



TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

DECEMBER 14, 2021

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. COMMENTS OF MAYOR DANIELLE H. MOORE
VI. COMMENTS OF TOWN COUNCIL MEMBERS
VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
VIII. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes Page 8
Pat Gayle-Gordon, Acting Town Clerk

October 12, 2021, Town Council Meeting
November 9, 2021, Town Council Meeting
November 10, 2021, Town Council Development Review Meeting
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 19, 2021. Page 61
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 150-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Ten Year Renewal of the Sovereignty Submerged Lands Lease Between the Town of Palm Beach and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, for the Continued Operation of the Town Marina; Authorizing the Mayor to Sign the Lease on Behalf of the Town of Palm Beach. Page 96
Carolyn Stone, Assistant Town Manager
2. RESOLUTION NO. 151-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$114,876 and a Project Budget of \$126,363 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities. Page 115
H. Paul Brazil, P.E., Director of Public Works
3. RESOLUTION NO. 153-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2021-27 Professional Engineering Services for Town of Palm Beach Facilities Assessment to Nelson Engineering Co. and Awarding a Contract for Services for the Project in the Amount of \$76,215.28 and Establishing A Project Budget of \$87,500. Page 126
Dean Mealy, Purchasing Manager
4. RESOLUTION NO. 154-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order to Ten-8 Fire Equipment LLC, for a Demers MXP170 Ambulance in the Amount of \$270,077 and Page 222

Establishing a Project Budget of \$297,084 Utilizing the Florida Sheriffs Association Contract #FSA20-VEL14-01.

Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 155-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Rechtien International Trucks Inc. for the Purchase of Two Replacement Dump Trucks in the Amount of \$197,954 and Approve a Budget Contingency of \$1,954 for the Equipment Replacement Fund for this Award. Page 274

Dean Mealy, Purchasing Manager

6. RESOLUTION NO. 161-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Hedrick Brothers Construction Company Inc, for Modular Building Systems to House North Fire Staff during Rehabilitation of the Station as part of Pre-Construction Services. Page 279

Dean Mealy, Purchasing Manager

C. OTHER

1. RESOLUTION NO. 157-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the De-Designation and Designation of Tree Number Twenty-Six (26) a Caracas Fig as Historic and Specimen Tree at 174 Via Del Lago, and Providing an Effective Date. Page 280

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

2. Consideration of Waivers to Town Code for Construction Dates and Noise for Lake Worth Lagoon Channel Dredging Page 286

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

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Shore Protection Board Annual Report Page 290
Kane Baker, Chair

X. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on November 8, 2021 Page 294
Julie Araskog, Chair

XI. PUBLIC HEARINGS

- A. RESOLUTION NO. 158-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Abandoning an Existing Public Utility Easement within the Property Commonly Known as 369 S. Lake Drive, in the Town of Palm Beach, Florida. Page 300
H. Paul Brazil, P.E., Director of Public Works

XII. REGULAR AGENDA

B. Matters Pulled From Consent Agenda: If needed

C. Old Business

1. Town-wide Undergrounding Project: Page 362
H. Paul Brazil, P.E., Director of Public Works
 - a. Review of Project and Dashboard, Summary of Project Status
 - b. RESOLUTION NO. 156-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2022-01 CMAR Services, Town-Wide Overhead Undergrounding Program for all Remaining Phases and Awarding a Purchase Order for Preconstruction Services to Burkhardt Construction Inc. for Phase 6, North and South in an Amount of \$48,540.
 - c. RESOLUTION NO. 159-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Chen Moore and Associates for Engineering Design Services for North County Road Drainage Improvements in the Amount of \$155,936.18 and Establishing a Project Budget of \$187,123.42.
 - d. RESOLUTION NO. 160-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Mock Roos Consulting Engineers for Engineering Design Services for Clarke Alley Drainage Improvements in the Amount of \$59,907 and Establishing a Project Budget of \$71,888.40.

D. New Business

1. Approval of Nominees to Serve on the Strategic Planning Board Page 421
TIME CERTAIN: 11:00 AM
Danielle H. Moore, Mayor
2. Discussion Regarding Shore Protection Board Page 431
TIME CERTAIN: 11:30 AM
Margaret A. Zeidman, Town Council President
3. Review of Chapter 106, Article VII - Special Events on Public Property Page 434
Jay Boodheshwar, Deputy Town Manager

XIII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 66 of the Town Code, Page 447
Regarding Artificial Turf

ORDINANCE NO. 23-2021 An Ordinance of the Town Council of

the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, Article I, in General, Section 66-2, Definitions, and Article IV, Vegetation, Division 5, Regulations, by Adding Sections 66-313, Artificial Turf Locations and 66-314, Artificial Turf Standards; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning & Building

2. Proposed Ordinance to Amend Section 42-199 of the Town Code, Page 451
Regarding Construction Hours

ORDINANCE NO. 26-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise, Section 42-199, Hours For Construction Work at Subsection (b) Limited, to Provide Additional Limitations on Dates and Hours of Construction; Providing for Quiet Work and Limitations to Indoor Activity; and at Subsection (c) Exceptions to Modify Subsection (4); Providing For Severability; Providing For Repeal of Ordinances in Conflict; Providing For Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

B. First Reading

1. Proposed Ordinance to Amend Chapter 18 of the Town Code and the Public Works Right of Way Manual to Include Certain Construction Site Violations as “Strikes” Under the “Three Strike Program” Page 456

ORDINANCE NO. 28-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulations, by Creating Article VII. - Construction Site Management, and by Adding Sections 18-309 and 18-310; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning and Building

2. Proposed Ordinance to Amend Chapter 42 of the Town Code, Page 467
Relative to Lawn Maintenance and Prohibited Acts

ORDINANCE NO. 29-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise at Section 42-197. Specific Acts Prohibited and at Section 42-230. Lawn Maintenance; Providing for Severability; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

3. Proposed Ordinance to Amend Chapter 74, Article V of the Town Code to Grant Beach Access to Root Trail Residents Page 474

ORDINANCE NO. 30-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Ordinance 21-2021 at Article V. - Beach Access Closure at Section 74-281. - Limited Closure of Access from Wells Road South to Sunset Avenue, to Include a New Subsection 2 Recognizing the Right of Root Trail Property Owners to have Continuous Access to the Beach Access Area located at Root Trail; Providing for Severability; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Codification; Providing an Effective Date.

John C. Randolph, Town Attorney

XIV. ANY OTHER MATTERS

XV. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday 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 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

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

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

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

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda Minutes

Agenda Title
Town Council Meeting Minutes
Pat Gayle-Gordon, Acting Town Clerk

October 12, 2021, Town Council Meeting
November 9, 2021, Town Council Meeting
November 10, 2021, Town Council Development Review Meeting

Presenter

ATTACHMENTS:

- ❑ **October 12, 2021, Town Council Meeting Minutes**
- ❑ **November 9, 2021, Town Council Meeting Minutes**
- ❑ **November 10, 2021, Town Council Meeting Minutes**



TOWN OF PALM BEACH

Town Manager's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, OCTOBER 12, 2021

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of Tuesday, October 12, 2021, was called to order at 9:30 a.m. in the Town Council Chambers. On roll call all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Nieves gave the Invocation and Chair Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda:

IV. APPROVAL OF AGENDA

Motion was made by Council Member Cooney and seconded by Council President Zeidman to approve the agenda. On roll call, the Motion passed unanimously.

VI. PRESENTATIONS

Mayor Moore welcomed and introduced District 1 County Commissioner Maria Marino, who represents the northern portion of Palm Beach. Commissioner Marino spoke regarding the County's budget, specifically regarding the use of ARPA funds and other projects that will be coordinated with the Town, as well as potential purchase of lands for water storage.

Council Member Crampton spoke regarding the good working relationship between the Town and the County Commission.

Council President Pro Tem Lindsay requested that the final report by the Woods Hole Group pertaining to the barrier island's resiliency be shared with the County Commission.

Council Member Araskog welcomed Commissioner Marino and thanked her for her attendance at the meeting.

Mayor Moore announced the following employee milestones: Eugene Bitteker, Finance Department, 5 years; Chase Agnolotti, Fire Department, 5 years; Jacob Brandeis, Fire Department, 5 years; Catherine Dombroski, Fire Department, 5 years; Adam Krauser, Fire Department, 5 years; Robert Miraglia, Fire Department, 5 years; Kristen Ruest, Fire Department, 5 years; Lamont Lee, Police Department, 20 years; Peter Santelli, Police Department, 5 years; Roger Bollier, Public Works, 5 years. She announced the upcoming retirement of Public Works employee, Booker Smith, after 21 years of service.

The following item was heard out of order of the agenda:

V. RECOGNITIONS

- A. Recognition of Michael Ainslie for his Service on the Planning and Zoning Commission from October 2015 to September 2021. [Danielle H. Moore, Mayor]

Mayor Moore thanked Mr. Ainslie on his years of service on the Planning and Zoning Commission and Mr. Ainslie expressed his gratitude for having the ability to serve on the Commission. Council President Zeidman thanked Mr. Ainslie for his service and his advice to Council on many issues.

VI. PRESENTATIONS

- A. Presentation by the Palm Beach County Supervisor of Elections Regarding the Upcoming Elections and Senate Bill 90 TIME CERTAIN: 9:45 AM [Wendy Sartory Link, Palm Beach County Supervisor of Elections]

Ms. Link provided an update on changes to Senate Bill 90 and the impact to upcoming elections. She stated that COVID-19 protection measures are still in place for the upcoming November election. She spoke regarding changes to voter registration and verification requirements. She explained changes to vote-by-mail request requirements, drop off locations, ballot harvesting, third party voter registration organizations and the 150-foot solicitation zones outside of polling and drop-off locations. At the request of Mayor Moore, Ms. Link explained the process for updating voter registration rolls after a voter is deceased.

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore spoke regarding a letter that she sent at the direction of the Town Council to the County Commission and apologized for not bringing the letter back to Town Council prior to sending it. She stated that a copy of the letter was included in the back up for the meeting.

She spoke regarding her attendance at a beach management seminar in Delray Beach and congratulated Mayor Coniglio on an award she received on her work on beach management and commended Rob Weber on his presentation at the seminar.

Mayor Moore also spoke regarding a meeting in Palm Beach Shores regarding a proposed dredging project adjacent to Peanut Island. She provided information on the proposed project and concerns that were raised on the project.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Pro Tem Lindsay expressed appreciation to Mayor Moore for her work on the proposed Peanut Island dredging project. She spoke regarding a video that was shared on the Town's Par 3 Golf Course and recognized the staff of Par 3 and the importance of the course to the community.

Council Member Araskog thanked Michael Ainslie for his service on the Planning and Zoning Commission.

Council President Zeidman stated that the Town Charter was provided to Council Members at her request in order to discuss a possible upcoming agenda item. She spoke regarding her experience utilizing the Police Department's virtual simulator machine that was donated by the Police Foundation. She recommended that Council members try the virtual machine to better understand the difficult decisions police officers must make in a split second.

The following item was heard out of order of the agenda:

XII. REGULAR AGENDA

3. Update on Water Quality TIME CERTAIN: 10:00 AM
Jason Debrincat, Senior Project Engineer

Paul Brazil, Public Works Director, introduced Jason Debrincat, Senior Project Engineer, who provided an update on the fifth meeting of the expert panel. He provided a presentation on the source water, the West Palm Beach water treatment process, recommendations for options for processes by the expert panel and the City of West Palm Beach's actions on the recommendations. He spoke regarding the items that the expert panel will be discussing at today's sixth meeting.

Council Member Crampton expressed appreciation that the Town's main water source is from Grassy Waters, which is supplied by rainwater as opposed to the aquifer. Mr. Debrincat answered a question from Council Member Crampton regarding the utility's water testing process. Council Member Crampton also posed a question regarding the possibility of diverting water from the M Canal through C 51 in times of drought.

Council Member Cooney spoke regarding the importance of ensuring that the drinking water from the City is being filtered. Mr. Debrincat spoke regarding the City of West Palm Beach's website that includes FAQ's regarding this concern.

Mr. Debrincat provided information on the powder activated carbon system and ozone in response to questions from Council President Pro Tem Lindsay. Town Manager Blouin and Public Works Director Brazil provided clarification on the options for treatment methods and John Potts provided further details on the current and future options.

In response to President Zeidman, Mr. Potts stated that he is confident with the direction that the expert panel is taking. President Zeidman spoke in support of the same day water

testing that is now taking place. Discussion ensued regarding information that had been circulated regarding previous violations with water quality.

Council Member Crampton raised concern over the system being shut down if there are toxins found in the system. Mr. Brazil spoke regarding the water treatment plant having processes in place at this time that will address any toxins at the beginning of the treatment stream. Council Member Crampton spoke regarding the Town providing input on the final recommendations.

In response to a question from Council Member Araskog regarding the water testing, Mr. Potts stated that he has not heard that the City of West Palm Beach will be ceasing regular water testing anytime soon.

Council President Pro Tem Lindsay stated that the water testing, powder activated carbon and the ability to use other water sources are the three most important items that are being utilized right now to ensure that the drinking water is safe. Council President Zeidman stated that there are short-term items that have been put into place and long-term options that will be addressed by this panel.

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

No one indicated a desire to speak.

X. APPROVAL OF CONSENT AGENDA

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

A. MINUTES

1. Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk

September 13, 2021 Town Council Development Review Meeting
September 13, 2021 Special Town Council Meeting - FY22 First Public Hearing
September 14, 2021 Town Council Meeting
September 23, 2021 Special Town Council Meeting - FY22 Final Public Hearing
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 29, 2021.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 122-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Enter into an Agreement with the Supervisor of Elections for the March 2022 Municipal Election(s) Vote Processing Equipment Use and Election Services.
Queenester Nieves, Town Clerk

2. RESOLUTION NO. 123-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Bid No. 2021-21, Tennis Court Maintenance to Professional Tennis Court Services in the Annual Amount of \$45,600 and Establishing an Annual Contingency of \$6,800 and Establishing a Five-Year Award Based on Satisfactory Performance, Mutual Agreement and Budget Authorization in the Amount of \$262,000.
Dean Mealy, Purchasing Manager
3. RESOLUTION NO. 124-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of Bid No. 2017-22, Street Sweeping and Bike Trail Sweeping to All American Sweeping, Inc. in the Amount of \$104,234 and Establishing a Project Budget of \$105,226 for FY22.
Dean Mealy, Purchasing Manager
4. RESOLUTION NO. 125-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of RFP No. 2017-187, Historic Preservation Consulting Services to Murphy Stillings for FY22 in the Amount of \$102,000.
Dean Mealy, Purchasing Manager
5. RESOLUTION NO. 126-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2021-24, Security Guard Services for the Town Marina to Sunstates Security, LLC. in the Annual Amount of \$151,733, plus an Annual Contingency of \$15,000 and Establishing a Five-Year Award Based on Satisfactory Performance, Mutual Agreement, and Budget Approval Authorization in the Amount of \$838,665.
Dean Mealy, Purchasing Manager
6. RESOLUTION NO. 127-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Bid No. 2021-33, Compacted Garbage Collection and Disposal to Waste Pro of Florida, Inc. in the Annual Amount of \$425,473.16 and Establishing a Five-Year Contract Award of \$2,127,365, Contingent upon Satisfactory Vendor Performance, Mutual Agreement and Budget Authorization.
Dean Mealy, Purchasing Manager
7. RESOLUTION NO. 128-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Award Authority to Resolution No. 92-2019 for Temporary Semi-Skilled Staffing to Spur Employment Inc. for Town-wide Support Services for FY22 in the Amount of \$991,780 and Establishing a Contingency of \$250,000 for a Total Award of \$1,241,780.
Dean Mealy, Purchasing Manager

C. OTHER

1. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts
Jane Le Clainche, Director of Finance
2. Request from the Palm Beach Navy SEAL Evening of Tribute
Jay Boodheshwar, Deputy Town Manager

Town Council recessed at 10:55 a.m. and reconvened at 11:10 a.m.

XI. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on Thursday, September 2, 2021
Julie Araskog, Chair

Ordinances, Rules and Standards Committee Chair Araskog spoke regarding the synthetic turf ordinance that will be heard before Town Council at today's meeting, specifically regarding the ordinance not including "grandfathering" and that individuals were still required to abide by the requirements that are in place. She expressed concern that the proposed ordinance does not explicitly state that those who are not in compliance currently must do what's required to be in compliance. She provided an update regarding a robust discussion on the landscaping ordinance and requirements. She also spoke regarding a discussion regarding vegetation height limitations and introduced Wayne Bergman, Director of Planning, Zoning & Building, who provided a presentation on a proposed landscape ordinance and raised questions for discussion, specifically regarding creating height limitations on landscaping while also allowing for privacy. Discussion ensued regarding the issue with the proliferation of iguanas in various areas of the Town and on golf courses. In response to comments made by Council Members, Town Manager Blouin stated that a plan of action to address the proliferation of iguanas will be put into place. Council Member Araskog continued her update on the landscape ordinance, specifically in regards to lawn maintenance equipment noise regulations.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to accept the Report of the Ordinances, Rules and Standards Committee Meeting Held on September 2, 2021. On roll call, the Motion passed unanimously.

- B. Report of the Business and Administrative Committee Meeting Held on Thursday, September 9, 2021
Lew Crampton, Chair

Business and Administrative Committee Chair Crampton reported on the Committee's discussion regarding the town-wide parking program, including the lack of response to the RFP for valet parking and enforcement.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to accept the Report of the Business and Administrative Committee Meeting Held on September 9, 2021. On roll call, the Motion passed unanimously.

1. 6-month Status Report on Previously Approved Expansion of Placard Parking Program

Jay Boodheshwar, Deputy Town Manager

Jay Boodheshwar, Deputy Town Manager provided background information and data on the Placard Parking Program and stated that the majority of placard holders are residents or resident-businesses. Council Member Araskog expressed support for extending the program another six months at this time. Discussion ensued regarding there not being hours for the placards and issues with employees of businesses parking on Worth Avenue, which takes away spaces from customers.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to extend the placard parking program for six (6) months and to return to the Town Council in April, 2022. On roll call, the Motion passed unanimously.

2. Proposed Modifications to Hours of Parking Enforcement and Maximum Hours of Paid Parking Permitted for Purchase

Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided background information on the issues of inconsistency with on-street parking enforcement and presented a spreadsheet which outlined discrepancies in parking throughout the Town. He spoke regarding limiting the amount of hours for paid parking at the kiosks and making the times consistent to allow for proper turnover. Council President Pro Tem Lindsay and Council Member Crampton spoke regarding the BAC studying the data and working towards consistency. Council Member Araskog expressed concern that four hours on the main shopping streets may not be long enough and spoke in support of looking into the zoning and requiring cars to be moved into another zone after the time has expired.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to adopt the regulations, enforcement and paid hours as presented. On roll call, the Motion passed unanimously.

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

There were no items pulled from Consent Agenda.

B. Old Business

1. Town-wide Undergrounding Project:
H. Paul Brazil, P.E., Director of Public Works
 - a. Review of Project and Dashboard, Summary of Project Status
 - b. RESOLUTION NO. 130-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works Engineering Division Standard Applicable to Public Rights-of-Way and Easements, Amending Chapter 2, Section 2.21, Restoration of Right-of-Way.

Patricia Strayer, Town Engineer, provided an update on the undergrounding project, including stating that Phase 3 North is completely done. She spoke regarding the chicanes in Phase 5 North and stated that the Town has saved approximately \$200,000 due to successful easement agreements. She provided background on Resolution No. 130-2021.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 130-2021. On roll call, the Motion passed unanimously.

2. Covid-19 Update
Kirk W. Blouin, Town Manager
 - a. COVID-19 Monthly Report
Darrel Donatto, Fire Rescue Chief

Fire Rescue Chief, Darrel Donatto provided the COVID-19 monthly report and spoke regarding the reduction in cases and the increase in vaccinations county-wide. He provided statistics of vaccination rates worldwide and spoke regarding treatments that are becoming available, including Regeneron. In response to questions from Council President Zeidman, and Council Member Cooney, Chief Donatto spoke regarding the Town providing Regeneron treatments and explained the timing of when the treatment is effective and provided insight on individuals seeking the treatment. He also responded to a question by Council President Pro Tem Lindsay regarding the reliability of home tests and explained the differences between the tests that are available. He spoke regarding the CDC's guidelines on close contact.

b. Discussion Regarding Board, Commission and Committee Meeting Format and Participation for Upcoming Meetings

Margaret A. Zeidman, Council President

Council President Zeidman spoke in support of resuming all board, commission and committee meetings in person in October, except for the Planning & Zoning Commission, because they were informed that their meeting would be held via Zoom in October. She spoke regarding sunsetting the State of Emergency. Mayor Moore spoke in support of resuming in person meeting for everyone. Council Member Araskog asked if the Planning & Zoning Commission members could be asked if they could meet in person. Discussion ensued regarding allowing hybrid meetings, at least for a transitional period.

Public Comment:

Rene Silvin, 422 Australian Avenue, requested that board members continue to have the ability to access the meeting remotely if they are not comfortable with traveling.

Town Attorney Randolph provided information from the Attorney General regarding holding in-person meetings and emphasized that members should be at meetings physically unless there is a good reason for missing. Discussion ensued regarding the importance of all groups to be meeting in person.

c. RESOLUTION NO. 131-2021 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Concurring with the Request of the Town's Chief of Police, to Extend the Chief's Declaration of the Existence of a State of Emergency within the Corporate Limits of the Town to November 9, 2021, Unless Earlier Terminated by the Chief of Police, at Which Time the Town Council Will Address the Need for any Extension of the Declaration of Emergency; Providing for an Effective Date.

The City Council provided consensus to allow the emergency order to expire.

d. Discussion on Outdoor Seating

Margaret A. Zeidman, Council President

Wayne Bergman, Director of Planning, Zoning & Building, and Council President Zeidman provided background information on the item. Mr. Bergman explained the Café Permit Process.

Council Member Lindsay expressed support over providing restaurants a grace period until at least Memorial Day 2022.

Council Member Crampton expressed support over the Café permit and agreed that there should be a grace period. In response to a question by Council Member Crampton, Mr. Bergman stated that the permit would not add capacity to the outdoor seating.

Council Member Cooney spoke in support of the Café permit and in support of incorporating language in the letter to the businesses ensuring they know that the COVID seating was temporary. He spoke in support of keeping the process user friendly. Mr. Bergman provide information on the timing of the process for the Café permit.

Council Member Araskog expressed concern over the process beginning in the summer months. She spoke regarding revoking permits for restaurants that have had excessive complaints. Town Manager Blouin provided information on the approach for restaurants that have had excessive complaints against them.

Council President Zeidman spoke in support of a transitional period, and spoke in support of addressing the issue of the restaurant with significant complaints separately from this process.

Mayor Moore spoke regarding requiring restaurants to remove furniture each night from the outdoor areas. Discussion ensued regarding including language to enforce this requirement.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to extend the temporary COVID-19 outdoor seating and retail program through Memorial Day 2022 subject to the requirement that the furniture is removed from public rights-of-way at the conclusion of business each day; and two (2) violations of capacity will result in revocation of the permit. On roll call, the Motion passed unanimously.

The Town Council recessed at 1:40 p.m. and reconvened at 1:48 p.m.

C. New Business

The following item was heard out of order of the agenda:

2. Discussion on Gate at Root Trail Public Access Point
Bobbie Lindsay, Council President Pro Tem

Council President Pro Tem Lindsay spoke regarding a previous discussion on the aesthetics of the gate and a consensus by Town Council to send the design to ARCOM for approval prior to being approved by Town Council. Paul Brazil, Public Works Director, explained the process and timeline for the proposed project. Council President Pro Tem Lindsay and Mr. Brazil spoke regarding putting up a temporary gate in the interim until the process can be completed, which is estimated to be 10 months at a minimum.

Public Comment:

Aaron Williams, Law Firm of Greenspoon Marder LLP, spoke regarding an issue that the property owners on Root Trail have with Ordinance No. 21-2021, specifically that their right to access the Root Trail has now been limited although they have an easement right. He requested that the Town Council reconsider the ordinance to provide these property owners the access to which they have a right.

At the request of Council President Zeidman, Town Attorney Randolph spoke regarding the issue of the Root Trail property owners' access and agreed that the Town Council should consider providing those property owners with a key or combination to the lock in order to allow them full access due to their platted rights. He raised a concern from Public Works Director, Paul Brazil, that there may be issues with grant compliance if there are special considerations made for the residents of Root Trail.

Timothy Hanlon, 340 Royal Poinciana Way, Suite 321, who is co-counsel with Mr. Williams, emphasized that the Root Trail property owners are different from other residents of the Town due to their specific property rights due to plat or prescriptive easement.

Council Member Crampton spoke in support of providing the Root Trail property owners with access due to their property rights.

Public Works Director, Paul Brazil, expressed concern that State grants require that the access must be equitable and the same for everyone. He stated that he could check with the State regarding this specific issue.

Council Member Araskog stated that she believes that if this access is on their deed then they would be treated differently. Mr. Hanlon stated that each deed references the plat, which shows this access. Town Attorney Randolph emphasized that when Mr. Brazil addresses this issue with the State that he has all the documentation to show the State that these individuals have different rights than everyone else. Council Member Araskog recommended that Town Attorney Randolph review the request from Mr. Brazil prior to sending it to the State. Mr. Williams provided the exact location of the plat that set forth these easement rights in the official records.

At the request of Town Manager Blouin, Town Attorney Randolph clarified that the Town was deeded the property over which the access would be granted, but the plat indicated that the property owners have a right of access. He stated that the Town may own the access, but the Root Trail property owners would have a right to continued access through the Town's property. He stated that this might need to be discussed with the State.

There was no action taken.

1. Town of Palm Beach Long-Range Strategic Plan
Jay Boodheshwar, Deputy Town Manager

Mayor Moore spoke regarding the original Strategic Plan that had been done in the early 2000's and expressed appreciation that the Town Council is not undergoing this process again and requested that she be considered to spearhead the project.

Council President Zeidman commended the work done on the previous version of the Town's Strategic Plan. She asked Mayor Moore her thinking on the process and her thoughts on how the Town Council should proceed on some of the items that are in the original plan and that are currently priorities for Council, such as addressing the development code in regards to massing.

Mayor Moore explained that she feels the items that are priorities, such as massing and other development code revisions, should be addressed as soon as possible, separately. She stated that she believes the Strategic Planning process will take at least a year in order to ensure proper public input. She spoke regarding the make up of the strategic planning committee.

Council President Pro Tem Lindsay spoke regarding the priorities in the Plan that are still long-term priorities for Town residents. She expressed concern that some of these big development issues remain with Town Council. She spoke in support of Mayor Moore leading the committee due to her history in the Town and spoke regarding the potential makeup of the committee.

Mayor Moore requested that Council Members send items that were contained in the original plan that they believe should be focused on by Council before the Strategic Plan is completed to staff and she will compile the results and bring it back to Town Council next month. She also stated that she will put together the list of those who she would like to invite to be on the committee and is open to individuals recommended by Council Members as well.

Council Member Crampton spoke regarding the Town facing major changes, such as demographics, outside pressures and cultural changes. He spoke regarding the importance of the process of planning being collaborative. He recommended using the annual Council goals to start the process.

Council Member Araskog expressed concern over the amount of staff time that this process will take. She spoke in support to each Council Member being able to have appointees to the Committee and in support of Council Members being included in discussing the priorities. She stated that she would like the Town Council to discuss the entire Plan and provide direction and input prior to the process commencing.

Council Member Cooney spoke in support of the Mayor leading this process at this time due to the changes the Town is facing.

Council President Zeidman spoke regarding allowing the Mayor to start the committee process at this time and spoke in support of her being the point person to compile the committee.

Mayor Moore stated that she would welcome recommendations from Council Members for committee members, as well as items that each Council Member believes should be removed and addressed separately and more expeditiously.

Discussion ensued regarding scheduling a workshop to provide education to residents on development items, specifically those that are contained in the Comp Plan.

The Town Council provided consensus to schedule a workshop on the Comp Plan on December 7, 2021 at 9:30 a.m.

XIII. ORDINANCES

A. Second Reading

1. Elimination of Designated Town Caucus Time

ORDINANCE NO. 25-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Ordinance 18-2021 at Section 2 Relating To Section 34-56, Notice to the Qualified Voters of the Town of Palm Beach, to Delete the Reference to the Time of the Caucus; Adding a New Section 3 Providing for an Amendment to Section 34-81 Titled Petition Confirming Nomination Required; Form; Amending the Form of the Petition to Substitute the Month of December for the Month of January to Conform to the New Caucus Date; Providing

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

Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided background information on the ordinance. Town Attorney Randolph read the title of the ordinance.

The Town Council provided consensus to begin the Town Caucus at 5:00 p.m.

Motion was made by Council Member Araskog and seconded by Council President Zeidman to adopt Ordinance No. 25-2021 on Second Reading. On roll call, the Motion passed unanimously.

B. First Reading

1. Proposed Ordinance to Amend Chapter 66 of the Town Code, Regarding Artificial Turf

ORDINANCE NO. 23-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, Article I, in General, Section 66-2, Definitions, and Article IV, Vegetation, Division 5, Regulations, by Adding Sections 66-313, Artificial Turf Locations and 66-314, Artificial Turf Standards; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning & Building

In response to questions from Council Member Araskog, Town Attorney Randolph and Deputy Town Manager Boodheshwar provided clarification to the proposed ordinance, specifically regarding “grandfathering” and the process for handling individuals who will not be in compliance upon adoption of the ordinance.

Public Comments:

Earl Olitzky, Association Manager, 2100 Condominiums, asked if the ordinance would include artificial turf on top of the cabana roofs.

Director of Planning, Zoning and Building, Wayne Bergman, spoke regarding the process for obtaining a permit for artificial turf.

Council Member Crampton spoke regarding artificial turf having positive components and stated that it is appropriate in certain areas. He spoke

regarding the ordinance providing regulations and emphasized that there is a place for artificial turf in the Town.

Town Attorney Randolph read the title of the ordinance.

Motion was made by Council Member Crampton and seconded by Council President Zeidman to approve Ordinance No. 23-2021 on First Reading. On roll call, the Motion passed unanimously.

2. Proposed Ordinance to Amend Chapter 66 of the Town Code, Regarding Native and Invasive Vegetation
ORDINANCE NO. 24-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, at Article I, in General, Section 66-2, Definitions; at Article IV, Vegetation, Division 1, Generally, Section 66-212, Purpose and Intent; at Article IV, Division 3, Plans, Section 66-285; and at Article IV, Vegetation, Division 5, Regulations, Section 66-311; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.
Wayne Bergman, Director of Planning, Zoning & Building

Town Attorney Randolph read the title of the ordinance. Director of Planning, Zoning and Building, Wayne Bergman, provided background information on the proposed ordinance.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 24-2021 on First Reading. On roll call, the Motion passed unanimously.

3. Proposed Ordinance to Amend Section 42-199 of the Town Code, Regarding Construction Hours

ORDINANCE NO. 26-2021 An Ordinance of The Town Council of the Town of Palm Beach, Palm Beach County, Florida Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise, Section 42-199, Hours for Construction Work at Subsection (B) Limited, to Provide Additional Limitations on Dates and Hours of Construction; Providing for Quiet Work and Limitations to Indoor Activity; and at Subsection (C) Exceptions to Delete Subsection (4) as an Exception; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Jay Boodheshwar, Deputy Town Manager

Town Attorney Randolph read the title of the ordinance.

Council Member Cooney expressed support for the ordinance and spoke regarding adding additional days in order to allow for individuals to complete their projects due to loss of Saturdays. Mr. Bergman commented that staff will look at permit durations and bring back a potential change to add days to those who lose Saturdays.

Council Member Crampton expressed concern over including multi-family buildings to this ordinance and spoke in support of removing multi-family buildings, at least in certain sections of the Town. In response to a question from Mr. Crampton, Deputy Town Manager Boodheshwar provided clarification on the impacts on lawn maintenance.

Council President Pro Tem Lindsay spoke regarding multi-family buildings that are adjacent to single-family homes and stated that she would not support excluding them in mid-town, but would support excluding them south of Sloan's Curve.

Discussion ensued regarding removing multi-family, multi-level buildings in certain areas in the Town, in the ordinance.

Motion was made by Council Member Araskog to approve Ordinance No. 26-2021. Motion failed for lack of a second.

Council Member Araskog directed staff to add into the title "excluding south of Sloan's Curve" and return with the revised version for the November 9, 2021, Town Council Meeting.

4. Proposed Ordinance to Amend the FY21 Budget

ORDINANCE NO. 27-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2020, and Providing an Effective Date.

Jane Le Clainche, Director of Finance

Town Attorney Randolph read the title of the ordinance.

Director of Finance, Jane Le Clainche, provided information on the amendments.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 27-2021 on First Reading. On roll call, the Motion passed 4-0 with Ms. Araskog absent.

XIV. ANY OTHER MATTERS

XV. ADJOURNMENT

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to adjourn the meeting at 3:48 p.m. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 9, 2021

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of Tuesday, November 9, 2021, was called to order at 9:30 a.m. in the Town Council Chambers. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Nieves gave the Invocation and Chair Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modification was made to the CONSENT AGENDA under OTHER as new item no. IX.C.1:

Request to Approve Landing and Taking off of Helicopter in Seaview Park for a Town Sponsored Special Event in Conjunction with the National Navy Seal Museum.

Mark Bresnahan, Director of Recreation

Item No. XII.A.2. ORDINANCE NO. 24-2021 has been moved to the Town Council Development Review Meeting on Wednesday, November 10, 2021 at 11:30 a.m.

IV. APPROVAL OF AGENDA

Motion was made by Council Member Araskog and seconded by Council Member Crampton to approve the agenda, as amended. On roll call, the Motion passed unanimously.

V. RECOGNITIONS

A. Recognition of Town of Palm Beach 2021 Employee of the Year, Tony Chateauvert.

Danielle H. Moore, Mayor

Mayor Moore introduced District 6 County Commissioner Melissa McKinley, who thanked Mayor Moore and residents of Palm Beach for their philanthropic work for residents of Belle Glade. She spoke regarding the new Lake Operating Schedule for Lake Okeechobee and the dyke rehabilitation that is occurring. She spoke regarding the priorities for the lake are the safety of the residents in that area, ensuring that there is sufficient back up water supply and to ensure protection of the Lake Worth Lagoon.

Mayor Moore announced the following employee milestones: Danny Rojas, Public Works – 20 years; Lawrence Katz, Fire Department – 20 years; Frank Mavigliano, Fire Department – 20 years; Edward Fiondella, Recreation Department – 15 years. She announced that Lucy Rodriguez is retiring from the Police Department after 28 years of service.

Mayor Moore read her comments from the Employee of the Year Breakfast regarding Tony Chateauvert. She recognized the Civic Association and Citizens Association as the sponsors of the award.

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore expressed concern regarding underaged drivers operating golf carts in the North end. She emphasized the importance of parents ensuring that only licensed drivers are driving golf carts.

Council President Pro Tem Lindsay spoke regarding the Sail Fish Club starting to enforce the issue of underage drivers in golf carts and spoke in support of the Police Department contacting the Sail Fish Club to encourage enforcement.

Council Member Araskog spoke in support of increased enforcement and education for golf carts. She also spoke regarding potential dangers of Segways.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton spoke regarding the passing of Town resident, Gerry Frank and highlighted his achievements for the Town.

Council Member Araskog congratulated Tony Chateauvert on being named Employee of the Year.

Council President Pro Tem Lindsay spoke regarding her association with Gerry Frank and expressed her sadness at his passing.

Council President Zeidman spoke regarding issues on the Lake Trail, specifically motorized/ mechanized vehicles and individuals not picking up after their dogs. Discussion ensued regarding using a drone to patrol the Lake Trail to alert the Police Department of individuals using motorized vehicles and not picking up after their dogs. Police Chief Nicholas Caristo spoke regarding issues with golf carts, the Lake Trail and parking on the North end that the Police Department is working to address.

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Diane Buhler, Friends of Palm Beach, spoke regarding the different wildlife located in the waters off the island and requested that the Council approve installing beach bucket stands at Clark Avenue, Phipps and Mid-town to assist beachgoers with keeping the beaches clean. She mentioned obtaining community sponsors to assist with the cost.

IX. APPROVAL OF CONSENT AGENDA

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

A. MINUTES

1. Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk

October 12, 2021 Town Council Meeting - **Deferred to the December 14, 2021 Town Council Meeting**

October 13, 2021 Town Council Development Review Meeting

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of October 27, 2021.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 135-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order to Duval Ford LLC, for Two Ford Interceptor Vehicles in the Amount of \$102,652 and Establishing a Project Budget of \$107,652, Utilizing the Florida Sheriffs Association Contract #FSA20-VEL28.0.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 136-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order to Ten-8 Fire Equipment LLC, for a Pierce Freightliner

Encore Rescue in the Amount of \$503,049 and Establishing a Project Budget of \$510,691, Utilizing the Florida Sheriffs Association Contract #FSA20-VEL14-02.

Dean Mealy, Purchasing Manager

3. RESOLUTION NO. 142-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Consolidation of Resolution No. 084-2021 and Resolution No. 113-2021 to Aegion/Insituform Technologies, LLC for Lining of Sewer Pipes from the National Cooperative, BuyBoard in the Amount of \$1,868,864.50 and Establishing a Project Budget of \$2,090,494.

Dean Mealy, Purchasing Manager

X. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on Tuesday, October 5, 2021

Julie Araskog, Chair

Ordinances, Rules and Standards Committee Chair Araskog provided information on specific revisions to the noise ordinance in regards to construction work and landscape maintenance being done year-round. She also provided background on a discussion held regarding private inspectors understanding the rules and ordinances of the Town when inspecting properties.

Discussion ensued regarding the effectiveness of using decibel readings and how they are measured. The Town Council provided consensus to look more in-depth on how to effectively measure noise.

Motion was made by Council President Pro Tem Lindsay and seconded by Council President Zeidman to accept the Report of the Ordinances, Rules and Standards Committee Meeting Held on October 5, 2021. On roll call, the Motion passed unanimously.

- B. Report of the Public Works Committee Meeting Held on Wednesday, October 6, 2021

Bobbie Lindsay, Chair

Public Works Committee Chair Lindsay provided an update on the Green Initiative, which had been presented at the Committee meeting and commented on the Town being a leader statewide on sustainable practices. She provided details on what the Town has done to reduce the use of harmful chemicals on landscape and an update on an effort in collaboration with the Garden Club on trying to replace trees in that are dying in the Phipps Canopy. She spoke regarding bringing back to Council before the summer to re-institute the program to encourage residents to replace their ficus hedges with natives. Discussion ensued regarding ficus trees and the necessity

to delineate specific types of ficus for residents to remove. Council Member Araskog expressed appreciation to the Public Works Department and Committee on their work on the Green Initiative. Council Member Cooney spoke regarding the north end canopy and provided background on when it was designated a scenic vista.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to accept the Report of the Public Works Committee Meeting Held on October 6, 2021. On roll call, the Motion passed unanimously.

- C. Report of the Business and Administrative Committee Meeting Held on Thursday, October 14, 2021
Lew Crampton, Chair

Business and Administrative Committee Chair Crampton provided an update on the Committee meeting regarding recommendations for the parking program, specifically issuing an RFP for Valet Operations on Worth Avenue and how to implement paid parking on Worth Avenue. Committee Member Lindsay stated that they requested staff to study implementing 1 hour parking on Worth Avenue rather than 2 hour limits to discourage employees from parking in spots that should be occupied by customers. Chair Crampton spoke regarding the importance of the Town addressing this issue at this time and stated that they will be seeking input from the community on how to address the issue effectively. Council Member Araskog expressed concern over using Park Mobile due to a problem with technology that many older Town residents have. She also spoke in opposition to placards in residential areas. Committee Member Lindsay spoke regarding valet being used by individuals who aren't comfortable with technology and she explained the availability of free parking and potential parking on Worth Avenue.

The Town Council recessed at 11:00 a.m. and reconvened at 11:10 a.m.

Motion was made by Council Member Araskog and seconded by Council Member Crampton to accept the Report of the Business and Administrative Committee Meeting Held on October 14, 2021. On roll call, the Motion passed unanimously.

The following item was heard out of order of the agenda:

XII. ORDINANCES

B. First Reading

1. Emergency Ordinance to Amend Section 42-199 of the Town Code, Regarding Construction Hours
TIME CERTAIN: 11:00 AM

EMERGENCY ORDINANCE NO. 26-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise, Section 42-199, Hours For Construction Work at Subsection (b) Limited, to Provide Additional Limitations on Dates and Hours of Construction; Providing for Quiet Work and Limitations to Indoor Activity; and at Subsection (c) Exceptions to Modify Subsection (4); Providing For Severability; Providing For Repeal of Ordinances in Conflict; Providing For Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Jay Boodheshwar provided detailed background information on the revisions that were made to the proposed ordinance and summarized the options for language changes.

Town Attorney Skip Randolph provided advice regarding the appropriateness of this ordinance being an emergency ordinance. Discussion ensued regarding making the ordinance an emergency ordinance and making it effective in December rather than immediately upon adoption.

Council President Pro Tem Lindsay spoke in support of moving the effective date out a couple months in order for current projects to be able to come into compliance.

Council Member Crampton brought up the issue of enforcement and Police Chief Caristo provided an update on the Police Department's efforts and potential options in construction enforcement.

Council President Zeidman expressed concern that there was not enough notice for homeowners and construction companies on this ordinance. She spoke regarding the proliferation of construction projects in certain areas of Town. She spoke in support of making the ordinance effective in several months in order to allow for a transitional period.

Discussion ensued regarding not including multi-family units adjacent to single family homes and it was the consensus that they would not be included in the exemption.

Council Member Araskog spoke in support of making the ordinance effective January 31, 2022, due to the fact that many residents desire that this ordinance is effective earlier. She stated that she does not believe that there should be an exemption for landscaping on Saturdays during season.

Council Member Cooney spoke in support of making the ordinance effective in several months due to many current construction projects.

Council Member Crampton spoke regarding the difference in the neighborhoods on Ibis Isle. He spoke in support of allowing the enforcement program to be put into place and making it effective January 31.

Discussion ensued regarding the regulations for landscaping on Saturdays both in season and out of season.

Council President Zeidman provided a summary of the items addressed: the condominiums in south end with an association board would be exempted from the conditions imposed by the impending ordinance; specifically their Condo Association Boards would be given the leeway to decide “the whether” of Saturday “quiet work in season.

Donald Singer, 2295 S. Ocean Blvd., read a statement from a recent Citizens Association meeting, which requested that multi-family buildings be exempted from the construction noise regulations.

Scott Lewis, 514 14th Street, West Palm Beach, expressed concern over additional restrictions to lawn maintenance companies being included in this ordinance.

Mitchell Taylor, 1451 Brian Way, West Palm Beach, expressed concern over additional restrictions to lawn maintenance companies being included in this ordinance.

Colin Goldsmith, 124 Belize Terrace, Royal Palm Beach, expressed concern over additional restrictions to lawn maintenance companies being included in this ordinance. He requested the quiet landscaping work be allowed on Saturdays year-round.

Skip Aldrich, 2295 S. Ocean Blvd, Apt. 701, spoke in support of allowing condominiums that have their own associations to be exempted.

Matt Campbell, 514 14th Street, West Palm Beach, expressed concern over additional restrictions to lawn maintenance companies being included in this ordinance.

Lawrence Kaplan, 2299 Ibis Isle Road East, spoke in opposition to exempting Ibis Isle from the ordinance due to the unique nature of the island and the issues with construction traffic. He spoke in support of allowing tree trimming work on Saturdays.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to revise Ordinance No. 26-2021, as follows:

Multi-family housing units that have an association, south of Sloane's Curve, would be exempt, except on Ibis Isle;

Effective date would be January 31, 2022;

In off-season, landscaping quiet work only (including tree trimming) from 8-9AM; and

No construction or landscaping vehicles can arrive on-site prior to 7:30 a.m., Monday-Friday and 9:00 a.m., Saturdays.

On roll call, the Motion passed unanimously.

The following item was heard out of order of the agenda:

XII. ORDINANCES

A. Second Reading

2. Proposed Ordinance to Amend Chapter 66 of the Town Code, Regarding Native and Invasive Vegetation
TIME CERTAIN: 11:30 AM

ORDINANCE NO. 24-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, at Article I, in General, Section 66-2, Definitions; at Article IV, Vegetation, Division 1, Generally, Section 66-212, Purpose and Intent; at Article IV, Division 3, Plans, Section 66-285; and at Article IV, Vegetation, Division 5, Regulations, Section 66-311; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.
Wayne Bergman, Director of Planning, Zoning & Building

Wayne Bergman, Director of Planning, Zoning & Building, provided background information on the ordinance.

Council Member Crampton spoke regarding ensuring that the ordinance does not go above 35% of native landscaping in order to allow for landscape professionals' creativity and private property rights.

Council Member Araskog raised a concern that Jorge Sanchez had regarding the category of vines. In response to a question from Council

Member Araskog, Town Attorney Randolph stated that deleting the vine category would be a substantive change on second reading.

Council Member Cooney spoke regarding the limitations on some of the categories and emphasized the importance of having a balance.

Council President Pro Tem Lindsay spoke in support of the proposed ordinance and expressed appreciation of the increase in native landscaping throughout the Town and its impact on the environment and health of the residents.

Council President expressed appreciation regarding the increase in native landscaping and the positive impacts to the local environment.

George Gan, 221 NE 17th Street, Delray Beach, Native Species Expert, spoke in support of the ordinance and spoke regarding the Institute for Regional Conservation online tool, Natives in Your Neighborhood, which ensures that the lists of recommended species are current and most appropriate for the area.

Susan Lerner, 6800 Country Place Road, West Palm Beach, spoke in support of consolidating ground covers and vines into one section in the ordinance. She also spoke regarding palms that would meet the objective. She provided clarification on the tools and lists being used for invasives.

Council Member Araskog noted that there appears to be a scrivener's error in the name of the organization that identifies invasive species.

Beth Gallo, 301 Chilean Avenue, spoke in support of the proposed increase in native plants.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to defer Ordinance No. 24-2021, to the Town Council Development Review Meeting of November 10, 2021 at 11:30 a.m., to correct a scrivener's error, from FLIPPE to FISC, and to amend the ordinance to combine vines and ground cover to 35%. On roll call, the Motion passed unanimously.

The Town Council recessed at 1:00 p.m. and reconvened at 1:45 p.m.

XI. REGULAR AGENDA

- A. Matters Pulled From Consent Agenda: If needed**
- B. Old Business**

1. COVID-19 Update
Kirk W. Blouin, Town Manager

- a. COVID-19 Monthly Report
Darrel Donatto, Fire Rescue Chief

Fire Rescue Chief Donatto spoke regarding COVID reaching an endemic stage, which means that it will be present for a long time. He stated that the positivity rate in Palm Beach County is less than 3% and spoke regarding the rate stabilizing. He spoke regarding the recommendation that those who are in high-risk professions to receive a booster after 6 months and spoke regarding a recently held vaccination clinic they hosted and stated that they will hold another one after Thanksgiving. He stated that the Department is still giving the monoclonal antibody treatment to those who are COVID positive or have had a high risk of exposure to a person who is COVID positive. He spoke regarding needing to learn how to live with COVID and how best to manage that threat over the long term. He encouraged individuals to get vaccinated because it is the best way to keep it in the endemic phase.

In response to a question from Council President Pro Tem Lindsay, Fire Chief Donatto spoke regarding an anti-viral medication that is being tested.

He spoke regarding demobilization in response to a question from Council President Zeidman and explained what other communities are doing to remove mitigation measures. She stressed that COVID is a respiratory illness and therefore masks should continue to be used.

- b. Discussion Regarding Board, Commission and Committee Meetings Format and Participation for Upcoming Meetings
Margaret A. Zeidman, Council President

Council President Zeidman spoke regarding the need for Town Council to discuss public participation for meetings. Town Manager Blouin provided brief background information on the staff time that it takes to continue doing hybrid meetings and stated that the meetings would still be able to be viewed online regardless of Council's decision. Discussion ensued regarding continuing to allow for hybrid meetings or to go back to completely in-person meetings and the consensus by Town Council was to continue the hybrid meetings for the time being and address the issue after the holidays.

The following item was heard out of order of the agenda:

- C. Report of the Business and Administrative Committee Meeting Held on Thursday, October 14, 2021

1. Proposed Expansion of Existing Placard Parking Program on the 200 and 300 Blocks of Peruvian Avenue
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided background information on the proposed expansion of 6 placards to the placard parking Program on the 200 and 300 blocks of Peruvian Avenue.

Motion was made by Council Member Cooney and seconded by Council President Zeidman to accept the proposed expansion of the existing placard parking program on the 200 and 300 blocks of Peruvian Avenue. On roll call, the Motion passed unanimously.

2. Coastal Update
H. Paul Brazil, P.E., Director of Public Works

- a. Shoreline Condition Update

Robert Weber, Coastal Coordinator, presented photos of the shoreline conditions of each of the reaches. He spoke regarding the recent “Nor’easter” storm and its impact on the shoreline. He spoke regarding areas that will be getting additional sand in the upcoming months from the Army Corps of Engineers. He answered Council Members’ questions.

- b. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2022 Palm Beach Harbor Inlet Maintenance Dredging Project

Rob Weber, Coastal Coordinator, provided information on the request for a waiver. Council Member Araskog expressed concern over the lights that are erected shining into homes and Mr. Weber stated that it would be addressed. Council President Pro Tem Lindsay spoke regarding the high quality of sand that is being dredged and spoke regarding the importance of notifying the residents in that area of the upcoming project.

Motion was made by Council Member Lindsay and seconded by Council Member Crampton to approve a waiver to Town Code for Construction Dates, Hours and Noise for Staging in the Lake Worth Lagoon and Construction of the 2022 Palm Beach Harbor Inlet Maintenance Dredging Project. On roll call, the Motion passed unanimously.

- c. RESOLUTION NO. 140-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management, Inc., for Design, Permitting, and Implementation of the Mid-Town Mitigation Program in an Amount

Not-to-Exceed \$204,374, and Establishing an Engineering Services Task Budget of \$225,000.

Rob Weber, Coastal Coordinator, provided information on the Program and work that will be completed.

Motion was made by Council Member Crampton and seconded by Council President Zeidman to approve Resolution No. 140-2021. On roll call, the Motion passed unanimously.

d. 2021 Dune Restoration Discussion for Reaches 3, 4, 7, and 9

Paul Brazil, Director of Public Works, provided background information on the proposed project.

Motion was made by Council Member Araskog and seconded by Council Member Cooney to authorize dune placement in the North area of Reach 7, if necessary, Reach 9, assuming that access is granted, and the South end of the mid-town project. On roll call the Motion passed unanimously.

3. RESOLUTION NO. 129-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design, Permitting and Construction Phase Engineering Services to Chen Moore & Associates in an Amount of \$59,779 for the Root Trail Gate Ocean Access, and Establishing an Engineering Phase Budget of \$68,500.

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

Paul Brazil, Director of Public Works provided background information on the item and explained the costs and time estimates. Discussion ensued regarding the necessity for this gate and it was the consensus of the Town Council to not move forward due to the time and expense that would be involved.

No action was taken.

4. North Fire Station Renovation

a. Temporary Fire Station Site Plan

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

Jason Debrincat, Senior Project Engineer, provided background information on the item.

Motion was made by Council Member Cooney and seconded by Council Member Lindsay to approve the temporary fire station site plan. On roll call, the Motion passed unanimously.

b. RESOLUTION NO. 133-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2021-32 CMAR Services - North Fire Station Restoration Project to Hedrick Brothers Construction Company Inc., and Awarding a Preconstruction Services Agreement for the Project in an Amount of \$715,633, and Establishing a Project Budget of \$858,759.

Dean Mealy, Purchasing Manager

Motion was made by Council Member Araskog and seconded by Council President Zeidman to approve Resolution No. 133-2021. On roll call, the Motion passed unanimously.

c. RESOLUTION NO. 134-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2021-29, North Fire Station Restoration Project for Architectural and Engineering Design and Construction Services to Bridges, Marsh & Associates, Inc. and Award a Contract for Services in the Amount of \$390,000 and Establishing a Project Budget of \$468,000.

Dean Mealy, Purchasing Manager

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve Resolution No. 134-2021. On roll call, the Motion passed unanimously.

The following two items were heard out of order of the agenda:

6. Update on Water Quality
TIME CERTAIN: 3:00 PM
H. Paul Brazil, P.E., Director of Public Works

Jason Debrincat, Senior Project Engineer, and John Potts, Kimley-Horn and Associates, provided an update on the seventh meeting of the expert panel that occurred. Mr. Potts stated that the expert panel is looking to continue the PAC and spoke regarding the treatment plant being able to be modified to handle the removal of cytotoxin in the plant. He spoke regarding a discussion by the panel on testing that is possible prior to the cytotoxin reaching the plant. He confirmed that the water is currently safe to drink. He stated that he believes that a good solution can be found.

In response to Council Member Crampton, Mr. Potts spoke regarding the panel continuing to look at additional long-term options. He stated that today's meeting was the end of the "near-term" focus of the panel.

Mr. Potts replied to a question by Council President Pro Tem Lindsay regarding the presence of "forever chemicals" in the surface water supply.

He provided information on the unregulated chemicals that are caused by medications and personal care products, such as sunscreen, and the monitoring of them in the drinking water. He responded to Council Members' questions regarding the effectiveness of the various treatment technologies and the safety of the drinking water.

Public Comment:

Anita Seltzer, Cocoanut Row, expressed concern that there are not ongoing updates on the data on the safety of the drinking water.

Discussion ensued regarding the West Palm Beach water utility sharing the data with the Town of Palm Beach to provide transparency with the testing. Council Member Araskog made a recommendation that the utility provide water customers with basic information on the status of the water. Mr. Potts and Mr. Debrincat spoke regarding speaking with the utility on increasing transparency in the testing results of chemicals and toxins for which there are regulated levels. Town Manager Blouin spoke regarding the various relatively inexpensive filter technologies that are available to home use.

5. Town-wide Undergrounding Project
H. Paul Brazil, P.E., Director of Public Works

a. Review of Project and Dashboard, Summary of Project Status

Patricia Strayer, Town Engineer, provided an update on the status of construction throughout the Town and displayed a map that shows the resolved and unresolved chicanes.

Town Engineer Strayer presented photos and spoke regarding streetlights that Florida Power and Light will be installing in the Mid-Town area and explained the program the Town has with FPL. She stated she would let the council know where they could view the street light options once they were installed.

She provided background information on Resolution Nos. 138-2021 and 139-2021.

b. RESOLUTION NO. 138-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement on the North Side of Kawama Lane at Mid-Block from the Town of Palm Beach to Florida Power and Light (FPL) for Access and Maintenance of FPL Equipment.

Motion was made by Council President Pro Tem Lindsay and seconded by Council President Zeidman to approve Resolution No. 138-2021. On roll call, the Motion passed unanimously.

- c. RESOLUTION NO. 139-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement on Town Owned Property at 449 North Lake Way from the Town of Palm Beach to Florida Power and Light (FPL) for Access and Maintenance of FPL Equipment.

Motion was made by Council Member Araskog and seconded by Council President Zeidman to approve Resolution No. 139-2021. On roll call, the Motion passed unanimously.

7. RESOLUTION NO. 143-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Kimley-Horn and Associates for Post Study Support Services for the Water Supply Feasibility Study in an Amount of \$100,000.
H. Paul Brazil, P.E., Director of Public Works

Paul Brazil, Director of Public Works, presented background information on the item and explained that staff is requesting the Council approve the Resolution as well as authorize the Town Manager and/or his designee to reach out to potential partners who might be included as options for future water supply. President Zeidman explained that this resolution will provide financial support for Kimley-Horn to further assess the impact of 2-3 already identified feasible future water supply options. Discussion ensued regarding the importance of the Town Manager reaching out to discuss the feasibility and also the importance of this study being completed expeditiously.

Motion was made by Council Member Crampton and seconded by Council President Zeidman to approve Resolution No. 143-2021. On roll call, the Motion passed unanimously.

C. New Business

1. RESOLUTION NO. 141-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Formation of an Ad Hoc Advisory Strategic Planning Board, to Develop an Updated Strategic Plan for the Town of Palm Beach.
Danielle H. Moore, Mayor

Mayor Moore spoke regarding modifications to the Resolution made by Council President Pro Tem Lindsay. Council Member Araskog spoke in support of understanding the potential budget and staff resources prior to

approving the Resolution. She made the recommendation to use the planner who had been used on the original strategic plan would be included.

Discussion ensued regarding deferring Resolution No. 141-2021 to the November 10, 2021, Town Council Meeting in order to have a final version of the Resolution presented to the Town Council. Mayor Moore stated that residents who are interested in serving on the committee should email Jay Boodheshwar, Carolyn Stone or Mayor Moore.

Anita Seltzer, Coconut Row, spoke regarding the previous strategic planning process and spoke of support of the new process being held at the direction of Mayor Moore.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to defer Resolution No. 141-2021 to the November 10, 2021 Town Council Meeting and staff to provide a revised version of the Resolution. On roll call, the Motion passed unanimously.

XII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 66 of the Town Code, Regarding Artificial Turf

ORDINANCE NO. 23-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, Article I, in General, Section 66-2, Definitions, and Article IV, Vegetation, Division 5, Regulations, by Adding Sections 66-313, Artificial Turf Locations and 66-314, Artificial Turf Standards; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Wayne Bergman, Director of Planning, Zoning & Building

Wayne Bergman, Director of Planning, Zoning & Building, spoke regarding adding minor clarification language to the proposed ordinance. Council Member Lindsay provided background information on why the clarification is necessary. Discussion ensued on the proposed changes and whether or not they are substantive or are a clarification.

Council Member Araskog read the title of the ordinance.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 23-2021, as amended on second reading and for amended version to be brought back to the

December 14, 2021 Town Council Meeting for a third reading. On roll call, the Motion passed unanimously.

3. Proposed Ordinance to Amend the FY21 Budget

ORDINANCE NO. 27-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2020, and Providing an Effective Date.

Jane Le Clainche, Director of Finance

Town Attorney Randolph read the title of the ordinance.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to adopt Ordinance No. 27-2021, on second reading. On roll call, the Motion passed unanimously.

XIII. ANY OTHER MATTERS

None.

XIV. ADJOURNMENT

Motion was made by Council Member Araskog and seconded by Council Member Cooney to adjourn the Town Council Meeting of November 9, 2021, at 4:29 PM. On roll call, the Motion passed unanimously.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on November 10, 2021

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order November 10, 2021 at 9:32 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore did not have any comments at this time.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog requested a discussion regarding the Zoning Code versus the ARCOM Ordinance. She requested that Town Attorney Randolph review both ordinances at the next ARCOM meeting so that the professionals who do business in the Town understand what takes precedence. Council President Zeidman requested Town Attorney Randolph to present this information at a future ARCOM meeting. She also requested that she be authorized to express the Town Council's gratitude for the time, effort, and dedication by the Commission.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no communications heard at this time.

VI. APPROVAL OF AGENDA

Director of Planning, Zoning and Building Bergman read the following requested modifications:

Addition of IX.B Resolution 141-2021

Deferral of Item X. A.1 to the December 15, 2021 meeting

Deferral of Item X. C.1.b to the December 15, 2021 meeting

Withdrawal of Item X. C.1.c

Deferral of Item X. C.1.e to the December 15, 2021 meeting

Withdrawal of Item X. C.1.f

Deferral of Item X. C.1.g to the December 15, 2021 meeting

Deferral of Item X. C.2.b to the December 15, 2021 meeting

Deferral of Item X. C.2.c to the December 15, 2021 meeting

Deferral of Item X. C.2.f to the December 15, 2021 meeting

Deferral of Item X. C.2.g to the December 15, 2021 meeting

Addition of Ordinance No. 24-2021, TIME CERTAIN 11:30 AM.

Addition of Ordinance No. 26-2021

Addition of Resolution 141-2021, Strategic Plan

Addition of Item XI. D. 3, discussion regarding continuing offering Zoom for all Town meetings

Motion made by Council Member Araskog and seconded by Council Member Crampton to approve the agenda as amended. Motion carried unanimously.

VII. PRESENTATIONS

A. A Critical Discussion: An Approach to Zoning Code Improvement

TIME CERTAIN: 9:45 AM

Wayne Bergman, Director of Planning, Zoning and Building provided a PowerPoint presentation with background information on the item. He outlined the issues that will be covered regarding possible improvements to the Zoning Code, including massing, non-conforming lots and buildings, making the code more understandable, cubic content ratio and floor area ratio, scale, setbacks, height of buildings, aggregating lots, and prevent the loss of charm. He provided a timeline and history of the R-B district and outlined various studies and proposals for Zoning Code improvements that had taken place in the Town since 1989. He stated that large homes have been an issue for many years and now rising sea levels is an additional concern. He spoke regarding determining cubic content ratio (CCR) and explained that the CCR only takes into consideration the habitable space and often does not include the true size of the building. He explained floor area ration (FAR), specifically the usefulness of the calculation, as opposed to CCR.

In response to a question by Council President Pro Tem Lindsay, Zoning Manager, Paul Castro, explained why Town Council had reversed from a FAR calculation in the past.

Council Member Araskog spoke regarding completing the conversion from CCR to FAR. Mr. Bergman stated that staff would need to complete the survey of the streets in the R-B District in order to complete the conversion. In response to a question from Council Member Araskog, Mr. Castro provided background on how the CCR was implemented.

James Murphy, Assistant Director of Planning, Zoning and Building, provided historical information on side yard setbacks. He provided potential options for changing requirements that would encourage homeowners to build one-story or smaller homes that would be less impactful to their neighborhood. He spoke regarding the powers of ARCOM and the possibility of providing the Commission with additional powers to consider matters such as massing and setbacks.

Town Attorney Randolph provided background information on the Bert-Harris Act and explained the concept of “inordinate burden,” which is what individuals who file Bert-Harris claims must prove and spoke regarding not being prevented from moving forward with certain changes due to Bert-Harris. Council Member Araskog queried Town Attorney Randolph regarding making substantive changes to the ARCOM ordinance. Council President Zeidman requested confirmation that the issues of massing and height requirements are currently in the Code under the ARCOM section and would not invite a Bert-Harris claim.

Director of Planning, Zoning and Building Bergman explained the recommendation for the path forward, including hiring a planning consultant and legal consultant, obtaining public input, holding community meetings and charrettes, creating a steering committee, utilizing surveys, and updating the website.

Public Comment:

Anne Pepper, 333 Seaspray Avenue, stated that she believed the goals had been defined for 35 years. She spoke regarding the aesthetic scale giving the Town its value and expressed concern regarding ARCOM having the burden of resolving the issues with massing.

Susan Gary, 229 Onondaga Avenue, spoke in support of public input and participation in this process. She expressed support of ARCOM having the burden of resolving these issues.

In response to Council President Pro Tem Lindsay, Town Attorney Randolph stated that he would provide ARCOM with further training on the ARCOM ordinance and provide them with the presentation that he provided to the Council. Council President Pro Tem Lindsay spoke regarding turnover in homeowners and new individuals who are building overly large homes and spoke regarding the importance of prioritizing these issues.

Council Member Crampton spoke ARCOM being the focus and their discretion. He spoke in support of instituting a Zoning Board of Appeals for individuals who would like to appeal ARCOM’s decisions.

Council Member Araskog recommended that a cheat sheet on the Town's rules and regulations should be compiled and provided to realtors, architects and other professionals in the Town. She spoke regarding what is considered "excessively dissimilar" and stated that as was previously stated, the Code might not be entirely problematic, but certain items can be changed to improve it.

Mr. Castro addressed the issue of the current Code not providing certainty with what homeowners can build and that the hard decisions are currently solely on ARCOM.

Mayor Moore spoke regarding the fact that, despite any amount of public input and participation, there will be members of the public that will push back on any changes. She emphasized the importance of the Town Council standing firm on any decisions they make and to assist with trying to encourage public input and participation.

Council Member Zeidman spoke in support of Council looking at what Council and ARCOM have approved that would show that the Town has been overbuilt. She spoke regarding keeping in mind the character of the Town but stated that certain limitations, such as FEMA requirements, must be abided by the Town Council.

Public Comment (cont'd):

Aimee Sunny, Preservation Foundation of Palm Beach, referenced a study that the Foundation commissioned, specifically that survey results indicated that architectural character is important. She spoke in support of the community engagement that has been discussed.

The Town Council recessed at 11:23 a.m. and reconvened at 11:30 a.m.

The following item was heard out of order of the agenda:

X. DEVELOPMENT REVIEWS

D. ORDINANCES

1. Proposed Ordinance to Amend Chapter 66 of the Town Code, Regarding Native and Invasive Vegetation

TIME CERTAIN: 11:30 AM

Continuation of public comment from 11/9/21:

Jorge Sanchez, SMI Landscape Architecture, mentioned his experience with native landscaping. He expressed concern over the proposed ordinance and spoke regarding the misperception that native plants are not subject to diseases or insect infestation and the misperception that native plants encourage songbirds, bees and butterflies.

Lisa Hammer, Landscape Horticulturist, provided slides on native and non-native plants and the importance of having diversity in plants. She spoke regarding the misperception that native plants are not subject to diseases or pests.

Mr. Sanchez spoke in support of firms spot spraying rather than blanket spraying to reduce the use of pesticides.

Dust Montiel, One Two Tree, spoke regarding certain native plants coming down with diseases and spoke regarding targeting chemicals to ensure that the particular issue is being addressed.

Mr. Sanchez presented images of unsightly hedges in Town and spoke regarding the Town using code enforcement to enforce this issue in order to get unsightly ficus hedges removed. He provided recommendations for the proposed ordinance.

David Bache, Garden Industries, spoke regarding native plants not being conducive to the character of the Town and spoke regarding the issue with finding native plants that would look appropriate in Palm Beach.

Paige Lee Hufty, 340 Island Road, provided her background in native landscaping. She spoke in support of having a balance and spoke regarding the definitions of native and non-native plants. She spoke in support of planting species that would encourage shade and birds.

Keith Williams, Nievera Williams Design, expressed concern over restraints being placed on designers' creativity and spoke in support of being able to utilize Florida-friendly landscaping. He spoke regarding native landscaping not needing less water or pesticides. He spoke regarding forming an ad hoc committee to discuss the list of allowable plants.

Mario Nievera, Nievera Williams Design, spoke regarding the importance of landscaping to the Town, and stated that limiting the plant materials that professionals could use, would be limiting the beauty in the design. He spoke regarding the difficulty in finding native plant materials that would produce the privacy and look that the residents desire.

Dustin Mizell, Environment Design Group, recommended removing materials from the list that require extensive water and fertilizer and taking into account that some material requires less water and is more robust, but are not native. He spoke in support of forming an ad hoc committee of professionals to discuss the list of plants.

Amanda Skier, Preservation Foundation of Palm Beach, spoke in support of the proposed ordinance and believes that it provides an opportunity to introduce native plants to the island while still allowing for creativity. She spoke in support of the 35% requirement.

John David Corey, 426 Australian Avenue, spoke regarding many landscape architects bringing forward designs to ARCOM with over 35% native. He spoke in support of the proposed ordinance and stated that he believes that it is reasonable.

Susan Lerner, Director of Horticulture at the Preservation Foundation of Palm Beach, spoke in support of the proposed ordinance and in support of planting native plants and utilizing all organic pesticides, which encourages native bees and other wildlife.

Council Member Araskog stated that she believes that the 35% requirement in the Ordinance is not burdensome and stated that the ordinance has been revised to join vines and ground cover to assist with the percentage. She stated she wished she would have had more participation during earlier discussions on the issue.

Council President Pro Tem Lindsay spoke regarding the reduction of pesticides and the increase in native landscaping that has occurred town-wide over the past several years due to an increase in education and understanding. She spoke regarding removing coconut palms from the list due to the control that is being done to keep the coconut palms from proliferating. She spoke regarding the Town's inability to eliminate pesticides and stated that the Town can encourage the planting of plants that don't require pesticides as much. She spoke regarding the Town using native plantings to remove ficus throughout the Town. She spoke in support of forming an ad hoc committee to discuss the list of allowable plants.

Council Member Cooney spoke regarding moving forward more slowly and keeping the requirement at 25% and spoke in support of including the Preservation Foundation and landscaping professionals in reviewing the list of plants.

Council Member Crampton stated that he believes the 35% requirement of native plantings is reasonable. He spoke in support of moving forward with the 35% to work towards the goal of using less pesticides and encouraging more wildlife.

Council Member Araskog stated that the lists were reviewed and that staff needed the list in place as soon as possible.

Town Attorney Randolph read the title of the ordinance.

Motion made by Council Member Araskog, and seconded by Council President Pro Tem Lindsay, to approve Ordinance No. 24-2021, with clarifications that were made at the meeting of November 9, 2021; and forming a committee of professionals from both sides to review the ordinance and list (clarification that the committee would not be a committee of the Town). Motion carried 4-1 with Council Member Cooney voting NO.

The Town Council recessed at 12:56 p.m. and reconvened at 1:45 p.m.

X. RESOLUTIONS

The following item was heard out of order of the agenda:

B. RESOLUTION NO 141-2021 Strategic Planning Board

A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Formation of an Ad Hoc Advisory Strategic Planning Board, to Develop an Updated Strategic Plan for the Town of Palm Beach.

Motion made by Council Member Crampton, and seconded by Council President Pro Tem Lindsay, to approve Resolution No. 141-2021. Motion carried unanimously.

A. RESOLUTION NO 132-2021 473 N. County Road

A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

Wayne Bergman, Director of Building, Planning & Zoning provided background information on the item.

Motion made by Council Member Cooney, and seconded by Council Member Crampton, to approve Resolution No. 132-2021. Motion carried unanimously. Council Member Araskog was absent.

X. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way

This item was deferred at approval of the agenda to the December 15, 2021 meeting.

B. Time Extensions and Waivers

1. Time Extension – Raptis

This item was not heard.

2. Time Extension for 226 Oleander Avenue

Wayne Bergman, Director of Building, Planning & Zoning provided background information on the item.

Adam Mills, Environment Design Group, provided details on why the firm is requesting a time extension.

Mayor Moore requested clarification on the timeline and expressed concern that work was being done for such a long time after the permit expired.

Council Member Crampton inquired if there had been any complaints from noise and or dust.

Motion made by Council Member Crampton, and seconded by Council President Zeidman, to approve the time extension for 226 Oleander Avenue. Motion carried unanimously. Council Member Araskog was absent.

3. Time Extension for 403 Brazilian Avenue

Wayne Bergman, Director of Building, Planning & Zoning provided background information on the item.

Charles Frankel, representing the Board of 330 Cocanut Row, spoke in opposition to the request for extension.

Mr. Bergman spoke regarding the remaining items that need to be completed.

John Mantis, Town Management, general contractor, provided further information on the work that needs to be completed.

Motion made by Council Member Cooney, and seconded by Council Member Crampton, to approve the time extension for 403 Brazilian Avenue for interior work only and only painting for exterior work. Motion carried unanimously. Council Member Araskog was absent.

C. Variances, Special Exceptions, and Site Plan Reviews

1. **Old Business**

- a. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** 160 ROYAL PALM WAY, Relating to a Consideration of the Construction Management Agreement.

Deputy Town Clerk Churney administered the oath at this time and throughout the meeting as necessary.

Maura Ziska, attorney for the applicant, stated that they have no problems with the agreement.

Zoning Manager Castro provided background information on the agreement and project.

Mayor Moore inquired if the neighbors' attorneys were privy to the agreement.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion made by Council Member Cooney, and seconded by Council President Pro Tem Lindsay, to approve the construction management agreement for project Z-20-00289 at 160 Royal Palm Way, as modified in the exhibit. Motion carried unanimously. Council Member Araskog was absent.

- b. **Z-21-00333 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 04TST101NIGHTINGALE LLC, applicant, relative to property located at 101 NIGHTINGALE TRL, legal description on file, is described below. Section 134 893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 In lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the November 19, 2021 meeting. Carried 7-0.]

This item was deferred at approval of the agenda to the December 15, 2021 meeting.

- c. **Z-21-00356 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
Zoning District: C-TS Town Serving Commercial The application of BUCCAN (SAM SLATTERY), relative to property located at 350 S COUNTY RD SUITE: 100, legal description on file, is described below. Section 134-1109 and Section 134-1112: Modification to a previously approved special exception use with site plan approval for the sandwich take out counter business for Buccan Restaurant to request the following: (a) to install two (2) new awnings to match existing awnings; (b) to modify the storefront to include a new door in the existing opening; (c) to modify an interior floor plan of the sandwich shop (no seats are being proposed); (d) to modify the hours of operation to be 7:00 AM to 3:00 PM (previously approved were 11:00 AM 3:00 PM) [Applicant's Representative: Maura Ziska Esq] Request for Withdrawal Per Maura Ziska, Esq.

This item was withdrawn at approval of the agenda.

- d. **Z-21-00359 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential / B-A Beach Area. The application of 870 S OCEAN LLC (TODD GLASER, MANAGER), Owner, relative to property located at 870 S OCEAN BLVD, legal description on file, is described below. Section 134-840: Request for a Special Exception with Site Plan Review to allow construction of a 435 square foot beach cabana (20' x 25') with a 250 square foot pool and a new seawall in the R-A/B-A Zoning District. Section 134- 1474(a): Request for a variance to construct a 435 square foot beach cabana that is on a lot with frontage of 101.53 feet in lieu of the 125 feet required for lot width in the B A Zoning District for beach area property adjacent to R-A Zoning District. Section 134- 1701 and 62 37: Request for a variance to construct a new 100.5' seawall three feet east of the existing seawall which is east of the Town of Palm Beach bulkhead line 6'2" at the south end and 6'0" at the north end, in lieu of the seawall being placed directly on the bulkhead line. The proposed new seawall will align with the recently constructed seawall at 880 South Ocean Boulevard. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Ex parte communications were declared by Council Members Cooney, Crampton, Council President Pro Tem Lindsay and Mayor Moore.

Maura Ziska, attorney for the applicant, explained the special exception requests required for the beach cabana. She explained that the seawall and the new cabana design have received ARCOM approval.

Zoning Manager Castro provided staff comments on the requests.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion made by Council Member Crampton, and seconded by Council President Pro Tem Lindsay, that Variance Z-21-00359, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met. Motion carried unanimously. Council Member Araskog was absent.

Motion made by Council Member Crampton, and seconded by Council President Zeidman, that Special Exception Z-21-00359 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried unanimously. Council Member Araskog was absent.

Motion made by Council Member Crampton, and seconded by Council President Zeidman, that Site Plan Review Z-21-00359 shall be granted based upon the finding that such grant will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329 items 1 through 11. Motion carried unanimously. Council Member Araskog was absent.

- e. **Z-21-00374 VARIANCE(S)** Zoning District: R-B Low Density Residential
The application of JORDAN AND KRISTIN BENNETT GRAY, APPLICANTS, relative to property located at 224 LA PUERTA WAY, legal description on file, is described below. The applicant is requesting four variances In order to build a two story addition which includes a 315 square foot one story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony and two bathrooms. The requested variances are a for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R B Zoning District; an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony; an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor; and an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the November 19, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the December 15, 2021 Meeting.

This item was deferred at approval of the agenda to the December 15, 2021 meeting.

- f. **Z-21-00383 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of MICHAEL T FRIES & MICHELLE R MALONE, Applicants, relative to property located at 146 SEASPRAY AVE , legal description on file, is described below. Request a variance to expand nonconforming 2-story accessory building in the rear of the property by adding a 128 square foot one story cabana/office addition that would result in a 5.6 foot rear yard setback in lieu of the 10 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.] Request for Withdrawal Per Maura Ziska, Esq.

This item was withdrawn at approval of the agenda.

- g. **Z-21-00385 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of 239 MONTEREY ROAD LLC (Louis Capano, Jr., Manager), Applicant, relative to property located at 223 MONTEREY RD, legal description on file, is described below. The lot is non conforming in area: 9,000 square feet in lieu of the 10,000 square feet required in the R-B Zoning District; and in width: 90 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. Request to demolish the existing one story residence, accessory structure, pool, driveway and miscellaneous site walls, piers and fences and construct a new 3,902 square foot single family two-story home on a non conforming lot (overall size and width) meeting all applicable Town codes. The request includes a driveway, pool/spa, hardscape and landscape, including an emergency generator and civil storm water and grading. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to the November 19, 2021 meeting. Carried 6-1.] Staff Recommends a Deferral to the December 15, 2021 Meeting.

This item was deferred at approval of the agenda to the December 15, 2021 meeting.

2. New Business

- a. **ZON-21-005 (HSB-21-001)** 251 Park Avenue (COMBO) The applicant, Patrick McGowan, has filed an application requesting Town Council review and approval for variances (1) to reduce the side (east) setback for a new trellis, (2) to reduce the front (south) setback for a new trellis, (3) to reduce the required side (east) setback for the installation of new pool, (4) to reduce the required rear (north) setback for the installation of new pool, (5) to further reduce the nonconforming open space requirement in the front yard, and (6) to exceed the maximum allowable lot coverage, in order to renovate and construct improvements to a historically significant building. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation

Commission approved the project with some conditions related to the architecture. Carried 7-0.]

Ex parte communications were declared by Council Member Cooney and Mayor Moore.

Maura Ziska, attorney for the applicant, explained the variance requests required for the project.

Daniel Clavijo, SKA Architects, presented background information on the project and explained the requests for variances.

Zoning Manager Castro provided staff comments.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion made by Council Member Cooney, and seconded by Council President Pro Tem Lindsay, that Variance ZON-21-005, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met; and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously. Council Member Araskog was absent.

Council Member Araskog re-joined the meeting.

- b. **ZON-21-006 (ARC-21-040) 164 SEASPRAY AVENUE** (COMBO) The applicant, Hayati Banastey, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of new two story residence on 2 platted lots deficient in lot width and lot area, including the following variances (1) a variance to reduce the required side (east) yard setback to 10 ft in lieu of 15 feet required for 2 story structure; (2) a variance to reduce the required side (west) yard setback to 10 ft in lieu of 12.5 feet required for the 1 story portion; (3) a variance to reduce the required side (west) yard setback to 10 feet in lieu of 15 feet required for the 2 story portion. [Architectural Review Commission deferred the project to the November 19, 2021 meeting. Carried 6-1] Staff Recommends a Deferral to the December 15, 2021 Meeting.

This item was deferred at approval of the agenda to the December 15, 2021 meeting.

- c. **ZON-21-008 (ARC-21-041)** 1520 SOUTH OCEAN BOULEVARD (COMBO) The applicant, Chris Shumway, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review to allow the construction of a new 400SF beach cabana and water feature within the vacant ocean side parcel in the R-A/B-A zoning

district and a variance to reduce the required setback from the bulkhead line for the construction of the cabana. [Architectural Review Commission deferred the project to the November 19, 2021 meeting. Carried 7-0] Staff Recommends a Deferral to the December 15, 2021 Meeting.

This item was deferred at approval of the agenda to the December 15, 2021 meeting.

- d. **ZON-21-009 (ARC-21-043)** 1230 SOUTH OCEAN BOULEVARD (COMBO) The applicant, 1230 LLC (Staci Rutman, manager) has filed an application requesting Town Council review and approval for a variance (1) to reduce by approximately 15' the required side setback requirement of 30' in order to construct a new loggia addition to the rear of the existing two-story residence. [The Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [Architectural Review Commission approved the project as presented. Carried 7-0]

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

Maura Ziska, attorney for the applicant, explained the zoning requests required for the loggia.

Cesar Pierola, MP Design and Architecture, presented the architectural plans proposed for the new loggia.

Assistant Director of Planning, Zoning and Building Murphy provided staff comments.

Council President Zeidman called for public comment.

M. Timothy Hanlon, attorney representing the Thorntons, property owners of 1236 S. Ocean, spoke regarding the agreement and development order that the Thorntons have made with the 1230 LLC.

Discussion ensued regarding the necessity of having a deed restriction placed on the property.

Motion made by Council Member Cooney, and seconded by Council President Pro Tem Lindsay, that Variance ZON-21-009, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met; and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area; and that the attached exhibit shall be incorporated into the record and development order. Motion carried unanimously.

- e. **ZON-21-010 420 ROYAL PALM WAY** The applicant, Timothy Hanlon, has filed an application requesting Town Council review and approval for a Special Exception Request to continue to operate an existing commercial banking office under new ownership.

There were no ex parte communications declared.

M. Timothy Hanlon, attorney for the applicant, provided brief background information on the request.

Assistant Director of Planning, Zoning and Building Murphy stated that staff did not have any comments.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Motion made by Council Member Crampton, and seconded by Council Member Araskog, that Special Exception ZON-21-010, shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried unanimously.

- f. **ZON-21-011 (ARC-21-050)** 1090 SOUTH OCEAN BOULEVARD (COMBO) The applicant, 1090SOCEAN LLC (Brad McPherson), has filed an application requesting Town Council review and approval of a Special Exception Request with Site Plan Review to allow the construction of a new two-story residence on non-conforming portions of platted lots that is 135' in depth where 150' is required and 18,558 SF of lot areas where 20,000 SF is required in the R-A zoning district. [Architectural Review Commission deferred the project to the November 19, 2021 meeting. Carried 7-0.] Staff Recommends a Deferral to the December 15, 2021 Meeting.

This item was deferred at approval of the agenda to the December 15, 2021 meeting.

- g. **ZON-21-012 (AKA Z-20-00299) (ARC-21-051)** 1015 SOUTH

OCEAN BOULEVARD (COMBO) The applicant, 1015 South Ocean LLC (Maura Ziska, manager), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and variances (1) to reduce the required front setback and (2) to reduce the building height plane setback for both the one- and two-story portions, in order to build a new two-story residence on a lot nonconforming in depth. [Architectural Review Commission deferred the project to the November 19, 2021 meeting. Carried 6-1.] Staff Recommends a Deferral to the December 15, 2021 Meeting.

This item was deferred at approval of the agenda to the December 15, 2021 meeting.

- h. **ZON-21-015 (COA-21-004)** 264-270 SOUTH COUNTY ROAD AND 205 ROYAL PALM WAY (COMBO) The applicant, Carriage House Properties Partners LLC, has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review to modify a previously approved private club, including a variance to reduce the required 10'-0" clear sidewalk in order to provide a landscape strip. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions related to the architecture. Carried 7-0.]

There were no ex parte communications declared.

Maura Ziska, attorney for the applicant, presented the zoning requests for the project.

Nelo Freijomel, Spina O'Rourke + Partners, presented the architectural modifications proposed for the commercial buildings.

Assistant Director of Planning, Zoning and Building Murphy provided staff comments.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Council Member Araskog expressed concern over a lack of uniformity with landscaping with the adjacent building.

Motion made by Council Member Cooney, and seconded by Council President Pro Tem Lindsay, that Variance ZON-21-015, shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 of the Town Code have been met. Motion carried unanimously.

Motion made by Council Member Cooney, and seconded by Council President Zeidman, that Special Exception ZON-21-015, shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried unanimously.

Motion made by Council Member Cooney, and seconded by Council Member Araskog, that Site Plan Review ZON-21-015 shall be granted based upon the finding that such grant will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329 items 1 through 11. Motion carried unanimously.

The following two items were heard out of order of the agenda:

D. ORDINANCES

1. Ordinance to Amend Section 42-199 of the Town Code, Regarding Construction Hours

ORDINANCE NO. 26-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise, Section 42-199, Hours For Construction Work at Subsection (b) Limited, to Provide Additional Limitations on Dates and Hours of Construction; Providing for Quiet Work and Limitations to Indoor Activity; and at Subsection (c) Exceptions to Modify Subsection (4); Providing For Severability; Providing For Repeal of Ordinances in Conflict; Providing For Codification; Providing an Effective Date.

Town Attorney Randolph read the title of the ordinance.

Jay Boodheshwar, Deputy Town Manager, provided an overview on the proposed changes to the ordinance and spoke regarding how the issue of lost days will be handled administratively.

Motion made by Council Member Araskog, and seconded by Council President Pro Tem Lindsay, to approve Ordinance No. 26-2021 on first reading. Motion carried unanimously.

XI. ANY OTHER MATTERS

- C. Discussing Regarding Continuing Zoom Meetings for all Board and Committee Meetings

Deputy Town Manager Boodheshwar provided background information on the item and explained the impact on staff that is involved with conducting the meetings on Zoom, as well as in person. He spoke regarding the numbers of viewers on Zoom and Granicus, which is livestreamed on the Town's website. He made the recommendation that the boards and committees that have lesser virtual participation can be viewed on Granicus and the quasi-judicial bodies (ARCOM, LPC and P&Z Board), as well as all Town Council meetings, should remain hybrid meetings.

Council Member Araskog spoke in support of ORS meetings also remaining hybrid meetings. Deputy Town Manager Boodheshwar stated that if the Council would like one Council committee to be hybrid meetings, then they all should be hybrid meetings.

Council President Pro Tem Lindsay spoke in support of following the list that was presented by Deputy Town Manager Boodheshwar.

Council Member Cooney spoke regarding members of the public being able to speak during public comment if they don't feel comfortable with staying for an entire meeting.

Discussion ensued regarding possible ways for public participation, including individuals writing letters, emailing, etc.

The Town Council provided consensus to approve hybrid meetings for Town Council, ARCOM, LPC and Planning & Zoning Commission, and returning to regular in-person meetings and viewing on Granicus for all other Town meetings.

The Town Council recessed at 3:21 p.m. and reconvened at 3:30 p.m.

- A. Discuss Options for Certifying Town-Serving Status for Businesses, Per Comprehensive Plan Requirements

Council Member Araskog stated that she requested this item be placed on the agenda in order to request what options the Town has when it comes to ensuring that businesses are Town-Serving.

Town Attorney Randolph stated that businesses are required to state that they are Town-Serving when they submit an application and must show that they are Town-Serving as a condition of approval. The businesses must also submit an annual statement. He expressed concern over requesting businesses that are not submitting an application if they are Town-Serving.

Discussion ensued regarding whether it is necessary for the Town to regularly audit or go back and request businesses that were “grandfathered in” to prove that they are Town-Serving. The consensus of the Council was to continue the program as it currently is.

There was no action taken.

- B. Discussion Regarding Quality of Life and Traffic Impacts Associated with the Increasing Number of New Restaurants in the Town

Council Member Araskog stated that she requested this item be placed on the agenda in order to discuss limiting the amount of new restaurants in the Town due to increased traffic.

Town Attorney Randolph provided information from a memo he submitted to the Town Council on this item. He spoke regarding concerns with restricting restaurants and stated that more research would need to be done prior to this being considered but that it probably could be accomplished if it's the desire of the Council.

Council Member Cooney spoke regarding development pressures from the County and stated that he feels comfortable with the Town's Zoning Code, which has stringent parking requirements for restaurants and the requirement that any new restaurant or bar application must come before Town Council for approval.

Mayor Moore concurred that the closing of the loophole in the Code was important and that this issue does not need further discussion because every application for a new restaurant or bar comes before the Town Council.

Council Member Araskog stated that she brought the item up for discussion due to a comment from the Town Attorney regarding having a good reason to deny a special exception application and that there should be something in the Code that has a grounds for denial. She expressed concern over the traffic issues that are

being caused by restaurants. She spoke in support of having some options to use in case the traffic problem becomes even greater in the near future.

Council President Pro Tem Lindsay stated that she has had residents and restaurant owners approach her about the traffic issue. She spoke regarding the large number of restaurants that there are in the Town for its size. She spoke in support of keeping an eye on the issue and perhaps moving towards studying it in the near future.

Council Member Crampton spoke regarding residents wanting to have options for fine dining in the Town but also does not want the issue of traffic become too great. He spoke regarding the closing of the loophole in the Code and concurred that it would be appropriate to look into the issue in a year or two.

Council President Zeidman commended Director of Planning, Zoning and Building Bergman on bringing forward the closing of the loophole regarding restaurants to the Town Council. She requested clarification of what are the criteria where the Council can deny an application by a restaurant or bar. Discussion ensued on the criteria that could be the basis for denying a new restaurant application, as well as changing the Town Code to no longer allow late hours for restaurants that have been “grandfathered in.”

In response to questions by Council President Zeidman and Council President Pro Tem Lindsay, Assistant Director of Planning, Zoning and Building Murphy and Town Attorney Randolph provided information on the different types of liquor licenses and how it impacts the hours of operation as well as the ability of the Town to limit liquor licenses.

The consensus of the Council was to bring back the item in 6 months for discussion.

There was no action taken.

XII. ADJOURNMENT

The meeting was adjourned at 4:07 p.m. without benefit of a motion.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Deputy Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 19, 2021.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated December 1, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of November 19, 2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of November 19, 2021

Date: December 1, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of November 19, 2021.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of November 19, 2021.

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

kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, NOVEMBER 19, 2021

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

I. CALL TO ORDER

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

II. ROLL CALL

Michael B. Small, Chairman	PRESENT
John David Corey, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Richard F. Sammons, Alternate Member	PRESENT (arrived at 9:02 a.m.)

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James G. Murphy, Assistant Director of Planning, Zoning and Building
Sarah Pardue, Historic Preservation Planner
Jordan Hodges, Planner II
Kelly Churney, Secretary to the Architectural Review Commission
John Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Small acknowledged the Town Council's decision to return to in-person meeting. He discussed the required masks while in the meeting. Mr. Small continued with procedural information and comments regarding the upcoming meeting.

- V. **APPROVAL OF THE MINUTES FROM THE OCTOBER 27, 2021 MEETING**
Motion made by Ms. Shiverick and seconded by Ms. Grace to approve the minutes from the October 27, 2021 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**

Mr. Small announced the following changes to the agenda:

Withdrawal of ARC-21-056, 216 Angler Avenue

Withdrawal of B-034-2021, 905 N. Ocean Blvd.

Deferral of B-072-2021, 224 La Puerta Way to the December 17, 2021 Meeting

Deferral of B-065-2021, 7 Ocean Lane to the January 26, 2022 Meeting

Deferral of ARC-21-040, 164 Seaspray Avenue to the December 17, 2021 Meeting

Deferral of ARC-21-048, 216 Tradewind Drive to the December 17, 2021 Meeting

Deferral of ARC-21-050, 1090 S. Ocean Blvd. to the December 17, 2021 Meeting

Deferral of ARC-21-082, 594 N. County Road to the December 17, 2021 Meeting

Item B-063-2020, 160 Royal Palm Way to be pulled from consent.

Addition to Consent Agenda:

ARC-21-065, 446 N. Lake Way

ARC-21-072, 329 Worth Avenue

Addition of Item VI. A. Presentation

Addition of Item E. 1. A. Items Pulled From Consent

Motion made by Mr. Smith and seconded by Mr. Corey to approve the agenda as amended. Motion carried unanimously, 7-0.

VI. **PRESENTATION**

Messrs. Bergman and Murphy made a short presentation on issues in the Town's Code that pertain to the projects heard at ARCOM. Mr. Bergman laid out a path forward on the possible upcoming changes.

Mr. Ives understood the issues were a work in progress. He suggested looking at the previous variances that had been granted to find some possible incentives to offer to homeowners with upcoming projects.

Mr. Corey appreciated staff's reminder on ARCOM's role in the way the Commission can shape the island. He believed that the R-B Zoning Code was clearly a large issue. He inquired if staff could immediately address the CCR in the R-B Zoning District. Mr. Bergman responded.

Ms. Grace understood staff's concern for the issues on the north end of the island; however, she believed mid-town had concerns as well.

Mr. Sammons wondered if privacy was the driving factor for the changes proposed. He did not believe that increasing the setbacks was a solution to achieve privacy. Mr. Sammons compared the urban model versus the suburban model and how privacy could be achieved.

Mr. Floersheimer expressed concern moving from CCR to FAR due to the ceiling height issue. He indicated he would be happy to move to FAR but requested that limitations of floor to floor heights were also added into the calculation.

Ms. Shiverick thought an issue with the homes was the appearance of the box type look. She thought setbacks and height were not the issue but it was more with design. She thought better material also helped the design of a home.

Ms. Catlin agreed with Ms. Shiverick and Mr. Ives. She thought the elimination of certain variances, such as for undersized lots, would be helpful. Ms. Catlin thought a calculation for the size of the home compared to the size of the lot could be a solution for simplifying the Code. She thought Ms. Shiverick was accurate with the box type look of the homes that were coming to ARCOM; she believe some of the issues were tied to the designs presented.

VII. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

1. ARC-21-058 1930 S. OCEAN BLVD. (minor project). The applicant, Coral House Land Trust, has filed an application requesting Architectural Commission review and approval for exterior design modifications to an existing two-story residence, specifically to replace all trims and corners with proposed coral stone.

Please refer to staff memo for additional information on this project.

2. ARC-21-073 341 PERUVIAN AVE. (minor project). The applicant, Villa Giardino Land Trust, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing three-story residence, including the installation of new window openings facing the r-o-w, and landscape and hardscape changes interior to the site.

Please refer to staff memo for additional information on this project.

3. ARC-21-075 217 MOCKINGBIRD TR. (minor project). The applicant, Kathleen Carbonara, has filed an application requesting Architectural Commission review and approval for exterior modifications to the landscape and hardscape plans of a previously approved plan, including the changing of ground finish materials and driveway material alteration.

Please refer to staff memo for additional information on this project.

4. ARC-21-046 237 BRAZILIAN AVE. (minor project). The applicant, Brazilian PB Land Trust, has filed an application requesting Architectural Commission review and approval for the installation of two new side entry gates.

Please note: This item was pulled from consent and was not approved with the consent agenda.

5. B-063-2020 160 ROYAL PALM WAY. The applicant, LR Palm House LLC, has filed an application requesting Architectural Commission review and approval for exterior design modifications to the east entrance including changes to the ground asphalt driveway material, and installation of new planters.

Please note: This item was pulled from consent and was not approved with the consent agenda.

6. ARC-21-056 216 ANGLER AVE. (minor project). The applicant, Clem Schaub, has filed an application requesting Architectural Commission review and approval for exterior modifications to the perimeter landscaping plan of a previously approved two-story residence.

Please note: This project was withdrawn at the Approval of the Agenda, Item VI.

7. ARC-21-071 1575 N. LAKE WAY (minor project). The applicant, Ian and Christine MacTaggart, has filed an application requesting Architectural Commission review and approval for new landscaping site wide, on a site containing an existing two-story residence.

Please refer to staff memo for additional information on this project.

8. ARC-21-057 125 EL BRAVO WAY (minor project). The applicant, Jim Sawky, has filed an application requesting Architectural Commission review and approval for exterior and interior modifications to a previously approved two-story residence, specifically alterations to all elevations with window, door and other detail adjustments.

Please note: This item was pulled from consent and was not approved with the consent agenda.

9. B-052-2021 147 DUNBAR RD. A project was reviewed and approved at the June 23, 2021 ARCOM meeting with the condition that the proposed tile design and colors, as well as the final design details of the windows and frames return to the Commission at a later date for review and approval.

Please note: This item was pulled from consent and was not approved with the consent agenda.

10. ARC-21-065 446 N. LAKE WAY (minor project). The applicant, Robert and Suzanne Johnson, has filed an application requesting Architectural Commission review and approval for the installation of a new vehicular driveway gate.

Please note: This item was pulled from consent and was not approved with the consent agenda.

11. ARC-21-072 329 WORTH AVE. (minor project). The applicant, 329 WORTH AVENUE LLC, has filed an application requesting Architectural Commission review and approval for the removal and replacement and reconfiguration of a single awning and the blocking of a window to accommodate signage and the blocking of interior windows to an existing commercial building's retail bay.

Please refer to staff memo for additional information on this project.

Motion made by Mr. Corey and seconded by Mr. Smith to approve the consent agenda as amended. Motion carried unanimously, 7-0.

Please note: This approval did not include the following projects: ARC-21-046, 237 Brazilian Avenue, B-063-2020, 160 Royal Palm Way, ARC-21-057, 125 El Bravo Way, B-052-2021, 147 Dunbar Road and ARC-21-065, 446 N. Lake Way.

B. DEMOLITIONS AND TIME EXTENSIONS

C. MAJOR PROJECTS – OLD BUSINESS

1. B-019-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 101 Nightingale Trail

Applicant: 04TST101 Nightingale LLC (Brian Libman, Manager)

Professional: Brooks & Falotico Associates, LLP

Project Description: Exterior alterations and interior renovations to two-story single family residence; revised fenestration on all elevations; reframe portions of existing roof to accommodate new fenestration height and replace existing roof tiles; renovate entry portico, frame for second floor roof deck, and face with coquina; new Dutch gables at courtyard elevations; renovate pool terrace and incorporate new retaining walls; remove existing driveway and install new hardscape and landscape.

ZONING INFORMATION: Section 134-893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 in lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R-B Zoning District.

A motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included the identity and character of the home, the front entry, the fenestration, the shutters, the balconies and glass railings. A motion carried at the April meeting to defer the project for one month, to the May 26, 2021 meeting, to restudy the gables, fenestration and in accordance with the comments of the Commission. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting at the request of the professionals. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professionals. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting. A motion carried at the September meeting to defer the project to the October 27, 2021 meeting. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting to restudy the gables, fenestration, east elevation and detailing.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Willette agreed to the easement.

Chuck Willette, Brooks & Falotico Associates, LLP, presented the architectural modifications proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Mr. Smith questioned the design of the double gable in the pool courtyard. He did not believe the gables worked in this area. Mr. Willette responded.

Mr. Corey was in favor of the landscaping. He did not believe the changes to the east elevation were an improvement. He questioned the door heights on this façade.

Mr. Ives agreed with Mr. Smith's comments.

Motion made by Mr. Smith and seconded by Mr. Kirchhoff to approve the project with the following conditions: the Dutch gables shall be removed in the courtyard and the French doors for the living room, on the east façade shall be lowered by 6 inches. Motion carried 4-3, with Mses. Grace, Shiverick and Mr. Corey opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall

either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

A second motion made by Mr. Ives and seconded by Mr. Kirchhoff that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 5-2, with Ms. Shiverick and Mr. Corey opposed.

2. B-031-2021 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)

Address: 130 Algoma Rd.

Applicant: 130 Algoma, LLC (Lee Fensterstock)

Professional: MP Design & Architecture

Project Description: Demolition of existing one story house while preserving existing garage and finish floor. New construction of two story classical house, approx. 6,448 sq. ft. Final landscape and hardscape.

ZONING INFORMATION: Section 134-229: Section 134-329 and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new two story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 in lieu of the 125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing non-conforming garage. 2) Section 134-843(7): to allow a building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required.

Project History:

April 2021	Deferred to 5/26/21 to allow the Commissioners to receive a proper demolition report and landscape demolition plan and deferred entire project to 5/26/21
May 2021	Demolition approved. Deferred remainder of project to the 6/23/21 meeting for restudy, to include style, floor height and garage orientation.
June 2021	Deferred to 7/28/21 for a complete redesign backed on the comments from the Commissioners.
July 2021	Change in Architect. Requested Deferral to 09/29/21

September 2021 Deferred to 11/19/21 for restudy, particularly the front entrance, the massing of the second floor and garage section

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Mr. Fensterstock, owner, provided an overview of the history of the project.

Michael Perry, MP Design & Architecture, Inc., presented the architectural modifications proposed for the design of the new residence.

Chris Simon, Nievera Williams Design, presented the landscape and hardscape changes proposed for the site.

Mr. Small asked for confirmation that the applicant was not seeking any variances. Mr. Perry responded that a site plan approval was requested.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Corey thought the changes were far more successful. He thought the home was big but worked in the area. He appreciated the Sea grapes on the front of the site. He inquired about the reduction of the eaves. Mr. Perry responded. Mr. Corey wondered if the eaves should be increased on the second floor but remain smaller on the first floor.

Mr. Kirchhoff agreed thought the changes were successful, particularly with the garage facing sideways. He thought more wall was needed over the front door, along with a parapet, to provide some privacy to the master bathroom.

Ms. Shiverick inquired about the shutters on the French doors over the front door. Mr. Perry responded and confirmed shutters were proposed. Ms. Shiverick inquired if the lanterns could be removed on the French doors. Mr. Perry confirmed he would remove the shutters. She liked the breakup of the roof height as shown. She thought the interior floor plan was unique. Ms. Shiverick stated she agreed with Mr. Corey's suggestion to increase the eaves on second floor.

Mr. Ives concurred with his fellow Commissioners' that the changes proposed were an improvement. He still believed there was still some tension in front façade.

Ms. Grace thought the changes were successful. She agreed with Ms. Shiverick's suggestion of the deletion of the lanterns as well as Mr. Corey's suggestion to increase the eaves on the second floor.

Ms. Catlin thought the design was handsome and had warmth and character. She thought Mr. Perry addressed all of the Commissioners' comments. She liked Mr. Corey's idea to increase eaves on second floor. She added that she could support the shutters on the second floor French doors.

Mr. Sammons questioned the concept of the home. He questioned the second floor's alignment over the first floor. He thought the design screamed compromise and had lost its concept. He thought the home needed a restudy.

Mr. Perry passed around an alternative of a parapet wall over the front door rather than the railing proposed.

Mr. Corey inquired about the alternate design. Mr. Perry responded. Mr. Corey was not in favor of the alternate design.

Motion made by Mr. Corey and second by Ms. Shiverick to approve the project with the following conditions: the lanterns next to the French doors on the second floor shall be removed and replaced with shutters, the eaves on the second floor shall be increased 6 inches. Motion carried 5-2, with Messrs. Ives and Kirchhoff opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

3. B-034-2021 Additions/Modifications

Address: 905 N. Ocean Blvd.

Applicant: 905 N. Ocean LLC (Maura Ziska)

Professional: LaBerge and Menard

Project Description: Guest house addition and new landscape/hardscape.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting for restudy, particularly how the home fits onto the lot. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting at the request of the professional. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professional. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. A motion carried at the August 25, 2021 meeting to defer the project to the October 27, 2021 meeting. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting.

Please note: This project was withdrawn at the Approval of the Agenda, Item VI.

4. B-058-2021 Demolition/New Construction

Address: 1020 N. Lake Way

Applicant: Mr. & Mrs. Kanders, Contract Purchaser (Maura Ziska)

Professional: MP Design & Architecture, Inc.

Project Description: Demolition of existing residence, including hardscape, landscape. Existing pool to remain. New two-story residence, new hardscape, new landscape, existing pool to be modified.

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion deferred the hearing of the new construction to the July 28, 2021 meeting. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting. A motion carried at the September meeting to defer the project to the November 19, 2021 meeting for a restudy in accordance with the comments from the Commissioners, particularly with the size, mass, fenestration, garage, front entrance and overall charm.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, Inc., presented the architectural modifications proposed for the design of the new residence.

Son Truong, Nievera Williams Design, presented the landscape and hardscape changes proposed for the site.

Ms. Catlin thought the proposed was an example of a white box referenced earlier in the meeting. She thought the design lacked character, charm and the ambiance of the north end. She thought this design moved in the wrong direction.

Ms. Grace was happy to see the removal of the windows on the east elevation. She thought the railings on the west elevation were better. Ms. Grace questioned the different types of fenestration on the west elevation. She did not believe the change in the garage design was successful. She questioned the covered porches on the north and south sides of the home. She was not in favor of the color for the front door.

Mr. Corey did not believe the design could be saved and thought it clashed with its location. He thought the house was too large and boxy. He had problems with the fenestration, particularly on the west side, the elliptical arches on the rear of the home, the entablature over the front door, the columns, and the landscaping. He stated he could not support the design.

Mr. Ives thought there had been some changes in the main structure that were positive. He believed the garage design was the issue in the design. He thought the placement of the garage needed to be restudied in order to save the design.

Mr. Smith thought the design had many problems. He did not believe the front of the home related to the rear of the home. He did not support the garage element and thought the professional should start over in his design.

Mr. Floersheimer appreciated the effort that the professional put into this design. He thought there were still many issues with the design that needed to be resolved.

Ms. Shiverick thought the design was too formal and did not fit into the north end. She believed the design needed more softness and character.

Ms. Grace suggested the project should be denied rather than given a deferral.

Mr. Small stated he believed there was a consensus for a denial. He believed the design needed a fresh start.

Mr. Corey thought the professional could rework some of the elements. He made some suggestions for the fenestration, columns and proportions.

Ms. Catlin indicated the design needed to be completely rethought and redesigned.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for two months, to the January 26, 2022 meeting. Motion failed 3-4, with Mr. Smith and Ms. Grace, Shiverick and Catlin opposed.

Motion made by Ms. Shiverick and seconded by Mr. Smith to deny the project at 1020 N. Lake Way as presented, based on the failure to comply with Section 18-205 of the Code, paragraph a (1). Motion carried 4-3, with Messrs. Small, Ives and Corey opposed.

5. B-063-2021 Demolition/New Construction

Address: 280 Via Marila

Applicant: CJN P Holdings LLC (Daniel Pergola, Managing Member)

Professional: MP Design & Architecture, Inc.

Project Description: Demolition of an existing two-story structure. Proposal of a new two-story residence with rear facing two-car garage, new pool, hardscape and landscape.

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion carried to defer the project to the July 28, 2021 meeting to address the comments of the commissioners. A motion carried to defer the project to the September 29, 2021 meeting with a clear understanding that a complete redesign of the home was highly requested. A motion carried at the September meeting to defer the project to the November 19, 2021 meeting for a restudy in accordance with the comments from the Commissioners, particularly with the scale and mass of the proposed home.

Michael Perry, MP Design & Architecture, Inc., requested a one month deferral due to extenuating circumstances.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project, for one month, to the December 17, 2021 meeting. Motion carried unanimously, 7-0.

Please note: A short break was taken at 10:45 a.m. The meeting resumed at 11:00 a.m.

6. B-072-2021 Additions/Modifications

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

Address: 224 La Puerta Way

Applicant: Mr. & Mrs. Gray

Professional: David J. Gengler/Gengler Architects, Inc.

Project Description: A major renovation of an existing single-story single family home which includes a two-story addition on the front of the home, a second floor addition over a portion of the existing first floor, and a two-story loggia addition on the rear of the home.

ZONING INFORMATION: The applicant is requesting four variances in order to build a two-story addition which includes a 315 square foot one-story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony, and two bathrooms. The requested variances are as follows: Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R-B Zoning District. Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony in the R-8 Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor in

the R-B Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District.

At the August 25, 2021 meeting a motion carried to defer the project to the September 29, 2021 meeting with a clear direction for a restudy of the entire project. A motion carried at the September meeting to defer the project to the October 27, 2021 meeting. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting.

Please note: This project was deferred to the December 17, 2021 meeting at the Approval of the Agenda, Item VI.

7. ARC-21-017 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION AND SITE PLAN REVIEW

Address: 223 Monterey Road

Applicant: 239 Monterey Road, LLC (Louis Capano, Jr., Manager)

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: The lot is non-conforming in area: 9,000 square feet in lieu of the 10,000 square feet required in the R-B Zoning District; and in width: 90 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District.

1. Request to demo the existing one-story residence, accessory structure, pool, driveway and miscellaneous site walls, piers and fences. 2. Request to construct a new single family residence on a non-conforming lot (overall size and width) meeting all applicable Town codes. 3. Request to construct a new two-story single family residence consisting of 3,902 gross square feet on a non-conforming lot, driveway, pool/spa, hardscape and landscape, including an emergency generator and civil, storm water and grading

At the August 25, 2021 meeting, a motion carried to defer the project to the September 9, 2021 meeting. A motion carried at the September meeting to defer the project to the October 27, 2021 meeting for a restudy of the front door, the three windows next to the front door as well as the overall height of the home. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting to address the height and fenestration.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the design of the new residence.

Mr. Small called for public comments.

Peter Broberg, 220 Monterey Road, indicated that the home was still taller and more massive than the surrounding homes.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Small thought the architecture had come a long way and thought it was compatible with the neighborhood.

Ms. Grace still wished the professional could reduce the massing of the home.

Mr. Sammons stated if the professional lowered the first floor of the home, it would appear more in line with the neighboring homes.

Motion made by Ms. Catlin and seconded by Mr. Corey to approve the project as presented. Motion carried 5-2, with Mses. Shiverick and Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

8. B-065-2021 7 OCEAN LN.

Applicant: 7 Ocean Lane, LLC (Nedim Soylemez, Manager)

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

Project Description: New two-story residence with pool. Final hardscape and landscape.

A motion carried at the June meeting to defer the project to the July 28, 2021 meeting for a restudy in accordance with the comments of the Commissioners. At the July 28, 2021 meeting a motion was made to deny the proposed new home as presented but failed for lack of a second. Another motion was made to defer the project, for two months to the September 29, 2021 meeting, for a restudy with a potential change in style, moving the house to the west, reducing the size of the house, reducing the east fenestration and reducing the garage size or relocating it to the basement as well as all of the direction provided. A motion carried at the September meeting to defer the project to the November 19, 2021 meeting for a restudy with particular attention to the front façade screening and the glazing on the rear façade.

Please note: This project was deferred to the January 26, 2022 meeting at the Approval of the Agenda, Item VI.

9. ARC-21-040 (ZON-21-006) 164 SEASPRAY AVE. (COMBO) The applicant, Hayati Banastey, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story home designed in

the Classical Style and related site improvements, including variances for side yard setbacks as they pertain to the new residence on a nonconforming lot. The variance portion of the application shall be reviewed by Town Council. The application will require special exception and site plan reviewed by Town Council. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting.

Please note: This project was deferred to the December 17, 2021 meeting at the Approval of the Agenda, Item VI.

10. ARC-21-041 (ZON-21-008) 1520 S OCEAN BLVD. (COMBO) The applicant, Chris Shumway, has filed an application requesting Architectural Commission review and approval for the construction of a new 400SF beach cabana and water feature within the vacant oceanside parcel, including a setback variance from the bulkhead line. The application will require special exception and site plan reviewed by Town Council. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting to address the detailing of the cabana and perhaps to add some interest.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Marsh agreed to the easement.

Mark Marsh, Bridges, Marsh & Associates, Inc., presented the architectural changes proposed to the design of the beach cabana.

Jedidiah Hall, Nievera Williams Design, presented the landscape and hardscape changes proposed for the site.

Maura Ziska, attorney for the owners, explained the zoning requests for the project and advocated for a positive recommendation to the Town Council.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace liked the arches in the cabana. She wondered if the proportions of the arches could be narrower in width to provide more wall space. She suggested reducing the height of the building as well. She also asked the professionals if they could confirm that all parking would remain on the site, rather than the

street. Mr. Marsh responded and stated they had addressed the parking concerns of the neighbors.

Ms. Grace inquired about the proposed hedging. Mr. Marsh stated that the doors and arches were very narrow as designed. Ms. Grace inquired if the doors could resemble the doors on the main house. Mr. Marsh explained why this was not an option.

Mr. Sammons thought the proportions were spot on but thought maybe some shade could be added to the area.

Ms. Shiverick thought the windows and building was fine. She agreed that some shade could be added to the site. Ms. Shiverick inquired if the neighbors' issue about the sight line had been addressed. Mr. Marsh responded. Ms. Shiverick confirmed the color of the cabana would match the main house, to which Mr. Marsh provided confirmation.

Mr. Corey inquired if the professional had an elevation of the surrounding cabanas. He thought the dimensions of the cabana were fine, and he thought the building was quite elegant. However, he wondered how the height compared to the other cabanas in the area.

Mr. Sammons stated he had worked on the cabana to the north and knew it was much taller than the proposed.

Mr. Small was supportive of the cabana.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Motion made by Mr. Ives and seconded by Mr. Corey that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

11. ARC-21-048 216 TRADEWIND DR. The applicant, 216 Tradewind Trust (Michael S. Kehoe, Trustee) has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in a Bermuda Vernacular style with associated site improvements, hardscape, pool and spa. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting.

Please note: This project was deferred to the December 17, 2021 meeting at the Approval of the Agenda, Item VI.

12. ARC-21-050 (ZON-21-011) 1090 S. OCEAN BLVD. (COMBO) The applicant, 1090SOCEAN LLC (Brad McPherson), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in the traditional Georgian style. The application will require special exception and site plan reviewed by Town Council. The application will require special exception and site plan reviewed by Town Council. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting.

Please note: This project was deferred to the December 17, 2021 meeting at the Approval of the Agenda, Item VI.

13. ARC-21-051 (ZON-20-00299) 1015 S OCEAN BLVD. (COMBO) The applicant, 1015 South Ocean LLC (Maura Ziska, manager), has filed an application requesting Architectural Commission review and approval for the construction of a two-story residence designed in the traditional Bermuda style greater than 10,000 SF in size on a vacant lot, including Special Exception Request with Site Plan Review and variances for front yard setback and building height plane. The variance portion of the application shall be reviewed by Town Council. The application will require Special Exception Request with Site Plan reviewed by Town Council. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting to restudy the loggia, the front door, the width of the home, the windows next to the front entrance and the possibility of moving the home eastward on the lot.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith agreed to the easement.

Harold Smith, Smith and Moore Architects, Inc., presented the architectural modifications proposed to the design for the new residence.

Steve West, Parker Yannette Design Group, presented a small landscape change to the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Corey thought the project had come a long way and thought the house could fit into the area. However, he still had an issue with the cabana and thought it affected the architecture from the water view.

Ms. Catlin was in favor of the home and thought it had a nice feel to it. She thought the design worked well with the shape of the lot. She did not object to the cabana.

Mr. Floersheimer was not in favor of the beach cabana. He thought if the cabana was removed, the home could be moved to the east. With this change, he believed one of the variances could be removed.

Ms. Ziska stated if the cabana was removed, she did not believe the house would be moved more to the east.

Ms. Shiverick would have liked to have seen a reduced the width of the home. She did not have an issue with the cabana and appreciated that it was reduced. She thought the home would fit nicely in the area.

Mr. Sammons thought the project was well done. He thought the reduction in the cabana was appropriate and fit in the design.

Mr. Jeff Smith agreed with Mr. Floersheimer.

Ms. Grace wished the south end could be reduced in height. She inquired if the view corridor would remain on the south end. Mr. Smith responded. She inquired if the owner would maintain the landscaping on the south end. Mr. Smith confirmed the owner would maintain the landscaping.

Mr. Small believed it was still too much house for the lot. He also did not favor the cabana. He thought the home needed to be significantly reduced in its width.

Mr. Floersheimer thought the living room loggia could be increased to provide shade, rather than the cabana proposed.

Motion made by Ms. Shiverick and seconded by Mr. Corey that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 5-2, with Messrs. Smith and Small opposed.

Motion made by Ms. Shiverick and seconded by Ms. Catlin to approve the project as presented. Motion carried 4-3, with Messrs. Corey, Smith and Small opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and

record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

D. MAJOR PROJECTS – NEW BUSINESS

1. ARC-21-020 (Z-21-00390) 300 N. LAKE WAY (COMBO) The applicant, David and Constance Littman, has filed an application requesting Architectural Commission review and approval for the construction of an approximate 1600 SF one-story addition to an existing accessory structure, including variance from maximum allowed Cubic Content Ratio (CCR). The variance portion of the application shall be reviewed by Town Council.

Please refer to staff memo for additional information on this project.

Call for disclosure of ex parte communication: Disclosure by several members.
Please note: Jeffrey Smith declared a conflict of interest and left the dais.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, attorney for the owners, explained the zoning requests for the project and advocated for a positive recommendation to the Town Council.

Sophia Bacon, Smith Architectural Group, presented the architectural modifications proposed for the existing home.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Catlin did not have issues with the project; however, she objected to the trucks logistic plan. She thought the trucks should enter the island at the north bridge.

Mr. Corey inquired about the increase to CCR. Ms. Bacon responded.

Motion made by Ms. Grace and seconded by Ms. Catlin to approve the project as presented, with the condition that the trucks logistics plan shall be changed so that the trucks would enter via the north bridge to the island. Motion carried 6-1, with Mr. Floersheimer opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Motion made by Ms. Catlin and seconded by Ms. Grace that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

2. ARC-21-064 120 SEAGATE RD. The applicant, Tracey Hirt, has filed an application requesting Architectural Commission review and approval for modifications to an existing two-story residence including the addition of new front entry, the enclosure of a second floor terrace and ground floor patio, the construction of a new one-story addition totaling approximately 600SF in area, a new pool, spa and pool deck, new landscaping, and other exterior modifications.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Radak agreed to the easement.

Travis Radak, Radakovich Architecture, presented the architectural modifications proposed to the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Sammons made a suggestion for the porch on the east elevation of the home. He also questioned the fenestration on the east elevation and the pool house. He added he could not support the project.

Ms. Shiverick inquired about the guesthouse addition. Mr. Radak responded. Ms. Shiverick inquired about the material for the doors proposed. Mr. Radak stated the doors were steel. She thought the livability of the plan was nice but suggested a reconsideration on some of the materials.

Ms. Grace supported an addition on the home but thought the addition should be more in keeping of the main home. She suggested using white windows and doors for continuity. She thought there was too many doors on the front of the home. She inquired about the material of the garage doors and roof. Mr. Radak responded.

Mr. Corey thought an addition was fine but questioned the proposal, particularly the scale of the addition and the fenestration. He thought the addition should tie in more with the main home.

Mr. Smith could not support the materials for the doors and windows. He questioned the roof proposed over the front door. Mr. Smith offered a material suggestion for the garage doors.

Mr. Small agreed with many of the comments of the Commissioners, particularly that the addition was not compatible and in harmony with the main structure.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project to the January 26, 2022 meeting, with a request for 3-D renderings to be brought at the next presentation. Motion carried unanimously, 7-0.

Please note: A lunch break was taken at 12:17 p.m. The meeting resumed at 1:03 p.m. At roll call, all members were found to be present with exception of Mr. Floersheimer. Mr. Floersheimer arrived at 1:07 p.m.

3. ARC-21-074 225 WELLS RD. The applicant, M2B Properties LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in a Mediterranean style of approximately 6,300 SF in size with associated site improvements, hardscape, pool and spa.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Harrison agreed to the easement.

Gregory Harrison, Harrison Design, presented the architectural plans proposed for the new residence.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape plans proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Sammons thought the project was nice. He questioned the size of the fenestration on the front elevation. He recommended more structure in the

loggia. Mr. Sammons inquired about the operability of the windows in relationship to the shutters.

Ms. Grace liked the home overall. She stated she would like to see the renderings of the changes to the plan that addressed the neighbors concern. She thought the ground floor windows should be smaller and rectangular. She inquired about the material of the front door. Mr. Harrison responded. She questioned the fenestration on the north elevation and added she preferred all white windows and doors.

Ms. Shiverick recommended the use of Cypress shutters with a green window trim. She recommended a wrought iron pedestrian gate, rather than the Chippendale gate proposed. She thought the front entrance could use some prominence, such as the addition of Coquina.

Mr. Corey thought the project was well designed and an overall, nice project. He agreed the fenestration on the first floor windows could be changed. He recommended some small embellishments for the front entrance.

Mr. Kirchhoff agreed the fenestration should be studied for the entire home. He agreed with Ms. Shiverick's suggestion of Cypress shutters. He questioned the chimney on the home.

Ms. Grace inquired about the location of the lanterns. Mr. Harrison responded.

Ms. Shiverick suggested continuing the arched doors on the rear into the family room.

Mr. Small agreed with Ms. Shiverick and recommended not having a pedestrian gate. Mr. Small confirmed that the Australian pines were not to be removed. Mr. West provided confirmation.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for one month, to the December 17, 2021 meeting, to address the comments of the Commissioners. Motion carried unanimously, 7-0.

4. ARC-21-077 991 N. LAKE WAY The applicant, Michael Rapp, has filed an application requesting Architectural Commission review and approval for exterior modifications to a previously approved two-story residence, including the demolition of portions of the existing structure and the construction of a new detached accessory structure, architectural changes and modifications to the site plan and landscaping.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ford agreed to the easement.

Meghan Ford Taylor, Tralongo & Taylor, presented the architectural modifications proposed for the existing residence.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the existing site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Shiverick wished she could see some color renderings of the cabana. She also wondered if it was a different style than of the main house. She was in favor of the landscape changes. She questioned the window over the front door and provided some suggestions for that space.

Mr. Sammons thought maybe the window over the front door could be reduced in size. Mr. Sammons questioned the joints for the stone trim. Otherwise, he supported the project.

Mr. Floersheimer thought the project on the whole was good. He was glad to see the landscape changes to the northern part of the property.

Mr. Kirchhoff was not in favor of the front door and was not in favor of the teak or the stone. He questioned the cabana design as well.

Mr. Smith was in favor of the project, however he was not in favor of the use of teak in the front door, garage door and the beach cabana.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project for one month, to the December 17, 2021 meeting, to address the comments of the Commissioners. Motion carried unanimously, 7-0.

5. ARC-21-078 (ZON-21-026) 175 WORTH AVE. (COMBO). The applicant, PB Worth Partners LLC, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing two-story building including the installation of new storefronts replacements and new awnings, and the construction of a new entry door and vestibule, including a variances from the setback requirements for a retail renovation. The variance portion of the application shall be reviewed by Town Council.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Fiorella agreed to the easement.

Christine Fiorella, Kenneth Park Architects, presented the architectural changes for the existing, commercial space.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Ms. Grace wondered if any changes would be made to the exterior lighting. Ms. Fiorella responded and showed the Commissioners a rendering of the proposed lighting. Ms. Grace thought the lanterns looked a bit large. Ms. Grace also inquired about the size of the signage proposed. Ms. Fiorella responded and explained the design.

Mr. Corey thought the project was very nice. He thought the lighting and lettering was fine. He inquired about the clock proposed and suggested a more dynamic clock, perhaps mounting it on the corner for prominence.

Mr. Floersheimer thought the project was fine.

Motion made by Ms. Shiverick and seconded by Mr. Ives that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

Motion made by Ms. Shiverick and seconded by Mr. Ives to approve the project as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

6. ARC-21-082 (ZON-21-020) 594 N. COUNTY RD. (COMBO). The applicant, George and Sandra Marucci, has filed an application requesting Architectural Commission review and approval for the construction of three additions totaling approximately 430SF to an existing one-story residence, including variances from both side setback requirements. The variance portion of the application shall be reviewed by Town Council.

Please note: This project was deferred to the December 17, 2021 meeting at the Approval of the Agenda, Item VI.

7. ARC-21-083 101 OCEAN TER. The applicant, 1332 Ocean Trust (Guy Rabideau, trustee), has filed an application requesting Architectural Commission review and approval for modifications to a previously approved ARCOM project currently under construction, specifically including architectural, hardscape and landscape changes. The design was previously approved November 2020, pursuant to B-071-2020.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Visconti agreed to the easement.

Peter Papadopoulos, Smith and Moore Architects, presented the architectural modifications proposed for the new residence.

Claudia Visconti, SMI Landscape Architecture, presented the landscape and hardscape modifications proposed for the existing site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Shiverick was saddened to see the change proposed for the front door and thought the approved front entrance was superior. She added that she preferred the plank shutters. Ms. Shiverick inquired about the two trees in the front of the home. Ms. Visconti responded. Ms. Shiverick thought the trees were a good addition.

Ms. Grace was in favor of the change in the colors. She agreed with Ms. Shiverick's comments on the new door. Ms. Grace inquired on the percentage of native landscaping proposed. Ms. Visconti responded.

Mr. Corey agreed with Ms. Shiverick's comments and thought the newly proposed front entrance was too small.

Mr. Ives was in favor of the new proposal and thought the new entrance added some elegance to the home.

Mr. Sammons inquired about the lack of shade in the landscaping. Ms. Visconti responded.

Mr. Small agreed with the Commissioners who were in favor of the previous front entrance.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented with the condition that the original ARCOM approved front entrance and door shall remain. Motion carried 6-1, with Mr. Ives opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

8. ARC-21-084 (ZON-21-022) 191 BRADLEY PL. (COMBO) The applicant, NDL Property Palm Beach Property LLC (David Tornek, Mgr), has filed an application requesting Architectural Commission review and approval for exterior seating (48 seats) to an existing one-story restaurant (Meat Market) not exceeding the maximum capacity licensed. The outdoor seating will require a Special Exception Review w/Site Plan Review by the Town Council.

This project was deferred at an early spot in the agenda and stated it would not be heard until the Town Council addressed the outdoor seating at their January 2022 meeting.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project to the January 26, 2022 meeting. Motion carried unanimously, 7-0.

E. MINOR PROJECTS – OLD BUSINESS

1. ARC-21-045 258 COUNTRY CLUB RD. (minor project). The applicant, Big Bear Developers, has filed an application requesting Architectural Commission review and approval for modifications to previously approved landscaping plan.

Please refer to staff memo for additional information on this project.

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

Marco Gallo, Big Bear Developers, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Corey inquired about the existing palms and their species. Mr. Gallo stated the palms were Sylvester palms. Mr. Corey inquired if the palms had been approved. Mr. Gallo explained the situation in which the palms had been planted. Mr. Corey inquired about the other trees proposed for the front of the property.

Gabriella Fojt, The Mirror of Paradise, responded and discussed the material proposed for the front of the property.

Ms. Shiverick agreed with Mr. Corey; she was not in favor of the date palms. She recommended an espalier on the front wall. She also thought the front door looked bare and bereft of any landscaping. She recommended a short hedge in this area. Ms. Fojt responded and explained the landscaping proposed for area next to the front door.

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

E. 1. A. ITEMS PULLED FROM CONSENT

1. B-063-2020 160 ROYAL PALM WAY. The applicant, LR Palm House LLC, has filed an application requesting Architectural Commission review and approval for exterior design modifications to the east entrance including changes to the ground asphalt driveway material, and installation of new planters.

Please refer to staff memo for additional information on this project.

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

Josh Daniel, Cooper Carey, presented the landscape and hardscape plans proposed for the site.

Mr. Small called for public comments.

John Eubanks attorney for the DeVries at 141 Brazilian Avenue, stated that the situation regarding the exfiltration system had been resolved.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Ms. Grace inquired if the material proposed for the driveway could be extended to reduce the amount of asphalt. Mr. Daniel responded.

Mr. Corey stated he hoped there would be a gate or trees in the area. Mr. Corey did not believe the proposed painted concrete and the pavers worked well

together. He recommended using one or the other and added he was not supportive of the pavers.

Mr. Shiverick agreed with Mr. Corey with his assessment of the material choices for the driveway. She was not in favor of the pavers. She inquired about the hanging planters. Mr. Daniel responded.

Mr. Small agreed and did not believe the pavers were compatible.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented with the following conditions: the colored concrete shall be used in the apron of the drive, no pavers shall be used and the remaining drive beginning at the pilasters shall be asphalt. Motion carried 6-1, with Ms. Grace opposed.

2. ARC-21-046 237 BRAZILIAN AVE. (minor project). The applicant, Brazilian PB Land Trust, has filed an application requesting Architectural Commission review and approval for the installation of two new side entry gates.

Please refer to staff memo for additional information on this project.

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

Dustin Mizell, Environment Design Group, presented the request for a new, vehicular gate.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace inquired about the material proposed for the gate. Mr. Mizell responded. She questioned whether there were too many gates.

Ms. Shiverick inquired about the gate color. Mr. Mizell responded. Ms. Shiverick inquired about the inspiration for the gate. Mr. Mizell responded. Ms. Shiverick agreed with Ms. Grace and wondered if there were too many gates. Ms. Shiverick recommended using the gray color as proposed.

Mr. Kirchhoff thought there was a lack of details in the proposal. Mr. Kirchhoff inquired about the structure of the gate. Mr. Mizell responded. Mr. Kirchhoff requested more details on the gates before he could make a decision.

Mr. Corey thought the details of the gates was missing. He wondered if the design of the gates were appropriate and did not feel they were in keeping with the house.

Mr. Smith did not believe the gates went with the home. He stated the gates were organic and the architecture was very rigid.

Mr. Small agreed with the other Commissioners.

Mr. Sammons thought the problem was the scale of the gate. He also questioned the openness of the gate. Mr. Sammons also pointed out that some of the features on the home were not built as shown in plan.

Mr. Floersheimer inquired about the operability of the gates. Mr. Mizell responded.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project, for one month, to the December 17, 2021 meeting. Motion carried unanimously, 7-0.

3. ARC-21-057 125 EL BRAVO WAY (minor project). The applicant, Jim Sawky, has filed an application requesting Architectural Commission review and approval for exterior and interior modifications to a previously approved two-story residence, specifically alterations to all elevations with window, door and other detail adjustments.

Please refer to staff memo for additional information on this project.

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

Carlos Cordero-Loza, MP Design & Architecture, Inc., presented the architectural modifications proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace liked the previous south elevation. She thought the lanterns proposed were too large and added she preferred the previously proposed lanterns. She was in favor of the changes to the north elevation.

Mr. Kirchhoff agreed with Ms. Grace's assessment. He was not in favor of the fenestration and front door changes on the south elevation.

Ms. Shiverick agreed with Ms. Grace about the lanterns on the piers; she preferred the previous lanterns. She also preferred the previous front door entrance. She questioned the elimination of the shutters and asked if shutters could be added to all of the windows. Mr. Cordero-Loza responded.

Mr. Corey supported the transom removal but did not support the remainder of the proposed changes. He questioned the number of chimneys proposed. Mr. Cordero-Loza responded.

Mr. Smith agreed with the other Commissioners. He pointed out an error on page A 2.1. He supported the removal of the transom but questioned the remainder of the fenestration proposed.

Ms. Catlin was not supportive of the chimneys. She agreed with the comments of the other Commissioners.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project, for one month, to the December 17, 2021 meeting. Motion carried unanimously, 7-0.

4. B-052-2021 147 DUNBAR RD. A project was reviewed and approved at the June 23, 2021 ARCOM meeting with the condition that the proposed tile design and colors, as well as the final design details of the windows and frames return to the Commission at a later date for review and approval.

Please refer to staff memo for additional information on this project.

Call for disclosure of ex parte communication: Disclosure by several members. *Please note: Mr. Kirchhoff declared a conflict of interest and left the dais. It was noted that Ms. Catlin would be voting in his absence.*

Jill Bruderer, Kirchhoff Architects, presented the architectural modifications proposed for the existing home.

Mr. Corey thought the home was beautiful and added that the handmade Moroccan tiles were successful.

Ms. Shiverick agreed with Mr. Corey and was supportive of the Moroccan tiles.

Mr. Grace agreed with Mr. Corey and Ms. Shiverick.

Motion made by Ms. Grace and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously, 7-0.

5. ARC-21-065 446 N. LAKE WAY (minor project). The applicant, Robert and Suzanne Johnson, has filed an application requesting Architectural Commission review and approval for the installation of a new vehicular driveway gate.

Please refer to staff memo for additional information on this project.

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

Jedidiah Hall, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Shiverick thought the gates were too heavy and dark. She recommended using wrought iron or something in the color of the home.

Ms. Catlin agreed with Ms. Shiverick. She thought many of the gates in the area were more open and airy. She believed this gate was too heavy.

Mr. Kirchhoff thought both the entrance and service gates should match.

Mr. Sammons thought the service gate should be more subservient to the main gate.

Ms. Grace recommended adding posts to the top of the gate to provide continuity with the existing gate.

Mr. Smith agreed with Mr. Sammons and thought the service gate should be subservient to the main gate.

Motion made by Ms. Shiverick and seconded by Mr. Ives to defer the project, for one month, to the December 17, 2021 meeting to restudy the gate. Motion carried unanimously, 7-0.

F. MINOR PROJECTS – NEW BUSINESS

1. ARC-21-067 149 VIA PALMA (minor project). The applicant, Louis Rose, has filed an application requesting Architectural Commission review and approval for the resurfacing of an existing driveway, the construction of a retaining wall in the front yard along with the raising the elevation grade of the front yard, and a new set of pedestrian stairs and gates and other exterior changes.

Please refer to staff memo for additional information on this project.

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

Claudia Visconti, SMI Landscape Architecture, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace inquired about the gate material. Ms. Visconti responded. Ms. Grace questioned the relationship of the proposed gate to the existing gate.

Ms. Catlin thought this was a great project and the changes enhanced the home.

Motion made by Ms. Shiverick and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously, 7-0.

2. ARC-21-069 346 SEASPRAY AVE. (minor project). The applicant, 346 Seaspray Ave Trust, has filed an application requesting Architectural Commission review and approval for exterior modifications to a previously approved landscape and hardscape plan, including driveway, driveway gates and site walls.

Please refer to staff memo for additional information on this project.

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

Son Truong, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace inquired about the changes inside and outside of the wall. Mr. Truong responded.

Motion made by Ms. Shiverick and seconded by Mr. Ives to approve the project as presented. Motion carried unanimously, 7-0.

VIII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public

There were no comments heard at this time.

2. Staff

Mr. Bergman stated that Jeffrey Smith declared a conflict for a project at 305 Clarke Avenue at the October 27, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman briefly touched on the anonymous letter sent to the town regarding the ARCOM process. He added that staff, Town Attorney Randolph and Chairman Small met with Bill Yahn and Carl Sabatello to discuss their concerns.

3. Commission

Ms. Catlin raised the issue of the trucks logistics plan and added, while ARCOM reviewed the plans, they were not enforced. She wondered if the review of the logistic plans was a waste of time. Mr. Bergman stated that the trucks logistic plans were reviewed by the Public Works and enforced by Public Works right-of-way inspectors when they visited the site.

Mr. Floersheimer raised the issue of increased garbage on the street. He wondered if Code Enforcement could address the contractors and landscape companies. Mr. Small asked staff who would enforce this issue, to which staff replied the Public Works Department.

Ms. Grace had a question about the consent agenda and how items were placed on the agenda. Mr. Small addressed the issue.

Ms. Grace also questioned items that were built that did not match the approved plans. Mr. Sammons explained the situation that he had observed.

IX. **NEXT MEETING DATE:** Friday, December 17, 2021

X. **ADJOURNMENT**

Motion made by Mr. Corey and seconded by Ms. Shiverick to adjourn the meeting at 3:39 p.m. on Friday, November 19, 2021. Motion carried unanimously, 7-0.

The next meeting will be held on Friday, December 17, 2021 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 150-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Ten Year Renewal of the Sovereignty Submerged Lands Lease Between the Town of Palm Beach and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, for the Continued Operation of the Town Marina; Authorizing the Mayor to Sign the Lease on Behalf of the Town of Palm Beach.

Presenter

Carolyn Stone, Assistant Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated December 2, 2021, from Carolyn Stone, Assistant Town Manager**
- ▣ **Sovereignty Submerged Land Lease Ten Year Renewal for TOPB Marina**
- ▣ **Resolution No. 150-2021 Approving 10 year renewal of state submerged land lease**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Carolyn Stone, Assistant Town Manager

Re: Sovereignty Submerged Lands Lease Renewal for Town Marina
Resolution No. 150-2021

Date: December 2, 2021

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 150-2021, authorizing the Mayor to sign the Sovereignty Submerged Lands Lease Renewal, which grants permission to continue operating the Town Marina as a public marina on submerged state lands.

GENERAL INFORMATION

Staff engaged with the Florida Department of Environmental Protection to begin the process of renewing the Sovereignty Submerged Lands Lease, which grants permission to the Town to operate and maintain the Town Marina on submerged state lands. The current lease is set to expire on December 26, 2021. The modified lease for the larger Marina footprint was accounted for in FY2021, and was paid in two installments, December 2020 and August 2021.

The new lease has been prepared for a ten year period, expiring on December 26, 2031. In the event that the Town decides to modify the new configuration of the Marina, thereby changing its square footage, a modified lease agreement will need to be secured from the State of Florida.

FUNDING/FISCAL IMPACT

The annual cost of the submerged lands lease is calculated on a base annual fee plus marina revenues. Said costs are approximately \$300,000, but fluctuate slightly from year to year. The costs are accounted for in the annual operating budget of the Town Marina. The FY2022 budget has sufficient estimated funds to cover all anticipated lease costs.

TOWN ATTORNEY REVIEW

This is a standard resolution, which has been approved by the Town Attorney for legal form and sufficiency. The Sovereignty Submerged Lands Lease Renewal has also been reviewed and approved for legal form and sufficiency by the Town Attorney.

Attachments

cc: Jane LeClainche, Finance Director
Mike Horn, Dockmaster
John C. Randolph, Town Attorney

This Instrument Prepared By:
Kathy Griffin
Action No. 44548
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL

BOT FILE NO. 502830686
PA NO. 50-0048542-001

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Town of Palm Beach, Florida, hereinafter referred to as the Lessee, the sovereignty lands as defined in 18-21.003, Florida Administrative Code, contained within the following legal description:

A parcel of sovereignty submerged land in Section 27,
Township 43 South, Range 43 East, in Lake Worth,
Palm Beach County, Florida, containing 895,649 square
feet, more or less, as is more particularly described and
shown on Attachment A, dated June 28, 2019.

TO HAVE THE USE OF the hereinabove described premises from December 26, 2021, the effective date of this lease renewal, through December 26, 2031, the expiration date of this lease renewal. The terms and conditions on and for which this lease is granted are as follows:

1. **USE OF PROPERTY:** The Lessee is hereby authorized to operate an 85-slip commercial docking facility to be used exclusively for the mooring of recreational vessels and police and fire rescue vessels in conjunction with an upland municipal park, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction, and without liveaboards as defined in paragraph 27, as shown and conditioned in Attachment A, and the State of Florida Department of Environmental Protection Environmental Resource Permit No. 50-0048542-001, dated August 23, 2019, incorporated herein and made a part of this lease by reference. The construction of the structures described in Attachment A shall be completed within the initial term hereof or within the first 5 years of the initial term if the initial term is for a period greater than 5 years. The failure to complete the construction of all authorized structures within this time period shall constitute a material breach of the lease causing the lease to automatically terminate upon the expiration of the initial term or 5 years, whichever is sooner, without any right of renewal. All of the foregoing subject to the remaining conditions of this lease.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an annual lease fee of \$102,217.66, plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of receipt of this fully executed lease. The Lessee further agrees to pay to the Lessor a negotiated rate of \$20.98 per square foot for the non-water dependent structures. The annual fee for the remaining years of this lease shall be adjusted pursuant to provisions of Rule 18-21.011, Florida Administrative Code. The State of Florida Department of Environmental Protection, Division of State Lands (the "Division") will notify the Lessee in writing of the amount and the due date of each subsequent annual lease payment during the remaining term of this lease. All lease fees due hereunder shall be remitted to the Division, as agent for the Lessor.

3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT: (A) The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the income, as defined in subsection 18-21.003(32), Florida Administrative Code, derived directly or indirectly from the use of sovereignty submerged lands on an annual basis. When six percent (6%) of said annual income exceeds the base fee or minimum annual fee established pursuant to Rule 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year. (B) The instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the docking facility to a third party shall include a provision that clearly notifies the wet slip renter/user/holder that if the wet slip renter/user/holder subsequently transfers his right to use said wet slip to another party, the instrument or agreement used to transfer said wet slip shall contain a provision that requires six percent (6%) of the annual gross income derived from said instrument or agreement for the use of said wet slip be paid to the Lessee who, upon receipt, shall report and transmit said amount to the Lessor. The instrument or agreement used by the Lessee to transfer a wet slip shall also include a provision that clearly notifies the wet slip renter/user/holder that no interest in said wet slip may be further transferred unless a substantially similar provision to the one contained in the preceding sentence is placed in each succeeding instrument or agreement used to transfer said wet slip to each new wet slip renter/user/holder. (C) The Lessee shall submit to the Lessor each instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the docking facility to a third party annually at the same time the Lessee submits the required Annual Wet Slip Revenue Report to the Lessor. Any breach of this lease condition shall constitute a default under this lease.

4. LATE FEE ASSESSMENTS: The Lessee shall pay a late payment assessment for lease fees or other charges due under this lease which are not paid within 30 days after the due date. This assessment shall be computed at the rate of twelve percent (12%) per annum, calculated on a daily basis for every day the payment is late.

5. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

6. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall maintain separate accounting records for: (i) the gross revenue derived directly from the use of the leased premises, (ii) the gross revenue derived indirectly from the use of the leased premises, and (iii) all other gross revenue derived from the Lessee's operations on the riparian upland property. The Lessee shall secure, maintain and keep all records for the entire term of this lease plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease verification purposes by the Lessor.

7. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein and as conditioned by the permit(s) referenced in paragraph 1 of this lease. The Lessee shall not (i) change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wet slips, from rental of wet slips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wet slips, etc.); (ii) change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit; or (iii) change the type of use of the riparian uplands or as permitted by the Lessee's interest in the riparian upland property that is more particularly described in Official Records Book 458, Page 461; Official Records Book 458, Page 484; Official Records Book 549, Page 281; Official Records Book 555, Page 354; Official Records Book 608, Page 315; Official Records Book 947, Page 199, all of the Public Records of Palm Beach County, without first obtaining a regulatory permit/modified permit, if applicable, the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease.

8. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

9. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease, the Lessee shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code, in the riparian upland property that is more particularly described in Official Records Book 458, Page 461; Official Records Book 458, Page 484; Official Records Book 549, Page 281; Official Records Book 555, Page 354; Official Records Book 608, Page 315; Official Records Book 947, Page 199, all of the Public Records of Palm Beach County, and by reference made a part hereof together with the riparian rights appurtenant thereto. If such interest is terminated or the Lessor determines that such interest did not exist on the effective date of this lease, this lease may be terminated at the option of the Lessor. If the Lessor terminates this lease, the Lessee agrees not to assert a claim or defense against the Lessor arising out of this lease. Prior to sale and/or termination of the Lessee's interest in the riparian upland property, the Lessee shall inform any potential buyer or transferee of the Lessee's interest in the riparian upland property and the existence of this lease and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

10. ASSIGNMENT OF LEASE: This lease shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of this lease, current management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

11. LIABILITY/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature at its expense. Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof. Nothing herein shall be construed as an indemnity or a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.

12. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein set forth, and the Lessee fails or refuses to comply with any of said provisions or conditions within twenty (20) days of receipt of the Lessor's notice to correct, this lease may be terminated by the Lessor upon thirty (30) days written notice to the Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All notices required to be given to the Lessee by this lease or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Town of Palm Beach
Attn. Mike Horn, Dockmaster
360 South County Road
Palm Beach, FL 33480

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

13. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease.

14. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

15. MAINTENANCE OF FACILITY/RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. No dock or pier shall be constructed in any manner that would cause harm to wildlife. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

16. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease or upon lands adjacent to and used as an adjunct of the leased area.

17. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

18. PERMISSION GRANTED: Upon expiration or cancellation of this lease all permission granted hereunder shall cease and terminate.

19. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that the Lessee is in full compliance with the terms of this lease, the Lessor will begin the renewal process. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. In the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease shall constitute an affirmative covenant upon the Lessee's interest in the riparian upland property more particularly described in Official Records Book 458, Page 461; Official Records Book 458, Page 484; Official Records Book 549, Page 281; Official Records Book 555, Page 354; Official Records Book 608, Page 315; Official Records Book 947, Page 199, all of the Public Records of Palm Beach County, which shall run with the title to the Lessee's interest in said riparian upland property and shall be binding upon the Lessee and the Lessee's successors in title or successors in interest.

20. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 12 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

21. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Subject to the noticing provisions of Paragraph 20 of this lease, any costs incurred by the Lessor in removal of any structures and equipment constructed or maintained on state lands shall be paid by Lessee and any unpaid costs and expenses shall constitute a lien upon the Lessee's interest in the riparian upland property that is more particularly described in Official Records Book 458, Page 461; Official Records Book 458, Page 484; Official Records Book 549, Page 281; Official Records Book 555, Page 354; Official Records Book 608, Page 315; Official Records Book 947, Page 199, all of the Public Records of Palm Beach County. This lien on the Lessee's interest in the riparian upland property shall be enforceable in summary proceedings as provided by law.

22. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease agreement and shall be grounds for immediate termination of this lease agreement at the option of the Lessor.

23. AMENDMENTS/MODIFICATIONS: This lease is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the docking facility.

24. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased premises. No restaurant or dining activities are to occur within the leased premises. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this lease.

25. USACE AUTHORIZATION: Prior to commencement of construction and/or activities authorized herein, the Lessee shall obtain the U.S. Army Corps of Engineers (USACE) permit if it is required by the USACE. Any modifications to the construction and/or activities authorized herein that may be required by the USACE shall require consideration by and the prior written approval of the Lessor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

26. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

27. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

28. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

29. FINANCIAL CAPABILITY: To assure the Lessor that the Lessee has the financial capability to undertake and operate the project authorized by this lease, the Lessee certifies to the Lessor as follows: (i) the Lessee is not the subject of a pending bankruptcy proceeding that would prohibit the Lessee from paying its lease fees, on or before the due date, with or without, as applicable, approval from the bankruptcy court or, if appointed, the bankruptcy trustee; (ii) the Lessee has no unsatisfied judgments entered against it that would impair the Lessee's financial capability to undertake and operate the project authorized by this lease; (iii) the Lessee has no delinquent state and local taxes for which it is responsible and that remain outstanding and not in dispute; and (iv) to the best of the Lessee's knowledge, there are no other matters pending or threatened against or affecting the Lessee or the Lessee's interest in the riparian upland property that would impair the Lessee's financial capability to undertake and operate the project authorized by this lease. Any breach of this lease condition shall constitute a default under this lease.

30. SPECIAL LEASE CONDITION(S):

A. A minimum of ninety percent (90%) of the wet slips at the docking facility shall be made available for rent to the general public on a first come, first served basis, as defined in Rule 18- 21.003, Florida Administrative Code, with no longer than one-year rental terms and with no automatic renewal rights or conditions. To help ensure compliance with and to assist in providing public awareness of this requirement, the Lessee shall erect permanent signs at the waterward entrance to the docking facility that are clearly visible to passing boaters and at the upland entrance to the docking facility that are clearly visible to the general public. The signs shall contain language clearly indicating that a minimum of ninety percent (90%) of the wet slips at the docking facility are available for rent to the general public. Any dockage rate sheet publications and dockage advertising for the docking facility shall clearly state that a minimum of ninety percent (90%) of the wet slips at the docking facility are open to the general public on a first come, first served basis.

B. Any vessel moored at the docking facility, on either a temporary or permanent basis, shall be wholly located within its designated wet slip as depicted on Attachment A and no portion of a vessel may extend beyond the leased premises. Vessel length shall be measured as overall length including all parts and accessories such as outboard motors, bow pulpits, and swim platforms.

C. The Lessee shall inform all wet slip occupants in writing of the availability and requirement to use the sewage pumpout facilities provided at the docking facility. The Lessee shall also advise all wet slip occupants that no overboard discharges of trash, human or animal waste, including fish carcasses, shall occur at the leased premises at any time. Discharge from any holding tank or marine sanitation device, including those approved by the United States Coast Guard is strictly prohibited within the leased premises.

D. During the term of this lease and all subsequent renewal terms, the Lessee shall maintain the manatee informational display and manatee awareness signs as required by the State of Florida Department of Environmental Protection Environmental Resource Permit No. 50-0370289-003-EI, dated August 23, 2019.

[Remainder of page intentionally left blank; Signature page follows]

IN WITNESS WHEREOF, the Lessor and the Lessee have executed this instrument on the day and year first above written.

WITNESSES:

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

Original Signature

(SEAL)

Print/Type Name of Witness

BY: _____

Brad Richardson, Chief, Bureau of Public Land Administration,
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the Board
of Trustees of the Internal Improvement Trust Fund of the
State of Florida.

Original Signature

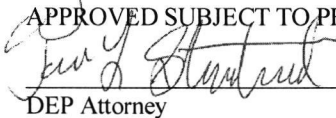
Print/Type Name of Witness

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me by means of physical presence this _____ day of _____, 20____, by Brad Richardson, Chief, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED SUBJECT TO PROPER EXECUTION:


DEP Attorney

11/28/2021

Date

Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires:

Commission/Serial No.

WITNESSES:

Town of Palm Beach, Florida

(SEAL)

Original Signature

BY:

Original Signature of Executing Authority

Typed/Printed Name of Witness

Danielle H. Moore

Typed/Printed Name of Executing Authority

Original Signature

Mayor

Title of Executing Authority

Typed/Printed Name of Witness

“LESSEE”

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of __ physical presence or __online notarization, this _____ day of _____, 20____, by Danielle H. Moore as Mayor, for and on behalf of Town of Palm Beach, Florida. She is personally known to me or who has produced _____, as identification.

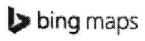
My Commission Expires:

Signature of Notary Public

Notary Public, State of _____

Commission/Serial No. _____

Printed, Typed or Stamped Name



of Palm Beach Shores

BOT NO. 502830686
LOCATION MAP





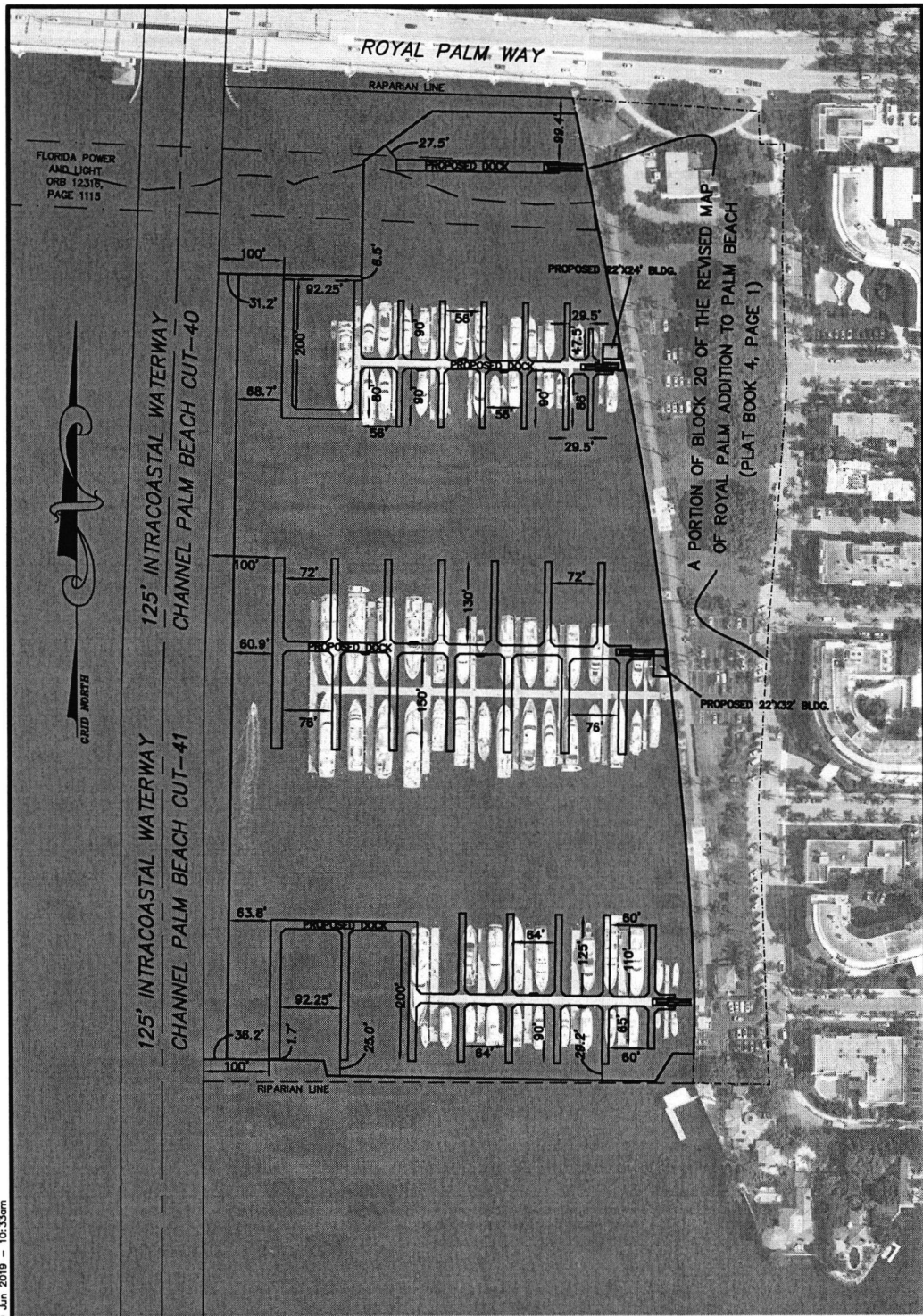
CERTIFIED TO: THE BOARD OF TRUSTEES OF
THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

CERTIFICATE OF SURVEYOR - I HEREBY CERTIFY THAT THE INFORMATION
SHOWN HEREON IS IN ACCORDANCE WITH A RECENT FIELD SURVEY
MADE UNDER MY DIRECTION, AND THAT IT IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEETS THE STANDARDS
OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL
LAND SURVEYORS IN CHAPTER SJ-17, FLORIDA ADMINISTRATIVE CODE,
PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

SEE SHEET 2 FOR PROPOSED DOCK LOCATIONS AND SLIP DIMENSIONS
SEE SHEET 3 FOR LEGAL DESCRIPTIONS, NOTES AND LEGEND

JOHN R. MORGAN, II, PLS
PROFESSIONAL LAND SURVEYOR # 3520
STATE OF FLORIDA

Morgan & Eklund Inc.				A SKETCH OF DESCRIPTION OF A SOVEREIGN SUBMERGED LANDS LEASE FOR THE TOWN OF PALM BEACH PALM BEACH COUNTY, FLORIDA				CONVEYANCE NO. 35688-1	
PROFESSIONAL SURVEY CONSULTANTS								SCALE 1" = 200'	
								DATE 5/10/19	
4908 US HIGHWAY #1 VERO BEACH, FL 32967 PHONE: (772) 398-3364 FAX: (772) 398-3165 LB #4298		1812 NW 2ND AVENUE SUITE 3 BOCA RATON, FL 33432 PHONE: (954) 421-0862 FAX: (954) 421-0425		DRAWN BY CAG		CHECKED BY JRM		FIELD BOOK PAGE NO. 44-45	
								DATE OF SURVEY 5/8/19	
								SHEET 1 OF 3	



0 200' 400'

HORIZONTAL SCALE 1" = 200'

INTENDED DISPLAY SCALE

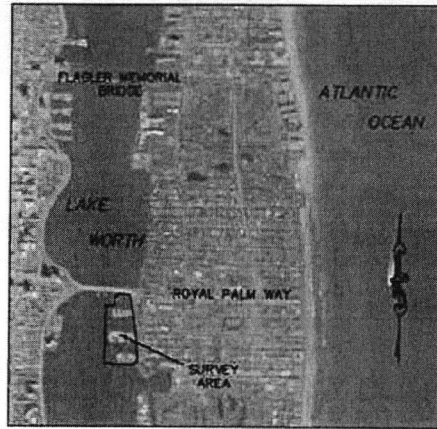
SEE SHEET 1 FOR SKETCH OF DESCRIPTION
 SEE SHEET 3 FOR LEGAL DESCRIPTIONS, NOTES AND LEGEND
 REVISED 6/10/19 TO SHOW 2 PROPOSED BUILDINGS.
 PROPOSED BUILDING DIMENSIONS PER PERMIT SKETCH BY BAIRD DATED 4/30/2019

PROPOSED DOCKS

Morgan & Eklund Inc.		A SKETCH OF DESCRIPTION					CONVEYANCE NO. 35688-1
PROFESSIONAL SURVEY CONSULTANTS		OF A SOVEREIGN SUBMERGED LANDS LEASE					SCALE 1" = 200'
		FOR THE TOWN OF PALM BEACH					DATE 5/10/19
		PALM BEACH COUNTY, FLORIDA					
4800 US HIGHWAY #1 VERO BEACH, FL 32907 PHONE: (772) 388-5354 FAX: (772) 388-3165	1612 NW 2ND AVENUE SUITE 3 BOCA RATON, FL 33432 PHONE: (561) 421-8882 FAX: (561) 421-0425	DRAWN BY CAG	CHECKED BY JRM	FIELD BOOK PB 54A	DATE OF SURVEY 5/8/19	SHEET 2 OF 3	
LB #4298							

NOTES:

1. THIS IS A FIELD SURVEY.
2. GRID COORDINATES SHOWN ARE IN FEET, AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, NGS ADJUSTMENT OF 1990 (NAD 83/90).
3. RIGHT-OF-WAY OF ROYAL PALM WAY IS BASED ON A BOUNDARY SURVEY OF THE TOWN OF PALM BEACH MARINA BY WALLACE SURVEYING, DATED APRIL 24, 2019.
4. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY, HAVING A BEARING OF S86°00'09"E.
5. MEAN HIGH WATER (MHW) ELEVATION OF 0.30 FEET AS REFERENCED TO NAVD 88 IS BASED ON TIDAL STATION 872-2621 AND WAS PROVIDED BY LAMAR EVERS.
6. INTRACOASTAL WATERWAY CHANNEL LOCATION TAKEN FROM A U.S. CORPS OF ENGINEERS RECONNAISSANCE SURVEY DATED APRIL, 2000.
7. PROPOSED PIER LOCATIONS PROVIDED BY W.F. BAIRD & ASSOCIATES.
8. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
9. PROPOSED BUILDING DIMENSIONS PER PERMIT SKETCH BY BAIRD DATED 4/30/2019



LOCATION MAP
1" = 3,000'

LEGAL DESCRIPTION SUBMERGED LANDS LEASE

A PARCEL OF SOVEREIGN SUBMERGED LAND LYING WITHIN THE WATERS OF LAKE WORTH, SAID PARCEL BEING ADJACENT TO SECTIONS 22 AND 27, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE AT THE SOUTHEAST CORNER OF LOT 3 BLOCK 13 ACCORDING TO THE REVISED MAP OF ROYAL PALM ADDITION TO PALM BEACH, FLORIDA AS RECORDED IN PLAT BOOK 4 PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND HAVING COORDINATES OF NORTHING 861773.08 FEET AND EASTING 968571.55 FEET REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, NGS ADJUSTMENT OF 2011 (NAD 83/11), PROCEED N 72°21'24" W A DISTANCE OF 337.61 FEET TO A POINT ON THE WESTERLY WET FACE OF A CONCRETE BULKHEAD AND THE MEAN HIGH WATER LINE OF LAKE WORTH LAGOON (ELEVATION 0.30 FEET NAVD 88) AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL, SAID POINT HAVING COORDINATES OF NORTHING 861875.41 FEET AND EASTING 968249.82 FEET NAD 83/11; THENCE, LEAVING SAID MEAN HIGH WATER LINE, PROCEED N 88°31'05" W, INTO THE WATERS OF LAKE WORTH, A DISTANCE OF 31.59 FEET TO A POINT; THENCE S 31°31'57" W A DISTANCE OF 51.32 FEET TO A POINT; THENCE N 88°53'29" W A DISTANCE OF 503.99 FEET TO A POINT; THENCE N 11°57'39" W A DISTANCE OF 23.82 FEET TO A POINT; THENCE N 88°56'40" W A DISTANCE OF 147.18 FEET TO A POINT; THENCE N 01°01'00" E A DISTANCE OF 1208.50 FEET TO A POINT; THENCE S 88°53'15" E A DISTANCE OF 188.00 FEET TO A POINT; THENCE N 01°01'00" E A DISTANCE OF 175.91 FEET TO A POINT; THENCE N 53°49'22" E A DISTANCE OF 131.08 FEET TO A POINT; THENCE S 88°59'00" E A DISTANCE OF 221.16 FEET TO A POINT ON THE WESTERLY WET FACE OF SAID CONCRETE BULKHEAD AND THE MEAN HIGH WATER LINE OF LAKE WORTH LAGOON (ELEVATION 0.30 FEET NAVD 88); SAID POINT BEING 24.08 FEET DISTANT FROM AN 'X' MARK IN THE CONCRETE BULKHEAD AT THE SOUTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY ALONG A BEARING OF N 10°28'32" W; THENCE SOUTHERLY ALONG THE WET FACE OF SAID BULKHEAD A DISTANCE OF 1,460 FEET ± TO THE POINT OF BEGINNING, MORE PARTICULARLY DESCRIBED BY THE FOLLOWING SEVEN COURSES: PROCEED S 10°40'12" E A DISTANCE OF 398.03 FEET TO A POINT OF CURVATURE TO A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 5250 FEET AND A CHORD BEARING OF S 08°21'49" E; THENCE, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 4°36'46", AN ARC LENGTH OF 422.66 FEET TO A POINT OF TANGENCY; THENCE S 06°03'26" E A DISTANCE OF 116.41 FEET TO A POINT; THENCE S 05°10'41" E A DISTANCE OF 119.29 FEET TO A POINT OF CURVATURE TO A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 5000 FEET AND A CHORD BEARING OF S 03°32'47" E; THENCE, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°15'46", AN ARC LENGTH OF 284.74 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 1200 FEET AND A CHORD BEARING OF S 00°16'11" E; THENCE, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°17'26", AN ARC LENGTH OF 68.92 FEET TO A POINT OF TANGENCY; THENCE S 01°22'32" W A DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 895,648.7 SQUARE FEET, OR 20.561 ACRES, MORE OR LESS.

Legend :

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
NAD83/11 = NORTH AMERICAN DATUM 1983, 2011 ADJUSTMENT
NAVD 88 = NORTH AMERICAN VERTICAL DATUM OF 1988
T.I.I.F. = TRUSTEES OF THE INTERNAL IMPROVEMENT FUND
O.R.B. = OFFICIAL RECORDS BOOK
MHWL = MEAN HIGH WATER LINE

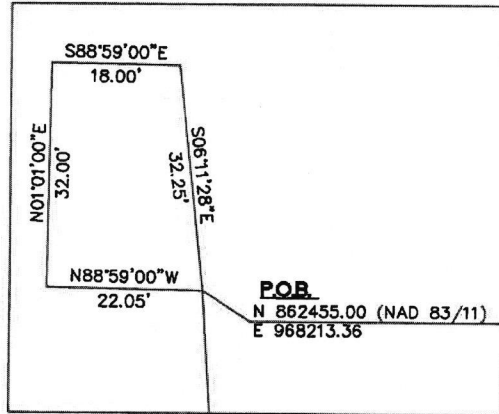
APPROVED

By Jorge Alonso at 10:05 am, Jun 27, 2019

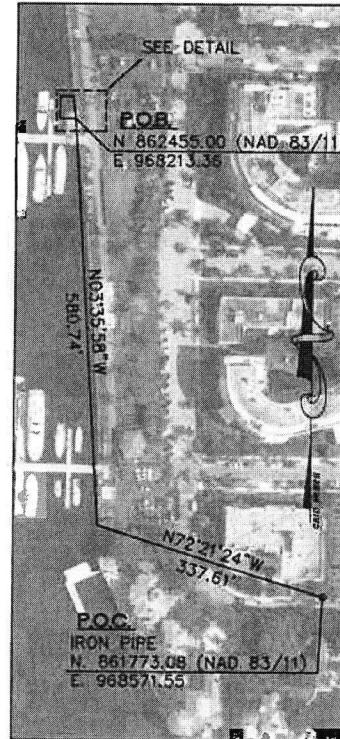
SEE SHEET 1 FOR SKETCH OF DESCRIPTION OF OVERALL SUBMERGED LANDS LEASE
SEE SHEET 2 FOR PROPOSED DOCK LOCATIONS AND SLIP DIMENSIONS
SEE SHEET 4 FOR SKETCH AND DESCRIPTION OF PROPOSED AUSTRALIAN OFFICE BUILDING
SEE SHEET 5 FOR SKETCH AND DESCRIPTION OF PROPOSED BRAZILIAN OFFICE BUILDING

CERTIFIED TO: THE BOARD OF TRUSTEES OF
THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

Morgan & Eklund Inc. PROFESSIONAL SURVEY CONSULTANTS  4000 US HIGHWAY #1 VERO BEACH, FL 32907 PHONE: (772) 388-3384 FAX: (772) 388-3166 1612 NW 2ND AVENUE SUITE 3 BOCA RATON, FL 33432 PHONE: (561) 421-8882 FAX: (561) 421-0825		A SKETCH OF DESCRIPTION OF A SOVEREIGN SUBMERGED LANDS LEASE FOR THE TOWN OF PALM BEACH PALM BEACH COUNTY, FLORIDA DRAWN BY: CAG CHECKED BY: JRM FIELD BOOK: 44-05 DATE OF SURVEY: 5/8/19 SHEET 3 OF 5		COMMISSION NO. 35688-1 DATE 6/19/19
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AUSALIAN OFFICE BUILDING DETAIL
1" = 20'



SKETCH OF DESCRIPTION
1" = 200'

LEGAL DESCRIPTION PROPOSED AUSTRALIAN OFFICE BUILDING

A PARCEL OF SOVEREIGN SUBMERGED LAND LYING WITHIN THE WATERS OF LAKE WORTH, SAID PARCEL BEING ADJACENT TO SECTIONS 22 AND 27, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE AT THE SOUTHEAST CORNER OF LOT 3 BLOCK 13 ACCORDING TO THE REVISED MAP OF ROYAL PALM ADDITION TO PALM BEACH, FLORIDA AS RECORDED IN PLAT BOOK 4 PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND HAVING COORDINATES OF NORTHING 861773.08 FEET AND EASTING 968571.55 FEET REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, NGS ADJUSTMENT OF 2011 (NAD 83/11), PROCEED N 72°21'24" W A DISTANCE OF 337.61 FEET TO A POINT ON THE WESTERLY WET FACE OF A CONCRETE BULKHEAD AND THE MEAN HIGH WATER LINE OF LAKE WORTH LAGOON (ELEVATION 0.30 FEET NAVD 88); THENCE, LEAVING SAID MEAN HIGH WATER LINE, PROCEED N 03°35'58" W, INTO THE WATERS OF LAKE WORTH, A DISTANCE OF 580.74 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL, SAID POINT HAVING COORDINATES OF NORTHING 862455.00 FEET AND EASTING 968213.36 FEET NAD 83/11; THENCE N 88°59'00" W A DISTANCE OF 22.05 FEET TO A POINT; THENCE N 01°01'00" E A DISTANCE OF 32.00 FEET TO A POINT; THENCE S 88°59'00" E A DISTANCE OF 18.00 FEET TO A POINT; THENCE S 06°11'28" E A DISTANCE OF 32.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 640.75 SQUARE FEET, OR 0.01 ACRES, MORE OR LESS.

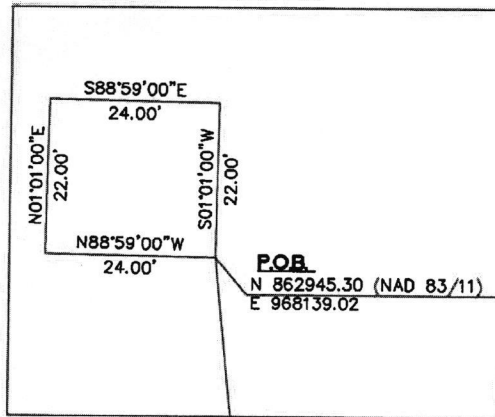
APPROVED

By Jorge Alonso at 10:06 am, Jun 27, 2019

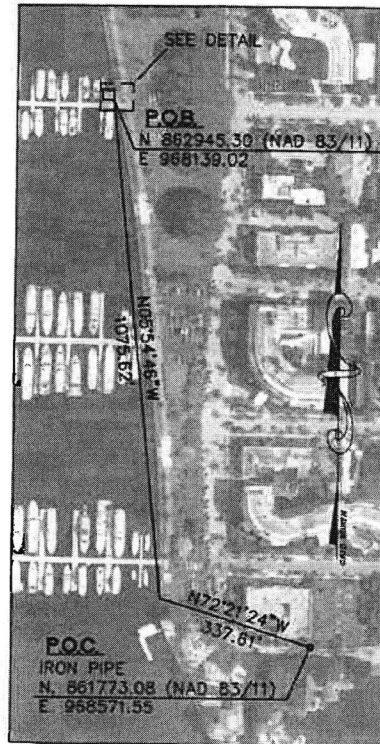
CERTIFIED TO: THE BOARD OF TRUSTEES OF
THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SEE SHEET 1 FOR SKETCH OF DESCRIPTION OF OVERALL SUBMERGED LANDS LEASE
SEE SHEET 2 FOR PROPOSED DOCK LOCATIONS AND SLIP DIMENSIONS
SEE SHEET 3 FOR LEGAL DESCRIPTION OF OVERALL SUBMERGED LANDS LEASE, NOTES AND LEGEND
SEE SHEET 5 FOR SKETCH AND DESCRIPTION OF PROPOSED BRAZILIAN OFFICE BUILDING

Morgan & Eklund Inc. PROFESSIONAL SURVEY CONSULTANTS 		4009 US HIGHWAY #1 VERO BEACH, FL 32907 PHONE: (772) 355-5344 FAX: (772) 355-3100 LB #4298		1612 NW 2ND AVENUE SUITE 3 BOCA RATON, FL 33432 PHONE: (561) 421-0552 FAX: (561) 421-0455		A SKETCH OF DESCRIPTION OF A SOVEREIGN SUBMERGED LANDS LEASE FOR THE TOWN OF PALM BEACH PALM BEACH COUNTY, FLORIDA		COMMISSION NO. 35688-1 SCALE 1" = 100' DATE 5/19/19
CHECKED BY CAG	DESIGNED BY JRM	FIELD BOOK FILE NO.	PD NO. 64-68	DATE OF SURVEY 5/8/19	SHEET 4 OF 5			



BRAZILIAN OFFICE BUILDING DETAIL
1" = 20'



SKETCH OF DESCRIPTION
1" = 300'

LEGAL DESCRIPTION PROPOSED BRAZILIAN OFFICE BUILDING

A PARCEL OF SOVEREIGN SUBMERGED LAND LYING WITHIN THE WATERS OF LAKE WORTH, SAID PARCEL BEING ADJACENT TO SECTIONS 22 AND 27, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE AT THE SOUTHEAST CORNER OF LOT 3 BLOCK 13 ACCORDING TO THE REVISED MAP OF ROYAL PALM ADDITION TO PALM BEACH, FLORIDA AS RECORDED IN PLAT BOOK 4 PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND HAVING COORDINATES OF NORTHING 861773.08 FEET AND EASTING 968571.55 FEET REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, NGS ADJUSTMENT OF 2011 (NAD 83/11), PROCEED N 72°21'24" W A DISTANCE OF 337.61 FEET TO A POINT ON THE WESTERLY WET FACE OF A CONCRETE BULKHEAD AND THE MEAN HIGH WATER LINE OF LAKE WORTH LAGOON (ELEVATION 0.30 FEET NAVD 88); THENCE, LEAVING SAID MEAN HIGH WATER LINE, PROCEED N 05°54'46" W, INTO THE WATERS OF LAKE WORTH, A DISTANCE OF 1075.62 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL, SAID POINT HAVING COORDINATES OF NORTHING 862945.30 FEET AND EASTING 968139.02 FEET NAD 83/11; THENCE N 88°59'00" W A DISTANCE OF 24.00 FEET TO A POINT; THENCE N 01°01'00" E A DISTANCE OF 22.00 FEET TO A POINT; THENCE S 88°59'00" E A DISTANCE OF 24.00 FEET TO A POINT; THENCE S 01°01'00" W A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 528.00 SQUARE FEET, OR 0.01 ACRES, MORE OR LESS.

APPROVED

By Jorge Alonso at 10:06 am, Jun 27, 2019

CERTIFIED TO: THE BOARD OF TRUSTEES OF
THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SEE SHEET 1 FOR SKETCH OF DESCRIPTION OF OVERALL SUBMERGED LANDS LEASE
SEE SHEET 2 FOR PROPOSED DOCK LOCATIONS AND SLIP DIMENSIONS
SEE SHEET 3 FOR LEGAL DESCRIPTION OF OVERALL SUBMERGED LANDS LEASE, NOTES AND LEGEND
SEE SHEET 4 FOR SKETCH AND DESCRIPTION OF PROPOSED AUSTRALIAN OFFICE BUILDING

Morgan & Eklund Inc. PROFESSIONAL SURVEY CONSULTANTS  4000 US HIGHWAY #1 VERO BEACH, FL 32967 PHONE: (772) 388-8564 FAX: (772) 388-3160 LB #4298		1012 NW 2ND AVENUE SUITE 3 BOCA RATON, FL 33432 PHONE: (561) 431-0882 FAX: (561) 421-0425		A SKETCH OF DESCRIPTION OF A SOVEREIGN SUBMERGED LANDS LEASE FOR THE TOWN OF PALM BEACH PALM BEACH COUNTY, FLORIDA	COMMISSION NO. 35688-1 SCALE 1" = 100' DATE 6/19/19
DESIGNED BY CAG	CHECKED BY JRM	FIELD BOOK PAGE NO. 44-45	DATE OF SURVEY 5/8/19	SHEET 5 OF 5	

RESOLUTION NO.150-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A TEN YEAR RENEWAL OF THE SOVEREIGNTY SUBMERGED LANDS LEASE BETWEEN THE TOWN OF PALM BEACH AND THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, FOR THE CONTINUED OPERATION OF THE TOWN MARINA; AUTHORIZING THE MAYOR TO SIGN THE LEASE ON BEHALF OF THE TOWN OF PALM BEACH.

WHEREAS, the Town of Palm Beach must elect to renew the Sovereignty Submerged Lands Lease with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida to continue operating the Town Marina on submerged state lands, for the period of December 26, 2021 to December 26, 2031; and

WHEREAS, The sovereignty lands are described as: a parcel of sovereignty submerged land in Section 27, Township 43 South, Range 43 East, in Lake Worth, Palm Beach County, Florida, containing 895,649 square feet, more or less, as is more particularly described on Attachment A - Sovereignty Submerged Lands Lease, which is hereto attached, and

WHEREAS, the Mayor is hereby authorized to sign the Sovereignty Submerged Lands Lease on behalf of the Town of Palm Beach with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

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

Section 1: The Town of Palm Beach elects to renew the Sovereignty Submerged Lands Lease with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

Section 2: This resolution shall take effect upon execution.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of December 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 151-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$114,876 and a Project Budget of \$126,363 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2021, from Dean Mealy, CPPO Town Purchasing Manager**
- ▣ **Resolution No. 151-2021**
- ▣ **Kimley-Horn Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$114,876 and Establishing a Project Budget of \$126,363 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities
Resolution No. 151-2021

DATE: December 1, 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 151-2021, authorizing a purchase order to Kimley-Horn and Associates, Inc. in the amount of \$114,876 and a Project Budget of \$126,363 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities.

WHY THIS ACTION IS REQUIRED

Kimley- Horn and Associates, Inc. provides on-call consulting, permit compliance sampling and monitoring at the Town owned landfill facilities. Sampling, reporting, and monitoring is a permit requirement and involves coordination with regulatory agencies to include FDEP, FDOH, SFWMD and Palm Beach County. Included in the proposal is the completion and filing of the Good Neighbor Report, Landfill Capacity Estimation, and Waste Reduction Consulting.

GENERAL INFORMATION

Kimley-Horn and Associates, Inc. has been awarded this function for a period of years and has a great working relationship with the regulatory agencies. This relationship has proven to be beneficial to the Town.

FUNDING/FISCAL IMPACT

Funding for this service will be from the Public Works Budget.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Paul Brazil, Public Works Director
Eric Brown, P.E., Assistant Director of Public Works
Chet Purves, Services Division Manager
Duke Basha, Assistant Purchasing Manager
Ryan Canterbury, Senior Buyer

RESOLUTION NO. 151-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT OF \$114,876 AND A PROJECT BUDGET OF \$126,363 FOR LANDFILL COMPLIANCE AND SAMPLING FOR SKEES ROAD AND OKEECHOBEE BOULEVARD LANDFILL FACILITIES

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 151-2021, authorizing a purchase order to Kimley-Horn and Associates, Inc. in the amount of \$114,876 and a Project Budget of \$126,363 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of December, 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Kimley»Horn

September 30, 2021

Mr. Dean Mealy
Town of Palm Beach
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

**RE: *Skees Road and Okeechobee Boulevard Landfill Facilities
2022 On-Call Consulting, Compliance Sampling and Monitoring Proposal***

Dear Dean,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for on-call consulting, permit compliance sampling and monitoring at the Skees Road and Okeechobee Boulevard Landfill Facilities. Our project understanding, scope of services, fee basis, and schedule follow.

Project Understanding

The Town of Palm Beach currently owns and operates two Class III landfills. The sites are located on Okeechobee Blvd. and on Skees Road. The operating permits for the landfills require yearly monitoring with reports that are to be submitted to the FDEP. Kimley-Horn will work with a subconsultant to perform the semiannual and biennial compliance sampling and prepare the monitoring reports for the 2022 permit year for both facilities.

The Town previously renewed the operating permits for both facilities. The sampling and monitoring requirements described in those permits will be performed under this Scope of Services. In 2012, the Town began a voluntary supplementary sampling program to compliment the compliance monitoring program for select parameters. This program will continue in 2022 in the form of two quarterly sampling events in the same manner as was performed in 2021.

The Town has also requested that Kimley-Horn provide assistance related to monitoring the volume of debris deposited at the sites each year in the form of photogrammetric surveying. The topography generated by the photogrammetry will be used to develop a three-dimensional surface that can then be compared to the closure surface of the landfill and the surface that was developed based on the aerial photogrammetry that was collected in January 2021. This information will allow the Town to better account for the volume of debris being placed at the sites each year along with more accurate forecasting of remaining landfill capacity.

The Town has requested that Kimley-Horn provide on-call consulting services at each of the landfill sites. These services may consist of the design of various improvements at the facilities, recommendations regarding the operations at each facility, and/or assistance with the maintenance of each facility.

Based on this understanding, a description of the proposed scope of services is presented below.

Scope of Services

Task 1A – Operating Permit Compliance Monitoring, Groundwater Testing and Reporting – Skees Road Facility

Kimley-Horn will employ the services of a subconsultant to perform groundwater sampling, testing and reporting in accordance with the Town's landfill operating permit conditions for the Skees Road Landfill site. Samples will be obtained for the on-site monitoring wells and analyzed as specified in Appendices 5 and 6 of the Operating Permits on a semi-annual basis in January and July of 2022.

A Report will be generated that describes the laboratory testing results for the sampling event at the facility. This report will be submitted to the Palm Beach County Health Department (PBCHD) as required by the operating permit conditions. Kimley-Horn will review the report prepared by the subconsultant prior to submission to the Town or the PBCHD and offer comments or recommendations as appropriate. Kimley-Horn staff will attend up to one (1) meeting with the Town to discuss the results of the supplemental sampling and analysis and will attend one (1) Town Council meeting to present the data, if required.

In accordance with Rule 62-701.510(7) F.A.C., if sampling parameters are detected at concentrations significantly higher than those concentrations normally expected for the site, or which are at levels above PBCHD/FDEP water quality standards or criteria specified in Chapter 62-520 F.A.C., Kimley-Horn may recommend to the Town that re-sampling be performed for confirmation purposes or recommend other appropriate alternative actions. Any re-sampling services or alternative actions shall be performed as additional services only after Kimley-Horn's receipt of written approval by the Town to perform such actions.

Task 1B – Operating Permit Compliance Monitoring, Groundwater Testing and Reporting – Okeechobee Blvd. Facility

Kimley-Horn will employ the services of a subconsultant to perform groundwater sampling, testing and reporting in accordance with the Town's landfill operating permit conditions for the Okeechobee Landfill site. Samples will be obtained for the on-site monitoring wells and analyzed as specified in Appendices 5 and 6 of the Operating Permits on a semi-annual basis in January and July of 2022.

A Report will be generated that describes the laboratory testing results for the sampling event at the facility. This report will be submitted to the Palm Beach County Health Department (PBCHD) as required by the operating permit conditions. Kimley-Horn will review the report prepared by the subconsultant prior to submission to the Town or the PBCHD and offer comments or recommendations as appropriate. Kimley-Horn staff will attend up to one (1) meeting with the Town to discuss the results of the supplemental sampling and analysis and will attend one (1) Town Council meeting to present the data, if required.

In accordance with Rule 62-701.510(7) F.A.C., if sampling parameters are detected at concentrations significantly higher than those concentrations normally expected for the site, or which are at levels above PBCHD/FDEP water quality standards or criteria specified in Chapter 62-520 F.A.C., Kimley-Horn may recommend to the Town that re-sampling be performed for confirmation purposes or recommend other appropriate alternative actions. Any re-sampling services or alternative actions shall be performed as additional services only after Kimley-Horn's receipt of written approval by the Town to perform such actions.

Task 1C – Good Neighbor Report – Skees and Okeechobee Facilities

In accordance with the Specific Conditions of the Operating Permits for both facilities, Kimley-Horn will prepare the Good Neighbor Program Annual Report for both the Skees and Okeechobee facilities for submittal to the PBCHD, PBC Fire Rescue, and the Solid Waste Authority. The Report will contain the following information:

- Pest Control Inspection Reports for the previous calendar year (provided by the Town)
- A labeled aerial photograph showing the following:
 - Landfill material cell locations
 - Footprint dimensions
 - Peak cell heights (in feet NGVD)
 - Descriptions of the areas of each cell where new material was deposited in the prior year.
 - Maximum depth of decomposing material for each cell
 - Location and minimum width of firebreaks and access roads
 - Water supply sources

The report will be submitted to the above listed entities by March 1, 2022 in accordance with the permit conditions.

Task 2A – Continued Supplemental Groundwater Monitoring – Skees Road Facility

Skees Road Site Supplemental Quarterly Monitoring

Supplemental Monitoring at the Skees Road landfill consists of bi-annual sampling and reporting for Arsenic, Chloride, Sodium and Ammonia that is in addition to the semi-annual sampling events described in Task 1 above. This work will occur in April and October of 2022. Kimley-Horn proposes to employ the services of a subconsultant to perform the sampling and reporting. Kimley-Horn will coordinate their efforts and review their reports prior to submittal to the Town and the PBCHD.

Task 2B – Continued Supplemental Groundwater Monitoring – Okeechobee Blvd. Facility

Okeechobee Boulevard Site Supplemental Quarterly Monitoring

Supplemental Monitoring at the Okeechobee Blvd. landfill consists of bi-annual sampling and reporting for Cadmium, Lead, Chloride, Sodium and Ammonia that is in addition to the semi-annual sampling events that are already underway at the site. This work will occur in April and October of 2022. Kimley-Horn proposes to employ the services of a subconsultant to perform the sampling and reporting.

Kimley-Horn will coordinate their efforts and review their reports prior to submittal to the Town and the PBCHD.

Task 3 – Landfill Capacity Estimation

Kimley-Horn will use topographical information collected under a separate authorization to develop an updated existing surface model of the Okeechobee and Skees facilities in AutoCAD Civil 3D. The closure elevation surfaces of each landfill that were previously developed will be overlaid onto the updated existing surface model. A three-dimensional cut/fill analysis will be performed using the Civil 3D program to estimate the remaining volumetric capacity in each landfill. Kimley-Horn will provide a copy of the photogrammetric map for each facility along with the results of the volumetric capacity analysis.

The estimated remaining life and capacity of the landfill facilities will be provided to the Palm Beach County Health Department by April 1, 2022 per Specific Condition #21 of the operating permits for both facilities.

Task 4 – Okeechobee Regulatory Consulting

Kimley-Horn will provide regulatory on-call consulting services related to the recent land lease that was approved for the Okeechobee Blvd. landfill property. It is envisioned that this task will predominantly consist of meeting attendance with the Town, Lessee, Town/Lessee Attorneys, and/or the Palm Beach County Health Department / FDEP to provide advice to the Town concerning the existing operating permit for the facility and how the permit conditions will impact the future development of the site. The exact scope of services is unknown at this time, so we are providing an hourly budget for on-call services. We will not exceed this budget without written authorization from the Town. If services are required that exceed this task budget, we will provide the Town with a proposal for consideration and approval prior to proceeding with the work.

Task 5 – Skees Waste Reduction Consulting

Kimley-Horn will provide on-call consulting services related to waste reduction activities that the Town has initiated at the Skees Road facility. Waste reduction activities will be pilot tested for effectiveness as it is anticipated that the Okeechobee facility will not be available for waste in the future. It is anticipated that services will consist of meetings with the Town and Palm Beach County Health Department, revisions to the operations manual for Skees, review of waste reduction activities and research related to waste reduction techniques that could be tested at the site for effectiveness. The exact scope of services is unknown at this time, so we are providing an hourly budget for on-call services. We will not exceed this budget without written authorization from the Town. If services are required that exceed this task budget, we will provide the Town with a proposal for consideration and approval prior to proceeding with the work.

Task 6A – Groundwater Quality Technical Report – Skees Road Facility

In accordance with Appendix 5, Item #15 of the operating permit for the site, a technical report, prepared, signed and sealed by a professional geologist or engineer, will be prepared and submitted to the PBCHD every 2.5 years during the active life of the facility. The report will summarize and interpret the water quality data and water level measurements collected during the previous 2.5 years and will contain the following information:

- Tabular displays of data which shows that a monitoring parameter has been detected, and graphical displays of any leachate key indicator parameters detected, including hydrographs for all monitoring wells
- Trend Analysis of any monitoring parameters detected
- Comparisons among shallow and deep zone wells
- Comparisons between background water quality and the water quality in detection and compliance wells
- Correlations between related parameters such as total dissolved solids and specific conductance
- Discussion of erratic and/or poorly correlated data
- An interpretation of the groundwater contour maps
- An evaluation of the adequacy of the water quality monitoring frequency and sampling locations based on site conditions

We will prepare and submit this report to the PBCHD after finalizing the sampling reports for the January compliance sampling event.

Task 6B – Groundwater Quality Technical Report – Okeechobee Blvd. Facility

In accordance with Appendix 5, Item #15 of the operating permit for the site, a technical report, prepared, signed and sealed by a professional geologist or engineer, will be prepared and submitted to the PBCHD every 2.5 years during the active life of the facility. The report will summarize and interpret the water quality data and water level measurements collected during the previous 2.5 years and will contain the following information:

- Tabular displays of data which shows that a monitoring parameter has been detected, and graphical displays of any leachate key indicator parameters detected, including hydrographs for all monitoring wells
- Trend Analysis of any monitoring parameters detected
- Comparisons among shallow and deep zone wells
- Comparisons between background water quality and the water quality in detection and compliance wells
- Correlations between related parameters such as total dissolved solids and specific conductance
- Discussion of erratic and/or poorly correlated data
- An interpretation of the groundwater contour maps
- An evaluation of the adequacy of the water quality monitoring frequency and sampling locations based on site conditions

We will prepare and submit this report to the PBCHD after finalizing the sampling reports for the January compliance sampling event.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services.

Fee and Billing

KHA will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that the following budgets be established for these services.

Task 1A – Compliance Monitoring – Skees	\$23,361
Task 1B – Compliance Monitoring – Okeechobee	\$19,355
Task 1C – Good Neighbor Reporting	\$ 3,717
Task 2A – Supplemental Groundwater Monitoring - Skees	\$11,474
Task 2B – Supplemental Groundwater Monitoring - Okeechobee	\$ 9,730
Task 3 – Photogrammetric Mapping and Landfill Capacity Estimation	\$20,835
Task 4 – Okeechobee Regulatory Consulting	\$ 5,000
Task 5 – Skees Waste Reduction Consulting	\$ 5,000
Task 6A – Groundwater Quality Technical Report – Skees Road Facility	\$ 8,422
Task 6B – Groundwater Quality Technical Report – Okeechobee Blvd. Facility	\$ 7,982

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated July 10, 2019, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fee described above.

We appreciate the opportunity to provide these services to you. Please contact me at (561) 840-0820 or kevin.schanen@kimley-horn.com should you have any questions.

Sincerely,



By: Kevin Schanen, P.E.
Sr. Vice President

K:\WPB_Civil\General\Schanen\Proposals\Palm Beach\Landfill Monitoring\2022\Landfill 2022 Compliance Sampling Proposal.docx

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 153-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2021-27 Professional Engineering Services for Town of Palm Beach Facilities Assessment to Nelson Engineering Co. and Awarding a Contract for Services for the Project in the Amount of \$76,215.28 and Establishing A Project Budget of \$87,500.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ❑ **Memorandum from Dean Mealy, dated December 1, 2021**
- ❑ **Resolution No. 153-2021**
- ❑ **Solicitation summary 7703 RFQ No.2021-27 Professional Engineering Services for Town of Palm Beach Facilities Assessment**
- ❑ **Nelson Engineering Proposal**
- ❑ **Nelson Engineering Co. Price Proposal Rev001**
- ❑ **Ranking**
- ❑ **All evaluations, initial scoring**
- ❑ **Summary of Ordinal Scoring - RFQ No. 2021-27**

Information for Town Council Meeting on December 14, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving the Award of RFQ No. 2021-27 Professional Services for Town of Palm Beach Facilities Assessment to Nelson Engineering Co. and Awarding a Contract for Services for the Project in an Amount of \$76,215.28 and Establish a Project Budget of \$87,500; **Resolution No. 153-2021**

DATE: 1 December 2021

STAFF RECOMMENDATION

Staff recommends Town Council approve the Award of RFQ No. 2021-27 Professional Services for Town of Palm Beach Facilities Assessment to Nelson Engineering Co. and award a contract for services for the project in an amount of \$76,215.28 and establish a project budget of \$87,500.

SUMMARY EXPLANATION/BACKGROUND

The Town has multiple facilities with varying levels of requirements for capital improvement. The need to prioritize necessary improvements has become apparent. The Town is securing the services of a Professional Engineering Consultant to complete assessments of Town facilities and prepare a property condition report to be used to create a capital improvement plan which will aid in budgeting for such improvements.

The selected consultant is expected to perform a baseline property condition assessment (PCA) for each facility in general conformance with ASTM E2018-15. The purpose of the PCA is to observe and report, to the extent feasible, on the physical condition of the subject buildings.

The consultant will also conduct an interview with building maintenance staff to understand the level of historical repairs and replacements, level of preventative maintenance exercised, pending repairs/improvements, frequency of repairs, and any known issues with the building.

The systems and building elements listed below will be reviewed for conspicuous deficiencies, material deferred maintenance, and compliance with the Florida Building Code:

1. Structural Frame and Building Envelope
2. Roofing

3. Heating/Air Conditioning/Ventilation
4. Electrical
5. Plumbing
6. Vertical Transportation (as applicable)
7. Life Safety/Fire Protection
8. Interior Elements
9. ADA Requirements
10. Special Exterior Architectural Finishes

The results of the assessment will be presented in a property condition report. The report will include descriptions of systems and components and their general physical condition. For each material physical deficiency, The Consultant will provide a suggested remedy which may include further research or testing if appropriate. The report will include representative photographs and will submit the report to the Town along with meeting with the Town to discuss their findings.

The Consultant will prepare an engineer's opinion of probable cost to correct the reported deficiencies. Opinions of probable costs should only be construed as preliminary budgets. Actual costs can vary from the consultant's opinions of probable costs depending on such matters as type and design of suggested remedy, quality of materials and installation, manufacturer and type of equipment or system selected, field conditions, whether a physical deficiency is repaired or replaced in whole, phasing of the work, quality of contractor, quality of project management exercised, market conditions, whether competitive pricing is solicited, timeframe between the issuance of the opinion and the actual work being performed, etc.

Estimates of useful life remaining for major building systems (i.e. roofing, HVAC systems, etc.) will be made. A proposed Capital Improvement Program for the subject facilities describing preventative maintenance will be prepared with a ten-year planning horizon.

METHOD OF PROCUREMENT

The Public Works Department developed a scope of services which was reviewed by the Purchasing. The Request for Qualifications (RFQ) was issued on August 6th and closed on September 8th.

The solicitation was broadcast nationwide to seven hundred twelve (712) consultants through DemandStar. In addition, Town Purchasing sent emails to seventy-two (72) known consultants/individuals advising of the solicitation and invited the consultants to review and participate in the solicitation.

When a RFQ is issued, price is not an evaluation factor. The proposal is based solely on qualifications of the consultants submitting.

The initial ranking Selection Committee was held on October 5th. The Selection Committee consisted of the following members:

Voting

Paul Colby
Brett Madison
Mike Roach, P.E.

Non-Voting

Patricia Strayer, P.E.

The Selection Committee reviewed ten (10) proposals and short listed eight (8) for oral presentations. The oral interviews were held on October 19th and the committee ranked and recommended Nelson Engineering Co. for award.

A meeting was held with Nelson Engineering Co. after their first proposal submittal. A final proposal was presented on November 8th.

By proceeding with this methodology, only one agenda and resolution are presented, and additionally, the saving of time of a month delay. The Town Purchasing Policy and Procedures Manual, Administrative No. 1-21-1 permits for securing a proposal from a consultant qualified to the solicitation with the goal of streamlining the process.

FISCAL IMPACT/FUNDING SOURCE

The funding for this program is from Pay As You Go.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues.

TOWN ATTORNEY REVIEW

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

CC: Paul Brazil, P.E., Public Works Director
Paul Colby, Facilities Division Manager

RESOLUTION NO. 153-2021

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF RFQ NO. 2021-27
PROFESSIONAL ENGINEERING SERVICES FOR TOWN OF
PALM BEACH FACILITIES ASSESSMENT TO NELSON
ENGINEERING CO. AND AWARDING A CONTRACT FOR
SERVICES FOR THE PROJECT IN THE AMOUNT OF
\$76,215.28 AND ESTABLISHING A PROJECT BUDGET OF
\$87,500**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 153-2021, approving the Award of RFQ No. 2021-27 Professional Services for Town of Palm Beach Facilities Assessment to Nelson Engineering Co. and award a contract for services for the project in an amount of \$76,215.28 and establish a project budget of \$87,500.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of December, 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Solicitation summary (7703)

Details

Reference number: 2021-27

Procedure: Sealed without Preselection

Description:

The Town is soliciting for Professional Engineering Services to do assessment of its facilities. The Town is asking the consultant to identify physical deficiencies and develop an opinion of probable cost to repair those deficiencies. The Town is also asking that the useful life remaining of the major building systems be estimated. This information will be compiled into a report to be utilized for a proposed capital improvement program to establish anticipated budgets and timeframes to maintain the various building systems for the above referenced facilities.

The awarded consultant will perform a baseline property condition assessment (PCA) for each facility in general conformance with ASTM E2018-15. The purpose of the PCA is to observe and report, to the extent feasible, on the physical condition of the subject building.

Award may be made to the Proposer which offers the best value to the Town. The Town reserves the right to reject any and all offers, to waive non-material irregularities or technicalities and to re-advertise for all or any part of this solicitation as deemed in its best interest. The Town shall be the sole judge of its best interest.

Please click on "Participate" button at the bottom of this page to download solicitation package and to get started.

PRE-PROPOSAL CONFERENCE

A "NON-MANDATORY" pre-proposal meeting will be held on:

Date/Time: August 19, 2021 at 1:30pm.

*******This pre-proposal meeting will be conducted via virtual conference, through Go-To-Meeting platform"*******

Please send any questions in writing before the start of the meeting so that the Town can ensure all questions are addressed. These questions can be sent to rcanterbury@townofpalmbeach.com or pose them through Negometrix.

Attendance is strongly encouraged as this will be the only forum to seek clarification from Town staff.

QUESTION DEADLINE

The deadline for questions is seven (7) CALENDAR DAYS before the end of the Offer Phase (due date).

Questions should be submitted through this software platform using the Question & Answer feature.

The Town may provide written addenda up to five (5) calendar days before the date fixed for receiving the bid proposals.

SELECTION COMMITTEE MEETING

Consensus Virtual Meeting through Go-To-Meeting platform will be held on **September 20, 2021 at 9:00 am**. Please see instructions attached.

If the Selection Committee calls for Oral Interviews, purchasing will invite vendors directly with time/day. Tentative interview date is **September 27, 2021 beginning at 9:00 am**. Vendors should plan accordingly.

DESIGNATED PROCUREMENT REPRESENTATIVE

The Designated Procurement Representatives for this Solicitation is: **Ryan Canterbury, Senior Buyer**

email: rcanterbury@townofpalmbeach.com

Direct phone: (561) 227-7002

All communications regarding this solicitation shall be handled only by Town Purchasing Representatives.

ASSISTANCE & SUPPORT

Attached below is a file titled 'Getting Started in Negometrix - Supplier Guide'. Suppliers may also contact the Negometrix support desk at the number provide

NEGOMETRIX SUPPORT CONTACT:

(Technical) Assistance (Mon - Fri: 8 am to 6 pm)
Negometrix Service Desk

Awarded supplier(s)

- Nelson Engineering Co (Nelson Engineering Co)

Offers/Applications from suppliers

- **Suppliers** (Number of suppliers: 56)
 - Engenuity Group, Inc.
 - Participant since : Sep 8 2021 10:28:08 AM
 - Thornton Tomasetti
 - Participant since : Sep 6 2021 3:34:18 PM
 - AE Assistance Group
 - Participant since : Sep 3 2021 10:31:04 AM
 - Wannemacher Jensen Architects, Inc.
 - Participant since : Aug 26 2021 5:24:17 PM
 - Johnson, Levinson, Ragan, Davila, Inc.
 - Participant since : Aug 24 2021 1:51:04 PM
 - Biscayne Engineering Company, Inc.
 - Participant since : Aug 23 2021 4:37:23 PM
 - Wiss, Janney, Elstner Associates, Inc.
 - Participant since : Aug 23 2021 11:24:37 AM
 - Brizaga, Inc.
 - Participant since : Aug 23 2021 10:04:00 AM
 - EXP US Services Inc.
 - Participant since : Aug 20 2021 10:35:32 AM
 - Pacifica Engineering Services, LLC
 - Participant since : Aug 19 2021 2:54:12 PM
 - Town Demo
 - Participant since : Aug 19 2021 1:38:19 PM
 - McKinstry Essention, LLC
 - Participant since : Aug 18 2021 2:52:14 PM
 - Crain Atlantis Engineering
 - Participant since : Aug 18 2021 12:15:55 AM
 - EXP U.S. Services Inc.
 - Participant since : Aug 17 2021 2:41:09 PM
 - Lakdas/Yohalem Engineering, Inc.
 - Participant since : Aug 14 2021 7:21:08 PM
 - ISES Corporation
 - Participant since : Aug 13 2021 10:44:40 AM
 - Nadine International Inc.
 - Participant since : Aug 13 2021 9:02:56 AM
 - Jezerinac Group PLLC
 - Participant since : Aug 12 2021 10:19:09 AM
 - GFA International, Inc.

- Participant since : Aug 11 2021 2:41:01 PM
- CES Construction, LLC
 - Participant since : Aug 11 2021 11:23:31 AM
 - Removed on : Aug 11 2021 11:26:17 AM
- Nelson Engineering Co
 - Participant since : Aug 11 2021 9:14:08 AM
- Pennoni Associates Inc.
 - Participant since : Aug 10 2021 3:38:35 PM
- Dennis J. Leavy & Associates, Inc.
 - Participant since : Aug 10 2021 2:51:39 PM
- THORNTON TOMASETTI INC
 - Participant since : Aug 10 2021 1:25:10 PM
- The BetaJones Group,Inc
 - Participant since : Aug 10 2021 1:05:04 PM
- ACAI Associates, Inc.
 - Participant since : Aug 10 2021 11:08:22 AM
- Wood Environment & Infrastructure Solutions, Inc.
 - Participant since : Aug 10 2021 11:07:58 AM
- O&S Associates, Inc.
 - Participant since : Aug 10 2021 11:07:10 AM
- Roth IAMS LLC
 - Participant since : Aug 10 2021 10:46:07 AM
- GRAEF
 - Participant since : Aug 10 2021 10:33:21 AM
- CPZ Architects, Inc.
 - Participant since : Aug 10 2021 8:39:31 AM
- Axias FL, LLC
 - Participant since : Aug 10 2021 8:38:45 AM
- Integrated Marketing Systems
 - Participant since : Aug 9 2021 2:19:41 PM
- Cannon Design Inc
 - Participant since : Aug 9 2021 1:19:09 PM
- nova engineering & environmental
 - Participant since : Aug 9 2021 11:56:33 AM
- EXP Energy Services Inc.
 - Participant since : Aug 9 2021 11:55:11 AM
- FOS of CannonDesign
 - Participant since : Aug 9 2021 11:13:46 AM
- Maser Consulting P.A.
 - Participant since : Aug 9 2021 10:08:47 AM
- McLaren Technical Services, Inc.
 - Participant since : Aug 8 2021 8:13:08 AM
- Bureau Veritas Technical Assessments LLC
 - Participant since : Aug 8 2021 7:54:19 AM
- GLE Associates, Inc.
 - Participant since : Aug 7 2021 2:18:59 PM
- Universal Engineering Sciences, Inc.
 - Participant since : Aug 6 2021 5:01:54 PM

- TSF (Tierra South Florida)
 - Participant since : Aug 6 2021 3:52:18 PM
- Ardaman & Associates
 - Participant since : Aug 6 2021 1:29:46 PM
 - Removed on : Aug 6 2021 1:33:07 PM
- Gale Associates, Inc.
 - Participant since : Aug 6 2021 11:54:05 AM
- Architectural Testing, Inc.
 - Participant since : Aug 6 2021 11:46:40 AM
- Black & Veatch
 - Participant since : Aug 6 2021 10:53:31 AM
- Terracon Consultants, Inc.
 - Participant since : Aug 6 2021 10:27:47 AM
- Calvin, Giordano & Associates, Inc
 - Participant since : Aug 6 2021 10:08:11 AM
- Baxter & Woodman, Inc.
 - Participant since : Aug 6 2021 8:52:18 AM
 - Removed on : Aug 6 2021 10:07:11 AM
- Enviroidnet.com an Entram Corp.
 - Participant since : Aug 6 2021 9:40:24 AM
- Kimley-Horn and Associates, Inc.
 - Participant since : Aug 6 2021 9:23:52 AM
- Mock, Roos & Associates, Inc.
 - Participant since : Aug 6 2021 9:21:58 AM
- OCI Associates, Inc
 - Participant since : Aug 6 2021 8:50:37 AM
- A.D.A. Engineering, Inc.
 - Participant since : Aug 6 2021 8:41:20 AM
- Chen Moore and Associates
 - Participant since : Aug 6 2021 8:31:00 AM
- **Offer phase** (Number of offers in phase: 10)
 - nova engineering & environmental (nova engineering & environmental) Time and date of submitting: Sep 8 2021 10:16:55 AM
 - Nelson Engineering Co (Nelson Engineering Co) Time and date of submitting: Sep 8 2021 1:01:44 PM
 - Roth IAMS LLC (Roth IAMS LLC) Time and date of submitting: Sep 8 2021 12:11:21 PM
 - ISES Corporation (ISES Corporation) Time and date of submitting: Sep 8 2021 1:52:25 PM
 - O&S Associates, Inc. (O&S Associates, Inc.) Time and date of submitting: Sep 8 2021 11:58:48 AM
 - GFA International, Inc. (GFA International, Inc.) Time and date of submitting: Sep 8 2021 8:45:17 AM
 - GLE Associates, Inc. (GLE Associates, Inc.) Time and date of submitting: Sep 8 2021 1:55:14 PM
 - OCI Associates, Inc (OCI Associates, Inc) Time and date of submitting: Sep 8 2021 1:45:31 PM
 - Bureau Veritas Technical Assessments LLC (Bureau Veritas Technical Assessments LLC) Time and date of submitting: Sep 7 2021 4:56:19 PM
 - EXP US Services Inc. (EXP US Services Inc.) Time and date of submitting: Sep 8 2021 10:04:56 AM
- **Evaluation** (Number of offers in phase: 10)
 - nova engineering & environmental (nova engineering & environmental)
 - Nelson Engineering Co (Nelson Engineering Co)

- Roth IAMS LLC (Roth IAMS LLC)
- ISES Corporation (ISES Corporation)
- O&S Associates, Inc. (O&S Associates, Inc.)
- GFA International, Inc. (GFA International, Inc.)
- GLE Associates, Inc. (GLE Associates, Inc.)
- OCI Associates, Inc (OCI Associates, Inc)
- Bureau Veritas Technical Assessments LLC (Bureau Veritas Technical Assessments LLC)
- EXP US Services Inc. (EXP US Services Inc.)
- **Awarding** (Number of offers in phase: 1)
 - Nelson Engineering Co (Nelson Engineering Co)

Schedule

Name	Type	Start date	End date	Responsible person
Creation date	Date	Jul 23 2021 1:33 PM	—	Solicitations Palm Beach
Preparation	Phase	Jul 23 2021 1:33 PM	Aug 6 2021 8:00 AM	
Offer phase	Phase	Aug 6 2021 8:00 AM	Sep 8 2021 2:00 PM	
Pre-proposal Meeting	Date	Aug 19 2021 1:30 PM	—	
Evaluation	Phase	Sep 8 2021 2:00 PM	Oct 12 2021 7:00 AM	
Award phase	Date	Oct 12 2021 7:00 AM	—	

Results

- **Offer phase** (Aug 6 2021 - Sep 8 2021)

Result									
Rank	Name	Knockouts	unanswered question(s)	Uploads missed	Incomplete evaluations	Unanswered buyer questions	Price	Quality score	Phase
1	Nelson Engineering Co	—	—	—	—	—	—	76.17%	Yes
2	Roth IAMS LLC	—	—	3	—	—	—	70%	Yes
3	ISES Corporation	—	—	1	—	—	—	69.5%	Yes
4	GLE Associates, Inc.	—	—	2	—	—	—	69%	Yes
5	OCI Associates, Inc	—	—	2	—	—	—	68.33%	Yes
6	nova engineering & environmental	—	—	3	—	—	—	67.83%	Yes
7	Bureau Veritas Technical Assessments LLC	—	—	1	—	—	—	66.67%	Yes
8	EXP US Services Inc.	—	—	—	—	—	—	66%	Yes
9	O&S Associates, Inc.	—	—	2	—	—	—	61.5%	Yes
10	GFA International, Inc.	—	—	2	—	—	—	57.5%	Yes

• Evaluation

Result

Rank	Name	Knockouts	unanswered question(s)	Uploads missed	Incomplete evaluations	Unanswered buyer questions	Price	Quality score	Phase
1	Nelson Engineering Co	—	—	—	—	—	—	76.17%	Yes
2	Roth IAMS LLC	—	—	3	—	—	—	70%	No
3	ISES Corporation	—	—	1	—	—	—	69.5%	No
4	GLE Associates, Inc.	—	—	2	—	—	—	69%	No
5	OCI Associates, Inc	—	—	2	—	—	—	68.33%	No
6	nova engineering & environmental	—	—	3	—	—	—	67.83%	No
7	Bureau Veritas Technical Assessments LLC	—	—	1	—	—	—	66.67%	No
8	EXP US Services Inc.	—	—	—	—	—	—	66%	No
9	O&S Associates, Inc.	—	—	2	—	—	—	61.5%	No
10	GFA International, Inc.	—	—	2	—	—	—	57.5%	No

• Awarding

Result

Rank	Name	Knockouts	unanswered question(s)	Uploads missed	Incomplete evaluations	Unanswered buyer questions	Price	Quality score
1	Nelson Engineering Co	—	—	—	—	—	—	76.17%

Contracts

There are no contracts added

Comments

No comments

September 8, 2021

Town of Palm Beach
Attn: Ryan Canterbury, Senior Buyer
360 South County Road
Palm Beach, FL 33480

**RE: RFQ NO.2021-27 PROFESSIONAL ENGINEERING SERVICES FOR TOWN OF
PALM BEACH FACILITIES ASSESSMENT**

Dear Mr. Canterbury,

This serves as Nelson Engineering Co.'s (Nelson) formal intent letter. Nelson has reviewed the scope of work and understands the requirements being asked by the Town of Palm Beach.

Nelson will apply a proven and consistent methodology when performing baseline Property Condition Assessments (PCAs) and the ensuing capital improvement planning process. We capture a visual walk-through of each facility asset using digital photographs. We include an appropriate number of photos to capture component level inventory including component age, lifecycle, and condition. Our assessors document field identified deficiencies through detailed photos and field notes to demonstrate the nature and extent of the deficiencies. After the site visit, assessment team members review their photos, field notes, and interview notes to determine a recommend corrective action and develop cost estimates for each deficiency identified. Our assessors also have experience integrating remaining useful life (RUL) factors into their assessments and can apply that experience to further refine replacement estimates and 10-year planning windows for the Town of Palm Beach. Our certified professional estimator (CPE) assists with complex cost estimates and reviews all cost data for accuracy. Following the inspections, Nelson assessors continue collaboration with cost estimators, the Project Manager, and the Quality Control/Quality Assurance Manager to ensure field data is accurately translated into the PCA Report and proposed capital improvement program.

Nelson's response demonstrates our experience performing facility assessments of similar size and complexity as the Town of Palm Beach facilities. We've provided five project examples and references in addition to summarizing our 21 years of experience performing PCAs. Our assessors have performed more than 25.7 million square feet of PCAs on more than 1,700 facilities, and over \$100 million in cost estimation completed in 2020 alone. We have the experience and in-house expertise to identify deficiencies, provide estimated costs of repair, and estimate remaining useful life of major building systems. Nelson is ready to provide exceptional value starting day one of the contract award.

Sincerely,



John Carroll, P.E.
Director of Capital Asset Management

1.3.1 EXPERIENCE OF FIRM AND PAST PERFORMANCE

Company Credentials

Founded in 1993, Nelson Engineering Co. is a small, employee-owned engineering firm headquartered in Merritt Island, FL. Nelson Engineering Co. (Nelson) currently employs over 90 professionals in the electrical, mechanical, civil, environmental, chemical, geotechnical, safety and fire protection engineering disciplines. Nelson has licensed Professional Engineers (PE) including fire protection engineers (FPE), Leadership in Energy and Environmental Design Accredited Professionals (LEED AP), Project Management Professionals (PMP), Certified Professional Cost Estimators (CPE), and a Certified Safety Professional (CSP). Our Central Florida Office is located 2 hours from the Town of Palm Beach, which offers easy access and quick response times.

Nelson is highly qualified to perform the Property Condition Assessments (PCAs) for the Town of Palm Beach. Our inspection approach has assessors under the supervision of a qualified Professional Engineer (PE). We understand the importance of proper condition assessments and how they fit into the overall facility maintenance planning and programming process. Our company performs engineering across the full lifecycle of facilities and infrastructure – from planning, programming, design, construction management, commissioning, operations, and maintenance engineering to asset decommissioning/disposal.

Nelson has a concise, defined set of core competencies that include asset management and performing PCAs for federal clients. PCAs are a key heritage line of business for Nelson, and we have a comprehensive understanding of how to best apply these practices for our clients. Our engineers regularly perform field inspections, property condition assessments, cost estimating, and conceptual scoping assessments. In 2020 alone, Nelson performed property condition assessments on 1,765 buildings totaling 25.7 million square feet.

Nelson uses a proven, established process to perform PCAs for all our customers. Nelson's assessment process has evolved based on 21 years of condition assessment experience and application of ASTM E 2018-15 and other professional guidance. Our assessors use client-provided data and building maintenance staff interviews in addition to field inspections to identify deficiencies both conspicuous and concealed. Our methodology provides clients with an accurate and thorough condition assessment of their facility assets across all UNIFORMAT II divisions and considers mission supportability requirements.

Current Related Projects

Nelson has substantial experience performing condition assessments for clients with comparable asset portfolios. Nelson is currently the prime contractor performing condition assessments for all assets at the National Institutes of Health (NIH) and National Institute of Standards and Technology (NIST). Nelson also recently won a Blanket Purchase Agreement (BPA) to perform condition assessments for the National Park Service's (NPS) concessioners in all parks nationwide including overseas territories.

Completed Related Projects

Since 2000, Nelson has performed facility assessments and provided Capital Improvement Planning consulting services for multiple commercial and government agencies. Our clients

include National Aeronautics and Space Administration (NASA), Boeing, Lockheed Martin, United Space Alliance (USA), Space Gateway Support (SGS), NIH, NPS, NIST. Department of Energy (DOE) clients include the Idaho National Laboratory (INL), Stanford Linear Accelerator Laboratory (SLAC), Los Alamos National Laboratory (LANL), Y-12 National Security Complex, Office of Secure Transportation (OST), and the Waste Isolation Pilot Plant (WIPP).

Since 2013, Nelson has also performed BUILDER Sustainment Management System (SMS) facility assessments for the Air Force Civil Engineering Center (AFCEC), Army Installation Management Command (IMCOM), Army National Guard, Air National Guard, the Naval Air System Command (NAVAIR), and the Department of Veteran Affairs (VA). Additionally, Nelson has performed BUILDER assessments for the Defense Health Agency (DHA), MacDill Air Force Base, Ascension Island Auxiliary Airfield on Ascension Island, St. Helena, and Defense Commissary Agency (DeCA), as well as other Federal clients.

Five (5) facility assessment projects, similar in scope and completed within the last five (5) years, are detailed below.

Project 1 – Facility Assessments for NASA’s Kennedy Space Center Visitor Complex (KSCVC)

- Location: Kennedy Space Center Visitor Complex (KSCVC), Merritt Island, FL
- Year of Completion: 2021
- Project Size: 4,653,483 SF (combined total over six years)

As prime contractor, Nelson performed property condition assessments (PCAs) and consulting services for all Delaware North Companies (DNC) Parks & Resorts facilities at the Kennedy Space Center Visitor Complex (KSCVC) in Merritt Island, FL in 2015 through 2021. To date, Nelson has assessed all 68 KSCVC facilities over multiple cycles including the exhibits, IMAX Theater, artifacts, rocket garden, storage, administrative support areas, and utility systems.

Nelson performs field assessments of utilities, grounds, building structure, exterior enclosure, architectural, interior finishes, HVAC (including chillers and built-in refrigerator/freezers), plumbing systems (including compressors and pumping systems), electrical, life safety systems, elevators, accessibility, and communication systems. Areas assessed include offices, restrooms, garages, mechanical rooms, electrical closets, common areas, and restricted areas.

Inspection conditions and deficiencies are recorded with building-level PCA reports for documenting major (>\$5,000) and minor (<\$5,000) deficiencies with cost estimates developed using RSMeans CostWorks. Deficiencies are prioritized by calculating a priority score with factors for safety, visitor exposure and failure year. The Facility Condition Index (FCI) values are calculated using the Current Plant Replacement Value (PRV) compared to the cost of needed repairs and replacements. The FCI is used by KSCVC to justify and gauge the future funding requests for maintenance and improvement and update the backlog of maintenance and repair.

For each task, Nelson generates an overall report summarizing the contracted PCA work for KSCVC facilities with an executive summary that highlights the conditions, preventive maintenance observations, failure trends, areas of success, and areas requiring more attention. The summary report also includes querying the work packages by location, work type, and priority.

In addition, Nelson reviews existing data on KSCVC Access Management Database, originally created by Nelson, for existing deficiencies. Nelson updates the access database by closing completed items and adding new PCA-identified deficiencies and their cost estimates.

In addition to PCAs, Nelson has provided other engineering and consulting services for DNCPR at KSCVC, including the following:

- Fall Hazard Analysis, code compliance inspections on fall protection equipment, and designs for personal fall arrest systems (PFAS)
- Arc Flash Analysis, code compliance inspections on all electrical equipment, and electrical configuration drawing updates
- Stormwater System Assessment
- ADA compliance assessments of all DNCPR facilities
- Inspections of the KSCVC Rocket Garden Guy Wires, maintenance plan development for the guy wire assemblies and redesign of the upper assembly for the Delta Thor Rocket Exhibit, which sustained damage in 2016 from Hurricane Matthew
- Maintenance Program Assessment
- Code compliance inspections on all fire and exit doors at KSCVC
- Code compliance inspections on all exterior lighting at KSCVC.

Project 2 – Facility Assessments for DOE’s SLAC National Accelerator Laboratory (SLAC)

- Location: SLAC National Accelerator Laboratory, Menlo Park, CA
- Year of Completion: 2021
- Project Size: 1,737,265 SF

SLAC National Accelerator Laboratory (SLAC) awarded Nelson the FY17 Condition Assessment Survey contract in January 2017 (Purchase Order 169902), the FY18 contract in December 2017 (Purchase Order 179020), the FY19 contract in November 2018 (Purchase Order 189187), the FY20 contract in October 2019 (Purchase Order 198720), and the FY21 contract in October 2020 (Purchase Order 206032) to conduct non-invasive facility assessments of select SLAC buildings, trailers, and other structures and facilities (OSF). Combined, the contracts covered PCAs of 136 buildings/trailers totaling 1,737,265 gross square feet (GSF) and 103 OSFs.

At SLAC’s facility in Menlo Park, Nelson’s assessment team interviewed facilities personnel and area managers to gain knowledge of existing known deficiencies, conditions, and future requirements. In addition to personnel interviews, Nelson reviewed the following information provided by SLAC: work requests from Facility Asset Management Information System (FAMIS), previously listed Deferred Maintenance (DM) and Repair Needs (RN), and ADA and asbestos issue reports.

The Nelson assessment team then performed detailed PCAs of select SLAC buildings/trailers and OSFs in accordance with the guidelines established in DOE Order 430.1C: Real Property Asset Management, DOE Condition Assessment Survey (CAS) Quick Reference Guide and ASTM E 2018-15, Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process. The team provided detailed deficiency descriptions and recommended corrective actions in a spreadsheet formatted to allow uploading directly into DOE’s Condition Assessment Information System (CAIS).

Nelson categorized deficiencies as DM, RN, or Modernization to comply with DOE’s Facilities Information Management System (FIMS) requirements for annual reporting. The estimated repair and replacement costs for each deficiency was identified using the CAIS Cost Estimating Module (based on RSMeans CostWorks data).

As deliverables, Nelson provided annotated Keyplans identifying the location of deficiencies and Draft and Final PCA Reports. PCA reporting consisted of an Executive Summary, Asset List, Asset Detail Report, Requirement Summary Report, and a Requirement Detail Report. Findings were presented in a Final Presentation to the management of the Facility Department, where facility staff and Nelson engineers were also able to discuss systemic issues.

Nelson's assessment process provided SLAC with an accurate and thorough condition assessment of their real property assets. The assessment team consisted of a mechanical/electrical and structural/civil assessor, each with specific knowledge and experience assessing their systems. As recommended by the DOE, all inspections were performed under the supervision of a qualified Professional Engineer.

Project 3 – Facility Assessments for Bureau of Indian Affairs (BIA) Schools

- Location: Various BIA schools in NM, UT, MT, WA, ND, and SD
- Year of Completion: 2021
- Project Size: 1,890,239 SF

As a subcontractor to Seven Generations Architecture & Engineering, LLC, Nelson performed PCAs for 19 BIA Schools in Arizona, New Mexico, Utah, Montana, Washington, North Dakota, and South Dakota from October 2019 to March 2021. To date, Nelson has assessed 253 BIA Schools facilities (1,890,239 SF) including schoolhouses, dormitories, cafeterias, gymnasiums, administrative support areas, garages, storage areas, fire stations, pumphouses, and government-furnished quarters.

Prior to the assessment, Nelson assessors familiarized themselves with blanket recommendations from the BIA for their schools including LED lighting upgrades and phasing out hydronic HVAC systems. Nelson's assessment team performed field assessments of mechanical, electrical, plumbing, and fire protection systems (MEP). This included an inventory of system components as well as deficiency reporting. Interviews were held with facility managers to identify preventative maintenance and system failure trends, as well as areas of success.

Component data was compiled to generate narrative-style facility system descriptions for each building. Recommendations for demolition and construction tasks were identified based on deficiency observations, facility interviews, and BIA recommendations, and cost reports were generated for these using RSMeans CostWorks and Excel.

Deliverables included an overall report summarizing the condition, preventative maintenance observations, failure trends, areas of success, and cost estimates for recommendations. Additionally, a photo appendix was generated using PowerPoint to highlight all MEP deficiencies found for each facility.

Project 4 - Facility Assessments for DOE's Idaho National Laboratory (INL)

- Location: Idaho National Laboratory, Idaho Falls ID
- Year of Completion: 2021
- Project Size: 7,126,713 SF

In April 2014, Battelle Energy Alliance (BEA) awarded Nelson Engineering Co. the INL Real Property Condition Assessments Surveys (CAS) and Sustainment Planning Solutions Contract. NE performed detailed PCAs, using BUILDER SMS, and sustainability assessments including

Retro-commissioning and Energy Audits on all covered INL facilities. NE also performs various consulting services to support INL in managing, implementing, and maintaining the condition assessments, sustainment, and investment planning, including developing Plant Replacement Value (PRV) calculations. Nelson's contract had a one (1) year base performance period, with six (6) option periods. Over the seven-year period, the contract covered PCAs on 705 buildings and trailers (7,126,713 GSF) and 410 OSF assets.

INL is a U.S. Department of Energy National Laboratory operated by Battelle Energy Alliance (BEA) and consists of nine (9) complexes covering 889 square miles. The scope of work covered buildings and trailers ranging in size from 48 to 280,076 gross square feet and complexity varying from storage sheds to nuclear reactor buildings. Original construction dates for INL facilities range from 1949 to 2021. Our Team:

- Performed detailed facility assessments using the U.S. Army Corps of Engineer's BUILDER SMS per the requirements of DOE Order 430.1C: Real Property Asset Management and ASTM E 2018-15, Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process.
- Performed Re-commissioning, Retro-commissioning, and ASHRAE Level 1 and 2 Energy Audits on covered facilities.
- Developed custom Replacement Plant Value (RPV) cost estimates using the RSMeans CostWorks.
- Performed consulting services to support INL in the management, implementation and maintenance of the condition assessment, sustainment, capital investment, and sustainability data and investment planning.
- Performed Lease Assessment services to provide INL projected maintenance and operations (M&O) costs for each building over a 20-year period. Projected costs include total utility (energy), preventive maintenance (PM), corrective maintenance (CM), system replacement and other M&O costs (e.g., janitorial, snow removal, and landscaping). INL was able to negotiate better lease terms and reinvest a portion of lease payments in facility upgrades and energy due to the data provided in the report.
- Performed Infrastructure Capacity Baseline assessments for all INL complexes to describe the physical configuration and functions of the systems, determine the design capacity of the systems, and extent to which the capacity of the system is being utilized. Infrastructure systems include communications, electrical distribution, potable water distribution, sanitary sewer, storm sewer, and industrial wastewater.

Nelson received an "Excellent" rating on the most recent Supplier Performance Evaluation System (SPES) performance evaluation from INL.

Project 5 - Facility Assessments for International Monetary Fund (IMF)

- Location: HQ1 Building, Washington D.C.
- Year of Completion: 2020
- Project Size: 1,900,000 SF

Nelson was awarded a contract with the International Monetary Fund (IMF) to perform an inspection of the Headquarters Building #1 (HQ1) in Washington D.C. The contract covered property condition assessments on 1,900,000 gross square feet of IMF-owned space and supporting site infrastructure required to operate and maintain the HQ1 facility.

Nelson engineers prepared for the assessment by reviewing client provided facility drawings, related project information, and interviewing facility operations personnel to determine known deficiencies and problematic areas. Nelson provided detailed deficiency descriptions, digital photographs, and recommended corrective actions in a database that allows IMF ready access to accurate, comprehensive condition and functionality information. Using RSMeans CostWorks, we developed rough order of magnitude (ROM) estimates of repair, replacement costs for identified deficiencies and modernization costs for future capacity needs.

Nelson generated a comprehensive custom report to assist IMF with their short and long-term financial planning, key to supporting IMF's mission. We generated an accurate risk-based forecast (annual schedule, work scope and estimated cost) for development, analysis and justification of recapitalization investment alternatives over a 10-year planning window.

Schedule/Budget Compliance of Previous Work

Nelson has a long history and reputation for ensuring client satisfaction and delivering quality engineering products on time and within budget. On our latest Contractor Performance Assessment Reporting System (CPARS) ratings for Facility Assessments at NIH, we were rated Exceptional in all applicable categories (see attached).

With COVID-19 impacting project schedules, Nelson is committed to staying agile to handle contract delays effectively. For example, on the IMF project listed above, Nelson demonstrated extreme flexibility and committed to meeting project deadlines even with project impacts and contract delays. After the contract award, the IMF established a new requirement for travelers to quarantine for 14-days prior to entering the HQ1 Facility. This requirement was not stipulated in the Request for Quote (RFQ) and was not included in Nelson's firm fixed price (FFP) quote. This new requirement also delayed the award of the contract by 10-days, which further impacted Nelson's schedule. However, our PM knew that requesting a change order would further impact the schedule, resulting in IMF missing critical annual reporting deadlines. The Nelson team reacted quickly and, prior to having the contract in place, traveled to Washington, D.C. two (2) weeks ahead of schedule to satisfy the newly established quarantine requirements. Nelson met the original reporting deadline established by IMF at no additional labor costs to the government.

Another example was for the last year of the INL contract. Due to COVID-19 restrictions, INL was only open to essential personnel for most of 2020. Since the facility assessments were not considered essential work activities, no facilities were assessed that year putting INL personnel behind on their annual Federal Real Property Profile (FRPP) reporting requirements. Once the restrictions were lifted, Nelson worked with INL to perform two-years' worth of facility assessments over a five-week period. This resulted in INL catching up and getting back on their normal cycle of assessments. Nelson also successfully managed the additional COVID-19 requirements and screening process without adding costs to the contract.

Understanding Of the Town's Needs

The Town of Palm Beach is the oldest municipality in Southeast Florida and has since grown to be one of the state's most famous beachside cities. As a result, the Town is responsible for a diverse range building sizes, missions, and ages. The Town needs an experienced facility assessment provider to assist with the development and support implementation of a new capital investment program.

Proper planning and management are critical to ensure that owners get the highest value from their assets. Nelson Engineering Co. has the expertise needed to equip Palm Beach with inspection data and preventative maintenance planning to ensure that their buildings, from the historic Town Hall to the Phipps Ocean Park Restrooms, can be maintained in good condition with the lowest impacts to operations and budget.

As a center of both business and recreation, the Town of Palm Beach owns many buildings that are open to the public and/or are staffed by municipal employees. Most of Nelson's experience is with government clients and includes assessment of occupied and public-facing buildings. For example, in late 2020 and early 2021, Nelson performed facility assessments on laboratories, hangars, police stations, office buildings, fire stations, recreation centers, utility plants, and maintenance shops across sites for the National Institutes of Health (NIH) and the US Army Installation Management Command (IMCOM). Our assessment teams coordinate with site personnel to perform fieldwork during regular business hours without significant impact to on-site operations or public use interruptions. Where interference is unavoidable, the team recommends options to minimize the impacts and effects (e.g., after-hours work).

CPAR Ratings from NIH

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CONTRACTOR PERFORMANCE ASSESSMENT REPORT (CPAR)

Nonsystems

Name/Address of Contractor:

Vendor Name: NELSON ENGINEERING CO.

Division Name:

Street: 5455 N COURTENAY PKWY

City: MERRITT ISLAND

State: FL Zip: 329537307

Country: USA

CAGE Code: 05JM2

Unique Entity ID (DUNS): 824910319 Unique Entity ID (SAM):

Product/Service Code: R425 Principal NAICS Code: 541620

Evaluation Type: Final

Contract Percent Complete: 100

Period of Performance Being Assessed: 04/24/2019 - 04/23/2020

Contract Number: 75N99019A00002 75N99019F00061 Business Sector & Sub-Sector: Non-systems - Prof/Tech/Mng Support

Contracting Office: NHA E CONSTRUCTION Contracting Officer: MONA PARKH Phone Number: 301-443-9010

Location of Work:

Bethesda, MD

Date Signed: 04/24/2019 Period of Performance Start Date: 04/24/2019

Est. Ultimate Completion Date/Last Date to Order: 04/23/2020 Estimated/Actual Completion Date: 04/23/2020

Funding Office ID:

Base and All Options Value: \$1,251,591 Action Obligation: \$1,251,591

Competency: Medium Termination Type: None

Extent Competed: Full and Open Competition Type of Contract: Firm Fixed Price

Key Subcontractors and Effort Performed:

Unique Entity ID (DUNS): Unique Entity ID (SAM):

Effort:

Unique Entity ID (DUNS): Unique Entity ID (SAM):

Effort:

Unique Entity ID (DUNS): Unique Entity ID (SAM):

Effort:

Project Number: C104631

Project Title:

Facility Assessment Services

Contract Effort Description:

Facility Assessment Services

Small Business Subcontracting:

Does this contract include a subcontracting plan? No

Evaluation Areas	Past Rating	Rating
Quality:	N/A	Exceptional
Schedule:	N/A	Exceptional
Cost Control:	N/A	N/A
Management:	N/A	Exceptional
Small Business Subcontracting:	N/A	N/A
Regulatory Compliance:	N/A	Exceptional
Other Areas:		
(1) :		N/A
(2) :		N/A
(3) :		N/A

Variance (Contract to Date):
 Current Cost Variance (%): Variance at Completion (%):
 Current Schedule Variance (%):

Assessing Official Comments:

QUALITY: The Project Manager always attempt to send assessors who have been at N'H on previous trips. The familiarity of N'H campus and its assets improve the quality of data collected.

The assessors are provided with the tablets loaded with templates filled with information related to the work in the field. This helps assessors collecting relevant asset data during the walkthrough.

The contractor always looks for ways to improve the process. Any identified deficiencies are immediately corrected.

SCHEDULE: The contractor always works with the project officer in the planning stage of the project to ensure the project goes as scheduled.

There has not been any delays in the schedule.

There have not been any delays in the project since it started. The contractor always responds to N'H in timely manner

COST CONTROL: Firm-Fixed Price

MANAGEMENT: The assigned project manager has performed similar projects at other federal agencies. The same project manager has been assigned to N'H for the same contract service prior to the current contract.

The project manager reached out to all N'H personnel that involve in the project to obtain necessary information, to coordinate site visits and to resolve issues that arise during the assessment.

Each call is fixed price so there is no need for forecasting and controlling costs.

There has not been any change order in this contract.

The contractor needs to coordinate with N'H facility managers to access all spaces to be assessed. The assessment team is flexible with their schedule. They would change the planned time and schedule to in order to accommodate the facility managers and

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occupant's schedules.

REGULATORY COMPLIANCE: The contractor provide all necessary safety plans according to rules and regulations.

There has not been any regulatory deficiencies found during past contract or recent calls.

ADDITIONAL/OTHER: No additional comments.

RECOMMENDATION:

Given what I know today about the contractor's ability to perform in accordance with this contract or order's most significant requirements, I would recommend them for similar requirements in the future.

Name and Title of Assessing Official:

Name: Clarion Miller

Title: Contracting Officer

Organization: N'H/ORF/OA

Phone Number: 301-451-8464 Email Address: pete.miller@nih.gov

Date: 11/24/2020

Contractor Comments:

ADDITIONAL/OTHER: Contractor agrees with the ratings assigned.

CONCURRENCE: I concur with this evaluation.

Name and Title of Contractor Representative:

Name: JOHN CARROLL

Title: Director of Capital Asset Management

Phone Number: 321-449-1128 Email Address: j.carroll@nationsengrco.com

Date: 11/24/2020

Review by Reviewing Official:

Review by Reviewing Official not required.

Name and Title of Reviewing Official:

Name:

Title:

Organization:

Phone Number: Email Address:

Date:

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1.3.2 EXPERIENCE AND ABILITY OF PERSONNEL

Nelson has the depth and breadth of resources with direct PCA experience to ensure adequate support and timely completion of this project. Capital Asset Management Services (CAMS) is a main line of business for Nelson with 15 full-time people dedicated and experienced in performing PCA and related asset planning and management services. All Nelson CAMS employees are trained to perform PCAs per the guidelines established in ASTM E2018-15: Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process. All Nelson CAMS assessors have a working knowledge to perform PCA inspections and all related tasks including participating in meetings; coordinating facility access; identifying equipment safety issues or facility deficiencies; gathering, organizing, and analyzing PCA data; and developing custom PCA reports. Our experienced PCA team is dedicated solely to CAMS work, which ensures their ability to meet project deadlines. Additional Nelson electrical, mechanical and fire protection design engineers also have experience performing PCAs, planning capital projects, estimating replacement costs and performing PCA quality reviews should additional assessors or expertise is required.

Organizational Chart

Nelson's team consists of three-person assessment team, a quality assurance/quality control (QA/QC) manager, a certified cost estimator, and a project manager (PM) who reports to the CAMS Director as shown in **Figure 1**. Each person on the team has specific knowledge and experience in their discipline. This assessment approach has been used for many contracts and provides a cost-effective solution for our customers.

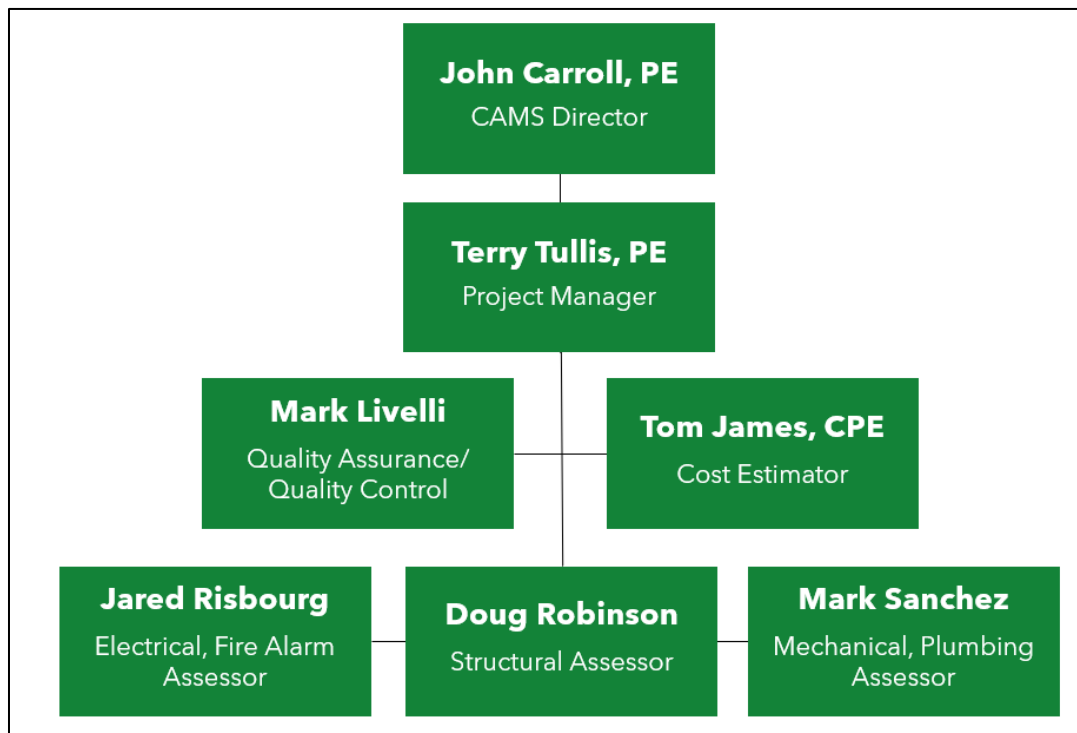


Figure 1. Nelson's organizational structure for the Town of Palm Beach PCAs

To manage these resources, Nelson uses the Smartsheet online work management platform for workflow and staff planning. Smartsheet facilitates Nelson Project Managers by providing up-front project planning projections to identify resource gaps and over-allocations. We used this platform to ensure the proposed personnel have sufficient availability to complete the Town of Palm Beach Property Condition Assessments in the required period of performance.

Consistent with our staffing strategies on previous contracts, Nelson proposes self-performing 100% of the PCA services for the Town of Palm Beach. No subcontractors are proposed to perform assessments.

Management Credentials

Our CAMS Director and Project Manager (PM) have performed and led multiple PCA projects and apply lessons learned from previous contracts to all upcoming assessments as well as assessor training sessions, held prior to each site visit.

The PM is responsible and accountable for total team performance. The PM clearly delineates roles, responsibilities, requirements, schedule, deliverables, tools, and methods to be applied during the performance of the project. The PM is held accountable for ensuring client satisfaction and delivering quality PCA Reports on time and within budget. At project start, the PM develops a formal Program Management Plan (PMP), which includes the QA/QC requirements for the project. The PM constructs a project work plan, including all quality management requirements that quantifies all tasks and assigns resources. Each work plan is approved by the CAMS Director, who is responsible for ensuring that the organization has the resources and tools to manage complex projects. Formal program reviews (technical, schedule, budget) are held at least monthly to ensure high-quality project performance. The PM holds individual project reviews on a set schedule (based on the scope of the project) and typically weekly to start. Our team uses shared calendars to make sure all deadlines are met and collaborative reviewing tools to ensure consistent and thorough quality checks. Additional management credentials are presented below.

John Carroll, P.E.

CAMS Director

Director, Capital Asset Management Services, Nelson Engineering Co. June 2010 – Present

As a licensed Professional Engineer (PE) with over 11 years of experience, Mr. Carroll manages Nelson's Capital Asset Management Services (CAMS) organization and has extensive experience in project management, PCAs, capital improvement planning, and cost estimation. John is responsible for project oversight and holds the Project Manager responsible for success.

Prior to serving as the CAMS Director, he performed project management and facility assessments for the INL, NIST, NIH, DHA, IMCOM, Army National Guard, Air National Guard, and DOE's OST. This involved managing personnel deployment, quality control (QC) of entered systems, and assessing the condition of facility components. He evaluated facility conditions based on age, renovations, damage, and safety and code violations, then provided write-ups for existing conditions and recommendations. John also created cost estimations using RSMeans CostWorks for repairs and modernization based on local and federal codes and industry standards. Additional work includes facility engineering, engineering analyses, cost estimation, equipment commissioning and construction inspection services.

Education University of Central Florida, BS Civil Engineering - 2010

Licenses Professional Engineer Florida License #81403

Terry Tullis, P.E., LEED AP*Project Manager, Nelson Engineering Co.***Project Manager (PM)***September 2005 – Present*

As a licensed Professional Engineer with over 15 years of experience, Terry specializes in performing project management services for many of our facility assessment contracts. Terry began his career performing facility assessments at NASA's Kennedy Space Center (KSC) in 2005 and has personally assessed over seven (7) million square feet (SF) of real property assets. As one of our senior assessors, Terry has performed PM duties on a variety of contracts since 2011.

Mr. Tullis has an established career in performing PCAs on government-funded facilities. He brings in-depth knowledge based on direct experience performing design, facility operations and maintenance (O&M) engineering, and cost estimating. He has extensive experience with a variety of Capital Asset Management Software solutions including BUILDER Sustainment Management System (SMS), VFA.Facility, and DOE's Condition Assessment Information System (CAIS). In addition to his PM duties, Mr. Tullis performs facility assessments with knowledge and experience across all six major facilities disciplines (electrical, mechanical, structural, architectural, fire protection, and civil).

From April 2014 to March 2021, he served as PM for the Department of Energy's INL where he oversaw all assessors and was responsible for overall project success for assessments on over 7.1 million square feet of INL real property assets. Terry implemented a consistent, four (4)-phase approach to performing PCAs, which Nelson follows for all PCA contracts: 1) review existing drawings, construction documents, and maintenance records; 2) conduct thorough inspections of major building systems and interview facility management/operations personnel; 3) document and categorize deficiencies as repair needs, routine maintenance, deferred maintenance, or modernization (code violations or energy improvements) items; and 4) provide a detailed report with recommendations for repairs and replacements prioritized based on facility mission and operational impact. Terry has also served as PM on many of Nelson's other PCA contracts, including SLAC National Accelerator Laboratory from 2017-2021, Y-12 National Security Complex from 2018-2019, and LANL from 2018-2021. As PM, Terry acts as the primary point of contact with the Town of Palm Beach and works with the customer to ensure all technical and contract requirements and expectations are met. Mr. Tullis is immediately available upon contract award for consultation with the Town of Palm Beach.

Education University of Central Florida, BS Mechanical Engineering - 2005

Licenses Professional Engineer Florida License #73146

Project Personnel Resumes

Nelson proposes a team with the specialized knowledge, experience, and technical skillset to perform the Palm Beach facility assessments. Our team's employees are trained in ASTM E2018-15 methodology to ensure each person has a working knowledge of building systems including the Florida Building Code and life safety codes. Our three assessors perform the field assessments; document deficiencies; coordinate facility access; identify equipment safety and code issues; gather, organize, and analyze PCA data; and develop custom reports.

While the PM performs all the duties stated above, our Quality Assurance/Quality Control (QA/QC) performs reviews of all technical analyses and product deliverables. This QA/QC review process ensures our products meet the Scope of Work requirements. In addition, our cost estimator assists assessors with and is responsible for reviewing all cost estimates prior to the report

deliverable. Our CPE has performed thousands of cost estimates and has the experience and knowledge necessary to ensure accurate cost estimates.

Resumes for key personnel are provided below. Nelson will self-perform all aspects of the scope of work and does not propose any subcontractors.

Mark A. Livelli**Quality Assurance/Quality Control Manager***QA/QC Manager, Nelson Engineering Co.**August 2018 – Present*

Mr. Livelli has significant experience in performing PCAs and asset management consulting services. He specializes in performing QA/QC of our team's data and has personally performed detailed PCAs on over seven (7) million SF of real property assets.

Mark was the Team Leader for the PCA inspections of the Blue Origin facilities located in Kent, WA and Van Horn, TX. Mark managed contract coordination, personnel deployment, data entry, and QC of entered systems and components. Mark led the team effort to inventory and assess the condition of building systems covering over 560,000 SF of facilities. This included collecting asset data and nameplate information from equipment for input into MAXIMO asset management software. Mark also has significant experience performing PCAs using the BUILDER Sustainment Management System (SMS) which evaluates RUL of all major building systems to determine capital replacement needs. Mark experience includes performing detailed QA/QC for the Air Force Civil Engineering Center (AFCEC), Army IMCOM, LANL, INL, and NIST.

Education Rochester Institute of Technology, MS Mechanical Engineering - 2010

Thomas P. James, Certified Professional Estimator (CPE)**Cost Estimator***Cost Estimator, Nelson Engineering Co. October 2003 - January 2010, September 2014 - Present*

Tom has over 16 years of cost estimating, PCA, and project management experience in both the private and government business sectors. Tom was the Lead Cost Estimator for the 1.9 million SF International Monetary Fund (IMF) Headquarters Building (Washington, D.C.) PCA. Tom performed on-site assessments, developed cost estimates for identified deficiencies and deferred maintenance, evaluated assessment findings with the IMF, and developed plans to implement our recommendations. Tom provided multiple short- and long-range capital repair and replacement plans, facility renewal forecasts, customized requirement lists (some example parameters include system criticality, current condition, and cost), and presented multiple funding strategies and scenarios to all stakeholders.

Tom was the Team Leader and Lead Cost Estimator for the NPS Project Scoping Assessments (Southeast Region). His tasks included field inspections to identify facility and site improvement deficiencies, future needs requirements, and code compliance issues and provided project cost estimates to address findings. He developed project work scopes from the assessments to include design analysis, value engineering assessments and capital improvement scope generation and cost estimates. Cost estimates developed for new building construction, building modernization and renovations, historical building restorations and site development.

Licenses Certified Professional Cost Estimator, CPE 1.4-000170-1116

Alan (Doug) Robinson*Civil Engineer, Nelson Engineering Co.***Structural, Architectural Assessor***February 2014 – Present*

Doug has 26 years of experience in performing operations and maintenance engineering for government owned aerospace facilities and launch vehicles. He brings an in-depth knowledge of facility assessments, technical evaluations, and cost estimation services. He manages contracts that provide services for the Department of Energy (DOE), Department of Defense (DoD), Department of Commerce, Health and Human Services (HHS) and other federal agencies. He has a DoD Security Clearance and was a three-time NASA Space Flight Awareness Award Recipient.

Doug is the Project Manager for NIH. He oversees performance of horizontal infrastructure and facility assessments at all three NIH campuses. Doug generates engineering reports identifying the condition of building and infrastructure systems and components. He develops detailed CostWorks cost estimates to address system replacement costs and deficiencies. He inputs data into a web-based capital asset management program for analysis and implementation. He performed condition assessments of all horizontal infrastructure systems including chilled water generation and distribution, steam generation and distribution, compressed air generation and distribution, fuel distribution, landscaping, parking lots, roadways, pedestrian paving, sanitary sewer, security and communication, storm sewer, water treatment and supply, and site electrical distribution including manholes and service tunnels.

Education University of Central Florida, BS Civil Engineering - 1996

Jared Risbourg*Facility Condition Assessor, Nelson Engineering Co.***Electrical, Fire Alarm Assessor***August 2018 – Present*

Jared has three years of experience in performing PCAs and cost estimation services. He specializes in assessing electrical, controls, and fire alarm components and has performed detailed PCAs on over six (6) million SF of real property assets. His experience includes performing detailed PCAs using BUILDER SMS for the AFCEC, IMCOM, and LANL. Additional experience includes performing parametric modeling estimates for the NPS, electrical cable surveys for the NIH, and ASHRAE level 1 and 2 energy audits for INL.

Jared was the Team Leader for the Bureau of Indian Affairs (BIA) School's assessment efforts. He performed detailed inspection and inventory of mechanical, electrical, plumbing, and fire protection systems. Jared generated cost estimates using RS Means CostWorks software to provide accurate replacement costs for major deficiencies found in the field. He provided recommendations focused on reducing maintenance costs and improving energy efficiency sitewide. He also interviewed facility managers, maintenance personnel, and facility occupants to create detailed functionality, building condition, and facility summary reports. Jared also has significant experience performing PCAs using the BUILDER SMS which evaluates RUL of all major building systems to determine capital replacement needs.

Education University of Louisiana at Lafayette, BS Physics – 2017

Michael A. Sanchez III, EIT**Mechanical, Plumbing, Fire Protection Assessor***Mechanical Engineer, Nelson Engineering Co.**September 2015 – Present*

Mr. Sanchez has over six (6) years of experience performing PCA and project management services. He specializes in assessing mechanical, plumbing, and fire protection components and has performed detailed PCAs on over nine (9) million SF of real property assets.

Michael was lead mechanical assessor and asset management consultant for NIST where he migrated VFA facility and MAXIMO facility data into BUILDER SMS for all NIST campuses. He oversaw the implementation of the BUILDER SMS website and assigned Uniformat II crosswalk descriptions and details for all NIST building systems. He also generated work plans, input Plant Replacement Values (PRV) for all facilities and performed initial QC of migrated inventory and details. Michael assisted NIST with the implementation of the risk-based capital asset management program and analysis features of BUILDER SMS. Michael also performed PCAs at the NIH main campus in Bethesda, MD. He assessed building conditions based on RUL, renovations, damage, and safety and code violations. Provide detailed write-ups for existing conditions and recommendations for repair using VFA facility software. Created cost estimates using RSMeans CostWorks for repairs and modernization based on local and federal codes and industry standards.

Education University of Central Florida, BS Mechanical Engineering – 2015

High Quality Level of Services to be Provided to Town of Palm Beach

Nelson is committed to providing accurate facility assessment data. The PM and QA/QC Manager ensure Nelson's rigorous QC process is implemented on each phase of the assessment. During the site visit phase, field notes and photos are uploaded daily to a shared folder as a data backup and made available to the entire team, including QA/QC Manager and PM, who regularly perform spot check reviews for accuracy and consistency.

Our PCA report phase consists of comprehensive yet concise technical reporting and data entry efforts. Analyses and evaluations initiated during the research and inspection phases are completed and detailed deficiency descriptions are provided. PCA Reports include an asset detail report consisting of a narrative summary of the facility and constituent systems. Reports also include detailed deficiency information, including location information, and the estimated cost for repair/replacement recommendations. Our assessment teams make extensive use of field notes and pictures to ensure quality of data. Recommendations are based on expected useful life estimates from industry standards.

Each deliverable is first reviewed at the assessor level. Each assessor is responsible for reviewing their assigned SOW elements and ensuring the results achieved are clear and understandable. This is submitted for review to the QA/QC Manager to ensure scope requirements are met. The QA/QC Manager compares field notes and photos to each component, cost estimate, and deficiency recommendations for accuracy, key metrics, and project scope adherence. If deliverable elements are complex a discipline specific PE performs a final critical review with an emphasis on technical accuracy and code compliance. The QA/QC Manager and PM also ensure that the data flow between assessors is consistent. Finally, the PM does a final review to ensure each deliverable meets or exceeds client standards and the overall deliverable is consistent.

In addition to extensive PCA experience, our capabilities include a long history of developing facility cost estimates. Cost estimates are developed using RS Means CostWorks. All cost estimates are reviewed by one of our CPE. This process is essential to providing Town of Palm Beach with accurate data for Capital Improvement Planning.

We are accustomed to the iterative review process. Nelson follows a closed-loop comments disposition process. Comments from all stakeholders on the draft PCA Report deliverable are consolidated into a single form. Dispositions not only include responses like Concur or Reject, but they also include the engineer responsible, applicable rationale, and the specific location where the comment is addressed. All comment dispositions are validated and signed off by the Project Manager. Accepted comments are incorporated into the final deliverable PCA Report deliverable.

1.3.3 Financial Information

Financial Resources and Capabilities Information

Nelson has been in business since 1993. The company has grown successfully since that time without taking an operation loan or incurring operating debt. We have a Defense Contract Audit Agency (DCAA) approved accounting system, a Defense Contract Management Agency (DCMA) approved government property management system, and a Defense Security Service (DSS) facility clearance along with cleared personnel through Secret. Nelson is a General Services Administration (GSA) 00CORP Professional Services Schedule (PSS). Our DUNS No. is 824910319 and our Federal Tax ID No. is 59-3183878.

Nelson banks with Regions Bank. Contact information is:

Sheila Basile
Vice President, Community Banking
7750 N. Wickham Road
Melbourne, FL 32940
(321) 255-6185, Fax: (321) 255-6195
Sheila.Basile@Regions.com

The name, title, address, and phone number of the Nelson financial officer is:

Barry Nelson
Chief Financial Officer
5455 North Courtenay Parkway
Merritt Island, FL 32953
(321) 449-1128
barry.nelson@nelsonengrco.com

Evidence of Insurance Capability

Attached in Section *1.2.11 Insurance Requirements* is our proof of insurance demonstrating Nelson's insurance amounts meet or exceed all required amounts stated in by the Town of Palm Beach.

Contact information for Nelson's insurance broker is:

Wendy Tyree
Insurance Broker
Lassiter-Ware Insurance of Tampa Bay
1300 N. Westshore Blvd., Suite 110
Tampa, FL 33607
(800) 845-8437
wendyt@lassiterware.com

Present and Future Litigation or Dispute and Resolutions

Nelson has no present or future litigation or dispute.

1.3.4 Workload and Scheduling

Overall Workload of the Company

Nelson is capable of efficiently executing several facility assessments projects simultaneously using our pool of engineers and technicians fully trained to perform PCAs. To ensure our personnel are readily available to support new efforts and cover surge support requirements, our Project Management Office (PMO) staffs at 115% capability. Nelson has 15 fulltime dedicated CAMS personnel including project managers on staff. Our reach-back resources include matrix staffing from our mechanical, electrical, and civil engineering lines of business.

In late 2020, Nelson performed concurrent condition assessment services for Kennedy Space Center Visitor Complex (KSCVC), National Institute of Standards and Technology (NIST), Idaho National Laboratory (INL), Bureau of Indian Affairs (BIA), U.S. Army's Fort Bliss, U.S. Army's Fort Jackson, and several bases in South Korea. During that time, Nelson was providing an average of 12 assessors in the field per month, all without any adverse impact on project quality or schedule for any of the more than 20 projects underway simultaneously at the time.

Currently, Nelson has only three active CAMS prime contracts. In July 2021, Nelson finished work for U.S. Army Installation Management Command (IMCOM) Task Orders 4 and 5 which include Rock Island Arsenal, IL; Fort Jackson, SC; and Fort Leavenworth, KS. Last month, work was also finished for several bases in South Korea and Nelson completed initial field assessments for utility design work at NASA's Stennis Space Center in Mississippi. Recently completing these projects gives Nelson plenty of bandwidth and frees up our CAMS resources to complete the Palm Beach PCAs per the schedule outlined below.

Project Scheduling Ability and Timely completion of work

Nelson has experience coordinating work across multiple projects simultaneously. The PM applies his years of project management experience, supplemented by Smartsheet resource management software, to provide up-front project planning projections, identification of resource gaps and over-allocations, definition of each project's critical path, and tracking of progress.

At contract onset, the PM conducts a kickoff meeting with the Town of Palm Beach to establish a positive working relationship, review the requirements and details of the scope of work, discuss logistics, gain concurrence on the planned assessment schedules, introduce the assessment team, and identify points of contact.

The PM works with Town Representatives to secure all required clearances, identification badges, escorts, and approvals necessary to access facilities and take photographs. Any preferences with respect to the order of facility assessments or specific timeframes are incorporated into the schedule to avoid major construction projects, scheduled outages, or any other operational impacts. Federal holidays and weekends are excluded from scheduled work unless specifically approved by the government. A draft schedule is provided for coordination with the government after contract kickoff, and this provides a framework for completing the PCAs. Once the assessment schedule is approved, the assessment team schedules the walk-through surveys with the Town Representatives and building managers.

A pre-assessment meeting is held at each facility with building managers to identify lines of communication, introduce the assessment team, and discuss site-specific legacy data, drawings,

and reports available. Interviews are conducted with appropriate personnel such as engineering and maintenance personnel to gain insight on the assets to be inspected and facility missions. Work plan details and timelines for the field assessments are discussed to ensure the proposed work plan does not interfere with normal operations or hinder the Town's ability to use the facility. Where interference is unavoidable, the team recommends options to minimize the impacts and effects (e.g., after-hours work). Assessment timeframes are scheduled in compliance with the site's normal operating hours. The PM also provides status updates to the Town representatives throughout the project.

Concurrently, the PM coordinates directly with the PMO to ensure availability of resources and establish the overall project schedule. Our PMs provide the detailed schedule of assessment, data compilation, review, and government comment periods to ensure roles are fully staffed during the timeframes dictated by the approved project schedule. The PMO ensures each assessment team member is allocated adequate time and schedule bandwidth to provide timely response to questions and comments during the scheduled response windows.

Schedule to Accommodate Project

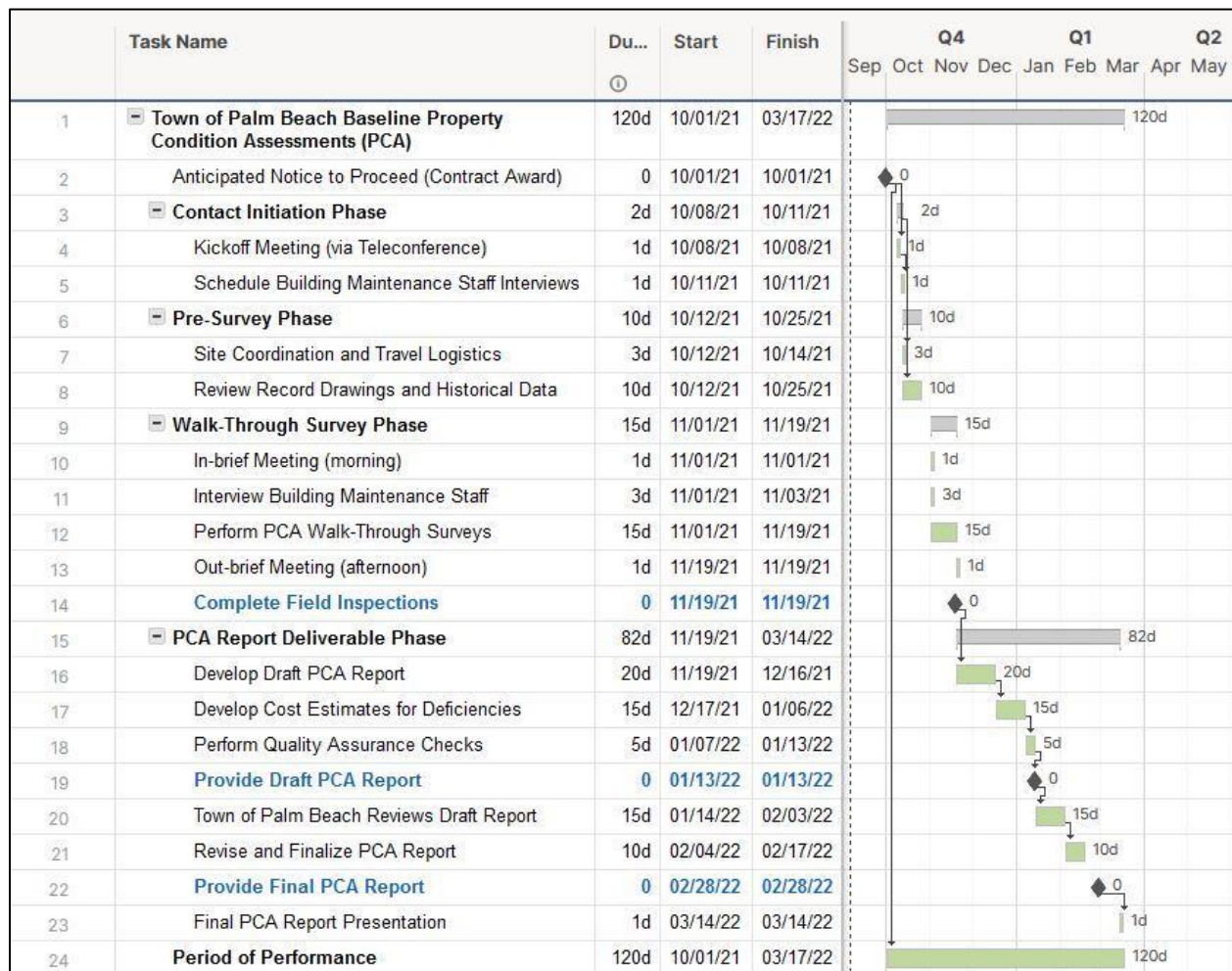


Figure 1. Nelson's Proposed Project Schedule

As shown in **Figure 1**, Nelson's proposed schedule initiates the field work by November 1, 2021 (contingent on contract award by October 1, 2021). The PM kicks off the project immediately after contract award and coordinates with the Town of Palm Beach Procurement Representative. Nelson plans to start the walk-through surveys on November 1, 2021 and expects the field surveys to take approximately three weeks. Based on our previous experience, this allows adequate time for interviewing building maintenance personnel and performing detailed field inspections. An Out-Brief Meeting is scheduled for the last day of field assessments. The remaining time is devoted to documenting deficiencies, estimating remaining useful life, developing cost estimates, performing QA/QC checks, and developing the PCA Report. Our goal is to complete the Draft PCA Report by January 13, 2022. This timing allows the Town of Palm Beach an adequate window to provide comments for Nelson to address before submitting the Final PCA Report by February 28, 2022.

Applicability of Services Offered

PCAs are a key heritage line of business for Nelson, and in 2020 alone we successfully performed facility assessments on over 25.7 million square feet of real property assets for the Department of Energy (DOE), National Institute of Standards and Technology (NIST), National Institutes of Health (NIH), Department of Defense (DOD), and Indian Health Service (IHS).

Our expertise means we can be relied on to propose, develop, and support implementation of a new capital investment program for the Town of Palm Beach. The Nelson team is experienced with recommending facility management solutions. As an example, in 2018 Nelson conducted two studies for the National Park Service (NPS) revAMP team analyzing the NPS's deferred maintenance (DM) estimation methods. The first study concluded that the system in place was overly time consuming, expensive, and ineffective at addressing the entirety of the NPS portfolio. At the time of the study, roughly 40% of the NPS portfolio had \$0 of DM reported and NPS suspected that what records did exist were incomplete, consisting primarily of project specific costs and not overall facility needs. For the second study, Nelson researched alternative methods of DM estimating, and proposed the use of the National Aeronautics and Space Administration (NASA) developed Deferred Maintenance Parametric Estimation (DMPE) method. Nelson's proposal was selected by the revAMP team as the best solution due to its speed, consistency, and cost-effectiveness. In 2019, Nelson helped support the NPS's implementation of the DMPE system by developing parametric models and representative line-item costs for NPS assets.

As demonstrated throughout our proposal, Nelson has the resources, relevant experience, and proven expertise to excel in performing Facility Assessments for the Town of Palm Beach.

Business Information Report Snapshot

NELSON ENGINEERING CO.

D-U-N-S: 82-491-0319

ADDRESS: 5455 N Courtenay Pkwy, Merritt Island, FL, 32953, United States

Date: 10/13/2021

RISK ASSESSMENT

SCORES AND RATINGS				
Max. Credit Recommendation	PAYDEX® SCORE	Delinquency Predictor Percentile	Financial Stress Percentile	Supplier Evaluation Risk Rating
US\$ 135,000	72 LOW RISK	96 LOW RISK	68 MODERATE RISK	1 LOW RISK

MAXIMUM CREDIT RECOMMENDATION

Overall Business Risk

LOW

LOW-MODERATE

MODERATE

MODERATE-HIGH

HIGH

Maximum Credit Recommendation

US\$ 135,000

The recommended limit is based on a low probability of severe delinquency.

Dun & Bradstreet Thinks...

- Overall assessment of this organization over the next 12 months: STABLE CONDITION
- Based on the predicted risk of business discontinuation: LIKELIHOOD OF CONTINUED OPERATIONS
- Based on the predicted risk of severely delinquent payments: VERY LOW POTENTIAL FOR SEVERELY DELINQUENT PAYMENTS

PAYDEX® SUMMARY

3 Months

80

Low Risk (100) High Risk (1)

When weighted by dollar amount, payments to suppliers on average, are on time. Value is based on payments collected over the last **3 months**.

24 Months

72

Low Risk (100) High Risk (1)

When weighted by dollar amount, payments to suppliers average 12 days beyond terms. Value is based on payments collected over the last **24 months**.

PAYDEX®

Based on 24 months of data

12-14-TCM Backup

160

72

Low Risk (100)

High Risk (1)

Based on a D&B PAYDEX® of 72

Risk of Slow Pay

LOW

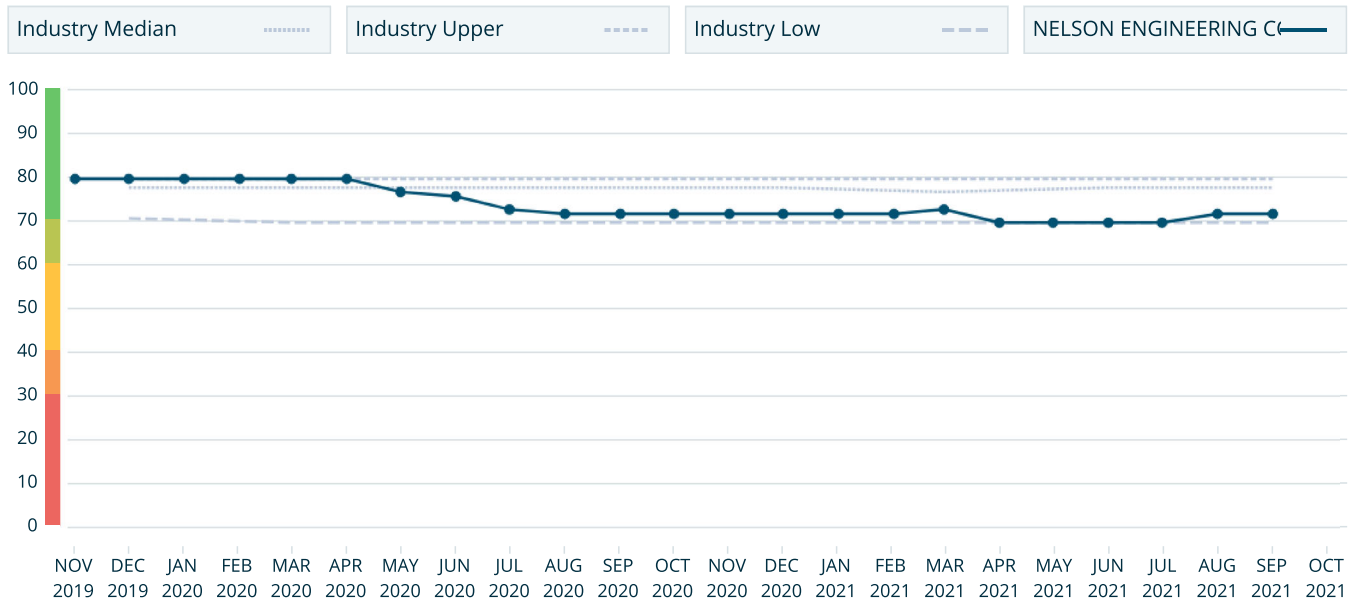
Payment Behavior

12 Days Beyond

Terms

Business and Industry Trends

8711 - Engineering services



DELINQUENCY PREDICTOR SCORE

96

Low Risk (100)

High Risk (1)

Higher risk industry based on delinquency rates for this industry

Based on a D&B Delinquency Predictor Percentile of 96

Level of Risk

LOW

Raw Score

601

Probability of Delinquency

1.07%

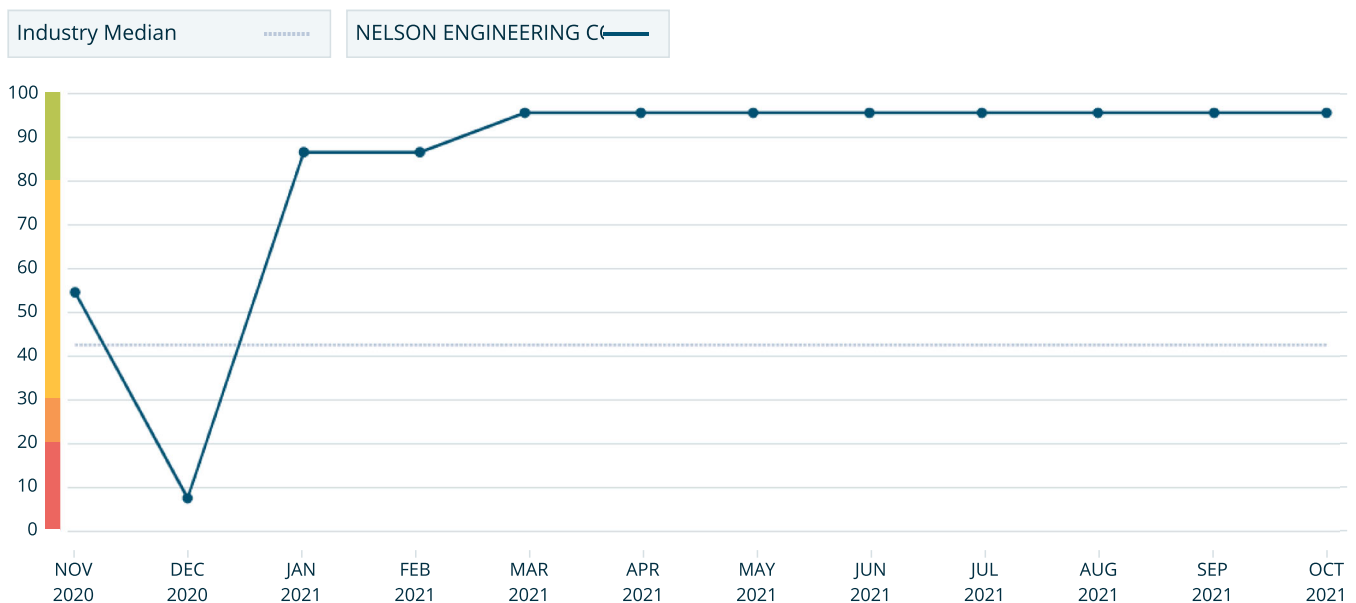
Compared to Businesses in

D&B

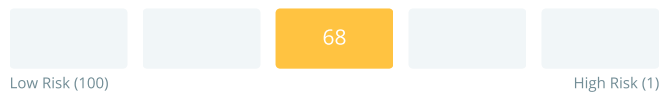
10.2%

Business and Industry Trends

8711 - Engineering services



FINANCIAL STRESS SCORE



Based on a D&B Financial Stress Percentile of 68

- Low proportion of satisfactory payment experiences to total payment experiences
- UCC Filings reported
- Low Paydex Score
- Higher risk legal structure
- High proportion of past due balances to total amount owing

Level of Risk
MODERATE

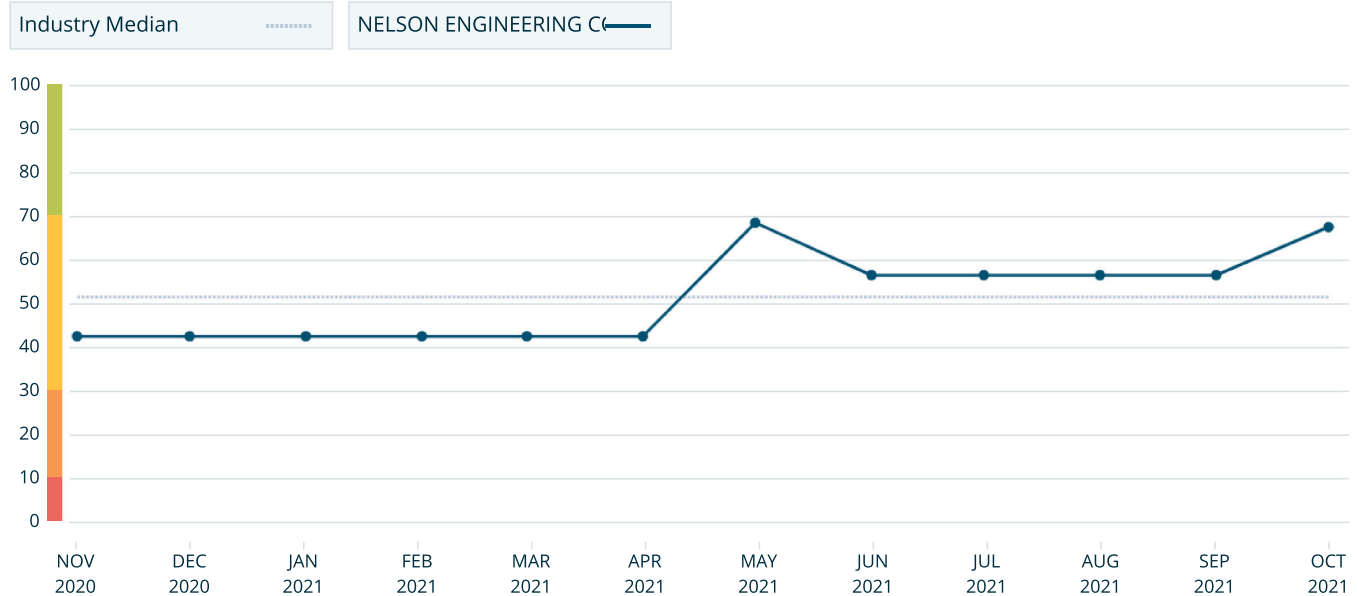
Raw Score
1508

Probability of Failure
0.14%

Compared to Businesses in D&B
0.48%

Business and Industry Trends

8711 - Engineering services



SUPPLIER EVALUATION RISK RATING



Based on a Supplier Evaluation Risk Rating of 1

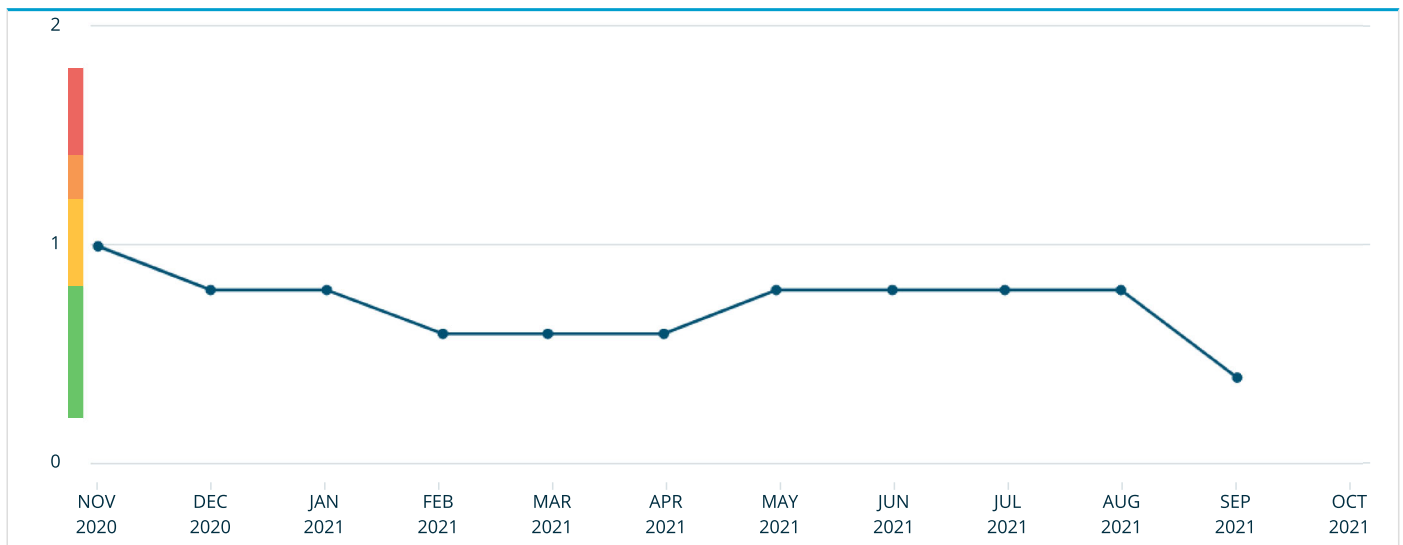
Factors Affecting Your Score

Proportion of slow payment experiences to total number of payment experiences reported

Business and Industry Trends

8711 - Engineering services





D&B RATING

Current Rating as of 07-30-2002

Employee Size

1R: 10 employees and over

Risk Indicator

2: Low Risk

Previous Rating

Financial Strength

CB: US\$125,000 to
US\$199,999 in Net Worth or
Equity

Risk Indicator

1: Very Low Risk

TRADE PAYMENTS

TRADE PAYMENTS SUMMARY			Based on 24 months of data
Overall Payment Behavior 12 Days Beyond Terms Highest Now Owing: US\$ 1,000	% of Trade Within Terms 73% Total Trade Experiences: 16 Largest High Credit: US\$ 25,000 Average High Credit: US\$ 7,085	Highest Past Due US\$ 0 Total Unfavorable Comments : 0 Largest High Credit: US\$ 0 Total Placed in Collections: 0 Largest High Credit: US\$ 0	

TRADE PAYMENTS BY CREDIT EXTENDED			
\$ CREDIT EXTENDED	% OF PAYMENTS WITHIN TERMS	# PAYMENT EXPERIENCES	TOTAL & DOLLAR AMOUNT
OVER 100,000	0%	0	\$0
50,000 - 100,000	0%	0	\$0
15,000 - 49,999	100%	1	\$25,000
5,000 - 14,999	50%	2	\$20,000
1,000 - 4,999	78%	3	\$4,500
UNDER 1,000	100%	1	\$100

TRADE PAYMENTS BY INDUSTRY			
Collapse All Expand All			
Industry Category	Number of Payment Experiences	Largest High Credit (US\$)	% Within Terms (Expand to View)
91 - Executive Legislative And General Government Except Finance	1	25,000	
9111 - Executive Office	1	25,000	100
36 - Electronic And Other Electrical Equipment And Components Except Computer Equipment	1	10,000	
3625 - Mfg Relays/controls	1	10,000	100
87 - Engineering Accounting Research Management And Related Services	1	10,000	
12-14-TCM Backup			

8711 - Engineering Services	1	10,000	0
▼48 - Communications	2	2,500	
4812 - Radiotelephone Commun	1	2,500	100
4833 - Television Station	1	1,000	0
▼49 - Electric, Gas And Sanitary Services	1	1,000	
4911 - Electric Services	1	1,000	100
▼50 - Wholesale Trade - Durable Goods	2	100	
5074 - Whol Plumb/hydronics	1	100	100
5085 - Whol Industrial Suppl	1	0	0

TRADE LINES

Date of Experience	Payment Status	Selling Terms	High Credit (US\$)	Now Owes (US\$)	Past Due (US\$)	Months Since Last Sale
09/2021	-	Cash Account	750	-	-	1 Month
08/2021	Prompt	-	2,500	0	0	1 Month
08/2021	Prompt	-	1,000	1,000	-	1 Month
07/2021	Prompt	-	10,000	0	0	Between 6 and 12 Months
05/2021	-	Cash Account	50	-	-	1 Month
04/2021	-	Cash Account	100	-	-	1 Month
03/2021	Prompt	-	25,000	-	-	1 Month
02/2021	Prompt	N30	0	0	0	Between 6 and 12 Months
02/2021	Slow	-	10,000	0	0	Between 6 and 12 Months
01/2021	-	Cash Account	100	-	-	1 Month
11/2020	Slow	-	1,000	0	0	Between 2 and 3 Months
08/2020	-	Cash Account	50	-	-	1 Month
05/2020	-	Cash Account	100	-	-	1 Month
05/2020	-	Cash Account	100	-	-	1 Month
04/2020	Prompt	-	100	0	0	Between 6 and 12 Months
04/2020	-	Cash Account	50	-	-	1 Month

EVENTS

LEGAL EVENTS			
The following Public Filing data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.			
SUITS	JUDGEMENTS	LIENS	UCC FILINGS
TOTAL 0	TOTAL 0	TOTAL 0	TOTAL 2
LAST FILING DATE -	LAST FILING DATE -	LAST FILING DATE -	LAST FILING DATE 04/01/2011

General: The public record items contained in this report may have been paid, terminated, vacated or released prior to the date this was reported. This information may not be reproduced in whole or in part by any means of reproduction.

UCC Filings: There may be additional UCC Filings in the D&B file on this company which are available by contacting 1-800-234-3867.

Suits, Liens, Judgements: There may be additional suits, liens, or judgements in D&B's file on this company available in the U.S. Public Records Database that are also covered under your contract. If you would like more information on this database, please contact the Customer Resource Center at 1-800-234-3867.

Lien: A lien holder can file the same lien in more than one filing location. The appearance of multiple liens filed by the same lien holder against a debtor may be indicative of such an occurrence.

EVENTS	
UCC Filing - Continuation	
Filing Date	2011-04-01
Filing Number	201104338953
Received Date	2011-04-06
Original Filing Date	2006-09-26
Original Filing Number	200603737844
Secured Party	AMSOUTH BANK, MELBOURNE, FL
Debtors	NELSON ENGINEERING TECHNOLOGIES INC
Filing Office	SECRETARY OF STATE/UCC DIVISION, TALLAHASSEE, FL
UCC Filing - Original	
Filing Date	2006-09-26
Filing Number	200603737844
Received Date	2006-10-04
Collateral	Negotiable instruments and proceeds - Account(s) and proceeds - Oil, gas and minerals and proceeds - Farm products/crops and proceeds - and OTHERS
Secured Party	AMSOUTH BANK, MELBOURNE, FL
12-14-TCM Backup	166

Debtors	NELSON ENGINEERING TECHNOLOGIES INC
Filing Office	SECRETARY OF STATE/UCC DIVISION, TALLAHASSEE, FL

COMPANY EVENTS

The following information was reported on: 12-17-2020

The Florida Secretary of State's business registrations file showed that Nelson Engineering Co. was registered as a corporation on May 17, 1993 and has an active charter.

Business started 1993 by officers. 100% of capital stock is owned by officers.

BLAIN NELSON born 1958. 1993-present active here. 1985-94 employed with Lockheed, Titusville, FL. 1984-1985 employed by Martin-Marietta, Lopoc, CA. 1980-1982 served in the United States Navy.

CAROLYN SERINGER born 1958. 1994-present active here.

ANNETTE NELSON born 1959. 1993-present active here. 1983-1993 not commercially active. 1980-1983 employed with Dr Heath, Lompoc, CA.

Business address has changed from 3655 Belle Arbor Circle, Titusville, FL, 32780 to 3655 Belle Arbor Cir, Titusville, FL, 32780.

Business address has changed from 3655 Belle Arbor Cir, Titusville, FL, 32780 to 5335 N Courtenay Pkwy Ph1, Merritt Island, FL, 32953.

Business address has changed from 5335 N Courtenay Pkwy, Merritt Island, FL, 32953 to 5455 N Courtenay Pkwy, Merritt Island, FL, 32953.

SPECIAL EVENTS

12-17-2020

NELSON ENGINEERING CO. was reported by the SBA as a recipient of a loan for \$1,597,600 from Regions Bank on 04/16/2020 under the Paycheck Protection Program as authorized under the CARES Act of 2020.

07-21-2020

On July 6, 2020, the SBA announced that this business was approved for a loan between \$1M - \$2M from Regions Bank through the SBA's Paycheck Protection Program, as part of the CARES Act, in response to the COVID-19 pandemic. The amount of the actual loan may vary from the approved amount.

07-02-2018

Business address has changed from 5335 N Courtenay Pkwy, Merritt Island, FL, 32953 to 5455 N Courtenay Pkwy, Merritt Island, FL, 32953.

09-19-2017 HURRICANE IRMA 2017:

This business is located in a FEMA designated disaster zone impacted by the effects of Hurricane Irma. It is reported that thousands of people and businesses have been displaced due to catastrophic flooding. The extent of impact to this business is currently unknown; additional information will be provided as it becomes available.

Financials

D&B currently has no financial information on file for this company.

COMPANY PROFILE

COMPANY OVERVIEW		
D-U-N-S 82-491-0319	Mailing Address 5455 N Courtenay Pkwy, Merritt Island FL 32953, US	Annual Sales -
Business Form Corporation (US)	Telephone (321) 449-1128	Employees 50
Date Incorporated 05/17/1993	Fax -	Age (Year Started) 28 years (1993)
State of Incorporation Florida	Website www.nelsonengrco.com	Named Principal BLAIN NELSON, PRES
Ownership -	Line of Business Engineering services	SIC 8711

OWNERSHIP

This business is not currently a part of a family tree.

November 8, 2021

Town of Palm Beach
Attn: Ryan Canterbury, Senior Buyer
360 South County Road
Palm Beach, FL 33480

RE: RFQ NO. 2021-27 PROFESSIONAL ENGINEERING SERVICES FOR TOWN OF PALM BEACH FACILITIES ASSESSMENT

Dear Mr. Canterbury,

Nelson Engineering Co.'s (Nelson) is pleased to be selected as the most highly rated firm by the Town of Palm Beach. Please see Table 1 for our firm fixed price quote for performing the tasks stated in the Facilities Assessment Statement of Work provided with RFQ No. 2021-27. Detailed labor and travel costs are provided in Tables 2 and 3, and detailed task descriptions are provided in Table 4 on the following pages.

Table 1. Fixed Price Quote Summary

Category	Cost
Labor Sub-total	\$70,366.39
Travel Sub-total	\$5,848.89
Total Fixed Cost	\$76,215.28

Labor rates are based on our General Services Administration (GSA) Multiple Award Schedule, Contract Number GS-00F-324CA. All deliverables will be electronic and will allow meeting the schedule agreed upon between Town of Palm Beach and Nelson.

Assumptions/limitations:

- This quote is based on at least a six-month period of performance. A shorter timeframe or expedited travel requests will incur additional costs.
- Travel costs are based on a three-person assessment team performing inspections over a consecutive five-day period.
- The assessment team includes (1) Senior Engineer Specialist and (2) Engineers.
- Travel costs are not included for any other team member.
- All facilities will be accessible during a single mobilization.
- Roofs are readily accessible and do not require special equipment or fall protection gear.
- The Town of Palm Beach will accommodate schedule relief due to unforeseen and uncontrollable circumstances (i.e., severe weather, security impacts, and access limitations).

Please contact me if you need additional information or have any questions. Thank you for this opportunity. This proposal is valid for 60 days.

Sincerely,



John Carroll, P.E.
Director of Capital Asset Management

Table 2. Detailed Labor Costs

#	Task	Senior Engineer Specialist (Hours)	Engineer (Hours)	Cost Estimator (Hours)	Total Hours
1	Project Management	42.00			42.00
2	Trip Prep and Historical Data Review	8.00	16.00		24.00
3	Perform On-site Inspections/ Identify Physical Deficiencies	40.00	80.00		120.00
4	Populate Database with Deficiencies	40.00	80.00		120.00
5	Calculate Cost Estimates	24.00	32.00	32.00	88.00
6	Develop Annual Maintenance Plan	12.00	24.00		36.00
7	Develop Capital Improvement Program	20.00	40.00		60.00
8	Perform Quality Assurance		24.00		24.00
9	Develop Draft Report	16.00	32.00		48.00
10	Develop Final Report	8.00	16.00		24.00
11	Miscellaneous Meetings/Tasks	16.00	32.00		48.00
	Sub-total Hours	226.00	376.00	32.00	634.00
	GSA FY22 Labor Rate	\$130.53	\$98.83	\$115.83 ¹	
	Sub-total Labor Costs	\$29,499.78	\$37,160.08	\$3,706.53	
	Total Labor Cost	\$70,366.39			

Table 3. Detailed Travel Costs

Description	Unit	Unit Rate	Quantity	# of People	Sub-Total
GSA Lodging Rate	Night/Per Person	\$205.00	5	3	\$3,075.00
Lodging Taxes	Night/Per Person	\$30.75	5	3	\$461.25
GSA Per Diem Rate	Full Day/Per Person	\$69.00	4	3	\$828.00
GSA First & Last Day of Travel	Partial Day/Per Person	\$51.75	2	3	\$310.50
Rental Car (Enterprise Standard)	Per Week	\$552.42	1		\$552.42
Rental Car Gas	Per Day	\$15.00	6		\$90.00
Sub-total Travel					\$5,317.17
Travel Overhead (10%)					\$531.72
Total Travel Costs					\$5,848.89

¹ Nelson's GSA schedule does not include a Cost Estimator labor category. This rate is based on the labor rate used on similar federal projects.

Table 4. Detailed Task Description

#	Task	Description	Basis
1	Project Management	Provide overall project oversight to ensure project success, provide technical guidance to team, and act as primary interface with the Town of Palm Beach.	7% of overall project hours
2	Trip Prep and Historical Data Review	Prepare for trip by interviewing facility managers and reviewing client-provided data, such as drawings, work order reports, and previous studies. Includes travel coordination.	8 hours per Assessor
3	Perform On-site Inspections	Inspect all Town facilities over a consecutive 5-day period. Document deficiencies and major building systems using photographs and detailed notes.	1 week site inspection = 40 hours per Assessor
4	Populate Database with Deficiencies	Time allotted to document deficiencies, attach photographs, and recommend corrective actions in the Microsoft Access Database. Also includes time for each assessor to perform a self-review.	1 to 1 ratio with site visit = 40 hours per Assessor
5	Calculate Cost Estimates	Develop rough order of magnitude (ROM) cost estimates based on the data gathered during the site assessment and using the industry accepted construction cost estimating software program CostWorks by RSMeans.	Assumes approx. 300 cost estimates.
6	Develop Corrective Maintenance Plan	Assign severity and urgency rankings for each deficiency identified. Use rankings to develop a prioritized list of annual corrective maintenance over a five-year window.	12 hours per Assessor
7	Develop Capital Improvement Program	Estimate remaining useful life of major building systems and recommend replacements with estimated costs over a ten-year planning window.	20 hours per Assessor
8	Perform Quality Assurance	Review assessment data to ensure data is complete and accurate. Perform an overall data quality check across each system discipline to validate accurate data entry, including cross referencing interview notes, field notes, and site photographs.	20% of Data Entry Time
9	Develop Draft Report	The draft report contains the data collection, analyses, and assessment results, including details on all deficiencies identified, the 5-year Corrective Maintenance Plan, and the 10-year Capital Improvement Program. The draft report is submitted to the Town of Palm Beach for review and a meeting is scheduled after a review period to discuss stakeholder comments and feedback.	16 hours per Assessor
10	Develop Final Report	The final report incorporates comments and feedback received on draft report.	8 hours per Assessor
11	Miscellaneous Meetings/Tasks	Project tasks not accounted for above such as attending meetings, conducting phone calls/interviews, and conducting research. Also covers general project tasks such as daily timesheet reporting, updating project manager, and team coordination.	Assumes 4 meetings lasting 2 hours each plus 8 hours for general project tasks per Assessor.

Solicitation summary (7703)

Details

Reference number: 2021-27

Procedure: Sealed without Preselection

Description:

The Town is soliciting for Professional Engineering Services to do assessment of its facilities. The Town is asking the consultant to identify physical deficiencies and develop an opinion of probable cost to repair those deficiencies. The Town is also asking that the useful life remaining of the major building systems be estimated. This information will be compiled into a report to be utilized for a proposed capital improvement program to establish anticipated budgets and timeframes to maintain the various building systems for the above referenced facilities.

The awarded consultant will perform a baseline property condition assessment (PCA) for each facility in general conformance with ASTM E2018-15. The purpose of the PCA is to observe and report, to the extent feasible, on the physical condition of the subject building.

Award may be made to the Proposer which offers the best value to the Town. The Town reserves the right to reject any and all offers, to waive non-material irregularities or technicalities and to re-advertise for all or any part of this solicitation as deemed in its best interest. The Town shall be the sole judge of its best interest.

Please click on "Participate" button at the bottom of this page to download solicitation package and to get started.

PRE-PROPOSAL CONFERENCE

A "NON-MANDATORY" pre-proposal meeting will be held on:

Date/Time: August 19, 2021 at 1:30pm.

*******This pre-proposal meeting will be conducted via virtual conference, through Go-To-Meeting platform"*******

Please send any questions in writing before the start of the meeting so that the Town can ensure all questions are addressed. These questions can be sent to rcanterbury@townofpalmbeach.com or pose them through Negometrix.

Attendance is strongly encouraged as this will be the only forum to seek clarification from Town staff.

QUESTION DEADLINE

The deadline for questions is seven (7) CALENDAR DAYS before the end of the Offer Phase (due date).

Questions should be submitted through this software platform using the Question & Answer feature.

The Town may provide written addenda up to five (5) calendar days before the date fixed for receiving the bid proposals.

SELECTION COMMITTEE MEETING

Consensus Virtual Meeting through Go-To-Meeting platform will be held on **September 20, 2021 at 9:00 am**. Please see instructions attached.

If the Selection Committee calls for Oral Interviews, purchasing will invite vendors directly with time/day. Tentative interview date is **September 27, 2021 beginning at 9:00 am**. Vendors should plan accordingly.

DESIGNATED PROCUREMENT REPRESENTATIVE

The Designated Procurement Representatives for this Solicitation is: **Ryan Canterbury, Senior Buyer**

email: rcanterbury@townofpalmbeach.com

Direct phone: (561) 227-7002

All communications regarding this solicitation shall be handled only by Town Purchasing Representatives.

ASSISTANCE & SUPPORT

Attached below is a file titled 'Getting Started in Negometrix - Supplier Guide'. Suppliers may also contact the Negometrix support desk at the number provide

NEGOMETRIX SUPPORT CONTACT:

(Technical) Assistance (Mon - Fri: 8 am to 6 pm)
Negometrix Service Desk

Awarded supplier(s)

- Nelson Engineering Co (Nelson Engineering Co)

Offers/Applications from suppliers

- **Suppliers** (Number of suppliers: 56)
 - Engenuity Group, Inc.
 - Participant since : Sep 8 2021 10:28:08 AM
 - Thornton Tomasetti
 - Participant since : Sep 6 2021 3:34:18 PM
 - AE Assistance Group
 - Participant since : Sep 3 2021 10:31:04 AM
 - Wannemacher Jensen Architects, Inc.
 - Participant since : Aug 26 2021 5:24:17 PM
 - Johnson, Levinson, Ragan, Davila, Inc.
 - Participant since : Aug 24 2021 1:51:04 PM
 - Biscayne Engineering Company, Inc.
 - Participant since : Aug 23 2021 4:37:23 PM
 - Wiss, Janney, Elstner Associates, Inc.
 - Participant since : Aug 23 2021 11:24:37 AM
 - Brizaga, Inc.
 - Participant since : Aug 23 2021 10:04:00 AM
 - EXP US Services Inc.
 - Participant since : Aug 20 2021 10:35:32 AM
 - Pacifica Engineering Services, LLC
 - Participant since : Aug 19 2021 2:54:12 PM
 - Town Demo
 - Participant since : Aug 19 2021 1:38:19 PM
 - McKinstry Essention, LLC
 - Participant since : Aug 18 2021 2:52:14 PM
 - Crain Atlantis Engineering
 - Participant since : Aug 18 2021 12:15:55 AM
 - EXP U.S. Services Inc.
 - Participant since : Aug 17 2021 2:41:09 PM
 - Lakdas/Yohalem Engineering, Inc.
 - Participant since : Aug 14 2021 7:21:08 PM
 - ISES Corporation
 - Participant since : Aug 13 2021 10:44:40 AM
 - Nadine International Inc.
 - Participant since : Aug 13 2021 9:02:56 AM
 - Jezerinac Group PLLC
 - Participant since : Aug 12 2021 10:19:09 AM
 - GFA International, Inc.

- Participant since : Aug 11 2021 2:41:01 PM
- CES Construction, LLC
 - Participant since : Aug 11 2021 11:23:31 AM
 - Removed on : Aug 11 2021 11:26:17 AM
- Nelson Engineering Co
 - Participant since : Aug 11 2021 9:14:08 AM
- Pennoni Associates Inc.
 - Participant since : Aug 10 2021 3:38:35 PM
- Dennis J. Leavy & Associates, Inc.
 - Participant since : Aug 10 2021 2:51:39 PM
- THORNTON TOMASETTI INC
 - Participant since : Aug 10 2021 1:25:10 PM
- The BetaJones Group,Inc
 - Participant since : Aug 10 2021 1:05:04 PM
- ACAI Associates, Inc.
 - Participant since : Aug 10 2021 11:08:22 AM
- Wood Environment & Infrastructure Solutions, Inc.
 - Participant since : Aug 10 2021 11:07:58 AM
- O&S Associates, Inc.
 - Participant since : Aug 10 2021 11:07:10 AM
- Roth IAMS LLC
 - Participant since : Aug 10 2021 10:46:07 AM
- GRAEF
 - Participant since : Aug 10 2021 10:33:21 AM
- CPZ Architects, Inc.
 - Participant since : Aug 10 2021 8:39:31 AM
- Axias FL, LLC
 - Participant since : Aug 10 2021 8:38:45 AM
- Integrated Marketing Systems
 - Participant since : Aug 9 2021 2:19:41 PM
- Cannon Design Inc
 - Participant since : Aug 9 2021 1:19:09 PM
- nova engineering & environmental
 - Participant since : Aug 9 2021 11:56:33 AM
- EXP Energy Services Inc.
 - Participant since : Aug 9 2021 11:55:11 AM
- FOS of CannonDesign
 - Participant since : Aug 9 2021 11:13:46 AM
- Maser Consulting P.A.
 - Participant since : Aug 9 2021 10:08:47 AM
- McLaren Technical Services, Inc.
 - Participant since : Aug 8 2021 8:13:08 AM
- Bureau Veritas Technical Assessments LLC
 - Participant since : Aug 8 2021 7:54:19 AM
- GLE Associates, Inc.
 - Participant since : Aug 7 2021 2:18:59 PM
- Universal Engineering Sciences, Inc.
 - Participant since : Aug 6 2021 5:01:54 PM

- TSF (Tierra South Florida)
 - Participant since : Aug 6 2021 3:52:18 PM
- Ardaman & Associates
 - Participant since : Aug 6 2021 1:29:46 PM
 - Removed on : Aug 6 2021 1:33:07 PM
- Gale Associates, Inc.
 - Participant since : Aug 6 2021 11:54:05 AM
- Architectural Testing, Inc.
 - Participant since : Aug 6 2021 11:46:40 AM
- Black & Veatch
 - Participant since : Aug 6 2021 10:53:31 AM
- Terracon Consultants, Inc.
 - Participant since : Aug 6 2021 10:27:47 AM
- Calvin, Giordano & Associates, Inc
 - Participant since : Aug 6 2021 10:08:11 AM
- Baxter & Woodman, Inc.
 - Participant since : Aug 6 2021 8:52:18 AM
 - Removed on : Aug 6 2021 10:07:11 AM
- Enviroidnet.com an Entram Corp.
 - Participant since : Aug 6 2021 9:40:24 AM
- Kimley-Horn and Associates, Inc.
 - Participant since : Aug 6 2021 9:23:52 AM
- Mock, Roos & Associates, Inc.
 - Participant since : Aug 6 2021 9:21:58 AM
- OCI Associates, Inc
 - Participant since : Aug 6 2021 8:50:37 AM
- A.D.A. Engineering, Inc.
 - Participant since : Aug 6 2021 8:41:20 AM
- Chen Moore and Associates
 - Participant since : Aug 6 2021 8:31:00 AM
- **Offer phase** (Number of offers in phase: 10)
 - nova engineering & environmental (nova engineering & environmental) Time and date of submitting: Sep 8 2021 10:16:55 AM
 - Nelson Engineering Co (Nelson Engineering Co) Time and date of submitting: Sep 8 2021 1:01:44 PM
 - Roth IAMS LLC (Roth IAMS LLC) Time and date of submitting: Sep 8 2021 12:11:21 PM
 - ISES Corporation (ISES Corporation) Time and date of submitting: Sep 8 2021 1:52:25 PM
 - O&S Associates, Inc. (O&S Associates, Inc.) Time and date of submitting: Sep 8 2021 11:58:48 AM
 - GFA International, Inc. (GFA International, Inc.) Time and date of submitting: Sep 8 2021 8:45:17 AM
 - GLE Associates, Inc. (GLE Associates, Inc.) Time and date of submitting: Sep 8 2021 1:55:14 PM
 - OCI Associates, Inc (OCI Associates, Inc) Time and date of submitting: Sep 8 2021 1:45:31 PM
 - Bureau Veritas Technical Assessments LLC (Bureau Veritas Technical Assessments LLC) Time and date of submitting: Sep 7 2021 4:56:19 PM
 - EXP US Services Inc. (EXP US Services Inc.) Time and date of submitting: Sep 8 2021 10:04:56 AM
- **Evaluation** (Number of offers in phase: 10)
 - nova engineering & environmental (nova engineering & environmental)
 - Nelson Engineering Co (Nelson Engineering Co)

- Roth IAMS LLC (Roth IAMS LLC)
- ISES Corporation (ISES Corporation)
- O&S Associates, Inc. (O&S Associates, Inc.)
- GFA International, Inc. (GFA International, Inc.)
- GLE Associates, Inc. (GLE Associates, Inc.)
- OCI Associates, Inc (OCI Associates, Inc)
- Bureau Veritas Technical Assessments LLC (Bureau Veritas Technical Assessments LLC)
- EXP US Services Inc. (EXP US Services Inc.)
- **Awarding** (Number of offers in phase: 1)
 - Nelson Engineering Co (Nelson Engineering Co)

Schedule

Name	Type	Start date	End date	Responsible person
Creation date	Date	Jul 23 2021 1:33 PM	—	Solicitations Palm Beach
Preparation	Phase	Jul 23 2021 1:33 PM	Aug 6 2021 8:00 AM	
Offer phase	Phase	Aug 6 2021 8:00 AM	Sep 8 2021 2:00 PM	
Pre-proposal Meeting	Date	Aug 19 2021 1:30 PM	—	
Evaluation	Phase	Sep 8 2021 2:00 PM	Oct 12 2021 7:00 AM	
Award phase	Date	Oct 12 2021 7:00 AM	—	

Results

- **Offer phase** (Aug 6 2021 - Sep 8 2021)

Result									
Rank	Name	Knockouts	unanswered question(s)	Uploads missed	Incomplete evaluations	Unanswered buyer questions	Price	Quality score	Phase
1	Nelson Engineering Co	—	—	—	—	—	—	76.17%	Yes
2	Roth IAMS LLC	—	—	3	—	—	—	70%	Yes
3	ISES Corporation	—	—	1	—	—	—	69.5%	Yes
4	GLE Associates, Inc.	—	—	2	—	—	—	69%	Yes
5	OCI Associates, Inc	—	—	2	—	—	—	68.33%	Yes
6	nova engineering & environmental	—	—	3	—	—	—	67.83%	Yes
7	Bureau Veritas Technical Assessments LLC	—	—	1	—	—	—	66.67%	Yes
8	EXP US Services Inc.	—	—	—	—	—	—	66%	Yes
9	O&S Associates, Inc.	—	—	2	—	—	—	61.5%	Yes
10	GFA International, Inc.	—	—	2	—	—	—	57.5%	Yes

• Evaluation

Result

Rank	Name	Knockouts	unanswered question(s)	Uploads missed	Incomplete evaluations	Unanswered buyer questions	Price	Quality score	Phase
1	Nelson Engineering Co	-	-	-	-	-	—	76.17%	Yes
2	Roth IAMS LLC	-	-	3	-	-	—	70%	No
3	ISES Corporation	-	-	1	-	-	—	69.5%	No
4	GLE Associates, Inc.	-	-	2	-	-	—	69%	No
5	OCI Associates, Inc	-	-	2	-	-	—	68.33%	No
6	nova engineering & environmental	-	-	3	-	-	—	67.83%	No
7	Bureau Veritas Technical Assessments LLC	-	-	1	-	-	—	66.67%	No
8	EXP US Services Inc.	-	-	-	-	-	—	66%	No
9	O&S Associates, Inc.	-	-	2	-	-	—	61.5%	No
10	GFA International, Inc.	-	-	2	-	-	—	57.5%	No

• Awarding

Result

Rank	Name	Knockouts	unanswered question(s)	Uploads missed	Incomplete evaluations	Unanswered buyer questions	Price	Quality score
1	Nelson Engineering Co	-	-	-	-	-	—	76.17%

Contracts

There are no contracts added

Comments

No comments

All evaluations 7703 RFQ No.2021-27 Professional Engineering Services for Town of Palm Beach Facilities Assessment
Phase: Offer phase (Closed for suppliers)

1. SOLICITATION PACKAGE DOCUMENTS & EVALUATION FACTORS

1.1. SOLICITATION PACKAGE DOCUMENTS

1.1.4. INTENT LETTER

Please upload you company intent letter executed by person that has the authority to sign the contract on behalf of your company. Please include a statement of your understanding of the scope, and its requirements.

Evaluation method: Yes / No
Worst: No
Best: Yes

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

Comments.

GFA International, Inc.

Solicitations Palm Beach	Word.doc
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Summarizing comment

EXP US Services Inc.

Solicitations Palm Beach	Uploaded their entire proposal
--------------------------	--------------------------------

Summarizing comment

1.2. SUPPLIER RESPONSE & ACKNOWLEDGEMENTS

1.2.1. PRIMARY CONTACT

Please provide information regarding who may be contacted regarding this proposal using

Evaluation method: Yes / No
Worst: No

Best: Yes

Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
OCI Associates, Inc.					
Solicitations Palm Beach (100%)	Yes	Yes	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Score	0%	0%	0%	0%	0%

Comments.

Summarizing comment

Evaluation method: Yes / No

Worst: No

Best: Yes

	Yes	Yes	Yes	Yes	Yes	Yes
Solicitations Palm Beach (100%)						
Score	0%	0%	0%	0%	0%	0%

	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
Comments.					
Bureau Veritas Technical Assessments LLC					
Solicitations Palm Beach	Not signed nor dated				
Summarizing comment					

1.2.4. PROJECT REFERENCES

Provide at least five (5) business references, from which all should be related to this scope of work, preferably of public or government type agencies within three (3) years. You may use the provided fillable PDF form or upload your own document which must contain at a minimum the information requested on the Town provided form.

A referenced person(s) must be someone who has personal knowledge of the Proposer's performance. The referenced person must have been informed that they are being used as a reference and that the Town may check references.

Evaluation method: Yes / No
Worst: No
Best: Yes

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
Comments.					
GFA International, Inc.					
Solicitations Palm Beach	Town of Palm Beach is listed, but only AP contact info. is given. No contact email listed for PBC. No dates listed for WPB or School District of PBC.				
Summarizing comment					

O&S Associates, Inc.	Solicitations Palm Beach	No Amount listed for MedXcel	Summarizing comment
	EXP US Services Inc.	Uploaded the same complete proposal that was uploaded for 1.1.4. INTENT LETTER	

1.2.5. BIDDERS' QUALIFICATION

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

Evaluation method: Yes / No
Worst: No
Best: Yes

Solicitations Palm Beach (100%)	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Score	Yes	Yes	Yes	Yes	Yes
	0%	0%	0%	0%	0%
Solicitations Palm Beach (100%)	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

Comments.

EXP US Services Inc.

Solicitations Palm Beach

Uploaded the same complete proposal that was uploaded for 1.1.4. INTENT LETTER and 1.2.4. PROJECT REFERENCES

Summarizing comment

1.2.8. DRUG - FREE WORKPLACE CERTIFICATION

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

Evaluation method: Yes / No
Worst: No
Best: Yes

Solicitations Palm Beach (100%)	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
	Yes	Yes	Yes	Yes	Yes

Score	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

1.2.10. TRUTH IN NEGOTIATIONS

Please submit a truth in negotiations form by using attached fillable PDF form.

Evaluation method: Yes / No
Worst: No
Best: Yes

Score	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

Score	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

1.2.13. E-VERIFY

Proposer warrants and represents that it is in compliance with section 448.095, Florida Statutes, as may be amended, and that it: (1) is registered with the E-Verify System (E-Verify.gov), and beginning January 1, 2021, uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers; and (2) has verified that all its proposer workers, subcontractors performing the duties and obligations of this CONTRACT are registered with the E-Verify System, and beginning January 1, 2021, uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers.

Please select "Yes" to confirm acceptance of this term and sign the attached form and resubmit.

Evaluation method: Yes / No
Worst: No
Best: Yes

Solicitations Palm Beach (100%)	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
Solicitations Palm Beach (100%)	OCI Associates, Inc.	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

1.2.14. MINIMUM QUALIFICATIONS

Proposer shall provide adequate information with its proposal to demonstrate that it satisfies the following minimum as set forth below. The Town will consider what types of experience the Proposer has when making a determination of award. All decisions of the Town are final.

Proposer, with its proposal, must demonstrate successful performance and relevant experience and qualifications with respect to projects comparable in type, size, complexity, and scheduling as provided for in these solicitations documents. The Bidder shall have a minimum of five (5) years experience with municipal or commercial contracts. Please provide following:

Name of Project
 Name of Owner and Project Locations
 Description of Project
 List elements of the project:
 Contact name, telephone number, fax number, email address
 Project duration including start and end dates
 Description of any change orders (time, money, etc.)
 List of subcontractors that you have utilized

Note: Please upload one (1) minimum qualification form per project completed.
 Documents:
 Note: Please upload documentation for above requirements.

Solicitations Palm Beach (100%)	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

Evaluation method: Yes / No
 Worst: No
 Best: Yes

	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
Comments.					
GFA International, Inc.					
Solicitations Palm Beach	Projects did not include any detail of the service provided and were not comparable in terms of size/scope, with the exception of Miami International Airport. Revised: Allowed based on references; the projects listed on the reference form is sufficient to demonstrate minimum qualifications.				
Summarizing comment					
O&S Associates, Inc.					
Solicitations Palm Beach	City of Jersey City project is not relevant to scope. Other 2 projects are applicable and meet the requirements.				
Summarizing comment					
Roth IAMS LLC					
Solicitations Palm Beach	Canadian sister company has demonstrated qualifications.				
Summarizing comment					
EXP US Services Inc.					
Solicitations Palm Beach	Uploaded the same complete proposal that was uploaded for 1.1.4. INTENT LETTER, 1.2.4. PROJECT REFERENCES and 1.2.5. BIDDERS' QUALIFICATION				
Summarizing comment					

1.3. EVALUATION FACTORS

1.3.1. Experience of Firm / Past Performance

Please provide following information by uploading a document(s):
 Company Credentials
 Current Related Projects
 Completed Governmental and/or Commercial Projects related to this scope
 Schedule/Budget Compliance of Previous Work
 Understanding of the Town's needs

Note: weight of this criteria is 35 points

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Paul Colby (33.33%)	2.5	3.5	3.5	3	4

Evaluation method: Value

Worst: 0

Best: 5

Unit: Points

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Brett Madison (33.33%)	3	3	3	4	3
Mike Roach (33.33%)	2.5	2.5	3.5	3.5	3
Score	18.67%	21%	23.33%	24.5%	23.33%
Comments.					
GFA International, Inc.					
Paul Colby (33.33%)	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
	4	3.5	4.5	4	3.5
Brett Madison (33.33%)	3	3	3.5	3	4
Mike Roach (33.33%)	2.5	4	3.5	3	3
Score	22.17%	24.5%	26.83%	23.33%	24.5%
Summarizing comment					
GFA International, Inc.					
Paul Colby	Name states GFA international but proposal name is Universal Engineering services. Local office (Delray). Seems to have limited facility assessment exp. or did not show in proposal				
Mike Roach	Very little detail, showing they understand the Town's needs. Reference projects had no description of the scope of services.				
Summarizing comment					
O&S Associates, Inc.					
Paul Colby	Good Exp. Only one project in Florida recent exp in Fla. Is an apartment complex.				
Mike Roach	Did not really highlight the Town's needs. Although the company may have the experience, the projects provided were renovation/ upgrades services.				
Summarizing comment					
nova engineering & environmental					
Paul Colby	Good recent project experience				
Mike Roach	Projects presented are only from last six months. Consultant appears to have knowledge of the Town's asks. Did not see how often they do these PCA.				
Summarizing comment					

Bureau Veritas Technical Assessments LLC	Paul Colby	Good past performance and exp. of company but seems limited to structural assessments	Summarizing comment
	Mike Roach	35 Year old Company. Pretty detailed in their approach. As evaluations could include curb, pavement, landscape, to towers, lifts etc, but had some exceptions, like does not look above ceiling tile. Like that they wanted to do one building as pilot program and work from there.	
GLE Associates, Inc.	Paul Colby	Several ongoing facility assessment projects	Summarizing comment
	Mike Roach	Submitted appears to show a list of projects with similar scopes of services to that of the RFQ. Did not see any additional background of the company or how they plan to approach the project.	
OCI Associates, Inc	Paul Colby	Good recent and past exp.	Summarizing comment
	Mike Roach	Listed Lots of Projects, but could not see how most related to the RFQ. The one project they highlighted at the end is a Airfield in San Fran. Not sure the size of the company or resources. they apparently will have 3 sub consultants working with them	
Roth IAMS LLC	Paul Colby	Asset management planning same as what we are asking. Unclear of their Exp. is consistent with our needs	Summarizing comment
	Mike Roach	Appear to be a company that specializes in Property Condition Assessment. They had a detailed approach to each element of the assessment. Also addressed some what,ifs. Most to all of the projects they referenced for experience were out of state. Surprisingly they have a St Pete Office.	
Nelson Engineering Co	Paul Colby	Impressive exp.	Summarizing comment
	Mike Roach	References and scopes of services provided show the consultant has an understanding of the Town's needs. They also highlight challenges they encountered and how they worked through them. Highlight the multi Discipline inspections and vast services they can offer.	
ISES Corporation	Paul Colby	Great exp. in proposal. Wished they shared data sheets for a few 'related' projects to see current scope provided.	Summarizing comment
	Mike Roach	Company appears to do a lot of Facilities Condition Assessment (FCA), but I did not really see any detail that highlights what that is. Does that FCA include Mechanical, Electrical, Structural, plumbing etc, what is the approach.	

EXP US Services Inc.

Paul Colby	Good recent project experience
Mike Roach	Local Firm. Also has recourses to reach out to in it's 3500 employees 90 offices to include it's own testing lab. Would like to have seen more on how they plan to approach the building evaluation, and provide deliverables.

Summarizing comment

1.3.2. Experience / Ability of Personnel

Please attach detailed requirements, but not limited to:
Organizational Chart
Management's Credentials
Project Personnel Resumes assigned to the Town, including subconsultants if any
High quality level of services to be provided to Town

Evaluation method: Value
Worst: 0
Best: 5
Unit: Points

Note: weight of this criteria is 35 points

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Paul Colby (33.33%)	2.5	2.5	3.5	3	4
Brett Madison (33.33%)	3	3.5	3.5	3.5	3
Mike Roach (33.33%)	3	3	3.5	3	4
Score	19.83%	21%	24.5%	22.17%	25.67%
Paul Colby (33.33%)	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Brett Madison (33.33%)	4	3.5	3.5	4	3
Brett Madison (33.33%)	4	3.5	4	3.5	4
Mike Roach (33.33%)	3	3.5	4	3.5	3.5
Score	25.67%	24.5%	26.83%	25.67%	24.5%
Comments.					

GFA International, Inc.	Paul Colby	WPB Rep. has not performed scope (per resume) entire team seems to be lacking or not provided facility assessment exp. - portions of scope but not entire building assessments.	Summarizing comment
	Mike Roach	No MEP in Org Chart. Those listed are project team is detailed for Structural, Geotechnical, and materials.	
O&S Associates, Inc.	Paul Colby	Lots of housing authority exp. seems to ha limited facility assessment exp for municipal buildings.	Summarizing comment
	Mike Roach	Lots of experience, ranged from 20+ to 40. not sure what office they all work out of. Noted only one with any really Florida experience.	
nova engineering & environmental	Paul Colby	Good team exp.	Summarizing comment
	Mike Roach	Personnel looks to be qualified. Would like to see more related to their approach. Also would like to see more details to the scopes or task on the project Resumes of each team memeber.	
Bureau Veritas Technical Assessments LLC	Paul Colby	Good team provided, Exp. of firm is older	Summarizing comment
	Mike Roach	Not a lot of detail on the Org chart or for the resumes of the proposed project team.	
GLE Associates, Inc.	Paul Colby	Strong team with relevant exp.	Summarizing comment
	Mike Roach	Project team presented had a good detailed resume documenting Facilities Assessment. This section the provided the companies methodology/approach in detail which could have been attached to first section.	
OCI Associates, Inc	Paul Colby	Strong team with relevant exp.	Summarizing comment
	Mike Roach	Project team appears to be very well versed. Did not see any real focus on Facility assessment.	
Roth IAMS LLC	Paul Colby	Good team, good project exp.	Summarizing comment
	Mike Roach	Project team looks to be well versed. Did not see much experience if any with Florida or coastal. Also not sure where the team is based out of, as Roth has an office in St Pete.	

Nelson Engineering Co		Summarizing comment	
Paul Colby	Good team exp.		
Mike Roach	Org Chart recognizes Multi Disciplines. Project team appears to be well versed in the Facilities Assessment. Appears Project team highlights multi programs to help facility the assessments		
ISES Corporation		Summarizing comment	
Paul Colby	Strong team with relevant exp.		
Mike Roach	Project team apparently have 120+ years total in Facilities Condition Assessment. Mostly outside of the state of Florida. Did not really see any detail as to the scopes of the FCA for the various sites.		
EXP US Services Inc.		Summarizing comment	
Paul Colby	Good Exp, but more on the new building and structural side		
Mike Roach	Org Chart and proposed project team was detailed showing a lot of experience in structural and civil. Would have one sub for MEP.		

1.3.3. Financial Information

- Financial resources and capabilities information: An indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project should be included in the response
- Evidence of insurance capability
- Present and future litigation or dispute and resolutions

Note: Town will reserve the right to request from short listed firms Dun & Bradstreet report or Financial Statement certified or reviewed by a CPA

Note: weight of the criteria is 15 points

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.	
Paul Colby (33.33%)	3.5	3.5	3.5	3.5	3.5	
Brett Madison (33.33%)	3.5	3.5	3.5	3.5	3.5	
Mike Roach (33.33%)	3.5	3.5	3.5	3.5	3.5	
Score	10.5%	10.5%	10.5%	10.5%	10.5%	
	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.	
Paul Colby (33.33%)	3.5	3.5	3.5	3.5	3.5	

Evaluation method: Value
Worst: 0
Best: 5
Unit:

	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Brett Madison (33.33%)	3.5	3.5	3.5	3.5	3.5
Mike Roach (33.33%)	3.5	3.5	3.5	3.5	3.5
Score	10.5%	10.5%	10.5%	10.5%	10.5%
Comments.					
GFA International, Inc.					
	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche			
	Brett Madison	Evaluation provided by Jane LeClainche			
	Mike Roach	Evaluation provided by Jane LeClainche			
O&S Associates, Inc.					
	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche			
	Brett Madison	Evaluation provided by Jane LeClainche			
	Mike Roach	Evaluation provided by Jane LeClainche			
nova engineering & environmental					
	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche			
	Brett Madison	Evaluation provided by Jane LeClainche			
	Mike Roach	Evaluation provided by Jane LeClainche			
Bureau Veritas Technical Assessments LLC					
	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche			
	Brett Madison	Evaluation provided by Jane LeClainche			
	Mike Roach	Evaluation provided by Jane LeClainche			
GLE Associates, Inc.					
	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche			
	Brett Madison	Evaluation provided by Jane LeClainche			
	Mike Roach	Evaluation provided by Jane LeClainche			

Summarizing comment

Summarizing comment

Summarizing comment

Summarizing comment

Summarizing comment

OCI Associates, Inc	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche	Summarizing comment
	Brett Madison	Evaluation provided by Jane LeClainche	
	Mike Roach	Evaluation provided by Jane LeClainche	
Roth IAMS LLC	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche	Summarizing comment
	Brett Madison	Evaluation provided by Jane LeClainche	
	Mike Roach	Evaluation provided by Jane LeClainche	
Nelson Engineering Co	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche	Summarizing comment
	Brett Madison	Evaluation provided by Jane LeClainche	
	Mike Roach	Evaluation provided by Jane LeClainche	
ISES Corporation	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche	Summarizing comment
	Brett Madison	Evaluation provided by Jane LeClainche	
	Mike Roach	Evaluation provided by Jane LeClainche	
EXP US Services Inc.	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche	Summarizing comment
	Brett Madison	Evaluation provided by Jane LeClainche	
	Mike Roach	Evaluation provided by Jane LeClainche	
1.3.4. Workload and Scheduling Over-all workload of the company Project scheduling ability/timely completion of work Schedule to accommodate this project Applicability of the services offered			Evaluation method: Value Worst: 0 Best: 5 Unit:

Note: weight of this criteria is 15 points

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Paul Colby (33.33%)	3	2.5	3	3	3.5
Brett Madison (33.33%)	3	3	3	3.5	3
Mike Roach (33.33%)	2.5	3.5	3.5	3	3
Score	8.5%	9%	9.5%	9.5%	9.5%
	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Paul Colby (33.33%)	3.5	3.5	4	3	1
Brett Madison (33.33%)	4	3	3.5	3	3
Mike Roach (33.33%)	2.5	4	4.5	4	2.5
Score	10%	10.5%	12%	10%	6.5%
Comments.					
GFA International, Inc.					
Paul Colby	6 week timeframe - large 20/21 workload, no 2022 workload projects listed.				
Mike Roach	Did not see any workload or proposed project schedule. Info in this section should have been incorporated into the first section of experience.				
O&S Associates, Inc.					
Paul Colby	No defined workload or schedule - seems like boilerplate info.				
Mike Roach	Did not see how the work will impact their workload. Also did not see any type of schedule to us an understanding of length of time to perofrm. however their approach to the project and how they plan set up that scheduled seem detailed				
Summarizing comment					
Summarizing comment					

nova engineering & environmental	Paul Colby	Workload seems to work well with their existing clients, could not locate project schedule	Summarizing comment
	Mike Roach	they state they could meet the workload has they have a few projects wrapping up. Work appears to be directed out of their Ft lauderdale office. Not sure who on the project team listed is actually from that office. Did not see a schedule or outline of what they entail how long the work will take.	
Bureau Veritas Technical Assessments LLC	Paul Colby	Workload seems reasonable , no schedule provided.	Summarizing comment
	Mike Roach	Approximately 1 year to evaluate and provide final deliverable, which appears to be similar to the projects they provided as reference. Work load is available.	
GLE Associates, Inc.	Paul Colby	Workload seems to work well with their existing clients - no schedule provided	Summarizing comment
	Mike Roach	Workload and schedule appear to be combined. Little confusing. Expand on the 5 step Methodology schedule wise.	
OCI Associates, Inc	Paul Colby	60 to 90 day schedule. moderate workload	Summarizing comment
	Mike Roach	It appears a lot of the referenced project as experience are still being worked per their workload. Would like to have seen a more clear approach as to how the schedule will be laid out and the project delivered.	
Roth IAMS LLC	Paul Colby	December 30, 2021 end date of project??	Summarizing comment
	Mike Roach	Consultant projected a 2 person team for the work. And estimated the work would take approximately 2.5 months per the provided schedule. They feel this would not impact their workload.	
Nelson Engineering Co	Paul Colby	approx. 90 day schedule, existing workload seems acceptable, good approach	Summarizing comment
	Mike Roach	Consultant had a detail plan to their workload along with a detail plan to how they would approach the schedule. The schedule the provided estimated 6 months.	
ISES Corporation	Paul Colby	16 week schedule - and can accommodate the Towns 16 buildings.	Summarizing comment
	Mike Roach	Their work load providing FCA is typically 1500-2000 building and the town would only be adding approximately 16. They estimate the the FCA to take 16 weeks.	

EXP US Services Inc.

Paul Colby Could not locate workload or schedule

Mike Roach Did not see workload or project scheduling. Most of the reference showed they could do inspections or had the knowledge too

Summarizing comment

Report generated: Nov 12 2021 2:05 PM

RFQ No. 2021-27 Professional Engineering Services for Town of Palm Beach Facilities Assessment									
Summary of Ordinal Scoring									
Companies									
Selection Committee	Bureau Veritas Technical Assessments LLC	EXP US Services Inc.	GLE Associates, Inc.	ISES Corporation	Nelson Engineering Co	nova engineering & environmental	OCI Associates, Inc	Roth IAMS LLC	
Brett Madison	1	4	6	7	2	5	8	3	
Mike Roach	2	4	5	7	1	6	8	3	
Paul Colby	2	4	8	7	1	5	6	3	
TOTAL	5	12	19	21	4	16	22	9	
Date: 10-19-2021	(2)	(4)	(6)	(7)	(1)	(5)	(8)	(3)	
Witness: 									

NOTE: The lowest score is the highest ranked company etc.

November 8, 2021

Town of Palm Beach
Attn: Ryan Canterbury, Senior Buyer
360 South County Road
Palm Beach, FL 33480

RE: RFQ NO. 2021-27 PROFESSIONAL ENGINEERING SERVICES FOR TOWN OF PALM BEACH FACILITIES ASSESSMENT

Dear Mr. Canterbury,

Nelson Engineering Co.'s (Nelson) is pleased to be selected as the most highly rated firm by the Town of Palm Beach. Please see Table 1 for our firm fixed price quote for performing the tasks stated in the Facilities Assessment Statement of Work provided with RFQ No. 2021-27. Detailed labor and travel costs are provided in Tables 2 and 3, and detailed task descriptions are provided in Table 4 on the following pages.

Table 1. Fixed Price Quote Summary

Category	Cost
Labor Sub-total	\$70,366.39
Travel Sub-total	\$5,848.89
Total Fixed Cost	\$76,215.28

Labor rates are based on our General Services Administration (GSA) Multiple Award Schedule, Contract Number GS-00F-324CA. All deliverables will be electronic and will allow meeting the schedule agreed upon between Town of Palm Beach and Nelson.

Assumptions/limitations:

- This quote is based on at least a six-month period of performance. A shorter timeframe or expedited travel requests will incur additional costs.
- Travel costs are based on a three-person assessment team performing inspections over a consecutive five-day period.
- The assessment team includes (1) Senior Engineer Specialist and (2) Engineers.
- Travel costs are not included for any other team member.
- All facilities will be accessible during a single mobilization.
- Roofs are readily accessible and do not require special equipment or fall protection gear.
- The Town of Palm Beach will accommodate schedule relief due to unforeseen and uncontrollable circumstances (i.e., severe weather, security impacts, and access limitations).

Please contact me if you need additional information or have any questions. Thank you for this opportunity. This proposal is valid for 60 days.

Sincerely,



John Carroll, P.E.
Director of Capital Asset Management

Table 2. Detailed Labor Costs

#	Task	Senior Engineer Specialist (Hours)	Engineer (Hours)	Cost Estimator (Hours)	Total Hours
1	Project Management	42.00			42.00
2	Trip Prep and Historical Data Review	8.00	16.00		24.00
3	Perform On-site Inspections/ Identify Physical Deficiencies	40.00	80.00		120.00
4	Populate Database with Deficiencies	40.00	80.00		120.00
5	Calculate Cost Estimates	24.00	32.00	32.00	88.00
6	Develop Annual Maintenance Plan	12.00	24.00		36.00
7	Develop Capital Improvement Program	20.00	40.00		60.00
8	Perform Quality Assurance		24.00		24.00
9	Develop Draft Report	16.00	32.00		48.00
10	Develop Final Report	8.00	16.00		24.00
11	Miscellaneous Meetings/Tasks	16.00	32.00		48.00
	Sub-total Hours	226.00	376.00	32.00	634.00
	GSA FY22 Labor Rate	\$130.53	\$98.83	\$115.83 ¹	
	Sub-total Labor Costs	\$29,499.78	\$37,160.08	\$3,706.53	
	Total Labor Cost	\$70,366.39			

Table 3. Detailed Travel Costs

Description	Unit	Unit Rate	Quantity	# of People	Sub-Total
GSA Lodging Rate	Night/Per Person	\$205.00	5	3	\$3,075.00
Lodging Taxes	Night/Per Person	\$30.75	5	3	\$461.25
GSA Per Diem Rate	Full Day/Per Person	\$69.00	4	3	\$828.00
GSA First & Last Day of Travel	Partial Day/Per Person	\$51.75	2	3	\$310.50
Rental Car (Enterprise Standard)	Per Week	\$552.42	1		\$552.42
Rental Car Gas	Per Day	\$15.00	6		\$90.00
Sub-total Travel					\$5,317.17
Travel Overhead (10%)					\$531.72
Total Travel Costs					\$5,848.89

¹ Nelson's GSA schedule does not include a Cost Estimator labor category. This rate is based on the labor rate used on similar federal projects.

Table 4. Detailed Task Description

#	Task	Description	Basis
1	Project Management	Provide overall project oversight to ensure project success, provide technical guidance to team, and act as primary interface with the Town of Palm Beach.	7% of overall project hours
2	Trip Prep and Historical Data Review	Prepare for trip by interviewing facility managers and reviewing client-provided data, such as drawings, work order reports, and previous studies. Includes travel coordination.	8 hours per Assessor
3	Perform On-site Inspections	Inspect all Town facilities over a consecutive 5-day period. Document deficiencies and major building systems using photographs and detailed notes.	1 week site inspection = 40 hours per Assessor
4	Populate Database with Deficiencies	Time allotted to document deficiencies, attach photographs, and recommend corrective actions in the Microsoft Access Database. Also includes time for each assessor to perform a self-review.	1 to 1 ratio with site visit = 40 hours per Assessor
5	Calculate Cost Estimates	Develop rough order of magnitude (ROM) cost estimates based on the data gathered during the site assessment and using the industry accepted construction cost estimating software program CostWorks by RSMeans.	Assumes approx. 300 cost estimates.
6	Develop Corrective Maintenance Plan	Assign severity and urgency rankings for each deficiency identified. Use rankings to develop a prioritized list of annual corrective maintenance over a five-year window.	12 hours per Assessor
7	Develop Capital Improvement Program	Estimate remaining useful life of major building systems and recommend replacements with estimated costs over a ten-year planning window.	20 hours per Assessor
8	Perform Quality Assurance	Review assessment data to ensure data is complete and accurate. Perform an overall data quality check across each system discipline to validate accurate data entry, including cross referencing interview notes, field notes, and site photographs.	20% of Data Entry Time
9	Develop Draft Report	The draft report contains the data collection, analyses, and assessment results, including details on all deficiencies identified, the 5-year Corrective Maintenance Plan, and the 10-year Capital Improvement Program. The draft report is submitted to the Town of Palm Beach for review and a meeting is scheduled after a review period to discuss stakeholder comments and feedback.	16 hours per Assessor
10	Develop Final Report	The final report incorporates comments and feedback received on draft report.	8 hours per Assessor
11	Miscellaneous Meetings/Tasks	Project tasks not accounted for above such as attending meetings, conducting phone calls/interviews, and conducting research. Also covers general project tasks such as daily timesheet reporting, updating project manager, and team coordination.	Assumes 4 meetings lasting 2 hours each plus 8 hours for general project tasks per Assessor.

7703 RFQ No.2021-27 Professional Engineering Services for Town of Palm Beach Facilities Assessment

Award phase

Compare & Select

Offer phase (10)

Evaluation (10)

Awarding (1)

10 of 10 Complete offers

24 Questions

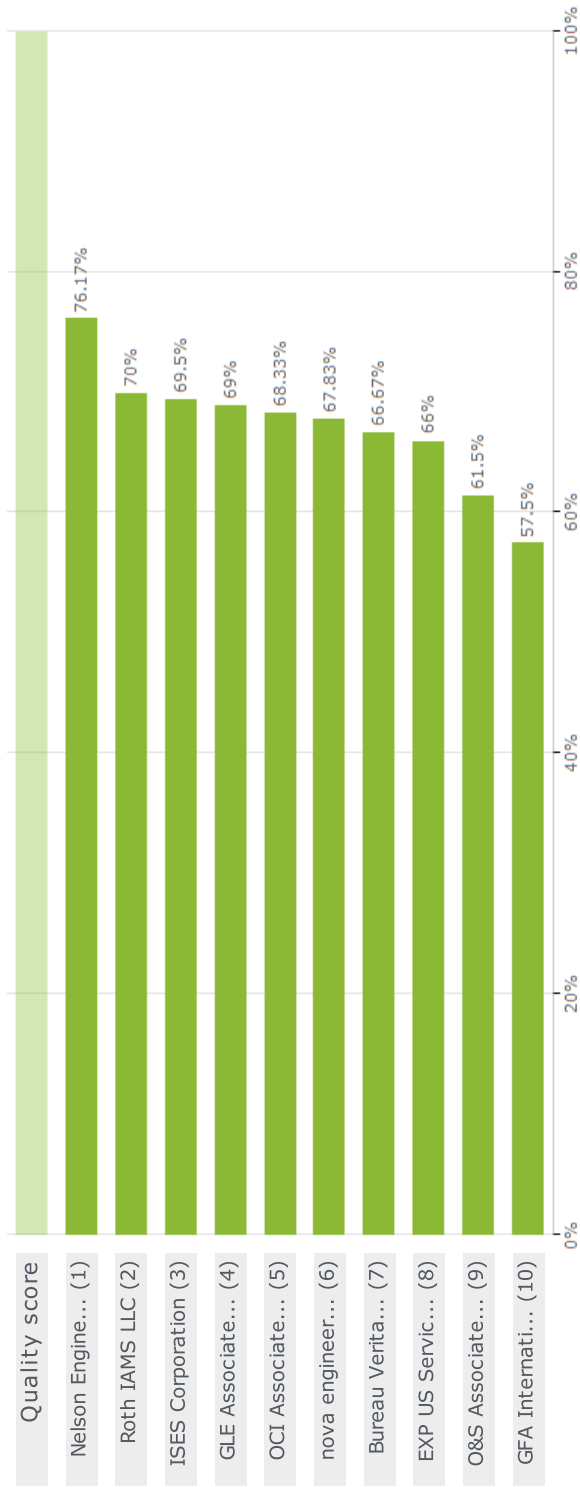
Comparison table

Sort by: Rank

Offers/Applications	Rank	Knockouts of 23	unanswered question(s) of 24	Uploads missed of 20	Incomplete evaluations of 13	Quality score	Phase
Nelson Engineering Co Nelson Engineering Co Sep 8 2021 1:01:44 PM	1	-	-	-	-	76.17%	Awarding
Roth IAMS LLC Roth IAMS LLC Sep 8 2021 12:11:21 PM	2	-	-	3	-	70%	Evaluation
ISES Corporation ISES Corporation Sep 8 2021 1:52:25 PM	3	-	-	1	-	69.5%	Evaluation
GLE Associates, Inc. GLE Associates, Inc. Sep 8 2021 1:55:14 PM	4	-	-	2	-	69%	Evaluation
OCI Associates, Inc OCI Associates, Inc Sep 8 2021 1:45:31 PM	5	-	-	2	-	68.33%	Evaluation
nova engineering & environmental nova engineering & environmental Sep 8 2021 10:16:55 AM	6	-	-	3	-	67.83%	Evaluation
Bureau Veritas Technical Assessments LLC Bureau Veritas Technical Assessments LLC Sep 7 2021 4:56:19 PM	7	-	-	1	-	66.67%	Evaluation
EXP US Services Inc. EXP US Services Inc. Sep 8 2021 10:04:56 AM	8	-	-	-	-	66%	Evaluation
O&S Associates, Inc. O&S Associates, Inc. Sep 8 2021 11:58:48 AM	9	-	-	2	-	61.5%	Evaluation
GFA International, Inc. GFA International, Inc. Sep 8 2021 8:45:17 AM	10	-	-	2	-	57.5%	Evaluation

Compare by: ☒ Question groups ☐ Questions

Sort by: Rank



Question groups:

- ☒ 1.1. SOLICITATION PACKAGE DOCUMENTS (0%)
- ☒ 1.2. SUPPLIER RESPONSE & ACKNOWLEDGEMENTS (0%)
- ☒ 1.3. EVALUATION FACTORS (100%)
- ☒ 1.4. ADDENDUM - If issued will be posted here. (0%)

All evaluations 7703 RFQ No.2021-27 Professional Engineering Services for Town of Palm Beach Facilities Assessment
Phase: Offer phase (Closed for suppliers)

1. SOLICITATION PACKAGE DOCUMENTS & EVALUATION FACTORS

1.1. SOLICITATION PACKAGE DOCUMENTS

1.1.4. INTENT LETTER

Please upload you company intent letter executed by person that has the authority to sign the contract on behalf of your company. Please include a statement of your understanding of the scope, and its requirements.

Evaluation method: Yes / No
Worst: No
Best: Yes

GFA International, Inc. O&S Associates, Inc. nova engineering & environmental Bureau Veritas Technical Assessments LLC GLE Associates, Inc.

Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

OCI Associates, Inc. Roth IAMS LLC Nelson Engineering Co ISES Corporation EXP US Services Inc.

Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

Comments.

GFA International, Inc.

Solicitations Palm Beach	Word.doc
--------------------------	----------

Summarizing comment

EXP US Services Inc.

Solicitations Palm Beach	Uploaded their entire proposal
--------------------------	--------------------------------

Summarizing comment

1.2. SUPPLIER RESPONSE & ACKNOWLEDGEMENTS

1.2.1. PRIMARY CONTACT

Please provide information regarding who may be contacted regarding this proposal using

Evaluation method: Yes / No
Worst: No

Best: Yes

1.2.3. SUB CONTRACTORS

Please list or upload the subcontractors that you will use on this contract. Please include the Subcontractor name, address and the amount of years you have used each subcontractor. Bidders using their own forces for the work will need to enter 'My

Evaluation method: Yes / No
Worst: No
Best: Yes

Evaluation method: Yes / No

Worst: No
Best: Yes

	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
Comments.					
Bureau Veritas Technical Assessments LLC					
Solicitations Palm Beach	Not signed nor dated				
Summarizing comment					

1.2.4. PROJECT REFERENCES

Provide at least five (5) business references, from which all should be related to this scope of work, preferably of public or government type agencies within three (3) years. You may use the provided fillable PDF form or upload your own document which must contain at a minimum the information requested on the Town provided form.

A referenced person(s) must be someone who has personal knowledge of the Proposer's performance. The referenced person must have been informed that they are being used as a reference and that the Town may check references.

Evaluation method: Yes / No
Worst: No
Best: Yes

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
Comments.					
GFA International, Inc.					
Solicitations Palm Beach	Town of Palm Beach is listed, but only AP contact info. is given. No contact email listed for PBC. No dates listed for WPB or School District of PBC.				
Summarizing comment					

O&S Associates, Inc.	Solicitations Palm Beach	No Amount listed for MedXcel	Summarizing comment
	EXP US Services Inc.	Uploaded the same complete proposal that was uploaded for 1.1.4. INTENT LETTER	

1.2.5. BIDDERS' QUALIFICATION		Evaluation method: Yes / No Worst: No Best: Yes
Please respond to this question by submitting fillable PDF form attached.		

Solicitations Palm Beach (100%)	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Score	Yes	Yes	Yes	Yes	Yes
	0%	0%	0%	0%	0%
Solicitations Palm Beach (100%)	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Score	Yes	Yes	Yes	Yes	Yes
	0%	0%	0%	0%	0%

Comments.		Summarizing comment
EXP US Services Inc.	Uploaded the same complete proposal that was uploaded for 1.1.4. INTENT LETTER and 1.2.4. PROJECT REFERENCES	

1.2.8. DRUG - FREE WORKPLACE CERTIFICATION					
Please submit a drug free form by using attached fillable PDF form.					
	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes

Evaluation method: Yes / No

Worst: No

Best: Yes

Score	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

1.2.10. TRUTH IN NEGOTIATIONS

Please submit a truth in negotiations form by using attached fillable PDF form.

Evaluation method: Yes / No
Worst: No
Best: Yes

Score	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

Score	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

1.2.13. E-VERIFY

Proposer warrants and represents that it is in compliance with section 448.095, Florida Statutes, as may be amended, and that it: (1) is registered with the E-Verify System (E-Verify.gov), and beginning January 1, 2021, uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers; and (2) has verified that all its proposer workers, subcontractors performing the duties and obligations of this CONTRACT are registered with the E-Verify System, and beginning January 1, 2021, uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers.

Please select "Yes" to confirm acceptance of this term and sign the attached form and resubmit.

Evaluation method: Yes / No
Worst: No
Best: Yes

Solicitations Palm Beach (100%)	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
Solicitations Palm Beach (100%)	OCI Associates, Inc.	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

1.2.14. MINIMUM QUALIFICATIONS

Proposer shall provide adequate information with its proposal to demonstrate that it satisfies the following minimum as set forth below. The Town will consider what types of experience the Proposer has when making a determination of award. All decisions of the Town are final.

Proposer, with its proposal, must demonstrate successful performance and relevant experience and qualifications with respect to projects comparable in type, size, complexity, and scheduling as provided for in these solicitations documents. The Bidder shall have a minimum of five (5) years experience with municipal or commercial contracts. Please provide following:

Name of Project
 Name of Owner and Project Locations
 Description of Project
 List elements of the project:
 Contact name, telephone number, fax number, email address
 Project duration including start and end dates
 Description of any change orders (time, money, etc.)
 List of subcontractors that you have utilized

Note: Please upload one (1) minimum qualification form per project completed.

Documents:

Note: Please upload documentation for above requirements.

Solicitations Palm Beach (100%)	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%

Evaluation method: Yes / No

Worst: No

Best: Yes

	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Solicitations Palm Beach (100%)	Yes	Yes	Yes	Yes	Yes
Score	0%	0%	0%	0%	0%
Comments.					
GFA International, Inc.					
Solicitations Palm Beach	Projects did not include any detail of the service provided and were not comparable in terms of size/scope, with the exception of Miami International Airport. Revised: Allowed based on references; the projects listed on the reference form is sufficient to demonstrate minimum qualifications.				
Summarizing comment					
O&S Associates, Inc.					
Solicitations Palm Beach	City of Jersey City project is not relevant to scope. Other 2 projects are applicable and meet the requirements.				
Summarizing comment					
Roth IAMS LLC					
Solicitations Palm Beach	Canadian sister company has demonstrated qualifications.				
Summarizing comment					
EXP US Services Inc.					
Solicitations Palm Beach	Uploaded the same complete proposal that was uploaded for 1.1.4. INTENT LETTER, 1.2.4. PROJECT REFERENCES and 1.2.5. BIDDERS' QUALIFICATION				
Summarizing comment					

1.3. EVALUATION FACTORS

1.3.1. Experience of Firm / Past Performance

Please provide following information by uploading a document(s):
 Company Credentials
 Current Related Projects
 Completed Governmental and/or Commercial Projects related to this scope
 Schedule/Budget Compliance of Previous Work
 Understanding of the Town's needs

Note: weight of this criteria is 35 points

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Paul Colby (33.33%)	2.5	3.5	3.5	3	4

Evaluation method: Value

Worst: 0

Best: 5

Unit: Points

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Brett Madison (33.33%)	3	3	3	4	3
Mike Roach (33.33%)	2.5	2.5	3.5	3.5	3
Score	18.67%	21%	23.33%	24.5%	23.33%
Comments.					
GFA International, Inc.					
Paul Colby (33.33%)	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
	4	3.5	4.5	4	3.5
Brett Madison (33.33%)	3	3	3.5	3	4
Mike Roach (33.33%)	2.5	4	3.5	3	3
Score	22.17%	24.5%	26.83%	23.33%	24.5%
Summarizing comment					
GFA International, Inc.					
Paul Colby	Name states GFA international but proposal name is Universal Engineering services. Local office (Delray). Seems to have limited facility assessment exp. or did not show in proposal				
Mike Roach	Very little detail, showing they understand the Town's needs. Reference projects had no description of the scope of services.				
Summarizing comment					
O&S Associates, Inc.					
Paul Colby	Good Exp. Only one project in Florida recent exp in Fla. Is an apartment complex.				
Mike Roach	Did not really highlight the Town's needs. Although the company may have the experience, the projects provided were renovation/ upgrades services.				
Summarizing comment					
nova engineering & environmental					
Paul Colby	Good recent project experience				
Mike Roach	Projects presented are only from last six months. Consultant appears to have knowledge of the Town's asks. Did not see how often they do these PCA.				
Summarizing comment					

Bureau Veritas Technical Assessments LLC			Summarizing comment
Paul Colby	Good past performance and exp. of company but seems limited to structural assessments		
Mike Roach	35 Year old Company. Pretty detailed in their approach. As evaluations could include curb, pavement, landscape, to towers, lifts etc, but had some exceptions, like does not look above ceiling tile. Like that they wanted to do one building as pilot program and work from there.		
GLE Associates, Inc.			Summarizing comment
Paul Colby	Several ongoing facility assessment projects		
Mike Roach	Submitted appears to show a list of projects with similar scopes of services to that of the RFQ. Did not see any additional background of the company or how they plan to approach the project.		
OCI Associates, Inc			Summarizing comment
Paul Colby	Good recent and past exp.		
Mike Roach	Listed Lots of Projects, but could not see how most related to the RFQ. The one project they highlighted at the end is a Airfield in San Fran. Not sure the size of the company or resources. they apparently will have 3 sub consultants working with them		
Roth IAMS LLC			Summarizing comment
Paul Colby	Asset management planning same as what we are asking. Unclear of their Exp. is consistent with our needs		
Mike Roach	Appear to be a company that specializes in Property Condition Assessment. They had a detailed approach to each element of the assessment. Also addressed some what,ifs. Most to all of the projects they referenced for experience were out of state. Surprisingly they have a St Pete Office.		
Nelson Engineering Co			Summarizing comment
Paul Colby	Impressive exp.		
Mike Roach	References and scopes of services provided show the consultant has an understanding of the Town's needs. They also highlight challenges they encountered and how they worked through them. Highlight the multi Discipline inspections and vast services they can offer.		
ISES Corporation			Summarizing comment
Paul Colby	Great exp. in proposal. Wished they shared data sheets for a few 'related' projects to see current scope provided.		
Mike Roach	Company appears to do a lot of Facilities Condition Assessment (FCA), but I did not really see any detail that highlights what that is. Does that FCA include Mechanical, Electrical, Structural, plumbing etc, what is the approach.		

EXP US Services Inc.

Paul Colby	Good recent project experience
Mike Roach	Local Firm. Also has recourses to reach out to in it's 3500 employees 90 offices to include it's own testing lab. Would like to have seen more on how they plan to approach the building evaluation, and provide deliverables.

Summarizing comment

1.3.2. Experience / Ability of Personnel

Please attach detailed requirements, but not limited to:
Organizational Chart
Management's Credentials
Project Personnel Resumes assigned to the Town, including subconsultants if any
High quality level of services to be provided to Town

Evaluation method: Value
Worst: 0
Best: 5
Unit: Points

Note: weight of this criteria is 35 points

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Paul Colby (33.33%)	2.5	2.5	3.5	3	4
Brett Madison (33.33%)	3	3.5	3.5	3.5	3
Mike Roach (33.33%)	3	3	3.5	3	4
Score	19.83%	21%	24.5%	22.17%	25.67%
Paul Colby (33.33%)	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Brett Madison (33.33%)	4	3.5	3.5	4	3
Brett Madison (33.33%)	4	3.5	4	3.5	4
Mike Roach (33.33%)	3	3.5	4	3.5	3.5
Score	25.67%	24.5%	26.83%	25.67%	24.5%
Comments.					

GFA International, Inc.	Paul Colby	WPB Rep. has not performed scope (per resume) entire team seems to be lacking or not provided facility assessment exp. - portions of scope but not entire building assessments.	Summarizing comment
	Mike Roach	No MEP in Org Chart. Those listed are project team is detailed for Structural, Geotechnical, and materials.	
O&S Associates, Inc.	Paul Colby	Lots of housing authority exp. seems to ha limited facility assessment exp for municipal buildings.	Summarizing comment
	Mike Roach	Lots of experience, ranged from 20+ to 40. not sure what office they all work out of. Noted only one with any really Florida experience.	
nova engineering & environmental	Paul Colby	Good team exp.	Summarizing comment
	Mike Roach	Personnel looks to be qualified. Would like to see more related to their approach. Also would like to see more details to the scopes or task on the project Resumes of each team memeber.	
Bureau Veritas Technical Assessments LLC	Paul Colby	Good team provided, Exp. of firm is older	Summarizing comment
	Mike Roach	Not a lot of detail on the Org chart or for the resumes of the proposed project team.	
GLE Associates, Inc.	Paul Colby	Strong team with relevant exp.	Summarizing comment
	Mike Roach	Project team presented had a good detailed resume documenting Facilities Assessment. This section the provided the companies methodology/approach in detail which could have been attached to first section.	
OCI Associates, Inc	Paul Colby	Strong team with relevant exp.	Summarizing comment
	Mike Roach	Project team appears to be very well versed. Did not see any real focus on Facility assessment.	
Roth IAMS LLC	Paul Colby	Good team, good project exp.	Summarizing comment
	Mike Roach	Project team looks to be well versed. Did not see much experience if any with Florida or coastal. Also not sure where the team is based out of, as Roth has an office in St Pete.	

Nelson Engineering Co		Summarizing comment	
Paul Colby	Good team exp.		
Mike Roach	Org Chart recognizes Multi Disciplines. Project team appears to be well versed in the Facilities Assessment. Appears Project team highlights multi programs to help facility the assessments		
ISES Corporation		Summarizing comment	
Paul Colby	Strong team with relevant exp.		
Mike Roach	Project team apparently have 120+ years total in Facilities Condition Assessment. Mostly outside of the state of Florida. Did not really see any detail as to the scopes of the FCA for the various sites.		
EXP US Services Inc.		Summarizing comment	
Paul Colby	Good Exp, but more on the new building and structural side		
Mike Roach	Org Chart and proposed project team was detailed showing a lot of experience in structural and civil. Would have one sub for MEP.		

1.3.3. Financial Information

- Financial resources and capabilities information: An indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project should be included in the response
- Evidence of insurance capability
- Present and future litigation or dispute and resolutions

Note: Town will reserve the right to request from short listed firms Dun & Bradstreet report or Financial Statement certified or reviewed by a CPA

Note: weight of the criteria is 15 points

							Evaluation method: Value
	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.		Worst: 0 Best: 5 Unit:
Paul Colby (33.33%)	3.5	3.5	3.5	3.5	3.5		
Brett Madison (33.33%)	3.5	3.5	3.5	3.5	3.5		
Mike Roach (33.33%)	3.5	3.5	3.5	3.5	3.5		
Score	10.5%	10.5%	10.5%	10.5%	10.5%		
Paul Colby (33.33%)	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.		
	3.5	3.5	3.5	3.5	3.5		

	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Brett Madison (33.33%)	3.5	3.5	3.5	3.5	3.5
Mike Roach (33.33%)	3.5	3.5	3.5	3.5	3.5
Score	10.5%	10.5%	10.5%	10.5%	10.5%
Comments.					
GFA International, Inc.					
	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche			
	Brett Madison	Evaluation provided by Jane LeClainche			
	Mike Roach	Evaluation provided by Jane LeClainche			
O&S Associates, Inc.					
	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche			
	Brett Madison	Evaluation provided by Jane LeClainche			
	Mike Roach	Evaluation provided by Jane LeClainche			
nova engineering & environmental					
	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche			
	Brett Madison	Evaluation provided by Jane LeClainche			
	Mike Roach	Evaluation provided by Jane LeClainche			
Bureau Veritas Technical Assessments LLC					
	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche			
	Brett Madison	Evaluation provided by Jane LeClainche			
	Mike Roach	Evaluation provided by Jane LeClainche			
GLE Associates, Inc.					
	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche			
	Brett Madison	Evaluation provided by Jane LeClainche			
	Mike Roach	Evaluation provided by Jane LeClainche			

Summarizing comment

Summarizing comment

Summarizing comment

Summarizing comment

Summarizing comment

OCI Associates, Inc	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche	Summarizing comment
	Brett Madison	Evaluation provided by Jane LeClainche	
	Mike Roach	Evaluation provided by Jane LeClainche	
Roth IAMS LLC	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche	Summarizing comment
	Brett Madison	Evaluation provided by Jane LeClainche	
	Mike Roach	Evaluation provided by Jane LeClainche	
Nelson Engineering Co	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche	Summarizing comment
	Brett Madison	Evaluation provided by Jane LeClainche	
	Mike Roach	Evaluation provided by Jane LeClainche	
ISES Corporation	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche	Summarizing comment
	Brett Madison	Evaluation provided by Jane LeClainche	
	Mike Roach	Evaluation provided by Jane LeClainche	
EXP US Services Inc.	Paul Colby	Scored all proposers equally in this section due to TOPB Finance Department review Evaluation provided by Jane LeClainche	Summarizing comment
	Brett Madison	Evaluation provided by Jane LeClainche	
	Mike Roach	Evaluation provided by Jane LeClainche	

1.3.4. Workload and Scheduling

Over-all workload of the company
Project scheduling ability/timely completion of work
Schedule to accommodate this project
Applicability of the services offered

Note: weight of this criteria is 15 points

Evaluation method: Value
Worst: 0
Best: 5
Unit:

	GFA International, Inc.	O&S Associates, Inc.	nova engineering & environmental	Bureau Veritas Technical Assessments LLC	GLE Associates, Inc.
Paul Colby (33.33%)	3	2.5	3	3	3.5
Brett Madison (33.33%)	3	3	3	3.5	3
Mike Roach (33.33%)	2.5	3.5	3.5	3	3
Score	8.5%	9%	9.5%	9.5%	9.5%
Paul Colby (33.33%)	OCI Associates, Inc	Roth IAMS LLC	Nelson Engineering Co	ISES Corporation	EXP US Services Inc.
Paul Colby (33.33%)	3.5	3.5	4	3	1
Brett Madison (33.33%)	4	3	3.5	3	3
Mike Roach (33.33%)	2.5	4	4.5	4	2.5
Score	10%	10.5%	12%	10%	6.5%
Comments.					
GFA International, Inc.					
Paul Colby	6 week timeframe - large 20/21 workload, no 2022 workload projects listed.				
Mike Roach	Did not see any workload or proposed project schedule. Info in this section should have been incorporated into the first section of experience.				
O&S Associates, Inc.					
Paul Colby	No defined workload or schedule - seems like boilerplate info.				
Mike Roach	Did not see how the work will impact their workload. Also did not see any type of schedule to us an understanding of length of time to perofrm. however their approach to the project and how they plan set up that scheduled seem detailed				
Summarizing comment					
Summarizing comment					

nova engineering & environmental	Paul Colby	Workload seems to work well with their existing clients, could not locate project schedule	Summarizing comment
	Mike Roach	they state they could meet the workload has they have a few projects wrapping up. Work appears to be directed out of their Ft lauderdale office. Not sure who on the project team listed is actually from that office. Did not see a schedule or outline of what they entail how long the work will take.	
Bureau Veritas Technical Assessments LLC	Paul Colby	Workload seems reasonable , no schedule provided.	Summarizing comment
	Mike Roach	Approximately 1 year to evaluate and provide final deliverable, which appears to be similar to the projects they provided as reference. Work load is available.	
GLE Associates, Inc.	Paul Colby	Workload seems to work well with their existing clients - no schedule provided	Summarizing comment
	Mike Roach	Workload and schedule appear to be combined. Little confusing. Expand on the 5 step Methodology schedule wise.	
OCI Associates, Inc	Paul Colby	60 to 90 day schedule. moderate workload	Summarizing comment
	Mike Roach	It appears a lot of the referenced project as experience are still being worked per their workload. Would like to have seen a more clear approach as to how the schedule will be laid out and the project delivered.	
Roth IAMS LLC	Paul Colby	December 30, 2021 end date of project??	Summarizing comment
	Mike Roach	Consultant projected a 2 person team for the work. And estimated the work would take approximately 2.5 months per the provided schedule. They feel this would not impact their workload.	
Nelson Engineering Co	Paul Colby	approx. 90 day schedule, existing workload seems acceptable, good approach	Summarizing comment
	Mike Roach	Consultant had a detail plan to their workload along with a detail plan to how they would approach the schedule. The schedule the provided estimated 6 months.	
ISES Corporation	Paul Colby	16 week schedule - and can accommodate the Towns 16 buildings.	Summarizing comment
	Mike Roach	Their work load providing FCA is typically 1500-2000 building and the town would only be adding approximately 16. They estimate the the FCA to take 16 weeks.	

EXP US Services Inc.

Paul Colby Could not locate workload or schedule

Mike Roach Did not see workload or project scheduling. Most of the reference showed they could do inspections or had the knowledge too

Summarizing comment

Report generated: Nov 12 2021 2:05 PM

RFQ No. 2021-27 Professional Engineering Services for Town of Palm Beach Facilities Assessment									
Summary of Ordinal Scoring									
Companies									
Selection Committee	Bureau Veritas Technical Assessments LLC	EXP US Services Inc.	GLE Associates, Inc.	ISES Corporation	Nelson Engineering Co	nova engineering & environmental	OCI Associates, Inc	Roth IAMS LLC	
Brett Madison	1	4	6	7	2	5	8	3	
Mike Roach	2	4	5	7	1	6	8	3	
Paul Colby	2	4	8	7	1	5	6	3	
TOTAL	5	12	19	21	4	16	22	9	
Date: 10-19-2021	(2)	(4)	(6)	(7)	(1)	(5)	(8)	(3)	
Witness: [Signature]									

NOTE: The lowest score is the highest ranked company etc.

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 154-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order to Ten-8 Fire Equipment LLC, for a Demers MXP170 Ambulance in the Amount of \$270,077 and Establishing a Project Budget of \$297,084 Utilizing the Florida Sheriffs Association Contract #FSA20-VEL14-01.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2021, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 154-2021**
- ▣ **Town of Palm Beach Demers Proposal 10-7-21**
- ▣ **Price Increase Notification**

Information for Town Council Meeting on December 14, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving a Purchase Order to Ten-8 Fire Equipment LLC for a Demers MXP170 Ambulance in the Amount of \$270,077 and Establish a Project Budget of \$297,084, utilizing the Florida Sheriffs Association Contract #FSA20-VEL14-01; **Resolution No. 154-2021**

DATE: 1 December 2021

STAFF RECOMMENDATION

Staff recommends Town Council approve a Purchase Order to Ten-8 Fire Equipment LLC, for a Demers MXP170 Ambulance in the Amount of \$270,077 and establish a Project Budget of \$297,084 utilizing the Florida Sheriffs Association Contract #FSA20-VEL14-01.

SUMMARY EXPLANATION/BACKGROUND

The requested new ambulance will be replacing an existing rescue that was on the schedule for replacement. Both the manufacturer and the contract administrator for the State Contract have expressed that they are expecting a significant delay in the manufacturing process due to supply chain issues. It is the goal of the Town to be ahead of any potential manufacturing issues.

This purchase is consistent with the replacement schedule as outlined and approved in the FY2022 fiscal year budget.

By placing this order now, the Town will forgo any additional price increases due to the market conditions that are scheduled for February 2022.

PURCHASING METHODOLOGY

Purchasing accessed the State of Florida Sheriff Contract #FSA20-VEF14.01 for the quote of the requested Demers MXP170 Ambulance. All state agencies, county and municipalities access the State of Florida Sheriff Contract for fleet purchases. This contract provides best pricing to governmental agencies.

FISCAL IMPACT/FUNDING SOURCE

Funding is included in the FY22 Equipment Replacement Fund Budget.

USER DEPARTMENT CONCURRENCE

The Fire Department is in full concurrence with the recommendation.

DUE DILIGENCE

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

TOWN ATTORNEY REVIEW

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

CC: Darrel Donatto, Fire Chief
 Jimmy Duane, Deputy Fire Chief
 Sean Baker, Division Director
 Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 154-2021

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF A PURCHASE ORDER TO TEN-
8 FIRE EQUIPMENT LLC, FOR A DEMERS MXP170
AMBULANCE IN THE AMOUNT OF \$270,077 AND
ESTABLISHING A PROJECT BUDGET OF \$297,084 UTILIZING
THE FLORIDA SHERIFFS ASSOCIATION CONTRACT
#FSA20-VEL14-01**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 154-2021, approving the award of a Purchase Order to Ten-8 Fire Equipment LLC, for a Demers MXP170 Ambulance the amount of \$270,077 and establishing a project budget of \$297,084, utilizing the Florida Sheriffs Association Contract #FSA20-VEL14-01.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of December, 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk



Equipment Proposal

This Equipment Proposal (the "Proposal") has been prepared by Ten-8 Fire & Safety, LLC ("Company") in response to the undersigned Customer's request for a proposal. This Proposal is comprised of the special terms set forth below, the Proposal Option List (or for ambulance sales, the Quotation, or Order Form, as applicable), Warranty, and Company's Purchasing Terms and Conditions. Through its signature below or other Acceptance (as defined below), Customer acknowledges having received, read and being bound by this Proposal, all attachments and Company's Purchasing Terms and Conditions.

Date: October, 2021 ("Proposal Date") **Customer:** Town of Palm Beach Fire Rescue ("Customer")

Customer Address: 300 N. County Road, Palm Beach, FL 33480

Quantity	Product Description & Options	Price
1	One (1) 2022 Demers MXP170 ambulance, built on a 2023 Ford F450 chassis per the attached specifications.	\$273,025.00
	100% Pre-Payment Discount at time of order	\$-2,948.00
	Pricing Based on Florida Sheriff's Association Contract #FSA20-VEF14.01	
Purchase Price:		\$270,077.00

Delivery Timing: The Product described above in the Product Description and Options Section of this document will be built by and shipped from the manufacturer approximately 10-12 (months) after Company receives Customer's acceptance of this Proposal as defined below.

Other: Ambulance will be built within 10-12 months barring any chassis delays.

Unless accepted within 60 days from date of proposal, the right is reserved to withdraw this proposal.

ACCEPTANCE OF THIS PROPOSAL CREATES AN ENFORCEABLE BINDING AGREEMENT BETWEEN COMPANY AND CUSTOMER. "ACCEPTANCE" MEANS THAT CUSTOMER DELIVERS TO COMPANY: (A) A PROPOSAL SIGNED BY AN AUTHORIZED REPRESENTATIVE, OR (B) A PURCHASE ORDER INCORPORATING THIS PROPOSAL, WHICH IS DULY APPROVED, TO THE EXTENT APPLICABLE, BY CUSTOMER'S GOVERNING BOARD. ACCEPTANCE OF THIS PROPOSAL IS EXPRESSLY LIMITED TO THE TERMS CONTAINED IN THIS PROPOSAL AND COMPANY'S PURCHASING TERMS AND CONDITIONS. ANY ADDITIONAL OR DIFFERENT TERMS, WHETHER CONTAINED IN CUSTOMER'S FORMS OR OTHERWISE PRESENTED BY CUSTOMER AT ANY TIME, ARE HEREBY REJECTED.

INTENDING TO CREATE A BINDING AGREEMENT, Customer and Company have each caused this Proposal to be executed by their duly authorized representatives as of date of the last signature below.

Customer: Town of Palm Beach Fire Rescue

Ten-8 Fire & Safety, LLC

By: _____

By: *Michael Day*

Title: _____

Title: **Authorized Sales Representative**

Print: _____

Print: Michael Day

Date: ~~12-14-TCM Backup~~ _____

Date: October 7, 2021

EXHIBIT A

PROPOSAL OPTION LIST
(OR FOR AMBULANCE SALES, THE QUOTATION, OR ORDER FORM, AS APPLICABLE)

Specification Summary

Reference: QU00000004764 **Rev:** 1
Purchaser: Ten-8 Fire Equipment, Inc.
Contact: Cindy Morgan
Address: 2904 59th Ave. Dr. East

Brandenton, FL
 USA

Telephone:

Opportunity: Town of Palm Beach October 2021
Account: Town of Palm Beach Fire Rescue
Contact: Sean Baker
Shipping Address:

Currency: USD
Quotation Date: 2021-09-27
Expiration: 2021-10-27

Sales Contact: Michael Day
Mobile: 3525725399
Phone:

Factory Contact: Chuck Burgess
Mobile: 4196517924

Name	Specifications
Type I - MXP170	Overall Length 294" - 311" (747 cm - 790 cm) Overall Width 95" (241 cm) Overall Height 110" (279 cm)** Headroom 72" (183 cm) Wheelbase 174" - 192" (442 cm - 488 cm)* Payload Capacity Up to 5500 lbs (2495 kg)
	
	*Depending on chassis selection **Total height of vehicle may differ according to chassis and suspension

Sales Options by Category

10-Base (BAS)		
Item Number	Name/Description	Quantity
BAS-BON-11	No Bond Required No Bond Required	1.00
BAS-GPO-11	No GPO Contract Required No Group Purchasing Organization contract required	1.00
BAS-PLA-12	TYPE I - MXP170 TYPE I - MXP170	1.00
BAS-REG-11	United States Sales Administration Charge	1.00
BAS-TYP-11	Type I - Pick up Type I - Pick up	1.00
11-Chassis (CH*)		
Item Number	Name/Description	Quantity



BAS-CHA-23	Chassis Model year 2023 Chassis Model year 2023	1.00
CHP-FRD-00	Conversion Ford F350/F450 Chassis Cab Conversion Ford F350/F450 Chassis Cab	1.00
CHP-FRD-19	Ford F450XLT Super Duty Diesel Chassis Cab 4X2 193 Ford F450XLT Super Duty Diesel Chassis Cab 4X2 1936,7L POWER STROKE V8 Diesel Engine Wheelbase 193" (4902 mm) GVWR (Gross vehicle weight rating) 16,500 Lbs / 7,486 Kg	1.00
SR00100118	Console Armrests Ship arm rest loose for deluxe console - clarification, yes customer still wants the arm rests shipped loose even though the deluxe console replaces the arm rests.	1.00
SR00100123	Chassis Wheels to be Ford Aluminum Chassis Wheels to be Ford Aluminum Comments: STD on MXP170	1.00

12-Suspension (SUS)

Item Number	Name/Description	Quantity
SUS-LIQ-11	LiquidSpring™ Suspension Type I Compressible Liquid Adaptive Suspension System, is a smart suspension systems. Liquid-based struts and an on-board processor provide better handling and control, and a smoother, softer ride. The reduced vehicle vibration increases comfort.	1.00

13-Module (MOD)

Item Number	Name/Description	Quantity
MOD-ALU-14	MXP170 Ambulance Module Ambulance Module Structure / Door Structure and Accessories Included	1.00
SR00100132	S2 S2 as deep as possible (Delete drawer under action area and move inverter and pump to front of O/2 compartment.	1.00

14-Module Configuration (MCF)

Item Number	Name/Description	Quantity
MCF-CC1-11	C1 Door, ALS Access and Battery Location First door on curbside (C1) for ALS compartment access and battery slide out sealed compartment. (Included)	1.00
MCF-CC2-11	C2, Curbside Entry Door Side entry door on curbside (C2) for patient compartment access, with flush-mounted, automotive-style window.	1.00
MCF-CC3-11	C3 Door, Storage Exterior Compartment Third door on curbside (C3) for backboard or other storage. (Included)	1.00
MCF-CC3-12	Premium Backboard Dividers, Three (3), with Belts Three (3) adjustable Premium backboard dividers, with belts, in C3 compartment.	1.00
MCF-CC3-22	Third door (C3) Compartment In/Out Access Third door (C3) Compartment In/Out Access	1.00
MCF-CML-12	High-Intensity Compartment Tube Lighting High-intensity tube lighting for Compartments. With Side entry Door Steps.	1.00
MCF-ELE-11	E Door, Electrical Exterior Compartment Upper door (E) for electrical panel access. (Included)	1.00
MCF-RDR-11	A1 and A2, Rear Entry Doors, Indiv. Door Handles Two (2) rear entry doors for patient compartment access, each with its individual exterior door handle.	1.00
MCF-SS1-11	S1 Door, Main Oxygen Exterior Compartment First door on streetside (S1) for main vertical oxygen cylinder. (Included)	1.00



MCF-SS1-16	First door (S1) Compartment Fixed Divider First door (S1) Compartment Fixed Divider	1.00
MCF-SS2-13	Stair Chair Holder on Compartment Door Stair chair holder on S2 compartment door.	1.00
MCF-SS2-14	Fire Extinguisher, ABC-Rated, 5 lbs, with Bracket Fire extinguisher, 5 lbs, ABC-rated, with heavy duty bracket in S2 compartment.	1.00
MCF-SS2-15	S2 Door, Storage Exterior Comp Second door on streetside (S2) for equipment storage for MX/MXP170. (included)	1.00
MCF-SS3-11	S3 Compartment, Equipment Storage, Full height Third door on streetside (S3) for equipment storage.Full height compartment.	1.00
MCF-SS3-19	SCBA Storage & Anchors, Two (2) Full-Depth Shelves Reinforcement and anchors for SCBA equipment mounted in S3 compartment, with two (2) full depth shelves in upper section.	1.00
SR00100095	C3 Door Pocket Install pocket in door for auto pulse storage in front of compartment. See F22P-3947	1.00
SR00100124	Slide out Drawer C1 Mar. 2; per Demers Engineering, slide out drawer facing exterior with (1) Zico bracket. Pricing for additional Zico bracket in previous SR.SCBA bracket. Can we add a slide out SCBA bracket mounted on bottom of C1 (Passenger Compartment 1) and move a Zico bracket on the slide out? This would leave 2 Zico Brackets in S3.	1.00
SR00100139	S2 tool tray Add roll out tool tray in S2 compartment see drawings	1.00

15-Lighting (LGT)

Item Number	Name/Description	Quantity
LGT-FSL-11	Turn Signal Arrows, Amber (2), LED Two (2) amber turn-signal arrows, installed on the front of the module. Whelen 600 series (6 x 4) LED lights.	1.00
LGT-LSL-11	Turn Signal Lights, Amber (2), LED Two (2) amber turn-signal lights, intermediate side mount. Whelen 700 series (7 x 3) LED lights.	1.00
LGT-RSL-11	Third Upper Brake Light, LED Third upper brake light at rear of module. Whelen 600 series (6 x 4) LED light.	1.00
LGT-RSL-12	Traffic Advisor, Amber Amber traffic advisor light bar at rear of module.	1.00
LGT-RSL-14	Rear Step Plate: Turn Signal Light, Brake, Reverse Two (2) red brake/tail lights, two (2) amber turn lights, and two (2) reverse lights installed in rear step plate. Round LED lights.	1.00
LGT-RSL-22	Mid-Height Lights: Arrow, Brake, Reverse Two (2) amber arrows, two (2) red brake lights, and two (2) reverse lights at mid height. Whelen 600 series LED lights (6 x 4).	1.00
LGT-TPL-11	Marker Lights, Amber (7) and Red (7), LED Seven (7) front upper center and corner amber LED marker lights.Seven (7) rear upper center and corner red LED marker lights.	1.00
LGT-TPL-12	Marker Lights, Two (2) rear mid-height red LED Two (2) rear mid-height red LED marker lights.	1.00
LGT-UVL-11	Ground lighting under module and chassis Ground lighting underneath the module (both sides and rear) and underneath chassis cab steps (both sides)	1.00
SR00100110	Flashlights 2 Vulcan hand lights 44451 w/chargers E504025 (1 in cab and 1 in S2 compartment)	1.00



SR00100134	Whelen Traffic Advisor Install a Whelen traffic adviser TAM 65 36" above the rear entry doors.	1.00
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16-Emergency and Working Lights (EWL)

Item Number	Name/Description	Quantity
EWL-BEZ-11	Chrome bezels Chrome bezels	31.00
EWL-FWD-13	Light Bar, 76", Red (3), White (2), Red (3), LED 76-inch flush-mounted light bar with three (3) red, two (2) white, and three (3) red lights. Whelen 4500+ series LED light bar.	1.00
EWL-FWD-15	Emergency Lights, Red (2), LED, Upper Corners Two (2) red lights at upper corners of front face. Whelen 900 series (7 x 9) LED lights.	1.00
EWL-GRL-14	Lights in Front Grille, Red (2), Wig-Wag (2), 500 Two (2) red and two (2) clear lights in front grille with Wig Wag flash pattern. Whelen 500 series (5 x 1) LED lights.	1.00
EWL-INT-11	Emergency Lights on Inside of Doors, One (1) each One red emergency light on each compartment and entry door inside panel. Total of eight (8) round LED lights.	1.00
EWL-ITC-11	Intersection Lights, Red (2), LED Two (2) red intersection lights. Whelen 700 series (7 x 3) LED lights.	1.00
EWL-LTI-11	Emergency Lights, Red (2), LED, Inter. Side Mount Two (2) red emergency lights, intermediate side mount. Whelen 700 series (7 x 3) LED lights.	1.00
EWL-LTS-11	Four (4) red LED lateral emergency lights (900) Four (4) red lateral emergency lights (two (2) on each side). Whelen 900 series (7 x 9) LED lights.	1.00
EWL-LTS-17	Scene Lights, Four (4), Clear LED, (900) Four (4) lateral scene lights (two (2) on each side). Whelen 900 series (7 X 9) LED scene lights.	1.00
EWL-RER-11	Emergency Lights, Red (2), LED, Rear Corners Two (2) red rear emergency lights at upper rear corners. Whelen 900 series (7 x 9) LED lights.	1.00
EWL-RER-12	Emergency Lights, Amber (2), LED Two (2) rear upper amber lights. Whelen 600 series (6 x 4) LED lights.	1.00
EWL-RER-15	Loading Lights, Two (2), LED Two (2) rear loading lights. Whelen 600 series (6 x 4) LED lights.	1.00
EWL-RER-16	Emergency Lights, Red (2), LED, Addt'l, Window Hgt Two (2) additionnal red lights at window height. Whelen 900 series (7 x 9) LED lights.	1.00
SR00100098	Wig Wag Headlights Wig Wag lights off in park and on in primary	1.00
SR00100106	Lightbar Whelen 4500+ 90" Flush mounted LED lightbar, 6 red, 5 whiteLens to be clear	1.00
SR00100138	Whelen 500 Whelen 500 on inside of cab doors to come on with door open, Whelen OS.	1.00

17-Audible Warning System (WRN)

Item Number	Name/Description	Quantity
WRN-BUA-11	Back-Up Alarm Back up alarm (97dB) with override switch. (Included)	1.00
WRN-HRN-11	Buell Emergency Air Horn Buell Dual Emergency Horns 10" and 12" Air Horns Specified in seperate SR. Switch on passenger side of the center consol AND through OEM airhorn	1.00
WRN-LFS-11	Whelen Howler Low Frequency Tone Siren	1.00



	Whelen Howler is a add-on to any 100/200 watt siren amplifier. Uses low frequency tones to synchronize with the vehicles primary siren tones. Includes low frequency siren amplifier and speakers.	
WRN-SIR-11	Whelen 295SLS Hands-Free Siren	1.00
	Whelen model 295HFSA1 siren amplifier with 17 Scan-Lock™ siren tones.	
WRN-SIR-13	Switch to Mute OEM Horn when Siren Speakers Active	1.00
	Switch to mute the OEM horn when the siren speakers are activated.	
WRN-SPK-11	Whelen SA315 Series Speakers	1.00
	Whelen SA315 series speakers is a compact speaker meeting SAE Class A requirements when paired with Whelen 100 watt siren amplifier.	
SR00100094	Siren	1.00
	Add Screaming Eagle siren through Ford OEM front bumper on driver side. See drawings	
SR00100126	Airhorn Activation	1.00
	Buel Airhorns replace foot switches with a cable (roof) or button (dash) for passenger side and utilize the horn button on driver side. Comments: Pricing is for switch in the front consol (passenger side) AND routing Airhorn in OEM horn on the drivers side. Switch to mute OEM horn when siren is activated AND Buell system added in configurator.	
SR00100131	Back Up Alarm	1.00
	Back up alarm to be a Preco Model 1040 ILOS	

18-Exterior Vehicle features (VFT)

Item Number	Name/Description	Quantity
VFT-FUL-11	Quarter-Tank Fuel Fill	1.00
	Quarter-tank fuel fill.	
VFT-MIR-11	OEM exterior mirrors	1.00
	Keep OEM exterior mirrors	
VFT-MOP-11	Module Rub Rails, Aluminum	1.00
	Aluminium rub rails on module sides. (Included)	
VFT-MOP-12	Module Corner Protectors, Stainless-Steel	1.00
	Stainless-steel protectors on module corners. (Included)	
VFT-MOP-13	Module Wheel Trims, Fiberglass	1.00
	Formed fiberglass wheel trimming on module. (Included)	
VFT-MOP-14	Undercoating Protection	1.00
	Undercoating protection for module and chassis. (Included)	
VFT-MOP-15	Rear Wheel Mud Guards	1.00
	Mud guards on module for rear wheels. (Included)	
VFT-PLT-12	Chrome License Plate with Light	1.00
	Recessed chrome license plate holder with LED light.	
VFT-STP-11	Cab Steps, Anti-Skid Material with Mud Guards	1.00
	Anti-skid lateral steps. Includes mud guards for front wheels. (Included)	
VFT-STP-12	Rear Step Bumper, Retractable Center Section	1.00
	Anti-skid rear retractable step. Diamond plate corner bumper. Rubber bumperette. (Included)	
SR00100103	SCBA Bracket	1.00
	Add 1 SCBA bracket (Zico # ULLH-EZO-ES) Total of 3 in S3	
SR00100133	Delete Demers Logo - Chassis Steps	1.00
	There are to be no Demers logos on the chassis steps. Delete Demers logo.	

19-Convenience (CNV)

Item Number	Name/Description	Quantity
CNV-ACC-13	Valet Switch in Front Grille	1.00

CNV-ACC-15	The door unlock valet switch is located on the back of the front grille, on the driver's side half portion of the grille. It allows to unlock all doors of the vehicle, but cannot lock the doors. (Included) Demers Fast Idle Demers fast idle is generated by the multiplex module, it allows fast charging of the batteries by the engine when specific conditions are met. (Included)	1.00
CNV-CAM-11	Black Back-Up Camera Zone Defense standard back-up camera with build-in audio support and infra-red night vision.	1.00
CNV-LCK-11	Anti-Theft System The anti-theft allows to leave the vehicle with the keys with the engine running to keep the vehicle at the ideal operating temperature. It protects against theft by running off the engine if the vehicle moves. (Included)	1.00
CNV-LCK-12	ECOSMART Anti-Idling System The ECOSMART Anti-Idling System automatically stops the engine and restarts the engine of the vehicle in idling conditions. The ECOSMART Anti-Idling System is managed by the Demers Electronic Multiplex System (DEMS).	1.00

21-Paint and Decals (DEC)

Item Number	Name/Description	Quantity
DEC-PNT-11	Tri-Star Urethane Paint Two (2) coats of primer with two (2) coats of urethane. All four (4) sides and roof. No sanding. No buffing.	1.00
SR00100093	Customer Striping/Graphics Duplicate same as last unit F22P-3947.	1.00
SR00100102	Custom Paint Duplicate F22P-39472-Tone Black over Red. Cab hood and roof black, AC RED and module red with black from warning lights up and roof black. Chassis ordered White. BLACK: 47600EX & RED: B8241EX (Carrey - matching F22P-3947)	1.00
SR00100122	Number Plates Add clear vinyl inserts to plates per F22P-3947 Comments: 3 Plates, as per F22P-3947	1.00

22-Drivers Compartment (CAB)

Item Number	Name/Description	Quantity
CAB-ACC-11	Spotlight in Front Cab, Hand-Held, with Bracket Hand-held spotlight, 2000 lumens, with trigger-type switch and bracket.	1.00
CAB-CON-11	Floor-Mounted Console with control Floor-mounted console in front cab.	1.00
CAB-CON-14	Armrests, Driver and Passenger, Individual Individual driver- and passenger-side armrests on sides of floor-mounted console.	1.00
CAB-CON-15	Cup Holders, Dual, in Floor-Mounted Console Dual cup holders in floor-mounted console.	1.00
CAB-CTR-13	Control Center with Switches and Touch Pad Control center with switches and LED backlit pictograms in the floor mounted console.	1.00
CAB-LGT-11	Cab headliner with Reading Lights, Red/Clear (2) Two (2) clear and red overhead LED reading lights.	1.00

23-Curbside configuration (CRB)

Item Number	Name/Description	Quantity
CRB-NET-11	Safety Net Safety net at the head of the curbside configuration, by the side entry door (C2).	1.00
CRB-TEC-11	Full-Length Seat Cushion Full-length, thermoformed, molded seat cushion.	1.00



CRB-TEC-14	Seat Backrest Individual, thermoformed, molded backrests.	3.00
CRB-TEC-23	Seating, Three (3) Passengers, 6-Pt Safety Belts Seating for three (3) passengers with 6-point safety belts. Space for Flip-down and hands-free opening mechanism.	1.00
SR00100109	Squad Bench Split squad bench lid with 2 latches.	1.00
SR00100125	Curbside Mobility Cabinet Demers Cardiac monitor tray, sliding and turning just like F22P-3947 Comments: THIS IS NOT KKK	1.00
SR00100137	Cabinet at head of squad bench Add cabinet to head of squad bench with kick out sharps and drawer facing cot. Delete drawers facing squad bench. There is to be only 1 drawer per F22P-3947 See drawing. Comments: Price includes credit to remove one seated position.	1.00
SR00100141	45 Degree cabinet at head of bench 45 Degree cabinet over counter at head of squad bench to have hinge up door with latch.	1.00

24-Streetside configuration (STR)

Item Number	Name/Description	Quantity
STR-ACS-23	Flip-Up Door, Tinted Self Latching Sliding Windows Aluminum flip-up frames, self latching for easy restocking of cabinets. Polycarbonate tinted self latching sliding windows.	2.00
STR-MED-19	Medical Cabinet, CPR Bench Seat, Without Access Medical cabinet with CPR bench seat, the rear lower location is blank to provide extra S3 exterior compartment space.	1.00
STR-REA-12	CPR Seat , 6-Pt Safety Belt Seating for one EMT with 6-point safety belt.	1.00
SR00100121	CPR Seat CPR seat with 1 position only with a counter on the aft position no inside access for the S3 cabinet (no inside access due to full height S3).	1.00
SR00100135	Move Vacuum canister to rear of counter Move Vacuum canister to rear of counter See drawings	1.00

25-Forward Bulkhead (FWB)

Item Number	Name/Description	Quantity
FWB-DIV-11	Sliding Door Crawl-Through Crawl-through with sliding door on front division to access to the cab.	1.00
FWB-LFT-11	Corner Cabinet, Streetside, Two Adjustable Shelves Corner cabinet on streetside of front wall. Includes two (2) aluminum extruded doors with see through windows, two (2) adjustable shelves and LED strip lighting.	1.00
FWB-LFT-13	Knox MedVault L Narcotics Locker, Left bulkhead Knox MedVault L Narcotics Locker, located on the upper section of the street side angled bulkhead compartment without Wi-Fi	1.00
FWB-LFT-14	Locking Radio Communication Compartment Lockable compartment on street side for radio communication	1.00
FWB-RGT-12	ALS Cabinet, without Drawer ALS cabinet on curbside of front wall. Includes four (4) aluminum extruded doors with see-through windows, adjustable shelf(s), one (1) fixed shelf at mid-height, LED strip lighting, and inside/outside access via curbside door.	1.00
FWB-RGT-15	Mermaid Refrigerated Compartment, above ALS Mermaid refrigerated compartment located above the ALS cabinet.	1.00



FWB-RGT-16	See-Through Door, Two Handles	1.00
	Four (4) extruded doors with see through windows and handles	
SR00100104	Mermaid Cabinet	1.00
	Install more venting for the unit so it will not overheat. Possibly add a small exhaust fan? Comments: Pricing for venting.	
SR00100105	ALS Doors	1.00
	Change ALS doors to single handles per F22P-3947 Comments: Please see NEW als door design on sales drawings (CN10 compliant)	
SR00100108	Hinge Vent Over Bulkhead	1.00
	Hinge Vent Over Bulkhead Comments: STD	
SR00100112	Cabinet Front Wall/Bulkhead	1.00
	Add cabinet in walk through with hinged doors. See drawings	
SR00100114	Customer Supplied Knox	1.00
	Install customer supplied Knox box in 45 degree cabinet, see drawing.	
SR00100117	Mermaid	1.00
	Insure there is adequate cooling area around the Mermaid. Customer has has numerous problems with current units.	
SR00100140	Bulkhead Cabinet	1.00
	Add cabinet to bulkhead with sliding door on cab side and hinged doors in rearStd Crawl through sliding door will be used for in/out access to cabinet from cab.Cabinet shelf to have lip on front edge (cab side) so items do not roll off.	

26-Attendant seat (AST)

Item Number	Name/Description	Quantity
AST-BSE-11	EVS Swivel Seat Base, Two (2) Positions	1.00
	EVS swivel 360 degrees seat base, locking in two (2) positions, forward and rearward positions	
AST-HRS-12	EVS 1880 3Pts Vac-Formed Seamless Child Seat	1.00
	The EVS 1880 is a vac-form, seamless ambulance attendant's seat. Integrated child restraint system that allows uninjured children weighing between 20-65 lbs to be transported in a five point safety harness. When it is not needed, the child-insert can be folded into the seat and allow an adult to use the seat as a standard attendant's seat	

27-Cot Configuration (COT)

Item Number	Name/Description	Quantity
COT-ANC-23	Floor Plate for Stryker Power-LOAD with pre-wiring	1.00
	Stryker Power-Load floor plate. No cot fastener included.Include pre-wiring for charging feature.	
COT-POS-11	Center Floor-Mount Cot Configuration	1.00
	Center floor mount cot configuration	

28-Rear Control Panel (CAR)

Item Number	Name/Description	Quantity
CAR-CTR-11	Rocker Switch Controls with LED Backlit Pictograms	1.00
	Rocker switch controls with LED backlit pictograms.	

29-Oxygen (OXY)

Item Number	Name/Description	Quantity
OXY-FLW-11	Flowmeter, 0-15 LPM	1.00
	Flowmeter, 0-15 LPM.	
OXY-FLW-12	Flowmeter, 0-25 LPM	1.00
	Flowmeter, 0-25 LPM.	



OXY-NTW-14	Oxygen Outlets, Four (4) Four (4) oxygen outlets. Two (2) in ECC, one (1) on curbside, and one (1) on the ceiling.	1.00
OXY-OUT-11	Oxygen Outlet, Quick-Connect Quick-connect style oxygen outlet.	4.00
OXY-REG-12	Oxygen Regulator, Manual, Sensor and Dig. Read-Out Manual oxygen regulator with pressure sensor and digital read-out.	1.00
OXY-REG-13	Oxygen Control Valve, Electronic, Manual By-Pass Electronic oxygen control valve with manual by-pass.	1.00
OXY-SPR-12	Electric Vertical Holder for Main Oxygen Cylinder Electric Vertical holder for types "K" or "M" main oxygen cylinder in S1 streetside exterior compartment.	1.00

31-Suction (SUC)

<i>Item Number</i>	<i>Name/Description</i>	<i>Quantity</i>
SUC-LOC-11	Suction System location in ECC Main suction system is located in front streetside action area.	1.00
SUC-MOT-11	Thomas high flow vacuum pump Thomas high flow vacuum pump	1.00
SUC-OUT-11	Vacuum outlet QD in action area Vacuum outlet QD Puritan with yellow 5/16" hose 4 ft long	1.00
SUC-REG-11	Vacuum regulator with disposable canister Vacuum regulator with disposable canister (Rico RS-4X)	1.00

32-Electrical System (ELE)

<i>Item Number</i>	<i>Name/Description</i>	<i>Quantity</i>
ELE-ALT-11	Power Inverter, Xantrex Freedom, True Sine, 1000W The inverter/charger provides AC power using the DC power from the conversion battery bank. Recharge all battery banks and power all 120 volts AC outlets when the external shoreline is connected.	1.00
ELE-ALT-15	Electrical Outlet, 120V AC with Indicator 120V AC hospital-grade electrical outlets with indicator. (Included)	1.00
ELE-ALT-22	Super Auto Eject Power Inlet, 30 Amps One (1) 120 Volts AC, 30 Amps Automatically disconnects shoreline Automatic plug detector Automatic anti-arc device build-in Completely sealed Yellow cover Indicator light	1.00
ELE-CON-13	AC Delco Conversion Batteries Two (2) AC Delco conversion Batteries. (Included)	1.00
ELE-CON-14	Electrical Outlet, 12V DC 20 amp with Indicator 12V DC, 20 amp Duplex electrical outlets. (Included)	1.00
ELE-GES-11	Demers Multiplex Electronic Management System Demers Electronic Management System (DEMS) – Multiplex system. (Included)	1.00
SR00100116	AC programming 110 A/C to come on when plugged in	1.00
SR00100130	Shoreline Cover Shoreline cover to be red	1.00
SR00100136	Inverter to be constant hot Inverter to be constant hot	1.00
SR00100144	Shorelines Two 20 amp super auto ejects 1 for A/C and 1 for shoreline Comments: Price is for the second auto-eject	1.00

33-Communication System (COM)

<i>Item Number</i>	<i>Name/Description</i>	<i>Quantity</i>
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COM-RAD-11	Pre-Wiring for 2-Way Radio, Two (2) Antenna Cables Wiring preparation for two-way radio, with two (2) antenna cables.(routed from front cab to radio communication compartment)	1.00
COM-REC-11	Data Recorder Available Signals Data recorder available signals through a universal connector in the electrical compartment. (Included)	1.00
SR00100096	FireCom System There are to be a total of (4) four headsets.Cab - Driver and passengerRear Action AreaRear Bench seat area Comments: Install WIRED Firecom 4-Postiion Headset System that is compatible with Motorola Radio (dual plug for up to two (2) headsets in cab, driver and passenger, dual plug at action area (under oxygen connection?) for up to two (2) headsets (CPR & Captains seat) and dual plugin for upt to two (2) at squad bench).	1.00
SR00100127	Radio Antenna There shall be a total of 5 antenna cables Comments: routed from front cab to radiocommunication compartment	1.00

34-HVAC (CVC)

<i>Item Number</i>	<i>Name/Description</i>	<i>Quantity</i>
CVC-AUX-21	120V Air Conditioning Unit The compressor, condenser and evaporator form an assembly independant of the primary air conditioning system, cooling the air of the patient compartment through the ducted outlets when the vehicle is connected to shoreline.	1.00
CVC-AUX-27	Auxiliary condenser 60000 BTU, Front Auxiliary condenser Hoseline 60000 BTU mounted in the front of the module.2 independant coils for engine and shoreline driven A/C loop.	1.00
CVC-CLD-13	OEM Tie-In Air Conditioning/ Auxiliary Condenser The condenser and evaporator are tied-in to the OEM air conditioning system, cooling the air of the patient compartment through the ducted outlets.	1.00
CVC-DIF-11	Air Conditioning Outlets, Round Round outlets for ducted air conditioning unit. (Included)	1.00
CVC-HOT-11	OEM Tie-In Heating Unit The heating system is an extension of the OEM heating system, heating the patient compartment area through invisible opening underneath the medical cabinet at floor level. (Included)	1.00
CVC-VNT-13	Exhaust Fans (2) Two (2) exhaust fans for contaminated air. Activated by front control interface or rear console switch. (Included)	1.00
SR00100128	AC Hoses & Tubing Install black loom on all ac hoses and tubing going in/out of external condenser on front of body.	1.00

35-Interior Lights (ILG)

<i>Item Number</i>	<i>Name/Description</i>	<i>Quantity</i>
ILG-PLF-11	LED Dome Lights, Adjustable, Dig. Timer The ceiling lights have four (4) different intensities. Each time the ceiling lights button is pushed, the intensity increases, until maximum intensity is reached.	8.00

36-Grab Handles (GBR)

<i>Item Number</i>	<i>Name/Description</i>	<i>Quantity</i>
GBR-COL-12	Grab Bars Color, Yellow Color of selected grab bars is Yellow.	1.00

GBR-DRS-11	Rear Door-Mounted Grab Bars, 16" x 16" Two (2) door-mounted grab bars, 16" x 16", inside of rear doors (A1 and A2). (Included)	1.00
GBR-DRS-12	Curbside Door-Mounted Grab Bar, 12" One (1) door-mounted grab bar, 12" each, on the inside of the side entry door (C2). (included)	1.00
GBR-EMB-11	Embarking Grab Bars, 12" Two (2) entry grab bars, 12" each, mounted inside the patient compartment. One (1) near the curbside entry door, and one (1) near the R2 rear entry door. (Included)	1.00
GBR-PLF-11	Ceiling Grab Rails, 90", Two (2) Two (2) ceiling-mounted grab rails, 90".	1.00

37-Finish and Trim (FNS)

<i>Item Number</i>	<i>Name/Description</i>	<i>Quantity</i>
FNS-FLR-13	Lonseal, Loncoin II Flecks, Onyx Lonseal, Loncoin II Flecks, Onyx floor covering.	1.00
FNS-GRD-11	Cobalt Blue Upholstery Cobalt blue vinyl upholstery for seat and padding covering. (Included)	1.00
FNS-GRD-15	Safety Yellow Upholstery Yellow vinyl upholstery for safety exit padding covering. (Included)	1.00
FNS-MAT-11	Wood Flooring Exterior grade plywood, 0,75 inches thick.	1.00
FNS-PLF-11	Fiberglass Ceiling Fiberglass ceiling in Patient Compartment. (Included)	1.00
FNS-STK-11	General Vehicle Identification Vehicle general labels identification. (Included)	1.00
SR00100097	Upholstery Upholstery to be black in module. See F18P-1082	1.00
SR00100107	Counter Tops All counter tops to have lips like action area counter and counter at head of bench. Comments: Demers Premium COuntertops on all surfaces, with lip	1.00
SR00100120	Safety Yellow Upholstery All safety yellow upholstery to be changed to black.	1.00
SR00100143	Number Plates (3) In total 10x10# plates same color as ambulance (the aluminum plate are slotted to permit the insertion of the number plate) see pictures of F22P-3947	1.00

38-Functionality (FCT)

<i>Item Number</i>	<i>Name/Description</i>	<i>Quantity</i>
FCT-LFT-24	Glove Box Compartment, Three (3) boxes Glove box compartment above CPR seat for three (3) horizontal boxes.	1.00
FCT-PLF-11	Radio Speakers, Recessed, Two (2) Two (2) recessed radio speakers.(Included)	1.00
FCT-PLF-13	IV Hooks, Recessed in Ceiling, Flexible, Four (4) Four (4) recessed flexible IV hooks in ceiling.	1.00
FCT-RGT-21	Trash Container, Flip-Down, Hands-Free Trash container bracket in curbside flip-down container.	1.00
FCT-RWR-11	Digital Clock, Driver and Step Indicator Lights Digital clock, rear step indicator light, driver intention indicator lights (direction, braker) located in padding above the rear doors.	1.00

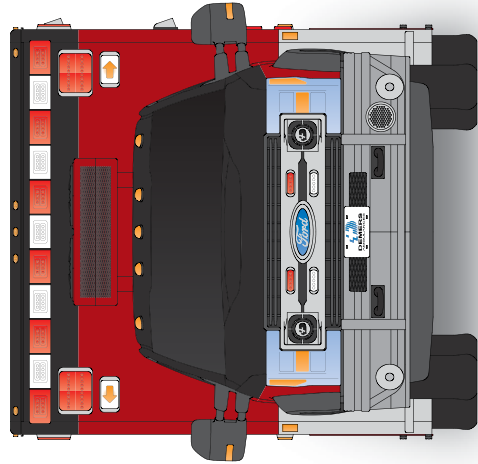
39-Medical Equipment (MEQ)

<i>Item Number</i>	<i>Name/Description</i>	<i>Quantity</i>
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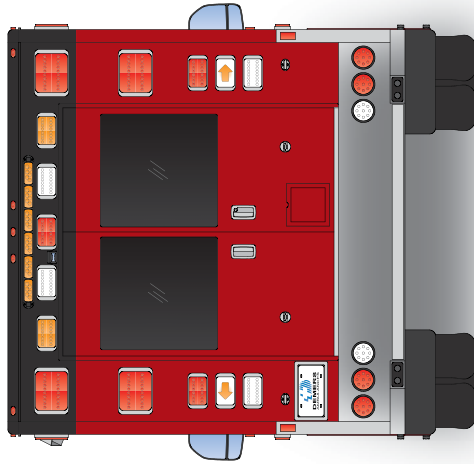
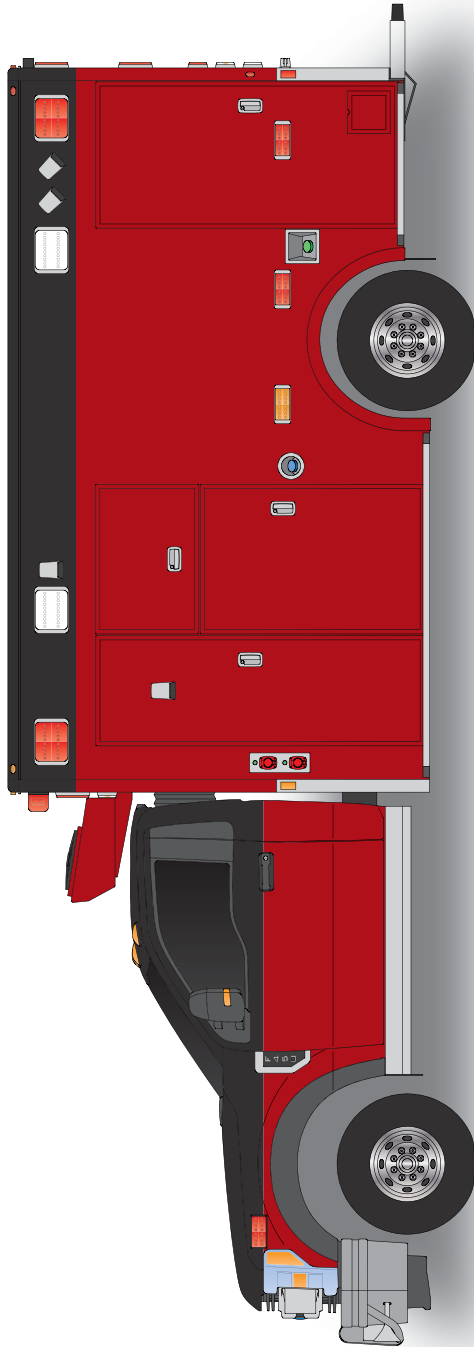
SR00100101	Sharps Container Sharps Container same as F22P-3947	1.00
<i>Item Number</i>	<i>Name/Description</i>	<i>Quantity</i>
SR00100115	Inverter/Charger Move inverter/charger panel to bulkhead compartment	1.00
SR00100119	Reinforce Shelves in ALS Cabinet Reinforce Shelves in ALS Cabinet	1.00

Install Customer Supplied Stryker Powerload at Ten-8 Fire



NOTE

THE FRONT BUMPER MODEL TO BE DETERMINED



THIS DRAWING IS SUBJECT TO CHANGE BY ENGINEERING DURING THE CONSTRUCTION PROCESS OF THE VEHICLE. DIMENSIONAL DATA FOR INFORMATION ONLY.



PAGE GENERAL EXTERIOR WITH CUSTOM PAINT

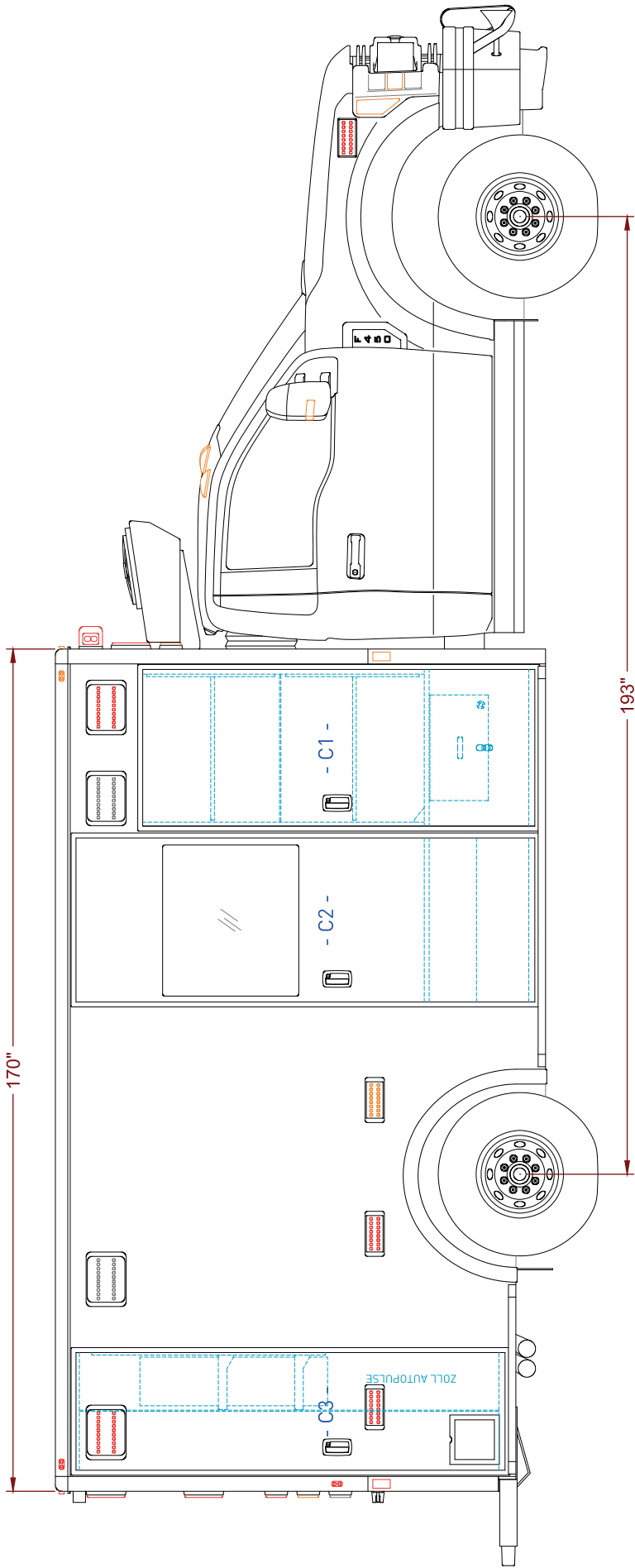
CONTRACT PALM BEACH FIRE RESCUE, FL

SCALE 1 : 45

REV

DESIGNER BENJOIT LANDRY

DATE



COMPARTMENT	DIMENSIONS L x H x D
C1	29.25" x 56.75" x 31.75"
C3	22.50" x 84.75" x 18.75"

THIS DRAWING IS SUBJECT TO CHANGE BY ENGINEERING DURING THE CONSTRUCTION PROCESS OF THE VEHICLE. DIMENSIONAL DATA FOR INFORMATION ONLY.

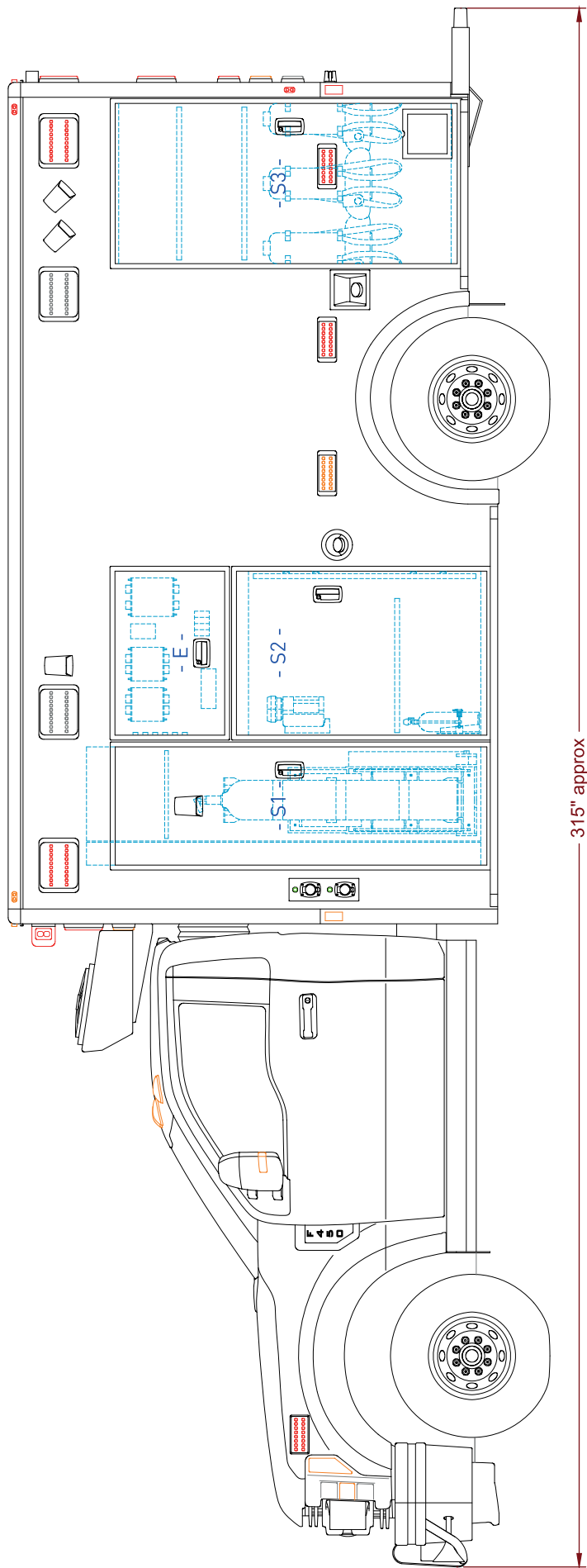


PAGE
CURBSIDE EXTERIOR
CONTRACT
PALM BEACH FIRE RESCUE, FL

SCALE
1 : 32

DATE
DESIGNER
REV

BENOIT LANDRY



COMPARTMENT	DIMENSIONS L x H x D
S1	23.50" x 79.50" x 18.75"
S2	32.00" x 47.00" x 18.75"
S3	33.25" x 67.25" x 18.00"

242

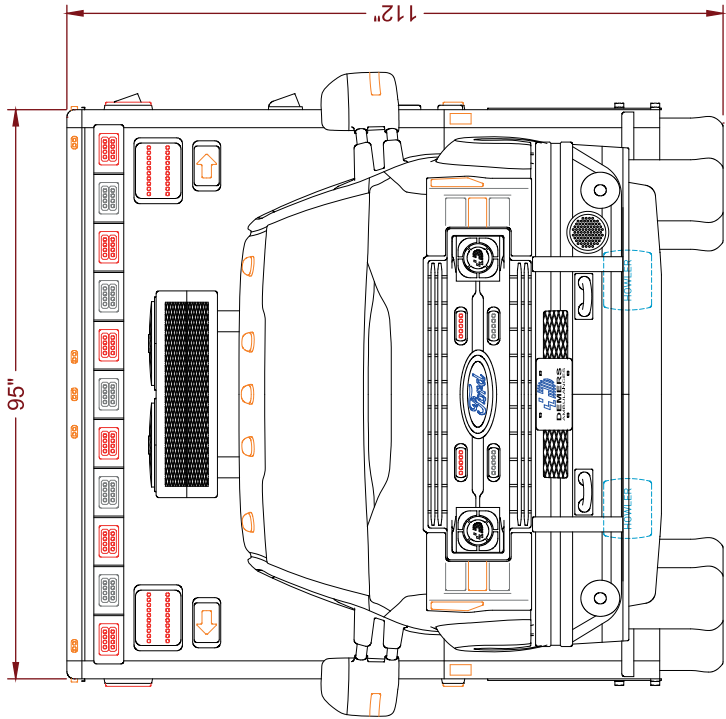
THIS DRAWING IS SUBJECT TO CHANGE BY ENGINEERING DURING THE CONSTRUCTION PROCESS OF THE VEHICLE. DIMENSIONAL DATA FOR INFORMATION ONLY.



PAGE	STREETSIDE EXTERIOR
CONTRACT	PALM BEACH FIRE RESCUE, FL

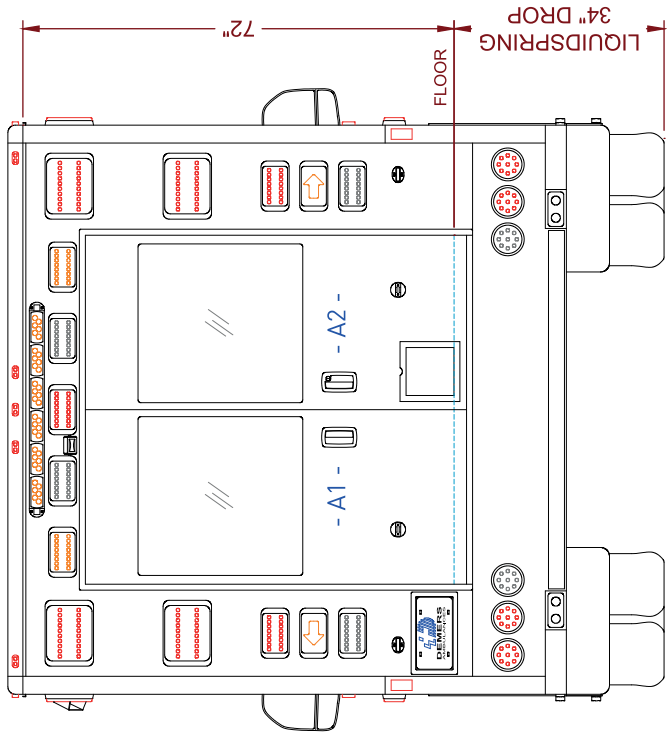
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DATE	DESIGNER
	BENOIT LANDRY



NOTE

THE TOTAL HEIGHT OF THE VEHICLE CAN BE DIFFERENT
ACCORDING TO CHASSIS AND SUSPENSIONS



NOTE

THE REAR LOADING HEIGHT OF THE VEHICLE CAN BE DIFFERENT
ACCORDING TO CHASSIS AND SUSPENSIONS

THIS DRAWING IS SUBJECT TO CHANGE BY ENGINEERING
DURING THE CONSTRUCTION PROCESS OF THE VEHICLE.
DIMENSIONAL DATA FOR INFORMATION ONLY.



FRONT & REAR EXTERIOR

PALM BEACH FIRE RESCUE, FL

PAGE

CONTRACT

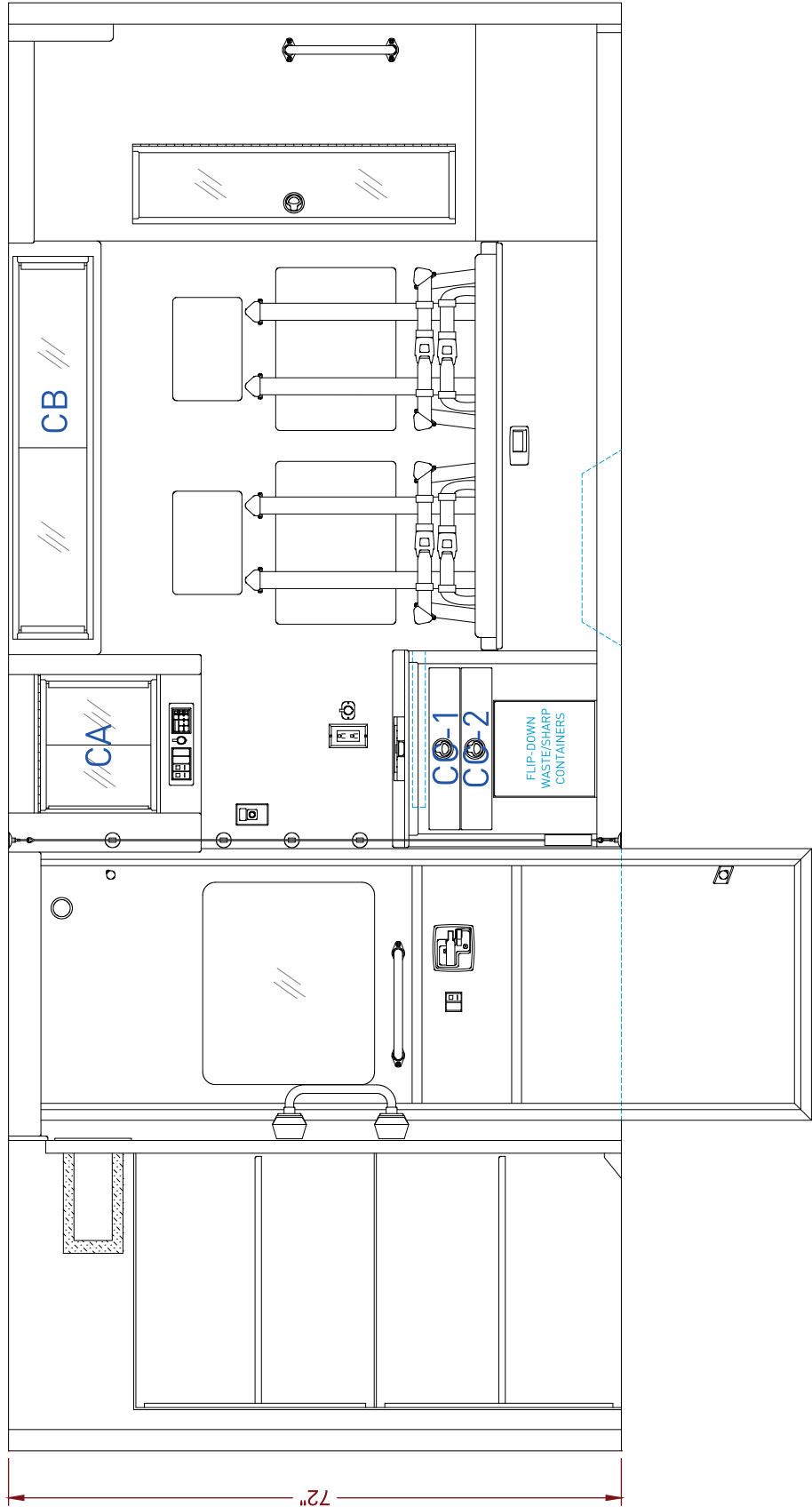
SCALE

1 : 32

DATE

DESIGNER

BENOIT LANDRY

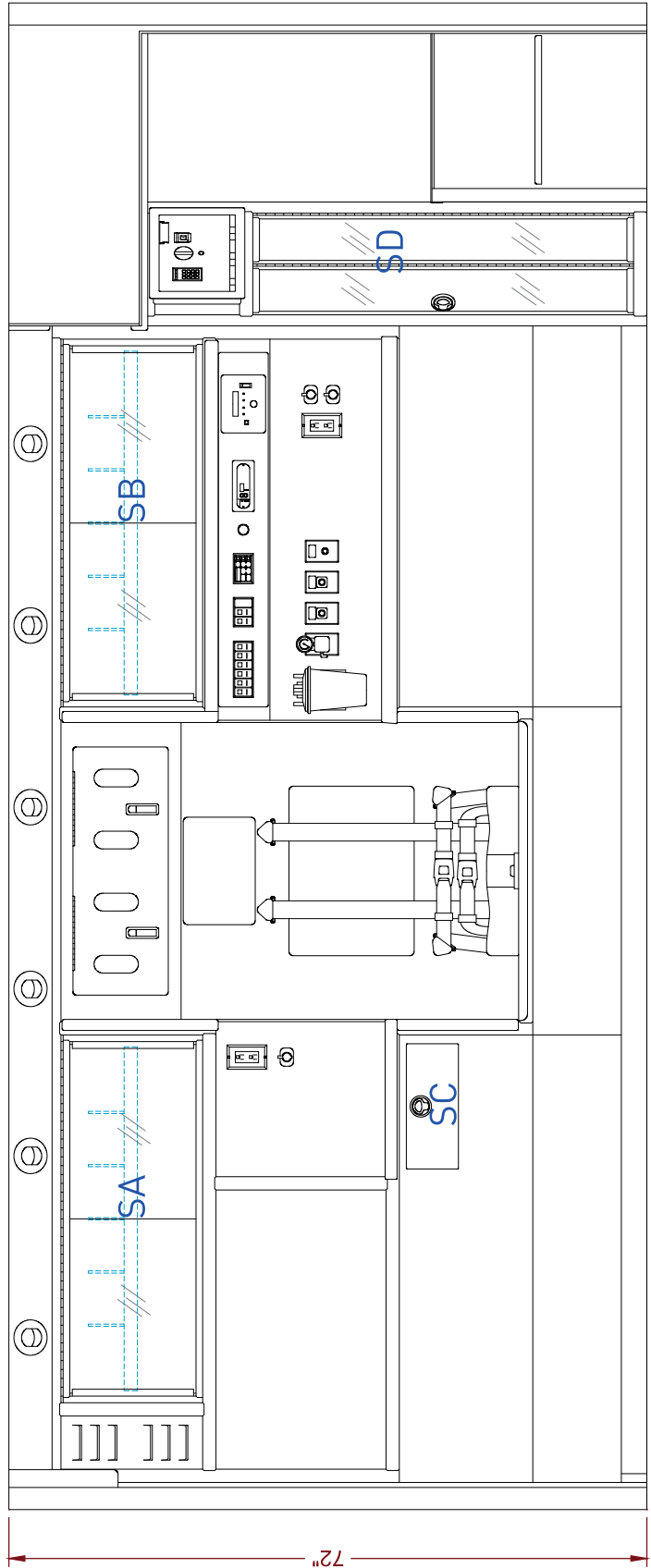


COMPARTMENT	DIMENSIONS L x H x D
STORAGE CABINET -CA-	19.00" x 20.25" x 13.00"
STORAGE CABINET -CB-	44.50" x 9.50" x 9.25"
STORAGE DRAWER -CC-	16.00" x 2.00" x 17.75"

THIS DRAWING IS SUBJECT TO CHANGE BY ENGINEERING DURING THE CONSTRUCTION PROCESS OF THE VEHICLE. DIMENSIONAL DATA FOR INFORMATION ONLY.



PAGE	CURBSIDE INTERIOR WALL	SCALE	1 : 20	DATE
CONTRACT	PALM BEACH FIRE RESCUE, FL	REV		DESIGNER
				BENOIT LANDRY

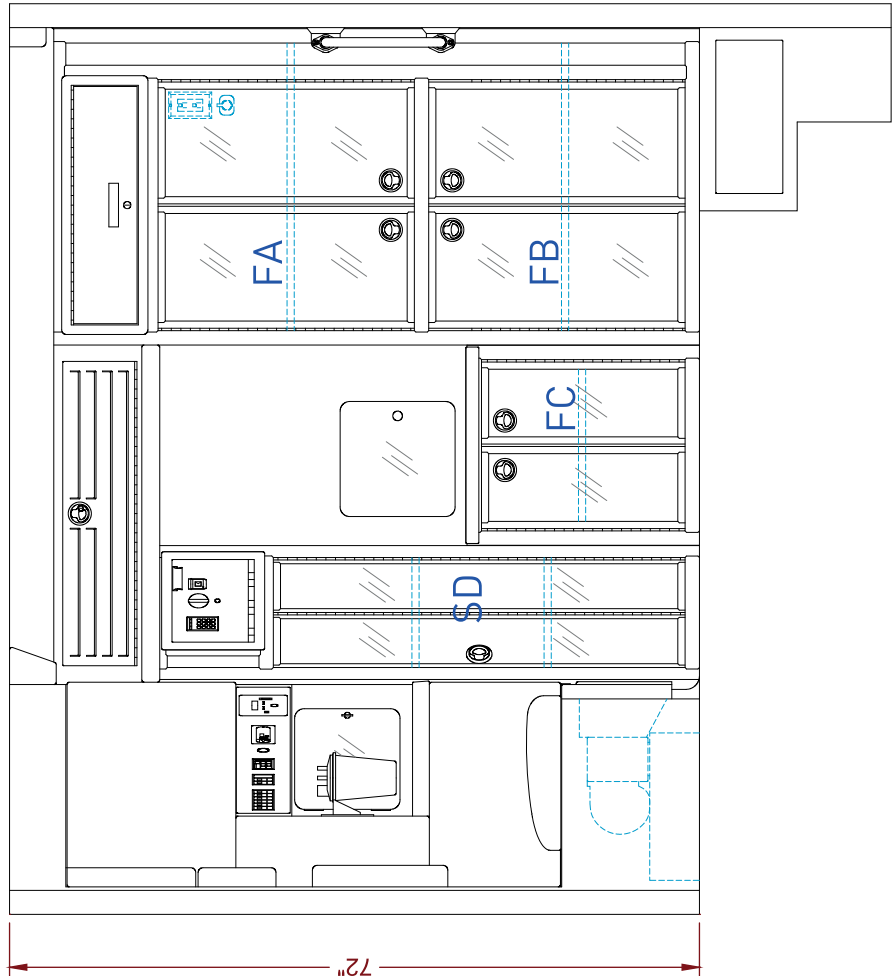


COMPARTMENT	DIMENSIONS L x H x D
MEDICAL CABINET -SA-	42.50" x 17.00" x 16.00"
MEDICAL CABINET -SB-	41.75" x 16.25" x 11.00"
STORAGE DRAWER -SC-	12.00" x 4.25" x 12.25"
STORAGE COMPARTMENT -SD-	17.75" x 45.25" x 15.75"

THIS DRAWING IS SUBJECT TO CHANGE BY ENGINEERING DURING THE CONSTRUCTION PROCESS OF THE VEHICLE. DIMENSIONAL DATA FOR INFORMATION ONLY.



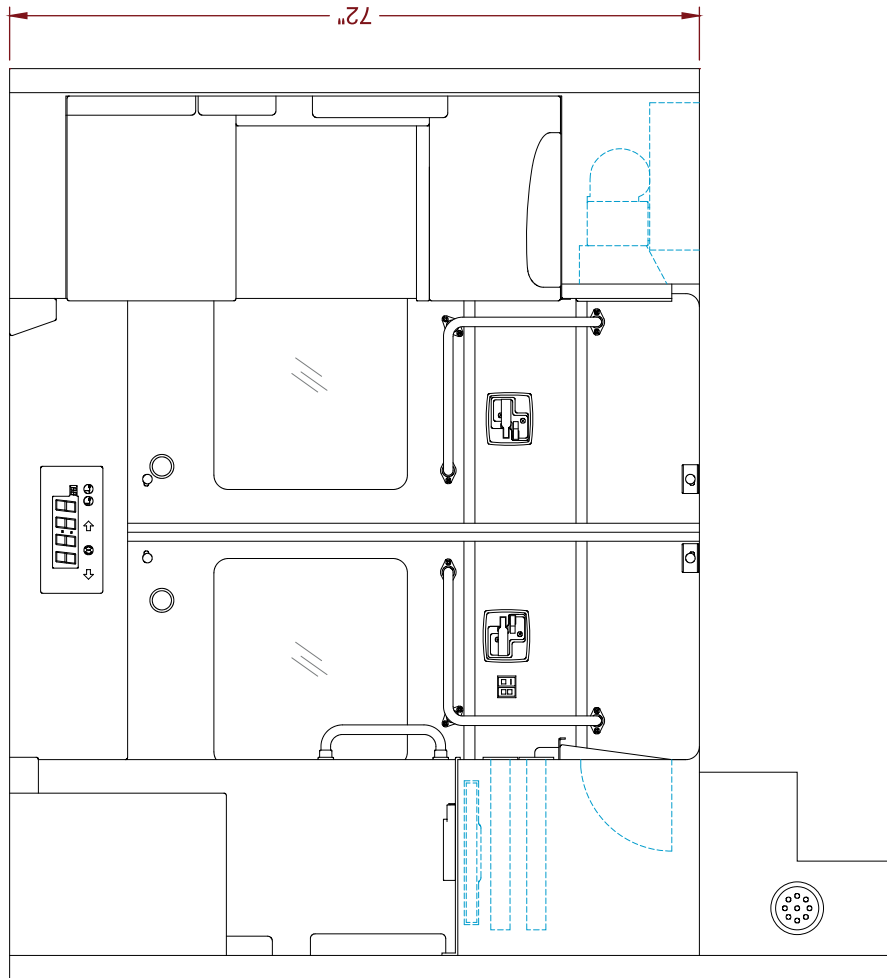
PAGE	CONTRACT	SCALE	DATE
19	STREETSIDE INTERIOR WALL	1 : 20	DESIGNER
	PALM BEACH FIRE RESCUE, FL	REV	BENOIT LANDRY



COMPARTMENT	DIMENSIONS L x H x D
HIGH ALS COMP. -FA-	31.75" x 27.75" x 30.25"
LOW ALS COMP. -FB-	31.75" x 29.00" x 30.25"
LOW CENTER COMP. -FC-	19.00" x 24.25" x 17.00"

THIS DRAWING IS SUBJECT TO CHANGE BY ENGINEERING DURING THE CONSTRUCTION PROCESS OF THE VEHICLE. DIMENSIONAL DATA FOR INFORMATION ONLY.

	PAGE	FRONT INTERIOR WALL	SCALE	DATE
	CONTRACT	PALM BEACH FIRE RESCUE, FL	REV	DESIGNER BENOIT LANDRY



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DURING THE CONSTRUCTION PROCESS OF THE VEHICLE.
DIMENSIONAL DATA FOR INFORMATION ONLY.



PAGE

REAR INTERIOR WALL

SCALE

1 : 20

DATE

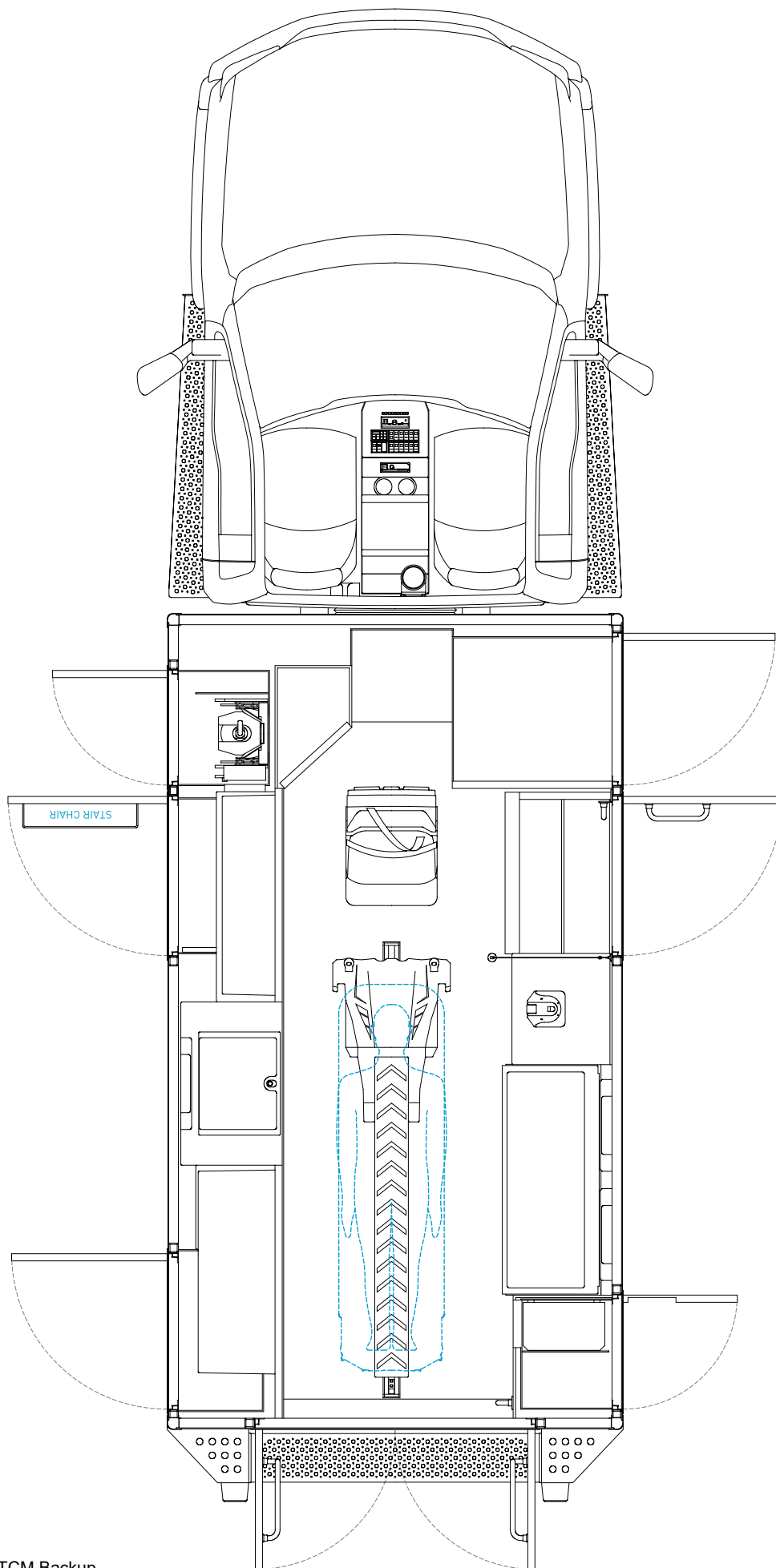
CONTRACT

PALM BEACH FIRE RESCUE, FL

REV

DESIGNER

BENOIT LANDRY



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DIMENSIONAL DATA FOR INFORMATION ONLY.



PAGE

FLOOR VIEW

DATE

SCALE

1 : 32

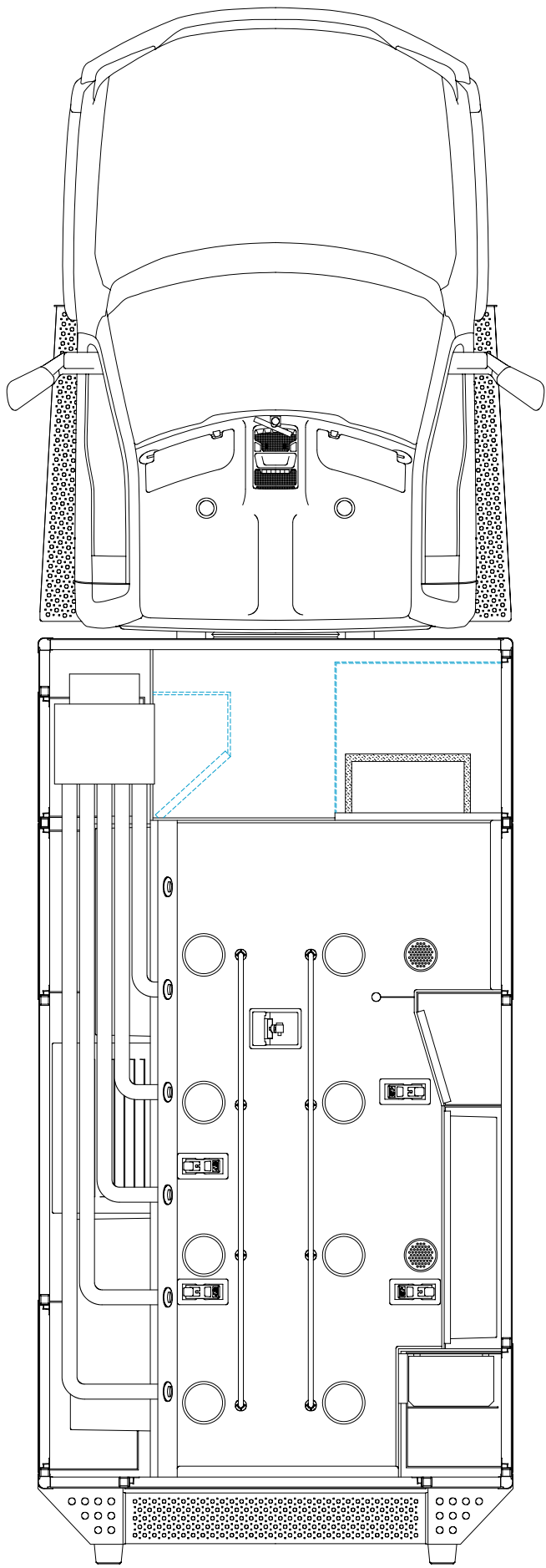
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PALM BEACH FIRE RESCUE, FL

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DESIGNER

BENOIT LANDRY



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DURING THE CONSTRUCTION PROCESS OF THE VEHICLE.
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PAGE

CEILING VIEW

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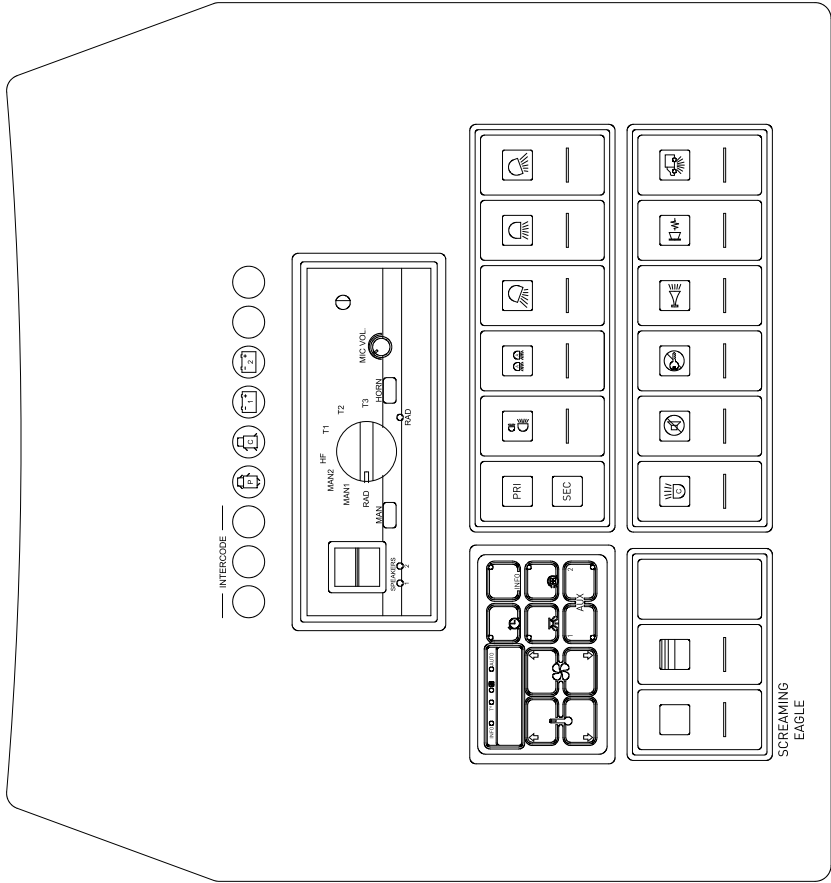
CONTRACT

PALM BEACH FIRE RESCUE, FL

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DESIGNER

BENOIT LANDRY



THIS DRAWING IS SUBJECT TO CHANGE BY ENGINEERING
DURING THE CONSTRUCTION PROCESS OF THE VEHICLE.
DIMENSIONAL DATA FOR INFORMATION ONLY.



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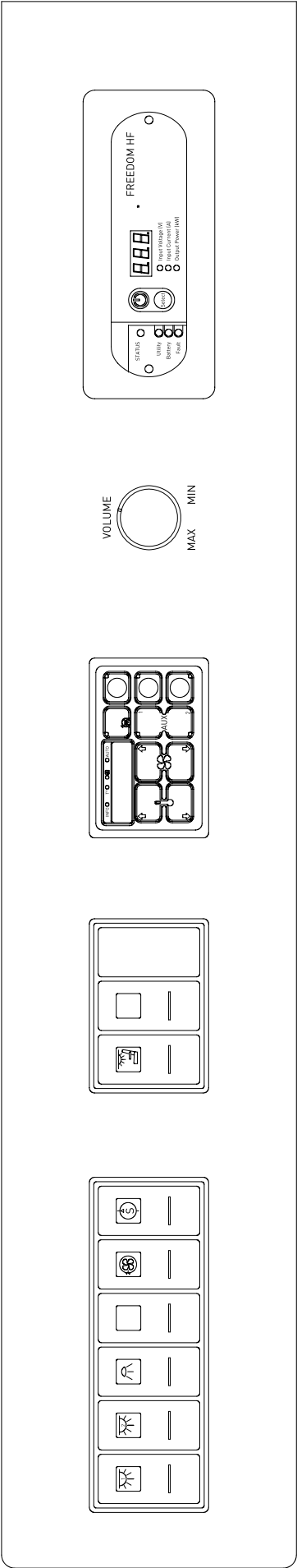
FRONT CONSOLE
PALM BEACH FIRE RESCUE, FL

SCALE
1 : 3

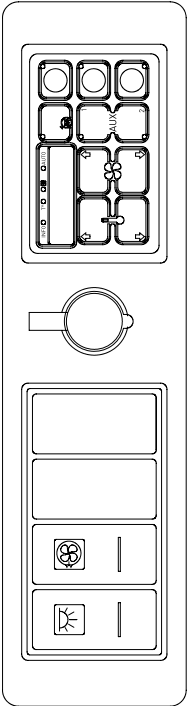
DATE
DESIGNER

BENOIT LANDRY

STREETSIDE CONSOLE



CURBSIDE CONSOLE



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PAGE

REAR CONSOLES

CONTRACT

PALM BEACH FIRE RESCUE, FL

SCALE

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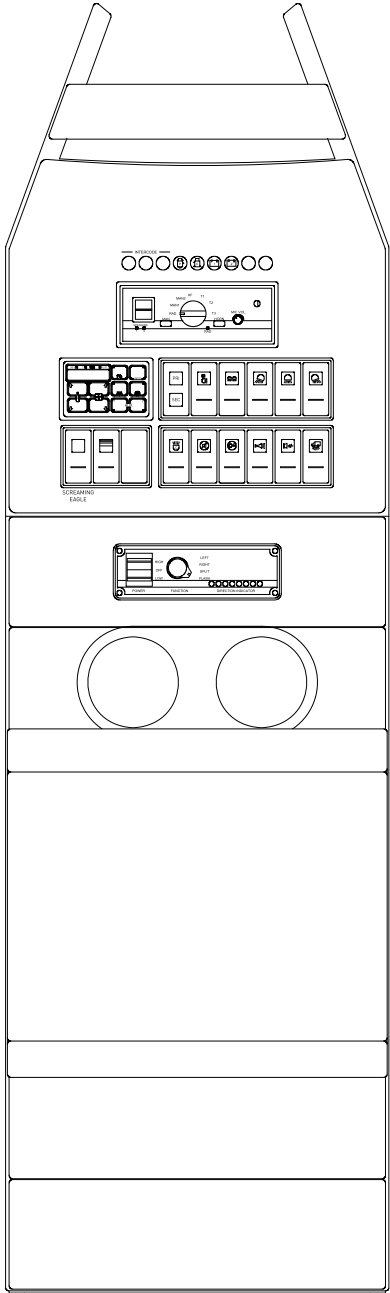
REV

DESIGNER

BENOIT LANDRY

DATE

TOP VIEW



SIDE VIEW

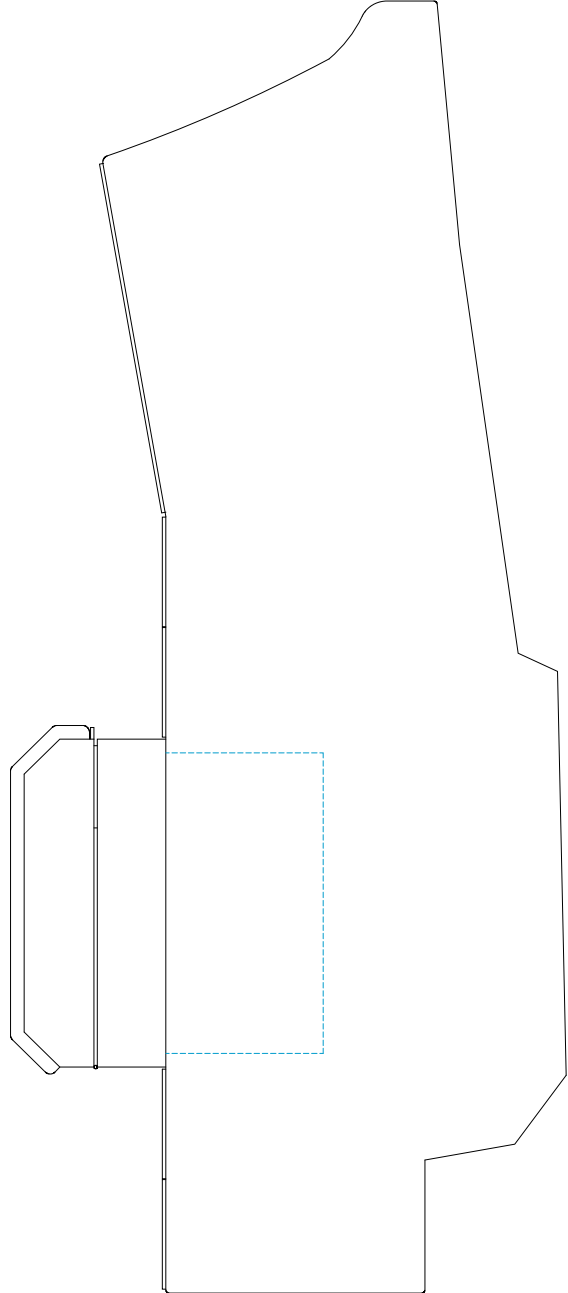


EXHIBIT B
WARRANTY



DEMERS AMBULANCES

EASY STEPS

WARRANTY GUIDE

(United States)

UNDERSTANDING YOUR DEMERS AMBULANCES LIMITED WARRANTIES

Your satisfaction is very important to us.

If you have questions or concerns with your vehicle, please do not hesitate to take the following steps:

1. Contact your Service Advisor at your authorized service center.
2. If the inquiry or concern is not resolved in a reasonable delay, please contact the **Demers Ambulances** Customer Assistance at:

Demers Ambulances
Customer Assistance Center
1-800-363-7591 (toll free - U.S.)
info@demers-ambulances.com

1. INTRODUCTION

Thank you for buying a **Demers Ambulance**.

When warranty repairs are required, you may take your vehicle to any **Demers Ambulances** authorized service center (see separate sheet for these locations). Please be aware that since certain warranty repairs require specifically trained employees, not all service centers are authorized to perform these warranty repairs. If a particular center cannot assist you, then contact the **Demers Ambulances** Customer Assistance Center at the number shown above.

This guide explains in detail the warranty coverage that apply to your Demers Ambulances.

Demers Ambulances provides the following Limited Warranties (Hereafter collectively referred to as the "Limited Warranties"):

1. **Modular Body Structure Limited Warranty**
2. **Modular Body Paint Limited Warranty**
3. **Electrical Limited Warranty**
4. **Demers Ambulances Materials/Workmanship Limited Warranty**
5. **OEM Materials/Workmanship assembled by other than Demers Ambulances Limited Warranty**

Chassis Manufacturer provides the New Vehicle Limited Warranty as well as the Federal and California Emissions Defect Warranties and Emissions Performance Warranties.

Please see the separate Chassis Manufacturer warranty booklet for coverage.

2. IMPORTANT INFORMATION YOU SHOULD KNOW: IF YOU NEED CUSTOMER ASSISTANCE:

For customer assistance, please follow the procedures outlined in the section 3 of this warranty guide.

DEFINITION:

Demers Ambulances refers to legal name Demers Ambulance Manufacturer Inc.

OEM refers to Original Equipment Manufacturer

OWNER refers to Original purchaser and/or Original license operators

KNOW WHEN EACH LIMITED WARRANTY BEGINS AND HOW LONG IT LASTS:

The **Start Date** for each Limited Warranty is the day the unit is first put into service (requires proper documentation to be filled and returned to **Demers Ambulances**) or the date of invoice, if no in service document was returned to **Demers Ambulances**. Each Limited Warranty lasts for the length of time specified or until the applicable mileage has been met, whichever occurs first.

CHECK YOUR VEHICLE:

If you see any damage when you receive your vehicle, notify your **Demers Ambulances Representative** immediately.

MAINTAIN YOUR VEHICLE PROPERLY:

Your vehicle contains an **Owner's Manual** and a **Recommended Maintenance Schedule** which indicates the scheduled maintenance required for your vehicle. Proper maintenance guards against major repair expenses resulting from neglect or inadequate maintenance.

It is your responsibility to make sure that all of the scheduled maintenances are performed and that the materials used meet applicable engineering specifications. Failure to perform scheduled maintenance as specified in the Service Guide will invalidate warranty coverage on parts affected by that lack of maintenance. Make sure that receipts for completed maintenance work are retained with the vehicle and confirmation of maintenance work is always kept.

COVERAGE UNDER THE LIMITED WARRANTIES:

During a Limited Warranty coverage period, the authorized **Demers Ambulances** service center will repair, replace, or adjust all parts on your vehicle (except specific exclusions as stated in the exclusions section of each Limited Warranty) that are defective in factory-supplied materials or workmanship. Items and conditions that are not covered by the Limited Warranties are stated in each Limited Warranty.

When making warranty repairs on your vehicle, the authorized service center will use new or remanufactured **Demers Ambulances** parts or other parts authorized by **Demers Ambulances**.

VEHICLES TO WHICH THE LIMITED WARRANTIES DO APPLY:

The **Limited Warranties** described in this booklet apply to your vehicle if:

- It was originally registered/licensed in United States and
- It is being operated in United States.

LIMITATIONS ON ALL OF YOUR LIMITED WARRANTIES:

ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE APPLICABLE TO THE VEHICLE IS LIMITED TO THE DURATION OF THE APPLICABLE LIMITED WARRANTY. THE PERFORMANCE OF REPAIRS AND NEEDED ADJUSTMENTS ARE THE EXCLUSIVE REMEDIES UNDER ALL THE LIMITED WARRANTIES. **DEMERS AMBULANCES** SHALL NOT BE HELD RESPONSIBLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGE, SUCH AS LOSS OF TIME, INCONVENIENCE, LOSS OF USE OF THE VEHICLE, LOANER VEHICLES, LODGING, FOOD, TOWING, PERSONAL PROPERTY, OR LOSS OF BUSINESS PROFITS.

The implied warranties are limited (to the extent allowed by law) to the time period covered by the written warranties, or to the applicable time period provided by state law, whichever period is shorter.

Some states do not allow **Demers Ambulances** to limit how long an implied warranty may last, or to exclude or limit incidental or consequential damages, so the limitation and exclusions described above may not apply to you.

NOTE

This information about the limitation of implied warranties and the exclusion of incidental and consequential damages is applicable to all the Limited Warranties.

Your Limited Warranties give you specific legal rights. You may have other rights that vary from state to state. The Limited Warranties are the only express warranties from **Demers Ambulances** applicable to your vehicle. **Demers Ambulances** does not authorize anyone to assume any other obligation or liability in connection with your vehicle or the Limited Warranties.

Demers Ambulances reserves the unrestricted right at any time, and from time to time, to make changes in design of and/or improvements on its products without thereby imposing any obligation upon itself to make corresponding changes or improvements in or on its products theretofore manufactured.

WHAT IS NOT COVERED UNDER ANY OF THE LIMITED WARRANTIES:

Damage Caused By:

- Abuse, negligence or unapproved alteration of original parts
- Damage from accidents
- Proven failure of a third party, certified or not by Demers Ambulances to make repairs, to adhere to comprehensively detailed remount instruction of the proponent that results in any impairment is also exempted.
- Collision or objects striking the vehicle
- Theft, vandalism, or riot
- Fire or explosion
- Freezing
- Misusing the vehicle, such as driving over curbs, overloading
- Altering or modifying the vehicle – including the engine, body, chassis, or components – after the vehicle leaves **Demers Ambulances'** control
- Non-**Demers Ambulances** approved parts installed after the vehicle leaves **Demers Ambulances'** control. For example, but not limited to, cellular phones, alarm systems, and automatic starting systems
- Tampering with the vehicle
- Disconnecting or altering the odometer or allowing the odometer to be inoperative for an extended period of time with the result that the actual mileage cannot be determined
- Using contaminated or improper fuel/fluids
- Customer-applied chemicals or accidental spills
- Driving through water deep enough to cause water to be ingested into the engine

Damaged Caused by Use and/or the Environment

Your Limited Warranties do not cover surface corrosion and deterioration that result from use and/or exposure to the elements. Here are examples:

- Stone chips, scratches (some examples are on paint and glass)
- Dings, dents
- Cuts, burns, punctures or tears
- Road salt, tree sap
- Bird and bee droppings
- Lightning, hail
- Windstorm
- Earthquake
- Water or flood

Damaged Caused by Improper Maintenance

Your Limited Warranties do not cover damage caused by failure to maintain the vehicle, improperly maintaining the vehicle, or using the wrong part, fuel, oil, lubricants, or fluids. See the **Owner's Manual** for correct fluid types and levels, and consult the **Recommended Maintenance Schedule** for proper ways to maintain your vehicle.

Maintenance/Wear

Your Limited Warranties do not cover: (1) parts and labor needed to maintain the vehicle; and (2) the replacement of parts due to normal wear and tear. You, as the owner, are responsible for these items. Examples are:

- Oil changes
- Oils, lubricants, other fluids
- Oil/air filters
- Brake linings/pads or adjustments
- Tire rotation
- Cleaning/polishing
- Wiper blades
- Clutch linings or adjustments
- Engine tune-up
- Batteries
- Bulbs
- Belts
- Hoses

Other Items and Conditions Not Covered

Your Limited Warranties also do not cover:

- Vehicles that have ever been labeled or branded as “dismantled”, “fire”, “flood”, “junk”, “rebuilt”, “reconstructed”, or “salvaged”; this will void the Limited Warranties
- Vehicles that have been determined to be a “total loss” by an insurance company; this will void the Limited Warranties
- Tires, wheel alignment and tire balancing.
- Adjustments as part of normal preventive maintenance such as hinges / door latches and hardware
- Components and installations other than those specified and approved by **Demers Ambulances**
- Batteries; batteries are covered by their respective OEM manufacturer.
- Programs, updates and/or software used by and for upgrade of equipment such as, but not limited to: GPS, AVL, Data recorder, mapping system, driver behavior, etc. Support and Warranty coverage beyond that of Demers Ambulances, for such equipment is to be provided by their Original Equipment Manufacturer.

3. STEPS YOU MUST FOLLOW IN ORDER TO OBTAIN WARRANTY SERVICE

To obtain warranty service, you must:

1. First contact the authorized **DEMERS AMBULANCES DEALER** from whom you purchased your vehicle, or contact a **Demers Ambulances** Warranty Service Representative directly:

1-800-363-7591 (toll free - U.S.)
info@demers-ambulances.com

- Have all pertinent information ready for the representative (using warranty claim form), including:
 - Vehicle make and model (Ford E350, GM Express, etc.);
 - **Demers Ambulances** model (MX164; MX170: EXE : LT2E : etc.);
 - **Demers Ambulances** stock number (located in the driver B pillar);
 - VIN (Vehicle Identification Number);
 - Date of delivery;
 - In Service Date;
 - Current mileage;
 - And any other pertinent information associated with the purchase of your ambulance.
- 2. To be eligible for any warranty service, you or your dealer (whichever applies) must send the warranty claim form (via fax; email or regular mail) found in your Owner's Manual with the proper information within 30 days of failure.
- 3. Your warranty replacement parts will be sent as soon as possible. Defective parts must be returned to your **Demers Ambulances DEALER** within 30 days of shipment of the replacement part. If the defective part is received within the required 30 day period, and is confirmed as being defective by **Demers Ambulances** technical personnel, there will be no charge to you. **Demers Ambulances will cover parts repair and shipping.**

NOTE

If the claimed defective part or the claim form is not received by your **Demers Ambulances DEALER** within 30 days of shipment of the warranty replacement part, or if the part is determined not to be defective, your **Demers Ambulances DEALER** will invoice you for the entire cost, plus shipping and handling, for the replacement part. It is your responsibility to return the claimed defective part to your **Demers Ambulances DEALER** within 30 days of receipt of the replacement part in order to avoid being invoiced for the replacement part.

4. All approved warranty work must be completed by a **Demers Ambulances** authorized service center.
5. You or Your dealer need to obtain authorization from **Demers Ambulances** for any work to be completed. Please do not take it upon yourself to make arrangements for the completion of warranty work. By doing so, and without the appropriate approval from a **Demers Ambulances** Warranty Service representative, you may VOID your warranty and/or be responsible for the total cost of the service repair. All warranty invoice should be submit 90 days maximum after authorization date.
6. If you have any questions concerning **Demers Ambulances'** warranty policies, please contact a **Demers Ambulances** Warranty Service representative.



DEMERS AMBULANCES LIMITED WARRANTIES

1. MODULAR BODY STRUCTURE LIMITED LIFETIME WARRANTY

WHAT IS COVERED?

Demers Ambulances hereby warrants to each original owner of a **Demers Ambulance** that, under normal use and service, each new **Demers Ambulances Modular Body Structure** (exclusive of paint finish, hardware, mouldings, windows and other components and accessories) shall be structurally sound and free of all structural defects of both material and workmanship, under normal use and service and further warrants that it will maintain such structural integrity for a period of **TWENTY FIVE (25) YEARS**. The obligations of **Demers Ambulances** under this warranty is limited to repairing and replacing, at its sole discretion, any component as a whole or any part related to the Modular Body Structure. Parts may be replaced with refurbished parts of like kind and quantity. Thereof which shall be returned with transportation charges prepaid to an authorized **Demers Ambulances** Service Center or dealer, and which examination shall disclose to have been defective, except as hereinafter provided. Service will be provided during normal business hours.

In the event that a modular body remount by the original owner is performed prior to the expiration of the original Modular Body Structure Limited Warranty, The Modular Body Structure Limited Warranty shall remain in effect provided the remount work is completed by **Demers Ambulances** personnel or a facility approved by **Demers Ambulances**.

Should repairs become necessary under the term of this warranty, the extent of that repair shall be determined solely by **Demers Ambulances** and shall be performed solely by **Demers Ambulances** or a repair facility designated by **Demers Ambulances**.

This warranty is conditioned upon:

- normal use and proper maintenance of such modular body;
- prompt written notice of any defects submitted to **Demers Ambulances** or one of its authorized dealers in the area;
- no alteration or additions to the modular structure except by **Demers Ambulances** or authorized by it;

If any of such conditions are not complied with, this warranty shall become void and unenforceable.

WHAT IS NOT COVERED?

The following items are specifically excluded from the **Demers Ambulances** Modular Body Structure Limited Warranty:

- All paint, striping, hardware, hinges, latches, mouldings, windows, appointments and accessories;
- Any and all structural damage resulting from any form of accident or operator negligence.
- Any and all structural damage resulting from unmaintained galvanic corrosion.
- Any and all structural damage resulting from unmaintained oxidation.
- The expense of any transportation to or from a repair facility.
- Any defect resulting from misuse, negligence, accident, remounting, overloading beyond applicable weight rating by customer or third parties.

2. MODULAR BODY PAINT LIMITED WARRANTY 5 YEARS / 180 000 MILES

WHAT IS COVERED?

Demers Ambulances hereby warrants to each original owner of a **Demers Ambulance**, that under normal use and service, each new **Demers Ambulances Modular Body Paintwork** provided by **Demers Ambulances or a Demers Ambulances PAINT & COATING ACCREDITED MANUFACTURER and/or SERVICE SUPPLIER** shall be free from defects of both material and workmanship, and further warrants that it will maintain such integrity for a period of **FIVE (5) YEARS or 180 000 miles**, whichever occurs first. The obligations of **Demers Ambulances** under this warranty is limited to repairing and replacing, at its sole discretion, any component as a whole or any part related to the **Demers Ambulances Modular Body Paintwork**. Parts may be replaced with refurbished parts of like kind and quantity. Thereof which shall be returned with transportation charges prepaid to an authorized **Demers Ambulances** service center or dealer, and which examination shall disclose to have been defective except as hereinafter provided. Service will be provided during normal business hours.

The following paint failures are covered:

- Peeling or delaminating of the topcoat and/or other layers of paint
- Cracking or checking
- Loss of gloss caused by cracking, checking, and hazing
- Any paint failure caused by defective paint or paint curing process at **Demers Ambulances or Demers Ambulances Accredited** paint service supplier.

WHAT IS NOT COVERED?

The following items are specifically excluded from the **Demers Ambulances** Modular Body Paint Limited Warranty:

- Hazing, chalking, or loss of gloss caused by improper care, abrasive polishes, cleaning agents, heavy duty pressure washing, or aggressive mechanical wash systems
- Paint deterioration caused by abuse, accidents, acid rain, chemical fallout or acts of nature
- Accidents, scratches, chips, bruises, and gloss reduction due to normal vehicle use and maintenance
- Custom finishes, exotic finishes or any other finish than standard refinish procedure
- Failures resulting from product misuse or abuse
- Repairs done to previously refinished areas unless stripped to bare metal or appropriate substrate
- Failures on finishes performed by **Non-Demers Ambulances Service Center**
- Paint failures resulting from improper application of striping, tapes, decals or custom painted designs / numerals.
- Defects resulting from normal and customary wear as a result of operating the vehicle.
- The expense of any transportation to or from a repair facility.

Should repairs become necessary under the term of this warranty, the extent of that repair shall be determined solely by **Demers Ambulances** and shall be performed by **Demers Ambulances** or a repair facility designated by **Demers Ambulances**.

3. ELECTRICAL LIMITED WARRANTY 5 YEARS / 180 000 MILES

WHAT IS COVERED?

Demers Ambulances hereby warrants to each original owner of a **Demers Ambulance** that, under normal use and service, each new **Demers Ambulances Electrical System** shall be free from defects of both materials and workmanship, and further warrants that it will maintain such integrity for a period of **FIVE (5) YEARS or 180 000 MILES**, whichever occurs first. The obligations of **Demers Ambulances** under this warranty is limited to repairing and replacing, at its sole discretion, any component as a whole or any part related to the **Demers Ambulances Electrical System**. Parts may be replaced with refurbished parts of like kind and quantity. Thereof which shall be returned with transportation charges prepaid to an authorized **Demers Ambulances** service center or dealer, and which examination shall disclose to have been defective except as hereinafter provided. Service will be provided during normal business hours.

Should repairs become necessary under the terms of this warranty, the extent of that repair shall be determined solely by **Demers Ambulances** and shall be performed solely by **Demers Ambulances** or a repair facility designated by **Demers Ambulances**.

Items specifically covered under the **Demers Ambulances** Electrical Warranty include:

- Electrical harnesses and harness installation
- Printed circuit board(s)
- Switches, timers, outlets
- Circuit breakers and relays
- Shoreline

WHAT IS NOT COVERED?

The following items are specifically excluded from the **DEMERS** Ambulances Electrical Limited Warranty:

- OEM electrical systems and components
- Equipment not manufactured by **DEMERS** Ambulances but which are installed by **DEMERS** Ambulances personnel. These items include, but are not limited to, the following: battery chargers; sirens; inverters; light bars and similar OEM equipment. These excluded items are typically covered by separate warranties supplied by **DEMERS** Ambulances and/or the OEM manufacturer of the component.
- Periodic tightening and cleaning of connection terminals as this is considered routine maintenance
- Defects arising from abuse, accident, negligence or unapproved alteration of original parts or systems.
- The expense of any transportation to or from a repair facility.

DEMERS AMBULANCES MATERIALS AND WORKMANSHIP LIMITED WARRANTY 5 YEARS / 180 000 MILES

WHAT IS COVERED?

Demers Ambulances hereby warrants to each original owner of a **Demers Ambulance** that, under normal use and service, each new **Demers Ambulances Materials and Workmanship**, shall be free from defects and further warrants that it will maintain such integrity for a period of **FIVE (5) YEARS or 180 000 MILES**, whichever occurs first. The obligations of **Demers Ambulances** under this warranty is limited to repairing and replacing, at its sole discretion, any part or materials related to the **Demers Ambulances Supplied Parts and Materials**. Parts may be replaced with refurbished parts of like kind and quantity. Thereof which shall be returned with transportation charges prepaid to an authorized **Demers Ambulances** distributor or dealer, and which examination shall disclose to have been defective except as hereinafter provided. Service will be provided during normal business hours.

Should repairs become necessary under the terms of this warranty, the extent of that repair shall be determined solely by **Demers Ambulances** and shall be performed solely by **Demers Ambulances** or a repair facility designated by **Demers Ambulances**.

WHAT IS NOT COVERED?

The following items are specifically excluded from the **Demers Ambulances** Features Limited Warranty:

- Chassis, OEM body structure, engine, interior or any other items supplied by chassis manufacturer (see chassis manufacturer's warranties)
- Any required maintenance adjustment, general tightening or headlamps adjustments
- Normal wear, or defects arising from abuse, accident, negligence or unapproved alteration of original parts or systems.
- The expense of any transportation to or from a repair facility.

4. OEM MATERIALS AND WORKMANSHIP ORIGINALLY ASSEMBLED BY OTHER THAN DEMERS AMBULANCES LIMITED WARRANTY 2 YEARS / 75 000 MILES

WHAT IS COVERED?

Demers Ambulances hereby warrants to each original owner of a **Demers Ambulances** body that, under normal use and service, each new OEM Materials And Workmanship Originally Assembled By OTHER Than Demers Ambulances, shall be free from defects and further warrants that it will maintain such integrity for a period of **TWO (2) YEARS or 75 000 MILES**, whichever occurs first. The obligations of **Demers Ambulances** under this warranty is limited to repairing and replacing, at its sole discretion, any component as a whole or any part related to the **OEM Parts And Materials originally assembled by OTHER than Demers Ambulances**. Parts may be replaced with refurbished parts of like kind and quantity. Thereof which shall be returned with transportation charges prepaid to an authorized **Demers Ambulances** distributor or dealer, and which examination shall disclose to have been defective except as hereinafter provided. Service will be provided during normal business hours.

These items include, but are not limited to, the following: battery chargers; sirens; inverters; light bars; fluorescent ballasts; door handles & latches; gas cylinders; laptops; laptop mounts; docking stations; actuators and similar OEM equipment. These items are typically covered by separate warranties supplied by the OEM manufacturer of the component. When necessary, **Demers Ambulances** Customer Assistance personnel will assist you in pursuing warranty assistance with the OEM manufacturers of these components, should their stated warranty be in excess of the basic **Demers Ambulances** warranty

Should repairs become necessary under the terms of this warranty, the extent of that repair shall be determined solely by **Demers Ambulances** and shall be performed solely by **Demers Ambulances** or a repair facility designated by **Demers Ambulances**.

WHAT IS NOT COVERED?

The following items are specifically excluded from the **Demers Ambulances** Features Limited Warranty :

- Chassis, OEM body structure, engine, interior or any other items supplied by chassis manufacturer (see chassis manufacturer's warranties)
- Any required maintenance adjustment, general tightening or headlamps adjustments
- Normal wear, or defects arising from abuse, accident, negligence or unapproved alteration of original parts.
- The expense of any transportation to or from a repair facility.



DEMERS AMBULANCES

RECEIPT AND ACKNOWLEDGMENT OF LIMITED WARRANTIES DELAY WARRANTY REGISTRATION

The undersigned acknowledges receipt and understanding of DEMERS AMBULANCES Modular Body Structure Limited Warranty, Modular Body Paint Limited Warranty, Electrical Limited Warranty, Demers Ambulances Materials And Workmanship Limited Warranty and OEM Materials And Workmanship Originally Assembled By Other Than Demers Ambulances Limited Warranty. These Limited Warranties have been reviewed in detail and I understand the policies and procedures outlined in each warranty.

Accepted and agreed to this day of _____.

OWNER INFORMATION

Name : _____

Address : _____

Phone Number: _____

Representative Name : _____

Representative Email Address: _____

Representative Signature : _____

DEALERSHIP INFORMATION

Name : _____

Address : _____

Phone Number: _____

Dealership Representative : _____

Representative Email Address: _____

Dealership Signature : _____

VEHICLE INFORMATION

Vehicle Identification Number (VIN): _____

Demers Ambulance Vehicle Stock Number: _____

Date of delivery: _____

Mileage on the vehicle at date of delivery: _____

WARRANTY SHOULD BE ACTIVATED WITHIN 24HRS OF DELIVERY
Please fill and return to:
Fax.: 450-467-6526 or dchatelle@demers-ambulances.com



Warranty claim form

F-5.02e

Rev. : 1

1	Vehicle serial number (V.I.N) (Number on dash, driver's side)				
2	Fleet unit number		3	Demers stock number	
4	Date in service (YY/MM/DD)		5	Milles / Miles	
6	Date of failure (YY/MM/DD)		7	Date of warranty claim	
8	Description of the issue				
9	Cause(s) of the issue				
10	Corrective(s) action(s)				
11	Estimated repair time				
12	Claim requested by		13	Invoice N°	
14	Billing address		15	Shipping address	
Phone:			Phone:		
Part N°	QTY	DESCRIPTION			
DEMERS RESERVED SECTION					
1. Warranty claim authorization no. :					
2. Time allowed for repairs :					
3. Warranty claim authorization date :					

Demers, Ambulances Manufacturer Inc. (Head Office)

28 Richelieu, Beloeil, QC, J3G 4N5 Tel.: 450-467-4683 Fax: 450-467-6526

www.demers-ambulances.com

1-800-363-7591

EXHIBIT C

PURCHASING TERMS AND CONDITIONS

PURCHASING TERMS AND CONDITIONS

(Florida)

These Purchasing Terms and Conditions, together with the Equipment Proposal and all attachments (collectively, the “Agreement”) are entered into by and between Ten-8 Fire & Safety, LLC, a Florida company (“Company”) and Customer (as defined in Ten-8 Fire & Safety, LLC’s Equipment Proposal document) and is effective as of the date specified in Section 3 of these Purchasing Terms and Conditions. Both Company and Customer may be referred throughout this document individually as a “party” or collectively as the “parties.”

1. **Definitions.**

- a. **“Acceptance”** has the same meaning set forth in Company’s Equipment Proposal.
- b. **“Company’s Equipment Proposal”** means the Equipment Proposal provided by Company and prepared in response to Customer’s request for proposal for a fire apparatus, associated equipment or an ambulance.
- c. **“Cooperative Purchasing Contract”** means an Agreement between Company and a public authority, including without limitation, a department, division, agency of a municipal, county or state government (“Public Authority”), that adopts or participates in an existing agreement between Company and another non-party customer (including, but not limited to such non-party customer’s equipment proposal, its applicable exhibits, attachments and purchasing terms and conditions), often referred to as a “piggyback arrangement,” which is expressly agreed to, in writing, by Company. Company has sole discretion to determine whether it will agree to such a Cooperative Purchasing Contract.
- d. **“Delivery”** means when Company delivers physical possession of the Product to Customer.
- e. **“Manufacturer”** means the Manufacturer of any Product.
- f. **“Prepayment Discount”** means the prepayment discounts, if any, specified in Company’s Equipment Proposal.
- g. **“Product”** means the fire apparatus and any associated equipment, or ambulance manufactured or furnished for Customer by Company pursuant to the Specifications.
- h. **“Purchasing Terms and Conditions”** means these Purchasing Terms and Conditions; however, if the Company’s Equipment Proposal or the Customer’s related Purchase Order states that it is governed by a Cooperative Purchasing Agreement, “Purchasing Terms and Conditions” shall mean those terms and conditions set forth in the applicable Cooperative Purchasing Agreement.
- i. **“Specifications”** means the general specifications, technical specifications, training, and testing requirements for the Product contained in Company’s Equipment Proposal and its Exhibit A (Proposal Option List or for ambulance sales, the Quotation, or Order Form, as applicable), prepared in response to Customer’s request for such a proposal.

2. **Purpose.** This Agreement sets forth the terms and conditions of Company’s sale of the Product to Customer.

3. **Term of Agreement.** This Agreement will become effective on the date of Acceptance as defined in Company’s Equipment Proposal (“Effective Date”) and, unless earlier terminated pursuant to the terms of this Agreement, it will terminate upon Delivery and payment in full of the Purchase Price.

4. **Purchase and Payment.** Customer agrees to pay Company the Purchase Price for the Product(s) as set forth in Company’s Equipment Proposal (“Purchase Price”). The Purchase Price is in U.S. dollars. Where Customer opts for a Prepayment Discount that specifies that Customer will tender one or more prepayments to Company, Customer must provide each prepayment within the time frame specified in the Equipment Proposal in order to receive the Prepayment Discount for that prepayment installment.

5. **Representations and Warranties.** Customer hereby represents and warrants to Company that the purchase of the Product(s) has been approved by Customer in accordance with applicable general laws and, as applicable, Customer’s charter, ordinances and other governing documents, and funding for the purchase has been duly budgeted and appropriated.

6. **Cancellation/Termination.**

- a. **Fire Equipment and Apparatus Sales.** In the event this Agreement is cancelled or terminated by Customer before completion, Company may charge Customer a cancellation fee. The following charge schedule is based on costs incurred by Manufacturer and Company for the Product, which may be applied and charged to Customer: (a) 12% of the Purchase Price after the order for the Product(s) is accepted and entered into Manufacturer’s system by Company; (b) 22% of

the Purchase Price after completion of approval drawings by Customer, and; (c) 32% of the Purchase Price upon any material requisition made by the Manufacturer for the Product. The cancellation fee will increase in excess of (c) in this Section 6, accordingly, as additional costs are incurred by Manufacturer and Company as the order progresses through engineering and into the manufacturing process.

- b. Ambulance Sales. This Section 6 for Cancellation/Termination does not apply to Ambulance Sales. An order for an ambulance cannot be cancelled or terminated once Company receives and processes Customer's Acceptance of Company's Equipment Proposal.
7. Delivery. The Product is scheduled to be delivered as specified in the Delivery Timing section of the Equipment Proposal ("Delivery Timing"), which will be F.O.B. Company's facility. The Delivery Timing is an estimate, and Company is not bound to such date unless it otherwise agrees in writing. Company is not responsible for Delivery delays caused by or as the result of actions, omissions or conduct of the Manufacturer, its employees, affiliates, suppliers, contractors, and carriers. All right, title and interest in and to the Product, and risk of loss, shall pass to Customer upon Delivery of the Product(s) to Customer.
8. Standard Warranty. The manufacturer warranties applicable to this Agreement, if any, are attached to Company's Equipment Proposal as Exhibit A and are incorporated herein as part of the Agreement.
 - a. Disclaimer. EXCEPT AS OTHERWISE SET FORTH IN THIS AGREEMENT, COMPANY, INCLUDING ITS PARENT COMPANY, AFFILIATES, SUBSIDIARIES, AND THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, SHAREHOLDERS, AGENTS OR REPRESENTATIVES DO NOT MAKE ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE PRODUCTS PROVIDED UNDER THIS AGREEMENT, WHETHER ORAL OR WRITTEN, EXPRESS, IMPLIED OR STATUTORY. WITHOUT LIMITING THE FOREGOING DISCLAIMER, ANY IMPLIED WARRANTY OR CONDITION OF MERCHANTABILITY, IMPLIED WARRANTY AGAINST INFRINGEMENT, AND IMPLIED WARRANTY OR CONDITION OF FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED AND DISCLAIMED. STATEMENTS MADE BY SALES REPRESENTATIVES OR IN PROMOTIONAL MATERIALS DO NOT CONSTITUTE WARRANTIES.
9. Limitation of Liability. COMPANY WILL NOT BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, INDIRECT, ECONOMIC, PUNITIVE, SPECIAL OR EXEMPLARY DAMAGES ARISING FROM OR IN ANY WAY CONNECTED WITH THIS AGREEMENT WITHOUT REGARD TO THE NATURE OF THE CLAIM OR THE UNDERLYING THEORY OR CAUSE OF ACTION (WHETHER IN CONTRACT, TORT, STRICT LIABILITY, EQUITY OR ANY OTHER THEORY OF LAW) ON WHICH SUCH DAMAGES ARE BASED. COMPANY'S LIMIT OF LIABILITY UNDER THIS AGREEMENT SHALL BE CAPPED AT THE TOTAL AMOUNT OF THE MONIES PAID BY CUSTOMER TO COMPANY UNDER THIS AGREEMENT.
10. Force Majeure. Company shall not be responsible nor deemed to be in default on account of delays in performance due to causes which are beyond Company's control which make Company's performance impracticable, including but not limited to civil wars, insurrections, strikes, riots, fires, storms, floods, other acts of nature, explosions, earthquakes, accidents, including transportation or delivery losses outside of Company's control, any act of government, delays in transportation, inability to obtain necessary labor supplies or manufacturing facilities, allocation regulations or orders affecting materials, equipment, facilities or completed products, failure to obtain any required license or certificates, acts of God or the public enemy or terrorism, failure of transportation, epidemics, quarantine restrictions, failure of vendors (due to causes similar to those within the scope of this clause) to perform their contracts or labor troubles causing cessation, slowdown, or interruption of work.
11. Customer's Obligations. Customer shall provide its timely and best efforts to cooperate with Company and Manufacturer during the manufacturing process to create the Product. Reasonable and timely cooperation includes, without limitation, Customer's providing timely information in response to a request from Manufacturer or Company and Customer's participation in traveling to Manufacturer's facility for inspections and approval of the Product.

12. Default. The occurrence of one or more of the following shall constitute a default under this Agreement: (a) Customer's failure to pay any amounts due under this Agreement or Customer's failure to perform any of its obligations under this Agreement; (b) Company's failure to perform any of its obligations under this Agreement; (c) either party becoming insolvent or becoming subject to bankruptcy or insolvency proceedings; (d) any representation made by either party to induce the other to enter into this Agreement, which is false in any material respect; (e) an action by Customer to dissolve, merge, consolidate or transfer a substantial portion of its property to another entity; or (f) a default or breach by Customer under any other contract or agreement with Company.
13. Manufacturer's Statement of Origin. Company shall retain possession of the manufacturer's statement of origin ("MSO") for the Product until the entire Purchase Price has been paid. If more than one Product is covered by this Agreement, Company shall retain the MSO for each individual Product until the Purchase Price for that Product has been paid in full.
14. Arbitration. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. The Arbitration shall take place in Bradenton, Florida.
15. Miscellaneous. The relationship of the parties established under this Agreement is that of independent contractors and neither party is a partner, employee, agent, or joint venture of or with the other. Neither party may assign its rights and obligations under this Agreement without the prior written approval of the other party. This Agreement and all transactions between Ten-8 Fire & Safety, LLC will be governed by and construed in accordance with the laws of the State of Florida. The delivery of signatures to this Agreement may be via facsimile transmission or other electronic means and shall be binding as original signatures. This Agreement shall constitute the entire agreement and supersede any prior agreement between the parties concerning the subject matter of this Agreement. This Agreement may only be modified by an amendment, in writing, signed by duly authorized representatives of both parties with authority to sign such amendments to this Agreement. In the event of a conflict between the Ten-8 Proposal and these Terms and Conditions, the Ten-8 Proposal shall control except in the case of a Cooperative Purchasing Contract as set forth in Section 1(c) and (h) of these Purchasing Terms and Conditions. If any term of this Agreement is determined to be invalid or unenforceable by a competent legal authority, such term will be either reformed or deleted, as the case may be, but only to the extent necessary to comply with the applicable law, regulation, order or rule, and the remaining provisions of the Agreement will remain in full force and effect.



Dear Cindy,

Thank you for your continued business and valued support. As a leader in ambulance manufacturing and after-market parts we partner with industry leading suppliers to provide the best quality, deliveries, and value proposition.

We work closely with our suppliers to ensure pricing and supply are in line with market changes and conditions. We hold our suppliers accountable to protect you, our customers.

The unprecedented times due to COVID-19 and the recent severe weather conditions in the USA resulted in never-before-seen increase in demand for raw materials and restrictions on supply. DBC adjusted pricing in April due to increases in raw materials in October and December 2020.

Since then, we have received new price increases from nearly 100% of our suppliers with the majority being effective June 2021. Please **see attachments from IMMI** and other reliable benchmark sources.

Although we continue to practice lean processes and look for internal efficiencies it is at the point where the recent cost increases have exceeded any savings we have achieved.

These main drivers for the disruption are:

- Significant increase in global demand for resin, causing a shortage for raw materials that go into resin blends and components used in your ambulances.
- Shortage of shipping containers coming out of Asia. Currently for every three sent one is being returned. A container coming from Asia today costs 4X the cost in February.
- Spike in demand for FRP products due to COVID-19.
- Raw materials demand shifted to support products for COVID-19; Face shields, Gloves, water bottles, etc.
- With no one traveling and taking vacations there is huge spike in other industries which increased consumption of FRP raw materials
- Per ton of Hot-Rolled Coil Steel used by seat suppliers are going up 15%
- Sports and recreational products demand are increasing, ATV, Motorcycles, Snowmobiles.

- Weather in central and southern USA has caused havoc on supply. Texas alone experienced several refineries and Resin plants that either shut down or cut back drastically output.
- Ground, Air shipping cost have experienced sharp increases.
- Increase in other key ingredients such as DCPD, Maleic Anhydride, PIA and PG.
- Increase in energy cost

Due to the above factors, we are unable to continue to absorb these increases. **We will be issuing a price increase across all DBC Customer Care parts and supplied products beginning July 12th. All orders placed on, or after, July 12th will be subject to the increase.**

You do not have to take any action. The new prices will go into effect on July 12th, 2021, for all new orders.

We understand the importance of price, however, currently it is more important we secure supply to ensure no disruption in delivery of your products. In working closely with our suppliers, we have been successful in securing supply for the near foreseeable future. If this should change, we will notify you immediately.

Suppliers are also warning that due to the volatility in the marketplace more increases are expected.

We are continuing to work closely with these suppliers to ensure the increases are appropriate and to minimize the impact.

Sincerely,

Benoit Lafortune

Executive Vice President – Shared Services, Customer Care and Marketing DBC

28, Richelieu, Beloeil, Québec, Canada - J3G 4N5

450-467-4683, ext. 272



TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 155-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Rechten International Trucks Inc. for the Purchase of Two Replacement Dump Trucks in the Amount of \$197,954 and Approve a Budget Contingency of \$1,954 for the Equipment Replacement Fund for this Award.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum dated December 2, 2021, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 155-2021**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve a Purchase Order to Rechten International Trucks, Inc. in the Amount of \$197,954 for the Purchase of Two Replacement Trash Trucks;
Resolution No. 155-2021

DATE: 2 December 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 155-2021 approving a purchase order to Rechten International Trucks Inc. for the purchase of two replacement trash trucks in the amount of \$197,954.

Staff is also recommending a budget contingency of \$1,954 be approved for the Equipment Replacement Fund for this replacement purchase.

SUMMARY/BACKGROUND INFORMATION

This purchase is for the Trash Bureau's program. The trucks are used daily for the collection and disposal of vegetative material throughout the Town. Both units being replaced are 2013 models and are in the replacement schedule for the FY 22 budget. The asset numbers being replaced are 10335 and 10337.

GENERAL INFORMATION

The Town, as well as all agencies within the State of Florida, utilize the Florida Sheriff's contract for both light and heavy duty vehicles as they have provided a consortium for best pricing, as well as terms and conditions.

FUNDING/FISCAL IMPACT

The Equipment Replacement Fund has \$196,000 budgeted for these two replacement vehicles. A budget contingency of \$1,954 will be required to support this purchase.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

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

cc: Paul Brazil, Public Works Director
Eric Brown, P.E., Assistant Director of Public Works
Chet Purves, Services Division Manager
Duke Basha, Assistant Purchasing Manager
Ryan Canterbury, Senior Buyer

RESOLUTION NO. 155-2021

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO RECHTIEN
INTERNATIONAL TRUCKS INC. FOR THE PURCHASE OF
TWO REPLACEMENT DUMP TRUCKS IN THE AMOUNT OF
\$197,954 AND APPROVE A BUDGET CONTINGENCY OF \$1,954
FOR THE EQUIPMENT REPLACEMENT FUND FOR THIS
AWARD**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 155-2021, approving purchase order to Rechtiem International Trucks Inc. for the purchase of two replacement dump trucks in the amount of \$197,954.

Section 2. A budget contingency of \$1,954 be approved for the Equipment Replacement Fund for this award.

Section 3. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of December, 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk



Rechtien International Trucks, Inc

FLORIDA SHERIFF'S ASSOCIATION CONTRACT - FSA 20-VEH 18.0 Heavy Trucks

Customer:	TOWN OF PALM BEACH	16' Trash Dump Aluminum		
Specification:	60	Region:	SOUTHERN	
Model:	MV	Base Price:		
Contract Options: All Contract Options include a discount from manufacturer MSRP			Quantity	Unit Cost
				extended
1CAE	FRAME RAILS, 120,000 PSI	1	\$ 61,122.00	\$61,122.00
4EBT	(4EDN) AIR DRYER (BENDIX AD-IP) WITH HEATER	1	\$ 421.00	\$ 421.00
4VLE	AIR DRYER LOCATION MOUNTED UNDER HOOD	1	\$ 430.00	\$ 430.00
4722	DRAIN VALVE (BENDIX DV-2) AUTOMATIC WITH HEATER	1	\$ 57.00	\$ 57.00
5708	STEERING COLUMN, TILTING	1	\$ 135.00	\$ 135.00
8THB	BACK-UP ALARM	1	\$ 102.00	\$ 102.00
8WGL	WINDSHIELD WIPER SPEED CONTROL, SLOWEST ON PARK	1	\$ 98.00	\$ 98.00
8WPZ	TEST EXTERIOR LIGHTS, PRE-TRIP INSPECTION	1	\$ 34.00	\$ 34.00
8WRB	HEADLIGHTS ON WITH WIPERS	1	\$ 34.00	\$ 34.00
8XHC	PARKING BRAKE ALARM, SOUNDS WHEN NOT ENGAGED	1	\$ 34.00	\$ 34.00
10VAA	(10WBS) KEYS ALL ALIKE, ADDITIONAL 3 KEYS	1	\$ 34.00	\$ 34.00
10WCU	FIRE EXTINGUISHER	1	\$ 47.00	\$ 47.00
10WCY	SAFETY TRIANGLE KIT	1	\$ 98.00	\$ 98.00
16GHU	GRAB HANDLE, CAB INTERIOR (2) SAFETY YELLOW	1	\$ 38.00	\$ 38.00
16SDC	GRAB HANDLE, (2) CHROME TOWEL BAR STYLE	1	\$ 27.00	\$ 27.00
7372135809	11R 22.5 LOAD RANGE G AH37 HANKOOK TIRES	1	\$ 193.00	\$ 193.00
NEWTAG	NEW COUNTY TAG	6	\$ 89.00	\$ 534.00
MVNXTGN	MV607 NEXT GEN 2023 MODEL UPGRADE	1	\$ 250.00	\$ 250.00
3RD PARTY	Due to market condition, all 3rd party bodies are subject to price increase	1	\$ 679.00	\$ 679.00
16ALMTRASH	16' ALUMINUM TRASH DUMP, 48" SIDES, ELEC. TARP, BARN DOORS	1	\$ 4,700.00	\$ 4,700.00
			\$ 24,500.00	\$ 24,500.00
			\$	\$ -
				\$ -
Non-Contract Options: All Non-Contract Options include a discount from manufacturer MSRP				
CONE HOLDER UNDER BODY / ACCESS LADDER SIDE MOUNTED		1	\$ 350.00	\$ 350.00
DUMP BODY UPG. - 84" HIGH SIDES		1	\$ 5,060.00	\$ 5,060.00
			\$	\$ -
Total:			\$ 98,532.00	\$ 98,977.00
	**Florida Waste Tire Fee	6	\$ 1.00	\$ 6.00
	**Florida Waste Battery Fee	2	\$ 1.50	\$ 3.00
Total Purchase Order Amount:	**included in base price		\$ 98,532.00	\$ 98,977.00

Cab Color:	WHITE
Body Color:	ALUMINUM

Prepared By:

Carlos Correa

Rechtien International

3787 Interstate Park Rd.

Riviera Beach, FL 33404

office: 561-882-9050

cell: 954.422.4760

Authorized Agent Signature:**Date Signed:**

fax: 561-882-0218

email: ccorrea@rechtien.com

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 161-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Hedrick Brothers Construction Company Inc, for Modular Building Systems to House North Fire Staff during Rehabilitation of the Station as part of Pre-Construction Services.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

No Attachments Available

The backup will be provided in the purple folders

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Consent - Other

Agenda Title

RESOLUTION NO. 157-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the De-Designation and Designation of Tree Number Twenty-Six (26) a Caracas Fig as Historic and Specimen Tree at 174 Via Del Lago, and Providing an Effective Date.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 30, 2021, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 157-2021**
- ▣ **Plant Specimen Diagnostic Report**
- ▣ **Town Arborist Inspection**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

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

RE: Historic or Specimen Tree Designation/De-designation at 174 Via Del Lago
Resolution No. 157-2021

DATE: November 30, 2021

STAFF RECOMMENDATION

Town staff requests that Town Council approve Resolution No. 157-2021 and the de-designation/designation assignment of a Historic/Specimen (H/S) tree as described below.

GENERAL INFORMATION

There are one hundred-eighteen (118) trees on the island that have been designated as H/S trees. These trees are inspected annually by the Town arborist. During the inspection, the trees are evaluated to determine if they are of suitable quality and condition to remain as an H/S tree, and an inspection report is provided to the owner. The Town ordinance allows for relocation of trees and adding trees that are deemed to be of H/S quality.

In the course of that inspection, the Town's Arborist found tree number 26, a Caracas Fig (*Ficus Nymphaeolia*), at 174 Via Del Lago to be in fair condition, but structurally compromised due to tissue rotting fungi, and no longer of specimen quality, by no fault of the property owner, and recommends de-designation. Additionally, de-designation was also requested by the property owner that this tree be removed from the list of the Town's historic/specimen trees.

The property owner is aware of the Town's Historic or Specimen Tree Ordinance and delights being a part of the Garden Clubs H/S program. The property owner has offered to plant another Caracas Fig elsewhere on the property.

The Town's arborist will work with the property owner to locate and install a suitable replacement Caracas fig. By request of the owner and the Town's arborist, the newly planted Caracas Fig will be added to the Historic or Specimen Tree list and program utilizing the same tree number (26).

174 Via Del Lago

Damaged Tree - Caracas Fig

Replacement - Caracas Fig

FUNDING/FISCAL IMPACT:

There would be no impact to the budget unless the property owners participate in the voluntary maintenance program and fee as described in the Town Ordinance.

cc: Eric B. Brown, P.E., Assistant Director of Public Works/Operations
Paul Colby, Facilities Maintenance Division Manager
Mary Pressly, President, Garden Club of Palm Beach
Richard Maxwell, King Tree Service, Town Arborist

RESOLUTION NO. 157-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE DE-DESIGNATION AND DESIGNATION OF TREE NUMBER TWENTY-SIX (26) A CARACAS FIG AS HISTORIC AND SPECIMEN TREE AT 174 VIA DEL LAGO, AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Town Council of the Town of Palm Beach desires to record said designations 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. Tree #26 a Caracas Fig (botanical name: Ficus Nymphaeolia) shall be de-designated and removed as a historic or specimen tree and recorded with the Palm Beach County Clerk's office:

174 Via Del Lago (PCN/Legal: 50-43-43-35-00-002-0190)

<u>Count</u>	<u>Common Name</u>	<u>Botanical Name</u>
1	Caracas Fig	Ficus Nymphaeolia

Section 2. Tree number 26 a Caracas Fig (botanical name: Ficus Nymphaeolia) shall be designated and shall be added as an historic or specimen tree and recorded with the Palm Beach County Clerk's office:

174 Via Del Lago (PCN/Legal: 50-43-43-35-00-002-0190)

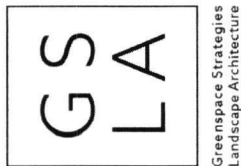
<u>Count</u>	<u>Common Name</u>	<u>Botanical Name</u>
1	Caracas Fig	Ficus Nymphaeolia

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of December 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk



Charles M. Atkins, PLA, ISA
Principal Landscape Architect
Mobile: 561-460-8499
Email: ca@greenspacestrategies.com
7995 SW 170th Street
Palmetto, Bay FL 33157

12-14-TCM Backup

UF/IFAS/TREC Plant Diagnostic Clinic
18905 SW 280 Street
Homestead, FL 33030
Phone: 786-217-9275

PLANT SPECIMEN DIAGNOSTIC REPORT Specimen # 2021-955

SUBMITTED BY Charles M. Atkins Greenspace Strategies Inc 7995 Sw 170th Street Palmetto Bay, FL 33157 ca@greenspacestrategies.com		PLANT Ficus (<i>Ficus sp.</i>)		METHOD SUBMITTED Walk-In
VARIETY		CLASS Herbaceous Ornamental or Indoor Plant		
INTERNAL LAB NO.	LAB FEE \$40.00	REPLY FROM LAB October 16, 2021		
PLANT MATERIAL	RECEIVED BY LAB October 14, 2021			
DIAGNOSTICIAN(S) Dr. Romina Gazis				
DIAGNOSTIC TECHNIQUE(S) ☐ Bioassay ☒ Microscopic ☐ Culture ☐ Molecular Analysis ☐ Incubation ☒ Other ☐ Insect ID ☐ PCR		☐ Selective Media ☐ Serological ☒ Visual Observation		
GENERAL OBSERVATIONS Overall: abnormal growth Roots: rotted Trunk: rotted Branch: dieback; rotted				
REFERRAL INFORMATION Mushroom Identification				
Location: 174 Via Del Lago				

Diagnosis/Recommendations

Diagnosis: Conk (*Rigidoporus sp.*)

Category: Fungus

Comments: The fungal specimens (conks) do not belong to the genus *Ganoderma*. Morphological examination (macro and micro) indicates the specimens are in the genus *Rigidoporus*. Members of the genus *Rigidoporus* are considered to be plant pathogens, many of them are root pathogens. Species within this genus are common in tropical areas and have been reported as pathogens of hardwoods and palms.

If the *Rigidoporus* sp. was found on the tree host, it is a **sign of active decay**. This fungus often invades woody tissue especially when there is a wound. There are no effective chemical control options for wood rot fungi. Dispose of fruiting structures removed from infected trees. This fungus is a **wood destroyer**; so weakened infected trees should be removed prior to their snapping in a storm. If the tree appears healthy monitor the specimen over time, because some hardwoods can live a long time with wood rot fungi. If the tree is to be removed be sure to take out as much of the stump and roots as possible.

***If you are concerned about how much of the trunk may be decayed internally, and whether the tree might pose a threat to the house or other structures, a test can be done by a professional arborist to determine the extent of the decay. The test involves drilling small holes in the trunk around the circumference of the rotted area. If 1/3 of the circumference is rotted, tree removal is recommended. **

Promote optimal plant health through proper fertilization and irrigation. Please contact your local county extension agent for further questions.

Henry Mayer, M.S.

Commercial Urban Horticulture Agent at UF/IFAS Miami-Dade
UF/Miami-Dade County Extension
18710 SW 288 St.

Homestead, FL 33030

Email: hmayer@ufl.edu

Tel: 305-248-3311 Ext. 231 Fax: 305-246-2932

Always follow label instructions. Check pesticide labels for specific host information, possible phytotoxicity, rates, re-entry intervals, and resistance management information. Some crop protection products may not be registered for sale or use in all states or counties. Please check with your state or local extension service to ensure registration status.

**TOWN OF PALM BEACH
HISTORIC/SPECIMEN TREE EVALUATION SHEET**

Tree # :	26	Report Prepared By:	King Tree Service
Latin Name:	Ficus Nymphaeolia		
Common Name:	Caracus Fig		
Address:	174 Via Del Lago		
Location on Property:	Center of circle drive just east of front door		
GPS:	26° 40' 50" N 80° 2' 15" W		
Contact:			

PERMANENT CHARACTERISTICS

- Dicot
- Has old wounds. Typical pruning of "heading back" and over suckering.

2021			2022
59' (E-W)		CANOPY SPREAD:	
Appx. 7'		DIAMETER AT BREAST HEIGHT (DBH):	
2		LEAF TO WOOD MASS RATIO (LTWMR):	
2		LIMB/BRANCH STRUCTURE (CHANGE IN):	
N		DEFECTS (VISIBLY NEW):	Y/N
N		DECAY (VISIBLY NEW):	Y/N
N		CONKS/FRUIT BODIES PRESENT:	Y/N
N		VISUAL NUTRITIONAL DEFICIENCY:	Y/N
N		VISUAL PEST PROBLEMS (A TYPICAL):	Y/N

2021 INSPECTION REPORT

2022 INSPECTION

PRUNING RECOMMENDATIONS: None	PRUNING RECOMMENDATIONS:
COMMENTS: Met with Jose. Owner is calling in their horticulturist. They will keep us in the loop. Large branch failure 2 months ago. Met with caretaker, Jose (with Lisa), sent my recommendations. The branch has been cleaned out as recommended.	COMMENTS:

Rating Scale: (1) Poor (2) Fair (3) OK (4) Good (5) Excellent

DESIGNATION RECOMMENDATION:	Keep	DESIGNATION RECOMMENDATION:	Keep	De-Designate
OVERALL RATING:	2	OVERALL RATING:		
Certified Arborist: Richard Maxwell & Lisa Cox		Certified Arborist:		
Date: August 2, 2021		Date:		

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Consent - Other

Agenda Title

Consideration of Waivers to Town Code for Construction Dates and Noise for Lake Worth Lagoon Channel Dredging

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 24, 2021, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Palm Beach Intercoastal Request for Authorization**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

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

RE: Consideration of Waivers to Town Code for Construction Dates and Noise for Lake Worth Lagoon Channel Dredging

DATE: November 24, 2021

STAFF RECOMMENDATION

Town staff recommends Town Council approve a waiver for Palm Beach Intracoastal Neighbors (PBIN) and their contractor to allow construction related activities outside of the Town Code of Ordinances restrictions for construction dates, hours, and noise levels for channel dredging in the Lake Worth Lagoon.

GENERAL INFORMATION

PBIN plans to recommence dredging of the Lake Worth Lagoon channels along the Town of Palm Beach. The original scope of the project was completed in June 2020 with Town staff and consultant oversight for regulatory compliance. Following completion, some Town residents expressed a desire for their properties to also be included within the project. This required a modified scope and additional regulatory authorization. The Town assisted with the permitting process. Since this project is to use the same disposal location for the sediment as the marina, work could not resume until the marina project was completed. Now that the marina project is completed and past the date of December 1st for limited construction, PBIN is requesting waivers to perform the work. PBIN requests waivers of the following sections of the Town Code of Ordinances:

Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays (commencing on December 1st and ending May 1st).

Sections 42-226 through 229 – regulates noise, equipment operation, work hours, and the standard Town requirement to “stand down for the season”.

The Town’s consultant, Applied Technology & Management, Inc., has been retained by PBIN to provide construction oversight and regulatory compliance monitoring.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item. All related permitting and construction work for this project have been paid for through donations.

Attachment

cc. Patricia Strayer, P.E, Town Engineer
Robert Weber, Coastal Program Manager



November 23, 2021

Mayor Danielle H. Moore
Council President, Margaret Zeidman
Council President Pro-Tem, Bobbie Lindsey
Council Member, Julie Araskog
Council Member, Lew Crampton
Council Member, Ted Cooney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE:

Dear Mayor Moore and Town Council Members:

On behalf of Palm Beach Intracoastal Neighbors (PBIN) this correspondence is provided as a formal request for authorization from the Town of Palm Beach to conduct additional dredging within the PBIN Waterway footprint during the 2021-2022 Season. As excavation for the Town of Palm Beach Docks is nearing completion, there is a time-dependent opportunity to place additional material within the County's Tarpon Cove project footprint. This opportunity aligns with PBIN's desire to excavate additional material from the permitted project template but would require that the work be done on a timely basis and within Season.

Work under this request would consist of excavation of material by waterborne (barge) equipment during daylight hours within the limits of the permitted waterway template. The primary properties impacted by this construction would be PBIN members, who would also be the primary beneficiaries of the project. Excavated material would then be placed within the Tarpon cove project footprint under approval by Palm Beach county-ERM.

Mailing Address: 9200 Belvedere Rd., Suite 202, West Palm Beach, FL 33411
Phone: (561) 689-9787 Email: Info@PBINeighbors.com

PBIN is very appreciative of the considerable efforts to date by the Town to facilitate waterway dredging. The main waterway project was successfully completed under the direction of the Town with funding provided by PBIN. Upon completion of this project the permits were transferred to PBIN with the understanding that PBIN could advance further waterway maintenance under the existing permit vehicles on an as needed basis. The opportunity to place additional material within Tarpon Cove is advantageous as this represents a significant cost savings and allows the dredged material to further the County's goals of Lake Worth Lagoon habitat restoration. All proposed work will be conducted in coordination with both Town and Palm Beach County staff.

Sincerely,



John Scarpa
Chairman
Palm Beach Intracoastal Neighbors



Rick Asnani
Executive Director
Palm Beach Intracoastal Neighbors

cc: Town Manager, Kirk Blouin
Coastal Program Manager, Robert Weber
Applied Technology & Management, Mike Jenkins

Mailing Address: 9200 Belvedere Rd., Suite 202, West Palm Beach, FL 33411
Phone: (561) 689-9787 Email: Info@PBINeighbors.com

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Board/Commission Annual Report

Agenda Title

Shore Protection Board Annual Report

Presenter

Kane Baker, Chair

ATTACHMENTS:

- ▣ **Memorandum dated November 18, 2021, from Kane Baker, Shore Protection Board Chairperson**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Kane Baker, Shore Protection Board Chairperson
Robert Weber, Coastal Program Manager

RE: Shore Protection Board Annual Report

DATE: November 18, 2021

The Shore Protection Board (SPB) is currently comprised of seven (7) regular members by the Town Council for three-year terms.

A chairperson and vice-chairperson are selected by the members. The 2021 SPB membership was as follows:

2018 Shore Protection Board Member	Position	Current Term Expires
Kane Baker	Chairperson	12/2021
Reuben Johnson, III	Vice-chairperson	12/2021
Warren Belmar	Regular Member	12/2021
Melissa Cerialle	Regular Member	12/2022
James C. Gavigan	Regular Member	12/2021
Vladimir Rapoport	Regular Member	12/2022
Erick Reickert	Regular Member	12/2022

Kane Baker, James Gavigan, and Reuben Johnson are currently serving their final three-year term ending in December 2021. Warren Belmar is completing serving his first full three-year term ending in December 2021 and is eligible for re-appointment. Both Vladimir Rapoport and Erick Reickert are serving partial terms since they were promoted from alternate member to regular member which ends December 2022. SPB members are allowed to serve for two (2) consecutive three-year terms.

The Board met three (4) times during the 2021 calendar year.

2021 Shore Protection Board Member	Meetings Attended	Absences	Jan 21	Feb 11	May 27	Nov 18
Kane Baker	4	0	P	P	P	P
Warren Belmar	4	0	P	P	P	P
Melissa Ceriale	4	0	P	P	P	P
James C. Gavigan	4	0	P	P	P	P
Reuben B. Johnson, III	3	1	P	P	P	E
Vladimir Rapoport	4	0	P	P	P	P
Erick Reickert	4	0	P	P	P	P

P = Present

E = Excused

U = Unexcused

CURRENT SHORELINE CONDITION

The Town's proactive on-going coastal management efforts have maintained storm protection along the 12.2 miles of Town shoreline. The shorelines in Reaches 7 and 8 (and Reach 9 in the Town of South Palm Beach) were further stabilized with beach nourishment and dune restoration efforts in early 2021. As a result of a mild hurricane season, all sand from the completed projects remained in place. A strong nor'easter in early November 2021 displaced some sand from the beach berm into the nearshore sandbar along most areas of the Town. This is largely a seasonal adjustment and the beaches will naturally recover. Most of the dune sand placed in Reach 9 was displaced from the limited dry beach as a result of the nor'easter.

2021 COASTAL PROTECTION PROJECTS

The Phipps Ocean Park Beach Nourishment project was completed on April 27, 2021 which included the placement of 495,000 cubic yards of sand placed between Phipps Ocean Park and the Ambassador Hotel in Reach 7 along a shoreline distance of approximately 1.25 miles. The nourishment project was cost shared with FEMA at 75% due to hurricanes Matthew and Irma.

The project included a stockpile of sand placed on the beach between Phipps Ocean Park and the Par 3 Golf Course. More than 62,000 cubic yards of sand were truck hauled to various dune restoration areas in Reaches 7, 8, and 9: approximately 19,000 cubic yards in the Sloan's Curve area of Reach 7; approximately 23,000 cubic yards of sand in Reach 8 south of the Lake Worth pier; and approximately 20,000 cubic yards of sand in the Town of South Palm Beach. The dune restoration work was completed on May 5, 2021 and covered a shoreline distance of 1.65 miles. The Reach 7 and Reach 8 dune restoration projects were cost shared with FEMA at 75%. The Town of South Palm Beach was responsible for 100% of the Reach 9 dune restoration project costs.

Biological, physical, sea turtle nesting, and shorebird monitoring work continued, as required by State's Beach Management Agreement (BMA) and/or Federal permits, as previously approved by Town Council.

2021 SHORE PROTECTION BOARD ACTIONS

During the January 21, 2021 SPB meeting, the SPB members discussed goals for the upcoming calendar year and held a subsequent workshop on February 11. Due to the changes in project status

for Mid-Town, the board changed their goal entitled “Establish Long-term Easements for Construction Efficiency and State and Federal Cost Sharing” to read “Consideration of a Policy for Securing Federal and Town Easements Needed for Construction and Implications for State and Federal Cost Sharing”.

Five (5) 2021 Goals and Objectives were identified:

1. Improve Communication and public relations

Action: Limited due to the ongoing constraints related to the global pandemic. Public engagement and public participation are expected to increase in 2022 as health mandates are relaxed.

2. Support and Implement a coastal vulnerability and resiliency implementation plan that will consider the oceanfront and the lagoon.

Action: Woods Hole Group provided the Town with the Level Up Palm Beach Coastal Resiliency Implementation Plan in August 2021. Grant applications have been submitted to potentially obtain state cost share for implementing applicable capital improvement projects.

3. Develop and implement permitted coastal hard structure technology where appropriate.

Action: 90% design has been completed and State permitting is underway for the replacement of the Mid-Town seawall from north of Royal Palm Way to south of Gulfstream Road.

4. Work with State and Federal agencies and governments to implement projects to protect our shoreline.

Action: The Town is working with FDEP to update projects in the Beach Management Agreement to further protect our shoreline. The Town is working with the Corps to extend the Mid-Town Federal Shore Protection Project to the south following recording of the newly extended Erosion Control Line from Banyan Road to Southern Boulevard.

5. Continue maximal sand bypassing and inlet dredging.

Action: The Sand Transfer Plant has bypassed more than 130,000 cubic yards of sand in 2021. The Town has been working with the Corps in preparation for the dry beach placement of approximately 400,000 cubic yards of inlet-dredged sand beginning in January 2022.

During the November 18, 2021 SPB meeting, the SPB members unanimously recommended that the Town Council continue to authorize the Town and its consultant to work with the U.S. Army Corps of Engineers and the National Marine Fisheries Service to issue the Record of Decision for the 2016 Final Environmental Impact Statement and to continue work to obtain both the State and Federal permits for the Town’s preferred project in Reach 8.

ANTICIPATED 2022 SHORE PROTECTION BOARD ACTIONS

The goals currently being addressed in 2021 are expected to continue in 2022. With three (3) of the seven (7) Shore Protection Board positions to be filled with new appointees, it is expected that will necessitate some additional educational and informational sessions. The first meeting in January 2022 always includes a presentation of the sediment budget with the short term and long term shoreline and volumetric changes of our beaches.

During the November 18, 2021 SPB meeting, the SPB members agreed to revisit the Town’s Groin Rehabilitation Plan in 2022 with respect to both erosion control and public safety.

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda
Committee Reports

Agenda Title
Report of the Ordinances, Rules and Standards Committee Meeting Held on
November 8, 2021

Presenter
Julie Araskog, Chair

ATTACHMENTS:

- ▣ **November 8, 2021, ORS Meeting Report**



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING HELD ON MONDAY, NOVEMBER 8, 2021

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee Meeting was called to order at 9:30 AM. On roll call, all committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Araskog led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Member Cooney and seconded by Chair Araskog to approve the Agenda. On roll call, the Motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS - None

V. REGULAR AGENDA

A. Old Business

1. Review Draft Changes to Chapter 42 of the Town Code – Lawn Maintenance, Relative to Hours, Equipment and Noise
Jay Boodheshwar, Deputy Town Manager

Jay Boodheshwar, Deputy Town Manager reminded everyone that a draft Ordinance will come before the Town Council at its November 9th meeting for an emergency hearing and potential passage regarding construction hours. He explained how the potential changes would affect lawn maintenance.

He gave an overview of the draft changes to the Code if the Ordinance is adopted and highlighted the following:

- No landscaping or lawn maintenance will be permitted on Saturdays, Sundays and legal holidays, year round;
- Lawn maintenance crews will not be permitted to arrive on work sites

- before 7:30 a.m. on weekdays and 8:30 a.m. on Saturdays;
- The use of leafblowers will not be permitted from 8-9 a.m. year round. Properties south of Sloane's curve will be exempt.

Chair Araskog mentioned a revision under section 42-197 changing 7am to 9am and expressed her concern that this is one Town so all rules should apply to every section of Town but she was willing to hear opinions from residents in the southern condos.

Deputy Boodheshwar gave a section-by-section revision of the Code at Chapter 42. The following were the suggested changes:

- **Sec. 42-197. Specific acts prohibited.**
 - (2) Change 7:00 a.m. to 9:00 a.m.
 - (7) Change 7:00 a.m. to 9:00 a.m.
 - (8) Delete all wording after "fluids"
 - (12)(b) Delete "which is less than one acre in size", delete "October 1, 2017" and insert "May 1, 2022"
- **Sec. 42-199. Hours for construction work.**
Will be discussed at the November 9th Town Council Meeting.
- **Sec. 42-230. Lawn maintenance.**
 - (a) Insert after "and" "all gas or electric powered lawn maintenance equipment, including"

Deputy Boodheshwar explained that as all the revisions have been finalized, he would work with the Town Attorney to draft an Ordinance to be heard at the December Town Council Meeting.

Chair Araskog inquired about residents' use of noisy equipment during the weekends. Deputy Boodheshwar referred to Sec. 420-230(b) which speaks to residents' use of lawn maintenance equipment on Saturdays, Sundays or legal holidays. In response to Chair Araskog, he explained that the hours of construction apply to residents from Monday to Friday including the quiet hour from 8-9AM but there is an exemption for residents for Saturdays, Sundays and legal holidays.

2. Review of Draft Ordinance to Limit Vegetation Height Adjacent to Neighboring Structures

Wayne Bergman, Director of Planning, Zoning and Building

Wayne Bergman, Director of Planning, Zoning and Building reported that staff needed clarification regarding moving forward with this item. He stated that discussions regarding rodents and iguanas climbing hedges and gaining access to adjacent buildings had been discussed at ORS and council meetings. Director

Bergman stated that he knew this was a problem for the Sea Streets but questioned if this was a legitimate concern throughout the Town and if it would be punitive for certain properties.

Member Cooney stated that he had concerns about these issues and referred to the Greenwalds in particular. He mentioned that vegetation and privacy appealed to the residents but he was worried about two-story homes which were adjacent to one-story or two-story homes and the impact of losing privacy.

Chair Araskog expressed her concern about the unintended consequences and inquired if the Town could enforce a resident to trim their hedge if it created a nuisance. Ben Alma, Support Services Manager, explained that the neighboring property where the vegetation is growing onto has the right to take it back to the property. Regarding the health hazard issue, he stated that it would have to be seen by the Code Enforcement Officer and a determination would have to be made at that time. Manager Alma stated that sometimes compliance can be achieved after a conversation with the homeowner and pointing out the problems to them who most times will agree to handle the problem. Responding to Chair Araskog's concern regarding the iguanas and rodents accessing adjoining properties, Town Attorney Randolph suggested that the nuisance provision of the Town Code could be looked at to deal with the issue. Chair Araskog suggested returning to next month's meeting after researching if the Code as it stands is adequate for enforcement.

Public Comments

Steven J. Greenwald, 128 Seaspray Avenue, spoke in support of limiting the heights of hedges.

B. New Business

1. Review of Truck Study Report

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

Patricia Strayer, Town Engineer, gave a history of the need for the Truck Study. She mentioned that large trucks were damaging properties and actually getting stuck on smaller roads. She stated that the Town Council had authorized a study to be done by Kimley-Horn which was completed and presented to the Public Works Committee on October 22, 2020. After technical review by the committee, it was presented to Town Council which recommended it to be forwarded to the ORS committee for consideration. She mentioned that the entire report was provided to the ORS committee members. She explained the different types of data provided such as truck miles and turning counts done at 13 different locations; six types of trucks that were analyzed for turning radius at 24 different intersections and the different communities (Jacksonville, Tampa, St. Augustine) researched which were similar to the Town and how restrictions have been implemented. Finally, she mentioned the

recommendations for implementation set out in the report.

H. Paul Brazil, P.E., Director of Public Works, added that the questions before the Committee are: Should there be regulations for trucks, where should those regulations be imposed and what exactly the regulations should be? He stated that Kimley-Horn had made some recommendations regarding how the new regulations would look.

Chair Araskog requested getting suggestions from staff as this is a major concern from a safety perspective.

Director Brazil mentioned that as the majority of the problem is related to construction on private property, his suggestion would be to try to regulate those trucks during the permitting process. At that time, staff could inform the contractors that truck size is regulated and provide them with the regulations. Director Brazil also stated that any regulation requires enforcement as without enforcement of these rules, it has no meaning.

Ms. Strayer stated that the areas of concern are the small roads north of Sunrise, roads between Seaview and Pendleton Avenues, Worth Avenue and Southern Boulevard.

Member Cooney stated he witnessed large trucks in the north end and questioned enforcement as most times they are serving a legitimate purpose such as going to a construction site or making deliveries, although sometimes they don't seem to know where they are going and have caused damage to sprinklers, mailboxes, etc.

Chair Araskog stated that Director Brazil's suggestion was a good start, but she would like to include landscapers because they have large trailers which are wider than the road and she doesn't think they should be allowed on North Lake Way. Chair Araskog suggested that staff should work together to create some form of regulations for the next meeting.

Director Brazil informed Chair Araskog that Public Works does not regulate the use of the roads as they do not have enforcement powers. He stated the study was overseen by Public Works as it was an engineering study.

Mr. Alma explained that the construction site monitors, to be hired, will not be geared for this type of enforcement. At the construction site they will be able to take action as they would have reviewed plans and permits on the site. They will be able to issue citations for any violations.

Director Bergman questioned if Town Council would like to see signs posted on certain streets restricting large trucks with exceptions and if so a program could be developed for that.

Member Cooney expressed some concern with having additional street signs as this creates visual clutter. Director Brazil suggested a logistics plan during the permitting process regarding equipment, limitations on the streets and intersections being traversed and what will be done to overcome the limitations. This will put the onus back on the contractor during the permitting process.

Director Bergman explained, for Member Cooney's benefit, the ARCOM permitting process including the truck logistics plan.

Deputy Boodheshwar suggested improving the permitting process to include education on areas that trucks can and can't go. After lengthy discussion, it was suggested that staff work together to bring a revised plan to a future committee meeting. The members agreed with the suggestion.

VI. ANY OTHER MATTERS

The next meeting of the Ordinances, Rules and Standards Committee is scheduled to be held on December 9, 2021 at 9:30 AM.

VII. ADJOURNMENT

The Business and Administrative Committee Meeting of November 8, 2021 was adjourned at 10:37 AM.

APPROVED:

Julie Araskog, Chair

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 158-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Abandoning an Existing Public Utility Easement within the Property Commonly Known as 369 S. Lake Drive, in the Town of Palm Beach, Florida.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 22, 2021, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 158-2021**
- ▣ **Application**
- ▣ **Notice to Property Owner**
- ▣ **Notice to Adjacent Property Owners**
- ▣ **Legal Advertisement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Authorization to Abandon an Existing Public Utility Easement Located at
369 S. Lake Drive
Resolution No. 158-2021

DATE: November 22, 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 158-2021 authorizing the abandonment of an existing public utility easement located at 369 S. Lake Drive. If Town Council approves the abandonment of the utility easement, said approval should be with the condition that the owner shall pay all fees related to implementing the vacating and abandonment, including but not limited to recording fees.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of the property has made application to abandon the public utility easement on 369 South Lake Drive. The easement to be abandoned is shown as Exhibit A, Sketch and Legal Description of the proposed Resolution. An application fee of \$1,200 was received with the application for abandonment to cover direct costs and processing by the Town.

The applicant recently applied for a building permit to construct a generator building within the existing easement. New public utility easements have been provided in place of the public utility easement to be abandoned. All existing utilities within portions of the easements proposed to be abandoned have been rerouted. All utilities have been contacted and have agreed to the abandonment as described.

Information packages were sent to the 44 property owners effected and 144 neighboring property owners within 300 feet of the easement to be abandoned via certified mail on November 29, 2021. To date, no responses have been received from the neighboring property owners. The abandonment request was also advertised prior to this Town Council meeting as required by Town Code.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

RESOLUTION NO. 158-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ABANDONING AN EXISTING PUBLIC UTILITY EASEMENT WITHIN THE PROPERTY COMMONLY KNOWN AS 369 SOUTH LAKE DRIVE, IN THE TOWN OF PALM BEACH, FLORIDA.

WHEREAS, the owner of the land hereinafter described has recently proposed to construct a generator building to house a new generator for the resident of 369 S. Lake Drive, Park Place condominium; and

WHEREAS, it is necessary to abandon a portion of the public utility easements on said property to unencumber the easement which runs under the proposed generator building; and

WHEREAS, all utility providers of said easement have agreed to the abandonment of the existing public utility easement; and

WHEREAS, new public utility easements have been provided in place of the public utility easement to be abandoned; and

WHEREAS, the Town Council of the Town of Palm Beach does hereby find and determine that the utility easement located on 369 S. Lake Drive as described below is no longer necessary and does not serve any public purpose nor is it necessary for public use; and

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

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

Section 2. That the easements described and illustrated on Exhibit A, Sheets 1 through 3, sketch and legal description for 369 S. Lake Drive are hereby vacated and abandoned.

Section 3. The Town Clerk is hereby authorized to advertise and record the resolution pursuant to law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of December, 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

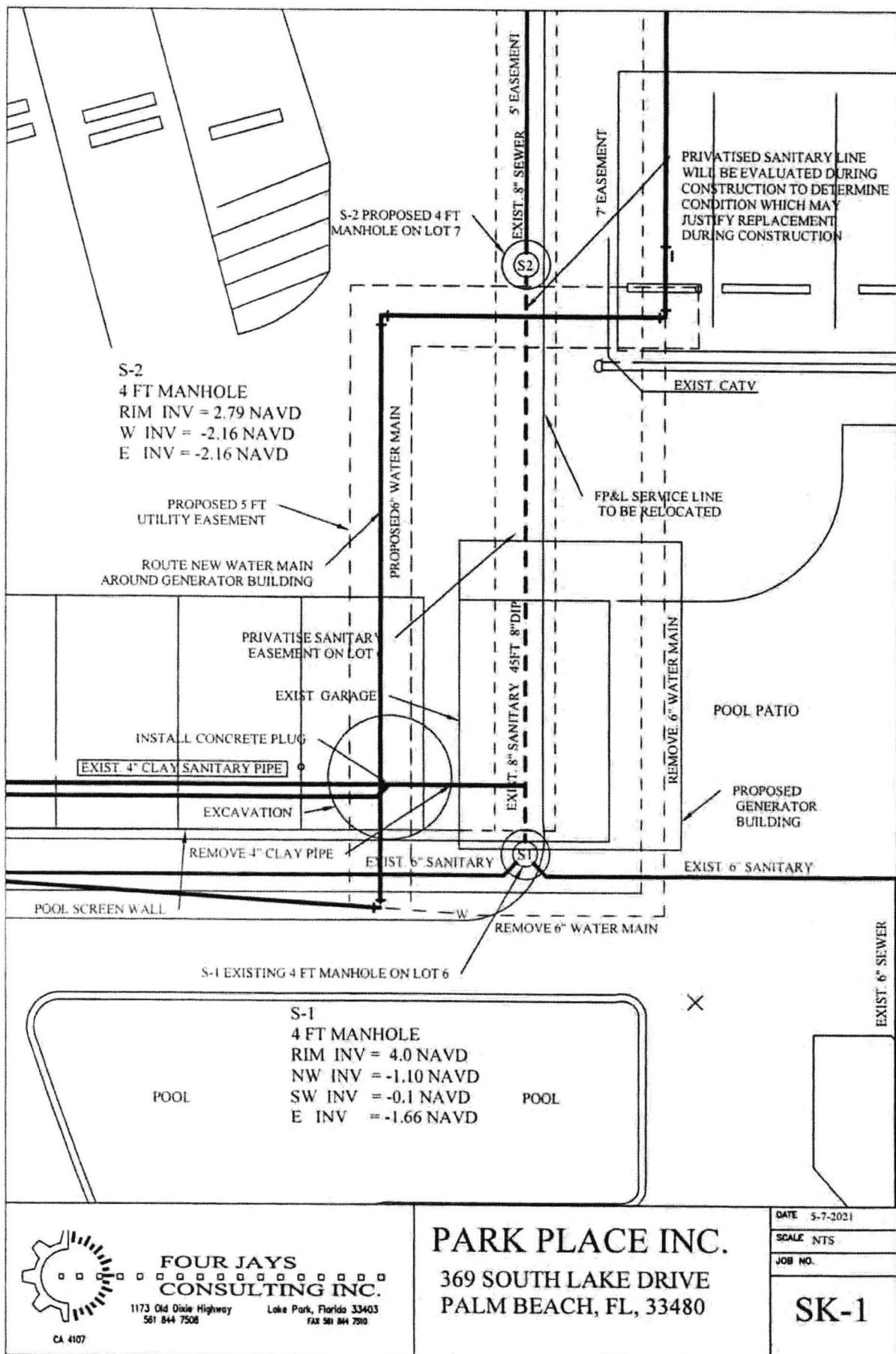
EXHIBIT "A"

PCN: 50-43-43-23-05-005-0060

Address: 369 S Lake Drive, Palm Beach, FL 33480

LEGAL DESCRIPTION

Lots 1 through 9, inclusive, and Lots 51 through 55, inclusive of Block 5, **REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA** according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida.





6. NAME AND ADDRESSES OF ALL PROPERTY OWNERS WITHIN 300 FEET OF THE PETITIONED SITE: (Use additional sheets, if necessary, and label as "EXHIBIT C")
-

See attached Exhibit C

7. ATTACH CONSENT LETTERS FROM ALL UTILITY PROVIDERS LISTED BELOW WHETHER THEY HAVE FACILITIES IN THE PETITIONED SITE OR NOT:

- | | |
|--|--|
| ☐ BellSouth | ☐ Florida Public Utilities |
| ☐ City of West Palm Beach | ☐ Town of Palm Beach - Electrical Bureau |
| ☐ Adelphia Cable TV | ☐ Town of Palm Beach - Water Resources Div. |
| ☐ Florida Power & Light | Other: _____ |

CHECK-MARK (✓) ONLY THOSE UTILITY PROVIDERS OCCUPYING THE PETITIONED SITE

8. APPLICANT'S SIGNATURE: 9. DATE:

I Certify that the information given in this application is true and correct to the best of my knowledge.

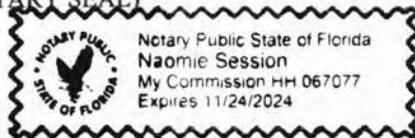
Amy Bahl

Oct. 18, 2021

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 18 day of October, 2021,
Amy Bahl, who is personally known to me, or showed _____
(type of identification; i.e., driver's license number, etc.), and who did take an oath.

(NOTARY SEAL)



Ms. [Signature]
NOTARY PUBLIC - STATE OF FLORIDA

Print Name: _____

My commission expires: _____

For Use by Public Works Department

CHECK NO.: 1426

TOWN COUNCIL HEARING:

AMOUNT OF CHECK: \$1,200

DATE: _____ RESOLUTION # _____

RECEIVED BY: BRANDY O'NEILL

Approved: _____ Denied: _____

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

Via E-Mail & US Mail

May 20, 2021

Town of Palm Beach - Electric
Attn: Thomas Hammel, Electrical Supervisor
951 Okeechobee Rd.,
Suite A
West Palm Beach, FL 33401

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone 561-802-8960
Facsimile 561-802-8995

RE: Re-routing of water lines for Park Place, Inc. (369 S. Lake Drive, Palm Beach, Florida 33480)

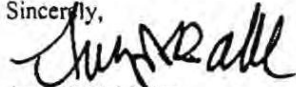
To Whom It May Concern:

This firm represents Park Place, Inc., located at 369 South Lake Drive, Palm Beach, Florida. Park Place, Inc., has applied for permission to the Town of Palm Beach zoning department to install a generator and associated generator enclosure building. In order to make this happen, a water line will have to be re-routed around the proposed building. Attached please find a map outlining the old and new route. Park Place, Inc., will need to grant a new easement to the Town of Palm Beach Public Utilities Department for this new route.

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Thank you for your prompt attention to this matter.

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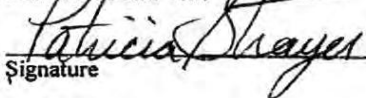


Amy D. Bahl Esq.
Kochman & Ziska PLC

UTILITY COMPANY HAS NO OBJECTION TO THE ABANDONMENT AND RE-DEDICATION OF EASEMENTS ON THE PARK PLACE, INC., PROPERTY LOCATED AT 369 S. LAKE DRIVE, PROVIDED ALL EASEMENTS ILLUSTRATED ARE DEDICATED AS NOTED.

Patricia Strayer, Town Engineer

Print Name and Title


Signature

Date: 10/8/2021

ADB/pl
Enclosures

A Florida Professional Limited Liability Company Including Professional Associations

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

Via E-Mail & US Mail

May 20, 2021

COMCAST CABLE - PBC CONSTRUCTION DEPT.

Attn: Daniel Tiburcio
10435 Ironwood Rd.,
Palm Beach Gardens, FL 33410

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone 561-802-8960
Facsimile 561-802-8995

RE: Re-routing of water lines for Park Place, Inc. (369 S. Lake Drive, Palm Beach, Florida 33480)

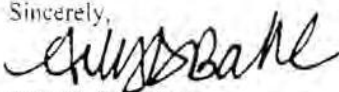
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Daniel Tiburcio Construction Spec'l 2

Print Name and Title

Date: 10/05/2021



Signature

ADB/pl
Enclosures

APPROVED

A Florida Professional Limited Liability Company Including Professional Associations

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

Via E-Mail & US Mail

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone 561-802-8960
Facsimile 561-802-8995

May 20, 2021

AT&T
321 SE 2nd Street,
Delray Beach, FL 33483

RE: Re-routing of water lines for Park Place, Inc. (369 S. Lake Drive, Palm Beach, Florida 33480)

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Amy D. Bahl Esq.
Kochman & Ziska PLC

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DARREK DAVIS, AREA MANAGER
Print Name and Title

AT&T

Date: 5/26/2021

Signature

ADB/pl
Enclosures

A Florida Professional Limited Liability Company Including Professional Associations

Amy Bahl

From: John Petreikis <john@fourjaysconsulting.com>
Sent: Wednesday, July 7, 2021 4:18 PM
To: Amy Bahl; Maura Ziska
Cc: parkplace369@comcast.net
Subject: FW: PARK PLACE 369 S LAKE DR - CONCEPTUAL APPROVAL OF PROPOSED WATER MAIN ROUTING
Attachments: Park Place site plan FP&L Easement.pdf; C01-SITE PLAN.PDF

From: Laura Le [mailto:LLe@wpb.org]
Sent: Tuesday, July 06, 2021 9:19 PM
To: John Petreikis; Vincent Noel
Cc: jwwessonpe@aol.com; Donald McIntosh; Mark Hurley; Robert Cato
Subject: FW: PARK PLACE 369 S LAKE DR - CONCEPTUAL APPROVAL OF PROPOSED WATER MAIN ROUTING

Mr. Petreikis,

Based on my site meeting on 6/31/21 with Jim Wesson and preliminary site investigation by City Representatives from Water Distribution and Customer Service, the conceptual alignment of the water main routing around the proposed generator building as shown on sheet C-1 is approved. Final approval will be contingent upon final construction plans with pertinent water main profile and construction details along with additional survey, sketch and legal description necessary for the new easement and abandonment of the existing easement.

I have copied Vince Noel in this email for additional comments regarding the existing and proposed easement for the City's water main.

Thank you.
Laura Le, P.E.
Public Utilities Engineer

City of West Palm Beach
Public Utilities Administration
401 Clematis Street, Fourth Floor
West Palm Beach, Florida 33401
C 561-289-8414
Email: lle@wpb.org

From: John Petreikis <john@fourjaysconsulting.com>
Sent: Tuesday, July 06, 2021 5:28 PM
To: Laura Le <LLe@wpb.org>
Cc: jwwessonpe@aol.com
Subject: PARK PLACE 369 SO LAKE WATER ROUTING

Ms Le

Attached is the revised conceptual water routing Site Plan. I have also attached the Plat Book and Page description of the 5ft and 7ft easements. The easements are shown on the Wallace Survey attached

John A. Petreikis, P.E.



10/05/2021

To whom this may concern,

Comcast Cable does not approve the abandonment of Easement (369 S. LAKE DR., PALM BEACH, FL 334800). If You have further questions, please do not hesitate on reaching out to me.

Sincerely

Daniel Tiburcio

APPROVED

Daniel Tiburcio

Construction Spec1 2

3960 RCA Blvd ste 6002,

Palm Beach Gardens, FL 33410

Office 561-815-6659

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

Via E-Mail & US Mail

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone 561-802-8960
Facsimile 561-802-8995

May 20, 2021

Florida Public Utilities – call Sunshine (811)
Attn: Engineering Dept. Brad Collins & Peter Bono
209 N. Sapodilla,
West Palm Beach, FL 33401

RE: Re-routing of water lines for Park Place, Inc. (369 S. Lake Drive, Palm Beach, Florida 33480)

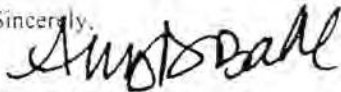
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Kochman & Ziska PLC

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Fernando Van Leeuwen Operations Supervisor
Print Name and Title

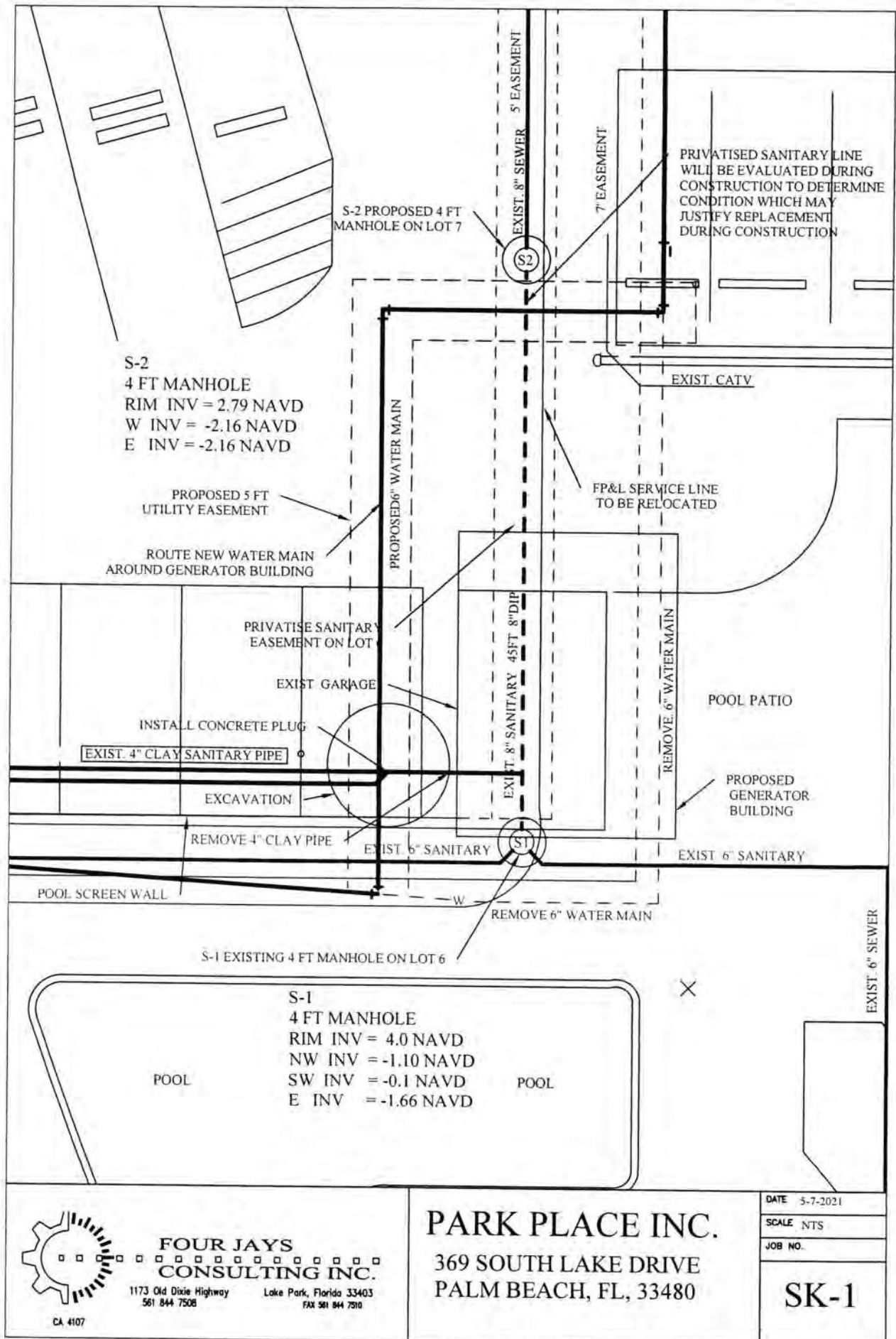
Date: 10/15/2021

Fernando Van Leeuwen

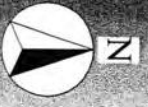
Signature

ADB/pl
Enclosures

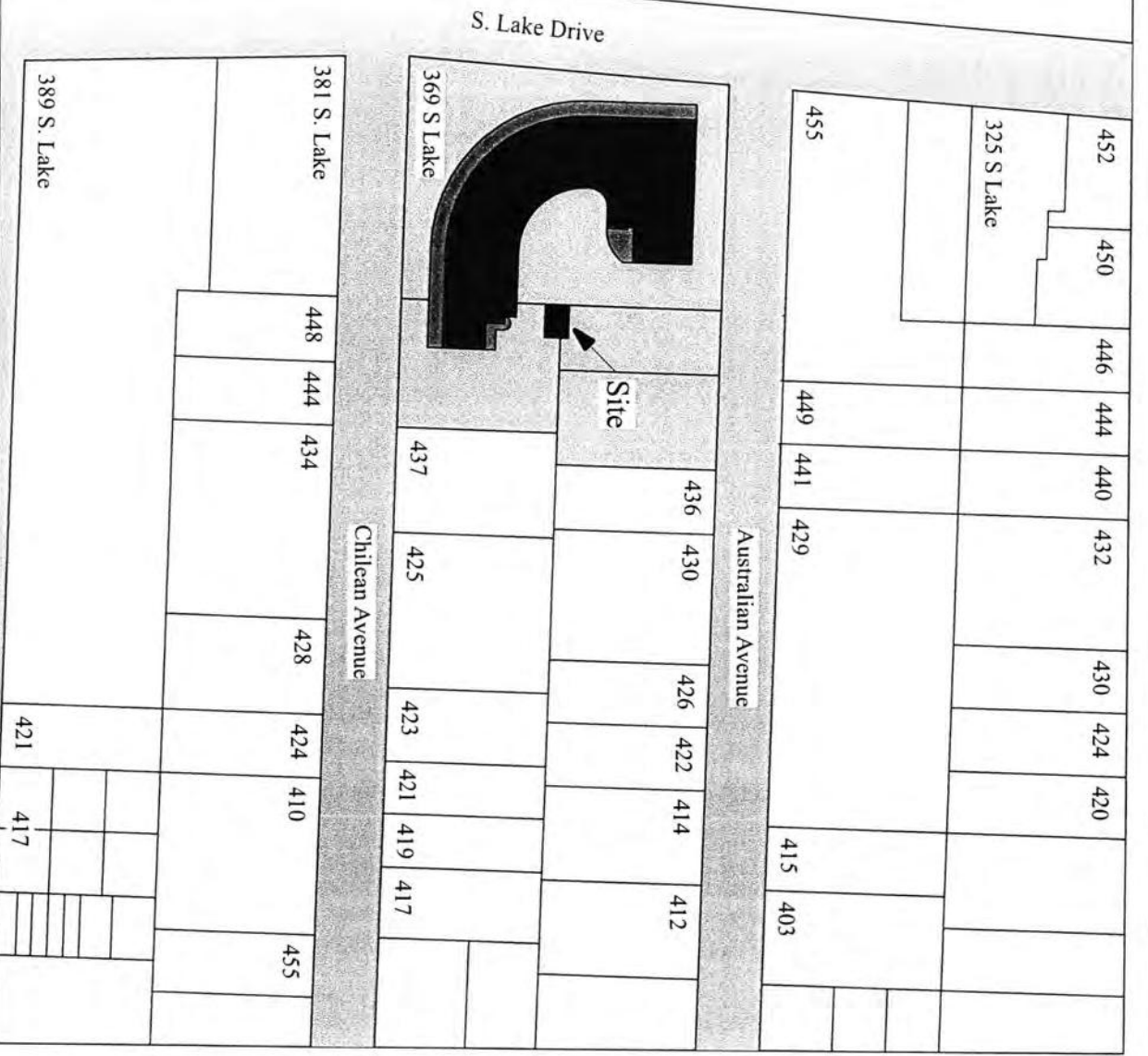
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Z-21-00000
 B-000-2021



Intracoastal Waterway



Ralph Cantin Architect, Inc.
 FL Lic. AR0015176
 (561) 310-8039
 ralphcantin@gmail.com

Park Place Co-op Generator

Location Map
 3/31/21

369 S. Lake Drive Palm Beach, FL 33480

TPB01



Florida Power & Light Company

8/11/2021

To: Amy D. Bahl, Esq.

Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)

Re: Re-routing of water lines for Park Place, Inc. (369 S Lake Dr, Palm Beach, Florida 33480)

Dear Ms. Bahl & Ms. Ziska:

You have informed FPL that you have a project under construction at the above location, and have asked us for a letter stating that your project doesn't interfere with our facilities or ability to provide you with new service. Upon reviewing your plans, we have determined that FPL has existing energized facilities that provide service to this premise. Based on the Town of Palm Beach procedure for abandonment and dedication of utility easements request letter attached and presented by your firm, FPL has no objection to abandon the corresponding easement containing all existing facilities after everything has been properly relocated to a new easement. **(See attached exhibit, page 3).**

The issue in the above-referenced paragraph has no bearing, however, on the issue of the safety of the workers on your project vis a vis FPL's facilities. It is imperative that you visually survey the area prior to commencing construction and determine whether the construction of any proposed structures will bring any person, tool, machinery, equipment or object closer to FPL's power lines than the OSHA-prescribed limits. If it will, you must either re-design your project to allow it to be built safely given the pre-existing power lines. **You must do this before allowing any construction near the power lines.** It is impossible for FPL to know or predict whether or not the contractors or subcontractors, and their employees, will operate or use cranes or other mobile equipment, or handle materials or tools, in dangerous proximity to such power lines during the course of construction, and, if so, when and where. Therefore, if it becomes necessary for any contractor or subcontractor, or their employees, to operate or handle cranes, draglines, mobile equipment, or any other equipment, tools or materials in such a manner that they might come closer to power lines than is permitted by local, state or federal regulations, you and any such contractor or subcontractor must notify FPL in writing of such planned operation prior to the commencement thereof and make all necessary arrangements with FPL in order to carry out the work in a safe manner. **Any work in the vicinity of the electric lines should be suspended until these arrangements are finalized and implemented.**

The National Electrical Safety Code ("NESC") has certain minimum clearances that must be maintained. If you build your structure so that those clearances can not be maintained, you will be required to compensate FPL for the relocation of our facilities to comply with those clearances. As such, you should contact FPL prior to commencing construction near pre-existing overhead power lines to make sure that your proposed structure does not impinge upon the NESC clearances.

If you have any questions, please feel free to contact me at 561-616-1657.

Sincerely,

Jorge I Sanchez

Jorge I Sanchez
Engineering Leader



KOCHMAN & ZISKA PLC

Florida Power & Light Company

Ronald S. Kochman*
Maurea A. Ziska

Amy D. Bahl
*Also admitted in New York

Via E-Mail & US Mail

May 20, 2021

Florida Power & Light Co.
Attn: Amanda Tunno, Associate Engineer
810 Charlotte Ave.,
West Palm Beach, FL 33401

Esperante
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone 561-802-8960
Facsimile 561-802-8995

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Print Name and Title

Date:

Signature

ADB pl
Enclosures

A Florida Professional Limited Liability Company Including Professional Associations

EXHIBIT "A"

PCN: 50-43-43-23-05-005-0060

Address: 369 S Lake Drive, Palm Beach, FL 33480

LEGAL DESCRIPTION

Lots 1 through 9, inclusive, and Lots 51 through 55, inclusive of Block 5, **REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA** according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida.

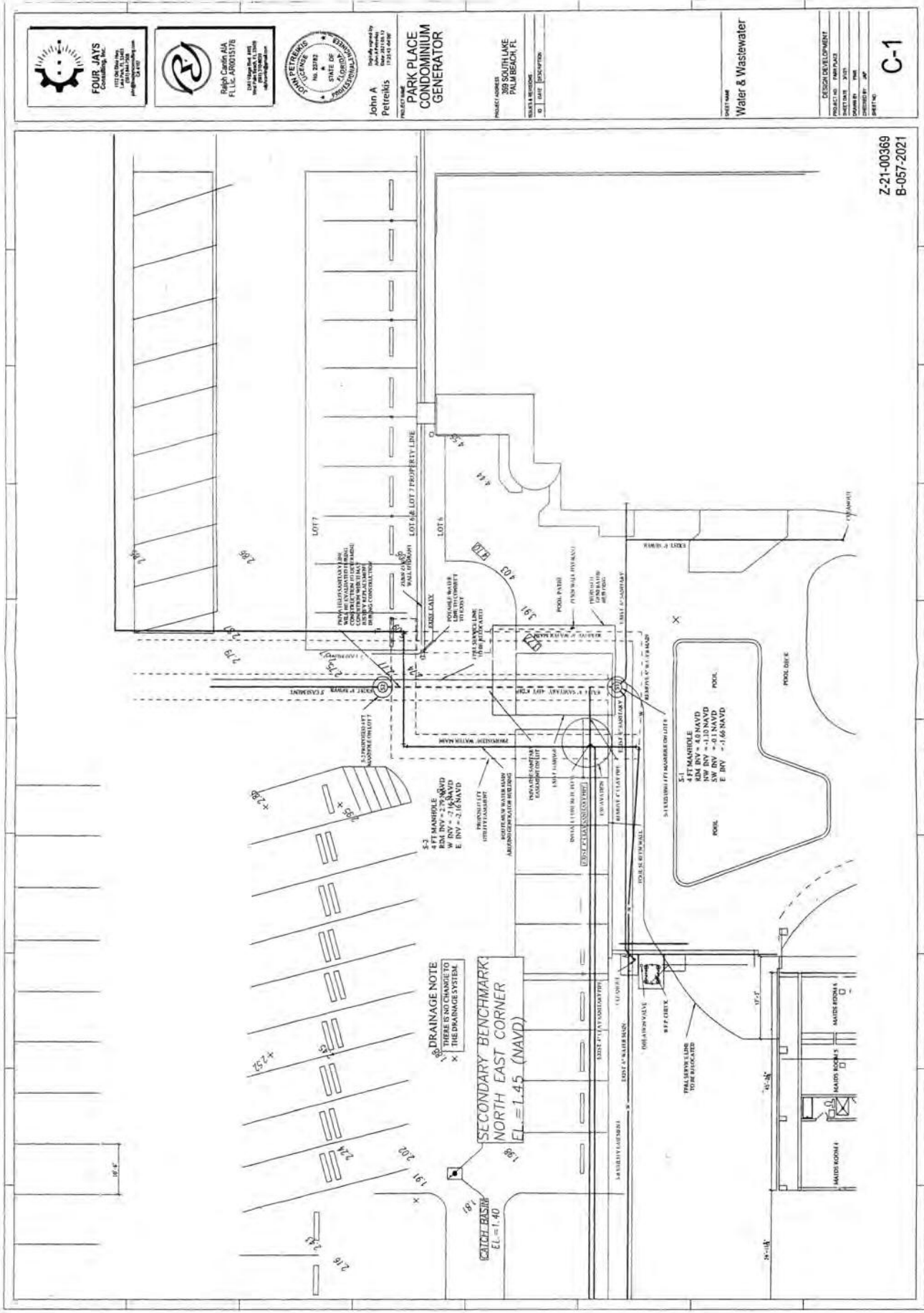
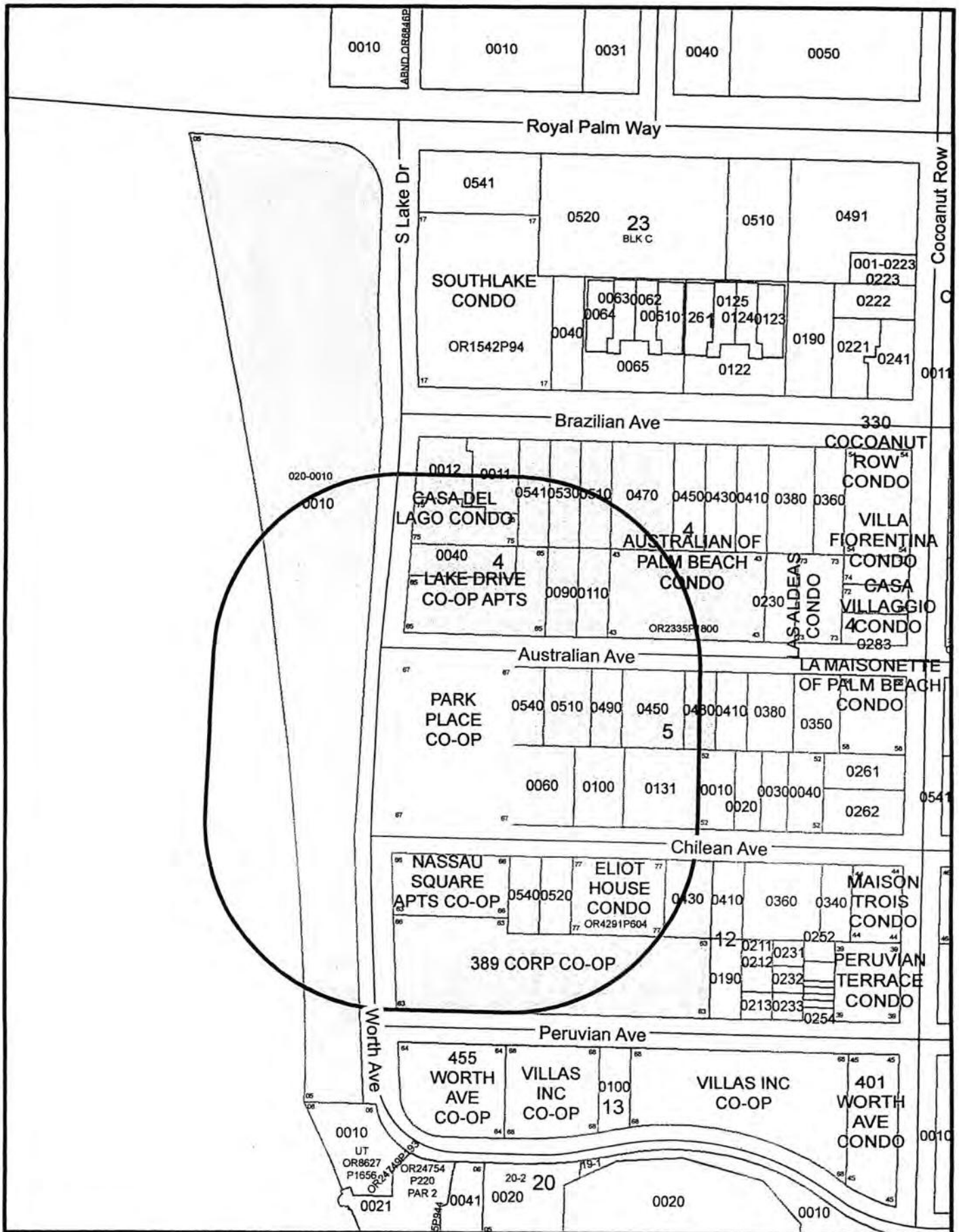


EXHIBIT "B"

Reason for Abandonment

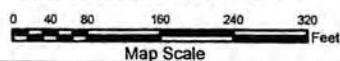
Park Place, Inc. has obtained conditional approval from the Town of Palm Beach to construct a generator building to house a new generator for the residents of the Park Place condominium. The easement which runs under the existing pool equipment building must be abandoned in order to be able to demolish the building and construct the new generator building. New easements will be provided to go around the new generator building.

EXHIBIT “C”



Dorothy Jacks, CFA
Palm Beach County
Property Appraiser

Location: Downtown Service Center



Notes:

12-14-TCM Backup

Produced on: 5/7/2021

Key

Selected Parcels

100	300	500
Others	200	400

Property Appraiser GIS - Property Detail list by parcel control number

Buffer:

COMMON AREA A/K/A ROYAL PARK

PARK PLACE INC
ADD LTS 1 TO 5 INC BLK 5

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Property Appraiser GIS - Property Detail list by parcel control number

50434327670001070 PAPPALARDO P PAUL TRUST 369 S LAKE DR APT 1G PALM BEACH FL 33480 4571	Acres Value \$ 1,100,000.00 Taxbl \$ 738,803.00 Bldg \$ 1,100,000.00 Land \$ 0.00	Sales Instr Price \$1,300,125.00 Date 1/12/2021 Book 32110 Page 242	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 1-G
50434327670001080 POWANKA LYNN T 369 S LAKE DR APT 1H PALM BEACH FL 33480 4571	Acres Value \$ 1,050,000.00 Taxbl \$ 932,080.00 Bldg \$ 1,050,000.00 Land \$ 0.00	Sales Instr Price \$725,000.00 Date 4/20/2001 Book 12489 Page 1725	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 1-H
50434327670002010 TESE JOYCE 369 S LAKE DR # 2A PALM BEACH FL 33480 4571	Acres Value \$ 2,139,551.00 Taxbl \$ 897,724.00 Bldg \$ 2,139,551.00 Land \$ 0.00	Sales Instr Price \$1,300,000.00 Date 2/15/2005 Book 18159 Page 1670	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 2-A
50434327670002020 HILTON PATRICIA M 369 S LAKE DR PALM BEACH FL 33480 4571	Acres Value \$ 763,184.00 Taxbl \$ 653,118.00 Bldg \$ 763,184.00 Land \$ 0.00	Sales Instr Price \$0.00 Date 12/6/2016 Book 28884 Page 996	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC UNIT 2-B	
50434327670002030 TESE VINCENT 369 S LAKE DR # 2C PALM BEACH FL 33480 4571	Acres Value \$ 1,151,856.00 Taxbl \$ 1,076,995.00 Bldg \$ 1,151,856.00 Land \$ 0.00	Sales Instr Price \$0.00 Date 4/24/2017 Book 29045 Page 226	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC UNIT 2-C	
50434327670002040 WILLIAMSON DOUGLAS F JR & 369 S LAKE DR APT 2-D PALM BEACH FL 33480 4571	Acres Value \$ 1,196,902.00 Taxbl \$ 431,543.00 Bldg \$ 1,196,902.00 Land \$ 0.00	Sales Instr Price \$315,000.00 Date 5/1/1996 Book 09319 Page 0416	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 2-D

Property Appraiser GIS - Property Detail list by parcel control number

50434327620002050 SCHORFIELD ROBERT H & 369 S LAKE DR # 2E PALM BEACH FL 33480 4571	Acres Value \$ 1,419,253.00 Taxbl \$ 712,536.00 Bldg \$ 1,419,253.00 Land \$ 0.00	Sales Instr Price \$250,000.00 Date 5/17/1997 1 Book 09836 Page 0669	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 2-E
50434327620002060 MCINTOURI WARREN K TRUST 244 VIRGINIA AVE NW STE 910 WASHINGTON DC 20037 4636	Acres Value \$ 1,419,253.00 Taxbl \$ 1,122,755.00 Bldg \$ 1,419,253.00 Land \$ 0.00	Sales Instr Price \$1,050,000.00 Date 9/5/2005 1 Book 19263 Page 592	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 2-F
50434327620002070 COOK KEVIN R & 369 S LAKE DR # 2G PALM BEACH FL 33480 4571	Acres Value \$ 1,151,389.00 Taxbl \$ 497,365.00 Bldg \$ 1,151,389.00 Land \$ 0.00	Sales Instr Price \$700,000.00 Date 6/1/2005 1 Book 18674 Page 984	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 2-G
50434327620002080 KIRSTEN JOACHIM R & 369 S LAKE DR # H2 PALM BEACH FL 33480 4571	Acres Value \$ 1,065,000.00 Taxbl \$ 521,587.00 Bldg \$ 1,065,000.00 Land \$ 0.00	Sales Instr Price \$700,000.00 Date 4/22/2005 Book 18462 Page 500	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 2-H
50434327620003010 PORTER GRANT & 369 S LAKE DR # A-3 PALM BEACH FL 33480 4571	Acres Value \$ 2,154,551.00 Taxbl \$ 1,428,855.00 Bldg \$ 2,154,551.00 Land \$ 0.00	Sales Instr Price \$0.00 Date 4/29/2005 Book 18521 Page 1068	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 3-A
50434327620003020 PORTER GRANT & 369 S LAKE DR APT 3 B PALM BEACH FL 33480 4571	Acres Value \$ 783,184.00 Taxbl \$ 727,525.00 Bldg \$ 783,184.00 Land \$ 0.00	Sales Instr Price \$0.00 Date 11/16/2015 Book 27935 Page 1912	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 3-B

Property Appraiser GIS - Property Detail list by parcel control number

5043432620003030	LEWIS MICHAEL F & 369 S LAKE DR APT 3C PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,171,856.00 977,301.00 1,171,856.00 0.00	Sales Instr Price \$787,500.00 Date 2/18/2011 Book 24376 Page 892	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 3-C
5043432620003040	NYERIM JOHN A 369 S LAKE DR # 3D PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,216,902.00 650,846.00 1,216,902.00 0.00	Sales Instr Price \$285,000.00 Date 5/11/1991 1 Book 06845 Page 1364	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 3-D
5043432620003050	GOOTRAD HAROLD & 369 S LAKE DR # 3E PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,434,253.00 1,187,175.00 1,434,253.00 0.00	Sales Instr Price \$975,000.00 Date 5/17/2002 Book 13728 Page 85	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 3-E
5043432620003060	BREYER HOMES LLC 605 N OLIVE AVE FL 2 WEST PALM BEACH FL 33401 4005	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,434,253.00 1,434,253.00 1,434,253.00 0.00	Sales Instr Price \$1,875,000.00 Date 7/15/2019 Book 30750 Page 442	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 3-F
5043432620003070	GOLDSMITH TIMOTHY R 369 S LAKE DR # 3G PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,161,389.00 942,871.00 1,161,389.00 0.00	Sales Instr Price \$0.00 Date 5/10/2012 Book 25203 Page 672	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 3-G
5043432620003080	NECKLES PETER J & 369 S LAKE DR # 3H PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,080,000.00 573,744.00 1,080,000.00 0.00	Sales Instr Price \$650,120.00 Date 1/31/2013 Book 25773 Page 1440	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 3-H

Property Appraiser GIS - Property Detail list by parcel control number

5043432670004010 PILKINGTON ROBERT & 368 S LAKE DR # 4A PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,539,551.00 1,288,741.00 1,539,551.00 0.00	Sales Instr Price \$925,000.00 Date 12/9/2004 Book 17900 Page 512	PL Price \$925,000.00 Date 12/9/2004 Book 17900 Page 512	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 4-A
5043432670004020 HOLT DANIEL Q 369 S LAKE DR APT 4B PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 793,184.00 372,558.00 793,184.00 0.00	Sales Instr Price \$436,500.00 Date 2/4/2011 1 Book 24381 Page 957	PL Price \$436,500.00 Date 2/4/2011 1 Book 24381 Page 957	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 4-B
5043432670004030 MILLS ELIZABETH H 369 S LAKE DR APT 4C PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,191,856.00 1,009,511.00 1,191,856.00 0.00	Sales Instr Price \$625,000.00 Date 2/4/2011 1 Book 24363 Page 880	PL Price \$625,000.00 Date 2/4/2011 1 Book 24363 Page 880	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 4-C
5043432670004040 JENNINGS ROBERTA B 369 S LAKE DR APT 4D PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,236,902.00 240,771.00 1,236,902.00 0.00	Sales Instr Price \$0.00 Date 7/25/2018 Book 30055 Page 503	PL Price \$0.00 Date 7/25/2018 Book 30055 Page 503	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 4-D
5043432670004050 HOLT DIANA B 369 S LAKE DR # 4E PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,449,253.00 774,653.00 1,449,253.00 0.00	Sales Instr Price \$945,000.00 Date 8/1/2012 1 Book 25368 Page 1336	PL Price \$945,000.00 Date 8/1/2012 1 Book 25368 Page 1336	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 4-E
5043432670004060 HARRIS CAMERON M & PO BOX 220805 CHARLOTTE NC 28222 0805	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 2,254,253.00 2,048,797.00 2,254,253.00 0.00	Sales Instr Price \$10.00 Date 5/24/2017 Book 29132 Page 315	PL Price \$10.00 Date 5/24/2017 Book 29132 Page 315	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 4-F & 4-G

Property Appraiser GIS - Property Detail list by parcel control number

50434327620005080 TOBEASON PETER F & 369 S LAKE DR APT 4H PALM BEACH FL 33480 4571	Acres 0.00 Value \$ 1,095,000.00 Taxbl \$ 942,149.00 Bldg \$ 1,095,000.00 Land \$ 0.00	Sales Instr Price \$1,350,000.00 Date 10/20/2020 Book 31857 Page 1032	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 4-H
50434327620005010 PILBINGTON ROBERT TR 369 S LAKE DR # 5A PALM BEACH FL 33480 4571	Acres 0.00 Value \$ 2,184,551.00 Taxbl \$ 1,477,170.00 Bldg \$ 2,184,551.00 Land \$ 0.00	Sales Instr Price \$ Date Book Page	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 5-A
50434327620005020 CURRIE PATRICIA ODEA (REVOCABLE TRUST) 369 S LAKE DR APT 5B PALM BEACH FL 33480 4571	Acres 0.00 Value \$ 993,184.00 Taxbl \$ 141,406.00 Bldg \$ 993,184.00 Land \$ 0.00	Sales Instr Price \$1.00 Date 4/3/2020 1 Book 31361 Page 1813	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 5-B
50434327620005030 DARLINGTON HENRY JR 369 S LAKE DR # 5C PALM BEACH FL 33480 4571	Acres 0.00 Value \$ 921,856.00 Taxbl \$ 479,258.00 Bldg \$ 921,856.00 Land \$ 0.00	Sales Instr Price \$235,000.00 Date 7/1/1991 1 Book 06909 Page 1113	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 5-C
50434327620005040 SLATTERY FRANK P JR & 369 S LAKE DR APT 5D PALM BEACH FL 33480 4571	Acres 0.00 Value \$ 1,256,902.00 Taxbl \$ 714,286.00 Bldg \$ 1,256,902.00 Land \$ 0.00	Sales Instr Price \$825,000.00 Date 5/4/2012 1 Book 25179 Page 1551	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 5-D
50434327620005050 SLATTERY FRANK P JR & 369 S LAKE DR APT 5E PALM BEACH FL 33480 4571	Acres 0.00 Value \$ 1,464,253.00 Taxbl \$ 1,374,457.00 Bldg \$ 1,464,253.00 Land \$ 0.00	Sales Instr Price \$1,510,000.00 Date 4/27/2017 Book 29056 Page 1055	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 5-E

Property Appraiser GIS - Property Detail list by parcel control number

5043432670005060 HALE CHARLES M & 369 S LAKE DR # 5F PALM BEACH FL 33480 4571	Acres Value \$ 1,464,253.00 Taxbl \$ 1,414,253.00 Bldg \$ 1,464,253.00 Land \$ 0.00	Sales Instr Price \$2,250,000.00 Date 11/21/2019 Book 31059 Page 1853	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 5-F
5043432670005020 DUNWINGTON PATRICIA M 369 S LAKE DR APT G5 PALM BEACH FL 33480 4571	Acres Value \$ 1,181,389.00 Taxbl \$ 613,632.00 Bldg \$ 1,181,389.00 Land \$ 0.00	Sales Instr Price \$735,000.00 Date 4/18/2013 Book 25982 Page 1263	LA	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 5-G
5043432670005080 MOORE MARTHA B 369 S LAKE DR # 5H PALM BEACH FL 33480 4571	Acres Value \$ 1,110,000.00 Taxbl \$ 165,489.00 Bldg \$ 1,110,000.00 Land \$ 0.00	Sales Instr Price \$170,000.00 Date 12/1/1996 Book 09583 Page 1362	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	APT 5-H
5043432670006010 HUNTER TRUST LLC 369 S LAKE DR PH A PALM BEACH FL 33480 4571	Acres Value \$ 3,050,725.00 Taxbl \$ 3,050,725.00 Bldg \$ 3,050,725.00 Land \$ 0.00	Sales Instr Price \$3,759,274.00 Date 1/27/2017 Book 28876 Page 607	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	PENTHOUSE A
5043432670006020 EPPIG RUTH S 13003 LAKE SHORE BLVD CLEVELAND OH 44108 1144	Acres Value \$ 2,142,128.00 Taxbl \$ 1,544,089.00 Bldg \$ 2,142,128.00 Land \$ 0.00	Sales Instr Price \$525,000.00 Date 12/1/1983 Book 04121 Page 1450	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	PENTHOUSE B
5043432670006030 SETTLE NOEL A 369 S LAKE DR # PH-C PALM BEACH FL 33480 4571	Acres Value \$ 2,839,515.00 Taxbl \$ 1,209,588.00 Bldg \$ 2,839,515.00 Land \$ 0.00	Sales Instr Price \$0.00 Date 12/27/2013 Book 26557 Page 744	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC	PENTHOUSE C

Property Appraiser GIS - Property Detail list by parcel control number

50434327200000040 FLANAGAN JOSEPH P 369 S LAKE DR APT PH-D PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,252,443.00 577,120.00 1,252,443.00 0.00	Sales Instr Price \$ Date Book Page	PL 4/13/2017 29031 954	MTG PUSE COOPERATIVE TaxDist 50411 NAV	PARK PLACE INC PENTHOUSE D
50434327200000011 MCCONNELL DEAN MARGARET M 450 BRAZILIAN AVE PALM BEACH FL 33480 4572	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.19 6,117,776.00 3,104,900.00 3,117,776.00 2,940,000.00	Sales Instr Price \$ Date Book Page	WD 6/30/2016 28414 652	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD PT OF LTS 1 & 2 & W 2 FT OF LT 56 BLK 4 K/A UNIT A IN OR12098P1768
50434327200000012 KASSEL PROPERTIES LLC 7700 FORSYTH BLVD STE 1220 SAINT LOUIS MO 63105 1819	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.18 6,420,557.00 6,420,557.00 3,585,557.00 2,835,000.00	Sales Instr Price \$ Date Book Page	WD 9/12/2013 26320 151	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD PT OF LTS 1 & 2 BLK 4 K/A UNIT B IN OR13012P79
50434327200000040 455 AUSTRALIAN AVENUE CORP 455 AUSTRALIAN AVE PALM BEACH FL 33480 4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.19 58.00 58.00 0.00 58.00	Sales Instr Price \$ Date Book Page	WD 1/1/1970 1 01807 0505	MTG PUSE VACANT TaxDist 50411 NAV	ROYAL PARK ADD LT 4 BLK 4
50434327200000020 BRAY FAMILY TRUST & 449 AUSTRALIAN AVE PALM BEACH FL 33480 4594	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.16 4,513,652.00 4,513,652.00 2,413,652.00 2,100,000.00	Sales Instr Price \$ Date Book Page	WD 3/5/2020 1 31287 1542	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD LTS 9 & 10 BLK 4

Property Appraiser GIS - Property Detail list by parcel control number

50434323050040110 COLLETT JOHN & 263 S HERWOOD AVE CHARTLOTTE NC 28207 2548	Acres 0.16 Value \$ 1,873,888.00 Taxbl \$ 1,826,246.00 Bldg \$ 88,888.00 Land \$ 1,785,000.00	Sales Instr RD Price \$2,400,000.00 Date 5/1/2018 1 Book 29827 Page 1107	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD LTS 11 & 12 BLK 4
50434323050040270 RODNEY CHARLES T 432 S BRAZILIAN AVE PALM BEACH FL 33480 4522	Acres 0.39 Value \$ 5,270,846.00 Taxbl \$ 1,029,994.00 Bldg \$ 20,846.00 Land \$ 5,250,000.00	Sales Instr RD Price \$100.00 Date 10/1/1995 Book 09595 Page 1144	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD LTS 47 TO 50 INC BLK 4
50434323050040510 BRANSTROM WILLIAM J III & 314 EASTOVER RD CHARLOTTE NC 28207 2350	Acres 0.20 Value \$ 2,077,303.00 Taxbl \$ 2,969,967.00 Bldg \$ 247,303.00 Land \$ 2,730,000.00	Sales Instr WD Price \$2,300,000.00 Date 11/26/2007 Book 22285 Page 492	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD LTS 51 & 52 BLK 4
50434323050040530 MAGOWAN DEBRAH 2100 WASHINGTON ST SAN FRANCISCO CA 94109 2845	Acres 0.19 Value \$ 5,185,689.00 Taxbl \$ 4,638,689.00 Bldg \$ 2,458,689.00 Land \$ 2,730,000.00	Sales Instr WD Price \$6,100,000.00 Date 11/9/2020 Book 31931 Page 1087	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD FT) BLK 4 LT 53 & LT 54 (LESS WLY .88
50434323050040541 TELESE NANCY E 446 BRAZILIAN AVE PALM BEACH FL 33480 4572	Acres 0.19 Value \$ 5,206,593.00 Taxbl \$ 2,938,488.00 Bldg \$ 2,576,593.00 Land \$ 2,730,000.00	Sales Instr OC Price \$10.00 Date 11/6/2002 Book 14711 Page 1734	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD E 23 FT OF LT 56 BLK 4 WLY .88 FT OF LT 54, LT 55 &
50434323050050060 PARK PLACE INC 369 S LAKE DR PALM BEACH FL 33480 4571	Acres 0.29 Value \$ 0.00 Taxbl \$ 0.00 Bldg \$ 0.00 Land \$ 0.00	Sales Instr Price \$ Date Book Page	MTG PUSE RESIDENTIAL COMMON AB TaxDist 50411 NAV	ROYAL PARK ADD LTS 6 TO 9 INC BLK 5

Property Appraiser GIS - Property Detail list by parcel control number

5043432305050100	WRAY CERASOLI ASSOCIATES LLP 18 EARNES POINT RD PO BOX 255 SHEPHERD ISLAND HEIGHTS NY 11965 0255	Acres 0.23 Value \$ 7,775,227.00 Taxbl \$ 7,450,246.00 Bldg \$ 4,575,227.00 Land \$ 3,150,000.00	Sales Instr Price \$6,300,000.00 Date 3/2/2015 1 Book 27388 Page 521	WD	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD LTS 10 THRU 12 & W 5 FT OF LT 13 BLK 5
5043432305050131	CHADMAN LORRAINE S 422 CHILEAN AVE PALM BEACH FL 33480 4528	Acres 0.34 Value \$ 10,049,721.00 Taxbl \$ 10,049,721.00 Bldg \$ 5,849,721.00 Land \$ 4,200,000.00	Sales Instr Price \$3,900,000.00 Date 3/13/2015 Book 27403 Page 777	WD	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD LT 13 (LESS W 5 FT) & LTS 14 THRU 17 BLK 5
5043432305050430	COREY JOHN D 426 AUSTRALIAN AVE PALM BEACH FL 33480 4527	Acres 0.14 Value \$ 3,743,306.00 Taxbl \$ 2,729,694.00 Bldg \$ 1,643,306.00 Land \$ 2,100,000.00	Sales Instr Price \$1,410,000.00 Date 8/25/2014 Book 27037 Page 1682	RD	MTG PUSE SINGLE FAMILY TaxDist 50411 NAV	ROYAL PARK ADD LTS 43 & 44 BLK 5
5043432305050450	430 AUSTRALIAN AVENUE LLC 430 AUSTRALIAN AVE PALM BEACH FL 33480 4579	Acres 0.29 Value \$ 3,222,346.00 Taxbl \$ 3,209,576.00 Bldg \$ 72,346.00 Land \$ 3,150,000.00	Sales Instr Price \$10.00 Date 12/4/2003 Book 16304 Page 1465	WD	MTG PUSE MULTIFAMILY < 10 UNITS TaxDist 50411 NAV	ROYAL PARK ADD LTS 45 TO 48 INC BLK 5
5043432305050490	ARK PROPERTIES LLC 436 AUSTRALIAN AVE PALM BEACH FL 33480 6501	Acres 0.14 Value \$ 2,486,624.00 Taxbl \$ 2,055,273.00 Bldg \$ 386,624.00 Land \$ 2,100,000.00	Sales Instr Price \$1,775,000.00 Date 7/9/2013 1 Book 26217 Page 751	WD	MTG PUSE MULTIFAMILY < 10 UNITS TaxDist 50411 NAV	ROYAL PARK ADD LTS 49 & 50 BLK 5
5043432305050510	PARK PLACE INC 369 S LAKE DR PALM BEACH FL 33480 4571	Acres 0.22 Value \$ 0.00 Taxbl \$ 0.00 Bldg \$ 0.00 Land \$ 0.00	Sales Instr Price \$ Date Book Page		MTG PUSE RESIDENTIAL COMMON AR TaxDist 50411 NAV	ROYAL PARK ADD LTS 51 TO 53 INC BLK 5

Property Appraiser GIS - Property Detail list by parcel control number

50434323050050560 PARK PLACE INC 369 LAKE DR PALM BEACH FL 33480 4571	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.14 0.00 0.00 0.00 0.00	Sales Instr Price \$ Date 1/1/1980 Book 03264 Page 1108	WD	Price \$200,000.00	MTG PUSE RESIDENTIAL COMMON AP TaxDist 50411	ROYAL PARK ADDITION	LTS 54 & 55 BLK 5
50434323050120430 MOOREY DAVID 118 SUMMERSET AVE SOUTHAMPTON NY 11968 3952	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.22 2,956,841.00 2,938,517.00 16,841.00 2,940,000.00	Sales Instr Price \$ Date 7/31/2014 Book 26953 Page 952	WD	Price \$2,475,000.00	MTG PUSE SINGLE FAMILY TaxDist 50411	ROYAL PARK ADD	LTS 43 TO 45 INC BLK 12
50434323050120520 MITCHELL MEREDITH D TRUST 444 CHILEAN AVE PALM BEACH FL 33480 4529	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.14 3,560,410.00 3,510,410.00 1,670,410.00 1,890,000.00	Sales Instr Price \$ Date 2/9/2021 Book 32228 Page 1003	WD	Price \$5,017,592.00	MTG PUSE SINGLE FAMILY TaxDist 50411	ROYAL PARK ADD	LTS 52 & 53 BLK 12
50434323050120540 NASSAU SQ CO OP APTS INC 448 CHILEAN AVE PALM BEACH FL 33480 4529	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.14 0.00 0.00 0.00 0.00	Sales Instr Price \$ Date Book Page			MTG PUSE RESIDENTIAL COMMON AR TaxDist 50411	ROYAL PARK ADD	LTS 54 & 55 BLK 12
50434323050200010 PALM BEACH TOWN OF PO BOX 2029 PALM BEACH FL 33480 2029	Acres Value \$ Taxbl \$ Bldg \$ Land \$	5.88 25,599,450.00 0.00 263,370.00 25,336,080.00	Sales Instr Price \$ Date Book Page			MTG PUSE MUNICIPAL TaxDist 50411	ROYAL PARK ADD	N 1557.35 FT OF BLK 20
50434323050000010 INDOE JANE 235 CHILEAN AVE UNIT A PALM BEACH FL 33480 6746	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 \$45,000.00 \$45,000.00 \$45,000.00 0.00	Sales Instr Price \$ Date 2/10/2014 Book 26620 Page 301	WD	Price \$675,000.00	MTG PUSE CONDOMINIUM TaxDist 50411	AUSTRALIAN OF PALM BEACH COND APT 1	

Property Appraiser GIS - Property Detail list by parcel control number

50434327430000020 429 PB LLC 429 AUSTRALIAN AVE APT 2 PALM BEACH FL 33480 4543	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,300,000.00 1,300,000.00 1,300,000.00 0.00	Sales Instr Price Date Book Page	WD \$975,000.00 4/17/2012 25167 398	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 2
50434327430000030 RUSSELL COLETTE L 429 AUSTRALIAN AVE APT 3 PALM BEACH FL 33480 4543	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,195,000.00 866,588.00 1,195,000.00 0.00	Sales Instr Price Date Book Page	QC \$10.00 12/14/2005 19598 1749	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 3
50434327430000050 PALMER RICHARD W TR 429 AUSTRALIAN AVE APT 4 PALM BEACH FL 33480 4543	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,330,000.00 1,330,000.00 1,330,000.00 0.00	Sales Instr Price Date Book Page	WD \$10.00 4/5/2021 1 32366 904	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 4
50434327430000050 GEISEL C MEADE JR TRUST & 1411 YOUNGS FORD RD GLADWYNE PA 19035 1232	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,200,000.00 1,200,000.00 1,200,000.00 0.00	Sales Instr Price Date Book Page	WD \$10.00 10/5/2016 28660 1036	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 5
50434327430000060 GEISEL C MEADE JR 429 AUSTRALIAN AVE APT 6 PALM BEACH FL 33480 4543	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,305,000.00 1,305,000.00 1,305,000.00 0.00	Sales Instr Price Date Book Page	WD \$1,300,000.00 4/10/2019 30538 1237	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 6
50434327430000070 MCCRACKEN CAROL H 429 AUSTRALIAN AVE APT 7 PALM BEACH FL 33480 4560	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,200,000.00 1,200,000.00 1,200,000.00 0.00	Sales Instr Price Date Book Page	WD \$1,550,000.00 8/21/2020 31692 1702	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 7

Property Appraiser GIS - Property Detail list by parcel control number

5043432430000080 BULLOCK SUSANNE B & 429 AUSTRALIAN AVE APT B PALM BEACH FL 33480 4560	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,335,000.00 929,637.00 1,335,000.00 0.00	Sales Instr Price Date Book Page	WD \$820,000.00 9/29/2004 17598 437	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 8
5043432430000090 KEL GREG & 263 1/2 TH AVE APT 7A NEW YORK NY 10001 6607	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,205,000.00 1,205,000.00 1,205,000.00 0.00	Sales Instr Price Date Book Page	WD \$1,500,000.00 9/21/2018 30156 38	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 9
5043432430000110 ANDERSON ANDREE G 429 AUSTRALIAN AVE APT 10 PALM BEACH FL 33480 4560	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,310,000.00 1,259,500.00 1,310,000.00 0.00	Sales Instr Price Date Book Page	WD \$10.00 1/25/2006 19968 924	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 10
5043432430000120 KERN R FRANKLIN III & PO BOX 160128 BIG SKY MT 59716 0128	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,205,000.00 1,205,000.00 1,205,000.00 0.00	Sales Instr Price Date Book Page	WD \$1,305,000.00 5/15/2012 25217 1363	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 11
5043432430000120 MESTANAS NICOLE A 429 AUSTRALIAN AVE # 12 PALM BEACH FL 33480 4560	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,340,000.00 1,290,000.00 1,340,000.00 0.00	Sales Instr Price Date Book Page	DT \$1,345,000.00 4/30/2013 26008 1859	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	AUSTRALIAN OF PALM BEACH COND APT 12
5043432430000000 COHN IRREVOCABLE TRUST 2319 THORNWOOD AVE WILMETTE IL 60091 1354	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 0.00 0.00 0.00 0.00	Sales Instr Price Date Book Page	QC \$10.00 3/2/2009 1 23196 1585	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE COMMON AREA A/K/A ROYAL PARK ADD LTS 3 TO 18 INC BLK 12

Property Appraiser GIS - Property Detail list by parcel control number

50434327630001010 JOHNSON ERICA R 389 S LAKE DR APT 1A PALM BEACH FL 33480 4565	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 773,012.00 773,012.00 773,012.00 0.00	Sales Instr. Price Date Book Page	PL \$812,000.00 3/30/2021 32361 1569	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 1-A
50434327630001020 WHITMAN CHARLES S III 389 S LAKE DR APT 1B PALM BEACH FL 33480 4542	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,133,796.00 1,004,633.00 1,133,796.00 0.00	Sales Instr. Price Date Book Page	PL \$665,000.00 2/12/2010 23700 1525	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 1-B
50434327630001030 DIACK JAMES A & 389 S LAKE DR APT 1C PALM BEACH FL 33480 4542	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 988,205.00 988,205.00 988,205.00 0.00	Sales Instr. Price Date Book Page	PL \$1,100,000.00 4/6/2021 1 32394 1177	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 1-C
50434327630001040 FULTON DINAH F 389 S LAKE DR APT 1D PALM BEACH FL 33480 4542	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 783,012.00 678,365.00 783,012.00 0.00	Sales Instr. Price Date Book Page	PL \$950,000.00 3/15/2021 32333 1006	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 1-D
50434327630002010 SCOTT JANE R 389 S LAKE DR APT 2A PALM BEACH FL 33480 4541	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,008,012.00 0.00 1,008,012.00 0.00	Sales Instr. Price Date Book Page	PL \$295,000.00 4/14/1999 11061 705	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 2-A
50434327630002020 MORTIMER JR HENRY T & 389 S LAKE DR APT 2B PALM BEACH FL 33480 4541	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,183,798.00 1,136,515.00 1,183,798.00 0.00	Sales Instr. Price Date Book Page	PL \$1,500,000.00 2/17/2020 31236 833	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 2-B

Property Appraiser GIS - Property Detail list by parcel control number

504343276300020300 WOLF DONALD M & 389 S LAKE DR # C2 PALM BEACH FL 33480 4541	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,068,205.00 699,527.00 1,068,205.00 0.00	Sales Instr Price Date Book Page	PL \$495,000.00 2/5/2015 1 27330 1381	MTG PULSE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 2-C
504343276300020400 EMMONS TARA S 4550 AUSTRALIAN AVE # E3 PALM BEACH FL 33480 4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 923,012.00 454,076.00 923,012.00 0.00	Sales Instr Price Date Book Page	PL \$950,000.00 12/23/2020 32046 1890	MTG PULSE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 2-D
504343276300020500 JOHNSON BARBARA D 1 ST VALENTINES CLOSE, WINCHESTER HAMTS, ENGLAND 5023763 GREAT BRITAIN & NORTHRN IRELAND	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 653,012.00 605,160.00 653,012.00 0.00	Sales Instr Price Date Book Page	PL \$990,000.00 3/19/2020 31317 1878	MTG PULSE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 2-E
504343276300020600 AMIEL MAURICE 389 S LAKE DR APT 2F PALM BEACH FL 33480 4541	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 640,055.00 289,540.00 640,055.00 0.00	Sales Instr Price Date Book Page	PL \$350,000.00 12/20/2011 24933 1267	MTG PULSE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 2-F
504343276300020700 ROBERTI VINCENT ARMAN SR 389 S LAKE DR APT 2G PALM BEACH FL 33480 4541	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 646,935.00 603,873.00 646,935.00 0.00	Sales Instr Price Date Book Page	PL \$700,000.00 4/1/2021 1 32367 1536	MTG PULSE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 2-G
504343276300020800 MARTIN GRACE B 389 S LAKE DR APT 2H PALM BEACH FL 33480 4541	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,028,857.00 167,318.00 1,028,857.00 0.00	Sales Instr Price Date Book Page	PL \$146,250.00 11/1/1984 04414 0513	MTG PULSE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 2-H

Property Appraiser GIS - Property Detail list by parcel control number

50434327630003010 CHRISTOPHER B GALVIN TRUST 33 1/2 JUAN HILL RD WINNETKA IL 60093 3940	Acres 0.00 Value \$ 1,038,012.00 Taxbl \$ 1,038,012.00 Bldg \$ 1,038,012.00 Land \$ 0.00	Sales Instr PL Price \$0.00 Date 1/7/2016 1 Book 28052 Page 1923	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 3-A
50434327630003020 GALVIN CHRISTOPHER B & 3895 LAKE DR APT 3B PALM BEACH FL 33480 4505	Acres 0.00 Value \$ 1,213,798.00 Taxbl \$ 1,086,473.00 Bldg \$ 1,213,798.00 Land \$ 0.00	Sales Instr PL Price \$985,000.00 Date 4/14/2014 Book 26784 Page 1477	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 3-B
50434327630003030 MULHERN KATHERINE R 100 ROYAL PALM WAY APT 1E PALM BEACH FL 33480 4268	Acres 0.00 Value \$ 1,098,205.00 Taxbl \$ 1,098,205.00 Bldg \$ 1,098,205.00 Land \$ 0.00	Sales Instr PL Price \$825,000.00 Date 6/30/2017 Book 29215 Page 1972	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 3-C
50434327630003040 VAGABONDIA TRUST 389 S LAKE DR APT 3D PALM BEACH FL 33480 4505	Acres 0.00 Value \$ 933,012.00 Taxbl \$ 417,481.00 Bldg \$ 933,012.00 Land \$ 0.00	Sales Instr PL Price \$1,165,000.00 Date 3/15/2021 Book 32291 Page 1662	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 3-D
50434327630003050 WEBSTER CAROLE P PO BOX 1109 NANTUCKET MA 02554 1109	Acres 0.00 Value \$ 663,012.00 Taxbl \$ 612,480.00 Bldg \$ 663,012.00 Land \$ 0.00	Sales Instr PL Price \$500,000.00 Date 3/18/2015 Book 27425 Page 124	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 3-E
50434327630003060 FUSCO JAMES E & 34 BROAD ST RED BANK NJ 07701 1968	Acres 0.00 Value \$ 650,055.00 Taxbl \$ 597,212.00 Bldg \$ 650,055.00 Land \$ 0.00	Sales Instr PL Price \$475,000.00 Date 3/31/2010 Book 23772 Page 742	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 3-F

Property Appraiser GIS - Property Detail list by parcel control number

50434327630000020	MALLORAN RICHARD J & 389 S LAKE DR APT 3G PALM BEACH FL 33480 4505	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 661,939.00 618,514.00 661,939.00 0.00	Sales Instr Price Date Book Page	PL \$476,250.00 6/20/2014 26891 653	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 3-G
50434327630000080	KILPATRICK JOHN T III 389 S LAKE DR # 3H PALM BEACH FL 33480 4505	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,043,857.00 167,318.00 1,043,857.00 0.00	Sales Instr Price Date Book Page	PL \$1,043,857.00 6/25/1996 09323 1227	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 3-H
50434327630000010	YOUNGMAN BARBARA P 1130 PARK AVE NEW YORK NY 10128 1255	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,068,012.00 1,068,012.00 1,068,012.00 0.00	Sales Instr Price Date Book Page	PL \$10.00 6/25/1996 09323 1227	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 4-A
50434327630000020	BOTTOMLEY KEVIN R 389 S LAKE DR PALM BEACH FL 33480 4570	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,243,798.00 1,243,798.00 1,243,798.00 0.00	Sales Instr Price Date Book Page	PL \$1,600,000.00 10/11/2019 30968 1870	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 4-B
50434327630000030	GORMAN JAMES J & 389 S LAKE DR APT 4C PALM BEACH FL 33480 4551	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,128,205.00 1,128,205.00 1,128,205.00 0.00	Sales Instr Price Date Book Page	PL \$0.00 12/7/2020 32017 1632	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 4-C
50434327630000040	BARZELAY DOUGLAS E 389 S LAKE DR # 4D PALM BEACH FL 33480 4551	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 943,012.00 618,725.00 943,012.00 0.00	Sales Instr Price Date Book Page	PL \$515,000.00 11/30/2011 24885 888	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 4-D

Property Appraiser GIS - Property Detail list by parcel control number

50434327630004050	ROBERTS ROBIN D TRUST 200 SAINT ASAPH ST ALEXANDRIA VA 22314 3744	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 673,012.00 619,801.00 673,012.00 0.00	Sales Instr Price \$0.00 Date 9/15/2020 Book 31780 Page 79	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 4-E
50434327630004060	WENDY ANN C 3895 LAKE DR APT 4-F PALM BEACH FL 33480 4551	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 660,055.00 153,117.00 660,055.00 0.00	Sales Instr Price \$10.00 Date 1/10/2006 Book 19814 Page 1238	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 4-F
50434327630004070	HEISE RICHARD A JR & 2211 OLD WILLOW RD NORTHFIELD IL 60093 2935	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 676,939.00 633,155.00 676,939.00 0.00	Sales Instr Price \$350,000.00 Date 11/7/2012 Book 25585 Page 1233	WD	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 4-G
50434327630004080	MANNING CAROLE C 389 S LAKE DR APT 4H PALM BEACH FL 33480 4540	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,058,857.00 545,934.00 1,058,857.00 0.00	Sales Instr Price \$10.00 Date 12/2/2015 Book 28044 Page 119	WD	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 4-H
50434327630005010	STEPHENSON SHERRI 181 E 90TH ST APT 25A NEW YORK NY 10128 2395	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,098,012.00 1,098,012.00 1,098,012.00 0.00	Sales Instr Price \$1,650,000.00 Date 4/5/2016 1 Book 28222 Page 762	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 5-A
50434327630005020	NAVIN JOAN & 389 S LAKE DR # 5B PALM BEACH FL 33480 4553	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,273,798.00 672,709.00 1,273,798.00 0.00	Sales Instr Price \$0.00 Date 8/17/2007 Book 22269 Page 154	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 5-B

Property Appraiser GIS - Property Detail list by parcel control number

50434327630005030 TUOHY JOHN P & 389 S LAKE DR # 5C PALM BEACH FL 33480 4553	Acres Value \$ 1,158,205.00 Taxbl \$ 742,995.00 Bldg \$ 1,158,205.00 Land \$ 0.00	Sales Instr Price \$ 1,050,000.00 Date 10/8/2014 Book 27089 Page 429	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 5-C
50434327630005040 FRINGLE KENNETH 389 S LAKE DR APT 5-D PALM BEACH FL 33480 4553	Acres Value \$ 953,012.00 Taxbl \$ 312,470.00 Bldg \$ 953,012.00 Land \$ 0.00	Sales Instr Price \$ 495,000.00 Date 4/15/2011 Book 24503 Page 1213	WD	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 5-D
50434327630005050 LAKE DOUGLAS T & 389 S LAKE DR APT 5E PALM BEACH FL 33480 4553	Acres Value \$ 683,012.00 Taxbl \$ 318,069.00 Bldg \$ 683,012.00 Land \$ 0.00	Sales Instr Price \$ 10.00 Date 1/16/2012 Book 25037 Page 143	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 5-E
50434327630005060 GLATT ALAN 36 CAPTAINS NECK LN SOUTHAMPTON NY 11968 4543	Acres Value \$ 670,055.00 Taxbl \$ 153,117.00 Bldg \$ 670,055.00 Land \$ 0.00	Sales Instr Price \$ 770,000.00 Date 2/19/2021 Book 32237 Page 1529	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 5-F
50434327630005070 GILLESPIE EDWARD A & 94 3RD ST GARDEN CITY NY 11530 4406	Acres Value \$ 691,939.00 Taxbl \$ 647,796.00 Bldg \$ 691,939.00 Land \$ 0.00	Sales Instr Price \$ 100.00 Date 3/1/1985 Book 04525 Page 0969	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 5-G
50434327630005080 WARD ANNE TRUST 7 PHEASANT LN GREENWICH CT 06830 3810	Acres Value \$ 1,073,857.00 Taxbl \$ 1,042,777.00 Bldg \$ 1,073,857.00 Land \$ 0.00	Sales Instr Price \$ 10.00 Date 8/25/2017 Book 29605 Page 1287	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE APT 5-H

Property Appraiser GIS - Property Detail list by parcel control number

50434327630006010 SEZNA DAVIS G & 389 S LAKE DR PH A PALM BEACH FL 33480 4554	Acres Value \$ 1,950,000.00 Taxbl \$ 948,125.00 Bldg \$ 1,950,000.00 Land \$ 0.00	0.00	Sales Instr Price \$10.00 Date 12/22/2008 Book 23013 Page 260	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE PENTHOUSE A
50434327630006020 HENDERSON CASSANDRA H 2 COMMONWEALTH AVE APT 9H BOSTON MA 02116 3155	Acres Value \$ 2,200,000.00 Taxbl \$ 2,200,000.00 Bldg \$ 2,200,000.00 Land \$ 0.00	0.00	Sales Instr Price \$2,600,000.00 Date 3/5/2015 1 Book 27417 Page 873	WD	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE PENTHOUSE B
50434327630006030 FRANTZ MARK G & 389 S LAKE DR PH C PALM BEACH FL 33480 4554	Acres Value \$ 1,550,000.00 Taxbl \$ 1,550,000.00 Bldg \$ 1,550,000.00 Land \$ 0.00	0.00	Sales Instr Price \$740,000.00 Date 6/1/1997 1 Book 09882 Page 1047	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE PENTHOUSE C
50434327630006040 BRINKMANN HILKE 389 S LAKE DR PH D PALM BEACH FL 33480 4554	Acres Value \$ 1,500,000.00 Taxbl \$ 1,500,000.00 Bldg \$ 1,500,000.00 Land \$ 0.00	0.00	Sales Instr Price \$1,228,150.00 Date 12/22/2004 Book 17943 Page 1210	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE PENTHOUSE D
50434327630006050 SHATTUCK WILLIAM M TRUST 389 S LAKE DR PH E PALM BEACH FL 33480 4554	Acres Value \$ 1,405,725.00 Taxbl \$ 1,405,725.00 Bldg \$ 1,405,725.00 Land \$ 0.00	0.00	Sales Instr Price \$1,300,000.00 Date 8/7/2019 1 Book 30810 Page 977	PL	MTG PULSE COOPERATIVE TaxDist 50411 NAV	THREE EIGHTY NINE CORP LESSEE PENTHOUSE E
50434327650000000 LAKE DRIVE CO OP APTS INC 455 AUSTRALIAN AVE PALM BEACH FL 33480 4526	Acres Value \$ 0.00 Taxbl \$ 0.00 Bldg \$ 0.00 Land \$ 0.00	0.00	Sales Instr Price \$ Date Book Page		MTG PULSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC COMMON AREA A/K/A ROYAL PARK ADD LTS 5 TO 6 INC BLK 4

Property Appraiser GIS - Property Detail list by parcel control number

50434327650002010 BROBERG PETER TRUST 223 PERUVIAN AVE PALM BEACH FL 33480 4635	Acres 0.00	Value \$ 410,000.00	Sales Instr Price \$1,050,000.00 Date 8/27/2014 Book 27007 Page 1761	PL	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 2-A
50434327650002020 ROSEBISA 2200 NEECK RD S CENTER MORICHES NY 11934 3113	Acres 0.00	Value \$ 771,654.00	Sales Instr Price \$577,000.00 Date 5/11/2015 Book 27537 Page 1326	PL	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 2-B
50434327650002030 SEGERDAHL KATHLEEN A 455 AUSTRALIAN AVE APT 2C PALM BEACH FL 33480 4526	Acres 0.00	Value \$ 771,654.00 Taxbl \$ 546,724.00 Bldg \$ 771,654.00 Land \$ 0.00	Sales Instr Price \$535,000.00 Date 8/30/2012 Book 25925 Page 839	PL	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 2-C
50434327650002040 SULLIVAN W CHARLES & 455 AUSTRALIAN AVE PALM BEACH FL 33480 4526	Acres 0.00	Value \$ 707,363.00 Taxbl \$ 707,363.00 Bldg \$ 707,363.00 Land \$ 0.00	Sales Instr Price \$998,000.00 Date 12/2/2019 Book 31078 Page 573	PL	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 2-D
50434327650002050 BOWERS PATRICIA BRYANT & 455 AUSTRALIAN AVE # 2E PALM BEACH FL 33480 4526	Acres 0.00	Value \$ 707,363.00 Taxbl \$ 292,475.00 Bldg \$ 707,363.00 Land \$ 0.00	Sales Instr Price \$440,000.00 Date 9/27/2007 Book 22157 Page 1406	PL	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 2-E
50434327650002060 MAJOR ELEANOR G 455 AUSTRALIAN AVE APT 2F PALM BEACH FL 33480 4526	Acres 0.00	Value \$ 921,654.00 Taxbl \$ 137,285.00 Bldg \$ 921,654.00 Land \$ 0.00	Sales Instr Price \$10.00 Date 11/17/2014 Book 27202 Page 1186	PL	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 2-F

Property Appraiser GIS - Property Detail list by parcel control number

50434327650002020 ALLEGRAERT LYNN 455 AUSTRALIAN AVE APT 2G PALM BEACH FL 33480 4526	Acres 0.00 Value \$ 971,654.00 Taxbl \$ 748,947.00 Bldg \$ 971,654.00 Land \$ 0.00	Sales Instr PL Price \$10.00 Date 5/31/2017 Book 29131 Page 1586	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 2-G
50434327650002080 ALLEGRAERT LYNN 455 AUSTRALIAN AVE APT 2H PALM BEACH FL 33480 4526	Acres 0.00 Value \$ 410,000.00 Taxbl \$ 341,026.00 Bldg \$ 410,000.00 Land \$ 0.00	Sales Instr PL Price \$480,000.00 Date 12/14/2020 Book 32062 Page 363	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 2-H
50434327650002010 WALLACE JULIA 455 AUSTRALIAN AVE APT 3A PALM BEACH FL 33480 4526	Acres 0.00 Value \$ 415,000.00 Taxbl \$ 350,769.00 Bldg \$ 415,000.00 Land \$ 0.00	Sales Instr PL Price \$162,000.00 Date 8/29/2002 Book 14155 Page 679	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 3-A
50434327650003020 WILLIAMSON ALLEN & 455 AUSTRALIAN AVE APT 3B PALM BEACH FL 33480 4526	Acres 0.00 Value \$ 781,654.00 Taxbl \$ 629,424.00 Bldg \$ 781,654.00 Land \$ 0.00	Sales Instr PL Price \$1,087,500.00 Date 1/2/2020 1 Book 31139 Page 1120	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 3-B
50434327650003030 GRAINGER ROBERT T 7 CONANT RD APT 63 WINCHESTER MA 01890 1164	Acres 0.00 Value \$ 781,654.00 Taxbl \$ 634,147.00 Bldg \$ 781,654.00 Land \$ 0.00	Sales Instr PL Price \$100.00 Date 1/1/1997 1 Book 09742 Page 0093	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 3-C
50434327650003040 RUTHERFORD THOMAS D JR & 455 AUSTRALIAN AVE # 3D PALM BEACH FL 33480 4526	Acres 0.00 Value \$ 717,363.00 Taxbl \$ 717,363.00 Bldg \$ 717,363.00 Land \$ 0.00	Sales Instr PL Price \$965,000.00 Date 3/1/2019 1 Book 30450 Page 1613	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 3-D

Property Appraiser GIS - Property Detail list by parcel control number

50434327650003050 EMPSON MARIA GEMMA 7106 WINCE ST ALEXANDRIA VA 22314-3004	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 717,363.00 716,056.00 717,363.00 0.00	Sales Instr Price Date Book Page	PL \$675,000.00 12/3/2014 27216 699	MTG PULSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 3-E
50434327650003060 ROBINSON CHARLES A JR & 4550 AUSTRALIAN AVE # 3F PALM BEACH FL 33480-4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 936,654.00 925,858.00 936,654.00 0.00	Sales Instr Price Date Book Page	PL \$315,500.00 12/27/2012 25682 1592	MTG PULSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 3-F
50434327650003070 REVSON EUGENIA TRUST 23 OLD KINGS HWY STE 200 DARTEN CT 06820 4538	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 991,654.00 991,654.00 991,654.00 0.00	Sales Instr Price Date Book Page	PL \$1,166,125.00 1/18/2018 29605 1170	MTG PULSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 3-G
50434327650003080 LAPIERRE FAMILY TRUST 455 AUSTRALIAN AVE APT 3H PALM BEACH FL 33480-4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 420,000.00 401,500.00 420,000.00 0.00	Sales Instr Price Date Book Page	PL \$0.00 4/19/2018 29812 1865	MTG PULSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 3-H
50434327650004010 FORAY AUSTRALIAN AVE TRUST 455 AUSTRALIAN AVE PALM BEACH FL 33480-4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 415,000.00 309,641.00 415,000.00 0.00	Sales Instr Price Date Book Page	PL \$615,000.00 2/25/2021 32245 1893	MTG PULSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 4-A
50434327650004020 MILLER COURTLANDT & 455 AUSTRALIAN AVE APT 4B PALM BEACH FL 33480-4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 791,654.00 316,631.00 791,654.00 0.00	Sales Instr Price Date Book Page	PL \$350,000.00 12/18/2002 14571 155	MTG PULSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 4-B

Property Appraiser GIS - Property Detail list by parcel control number

50434327650004030 SLOQUIM DIANA R 455 AUSTRALIAN AVE # 4C PALM BEACH FL 33480 4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 791,654.00 771,980.00 791,654.00 0.00	Sales Instr Price Date Book Page	PL \$10.00 10/6/2015 27987 864	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 4-C
50434327650004040 WILSON F GORDON & 455 AUSTRALIAN AVE APT 4-D PALM BEACH FL 33480 4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 727,363.00 314,866.00 727,363.00 0.00	Sales Instr Price Date Book Page	PL \$150,000.00 3/1/1989 1 06020 1085	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 4-D
50434327650004050 HOLLAND ANDREW P 455 AUSTRALIAN AVE APT 4-E PALM BEACH FL 33480 4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 727,363.00 626,162.00 727,363.00 0.00	Sales Instr Price Date Book Page	PL \$10,000.00 4/3/2018 1 29766 1258	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 4-E
50434327650004060 KENNEDY ELEANORA 455 AUSTRALIAN AVE STE 4F PALM BEACH FL 33480 4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 951,654.00 548,760.00 951,654.00 0.00	Sales Instr Price Date Book Page	WD \$1,575,000.00 3/20/2020 31336 578	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 4-F
50434327650004070 FREDRICKS JOAN 455 AUSTRALIAN AVE APT 4-G PALM BEACH FL 33480 4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 1,011,654.00 220,997.00 1,011,654.00 0.00	Sales Instr Price Date Book Page	WD \$10.00 3/30/2017 28998 993	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 4-G
50434327650004080 MEYER GREGORY S 455 AUSTRALIAN AVE APT 4-H PALM BEACH FL 33480 4526	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 420,000.00 157,124.00 420,000.00 0.00	Sales Instr Price Date Book Page	PL \$215,000.00 1/23/2012 24978 1072	MTG PUSE COOPERATIVE TaxDist 50411 NAV	LAKE DRIVE CO-OP APTS INC APT 4-H

Property Appraiser GIS - Property Detail list by parcel control number

5043432766000000	NASSAU SQUARE APTS INC	COMMON AREA A/K/A ROYAL PARK
381 S LAKE DR APT 3	ADD LTS 1 & 2 BLK 12	
PALM BEACH FL 33480 4544		
Acres 0.00	Sales Instr	PL
Value \$ 0.00	Price \$ 260,000.00	
Taxbl \$ 0.00	Date 6/29/2011	
Bldg \$ 0.00	Book 24618	
Land \$ 0.00	Page 307	
MTG	PUSE COOPERATIVE	
TaxDist 50411		
NAV		
504343276600000010	NASSAU SQUARE APTS INC	APT 1
BRUNNENBERG VERHOFF WILLIAM TRUST		
515 WILKINSON AVE STE 1700		
NEW YORK NY 10022 5441		
Acres 0.00	Sales Instr	PL
Value \$ 630,000.00	Price \$ 0.00	
Taxbl \$ 566,899.00	Date 1/24/2008	
Bldg \$ 630,000.00	Book 22435	
Land \$ 0.00	Page 1302	
MTG	PUSE COOPERATIVE	
TaxDist 50411		
NAV		
50434327660000020	NASSAU SQUARE APTS INC	APT 2
DEJOUX NATALIE G		
381 S LAKE DR # 3		
PALM BEACH FL 33480 4544		
Acres 0.00	Sales Instr	PL
Value \$ 355,000.00	Price \$ 0.00	
Taxbl \$ 355,000.00	Date 5/2/2007	1
Bldg \$ 355,000.00	Book 21849	
Land \$ 0.00	Page 510	
MTG	PUSE COOPERATIVE	
TaxDist 50411		
NAV		
50434327660000030	NASSAU SQUARE APTS INC	APT 3
DEJOUX NATALIE G		
381 S LAKE DR # 3		
PALM BEACH FL 33480 4544		
Acres 0.00	Sales Instr	PL
Value \$ 350,000.00	Price \$ 10.00	
Taxbl \$ 203,200.00	Date 4/2/2015	1
Bldg \$ 350,000.00	Book 27478	
Land \$ 0.00	Page 1585	
MTG	PUSE COOPERATIVE	
TaxDist 50411		
NAV		
50434327660000040	NASSAU SQUARE APTS INC	APT 4
WYNNE SOPHIE G TRUST		
4 OENOKLE LN		
WESTERLY RI 02891 5100		
Acres 0.00	Sales Instr	PL
Value \$ 630,000.00	Price \$ 869,000.00	
Taxbl \$ 630,000.00	Date 3/17/2020	
Bldg \$ 630,000.00	Book 31317	
Land \$ 0.00	Page 475	
MTG	PUSE COOPERATIVE	
TaxDist 50411		
NAV		
50434327660000050	NASSAU SQUARE APTS INC	APTS 5 & 6
THORNE BRINKLEY &		
381 S LAKE DR # 5		
PALM BEACH FL 33480 4544		
Acres 0.00	Sales Instr	PL
Value \$ 760,000.00	Price \$ 240,000.00	
Taxbl \$ 435,338.00	Date 6/20/2011	
Bldg \$ 760,000.00	Book 24604	
Land \$ 0.00	Page 164	
MTG	PUSE COOPERATIVE	
TaxDist 50411		
NAV		

Property Appraiser GIS - Property Detail list by parcel control number

5043432766000020 TURINO PETER M 22 CUPPER LN EAST HAMPTON NY 11937 2220	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 350,000.00 350,000.00 350,000.00 0.00	Sales Instr Price Date Book Page	PL \$253,000.00 10/4/2013 26386 1261	MTG PUSE COOPERATIVE TaxDist 50411 NAV	NASSAU SQUARE APTS INC APT 7
5043432766000080 WEINER KATHERINE B 417 CARLUJIAN AVE APT 6 PALM BEACH FL 33480 4530	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 350,000.00 350,000.00 350,000.00 0.00	Sales Instr Price Date Book Page	PL \$0.00 10/14/2016 28696 1973	MTG PUSE COOPERATIVE TaxDist 50411 NAV	NASSAU SQUARE APTS INC APT 8
5043432766000090 JONES ROBERT E & 381 S LAKE DR APT 9 PALM BEACH FL 33480 4545	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 350,000.00 178,052.00 350,000.00 0.00	Sales Instr Price Date Book Page	PL \$416,000.00 6/27/2014 26893 499	MTG PUSE COOPERATIVE TaxDist 50411 NAV	NASSAU SQUARE APTS INC APT 9
5043432766000100 HECK LYNN E 381 S LAKE DR APT 10 PALM BEACH FL 33480 4545	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 350,000.00 350,000.00 350,000.00 0.00	Sales Instr Price Date Book Page	PL \$425,000.00 3/8/2019 1 30473 829	MTG PUSE COOPERATIVE TaxDist 50411 NAV	NASSAU SQUARE APTS INC APT 10
5043432766000110 FRIZZELL ALBERT T TRUST 200 GREAT RD STE 253 BEDFORD MA 01730 2719	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 320,000.00 320,000.00 320,000.00 0.00	Sales Instr Price Date Book Page	PL \$10.00 2/9/2004 1 16532 733	MTG PUSE COOPERATIVE TaxDist 50411 NAV	NASSAU SQUARE APTS INC APT 11
5043432766000120 TITUS PAUL T 5 RIVERSIDE DR APT 1010 BINGHAMTON NY 13905 4653	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 355,000.00 355,000.00 355,000.00 0.00	Sales Instr Price Date Book Page	PL \$260,000.00 6/29/2011 24618 307	MTG PUSE COOPERATIVE TaxDist 50411 NAV	NASSAU SQUARE APTS INC APT 12

Property Appraiser GIS - Property Detail list by parcel control number

5043432760000140 FRIZZELL ALBERT T TRUST 200 GREAT RD STE 253 BEVERLY MA 01730 2719	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 350,000.00 350,000.00 350,000.00 0.00	Sales Instr Price Date Book Page	PL \$10.00 2/9/2004 16532 739	MTG PUSE COOPERATIVE TaxDist 50411 NAV	NASSAU SQUARE APTS INC APT 14
5043432760000150 SOMER LAKE NOMINEE TRUST 328 ST STE 204 JERSEY CITY NJ 07311 4056	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 320,000.00 320,000.00 320,000.00 0.00	Sales Instr Price Date Book Page	PL \$305,000.00 4/5/2006 20186 1704	MTG PUSE COOPERATIVE TaxDist 50411 NAV	NASSAU SQUARE APTS INC APT 15
5043432760000160 REYNOLDS KIRK 381 S LAKE DR APT 16 PALM BEACH FL 33480 4546	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 355,000.00 289,229.00 355,000.00 0.00	Sales Instr Price Date Book Page	PL \$300,000.00 7/5/2013 26180 1370	MTG PUSE COOPERATIVE TaxDist 50411 NAV	NASSAU SQUARE APTS INC APT 16
5043432760000170 TENHAVE ROBERT & 455 E 51 ST NEW YORK NY 10022 6474	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 350,000.00 350,000.00 350,000.00 0.00	Sales Instr Price Date Book Page	PL \$450,000.00 6/13/2005 18772 1785	MTG PUSE COOPERATIVE TaxDist 50411 NAV	NASSAU SQUARE APTS INC APT 17
5043432750000030 HILLIARD MARY M II 325 S LAKE DR APT 3 PALM BEACH FL 33480	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 450,000.00 445,885.00 450,000.00 0.00	Sales Instr Price Date Book Page	WD \$10.00 12/19/2018 30319 558	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	CASA DEL LAGO CONDOMINIUM APT 3
5043432750000040 MITZNER FRED 325 S LAKE DR APT 4 PALM BEACH FL 33480 4509	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 925,000.00 875,000.00 925,000.00 0.00	Sales Instr Price Date Book Page	WD \$1,075,000.00 2/26/2018 29686 1840	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	CASA DEL LAGO CONDOMINIUM APTS 4 & 5

Property Appraiser GIS - Property Detail list by parcel control number

504343272500000050 HALVORSON JANET 325 LAKE DR APT 6 PALM BEACH FL 33480 4538	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 500,000.00 500,000.00 500,000.00 0.00	Sales Instr Price Date Book Page	WD \$683,500.00 11/11/2017 29444 1784	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	CASA DEL LAGO CONDOMINIUM, APT 6
504343272500000020 MINIOWASTAL LLC 325 LAKE DR APT 7 PALM BEACH FL 33480 4538	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 495,000.00 234,541.00 495,000.00 0.00	Sales Instr Price Date Book Page	WD \$875,000.00 11/13/2020 31942 67	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	CASA DEL LAGO CONDOMINIUM APT 7
50434327250001010 GRAHAM MICHAEL 301 JUNE RD STAMFORD CT 06903 3736	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 635,000.00 618,915.00 635,000.00 0.00	Sales Instr Price Date Book Page	WD \$875,000.00 7/25/2007 22023 143	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	CASA DEL LAGO CONDOMINIUM APT 101 & 102
50434327250001030 GRAHAM MICHAEL 301 JUNE RD STAMFORD CT 06903 3736	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 460,000.00 452,540.00 460,000.00 0.00	Sales Instr Price Date Book Page	WD \$125,000.00 3/1/1997 1 09706 774	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	CASA DEL LAGO CONDOMINIUM APT 103 & 104
50434327250002010 POMMER ROBERT W III TRUST 5614 KIRKSIDE DR CHEVY CHASE MD 20815 7115	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 685,000.00 685,000.00 685,000.00 0.00	Sales Instr Price Date Book Page	OT \$10.00 12/10/2019 31091 1890	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	CASA DEL LAGO CONDOMINIUM APT 201 & 202
50434327250002030 GOOCH JOHN H 131 CLARKE AVE PALM BEACH FL 33480 6121	Acres Value \$ Taxbl \$ Bldg \$ Land \$	0.00 315,000.00 270,872.00 315,000.00 0.00	Sales Instr Price Date Book Page		MTG PULSE CONDOMINIUM TaxDist 50411 NAV	CASA DEL LAGO CONDOMINIUM APT 203

Property Appraiser GIS - Property Detail list by parcel control number

50434327250002050 GOOCH JOHN H 137 S CARKE AVE PALM BEACH FL 33480 6121	Acres 0.00	Value \$ 315,000.00	Sales Instr Price \$ 270,872.00 Date Book Page	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	CASA DEL LAGO CONDOMINIUM APT 204
50434327250003010 HILLARD MARY H & 375 LAKE DR APT 3 PALM BEACH FL 33480 4509	Acres 0.00	Value \$ 1,100,000.00	Sales Instr Price \$10.00 Date 12/19/2018 Book 30319 Page 560	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	CASA DEL LAGO CONDOMINIUM PENTHOUSE APT
50434327270000021 BUCK NORMAN H & 234 S BEACH RD HOBE SOUND FL 33455 2508	Acres 1.00	Value \$ 775,000.00	Sales Instr Price \$1,350,000.00 Date 1/29/2021 Book 32170 Page 613	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 2A
50434327270000022 LAMBERT DIANE 434 CHILLEAN AVE APT 2B PALM BEACH FL 33480 4547	Acres 1.00	Value \$ 800,000.00	Sales Instr Price \$803,500.00 Date 6/13/2018 Book 29932 Page 1047	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 2B
50434327270000023 PENSCO TRUST COMPANY LLC CUSTODIAN PO BOX 173859 DENVER CO 80217 3859	Acres 1.00	Value \$ 800,000.00	Sales Instr Price \$975,000.00 Date 12/12/2016 Book 28769 Page 1710	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 2C
50434327270000024 434 CHILLEAN AVENUE LLC 346 CRESCENT DR PALM BEACH FL 33480 3510	Acres 1.00	Value \$ 750,000.00	Sales Instr Price \$10.00 Date 2/20/2009 Book 23103 Page 1105	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 2D

Property Appraiser GIS - Property Detail list by parcel control number

5043432720000031 NAPOLÉON BLANCHÉ & 434 CHILEAN AVE APT 3A PALM BEACH FL 33480 4557	Acres 1.00 Value \$ 785,000.00 Taxbl \$ 637,424.00 Bldg \$ 785,000.00 Land \$ 0.00	Sales Instr Price \$910,000.00 Date 4/25/2008 Book 22618 Page 108	WD Price \$910,000.00 Date 4/25/2008 Book 22618 Page 108	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 3A
5043432720000032 BRIAN O ORLANDO REVOCABLE TRUST 135 MAIN ST STE 850 SAN FRANCISCO CA 94105 8117	Acres 1.00 Value \$ 810,000.00 Taxbl \$ 810,000.00 Bldg \$ 810,000.00 Land \$ 0.00	Sales Instr Price \$965,000.00 Date 7/17/2018 Book 30004 Page 1866	WD Price \$965,000.00 Date 7/17/2018 Book 30004 Page 1866	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 3B
5043432720000033 HOUSER W TODD & 159 CHEROKEE RD CHARLOTTE NC 28207 1903	Acres 1.00 Value \$ 810,000.00 Taxbl \$ 810,000.00 Bldg \$ 810,000.00 Land \$ 0.00	Sales Instr Price \$225,800.00 Date 8/11/2015 Book 27769 Page 1231	WD Price \$225,800.00 Date 8/11/2015 Book 27769 Page 1231	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 3C
5043432720000034 ARENA MARK 23 HYDE PARK PLACE FLAT 2 LONDON W2 2LP UNITED KINGDOM W2 2LP GREAT BRITAIN & N	Acres 1.00 Value \$ 760,000.00 Taxbl \$ 760,000.00 Bldg \$ 760,000.00 Land \$ 0.00	Sales Instr Price \$775,000.00 Date 2/19/2014 Book 26642 Page 1170	WD Price \$775,000.00 Date 2/19/2014 Book 26642 Page 1170	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 3D
5043432720000041 BERRY MEREDITH K & 434 CHILEAN AVE APT 4A PALM BEACH FL 33480 4549	Acres 1.00 Value \$ 795,000.00 Taxbl \$ 648,821.00 Bldg \$ 795,000.00 Land \$ 0.00	Sales Instr Price \$10.00 Date 7/28/2011 Book 24669 Page 1007	WD Price \$10.00 Date 7/28/2011 Book 24669 Page 1007	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 4A
5043432720000042 N.H. FLORIDA HOLDINGS LLC 81 BEACON ST BOSTON MA 02108 3421	Acres 1.00 Value \$ 820,000.00 Taxbl \$ 820,000.00 Bldg \$ 820,000.00 Land \$ 0.00	Sales Instr Price \$10.00 Date 10/21/2020 Book 31863 Page 1474	WD Price \$10.00 Date 10/21/2020 Book 31863 Page 1474	MTG PULSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 4B

Property Appraiser GIS - Property Detail list by parcel control number

5043432770000043 COGBURN MICHAEL D & GAY V TRUST 44 W WERTON LN ASHVILLE NC 28803 1909	Acres: 1.00 Value \$ 820,000.00 Taxbl \$ 820,000.00 Bldg \$ 820,000.00 Land \$ 0.00	Sales Instr: WD Price \$1,200,000.00 Date 6/14/2019 Book 30696 Page 1749	MTG: PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 4C
5043432770000044 STWARD CAMPBELL 65 HURRY ST TOPSFIELD MA 01983 1501	Acres: 1.00 Value \$ 770,000.00 Taxbl \$ 770,000.00 Bldg \$ 770,000.00 Land \$ 0.00	Sales Instr: WD Price \$927,925.00 Date 3/20/2019 Book 30503 Page 1930	MTG: PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 4D
5043432770000051 PARRISH EDGAR L & 434 CHILEAN AVE APT 5A PALM BEACH FL 33480 4576	Acres: 1.00 Value \$ 805,000.00 Taxbl \$ 659,817.00 Bldg \$ 805,000.00 Land \$ 0.00	Sales Instr: WD Price \$10.00 Date 4/1/2021 1 Book 32347 Page 1251	MTG: PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 5A
5043432770000052 FOSTER JOHN S 180 BEACON ST BOSTON MA 02116 1401	Acres: 1.00 Value \$ 830,000.00 Taxbl \$ 830,000.00 Bldg \$ 830,000.00 Land \$ 0.00	Sales Instr: WD Price \$929,000.00 Date 10/20/2015 Book 27882 Page 1326	MTG: PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 5B
5043432770000053 WEST CHERYL B 301-625 AVENUE RD TORONTO ON M4V 2K7 CANADA	Acres: 1.00 Value \$ 830,000.00 Taxbl \$ 830,000.00 Bldg \$ 830,000.00 Land \$ 0.00	Sales Instr: WD Price \$594,000.00 Date 5/13/2011 Book 24535 Page 226	MTG: PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 5C
5043432770000054 PRATT INVESTMENT REALTY TRUST 516 MAIN ST OSTERVILLE MA 02655 1756	Acres: 1.00 Value \$ 780,000.00 Taxbl \$ 780,000.00 Bldg \$ 780,000.00 Land \$ 0.00	Sales Instr: WD Price \$1.00 Date 11/7/2014 Book 27203 Page 1517	MTG: PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 5D

Property Appraiser GIS - Property Detail list by parcel control number

50434327270000651 MCKINNEY DAVID E & 6 GRAY LN WESTPORT CT 06880 6327	Acres 1.00 Value \$ 1,200,000.00 Taxbl \$ 1,200,000.00 Bldg \$ 1,200,000.00 Land \$ 0.00	Sales Instr Price \$1,500,000.00 Date 5/25/2016 Book 28341 Page 1570	WD Price \$1,500,000.00 Date 5/25/2016 Book 28341 Page 1570	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 6A
50434327270000652 ST GEORGE INVESTMENTS LLC 2082 BENVILLE ST NEW ORLEANS LA 70130 2082	Acres 1.00 Value \$ 1,100,000.00 Taxbl \$ 1,050,000.00 Bldg \$ 1,100,000.00 Land \$ 0.00	Sales Instr Price \$1,850,000.00 Date 4/7/2021 1 Book 32392 Page 1776	WD Price \$1,850,000.00 Date 4/7/2021 1 Book 32392 Page 1776	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 6B
50434327270000653 RIZZO FRANK B 434 CHILEAN AVE APT 6C PALM BEACH FL 33480 4548	Acres 1.00 Value \$ 1,200,000.00 Taxbl \$ 1,200,000.00 Bldg \$ 1,200,000.00 Land \$ 0.00	Sales Instr Price \$10.00 Date 1/17/2020 Book 31238 Page 1548	QC Price \$10.00 Date 1/17/2020 Book 31238 Page 1548	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 6C
50434327270000654 GISELLE S00 MASONIC LLC 100 WORTH AVE APT 303 PALM BEACH FL 33480 4464	Acres 1.00 Value \$ 1,100,000.00 Taxbl \$ 1,100,000.00 Bldg \$ 1,100,000.00 Land \$ 0.00	Sales Instr Price \$950,000.00 Date 10/31/2013 Book 26423 Page 1867	WD Price \$950,000.00 Date 10/31/2013 Book 26423 Page 1867	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM UNIT 6D
50434327270000721 GLASSER RICHARD S & 434 CHILEAN AVE PH A PALM BEACH FL 33480 4581	Acres 1.00 Value \$ 1,350,000.00 Taxbl \$ 1,350,000.00 Bldg \$ 1,350,000.00 Land \$ 0.00	Sales Instr Price \$1,900,000.00 Date 7/21/2005 Book 18973 Page 1434	WD Price \$1,900,000.00 Date 7/21/2005 Book 18973 Page 1434	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM PENTHOUSE UNIT A
50434327270000722 QUASHA ALAN & 715 S 7TH ST ASPEN CO 81611 1677	Acres 1.00 Value \$ 1,400,000.00 Taxbl \$ 1,400,000.00 Bldg \$ 1,400,000.00 Land \$ 0.00	Sales Instr Price \$2,400,000.00 Date 1/20/2021 Book 37160 Page 1624	WD Price \$2,400,000.00 Date 1/20/2021 Book 37160 Page 1624	MTG PUSE CONDOMINIUM TaxDist 50411 NAV	ELIOT HOUSE CONDOMINIUM PENTHOUSE UNIT B

Property Appraiser GIS - Property Detail list by parcel control number



TOWN OF PALM BEACH

Public Works Department

NOTIFICATION TO PROPERTY OWNER

November 29, 2021

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

P PAUL PAPPALARDO TRUST
P PAUL PAPPALARDO TRUST
369 S LAKE DR APT 1F
PALM BEACH, FL 33480-4571
PCN: 50434327670001060

**RE: TOWN OF PALM BEACH ABANDONMENT OF AN UTILITY EASEMENT AT
369 S LAKE DRIVE, PALM BEACH, FL 33480**

All property owners of the subject property are hereby notified by mail of the proposed abandonment of an utility easement on the subject property.

This notice is being provided to you in conjunction with the review by the Town Council regarding this matter.

Please be advised, Town Council will consider the following matter at the next Town Council meeting on **Tuesday, December 14, 2021**. The meeting will begin at 9:30 a.m., in the Council Chambers, 360 South County Road, Palm Beach, Florida 33480. The application will be heard at that time or soon thereafter.

This notification is not intended to solicit your approval or disapproval. If you desire, you may file your comments in writing via email to: 369slakedriveeasement@townofpalmbeach.com, prior to the meeting, or you may attend the meeting to speak on the matter.

Subject Property Address: 369 S Lake Drive, Palm Beach, Florida 33480

Applicant: Park Place Inc.

Project Description: Abandonment of an Existing Public Utility Easement

If I can be of further assistance, please contact me by phone at 561-227-7042 or email at chauschild@townofpalmbeach.com.

Craig Hauschild, P.E., Civil Engineer

cc: Public Works File



TOWN OF PALM BEACH

Public Works Department

NOTIFICATION TO ADJACENT PROPERTY OWNERS

November 29, 2021

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**RE: TOWN OF PALM BEACH ABANDONMENT OF A UTILITY EASEMENT AT 369
S LAKE DRIVE, PALM BEACH, FL 33480**

All property owners within a three hundred-foot (300 ft.) radius of the subject property are hereby notified by mail of the proposed abandonment of a utility easement on the subject property.

This notice is being provided to you in conjunction with the review by the Town Council regarding this matter.

Please be advised, Town Council will consider the following matter at the next Town Council meeting on **Tuesday, December 14, 2021**. The meeting will begin at 9:30 a.m., in the Council Chambers, 360 South County Road, Palm Beach, Florida 33480. The application will be heard at that time or soon thereafter.

This notification is not intended to solicit your approval or disapproval. If you desire, you may file your comments in writing via email to: 369slakedriveeasement@townofpalmbeach.com, prior to the meeting, or you may attend the meeting to speak on the matter.

Subject Property Address: 369 S Lake Drive, Palm Beach, Florida 33480

Applicant: Park Place Inc.

Project Description: Abandonment of an Existing Public Utility Easement

If I can be of further assistance, please contact me by phone at 561-227-7042 or email at chauschild@townofpalmbeach.com.

Craig Hauschild, P.E., Civil Engineer

cc: Public Works File

LEGAL ADVERTISEMENT

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Palm Beach, Palm Beach, Florida, at a regular meeting to be held on Tuesday, December 14, 2021, beginning at 9:30 a.m., in the Council Chambers of the Town Hall, 360 South County Road, Palm Beach, Florida, will have on the agenda the following:

PETITION FOR THE ABANDONMENT OF AN UTILITY EASEMENT LOCATED AT THE PARK PLACE CONDOMINIUM ON PROPERTY COMMONLY KNOWN AS 369 S LAKE DRIVE, PALM BEACH, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PUBLIC UTILITY EASEMENT TO BE ABANDONED:

Lots 1 through 9, inclusive, and Lots 51 through 55, inclusive of Block 5, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida.

This application for abandonment has been filed by:

Park Place Inc., 369 S Lake Drive, Palm Beach, Florida 33480. A copy of the application is on file with the Town of Palm Beach, Public Works Department, and will be provided upon request or may be examined between the hours of 8:30 a.m. to 4:30 p.m. at 951 Okeechobee Road, Suite A, West Palm Beach, Florida 33401.

ALL PERSONS INTERESTED in this matter may appear before the Town Council of the Town of Palm Beach at the time and place aforesaid and be heard.

SHOULD ANY INTERESTED PARTY SEEK TO APPEAL ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC HEARING, SAID PARTY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BEING BASED, 286.0105 F.S.S.

H. Paul Brazil, P.E.

Director, Department of Public Works

Town of Palm Beach

PUBLISHED BY: Palm Beach Post

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project:

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

a. Review of Project and Dashboard, Summary of Project Status

b. RESOLUTION NO. 156-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2022-01 CMAR Services, Town-Wide Overhead Undergrounding Program for all Remaining Phases and Awarding a Purchase Order for Preconstruction Services to Burkhardt Construction Inc. for Phase 6, North and South in an Amount of \$48,540.

c. RESOLUTION NO. 159-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Chen Moore and Associates for Engineering Design Services for North County Road Drainage Improvements in the Amount of \$155,936.18 and Establishing a Project Budget of \$187,123.42.

d. RESOLUTION NO. 160-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Mock Roos Consulting Engineers for Engineering Design Services for Clarke Alley Drainage Improvements in the Amount of \$59,907 and Establishing a Project Budget of \$71,888.40.

Presenter

ATTACHMENTS:

▣ **a. Review of Project and Dashboard, Summary of Project Status**

- ▢ **b. Memorandum dated November 24, 2021, from Dean Mealy, II, CPPO
Town Purchasing Manager**
- ▢ **b. Resolution No. 156-2021**
- ▢ **b. Solicitation Summary**
- ▢ **b. Burkhardt Construction Pre-Construction Proposal - P6N**
- ▢ **b. Burkhardt Construction Pre-Construction Proposal - P6S**
- ▢ **b. All Evaluations - Scoring**
- ▢ **b. Ranking**
- ▢ **c. Memorandum dated November 19, 2021, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▢ **c. Resolution No. 159-2021**
- ▢ **c. CMA Proposal**
- ▢ **d. Memorandum dated November 19, 2021, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▢ **d. Resolution No. 160-2021**
- ▢ **d. Mock Roos Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, Public Works Director

FROM: Patricia Strayer, Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: November 29, 2021

I. COMMUNICATIONS:

A. Community Meetings:

Coffee with the Crew meetings are suspended again until further notice. When the meetings are rescheduled, the meetings for Phases 4 and 5 North will take place at Palmo Park on the first Monday of the month. The meetings for Phases 2, 3, 4, and 5 South will take place at Town Hall Square on the second Monday of the month.

B. Significant Postal Mail or E-mail

A letter was sent to all property owners in Phase 7 North requesting meetings to discuss easement acquisition. These letters have prompted several emails, phone calls, and meetings. Staff continues to have easement meetings with property owners primarily focused on Phase 6 North and South.

II. PROGRESS SUMMARY:

Overall, Town-wide Construction Progress, ten (10) of fifteen (15) construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S, 4N, 4S, 5N and 5S. Phase 6 North and South will be put out for bids by February.

A. Construction Progress:

Phase 1 North:

From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

Phase 1 South:

From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

Phase 2 North Construction:

From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

Phase 2 South Construction:

From Sloan's Curve to the intersection of S. Ocean Blvd & S. County Road

- Phase 2 South, the project is 82% complete. Presently working with FPL to begin conversions.

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way

- Complete September 17, 2021

Phase 3 South:

From S. Ocean Blvd & S. County Road to the alleyway south of Worth Ave.

- Phase 3 South construction is 34% complete.

Phase 4 North:

From south-side of La Puerta Way to north-side of List Road

- Construction for Phase 4 North is 64% complete.

Phase 4 South:

From Peruvian Ave. north to Royal Palm Way & the Town Docks

- Design is 99% complete.
- 61 of 62 easements are recorded or verbally approved.
- Contract awarded August 10.
- Delivery of materials has been delayed. Actual construction is expected to start in January.

Phase 5 North:

From Country Club Road to Southland Road

- Design is 100% complete.
- 87 out of 87 (100%) easements are recorded or verbally approved.
- Notice to Proceed was issued September 27, 2021.
- Delivery of materials has been delayed. Actual construction is expected to start in January.

Phase 5 South:

From South Lake Drive/Hibiscus Ave. & Peruvian Ave./Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Ave.

- Design is 100% complete.
- 76 of 80 (95%) easements are recorded or verbally approved.
- Notice to Proceed was issued September 27, 2021.
- Delivery of materials has been delayed. Actual construction is expected to start in January.

Phase 6 North:

From Chateaux Drive & Kawama Lane to the south-side of Plantation Road

- Design is 67% complete and on schedule.
- 38 of 48 (79%) easements approved.

Phase 6 South:

Seaspray Ave. to the south of Royal Poinciana Way

- Design is 53% complete and on schedule.
- 38 of 99 (38%) easements approved.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road

- Design is 35% complete and on schedule.
- 7 of 82 (9%) easements approved.

Phase 7 South:

Atlantic Ave. north to Via Los Incas & Sanford Ave.

- Design is 32% complete and on schedule.
- Easement acquisition has not begun.

Phase 8:

Royal Poinciana Way north to Everglade Ave.

- Design is 21% complete and on schedule.
- Easement acquisition has not started.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

- FEMA/FDEM approved contracts for CR Dunn and Wilco for construction.
- Requested an update on the status of the requested (and approved) grant modification but still have not received a response from FEMA/FDEM.

B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases. The full Underground Utility Project Financial Report is provided within your backup package with the summary page attached.

cc: Jane LeClainche, Finance Director
Kevin Schanen, Kimley-Horn & Associates

Underground Utility Project Budget
Project Financial Summary
November 30, 2021

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,824,617	\$ 12,890,445	100.5%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,907,271	\$ 10,036,845	77.8%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 16,016,430	\$ 7,558,133	47.2%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 17,171,917	\$ 4,354,303	25.4%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 17,929,188	\$ 1,715,669	9.6%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 1,905,794	\$ 1,044,350	54.8%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 1,619,090	\$ 401,353	24.8%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,378,643	\$ 298,506	21.7%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 81,752,951	\$ 38,299,606	46.8%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 1,005,390	\$ 1,005,390	\$ 958,089	95.3%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 120,910,035	\$ 82,758,341	\$ 39,257,695	47.4%
Debt Service and Related Debt Issuance Costs (Page 8)		\$ 14,035,445	\$ 14,035,445	\$ 10,498,923	74.8%
Total Other Costs Outside Underground Budget (Page 8)		1,569,105	\$ 1,569,105	\$ 2,328,731	148.4%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 136,514,585	\$ 98,362,891	\$ 52,085,348	53.0%

Total Project Budget - Opinion of cost for construction		\$ 120,910,035
% Budgeted/Encumbered To Date Project Costs		68.45%
% Spent to Date - Project Costs		32.47%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ 18,604,175	\$ 18,329,914	0.0%
Assessment Revenue	\$ 21,430,000	\$ 18,132,279	84.6%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ -	0.0%
Interest	\$ 1,567,009	\$ 3,091,571	197.3%
GO Bond Proceeds 2018	\$ 60,500,000	\$ 60,499,897	100.0%
GO Bond Proceeds 2021	\$ 9,198,896	\$ 9,198,896	100.0%
1 Cent Sales Tax	\$ 5,000,000	\$ 2,583,333	51.7%
FPL	\$ 450,246	\$ 450,246	0.0%
FEMA Grant	\$ 8,500,000	\$ -	0.0%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from the Marina	\$ 2,600,000	\$ -	
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	\$ 751,000	\$ 870,916	116.0%
Total Project Revenues	\$ 132,208,067	\$ 116,798,694	88.3%

**Underground Utility Project Budget
Phase 1 Project Costs
November 30, 2021**

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,598,144	100.0%
Street Light Conversion			\$ 26,273	117,749	448.2%
Change Order for AT&T and Comcast Conduit			\$ 371,201	371,201	100.0%
Other Change orders			\$ 130,415	130,415	100.0%
Utility Design Costs			\$ 15,595	15,595	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	483,548	101.4%
Construction Engineering (KH)			\$ 230,532	205,818	89.3%
	\$ 4,210,000	\$ 4,930,000	\$ 4,868,657	\$ 4,942,190	101.5%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,450,977	100.0%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Other Approved Change Orders			\$ 12,749	12,749	100.0%
Utility Design Costs			\$ 33,013	33,013	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,362,028	99.1%
Construction Engineering (KH)			\$ 316,498	316,396	100.0%
	\$ 6,800,000	\$ 6,350,000	\$ 6,334,777	\$ 6,322,510	99.8%
Easement Recording Fees			\$ 740	740	100.0%
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment			\$ 8,256	8,256	100.0%
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,824,617	\$ 12,890,445	100.5%

Underground Utility Project Budget
Phase 2 Project Costs
November 30, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 129,348	94.7%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 799,244	99.1%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 4,015,865	4,013,700	99.9%
Approved Change Orders			\$ -	-	
FPL Design Cost			\$ 11,759	1,350	11.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 496,307	100.0%
FPL - Additional Vista Switches				\$ 54,938	
Street Light Conversion			\$ 19,186	\$ 19,186	100.0%
Construction Engineering (KH)			\$ 248,121	\$ 246,227	99.2%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 4,831,238	\$ 4,873,260	100.9%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	33,400	95.4%
Burkhardt Construction			\$ 6,494,596	3,685,475	56.7%
Approved Change Orders			\$ -		
FPL Design Cost			\$ 13,330	14,200	106.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 200,000	\$ 123,948	62.0%
Street Light Conversion			\$ 20,000	\$ 19,268	96.3%
Construction Engineering (KH)	-		\$ 282,973	\$ 264,674	93.5%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,055,899	\$ 4,150,547	58.8%
Easement Acquisition/Abandonment	200,000	219,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 19,939	91.8%
Advertising				\$ 1,101	
Jones Foster - Legal			\$ 25,000	\$ 23,933	95.7%
Postage			\$ -	\$ 544	
Recording Costs			\$ 3,605	\$ 3,359	93.2%
Easement Abandonment			\$ 6,870	\$ 8,496	123.7%
Total Easement Acquisition Costs	200,000	219,000	\$ 213,622	\$ 213,794	100.1%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 12,907,271	\$ 10,036,845	77.8%

Underground Utility Project Budget
Phase 3 Project Costs
November 30, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 486,323	100.0%
Task 1.3 Permitting Assistance			\$ 13,739	\$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 36,834	100.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 893,710	99.9%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,042,171	\$ 3,846,887	95.2%
Approved Change Orders					
FPL Design Cost			\$ 12,850	\$ 1,350	10.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 3,128	\$ 3,128	100.0%
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion			\$ 4,249	\$ 4,249	100.0%
Utility Costs (Comcast & ATT)			\$ 409,387	\$ 409,387	100.0%
Construction Engineering (KH)			\$ 236,976	\$ 222,922	94.1%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 243,470	\$ 243,470	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 74,900	\$ 74,900	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 5,183,252	\$ 4,962,413	95.7%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction					
Construction			\$ 8,029,385	681,202	8.5%
Approved Change Orders					
FPL Construction			\$ 562,000	562,905	100.2%
FPL Design Cost			\$ 11,359	6,950	61.2%
FPL - 101 El Brillo				10,875	
ATT Design and Construction Cost			\$ 425,000	5,000	1.2%
Comcast Design and Construction Cost			\$ 195,128	3,128	1.6%
Construction Engineering (KH)			\$ 322,540	83,427	25.9%
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 9,545,412	\$ 1,353,487	14.2%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 271,663	99.4%
Legal Advertising				\$ 1,076	
Easement Amendment			\$ 49,285	\$ 49,198	99.8%
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		0.0%
Jones Foster - Legal			\$ 25,000	\$ 21,018	84.1%
Recording Costs				\$ 5,568	
Easement Abandonment			\$ 8,150	\$ 1,244	
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 393,261	\$ 348,524	88.6%
Total Phase 3 Costs	\$10,910,000	\$15,400,000	\$ 16,016,430	\$ 7,558,133	47.2%

Underground Utility Project Budget
Phase 4 Project Costs
November 30, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	451,284	100.0%
Task 1.3 Permitting Assistance			\$ 14,468	14,468	100.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	37,899	100.0%
Task 1.6 Meetings			\$ 77,911	77,383	99.3%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	893,351	99.9%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction			\$ 22,270	22,270	100.0%
Construction			\$ 5,043,010	2,787,303	55.3%
Approved Change Orders					
FPL BCE			\$ 91,543	91,543	100.0%
FPL Design Cost			\$ 12,757		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)			\$ 324,309	72,337	22.3%
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 5,493,889	2,981,580	54.3%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction			\$ 34,800	34,800	100.0%
Construction			\$ 8,803,506		
Approved Change Orders					
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)			\$ 1,148,441		
Construction Engineering (KH)			\$ 333,659	8,382	2.5%
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 10,333,566	52,660	0.5%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	280,254	100.0%
Easement Assistance (KH) -- Switches			\$ 67,747	67,231	99.2%
Easement Assistance (KH)			\$ 59,369	35,325	59.5%
<i>Surveys</i>					
Legal Sketch			\$ 38,230	38,092	99.6%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs				5,810	
Easement Abandonment					
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 450,583	426,712	94.7%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$17,171,917	4,354,303	25.4%

Underground Utility Project Budget
Phase 5 Project Costs
November 30, 2021

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 454,210	100.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 606,951	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,100	\$ 17,100	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 37,899	\$ 37,899	100.0%
Task 1.6 Meetings North/South			\$ 77,911	\$ 77,905	100.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 1,194,065	100.0%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,416,942		
Construction Manager			\$ 940,702		
Utility Costs (FPL, Comcast, AT&T)			\$ 67,157		
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 16,223	17,573	108.3%
Construction Engineering (KH)			\$ 334,157	15,189	4.5%
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 7,839,281	\$ 96,862	1.2%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,629,361		
Infrastructure from Phase 4 south bid			\$ 163,350		
Construction Manager			\$ 979,098		
Utility Costs (FPL, Comcast, AT&T)			\$ 365,720		
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 19,283	20,633	107.0%
Construction Engineering (KH)			\$ 334,159	6,771	2.0%
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 8,555,071	\$ 91,504	1.1%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
<i>Easement Assistance</i>			\$ 218,600	\$ 218,536	100.0%
Easement Assistance			\$ 81,086	\$ 77,963	96.1%
<i>Surveys</i>					
Legal Sketch			\$ 41,080	\$ 32,130	78.2%
Jones Foster - Legal					
Recording Costs				\$ 4,610	
Easement Abandonment				\$ 1,804	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 340,766	\$ 333,239	97.8%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$14,090,000	\$11,694,645	\$ 17,929,188	\$1,715,669	9.6%

Underground Utility Project Budget
Phase 6 Project Costs
November 30, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 266,011	56.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 380,213	46.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694		0.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938		0.0%
Task 1.6 Meetings North			\$ 84,791	\$ 77,056	90.9%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 723,280	50.2%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 15,868	15,868	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 15,868	\$ 15,868	100.0%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 29,924	29,924	100.0%
ATT Design Cost			\$ 10,000	10,000	100.0%
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 39,924	\$ 39,924	100.0%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 251,246	71.5%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 13,023	22.3%
Jones Foster - Legal					
Recording Costs				\$ 1,010	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 410,009	\$ 265,278	64.7%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 1,905,794	\$ 1,044,350	54.8%

Underground Utility Project Budget
Phase 7 Project Costs
November 30, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488	\$ 192,070	39.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830	\$ 157,708	25.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938		0.0%
Task 1.4 Meetings North and South			\$ 77,616	\$ 693	0.9%
Total Phase 7 Design	\$ 930,000	\$ 1,237,000	\$ 1,236,872	\$ 350,470	28.3%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 15,806	15,806	
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000	\$ 15,806	\$ 15,806	0.0%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 19,953	19,953	
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000	\$ 19,953	\$ 19,953	0.0%
Easement Acquisition/Abandonment	\$ 280,000	\$ 348,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459	\$ 14,761	4.3%
Surveys					
Legal Sketch					
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ 362	
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 346,459	\$ 15,124	4.4%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 1,619,090	\$ 401,353	24.8%

Underground Utility Project Budget
Phase 8 Project Costs
November 30, 2021

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,029,017	\$ 174,933	17.0%
Task 1.2 Permitting Assistance			\$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			\$ 14,430		0.0%
Task 1.4 Meetings			\$ 89,778	\$ 346	0.4%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,150,919	\$ 175,279	15.2%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ -	\$ -	0.0%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724	\$ 123,174	54.1%
Surveys					
Legal Sketch					
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ 53	
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 227,724	\$ 123,227	54.1%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 1,378,643	\$ 298,506	21.7%

**Underground Utility Project Budget
Other Project Costs
November 30, 2021**

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan		\$ 12,015	
General Easement Assistance	\$ 24,976	\$ 24,976	
Community Outreach	\$ 282,519	\$ 223,214	79.0%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 1,005,390	\$ 958,089	95.3%

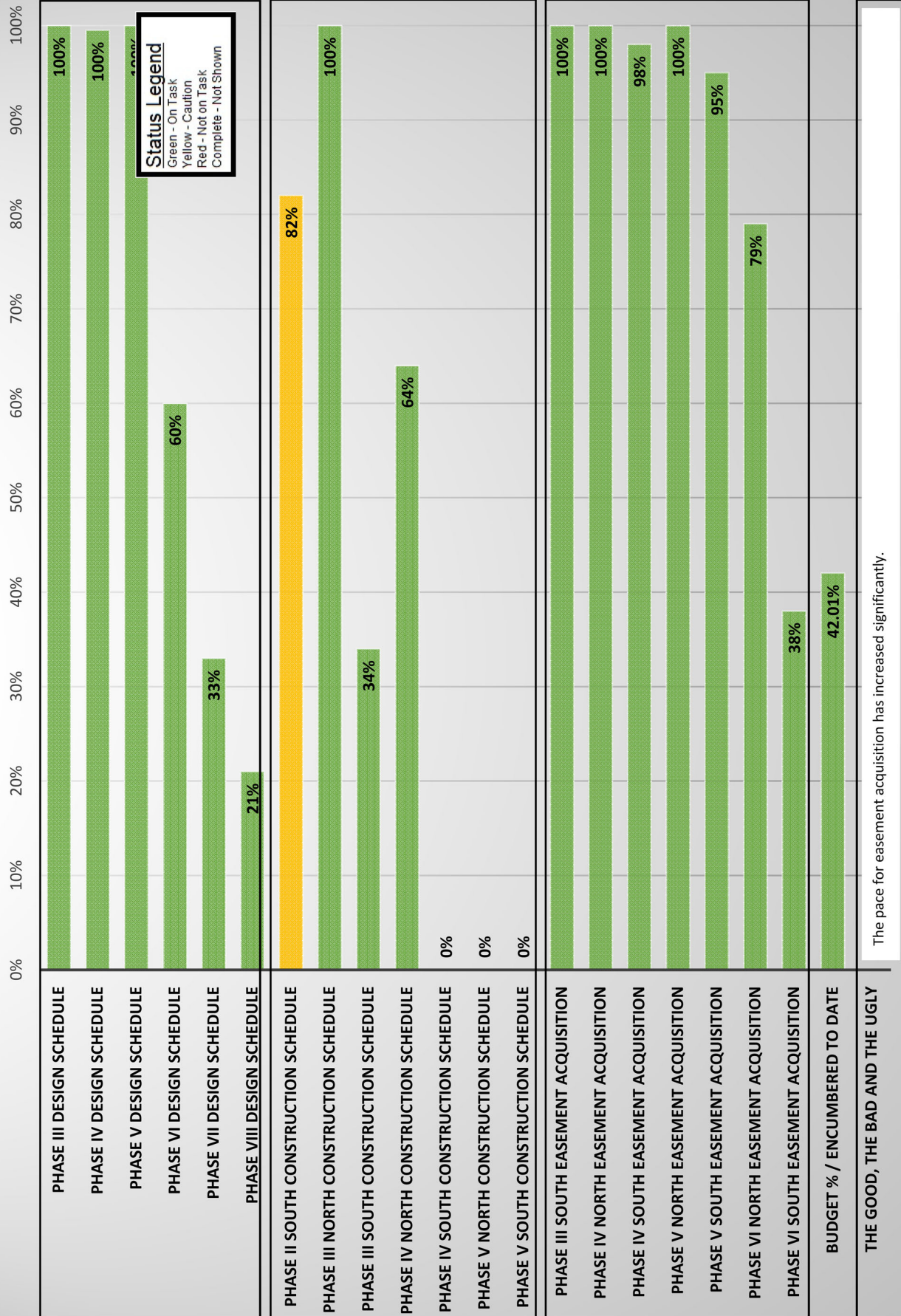
Debt Service and Related Debt Issuance Costs

	Budget	Actual	% Expended
Commercial Paper Issuance Cost		\$ 195,366	
Commercial Paper Fees		\$ 52,252	
Commercial Paper Interest		\$ 243,096	
GO Bond Closing Costs 2018	\$ 488,271	\$ 488,271	
GO Bond Closing Costs 2021	\$ 202,169	\$ 202,380	100.1%
GO Bond Debt Service	\$ 13,345,005	\$ 9,317,559	69.8%
Total Debt Service and Related Debt Issuance Costs	\$ 14,035,445	\$ 10,498,923	74.8%

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 346,124	98.6%
Project Construction Engineering	\$ 11,607	\$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 513,847	97.8%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 162,369	
Kosberg v TPB Legal and Other Costs		\$ 551,851	
PBT Real Estate v TPB		\$ 260,812	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,799	
Temp Services - Easement acquisition	\$ 120,000	\$ 115,639	96.4%
Project Manager -Pay and benefits	\$ 784,936	\$ 577,886	73.6%
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 1,569,105	\$ 2,328,731	148.4%

Town of Palm Beach - Underground Utility Project Dashboard - November 2021



TOWN OF PALM BEACH

Information for Town Council Meeting on December 14, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Approving Award of RFQ No. 2022-01 CMAR Services - Town-wide Overhead Undergrounding Program - All Remaining Phases (Phases 6, 7 and 8, for both North and South) and Awarding a Purchase Order for Preconstruction Services to Burkhardt Construction Inc. for Phase 6, North and South in an Amount of \$48,540.00
Resolution No. 156-2021

DATE: November 24, 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 156-2021, approving the Selection Committee recommendation of Burkhardt Construction Inc. (BCI) for services as per requirements of RFQ No. 2022-01 CMAR Services - Town-wide Overhead Undergrounding Program consisting of all remaining phases (Phase 6, 7 and 8, North and South) and awarding a purchase order for preconstruction services to Burkhardt Construction Inc. for Phase 6, North and South in an Amount of \$48,540.00.

SUMMARY EXPLANATION/BACKGROUND

Town Purchasing issued the final RFQ for the remaining three (3) phases of the Town-wide Overhead Undergrounding Program.

The award of the RFQ and the approval of a purchase order for pre-construction services which include review and input project cost and schedule, constructability review, development of subcontractors list, bidding sheets, actual bidding process, and the development of a GMP.

The plans and specifications are being developed by Kimley-Horn and Associates, and construction is anticipated to begin in June 2022. Staff plans to bring the negotiated Guaranteed Maximum Price (GMP) with Burkhardt Construction Inc. to Town Council for approval at the May 2022 Town Council meeting.

METHOD OF PROCUREMENT

The Public Works Department developed a scope of services which was reviewed by Purchasing. The Request for Qualifications (RFQ) was issued on October 5, 2021 and closed on October 26, 2021.

The solicitation was broadcasted nationwide to 844 firms through DemandStar and to 650 firms through Public Purchase. Only two (2) firms responded. Hypower Inc. was declared non-responsive due to lack of CMAR experience, leaving Burkhardt Construction Inc. as the only valid proposal.

For Construction Management at Risk RFQ's price is not an evaluation factor due to the Contract Competitive Negotiations Act. The proposal is based solely on qualifications of the firms submitting. The initial Selection Committee meeting was held on November 4th. The Selection Committee consisted of the following members:

Voting

Patricia Strayer, P.E.

Paul Colby

Martin Deloach

The Selection Committee reviewed the BCI proposal and was scored at 81.67% of quality core. After open discussion Selection Committee unanimously decided to recommend award to BCI.

Town Purchasing approached to BCI and requested a proposal for preconstruction services for Phase 6, North and South. BCI quoted at \$24,270 for each portion of Phase 6, for a total of \$48,540.

The Town Purchasing Policy and Procedures Manual, Administrative No. 1-21-1 permits for securing a proposal from a firm qualified to the solicitation with the goal of streamlining the process.

FISCAL IMPACT/FUNDING SOURCE

The funding for this program is from the Town-wide Undergrounding Program.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues.

TOWN ATTORNEY REVIEW

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

cc: Paul Brazil, P.E., Public Works Director
Patricia Strayer, P.E., Town Engineer

RESOLUTION NO. 156-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF RFQ NO. 2022-01 CMAR SERVICES, TOWN-WIDE OVERHEAD UNDERGROUNDING PROGRAM FOR ALL REMAINING PHASES AND AWARDED A PURCHASE ORDER FOR PRECONSTRUCTION SERVICES TO BURKHARDT CONSTRUCTION INC. FOR PHASE 6, NORTH AND SOUTH IN AN AMOUNT OF \$48,540

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

Section 1. The Town Council of the Town of Palm Beach, Palm Beach County, Florida hereby approves Resolution No. 156-2021, approving Selection Committee recommendation for RFQ No. 2022-01 CMAR Services - Town-wide Overhead Undergrounding Program, all remaining phases and approving award of pre-construction services for Phase 6 in an amount of \$48,540.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach, and is authorized to approve additional tasks, as necessary.

Section 3. The Town Council authorize staff to enter negotiations with Burkhardt Construction and secure Guaranteed Maximum Price (GMP) for Phase 6.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of December, 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Solicitation summary (8218)

Details

Reference number: 2022-01

Procedure: Sealed without Preselection

Description:

The Town of Palm Beach is soliciting proposals from a qualified Construction Manager at Risk for the TOWNWIDE OVERHEAD UTILITY UNDERGROUNDING PROGRAM - ALL REMAINING PHASE. Remaining phases includes 6, 7 and 8 both north and south phases.

The Town reserves the right to accept or reject any and all proposals and to waive any technicalities or irregularities therein. The Town further reserves the right to award the contract to that proposer whose proposal best complies with the RFQ specifications. No proposer may withdraw their proposals for a period of one hundred and eighty (180) days from the date set for the opening thereof.

The Construction Manager at Risk shall be awarded for Phase 6 with option to renew the contract for phases 7 and 8, pending acceptable performance and successful GMP negotiations. Option for renewal will only be exercised upon written agreement and with all original terms and conditions. Each construction phase has an anticipate duration of 18-24 months.

The selected Construction Manager at Risk will furnish all work, necessary permits, and construction supervision to fully complete the construction of an overhead to underground utility conversion project for approximately 5 pole-miles of overhead electric, telephone, and cable TV utilities within the Town of Palm Beach. The work will also include site restoration and utility adjustments. Coordination of FPL installed LED light poles and will also be included in this project. FPU will be performing gas main improvements within the limits of these phases during the undergrounding project. The CMAR will be required to coordinate efforts with FPU during construction.

Please click on "Participate" button at the bottom of this page to download solicitation package and to get started.

PRE-PROPOSAL CONFERENCE

A "NON-MANDATORY" pre-proposal meeting has been rescheduled for:

Date/Time: October 22, 2021 at 9:00am.

*******This pre-proposal meeting will be conducted via virtual conference, through Go-To-Meeting platform*******

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/831541117>

You can also dial in using your phone.

United States: +1 (669) 224-3412

Access Code: 831-541-117

Attendance is strongly encouraged as this will be the only forum to seek clarification from Town staff.

QUESTION DEADLINE

The deadline for questions is seven (7) CALENDAR DAYS before the end of the Offer Phase (due date).

Questions should be submitted through this software platform using the Question & Answer feature.

The Town may provide written addenda up to five (5) calendar days before the date fixed for receiving the bid proposals.

PROPOSAL SUBMISSION

The Town only accepts online submittal of proposals through Negometrix, the eProcurement platform linked to the Town website, promoting a greener footprint. System, nor the Town, will allow any late submissions.

SELECTION COMMITTEE MEETING

Consensus Virtual Meeting through Go-To-Meeting platform will be held on **November 4, 2021 at 3:00 pm.**

DESIGNATED PROCUREMENT REPRESENTATIVE

The Designated Procurement Representatives for this Solicitation is: **Duke Basha, Assistant Purchasing Manager**

email: dbasha@townofpalmbeach.com

Direct phone: (561) 227-7001

All communications regarding this solicitation shall be handled only by Town Purchasing Representatives.

NEGOMETRIX SUPPORT CONTACT:

(Technical) Assistance (Mon - Fri: 8 am to 6 pm)

Negometrix Service Desk

Telephone: (724) 888-5294

Email: servicesdesk.us@negometrix.com

12-14-TCM Backup

Awarded supplier(s)

- Burkhardt Construction, Inc. (Burkhardt Construction, Inc.)

Offers/Applications from suppliers

- Suppliers** (Number of suppliers: 7)
 - Town Demo
 - Participant since : Oct 22 2021 8:42:39 AM
 - Burkhardt Construction, Inc.
 - Participant since : Oct 15 2021 10:26:10 AM
 - Construct Connect
 - Participant since : Oct 14 2021 3:37:05 PM
 - Hypower, Inc.
 - Participant since : Oct 8 2021 3:22:12 PM
 - Lucid Edge
 - Participant since : Oct 5 2021 1:01:02 PM
 - DBE MANAGEMENT LLC DBE UTILITY SERVICES
 - Participant since : Oct 5 2021 11:35:02 AM
 - Envirobidnet.com an Entram Corp.
 - Participant since : Oct 5 2021 10:09:45 AM
- Offer phase** (Number of offers in phase: 2)
 - Burkhardt Construction, Inc. (Burkhardt Construction, Inc.) Time and date of submitting: Oct 25 2021 3:53:37 PM
 - Hypower, Inc. (Hypower, Inc.) Time and date of submitting: Oct 25 2021 9:38:52 PM
- Evaluation** (Number of offers in phase: 1)
 - Burkhardt Construction, Inc. (Burkhardt Construction, Inc.)
- Awarding** (Number of offers in phase: 1)
 - Burkhardt Construction, Inc. (Burkhardt Construction, Inc.)

Schedule

Name	Type	Start date	End date	Responsible person
Creation date	Date	Sep 30 2021 9:53 AM	—	Solicitations Palm Beach
Preparation	Phase	Sep 30 2021 9:53 AM	Oct 5 2021 9:00 AM	
Offer phase	Phase	Oct 5 2021 9:00 AM	Oct 26 2021 2:00 AM	
Pre-Proposal Conference	Date	Oct 22 2021 9:00 AM	—	
Evaluation	Phase	Oct 26 2021 2:00 AM	Dec 13 2022 9:00 AM	
Selection Committee Online Meeting via Go To Meeting	Date	Nov 2 2021 10:00 AM	—	
Interviews, if conducted	Date	Nov 10 2021 10:00 AM	—	
Award phase	Date	Dec 13 2022 9:00 AM	—	

Results

- **Offer phase** (Oct 5 2021 - Oct 26 2021)

Result		Knockouts	unanswered question(s)	Uploads missed	Incomplete evaluations	Unanswered buyer questions	Price	Quality score	Phase
Rank	Name								
1	Burkhardt Construction, Inc.	–	–	–	1	–	—	81.67%	Yes
2	Hypower, Inc.	–	–	2	–	–	—	5%	No

- **Evaluation**

Result		Knockouts	unanswered question(s)	Uploads missed	Incomplete evaluations	Unanswered buyer questions	Price	Quality score	Phase
Rank	Name								
1	Burkhardt Construction, Inc.	–	–	–	1	–	—	81.67%	Yes

- **Awarding**

Result		Knockouts	unanswered question(s)	Uploads missed	Incomplete evaluations	Unanswered buyer questions	Price	Quality score
Rank	Name							
1	Burkhardt Construction, Inc.	–	–	–	1	–	—	81.67%

Contracts

There are no contracts added

Comments

No comments

Vincent G. Burkhardt
President



November 16, 2021

Town of Palm Beach
Public Works/Engineering Department
Attn: Ms. Patricia Strayer, P.E., Town Engineer
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

**RE: Phase 6 – North – Townwide Overhead Utility Undergrounding
Construction Manager at Risk Pre-construction Services Proposal**

Dear Ms. Strayer:

Burkhardt Construction, Inc. (BCI), acting as Construction Manager at Risk (CMAR) is pleased to provide this proposal to the Town of Palm Beach (Owner) for Pre-construction Services for Phase 6 – North – Townwide Overhead Utility Undergrounding. The work designed and to be constructed is generally described as traffic control, demolition, grading, earthwork, storm drainage, water, roadway and curb reconstruction, undergrounding of FPL, ATT and Comcast, private service undergrounding, property restoration, landscaping and irrigation along the aforementioned corridor. As CMAR, BCI shall function as an agent of the Owner, shall be paid a fixed fee for services performed and shall be an integral part of the design team. Pre-construction services will include:

- Preconstruction meeting attendance;
- Review and input of schedule;
- Review of proposed construction documents;
- The development of Guaranteed Maximum Price (GMP) for the construction of the facilities based on the design.

Pre-construction services shall be rendered and invoiced in the following format:

TASK I**PRE-CONSTRUCTION PROGRESS MEETINGS**

The scope includes the CMAR to participate in team progress meetings, attended by the CMAR, Design Professionals, Owner and others as requested. It is anticipated that these meetings will be held at the Owner's office, Design team's office or location as designated by the Owner.

Estimated 3 meetings required.

Public meetings and presentations shall be as directed by the Owner and may be requested at 90% or 100% plan completion. The public outreach shall consist of the CMAR facilitating a meeting with the residents and public to discuss the project. The presentation shall include introduction of the project team, who & how to contact team individuals, discussion of the project sequences, project phasing/ schedule, pedestrian/traveling public access during construction and additional details as requested by the Owner.

No meetings anticipated

TASK I – GUARANTEED NOT TO EXCEED \$2,310.00

TASK II**PRE-CONSTRUCTION AND CONSTRUCTION PHASE SCHEDULING**

Based on the provided information, CMAR will develop a master Pre-Construction phase bar chart schedule incorporating design development, permitting, plan review, guaranteed maximum price preparation, submittal review & approval, long lead item identification & procurement, informational meetings with the adjacent property owners along with construction phase sequencing.

TASK II – GUARANTEED NOT TO EXCEED \$1,560.00

TASK III**PLAN REVIEW/CONSTRUCTABILITY REVIEW**

This scope includes review of the plans as provided by the Design Team. The review shall report to the Owner any design criteria which may present considerable constructability challenges. This scope also will assist the Design Team in any plan modifications and re-design.

This scope does not include a cost estimate.

TASK III – GUARANTEED NOT TO EXCEED \$4,000.00

TASK IV**GUARANTEED MAXIMUM PRICE (GMP) - 90% Plans**

BCI will prepare and submit a GMP to the Owner after completion of the pre-construction services phase of the project. The GMP proposal will be prepared in accordance with the guidelines and delivered in the format specified by the Owner. The Owner, at its sole option and discretion, may specify different requirements for the GMP proposal. The GMP will be valid for 90 days after submission. BCI will submit the GMP proposal in a bound format which will include, but not be limited to the following:

- Cover sheet including project title and Owner project number;
- Summary sheet of GMP Proposal including subcontractor bids, allowances, contingencies, bonds, insurance, conditions and exclusions. This sheet will also contain contract time, construction start date, date of substantial completion, date of final completion, critical path schedule and proposed work hours
- Schedule of values
- Detailed summary of general conditions
- Allowance list statement amounts and uses
- Proposed subcontractor list
- Subcontractor bid sheets
- Plans, drawings and specifications specific to the GMP
- Any supporting documents referenced in the GMP

At such time as the GMP preparation process results in a mutually agreeable GMP value, the Owner will document its acceptance thereof in writing and both parties shall execute a contract amendment for the project that incorporates the GMP and its supporting documents into the contract. CMAR's scope of basic and additional services shall be detailed and subject to a final determination of the project scope and size and careful negotiation and coordination between BCI and the Owner.

TASK IV – GUARANTEED NOT TO EXCEED \$16,400.00

TOTAL PRECONSTRUCTION SERVICES FEE ALL TASKS I THROUGH IV:

\$ 24,270.00

ALTERNATE TASK: NOT INCLUDED

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

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

We have attached our current hourly rates for your use should additional pre-construction services be requested.

Thank you for the opportunity to submit this pre-construction services proposal. If you have any questions on this proposal, please contact us at (561) 659-1400.

Submitted By:
Construction Manager

Burkhardt Construction, Inc.

Marc R. Kleisley Title: Vice President

Accepted by:
Owner

Town of Palm Beach

By: _____
Printed Name

Title: _____

Date: _____

Upon your acceptance of this letter agreement Burkhardt Construction, Inc. shall begin work immediately. Please return one original for our files.

Hourly Rates For Additional Requested
Preconstruction Services Rates

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Vincent G. Burkhardt	President	\$300.00
Sharon H. Burkhardt	Secretary/C.P.A.	\$200.00
Dennis E. Haynes	Vice President	\$200.00
Marc R. Kleisley	Vice President/Proj. Principal	\$200.00
Anthony Sabatino	Senior Project Manager	\$150.00
Bill Zammit	Snr. Vertical Project Manager	\$150.00
Adam Rossmell	Project Manager	\$120.00
CJ Rhody	Project Manager	\$120.00
Brandon Rhodes	Project Manager	\$120.00
Kevin Brennen	Asst. Project Manager	\$ 90.00
Ruben Almazan	Const. Field Mgr.	\$100.00
Karl T. Kaminski	Utilities Const. Field Mgr.	\$100.00
Michael Parsons	Utilities Const. Field Mgr.	\$100.00
Lee VanPraag	Utilities Const. Field Mgr.	\$100.00
Hemant Tank	Estimator/Cost Engineer	\$ 75.00
Diane Decker	Resident/Merchant Outreach	\$ 75.00
Sarah B. Hoadley	Accounting Manager/M.B.A.	\$ 90.00
Katy Pantaleon	Accounting	\$ 75.00
Brittany Darville	Admin. Ass't/Clerical	\$ 50.00

Vincent G. Burkhardt
President



November 16, 2021

Town of Palm Beach
Public Works/Engineering Department
Attn: Ms. Patricia Strayer, P.E., Town Engineer
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

**RE: Phase 6 – South – Townwide Overhead Utility Undergrounding
Construction Manager at Risk Pre-construction Services Proposal**

Dear Ms. Strayer:

Burkhardt Construction, Inc. (BCI), acting as Construction Manager at Risk (CMAR) is pleased to provide this proposal to the Town of Palm Beach (Owner) for Pre-construction Services for Phase 6 – South – Townwide Overhead Utility Undergrounding. The work designed and to be constructed is generally described as traffic control, demolition, grading, earthwork, storm drainage, water, roadway and curb reconstruction, undergrounding of FPL, ATT and Comcast, private service undergrounding, property restoration, landscaping and irrigation along the aforementioned corridor. As CMAR, BCI shall function as an agent of the Owner, shall be paid a fixed fee for services performed and shall be an integral part of the design team. Pre-construction services will include:

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TOTAL PRECONSTRUCTION SERVICES FEE ALL TASKS I THROUGH IV:

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ALTERNATE TASK: NOT INCLUDED

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We have attached our current hourly rates for your use should additional pre-construction services be requested.

Thank you for the opportunity to submit this pre-construction services proposal. If you have any questions on this proposal, please contact us at (561) 659-1400.

Submitted By:
Construction Manager

Burkhardt Construction, Inc.

Marc R. Kleisley Title: Vice President

Accepted by:
Owner

Town of Palm Beach

By: _____
Printed Name

Title: _____

Date: _____

Upon your acceptance of this letter agreement Burkhardt Construction, Inc. shall begin work immediately. Please return one original for our files.

Hourly Rates For Additional Requested
Preconstruction Services Rates

<u>Name</u>	<u>Position</u>	<u>Rate</u>
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Sarah B. Hoadley	Accounting Manager/M.B.A.	\$ 90.00
Katy Pantaleon	Accounting	\$ 75.00
Brittany Darville	Admin. Ass't/Clerical	\$ 50.00

Phase: Offer phase (Closed for suppliers)

1. SOLICITATION PACKAGE DOCUMENTS & EVALUATION FACTORS

1.1. SOLICITATION PACKAGE DOCUMENTS

1.1.1.4. INTENT LETTER

Please upload you company intent letter executed by person that has the authority to sign the contract on behalf of your company. Please include a statement of your understanding of the scope, and its requirements.

Evaluation method: Yes / No
Worst: No
Best: Yes

Burkhardt
Construction, Inc.

Paul Colby (25%)	Yes
Martin Deloach (25%)	Yes
Solicitations Palm Beach (25%)	Yes
Patricia Strayer (25%)	Yes
Score	0%

1.2. SUPPLIER RESPONSE & ACKNOWLEDGEMENTS

1.2.1. PRIMARY CONTACT

Please provide information regarding who may be contacted regarding this proposal using the table below.

Evaluation method: Yes / No
Worst: No
Best: Yes

Burkhardt
Construction, Inc.

Solicitations Palm Beach (100%)	Yes
Score	0%

1.2.3. SUB CONTRACTORS

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

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

Please use fillable PDF form attached to list your subcontractors.

**Burkhardt
Construction, Inc.**

Solicitations Palm Beach (100%)	Yes
Score	0%

Evaluation method: Yes / No
Worst: No
Best: Yes

1.2.4. PROJECT REFERENCES

Provide at least five (5) business references, from which all should be related to this scope of work, preferably of public or government type agencies within last three (3) years. You may use the provided fillable PDF form or upload your own document which must contain at a minimum the information requested on the Town provided form.

A referenced person(s) must be someone who has personal knowledge of the Proposer's performance. The referenced person must have been informed that they are being used as a reference and that the Town may check references.

**Burkhardt
Construction, Inc.**

Paul Colby (25%)	—
Martin Delbach (25%)	Yes
Solicitations Palm Beach (25%)	Yes
Patricia Strayer (25%)	Yes
Score	—

Evaluation method: Yes / No
Worst: No
Best: Yes

1.2.5. BIDDERS' QUALIFICATION

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

Please upload your W-9 and Business Tax Receipt. In case that you do not have a Business Tax Receipt please upload a statement of explanation.

Burkhardt
Construction, Inc.

Solicitations Palm Beach (100%)

Yes

Score

0%

Evaluation method: Yes / No

Worst: No

Best: Yes

1.2.8. DRUG - FREE WORKPLACE CERTIFICATION

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

Burkhardt
Construction, Inc.

Solicitations Palm Beach (100%)

Yes

Score

0%

Evaluation method: Yes / No

Worst: No

Best: Yes

1.2.10. TRUTH IN NEGOTIATIONS

Please submit a truth in negotiations form by using attached fillable PDF form.

Burkhardt
Construction, Inc.

Solicitations Palm Beach (100%)

Yes

Score

0%

Evaluation method: Yes / No

Worst: No

Best: Yes

1.2.13. E-VERIFY

Proposer warrants and represents that it is in compliance with section 448.095, Florida Statutes, as may be amended, and that it: (1) is registered with the E-Verify System (E-Verify.gov), and beginning January 1, 2021, uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers; and (2) has verified

Evaluation method: Yes / No

Worst: No

Best: Yes

that all its proposer workers, subcontractors performing the duties and obligations of this CONTRACT are registered with the E-Verify System, and beginning January 1, 2021, uses the E-Verify System to electronically verify the employment eligibility of all newly hired workers.

Please select "Yes" to confirm acceptance of this term and sign the attached form and resubmit.

Burkhardt Construction, Inc.	
Solicitations Palm Beach (100%)	Yes
Score	0%

1.2.14. MINIMUM QUALIFICATIONS

Proposer shall provide adequate information with its proposal to demonstrate that it satisfies the following minimum as set forth below. The Town will consider what types of experience the Proposer has when making a determination of award. All decisions of the Town are final.

Proposer, with its proposal, must demonstrate successful performance and relevant experience and qualifications with respect to projects comparable in type, size, complexity, and scheduling as provided for in these solicitations documents. The Proposer shall have a minimum of five (5) years experience with municipal CMAR contracts, with at least one power and communication undergrounding conversion project. Please provide following:

- Name of Project
- Name of Owner and Project Locations
- Description of Project
- List elements of the project:
- Contact name, telephone number, fax number, email address
- Project duration including start and end dates
- Initial Contract dollar amount and Final Contract dollar amount.
- Description of any change orders (time, money, etc.)
- List of subcontractors that you have utilized

Note: Please upload one (1) minimum qualification form per project completed.

Documents:
Note: Please upload documentation for above requirements.

Burkhardt Construction, Inc.	
Paul Colby (25%)	Yes
Martin Deloach (25%)	Yes

Evaluation method: Yes / No
Worst: No
Best: Yes

Burkhardt Construction, Inc.	
Solicitations Palm Beach (25%)	Yes
Patricia Strayer (25%)	Yes
Score	0%
1.3. EVALUATION FACTORS	
1.3.1. <u>Experience of Firm / Past Performance</u>	
Please provide following information by uploading a document(s):	
<u>Experience of Firm / Past Performance</u> Success at executing projects where GMP and final construction costs were equal Success at achieving cost savings and schedule efficiencies Success at meeting project schedule and budget Success at executing projects with multiply 3 parties outside of the control of the CMA Note: weight of this criteria is 30 points	
Evaluation method: Value Worst: 0 Best: 5 Unit: Points	
Burkhardt Construction, Inc.	
Paul Colby (33.33%)	3
Martin Deloach (33.33%)	5
Patricia Strayer (33.33%)	5
Score	26%
Comments.	
Burkhardt Construction, Inc.	
Martin Deloach	They have worked in South Florida communities as well as central Florida municipalities with similar projects. They have worked locally and for the Town of Palm Beach on several successful projects. They understand the sub contractor payment process and how to schedule projects with minimal disruption to the community.
Patricia Strayer	BCI has done an outstanding job on the undergrounding project to date.
Summarizing comment	
Evaluation method: Value	
1.3.2. <u>Experience/Ability of Personnel</u>	

Please attach detailed requirements, but not limited to:

Experience/Ability of Personnel

Time with Company
Direct applicable experience to CMAR projects
Project Manager experience and success managing CMAR projects
Note: weight of this criteria is 30 points

Worst: 0
Best: 5
Unit: Points

Burkhardt Construction, Inc.			
Paul Colby (33.33%)	3		
Martin Deloach (33.33%)	5		
Patricia Strayer (33.33%)	4		
Score	24%		

Comments.

Burkhardt Construction, Inc.

Martin Deloach
The people that Burkhardt will use on this project have worked on other projects in the Town of Palm Beach as well as other municipalities. They understand the needs and processes to get the job completed as effectively as possible.

Summarizing comment

Patricia Strayer
Very experienced and qualified. I have no received resident complaints and have heard from residents what a great job they do.

1.3.3. Technical Approach

Technical Approach
Technical approach to achieving multiply bids
Technical approach to using CMAR to achieve lower bids
Technical approach to staying on budget and on schedule
Technical approach to working transparent with client

Note: weight of this criteria is 30 points

Evaluation method: Value
Worst: 0
Best: 5
Unit: points

Burkhardt Construction, Inc.			
Paul Colby (33.33%)	3		
Martin Deloach (33.33%)	5		
Patricia Strayer (33.33%)	5		

Score	Burkhardt Construction, Inc.		
Comments.			
Burkhardt Construction, Inc.	Martin Deloach	This company uses current electronic software programs to help manage and bid the phases of the construction project. Their process allows for transparency which is critical when expending tax payer funds. They spend the time to vet their sub contractors to avoid surprises with unqualified contractors working on the project. They are diligent in their processes that conclude with a project that will be completed with minimal expense surprises or delays.	Summarizing comment
	Patricia Strayer	Our experience is that they have been able to get qualified sub contractors within budget.	

1.3.4. Financial Information

- Financial resources and capabilities information: An indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project should be included in the response
- Evidence of insurance and bonding capability
- Present and future litigation or dispute and resolutions

Note: The Town may request a Dun & Bradstreet report from all short listed finalists. Town also may request from short listed firms Financial Statement certified or reviewed by a CPA for last two year period.

Note: weight of this criteria is 5 points

Burkhardt Construction, Inc.		
Paul Colby (33.33%)	3	Evaluation method: Value Worst: 0 Best: 5 Unit:
Martin Deloach (33.33%)	5	
Patricia Strayer (33.33%)	3	
Score	3.67%	
Comments.		

Burkhardt Construction, Inc.

Paul Colby	for Paul C
Martin Deloach	They have been in business for 46 years. They have used the same banking institution for those years. They have a senior bank official take the time to reflect on their sound financial position and offer an immediate line of credit in the event they need to borrow funds. This is run as a professional corporation not a small time business with a part time bookkeeper.

Summarizing comment

Report generated: Nov 16 2021 3:06 PM

8218 RFQ No. 2022-01 CMAR Services - Town-wide Overhead Undergrounding Program - All remaining phases- Phase 6, 7 and 8, both N and S

Evaluation phase  Ends on Dec 13 2022 9:00 AM

Compare & Select

Offer phase (2) 

Evaluation (1) 

Awarding 

2 of 2 Complete offers 26 Questions

1. SOLICITATION PACKAGE DOCUMENTS & EVALUATION FACTORS

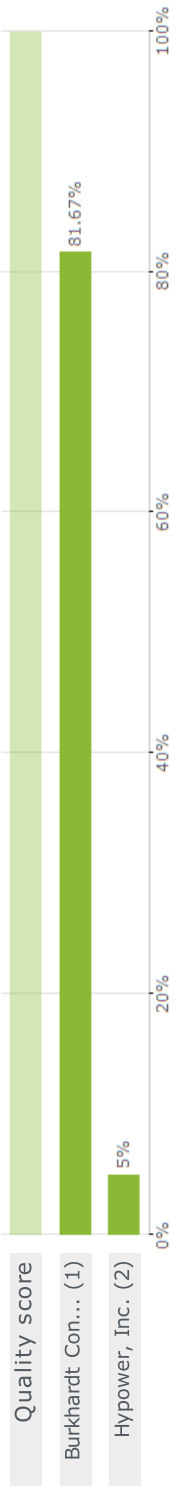
Comparison table

Sort by: Rank

Offers/Applications	Rank	Knockouts of 25	unanswered question(s) of 26	Uploads missed of 20	Incomplete evaluations of 13	Quality score	Phase
 Burkhardt Construction, Inc. Burkhardt Construction, Inc. Oct 25 2021 3:53:37 PM	1	-	-	-	1	81.67%	Awarding
 Hypower, Inc. Hypower, Inc. Oct 25 2021 9:38:52 PM	2	-	-	2	-	5%	Offer phase

Compare by: ☒ Question groups ☐ Questions

Sort by: Rank



Question groups:

- ☒ 1.1. SOLICITATION PACKAGE DOCUMENTS (0%)
- ☒ 1.2. SUPPLIER RESPONSE & ACKNOWLEDGEMENTS (0%)
- ☒ 1.3. EVALUATION FACTORS (100%)
- ☒ 1.4. ADDENDUM - If issued will be posted here. (0%)

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order to Chen Moore and Associates for North County Road Drainage Improvements Engineering Design Services in the Amount of \$155,936.18 and Establishing a Project Budget of \$187,123.42
Resolution No. 159-2021

DATE: November 19, 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 159-2021 issuing a purchase order (PO) to Chen Moore and Associates (CMA) in the amount of \$155,936.18 and establishing a project budget of \$187,123.42. Under this PO, CMA will perform Engineering Design Services for North County Road Drainage Improvements project.

GENERAL INFORMATION

Drainage improvement is much needed along North County Road from Wells Road to Miraflores Drive. The focus of the project will be to reduce water ponding within the road right-of-way including the pedestrian trail. The design will also address the continued damage caused to the existing turf by automotive traffic. Potential improvements identified include the following:

- Adjusting the grades along the pedestrian path,
- Installing drains in the previous area along the pedestrian path,
- Modifying the limits of the median to accommodate various vehicle turning radii,
- Incorporating curbing along the median perimeter,
- Considering options for stabilizing the turf within the median to be more resilient to traffic,
- Reconfiguring the existing drainage system by adding stormwater infrastructure,
- Considering options for sub-surface storage or promoting infiltration, and
- Improving sight lines for vehicles entering the intersections from adjacent streets.

CMA will perform data collection, geotechnical investigation, field services, and develop conceptual and detailed design. The importance of preserving landmarked trees within the construction limits are included as a necessary constraint in the design process. CMA will perform a detailed tree specific survey and arborists' assessment, which will identify and assess the condition of each tree, specify each tree's critical root zone, and recommend tree protection measures to be required during construction. Additionally, CMA will submit plans, attend meetings, and obtain approval from the Landmarks Preservation Commission for the design.

The project is anticipated to be coordinated in conjunction with the Town-wide Undergrounding of Utilities Program. Its construction work will be performed concurrently with Phase 6 North and Phase 7 North.

FUNDING/FISCAL IMPACT

Funding for this award will be from the Pavement Management Funding in the CIP Pay-As-You-Go Fund.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Paul Brazil, P.E., Public Works Director
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jane Le Clainche, CPA Finance Director
Dean Mealy, CPPO Town Purchasing Manager

RESOLUTION NO. 159-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO CHEN MOORE AND ASSOCIATES FOR ENGINEERING DESIGN SERVICES FOR NORTH COUNTY ROAD DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$155,936.18 AND ESTABLISHING A PROJECT BUDGET OF \$187,123.42.

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

Section 1. The Town Council of the Town of Palm Beach, Palm Beach County, Florida hereby approves Resolution No. 159-2021, approving a Purchase Order to Chen Moore and Associates for Engineering Design Services for North County Road Drainage Improvements in the Amount of \$155,936.18 and Establishing a Project Budget of \$187,123.42.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of December, 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

November 19, 2021

SENT VIA EMAIL
(DMealy@TownofPalmBeach.com)

Dean Mealy, II
Purchasing Manager
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Subject: **COUNTY ROAD DRAINAGE IMPROVEMENTS**
CMA Proposal: P21.431.02

Dear Mr. Mealy:

Chen Moore and Associates (CMA) is pleased to submit the attached Agreement for Professional Services and Scope to provide professional assistance with the engineering design of drainage improvements on North County Road from Wells Road to Miraflores Drive. The focus of the drainage improvements will be to eliminate flooding on the pedestrian trail on the west side of the corridor and to improve the medians to mitigate the damage caused to the existing turf by automotive traffic.

I. SCOPE OF SERVICES

The Scope of Services is comprised of the following tasks:

- Task 1 – Data Collection, Field Services and Conceptual Design
- Task 2 – Contract Documents (60% Design)
- Task 3 – Contract Documents (90% Design)
- Task 4 – Town Coordination: Landmarks Preservation Commission
- Task 5 – Contract Documents (100% Design)
- Task 6 – Construction Manager At Risk (CMAR) Coordination

Below is a description of the services included with each of these essential tasks:

Task 1 – Data Collection, Field Services and Conceptual Design

The Consultant will review the available topographic survey of the project area to determine the existing conditions, grades, and inverts and pipe size data on the adjacent drainage infrastructure. The topography and grades will be based on a survey procured by the Town in 2012 by the survey company, Betsy Lindsey whereas the pipe invert and size data will be based on a survey procured by the Town in 2016 by the survey company, Brown & Phillips. A site visit by CMA staff will verify the features identified in the existing surveys. CMA will supplement the existing survey with a detailed tree specific survey and arborists assessment by an ISA Certified Arborist.

The Arborist's Assessment will identify and assess the condition of each tree, specify each tree's critical root zone, and recommend tree protection measures to be required in the plan. CMA will also coordinate with the Town's tree consultant (King Tree Service) to provide an assessment of the existing trees and their health for use in plan preparation. Additional field work will include a geotechnical investigation with three soil borings along the corridor to investigate the depth of the water table as well as the prevalence of organic material and rock. The geotechnical investigation will also include a test of hydraulic conductivity to inform the potential for using exfiltration trenches and a test for the Limerock Bearing Ratio (LBR) of the existing material to inform preferred restoration methods.

CMA will also perform an investigation of existing utilities utilizing Sunshine One Call and a review of available record drawings. Once the data collection and preliminary field investigation is complete, CMA will develop a final base map of the existing conditions including detailed information regarding the vegetation and underground utilities. Utilizing the final base map, CMA will prepare a conceptual plan for modifications to the corridor to address the drainage issues. Potential improvements identified on the conceptual plan include the following:

- Adjusting the grades along the pedestrian path,
- Installing yard drains in the pervious area along the pedestrian path,
- Modifying the limits of the median to accommodate various vehicle turning radii,
- Incorporating curbing along the median perimeter,
- Considering options for stabilizing the turf within the median to be more resilient to traffic,
- Reconfiguring the existing drainage system by adding stormwater infrastructure,
- Considering options for subsurface storage or promoting infiltration, and
- Recommended modifications to existing landscape to improve sight lines for vehicles waiting at intersections from adjacent streets.

The conceptual plan documents will also include up to ten (10) locations for utility test holes where potential conflicts may occur with the proposed stormwater infrastructure. Once completed, the results of the field investigations and the conceptual plan will be submitted to the Town for staff review. CMA will meet with Town staff to review comments on the conceptual plan and discuss potential configurations for the design plans. After receiving input from Town Staff, CMA will initiate utility location field services to perform the test holes for existing utilities.

Task 2 – Contract Documents (60% Design)

Based on the collected field data and comments from Town Staff on the conceptual plan, CMA will prepare 60% construction plans for the proposed improvements. In addition to civil and stormwater design elements, the 60% contract documents will include detailed Tree and Root Protection Plans and specifications informed by a Registered Landscape Architect. Considering the existing corridor does not contain shrubs, hedges or flowering plants, it is assumed the landscape designs will focus on maintaining the existing aesthetic and there will be no additional plantings proposed beyond sod/turf and typical restoration. The construction plans submitted will include the following sheets.

1. 60% Cover and Drawing Index (1 sheet)
2. 60% General Notes & Summary of Quantities (2 sheets)
3. 60% Key Sheet (1 sheet)
4. 60% Grading and Drainage Plans (5 sheets at 1"=20' scale)
5. 60% Tree Disposition and Protection Plans (5 sheets at 1"=20' scale)
6. 60% Existing Tree Inventory Tables (2 sheets)
7. 60% Stormwater Details (2 sheets)
8. 60% Roadway Details (1 sheet)
9. 60% Landscape Specifications, Notes and Details (3 sheets)

The submittal will also include a draft outline of technical specifications, an opinion of probable construction cost, an estimated construction schedule and the draft Arborist's Report. As part of the 60% submittal a draft outline of information relevant to presentation to the Landmarks Preservation Commission will be prepared and provided to Town staff for review. King Tree Service will provide input on the 60% contract documents based on field coordination.

CMA will submit three (3) sets of the 60% draft construction contract documents (11" x 17" plan size) and one (1) electronic set (including PDF and CAD files) for review and comment by the Town. Once the review is complete, CMA will meet with Town staff to review the comments and discuss any necessary modifications or revisions.

Task 3 – Contract Documents (90% Design)

Based on comments from Town Staff on the 60% contract documents, CMA will prepare 90% construction plans and specifications for the proposed improvements. The construction plans submitted will include the following sheets.

1. 90% Cover and Drawing Index (1 sheet)
2. 90% General Notes & Summary of Quantities (2 sheets)
3. 90% Key Sheet (1 sheet)
4. 90% Grading and Drainage Plans (5 sheets at 1"=20' scale)
5. 90% Landscape and Tree Protection Plans (5 sheets at 1"=20' scale)
6. 90% Stormwater Details (2 sheets)
7. 90% Roadway Details (1 sheet)
8. 90% Landscape and Tree Protection Details (1 sheet)

The submittal will include detailed technical specifications with additional requirements for tree protection, an opinion of probable construction cost, an estimated construction schedule and the Final Arborist's Report. CMA will submit three (3) sets of the 90% draft construction contract (11" x 17" plan size) documents and one (1) electronic set (including PDF and CAD files) for review and comment by the Town.

Task 4 – Town Coordination: Landmarks Preservation Commission

The 90% plans will also be submitted for review by the Landmarks Preservation Commission. For the purposes of this effort, it is assumed that a maximum of two meetings will be held the Commission. Prior to the meetings, a notice will be provided to all residents within 250-feet of the project (roughly 70 homes). Renderings of the corridor and the proposed improvements will be prepared by CMA to be presented along with the technical plans. Renderings will include colorized plan views in addition to two (2) three-dimensional model views. CMA will provide support, meeting attendance and presentations as necessary. King Tree Service will provide support as needed with information specific to the health of the individual trees as it relates to the historic canopy for the Landmarks Preservation Commission.

Once all reviews are completed, CMA will meet with Town staff to review the comments and discuss any necessary modifications or revisions.

Task 5 – Contract Documents (100% Design)

Based on comments from Town Staff and stakeholders on the 90% contract documents, CMA will prepare 100% construction plans and specifications for the proposed improvements. The construction plans submitted will include the following sheets.

1. 100% Cover and Drawing Index
2. 100% General Notes & Summary of Quantities
3. 100% Survey Control Plan
4. 100% Grading and Drainage Plans (5 sheets at 1"=20' scale)
5. 100% Landscape and Tree Protection Plans (5 sheets at 1"=20' scale)
6. 100% Stormwater Details (2 sheets)
7. 100% Roadway Details (1 sheet)
8. 100% Landscape and Tree Protection Details (1 sheet)

CMA will prepare a final Estimated Construction Schedule and Engineer's Opinion of Probable Construction Costs and the Final Arborist's Report. The submittal will include the final Contract Documents with technical specifications and Bid Forms. CMA will submit one (1) set of reproducible construction contract documents (11" x 17" plan size) and one (1) electronic set (including PDF and CAD files).

Task 6 – Construction Manager At Risk (CMAR) Coordination

Considering that the construction of the drainage improvements will be performed by the undergrounding CMAR, this project offers the opportunity to work with the selected Contractor during the design process and in advance of final design. CMA will provide a copy of the draft submittal at 60% and 90% for review by the CMAR Team and will review comments and make revisions as necessary to the submittals that follow.

II. SCHEDULE

The proposed schedule below assumes Notice to Proceed (NTP) will be issued on January 1, 2022.

Task	Description	Weeks from NTP	Date
1	Data Collection, Field Services and Conceptual Design	6	2/12/2022
2	60% Design	12	3/26/2022
3	90% Design	18	5/7/2022
4	Town Coordination: Landmarks Preservation	26	7/2/2022
5	100% Design	30	7/30/2022
6	CMAR Coordination	30	7/30/2022
-	Subconsultant Field Services	12	7/2/2022

III. EXCLUSIONS

The services outlined below are not included as part of the scope of work, although additional service agreements can be executed to assist the TOWN with these services if necessary:

1. Procuring field survey of topographic or stormwater features.
2. Designing the replacement or modification of existing water or sewer utilities.
3. No design of irrigation system modification is required.
4. No additional landscape beyond sod
5. Permitting for agencies external to the Town of Palm Beach.
6. Engineering services during construction or construction administration.
7. Bid and award services (it is assumed the project will be performed concurrently with the "Utility Undergrounding Project" for this location and will use the same "Construction Manager At Risk" contractors)
8. Construction administration will not be included in this authorization

IV. COMPENSATION

CMA will be compensated for the services described on an hourly basis in an amount of **\$152,236.18** per attached Exhibit A.

Should you have any questions, I can be reached via email at bwhitfield@chenmoore.com.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Whitfield", with a stylized flourish at the end.

Brent Whitfield, PE
Director of Water Resources
Chen Moore and Associates

Attachments:

Exhibit A: Detailed Fee Estimate

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order to Mock Roos Consulting Engineers for Clarke Alley Drainage Improvements Engineering Design Services in the Amount of \$59,907 and Establishing a Project Budget of \$71,888.40
Resolution No. 160-2021

DATE: November 19, 2021

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 160-2021 to issue a purchase order (PO) to Mock Roos Consulting Engineers (MRE) in the amount of \$59,907 and establishing a project budget of \$71,888.40. Under this PO, MRE will perform engineering design services for the Clarke Alley Drainage Improvements Project.

GENERAL INFORMATION

Current asphalt grading along Clarke Alley causes nuisance stormwater ponding after heavy rainfall events. MRE will provide a stormwater drainage improvements design along Clarke Alley from Coconut ROW to 270-feet west of S. Ocean Blvd. Undergrounding in this area will take place primarily in the alley way. Therefore, Town staff believes this is an opportunity to address the existing drainage issue. These planned improvements are anticipated to be coordinated in conjunction with the Town-wide Undergrounding Project. All construction work will be performed concurrently with Phase 6 South.

MRE will attend kickoff and on-site meetings, perform data collection, geotechnical evaluation, coordinate utility locate, coordinate with the City of West Palm Beach for the possible removal or abandonment of an existing four (4) inch watermain, develop conceptual and detailed design. In order to properly solicit input from adjacent property owners, MRE will prepare exhibits and attend a resident coordination meeting to discuss issues that have been identified and how they will be addressed. This proposal also includes bidding services by responding to RFI's and evaluating the lowest apparent bid submittal for the project.

FUNDING/FISCAL IMPACT

Funding for this award will be from the Pavement Management Funding in the CIP Pay-As-You-Go Fund.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Paul Brazil, P.E., Public Works Director
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jane Le Clainche, CPA Finance Director
Dean Mealy, CPPO Town Purchasing Manager

RESOLUTION NO. 160-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO MOCK ROOS CONSULTING ENGINEERS FOR ENGINEERING DESIGN SERVICES FOR CLARKE ALLEY DRAINAGE IMPROVEMENTS IN THE AMOUNT OF \$59,907 AND ESTABLISHING A PROJECT BUDGET OF \$71,888.40.

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

Section 1. The Town Council of the Town of Palm Beach, Palm Beach County, Florida hereby approves Resolution No. 160-2021, approving a Purchase Order to Mock Roos Consulting Engineers for Engineering Design Services for Clarke Alley Drainage Improvements in the Amount of \$59,907 and Establishing a Project Budget of \$71,888.40.

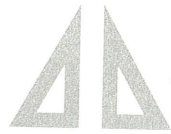
Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of December, 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk



MOCK • ROOS

CONSULTING ENGINEERS

November 5, 2021

Revised November 9, 2021

Mr. Dean Mealy
Purchasing Manager
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No. C0087.00
Subject: Clarke Alley Improvements

Dear Mr. Mealy:

We are submitting the attached revised Proposal to *Provide Professional Engineering Services for the Clarke Alley Improvements*. Please review the attached proposal and return one signed copy to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will not exceed \$59,907.

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

Sincerely,

MOCK, ROOS & ASSOCIATES, INC

Garry G. Gruber, P.E.
Senior Vice President

Proposal to Provide Professional Engineering Services for the

Clarke Alley Improvements Project

Services to be provided by: Mock•Roos

Services provided to (Town): Town of Palm Beach

Proposal Date: November 5, 2021
Revised November 9, 2021

Proposal Terms

A. Project Understanding:

The Town is planning to move forward with needed stormwater drainage improvements along Clarke Alley from Cocoanut Row to 100-feet south of Clarke Avenue. These planned improvements are within the Phase 6 South extents of the Town's Undergrounding program, and it is assumed that these drainage improvements will be performed concurrently by the contractor procured for this phase of the Undergrounding program.

Current asphalt grading along Clarke Alley causes nuisance stormwater ponding after rainfall events. There is an existing stormwater sewer collection system from Cocoanut Row to South County Road. For this segment of Clarke Alley, we anticipate design to include regrading asphalt to improve runoff to existing catch basins, installation of a concrete gutter at centerline of alley, reuse and modification of existing catch basins and pipes, and possible additional catch basins and pipes to extend stormwater collection system east to the approach of South County Road.

There is no existing stormwater sewer collection system from South County Road to Clarke Avenue. Also, there is an existing 4-inch watermain and a sanitary sewer aligned with the centerline of the alley. For this segment of Clarke Alley, we anticipate design to include regrading asphalt, possible removal/abandonment of existing watermain, installation of concrete gutter, trench drains, and exfiltration trenches.

Mock•Roos will provide preliminary and final design and limited bid assistance services as outlined in **B. Scope of Services** below.

B. Scope of Services:

1. Attend a project kick-off meeting followed by an onsite meeting with the Town to review the scope of the drainage improvements and review the base map and existing utilities. Photo document and review the existing condition of the project.
2. Call in a Sunshine One Call Design Utility Locate Ticket. Coordinate with listed utility companies that have been identified to have infrastructure located in the rights-of-way. Prepare a base map using the survey data previously collected for the Phase 6 Undergrounding project.
3. Provide the services of a Geotechnical Engineering sub-consultant to perform three (3) Standard Penetration Test borings, each to a depth of 10 feet; including two (2) field permeability tests.

Also, obtain six (6) roadway pavement cores. Sub-consultant will classify the subsurface components and test the samples for permeability (exfiltration trench sizing), the corrosion parameters of pH, resistivity, sulfates, and chlorides. Sub-consultant will prepare a report documenting findings.

4. Coordinate with the City of West Palm Beach for the possible removal or abandonment of an existing 4-inch watermain located in Clarke Alley from South County Road to Clarke Avenue.
5. Develop the preliminary design into a conceptual horizontal design and meet with the Town to discuss the proposed conceptual improvements. Adjust the conceptual design base on feedback from the Town.
6. Prepare exhibits and attend a resident coordination meeting with the Town and adjacent property owners to discuss issues that have been identified and how they will be addressed progressing into the 90-percent submittal.
7. Prepare and submit a 90-percent contract documents progress set for the Town's review. The 90-percent submittal will include construction drawings, technical specifications, and Engineer's Opinion of Probable Construction Cost. Meet with Town staff to discuss comments.
8. Prepare and submit a 100-percent (final) contract documents set for the Town's use in bidding the project. The 100-percent (final) submittal will include construction drawings, technical specifications, and Engineer's Opinion of Probable Construction Cost.
9. Provide Town's Construction Manager with contract documents to bid the project.
10. At Town's request, assist the Town in responding to RFI's pertaining to the project, review and evaluate the lowest apparent bid submittal for the project.

Assumptions

1. Anticipated Schedule:
 - a. Preliminary Design (Tasks 1-5): 45 days
 - b. Design Phase Services (Tasks 6-9): 90 days
 - c. Bid Phase Services (Task 10): 150 days
2. No hydraulic modeling or survey services included.
3. Based on our understanding of the project scope, we do not anticipate South Florida Water Management District and Palm Beach County Health Department permits are needed for this project.
4. The Existing Gravity Sanitary Sewer between South County Road and Clark Avenue along Clark Alley is PVC and shall remain. The existing storm system on the west side of the project is appropriately sized and will not be replaced as part of this project.
5. Survey of finished floor elevations and the correlation between the model results and floor elevations are not included.

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services.
2. Any design changes, schedule changes, drawing changes, or other project changes requested by Client will be considered Additional Services.
3. Additional Services can be provided upon Mock•Roos receiving signed authorization from Client.

D. Fees and Rates:

1. Mock•Roos will complete these services on an hourly basis at Mock•Roos' hourly rates, plus reimbursable expenses.
2. The total fee to provide the Scope of Services is anticipated to be \$59,907.
3. Mock•Roos will not provide services in excess of the anticipated fee without signed authorization from Client.
4. Mock•Roos can provide Additional Services at the Mock•Roos rates in effect at that time, plus reimbursable expenses or for an agreed upon lump sum fee.

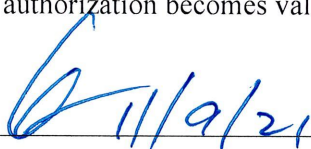
E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.
2. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

F. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services. This authorization becomes valid upon Mock•Roos receiving a Purchase Order.

MOCK•ROOS

Signed:  11/9/21

Name: Garry G. Gruber, P.E.

Title: Senior Vice President

Date: November 9, 2021

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Regular Agenda - New Business

Agenda Title

Approval of Nominees to Serve on the Strategic Planning Board

TIME CERTAIN: 11:00 AM

Time Certain

11:00 AM

Presenter

Danielle H. Moore, Mayor

ATTACHMENTS:

- ▣ **Memorandum Dated December 2, 2021, from Danielle H. Moore, Mayor**
- ▣ **Nominee Bios**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

To: Town Council

Via: Kirk Blouin, Town Manager

From: Danielle H. Moore, Mayor

Re: Nominees for the Strategic Planning Board

Date: December 2, 2021

RECOMMENDATION

Approval of the nominees listed below is recommended to fill open seats on the Strategic Planning Board, created via Resolution No. 141-2021.

GENERAL INFORMATION

As you will recall, Resolution No. 141-2021 was unanimously approved at the November 10, 2021, Town Council meeting, establishing an Ad Hoc Strategic Planning Board. As outlined in Section 2 of the resolution: “at the regular meeting of the Town Council, to be held on December 14, 2021, Mayor Danielle H. Moore shall nominate up to nine (9) residents of the Town with a proven track record in strategic planning or equivalent experience in either the public or private sector to serve on the Strategic Planning Board.” After careful consideration, the following nominees have all agreed to serve and Council approval is recommended. Attached to this memo are brief bios for each nominee, which includes information about their education, career, length of residency in Palm Beach, and experience they may have with strategic planning.

Alfred “Skip” Aldridge
Elizabeth Dowdle
Kristen Kelly Fisher
Peter McKelvy

Nicki McDonald
Katherine Ostberg
Michael Pucillo
Michael Reiter

It was heartening that we received so much interest from residents willing to serve, but unfortunately the number of seats was limited. Those who expressed interest but were not selected will be invited to participate in the process through the many opportunities that will exist for resident feedback.

As discussed at the October 12 Town Council meeting, the development of the new Strategic Plan is expected to take about 1 1/2 years. The first meeting of the Board will take place at 9:30 am on January 20, 2022, in Town Council Chambers. This meeting will be mostly organizational in nature but will include a review of the 2003 Plan, as well as discussions about the path forward, process, public engagement, timeline, 3rd party facilitation, etc.

I expect the Board to meet monthly through June 2022 in Council Chambers and possibly virtually if needed during the summer months. The summer months will be mostly dedicated to developing the first draft of the Plan for the Board and public to review in October 2022. The subsequent months will include more public engagement and close coordination with Town staff to finalize the plan. Periodic updates will be provided to Town Council throughout the course of the Board's work, culminating with a presentation of the final plan at the April 2023 Council meeting.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Carolyn Stone, Assistant Town Manager
Department Directors
Strategic Planning Board Nominees



ALFRED P. "SKIP" ALDRIDGE

Skip and Linda Aldridge have been visiting Palm Beach since the late 1980's for business activities. They purchased property in Palm Beach in August 2008 and became permanent residents in June 2011.

Skip is the founder, President & CEO of Head of Sales Consulting which provides strategic insights to a small and selective group of CPG companies and retailers. Mr. Aldridge has extensive experience in strategic planning and had the responsibility for the execution of the strategic direction at several Fortune 500 companies and leading privately held companies.

Prior to forming HSC, Skip served as the Executive Vice President, Sales, and Chief Customer Officer at Pharmavite, LLC, from December 2002 to May 2011. He served on the Pharmavite Executive Management Team which was responsible for the strategic direction and operations of the company across all functional areas. As of May 2011, Skip retired from Pharmavite and transitioned to an Executive Advisor to the company, providing strategic advisory services to Pharmavite's Board of Directors and Executive Management. Under Skip's leadership, Nature Made became the #1 Vitamin brand in the Food, Drug, Mass and Club channels in the United States. This leadership has continued under his advisory practice. Skip had global sales responsibility where he was responsible for the introduction of Nature Made into Asian countries, including China, Taiwan, and South Korea. He managed all supply chain and product development for Nature Made distributed in Japan as well.

Before joining Pharmavite, Skip was Executive Vice President, Sales, Grocery Foods Products Group, at ConAgra Foods where he served on the Executive leadership team which was responsible for all strategic direction and execution for the company. Prior to ConAgra, he was Vice President of Sales and National Sales Manager for Del Monte Foods, San Francisco, CA, where he served on the leadership team, responsible for the strategic planning and execution for the company. He also held senior sales management positions with Pet Inc. and The Clorox Company.

Skip currently serves as a Director of the Civic Association of Palm Beach; serves on the Board of Trustees of Making Change charity (501 (c) (3)); and served on the Board of Directors of The Friends of Fisher House, WPB, 501 (c) (3), as Secretary. He also serves on the Advisory Board for Overseas Service Corporation, West Palm Beach; and is Co-Chairman/Treasurer of the Citizens Association of Palm Beach. Skip is former member of the US Advisory Board for Enactus (Formerly SIFE). Skip has been recognized as "Champion of SIFE" on two separate occasions, holding the "Double Eagle" award. He also currently serves as a pro bono strategic advisor to 3 major startup companies in the USA.

Mr. Aldridge has served as an advisor in many non-profit and service-oriented organizations, Skip is the past Vice Chairman, NACDS Retail Advisory Board; the past Chairman GMDC HBW Advisory Board and a past member of the GMDC Board of Directors. He has served as a strategic advisor to the GMDC as a member of the President's Innovation Network where he helped drive a successful new strategic direction. Skip was recognized with the GMDC Lifetime Achievement Award in 2013. He served as a member and Vice Chairman of the GMA Sales/Vanguard Committee, a member of the FMI Associate Member Council, a member of the A. C. Nielsen Sales Advisory Board, and Skip also served as a member of The Leadership Council, Supplier Advisory Board for Rite Aid Drug Stores. He is a past member of the Advisory Board of One Hope Cause Marketing which has donated millions to targeted charities. Skip has previously advised Enterprise Ireland, advising Ireland based HBC companies on strategic matters on entering the United States mass retail market. Skip also serves as a legal expert witness in matters related to sales execution and sales leadership practices.

Skip grew up in Gastonia, North Carolina and received a Bachelor of Arts degree from the University of North Carolina at Chapel Hill in 1974 where he was President of the Sigma Chi Fraternity and participated in many UNC leadership activities.

Beth Dowdle Bio

Beth Dowdle has worked on land conservation and planning for over two decades. Prior to moving to Florida in 1992 to advise the John D. and Catherine T. MacArthur Foundation on a plan for the foundation's Florida landholdings, Beth directed the World Wildlife Fund's Boston office for the Successful Communities Program, providing technical assistance in managing growth and protecting natural resources in New England towns. The work included projects as diverse as conservation-based affordable housing on Block Island to creating a land trust on Aquidneck Island, Rhode Island. In partnership with the MacArthur Foundation and 1000 Friends of Florida, she launched the Florida Greenways Program and directed the Loxahatchee Greenways Project, a half-million-acre regional plan resulting in 33,000 acres of conservation land. As an officer of The Conservation Fund, Beth lead The Sustainable Everglades Initiative with the MacArthur Foundation, bringing together diverse partnerships of nonprofit organizations and public agencies to work on conservation in South Florida. She has worked in city and regional planning for local governments in Boston and North Carolina and consulted with the Norton Museum of Art in West Palm Beach on a new masterplan.

Beth served on the Landmarks Commission in Palm Beach, Florida for nine years, the board of the Seaside Institute, is a Trustee of the Preservation Foundation of Palm Beach, a founding member of the Congress for the New Urbanism in Florida, a Trustee of the Chastain Charitable Foundation and has served on other philanthropic and nonprofit boards whose missions are related to conservation and community improvement. Beth holds a degree in urban and regional planning from East Carolina University and a master's degree in public administration from Harvard University's Kennedy School of Government.

Kristen Kelly Fisher

Kristen Kelly Fisher received her BA from Mount Holyoke College with a major in history. Her Master of Public Administration is from the School of International and Public Affairs at Columbia University. She received an Executive Certificate in Strategy and Innovation from the MIT Sloan School of Management. Kristen served as Vice President for Government Relations, External Affairs and Special Projects at the Intrepid Museum Foundation.

Kristen studied organizational management in graduate school and has participated in the strategic planning process twice – once for the Intrepid Museum Foundation as it refined its vision and resource allocation and for Cushing Academy where she served as a member of the Board of Trustees for seven years. Kristen was co-chair of the board committee that advised the Academy on the development of its best practice governance models, as well as an economically sustainable business model. Throughout the intensive process she gathered input from all stakeholders.

Kristen is a member of the Board of Trustees of the Town of Palm Beach United Way and the Preservation Foundation of Palm Beach and a committee member for the Palm Beach gala honoring the Hôpital Albert Schweitzer in Haiti.

Kristen has been a resident of Palm Beach since 2015 and spent many happy years prior visiting the island.

Nicki McDonald

Mrs. McDonald grew up and lived in New York City until she and her husband, David, bought an apartment in Palm Beach ten years ago, becoming full time residents about four years ago. She graduated from Cornell University (BS '82) with a degree in Urban Planning and Economics. She also attended the London School of Economics for a semester and Harvard University for a summer course in Urban Planning.

After graduating from Cornell, Mrs. McDonald worked for JP Morgan in Gold Trading Operations followed by the fashion business for both Ralph Lauren (Director of Menswear Merchandising) and Anne Klein (Co-Director of Merchandising). She then founded her own residential interior design firm, which she ran for 15 years, and in so doing, earned a graduate degree in Interior Design from the Parson's School of Design. She began a second career in education as Director of Admissions for St. Thomas More, a Manhattan nursery school.

The McDonalds bought an apartment in Palm Beach ten years ago, where Mrs. McDonald became President of the Lake Towers Condominium Board. She oversaw one of the first private underground utility projects in the town. She was appointed to the Underground Utility task force for the town wide project for two terms and was directly involved with residents on easement acquisition. She was most recently appointed to the Planning and Zoning Commission as an Alternate Member.

Other local volunteer work includes: Director of the Civic Association, working on both the Strategic Planning and Health Care Committees, and a member of the Chamber of Commerce, Preservation Foundation, the Kravis Center, and the Norton Museum. Mrs. McDonald has served on the Board of the Gunnery School, the Vanderbilt University Parent's Board, and as a Cornell University Admissions Ambassador. In addition, while in New York, she chaired annual benefits for both the Museum of Natural History and the Cooper Hewitt. She has also worked at Camp Sunshine, a camp for children with life threatening illnesses for many summers, and delivered Meals On Wheels through her church in NYC. The McDonalds have three grown children.

James “Peter” McKelvy
1295 N. Lake Way
Palm Beach Fl. 33480

Peter McKelvy is a retired media executive who returned to his childhood home of Palm Beach in 2015 following a long career with Discovery Communications Inc. At the time of his retirement Peter was Sr. Vice President of Archive and Content Services, with responsibility for worldwide music publishing and stock footage sales. Over his twenty-two-year career at the international media giant, Peter held a variety of roles in programming, production, film finance, and business development. Peter was responsible for several strategic initiatives including overall project design and implementation of the company’s Digital Media Center, development of Discovery Music, the music publishing division of the company as well as the launch of Discovery Access the company’s stock footage sales division.

Peter has also served in leadership positions with a number of non-profits including the Friends of the C & O Canal National Historical Park 2008-2012, and the Friends of Arthur R. Marshal Loxahatchee National Wildlife Refuge 2016-2019. At the C&O Canal National Historical Park he was part of the planning committee responsible for developing a five-year strategic plan for the organization. While volunteering with the Arthur R. Marshal Loxahatchee National Wildlife Refuge, Peter was responsible for developing and managing a strategic review of the entire operation of the organization, including Board Development, Process Improvement and Fundraising. In 2018 Peter was recognized by the organization as Volunteer of the Year.

Peter graduated in 1979 from Emmerson College with a BS in Film and Television production. Peter lived in Palm Beach fulltime from 1968 to 1976. He graduated from the Palm Beach Day School in 1969 and from Taft School in 1973.

Michael Pucillo

Mr. Pucillo has been a lifelong resident of Palm Beach. His parents opened the Petite Marmite restaurant in 1949 and operated it until its sale in 1983. Mr. Pucillo is a graduate of Williams College and Georgetown University Law School. After clerking for two federal judges and working at the US Securities and Exchange Commission, he and his wife, Deborah, settled in Palm Beach permanently.

Mr. Pucillo practiced law in Palm Beach and West Palm Beach for 35 years. In 1994 he founded the firm of Burt & Pucillo, serving as managing partner until its merger with a national law firm. He limited his practice to securities litigation, and he represented several of the nation's largest public pension funds. He retired from the practice of law at the end of 2015.

Mr. Pucillo has been active in civic and community affairs. From 2011 until 2017 he was a member of the Town Council in Palm Beach and served as Council president from 2015 to 2017. While on the Council, he chaired both the Public Works Committee and the Finance and Tax Committee. Mr. Pucillo is a member of the Palm Beach Civic Association's Executive Committee, and currently serves as Vice Chair of the Civic Association.

Michael Reiter

Mr. Reiter is the founder and president of Michael Reiter and Associates, a Palm Beach based security, investigative and crisis management firm with global reach. He has been in Palm Beach since 1981 where he served in the Palm Beach Police Department for 28 years. Mr. Reiter was the Town's eighth chief of police from 2001 to 2009. He received the Town of Palm Beach Employee of the Year Award, Palm Beach Civic Association Raymond J. Kunkle Award and the Worth Avenue Association's Above and Beyond Award. He was the founder of the Citizens Police Academy, Teen Police Academy and Volunteers in Police Service (VIPS). Crime in Palm Beach was reduced by 32% over his tenure as chief. The Palm Beach Police Foundation was founded when Mr. Reiter was chief and he served as a director after leaving the Police Department.

Mr. Reiter earned a Master of Science from Palm Beach Atlantic University, Bachelor of Arts from Florida Atlantic University and is a graduate of the FBI National Academy. He is a graduate of the Senior Executives in State and Local Government Program and Crisis Leadership Program at the Harvard Kennedy School of Government. Mr. Reiter was an adjunct instructor of leadership and organizational development at Palm Beach Atlantic University and lectured on leadership and other professional topics at the Federal Law Enforcement Training Center and the International Association of Chiefs of Police.

Mr. Reiter is a director of the Palm Beach Civic Association and has served on its Strategic Planning Forum since inception. He attended nearly every Palm Beach Town Council Meeting as the Police Department representative for 20 years and participated as a staff member in the last updates of the Strategic Plan and two prior Comprehensive Plans.

Mr. Reiter has lived in Palm Beach since 2009 with his spouse, Janet Pleasants. He has served on the Tres Vidas Homeowners Association since 2016 and has been its president for the past four years.

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Regular Agenda - New Business

Agenda Title

Discussion Regarding Shore Protection Board

TIME CERTAIN: 11:30 AM

Presenter

Margaret A. Zeidman, Town Council President

ATTACHMENTS:

- ▣ **Memorandum Dated December 3, 2021, from Margaret A. Zeidman, Town Council President**
- ▣ **Section 2-636 of the Town Code - Shore Protection Board**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Maggie Zeidman, Town Council President

Re: Shore Protection Board

Date: December 3, 2021

RECOMMENDATION

Discussion regarding the Shore Protection Board is requested, along with direction from the Town Council in terms of the board's continued need and/or focus of its advisory capacity.

GENERAL INFORMATION

When the 10-member Shore Protection Board was established in 2008, its charge was to serve in an advisory capacity to the Town Council in the development of the 10-year coastal management program. Specifically, the Town Code includes advisory responsibilities on matters including, but not limited to, issues relating to beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the town's Lake Worth Lagoon shoreline. In addressing these matters, the scope of the shore protection board's duties also includes long-term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Since its establishment in 2008, the 10-year management plan has been developed and beach nourishment projects are now completed within the BMA framework. In recent years, board members have posed questions pertaining to the Shore Protection Board's duties and so have elected officials. The board has been meeting infrequently and was actually reduced to a 7-member body about 1 year ago. With 4 current vacancies on this board, I believe it is prudent to discuss its future prior to filling the vacancies.

For your reference, attached to this memo is the full section of the Town Code related to the Shore Protection Board.

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
Carolyn Stone, Assistant Town Manager
Paul Brazil, Director of Public Works
Shore Protection Board

SHORE PROTECTION BOARD

Sec. 2-636. Shore protection board created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

- (a) *Generally.* A board of the town to be known as the "Shore Protection Board" is hereby created; such board to be composed of seven members to be appointed by the town council. Two of such board members shall hold office from the date of their appointment for a period of one year; two of such board members shall hold office from the date of their appointment for a period of two years and three of such board members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the shore protection board shall hold office for three year terms. Any member who has served two full three year terms shall no longer be eligible for reappointment, however, a member may be reappointed by town council upon the expiration of one full year subsequent to their terms having expired. This provision shall not be applicable to those members subject to reappointment in 2017 who, upon reappointment, may serve one additional three year term. Members of the board shall be residents of the town. If a vacancy shall occur other than by the expiration of a term, it may be filled by the town council for the unexpired term.
- (b) *Removal provisions.* All members of the shore protection board serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence 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 town manager's office in writing of the board member's intended absence at least seven 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 unexecuted. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board 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.
- (c) *Frequency of meetings.* The board shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the chairman or at the direction of the town council.
- (d) *Officers, rules of procedure.* The shore protection board shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings. Four voting members of the board shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the board shall be necessary for it to take action.
- (e) *Advisory capacity.* The shore protection board shall act in an advisory capacity to the town council and shall make recommendations to the town council on all matters relating to shore protection in the town including, but not limited to, issues relating to beach nourishment, coastal armoring, the sand transfer plant and matters relating to the town's Lake Worth Lagoon shoreline. In addressing these matters, the scope of the shore protection board's duties shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

(Ord. No. 1-08, § 1, 6-10-08; Ord. No. 16-2011, § 4, 9-13-11; Ord. No. 17-2014, § 1, 11-13-14; Ord. No. 06-2017, § 1, 2-14-17; Ord. No. 2-2018, § 1, 3-20-18; Ord. No. 03-2021, § 1, 2-9-21)

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Regular Agenda - New Business

Agenda Title

Review of Chapter 106, Article VII - Special Events on Public Property

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated December 3, 2021, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **2021 Special Event Permit Application**
- ▣ **Section 106-256 of the Town Code - Special Events on Public Property**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Review of Chapter 106, Article VII – Special Events on Public Property

Date: December 3, 2021

STAFF RECOMMENDATION

Staff recommends that Town Council review the information below, pertaining to special events on public property, and provide direction to staff regarding potential changes to Chapter 106, Article VII.

GENERAL INFORMATION

Over the year, Council has amended Chapter 106, Article VII numerous times to ensure that special event permits for organized activities on public property are properly screened for approval, managed, and limited, so that said events cause minimal adverse impacts to the community. Attached to this memo are the relevant sections of the Town Code that set forth the permitting regulations for special events on public property, as well as the current special events application.

The reason this item has been brought to the Mayor and Town Council for discussion is due to staff concerns with the potential proliferation of organized special event usage of parks and other public spaces that may begin causing adverse impacts to the community. We have concerns that increased events will cause quicker wear and tear on our public spaces, create traffic challenges with larger events, and expose the Town to additional liability. With that said, staff is seeking Council's input on potential changes to the code that would further restrict the use of public spaces for permitted special events and possibly prohibit the use of certain parks for events altogether unless it is a Town event.

The recent improvements to Memorial Park/Fountain, Bradley Park, and Lake Drive Park have captured the interest of on-island and off-island groups and individuals desiring to use these spaces for events, including but not limited to, fundraisers, birthdays, weddings, celebrations, etc. Staff feels it is prudent to explore the ability to limit permit-related usage of public properties to on-island organizations and residents only, with passive and normal use of public spaces remaining open to anyone regardless of residency. We currently limit the use of the Mandel Recreation Center to residents only and other communities do the same for public facilities. Other potential changes could limit the number of permits granted in a year, as well as the implementation of usage fees for residents and larger security deposits.

If Council agrees that changes to the code are prudent for the reasons outlined above, staff will work with the Town Attorney and return to a future Council meeting with proposed changes.

Attachment

cc: Department Directors
John Randolph, Town Attorney



TOWN OF PALM BEACH

Office of the Town Clerk

**NON-REFUNDABLE
APPLICATION FEE
\$300.00**

APPLICATION FOR SPECIAL EVENT PERMIT

Application is due to the Town Clerk's Office no less than 45 days and no more than 9 months for Palm Beach residents and 7 months for non-residents, prior to event date.

APPLICANT INFORMATION		
Name:		
Address:	E-mail:	
Phone Number:	Cell #:	

ORGANIZATION INFORMATION		
Name:		
Address:	E-mail:	
Phone Number:	Cell #:	
*501(c)3 #:		
*Will any fundraising be taking place during this event? Y/N		*If yes, a separate Charitable Solicitation Permit will be required.

CONTACT INFORMATION		
Name:		
Address:	E-mail:	
Phone Number:	Cell #:	

APPLICATION FOR SPECIAL EVENT PERMIT

EVENT INFORMATION			
Name:			
Address/ Location:			
Day and Date			
Start and End Time			
Note: 5 hour time limit including set- up and clean-up			
Purpose:			
Provide a detailed description of activities – include maps, pictures, and illustrations. Note: No amplified music.			
Approximate number of participants:		Approximate number of spectators:	

TRAFFIC/PARKING INFORMATION
Will support facilities or services such as traffic control and crowd control be needed? If yes, please specify:
List the different forms of transportation to be used by participants:
Where will event attendees park? (Note: Royal Poinciana Plaza parking is not permitted.)
Provide a reasonable estimate of parking volume generated by the event and the type of parking that will be used:
Note: Temporary valet services require a separate permit unless the location of the special event possesses a current Town annual valet parking services permit. Failure to secure a temporary valet services permit may result in a fine and or shut down of the non-permitted valet services (www.townofpalmbeach.com) (On the Home page, click on “Doing Business”, then go to “Permits and Licenses”).

APPLICATION FOR SPECIAL EVENT PERMIT

STRUCTURE/TENT INFORMATION

Will a temporary structure/tent be used? If yes, provide the size (a separate permit is required in the Planning, Zoning and Building Department for tents/stages):

INSURANCE INFORMATION

Name of
Applicant's
Insurance Company:

Address:

Phone #:

Please attach a Certificate of Insurance naming the Town of Palm Beach as an additional insured under your General Liability policy with limits not less than \$1,000,000.00 per occurrence or an amount higher based upon the particular special event proposed. There shall also be a 30-day notice of cancellation. **Confirm that the event name, location, and date is added in the Description of Operations box at the bottom of the proof of insurance form. Y / N**

CLEANUP INFORMATION

Outline provisions for immediate cleanup after Special Event:

CHECKLIST

Before you sign and date your special event application, please make sure that the following steps have been completed:

- ☐ Complete all the necessary information
- ☐ Pay application fee \$300
- ☐ Attach a site plan
- ☐ Attach a Certificate of Insurance
- ☐ Set up a pre and post inspection meeting with Public Works Staff and Police (if applicable)
- ☐ For events that require tents – please fill out a tent permit application (separate)

APPLICATION FOR SPECIAL EVENT PERMIT

PAYMENT INFORMATION

An application fee of \$300 is due upon the time of submittal if the application is received at least 45 days in advance. A fee of \$100 will be assessed in the event of a late application.

Any individual or organization that holds an event on Town of Palm Beach property that does not abide by the authorized use, rules and regulations, or that causes additional costs to the Town may lose all or a portion of their damage deposit. **Damage deposit and the applicable usage fees are due upon receipt of the permit. Payments may be made by cash, credit card or by check made payable to the Town of Palm Beach. (see fee table below).**

For office use only:

Date application fee payment received:		Cash	Check No.	Credit Card
Date damage deposit and non-resident usage fee received:		Cash	Check No.	Credit Card

Fee Table for Special Events

Location	Non-Refundable Application Fee	Refundable Damage Deposit	Non-Resident Usage Fee
Bradley Park	\$300	50 people or less: \$400 51-100: \$1,000 Over 100: \$2,000	50 people or less: \$100/hr 51-100: \$250/hr Over 100: \$400/hr
Lake Drive Park	\$300	50 people or less: \$200 51-100: \$400 Over 100: \$1,000	50 people or less: \$100/hr 51-100: \$250/hr Over 100: \$400/hr
Phipps South Ocean Park	\$300	50 people or less: \$200 51-100: \$400 Over 100: \$1,000	50 people or less: \$100/hr 51-100: \$250/hr Over 100: \$400/hr
Phipps South Ocean Park (Chickee Hut Only)	\$300	\$150	\$100/hr
Public Beaches	\$250	\$150	\$0
All Other Public Spaces	\$250	\$150	\$0
Memorial Park	This park is no longer available for special events.		

REGULATIONS

The following regulations apply to all Special Events held within the Town as per the attached Section 106.257 of the Town Code of Ordinances:

1. **There shall be no more than one Special Event held at the location requested on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day.**
2. **The maximum total duration of each Special Event including the set-up and clean-up thereof shall be five hours.**
3. **Any signs, props, or displays used in conjunction with the Special Event must be removed immediately after the time permitted for the Special Event has expired.**
4. **The use of banners, flags (other than flags of official governmental bodies), streamers, balloons, or any similar devices, in connection with the event, shall be prohibited.**
5. **The use of decorated vehicles and trailers in connection with the event is prohibited.**
6. **The granting of a Special Event Permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the Town shall be empowered to apportion such streets and intersections for simultaneous use by Special Event participants and vehicular and pedestrian traffic.**
7. **The concentration of persons and/or vehicles at the Special Event will not interfere unduly with proper fire and police protection of, or ambulance service to areas contiguous to the assembly area or other areas of Town.**
8. **There are sufficient parking places near the site of the Special Event to accommodate the approximate number of automobiles reasonably expected to be driven to the Special Event.**
9. **The event is not otherwise in violation of ordinances or regulations of the Town, state, or federal law.**

APPLICANT AGREEMENT

The applicant from page 1 by endorsement, agrees to the following statement:

I have read the provisions of the Town Code of Ordinances relating to the regulation of Special Events on public property and agree to abide by all provisions set forth therein including the requirement that the Special Event chairperson or other person heading or leading such Special Event shall carry the Special Event Permit upon his/her person during the conduct of the Special Event and shall present at the Special Event.

Any person determined to be in violation of the provisions of the Town Code regulating Special Events on public property, not relating to revocation of the permit, where such a violation also constitutes violation of any law or regulation of the State, such violation shall be punished in the same manner and with the same limits as is provided by law or regulation, it shall be punished by a fine of not more than \$500.00 or a term of imprisonment not in excess of 60 days, or both such fine and imprisonment, in discretion of the court.

WITNESS:

Signature of Applicant

Signature

Print Name

Print Name

ARTICLE VII. SPECIAL EVENTS ON PUBLIC PROPERTY

DIVISION 1. GENERALLY

Sec. 106-256. Definitions.

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

Special event means any meeting, activity, walk/run, or gathering of a group of persons having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public place or building, which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area or building, which results in preempted use by the general public or which deviates from the established use. Nothing in this article shall preclude the use of such areas by the town for governmental purposes.

(Code 1982, § 10-432; Ord. No. 06-2020 , § 1, 4-15-20)

Cross reference(s)—Definitions generally, § 1-2; permitted uses and structures, § 134-1472.

Sec. 106-257. Regulations relating to special event.

The following regulations shall apply to all special events held within the town:

- (1) There shall be held at the location requested no more than one special event on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day. The town reserves the right to limit use of public spaces at any time to prevent overuse and/or adverse impacts to adjacent neighborhoods.
- (2) The maximum total duration of each special event and the assembly thereof shall be five hours.
- (3) Any signs, props or displays used in conjunction with the special event must be removed immediately after the time permitted for the special event has expired.
- (4) The use of banners, flags (other than flags of official governmental bodies), streamers, balloons or any similar devices, in connection with the event, shall be prohibited.
- (5) The use of decorated vehicles and trailers in connection with the event is prohibited.
- (6) The granting of a special event permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the town shall be empowered to apportion such streets and intersections for simultaneous use by special event participants and vehicular and pedestrian traffic.
- (7) The concentration of persons and/or vehicles at the special event will not interfere unduly with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly area or other areas of the town.
- (8) There are sufficient parking places near to the site of the special event to accommodate the approximate number of automobiles reasonably expected to be driven to the special event.

-
- (9) The event is not otherwise in violation of ordinances or regulations of the town or the state or of federal law.

(Code 1982, § 10-435; Ord. No. 12-2018 , § 1, 7-10-18)

Sec. 106-258. Penalties.

Any person determined to be in violation of the provisions of this article, not relating to revocation of the permit, shall be subject to section 1-14.

(Code 1982, § 10-442)

Secs. 106-259—106-280. Reserved.

DIVISION 2. PERMIT

Sec. 106-281. Required.

No person shall engage in, participate in, aid, form or start any special event unless a special event permit shall have first been obtained from the town manager or his/her designee. No permit shall be required for special events officially sponsored by the town government and approved by the town council, nor shall the regulations set forth in this division 2 apply to such special events.

(Code 1982, § 10-433; Ord. No. 29-10, § 2, 9-29-10; Ord. No. 12-2018 , § 2, 7-10-18)

Sec. 106-282. Application.

- (a) *Required.* A person seeking issuance of a special event permit shall file an application with the town clerk's office on forms provided by the town.
- (b) *Filing.* A completed application for a special event permit, providing all information required herein, shall be filed with the town clerk's office not less than 45 days (or a shorter period of time as deemed appropriate at the discretion of the town manager) and not more than nine months for residents and seven months for non-residents before the date on which it is proposed to conduct the special event.
- (c) *Contents.* The application for a special event permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking to conduct such a special event.
 - (2) The purpose of the special event.
 - (3) If the special event 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.
 - (4) The date on which the special event is to be conducted.
 - (5) The exact hours the special event is to be conducted.
 - (6) The name or type of event.
 - (7) The exact location of the event.
 - (8) The approximate number of participants and spectators.

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(Supp. No. 25, Update 1)

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- (9) A detailed description of the activity or activities, including whether or not the event requires support facilities such as traffic control, parking volume, crowd control.
 - (10) The name of the applicant's insurance company for the event and proof of insurance. The town shall be named as additional insured on a policy of liability insurance in an amount not less than \$1,000,000.00. The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular special event proposed by the applicant. If the special event applicant maintains higher limits than the minimums shown below, the town requires and shall be entitled to coverage for the higher limits maintained by the applicant.
 - (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 special event (i.e., special event chair).
 - (13) Provisions for cleanup after conclusion of the special event. The applicant shall be responsible for costs of complete and immediate cleanup.
- (d) *Fees.* The following fees in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time:
- a. An administrative processing fee;
 - b. A refundable damage deposit, if applicable;
 - c. A usage fee prepaid for the hours requested to hold the proposed special event, if applicable.
- (Code 1982, § 10-434; Ord. No. 2-2013, § 1, 6-11-13; Ord. No. 12-2018 , § 3, 7-10-18)

Sec. 106-283. Standards for issuance.

The town manager shall issue a special event permit, when from consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

- (1) No other applicant has obtained a permit for the date requested.
- (2) The special event applicant has agreed in writing to abide by all provisions set forth in this article.
- (3) All required information is set forth in the application and is in accordance with all provisions set forth in this article.
- (4) The concentration of persons and vehicles at assembly points of the special event will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.
- (5) The conduct of such special event 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.
- (6) The special event is not being held for the purpose of advertising any product, goods or event, and shall not be held for private profit or fund raising, unless the applicant is a 501(c)3 non-profit, in which a charitable solicitation permit would also be required.
- (7) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the special event.
- (8) The conduct of the special event will not result in damage to town-owned property or constitute a hazard to the safety of other persons within the immediate vicinity of the event.

-
- (9) No event is scheduled elsewhere in the town where the town's resources required for that event are so great that the deployment of resources for the proposed assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.
 - (10) An original certificate of insurance was supplied to the town naming the town as additional insured on a policy of liability insurance in an amount not less than \$1,000,000.00 or an amount higher based upon the particular special event proposed.

Applications for the use of Phipps Plaza Park shall receive town council approval prior to the issuance of a special events permit. Said requirement shall automatically expire after three years from the adoption of Ordinance 29-2019.

Applications for special events that involve leaving the primary event location (public or private properties) to utilize public sidewalks, streets and/or bike paths shall receive town council approval prior to the issuance of a special event permit and shall be subject to section 106-288.1.

(Code 1982, § 10-436; Ord. No. 12-2018 , § 4, 7-10-18; Ord. No. 29-2019 , § 1, 8-14-19; Ord. No. 30-2019 , § 1, 8-14-19; Ord. No. 06-2020 , § 2, 4-15-20)

Sec. 106-284. Notice of approval or denial.

The town manager shall act upon an application for a special event permit within 20 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 manager denies an application, a written notice stating the reasons for denial shall be sent to the applicant by certified mail and made available by the town for inspection within the 20-day period specified above.

(Code 1982, § 10-437; Ord. No. 12-2018 , § 5, 7-10-18)

Sec. 106-285. Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a special event permit to the town council. The appeal shall be submitted in writing 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.

(Code 1982, § 10-438; Ord. No. 12-2018 , § 6, 7-10-18)

Sec. 106-286. 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.

(Code 1982, § 10-439)

Sec. 106-287. Possession.

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

(Code 1982, § 10-440)

Sec. 106-288. Revocation.

The town manager or his designee shall have the authority to revoke a special event permit issued under this division upon violation of the provisions applicable to special event permittees. If a special event is held 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.

(Code 1982, § 10-441)

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Amend Chapter 66 of the Town Code, Regarding Artificial Turf

ORDINANCE NO. 23-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Natural Resource Protection, Article I, in General, Section 66-2, Definitions, and Article IV, Vegetation, Division 5, Regulations, by Adding Sections 66-313, Artificial Turf Locations and 66-314, Artificial Turf Standards; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter

Wayne Bergman, Director of Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum Dated November 19, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Ordinance No. 23-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building 

Re: Changes to Chapter 66 of the Town Code Regarding Artificial Turf – Ord. No. 23-2021, Second Reading

Date: November 19, 2021

GENERAL INFORMATION

At the July 1, 2021 ORS meeting, committee members and staff engaged in a robust discussion regarding the potential regulation of artificial turf within the Town. After much discussion at the July 1 meeting, the committee directed staff to prepare language for inclusion in Chapter 66 of the Town Code of Ordinances. Staff drafted language to address the definition of artificial turf, allowed locations, the formal review and approval process, and some simple installation standards.

The ORS Committee, at their meeting on September 2, 2021, reviewed this language. The ORS Committee requested that two more sections (penalty / fines and existing turf) be added to the draft language, along with an addition to the proposed standards to deal with lead content of the turf. In addition, the ORS Committee requested that staff prepare a policy of recommended best practices for the selection of artificial turf that could be provided to the members of Arcom and Landmarks. The Town Council, at their September 14, 2021 regular meeting, reviewed the draft language. The Council suggested a minor change in the proposed definition of artificial turf and they requested the removal of all proposed language dealing with existing turf. Staff re-drafted the ordinance to include these changes. The draft ordinance was reviewed by Skip Randolph for form and legal sufficiency.

Ordinance No. 23-2021 was approved on First Reading at your October 12, 2021 meeting. However, at the November 9, 2021 Town Council meeting, the proposed section 66-313, Artificial Turf Locations, was amended for clarity, and approved unanimously as amended. Although the ordinance title and substance of the ordinance remained the same, the Town Council cautiously requested an additional reading. It is now ready for adoption on Second Reading at your December 14, 2021 meeting.

cc: Jay Boodheshwar, Deputy Town Manager
James Murphy, Assistant Planning, Zoning and Building Director
John Randolph, Town Attorney

ORDINANCE NO. 23-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 66 NATURAL RESOURCE PROTECTION, ARTICLE I, IN GENERAL, SECTION 66-2, DEFINITIONS, AND ARTICLE IV, VEGETATION, DIVISION 5, REGULATIONS, BY ADDING SECTIONS 66-313, ARTIFICIAL TURF LOCATIONS AND 66-314, ARTIFICIAL TURF STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 66, Natural Resource Protection, Article I, In General, Section 66-2, Definitions, is hereby amended by adding the definition of Artificial Turf, to read as follows:

“Sec. 66-2. – Artificial Turf - Definitions.

[Add] Artificial Turf – A product manufactured from synthetic materials that simulates the appearance of natural turf, grass, sod or lawn.

Section 2. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 5, Regulations, is amended by adding Section 66-313, Artificial Turf – Locations, and Section 66-314, Artificial Turf - Standards, to read as follows:

[New] Sec. 66-313. – Artificial Turf - Locations.

In all zoning districts, artificial turf shall be reviewed and may be approved in accordance with the ARCOM Project Designation Manual, or Project Designation Guide for Landmarked and Historically Significant Building properties, and may be installed in limited areas of rear and side yards, or as a driveway accent in any yard, example to include strips of artificial turf placed between stone or concrete driveway pads. Artificial turf shall not be installed in any front yard areas, except as a driveway accent, or in any areas visible from the public right-of-way (regardless of whether it is in the rear or side yard). No artificial turf shall be installed in the public right-of-way.

[New] Sec. 66-314. – Artificial Turf - Standards.

All artificial turf shall comply with the following minimum standards:

- A. Artificial turf installation shall be approved by either the Architectural Review Commission or the Landmarks Preservation Commission (depending upon the property designation) and all artificial turf installation requires a building permit.*
- B. Artificial turf is calculated as impervious surface and shall not count towards landscape open space.*

C. Artificial turf material shall be lead-free.”

Section 3. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of November, 2021, and for second and final reading on this 14th day of December, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Amend Section 42-199 of the Town Code, Regarding Construction Hours

ORDINANCE NO. 26-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise, Section 42-199, Hours For Construction Work at Subsection (b) Limited, to Provide Additional Limitations on Dates and Hours of Construction; Providing for Quiet Work and Limitations to Indoor Activity; and at Subsection (c) Exceptions to Modify Subsection (4); Providing For Severability; Providing For Repeal of Ordinances in Conflict; Providing For Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Ordinance No. 26-2021**

ORDINANCE NO. 26-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 42 OF THE TOWN CODE OF ORDINANCES AT ARTICLE V. NOISE, SECTION 42-199, HOURS FOR CONSTRUCTION WORK AT SUBSECTION (b) LIMITED, TO PROVIDE ADDITIONAL LIMITATIONS ON DATES AND HOURS OF CONSTRUCTION; PROVIDING FOR QUIET WORK AND LIMITATIONS TO INDOOR ACTIVITY; AND AT SUBSECTION (c) EXCEPTIONS TO MODIFY SUBSECTION (4); 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 AS FOLLOWS:

Section 1. Chapter 42 of the Town Code of Ordinances is hereby amended at Article V, Section 42-199 to read as follows:

Sec. 42-199. Hours for construction work.

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

Construction work means work of a physical nature requiring a permit in accordance with the provisions of this Code and/or violates the conditions of section 42-198 and/or violates the conditions of this section, and/or causes excessive noise as defined by section 42-228.

(b) *Limited.* Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other **outdoor** construction-related **and lawn maintenance** noise be permitted before 9:00 a.m. **Beginning on May 1 until the Monday preceding Thanksgiving,** ~~At all other times such~~ work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after

Thanksgiving, when all construction work is restricted or prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9:00 a.m. Construction work is permissible on Saturdays from May 1 through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature ~~during which all of the noise and machinery prohibitions identified in section 42 –198 are applicable and limited to indoor activity, with the exception of quiet lawn maintenance work and tree trimming~~; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restrictions due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending October 31, except Sundays and legal holidays, when all construction work is prohibited. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30 a.m. and are restricted from conducting any kind of site activity prior to 8:00 a.m. during the weekdays. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 8:30 a.m. and are restricted from conducting any kind of site activity prior to 9:00 a.m. on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.

(c) *Exceptions.*

- (1) It shall be within the discretion of the town council when in its opinion the operation of any of the prohibited machinery or appliances mentioned in subsection 42-198(a) shall not be overly offensive to the residents or inhabitants of the town in the vicinity of the equipment's operation to grant an exception to this section.
- (2) The operation of equipment relating to essential services of the town and equipment operating during emergency conditions shall be exempted from subsection (a).
- (3) At the discretion of the director of planning, zoning and building, or his representative, emergency work for non-town related essential services may be authorized at any time during the year.
- (4) Interior work not resulting in noise tending to disturb people in the vicinity thereof, shall be allowed during the hours of 9:00 a.m. and 5:00 p.m. on Saturdays during the period commencing on the Monday preceding Thanksgiving and ending on April 30, for multi-family properties, south of Sloan's Curve which are not located on Ibis Isle, that have an association board that approves of Saturday work hours, and a

copy of a letter indicating the Saturday work hours have been approved by the association board is on record with the Town.

- (5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.

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 part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date

This Ordinance **shall take effect on January 31, 2022**, after its passage and approval, as provided by law.

PASSED AND ADOPTE in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of November, 2021, second reading and final adoption on this 14th day of December, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Ordinances - First Reading

Agenda Title

Proposed Ordinance to Amend Chapter 18 of the Town Code and the Public Works Right of Way Manual to Include Certain Construction Site Violations as “Strikes” Under the “Three Strike Program”

ORDINANCE NO. 28-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings and Building Regulations, by Creating Article VII. - Construction Site Management, and by Adding Sections 18-309 and 18-310; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ❑ **Memorandum Dated November 22, 2021 from Wayne Bergman, Director of Planning, Zoning and Building**
- ❑ **Ordinance No. 28-2021**
- ❑ **Additional Backup**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Proposed Changes to Chapter 18 and the Public Works Right of Way Manual to Include Certain Construction Site Violations as “Strikes” Under the “Three Strike Program” – Ordinance No. 28-2021 and Resolution No. 150-2021

Date: November 22, 2021

GENERAL INFORMATION

Chief Nicholas Caristo recently raised the idea of creating “strikes” under the “Three Strikes” program for certain construction site violations. These violations, such as noise, work hours, or mandatory construction screening violations, would be considered a strike, similar to right of way parking violations. Once a construction project receives three strikes, PZB issues a stop work order for the job and only the Town Council can re-activate the work.

PZB finds this to be an excellent way of forcing contractors to play by the Town’s rules. Many contractors do not fear a fine of \$250 or even \$500 for violations, or they do not fear a lengthy Code Enforcement process, which at the end of many months may result in only the payment of fines. But to actually receive three strikes and have the project shut down is something we believe that they will prevent.

The existing construction parking three strikes program is proposed to be expanded by including violations for many of the violations that occur due to poor construction site management. Staff has proposed a resolution to amend the Public Works Right of Way Manual at Chapter XII, Miscellaneous Provisions; and an ordinance to add an Article to Chapter 18, Buildings and Building Regulations. Between these two documents, the ability to declare additional strikes becomes reality.

This concept was reviewed with Police Chief Caristo and with Public Works Director Paul Brazil. They are supportive of the effort. The draft documents were also reviewed by Skip Randolph for form, content, and legal sufficiency.

The program is ready for your consideration, and if acceptable, Ord. No. 28-2021 is ready for First Reading of the ordinance.

cc: Jay Boodheshwar, Deputy Town Manager
James Murphy, Assistant Planning, Zoning and Building Director
John Randolph, Town Attorney
Chief Nicholas Caristo
Paul Brazil, Director of Public Works

ORDINANCE NO. 28-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, BY CREATING ARTICLE VII. - CONSTRUCTION SITE MANAGEMENT, AND BY ADDING SECTIONS 18-309 AND 18-310; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 18, Buildings and Building Regulations, at Article VII, by creating Article VII. - Construction Site Management, and by adding Sections 309 and 310, to read as follows:

“ARTICLE VII. – CONSTRUCTION SITE MANAGEMENT

Sec. 18-309. – Maintenance of construction sites.

Property owners and their contractors shall be responsible for the implementation, installation, and maintenance of all required demolition and construction screening, perimeter landscaping and screening, on-job toilet facilities, truck logistics and staging, and other required site matters required by this chapter (see Sections 18-2, 18-3, 18-86, 18-111, and 18-201).

Any Town-documented lack of required item(s) or lack of maintenance of the item(s) shall be a violation of this chapter and each violation will constitute one strike under the “3 Strike Rule”, which is detailed in the Town Right of Way Manual, Chapter XII, Miscellaneous Provisions, Construction Parking & Construction Site Management. Compliance with the Town Right of Way Manual is mandated by Section 18-111.

Sec. 18-310. – Noise and Construction hours.

Property owners and their contractors shall be responsible for complying with the noise regulations and hours for construction work, contained in Chapter 42, Environment, Sections 42-197 through 42-199.

Each Town-documented violation of these sections will constitute one strike under the “3 Strike Rule”, which is detailed in the Town Right of Way Manual, Chapter XII, Miscellaneous Provisions, Construction Parking & Construction Site Management. Compliance with the Town Right of Way Manual is mandated by Section 18-111.”

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, Florida.

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 ____ day of _____, 2021, and for second and final reading on this ____ day of _____, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

RESOLUTION NO. 150-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION STANDARD APPLICABLE TO PUBLIC RIGHTS OF WAY AND EASEMENTS, BY CHANGING THE TITLE AND AMENDING CHAPTER XII, MISCELLANEOUS PROVISIONS, CONSTRUCTION PARKING

WHEREAS, the Town Council has adopted the Department of Public Works, Engineering Division Standards Applicable to Public Rights of Way and Easements (aka "Right of Way Manual") by Ordinance 11-94 on July 12, 1994; and

WHEREAS, the Right of Way Manual is reviewed from time to time and may be modified by Resolution of the Town Council; and

WHEREAS, the Town has determined that the section regarding "Construction Parking", found in the Right of Way Manual, Chapter XII, Miscellaneous Provisions, shall be titled "Construction Parking and Construction Site Management"; and

WHEREAS, the Town has determined that certain construction site violations should be added to the Right of Way Manual at Chapter XII, Miscellaneous Provisions, Construction Parking and Construction Site Management.

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

Section 1. The Right of Way Manual is hereby amended at Chapter XII, Miscellaneous Provisions, Construction Parking, as provided on Exhibit "A", attached.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this _____ day of _____, 2021.

Danielle H. Moore, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

EXHIBIT "A"

Town Public Works Right of Way Manual

Chapter XII, Miscellaneous Provisions

Construction Parking & Construction Site Management

Construction parking on public streets and construction site management shall be controlled in order to protect the public's health, safety and welfare. The rules and procedures outlined below are commonly referred to as the Town's "3-Strike Rule".

All vehicles belonging to personnel working on or visiting a construction site from the date of the issuance of a building permit, to the date of the issuance of the certificate of occupancy, shall be parked on the construction site at all times. If the site cannot accommodate such vehicles, then the contractor may initiate car and/or truck pooling, apply for up to, but not more than, three (3) right-of-way permits for parking construction vehicles on the street in front of the construction site or, utilize both options in order prevent unnecessary congestion adjacent to the construction site.

The following rules and procedures shall govern the 3-Strike Rule:

1. Owner/contractor may apply for up to, but not more than, three (3) right-of-way permits for the temporary parking of construction-related vehicles.
2. Contractor will be asked if right-of-way parking permits are anticipated at time of initial building permit application. If anticipated at that time, or any subsequent time, a parking plan must be provided on an application form as prescribed by the Town, at a legible scale, as determined by the Town which clearly illustrates the entire construction site.
3. Applications must include a notarized signature from the property owner acknowledging understanding of the 3-strike rule in its entirety. A notarized power of attorney signature will be accepted by the Town, provided it specifies that the owner has been personally informed of the entire 3-strike rule.
4. The Public Works Department will review all such applications upon payment of the following fee(s) (see Appendix C). Public Works shall determine whether or not to approve the application, and if approved, whether 1, 2, or 3 right-of-way permits are issued.
5. The contractor must apply for a permit(s) from Public Works within seventy-two (72) hours in advance of the short-term use of the public right-of-way. Only extreme extenuating circumstances will be considered otherwise.
6. As a condition of approval, contractor is required to provide the Town with tag numbers of all vehicles authorized by the contractor to work at the site and is responsible for updating for any reason that may cause a change in the tag number list for a job site. The Director of Public Works or the Director's designees, which may include code enforcement officers, parking enforcement officers, and police officers, are authorized to enforce all "3-strike rule" provisions and to issue citations for violations of these provisions. Parking permit must be displayed on the dashboard of the vehicle. Failure to comply will result in a strike.
7. Owner/contractor must designate a private employee to act as a traffic monitor at each site to enforce Town rules when on-street construction parking is allowed. The traffic monitor must be present whenever work is occurring. Failure to do so constitutes a strike.

8. If the Town finds that there is no dedicated traffic monitor at a construction site, all right-of-way permits shall be immediately revoked and one (1) strike will be assessed.
9. When car or truck pooling is utilized, no substitute on-street parking spaces in the Town can be utilized for said purpose. Failure to comply will result in a strike.
10. Worth Avenue right-of-way permits shall be limited to two (2) vehicles for purposes of loading or unloading and for essential construction activities. Parking of construction vehicles that are not actively involved in the loading and unloading process will not be permitted. Failure to comply will result in a strike.
11. Only original Town-issued permits are valid. Permits may be transferred between vehicles but are valid only for the construction site for which they are issued. Failure to comply will result in a strike.
12. Copying, forging or duplication of a right-of-way permit is prohibited. All right-of-way permits will be immediately revoked if the Town determines that duplication or abuse has occurred.
13. Additional permits may be issued for the three (3) week period prior to the estimated date of issuance of the certificate of occupancy in the event said vehicles cannot be accommodated on site. The number of permits granted shall be determined by the Director of Public Works, or his designee.
14. Property owners and their contractors shall be responsible for the implementation, installation, and maintenance of all required demolition and construction screening, perimeter landscaping, screening of on-job toilet facilities, following the truck logistics and staging plan, and any and all site conditions required by Chapter 18, Buildings and Building Regulations, including Sections 18-2 (Landscaping; maintenance where used for screening), 18-3 (On-job toilet facilities, required), 18-86 (Construction staging and truck logistics plan), 18-111 (Compliance with the Town's right of way manual), and 18-201 (Construction screening). Any Town-documented lack of the required item(s) or lack of maintenance of the item(s) will constitute one (1) strike, and the Town will concurrently prosecute the violation(s) through the Code Enforcement process.
15. Property owners and their contractors shall be responsible for compliance with the noise regulations and the hours for construction work, found in Chapter 42, Environment, Sections 42-197 through 42-199. Any Town-documented violation of these sections will constitute one (1) strike, and the Town will concurrently prosecute the violation(s) through the Code Enforcement process.
- ~~14.~~
- ~~15.~~16. Failure to comply with the aforementioned conditions may result in the suspension, fines, or in the case of repeat offenses, the cancellation of the violator's building permit.
- ~~16.~~17. Penalty for parking in the right-of-way in violation of this section shall be \$150 per day/per vehicle for the first offense, \$250 per day/per vehicle for the second offense, and \$500 thereafter.
- ~~17.~~18. Said penalty may be appealed in writing within seven (7) calendar days of the date of issuance to either the ~~Director of Public Safety~~Chief of Police or the ~~Director of~~ Public Works (dependent upon the Department issuing the ticket), who shall, thereafter, act on said appeal. If the appeal is upheld, then the 1st, 2nd, or 3rd strike, as applicable, shall be removed from the record. Construction may continue until the appeal has been acted upon.
- ~~18.~~19. When a 3rd strike has been issued, and if an appeal is denied or is not filed in timely fashion, the Planning, Zoning & Building Department shall issue a Stop Work Order halting all continued activity at the site.

~~19.20.~~ All requests to lift the stop work order must be decided by the Town Council, upon written application to the Planning, Zoning & Building Department, no less than seven (7) days prior to a regularly scheduled monthly Town Council (Development Review) meeting.

~~20.21.~~ The Town Council shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; and/or collect any unpaid penalties.

~~21.22.~~ If a Stop Work Order is lifted, no additional right-of-way permits for the duration of the work in question shall be issued unless specifically approved by the Town Council.

All vehicles belonging to personnel working on or visiting a construction site from the date of the issuance of the permit, to the date of the issuance of the certificate of occupancy, shall be parked on the construction site at all times. If the site is limited, then the contractor must initiate "car and/or truck pooling." A site plan may be required to illustrate that the site is being fully and efficiently used for construction material storage and parking. Additionally, contractor is required to provide to the Town the tag numbers of all vehicles authorized by the contractor to work at the site. The Director of Public Works or the Director's designees, which may include code enforcement officers, parking enforcement officers, and police officers, are authorized to enforce the provisions of this paragraph on construction parking and to issue citations for violations of these provisions.

All contractor's equipment shall be parked on the construction site. If the contractor cannot park his/her equipment on the site, or in the event all vehicles described herein cannot be parked on the site, a right-of-way permit will be required to park said equipment or vehicles in the public right-of-way. The contractor must apply for a permit or permits from the Public Works Director within seventy-two (72) hours in advance of the short-term use of the public right-of-way. (Only extreme extenuating circumstances will be considered.)

Parking permits will be issued for Worth Avenue for up to two (2) vehicles for purposes of loading or unloading and for essential construction activities. Parking of construction vehicles that are not actively involved in the loading and unloading process will not be permitted.

Parking permits for other areas in the Town will be issued for up to three (3) vehicles to park within the rights-of-way in the event it is determined that said vehicles cannot be accommodated on site. In addition, one permit shall be provided to the owner of the property. Only original permits are valid, no copies are allowed. Permits may be transferred between vehicles but are valid only for the construction site for which they are issued. Additional permits may be issued for the three (3) week period prior to the issuance of the Certificate of Occupancy in the event said vehicles cannot be accommodated on site. The number of permits granted shall be determined by the Director of Public Works.

Failure to comply with the aforementioned conditions may result in suspension, fines, or in the case of repeat offenses, the cancellation of the violator's building permit. Penalty for parking in the right-of-way in violation of this section shall be \$150 per day/per vehicle for the first offense, \$250 per day/per vehicle for the second, and \$500 thereafter. Said penalty may be appealed in writing within seven (7) calendar days of the date of issuance to the ~~Director of Public Safety~~ Chief of Police or the Director of Public Works (dependent upon the Department issuing the ticket), who shall act on said appeal. If the appeal is upheld,

then the 1st, 2nd, or 3rd strike, as applicable, shall be removed from the record. Construction may continue until the appeal has been acted upon.

Once a contractor has accumulated three (3) violations or “strikes” at a single site that have either exceeded the appeal period or the appeal(s) have been adjudicated in favor of the Town, as described in the Town Right of Way Manual, the Director of Planning, Building, and Zoning (PZ&B) shall have issued a “stop work” order as allowed in Section 18-204 of the Town Code.

If after issuing the stop work order and reviewing the case, the Director of PZ&B concludes there are no mitigating circumstances that caused the contractor to receive any of the three (3) strikes, the Director of PZ&B must forward the matter to the Town Council at their next available meeting should the contractor and/or the property owner request in writing that the Town Council give consideration to lifting the stop work order.

If after issuing the stop work order and reviewing the case, the Director of PZ&B is convinced that mitigating circumstances caused the contractor to receive any one of the 3 strikes, the Director of PZ&B may waive that strike causing the contractor to have 2 strikes, but only upon payment of a fine of \$250, plus payment of any outstanding right-of-way fines, accumulated interest, and subject to the Director of PZ&B being satisfied that there will be strict future compliance with the Town regulations and/or the Right-of-Way Manual by the contractor at the job site in question. Periodically, as often as determined appropriate by the Town Manager, the Director of PZ&B shall provide a report to the Town Manager delineating the mitigating circumstance(s) that gave cause for him or her to remove a strike incurred by a contractor under this section.

If there is another strike received by the contractor on the same job site that results in a total of 3 strikes at a given job site, the Chief of Police or the Director of Public Works (dependent upon the Department issuing the ticket) will notify the Director of PZ&B of the situation upon passage of the time allowed for appeal. The Director of PZ&B must suspend the work activity on the site via issuance of a “stop work” order as allowed in Section 18-204 of the Town Code, subject to reinstatement only by application of the building permit applicant to the Town Council at their next regularly scheduled meeting.

When the Town Council receives a written request to lift a stop work order the Town Council shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; collect the “3 strike” fine, plus payment of any outstanding right-of-way fines and accumulated interest, as referenced herein below and to prohibit the issuance of any additional right-of-way permits for the duration of the work in question.

The fine for a third (3rd) and each subsequent strike shall be \$500 plus payment of any outstanding right of-way fines and accumulated interest unless the Town Council chooses to invoke the use of a binding agreement memorializing a penalty structure to be paid to the Town for all future right-of-way violations in excess of three (3) to be paid in accordance with the terms and conditions of the binding agreement between the Town and the contractor and/or property owner. All fines and penalties shall be paid in full prior to issuance of a Certificate of Occupancy for the construction associated with the activity that generated the fines, penalties, and interest.

Before issuance of a building permit, a Power of Attorney or notarized owner's signature is required as the owner's acknowledgement of the "3 strike" rule.

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Ordinances - First Reading

Agenda Title

Proposed Ordinance to Amend Chapter 42 of the Town Code, Relative to Lawn Maintenance and Prohibited Acts

ORDINANCE NO. 29-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 42 of the Town Code of Ordinances at Article V. Noise at Section 42-197. Specific Acts Prohibited and at Section 42-230. Lawn Maintenance; Providing for Severability; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated December 3, 2021, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Ordinance No. 29-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Proposed Ordinance to Amend Chapter 42 of the Town Code, Relative to Lawn Maintenance and Prohibited Acts
Ordinance No. 29-2021

Date: December 3, 2021

STAFF RECOMMENDATION

Staff recommends that Town Council approve Ordinance No. 29-2021, amending Chapter 42 of the Town Code, relative to lawn maintenance and prohibited acts.

GENERAL INFORMATION

Over the course of multiple ORS Committee meetings, discussions took place regarding the existing regulations pertaining to lawn maintenance, as well as the impacts associated with proposed changes to section 42-199 via Ordinance 26-2021, which is scheduled for second and final reading at the December 14, 2021, Council meeting.

In addition to the forthcoming changes to the code, resulting from the approval of Ordinance 26-2021, the ORS Committee is also recommending changes to sections 42-197 (Specific Acts Prohibited) and 42-230 (Lawn Maintenance). The proposed changes are outlined below and incorporated in the attached ordinance.

Section 42-197

- (2) *Playing of radio, television, phonograph, similar device.* The playing of any radio, television, phonograph, compact disc player, tape player, musical instrument, or other sound-making device audible within any receiving dwelling, hotel or other type of residence between the hours of 12:00 midnight and ~~7:00~~ 9:00 a.m. or at any such time so that the sound created by such device violates the standards set forth in section 42-196.
- (7) *Yelling, shouting, similar noises.* Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 12:00 midnight and ~~7:00~~ 9:00 a.m., or at any time or place in a manner violating the standards set forth in section 42-196.

(12) *Gasoline powered leaf blowers.*

(a) Definition. Leaf blowers shall mean any air blowing machine that uses a concentrated stream of air to push, propel or blow dirt, dust, leaves, grass clippings, trimmings, cuttings, refuse or debris.

(b) The use of gasoline powered leaf blowers is prohibited on any property within the town ~~which is less than one acre in size~~. This prohibition shall be effective as of May 1, 2022~~October 1, 2017~~.

Section 42-230

- (a) Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199 and all gas or electric powered lawn maintenance equipment, including leaf blowers, shall be subject to the same restrictions as heavy equipment as described in said section.

TOWN ATTORNEY REVIEW

Ordinance No. 29-2021 was prepared by the Town Attorney and has been approved for legal form and sufficiency.

Attachment

cc: Department Directors
John Randolph, Town Attorney

Ordinance No. 29-2021

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AMENDING CHAPTER 42 OF THE TOWN CODE OF
ORDINANCES AT ARTICLE V. NOISE AT SECTION 42-197.
SPECIFIC ACTS PROHIBITED AND AT SECTION 42-230.
LAWN MAINTENANCE; PROVIDING FOR SEVERABILITY;
PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT
HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING
AN EFFECTIVE DATE**

Be It Ordained by the Town Council of the Town of Palm Beach as follows:

Section 1: Chapter 42 titled Environmental is hereby amended at Section 42-197, titled Specific Acts Prohibited and at Section 42-230 titled Lawn Maintenance to read as follows:

Sec. 42-197. Specific acts prohibited.

The following acts shall be unlawful whether or not such acts constitute a violation of section 42-196:

- (1) *Keeping of animals.* The keeping of any animal or bird that causes loud and raucous noise, or frequent noise audible within any receiving dwelling, hotel or other type of residence.
- (2) *Playing of radio, television, phonograph, similar device.* The playing of any radio, television, phonograph, compact disc player, tape player, musical instrument, or other sound-making device audible within any receiving dwelling, hotel or other type of residence between the hours of 12:00 midnight and 9:00 a.m. or at any such time so that the sound created by such device violates the standards set forth in section 42-196.
- (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting the playing, using or operating of any radio or television receiving sets, musical instrument, phonograph, compact disc player, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (4) *Noises near churches, schools.* The creation of any noise on any street or other public way adjacent to any church, school or institution of learning while the same is in session that unreasonably interferes with the workings of such institution.

- (5) *Loading and unloading operations.* The creation at any time of loud and raucous noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, crates or containers.
- (6) *Noises to attract attention.* The use of any drum, pan, pail, bell, horn, trumpet, loudspeaker or other instrument or sound-making device for the purpose of attracting attention to any performance, show, sale, display or merchandise.
- (7) *Yelling, shouting, similar noises.* Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 12:00 midnight and 9:00 a.m., or at any time or place in a manner violating the standards set forth in section 42-196.
- (8) *Blowers.* The operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (9) *Operation of car radios.* The operation of radios or other mechanical sound making devices or instruments in vehicles as hereby regulated and controlled by F.S. § 316.3045.
- (10) *Operation of sound making devices in public areas.* The operation of radios or tape players or other mechanical sound making devices or instruments in or upon a public street, highway, building, sidewalk, park, thoroughfare or other public area or located in or upon a public access area, such as a parking lot, etc., if such sound can be heard from more than 50 feet, measured in a straight line from its source.
- (11) *Commercial loading and unloading operations, certain times prohibited for locations in or adjacent to residentially zoned areas.* The commercial loading and unloading of any vehicle, or the opening, destruction and/or disposal of bales, crates, containers, or any other item for businesses located in or adjacent to residentially zoned areas, shall be prohibited between the hours of 8:00 p.m. and 8:00 a.m.
- (12) *Gasoline powered leaf blowers.*
 - (a) Definition. Leaf blowers shall mean any air blowing machine that uses a concentrated stream of air to push, propel or blow dirt, dust, leaves, grass clippings, trimmings, cuttings, refuse or debris.
 - (b) The use of gasoline powered leaf blowers is prohibited on any property within the town. This prohibition shall be effective as of May 1, 2022.

Sec. 42-230. Lawn maintenance.

- (a) Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199 and all gas or electric powered lawn maintenance equipment, including leaf blowers, shall be subject to the same restrictions as heavy equipment as described in said section.
- (b) Nothing in this section shall preclude the operation of lawn maintenance equipment by residents after 9:00 a.m. on Saturdays, Sundays or legal holidays, including the Friday immediately after Thanksgiving. Further, golf course maintenance equipment within the town is not restricted during the hours outlined herein: however, such golf course maintenance equipment shall not be used before 8:00 a.m. or after 5:30 p.m. on any day at locations within 300 feet of residential properties, except in the event of valid emergencies and once per month for purposes of chemical spraying or fertilizing. The sound level meter measurement shall be no greater than 75 dBA measured 50 feet from the point of operation of the equipment. The sound level meter measurement shall not be applicable to lawn maintenance equipment used on golf courses.
- (c) Lawn maintenance equipment includes but is not limited to lawn mowers, edgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines, and monofilament line grass trimmers.
- (d) Leaf blowers shall not exceed a decibel level of 65 dBA as measured at 50 feet from the point of operation. It shall be unlawful to blow, sweep or rake yard trash or clippings into the public street or storm drains.
- (e) There shall be no commencement of large scale landscape installation at any time on Saturdays.

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, 2021, and for second and final reading on this _____ day of _____, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Lewis S.W. Crampton, Town Council Member

ATTEST:

Pat Gayle Gordon
Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: December 14, 2021

Section of Agenda

Ordinances - First Reading

Agenda Title

Proposed Ordinance to Amend Chapter 74, Article V of the Town Code to Grant Beach Access to Root Trail Residents

ORDINANCE NO. 30-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Ordinance 21-2021 at Article V. - Beach Access Closure at Section 74-281. - Limited Closure of Access from Wells Road South to Sunset Avenue, to Include a New Subsection 2 Recognizing the Right of Root Trail Property Owners to have Continuous Access to the Beach Access Area located at Root Trail; Providing for Severability; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Codification; Providing an Effective Date.

Presenter

John C. Randolph, Town Attorney

ATTACHMENTS:

- ▣ **Memorandum Dated December 3, 2021, from John C. Randolph, Town Attorney**
- ▣ **Ordinance No. 30-2021**
- ▣ **Ordinance No. 21-2021**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 14, 2021

TO: Mayor and Town Council
VIA: Kirk Blouin, Town Manager
FROM: John C. Randolph, Town Attorney
DATE: December 3, 2021
RE: Ordinance No. 30-2021

RECOMMENDATION

It's recommended that the Town Council approve Ordinance No. 30-2021, amending Ordinance 21-2021 which restricts access to certain public beaches in the Town from sunset to sunrise so as to recognize the rights of the Root Trail property owners, thereby exempting Root Trail property owners from the restriction based upon their property rights established and recorded in Plat Book 1, Page 22 of the official records of Palm Beach County.

BACKGROUND INFORMATION

Ordinance 21-2021 was adopted so as to close beach access areas between Wells Road South to Sunset Avenue, including Wells Road, Dunbar Road, Root Trail and Sunset Avenue from sunset to sunrise the following day. Subsequent research has indicated that property owners on Root Trail have a deeded right of access. Therefore, the Town cannot close access to the beach to the Root Trail property owners. This ordinance exempts Root Trail property owners from this sunset to sunrise restriction based upon their deeded property rights set forth in Plat Book 1, Page 22 of the official records of Palm Beach County. Although the beach access at Root Trail will be gated from sunset to sunrise, Root Trail property owners shall be afforded access to the beach by way of a gate key or combination lock which will allow them, and only them, to access the beach during the restricted hours.

ORDINANCE NO. 30-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 21-2021 AT ARTICLE V. – BEACH ACCESS CLOSURE AT SECTION 74-281. – LIMITED CLOSURE OF ACCESS FROM WELLS ROAD SOUTH TO SUNSET AVENUE, TO INCLUDE A NEW SUBSECTION 2 RECOGNIZING THE RIGHT OF ROOT TRAIL PROPERTY OWNERS TO HAVE CONTINUOUS ACCESS TO THE BEACH ACCESS AREA LOCATED AT ROOT TRAIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, the property owners on Root Trail possess certain property rights to the beach access point at the end of Root Trail recorded in Plat Book 1, Page 22 of the official records of Palm Beach County;

NOW, THEREFORE, be it ordained as follows:

Section 1. Ordinance 21-2021 is hereby amended to read as follows:

Chapter 74 of the Town's code of ordinances is hereby amended at Article V, Beach Access Closure, to read as follows:

ARTICLE V.- BEACH ACCESS CLOSURE

Sec. 74-281. – Limited closure of access from Wells Road South to Sunset Avenue

1. The beach access areas between Wells Road south to Sunset Avenue, including Wells Road, Dunbar Road, Root Trail, and Sunset Avenue, shall be closed to the public each day from sunset to sunrise the following day.
2. Notwithstanding section 1 above, the beach access area located at Root Trail shall remain accessible at all times to Root Trail property owners possessing property rights established and recorded in Plat Book 1, Page 22 of the official records of Palm Beach County.
3. The Town Manager or the Town Manager's designee is authorized to post signs at said access points setting forth prohibitions set forth above.
4. Any persons found guilty of a violation of this Section by using such access points during the times of required closure shall be punished in accordance with the terms of Section 1-14 of this Code or, alternatively, pursuant to the provisions of Chapter 2, Article V, Code Enforcement.

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, 2021, and for second and final reading on this _____ day of _____, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle Gordon,
Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

ORDINANCE NO. 21-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 74 OF THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE V, BEACH ACCESS CLOSURE TO INCLUDE THE BEACH ACCESS POINT AT ROOT TRAIL AS PUBLIC; PROVIDING FOR CLOSURE FROM SUNSET TO SUNRISE DAILY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the street ends from Wells Road to Sunset Avenue which includes Wells Road, Dunbar Road, and Sunset Avenue, which provide access to the public beach are dedicated to the use of the public; and

WHEREAS, the beach access point at the end of Root Trail has also been dedicated for public use; and

WHEREAS, although the Town recognizes the right of the public to use said access points to the public beach, it has become necessary for the safety and protection of Town residents and the public to close said access points from sunset to sunrise daily; and

NOW, THEREFORE, be it ordained as follows:

Section 1. Chapter 74 of the Town's Code of ordinances titled Parks and Recreation is hereby amended at Article V titled Beach Access Closure to read as follows:

ARTICLE V. – BEACH ACCESS CLOSURE

Sec. 74-281. - Limited closure of access from Wells Road South to Sunset Avenue

1. The beach access areas between Wells Road south to Sunset Avenue, including Wells Road, Dunbar Road, Root Trail, and Sunset Avenue, shall be closed to the public each day from 9:30 P.M. to 5:30 A.M. sunset to sunrise the following day.
2. The Town Manager or the Town Manager's designee is authorized to post signs at said access points setting forth the prohibition set forth above.
3. Any person found guilty of a violation of this Section by using such access points during the times of required closure shall be punished in accordance with the terms of Section 1-14 of this Code

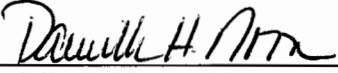
or, alternatively, pursuant to the provisions of Chapter 2, Article V, Code Enforcement.

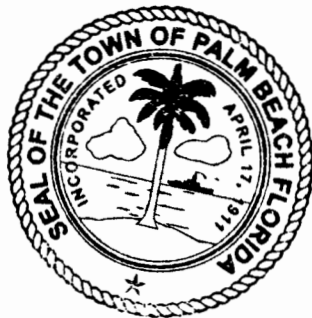
Section 2. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be codified as provided by law.

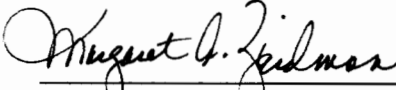
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 11th day of August 2021, and for second and final reading on this 14th day of September, 2021.

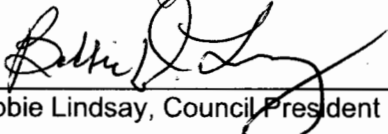

Danielle H. Moore, Mayor



ATTEST:

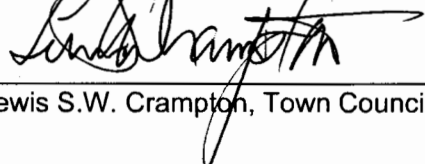

Queenester Nieves, CMC, Town Clerk


Margaret A. Zeidman, Town Council President


Bobbie Lindsay, Council President Pro Tem


Julie Araskog, Town Council Member


Edward A. Gooney, Town Council Member


Lewis S.W. Crampton, Town Council Member