Eugene Pandula
- Wallace Rogers
- Jeff Smith
- William Strawbridge
- Ann Vanneck
- Stefan Richter

➤ Murray Goodman

In order to commence this process the Town needs to secure professional design services to prepare drawings, make presentations, prepare bid documents and provide construction administration. Bridges, Marsh & Assoc. was the lead design firm for the most recent improvements in the Worth Avenue Commercial District. The firm has an existing professional services agreement with the Town and were previously selected in accordance with the requirements of Florida's Competitive Consultant's Negotiations Act (CCNA).

The scope of work to be performed is unknown at this time because we do not know with certainty the totality of changes that may be suggested. Hence, in fairness to be parties, the Town has sought an hourly rate, not to exceed fee proposal from Bridges, Marsh. If the cost stays under the cap, the excess can be used for enhancements, debt reduction or debt service. If we need to exceed the cap, we must come back for Town Council approval.

The known design elements that may be explored as additions or alterations are:

- Hibiscus Avenue Piazza landscaping plan
- Hibiscus Avenue fountains
- Newspaper racks in Worth Avenue Commercial District
- Allowing hanging baskets on all street lights in the Worth Avenue Commercial District, which will require the addition of hanging basket brackets on the street lights.
- Revisit the approved sign pole design to preclude the use of brushed aluminum on secondary regulatory signs and instead provide black fluted poles on all street signage in the Worth Avenue Commercial District.
- Ground cover and landscaping amendments
- Special manhole covers and drainage inlets
- Art in public places

FUNDING/FISCAL IMPACT

All proposed changes, including this proposed design contract, must fall within the funding that remains for the Worth Avenue project. Because the final invoices for the construction project have not yet been received, staff can only provide an estimate of what will remain upon payment of all outstanding invoices. As of January 3, 2011, staff estimates that there is at least \$775,101 available in the Worth Avenue Improvement Project account and possibly more, depending on final payments most likely to be consummated in January 2011.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

Resolution No. 7-10 has been approved by the Town Attorney for legal form and sufficiency.

cc: John C. Randolph, Town Attorney
 H. Paul Brazil, Director of Public Works
 Jane Struder, Director of Finance
 Cheryl Somers, Assistant Director of Finance
 Eric Brown, Assistant Director of Public Works
 Lynda Venne, Purchasing Agent

NTGB\2010\ Agenda Items\Worth Avenue Commercial District Maintenance Program; RFP No.2011-03

RESOLUTION NO. 7-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PROFESSIONAL DESIGN CONSULTANT FEE PROPOSAL WITH BRIDGES, MARSH & ASSOC. IN AN AMOUNT NOT TO EXCEED \$65,000 FOR POSSIBLE ALTERATIONS AND RENOVATIONS IN CONJUNCTION WITH THE WORTH AVENUE IMPROVEMENT PROJECT AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

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

Section 1: The Bridges, Marsh & Assoc. professional design consultant fee proposal in an amount not to exceed \$65,000 for possible alternations and renovations of design elements in conjunction with the Worth Avenue Improvement Project, attached hereto is Exhibit “A” and incorporated by reference as a part of this resolution, is hereby approved and the Town Manager is authorized to execute the same on behalf of the Town.

PASSED AND ADOPTED IN REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH ASSEMBLED THIS 11th DAY OF JANUARY, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council Member

Gail Coniglio, Town Council Member

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

EXHIBIT A
BRIDGES, MARSH & ASSOC.

22 December 2010

Mr. Peter B. Elwell
Town Manager
Town of Palm Beach
PO Box 2029
Palm Beach, FL 33480

RE: ALTERATIONS AND RENOVATIONS TO WORTH AVENUE (between Ocean Blvd. and Coconut Row)
Additional Design improvements consistent with the Town of Palm Beach, and Worth Avenue Property Owners goals and requirements.

PROFESSIONAL DESIGN CONSULTANT FEE PROPOSAL

The following is a "Hourly Rate, Not to Exceed" fee proposal for Basic Services on the above referenced project:

CONSULTANT SERVICES:

Architect
Landscape Architect
Structural Engineer
Mechanical, Electrical, and Plumbing Engineer
Civil Engineer/Traffic Engineer
Land Surveyors

All the above services to be undertaken up to a maximum of **\$65,000.00 (Sixty-Five Thousand Dollars)**

PHASE I	\$ 7,500.00
PHASE II	\$ 12,500.00
PHASE III	\$ 20,000.00
PHASE IV	\$ 15,000.00
REIMBURSABLES	\$ 5,000.00
AS-BUILTS	\$ 5,000.00

BRIDGES, MARSH & ASSOC., INC.
chartered architects

THE BASIC SERVICES:

- | | |
|------------|--|
| PHASE I | <p>Schematic Design</p> <ul style="list-style-type: none"> - Based on current conditions the Architect and their Consultants shall prepare Conceptual documentation in sufficient detail to allow the Town of Palm Beach, Worth Avenue Property Owners and other public or private entities to approve and endorse the viability of the proposed improvements <p style="text-align: right;">\$ 7,500.00</p> |
| PHASE II | <p>Design Development</p> <ul style="list-style-type: none"> - Based on the approved Schematic Design Documents and any adjustment authorized by the Owner in the program, schedule or construction budget, the Architect shall prepare for approval by the Owner, Design Development Documents consisting of drawings and other documents to fix and describe the size and character of the Project as to architectural, structural, mechanical and electrical systems, materials and such other elements as may be appropriate. - The Architect shall provide the Owner a preliminary estimate of Construction Costs. - Architect and their Consultants shall make necessary presentations to Town Council and Town Review Boards, including Hybrid Committee <p style="text-align: right;">\$ 12,500.00</p> |
| PHASE III. | <p>Construction Document/Bidding</p> <ul style="list-style-type: none"> - Based on the approved Design Development Documents and any further adjustments in the scope or quality of the Project or in the construction budget authorized by the Owner, the Architect and their Consultants shall prepare, for approval by the Owner, Construction Documents consisting of drawings and specifications setting forth in detail the requirements for the construction of the Project. - The Architect shall assist the Owner in the preparation of the necessary bidding information, bidding forms, the Conditions of the Contract, and the form of Agreement between the Owner and Contractor. - The Architect shall assist the Owner in the connection with the Owner's responsibility for filing documents required for the approval of government authorities having jurisdiction over the Project. - The Architect shall provide three (3) sets of plans and specifications, signed and sealed, to the Town's Building Department to be used for permitting. <p style="text-align: right;">\$ 20,000.00</p> |

PHASE IV Construction Administration

- The Architect's and their Consultants responsibility to provide Basic Services for the Construction Phase under this Agreement commences with the award of the initial Contract for Construction and terminates at the earlier of the issuance to the Owner of the final Certificate for Payment or 60 days after the date of Substantial Completion of the Work.
- The Architect and their Consultants, as a representative of the Owner, shall visit the site at least once a week to become generally familiar with and to keep the Owner informed about the progress and quality of the portion of the Work completed, (2) to endeavor to guard the Owner against defects and deficiencies in the Work, and (3) to determine in general if the Work is being performed in a manner indicating that the work, when fully completed, will be in accordance with the Contract Documents. However, the Architect shall not be required to make exhaustive or continuous on-site inspections to check the quality of the Work. The Architect shall neither have control over or change of, nor be responsible for, the construction means, methods, techniques, sequences, or procedures, or the safety precautions and programs in connection with the Work, since these are solely the Contractor's rights and responsibilities under the Contract Documents.
- The Architect and their Consultants shall at all times have access to the Work wherever it is in preparation or in progress.
- The Architect shall review and certify the amounts due the Contractor and shall issue certifications in such amounts.
- The issuance of a Certificate for Payment shall not be a representation that the Architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the Work, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and material suppliers and other data requested by the Owner to substantiate the Contractor's right to payment, or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.
- The Architect shall have authority to reject Work that does not conform to the Contract Documents. Whenever the Architect considers it necessary or advisable, the Architect shall have authority to require inspections or testing of the Work in accordance with the provisions of the Contract Documents, whether or not such Work is fabricated, installed or completed.

\$ 15,000.00

As-Built Documentation

- Preparation of updated documentation reflecting all as-built project conditions for all disciplines involved in the project. This information will be delivered in electronic format (CADD) as a record for the Town of Palm Beach.

\$ 5,000.00

Basis of Compensation
As per P.S.A.

BASIS OF COMPENSATION

All services to be billed on an hourly basis and billed monthly at the following rates:

Architectural Services:

Principal	\$200.00 per hour
Project Design	\$125.00 per hour
Project Manager	\$125.00 per hour
Sr. Draftsman	\$ 95.00 per hour
Draftsman	\$ 85.00 per hour
Administration	\$ 65.00 per hour

Landscape Services

Principal	\$190.00 per hour
Associate/Proj Mgr	\$150.00 per hour
AutoCad Tech	\$ 80.00 per hour
Clerical	\$ 60.00 per hour

Structural Services

Principal	\$175.00 per hour
Engineer	\$110.00 per hour
Engineer Intern	\$ 90.00 per hour
Sr. Draftsman	\$ 90.00 per hour
Draftsman	\$ 80.00 per hour
Administration	\$ 40.00 per hour

M/E/P Services

Principal	\$150.00 per hour
Engineer	\$125.00 per hour
Technician	\$ 95.00 per hour
Draftsman	\$ 55.00 per hour
Administration	\$ 35.00 per hour

Civil Services

Principal	\$225.00 per hour
Engineer II	\$145.00 per hour
Technician	\$100.00 per hour
CADD Supervisor	\$125.00 per hour
Analyst	\$ 80.00 per hour
Draftsman	\$ 60.00 per hour
Inspector	\$100.00 per hour
Administration	\$ 70.00 per hour

Surveying Services

Land Surveyor	\$100.00 per hour
Computer Tech	\$ 70.00 per hour
Computer Draftsman	\$ 60.00 per hour
Field Crew	\$120.00 per hour

ADDITIONAL SERVICES:

- If more extensive representation at the site than included in Phase IV is required the Architect shall provide one or more Project Representatives to assist in carrying out such additional on-site responsibilities.
- Making revisions in drawings, specifications or other documents when such revisions are:
 - inconsistent with approvals or instructions previously given by the Owner, including revisions made necessary by adjustment in the Owner's program or Project budget;
 - required by the enactment or revision of codes, laws or regulations subsequent to the preparation of documents; or
 - due to changes required as a result of the Owner's failure to render decisions in a timely manner.
- Providing services required because of significant changes in the Project including, but not limited to, size, quality, complexity, the Owner's schedule, or the method of bidding or negotiating and contracting for construction.
- Providing any other services not otherwise included in this Agreement or not customarily furnished in accordance with generally accepted architectural practice.

OWNER'S RESPONSIBILITY:

- The Owner shall designate a representative authorized to act on the Owner's behalf with respect to the Project. The Owner or such

EXHIBIT A

designated representative shall render decisions in a timely manner pertaining to documents submitted by the Architect in order to avoid unreasonable delay in the orderly and sequential progress of the Architect's services.

- Geotechnical Exploration, including test borings, exfiltration, ground water location with analysis and recommendation

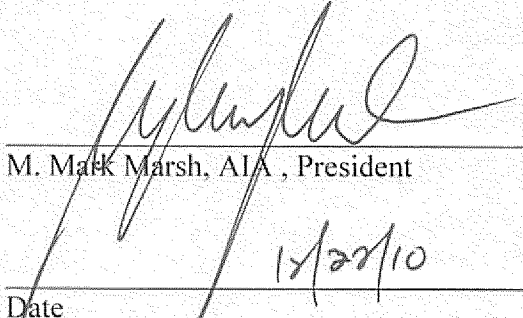
REIMBURSABLE EXPENSES:

In accordance with the Professional Services Agreement between the Town of Palm Beach and Bridges and Marsh Associates, Inc.

Allowance \$ 5,000.00

Mr. Peter B. Elwell, Town Manager

Date



M. Mark Marsh, AIA, President

Date

12/22/10

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Consent - Other

Agenda Title

Recommendation to Use Construction Manager at Risk for Force Main Projects Identified in the Accelerated Capital Improvement Program.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated December 22, 2010, from H. Paul Brazil, Director of Public Works.

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Recommendation to Use Construction Manager At Risk for Force Main
Projects Identified in the Accelerated Capital Improvement Program

Date: December 22, 2010

STAFF RECOMMENDATION

Staff recommends that Town Council approve using Construction Manager at Risk (CM at Risk) for the construction of force mains identified in the accelerated capital improvement program and establishing the selection committee identified below.

GENERAL INFORMATION

With the success of the previously completed Construction Manager at Risk projects such as Seaview Tennis Center, Town Hall, and more recently Worth Avenue, staff believes this is the best mechanism for the construction of force main projects identified in the accelerated capital improvement program. These projects will be one of the more visible and challenging projects within the accelerated capital improvement program. Also, having a CM at Risk contractor on board as early as possible will allow for them to participate in the review of plans and assist staff in value engineering of the project.

The selection process includes establishing a committee that evaluates the qualifications submitted by those that express an interest in the project. In accordance with Town Procedure No. 2-89-2, the Council may defer to a Selection Team consisting of the following members:

1. The Public Works Committee Chairperson: Gail Coniglio, Town Council President Pro Tem
2. The Town Manager's Designee: Tom Bradford, Deputy Town Manager
3. The Public Works Director's Designee: H. Paul Brazil, Director of Public Works
4. Another individual as deemed appropriate by the Town Manager: James M. Bowser, Town Engineer

In addition, Finance/Purchasing staff will oversee and assist with the Selection Team's review process. The Finance Director will also be asked to comment on the financial section of each submittal.

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with this approval. Council will be asked to authorize the development of the guaranteed maximum price (GMP) through a pre-construction task and eventually the negotiation of a construction contract.

PURCHASING REVIEW

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

cc: Jane Struder, Director of Finance
James Bowser, P.E., Town Engineer
Jeffrey Sanon, P.E., Project Engineer
Lynda Venne, Purchasing Agent
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Consent - Other

Agenda Title

Preservation Foundation Request to Waive Parking Fees at Phipps Ocean Park for Centennial Event on January 15, 2011

Presenter

Jay Boodheshwar, Director of Recreation

Supporting Documents

- Memorandum Dated January 5, 2011, from Jay Boodheshwar, Director of Recreation and Special Projects
- Letter Dated January 4, 2011, from Janice Owens, Preservation Foundation Co-Director

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Request from the Preservation Foundation of Palm Beach to Waive Parking Fees at Phipps Ocean Park for its Centennial Event on January 15, 2011

Date: January 5, 2011

STAFF RECOMMENDATION

Staff recommends that Town Council approve the request from the Preservation Foundation of Palm Beach, allowing for parking fees to be waived in the north parking lot at Phipps Ocean Park on January 15, 2011, between the hours of 12:00p.m to 4:00 p.m. for the Centennial Pioneer Day Event.

GENERAL INFORMATION

As outlined in the attached letter, the Preservation Foundation of Palm Beach is hosting a Centennial Pioneer Day on January 15, 2011, which is open and free to the public. The event is being held at Phipps Ocean Park between the hours of 1:00 to 3:00 p.m. Mrs. Janice Owens, Co-Director of the Preservation Foundation, has requested approval to waive parking fees for the north parking lot, between the hours of 12:00 p.m. to 4:00 p.m. to allow for the setup, breakdown and clean up of the event by vendors and volunteers.

SPECIAL CONSIDERATIONS

This request has been reviewed and approved by the Centennial Commission as an appropriate and fitting activity to honor the Town's Centennial.

cc: Kirk Blouin, Chief of Police
Janice Owens, Preservation Foundation of Palm Beach
Centennial Commission File



Dedicated to preserving the architectural and cultural heritage and the unique scenic quality of the Town of Palm Beach

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L. Frank Chopin, Esquire, *Secretary*
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Mrs. Robert M. Grace
Mrs. Talbot B. Maxey
Mr. David G. Ober
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The Honorable Lesly S. Smith
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Advisory Trustees

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Mr. Henry P. Hoffstot, Jr.
Mr. William A. Read, Jr.
Mrs. Mortimer Sachs

January 4, 2011

Mayor Jack McDonald
Town Council Members
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Re: Centennial Pioneer Day

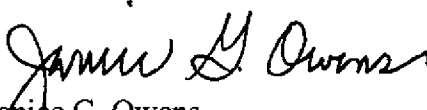
Dear Mayor McDonald and Town Council Members:

In honor of the Town of Palm Beach's Centennial Celebration the Preservation Foundation of Palm Beach was approved by the Centennial Commission to host Pioneer Day Event at Phipps Ocean Park. The event is free and open to the public. Please see that attached flyer.

I would like to request that parking fees for the North Parking lot be waived from 12:00 p.m. to 4:00 p.m. The event is from 1:00 – 3:30 p.m. and the extra time is for vendors and participants to set-up, break down and clean-up.

We think this will be a wonderful opportunity for family and friends to enjoy some good old fashion fun! Thank you for your kind consideration to my request.

Sincerely,


Janice G. Owens
Co-Director

Cc: Peter B. Elwell, Town Manager
Jay Boodheshwar, Director of Recreation

1911 PALM BEACH CENTENNIAL 2011

Pioneer Day

A FREE PUBLIC EVENT FOR THE ENTIRE FAMILY

Saturday, January 15, 2011

1:00-3:30pm

Phipps Ocean Park

2185 S. Ocean Boulevard • Palm Beach



1:00pm Dedication of the State Historic Marker
for the Little Red Schoolhouse, 1886



Celebrate the Centennial of Palm Beach with an afternoon of old-fashioned family fun and special events in the park around the Little Red Schoolhouse

- Reenact a school day in the one-room schoolhouse with Hattie Gale
- Walk along the beach with the Barefoot Mailman, Michael Borenstein
- Meet storyteller Butch Harrison who will regale you with tales of Florida's early pioneers
- Listen as Harvey Oyer, great grand nephew of Charles Pierce, reads from his newest children's book, *The Adventures of Charlie Pierce, The Last Egret*.
- Hunt for a buried treasure of Spanish doubloons with Tony Marconi as early settler, Hiram Hammon
 - Pose for your personal portrait by Captain Cartoon
- Sit with Jim Ponce as he takes you back in time reflecting on the early times of Henry Flagler
 - Interact with Mizner Mouse, the Pride of Palm Beach
 - Enjoy pioneer crafts and musicians from yesteryear
- Participate in old time games like Sack Races, Steal the Bacon & Horseshoes
- Whet your appetite with some good ole snacks of the past – kettle corn, homemade ice cream, homemade pies, roasted corn, corn bread, iced tea and lemonade

PRESERVATION  FOUNDATION
OF PALM BEACH

For additional information, please visit palmbeachpreservation.org or call 561.832.0731



TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Foreclosure of Code Enforcement Liens.

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- Memo dated January 5, 2011, from John Randolph
- Code Enforcement Board Costs and Fines as of January 5, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John C. Randolph, Town Attorney

Re: Foreclosure of Code Enforcement Liens

Date: January 5, 2011

STAFF RECOMMENDATION

Staff requests that the Town Council authorize foreclosures to be filed against the properties listed herein, subject to the Code Enforcement Board recommending foreclosure against these properties.

GENERAL INFORMATION

I met with staff of Code Enforcement and we discussed existing liens which exist for which no foreclosure action has been filed. It has been determined that we will recommend to the Code Enforcement Board foreclosures against the following properties:

1. Case No. 07-2241, Lot 23 25, Orange Grove Park LLC and William Bell Construction, 230 Atlantic Avenue. This lien is for \$5,150.00. The property has not been declared homestead for tax purposes and is not owner occupied.
2. Case No. 07-2277, Susan Gibson, 226 Pendleton Avenue. There are two liens existing against this property, one in the amount of \$43,400.00 and one for \$290,250.00. Although the property is homesteaded for tax purposes, no one resides on the property.
3. Case No. 09-2652, Lawrences Rule, Jr., 2283 West Ibis Isle Road. Lien of \$122,500.00. Although this property is homesteaded for tax purposes, the property is vacant.
4. Case No. 10-182, Florida Capital Management, 237 Brazilian Avenue. Lien of \$35,000.00. The property is vacant and is not homesteaded. This lien was filed on 10/13/2010 and will not be in place for 90 days until 1/13/2011.

For the information of the Mayor and Town Council, attached is an updated list of code enforcement lines which has been prepared by code enforcement staff . We will continue to keep the Council advised as to other liens which may be recommended for foreclosure.

ATTACHMENTS

Code Enforcement Board Costs and Fines as of 1/5/2011

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Code Enforcement Board Costs and Fines as of 1/5/2011

Case #	Name	Address	Date Board Order	Total Due	Comments	Homestead Status	Date Lien Recorded
06-2042	Robert & Louisa Dean	232 Cherry Lane	10/19/2006	\$150.00	\$150 CEB 10/19/06	1	12/29/2006
07-2073	Robert & Beverly Lowden	129 Chilean Ave.	3/15/2007	\$35,377.84	\$150 CEB Cost 3/15/07;\$250/day start 3/14/07; end 7/31/07; Adv fee \$477.84	1	4/12/2007
07-2089	Erik Gilbertson	151 Chilean Ave.	4/25/2007	\$332,900.00	\$150 CEB 4/25/07;\$250/day start 5/15/07.	1	1/31/2008
07-2185	John Atkinson	250 Clarke Ave.	7/19/2007	\$250.00	\$150 CEB and Water Violation \$100 on 7/19/07	1	4/24/2008
07-2230	Philip Steinberg	1640 S. Ocean Ave.	7/19/2007	\$250.00	\$150 CEB 7/19/07;Water Violation \$100	1	4/24/2008
07-2241	23 24 Orange Grove Pl & Wm Bell Const	230 Atlantic Ave.	9/20/2007	\$5,150.00	\$150 CEB and \$5000 fine on 9/20/07	4	1/31/2008
07-2277	Susan Gibson	226 Pendleton Ave.	9/20/2007	\$43,400.00	\$150 CEB 9/20/07; \$250/day start 9/29/07; end 3/20/08 (sewer)	2	1/31/2008 for \$150 and 8/11/10 for \$250/day
07-2277	Susan Gibson	226 Pendleton Ave.	9/20/2007	\$294,000.00	\$250/day start 10/17/07	2	8/11/2010
07-2363	Violet Alexander	259 Oleander Ave.	2/20/2007	\$4,750.00	\$150 CEB 2/20/07p; 3 different violations/reduction of fee of \$4000 on 2/21/08	1	6/2/2008
07-2385	Philip Steinberg	1640 S. Ocean Ave.	1/17/2008	\$450.00	\$150 CEB and \$300Water Violation \$300 on 1/17/08	1	4/24/2008
07-2398	159 Sunset Ave. LLC	159 Sunset Ave	2/20/2007	\$250.00	\$150 CEB and \$100 Water Violation on 2/20/07	4	4/24/2008
07-2421	John Atkinson	250 Clarke Ave.	1/17/2008	\$350.00	\$150 CEB and Water Violation on 1/17/08	1	4/24/2008
08-2478	E. Nordin Gilbertson	151 Chilean Ave.	4/17/2008	\$244,650.00	\$150 CEB 4/17/08; \$250/day start 5/2/08	1	7/31/2008
08-2492	Stephen Macari	110 Angler Ave.	5/15/2008	\$17,150.00	Foreclosed/Town successful bidder fine stopped on 7/10/08; \$10000.00 paid re: 245 Queens Ln.	2	7/31/2008
08-2497	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave.C-19	5/15/2008	\$400.00	\$150 CEB and \$250 Fine on 5/17/08	5	7/31/2008
08-2498	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave.C-19	5/15/2008	\$400.00	\$150 CEB and \$250 Fine on 5/17/08	5	7/31/2008
08-2499	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave. C-19	5/15/2008	\$650.00	\$150 CEB and \$500 Fine on 5/17/08	5	7/31/2008
08-2500	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave. C-19	5/15/2008	\$650.00	\$150 CEB and \$500 fine on 5/17/08	5	7/31/2008
08-2519	AMF Estate Management	206 Dunbar Rd.	7/17/2008	\$150.00	\$150 CEB on 7/17/08;do not hold permit for address	6	unable to file
08-2547	Marianne Chopp	250 Bradley Place #701	9/18/2008	\$4,400.00	fine reduced by \$4400.00 & \$150 CEB paid	1	1/28/2009

Code Enforcement Board Costs and Fines as of 1/5/2011

Case #	Name	Address	Date Board Order	Total Due	Comments	Homestead Status	Date Lien Recorded
08-2554	Catharine Bradley	40 Coconut Row	10/16/2008	\$400.00	\$150 CEB and \$250 fine on 10/16/08; not property owner	6	unable to file
08-2572	Catharine Bradley	Royal Poinciana Plaza	11/20/2008	\$650.00	\$150 CEB and \$500 fine on 11/20/08; not property owner	6	unable to file
08-2583	271 La Puerta Way LLC(Roebling)	271 La Puerta Way	11/20/2008	\$15,900.00	\$75/day start 2/17/09 ends 9/17/09; prop sold/lien to new owner	4	12/30/08 and 3/4/2009
08-2585	Charles W. Smith	242 Cherry Lane	11/20/2008	\$16,000.00	\$200/day start 12/16/08 ends 3/6/09; in foreclosure	4	12/30/2008 and 6/8/2010
08-2593	Precision Green	223 Via Tortuga	12/18/2008	\$150.00	\$150 CEB on 12/18/08; do not hold permit for address	6	unable to file
09-2610	T & P Pavers	1485 Via Manana	2/19/2009	\$400.00	\$150 CEB and \$250 fine on 2/19/09; do not hold permit for address	6	unable to file
09-2617	Paul Pomfret	168 Reef Rd.	3/19/2009	\$150.00	\$150 CEB on 3/19/09	1	4/28/2009
09-2622	Frank Frankel	249 Brazilian Ave.	3/19/2009	\$2,150.00	\$150 CEB on 3/19/09; \$250/day start 4/14/09 end 4/22/09	3	4/28/2009
09-2646	177 Main Street LLC	179 Main St.	6/18/2009	\$27,600.00	\$150 CEB on 6/18/09; \$250 fine start 7/19/09; end 1/14/10	4	8/11/2009
09-2652	Lawrences Rule Jr.	2283 W. Ibis Isle Rd.	7/16/2009	\$126,250.00	\$250/day start 8/18/09	2	8/11/2009 and 8/27/09
09-2672	2401 2301 00 Trust	2842 S. Ocean Blvd.	1/23/2010	\$62,150.00	\$250/day start 1/22/10	5	6/2/2010
09-2676	Min Y Jo LLC	249 Peruvian Ave. R-2-1	11/19/2009	\$900.00	fine stop on 12/4/09	4	11/18/2009
10-2690	Stephen Macari	110 Angler Ave.	1/21/2010	\$135,650.00	\$150 CEB Town received Cert of Title on 10/20/10	4	2/26/2010
10-2691	Joseph Cain	893 S. County Rd.	1/21/2010	\$1,650.00	\$75/day start 1/22/10; end 2/16/10	4	2/26/2010
10-2700	2401 2301 00 Trust	2842 S. Ocean Blvd.	2/20/2010	\$47,400.00	\$250/day start 2/20/10; end 8/28/20	5	6/2/2010
10-2705	332 S. County Rd. LLC	332 S. County Rd.	10/21/2010	\$4,500.00	\$250/day start 10/19/10; end 12/21/10	5	12/27/2010
10-2706	Susan C. Lee	287 Pendleton Ave.	4/15/2010	\$67,650.00	\$250/day start 4/10/10	3	6/2/2010
10-2708	Robert A. & Louisa A. Dean	232 Cherry Lane	4/15/2010	\$900.00	\$75/day start 4/10/10; end 4/20/10	1	6/2/2010
CE 10-43	Omphoy Ocean Resort & 2401 3201 Trust	2842 S. Ocean Blvd.	4/15/2010	\$150.00	150 CEB	6	
CE 10-86	Thomas Campaniello	304 S. County Rd	8/19/2010	\$150.00	150 CEB	5	
CE 10-87	Thomas Campaniello	290 S. County Rd.	8/19/2010	\$150.00	150 CEB	5	
CE 10-88	Thomas Campaniello	292 S. County Rd.	8/19/2010	\$150.00	150 CEB	5	

[illegible]

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Staff Update Regarding Proposed Restaurant on Peanut Island.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated December 22, 2010, from John Page

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Peanut Island Restaurant Status

Date: December 22, 2010

STAFF RECOMMENDATION

At the Town Council meeting on December 14, 2010, the Council heard a presentation from Mr. John Grant of the Palm Beach Maritime Museum regarding the possibility of establishing a restaurant on Peanut Island. No action was taken, but the Council requested an update from staff in January.

GENERAL INFORMATION

The Palm Beach County Comprehensive Plan contains a land use restriction prohibiting restaurants on Peanut Island. The County Plan must be amended as a pre-condition of allowing a restaurant. This office contacted Barbara Alterman, Director of the County's Planning, Zoning & Building Department, for up-to-date information regarding the status of this issue. Ms. Alterman advised:

1. The Board of County Commissioners has not initiated any action to amend the Comprehensive Plan in this regard.
2. No private application has yet been filed to amend the Comprehensive Plan in this regard.
3. An agent representing the restaurant (Al Malefatto on behalf of Top Ocean, LLC) has sent a letter to the County stating that an application will be filed to amend the Comprehensive Plan on or before April 1, 2011.
4. Because there is no application on file, Ms. Alterman could not provide details regarding size, hours of operation, operational limitations, sewer, parking, waste removal, policing, etc.
5. Commissioner Marcus is in the process of setting up an informational meeting for the benefit of neighboring municipalities on the morning of January 18, 2011. The Council should determine whether or not the Town should send a representative(s), and who that person(s) should be.

cc: John Lindgren, Planning Administrator
Paul Castro, Zoning Administrator

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

Approval for Use of Scaffolding at 205 Royal Palm Way.

Presenter

Mike McKnight, Prodigy Contracting Group

Supporting Documents

- Memorandum dated January 3, 2011, from H. Paul Brazil, Director of Public Works.
- Email Dated January 3, 2011, from Mike McKnight.
- Letter dated January 5, 2011, from Mike McKnight.

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval for Use of Scaffolding - 205 Royal Palm Way

Date: January 3, 2011

STAFF RECOMMENDATION

Staff does not recommend that Town Council approve the request of Prodigy Contracting Group to waive the Town's Right-of-Way Manual restriction for work in the season to permit occupying a portion of the South County Road right-of-way to replace seventeen (17) windows along the east elevation of the building at 205 Royal Palm Way, J.P.Morgan/Chase. However, if Council does approve the request, the approval should be conditioned as described below.

GENERAL INFORMATION

The Public Works Department has received a request from Prodigy Contracting Group (Prodigy) for issuance of a right-of-way permit to occupy a portion of the South County Road right-of-way to replace seventeen (17) windows along the east elevation of the building. We have attached the correspondence outlining this request.

Prodigy has mobilized at the site and is replacing all of the windows in the building. Prodigy states that they had no knowledge of the Town's right-of-way manual which would restrict work on those windows facing South County Road. The project is well underway with all equipment and materials in place. They further state that they will suffer a significant financial hardship if they must demobilize and return to the job in May.

The scope of work is to remove a window, pour a new concrete structural element around the window opening (similar to that which was done at Town Hall), install a new code required storm rated window and patch around the window. Upon completion of window installation, the building will be painted. The final work element is to install new aluminum framed awnings. The time to complete the work is dependent upon the number of work crews assigned and the amount of work necessary to prepare the existing openings to accept the new windows. The contractor can commit up to four crews, two working off three foot wide, five foot long scaffolds and two crews working from ladders. The estimated time to complete the work is 20 working days.

The scaffolding will be on wheels to allow movement onto the sidewalk and removal at the end of each day. The scaffolding will be constructed to preclude material or other objects from falling to the sidewalk below.

Prodigy has estimated that the time to complete the work would be twenty working days, 9 a.m. to 5 p.m., Monday through Friday. Their request is for issuance of a right-of-way permit for a two month period to allow for weather or other unforeseen delays. No more than twenty working days will be permitted.

If Town Council approves Prodigy's request, Public Works recommends that it be conditioned upon:

1. That a minimum of three feet of sidewalk be maintained at all times for pedestrians to pass.
2. That a flagger be positioned around the work area to protect pedestrians while materials are being transported along, or lifted to the top of a scaffold.
3. That the contractor call Public Works by 3 p.m. the previous working day to advise that work will occur the next working day. Public Works will track the days worked to ensure that the 20 days are not exceeded.
4. That all FDOT requirements, if any, apply, be met with respect to advance warning signage.

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with this approval.

Attachments

cc: James Bowser, P.E., Town Engineer
Martin Gauthier, P.E., Project Engineer
Mike McKnight, Prodigy Contracting Group

Fw: Letter of intent for right-of-way permit
Paul Brazil to: Jim Bowser, Martin Gauthier

01/03/2011 01:17 PM

H. Paul Brazil, P.E.
Director of Public Works
Town of Palm Beach

----- Forwarded by Paul Brazil/PalmBeach on 01/03/2011 01:17 PM -----

From: mmcknight@prodigy-cg.com
To: PBrazil@TownofPalmBeach.com
Cc: "Rick Griffin" <rgriffin@prodigy-cg.com>, "Jim Thompson" <jthompson@prodigy-cg.com>
Date: 01/03/2011 01:06 PM
Subject: Re: Letter of intent for right-of-way permit

Paul,

The elevations of the building in question represent a small part of the total project and will not take much time to complete. It is also important to consider that the aesthetic will be substantially preserved. We will have workers remove and replace windows right away, the building will not be an eyesore at any point in this process. Following this, the stucco will be patched, and the elevation painted.

The project is well under way, with equipment and material in place. We have taken necessary steps to secure short term leases in the area and paid for materials. The financial hardship created by delaying then restarting the job will be substantial. We had no knowledge of this ordinance prior to making these financial commitments.

Thanks for working with us on this.

Sent on the Sprint® Now Network from my BlackBerry®

-----Original Message-----

From: PBrazil@TownofPalmBeach.com
Date: Mon, 3 Jan 2011 12:40:27
To: <mmcknight@prodigy-cg.com>
Cc: Jim Thomson<jthomson@prodigy-cg.com>; Rick Griffin<rgriffin@prodigy-cg.com>; <mgauthier@townofpalmbeach.com>; <JBowser@TownofPalmBeach.com>
Subject: Re: Letter of intent for right-of-way permit

Is there a reason that the work can not wait until April?

Thanks.

H. Paul Brazil, P.E.
Director of Public Works
Town of Palm Beach

From: mmcknight@prodigy-cg.com
To: PBrazil@TownofPalmBeach.com

Cc: "Rick Griffin" <rgriffin@prodigy-cg.com>, "Jim Thomson" <jthomson@prodigy-cg.com>
Date: 01/03/2011 12:36 PM
Subject: Re: Letter of intent for right-of-way permit

We are trying to finish the job as soon as possible. This building is the private banking for J.P. Morgan/ Chase, that a lot of the residence of Palm Beach use. I would hate to leave the building half finished and look like a unfinished project in the community.

Thanks,

Mike McKnight
Sent on the Sprint® Now Network from my BlackBerry®

-----Original Message-----

From: PBrazil@TownofPalmBeach.com
Date: Mon, 3 Jan 2011 12:08:55
To: Mike McKnight<mmcknight@prodigy-cg.com>
Cc: <ebrown@townofpalmbeach.com>; <jthompson@prodigy-cg.com>; 'Rick Griffin'<rgriffin@prodigy-cg.com>; <JBowser@TownofPalmBeach.com>
Subject: Re: Letter of intent for right-of-way permit

We are preparing backup for this item and I need your help. Why cant this wait until April?

Thanks.

H. Paul Brazil, P.E.
Director of Public Works
Town of Palm Beach

From: "Mike McKnight" <mmcknight@prodigy-cg.com>
To: <pbrazil@townofpalmbeach.com>
Cc: <ebrown@townofpalmbeach.com>, "'Rick Griffin'" <rgriffin@prodigy-cg.com>, <jthompson@prodigy-cg.com>
Date: 12/29/2010 08:17 AM
Subject: Letter of intent for right-of-way permit

Good Morning,

I have been talking to Marty in your office about our right-of-way permit for 205 Royal Palm Way. I am attaching my letter of intent to be put on the agenda for the January discussion. I am looking forward to a positive response to help beautify the Town of Palm Beach.

Thanks,

Mike McKnight - Prodigy Contracting Group
(813)927-7463(See attached file: right-of-way letter.docx)



CONTRACTING GROUP INC.
COMMERCIAL † RESIDENTIAL † INDUSTRIAL

January 5, 2011

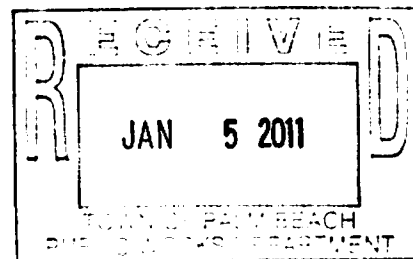
Dear Paul Brazil,

In reference to the Right-Of-Way permit for 205 Royal Palm Way, I need to have access to the right-of-way to be able to remove and reinstall the windows on the street side of the building. I am hoping that this process should only take a few days to complete. The existing sidewalk is 10' and we will be using a 3' scaffold, leaving 7' for pedestrians to still use the sidewalk. I would also use a scaffold section with wheels, so the scaffold would be rolled off the street side every evening. I asked for the permit for two months, due to the fact that at this time I am unable to narrow down a hard date, due to the other windows that are being replaced.

Thanks for your cooperation,

Mike McKnight

P: (813)927-7463



TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 6-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing D.S. Eakins Construction Corporation, Foster Marine Contractors, The Whiting-Turner Contracting Company, Murray Logan Construction, Inc. and Johnson-Davis, Inc. to Receive Bid Packages for Projects Meeting the Scope of Work of RFQ NO. 2011-04.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated January 3, 2011, from H. Paul Brazil, Director of Public Works.
- Resolution No. 6-11
- Selection Committee Ratings
- General Utility Short List

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Ratification of Selection Committee Ranking - Utility Contractors

RFQ No. 2011-04

Resolution No. 6-11

Date: January 3, 2011

STAFF RECOMMENDATION

Town staff recommends that Town Council adopt Resolution No. 6-11, approving the ranking of the selection committee and authorizing staff to utilize the top five ranked firms for general utility work in the Town.

GENERAL INFORMATION

Town staff issued a Request For Qualifications and received responses from sixteen (16) contractors. Their qualifications were reviewed by a selection committee. The Selection Committee, as approved by the Town Council, was comprised of: Jay Boodheshwar, Director of Recreation and Special Projects, Jane Struder, Finance Director, H. Paul Brazil, P.E., Director of Public Works and Eric B. Brown, P.E., Assistant Director of Public Works.

The selection committee rated each contractor on five categories which included: experience of firm; experience of personnel; financial status; legal proceedings; and references. The Committee considered the rankings of the sixteen contractors and has recommended that the five top ranked contractors be approved to bid on future Town utility projects. The top five ranked contractors in order of ranking were D.S. Eakins Construction Corporation; Foster Marine Contractors; The Whiting-Turner Contracting Company; Murray Logan Construction, Inc.; Johnson-Davis, Inc. We recommend that this authorization be for an initial period of three years with a Town option for two one year extensions.

These five contractors will be provided bid packages for projects meeting the scope of work of the RFQ. Each individual project will be brought to the Town Council for authorization, as required. Approval of these firms does not obligate the Town to offer any work to these firms nor does it preclude the Town from constructing similar scope of work projects by other contracting methods. All of this is consistent with the advice the Town has received during the past year both through the internal audit and through the special forensic audit.

PURCHASING REVIEW

This recommendation has been reviewed by the Purchasing Division of the Finance Department and they acknowledge the selection committee recommendation.

TOWN ATTORNEY REVIEW

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

FUNDING/FISCAL IMPACT

There will be no fiscal impact until the Town Council approves a specific contract and the fiscal impact for that work will be known at the time of the Town Council's decision.

Attachments

cc. James M. Bowser, P.E., Town Engineer
Lynda Venne, Purchasing Agent
Selection Committee Members

RESOLUTION NO. 6 -11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING D.S. EAKINS CONSTRUCTION CORPORATION, FOSTER MARINE CONTRACTORS, THE WHITING-TURNER CONTRACTING COMPANY, MURRAY LOGAN CONSTRUCTION, INC. AND JOHNSON-DAVIS, INC. TO RECEIVE BID PACKAGES FOR PROJECTS MEETING THE SCOPE OF WORK OF RFQ NO. 2011-04.

* * * * *

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

The Town Council hereby authorizes D.S. Eakins Construction Corporation, Foster Marine Contractors, The Whiting-Turner Contracting Company, Murray Logan Construction, Inc., and Johnson-Davis, Inc. to receive bid packages for projects meeting the scope of work in RFQ No. 2011-04.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 11th day of January, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

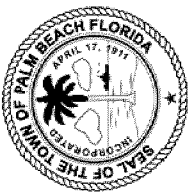
Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

RFQ NO. 2011-04
REQUEST FOR CONTRACTOR QUALIFICATIONS
GENERAL UTILITY PROJECTS
SELECTION COMMITTEE RATINGS

Committee Member		Paul Brazil	Eric Brown	Jay Boodheshwar	Jane Struder	Average Total
Contractor		Rating	Rating	Rating	Rating	Rating
1	D. S. Eakins Construction Corporation	88	92	86	98	91.00
2	Foster Marine Contractors, Inc.	78	75	84	99	84.00
3	The Whiting-Turner Contracting Company	80	77	83	91	82.75
4	Murray Logan Construction, Inc.	82	85	75	87	82.25
5	Johnson-Davis, Inc.	85	77	64	82	77.00
6	Intercounty Engineering, Inc.	50	69	60	90	67.25
7	AKA Services, Inc.	59	62	65	80	66.50
8	Felix Associates of Florida, Inc.	49	57	58	92	64.00
9	Man Con, Incorporated	40	56	56	83	58.75
10	H.A. Contracting Corp.	42	58	53	75	57.00
11	Metro Equipment Service, Inc.	47	53	55	71	56.50
12	Hinterland Group, Inc.	43	54	48	69	53.50
13	Pipeline Utilities, Inc.	40	52	49	60	50.25
14	Giannetti Contracting Corporation	30	53	55	58	49.00
15	Central Florida Equipment Rentals, Inc.	26	46	46	57	43.75
16	Devland Site, Inc.	29	43	49	42	40.75

Indicates Short Listed Firms



REQUEST FOR CONTRACTOR QUALIFICATION

RFQ No. 2011-04

GENERAL UTILITY PROJECTS

SHORT LIST

COMPANY	CONTACT PERSON	ADDRESS	CITY	ST	ZIP CODE	PHONE	FAX
D. S. Eakins Construction Corporation	Douglas S. Eakins	1481 Kinetic Road	Lake Park	FL	33403	561-842-0001	561-842-0009
Foster Marine Contractors, Inc.	Larry Brennen	7313 Westport Place	West Palm Beach	FL	33413	561-683-0034	561-683-0335
Johnson-Davis, Inc.	Ed Pultz	604 Hillbrath Drive	Lantana	FL	33462	561-588-1170	561-585-5252
Murray Logan Construction, Inc.	David Logan	313 65th Trail N	West Palm Beach	FL	33413	561-686-3948	561-686-7465
The Whiting-Turner Contracting Company	Frank Zarembo	1901 W. Cypress Creek Road, Suite 101	Ft. Lauderdale	FL	33309	954-776-0800	954-776-0797

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 31-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 86, Planning, Section 86-90, Standards, at Subsections (c) and (d); 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. 31-10

ORDINANCE NO. 31-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 86, PLANNING, SECTION 86-90, STANDARDS, AT SUBSECTIONS (c) AND (e); 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 86, Planning; Article III, Stormwater Management; Section 86-90, Standards, to read as follows:

"Sec. 86-90. Standards.

(a) The proposed development and development activity shall not violate the water quality standards as set forth in F.A.C. rule 17-3.

(b) The design and construction of the proposed stormwater management system will be reviewed to ensure that they do not violate guidelines incorporated in the public works department engineering standards, and will be certified as meeting the requirements of this Code by the town engineer.

(c) No surface water shall be channeled or directed into the sanitary sewer system. This includes roof drains, yard drains, basement drains, sumps, leaders and gutters and swimming pools.

(d) The proposed stormwater management system shall be compatible with the drainage systems or drainage ways on surrounding properties or streets.

(e) Stormwater systems shall be designed to meet the town's adopted level of service for drainage pursuant to the Town's most recently adopted edition of the Town's Comprehensive Plan, Infrastructure Element, Drainage.

(f) All stormwater must run over permeable surfaces prior to discharge into the town drainage systems.

(g) All stormwater management systems shall use soil erosion control techniques during construction, as described in section 66-441 et seq.

(h) In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently.

(i) The characteristics of stormwater conveyed from the site should meet the public works department engineering standards, or approximate the rate, volume, quality and timing that occurred on the site under conditions preceding the proposed development, whichever is more stringent.

(j) Reserved.

(k) A stormwater management agreement, including a certified copy of the approved as-built storm drainage plans as prepared by a certified professional land surveyor, and, if applicable, a letter from an engineer registered in the state stating that any underground storm water improvements have been constructed substantially in compliance with the approved stormwater management plan, shall be recorded in the public records of the county prior to issuance of a certificate of occupancy and shall constitute notice to any subsequent purchasers, successors in interest, or assigns of the approved storm water management plan applicable to the property. All modifications to property which may alter the drainage plan must be approved by the town engineer and revised as-built storm drainage plans recorded in the public records of the county if required."

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 December, 2010, and for second and final reading on this 11th day of January, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 32-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 94, Sales, Articles II, III and IV; 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. 32-10

ORDINANCE NO. 32-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 94, SALES, ARTICLES II, III AND IV; 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 94, Sales; Article II, Auctions and Auctioneers, to read as follows:

"ARTICLE II. AUCTIONS AND AUCTIONEERS

Sec. 94-31. Night sales prohibited.

No permit shall be issued and it shall be unlawful for any person to conduct a sale at public auction in the town between the hours of 6:00 p.m. and 8:00 a.m.

Sec. 94-32. Prohibited in season on certain streets.

It shall be unlawful to hold or conduct any auction sale between November 1 and April 30 of any year, in buildings fronting on any of the following designated streets within the town:

- (1) On Worth Avenue, between County Road and Lake Drive.
- (2) On Hibiscus Street, between Peruvian Avenue and Worth Avenue.
- (3) On Coconut Row, between Peruvian Avenue and Worth Avenue.
- (4) On Ocean Boulevard, between Barton Avenue and Gulf Stream Road.
- (5) On County Road, between Worth Avenue and Wells Road.

- (6) On Royal Palm Way.
- (7) On Bradley Place, between Royal Poinciana Way and Wells Road.
- (8) On Sunrise Avenue, between Bradley Place and Ocean Boulevard."

Sec. 94-33. Permit Required.

No person shall engage in, participate in, aid, form or start any auction unless a permit shall have first been obtained from the town clerk.

Sec. 94-34. Permit Limitation.

No more than two (2) permits per calender year shall be issued to conduct an auction at any location or address in town.

Sec. 94-35. Application.

(a) *Required.* A person seeking issuance of an auction permit shall file an application with the town clerk's office on forms provided by the town.

(b) *Filing.* A completed application for an auction permit, providing all information required herein, shall be filed with the town clerk's office not less than 30 days nor more than 90 days before the date on which it is proposed to conduct the auction.

(c) *Contents.* The application for an auction permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such an auction.

(2) The purpose of the auction.

(3) A general description of the items to be auctioned.

(4) If the auction is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.

(5) The date on which the auction is to be conducted.

(6) The exact hours the auction is to be conducted.

(7) The name of or type of auction.

(8) The exact location of the auction.

(9) The approximate number of participants and spectators.

(10) A detailed description of the activity or activities, including whether or not the auction event requires support facilities such as traffic control, parking volume, crowd control.

- (11) The signature of the applicant.
- (12) The name, address and telephone number of the person who will be responsible for the conduct of the auction.
- (13) An application fee adopted by resolution of the Town Council, as may be amended from time to time.

Sec. 94-36. Standards for issuance.

The town clerk's office shall issue an auction permit when from a consideration of the application and from such other information as may otherwise be obtained, the town clerk determines that:

- (1) The applicant has agreed in writing to abide by all provisions set forth in this article.
- (2) All required information is set forth in the application and is in accordance with all provisions set forth in this article.
- (3) The concentration of persons and vehicles at assembly points of the auction location will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly points of the auction as determined by the Chief of Police or his designee and the Chief of Fire-Rescue or his designee.
- (4) The conduct of the auction will not interfere with the movement of police and fire rescue vehicles and equipment en route to a fire or the movement of emergency medical services equipment en route to an emergency as determined by the Chief of Police or his designee and the Chief of Fire-Rescue or his designee.
- (5) The conduct of the auction will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the auction as determined by the Chief of Police or his designee.
- (6) The conduct of the auction will not result in damage to town-owned property as determined by the Director of Public Works or his designee or constitute a hazard to the safety of other persons within the immediate vicinity of the auction as determined by the Chief of Police or his designee and the Chief of Fire-Rescue or his designee.
- (7) No event or auction is scheduled elsewhere in the town where the town's resources required for that event or auction are so great that the deployment of resources for the proposed auction would have an immediate and adverse effect upon the welfare and safety of persons and property as determined by the Chief of Police or his designee and the Chief of Fire-Rescue or his designee.
- (8) The auction will be conducted within a commercial zoning district of the town.
- (9) The auction will be conducted by a licensed auctioneer.
- (10) The goods or services to be auctioned shall be the same or similar to the licensed use of the facility within which the auction is to be held as determined by the director of the planning, zoning and building department, or his designee, in the permit application review process. For example, a licensed real estate office would be eligible to conduct an auction of real estate, but not jewelry. Likewise, a licensed jewelry store would be eligible to auction jewelry, but not real estate.

(11) The granting of the permit will not cause more than two (2) auctions to be held within a calendar year at the location or address where the auction is proposed to be conducted.

Sec. 94-37. Notice of approval or denial.

The town clerk shall act upon an application for an auction within 15 days after the filing thereof and must notify the applicant of the approval or denial of the application within that same period. If the town clerk denies an application, a written notice stating the reasons for denial shall be sent to the applicant by mail and made available by the town for inspection within the 15-day period specified above.

Sec. 94-38. Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of an auction permit to the town council. The appeal shall be filed within five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal at the next regular monthly meeting of the town council subsequent to the notice of appeal.

Sec. 94-39. Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state and federal government, and all permit directions and conditions of the permit.

Sec. 94-40. Possession.

The person heading or leading such auction shall carry the auction permit upon his person during the conduct of the auction and shall be present at the auction.

Sec. 94-41. Revocation.

The town manager or his designee shall have the authority to revoke an auction permit issued under this division upon violation of the provisions applicable to auction permittees. If an auction is conducted in violation of the terms of the permit, the permit shall be determined to be null and void and may be immediately terminated. The revocation of a permit may be appealed in the same manner and under the same time limitations as a permit denial.”

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 94, Sales; Article III, Closing-Out or Distress Sales; Division 2, Permit; Section 94-105, Bond Required, so as to rescind Section 94-105 in its entirety.

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 94, Sales; Article III, Closing-Out or Distress Sales; Division 2, Permit; Section 94-109, Fees, to read as follows:

"Sec. 94-109. Fees.

The applicant for an original permit or a renewal, shall pay to the town clerk the sum adopted by resolution of the Town Council, as may be amended from time to time, upon filing of each such application as a fee to defray the cost of investigating statements contained in such application, and no part of such fee shall be refundable."

Section 4. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 94, Sales; Article IV, Garage Sales; Division 2, Permit; Section 94-178, Fee, to read as follows:

"Sec. 94-178. Fee.

There shall be an administrative processing fee in an amount determined by resolution of the Town Council, as may be amended from time to time, for the issuance of a garage sale permit."

Section 5. 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 6. 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 7. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 8. 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 December, 2010, and for second and final reading on this 11th day of January 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 33-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 98, Secondhand Goods, Article II, Secondhand Dealers, by Deleting Sections 98-32 and 98-33 in Their Entirety; 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. 33-10

ORDINANCE NO. 33-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 98, SECONDHAND GOODS, ARTICLE II, SECONDHAND DEALERS, BY DELETING SECTIONS 98-32 AND 98-33 IN THEIR ENTIRETY; 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 98, Secondhand Goods; Article II, Secondhand Dealers, by deleting Sections 98-32 and 98-33 in their entirety.

"ARTICLE II. SECONDHAND DEALERS

Sec. 98-31. Pawnbroking prohibited.

It shall be unlawful to engage in business as a pawnbroker in the town. Engaging in business as a pawnbroker shall mean the lending of money for the security of which the lender takes possession of personal property of the borrower at the time of making the loan, which personal property the lender has the right to sell if the loan is not repaid within a stated time.

""

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 December, 2010, and for second and final reading on this 11th day of January, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 34-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks and Other Public Places, at Article V, Section 106-158, Relating to the Prohibition of Bicycle Riding on Sidewalks Within Commercial Zoning Districts; Amending Article VIII, Section 106-291, Relating to Certificate of Compliance; and Section 106-292, Relating to Standards for Newsrack and Modular Newsracks Including Maintenance, Installation and Locations; 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. 34-10

ORDINANCE NO. 34-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, AT ARTICLE V, SECTION 106-158, RELATING TO THE PROHIBITION OF BICYCLE RIDING ON SIDEWALKS WITHIN COMMERCIAL ZONING DISTRICTS; AMENDING ARTICLE VIII, SECTION 106-291, RELATING TO CERTIFICATE OF COMPLIANCE; AND SECTION 106-292, RELATING TO STANDARDS FOR NEWSRACK AND MODULAR NEWSRACKS INCLUDING MAINTENANCE, INSTALLATION AND LOCATIONS; 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 V, Sidewalks; Section 106-158, to read as follows:

"Sec. 106-158. Prohibiting bicycle riding on sidewalks within commercial zoning districts.

(a) It shall be unlawful for any person to ride a bicycle or any other mode of transportation, including but not limited to unicycles, tricycles, roller skates and electric personal assisted mobility devices (Segways), upon the sidewalks of the town located within the commercial zoning districts, unless the sidewalk is specifically designated as a bicycle path. Members of the police department are exempt from this section and may ride bicycles on sidewalks in the town's commercial districts in the performance of their official duties. The prohibition set forth in this section does not apply to wheelchairs or to any mobility device designed or used to assist a disabled person.

(b) A person who shall violate the provisions of this section shall be subject to general penalties as provided by Sec. 1-14 or to code enforcement penalties as provided in Section 2-439.

(c) The chief of police, his authorized agents or representatives, are hereby authorized to post signs relating to this prohibition within the commercial zoning districts of the town."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VIII, Moveable Fixtures Within the Right-of-Way; Section 106-291, to read as follows:

"Sec. 106-291. Certificate of compliance required.

The controlling entity of any newspaper, written periodical or advertising circular distributed from any newsrack or modular newsrack location within a public right-of-way within the town shall notify the chief of police or his/her designee, in writing, of the location or change of location of any such newsrack or modular newsrack by filing a certificate of compliance in accordance with the provisions of this section no later than fourteen (14) days after the placement or relocation of the newsrack or modular newsrack. All newsracks and modular newsracks currently located within town rights-of-way must be in compliance with the terms of this article within thirty (30) days of the date of its adoption, however, ninety (90) days from the date of adoption shall be allowed for the requirement of replacement of modular units in place of newsracks.

- (1) *Reviewing and enforcement authority.* The authority responsible for reviewing the certificates of compliance to verify compliance with the ordinance provisions and enforcing the terms of this article shall be the chief of police or his/her designee.
- (2) *Certification.* The controlling entity shall file with the chief of police or his/her designee a written certificate of compliance which shall contain the following information:
 - a. The name, address and telephone number of the controlling entity, which is the owner and/or principal responsible for the newsrack(s) or modular newsrack(s).
 - b. The name, address and telephone number of a responsible person whom the town may notify or contact at any time concerning the controlling entity's newsrack(s) or modular newsrack(s), including notification for enforcement purposes.

- c. The proposed location of the newsrack(s) or modular newsrack(s).
- d. Names of newspapers or periodicals to be contained in each newsrack or modular newsrack.
- e. A certification that the newsrack(s) or modular newsrack(s) is (are) installed in conformance with the provisions of this article in their entirety.
- f. Executed indemnification agreement and insurance certificate in compliance with section 106-291.

More than one newsrack or modular newsrack location may be included on a certificate of compliance.

- (3) *Denial of certificate of compliance.* If a certificate of compliance for a newsrack or modular newsrack location is incorrect, or the newsrack or modular newsrack is not located, maintained, or installed in conformity with the certification or this section, the certificate of compliance shall be deemed denied, and an order to correct the violation shall be issued pursuant to section 106-296.
- (4) *Fees.* The owner of any newsrack located on any right-of-way within the town shall pay to the town an annual administrative fee in an amount established by resolution adopted by the Town Council, as may be amended from time to time, for each newsrack located on the town right-of-way. Said fees shall be used for purposes of defraying the costs of administering this article and of inspection of newsracks and modular newsracks located within the town."

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VIII, Moveable Fixtures Within the Right-of-Way; Section 106-292, subsection (7) (a) and subsection(7) (a) (8), to read as follows:

Sec. 106-292. Standards for newsrack and modular newsracks including maintenance, installation and locations.

Any newsrack or modular newsrack which in whole or in part rests upon, in or over any public property or right-of-way located within the town shall comply with the following standards:

* * * *

"(7) Locations.

- a. Newsracks and modular newsracks shall be located only in the following locations on town rights-of-way within the town in a manner and location directed by the chief of police or his designee:"

* * * * *

"8. *Hibiscus between Peruvian and Chilean Avenue, east side of street.* At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of seven newsracks shall be located within the enclosure provided by the town, and a maximum of four nonpaid publications may be located in a modular unit at this location."

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 December, 2010, and for second and final reading on this 11th day of January, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 35-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 18, Buildings and Building Regulations; Article III, Architectural Review; Division 2, Architectural Commission; Section 18-169, Removal Provisions; 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. 35-10

ORDINANCE NO. 35-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS; ARTICLE III, ARCHITECTURAL REVIEW; DIVISION 2, ARCHITECTURAL COMMISSION; SECTION 18-169, REMOVAL PROVISIONS; 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 18, Buildings and Building Regulations; Article III, Architectural Review; Division 2, Architectural Commission; Section 18-169, Removal Provisions and Absences, to read as follows:

"Sec. 18-169. Removal provisions; absences.

All members of the architectural commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance, which is defined as failure to attend three regularly scheduled meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the Director of Planning, Zoning & Building in writing of the board member's intended absence at least seven (7) business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code."

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 December, 2010, and for second and final reading on this 11th day of January, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2011

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 36-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 110, Subdivisions, So as to Modify the Term "Building Official" Used Throughout to "Director of Planning, Zoning & Building"; 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. 36-10

ORDINANCE NO. 36-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 110, SUBDIVISIONS, SO AS TO MODIFY THE TERM "BUILDING OFFICIAL" USED THROUGHOUT TO "DIRECTOR OF PLANNING, ZONING & BUILDING"; 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 110, Subdivisions, to read as follows:

"CHAPTER 110 SUBDIVISIONS

ARTICLE I. IN GENERAL

Sec. 110-1. Subdivision fees.

(a) *Preliminary review.* A nonrefundable preliminary subdivision review fee as adopted by resolution of the Town Council, as may be amended from time to time shall be submitted to the Director of Planning, Zoning and Building upon application.

(b) *Impact study.* Prior to the town's acceptance of the proposed subdivision, the town council may negotiate a mutually agreeable subdivision fee based upon studies required by the town concerning the impact the proposed subdivision may place upon the town's infrastructure. However, in no instance shall this fee be less than the application fee adopted by resolution of the Town Council, as may be amended from time to time. This fee shall be payable to the Director of Planning, Zoning and Building prior to the town manager's signing the proposed plat.

(c) *Replats.* The minimum fee for replats shall not be less than the application fee adopted by resolution of the Town Council, as may be amended from time to time.

(d) *Publication costs.* A sum sufficient to pay publication costs of any notice required to be published shall be added to the fees in this section.

Sec. 110-2. Variances.

Where the applicant fully demonstrates that an extraordinary hardship may result from strict compliance with this chapter, the town council may grant a variance to this chapter so that substantial justice may be done and a public interest secured; however, such variation must not be in conflict with nor have the effect of nullifying the intent and purpose of the town's comprehensive plan and zoning ordinance or the intent of this chapter. In granting variances and modifications, the town council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE II. PLATS AND PLANS

DIVISION 1. GENERALLY

Sec. 110-36. Town manager's approval required.

No plat of a subdivision within the town shall be entitled to record unless it bears upon its face the approval in writing of the town manager, and the town manager shall not approve any such plat except upon approval by the town council.

Sec. 110-37. Letter of credit regarding proposed Improvements.

The developer shall provide the town an irrevocable clean letter of credit drawn upon a county bank in the amount equal of 135 percent of the estimated cost of the proposed subdivision improvements to secure the cost of the construction of the improvements. This cost shall be certified by a state registered engineer and shall be subject to the town engineer's review and approval as well as any other mutually agreed upon subdivision fees prior to the execution of the plat for the town by the town manager. There shall be no building permits issued for development within the subdivision prior to the town engineer's and director of public works' acceptance of the completed improvements. Construction permits for the improvements must be obtained from the planning, zoning and building department within six months of the approval date, or all approvals shall become null and void. Improvements shall be completed within six months of the date of their commencement. If the improvements are not completed within the six-month period, or if work is abandoned on the

property by failure to conduct activity toward the improvement of the property for a continuous period of 30 days or more, or if the improvements are not completed in accordance with the approved plans, the town may call in the irrevocable letter of credit and cause the improvements to be completed.

DIVISION 2. LOT SPLITS

Sec. 110-61. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Lot split means the subdivision of a single lot or parcel of land into two lots or parcels. This shall not include splitting of a lot or parcel of land for the purpose of transferring additional land to an existing lot or parcel so long as nonconformities are not created.

Sec. 110-62. Filing of plat and replats.

When any lot or parcel of land in the town is subdivided into three or more building lots or when a property that was previously the subject of a lot split subsequent to the adoption of this article is contemplated for another lot split, no development or any part thereof shall be permitted until the owner of such property shall comply with the provisions of this article by filing and recording a plat in the public records of the county that is deemed to be in concert with the town's comprehensive plan and zoning ordinance. No building permit shall be issued by the Director of Planning, Zoning and Building except in accordance with the requirements of this article.

Sec. 110-63. Restrictive covenant.

(a) Because all development orders and development permits issued by the town must be consistent with the town's comprehensive plan, and since adequate public facilities for transportation, sanitary sewer, potable water, drainage, solid waste disposal and recreation/open space must be available sufficient to maintain the town's adopted levels of service concurrent with the impacts of development, property owners in the town have no assurance that when lands are the subject to a lot split, or are being subdivided by platting or replatting, such actions can be undertaken to the maximum extent that may be allowable under the provisions of the town's zoning ordinance.

(b) As a condition of approval, the owner of each of the two remaining properties of a lot split shall prepare and record a restrictive covenant on each lot requiring that further subdivision of the property shall be allowed only upon application to and approval by the town for a subdivision under the provisions of this article.

Sec. 110-64. Review by the director of planning, zoning and building.

The director of planning, zoning and building may approve lot splits that conform to the requirements of this division.

Sec. 110-65. Required materials.

The director of planning, zoning and building shall consider a proposed lot split upon submittal of the following materials:

- (1) A completed application form provided by the director of planning, zoning and building accompanied by three paper copies of the proposed lot split; and
- (2) Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing, prepared by a professional land surveyor registered in the state, showing the intended subdivision. If a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.

Sec. 110-66. Review procedures.

If the director of planning, zoning and building determines that the lot split meets the conditions of this division and otherwise complies with all applicable laws and ordinances, he or she shall approve the lot split by signing the application form.

Sec. 110-67. Recordation.

Upon approval of the lot split, the applicant shall record the split on the appropriate maps and documents with the county clerk and provide copies of the recorded documents to the director of planning, zoning and building. The department of planning, zoning and building shall record the appropriate map changes and documents in the town records.

Sec. 110-68. Standards and restrictions.

(a) *Standards.* All lot splits shall conform to the following standards:

- (1) Each proposed lot must conform to all provisions and requirements of the town's land development regulations.
- (2) Each lot shall abut a public or private street for the required minimum lot width for the zoning district where the lots are located.
- (3) If any lot abuts a street right-of-way that does not conform to the design specifications provided in the town's land development regulations, the owner may be required to dedicate up to half the right-of-way width necessary to meet the minimum design requirements.

(b) *Restrictions.* No further division of an approved lot split shall be permitted under this section unless a development plan is prepared and submitted in accordance with this article.

DIVISION 3. PRELIMINARY PLANS

Sec. 110-91. Submission of plans.

Preliminary plans, prepared by a state registered engineer, of the proposed subdivision of lands within the town, which shall include when deemed necessary by the director of planning, zoning and building a traffic engineering study, shall be first submitted to the director of planning, zoning and building accompanied by a review fee and in form and number sufficient for study by the mayor and town council, the town staff, and any town-appointed commission (if applicable), for the purpose of assisting and advising the developers of such subdivision as to the requirements of the town with reference thereto.

Sec. 110-92. Contents.

(a) Preliminary application packages shall include but are not limited to the following items:

- (1) A proposed plat or replat shall conform to all applicable state statutes and regulations, as well as all ordinances and regulations of the town.
- (2) Construction drawings shall include but not be limited to the following:

- a. Streets:
 - 1. Locations at minimum elevation of six feet NGVD-29.
 - 2. Street markings.
 - 3. Street names.
 - 4. Numbers to be assigned by the planning, zoning and building department.
 - b. Sidewalks, if provided, as approved by the town public works department.
 - c.. Fire hydrant types and locations as approved by the South Eastern Underwriters Association and the fire-rescue department.
 - d. Security structure locations.
 - e. Proposed seawalls and docks, if applicable.
 - f. Landscape buffer areas and general subdivision landscape plans.
- (3) Traffic engineering study, including traffic control devices and sign locations, when required by the director of planning, zoning and building.
 - (4) Detailed construction plans meeting all applicable governmental agency and town standards.
 - (5) Utility company review and acceptance letters.
 - (6) Soil-bearing capacity tests, where applicable.
 - (7) Topographics of existing land and proposed subdivision.
 - (8) Current survey of existing land and any existing structures.

(b) The formal subdivision request with 20 copies shall be submitted to the director of planning, zoning and building no later than 30 days prior to the next regular town council meeting at which consideration is requested.

ARTICLE III. IMPROVEMENTS

Sec. 110-126. Street widths.

The width of all street rights-of-way in subdivisions shall not be less than 30 feet; radius at all intersections shall not be less than 25 feet. Each street shall have not less than 24 feet of pavement with no parking permitted, to be confined by standard concrete curb and gutters or valley type gutters with proper catchbasins as approved by the town engineer and director of public works. Radius at culs-de-sac shall not be less than 50 feet. Concrete headers may be substituted for curb and gutters only where contour provides adequate drainage, and then only upon the approval of the town engineer and the director of public works.

Sec. 110-127. Street construction.

Pavement construction shall be in general conformance with state department of transportation standards. The minimum pavement section shall be composed of a compacted subgrade, five-inch-thick hot bituminous base course and a 1 1/2-inch-thick asphaltic concrete surface course. Material specifications, density requirements, etc., shall be set by the town engineer. Alternative types of pavement design will be considered by the town engineer upon submission of appropriate data.

Sec. 110-128. Easements.

A minimum of five feet shall be reserved at the rear or side within all platted lots for drainage and utilities, and the dedication thereof shall appear on the face of the plat. All utilities shall be installed underground in accordance with chapter 134. Up to a three-foot easement shall be dedicated within platted lots on each side of a dedicated street right-of-way if the pavement exceeds 27 feet, for the purpose of laying street lighting cables, the easement to remain unpaved; and no wall, trees, fences or similar structures or growth shall be allowed or placed on or over such easement. Limited-access easements and nuisance strips may be required by the town when situations dictate.

Sec. 110-129. Sanitary sewers and storm drainage sewers.

Sanitary and storm sewers shall be so laid out and designed as to fit into the disposal systems of the town. The location of the sanitary and storm sewer lines shall be shown upon construction plans submitted with all plats. The following specifications shall be observed in the construction of a sanitary sewer:

- (1) *Sanitary sewers.* The material specifications for sanitary sewers shall be stated and designed by a state registered engineer and subject to approval of the town.
- (2) *Storm sewers.*
 - a. The material specifications for storm sewers shall be the same as subsection (1) of this section.
 - b. Appropriate stubs shall be made from the storm sewers so that each lot will have access for swimming pool wastewater."

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 December, 2010, and for second and final reading on this 11th day of January, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

REVISED

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Approval of a Professional Design Consultant Fee Proposal with Bridges, Marsh & Assoc. in an Amount Not to Exceed \$65,000 for Alterations and Renovations to Design Elements within the Worth Avenue Commercial District
Resolution No. 7-11

Date: January 4, 2011

STAFF RECOMMENDATION

Staff recommends the Town Council adopt Resolution No. 7-11. If approved, Resolution No. 7-11 will authorize the Town Manager to execute a professional design consultant fee proposal with Bridges, Marsh & Assoc. in an amount not to exceed \$65,000 for alterations and renovations to design elements within the Worth Avenue Commercial District.

GENERAL INFORMATION

The Worth Avenue Improvement Project was completed on or before November 24, 2010. The Town has known since early fall of 2010 that some property owners and merchants would like to provide for enhancements to the improvements. The Public Works Committee met on October 5, 2010 to consider these issues and recommended to the Town Council that upon conclusion of the original construction contract, that the Hybrid Committee would reconvene and consider proposed changes and make recommendations to the Town Council concerning the same. The Hybrid Committee has been appointed and its members are:

- Ted Cooney
- William Feldkamp
- Eugene Pandula
- Wallace Rogers
- Jeff Smith
- William Strawbridge
- Ann Vanneck
- Stefan Richter

➤ Murray Goodman

In order to commence this process the Town needs to secure professional design services to prepare drawings, make presentations, prepare bid documents and provide construction administration. Bridges, Marsh & Assoc. was the lead design firm for the most recent improvements in the Worth Avenue Commercial District. The firm has an existing professional services agreement with the Town and were previously selected in accordance with the requirements of Florida's Competitive Consultant's Negotiations Act (CCNA).

The scope of work to be performed is unknown at this time because we do not know with certainty the totality of changes that may be suggested. Hence, in fairness to be parties, the Town has sought an hourly rate, not to exceed fee proposal from Bridges, Marsh. If the cost stays under the cap, the excess can be used for enhancements, debt reduction or debt service. If we need to exceed the cap, we must come back for Town Council approval.

The known design elements that may be explored as additions or alterations are:

- Hibiscus Avenue Piazza landscaping plan
- Hibiscus Avenue fountains
- Newspaper racks in Worth Avenue Commercial District
- Allowing hanging baskets on all street lights in the Worth Avenue Commercial District, which will require the addition of hanging basket brackets on the street lights.
- Revisit the approved sign pole design to preclude the use of brushed aluminum on secondary regulatory signs and instead provide black fluted poles on all street signage in the Worth Avenue Commercial District.
- Ground cover and landscaping amendments
- Special manhole covers and drainage inlets
- Art in public places

FUNDING/FISCAL IMPACT

All proposed changes, including this proposed design contract, must fall within the funding that remains for the Worth Avenue project. Because the final invoices for the construction project have not yet been received, staff can only provide an estimate of what will remain upon payment of all outstanding invoices. As of January 3, 2011, staff estimates that there is at least \$775,101 available in the Worth Avenue Improvement Project account and possibly more, depending on final payments most likely to be consummated in January 2011.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

Resolution No. 7-10 has been approved by the Town Attorney for legal form and sufficiency.

cc: John C. Randolph, Town Attorney
 H. Paul Brazil, Director of Public Works
 Jane Struder, Director of Finance
 Cheryl Somers, Assistant Director of Finance
 Eric Brown, Assistant Director of Public Works
 Lynda Venne, Purchasing Agent

RESOLUTION NO. 7-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PROFESSIONAL DESIGN CONSULTANT FEE PROPOSAL WITH BRIDGES, MARSH & ASSOC. IN AN AMOUNT NOT TO EXCEED \$65,000 FOR POSSIBLE ALTERATIONS AND RENOVATIONS IN CONJUNCTION WITH THE WORTH AVENUE IMPROVEMENT PROJECT AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

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

Section 1: The Bridges, Marsh & Assoc. professional design consultant fee proposal in an amount not to exceed \$65,000 for possible alternations and renovations of design elements in conjunction with the Worth Avenue Improvement Project, attached hereto is Exhibit "A" and incorporated by reference as a part of this resolution, is hereby approved and the Town Manager is authorized to execute the same on behalf of the Town.

PASSED AND ADOPTED IN REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH ASSEMBLED THIS 11th DAY OF JANUARY, 2011.

Jack McDonald, Mayor

David A. Rosow, Town Council Member

Gail Coniglio, Town Council Member

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Cheryl Somers, Acting Town Clerk

Robert N. Wildrick, Town Council Member

22 December 2010

Mr. Peter B. Elwell
Town Manager
Town of Palm Beach
PO Box 2029
Palm Beach, FL 33480

RE: ALTERATIONS AND RENOVATIONS TO WORTH AVENUE (between Ocean Blvd. and Cocoanut Row)
Additional Design improvements consistent with the Town of Palm Beach, and Worth Avenue Property Owners goals and requirements.

PROFESSIONAL DESIGN CONSULTANT FEE PROPOSAL

The following is a “Hourly Rate, Not to Exceed” fee proposal for Basic Services on the above referenced project:

CONSULTANT SERVICES:

Architect
Landscape Architect
Structural Engineer
Mechanical, Electrical, and Plumbing Engineer
Civil Engineer/Traffic Engineer
Land Surveyors

All the above services to be undertaken up to a maximum of **\$65,000.00 (Sixty-Five Thousand Dollars)**

PHASE I	\$ 7,500.00
PHASE II	\$ 12,500.00
PHASE III	\$ 20,000.00
PHASE IV	\$ 15,000.00
REIMBURSABLES	\$ 5,000.00
AS-BUILTS	\$ 5,000.00

THE BASIC SERVICES:

PHASE I Schematic Design

- Based on current conditions the Architect and their Consultants shall prepare Conceptual documentation in sufficient detail to allow the Town of Palm Beach, Worth Avenue Property Owners and other public or private entities to approve and endorse the viability of the proposed improvements

\$ 7,500.00

PHASE II Design Development

- Based on the approved Schematic Design Documents and any adjustment authorized by the Owner in the program, schedule or construction budget, the Architect shall prepare for approval by the Owner, Design Development Documents consisting of drawings and other documents to fix and describe the size and character of the Project as to architectural, structural, mechanical and electrical systems, materials and such other elements as may be appropriate.
- The Architect shall provide the Owner a preliminary estimate of Construction Costs.
- Architect and their Consultants shall make necessary presentations to Town Council and Town Review Boards, including Hybrid Committee

\$ 12,500.00

PHASE III. Construction Document/Bidding

- Based on the approved Design Development Documents and any further adjustments in the scope or quality of the Project or in the construction budget authorized by the Owner, the Architect and their Consultants shall prepare, for approval by the Owner, Construction Documents consisting of drawings and specifications setting forth in detail the requirements for the construction of the Project.
- The Architect shall assist the Owner in the preparation of the necessary bidding information, bidding forms, the Conditions of the Contract, and the form of Agreement between the Owner and Contractor.
- The Architect shall assist the Owner in the connection with the Owner's responsibility for filing documents required for the approval of government authorities having jurisdiction over the Project.
- The Architect shall provide three (3) sets of plans and specifications, signed and sealed, to the Town's Building Department to be used for permitting.

\$ 20,000.00

PHASE IV Construction Administration

- The Architect's and their Consultants responsibility to provide Basic Services for the Construction Phase under this Agreement commences with the award of the initial Contract for Construction and terminates at the earlier of the issuance to the Owner of the final Certificate for Payment or 60 days after the date of Substantial Completion of the Work.
- The Architect and their Consultants, as a representative of the Owner, shall visit the site at least once a week to become generally familiar with and to keep the Owner informed about the progress and quality of the portion of the Work completed, (2) to endeavor to guard the Owner against defects and deficiencies in the Work, and (3) to determine in general if the Work is being performed in a manner indicating that the work, when fully completed, will be in accordance with the Contract Documents. However, the Architect shall not be required to make exhaustive or continuous on-site inspections to check the quality of the Work. The Architect shall neither have control over or change of, nor be responsible for, the construction means, methods, techniques, sequences, or procedures, or the safety precautions and programs in connection with the Work, since these are solely the Contractor's rights and responsibilities under the Contract Documents.
- The Architect and their Consultants shall at all times have access to the Work wherever it is in preparation or in progress.
- The Architect shall review and certify the amounts due the Contractor and shall issue certifications in such amounts.
- The issuance of a Certificate for Payment shall not be a representation that the Architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the Work, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and material suppliers and other data requested by the Owner to substantiate the Contractor's right to payment, or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.
- The Architect shall have authority to reject Work that does not conform to the Contract Documents. Whenever the Architect considers it necessary or advisable, the Architect shall have authority to require inspections or testing of the Work in accordance with the provisions of the Contract Documents, whether or not such Work is fabricated, installed or completed.

\$ 15,000.00

As-Built Documentation

- Preparation of updated documentation reflecting all as-built project conditions for all disciplines involved in the project. This information will be delivered in electronic format (CADD) as a record for the Town of Palm Beach.

\$ 5,000.00

Basis of Compensation

As per P.S.A.

BASIS OF COMPENSATION

All services to be billed on an hourly basis and billed monthly at the following rates:

Architectural Services:

Principal	\$200.00 per hour
Project Design	\$125.00 per hour
Project Manager	\$125.00 per hour
Sr. Draftsman	\$ 95.00 per hour
Draftsman	\$ 85.00 per hour
Administration	\$ 65.00 per hour

Landscape Services

Principal	\$190.00 per hour
Associate/Proj Mgr	\$150.00 per hour
AutoCad Tech	\$ 80.00 per hour
Clerical	\$ 60.00 per hour

Structural Services

Principal	\$175.00 per hour
Engineer	\$110.00 per hour
Engineer Intern	\$ 90.00 per hour
Sr. Draftsman	\$ 90.00 per hour
Draftsman	\$ 80.00 per hour
Administration	\$ 40.00 per hour

M/E/P Services

Principal	\$150.00 per hour
Engineer	\$125.00 per hour
Technician	\$ 95.00 per hour
Draftsman	\$ 55.00 per hour
Administration	\$ 35.00 per hour

Civil Services

Principal	\$204.82 per hour
Engineer (PM)	\$148.57 per hour
Engineer II	\$118.99 per hour
CADD /Engineer III	\$ 96.65 per hour
Analyst	\$ 74.29 per hour
Draftsman	\$ 60.01 per hour
Designer	\$102.41 per hour
Administration	\$ 71.69 per hour

Surveying Services

Land Surveyor	\$100.00 per hour
Computer Tech	\$ 70.00 per hour
Computer Draftsman	\$ 60.00 per hour
Field Crew	\$120.00 per hour

ADDITIONAL SERVICES:

- If more extensive representation at the site than included in Phase IV is required the Architect shall provide one or more Project Representatives to assist in carrying out such additional on-site responsibilities.
- Making revisions in drawings, specifications or other documents when such revisions are:
 - inconsistent with approvals or instructions previously given by the Owner, including revisions made necessary by adjustment in the Owner's program or Project budget;
 - required by the enactment or revision of codes, laws or regulations subsequent to the preparation of documents; or
 - due to changes required as a result of the Owner's failure to render decisions in a timely manner.
- Providing services required because of significant changes in the Project including, but not limited to, size, quality, complexity, the Owner's schedule, or the method of bidding or negotiating and contracting for construction.
- Providing any other services not otherwise included in this Agreement or not customarily furnished in accordance with generally accepted architectural practice.

OWNER'S RESPONSIBILITY:

- The Owner shall designate a representative authorized to act on the Owner's behalf with respect to the Project. The Owner or such

EXHIBIT A

designated representative shall render decisions in a timely manner pertaining to documents submitted by the Architect in order to avoid unreasonable delay in the orderly and sequential progress of the Architect's services.

- Geotechnical Exploration, including test borings, exfiltration, ground water location with analysis and recommendation

REIMBURSABLE EXPENSES:

In accordance with the Professional Services Agreement between the Town of Palm Beach and Bridges and Marsh Associates, Inc.

Allowance \$ 5,000.00

Mr. Peter B. Elwell, Town Manager

M. Mark Marsh, AIA , President

Date

Date

ESTIMATE FOR ARCHITECTURAL SERVICES

PROJECT:		RENOVATIONS TO WORTH AVENUE - PHASE II					Sheet	1 of 1
CLIENT:		Town of Palm Beach					Date:	1/5/2011
ESTIMATOR:		Mark Marsh						
DESCRIPTION:		DIRECT LABOR (MAN-HOURS)						
		Principal (MM)	PM/ CADD (HT)	MEP Principal (DW)	STRUCT Principal (DC)	Clerk (TF)	LINE TOTALS	
PHASE I	Schematic Design	10	15			2	\$ 3,405	
	Meetings	5	2				\$ 1,170	
PHASE II	Design Development	15	30			4	\$ 5,810	
	Meetings	10	2				\$ 2,170	
PHASE III	Construction Documents	10	20	7	10	4	\$ 6,760	
	Bid Review	5					\$ 1,000	
	Meetings	10	2				\$ 2,170	
PHASE IV	Construction Administration	20	2			4	\$ 4,430	
	TOTAL HOURS	85	73	7	10	14	189	
	LABOR (\$/hour)	\$200	\$85	\$150	\$175	\$65		
	TOTALS	\$17,000	\$6,205	\$1,050	\$1,750	\$910	\$26,915	
AS-BUILTS (allowance)								\$5,000
REIMBURSABLES (allowance)								\$5,000
								\$36,915

LANDSCAPE SERVICES

PROJECT:	RENOVATIONS TO WORTH AVENUE - PHASE II				Sheet	1 of 1	
CLIENT:	Town of Palm Beach				Date:	1/5/2011	
ESTIMATOR:	Sanchez and Maddux, Brian Vertesch						
DESCRIPTION:		DIRECT LABOR (MAN-HOURS)					
Additional Modifications to Worth Avenue Improvements Requested by Owners & Town		Principal JAS/PMM	PM BSV	CAD RW/AR	Clerk	LINE TOTALS \$	
PHASE I	Schematic Design	6	11	4		\$ 4,950	
	Meetings	6	6			\$ 2,040	
PHASE II	Design Development	2	15	8		\$ 2,520	
	Meetings	4	4			\$ 1,360	
PHASE III	Construction Documents	2	15	15	4	\$ 3,160	
	Bid Review	1	3			\$ 640	
	Meetings	4	4			\$ 1,360	
PHASE IV	Construction Administration	8	11			\$ 3,170	
	TOTAL HOURS	33	69	27	4		
	LABOR (\$/hour)	\$190	\$150	\$80	\$60		
	TOTALS	\$6,270	\$10,350	\$2,160	\$240	\$19,020	

ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	Worth Avenue Continuing Services					SHEET		1 of 1					
CLIENT:	Town of Palm Beach					FILE NO.							
ESTIMATOR:	Kevin Schanen					DATE:		01/05/11					
					ALLOCATE		0.0810						
DESCRIPTION: On-Call Engineering Consulting and Design Services on an as-needed basis related to future improvements in the Worth Avenue District. Fees limited to \$10,000. Work required beyond this dollar amount will be performed after the approval of subsequent proposal(s) by the Client.					DIRECT LABOR (MAN-HOURS)								
					P8 PNC (JEP)	P7 PM (KMS)	P5 Engineer (AK)	P4 Engineer (AKP)	P2 Analyst (JP)	D7 Designer (KP)	T3 Drafting (SB)	CLERK (DC)	SUB
On Call Services		2.0	30.0	10.0	8.0	16.0		20.5					\$0
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History shows the homeless cats are an issue in the Town of Palm Beach – the truth is the cats are here and must be taken care of every single day in the best and most humane way possible. Thus, Palm Beach Island Cats exists and has calmed the issue of the cats for a peaceful co-existence.

For those that have soft hearts toward cats, PBIC is their program. For those that do not like cats, PBIC is their program (whether they recognize it or not). PBIC is on the ground 365 days a year overseeing the homeless cat population, and PBIC is doing a wonderful job as acknowledged by local veterinarians, Code Enforcement, the Town Manager, and even you, the Town Council.

FIELD OPERATIONS:

- Targeted trapping to neuter cats.
- Professional, educated and experienced field personnel
- Cat population is known through accurate census
- Implementation of stealth cam for monitoring
- Feeding and watering every day without fail
- Feeding stations cleaned everyday without fail (no rotting food)
- Colonies registered with ACC and stabilized
- Since we took over program complaints received by Code Enforcement and Town Hall have stopped
- Residents concerns responded to immediately and resolved to mutual satisfaction
- Long-standing issues with condos and residents resolved
- Cooperation from residents at all time high
- Partnerships with Peggy Adams Animal Rescue League and Safe Harbor for extremely reduced cost of animal medical needs
- Though not a rescue group, PBIC does remove kittens from the population, socializes them and finds forever homes

FUNDRAISING

- Direct appeals to supporters
- 4,200 letters of appeal mailed;
- 4,200 brick brochures mailed

Overall response - disappointing

- More grants received than predecessors but at reduced amounts due to the economy

Despite reductions, continuing to submit applications

- Two times the amount of donations received than our predecessors

- Silent Auction event, bartender events and other money raising ventures

Board members have reached deep into their pockets to fund the program when the bank account was at critical lows in order to continue feeding, sterilizations and vaccines....but a few cannot continue to pay the entire cost of \$250,000 a year. Three Board members have stepped in when funds ran out and have given over half of our \$208,000 income. This can not continue..

Please remember that there is no other organization that will take care of this civic duty in the event of our demise; not the Town of Palm Beach and not Palm Beach County Animal Care and Control.

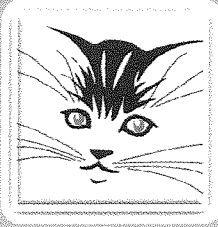
2010 Field Operations Statistics

	<i>Trapped*</i>	<i>Med Treat</i>	<i>Ster</i>	<i>Vac</i>	<i>Ill/Injury</i>	<i>Euth</i>	<i>Deceased</i>	<i>Adopt</i>	<i>Relocate</i>
Jan	46	16	5	13	3	1	1	1	
Feb	39	19	9	12	3	3	1	4	
Mar	38	16	7	13	4	2		3	4
Apr	30	23	8	19	1	2	1	3	7
May	39	16	7	13	4	2		3	4
Jun	49	26	6	22	2		1	5	
Jul	34	19	10	14	1		1		2
Aug**			2			1			
Sep	43	24	12	19			3	1	2
Oct	34	16	7	14	1			2	3
Nov	36	13	7	11	1	1	1	2	2
Dec	43	18	7	14	4	1	2	2	1
	431	206	87	164	24	13	11	26	25

*Includes all species trapped

** Aug - Wink hospitalized; 10 kittens removed from population and fostered

Kittens surrendered to PAARL for adoptions



Palm Beach Island Cats, Inc.

P.O. Box 173 • Palm Beach, FL 33480 • 561-512-4884

December 20, 2010

I'm writing to you today with a plea for help that is different from the many others you are receiving. A donation to Palm Beach Island Cats (PBIC) is the only one that directly impacts the quality of your life here on the Island.

PBIC feeds and waters Palm Beach's 700 homeless cats nightly. PBIC fields hundreds of resident calls every month. PBIC is trapping fertile cats, most of whom are pets being brought to the Island and dumped. And then there are the injured and abused cats cared for by PBIC.

A condo concierge heard a noise coming from one of their dumpsters and found a week old kitten crying his heart out from fear and hunger. This kind man took the kitten to Island Animal Hospital where PBIC assumed his care. He was bottle fed until he could eat solid food three weeks later, and when old enough he was vaccinated and neutered. He is currently happy, healthy and available for adoption.

The Field Director responded to a call on Ridgeview about crying coming from beneath a pile of yard debris. PBIC found five newborn kittens that gardeners raked up and threw in the garbage for disposal. One kitten had been crushed to death and four were suffering hypothermia and were barely alive. Despite efforts to warm them with a heat pad and give them nutrition by bottle, help came too late for these innocent kittens. They all died needlessly within 12 hours of birth.

These are just two of the many heart wrenching stories of cats in need on our Island. And only PBIC is there to help them.

After a year and a half of successful work controlling the cat population and ensuring their health and welfare, **as well as your own**, PBIC has been acknowledged by the Town Council, Town Manager and Vets Mary Ellen Scully and Brad Ochstein for doing a good job.

Though PBIC is running this program successfully, only 180 donors out of 10,000 property owners have been responsible for funding it. PBIC will fail unless you help us now. The program costs about \$700 a day. A handful of residents cannot bear this burden alone. So please pick an appropriate donation level and contribute today. Don't ignore this appeal thinking others will take care of this civic responsibility for you or the result will be 700 cats left without sustenance and care as well as a ballooning population.

Please help today.

David Leavitt, President
Palm Beach Island Cats, Inc.

*Mr. and Mrs. David Leavitt, Mr. and Mrs. Allen Mason, Mrs. Robert Grace
Mrs. Cheryl Giangrande, Mrs. Harriet Golding Martin, Mrs. Anita Lorello, Ms. Leslie Moss
Mrs. Marisa Vesley, Mr. Michael B. Harris, Mrs. Isabel Furlaud*

Mr. Leavitt, at your request I checked all of the Palm Beach Police Department's calls for service from 7/1/10 to date for any calls involving animal complaints and in particular any calls referencing feral cat complaints. As I verbally told you on the phone, there were none that I remembered since having assumed the Code Enforcement Manager's position. I did find some calls where Island Cat's assistance was requested reference an injured or stray animal and we were always able to make contact with someone and that assistance was never refused.

I appreciate the professional working relationship we have had with Island Cats and wish you continued success as the work you are doing benefits not only the homeless cats but also the residents of the Town who I am sure have seen an improvement in the care and control of the feral cat population as evidenced by the lack of complaints they are making to the police department and code enforcement.

Raychel Houston Parking/Code Enforcement Manager Palm Beach Police Department

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON FRIDAY, JANUARY 7, 2011**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on Friday, January 7, 2011, at 5:30 p.m., in the Town Council Chambers. On roll call, all elected officials were found to be present with the exception of Mayor Jack McDonald, who was absent.

II. PLEDGE OF ALLEGIANCE

President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. RESOLUTION NO. 2-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Town Caucus; Naming Therein the Candidates Nominated and Named in this Resolution; Declaring That a Municipal Election Shall Not Be Held.

Town Manager Peter Elwell read Resolution No. 2-11 by title, as printed above.

Motion to approve Resolution No. 2-11 was made by President Pro Tem Coniglio and seconded by Council Member Kleid. On roll call vote, the motion carried unanimously.

V. ANY OTHER MATTERS

There were none.

VI. ADJOURNMENT

There being no further business, the January 7, 2011, Special Town Council Meeting was adjourned at 5:31 p.m.

APPROVED:

David A. Rosow
Town Council President

ATTEST:

Cheryl A. Somers
Acting Town Clerk