

REVISED

1:34 pm, Dec 07, 2017

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

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

AGENDA

DECEMBER 12, 2017

9:30 AM

Town Council Meeting

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Richard M. Kleid, President
Danielle H. Moore, President Pro Tem
Julie Araskog
Bobbie Lindsay
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. RECOGNITIONS

- A.** Recognition in Remembrance of Lee David Goldstein for his service on the Shore Protection Board from December 2008 to October 2017.

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

- B.** Recognition of Gerald Frank for his service on the Shore Protection Board from December 2008 to November 2017.

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

V. PRESENTATIONS

- A.** Royal Poinciana Playhouse Update.
Alex Patterson, UpMarkets
- B.** Presentation by Applicants for the Shore Protection Board.
- C.** Presentation by Applicants for the Investment Advisory Committee.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

- 1. TOWN COUNCIL MEETING MINUTES:
Kathleen Dominguez, Town Clerk
 - a. November 14, 2017, Town Council Meeting Minutes Page 10
 - b. November 15, 2017, Development Review Town Council Meeting Minutes Page 29
- 2. Approval of major matters considered by the Architectural Commission at its meeting of November 29, 2017. Page 36
John S. Page, Director of Planning, Zoning and Building

B. RESOLUTIONS

- 1. RESOLUTION NO. 212-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of the First Amendment to the Homeless Resource Center Interlocal Agreement with Palm Beach County, Florida. Page 61
Kirk W. Blouin, Director of Public Safety
- 2. RESOLUTION NO. 213-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-01 and Approving a Construction Contract to Murray Logan, for the D-14 Pump Station Florida Power & Light Service Improvements, in the Amount of \$76,680 and Establishing a Construction Phase Budget of \$115,000. Page 86
H. Paul Brazil, P.E., Director of Public Works
- 3. RESOLUTION NO. 214-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Page 91

Purchase Order to Isuzu Truck of Ocala for the Purchase of Three (3) Isuzu Cab and Chassis with 6 Yard Packer Bodies in the Total Amount of \$281,429 on Florida Sheriff's Association Contract 17-Veh15.0, Specification 7, and Establishing an Overall Budget of \$290,000.

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

4. RESOLUTION NO. 215-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Advanced Disposal Services Solid Waste Southeast, Inc., for Bid No. 2014-05 Compacted Garbage Collection, in the Annual Amount of \$243,074.29 and Establishing a Budget of \$248,000. Page 105
H. Paul Brazil, P.E., Director of Public Works
5. RESOLUTION NO. 216-2017 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of \$73,100 for the G-9 and E-3 Wastewater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$82,000. Page 113
H. Paul Brazil, P.E., Director of Public Works
6. RESOLUTION NO. 217-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of \$107,626 for the A-4, and A-5 Wastewater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$119,000. Page 121
H. Paul Brazil, P.E., Director of Public Works
7. RESOLUTION NO. 218-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Futch's Tractor Depot for the Purchase of One (1) Kubota Tractor Loader in the Total Amount of \$64,129.80 on Florida Sheriff's Association Contract 17-Veh15.0, Specification 22, and Establishing an Overall Budget of \$67,000. Page 129
H. Paul Brazil, P.E., Director of Public Works
8. RESOLUTION NO. 219-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Relocation of the Historic or Specimen Tree From the Property at 446 North Lake Way Within the Town of Palm Beach; Designation of the Historic or Specimen Tree to Bradley Park Within the Town of Palm Beach; Providing for the Recording of Said Removal and Designation; and Providing That a Copy of This Resolution be Recorded in the Public Records of Palm Beach County, Florida. Page 134
H. Paul Brazil, P.E., Director of Public Works
9. RESOLUTION NO. 220-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Chen, Moore, and Associates, Inc., in an Amount of \$116,840 for the Page 138

D-16, and D-18 Stormwater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$125,000.

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

10. RESOLUTION NO. 222-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Chen, Moore, and Associates, Inc., in an Amount of \$187,830 for the Worth Avenue 400 Block Drainage Improvements, and Establishing a Design and Bid Phase Budget of \$199,000.

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

C. OTHER

1. Request to Consider Ordinance No. 30-2017 Prior to 5:00 p.m. at a Public Hearing.
2. Approval for Use of Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves, for Two Proposed Projects, in an Amount Not to Exceed \$10,750.00.

Page 162

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

Page 164

Beth Zickar, Director of Recreation

X. BOARD/COMMISSION ANNUAL REPORT

- A. Shore Protection Board Annual Report.

Page 167

Llwyd Ecclestone, Chair

XI. COMMITTEE REPORTS

- A. Report of the Administrative and Personnel Committee Meeting Held on November 6, 8 and 9, 2017.

Page 172

TIME CERTAIN: 4:00 PM

Richard M. Kleid, Chair

- B. Report of the Public Works Committee Meeting Held on November 20, 2017.

Page 182

Margaret A. Zeidman, Chair

XII. REGULAR AGENDA

A. Old Business

1. Town Council will adjourn for a Special Holiday Luncheon

TIME CERTAIN: 12:15 PM

Richard M. Kleid, Council President

2. Palm House Receiver's Third Request for Extension of Abatement Period for Conditional Abatement of Daily Non-Completion Fee for the Palm House Project.

Page 189

Cary Glickstein, Court Appointed Receiver

3. Coastal Update:

- a. Shore Line Condition Update
H. Paul Brazil, P.E., Director of Public Works

- 4. Town-wide Undergrounding Project:
Steven N. Stern, Underground Utilities Project Manager

Page 203

- a. Review of Project & Dashboard, Summary of Project Status.
- b. Peer Review of Master Plan, Final Report Delivery.
Anthony Hanson, Principal Engineer, Patterson & Dewar Engineers Inc.

TIME CERTAIN: 2:30 PM

- i. Staff and Consultant Comments
- ii. Underground Utilities Task Force Questions and Comments
- iii. Mayor and Town Council Questions and Comments

B. New Business

- 1. Adoption of the 2018 Town Council Meeting Schedule. Page 306
Thomas G. Bradford, Town Manager
- 2. Appointment of Town Manager Thomas G. Bradford Pursuant to Page 309
Section 4.02(b) of the Town Charter from December 13, 2017 through
December 11, 2018.
Thomas G. Bradford, Town Manager
- 3. Staff Request to Reconsider the Extension of Off-Site Supplemental Page 311
Shared Parking Provisions in the Code of Ordinances as Adopted in
Ordinance No. 25-2015
John S. Page, Director of Planning, Zoning and Building
- 4. Appointment to the Investment Advisory Committee. Page 314
Jane Struder, Director of Finance
- 5. Appointments to the Shore Protection Board Page 321
H. Paul Brazil, Director of Public Works

C. Matters Pulled From Consent Agenda: If needed

XIII. ORDINANCES

A. Second Reading

- 1. ORDINANCE NO. 31-2017 An Ordinance of the Town Council of the Page 396
Town of Palm Beach, Palm Beach County Florida, Amending Chapter
14, Aviation, at Article II. Aircraft, so as to Rescind in its Entirety
Section 14-35 Thereof, Relating to Drones; Model Aircraft in its
Entirety; Providing for a New Section 14-35 Relating to Drones; Model
Aircraft, so as to Provide a Definition of "Drones/Model Aircraft" and

so as to Provide that Drones/Model Aircraft Operated in the Town Shall Comply with all Rules and Regulations of the Federal Aviation Administration (FAA) Relating to the Operation and Registration of Same, as well as all Rules and Regulations of the State of Florida Relating to said Operation.

Jay Boodheshwar, Deputy Town Manager

2. ORDINANCE NO. 32-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 46, Fire Prevention and Protection, Amending Article III, "Fire Prevention", in Accordance with Florida State Statute 633.202 and 633.208 the "Florida Fire Prevention Code" Adopted by the State of Florida Fire Marshal in Chapter 69a-60 of the Florida Administrative Code with Local Amendments, National Fire Protection Association Fire Code - N.F.P.A. 1, Florida 2015 Edition, and National Fire Protection Association Life Safety Code - N.F.P.A. 101, Florida 2015 Edition; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Codification; and Providing for an Effective Date.

Kirk W. Blouin, Director of Public Safety

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B. First Reading

1. ORDINANCE NO. 34-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-67, United States Internal Revenue Code Qualification; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Thomas G. Bradford, Town Manager

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XIV. ANY OTHER MATTERS

XV. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to publiccomment@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 Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's

website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

Main Town Calendar

Town Council Meeting-Regular Business

December 12, 9:30 AM - 5:00 PM

[More Details](#)

Town Council Meeting-Development Review

December 13, 9:30 AM - 5:00 PM @ Council Chambers

[More Details](#)

Architectural Commission (ARCOM) Meeting

December 15, 9:00 AM - 5:00 PM @ Council Chambers

[More Details](#)

Planning and Zoning Commission Meeting

December 19, 9:30 AM - 5:00 PM @ Council Chambers

[More Details](#)

Landmarks Preservation Commission (LPC) Meeting

December 20, 9:30 AM - 5:00 PM @ Council Chambers

[More Details](#)

Code Enforcement Board Meeting

December 21, 2:00 PM - 5:00 PM @ Council Chambers

[More Details](#)

Christmas Holiday-Town Hall Offices Closed

December 25 - December 26

[More Details](#)

New Year's Eve (Observed) Town Hall Closed

January 1, 8:30 AM

[More Details](#)

New Year's Day (Observed) Town Hall Closed

January 2, 8:30 AM

[More Details](#)

Recreation Advisory Commission Meeting

January 3, 9:00 AM @ Council Chambers

[More Details](#)

A Cup of Joe with Bo - Undergrounding Phase 1 - South

January 5, 8:00 AM @ South Fire Rescue Station, 2185 S. Ocean Blvd.

Join Bo Huggins, Project Superintendent, and the undergrounding project construction team for coffee, donuts and conversation. Ask questions and stay informed as the project moves forward.

[More Details](#)

Underground Utilities Task Force Meeting

January 5, 9:00 AM @ Council Chambers

TCM Agenda Backup 12-12-17

[More Details](#)

Town Council Meeting-Regular Business

January 9, 9:30 AM @ Council Chambers

[More Details](#)

Town Caucus

January 9, 7:00 PM @ Council Chambers

[More Details](#)

Town Council Meeting-Development Review Matters

January 10, 9:30 AM @ Council Chambers

[More Details](#)

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda Minutes

Agenda Title TOWN COUNCIL MEETING MINUTES: *Kathleen Dominguez, Town Clerk*

- a. November 14, 2017, Town Council Meeting Minutes
- b. November 15, 2017, Development Review Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ❑ **November 14, 2017, Town Council Meeting Minutes**
- ❑ **November 15, 2017, Development Review Meeting Minutes**



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 14, 2017

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, November 14, 2017, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the invocation. President Kleid led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following changes were made to the agenda:

- Item IV.B. Recognition in Remembrance of Lee David Goldstein, Shore Protection Board, December 2008 through October 2017 – ***Deferred to the December 12, 2017 Town Council Meeting***
- Item IV.C. Recognition in Remembrance of Richard Raffo, Shore Protection Board Member from January 2013 through December 2015 – ***Deferred to the December 12, 2017 Town Council Meeting***
- Item XI.B.4. Resolution No. 209-2017 – ***Withdrawn***
- Item XIII.B.3. Emergency Ordinance No. 33-2017 – **Time Certain: 12:00 PM**

1 Motion was made by Council Member Araskog and was seconded by
2 Council Member Moore to approve the Agenda as amended. On roll call,
3 the motion passed unanimously.

4
5 **IV. RECOGNITIONS**

6
7 Mayor Coniglio recognized Mr. Bernard Panel for his service on the
8 Investment Advisory Committee from 2004 through 2018.

9
10 **V. PRESENTATIONS**

11
12 **A.** Presentation by GFOA of Certificate of Achievement for Excellence
13 in Financial Reporting and Budget Presentation Award
14 *Darlene Malaney, Government Finance Officers Association*

15
16 Darlene Malaney of the Government Finance Officers Association
17 gave an overview of the GFOA award to be presented to the Town.
18 She stated this is the 29th consecutive year the Town has achieved
19 this standard. Cheryl Somers, Assistant Finance Director, who will
20 be retiring in December, was also presented with an award to
21 recognize her achievements in the industry.

22
23 **VI. COMMENTS OF MAYOR GAIL L. CONIGLIO**

24
25 Mayor Coniglio thanked Cheryl Somers for her service to the Town and
26 the Finance Dept. in their accomplishments. She spoke regarding
27 various grants received by the Town; the Bradley Park improvements;
28 efforts at Home Rule and the dredging to be carried out by the U.S.
29 Army Corps of Engineers (USACE).

30
31 **VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER - None**

32
33 **VIII. COMMUNICATIONS FROM CITIZENS**

34
35 Patti Sans of the Greater South County Road Association, invited council
36 members to the kick-off season event at Chez L' Epicer from 5-7PM and
37 spoke about re-enacting the Town Square celebration at the Memorial
38 Fountain on January 28, 2018.

39
40 Marley Herring, President of the Worth Avenue Association, spoke
41 regarding the Royal Poinciana request on greenspace and signage.
42 Requested that all districts be treated equally when this item is addressed.

43
44 **IX. APPROVAL OF CONSENT AGENDA**

1 The following items were pulled from the Consent Agenda and moved
2 under Item IX.C.:

- 3
- 4 • Item IX.A.1.a. August 9, 2017, Development Review Town Council
5 Meeting Minutes
- 6 • Item IX.A.1.c. September 19, 2017, Special Town Council Meeting
7 Minutes
- 8 • Item IX.B.2. Resolution No. 200-2017
- 9 • Item IX.B.3. Resolution No. 201-2017
- 10 • Item IX.B.4. Resolution No. 202-2017
- 11 • Item IX.C.1 Lake Trail Improvements – Update and Request for
12 Extended Work Hours
- 13 • Item IX.C.2. Bradley Park Improvements – Update and Request for
14 Extended Work Hours
- 15 • Item IX.C.3. Status Report of Delinquent Accounts
- 16 • Item IX.C.4. Authorization to Direct Potential Zoning Code Change to
17 the Planning & Zoning Commission: Governmental and/or Historic
18 Signage on Public Property
- 19

20 **Motion was made by Council Member Lindsay and was seconded by**
21 **Council Member Araskog, to approve the Consent Agenda, as amended.**
22 **On roll call, the motion carried unanimously.**
23

24 **A. MINUTES**

25

26 1. TOWN COUNCIL MEETING MINUTES:
27 *Kathleen Dominguez, Town Clerk*

- 28
- 29 a. August 9, 2017, Development Review Town Council
30 Meeting Minutes
- 31
- 32 b. September 19, 2017, Town Council Meeting Minutes
33 *(Deferred from the October 10, 2017 Town Council*
34 *Meeting)*
- 35
- 36 c. September 19, 2017, Special Town Council Meeting Minutes
37 *(Deferred from the October 10, 2017 Town Council*
38 *Meeting)*
- 39
- 40 d. September 27, 2017, Special Town Council Meeting Minutes
- 41
- 42 e. October 4, 2017, Special Town Council Meeting Minutes
- 43
- 44 f. October 10, 2017, Town Council Meeting Minutes
- 45

g. October 11, 2017, Development Review Town Council Meeting Minutes

2. Approval of major matters considered by the Architectural Commission at its meeting of October 25, 2017.

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

B. RESOLUTIONS

1. RESOLUTION NO. 190-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Amending Recreation Enterprise Fund Maintenance and Improvement Reserves Policy; Providing an Effective Date.

Jane Struder, Director of Finance

2. RESOLUTION NO. 200-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, County, Florida, Awarding Bid No. 2017-41 for the D-4 Stormwater Pump Station Outfall Rehabilitation and Approving a Construction Contract to Quadex Lining Systems, LLC in the Amount of \$377,050 and Establishing a Construction Phase Budget of \$400,000.

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

3. RESOLUTION NO. 201-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$96,966, to Kimley-Horn and Associates, Inc., for Professional Engineering Services Associated with Groundwater Monitoring and Consulting at the Town's Vegetative Landfill Sites, and Establishing a Project Budget of \$107,000.

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

4. RESOLUTION NO. 202-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying a Purchase Order Approved by the Town Manager for Emergency Replacement of Generator Parts for the D-8 Storm Water Pumping Station to Florida Detroit Diesel Inc., in an Amount of \$33,216.34, and Establishing a Budget of \$35,000, and Ratifying a Purchase Order Approved by the Town Manager for Emergency Temporary Generator Rental for the D-8

Storm Water Pumping Station to Pantropic Power Products Inc., in an Amount of \$30,928.50, and Establishing a Budget of \$34,000.

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

- 5.
- RESOLUTION NO. 204-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach to Submit, Ex Post Facto, an Application for the FY2017 President Elect Security Assistance Reimbursement Grant Program for Reimbursement of Applicable Law Enforcement Personnel Overtime and Equipment During the President Elect Transition Period; and Authorizing the Town Manager and Staff to Execute All Documents Necessary on Behalf of the Town of Palm Beach.

Kirk W. Blouin, Director of Public Safety

- 6.
- RESOLUTION NO. 205-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach to Submit, Ex Post Facto, an Application for the FY2017 Presidential Residence Protection Assistance (PRPA) Grant for Reimbursement of Applicable Law Enforcement Personnel Overtime during the Application Period; and Authorizing the Town Manager and Staff to Execute All Documents Necessary On Behalf of the Town of Palm Beach.

Kirk W. Blouin, Director of Public Safety

- 7.
- RESOLUTION NO. 206-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach to Submit an Application to the Florida Department of Transportation (FDOT) for the FY2017 High Visibility Enforcement for Pedestrian and Bicycle Safety Grant for Reimbursement of Applicable Law Enforcement Personnel Overtime during the Application Period; and Authorizing the Town Manager and Staff to Execute All Documents Necessary on Behalf of the Town of Palm Beach.

Kirk W. Blouin, Director of Public Safety

- 8.
- RESOLUTION NO. 207-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County,

Florida, Approving the Purchase of five (5) Greensmaster Flex 2120 Walking Greens Mowers at a Cost of \$60,069.82 From WescoTurf for use at the Par 3 Golf Course, and Authorizing the Town Manager to Execute the Purchase on Behalf of the Town.

Beth Zickar, Director of Recreation

C. OTHER

1. Lake Trail Improvements - Update and Request For Extended Work Hours.

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

2. Bradley Park Improvements - Update and Request For Extended Work Hours.

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

3. Status Report of Delinquent Accounts

Jane Struder, Director of Finance

4. Authorization to Direct Potential Zoning Code Change to the Planning & Zoning Commission : Governmental and/or Historic Signage on Public Property

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

5. Confirmation of Caucus Time

Kathleen Dominguez, Town Clerk

X. APPEALS

A. ARCOM Appeal of Project Approval

Case No. B-020-2017

202 Onondaga Avenue

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

At the request of President Kleid, John Randolph, Town Attorney, provided overview on quasi-judicial proceedings. Council Members declared ex-parte communication. All Council Members declared that they have not formed an opinion beforehand and will hear the Appeal with an open mind.

Council Member Araskog stated that she had communications with various residents including, Jackie (?), Susan Gary and husband and told them she could not talk about the Appeal and did not express an opinion regarding same. Council Member Araskog declared that she will not recuse herself from this Appeal.

James K. Green, Attorney for the Applicant/Respondent filed a Declaration In Support of Applicant's Motion to Disqualify Town Council Member Araskog signed by James DiBiase with the Deputy Town Clerk.

After reading the Declaration, Councilmember Araskog confirmed that she will remain neutral and will consider the competent substantial evidence presented today.

(Clerk's note: This item was recessed. Due to its time certain, Item No. XIII.B.3 was taken out of order and heard at this time.)

Mr. John Dotterrer, Attorney for the Appellant stated his objection to the Declaration submitted and proceeded to present his case to the Council for denial of the ARCOM decision.

Mr. Green, Attorney for the Applicant presented, his case to the Council for upholding of the ARCOM decision.

Discussion ensued and responses were given from both sides to the Council Members.

Mr. Green submitted another declaration to the Deputy Town Clerk to be placed in the record.

Motion was made by President Pro Tem Moore and was seconded by Council President Kleid, to uphold the ARCOM decision. On roll call, the motion failed 3-2 with Council Members Araskog, Lindsay and Zeidman dissenting.

Motion was made by Council Member Lindsay and was seconded by Council Member Zeidman to affirm the Appeal and remand decision to ARCOM to review criteria 18-205(6) of the Town Code. On roll call, the motion passed 4-1 with President Pro Tem Moore dissenting.

Town Attorney Randolph explained the process that will take place now that the Appeal is remanded to ARCOM.

XI. COMMITTEE REPORTS

A. Report of the Ordinances, Rules and Standards Committee Meeting Held on October 5, 2017.

Bobbie Lindsay, Chair

1 Council Member Lindsay gave a verbal report of the ORS Committee
2 Meeting. She highlighted landscape and construction hours on the island –
3 in-season and out of season.
4

5 Deputy Town Manager Jay Boodheshwar, referred Council Members to a
6 memorandum from John Page, Director of Planning, Zoning & Building
7 regarding construction hours on Saturdays and gave a brief summary of the
8 issues discussed at the meeting. Quiet work, delivery of materials,
9 amending the winter season hours and allowing the Building Official to use
10 his discretion regarding permits were issues of concern.
11

12 Discussion ensued regarding the Saturday work hours.
13

14 **Motion was mde by Council Member Zeidman and was seconded by President Pro**
15 **Tem Moore to accept the ORS Report. On roll call, the motion passed unanimously.**
16

17 B. Report of the Finance and Taxation Committee Meeting Held on
18 October 12, 2017.
19 *Danielle H. Moore, Chair*
20

21 1. Summary Presentation
22 *Dean Mealy, Purchasing Manager*
23

24 Ms. Moore gave a verbal overview of the discussions at the meeting
25 and introduced Dean Mealy, Purchasing Manager to present the
26 cost savings and proposed threshold levels.
27

28 Mr. Mealy proposed the following purchasing thresholds:
29

30 Purchasing Manager:	Up to \$34,999.99
31 Town Manager:	Up to \$49,999.99
32 Town Council:	\$50,000 and over

33

34 Discussion ensued after which the following thresholds were agreed
35 on:
36

37 Purchasing Manager	Up to 14,999.99
38 Town Manager	Up to \$34,999.99
39 Town Council	\$35,000 and over

40

41 **Motion was made by Council Member Zeidman and was seconded by**
42 **Council Member Lindsay to move the Purchasing Manager to \$14,999.99,**
43 **the Town Manager to \$34,999.99 and the Town Council to \$35,000 and over**

1 and to keep the state limits on electrical work at \$50,000 and construction
2 work at \$100,000. On roll call, the motion passed unanimously.

3
4 Mayor Coniglio requested that a report be brought back to the Council in
5 six (6) months. Council Member Araskog requested that examples of the
6 cost savings derived from these changes be sent to her.

7
8 Motion was made by Council Member Zeidman and was seconded by
9 Council Member Lindsay to accept the Finance and Taxation Report. On
10 roll call, the motion passed unanimously.

11 12 **XII. REGULAR AGENDA**

13 14 **A. Old Business**

- 15
16 1. Town-wide Underground Project:
17 *Steven N. Stern, Underground Utilities Project Manager*

18 19 a. Project Update

20
21 Steve Stern, Underground Utilities Project Manager gave
22 an update of the Town-wide Undergrounding Project
23 regarding location of FPL power plants/sub-stations
24 which support the island, grant applications and cost
25 savings. He reported that Cornerstone Solutions were
26 terminated on October 27th and communications
27 management was now insourced. A Communications
28 Specialist position was approved in the budget process.

29
30 **Council Member Araskog requested that all intellectual property be**
31 **returned to the Town from Cornerstone Solutions.**

32
33 Mr. Stern gave a brief overview of the project, namely:
34 Phase 1 South Water Main Deflection Plan, Mainline
35 Conduit Installation Plan and Phase 1 North. He
36 mentioned that the horizontal drilling was sometimes
37 being confused with the water main drilling being carried
38 out by the City of West Palm Beach. He briefly
39 described the communication with residents using the
40 door hanger system, which seems to be widely received
41 by the residents.

42 43 b. Underground Utility Project Dashboard

44
45 Jane Struder, Director of Finance gave an overview of the

1 financials of the project.

2
3 c. Update on Peer Review Draft Report

4
5 Patricia Strayer, P.E., Town Engineer, gave an overview of
6 the Peer Review draft report process highlighting the various
7 meetings between Town staff and Patterson, Dewar leading
8 up to the final presentation at the December 12th Town
9 Council Meeting.

10
11 d. Installation of AT&T Fiber Network for Phase 1 of
12 the Town-wide Undergrounding Project

13
14 David Leavitt of 1480 Via Manana, expressed his concern
15 regarding issues raised in the Peer Review specifically the
16 reliability of the system.

17
18 Howard Murray of 3475 S. Ocean Boulevard, stated
19 that there seems to be an imbalance between AT&T and
20 Comcast regarding their expectations and those of the Town.
21 He gave a brief overview of his concerns regarding conduits in
22 the ground.

23
24 Ms. Strayer responded informing him of the number and types
25 of conduits for each utility. Responding to Mayor Coniglio, she
26 stated that the conduits would belong solely to the utility.

27
28 Mr. Stern gave an overview of the AT&T and Comcast Fiber
29 Optic conversion cost analysis. He presented the various
30 options available and the cost differences between the
31 options.

32
33 **Staff was requested to find out from other communities how this matter**
34 **was handled.**

35
36 **Motion made by Council Member Araskog and seconded by President Pro**
37 **Tem Moore to reject AT&T's proposal and instruct staff to hire Attorneys**
38 **Peter Brandt and Schef Wright to negotiate with AT&T regarding fiber**
39 **network installation cost. On roll call, the motion passed unanimously.**

40
41 2. Coastal Update:
42 *H. Paul Brazil, P.E., Director of Public Works*

43
44 a. Shore Line Condition Update

1 Coastal Program Manager Weber provided a PowerPoint
2 presentation on the shoreline conditions for each reach with a
3 focus on post storm activity. He showed the shoreline at both
4 high and low tides and included activity at the Sand Transfer
5 Plant.
6

7 3. Comprehensive Review of Town Operations (CROTO)
8 Outline/Timeline.
9

10 Town Manager Bradford gave an overview of the
11 outline/timeline of the Comprehensive Review of Town
12 Operations (CROTO) specifically, the goals, plan of action and
13 the format of the report. He pointed out that some of the
14 changes may include staffing, service levels and
15 competitiveness in the marketplace.
16

17 Council Member Araskog mentioned looking at the merit pay
18 increase in this process.
19

20 Mayor Coniglio mentioned some concerns regarding the dates
21 of the timelines.
22

23 Responding to Council Member Lindsay, Town Manager
24 Bradford explained the staff reduction during this process
25 when this review was carried out in 2007.
26

27 Council President Pro Tem Moore pointed out that the timeline
28 may need to be adjusted as the current Director of PZB will be
29 retiring in January and there is currently no Assistant Director.
30

31 **Motion was made by President Pro Tem Moore and was seconded by**
32 **Council Member Lindsay to accept the Town Manager's recommendation**
33 **for the CROTO outline/timeline. On roll call, the motion passed 4-1 with Ms.**
34 **Araskog dissenting.**
35

36 4. Update on Potential Lease of Town-Owned Property at
37 5976 Okeechobee Boulevard
38

39 Jay Boodheshwar, Deputy Town Manager, gave a brief overview of
40 the potential lease of the Okeechobee Boulevard property and
41 requested Council approval to issue an RFP for a broker to sell the
42 property.
43

44 Council Members expressed their disinterest in selling this property

1 and would prefer a long-term ground lease.

2
3 **By consensus of the Town Council, Staff was authorized to issue an RFP**
4 **for brokerage services for long-term ground lease of the property. The**
5 **selection committee will include President Pro Tem Moore.**
6

7 5. Discussion Regarding Scope and Schedule for Business
8 Workshop
9

10 Jay Boodheshwar, Deputy Town Manager gave an explanation of the
11 need for this workshop which includes a forum for the business
12 community to receive information from Town departments such as
13 services offered eg. Business Tax Receipts, knoxboxes, etc. and also
14 feedback from the business community regarding services received.
15 At the conclusion a report will be provided to Council.
16

17 Laurel Baker, Executive Director of the Palm Beach Chamber of
18 Commerce expressed her gratitude for this workshop and gave some
19 scenarios of needs of different businesses.
20

21 **By consensus of the Town Council, Staff was authorized to organize the**
22 **business workshop to be held in January 2018.**
23

24 **B. New Business**
25

26 1. Review of Probationary Employment Period.
27

28 Danielle Olson, Director of Human Resources gave an
29 overview of the Town's policy regarding the probationary
30 employment period.
31

32 **Motion was made by Council Member Araskog and was seconded by**
33 **Council Member Lindsay to accept staff's recommendation to keep the**
34 **probationary period at six (6) months with Department Director's discretion**
35 **to extend up to six (6) months. On roll call, the motion passed**
36 **unanimously.**
37

38 2. Hurricane Irma After Action Report
39

40 Deputy Town Manager Jay Boodheshwar gave an overview of
41 the After Action Report.
42

1 **Motion was made by Council Member Araskog and was seconded by**
2 **Council Member Lindsay to accept the report. On roll call, the motion**
3 **passed unanimously.**

- 4
- 5 3. Planning and Zoning Commission Record and Report:
6 Proposed Zoning Text Amendments by RPP Palm Beach
7 Property, LP Outdoor Greenspace Activities and Commercial
8 Signage

9

10 John S. Page, Director of Planning, Zoning & Building, made
11 brief remarks and then introduced Paul Castro, Zoning
12 Administrator who gave an overview of the codes governing
13 outdoor activities.

14

15 Discussion ensued regarding having a Code that
16 encompasses these activities.

17

18 **By consensus of the Town Council staff was instructed to draft an**
19 **Ordinance with conditions specific to the Special Exceptions.**

20

21 Discussion ensued regarding the signage with Staff
22 recommending one sign at the entrance to the property within
23 all commercial zoning districts.

24

25 **Motion was made by Council Member Araskog and was seconded by**
26 **Council President Kleid to adopt Staff's recommendation. On roll call, the**
27 **motion failed. The vote was as follows:**

- 28
 - In favor of the Motion Council President Kleid and
29 Council Member Araskog.
 - Against the Motion were Council Members Lindsay,
30 Moore and Zeidman.
- 31

32

33 **Motion was made by Council Member Araskog and was seconded by**
34 **Council President Pro Tem Moore to allow two (2) signs per entrance/exit to**
35 **the C-PC zoning district as recommended by the Planning & Zoning**
36 **Commission but other districts will be one per property. On roll call, the**
37 **motion passed unanimously.**

- 38
- 39 4. RESOLUTION NO. 209-2017 A Resolution of the Town
40 Council of the Town of Palm Beach, Palm Beach County,
41 Florida, Approving a Purchase Order to Econolite Systems, in
42 the Amount of \$274,211 for the Upgrade of the Traffic Signal
43 Control and CCTV Installation at Four Intersections, and
44 Establishing an Overall Project Budget of \$300,000.

C. Matters Pulled From Consent Agenda:

- Item IX.A.1.a. August 9, 2017, Development Review Town Council Meeting Minutes
- Item IX.A.1.c. September 19, 2017, Regular Town Council Meeting Minutes

Motion was made by Council Member Araskog and was seconded by Council Member Lindsay to approve the Minutes of the August 9, 2017, Development Review Meeting and the September 19, 2017, Regular Town Council Meeting as amended. On roll call, the motion passed unanimously.

- Item IX.B.2. Resolution No. 200-2017

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Moore to approve Resolution No. 200-2017. On roll call, the Motion passed unanimously.

- Item IX.B.3. Resolution No. 201-2017

Director of Public Works, Paul Brazil gave an overview of this Resolution.

Motion was made by Council Member Araskog and was seconded by Council Member Lindsay to approve Resolution No. 201-2017. On roll call, the motion passed unanimously.

- Item IX.B.4. Resolution No. 202-2017

Council Member Lindsay suggested that the Town rent generators. Director Brazil explained that this is just temporarily replacing a generator that is being repaired.

Motion was made by Council Member Araskog and was seconded by Council Member Lindsay to approve Resolution No. 202-2017. On roll call, the motion passed unanimously.

- Item IX.C.1 Lake Trail Improvements – Update and Request for Extended Work Hours

Director Brazil provided an overview of the extended work hours request.

Motion was made by Council Member Lindsay and was seconded by Council President Pro Tem Moore to approve the extended work hours for Saturdays but no holidays. On roll call, the motion passed 4-1 with Ms. Araskog dissenting.

- Item IX.C.2. Bradley Park Improvements – Update and Request for Extended Work Hours

Motion was made by Council Member Zeidman and was seconded by Council President Pro Tem Moore to approve the extended work hours for Saturdays and Sundays but no holidays. On roll call, the motion passed unanimously.

- Item IX.C.3. Status Report of Delinquent Accounts

In response to a question from Council Member Araskog, Director Struder informed that a monthly status report is provided to all departments and they are notified not to issue any licenses or permits for these entities.

Motion was made by Council President Pro Tem Moore and was seconded by Council Member Zeidman to accept the status report of the delinquent accounts. On roll call, the motion passed unanimously.

- Item IX.C.4. Authorization to Direct Potential Zoning Code Change to the Planning & Zoning Commission: Governmental and/or Historic Signage on Public Property

Director Page gave an overview of this request.

Motion was made by Council Member Araskog and was seconded by Council Member Lindsay to approve the zoning code change as requested with existing signage to be grandfathered. On roll call, the motion passed unanimously.

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 29-2017 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At

Chapter 18, Buildings And Building Regulations: At Section 18-201(B), By Changing The Required Plan Revision Submittal Timeframe From 15 Days To Noon, 9 Days Prior To The Architectural Commission Meeting At Which It Will Be Considered; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Motion was made by Council Member Zeidman and was seconded by Council Member Lindsay to adopt Ordinance No. 29-2017. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 31-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Amending Chapter 14, Aviation, at Article II. Aircraft, so as to Rescind in its Entirety Section 14-35 Thereof, Relating to Drones; Model Aircraft in its Entirety; Providing for a New Section 14-35 Relating to Drones; Model Aircraft, so as to Provide a Definition of "Drones/Model Aircraft" and so as to Provide that Drones/Model Aircraft Operated in the Town Shall Comply with all Rules and Regulations of the Federal Aviation Administration (FAA) Relating to the Operation and Registration of Same, as well as all Rules and Regulations of the State of Florida Relating to said Operation.

Motion was made by Council Member Lindsay and was seconded by Council Member Araskog to adopt Ordinance No. 31-2017. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 32-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 46, Fire Prevention and Protection, Amending Article III, "Fire Prevention", in Accordance with Florida State Statute 633.202 and 633.208 the "Florida Fire Prevention Code" Adopted by the State of Florida Fire Marshal in Chapter 69a-60 of the Florida Administrative Code with Local Amendments, National Fire Protection Association Fire Code - N.F.P.A. 1, Florida 2015 Edition, and National Fire Protection Association Life Safety Code - N.F.P.A. 101, Florida 2015 Edition;

1 Providing for Severability; Repealing All Ordinances or
2 Parts of Ordinances in Conflict Herewith; Providing for
3 Codification; and Providing for an Effective Date.

4
5 **Motion was made by Council Member Araskog and seconded by Council**
6 **Member Lindsay to adopt Ordinance No. 32-2017. On roll call, the motion**
7 **passed unanimously.**

8
9 3. EMERGENCY ORDINANCE NO. 33-2017 An
10 Emergency Ordinance of the Town Council of the Town of
11 Palm Beach, Palm Beach County, Florida, Amending
12 Chapter 82 of the Town Code of Ordinances Relating To
13 Personnel, at Article II, Employee Benefits, Division 2,
14 Retirement System; Amending Subdivision I, In General,
15 By Creating a New Section 82-76, Preservation of
16 Benefits Plan; Providing for Severability; Providing for
17 Repeal of Ordinances in Conflict; Providing for
18 Codification; Providing an Effective Date.

19
20 ***(Clerk's Note: This item was heard at the recess of Item No. X.A.)***

21
22 Attorney Jim Linn of Lewis, Longman & Walker, Counsel to the Retirement
23 Board of Trustees explained that this matter related to the U.S. Internal
24 Revenue Code Section 415 sets the limits on the annual benefits a
25 member of the retirement plan can receive. He explained that a former
26 and a current employee will be impacted under this Code. He explained
27 that this situation arose while being handled by the former actuaries. They
28 have agreed to pay \$68K to the Town of that amount, \$28K would be paid
29 to the former employee who will in turn re-pay it to the Town. The
30 remaining \$39K would be paid to the Town. The Emergency Ordinance
31 establishes the preservation of benefits plan.

32
33 **Motion was made by Council President Pro Tem Moore and was seconded**
34 **by Council Member Lindsay to Approve Emergency Ordinance No. 33-2017.**
35 **On roll call, the motion passed unanimously.**

36
37 **Motion was made by Council Member Zeidman and was seconded by**
38 **Council Member Lindsay to accept the terms of the settlement from GRS.**
39 **On roll call, the motion passed unanimously.**

40
41 **XIV. ANY OTHER MATTERS**

42
43 Council Member Araskog:
44

- 1 (1) Acknowledged receiving the agenda back-up on the Thursday
2 before the council meeting and requested getting it at
3 Thursdays at noon from now on.
4
5 (2) Commented that the police variable message board signs
6 were unattractive and she would like to have that discussion
7 placed on next month's agenda. Mayor Coniglio suggested
8 that Town Manager Bradford inform Director Blouin of the
9 Council's concern instead.
10
11 (3) Would like information on cost regarding Kimley-Horn's
12 handling of Right of Way permits.
13

14 **XV. ADJOURNMENT**

15
16 There being no further business to discuss, the November 14, 2017
17 regular Town Council meeting was adjourned at 7:30 p.m.
18

19 APPROVED:
20
21

22
23 _____
24 Richard M. Kleid
25 Town Council President

26 ATTEST:
27
28

29 _____
30 Kathleen Dominguez
31 Town Clerk
32
33

34 Date: _____
35

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE TOWN COUNCIL MEETING

HELD ON WEDNESDAY NOVEMBER 15, 2017

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting was called to order at 9:30 A.M. on Wednesday, November 15, 2017 in the Town Council Chambers. On roll call, all of the elected officials were found to be present except for Council Member Araskog.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

The Mayor congratulated Planning, Zoning & Building Director John Page on his upcoming retirement. She also suggested that the Council accept Staff's recommendation to allow off-site supplemental parking provisions, to sunset and expire on December 13, 2017.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER - None

V. COMMUNICATIONS FROM CITIZENS - None

VI. APPROVAL OF AGENDA

The following changes were made to the agenda:

The following item was withdrawn:

- ITEM VII.A.1.e., Z-17-00036

The following item was deferred to the December 13, 2017 Town Council Meeting:

- ITEM VII.A.1.d., Z-17-00034

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

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

VII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-17-00017 VARIANCE Zoning District: R-A Estate Residential The application of OLD KAPOK LLC, Owner, relative to property located at 8 S LAKE TRL, legal description on file, is described below. The applicant is requesting modifications to a Landmarked residence which will require the following variances: 1. A request for a variance to allow construction of a tennis court that will not be completely enclosed with a fence and that the tennis court with appurtenances will have a 27 foot front yard setback in lieu of the 35 foot minimum required. 2. A variance request to allow a driveway back up space to be 17

1 feet in lieu of the 25 feet required. 3. A variance request to construct a one story addition
2 to the south side of the existing cabana that will have a front yard setback of 33.8 feet in
3 lieu of the 35 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.]
4 [Landmarks Commission Recommendation: Implementation of the proposed variances
5 will not cause negative architectural impact to the subject landmark property. Carried 7-
6 0.]

7 The following ex-parte communications were declared, Council Member Lindsay spoke
8 with Attorney Ziska who advocated for the position of her client.

9 Attorney Ziska provided details of the project.

10 Director Page provided the progression of this project through the Landmarks
11 Commission.

12 Rene Silvin, 422 Australian Avenue, and Vice Chairman of the Landmarks Commission
13 thanked all those who helped to preserve this property.

14 Bill and Ann Metzger, 277 Esplanade Way, expressed their concerns about the private
15 platted way. (The alley to the north of Antigua Lane)

16 Public Works Director Brazil explained that Antigua Lane is an easement across private
17 property for ingress and egress of the property owners that face Antigua Lane. Public
18 Works does not have the authority to grant request for construction parking.

19 Architect Smith confirmed that there is no intention construction vehicles using the alley.

20 **Motion was made by Council Member Lindsay, and seconded by Council Member Zeidman, that**
21 **Variance #Z-17-00017 shall be granted with the caveat that the owner will provide a utility**
22 **easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and find, in**
23 **support thereof, that all of the criteria applicable to this application as set forth in Section 134-**
24 **201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.**
25

26 b. Z-17-00023 VARIANCE(S) Zoning District: R-B Low Density Residential The
27 application of GULBRANDSEN ALLISON K &, Owner, relative to property located at 211-
28 217 EMERALD LN, legal description on file, is described below. PLEASE NOTE: THIS
29 PROJECT ENCOMPASSES BOTH 211 & 217 EMERALD LN. The applicant owns two
30 adjacent properties in the R-B Zoning District and wishes to combine the properties to
31 create a garden with accessory structures. Once combined, the resulting lot would have
32 an area in excess of 20,000 square feet (29,000 square feet) and a width in excess of
33 200 feet. The following variances are being requested: 1) To allow a new one story tea
34 house on the garden parcel to have a 12.5 foot east side yard setback in lieu of the 30
35 foot minimum setback required for lots with an area in excess of 20,000 square feet and
36 a width in excess of 200 feet. 2) To allow the existing house to remain with the current
37 west setbacks of 28.2 feet for the garage/guest house and 25.1 feet for the main house
38 that become non-conforming once the lots are combined and the resulting lot area is in
39 excess of 20,000 square feet and the resulting lot width is in excess of 200 feet.
40 [Applicant's Representative: Maura Ziska Esq] [Architectural Commission
41 Recommendation: Implementation of the proposed variances will not cause negative
42 architectural impact to the subject property. The Architectural Commission partially
43 approved the project and deferred the remaining item to the November 29, 2017
44 meeting. Carried 7-0.]

45 No ex-parte communications were declared.

46
47 Attorney Ziska provided details of the project.

1 Zoning Administrator Castro provided Staff comments.

2 **Motion was made by Council Member Zeidman, and seconded by President Pro Tem Moore, that**
3 **Variance #Z-17-00023 shall be granted with the caveat that the owner will provide a utility**
4 **easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and find, in**
5 **support thereof, that all of the criteria applicable to this application as set forth in Section 134-**
6 **201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.**

7 c. Z-17-00033 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)
8 Zoning District: R B Low Density Residential

9 The application of AINSLIE MICHAEL L &, Owner, relative to property located at 596 N
10 COUNTY RD, legal description on file, is described below. 1. Special Exception with
11 Site Plan Review to allow the construction of a 4,959 square foot two story single family
12 residence on a lot that is 72.3 feet in width in lieu of the 100 foot minimum required in the
13 R-B Zoning District. The following variances are being requested in conjunction with this
14 application: 2. A second story south side yard setback of 14 feet in lieu of the 15 foot
15 minimum required. 3. A second story north side yard setback of 14 feet in lieu of the 15
16 foot minimum required. [Applicant's Representative Maura Ziska Esq] [Architectural
17 Review Commission Recommendation: Implementation of the proposed special
18 exception and variances will not cause negative architectural impact to the subject
19 property. Carried 7-0. The Architectural Commission approved the architectural plans as
20 presented but deferred the landscape plans to the November 29, 2017 meeting. Carried
21 4-3.]

22 No ex-parte communications were declared.

23 Attorney Ziska provided details of the project.

24 Architect Frijomel provided additional details.

25 Mr. Castro provided Staff comments.

26 **Motion was made by Council Member Zeidman, and seconded by President Pro Tem Moore, that**
27 **Special Exception #Z-17-00033 shall be granted, with the caveat that the owner will provide a**
28 **utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, based**
29 **upon the finding that such grant will not adversely affect the public interest and that the**
30 **applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the**
31 **motion carried unanimously.**

32
33 **Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, that**
34 **Site Plan #Z-17-00033 be approved, with the caveat that the owner will provide a utility easement,**
35 **satisfactory to the Town of Palm Beach, prior to building permit issuance, based upon the finding**
36 **that the approval of the site plan will not adversely affect the public interest and that the Council**
37 **certifies that the specific zoning requirements governing the individual use have been met and**
38 **that satisfactory provision and arrangement has been made concerning Section 134-329, items 1**
39 **through 11. On roll call, the motion carried unanimously.**

40
41 **Motion was made by Council Member Zeidman, and seconded by President Pro Tem Moore, that**
42 **Variance #Z-17-00033 shall be granted with the caveat that the owner will provide a utility**
43 **easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and find, in**
44 **support thereof, that all of the criteria applicable to this application as set forth in Section 134-**
45 **201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.**

1 d. Z-17-00034 SITE PLAN REVIEW Zoning District: R B Low Density Residential

2 The application of SHULMAN ALAN L, Owner, relative to property located at 377 N LAKE WAY,
3 legal description on file, is described below. Site Plan Review to allow the construction of a 7,465
4 square foot two story, single family residence on a non conforming platted lot which is 89.11 feet
5 in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's
6 Representative Maura Ziska Esq] [The Architectural Commission deferred the project to the
7 November 29, 2017 meeting. Carried 7-0.] Request for Deferral to December 14, 2017 Town
8 Council Meeting per Letter Dated September 28, 2017 from Maura Ziska

9 ***Item deferred to the December 13, 2017 Town council meeting***

10 e. Z-17-00036 SPECIAL EXCEPTION Zoning District: R C Medium Density Residential

11 The application of 224 ATLANTIC LLC, Owner, relative to property located at 224 ATLANTIC
12 AVE, legal description on file, is described below. On May 8, 1979, The Town Council granted
13 Special Exception application #10-79. It allowed the developer to create seven (7) supplemental
14 parking spaces in conjunction with the construction of what was then a two unit development. The
15 supplemental parking spaces were agreed to be used on a first come first serve basis by the
16 subject property (224 Atlantic) and the condominium across the street (223 Atlantic) which was
17 also owned by the developer at the time. The Special Exception approval was granted and the
18 attached agreement (Exhibit A) was recorded on October 26, 1979. The Applicant purchased
19 both units in the duplex (224 Atlantic Avenue) in 2013 and converted the two units into one single
20 family residence. As the structure is now a single family residence, the condominium documents
21 for 224 Atlantic Avenue were terminated. The Applicant is requesting to modify the previous
22 Special Exception #10 79 to remove the condition of the agreement attached as Exhibit 1 and
23 replace that agreement with a substitute agreement that would allow the use of the seven (7)
24 parking spaces to be shared with the property owners of 223 Atlantic Avenue unless and until the
25 223 building or the Court releases 224 Atlantic from that obligation and, upon release by the
26 Town Council of the restrictions relating to the use of the seven parking spaces, upon application
27 filed by 224 within thirty days of the conclusion of the pending litigation between 223 and 224.
28 [Applicant's Representative Maura Ziska Esq] Request for Withdrawal Per Letter Dated October
29 25, 2017 from Maura Ziska

30 ***Item was withdrawn***

31 f. Z-17-00037 VARIANCE(S) Zoning District: R AA Large Estate Residential

32 The application of LOUWANA TRUST, Owner, relative to property located at 473 N COUNTY
33 RD, legal description on file, is described below. The Applicant is proposing to renovate a
34 Landmarked residence by adding a 67 square foot basement addition to the laundry room, a
35 2,438 square foot two story guest suite with balcony, entry steps, a 960 square foot first floor
36 garage with Mechanical Area and Back Entry, a 260 square foot first floor garden shed, a 175
37 square foot first floor playroom addition, and a 350 square foot second floor bedroom and
38 bathroom addition. The following variances are being requested in conjunction with the proposed
39 renovation: a. North side yard basement setback for the laundry room addition of 24.46 feet in
40 lieu of the 30 foot minimum required; b. North side yard first floor setback ranging from 13.5 feet
41 to 29.58 feet for the playroom, Garage, Guest Suite, Guest Suite entry steps, and garden shed in
42 lieu of the 30 foot minimum required; c. North side yard second floor setback ranging from 13.5
43 feet to 23.26 feet for the bedroom and bathroom addition, Guest Suite, and Guest Suite Balcony
44 in lieu of the 30 foot minimum required. d. Landscaped open space of 40% In lieu of the 42%
45 existing and 55% minimum required. [Applicant's Representative Maura Ziska Esq] [Landmarks
46 Preservation Commission Recommendation: Implementation of the proposed variances will not
47 cause negative architectural impact to the subject landmark property. Carried 7-0.]

48 No ex-parte communications were declared.

49 Attorney Ziska provided details of the project.

1 Deputy Clerk Ruderman swore in others would be providing testimony.

2 Architect Kirchoff provided additional details.

3 Director Page provided comments with regard to Landmarks review.

4 Mr. Castro provided Staff comments.

5 Rene Silvin, 422 Australian Avenue, expressed his pleasure that the changes do not affect the
6 charm or historical significance of this house.

7 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem Moore, that**
8 **Variance #Z-17-00037 shall be granted with the caveat that the owner will provide a utility**
9 **easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and find, in**
10 **support thereof, that all of the criteria applicable to this application as set forth in Section 134-**
11 **201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously**

12 2. New Business

13 ***This item was heard after Item VII.A.2.b.***

14 a. Z-17-00040 VARIANCE(S) Zoning District: R B Low Density Residential

15 The application of MILLER MYRON, Owner, relative to property located at 149 E INLET DR, legal
16 description on file, is described below. The applicant is proposing to construct a new 9,718
17 square foot two story house and is requesting the following variances: 1) to allow the house to
18 have a setback of 22.5 feet from the designated ocean bulkhead line established in Chapter 62 in
19 lieu of the 50 foot minimum setback required. 2) To allow the swimming pool to extend 3 feet out
20 of the deck in lieu of the 6 inch maximum allowed to allow for an infinity edge. [Applicant's
21 Representative Maura Ziska Esq]

22 No ex-parte communications were declared.

23 Attorney Ziska provided details of the project.

24 Deputy Clerk Ruderman swore in others who would be providing testimony.

25 Architect Janssen provided additional details.

26 Mr. Castro provided Staff comments.

27 Director Brazil described the unique easement conditions and the importance of an easement
28 along the western property.

29 Discussion took place on easement access.

30 **Motion was made by Council Member Lindsay, and seconded by Council Member Zeidman, that**
31 **Variance #Z-17-00040 shall be granted with the caveat that the owner will provide a utility**
32 **easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, as well as**
33 **provide an easement for Town / Army Corp of Engineers for access to the jetty and the beach and**
34 **find, in support thereof, that all of the criteria applicable to this application as set forth in Section**
35 **134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously**

37 b. Z-17-00041 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning
38 District: R D(2) High Density Residential

39 The application of J V ASSOCIATES PB LLC, Owner, relative to property located at 2800 S
40 OCEAN BLVD SUITE: SITE, legal description on file, is described below. The Four Seasons
41 Resort Palm Beach is requesting a special exception modification and a site plan review for the
42 modifications to the hotel site as follows: 1. Add two (2) 15 square foot mechanical chases to the

1 north and south end of the main building. 2. Add two (2) sets of stairs to the Pool Deck Access
2 (total of four staircases) to the north and south building pool side. 3. Modify the pool deck area to
3 include hardscape and landscape changes. 4. Reconfiguration of the shape of the pool bar
4 (number of seats remain the same) and add windows to kitchen and hallway. The following
5 variances are being requested in association with the above improvements: 1. A variance is being
6 requested for the mechanical chases to be at an overall height of 47.25 feet in lieu of the 40 foot
7 maximum overall building height allowed. 2. A variance is being requested for the mechanical
8 chases to be at a height of 44 feet in lieu of the 35 foot maximum building height allowed. 3. A
9 variance to allow 2 air conditioning units on the roof that will be 7.17 feet above the roof in lieu of
10 the 4 foot maximum allowed. [Applicant's Representative Maura Ziska Esq] [Architectural
11 Commission Recommendation: Implementation of the special exception, site plan and variances
12 will not cause negative architectural impact to the subject property. Carried 6-1. The
13 Architectural Commission approved the project as presented. Carried 6-1.]

14 No ex-parte communications were declared.

15 Attorney Ziska provided details of the project.

16 Architect Garvin provided additional details.

17 Mr. Castro provided Staff comments.

18 Discussion took place regarding screening of rooftop mechanical equipment.

19 The General Manager of the Ambassador Corporation thanked the council for their oversight of
20 the screening.

21 **Motion was made by President Pro Tem Moore, and seconded by Council Member Zeidman, that**
22 **Variance #Z-17-00041 shall be granted with the caveat that the owner will provide a utility**
23 **easement, satisfactory to the Town of Palm Beach, prior to building permit issuance, and find, in**
24 **support thereof, that all of the criteria applicable to this application as set forth in Section 134-**
25 **201(a), items 1 through 7 have been met, with the caveat of the screening of the roof top air**
26 **condition unit to the satisfaction of Town staff. On roll call, the motion carried unanimously.**

27 **Motion was made by President Pro Tem Moore, and seconded by , and seconded by Council**
28 **Member Zeidman, that Special Exception #Z-17-00041 shall be granted, with the caveat that the**
29 **owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building**
30 **permit issuance, based upon the finding that such grant will not adversely affect the public**
31 **interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been**
32 **met, with the caveat of the screening of the roof top air conditioning unit to the satisfaction of**
33 **Town staff. On roll call, the motion carried unanimously.**

34
35 **Motion was made by President Pro Tem Moore, and seconded by Council Member Lindsay, that**
36 **Site Plan #Z-17-00041 be approved, with the caveat that the owner will provide a utility easement,**
37 **satisfactory to the Town of Palm Beach, prior to building permit issuance, based upon the finding**
38 **that the approval of the site plan will not adversely affect the public interest and that the Council**
39 **certifies that the specific zoning requirements governing the individual use have been met and**
40 **that satisfactory provision and arrangement has been made concerning Section 134-329, items 1**
41 **through 11 with the caveat of the screening of the roof top air conditioning unit to the satisfaction**
42 **of Town staff. On roll call, the motion carried unanimously.**

43
44 **The Council recessed at 11:05 A.M. and reconvened at 11:10 A.M.**

45 3. Other

46 a. Consideration of Extension of Off-Site Supplemental Shared Parking Provisions in the Code of
47 Ordinances as Adopted in Ordinance No. 25-2015

1 Mr. Castro provided the details on the history of the off-site supplemental parking provisions and
2 the reasons for suggested discontinuation.

3 Discussion took place on continuing the provisions versus discontinuing the provisions.

4 Attorney Eubanks provided additional comments and supported Staff's position to let the
5 Ordinance expire.

6 **Motion was made by Council Member Zeidman, and seconded by President Pro Tem Moore, to**
7 **accept Staff's recommendation to allow off-site supplemental parking provisions, temporarily**
8 **adopted via Ordinance No. 25-2015, to sunset and expire on December 13, 2017.**

9 VIII. ANY OTHER MATTERS

10 President Pro Tem Moore introduced Christine Stapleton of the Palm Beach Post, the new
11 President Trump digital editor/reporter. Ms. Stapleton gave contact information and asked that if
12 the Town have any issues about coverage or suggestions, to please contact her.

13 IX. ADJOURNMENT

14 There being no further business, the Development Review Town Council meeting of November
15 15, 2017 was adjourned at 11:29 A.M.

APPROVED:

Richard M. Kleid, Town Council President

PREPARED BY:

Kathleen Ruderman, Deputy Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda Minutes

Agenda Title

Approval of major matters considered by the Architectural Commission at its meeting of November 29, 2017.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated December 4, 2017 from John S. Page, Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Commission Meeting of November 29, 2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of November 29, 2017

Date: December 4, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of November 29, 2017.

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 29, 2017.

GENERAL INFORMATION

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

Attachment

JSP:kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL COMMISSION MEETING HELD ON WEDNESDAY, NOVEMBER 29, 2017

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

Chair Sammons called the meeting to order at 9:00 a.m.

II. ROLL CALL

Richard Sammons, Chairman	PRESENT
Ann L. Vanneck, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT (arrived at 9:07 a.m.)
Michael B. Small, Member	PRESENT
Maisie Grace, Member	PRESENT
Robert J. Vila, Member	PRESENT
John David Corey, Alternate Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT (arrived at 9:03 a.m.)
Katherine Catlin, Alternate Member	PRESENT

Staff Members present were:

John Page, Director of Planning, Zoning & Building

John Lindgren, Planning Administrator

Kelly Churney, Secretary to the Architectural Review Commission

III. PLEDGE OF ALLEGIANCE

Chairman Sammons led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES FROM THE OCTOBER 25, 2017 MEETING

Motion made by Mrs. Vanneck and seconded by Mr. Garrison to approve the minutes from the October 25, 2017 meeting. Motion carried with all in favor.

V. APPROVAL OF THE AGENDA

Mr. Small requested to amend the agenda with the deferral of B-070-2017 225 Tangier Avenue, B-081-2017, 231 Seaspray Avenue, B-080-2017, 211-217 Emerald Lane and A-051-2017 3100 S. Ocean Blvd. to the December 15, 2017 meeting.

Motion made by Mr. Small and seconded by Mrs. Vanneck to approve the agenda as amended. Motion carried with all in favor.

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

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

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

There were no comments heard at this time.

VIII. **PROJECT REVIEW**

A. **DEMOLITIONS AND TIME EXTENSIONS**

B-096-2017 Demolition

Address: 901 N. Ocean Blvd.

Applicant: Lorraine L. Friedman Trust

Attorney: Francis X.J. Lynch

Project Description: Remove all landscaping; demolish, reconstruct and otherwise modify existing site walls adjacent to North Ocean Boulevard to comply with required site triangles reflected on Lot Split Application; modify existing seawall to reduce the height of the same; construct perimeter wall at northern property boundary; construct wall on property boundary based on Lot Split Application.

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

Town Attorney Randolph asked for further explanation on the ex parte provided by the Commissioners. The Commissioners provided more details to their ex parte.

Mr. Lynch stated that he recently learned the removal of the seawall was not under the purview of the Commission and as such, requested that it be removed from the application. Mr. Lynch further went on to present the modifications to the property.

Adam Kerr, Kimley Horn, presented the site triangles proposed for the property.

Jamie Crowley, attorney for Mr. & Mrs. Goodman, expressed the concerns from Mr. Goodman regarding the demolition of a landscape buffer as well as the proposed driveway.

Murray Goodman, 911 N. Ocean Blvd., addressed his concerns with the proposed modifications, specifically the removal of the perimeter wall and perimeter landscaping.

Rene Silvin, Australian Avenue, advocated saving the perimeter wall.

Mr. Lynch restated the applicant's request and reasons to remove the perimeter wall.

Mr. Crowley informed the Commission that they could request that plans which would

show the site after the proposed demolition.

Mr. Sammons asked staff for a recommendation. Mr. Lindgren stated that Mr. Crowley is correct.

Mr. Vila asked if any portion of the perimeter wall would be preserved, specifically the section with the balustrades. Mr. Lynch responded. Mr. Vila asked why the existing single entrance was not being preserved. Mr. Lynch responded. A short discussion ensued regarding the proposed and existing driveways.

Mrs. Vanneck expressed concern regarding the late modification request for the demolition, close to the end of demolition season. Mr. Lynch responded. Mr. Crowley stated that his client received a late notification for the lot split.

Mr. Small stated he thought the wall was needed for safety and beauty in the Town. Mr. Lynch responded. Mr. Small asked why the demolition needed to be approved before the new residence could be presented.

Mr. Lindgren clarified the actions the Commission could take in respect to the request.

Mr. Corey suggested deferring the application to allow more details to be presented.

Motion made by Mr. Vila and seconded by Mrs. Vanneck to defer the project to March 2018.

Ms. Catlin suggested that architecture could be important for the Town even if it was not landmarked. She also requested more details to make a decision. She requested the applicant to look at the historic elements of the property and then provide a complete package for approval.

Mr. Garrison questioned why the perimeter wall could not remain to screen the site until all of construction was completed. Mr. Lynch responded.

Mr. Ives agreed with Mr. Vila but suggested a shorter deferral time to allow the applicant their due process. Mr. Vila agreed.

Motion modified by Mr. Vila and seconded by Mrs. Vanneck to defer the project for two months to the January 24, 2018 meeting.

Mr. Page stated that a new home proposed on the southern lot would be considered at the December meeting.

Mr. Sammons was not in favor of the proposed plan and asked staff if the project could be denied. Mr. Lindgren responded.

Ms. Grace asked to see the proposed landscaping for the perimeter buffer at the next

meeting.

Motion failed 1-6 with Mr. Ives voting in favor.

A second motion made by Mr. Vila and seconded by Mr. Small to deny the application based on Section 18-205(a), criteria 1, 2 and 4. Motion carried 6-1 with Mr. Ives opposed.

B. **MAJOR PROJECTS-OLD BUSINESS**

B-006-2017 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 218 Miraflores Drive

Applicant: Vera Alfieri Monforte

Architect: Gregory Bonner/B1 Architects

Project Description: Partial second floor addition to an existing one story single family residence.

VARIANCE INFORMATION: The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required.

A motion carried at the June meeting to defer the project to the July 26, 2017 meeting. A motion carried at the July meeting to defer the project to the August 23, 2017 meeting. A motion carried at the August meeting to defer the project to the September 27, 2017 meeting. A motion carried at the September meeting to defer the project for two months to the November 29, 2017 meeting.

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

Maura Ziska, attorney for the applicant, reiterated the proposed variance requests and advocated for a positive recommendation to the Town Council.

Mr. Bonner presented the proposed modifications to the residence.

Mr. Vila asked for clarification of a measurement from the garage to the addition. Mr. Bonner responded.

Ms. Catlin thought the proposed design improved from the last presentation. Ms. Catlin was in favor of the shutters and suggested the addition of shutters on the two smaller windows on the west side of the second story. Mr. Bonner responded.

Ms. Grace asked about the reduction in height and cubic content made from the last presentation. Mr. Bonner responded. Ms. Grace asked about the proposed home compared with the surrounding properties. Mr. Bonner responded.

Mr. Corey thought the house was improved from the last presentation and thought the addition was consistent with the surrounding homes on the street. Mr. Corey was in favor of the windows on the west side. Mr. Corey suggested restudying the proportions of the roof pitch as well as the eaves. He also suggested restudying the proportions of the entablature and the columns on the portico.

Mr. Garrison thought the design was improved. He also asked if the shutters were proposed. Mr. Bonner responded. Mr. Garrison asked about the proposed eave details for the second floor. Mr. Bonner responded.

Mrs. Vanneck agreed that the proposed design was a vast improvement. She suggested restudying the proposed entryway as she thought the proportions were too large.

Mr. Ives thought the proposed design was fighting itself. He thought more restudy was needed, specifically with the entrance, fenestration, and balcony.

Mr. Sammons suggested restudying the portico, fenestration, eaves and other design features.

Motion made by Mrs. Vanneck and seconded by Mr. Ives to defer the project to the January 24, 2018 meeting. Motion carried with all in favor.

Mr. Page announced that any deferrals made today would most likely need to be deferred to the January 24, 2018 meeting due to the submittal deadlines.

[B-020-2017 Modifications](#)

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE -

Done 4/26/17 and 6/28/17

Address: 202 Onondaga Ave.

Applicant: 202 Onondaga LLC

Architect: Jaime Torres/Fairfax, Sammons & Partners

Project Description: Renovations to existing one story residence and partial 2nd floor addition to same. Landscape and hardscape changes included.

Please note: This will be a conflict of interest for Richard Sammons

At the April meeting, a motion carried that the proposed project can be designed in an architecturally suitable manner which conforms to our code of ordinances without the need for a variance. A second motion carried to defer the project to the June 28, 2017 meeting for restudy. A motion carried at the June meeting that the proposed project can be designed in an architecturally suitable manner, which conforms to the Town of Palm Beach Code of Ordinances without the need for a

variance. A second motion carried to defer the project for one month to the July 26, 2017 meeting. A motion carried at the July meeting to defer the project to the August 23, 2017 meeting. A motion carried at the August meeting to defer the project to the September 27, 2017 meeting.

At the September 2017 meeting, this project was approved as presented with a vote of 4-3, with Messrs. Small, Corey and Ms. Grace opposed. An appeal of this decision was filed and heard at the November 14, 2017 Town Council meeting. The Town Council remanded this project back to the Architectural Review Commission for reconsideration of the project based on the criteria in the Code, specifically Sec. 18-205 (a) criterion 6.

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

Mr. Sammons declared a conflict of interest for the project.

Mr. Page announced that Mr. Corey would be voting in the absence of Chairman Sammons.

Town Attorney Randolph reviewed the proceedings that took place at the Town Council meeting and directed the Commission to reconsider the project with specific consideration to Section 18-205a (6).

Mr. Vila asked for clarification of the 200-foot rule.

Ms. Grace asked for clarification on which criteria should be considered. Mr. Randolph responded.

Mr. Ives asked about the appeal process and what information should be considered. Mr. Randolph responded.

Mr. Small asked if the applicant had the burden of proof to prove that their project met the criterion in question. Mr. Randolph responded and read the development order based on the Town Council's decision.

Mr. Garrison asked if presentations could be limited only to address criterion 6. Mr. Randolph responded.

James Green, attorney for the applicant, introduced Jim DiBiase, owner of the property.

Mr. DiBiase, controlling owner of 202 Onondaga Avenue, discussed his reasons that he felt the proposed home is being opposed. He presented ARCOM approved homes that he considered precedence and comparable to his proposed home.

Mr. Green asked for confirmation from Mr. DiBiase that he prepared the materials he presented. Mr. DiBiase stated he did prepare all materials.

Jaime Torres, Fairfax and Sammons, confirmed that the Commission approved the design presented. He addressed Section 18-205a, criteria 4, 6 and 9 and provided evidence to support each criterion.

John C. Dotterrer presented the rebuttal to the evidence presented by Mr. DiBiase and Mr. Torres. He asked that the Commission deny the project.

John P. Barrie, expert witness on behalf of the neighbors opposing the project, presented evidence he believed supported the argument that the proposed home is too dissimilar to the surrounding homes within 200 feet.

Mr. Vila questioned the words enclave and cottage used in Mr. Barrie's arguments. Mr. Barrie responded and stated he was using language previously used in the past arguments.

Mr. Ives asked Mr. Barrie if he believed that Onondaga Avenue could be considered as a historic district. Mr. Barrie responded. Mr. Ives reminded the Commission that owner consent is not required when landmarking a structure in the Town. Mr. Ives asked Mr. Barrie to discuss the dissimilar language in relationship to the proposed home. A discussion ensued on this subject.

Mr. Garrison asked if Mr. Barrie believed that the other homes in the neighborhood are excessively similar. Mr. Barrie responded. A discussion ensued about this topic.

Ms. Grace asked Mr. Barrie what role he thought the "book end" homes played. Mr. Barrie responded. A short discussion ensued on this topic.

Mr. Small asked if Mr. Barrie took into consideration that this street resembled a lane more than a street. Mr. Barrie responded.

Ms. Catlin asked Mr. Barrie how he believed a two story home would be successful on the street. Mr. Barrie responded. A short discussion ensued on this matter.

Mr. Dotterrer provided rebuttal to the arguments made by the applicant's presentation.

Mr. DiBiase referred to an additional home in his presentation that was dissimilar in its surroundings and approved by the Commission.

Mr. Torres provided rebuttal to some of the arguments provided by Mr. Dotterrer and Mr. Barrie.

Ms. Grace questioned Mr. DiBiase about his negotiations with Mr. Dotterer. Mr. DiBiase responded. She then asked Mr. Torres about the screening for the house across the street from the proposed home. Mr. Torres responded.

Mrs. Vanneck asked for comments from the public and there were none.

Mrs. Vanneck asked for comments from the Commission.

Ms. Catlin stated the home was well designed.

Mr. Corey stated the height and the massing of the proposed home were concerning.

Mr. Small thought the proposed home was excessively dissimilar in Section 18-205a (6) and (8).

Mr. Ives disagreed with Mr. Small and thought the proposed home was not excessively dissimilar and provided his reasons.

Mr. Garrison agreed with Mr. Ives and was in favor of the proposed home.

Ms. Grace thought there were several surrounding structures that were excessively dissimilar in height from the proposed residence.

Mr. Vila agreed with Mr. Ives and Mr. Garrison and thought that the size and proportions of the home was not the only criteria that should be considered.

Mrs. Vanneck thought that the proposed home would contribute to the grace, harmony and beauty of Palm Beach.

Upon reconsideration as directed by the Town Council, a motion was made by Mr. Ives and seconded by Mr. Vila to approve the project as presented based all of the criteria in Section 18-205, with specific reconsideration to 18-205a (6). Motion carried 4-3 with Messrs. Small, Corey and Ms. Grace.

A lunch break was taken at 1:10 p.m. The meeting resumed at 2:00 p.m.

[B-054-2017 New Construction](#)

Address: 446 N. Lake Way

Applicant: Stephen A. Levin

Architect: Benjamin Schreier/Affiniti Architects

Project Description: New contemporary two story home and one story accessory garage totaling 13,093 gross s.f. and associated landscaping, hardscape and swimming pool.

A motion carried at the June meeting to defer the project to the August 23, 2017 meeting for a major restudy. A motion carried at the August meeting to defer the project for one month to the September 27, 2017 meeting. A motion carried at the September meeting to defer the project for two months to the November 29, 2017 meeting.

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

Daniel Ménard, LeBerge & Ménard working with Affiniti Architects, presented the modifications to the proposed residence.

Mr. Small asked the architect if he considered an alternate placement for the garage. James Green, attorney for the applicant, stated that the neighbor to the north asked if the proposed garages could face each other, rather than face north.

Mr. Lindgren asked the architect if he brought a model. Mr. Ménard responded.

Mr. Ives suggested that there had not been enough substantial changes to the plan and would support a denial.

Mr. Small stated he would be in favor of an alternate garage to the north, across from the currently proposed garage structure. Mr. Ménard responded that the neighbor to the north requested that the garages on the south side of the site.

Mr. Corey was in favor of the scale, size and site plan and thought they worked well. He indicated that the design changes were a step in the right direction. Mr. Corey expressed concern about the fenestration on the elevations facing the Lake Trail.

Ms. Shiverick agreed with Mr. Corey's assessment of the project however, she was in favor of the fenestration. She suggested removing all of the stone, with the exception of the stone on the fireplace, from the proposed home. She requested a sample of the paint colors. Mr. Ménard provided the Commission with a paint sample.

Ms. Grace thought the redesign was a big improvement. She was in favor of both the garages on south side and the proposed stone on the home. She suggested restudying the overall mass and the fenestration on the west side.

Mr. Sammons questioned whether the changes were significant. He suggested a restudy of the mass and volume of the proposed home. He suggested adding a courtyard to allow light into the middle of the home. He added he thought the home was excessively dissimilar to house next door and thought the home needed more restudy.

Mr. Vila thought the proposed home needed more light and air.

Motion made by Mr. Ives and seconded by Mr. Garrison to defer the project for major restudy to January 24, 2018 meeting. Motion carried 6-1 with Mrs. Vanneck opposed.

[B-070-2017 Demolition/New Construction](#)

Address: 225 Tangier Ave.

Applicant: ILLKM PB LLC

Architect: Benjamin Schreier/Affiniti Architects

Project Description: Demolition of an existing residence constructed in 1958, Construction of new one story Bermuda style 6,192 sq. ft. residence, with swimming pool, associated landscaping and landscape lighting.

Motions carried at the October meeting to approve the demolition and to defer the project for one month to the November 29, 2017 meeting for restudy based on the comments from the Commission.

Please note: This item was deferred to the December 15, 2017 meeting during Item V., Approval of the Agenda.

[B-074-2017 Demolition/New Construction](#)

Address: 260 Clarke Ave.

Applicant: Nancy Kozak

Architect: M. Mark Marsh/Bridges, Marsh & Associates, Inc.

Project Description: Demolition of existing two-story residence, pool & landscape/hardscape. New two-story residence, pool, associated landscape/hardscape.

At the August meeting, a motion carried to defer the project for one month to the September 27, 2017 meeting. At the September 27, 2017 meeting, motions carried to approve the demolition and to defer the project for one month to the October 25, 2017 meeting for restudy. A motion carried at the October meeting to approve the project with the exception of the portico, which will return in one month at the November 29, 2017 meeting.

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

Mr. Marsh presented the proposed modifications to the residence.

Mr. Vila thought the changes were an improvement. Mr. Vila asked about the proposed roof pitch. Mr. Marsh responded.

Mr. Ives stated the changes were exactly what the Commission asked for from the architect.

Motion made by Mr. Ives and seconded by Mr. Small to approve the project as presented. Motion carried with all in favor.

[B-080-2017 Demolition/New Construction](#)

*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO
VARIANCE(S)* - Done 8/23/17

Address: 211-217 Emerald Lane

Applicant: Mr. & Mrs. Donald Gulbrandsen

Architect: MP Design & Architecture

Project Description: Demolition of existing house at east parcel. Proposed one story tea house with trellis, landscape/hardscape and pool.

At the August meeting, motions carried to approve the demolition, to recommend to the Town Council that implementation of the proposed variances will not cause negative architectural impact to the subject property and to approve the project as presented with the exception of the teahouse, which was deferred to the September 27, 2017 meeting for restudy. At the September meeting, the architect requested a deferral to the October 25, 2017 meeting. A motion carried at the October meeting to defer the project for one month to the November 29, 2017 meeting to restudy the roof height and cornice details.

Please note: This item was deferred to the December 15, 2017 meeting during Item V., Approval of the Agenda.

[B-081-2017 Modifications](#)

Address: 231 Seaspray Ave.

Applicant: André Trouillé

Architect: Todd MacLean/Todd MacLean Outdoor Living

Project Description: Add old growth pecky cypress gates, aluminum rail fencing, and minor landscaping.

At the September meeting, the architect requested a deferral to the October 25, 2017 meeting. A motion carried at the October meeting to defer the project for one month to the November 29, 2017 meeting with a restudy of the style of the gates and the possibility of using wrought iron rather than pecky cypress at the material for the gate.

Please note: This item was deferred to the December 15, 2017 meeting during Item V., Approval of the Agenda.

[B-087-2017 Demolition/New Construction](#)

*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN
REVIEW*

Address: 377 N. Lake Way

Applicant: Alan Shulman

Architect: Pat Segraves/SKA Architect + Planner

Project Description: Demolition and new construction of two story British Colonial style home to be approximately 7,500 square feet. Home will consist of five bedrooms, seven bathrooms, powder room, living room, dining room, kitchen, butlers pantry, family room, laundry room, wine bar, loggia and two car garage. Final landscape and hardscape to be provided.

SITE PLAN REVIEW INFORMATION: Site Plan Review to allow the construction of a 7,465 square foot two-story, single family residence on a non-conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

At the September meeting, motions carried to approve the demolition and defer the project for one month to the October 25, 2017 meeting for restudy. A motion carried at the October meeting for one month to the November 29, 2017 meeting for restudy.

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

Mr. Segraves presented the modified proposed plans for the new residence. He presented an alternate color on the overhead projector.

Mr. Corey thought the changes were an improvement. Mr. Corey expressed concerns about the fenestration on the west elevation.

Ms. Grace was in favor of the changes presented. She expressed her concern about the west elevation fenestration and balcony. She made a suggestion for the paint color as well.

Mr. Garrison thought that the fenestration on the west elevation needed restudy.

Mr. Corey made a suggestion for the west façade fenestration.

Mr. Vila agreed that the fenestration needed some changes.

Motion made by Mr. Vila to approve as presented with the caveat that the architect return with a revised fenestration plan for the west façade and to bring the paint details. Motion failed for lack of a second.

Mrs. Vanneck thought there was a big disconnect between garage and connection to the house and stated she could not support the design.

Mr. Sammons thought the home was still too wide and thick. He stated he had problems with the back porch columns. He stated the garage mass needed restudy as well as the roof, cornices, the piers and entablature of the portico and fascia.

Mrs. Vanneck thought the landscaping plan lacked imagination and suggested branching out using different materials other than palm trees.

Motion made by Mrs. Vanneck and seconded by Mr. Garrison to defer the project for restudy to the January 24, 2018 meeting. Motion carried with all in favor.

B-088-2017 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION AND VARIANCE(S) - DONE 10/25/17

Address: 596 N. County Rd.

Applicant: Michael & Suzanne Ainslie

Architect: Nelo R. Freijomel/Freijomel & Boruff Architects, LLP

Project Description: Construction of a new two-story residence, covered porch, pool and pergola with associated hardscape and landscape.

At the September meeting, a motion carried to defer the project for one month to the October 25, 2017 meeting for restudy. At the October meeting, motions carried that the implementation of the proposed special exception and variances will not cause negative architectural impact to the subject property, to approve the architectural plans as presented and to defer the landscape plans for one month to the November 29, 2017 meeting.

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

Matt Jackman, Nievera Williams, presented the modifications to the proposed landscape plans.

Mr. Corey expressed concern about the proposed Clusia trees and thought the plan needed more variety. Mr. Jackman responded. A short discussion ensued regarding the proposed shade trees.

Ms. Grace suggested using a type of tree that would make more of a true arch in place of the proposed Clusia trees.

Mr. Vila was in support of the proposed plan.

Mrs. Vanneck expressed concern for the design. She suggested using a Seagrape tree rather than the proposed Clusia.

Motion made by Mrs. Vanneck and seconded by Mr. Small to approve the plans as presented with the caveat that Seagrape trees are used in place of the Clusia trees. Motion carried with all in favor.

C. MAJOR PROJECTS-NEW BUSINESS

B-082-2017 New Construction

Address: 535 N. County Rd.

Applicant: 535 North County Road LLC

Architect: Bill Boyle/Boyle Architecture PLLC

Landscape Architect: Steven West/Parker Yanette Design Group
Project Description: New 14,017 s.f. a/c Main House, 1,426 s.f. a/c Guest House and 451 s.f. a/c Staff Quarters, with 2,330 s.f. of Garage area, 4,586 s.f. of Covered Loggia and Covered Entries, 4,658 s.f. of Basement Storage in Modern Style, Driveway, Pools and Garden.

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

Mr. Boyle presented the plans for the new residence proposed. He showed alternate designs for the perimeter wall, front gate, entry as well as other design features on the overhead projector.

Mr. West presented the proposed landscape plans for the new residence.

Mr. Ives asked about the proposed window design. Mr. Boyle responded. Mr. Ives was in favor of the initial design. Mr. Ives suggested restudying the hierarchy of the design as well as looking at moving the design away from the commercial look. He suggested the possibility of adding different materials in the proposed design.

Mr. Small asked if the architect had considered the proposed home at 515 N. County Road when designing this home. Mr. Boyle responded.

Ms. Shiverick was in favor of the winding driveway and stated she would love to see more canary date palms or a different palm other than the coconut palm trees proposed. She also was in favor of the choice of marble.

Mr. Vila asked about the proposed book match slabs and using light wells or adding an atrium. Mr. Boyle responded. Mr. Vila suggested using Ipe rather than the faux painted aluminum. He also thought some of the design seemed heavy and needed some lightness. He asked Mr. West about the proposed locations of the canary date palms in relation to the ocean. Mr. West responded. Mr. Vila expressed concern about the large chimney. Mr. Boyle stated he did lower the chimney 3'6".

Mr. Corey questioned the placement of the guesthouse and the service house. Mr. Boyle responded. Mr. Corey questioned whether this house was excessively dissimilar to its surroundings. He suggested restudying the rhythm of the fenestration.

Mr. Small suggested deferring the project until the proposed house to the south is presented to the Commission. He also thought that the architect did not meet the burden in proving that the proposed home is not excessively dissimilar.

Mr. Vila stated he thought the proposed home needed to be looked at in its own context.

Mr. Garrison agreed with Mr. Vila and stated he thought this location was a good site for the International style of home proposed. Mr. Garrison was in favor of the random rhythm of the design.

Mrs. Vanneck thought the design was excessively dissimilar. Mrs. Vanneck also suggested using different tree specimens other than the palms proposed on County Rd.

Mr. Ives was in favor of the design but thought it needed more restudy.

Ms. Catlin was in favor of the home and thought it would work in the area proposed.

Mr. Small stated that the Commission is mandated by the ordinance to determine if a home is similar and architecturally compatible in its surroundings.

Ms. Grace thought the home is dissimilar in its surroundings. She added that the view from the water would be more noticeable.

Mr. Sammons had a problem with the scale of the home as well as the hierarchy of the design, the fenestration and the heights of first and second floor. He suggested reducing the scale of the home.

Motion made by Mrs. Vanneck and seconded by Mr. Garrison to defer the project to January 24, 2018 for major restudy and a consideration of the surroundings. Motion carried with all in favor.

[B-093-2017 New Construction](#)

Address: 515 N. County Rd.

Applicant: 515 North County Road Trust

Architect: M. Mark Marsh/ Bridges, Marsh & Associates, Inc.

Landscape Architect: Chris Simon/Nievera Williams Design

Project Description: New two story residence, pool and associated hardscape/landscape.

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

Mr. Marsh presented the plans for the new residence proposed. Mr. Marsh reviewed all of the proposed material samples as well as the model.

Mr. Corey was in favor of the site plan and thought it was successful. He was in support of the project.

Mr. Vila thought the design was elegant.

Mr. Small agreed and was in support of the project.

Mr. Garrison was in favor of the project and thought the scale was appropriate. He stated he was appreciative of the amount of details included in the presentation.

Mr. Ives was in support of the project.

Ms. Shiverick asked about the proposed colors. Mr. Marsh reviewed the color palate with Ms. Shiverick.

Mr. Sammons suggested the house was too tall and suggested stepping down the service wing. He questioned the size of the columns on the northeast corner of the home. He suggested restudying the size of the proposed corbels.

Mr. Simon presented the plans for the proposed landscaping for the new residence.

Mrs. Vanneck asked about the proposed tree in the drive island. Mr. Simon responded.

Mr. Vila asked about the proposed material for grass. Mr. Simon responded. Mr. Vila inquired about the north and south buffers. Mr. Simon responded.

Mr. Simon presented alternative designs for the buffers on the overhead projector.

Mrs. Vanneck asked about the proposed north wall. Mr. Simon responded.

Mr. Vila asked about the proposed main gates. Mr. Simon showed the gate design on the overhead projector.

Mr. Corey thought the landscaping renderings presented on the overhead projector were successful.

Motion made by Mr. Vila and seconded by Mr. Small to approve the project as presented with a caveat to include a dedication of a utility easement subject to the satisfaction of the Town. Motion carried 6-1 with Mr. Sammons opposed.

[B-094-2017 Demolition/New Construction](#)

Address: 149 E. Inlet Dr.

Applicant: Myron Miller

Architect: Roger P. Janssen/Dailey Janssen Architects

Landscape Architect: Don Skowron

Project Description: Demolition of existing residence, pool, hardscape and landscape and construction of a new two-story residence, guesthouse, pool and all

associated landscape and hardscape.

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

Mr. Janssen presented the proposed demolition request for the current residence.

Motion made by Mr. Small and seconded by Mr. Ives to approve the demolition as requested with the caveats to remove all exotic and invasive plant species and to sod and irrigate the property within 30 days, that the exterior fence and landscaping remain and that all construction parking be contained to the site. Motion carried with all in favor.

Mr. Janssen presented the plans for the proposed new residence. Mr. Janssen presented an updated survey on the overhead projector that showed an Army Corps of Engineers easement on the property. He also presented an alternate design for the entry pavilion on the overhead projector.

Mrs. Vanneck questioned the bell tower and thought it was distracting. She also questioned the height and massing of the chimney in the design.

Mr. Vila agreed with Mrs. Vanneck and offered some suggestions for the tower and the chimney. Mr. Vila also asked about the size of the proposed entryway. Mr. Janssen responded.

Ms. Grace was in favor of the entrance as well as the openness between the main and guesthouse. She thought there was a disconnect between the east and west façades and thought the tower element needed restudy.

Mr. Corey was in favor of the site plan but questioned the proposed elevation height of the proposed home. Mr. Janssen responded. He suggested a disconnect between the east and west elevations.

Mr. Small was in favor of the tower but thought it was too tall.

Mr. Page reviewed the discussions and the decision made at the Town Council meeting. He also reviewed the condition placed upon the approval relating to the easement on the property. Mr. Janssen responded.

Mr. Garrison asked about the gable inspiration that was shown on the overhead projector. Mr. Janssen responded.

Mr. Ives was in favor of the design but suggested to restudy the tower.

Mr. Sammons questioned the way the tower related to the house and the proposed roof plan. He also suggested that the house would be very dark inside.

Mr. Skowron presented the plans for the proposed landscaping for the residence.

Mrs. Vanneck asked about consideration for the new easement. Mr. Skowron responded.

Mr. Small asked about the landscape proposed on East Inlet Drive. Mr. Skowron reviewed the proposed landscaping. Mr. Small recommended looking at 101 Indian Dr. as a reference.

Mr. Ives asked about the proposed landscaping on the waterside. Mr. Skowron responded.

Mrs. Vanneck suggested more groupings of palm trees. She questioned the two canary date palms at the entrance. She also questioned the proposed 8' Clusia proposed. There was a short discussion regarding materials that would be successful in the location.

Mr. Corey agreed with Mrs. Vanneck regarding her landscaping assessment.

Motion made by Mr. Vila and seconded by Mrs. Vanneck to defer the project to the January 24, 2018 meeting to restudy the tower element, the roof and the look of the north and east façade. Motion carried with all in favor.

[B-097-2017 New Construction](#)

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

Address: 1700 S. Ocean Blvd.

Applicant: Ocean Villa Holdings, LLC (Jagbir Singh)

Architect: Jacqueline Albarran

Project Description: New two-story structure in the Regency style with flat roof, pediments, smooth stucco walls, stucco mouldings, parapets and vertical and horizontal banding, white aluminum impact French doors and casement windows, covered terrace and pergolas. New driveway, patio, pool and landscape design by Lynn Bender Landscape Architecture.

SITE PLAN REVIEW WITH VARIANCE(S) INFORMATION: Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application: 1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall.

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

Maura Ziska, attorney for the applicant, reviewed the proposed site plan review and variance requests and advocated for a positive recommendation to the Town Council.

Ms. Albarran presented the plans for the proposed new residence.

Mr. Sammons requested the architect to provide more details for the proposed residence.

Ms. Grace asked about the request for the site plan review. Ms. Albarran responded.

Mr. Ives requested more details and stated she is heading in the right direction. He suggested expanding the pediment on the front entrance.

Mr. Corey thought the design was in good taste and provided continuity in its surroundings.

Motion made by Mr. Garrison and seconded by Mr. Ives that the implementation of the proposed site plan review and variances will not cause negative architectural impact to the subject property.

Greg Kino, attorney for Maureen Donnell at 1690 S. Ocean Blvd. and for Geoffrey Caraboolad at 300 Parc Monceau, asked if a model was required for the proposed home. He expressed his objections to the proposed home and asked the Commission to defer or deny the project.

Mr. Garrison stated an argument could be made that a one story Regency style home would be excessively similar to its surroundings. Mr. Kino responded.

A second motion made by Ms. Grace to defer the project to the January 24, 2018 meeting.

Mr. Garrison withdrew his motion.

Mr. Ives provided a second to the motion made by Ms. Grace. Motion carried 6-0, with all in favor.

Please note: Ms. Catlin left at 5:29 p.m. Mr. Small left at 5:35 p.m. Mrs. Vanneck left at 5:40 p.m. Mr. Vila left at 5:50 p.m.

[B-098-2017 Modifications](#)

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

Address: 224 S. Ocean Blvd.

Applicant: Armen Manoogian

Architect: Jose A. Gonzalez/Gonzalez Architects

Project Description: Proposed work includes three new dormers in the existing roof on the east façade of the home. New roofing on dormers to match existing wood shingle roofing.

VARIANCE(S) INFORMATION: Construction of three dormers on existing third story.

1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) to allow dormer windows in a non-habitable third story space which is not permitted by Code.

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

Mr. Gonzalez presented the proposed modifications to the residence and stated that the client's preference is the proposed arched dormers.

Mr. Ives questioned the whether dormers worked with the architecture. He thought the proposed dormers were too large and the project needed restudy.

Mr. Sammons stated he had a problem with proportion and details of the proposed dormers. Mr. Gonzalez responded.

Mr. Corey stated he could not support the proposed dormers and he felt it did not match the architecture.

Mr. Garrison stated he was in full agreement with Mr. Corey.

Motion made by Mr. Garrison and seconded by Mr. Ives to defer the project to the January 24, 2018 meeting for a restudy of dormers that are in keeping with the architecture. Motion carried 6-0, with all in favor.

D. **MINOR PROJECTS - OLD BUSINESS**

A-044-2017 Modifications

Address: 2284 Ibis Isle Rd W.

Applicant: 2284 Ibis Isle, LLC

Architect: Todd MacLean/Todd MacLean Outdoor Living

Project Description: Remove circle driveway and landscaping and add new auto court with new landscaping.

A motion carried at the October meeting to defer the project for one month to the November 29, 2017 meeting for a restudy of the landscape plan.

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

Mr. MacLean presented the plans for the modifications to the residence.

Motion made by Mr. Corey and seconded by Mr. Ives to approve the plans as presented. Motion carried 6-0, with all in favor.

E. **MINOR PROJECTS-NEW BUSINESS**

A-048-2017 Modifications

Address: 201 Dunbar Rd.

Applicant: 280 NCR, LLC

Architect: Pat Segraves/SKA Architect + Planner

Project Description: Re-sizing of windows on south, north and east elevations of previously approved house.

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

Mr. Segraves presented the proposed modifications to the fenestration.

Mr. Garrison expressed concern about the hedge that was removed during the demolition of the project.

Motion made by Mr. Garrison to approve the project as presented.

Mr. Sammons objected to the relocation of the two smaller windows on the north elevation.

Mr. Corey expressed concern about the proposed transoms. He suggested to make the window bigger and to remove the transoms.

Mr. Garrison withdrew his motion.

Motion made by Mr. Corey and seconded by Mr. Ives to defer to defer the project to December 15, 2017 with the transoms removed and the windows taller. Motion carried 4-2 with Ms. Shiverick and Mr. Sammons opposed.

There was a short discussion regarding the change to the windows and the change to the water table.

Please note: Ms. Grace left at 6:17 p.m.

A-050-2017 Modifications

Address: 274 Orange Grove Rd.

Applicant: Citrus Cottage LLC

Architect: Roger Hansrote/ACI, Inc.

Landscape Architect: John Lasinger

Project Description: Remove existing covered front entry structure and front door and install new covered entry structure and front door with sidelight. Remove garage door and replace with new. Install decorative aluminum rail on garage roof. Remove portion of front entrance drive and replace with new brick

pedestrian walk to front door. Install new front yard landscaping. Install new stucco trim above existing windows. Replace portion of existing concrete drive with brick paver drive.

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

Richard Leja, ACI, Inc., presented the proposed modifications to the landscape.

Mr. Corey suggested to change the style to a Spanish Revival home. He added he was not in favor of the proposed changes.

Mr. Ives asked about the proposed color for the front door. Mr. Leja showed the Commission the samples of the materials. Mr. Ives was not in favor of the proposed balconies.

Mr. Sammons was not in favor of the proposed detailing and the porch.

Mr. Lasinger presented the modifications to the landscaping.

Mr. Corey was in favor of the landscape plan and suggested using bricks for the entire driveway.

Ms. Shiverick suggested to lower the balconies and to change the color of the door.

Mr. Sammons was in favor of the landscaping but thought the architectural changes were not an improvement.

Motion made by Mr. Ives and seconded by Mr. Corey to defer the project to the January 24, 2018 meeting for restudy the architectural changes. Motion carried 5-0, with all in favor.

[A-051-2017 Modifications](#)

Address: 3100 S. Ocean Blvd.

Applicant: Palm Beach Hampton Condominium Association

Architect: Jonathan Wrend/City Beautiful Group

Project Description: Window replacement, size-for-size. Replacement windows are being proposed without existing muntin pattern.

Please note: This item was deferred to the December 15, 2017 meeting during Item V., Approval of the Agenda.

IX. **OTHER BUSINESS**

None.

X. **ADDITIONAL COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

There were no comments heard at this time.

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

There were no comments heard at this time.

XII. **ADJOURNMENT**

Motion made by Mr. Garrison and seconded by Mr. Ives to adjourn the meeting at 6:28 p.m. Motion carried with all in favor.

The next meeting will be held on Friday, December 15, 2017 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Richard Sammons, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda Resolutions

Agenda Title

RESOLUTION NO. 212-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of the First Amendment to the Homeless Resource Center Interlocal Agreement with Palm Beach County, Florida.

Presenter

Kirk W. Blouin, Director of Public Safety

ATTACHMENTS:

- ❑ **Memorandum dated November 15, 2017, from Kirk W. Blouin, Director of Public Safety**
- ❑ **Attachment A**
- ❑ **Resolution 212-2017**
- ❑ **Exhibit A**
- ❑ **Resolution Exhibit Attachment Non-discrimination Policy**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Homeless Resource Center First Amendment to Interlocal Agreement
Resolution No. 212-2017

Date: November 15, 2017

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 212-2017 authorizing the Mayor to execute the First Amendment to the Homeless Resource Center Interlocal Agreement with Palm Beach County, Florida

GENERAL INFORMATION

The Town of Palm Beach originally entered the Palm Beach County Homeless Resource Center Interlocal Agreement on May 22, 2012 as approved by Resolution No. 141-11 (Attachment A).

The Interlocal Agreement adopted Best Practices for law enforcement personnel with regard to interaction with the homeless population and referral of homeless individuals to the Homeless Resource Center (HRC) and related community facilities. Additionally, Palm Beach County established a Homeless Resource Center (HRC) for referral of the County's homeless population to a central facility, supporting organizations, and services and programs that will help end the cycle of homelessness.

The First Amendment to the Interlocal Agreement amends Section 15 and adds Sections 17 and 18 which are attached to Resolution No. 212-2017 and attached thereto as Exhibit A.

FUNDING/FISCAL IMPACT

There is no funding impact therefore this section is not applicable.

TOWN ATTORNEY REVIEW

Resolution No. 212-2017 and the First Amendment to the Interlocal Agreement have been reviewed by the Town Attorney and approved for legal form and sufficiency.

KB/lg

Attachments

RESOLUTION NO. 141-11

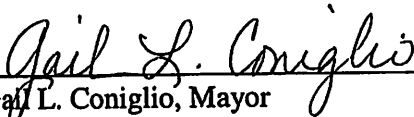
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF THE HOMELESS RESOURCE CENTER INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, FLORIDA.

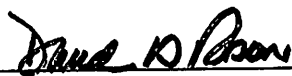
WHEREAS, Staff recommends that the Town Council enter into the Homeless Resource Center Interlocal agreement with Palm Beach County, Florida, for the purpose of utilizing a central facility that will support organizations, services and programs that will help end the cycle of homelessness.

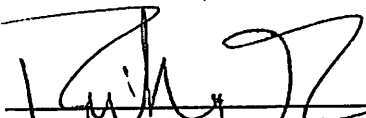
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

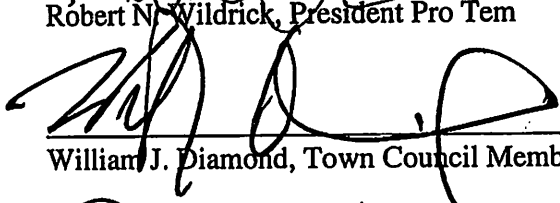
Section 1: The Town Manager is hereby authorized and directed to execute the Palm Beach County, Florida Homeless Resource Center Interlocal Agreement on behalf of the Town of Palm Beach.

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


Gail L. Coniglio, Mayor


David A. Rosow, Town Council President


Robert N. Wildrick, President Pro Tem


William J. Diamond, Town Council Member


Richard M. Kleid, Town Council Member


Susan A. Owens, Town Clerk


Michael J. Pucillo, Town Council Member



INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (this "Agreement") is made and entered into May 22 2012, by and between Palm Beach County, a political subdivision of the State of Florida ("County") and the Town of Palm Beach, a municipal corporation of the State of Florida ("Town").

WITNESSETH

WHEREAS, the County has established a Homeless Resource Center ("HRC") within the municipal boundaries of the City of West Palm Beach ("WPB") for the referral of the County's homeless population to a central facility supporting organizations, services and programs that will help end the cycle of homelessness; and

WHEREAS, the County has entered into an Interlocal Agreement dated January 12, 2010, with WPB (City Ordinance No. 4235-09, as may be amended) in support of the HRC; and

WHEREAS, the Palm Beach County Law Enforcement Planning Council ("LEPC") and subcommittee of the Criminal Justice Commission has adopted Best Practices for law enforcement personnel's: 1) interaction with the homeless population and 2) referral of homeless individuals to the HRC and related community agencies' specialty facilities; and

WHEREAS, the foregoing operating protocols have been developed in satisfaction of the requirements set forth in the Interlocal Agreement between County and WPB, which are to: 1) uphold the safe and orderly operation of the HRC; 2) sustain compatibility between the HRC and the uses and character of land surrounding and in the vicinity of the HRC; and 3) further the purpose of the HRC to end homelessness for qualified individuals that voluntarily commit to participate in the services and programs offered by the HRC; and

WHEREAS, the aforementioned protocol is endorsed by the LEPC for countywide implementation through standard law enforcement practices and procedures that shall precede a referral to the HRC; and

WHEREAS, the County and the Town have determined it to be beneficial to both parties for the Town to be able to refer and transport homeless individuals to the HRC; and

WHEREAS, this Agreement authorizes the Town to utilize the HRC in a manner that conforms to both the operational understanding and expectations of both the County and WPB as established by the Interlocal Agreement and the practices endorsed by the LEPC; and

WHEREAS, the County and the Town have the ability to lawfully enter into this Agreement.

NOW THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

SECTION 1: PURPOSE

The purpose of this Agreement is to: 1) provide the protocol by which the Town shall refer and transport homeless individuals for acceptance into the HRC and 2) provide for payment of any transport costs incurred by the Town.

SECTION 2: LAW ENFORCEMENT BEST PRACTICES

2.01 The Town agrees to abide by and adopt the Palm Beach County Law Enforcement Agencies Best Practices for Interaction with the Homeless ("Best Practices") in accordance with the most current approved revision to the Best Practices, which is attached as Exhibit A to this Agreement. The Best Practices establish the guidelines which law enforcement agencies shall include in each agency's operating procedures and which law enforcement personnel shall follow during their interactions with homeless individuals. The Best Practices may be modified or updated from time to time as may be agreed to by the LEPC. Each update to the Best Practices shall be transmitted to the County's representatives identified in Section 11 of this Agreement who shall have responsibility for transmitting such update to the Town's representatives identified in Section 11. The update shall automatically replace the former and become part of this Agreement with sixty (60) days prior notice of the implementation date.

SECTION 3: HRC REFERRAL PROCEDURES

3.01 The County may establish and issue HRC specific procedures associated with HRC referrals ("Referral Procedures"). The Referral Procedures include such documents as the Field Referral Form which is attached as Exhibit B to this Agreement. The Referral Procedures may be modified or updated from time to time by the County with sixty (60) days prior notice of the implementation date at which time such modifications/updates shall automatically replace the former and become a part of this Agreement. In the event that the Town does not agree to operate in accordance with the Referral Procedures, then the Town's sole option shall be to exercise its right to terminate this Agreement as provided herein.

3.02 The Town agrees to conduct training for all sworn personnel, and those non-sworn personnel which may have interaction with the homeless. The training curriculums (new and refresher) shall be provided to the Town by the County (as prepared by the Palm Beach County Sheriff's Office). The Town agrees to conduct training for all officers (and eligible non-sworn personnel) as part of new employee field training and as part of the next round of in-service training. Subsequent refresher training shall be conducted no less frequently than annually as part of in-service training.

SECTION 4: TRANSPORTATION COSTS

4.01 The Town, on an individual referral basis, has the option of either: 1) transporting a homeless person and all of their belongings that are not secured, to the HRC by Town personnel in a Town-owned vehicle, or 2) requesting that the County arranges for transport via the County's contracted transport provider. In the event that the Town chooses to utilize the County's contracted transport provider, the Town agrees to reimburse the County the actual cost of the

transport. The County shall invoice the Town for the number of transports twice a year on March 31st and September 30th. The Town shall pay the County, in full, no later than thirty (30) days after the date of the invoice. Payments shall be sent to:

Facilities Development & Operations
Fiscal Manager
2633 Vista Parkway
West Palm Beach, FL 33411-5603

Attn: HRC Interlocal Agreement #_____ Invoice #

If during transport, the homeless person decides that he/she does not wish to end their homelessness, the Town will return the homeless person to his/her original location or another location within the Town's boundaries that is mutually acceptable to the homeless person and the Town. In the event that the homeless person is being transported by the County's contracted transport provider, the homeless person will be returned only to the original location from which he/she originated. In the event of the foregoing, the Town will still be required to reimburse the County for the cost of the partial trip. The Town's reimbursement obligations set forth in this section shall survive expiration or termination of this Agreement.

SECTION 5: INDEMNIFICATION

5.01 Each party shall be liable for its own actions and negligence and, to the extent permitted by law, each party shall indemnify, defend and hold harmless the other party against any actions, claims or damages arising out of the indemnifying party's negligent, willful, or intentional acts or omissions in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida State Statutes, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's negligent, willful, or intentional acts or omissions. This provision shall survive expiration or termination of this Agreement.

SECTION 6: TERM OF AGREEMENT

6.01 The initial term of this Agreement is for five (5) years and shall commence immediately upon execution of this Agreement. The term of this Agreement may be renewed for three (3) successive periods of five (5) years each under the same terms and conditions of this Agreement. At least six (6) months prior to the expiration of this Agreement's term, the Town shall provide the County with a request to renew this Agreement. If agreed upon by the parties, within two (2) months of the County's receipt of such request, the County shall process an Amendment to this Agreement which shall be executed by both the Town and the County. The County may not unreasonably withhold its approval of the renewal request.

SECTION 7: ENFORCEMENT

7.01 The County will immediately communicate with the Town's Representative any referral that the County determines not to have been made in accordance with the Referral

Procedures. If a homeless person cannot be accepted into the HRC due to an error of the Town's law enforcement personnel with respect to the Referral Procedures, the homeless person will be transported back to the location from which he/she originated at the Town's cost, pursuant to Section 4.01. The Town retains the option of self-transport but agrees to consider the information provided by the HRC operator prior to making a determination regarding self-transport on a return trip. For purposes of this Section 7, within fifteen (15) days of the effective date of this Agreement the Town shall provide the County with written notice as to the person designated as the Town's Representative and such representative's contact information. The Town may from time to time change the person designated as the Town's Representative, upon three (3) days prior written notice to the County.

SECTION 8: AMENDMENTS TO THIS AGREEMENT

8.01 This Agreement may be amended from time to time by written amendment executed by both the Board of County Commissioners and the Town.

SECTION 9: TERMINATION

9.01 This Agreement may be terminated by either party, with or without cause. Any termination shall be effective sixty (60) days from the receipt of written notice thereof.

SECTION 10: ANNUAL BUDGET APPROPRIATIONS

10.01 The County's and the Town's performance and obligations to pay pursuant to this Agreement are contingent upon annual appropriation for its purpose by the Board of County Commissioners and the Town Council.

SECTION 11: NOTICES

11.01 Any notice given pursuant to the terms of this Agreement shall be in writing and delivered by Certified Mail, Return Receipt Requested. The effective date of such notice shall be the date of receipt, as evidenced by the Return Receipt. All notices shall be addressed to the following:

As to the County:

Director, Facilities Development & Operations
2633 Vista Parkway
West Palm Beach, FL 33411

With a copy to:

County Attorney's Office
301 North Olive Avenue
West Palm Beach, FL 33401

County Administrator
301 North Olive Avenue
West Palm Beach, FL 33401

Director, Human Services Division
810 Datura Street
West Palm Beach, FL 33401

As to the Town:

Town Manager
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Any party may from time to time change the address at which notices under this Agreement shall be given such party, upon three (3) days prior written notice to the other parties.

SECTION 12: APPLICABLE LAW/VENUE

12.01 This Agreement shall be governed by the laws of the State of Florida and venue for any causes of action concerning this Agreement shall be in Palm Beach County, Florida.

SECTION 13: FILING

13.01 A copy of this Agreement shall be filed with the Clerk & Comptroller's Office in and for Palm Beach County.

SECTION 14: DELEGATION OF DUTY

14.01 Nothing contained herein shall be deemed to authorize the delegation of the Constitutional or Statutory duties of the County's or the Town's officers.

SECTION 15: PALM BEACH COUNTY OFFICE OF THE INSPECTOR GENERAL

15.01 Palm Beach County has established the Office of the Inspector General, which is authorized and empowered to review past, present and proposed County contracts, transactions, accounts and records. All parties doing business with the County shall fully cooperate with the Inspector General. The Inspector General has the power to subpoena witnesses, administer oaths, require the production of records, and to audit, investigate, monitor, and inspect the activities of the Town, its officers, agents, employees, and lobbyists in order to ensure compliance with the agreement specifications and to detect waste, corruption and fraud.

SECTION 16: MISCELLANEOUS

16.01 The recitals set forth in this Agreement are true and correct and are incorporated herein.

16.02 All Exhibits referenced in this Agreement are incorporated herein by such reference and shall be deemed to be an integral part of this Agreement.

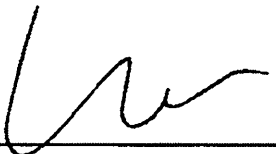
16.03 This Agreement and any Exhibits attached hereto and forming a part thereof as if fully set forth herein, constitute all agreements, conditions and understandings between the County and the Town concerning the Town's utilization of the HRC; except as herein otherwise provided, no subsequent alterations, waiver, change, or addition to this Agreement shall be binding upon the County or the Town unless reduced to writing and signed by them.

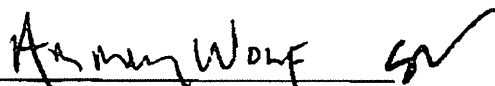
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IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first above written.

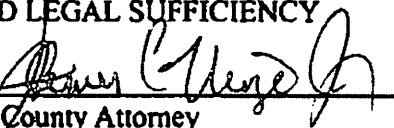
ATTEST:

PALM BEACH COUNTY, a political subdivision of the State of Florida

By: 

By: 
Dir., Facilities Dev & Opns

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
County Attorney

ATTEST:

TOWN OF PALM BEACH,
a municipal corporation of the State of Florida

TOWN CLERK

By: 
Susan A. Owens, MMC, Town Clerk

By: 
Gail L. Coniglio, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
John C. Randolph, Town Attorney

EXHIBIT A

**Palm Beach County Law Enforcement Agencies Best Practices
for Interaction with the Homeless**

Palm Beach County Law Enforcement Agencies Best Practices for Interaction with the Homeless

DISCUSSION: The development of countywide best practices is to ensure that members of Palm Beach County Law Enforcement Agencies understand and are sensitive to the needs and rights of homeless persons, and to set forth procedures for law enforcement members to follow during contacts with homeless persons. These Best Practices recognize that there is a right of all persons, including people experiencing homelessness, to be peaceably in any public place of the jurisdiction so long as their activities are lawful. It also explicitly affirms that homelessness is not a crime. It is also recognized that each individual law enforcement agency may develop policies and procedures to handle homeless persons based on the individual needs of their community, but that the policy or procedure will incorporate the Best Practices below.

POLICY: The policies of Palm Beach County Law Enforcement are to treat homeless persons in a manner that protects their needs, rights and dignity, while providing appropriate law enforcement services to the entire community. Agencies recognize that in law enforcement situations involving homeless individuals, it is preferable to make referrals to organizations that provide services to homeless individuals, and to refrain from initiating contacts that interrupt innocent activity and may violate an individual's constitutional rights.

DEFINITIONS:

Homeless Person - Is an individual or individuals who lack a fixed, regular and adequate night-time residence, or has a primary night-time residence that is:

- a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
- b. An institution that provides a temporary residence for individuals intended to be institutionalized;
- c. A private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Law Enforcement Member (LE Member) – An employee or volunteer of a municipal, county or school board law enforcement agency in Palm Beach County, Florida; whether or not that member is sworn or non-sworn, paid or non-paid, status.

Accept Referral – Applies to a Homeless Person who has indicated that they desire to end their homelessness. This differs from a Homeless Person who seeks to have nothing more than a meal or a place to sleep for the night.

Homeless Resource Center (HRC) - A facility acting as single point of access recognized by the County to accept a Homeless Person and their families and engage individuals in ending their homelessness.

BEST PRACTICES:

• CONTACT

- A LE Member may at any time approach a Homeless Person who has not been observed engaging in criminal conduct, to offer advice about shelters, services, or other assistance that is available. In appropriate situations, the LE Member may also contact an outreach worker from a public or private homeless services provider. The Homeless Person is free to choose whether to accept any referrals or not.
- When a Homeless Person accepts a referral, that person or persons shall be transported to the HRC or other community partner's facility identified by the HRC as appropriate for the specific type of referral. When a Homeless Person desires to end their homelessness and accept a referral to the HRC, the LE Member will begin the acceptance process in the field by completing an HRC Field Referral Form, confirming acceptance with the HRC and transporting (or arranging for transport) to the HRC. Prior to a Homeless Person being transported to the HRC, the LE Member shall query the appropriate State and National criminal history databases to determine if the Homeless Person is a registered sexual predator or sexual offender or has active arrest warrants.
 1. Homeless Sexual Offenders or Predators are not allowed at an HRC.
 2. Homeless Sexual Offenders or Predators under the supervision of the Florida Department of Corrections (FDOC) shall be free to go as long as their actions are lawful. For extenuating issues, FDOC can be contacted at (561) 837-5175 or after hours at (561) 791-4750.
 3. Homeless Sexual Offenders or Predators not under the supervision of FDOC should be reported to the Sheriff's Office S.P.O.T. Unit at (561) 688-4161 (M-F 8am to 4pm), or via e-mail at spot@pbsu.org.
- LE Members having interactions and or contacts with persons determined to be homeless as a result of self-initiated contact or as a result of a citizen complaint shall document that contact. In all cases LE Members shall complete the reporting form appropriate to the interaction, and shall include the letters HL (homeless) in the address field, or other appropriate field, which records for tracking contacts only, a person's homelessness status. The reporting form shall be in a form such that each agency can electronically identify, retrieve and count interactions with a Homeless Person. The countywide goal is to have the forms entered by each agency into the Law Enforcement Exchange System. LE Members shall refrain from detention, arrest, interrogation, or initiation of any other criminal law enforcement interaction with any persons based solely upon their "status" of being or appearing to be homeless, so long as their activities are lawful.

- LE Members shall not communicate in any way, to persons who are or appear to be homeless, that they are not allowed to be in a particular public space in the jurisdiction based on their homeless status.
- Homeless school age children are required to be enrolled and attend school. LE Members shall contact the School District Police Dispatch at 561-434-8700 to determine if a child is enrolled. If the child is not enrolled, the School District Police Dispatch will be able to advise what public school the child should be attending. The officer will then advise the parents where to enroll the child.

- **“MOVE ON” ORDERS**

- LE Members shall not order any person to move to another location when that person has a legal right to be present where he or she is, subject to requests to move for safety or security or other constitutionally permissible reasons.
- It is agency policy not to give “move on” orders and not to arrest people for failure to move on if there is another reasonable way to resolve the situation. LE Members shall not give “move on” orders to persons merely because the person is or appears to be homeless.

- **REQUESTS FOR IDENTIFICATION**

- Requests for identification made to persons who are, or appear to be, homeless shall be subject to the same legitimate law enforcement purposes as are required when made to any other individual, but with sensitivity to the special needs and circumstances of the individual situation.
 1. Requests or demands for identification shall only be made with good cause. Requests for identification shall not be made pursuant to casual contact with persons who are, or appear to be, homeless. At no time shall requests or demands for identification be made in order to harass, intimidate, threaten or make any other unwarranted show of authority.
 2. Unless required by law, or essential to the performance of a law enforcement officer's duty, at no time shall a form of identification presented by a Homeless Person be seized and not returned to him or her.
 3. In situations where persons who are, or appear to be, homeless are unable to produce a valid form of identification, the LE Member shall not penalize the person for failing to produce the requested identification.

- **PERSONAL PROPERTY**

- The personal property of a Homeless Person shall be treated with the same respect and consideration given to the personal property of any other individual, with

particular sensitivity to the special needs and circumstances of the individual situation.

1. In arrest situations, a Homeless Person shall not be required to abandon personal property they identify as their own at the arrest site. LE Members shall not damage, hide or cause to be abandoned the personal property of any such person. Where practical, LE Members shall adopt or facilitate measures that will best safeguard personal property, as determined by the arrestee.
 - a. Property may be taken into custody when an arrestee identifies the property as his or hers. The personal property of arrestees experiencing homelessness is to be handled in the same manner as the property of other arrestees.
 2. In no event shall any LE Member destroy any personal property known to belong to a Homeless Person, or recognizable as property of a Homeless Person, unless it is contaminated or otherwise poses a health hazard.
 3. A Homeless Person has a constitutionally protected expectation of privacy in their personal belongings and closed containers. LE Members shall refrain from instituting any search, frisk, or other such investigation where the elements of reasonable suspicion or probable cause is not met. A person's status of being, or appearing to be, homeless, without more, does not constitute reasonable suspicion or probable cause or any other grounds for such a search.
- **ARREST SITUATIONS** - Arrests of all persons including those defined as homeless, shall comply with State law, or County Ordinance and Department policies and procedures.
 - If a LE Member observes a Homeless Person engaged in criminal activity, when practical and prudent to do so and with the consent of the victim who has signed a "refusal to prosecute" form, an alternative to a physical arrest shall be used, to include utilizing the resources at the HRC.
 - A LE Member always has the right to approach any individual including a person who is, or appears to be homeless, to allay any suspicions a LE Member may have about the individual, and ascertain that no criminal activity is occurring.
 - **TRAINING** - Training on how to interact with a Homeless Person shall be conducted as a part of any new officer field training curriculum. Annual in-service training curriculums shall include updates and refreshers on this topic.

EXHIBIT B
Field Referral Form

Homeless Resource Center

1000 45th Street, West Palm Beach, FL 33407



Field Referral Form

Contact Information For Person Making The Referral:

Contact Name:	Contact Phone No.:	Contact Badge No.:
Date:	Time:	Law Enforcement Agency:
Location:	Law Enforcement Case #:	Signature of Contact Person:

Client Information:

Name:	Date of Birth:	Gender: ☐ Male ☐ Female ☐ Other
-------	----------------	--

PLEASE VERIFY BEFORE PROCEEDING FURTHER:

☐ Active arrest warrant ☐ Sexual offender/perpetrator

If client does not have an active arrest warrant and client is not a sexual offender/perpetrator –Please fill out the rest of the form and contact the HRC for a referral # before transporting.

Client Information (Check All That Apply)	Current Living Situation:
☐ Weapons search ☐ Personal belongings search ☐ ID verified / Type: _____ ☐ Used alcohol or drugs last 24 hours? ☐ Is client on supervised release/probation? _____ ☐ Client DOC# _____ ☐ Children present? How many _____	☐ Sharing housing ☐ Substandard housing ☐ Camping or sleeps in car ☐ Motel/hotel ☐ Transient ☐ Other: _____
For DOC information call (561) 791-4750	Contact the HRC to confirm the referral Confirmation # _____

Client Screening – If any of the following are checked, do not transport to the HRC:

Mental Health Screening Check all that apply:	Substance Abuse Screening Check all that apply:	Medical Physical Screening Check all that apply:
☐ Threat to themselves	☐ Intoxicated	☐ Large open sore/wound
☐ Threat to others	☐ Severely impaired due to drugs	☐ Chest pains/shortness of breath
If any of the above are checked, please transport client to the nearest Baker Act Facility	If any of the above are checked, please transport client to the nearest Substance Abuse Detox Facility	If any of the above are checked, please transport client to the nearest Emergency Room for Clearance

Client:

I understand that I am being transported to the Homeless Resource Center because I want to permanently end my homelessness and this is not an overnight shelter.

Client Signature

Date

Transportation Information:

Name of Company: _____

Phone #: _____

Turn Over To: _____

Signature of person transporting

Name of HRC Staff

Date and Time

Signature of HRC Staff verifying handoff

Homeless Resource Center Information Sheet

The major cause of homelessness in the United States is lack of affordable housing.

Process for making referrals to the Homeless Resource Center:

- The Homeless Resource Center (HRC) is a centralized intake/assessment center that offers temporary interim housing for those individuals and families who indicate they want to end their homelessness.
- ***The HRC is not an overnight shelter, a food kitchen, a clothing pantry or a place to go for only a few hours.***
- If you approach a person who appears homeless, offer information on services (brochure provided with this form) or if the person would like to end their homelessness, offer a referral to the HRC.
- Before filling out the Field Referral Form, perform a NCIC/FCIC check to determine if the individual has an active arrest warrant or if they are a sexual offender/perpetrator. If they are, handle according to your agency policies and do not refer.
- If the individual does not have an active warrant and is not a sexual offender, fill out the Field Referral Form starting with your contact information in the first section of the form.
- Check all that apply regarding Client Information and Current Living Situation.
- To the best of your knowledge, fill out the Client Screening Section. If any of the items are checked, the individual should be referred or transported to the facility type indicated.
- Once the form is completed call the HRC (number to be determined) to confirm the referral and to be given a referral confirmation number. Write the number on the form in the space specified. Indicate to the HRC whether you will be transporting the individual or if you will be calling for transportation and the estimated time of arrival at the HRC.
- Transportation depends on your municipality's procedure. If you are not physically transporting, you must call the pre-arranged transportation company. Fill out the information on the form and have the person that is transporting sign the form indicating that the individual has been turned over to them.
- Sign the form under the Contact Information For Person Making The Referral Section before you hand the form to the HRC personnel or to the transportation company.
- If the individual has personal belongings, make every attempt to transport all of the person's belongings with them.
- Ensure that the individual's personal identification documents are returned to them before transport.

There are a few things you can do to humanize homelessness and de-stigmatize mental illness:

- Make eye contact.
- Pay attention to your language. Use expressions such as "people experiencing homelessness". People who are in this situation are still people first.
- Recognize the value of the person's belongings.

RESOLUTION NO. 212-2017

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT
TO THE HOMELESS RESOURCE CENTER INTERLOCAL
AGREEMENT WITH PALM BEACH COUNTY, FLORIDA.**

WHEREAS, Town Council authorized the Town of Palm Beach to enter into the Homeless Resource Center Interlocal Agreement via Resolution No. 114-11, dated October 11, 2011 and;

WHEREAS, the Town of Palm Beach did execute said agreement on May 22, 2012 for an initial term of five (5) years, which may be renewed for three (3) successive periods of five (5) year each.

WHEREAS, staff recommends that the Town Council authorize the Mayor to execute the First Amendment to the Interlocal Agreement (Exhibit A) incorporating the said additions/changes as indicated.

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

Section 1: The Mayor is hereby authorized and directed to execute the First Amendment to the Palm Beach County, Florida Homeless Resource Center Interlocal Agreement on behalf of the Town of Palm Beach.

Section 2. A copy of the First Amendment to the Interlocal Agreement is attached hereto as *Exhibit A* and is hereby incorporated within this Resolution and made a part hereof.

**PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town
of Palm Beach assembled this 12th day of December, 2017.**

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member

FIRST AMENDMENT TO INTERLOCAL AGREEMENT

THIS FIRST AMENDMENT to the Interlocal Agreement dated May 22, 2012 (the “Agreement”), is made as of December 12, 2017, by and between Palm Beach County, a political subdivision of the State of Florida (“County”), and Town of Palm Beach, a municipal corporation of the State of Florida (“Town”).

WHEREAS, the Agreement provides the protocol by which the Town refers and transports homeless individuals for acceptance into the Homeless Resource Center (HRC) and provides for the payment of any transport costs; and

WHEREAS, the County and the Town have determined it to be beneficial to both parties to continue the Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the County and Town agree as follows:

1. The term of the Agreement is renewed beginning on May 22, 2017, and continuing through May 21, 2022, pursuant to the exercise of the first of three (3), five (5) year renewal options.

2. Section 15 of the Agreement is deleted in its entirety and replaced with the following:

SECTION 15: PALM BEACH COUNTY OFFICE OF THE INSPECTOR GENERAL

Palm Beach County has established the Office of the Inspector General, Palm Beach County Code, Section 2-421 – 2-440, as may be amended. The Inspector General’s authority includes but is not limited to the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and audit, investigate, monitor, and inspect the activities of entities contracting with the County, or anyone acting on their behalf, in order to ensure compliance with contract specifications and detect corruption and fraud. Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second-degree misdemeanor.

3. The Agreement is hereby modified to add the following:

SECTION 17: NO THIRD PARTY BENEFICIARY

No provision of this Contract is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Contract, including but not limited to any citizen or employees of the County and/or Town.

4. The Agreement is hereby modified to add the following:

SECTION 18: NON-DISCRIMINATION

Pursuant to Resolution R-2014-1421, as may be amended, it is the policy of the Board of County Commissioners of Palm Beach County that Palm Beach County shall not conduct business with nor appropriate any funds to any organization that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and expression, disability, or genetic information.

The Town has submitted to County a copy of its non-discrimination policy which is consistent with the above paragraph, as contained in Resolution R-2014-1421, as may be amended, or in the alternative, if the Town does not have a written non-discrimination policy, it has affirmed through a signed statement provided to County that Town will conform to the County's non-discrimination policy as provided in R-2014-1421, as may be amended.

5. Except as modified by this First Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof and is hereby ratified and confirmed by the Town and County.

THE REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed as of the day and year first above written.

ATTEST:

PALM BEACH COUNTY, a political subdivision of the State of Florida

By: _____
FDO Fiscal Officer

By: _____
Director, Facilities Development & Operations

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

ATTEST:

TOWN CLERK

TOWN OF PALM BEACH, a municipal corporation of the State of Florida

By: _____
Kathleen Dominguez, Town Clerk

By: _____
Gail L. Coniglio, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Town Attorney

NON-DISCRIMINATION POLICY FORM
Solicitation/Contract #_____

Pursuant to Palm Beach County Resolution R-2014-1421 ("Resolution), as may be amended, it is the policy of the Board of County Commissioners of Palm Beach County ("County") that the County **"shall not conduct business with nor appropriate any funds for any organization or entity that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and expression, disability, or genetic information."**

This Resolution requires that each organization or entity doing business with the County is "required to submit a copy of its non-discrimination policy, which shall be consistent with the non-discrimination policy stated above, **prior** to entering into any contract with the County." In the event an organization or entity does *not* have a written non-discrimination policy, such organization or entity "shall be required to sign a statement affirming their non-discrimination policy is in conformance with this resolution."

Check one:

☒ Organization/Entity hereby attaches its non-discrimination policy, which is consistent with the County's Non-Discrimination Policy and Resolution.

OR

☐ Organization/Entity hereby acknowledges that it **does not** have a written non-discrimination policy and hereby **affirms by signing below** that its non-discrimination policy is in conformance with the County's Non-Discrimination Policy and Resolution.

ORGANIZATION / ENTITY INFORMATION:

Town of Palm Beach
Name of Organization or Entity

Signature

Gail L. Coniglio
Name (type or print)

Mayor
Title

Rev. 06.13.2017

Chapter 7: WORKPLACE ENVIRONMENT

Section 7-1: EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Equal Employment Opportunity (EEO) has been and continues to be a fundamental principle at the Town of Palm Beach, where employment is based upon personal capabilities and qualifications without discrimination because of race/ethnicity, color, religion, sex, age, national origin, marital status, veteran status, pregnancy, sexual orientation, genetic information, political affiliation, disability which does not preclude the performance of the essential functions of the position, with reasonable accommodation(s) provided as necessary, or any other form of unlawful discrimination in accordance with Federal, state, or local law.

This policy of EEO applies to all policies and procedures related to recruitment and hiring, training, placement, promotion, transfer, demotion, layoffs, compensation, benefits, termination, and all other privileges, terms, and conditions of employment.

The Human Resources Department has overall responsibility for this policy and maintains reporting and monitoring procedures. Employee questions or concerns should be referred to the Human Resources Department.

Each member of management is responsible for creating an atmosphere free of discrimination and harassment. Further, employees are responsible for respecting the rights of their coworkers. The Town's Equal Employment Opportunity Policy Statement is provided to all employees and is posted in all departments.

Appropriate disciplinary action will be taken against any employee violating this policy. Any employee who wishes to report an incident of discrimination or harassment may do so without fear of retaliation. Any employee who believes he or she has been subject to discrimination should follow the procedures described under Section 7-7, Complaint Reporting Procedures, of this manual.

In addition to this policy, all employees receive, at the time of their hire, a copy of the Town's Equal Employment Opportunity Plan Statement of Policy. Additional copies can be obtained from the Human Resources Department. A copy of the Town's EEO Plan is available for viewing in the Human Resources Department, located in Town Hall, 360 South County Road, Palm Beach, Florida, during normal working hours and normal work days.

Section 7-2: STATEMENT OF FAIR TREATMENT

The Town of Palm Beach believes that all employees, applicants for employment, or ex-employees are entitled to be treated fairly and with dignity and respect. The Town also attempts to comply in every way with all applicable fair employment laws. It is the Town's desire that any non-compliance be reported immediately to a Town supervisor, department director, or to the Human Resources Department.

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 213-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-01 and Approving a Construction Contract to Murray Logan, for the D-14 Pump Station Florida Power & Light Service Improvements, in the Amount of \$76,680 and Establishing a Construction Phase Budget of \$115,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 27, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 213-2017**
- ▣ **Bid Tab Sheet**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Award Bid No. 2018-01 and Approve a Construction Contract for the D-14 Stormwater Pump Station Rehabilitation-Phase 1
Resolution No. 213-2017

DATE: November 27, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 213-2017 awarding Bid No. 2018-01 and approving a construction contract to Murray Logan Construction, Inc., for the D-14 Stormwater Pump Station Rehabilitation-Phase 1 in the amount of \$76,680, and establishing a construction phase budget of \$115,000, which includes \$28,861 for Florida, Power, and Light (FPL) costs and \$9,459 in contingency.

GENERAL INFORMATION

The D-14 Pump Station, located adjacent to the northwest corner of the Society of the Four Arts received a conditional assessment value of four (4) for various elements within the station, meaning improvements were needed in the next 2-5 years. Some of the repairs needed to the stations are: replace pumps, pump cans, discharge piping, generator, replace valves, conduits, seals, wiring, controls, doors/door frames, instrumentation, control panels, and repairs to the actual structure.

Construction for the pump station is scheduled for the summer of 2018. Currently, it is necessary to have the electrical supply components set up in advance of the construction commencement. The D-14 Stormwater Pump Station Rehabilitation-Phase 1 consists of having all electrical work from the transformer to the pump station performed by MLC. Phase 1 also consists of FPL completing service improvements, which includes all electrical work from the power supply to the new pad mount transformer. The cost for the FPL portion of the work is \$28,861 and will be paid directly to FPL. Phase 2 will involve the rehabilitation of the remainder of the pump station.

The Town received three (3) quotes on November 7, 2017 (a copy of the tabulation sheet is attached). The quotes ranged from \$76,680 to \$188,325. The low, responsive, responsible bidder was Murray Logan Construction, Inc. (MLC), in the amount of \$76,680. Staff recommends awarding a construction contract to MLC, for the bid amount of \$76,680, and establishing a construction phase budget of \$115,000.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Accelerated Capital Improvement Program-Phase 2.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jeffrey Sanon, P.E., Project Engineer
Brett Madison, Facilities Maintenance Division Manager
Chassler Holm, Acting Water Resources Division Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 213-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2018-01 FOR THE D-14 STORMWATER PUMP STATION REHABILITATION-PHASE 1 AND APPROVING A CONSTRUCTION CONTRACT TO MURRAY LOGAN CONSTRUCTION, INC., IN THE AMOUNT OF \$76,680 AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$115,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards Bid No. 2018-01 and approves a construction contract to Murray Logan Construction, Inc., in the amount of \$76,680 for the D-14 Stormwater Pump Station Rehabilitation-Phase 1 and establishes a construction phase budget of \$115,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of the Town Council of the Town of Palm Beach this 12th day of December 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member



TOWN OF PALM BEACH
Bid No. 2018-01
D-14 STORMWATER PUMP STATION
REHABILITATION PHASE 1
TABULATION
 Due: 11/7/17 @ 2 p.m.

Vendor:		Hinterland Group, Inc.		Murray Logan Construction, Inc.		TLC Diversified, Inc.	
Address:		592 W 15th Street Riviera Beach, FL 33404		313 65th Trail N West Palm Beach, FL 33413		2719 17th Street East Palmisto, FL 34221	
Telephone:		561-640-3503		561-686-3948		941-722-0621	
Fax:		561-640-3504		561-686-7465		941-722-1382	
Contact:		Chase R Rogers		David Logan		Thurston Lamberson	
E-mail:							
Item No.	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total
GENERAL CONDITIONS							
GC-1	MOBILIZATION & GENERAL CONDITIONS	1	L.S.	\$ 6,000.00	\$ 6,000.00	\$ 3,200.00	\$ 3,200.00
GC-2	BOND & INSURANCE REQUIREMENTS	1	L.S.	\$ 3,500.00	\$ 3,500.00	\$ 3,000.00	\$ 3,000.00
GC-3	LAYOUT, SURVEY & RECORD DRAWINGS	1	L.S.	\$ 4,500.00	\$ 4,500.00	\$ 2,400.00	\$ 2,400.00
GC-4	PROFESSIONAL VIDEOTAPING - PRECONSTRUCTION CONDITIONS	1	L.S.	\$ 1,500.00	\$ 1,500.00	\$ 1,300.00	\$ 1,300.00
GC-5	NPDES COMPLIANCE	1	L.S.	\$ 1,500.00	\$ 1,500.00	\$ 1,850.00	\$ 1,850.00
GC-6	MOT AND MAINTAIN LAKE TRAIL ACCESS	1	L.S.	\$ 2,500.00	\$ 2,500.00	\$ 1,400.00	\$ 1,400.00
GC-7	TESTING	1	L.S.	\$ 1,500.00	\$ 1,500.00	\$ 1,670.00	\$ 1,670.00
GENERAL CONDITIONS SUBTOTAL				\$	21,000.00	\$	14,820.00
CIVIL							
C-1	SITE GRADING AND FILL FOR FPL PAD	1	L.S.	\$ 7,500.00	\$ 7,500.00	\$ 2,000.00	\$ 2,000.00
CIVIL SUBTOTAL				\$	7,500.00	\$	2,000.00
MECHANICAL							
M-1	EXISTING FUEL FILL BOX DEMOLITION AND COATING	1	L.S.	\$ 2,500.00	\$ 2,500.00	\$ 600.00	\$ 600.00
M-2	FUEL FILL BOX PIPING AND INSTALLATION	1	L.S.	\$ 8,500.00	\$ 8,500.00	\$ 7,700.00	\$ 7,700.00
MECHANICAL SUBTOTAL				\$	11,000.00	\$	8,300.00
STRUCTURAL							
S-1	CORE WETWELL AND GROUT CONDUIT IN PLACE	1	L.S.	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00	\$ 1,200.00
LANDSCAPING ALLOWANCE SUBTOTAL				\$	2,000.00	\$	1,200.00
ELECTRICAL							
E1-1	COORDINATE WITH FPL	1	L.S.	\$ 2,500.00	\$ 2,500.00	\$ 500.00	\$ 500.00
E1-2	ELECTRICAL DEMOLITION	1	L.S.	\$ 7,500.00	\$ 7,500.00	\$ 2,100.00	\$ 2,100.00
E1-3	FPL METER	1	L.S.	\$ 2,000.00	\$ 2,000.00	\$ 3,800.00	\$ 3,800.00
E1-4	INSTALL CONDUIT, PULL BOXES, AND WIRE	1	L.S.	\$ 40,000.00	\$ 40,000.00	\$ 33,000.00	\$ 33,000.00
E1-5	SET TRANSFORMER PAD	1	L.S.	\$ 15,000.00	\$ 15,000.00	\$ 1,980.00	\$ 1,980.00
E1-6	START-UP AND TESTING	1	L.S.	\$ 3,500.00	\$ 3,500.00	\$ 1,900.00	\$ 1,900.00
ELECTRICAL SUBTOTAL				\$	70,500.00	\$	43,280.00
LANDSCAPING AND IRRIGATION							
L-1	COORDINATE WITH FPL	1	L.S.	\$ 4,500.00	\$ 4,500.00	\$ 1,380.00	\$ 1,380.00
L-2	ELECTRICAL DEMOLITION	1	L.S.	\$ 10,000.00	\$ 10,000.00	\$ 3,100.00	\$ 3,100.00
L-3	FPL METER	1	L.S.	\$ 3,000.00	\$ 3,000.00	\$ 1,750.00	\$ 1,750.00
L-4	INSTALL CONDUIT, PULL BOXES, AND WIRE	1	L.S.	\$ 2,500.00	\$ 2,500.00	\$ 850.00	\$ 850.00
LANDSCAPING AND IRRIGATION SUBTOTAL				\$	20,000.00	\$	7,080.00
PROJECT TOTAL				\$	132,000.00	\$	76,680.00
							188,325.00

Opened by John Cmar
 Witnessed by Duke Basha

Apparent Awardee

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 214-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Isuzu Truck of Ocala for the Purchase of Three (3) Isuzu Cab and Chassis with 6 Yard Packer Bodies in the Total Amount of \$281,429 on Florida Sheriff's Association Contract 17-Veh15.0, Specification 7, and Establishing an Overall Budget of \$290,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 8, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 214-2017**
- ▣ **RFB No. 06-2018**
- ▣ **RFB No. 07-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council

VIA: Thomas G Bradford, Town Manager

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

RE: Approve Purchase Order to Isuzu Truck of Ocala for Vehicle Acquisitions
Resolution No. 214-2017

DATE: November 8, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 214-2017 approving a purchase order to Isuzu Truck of Ocala for three (3) 2018 Isuzu cab and chassis trucks with 6-yard rear load packer body in the total amount of \$281,429 via the Florida Sheriffs Association Contract 17-VEH15.0, (Specification #7) and establishing a total budget of \$290,000.

GENERAL INFORMATION

It is necessary to replace three (3) of our existing garbage trucks used for collecting garbage from our established residential routes and transporting to the disposal facility. Funds are reflected within the FY2018 Equipment Replacement Fund. The existing trucks are ten (10) years old and have reached the end of their useful life. This equipment is scheduled for replacement in 2017.

FUNDING/FISCAL IMPACT

Funds for these purchases will come from the Equipment Replacement Fund in the amount of \$281,429. Sufficient funding was previously approved in the FY2018 budget for these purchases.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

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

RESOLUTION NO. 214-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO ISUZU TRUCK OF OCALA FOR THE PURCHASE OF THREE (3) ISUZU CAB AND CHASSIS WITH 6 YARD PACKER BODIES IN THE TOTAL AMOUNT OF \$281,429 ON FLORIDA SHERIFF'S ASSOCIATION CONTRACT 17-VEH15.0, SPECIFICATION 7, AND ESTABLISHING AN OVERALL BUDGET OF \$290,000.

* * * * *

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

Section 1: The Town Council of the Town of Palm Beach hereby approves a purchase order to Isuzu Truck of Ocala for the purchase of three (3) Isuzu cab and chassis with 6-yard packer bodies in the total amount of \$281,429 consistent with Florida Sheriffs Association Contract 17- VEH15.0, specification 7 and establishes an overall budget of \$290,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of December 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFB No. 06-2018**

2018 ISUZU NF154, TILT CAB AND CHASSIS

FSA Spec 7

Due by Friday, October 27, 2017, 2:00 PM

Please return via email to sshea@townofpalmbeach.com

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the Florida Sheriff's Association's Contract # 17-VEH15.0, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.

All terms, conditions and specifications of the Florida Sheriff's Association Contract # 17-VEH15.0 shall apply.

SCHEDULE OF BID ITEMS

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

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

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

1. TERMS		2. F.O.B.		3. SHIPMENT VIA		4. QUOTATION VALID UNTIL	
Net 30		DESTINATION					
Item	Description /Specifications	Quantity	Unit	Unit Cost	Extended Cost		
1.	FSA Specification No. 07– 2018 Isuzu Tilt Cab and Chassis / Dual Rear Wheel – 4x2, Model NF154 , with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract # FSA17-VEH15.0 as awarded by specification, by zone.	2	EA	\$ <u>36,686⁰⁰</u>	\$ <u>73,372⁰⁰</u>	✓	
2.	19500GVWR – GVWR Upgrade	2	EA	\$ <u>6,402⁰⁰</u>	\$ <u>12,804⁰⁰</u>	✓	
3.	NEWAY8RL – NEWAY 8CY Rear Loader	2	EA	\$ <u>48,737⁰⁰</u>	\$ <u>97,474⁰⁰</u>	✓	
4.	IL9 – PTO Provision	2	EA	\$ <u>46.⁰⁰</u>	\$ <u>92⁰⁰</u>	✓	

Company Name: ISUZU TRUCK OF DCALA Authorized Signature:

RFB 06-2018 2018 ISUZU NF154, TILT CAB AND CHASSIS

Item	Description /Specifications	Quantity	Unit	Unit Cost	Extended Cost
5.	IF6 – Fire Extinguisher and Safety Triangles	2	EA	\$ <u>84.00</u>	\$ <u>168.00</u> ✓
6.	Credit to reduce to 6 CY	<u>42</u>	EA	<\$ <u>300⁰⁰</u> >	<\$ <u>600⁰⁰</u> > ✓
TOTAL (ITEMS 1 THRU 6):					\$ <u>183310⁰⁰</u> ✓

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

Firm: ISUZU TRUCK OF OCALA

*Signature: [Signature] Name/Title: ROBERT SCHARPNICK

Address: 3950 W Hwy 326 OCALA FL Zip: 34482

Federal ID#: 59-1219617

Telephone Number: (407) 295-3846 Fax: (407) 291-8408

E-Mail Address: bscharpnick@orlandofreightliner.com

Date: 10-23-17

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

Name of Bidder's Contact Person: BOB SCHARPNICK

Address: 2455 S. ORANGE BLOSSOM TRAIL APOKA FL 32703

Phone Number: 407-295-3846 Fax Number: 407-291-8408

Email Address: bscharpnick@orlandofreightliner.com

RFB 06-2018 2018 ISUZU NF154, TILT CAB AND CHASSIS

**Isuzu Truck of Ocala
3950 W Hwy 326
Ocala Fl. 34482
407-295-3846 ext 122**

bscharpnick@orlandofreightliner.com

10-17-17

To: Chet Purves/Town of Palm Beach

Regarding FSA17-VEH15.0

**Isuzu Truck of Ocala is pleased to quote the following 2018
Isuzu NRR via the Florida Sheriff's Association
Bid FSA17-VEH15.0**

Spec #07	\$36,686.00	
19500GVWR	\$ 6,402.00	
IL9 (PTO Provision)	\$ 47.00	\$46.00
IF6 (fire ext/safety triangles)	\$ 84.00	
Neway 8CY rear loader	\$48,737.00	
Credit to reduce to 6CY	\$ <300.00>	
 Total	 \$91,656.00	 \$91,655

**Bob Scharpnick
Municipal/Fleet Sales
Orlando Freightliner
Isuzu Truck of Ocala**

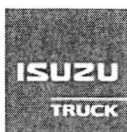


ISUZU TRUCK OF OCALA

Robert Scharpnick

Town of Palm Beach 6CY Neway Diamondback rear loader

Current report content is based on data as of 2017-10-17 07:35:36. Any performance-related calculations are offered solely as guidelines. Actual vehicle performance will depend on your operating conditions. All Information, specifications and pricing in this application are based on the latest information available. Isuzu Commercial Truck of America, Inc. reserves the right to discontinue or change, at any time, without prior notice, the pricing, specifications, options, materials, equipment, design and models.



ISUZU TRUCK OF OCALA

Robert Scharpnick

Town of Palm Beach 6CY Neway Diamondback rear loader (2018 NRR Cab Chassis, NU1 109", 19,500 GVWR. White, In rail fuel tank with power windows, power door locks and air conditioning)

Selected Model and Options

	Code	Description	Weight	MSRP
Model				
	NU1	NRR Cab Chassis 109		\$58,664.00
	54	White, In rail fuel tank with power windows, power door locks and air conditioning		\$1,272.00
Tires				
	I5H	LRR (low rolling resistance)	0.0 lbs.	Inc.
Engine				
	I1B	4HK1-TC, diesel engine 317 CID (5.19L), 215 HP at 2550 RPM: 452 ft.-lb. gross torque at 1850 RPM. 4 cylinder, 16 valve, four cycle, overhead cam, turbocharged, inter-cooled, water cooled EGR valve, direct injection, electronically controlled common rail fuel system, engine cruise control function. Oil level check switch and light. Engine Warning system with audible warning for low oil pressure, high coolant temperature, and low coolant level.	0.0 lbs.	Inc.
Transmission				
	IR7	Aisin A465/6-speed automatic transmission, Ratios: 3.742, 2.003, 1.343, 1.00, 0.773, 0.634, Rev 3.539	0.0 lbs.	Inc.
Wheelbase				
	IA8	109 inches, includes ladder type channel frame. Full C section straight frame 33.5 inches wide. Yield strength 44,000 psi; section modulus 7.20 in3 RBM 316,800 lb./ft./in. per rail.	0.0 lbs.	Inc.
Air Cleaner				
	KNX	Dry Paper single element. (Donaldson brand) Air cleaner canister standard with air restriction indicator in the driver's Multi-Information Display (MID).	0.0 lbs.	Inc.
Alternator				
	I2C	140 AMP. with integral regulator.	0.0 lbs.	Inc.
Battery				
	IX1	Dual 12-Volt maintenance free group 31 750 CCA batteries with threaded posts	0.0 lbs.	Inc.
Exhaust				
	IX7	Single horizontal with DPF/SCR exhaust system	0.0 lbs.	Inc.
Front Axle				
	I26	"I"-beam rated at 7,275 lbs. Includes integral hydraulic power steering. Ratio 18.8-20.9:1.	0.0 lbs.	Inc.
Front Suspension				
	ID8	8440 lbs. Capacity semi elliptical tapered leaf spring. Includes shock absorbers and stabilizer bar	0.0 lbs.	Inc.
Front Wheels				
	IB9	19.5" x 6", 6-hole disc, painted white	0.0 lbs.	Inc.

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ISUZU TRUCK OF OCALA

Robert Scharpnick

Town of Palm Beach 6CY Neway Diamondback rear loader (2018 NRR Cab Chassis, NU1 109", 19,500 GVWR. White, In rail fuel tank with power windows, power door locks and air conditioning)

Selected Model and Options

	Code	Description	Weight	MSRP
Front Tires				
	XTN/R3M	225/70R19.5F (12 ply) tubeless Radial, all season	0.0 lbs.	Inc.
Rear Suspension				
	ID9	14,550 lbs. capacity. Semi-elliptical main and auxiliary multi-leaf springs. Includes shock absorbers.	0.0 lbs.	Inc.
Rear Axle				
	ID3	Single-speed, 14,550 lb. capacity with oil lubricated rear wheel bearings.	0.0 lbs.	Inc.
Ratio				
	011	5.571:1	0.0 lbs.	Inc.
Rear Wheels				
	IC1	19.5" x 6", 6-hole disc, painted white	0.0 lbs.	Inc.
Rear Tires				
	YTN/S3M	225/70R19.5F (12 ply) tubeless Radial, all season tread.	0.0 lbs.	Inc.
Fuel Tank				
	IF9	30 gal. rectangular fuel tank. Mounted between frame rail through the rail fuel fill. Fuel water separator with dash mounted warning light.	0.0 lbs.	Inc.
Seat				
	AQB	Driver seat is reclining high back. Two single occupant fold down seats with tray backs.	0.0 lbs.	Inc.
Brakes				
	K40	Butterfly valve type exhaust brake	0.0 lbs.	Inc.
	IT4	Dual circuit, Hydro-Boost hydraulic brake system with EBD (Electronic Brake Distribution). Mechanical transmission mounted parking brake. Non-asbestos semi metallic linings are standard. Anti-lock brake system	0.0 lbs.	Inc.
Power Windows & Door Locks				
	IL0	Yes	0.0 lbs.	Inc.
Radio				
	IL7	AM / FM / CD Stereo Radio	0.0 lbs.	Inc.
Floor Mats				
	IQ6	Standard Floor Mats	0.0 lbs.	Inc.
Additional Options				
	IF6	Fire Extinguisher and Triangle Kit mounted in rear organizer on standard cab and under rear seat on crew cab	19.0 lbs.	\$88.00
	IL9	PTO enable switch and engine idle up switch recommended for PTO and idle applications only	0.1 lbs.	\$48.00

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ISUZU TRUCK OF OCALA

Robert Scharpnick

Town of Palm Beach 6CY Neway Diamondback rear loader (2018 NRR Cab Chassis, NU1 109", 19,500 GVWR. White, In rail fuel tank with power windows, power door locks and air conditioning)

Selected Model and Options

	Code	Description	Weight	MSRP
Totals				
		Base Price		\$58,664.00
		Destination Charge		\$1,125.00
		DEF Fill Charge		\$10.00
		Total Options Price		\$1,408.00
		Tire Weight Tax		\$7.94
		Total		\$61,214.94

Current report content is based on data as of 2017-10-17 07:35:36. Any performance-related calculations are offered solely as guidelines. Actual vehicle performance will depend on your operating conditions. All Information, specifications and pricing in this application are based on the latest information available. Isuzu Commercial Truck of America, Inc. reserves the right to discontinue or change, at any time, without prior notice, the pricing, specifications, options, materials, equipment, design and models.

Equipment List
New Way Diamondback 8RL
Rear Loader



Model shown with additional options

6

- Cubic Yard Body Capacity
- Semi-Automatic Cycling
- Auto Back Pack
- Auto Lock Tailgate
- Back Up Alarm
- Light Bar
- ICC Lights and Reflectors
- Sight Gauge on Oil Tank
- Oil Pressure Gauge
- Chrome Cylinders
- Side Access Door
- Rear Vision Camera
- Driver Alert Buzzer
- Tailgate Ajar Indicator
- Riding Steps on Rear
- LED Body Lights
- Hot Shift PTO with Overspeed and Pump
- Halogen Work Lights Inside Upper Tailgate, Shining in Hopper
- Strobe Light
- Safety Shutdown Curbside
- Acrylic Urethane Enamel Single Color Paint
- 10 lb. Fire Extinguisher
- Triangle Kit
- Plastic Fenders
- 1 Year Body & Hydraulic Warranty
- 2 Year Cylinder Warranty

Minimum Chassis Requirements:

- 108" CA
- 17,000 lb. GVWR, *Tires must meet Florida DOT GVWR requirements*
- Automatic Transmission (For use with Hot Shift listed Above)



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFB No. 07-2018
2018 ISUZU NF154, TILT CAB AND CHASSIS
with CART TIPPER
FSA Spec 7**

***Due by Friday, October 27, 2017, 2:00 PM
Return via email to: sshea@townofpalmbeach.com***

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the **Florida Sheriff's Association's Contract # 17-VEH15.0**, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.

All terms, conditions and specifications of the **Florida Sheriff's Association Contract # 17-VEH15.0** shall apply.

SCHEDULE OF BID ITEMS

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

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

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

1. TERMS		2. F.O.B.		3. SHIPMENT VIA	4. QUOTATION VALID UNTIL
Net 30		DESTINATION			
Item	Description /Specifications	Quantity	Unit	Unit Cost Extended Cost	
1.	FSA Specification No. 07- 2018 Isuzu Tilt Cab and Chassis / Dual Rear Wheel – 4x2, Model NF154 , with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract# FSA17-VEH15.0 as awarded by specification, by zone.	1	EA	\$ <u>36,686⁰⁰</u>	
2.	19500GVWR – GVWR Upgrade	1	EA	\$ <u>6,402⁰⁰</u>	
3.	NEWAY8RL – NEWAY 8CY Rear Loader	1	EA	\$ <u>48,737⁰⁰</u>	
4.	IL9 – PTO Provision	1	EA	\$ <u>46.00</u>	

Company Name: Isuzu Truck of Ocala

Authorized Signature: [Signature]

RFB 07-2018 ISUZU NF154, TILT CAB AND CHASSIS with CART TIPPER 2018

Item	Description /Specifications	Quantity	Unit	Unit Cost
5.	IF6 – Fire Extinguisher and Safety Triangles	1	EA	\$ <u>84.00</u> ✓
6.	CART TIPPER – Rotary Actuated Cart Tipper for Diamondback rear loader	1	EA	\$ <u>6,464⁰⁰</u> ✓
6.	Credit to reduce to 6 CY	1	EA	<\$ <u>300⁰⁰</u> > ✓

TOTAL (ITEMS 1 THRU 7): \$ 98,119⁰⁰ ✓

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

Firm: ISUZU TRUCK OF OCALA

*Signature: [Signature] Name/Title: ROBERT SCHARPNICK / MUN. SALES

Address: 3950 W. Hwy 326 OCALA FL. Zip: 34482

Federal ID#: 59-1219617

Telephone Number: (407) 295-3846 Fax: (407) 291-8408

E-Mail Address: bscharpnick@orlandofreightliner.com Date: 10-23-17

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

Name of Bidder's Contact Person: BOB SCHARPNICK

Address: 2455 S. ORANGE BLOSSOM TRAIL APOPKA FL 32703

Phone Number: 407-295-3846 Fax Number: 291-8408

Email Address: bscharpnick@orlandofreightliner.com

RFB 07-2018 ISUZU NF154, TILT CAB AND CHASSIS with CART TIPPER 2018

**Isuzu Truck of Ocala
3950 W Hwy 326
Ocala Fl. 34482
407-295-3846 ext 122**

bscharpnick@orlandofreightliner.com

10-17-17

To: Chet Purves/Town of Palm Beach

Regarding FSA17-VEH15.0

**Isuzu Truck of Ocala is pleased to quote the following 2018
Isuzu NRR via the Florida Sheriff's Association
Bid FSA17-VEH15.0**

Spec #07	\$36,686.00	
19500GVWR	\$ 6,402.00	
IL9 (PTO Provision)	\$ 47.00	\$46.00
IF6 (fire ext/safety triangles)	\$ 84.00	
Neway 8CY rear loader	\$48,737.00	
Credit to reduce to 6CY	\$ <300.00>	
Customer add cart tipper	\$ 6,464.00	
, Total	\$98,120.00	\$98,119

**Bob Scharpnick
Municipal/Fleet Sales
Orlando Freightliner
Isuzu Truck of Ocala**

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 215-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Advanced Disposal Services Solid Waste Southeast, Inc., for Bid No. 2014-05 Compacted Garbage Collection, in the Annual Amount of \$243,074.29 and Establishing a Budget of \$248,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 14, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 215-2017**
- ▣ **2018 Billing Schedule**
- ▣ **Renewal Letter**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Authorization to Renew Compacted Garbage Collection Contract
Resolution No. 215-2017

DATE: November 14, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 215-2017, authorizing the fourth (4th) and final twelve-month renewal of the Compacted Garbage Collection Contract with Advanced Disposal Services Solid Waste Southeast, Inc., in the annual amount of \$243,074.29, and establishing a project budget of \$248,000.

GENERAL INFORMATION

Advanced Disposal Services Solid Waste Southeast Inc. was awarded the Compacted Garbage Collection Contract, Bid No. 2014-05, on January 1, 2014 and has performed satisfactorily for the past year. The contract provides for the option of four (4) twelve-month renewals with all original terms, conditions, and pricing. The contract consists of servicing specialized compaction type dumpsters ranging from 2 cubic yards to 30 cubic yards in size at eight (8) business locations within the Town on a varying schedule of one (1) day a week to seven (7) days a week based upon the specific needs of the business. For the final contract renewal period, effective FY18, the Harbour House location was removed from the contract by mutual agreement reducing the service locations to seven (7).

This renewal includes a requested price increase of 1.9 % based on CPI data per the contract.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the approved Public Works budget for FY2018 to complete this work. The cost of this contract is reimbursed 100% by the customers who receive the service, resulting in no net cost to the Town's taxpayers.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
Chester Purves, Services Division Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 215-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONTRACT EXTENSION TO ADVANCED DISPOSAL SERVICES SOLID WASTE SOUTHEAST, INC., FOR BID NO. 2014-05 COMPACTED GARBAGE COLLECTION, IN THE ANNUAL AMOUNT OF \$ 243,074.29 AND ESTABLISHING A BUDGET OF \$248,000.

* * * * *

WHEREAS, Bid No. 2014-05 was awarded on January 1, 2014, to Advanced Disposal Services Solid Waste Southeast, Inc., to provide compacted garbage collection to the Town of Palm Beach; and

WHEREAS, Advanced Disposal Services Solid Waste Southeast, Inc., has provided acceptable service under that contract; and

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

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

Section 1. The fourth contract extension for a period of twelve (12) months, beginning January 1, 2018 and ending December 31, 2018, is hereby approved for Advanced Disposal Services Solid Waste Southeast, Inc., in the amount of \$243,074.29 and establishing a budget of \$248,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of December 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member



TOWN OF PALM BEACH
2018 BILLING SCHEDULE FOR COMPACTED GARBAGE COLLECTION
VENDOR: Advanced Disposal Services

NOTE:

- * Effective: January 1, 2014 - Prices Per Bid No. 2014-05
- * Effective: January 1, 2015 - Prices Per Bid No. 2014-05 with 2.4% C.P.I. Increase
- * Effective: January 1, 2016 - Prices Per Bid No. 2014-05 - 2015 Prices with 1.2% C.P.I. Increase
- * Effective: January 1, 2017 - Prices Per Bid No. 2014-05 - 2016 Prices with 1.6% C.P.I. Increase
- * Effective: January 1, 2018 - Prices Per Bid No. 2014-05 - 2017 Prices with 1.9% C.P.I. Increase

	JANUARY - SEPTEMBER 2018												VENDOR: Advanced Disposal Services Jan - Sep 2018 Purchase Order Totals:	Advanced Disposal Services' FEES for Services Provided	SPECIAL SERVICE RATES (Extra Pickups Upon Approval)	OCTOBER - DECEMBER 2018			Advanced Disposal Services' FEES for Services Provided	SPECIAL SERVICE RATES (Extra Pickups Upon Request)	VENDOR: Advanced Disposal Services Oct - Dec 2018 Purchase Order Totals:	VENDOR: Advanced Disposal Services Jan - Dec 2018 Purchase Order Totals:	
	Jan-2018	Feb-2018	Mar-2018	Apr-2018	May-2018	Jun-2018	Jul-2018	Aug-2018	Sep-2018	Oct-2018	Nov-2018	Dec-2018											
FISCAL YEAR 2018																							
Publix Svc Level Requisition #	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$16,141.42	\$15,642.54	\$498.88		\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$1,738.06 1 day/wk 1-30 Cy	\$5,214.17	\$498.88	\$5,713.05	\$21,854.47
Breakers Svc Level Requisition #	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$72,678.52	\$72,303.03	\$375.50		\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$8,033.67 3 days/wk 1-15 + 1-30	\$24,101.01	\$375.50	\$24,476.51	\$97,155.04
Esplanade Svc Level Requisition #	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$11,842.27	\$11,751.08	\$91.19		\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$1,305.68 7 days/wk 1-4 Cy	\$3,917.04	\$91.19	\$4,008.23	\$15,850.49
Everglades Svc Level (No Service Jun - Sept.) Requisition #	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$24,933.57	\$24,477.60	\$455.97		\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$4,895.52 3 days/wk 1-25 Cy	\$14,686.56	\$455.97	\$15,142.53	\$40,076.11
Bath and Tennis Club Svc Level (No Svc. Jun - Oct) Requisition #	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$8,620.55	\$8,153.85	\$466.70		\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$1,630.77 1 day/wk 1-30 Cy	\$3,261.54	\$466.70	\$3,728.24	\$12,348.78
Four Seasons Ocean Grand Svc Level Requisition #	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$29,670.35	\$29,353.86	\$316.49		\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$3,261.54 3 days/wk 1-30 Cy	\$9,784.62	\$316.49	\$10,101.11	\$39,771.46
Tideline Ocean Resort & Spa Svc Level Requisition #	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$11,967.86	\$11,876.67	\$91.19		\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$1,319.63 6 days/wk 1-3 Cy	\$3,958.89	\$91.19	\$4,050.08	\$16,017.94

FY18 TOTALS: \$173,558.64 \$2,295.93 \$175,854.54

FY19 TOTALS: \$64,923.83 \$2,295.93 \$67,219.75

\$243,074.29

Jan - Sep 2018	175,854.54
Oct - Dec 2019	67,219.75
Contract Total- 2018/Final Year	\$243,074.29

jmngfr &J
11/14/2017



TOWN OF PALM BEACH

PURCHASING DIVISION

September 19, 2017

Advanced Disposal Services
Att: James Suter – District Manager
P.O. Box 6484
Carol Stream, IL 60197-6484
James.suter@advanceddisposal.com

Ref: Bid No. 2014-05 – Compacted Garbage Collection
Year 5 of Contract – 4th Renewal (FINAL)
BID 2014-05D

Dear James:

As specified in the referenced bid document, we have an option to renew the existing contract for another one year period if it is mutually agreeable to all parties. New contract term will run from **October 1, 2017 thru September 30, 2018**.

Please advise by signature below, if a one year extension of our current contract at same terms, conditions, specifications and pricing stated in your bid dated November 6, 2013 would be acceptable.

Please complete and return this form to the Purchasing Division by September 22, 2017 at 2:00 pm. Your response may be emailed to sshea@townofpalmbeach.com or faxed to 561-835-4688.

Sincerely,

Sandy Shea

Sandy Shea
Buyer, Public Works

X

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

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

_____ We request a CPI Increase of 1.9% as published by the BLS over the
_____ last twelve months reported for August 2017.



SIGNATURE

9/21/2017

DATE

Juan Carlos Romero
NAME (PRINT)



NEWS RELEASE

BUREAU OF LABOR STATISTICS

U. S. D E P A R T M E N T O F L A B O R



Transmission of material in this release is embargoed until
8:30 a.m. (EDT) September 14, 2017

USDL-17-1248

Technical information: (202) 691-7000 • cpi_info@bls.gov • www.bls.gov/cpi
Media Contact: (202) 691-5902 • PressOffice@bls.gov

CONSUMER PRICE INDEX – AUGUST 2017

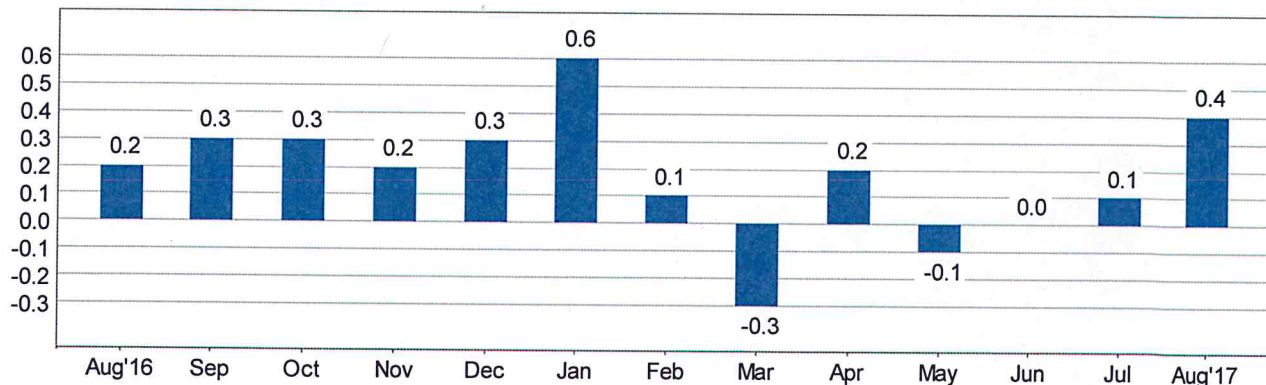
The Consumer Price Index for All Urban Consumers (CPI-U) rose 0.4 percent in August on a seasonally adjusted basis, the U.S. Bureau of Labor Statistics reported today. Over the last 12 months, the all items index rose 1.9 percent.

Increases in the indexes for gasoline and shelter accounted for nearly all of the seasonally adjusted increase in the all items index. The energy index rose 2.8 percent in August as the gasoline index increased 6.3 percent. The shelter index rose 0.5 percent in August with the rent index up 0.4 percent. The food index rose slightly in August, with the index for food away from home increasing and the food at home index declining.

The index for all items less food and energy rose 0.2 percent in August. Along with the shelter index, the indexes for motor vehicle insurance, medical care, and recreation all increased in August. The indexes for airline fares and for used cars and trucks were among those that declined in August.

The all items index rose 1.9 percent for the 12 months ending August, a larger increase than the 1.7 percent increase for the 12 months ending July. The 12-month change in the index for all items less food and energy remained at 1.7 percent for the fourth month in a row. It has remained in the range of 1.6 percent to 2.3 percent since June 2011. The energy index rose 6.4 percent over the past 12 months, and the food index increased 1.1 percent.

Chart 1. One-month percent change in CPI for All Urban Consumers (CPI-U), seasonally adjusted, Aug. 2016 - Aug. 2017
Percent change



Hurricane Harvey

Hurricane Harvey had a very small effect on survey response rates in August. Price collection late in the month was disrupted in 2 of the 87 collection areas.

Chart 2. 12-month percent change in CPI for All Urban Consumers (CPI-U), not seasonally adjusted, Aug. 2016 - Aug. 2017

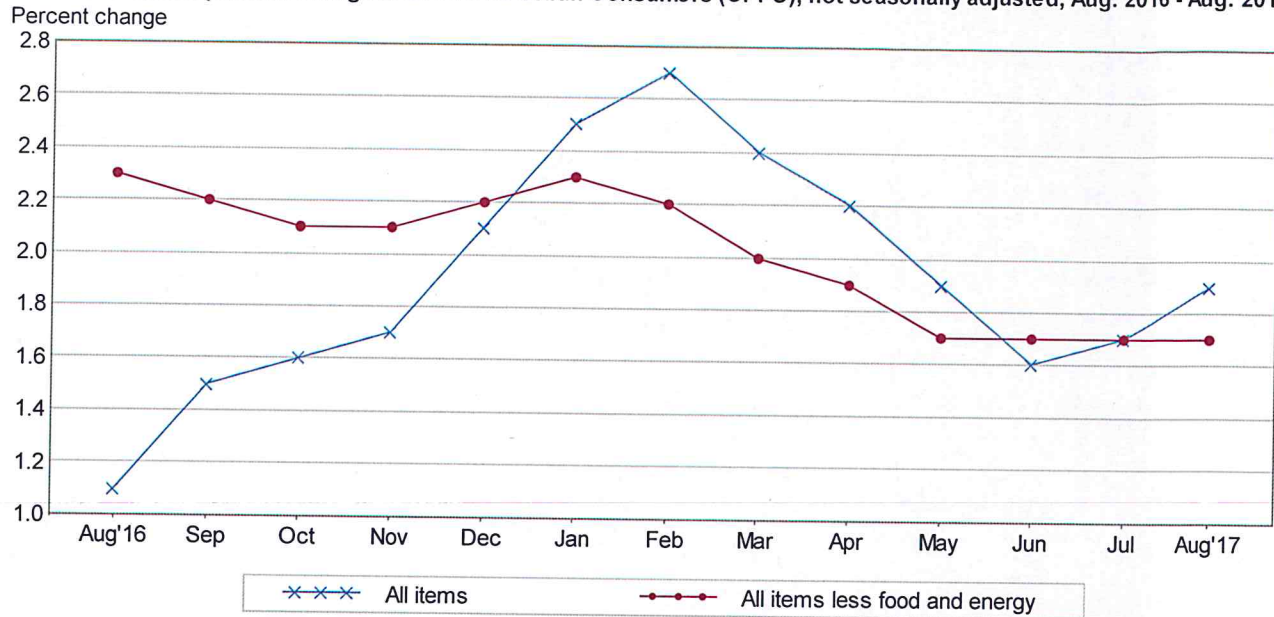


Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average

	Seasonally adjusted changes from preceding month							Un-adjusted 12-mos. ended Aug. 2017
	Feb. 2017	Mar. 2017	Apr. 2017	May 2017	June 2017	July 2017	Aug. 2017	
All items	.1	-.3	.2	-.1	.0	.1	.4	1.9
Food	.2	.3	.2	.2	.0	.2	.1	1.1
Food at home	.3	.5	.2	.1	-.1	.2	-.2	.3
Food away from home ¹	.2	.2	.2	.2	.0	.2	.3	2.2
Energy	-1.0	-3.2	1.1	-2.7	-1.6	-.1	2.8	6.4
Energy commodities	-2.8	-6.0	1.3	-6.2	-2.7	.0	6.1	10.3
Gasoline (all types)	-3.0	-6.2	1.2	-6.4	-2.8	.0	6.3	10.4
Fuel oil ¹	-.4	-.8	-.3	-2.8	-3.7	-2.0	2.9	9.4
Energy services	1.0	-.3	.9	.7	-.5	-.2	-.1	2.9
Electricity	.8	-.1	.6	.3	-.6	.4	.0	2.3
Utility (piped) gas service	1.5	-.8	2.2	1.9	-.2	-2.3	-.5	5.4
All items less food and energy	.2	-.1	.1	.1	.1	.1	.2	1.7
Commodities less food and energy	.0	-.3	-.2	-.3	-.1	-.1	-.1	-.9
New vehicles	-.2	-.3	-.2	-.2	-.3	-.5	.0	-.7
Used cars and trucks	-.6	-.9	-.5	-.2	-.7	-.5	-.2	-3.8
Apparel	.6	-.7	-.3	-.8	-.1	.3	.1	-.6
Medical care commodities	-.2	.2	-.8	.4	.7	1.0	-.1	2.4
Services less energy services	.3	-.1	.1	.2	.2	.2	.4	2.5
Shelter	.3	.1	.3	.2	.2	.1	.5	3.3
Transportation services	.7	.4	-.2	.3	.2	.2	.4	3.5
Medical care services	.2	.1	.0	-.1	.3	.3	.2	1.6

¹ Not seasonally adjusted.

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda Resolutions

Agenda Title

RESOLUTION NO. 216-2017 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of \$73,100 for the G-9 and E-3 Wastewater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$82,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 27, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 216-2017**
- ▣ **Kimley-Horn Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approve a Purchase Order for Engineering Design Services of the G-9 and E-3 Wastewater Pump Station Improvements
Resolution No. 216-2017

DATE: November 27, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 216-2017 approving a purchase order to Kimley-Horn and Associates, Inc. (KHA), for engineering design and bid phase services in the amount of \$73,100 for the G-9 and E-3 Wastewater Pump Station Improvements and establishing an engineering design and bid phase services budget of \$82,000, including contingency.

GENERAL INFORMATION

As part of the Accelerated Capital Improvement Program-Phase II, a condition assessment was performed by Mock-Roos and Associates, Inc. in 2016 on all the Town's sanitary sewer stations. The stations in the assessment were graded from one (1) "in like new condition" to five (5) "in need of immediate replacement". The G-9 Pump Station (located east of the Chilean Avenue and S. Ocean Blvd. intersection) and the E-3 Pump Station (located on Lake Trail between the Garden Road access and the Via Marila access) all received a conditional assessment value of four (4) for limited elements within each station, meaning improvements were needed in the next 2-5 years. Some of the repairs necessary to the stations are: replace pumps and rails, install drain in valve vault, replace electrical panel, replace all conduits between the control panel and the wetwell, replace piping and valves in the valve vault, and replace access hatches.

KHA was selected from the Continuing Services Professional Service Agreement pool of consultants. The selection was based on qualifications and the amount of work given to each of the consultants under the continuing services contracts. KHA has been awarded the least volume of work out of the three (3) consultants. With Purchasing's assistance, staff negotiated a design and bid phase services contract with KHA in the amount of \$73,100 for the scope of services identified in their proposal. Staff recommends a total design and bid phase services budget of \$82,000 which includes \$8,900 in general contingency. KHA's proposal for design and bid phase services including contingency is \$3,000 less than what was budgeted in the Pay-As-You-Go Five Year Capital Improvement Plan, Fiscal Year 2017 budget.

FUNDING/FISCAL IMPACT

Funding for the Design and Bid Phase Engineering Services of this project is contained within the Town's Accelerated Capital Improvement Program–Phase II budget.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jeffrey Sanon, P.E., Project Engineer
Dean Mealy, Purchasing Manager

RESOLUTION NO. 216-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,
PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR
DESIGN AND BID PHASE ENGINEERING SERVICES TO KIMLEY-HORN AND
ASSOCIATES, INC., IN AN AMOUNT OF \$73,100 FOR THE G-9 AND E-3
WASTEWATER PUMP STATION IMPROVEMENTS, AND ESTABLISHING A
DESIGN AND BID PHASE BUDGET OF \$82,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Kimley-Horn and Associates, Inc., in an amount of \$73,100 for Design and Bid Phase Engineering Services for the G-9 and E-3 Wastewater Pump Station Improvements, and establishes a design and bid phase budget of \$82,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of December 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member



October 17, 2017

Jeff Sanon, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *Wastewater Pump Station Improvements at E-3 and G-9 Pump Stations*

Dear Jeff,

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 providing professional engineering services related to mechanical and electrical improvements to the E-3 and G-9 Wastewater Pump Stations in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

It is understood that the Town is interested making improvements to the E-3 and G-9 Wastewater Pump Stations in order to increase operational reliability. Items that will be addressed have been identified in the Town of Palm Beach Wastewater Pump Station Condition Assessment prepared by Mock-Roos Consulting Engineers. Below are the improvements recommended for each of the stations.

E-3 Wastewater Pump Station

- Replace pumps and rails
- Install drain in valve vault
- Replace hatches in both the wetwell and valve vault with larger stainless steel H-20 rated hatches
- Replace piping and valves within the valve vault
- Install an odor control system similar to the system used at the E-7 pump station
- Install landscape screening of the odor control system
- Replace the electrical control panel
- Replace all conduits between the control panel and the wetwell

G-9 Wastewater Pump Station

- Replace pumps and include a rail system
- Replace hatch and top slab on the wetwell with larger H-20 rated hatch that will accommodate a rail system for the pumps
- Replace piping and valves within the valve vault
- Replace the valve at the G-9 forcemain connection with the 16" forcemain located in the middle of South Ocean Blvd.
- Wetwell to be cleaned and recoated
- Replace the electrical control panel

Scope of Services*Design, Permitting and Bid Phase Services*

Kimley-Horn will perform design services to prepare construction plans and specifications for the wastewater pump station improvements suitable for construction and submittal to Palm Beach County Health Dept. and the Town's Building Department containing the following information:

1. Cover Sheet
2. E-3 Demolition Plan
3. E-3 Site Plan
4. E-3 Wetwell Sections and Details
5. E-3 Odor Control Details
6. E-3 Electrical Plan and Details
7. G-9 Demolition Plan
8. G-9 Site Plan
9. G-9 Wetwell Sections and Details
10. G-9 Concrete Repair Details
11. G-9 Electrical Plan and Details
12. General Construction Details Sheet(s)
13. Technical Specifications

Electrical plans and specifications will be prepared by a subconsultant employed by Kimley-Horn. Kimley-Horn will prepare general civil, mechanical, and structural plans and technical specifications. The site plans will be developed using the existing record drawings and field measurements for the two locations. If it is determined that a survey is required during the permit approval process, we can provide this as an additional service.

We will attend a kick off meeting with the Town to discuss the project goals. We will visit the sites to support the design services. We will submit plans and specifications for review at 60% and 90% completion stages, meet with the Town to review their comments, and accommodate one round of reasonable requests for revisions by the Town after each review. We will provide an opinion of probable construction cost at the 90% design stage and update this document with the final design submittal.

Kimley-Horn will prepare and submit the appropriate Florida Department of Environmental Protection (FDEP) permit application with supporting documentation, reports, and computations for the Owner's signature and subsequent transmittal to the City of West Palm Beach and the Palm Beach County Health Department. We will respond to one (1) reasonable request for additional information (RAI) from the Health Department. The \$500 application fee is included within this task. The two sites will be submitted under one permit application.

Kimley-Horn will attend the pre-bid meeting, review the bid proposal from the apparent low bidder, and prepare a bid tabulation and memorandum to the Town containing our findings after our review of the bids. We will also assist the Town with responding to questions received from prospective bidders, if required. We will provide up to 5 signed and sealed copies of the construction documents for the Town to distribute to the selected contractor for permitting. We will respond to one round of reasonable comments from the building department after submittal by the Town/contractor, if required. The two sites will be bid under one advertisement for construction under one contract.

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

- Surveying and Mapping, Construction Layout
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements
- Construction Phase Services

Information Provided By the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to Kimley-Horn by the Town during the project.

- Access to the site.
- Available record drawings and data

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule. It is understood these improvements are desired to be constructed in the summer of 2019.

Fee and Billing

Kimley-Horn will perform the scope of services for the lump sum fees listed below. Individual task amounts are informational only. Lump sum fees will be invoiced monthly based upon the overall percentage of services performed.

E-3 Wastewater Pump Station	\$36,208
<u>G-9 Wastewater Pump Station</u>	<u>\$36,892</u>
Total	\$73,100

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc, dated January 27, 2016, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\A-4, A-5, E-3, and G-9 Wastewater Pump Station Improvements\E-3 and G-9 Wastewater Pump Station Improvements.docx

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda Resolutions

Agenda Title

RESOLUTION NO. 217-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of \$107,626 for the A-4, and A-5 Wastewater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$119,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 27, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 217-2017**
- ▣ **Kimley-Horn Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approve a Purchase Order for Engineering Design Phase Services for the A-4 and A-5 Wastewater Pump Station Improvement Project
Resolution No. 217-2017

DATE: November 27, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 217-2017 approving a purchase order to Kimley-Horn and Associates, Inc. (KHA), for engineering design and bid phase services in the amount of \$107,626 for A-4 and A-5 Wastewater Pump Station Improvement Project and establishing an engineering design and bid phase services budget of \$119,000, including contingency.

GENERAL INFORMATION

As part of the Accelerated Capital Improvement Program-Phase II (ACIP Phase II), a condition assessment was performed by Mock Roos and Associates, Inc. in 2016 on all the Town's sanitary sewer stations. The stations in the assessment were graded from one (1) "in like new condition" to five (5) "in need of immediate replacement". The A-4 (on Pine Walk) and A-5 (in Bradley Park) both received a conditional assessment value of four (4) for limited elements within each station, meaning, improvements were needed in the next 2-5 years. Some of the repairs needed to the stations are: replace pumps and rails, inspect and repair wetwell walls, replace valves, conduits, seals, wiring, controls, widen and replace access hatches, repairs to the structures themselves, abandon an old forcemain within The Breakers' property and abandon an old wetwell station in Bradley Park. The design of each of these improvements was included in ACIP Phase II.

KHA was selected from the Continuing Services Professional Service Agreement pool of consultants. The selection was based on qualifications and the amount of work given to each of the consultants under the continuing services contracts. KHA has been awarded the least volume of work out of the three (3) consultants. With Purchasing's assistance, staff negotiated a design and bid phase services contract with KHA in the amount of \$107,626 for the scope of services identified in their proposal. Staff recommends a total design and bid phase services budget of \$119,000 which includes \$11,374 in general contingency. KHA's proposal for design and bid phase services including contingency is \$6,000 less than what was budgeted in ACIP Phase II.

FUNDING/FISCAL IMPACT

Funding for the A-4 and A-5 Wastewater Pump Station Improvement Engineering Design and Bid Phase Services is fully contained within the Accelerated Capital Improvement Program-Phase 2

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Chassler Holm, Water Resources
Dean Mealy, Purchasing Manager

RESOLUTION NO. 217-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR DESIGN AND BID PHASE ENGINEERING SERVICES TO KIMLEY-HORN AND ASSOCIATES, INC., IN AN AMOUNT OF \$107,626 FOR THE A-4, AND A-5 WASTEWATER PUMP STATION IMPROVEMENTS, AND ESTABLISHING A DESIGN AND BID PHASE BUDGET OF \$119,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Kimley-Horn and Associates, Inc., in an amount of \$107,626 for Design and Bid Phase Engineering Services for the A-4 and A-5 Wastewater Pump Station Improvements project, and establishes a design and bid phase budget of \$119,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of December 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member



October 17, 2017

Mike Roach, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *Wastewater Pump Station Improvements at A-4 and A-5 Pump Stations*

Dear Mike,

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 providing professional engineering services related to mechanical and electrical improvements to the A-4 and A-5 Wastewater Pump Stations in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

It is understood that the Town is interested making improvements to the A-4 and A-5 Wastewater Pump Stations in order to increase operational reliability. Items that will be addressed have been identified in the Town of Palm Beach Wastewater Pump Station Condition Assessment prepared by Mock-Roos Consulting Engineers. Below are the improvements recommended for each of the stations.

A-4 Wastewater Pump Station

- Replace pumps and rails
- Replace hatches in both the wetwell and valve vault with larger hatches
- Wetwell to be cleaned and recoated
- Replace the electrical service to the station
- Replace the electrical control panel (level control panel) and generator receptacle
- Replace all conduits between the control panel and the wetwell
- Replace the access gate with a screened sliding gate
- Grout fill 1,400lf of 8-inch abandoned forcemain

A-5 Wastewater Pump Station

- Replace pumps 1 and 2
- Replace suction and discharge piping on pumps 1 and 2 up to the header
- Replace the blower and ductwork
- Install an emergency pump-out connection on the exterior of the pump station
- Replace the grating and framing within the pump station
- Wetwell to be cleaned and recoated
- Replace the electrical control panel (level control panel)
- Replace the motor control center and the step down transformer
- Replace the power distribution panel board
- Replace the built-up roof
- Abandon the old wetwell within Bradley Park

Scope of Services

Design, Permitting and Bid Phase Services

Kimley-Horn will perform design services to prepare construction plans and specifications for the wastewater pump station improvements suitable for construction and submittal to Palm Beach County Health Dept. and the Town's Building Department containing the following information:

1. Cover Sheet
2. A-4 Demolition Plan
3. A-4 Forcemain Abandonment Plan
4. A-4 Site Plan
5. A-4 Wetwell Sections and Details
6. A-4 Concrete Repair Details
7. A-4 Fencing/Gate Details
8. A-4 Wetwell Rehabilitation Details
9. A-4 Electrical Plan and Details
10. A-5 Demolition Plan
11. A-5 Site Plan
12. A-5 Mechanical First Floor Plan
13. A-5 Drywell and Wetwell Plan
14. A-5 Roof Plan
15. A-5 Drywell and Wetwell Sections and Details
16. A-5 Grating and Framing Details
17. A-5 Wetwell Rehabilitation Details
18. A-5 Electrical Plan and Details
19. General Construction Details Sheet(s)
20. Technical Specifications

Electrical plans and specifications will be prepared by a subconsultant employed by Kimley-Horn. Kimley-Horn will prepare general civil, mechanical, and structural plans and technical specifications. The site plans will be developed using the existing record drawings and field measurements for the two locations. If it is determined that a survey is required during the permit approval process, we can provide this as an additional service.

We will attend a kick off meeting with the Town to discuss the project goals. We will visit the sites to support the design services. We will perform a visual review of the two wetwells and provide a technical memorandum to the Town reporting our findings. We will incorporate repair details as required into the plans. We will submit plans and specifications for review at 60% and 90% completion stages, meet with the Town to review their comments, and accommodate one round of reasonable requests for revisions by the Town after each review. We will provide an opinion of probable construction cost at the 90% design stage and update this document with the final design submittal.

Kimley-Horn will prepare and submit the appropriate Florida Department of Environmental Protection (FDEP) permit application with supporting documentation, reports, and computations for the Owner's signature and subsequent transmittal to the City of West Palm Beach and the Palm Beach County Health Department. We will respond to one (1) reasonable request for additional information (RAI)

from the Health Department. The \$500 application fee is included within this task. The two sites will be submitted under one permit application.

Kimley-Horn will attend the pre-bid meeting, review the bid proposal from the apparent low bidder, and prepare a bid tabulation and memorandum to the Town containing our findings after our review of the bids. We will also assist the Town with responding to questions received from prospective bidders, if required. We will provide up to 5 signed and sealed copies of the construction documents for the Town to distribute to the selected contractor for permitting. We will respond to one round of reasonable comments from the building department after submittal by the Town/contractor, if required. The two sites will be bid under one advertisement for construction under one contract.

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

- Surveying and Mapping, Construction Layout
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements
- Construction Phase Services

Information Provided By the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to Kimley-Horn by the Town during the project.

- Access to the site.
- Available record drawings and data
- Assistance with confined space entry into the wetwells to support the visual review such as the completing the lock-out and tag-out of equipment, temporary ventilation, gas monitoring, and wetwell access.

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule. It is understood these improvements are desired to be constructed in the summer of 2019.

Fee and Billing

Kimley-Horn will perform the scope of services for the lump sum fees listed below. Individual task amounts are informational only. Lump sum fees will be invoiced monthly based upon the overall percentage of services performed.

A-4 Wastewater Pump Station	\$48,042
<u>A-5 Wastewater Pump Station</u>	<u>\$59,584</u>
Total	\$107,626

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc, dated January 27, 2016, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\A-4, A-5, E-3, and G-9 Wastewater Pump Station Improvements\A-4 and A-5 Wastewater Pump Station Improvements.docx

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda Resolutions

Agenda Title

RESOLUTION NO. 218-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Futch's Tractor Depot for the Purchase of One (1) Kubota Tractor Loader in the Total Amount of \$64,129.80 on Florida Sheriff's Association Contract 17-Veh15.0, Specification 22, and Establishing an Overall Budget of \$67,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 14, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 218-2017**
- ▣ **RFB No. 013-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council

VIA: Thomas G Bradford, Town Manager

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

RE: Approve Purchase Order to Futch's Tractor Depot for Equipment Acquisition
Resolution No. 218-2017

DATE: November 14, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 218-2017 approving a purchase order to Futch's Tractor Depot Inc., for one (1) 2018 Kubota tractor loader in the amount of \$64,129.80 via the Florida Sheriffs Association Contract 17-VEH15.0, (Specification #22) and establishing a total budget of \$67,000.

GENERAL INFORMATION

It is necessary to replace the existing tractor loader used for various tasks within the Public Works Department. Funds are reflected within the FY2018 Equipment Replacement Fund. The existing tractor loader will be eight (8) years old, is used primarily for beach cleaning duties, and has reached the end of its useful life. This equipment is scheduled for replacement in 2018.

FUNDING/FISCAL IMPACT

Funds for these purchases will come from the Equipment Replacement Fund in the amount of \$64,129.80. Sufficient funding was previously approved in the FY2018 budget for this purchase.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

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

RESOLUTION NO. 218-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO FUTCH'S TRACTOR DEPOT FOR THE PURCHASE OF ONE (1) KUBOTA TRACTOR LOADER IN THE TOTAL AMOUNT OF \$64,129.80 ON FLORIDA SHERIFF'S ASSOCIATION CONTRACT 17-VEH15.0, SPECIFICATION 22, AND ESTABLISHING AN OVERALL BUDGET OF \$67,000.

* * * * *

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

Section 1: The Town Council of the Town of Palm Beach hereby approves a purchase order to Futch's Tractor Depot for the purchase of one (1) 2018 Kubota tractor loader in the amount of \$64,129.80 consistent with Florida Sheriffs Association Contract 17- VEH15.0, specification 22 and establishes an overall budget of \$67,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of December 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

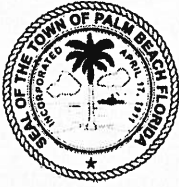
Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFB No. 013-2018
KUBOTA 2018
FSA Spec 22**

***Due by Friday, December 1, 2017, 2:00 PM
Return via email to: sshea@townofpalmbeach.com***

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the **Florida Sheriff's Association's Contract # 17-VEH15.0**, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.

All terms, conditions and specifications of the **Florida Sheriff's Association Contract # 17-VEH15.0** shall apply.

SCHEDULE OF BID ITEMS

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

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

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

1. TERMS		2. F.O.B.		3.SHIPMENT VIA		4. QUOTATION VALID UNTIL	
Net 30		DESTINATION					
Item	Description /Specifications	Quantity	Unit	Unit Cost		Extended Cost	
1.	FSA Specification No. 22– 2018 Kubota M5-91, with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract# FSA17-VEH15.0 as awarded by specification, by zone.	1	EA			\$ <u>30,249.⁰⁰</u>	
2.	MODEL UPGRADE: M5-111HD	1	EA			\$ <u>9,975.⁰⁰</u>	
3.	Add Option: 3 Remotes Valves	1	EA			\$ <u>1,932.⁰⁰</u>	
4.	Add Option: M7651 Heavy Duty 3PT LIFT 57—LBS CAP	1	EA			\$ <u>961.⁰⁰</u>	

Company Name: FUTCH'S Tractor & Inc. Authorized Signature: [Signature]

RFB 13-2018 - KUBOTA 2018

Item	Description /Specifications	Quantity	Unit	Unit Cost
5.	Add Option: E1134/E1136 Canopy and Kit	1	EA	\$ <u>703.⁰⁰</u>
6.	Add Option: LA1854 Loader	1	EA	\$ <u>7,443.⁰⁰</u>
7.	Add: 54X31.00-26NHS Goodyear Super Terra Grip 10-ply, mounted on 26 X 26 Flat Plate Wheels	Set	EA	\$ <u>11,000.⁰⁰</u>
8.	21.5L 16.1 R-3 Goodyear Softrac 11 10-Ply Tires, mounted on Flat Plate Wheels	Set	EA	\$ <u>3,125.⁰⁰</u>
9.	Discount on all non- & Published MSRP Prices, 5%	1	EA	<\$ <u>1,258.⁰⁰</u> >
TOTAL (ITEMS 1 THRU 9):				\$ <u>24,129.⁰⁰</u>

The Proposer certifies that this proposal is submitted in accordance with the specification in its entirety and with full understanding of the conditions governing this RFB and FSA17-VEH15.0. The undersigned representative submits this proposal and certifies that they are an authorized representative of the Proposer who may legally bind the Proposer.

Firm: Fitch's Tractor Depot, Inc.

*Signature: [Signature] Name/Title: Sales Representative

Address: PO Box 1058 Hastings IL Zip: 32045

Federal ID#: 26-2083783

Telephone Number: (904) 692-3673 Fax: (904) 692-2842

E-Mail Address: TRAVIS F @ FITCHSDPT.COM Date: 11/27/17

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

Name of Bidder's Contact Person: TRAVIS FREEMAN

Address: 8515 SR. 207 N

Phone Number: 904-692-3673 Fax Number: 904-692-2842

Email Address: TRAVIS F @ FITCHSDPT.COM

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 219-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Relocation of the Historic or Specimen Tree From the Property at 446 North Lake Way Within the Town of Palm Beach; Designation of the Historic or Specimen Tree to Bradley Park Within the Town of Palm Beach; Providing for the Recording of Said Removal and Designation; and Providing That a Copy of This Resolution be Recorded in the Public Records of Palm Beach County, Florida.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 27, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 219-2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Relocation of Historic or Specimen Tree; Remove from Public Records at 446 North Lake Way and Record Installation at Bradley Park
Resolution No. 219-2017

DATE: November 27, 2017

STAFF RECOMMENDATION

Town staff recommends Town Council approve Resolution No. 219-2017 authorizing removal of the historic and specimen tree at 446 North Lake Way from the public records of Palm Beach County, Florida, and record the installation of the same tree as a historic and specimen tree located at Bradley Park, 9 Lake Trail, in the public records of Palm Beach County, Florida.

GENERAL INFORMATION

The land upon which any historic and specimen tree is located shall be recorded in the public records of Palm Beach County as per Town Ordinance 126-57 (2). The tree remains as part of the public record of the property until a recommendation for de-designation by Town staff is approved by Town Council.

At the Town Council meeting on July 12, 2017, Council approved Resolution No. 124-2017, accepting the removal of the historic/specimen Green Buttonwood Tree at 446 North Lake Way and approved the relocation to Bradley Park at 9 Lake Trail. This current Resolution removes the tree from the public records for 446 North Lake Way and records it to the public record as a historic and specimen tree at Bradley Park.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact for this Resolution.

TOWN ATTORNEY REVIEW

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

cc: Eric B. Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Maura Ziska, Esq., Kochman & Braun LLC

RESOLUTION NO. 219-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE RELOCATION OF THE HISTORIC OR SPECIMEN TREE FROM THE PROPERTY AT 446 NORTH LAKE WAY WITHIN THE TOWN OF PALM BEACH; DESIGNATION OF THE HISTORIC OR SPECIMEN TREE TO BRADLEY PARK WITHIN THE TOWN OF PALM BEACH; PROVIDING FOR THE RECORDING OF SAID REMOVAL AND DESIGNATION; AND PROVIDING THAT A COPY OF THIS RESOLUTION BE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

* * * *

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

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

WHEREAS, the Town Council of the Town of Palm Beach desires to record said designation and de-designation in the public records of the 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. The Green Buttonwood tree previously recorded on Exhibit "A" attached to Resolution No. 22-95 in the public records of Palm Beach County, Florida as ORB 8850, Pg. 856, shall be REMOVED as a Historic and Specimen Tree from the following described property:

<u>PCN/Legal</u>	<u>Location</u>	<u>Count</u>	<u>CommonName</u>	<u>Botanical Name</u>
50-43-43-15-00-001-0010	446 North Lake Way	1	Green Buttonwood Tree	Concarpus Erectus

14/15-43-43, Sub F (Less N 70 ft & Lake Trail R/W) & Sub G (Less Lake Trail R/W) of Gov Lt 1 LYG W of Lake Way.

Section 2. The Green Buttonwood Tree previously located at 446 North Lake Way is accepted as donation to the Town and relocated to Bradley Park shall be DESIGNATED as a Historic and Specimen Tree at the following described property:

<u>PCN/Legal</u>	<u>Location</u>	<u>Count</u>	<u>CommonName</u>	<u>Botanical Name</u>
50-43-43-22-31-000-0010	9 Lake Trail (Bradley Park)	1	Green Buttonwood Tree	Concarpus Erectus

Floral Park LTS 1, 2 and 13 to 27 INC.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 12th day of December, 2017

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 220-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Chen, Moore, and Associates, Inc., in an Amount of \$116,840 for the D-16, and D-18 Stormwater Pump Station Improvements, and Establishing a Design and Bid Phase Budget of \$125,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 27, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 220-2017**
- ▣ **Chen, Moore, and Associates Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approve a Purchase Order for Engineering Design Services of the D-16 and D-18 Stormwater Pump Station Improvements
Resolution No. 220-2017

DATE: November 27, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 220-2017 approving a purchase order to Chen, Moore, and Associates, Inc. (CMA), for engineering design and bid phase services in the amount of \$116,840 for D-16 and D-18 Stormwater Pump Station Improvements and establishing an engineering design and bid phase services budget of \$125,000, including contingency.

GENERAL INFORMATION

As part of the Accelerated Capital Improvement Program-Phase II, a condition assessment was performed by Mock-Roos and Associates, Inc. in 2016 on all the Town's stormwater stations. The stations in the assessment were graded from one (1) "in like new condition" to five (5) "in need of immediate replacement". The D-16 Pump Station (located at the west end of Jungle Road) and the D-18 Pump Station (located at the west end of El Brillo Road) all received a conditional assessment value of four (4) for limited elements within each station, meaning improvements were needed in the next 2-5 years. Some of the repairs needed to the stations are: replace pumps and pump cans, replace discharge pipes and flap gates, rip-rap rock improvements, replace control panel, replace MTS switch and generator receptacle, structural improvements, and retrofitting the existing access hatches.

CMA was selected from the Continuing Services Professional Service Agreement pool of consultants. The selection was based on qualifications and the amount of work given to each of the consultants under the continuing services contracts. With Purchasing's assistance, staff negotiated a design and bid phase services contract with CMA in the amount of \$116,840 for the scope of services identified in their proposal. Staff recommends a total design and bid phase services budget of \$125,000 which includes \$8,160 in general contingency. CMA's proposal for design and bid phase services including contingency is \$30,000 less than what was budgeted in the Pay-As-You-Go Five Year Capital Improvement Plan, Fiscal Year 2017 budget.

FUNDING/FISCAL IMPACT

Funding for the Design and Bid Phase Engineering Services of this project is contained within the Town's Accelerated Capital Improvement Program – Phase II budget.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jeffrey Sanon, P.E., Project Engineer
Dean Mealy, Purchasing Manager

RESOLUTION NO. 220-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR DESIGN AND BID PHASE ENGINEERING SERVICES TO CHEN, MOORE, AND ASSOCIATES, INC., IN AN AMOUNT OF \$116,840 FOR THE D-16 AND D-18 STORMWATER PUMP STATION IMPROVEMENTS, AND ESTABLISHING A DESIGN AND BID PHASE BUDGET OF \$125,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Chen, Moore, and Associates, Inc., in an amount of \$116,840 for Design and Bid Phase Engineering Services for the D-16 and D-18 Stormwater Pump Station Improvements, and establishes a design and bid phase budget of \$125,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of December 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member



500 Australian Ave S, Ste. 850
West Palm Beach, FL 33401
Phone: +1 (561) 746-6900
Fax: +1 (561) 746-8333
www.chenmoore.com

November 15, 2017

SENT VIA E-MAIL
(JSanon@TownofPalmBeach.com)

Jeff Sanon
Project Engineer,
Town of Palm Beach
951 Okeechobee Road, Suite "A"
West Palm Beach, FL 33401

**Subject: D-16 & D-18 Pump Station Rehabilitation
CMA Proposal No. P17.431**

Dear Jeff:

Chen Moore and Associates (CMA) is pleased to submit the attached Scope of Services to provide civil, mechanical, electrical, and structural engineering design and permitting services for the rehabilitation of the existing D-16 and D-18 stormwater pump stations at the western ends of Jungle Road and El Brillo Way, respectively. This work will be completed in accordance with the general services contract between CMA and the Town of Palm Beach.

PROJECT INTRODUCTION

Chen Moore and Associates was requested by the Town of Palm Beach to provide civil, mechanical, electrical and structural engineering and bidding assistance services for the rehabilitation of two stormwater pump stations: D-16 and D-18. The D-16 Pump Station is located at the west end of Jungle Road, while the D-18 Pump Station is located at the west end of El Brillo Way. Both pump stations had a condition assessment prepared in 2015 that provided background on repairs needed.

The "Owner" and "Client" of the property is the Town of Palm Beach (Town)
The "Consultant" and "Engineer" is Chen Moore and Associates (CMA)

SCOPE OF SERVICES

The scope of services includes the following:

Civil and Mechanical Design Elements

- The mechanical and civil design associated with replacement of the electric submersible pumps, pump cans, discharge pipes, flap gates and air vacuum valves at both the D-16 and D-18 pump stations.
- Civil design and permitting associated with supplementing existing rock-rip rap at both discharge points
- Civil design associated with paving and concrete curbing in the vicinity of the inlet grating for the pump station intake

Civil and landscape design associated with the vegetation used to screen the visibility of the mechanical and electrical equipment.

Electrical Design Elements

- Electrical engineering design associated with replacement or installation of the following items at each pump station location:
 - New control panel
 - New wetwell level and controls
 - New raceways and wire
 - New MTS switch and generator receptacle
 - New grounding as required
 - New site light

Structural Design Elements

- Structural design associated with retrofitting existing hatch and adding a ladder for maintenance access of wet-wells at both pump station locations
- Structural design for replacement of concrete block retaining wall perpendicular to discharge piping (approximately 20 LF)
- Structural design for repair of cast concrete retaining wall parallel to the discharge piping (approximately 12 LF)
- Structural design for replacement of concrete retaining wall on north side of site that has been damaged by banyan tree roots (approximately 10 LF)
- Structural design of repair to voids and undermining under the existing wall using flowable fill or grouting methodologies (approximately 10 LF)
- Bid document review and assistance

Environmental Permitting Elements

- Perform sea-grass surveys at each pump station discharge location
- Permitting support with USACE and FDEP for "Maintenance" activities of rip-rap at discharge

General Scope Elements

- Site inspections
- Client meetings and coordination
- Bid document review and assistance

Design Services

Task 1: Preliminary Investigation and Repair Outline Memorandum

At the project kickoff meeting, CMA will provide a Project Management Plan describing the deliverable schedule and the communication protocols for the team. After the kickoff meeting, CMA will review existing information including available reports, as-built plans, and permits. CMA will utilize a survey sub-consultant to collect sufficient data on prominent features to prepare a site plan basefile. The survey will

be prepared in NAVD88 vertical datum and State Plane coordinates and will include the following information:

- Delineation of property/easement lines based upon PBC Property Appraiser (not a boundary survey)
- Location of all built above ground improvements within project area (vegetation not included)
- Elevations for top of structures, edge of pavement, inlet grate, curbing and top of seawall (no inverts of below ground elevations included)

A site visit will also be included in the preliminary investigation and will serve as a basis of design for the project. Once the preliminary investigation is performed, a short technical memorandum outlining the proposed approach and repairs will be provided to the Town. This memo will outline the approach for repair and replacement of each element described in the Scope of Services above for each pump station. The repair outline will include photographs of the site features to be repaired and a description of the proposed repair techniques. This document will also include the results of a detailed structural inspection of the wet wells at each pump station. As part of this submittal, CMA will also outline the regulatory requirements specific to maintenance of the rip-rap in the Lake Worth Lagoon. A meeting summary will be prepared describing the Town's input on the repairs proposed and any other items of concern.

Task 2: 90% Design Plans

CMA will prepare a set of 90% design plans incorporating available data and the comments provided from the kickoff meeting and technical memorandum. In addition to technical specifications and an opinion of probable construction cost, the following plan sheets will be provided for each pump station:

1. 90% Cover Sheet (1 Sheet per Pump Station)
2. 90% General Notes (1 Sheet per Pump Station)
3. 90% Existing Condition and Demolition Plan (1 Sheet per Pump Station)
4. 90% Proposed Site Plan (1 Sheet per Pump Station)
5. 90% Mechanical Details (1 Sheet per Pump Station)
6. 90% Electrical Details (Assume 3 Sheets per Pump Station)
7. 90% Structural Details (Assume 3 Sheets for D-18 and 1 Sheet for D-16)

CMA will meet with Town Staff to review comments on the 90% plan submittals. A meeting summary will be prepared to document the comments and concerns noted in the meeting.

Task 3: 100% Design Plans

CMA will incorporate Owner comments from the 90% submittal and finalize the construction documents for preparation of the bid set. A final specification package will be prepared for integration with the Town's Front End specifications. A final opinion of probable construction cost will be prepared. The final plan sheets will be provided:

1. 100% Cover Sheet (1 Sheet per Pump Station)
2. 100% General Notes (1 Sheet per Pump Station)

3. 100% Existing Condition and Demolition Plan (1 Sheet per Pump Station)
4. 100% Proposed Site Plan (1 Sheet per Pump Station)
5. 100% Mechanical Details (1 Sheet per Pump Station)
6. 100% Electrical Details (Assume 3 Sheets per Pump Station)
7. 100% Structural Details (Assume 3 Sheets for D-18 and 1 Sheet for D-16)

Permitting, Coordination and Bid Support Services

Task 4: Environmental Permitting

Consultant shall attend pre-application meetings, prepare submittal packages and submit for government agency permits with the appropriate calculations and back-up to the following agencies:

1. SFWMD
2. Florida Dept of Environmental Protection (FDEP)
3. US Army Corps of Engineers

Task 5: Building Department Permitting

Consultant shall prepare a Building Department application submittal package and submit for permits with the appropriate calculations and back-up for each pump station. The Consultant will meet with Building Department Staff to review comments and discuss revisions. After meeting with Staff, the Consultant will respond to comments and submit up to one revised set of plans incorporating the input of the Building Department reviewers.

Task 6: Bidding Assistance

CMA will respond to questions from bidders relative to the plan documents. CMA will coordinate with the Owner as required for these responses. CMA will evaluate bid responses for unit prices and qualifications of contractor.

Reimbursables

Task 7: Reimbursables

- 7.1 Survey: ENGINEER will submit for reimbursement the invoices of the contracted surveying firm (Avirom).
- 7.2 Electrical: ENGINEER will submit for reimbursement the invoices of the contracted electrical engineering firm (C&W Engineering).
- 7.3 Structural: ENGINEER will submit for reimbursement the invoices of the contracted structural engineering firm (Stanley Consultants).

- 7.4 Environmental: ENGINEER will submit for reimbursement the invoices of the contracted environmental firm (CZR) to perform sea-grass surveys and permitting support with USACE and FDEP.

The contract scope does not include the following, however should the Town request any of the services listed below a proposal for additional services can be provided:

- Construction Engineering Inspections
- Project Certification and Closeout

ASSUMPTIONS

The following assumptions were incorporated into the development of the scope. Should the assumptions change, the scope of services may change.

- No modifications to the existing infrastructure for the drainage inlets or concrete wet well at both the D-16 and D-18 pump station locations.
- No major structural design will be required to repair wet wells at either pump station or to repair the historic ferry landing at the D-18 pump station location.
- No environmental site assessments will be required.
- Environmental permitting will be limited to USACE and FDEP for a "Maintenance Permit" for rip-rap at discharge points. No permitting from NOAA or USACE dredge/fill permits will be required.
- No replacement or restoration of underground utilities outside of the existing pump structure footprint will be necessary.
- All pumps and related infrastructure will be replaced using a like-for-like approach with no hydraulic modeling performed and no modification in pump size required.
- No right of way or easement acquisition services are included.
- Comments from the Town shall be submitted at one time for each deliverable.
- All permit application fees will be paid by the Town.

DELIVERABLES

Chen Moore & Associates will provide the following deliverables:

- Repair Outline Memorandum
- Construction level Engineering Plans
- Regulatory agency permitting
- Bid assistance services



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Fax: +1 (561) 746-8333
www.chenmoore.com

SCHEDULE AND FEES

Consultant shall schedule work in coordination with the Town schedule.

The fees for Tasks 1 through 6 will be billed on a lump sum basis. Task 7 will be billed at cost. A detailed hourly breakdown is shown in Exhibit A. A summary of the fees is as follows:

SUMMARY

TASK 1 – PRELIMINARY INVESTIGATION AND COORDINATION	\$6,970
TASK 2 – 90% DESIGN PLANS	\$21,540
TASK 3 – 100% DESIGN PLANS	\$12,165
TASK 4 – ENVIRONMENTAL PERMITTING	\$6,470
TASK 5 – BUILDING DEPARTMENT PERMITTING	\$9,080
TASK 6 – BIDDING ASSISTANCE	\$3,030
TASK 7 – REIMBURSABLES	\$57,585
TOTAL	\$116,840

Should you have any questions, please do not hesitate to contact me at my office at (561) 746-6900 x 1160, my cell phone at (561) 329-1797 or send me an electronic message at bwhitfield@chenmoore.com.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Brent Whitfield", is written over a light blue horizontal line.

CHEN MOORE AND ASSOCIATES
Brent Whitfield/ Senior Engineer

Cc. Suzanne Dombrowski – CMA
Peter Moore – CMA
Attachment(s): Exhibit A

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda Resolutions

Agenda Title

RESOLUTION NO. 222-2017 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Chen, Moore, and Associates, Inc., in an Amount of \$187,830 for the Worth Avenue 400 Block Drainage Improvements, and Establishing a Design and Bid Phase Budget of \$199,000.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated November 29, 2017, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 222-2017**
- ▣ **Chen, Moore, and Associates Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approve a Purchase Order for Engineering Design and Bid Phase Services for the Worth Avenue 400 Block Drainage Improvements
Resolution No. 222-2017

DATE: November 29, 2017

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 222-2017 approving a purchase order to Chen, Moore and Associates, Inc. (CMA), for engineering design and bid phase services in the amount of \$187,830 for the Worth Avenue 400 block drainage improvements and establishing an engineering design and bid phase services budget of \$199,000, including contingency.

GENERAL INFORMATION

As part of the Accelerated Capital Improvement Program-Phase II, a condition assessment was performed by Kimley-Horn and Associates, Inc. in 2016 on the mid-Town drainage basin. The drainage basin's stormwater system was modeled with Interconnected Channel and Pond Routing (ICPR) storm water modeling software. The basin was first modeled and run under current conditions to determine if the results are similar to the flooding observed by Town staff during historical storm events. In general, the current system meets the Town's flooding protection standards with the exception of some minor flooding that occurs during the one-year storm event. The model was then modified to include a number of proposed improvements in order to evaluate their effectiveness in reducing flood stages across the basin.

The results of the analysis showed that improvements to the 400 block of Worth Avenue trunk line provided meaningful relief to the basin through a reduction in flood stages during significant storm events. The improvements would include; constructing a 36" pipeline to improve conveyance of water within the mid-Town basin, roadway improvements to include reconstructing roadway cross section with proper slopes and, new curbs to eliminate nuisance ponding, replacing sub-standard size catch basins and cross drains to increase storage capacity, relocating the existing sanitary sewer to avoid storm sewer conflicts and replacing existing watermain.

CMA was selected from the Continuing Services Professional Service Agreement pool of consultants. The selection was based on qualifications and the amount of work given to each of the consultants under the continuing services contracts. CMA has been awarded the second least in volume of work out of the remaining three (3) consultants. With Purchasing's assistance, staff negotiated a design and bid phase services contract with CMA in the amount of \$187,830 for the scope of services identified in their proposal. Staff recommends a total design and bid phase services budget of \$199,000 which includes \$11,170 in general contingency.

FUNDING/FISCAL IMPACT

Funding for the design and bid phase engineering services for the drainage improvements of this project is contained within the Town's Accelerated Capital Improvement Program-Phase II budget. Funding for the design and bid phase engineering services for the watermain improvements in the amount of \$23,630 will be contained within the City of West Palm Beach account for water main R&R.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Mike Roach, P.E., Project Engineer
Dean Mealy, Purchasing Manager

RESOLUTION NO. 222-2017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR DESIGN AND BID PHASE ENGINEERING SERVICES TO CHEN, MOORE, AND ASSOCIATES, INC., IN AN AMOUNT OF \$187,830 FOR THE WORTH AVENUE 400 BLOCK DRAINAGE IMPROVEMENTS, AND ESTABLISHING A DESIGN AND BID PHASE BUDGET OF \$199,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Chen, Moore, and Associates, Inc., in an amount of \$187,830 for design and bid phase engineering services for the Worth Avenue 400 Block Drainage Improvements, and establishes a design and bid phase budget of \$199,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of December 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member

November 29, 2017

SENT VIA E-MAIL
(JSanon@TownofPalmBeach.com)

Jason Debrincat, P.E.
Senior Project Engineer,
Town of Palm Beach
951 Old Okeechobee Road, Suite "A"
West Palm Beach, FL 33401

**Subject: Worth Avenue – 400 Block
 CMA Proposal No. P17.431.008**

Dear Jason:

Chen Moore and Associates (CMA) is pleased to submit the attached Agreement for Professional Services and Scope of Services to provide civil engineering design and permitting services for drainage infrastructure and underground utilities in the 400 block of Worth Avenue (from Cocoanut Row to the intersection of South Lake Drive and Peruvian Avenue).

PROJECT INTRODUCTION

Chen Moore and Associates was requested by the Town of Palm Beach to provide civil engineering and bidding assistance services for the installation of drainage infrastructure and underground utilities in the 400 block of Worth Avenue. The project was identified in the Mid-Town Drainage Basin Report (Kimley-Horn, 2016). This report documented the benefits to flood protection that could be realized by the installation of a 1,050-ft long, 36-inch diameter drainage "trunk-line" connecting the 300 block of Worth Avenue more directly to the D-7 Pump Station. The underground utilities along this section of Worth Avenue also include a 6-inch water main (material unknown) and 8-inch and 12-inch unlined VCP sewer. It is anticipated that during this effort a set of design plans will be provided for sewer line replacement as well. Design of the water main replacement is assumed not to be included in this proposal. Figure 1 illustrates the project area and the configuration of the known underground utilities.

The "Owner" and "Client" of the property is the Town of Palm Beach (Town)
The "Consultant" and "Engineer" is Chen Moore and Associates (CMA)

SCOPE OF SERVICES

The scope of services includes the following:

- The design, permitting, and bid and award support for drainage improvements to Worth Ave (from Cocoanut Row to the intersection of South Lake Drive and Peruvian Avenue)
- Replacement of existing sewer pipe and related facilities as necessary, from 452 Worth Ave east to the existing manhole at the intersection with Cocoanut Row.

- Coordination with the Town and the City of West Palm Beach for replacement of existing water main
- Paving and grading design as required for roadway, curb, gutter and sidewalk.
- Permitting through the regulatory agencies
 - o SFWMD for surface water (water quality) and dewatering
 - o PBC Health Department
 - o FDEP
- Preparation of Construction Documents (Plans & Specifications)
- Bid document review and assistance

STORMWATER SYSTEM IMPROVEMENTS

Based on the recommendations of the Mid-Town Drainage Basin Study, a 1,050-ft long, 36-inch diameter drainage “trunk-line” connecting the 300 block of Worth Avenue more directly to the D-7 Pump Station will be designed as part of this project. The design will also include replacement of the existing inlets along the south side of Worth Ave to tie the street drainage into the new trunk-line. It is assumed that existing outfall pipes to Lake Worth Lagoon will be grouted and abandoned in place. Permitting of the proposed improvements with SFWMD will be incorporated with the stormwater system design effort.

SANITARY SYSTEM IMPROVEMENTS

Between the privately-owned lift station at 425 Worth Ave and the manhole at the intersection of Worth Ave and Cocoanut Row there is approximately 800 LF of existing unlined VCP sanitary sewer main. Considering the age of the existing pipeline and the conflict with the proposed stormwater trunk-line, this design effort will include replacement of the existing sewer main with a new pipeline aligned to minimize conflicts with existing and proposed utilities. The Consultant will determine the condition of sanitary manholes and recommend if they can remain or will require relocation and replacement. The Consultant will incorporate this information into the design documents. Permitting will be included in the sanitary system design effort.

WATER DISTRIBUTION SYSTEM IMPROVEMENTS

It is assumed that all water mains within the project limits will be considered for replacement (approximately 1,150 LF), due to age and condition. However, because the water mains are owned by the City of West Palm Beach, a decision on replacement is subject to a different funding source. Therefore, this scope of work includes the design and permitting of the water main replacement as a series of optional alternate tasks.

ROADWAY IMPROVEMENTS

The roadway improvements will consist of the replacement of existing Type “D” curb and installation of Type “F” curb; replacement of sidewalks and ramps in poor condition; replacement of sidewalks and curb ramps that are not in compliance with the American with Disabilities Act (ADA); replacement of existing driveways within the right-of-way with concrete; replacement of traffic signs as necessary; and full pavement restoration over utility trenches and mill and resurface for the remaining pavement. It is assumed that permitting will not be required for this task.

Design Services

TASK 1 - FIELD INVESTIGATION AND COORDINATION

1.1 Survey Coordination: ENGINEER shall coordinate with a licensed surveyor in order obtain the required topographic data within the project limits. Survey will extend 50 feet outside of the two intersections (1) Worth Ave and Cocoanut Row and (2) Peruvian Ave and S Lake Dr, survey will also extend 10' outside of the right-of-way. Licensed surveyor shall establish a control traverse and bench marks (North American Vertical Datum of 1988, with conversions to NGVD 29 on each sheet) at sufficient intervals to support the topographic survey to be utilized on the design plans. Locate all above ground features within the right-of-way of the existing roads included but not limited to pavement, paved swales, sidewalks, fences, light poles, handrails, storm manholes, catch basins, electric boxes, handholes, curbs, valve boxes, sanitary sewer manholes, driveway types, edges and corners, trees, overhanging trees in the right-of-way, meter boxes, centerline and crown of the roads, irrigation systems, fire hydrants and valves, overhead utilities, poles, and landscape features. Locate underground features of sanitary manholes, cleanouts, storm manholes, and catch basins. Utility structures that are one pipe run outside of the survey boundary will be included to obtain full data on that pipe run. Locate water and sewer designations sprayed out in the survey area. This will not constitute a boundary or right-of-way survey as defined in the Minimum Technical Standards for Land Surveying and Mapping. Ownership and title searches are not included. Easements will be based on information obtained from record plats.

1.2 Utility Coordination: ENGINEER will review all existing record drawings, design plans, utility atlases, and GIS data for the project area to develop the alignment of the proposed piping. ENGINEER shall perform a Sunshine One design ticket call, send letters to all identified utilities, collect utility location information and digitize utility locations for drawings. ENGINEER shall coordinate with a subsurface utility engineering (SUE) firm for the performance of up to 20 utility test holes to locate any existing underground utilities within the project limits. SUE firm shall provide equipment and labor, or the services of a qualified subconsultant, for exploratory subsurface test holes ("soft digs") for certain existing underground utilities as determined by the ENGINEER.

1.3 General Field Verification: ENGINEER shall conduct field visits to assess the existing conditions of the project area.

1.4 Geotechnical Coordination: ENGINEER will coordinate with a geotechnical engineering firm to perform soil borings in the project area. It is estimated that four (4) soil borings to a depth of 15 feet will be performed. ENGINEER will also coordinate pavement cores to assess the characteristics of the existing pavement. It is estimated that 3 pavement cores will be performed.

1.5 Sanitary Sewer Manhole Assessment: ENGINEER will coordinate with Town Staff to investigate the condition of the existing sanitary sewer manholes to determine availability for rehabilitation and use with the new system. ENGINEER will make recommendations for improvements to Town Staff.

1.6 Water Distribution Assessment: ENGINEER will coordinate with the City of West Palm Beach and Town Staff to review all available as-builts and record drawings of the existing water main to determine

the need and extent for repair or replacement. ENGINEER will provide recommendations for improvements based on the document review.

1.7 Sidewalk and Ramp Assessment: ENGINEER will perform an assessment of the existing sidewalks and ramps within the project area. The assessment will include a review of the condition and compliance with the American with Disabilities Act (ADA). ENGINEER will provide exhibits showing results of assessment and recommendations for improvements.

1.8 Field Investigation Technical Memorandum: ENGINEER will provide the Town with a document outlining the findings of the initial field and as-built investigations. This memorandum will include conceptual illustrations of the proposed pipeline alignments for the drainage, sewer and water mains (if necessary). Presentation of this memo is intended to allow Town staff to review critical findings and identify key decisions prior to Plan preparation.

1.9 Progress Meeting: ENGINEER will attend one review meeting with the Town to discuss the Field Investigation Technical Memorandum and obtain any review comments. ENGINEER will prepare meeting agenda, sign-in sheet and minutes.

TASK 2A – 60% DESIGN SUBMITTAL (DRAINAGE AND SANITARY SEWER)

2.1A Plans: ENGINEER will prepare and submit 60% level design drawings to Town for review. The drawings will consist of the existing conditions and proposed design. Existing conditions will include topographic survey, aerials, GIS data, existing utility locations provided from the Sunshine One Design Ticket, existing utilities provided by the Town. The drawings will include stormwater pipeline and sewer main design (plan view), specific asphalt restoration (mill and resurface or trench restoration), curb and gutter replacement or restoration, sod restoration and standard details. The size, type and material of the proposed features will be labeled. The roadway sections will be designed based on comments from the public meetings and coordination with the TOWN. Vertical elevations for existing utilities will not be shown for this submittal. The horizontal and vertical location of features will be included in the labels. Spot grades for proposed sidewalk, pavement, curb and driveways, and one (1) roadway profile per street will be included.

2.2A Technical Specifications: ENGINEER shall prepare technical specifications required to perform the work within the 60% plans. The technical specifications will be based on the preferred specifications provided by the Town.

2.3A Cost Estimate: ENGINEER shall submit a cost estimate of the probable drainage and sewer main construction costs which will reflect the proposed improvements included within the 60% design plans.

2.4A Progress Meeting: ENGINEER will attend one review meeting with Town to discuss the 60% plans and obtain any review comments. ENGINEER will prepare meeting agenda, sign-in sheet and minutes.

TASK 2B – 60% DESIGN SUBMITTAL (OPTIONAL TASK FOR WATER MAIN ONLY)

Assuming the TOWN

2.1B Plans: ENGINEER will prepare and submit 60% level supplementary design drawings to the City of West Palm Beach and the Town for review of the features associated with the water distribution repairs or replacement including water main, water services and meter boxes.

2.2B Technical Specifications: ENGINEER shall prepare supplementary technical specifications as related to the water distribution system to perform the work within the 60% plans. The technical specifications will be based on the preferred specifications provided by the City of West Palm Beach.

2.3B Cost Estimate: ENGINEER shall submit a cost estimate of the probable water main and related facilities construction costs which will reflect the proposed improvements included within the 60% design plans.

TASK 3A – 90% DESIGN SUBMITTAL (DRAINAGE AND SANITARY SEWER)

3.1A Plans: ENGINEER will prepare and submit 90% level design drawings to Town for review. In addition to the items included in the 60% submittal, the drawings will include stormwater pipeline and sewer main profiles, utility clearances in plan and profile and construction details (both standard and custom as required). All associated calculations will be included with this submittal. The 90% design submittal will incorporate soft dig information to vertically and horizontally locate the existing utilities.

3.2A Technical Specifications: ENGINEER shall update technical specifications to reflect work within the 90% plans.

3.3A Cost Estimate: ENGINEER shall submit a cost estimate of the probable water main construction costs which will reflect the proposed improvements included within the 90% design plans.

3.4A Progress Meeting: ENGINEER will attend up one progress meeting with the Town to discuss the 90% plan submittal and any review comments. ENGINEER will prepare meeting agenda, sign-in sheet and minutes.

TASK 3B – 90% DESIGN SUBMITTAL (OPTIONAL TASK FOR WATER MAIN ONLY)

3.1B Plans: ENGINEER will prepare and submit supplementary 90% level design drawings to the City of West Palm Beach and the Town for review of the features associated with the water distribution repairs or replacement including water main, water services and meter boxes.

3.2B Technical Specifications: ENGINEER shall prepare supplementary technical specifications as related to the water distribution system to perform the work within the 90% plans. The technical specifications will be based on the preferred specifications provided by the City of West Palm Beach.

3.3B Cost Estimate: ENGINEER shall submit a cost estimate of the probable water main and related facilities construction costs which will reflect the proposed improvements included within the 90% design plans.

TASK 4A – 100% FINAL DESIGN (DRAINAGE AND SANITARY SEWER)

4.1A Plans: ENGINEER will prepare and submit design drawings to Town for review, which will include incorporate all comments from the TOWN on the 90% design and all relevant details to bid and construct the project.

4.2A Contract Documents: ENGINEER shall prepare 100% construction documents including technical specifications, final quantity list and additional special provisions as required by the Town. ENGINEER shall review Front End Documents from Town for compliance with the design.

4.3A Cost Estimate: ENGINEER shall prepare a final water main cost estimate which will indicate all construction costs for items within the final design drawings. CMA will contract with an outside firm to update the third-party cost estimate to reflect the work in the 100% drawings.

TASK 4B – 100% DESIGN SUBMITTAL (OPTIONAL TASK FOR WATER MAIN ONLY)

4.1B Plans: ENGINEER will prepare and submit supplementary 100% level design drawings to the City of West Palm Beach and the Town for review of the features associated with the water distribution repairs or replacement including water main, water services and meter boxes.

4.2B Technical Specifications: ENGINEER shall prepare supplementary technical specifications as related to the water distribution system to perform the work within the 100% plans. The technical specifications will be based on the preferred specifications provided by the City of West Palm Beach.

4.3B Cost Estimate: ENGINEER shall submit a cost estimate of the probable water main and related facilities construction costs which will reflect the proposed improvements included within the 100% design plans.

TASK 5 – PERMITTING

5.1 Permit Submittal: ENGINEER shall prepare and submit applications for the permits necessary to authorize the project to be bid. ENGINEER shall address all comments from permit agencies in the plans. The potential permits include:

- South Florida Water Management District (Environmental Resources Permit)
- South Florida Water Management District (Dewatering/Consumptive Use Permit)
- Palm Beach County Health Department (Sanitary)
- City of West Palm Beach & Palm Beach County Health Department (Optional Water Main)

TASK 6 – PUBLIC OUTREACH

6.1 Mailers: ENGINEER will distribute mailers to all properties within the 300 feet of the project area in accordance with Town requirements. This task estimates one (1) mailer per property, for a total of 500 mailers. Printing and postage cost for the mailer is included as a reimbursable expense in Task 8.

6.2 Resident Workshop: ENGINEER will conduct two (2) resident workshops at which time the residents can discuss the project in a more interactive manner. ENGINEER will prepare meeting materials related to the project and produce meeting minutes.

6.3 Worth Avenue Business Group: ENGINEER will attend one (1) Worth Avenue Merchants Association Meeting to discuss the upcoming project and present final design. ENGINEER will prepare meeting materials related to the project and produce meeting minutes.

TASK 7 – BIDDING ASSISTANCE

7.1 Pre-Bid Meeting: ENGINEER shall assist with the preparation of materials and attend a pre-bid meeting to be attended by any interested contractor. The purpose of the meeting will be to outline any special site conditions and clarify any contractor questions.

7.2 Respond to Questions / Addendums: ENGINEER shall assist TOWN by preparing responses to all written inquiries made by contractors and review Addenda prepared by the TOWN. It is assumed that the TOWN will distribute the addenda.

7.3 Bid Analysis: ENGINEER review bid tabulations against the cost estimate. Upon request from the TOWN, ENGINEER shall check contractor references to ensure that the qualifications are met. ENGINEER will make recommendation of award to the TOWN based on the bid cost and reference review.

TASK 8 – REIMBURSABLES

The following are estimated costs of reimbursable expenses. The Town will only pay for those services which were used.

- 8.1 Printing and Postage: The costs for the printing, reproduction and postage for submittal material or mailers will be billed to the project.
- 8.2 Survey: ENGINEER will submit for reimbursement the invoices of the contracted survey firm (Avirom) to perform Topographic Survey activities to gather existing topographic data, above-ground features and key geometry features of underground utilities (inverts, sumps, etc). CMA will provide a copy of the survey in support of the construction documents.
- 8.3 Utility Locates: ENGINEER will submit for reimbursement the invoices of the contracted SUE firm (InfraMap) to identify the location and depth of existing underground utilities.
- 8.4 Geotechnical: ENGINEER will submit for reimbursement the invoices of the contracted geotechnical engineering firm (Nutting) to perform pavement cores and soil borings along the alignment to determine the extent of organic matter in the soil profile. CMA will provide a copy of the engineering report describing the findings and general site preparation and foundation design recommendations for support of the proposed construction.

ASSUMPTIONS

- This proposal does not include any services required for easement or right-of-way acquisitions.
- This proposal does not include any services during construction.
- All review comments from the Town on each design submittal shall be provided to Consultant at one time. Any revisions due to additional comments may result in the need for additional services.
- Work on private property is limited to driveway restoration for re-grading designs. It is assumed that private property plumbing design and permits are not required.
- Water main, sanitary sewer, stormwater hydraulic or hydrologic modeling is not included.
- Roadway permitting is not anticipated and is not included.
- Proposal does not include coordination with other Consultants for adjacent or concurrent design efforts (such as water main).
- Design improvements for the water distribution system is included as a series of optional tasks pending approval by the Town and the City of West Palm Beach.
- The Town will provide records and available data with respect to the condition of existing sanitary structures. CCTV inspection of existing sanitary structures is not included.
- Street lighting design is not included.
- Landscape design is not included.
- Irrigation design is not included.
- Plans will indicate replacement of signs if condition warrants. The cost estimate will provide an allowance for the sign replacement. Condition assessment to determine which signs need to be replaced is not included.

SCHEDULE AND FEES

Consultant shall schedule work in coordination with the Town schedule.

The fees for Tasks 1 through 7 will be billed on a lump sum basis. Task 8 will be billed at cost. A detailed hourly breakdown is shown in Exhibit B. A summary of the fees is as follows:

SUMMARY

TASK 1 – FIELD INVESTIGATION AND COORDINATION	\$18,220
TASK 2A – 60% DESIGN SUBMITTAL (DRAINAGE AND SANITARY)	\$42,200
TASK 2B – 60% DESIGN SUBMITTAL (WATER)	\$8,565
TASK 3A – 90% DESIGN SUBMITTAL (DRAINAGE AND SANITARY)	\$30,950
TASK 3B – 90% DESIGN SUBMITTAL (WATER)	\$6,635
TASK 4A – 100% FINAL DESIGN (DRAINAGE AND SANITARY)	\$21,240
TASK 4B – 100% DESIGN SUBMITTAL (WATER)	\$3,390
TASK 5 – PERMITTING	\$18,480
TASK 6 – PUBLIC OUTREACH	\$10,840
TASK 7 – BIDDING ASSISTANCE	\$5,860
TASK 8 – REIMBURSABLES	\$21,450
TOTAL	\$187,830

Should you have any questions, please do not hesitate to contact me at my office at (561) 746-6900 x 1160, my cell phone at (561) 329-1797 or send me an electronic message at bwhitfield@chenmoore.com.

Respectfully submitted,



CHEN MOORE AND ASSOCIATES
Brent Whitfield/ Senior Engineer

Cc. Suzanne Dombrowski – CMA

Peter Moore – CMA

Attachment(s): Exhibit A – Known Underground Utilities within Project Area
Exhibit B – Detailed Fee Proposal



**EXHIBIT A: KNOWN UNDERGROUND UTILITIES
IN 400 BLOCK OF WORTH AVE**

LEGEND

- WATER VALVE
- HYDRANT
- SANITARY MANHOLE
- STORM MANHOLE
- STORM INLET
- WATER MAIN
- SANITARY MAIN
- STORM MAIN
- PROJECT AREA

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Consent - Other

Agenda Title

Request to Consider Ordinance No. 30-2017 Prior to 5:00 p.m. at a Public Hearing.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated December 1, 2017, from John S. Page, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Request to Consider Ordinance No. 30-2017 Prior to 5:00 p.m. at a Public Hearing

Date: December 1, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council conduct the public hearings on Ordinance No. 30-2017 at the Town Council meetings at which the proposed Ordinance is to be heard prior to 5:00 p.m. The proposed Ordinance will be heard on first reading at the December 13, 2017 meeting, and it is anticipated that the second reading will be on January 10, 2018. If the Town Council adopts the Consent Agenda the Staff recommendation will be effectuated.

GENERAL INFORMATION

Florida Statutes require the Town Council hold at least one of two public hearings to adopt a comprehensive plan amendment or zoning amendment ordinance after 5:00 p.m. However, the Statute provides that the time can be changed if a majority plus one of the local governing body elect to have a hearing at another time. Staff is requesting that the Town Council elect to conduct the public hearings on Ordinance No. 30-2017 during the course of the normal Council business. The first reading of the proposed Ordinance will be on December 13, 2017. Second reading on January 10, 2018. All public hearings may occur before 5:00 p.m.

TGB:jsp:pc

cc: John C. Randolph, Town Attorney
Jay Boodheshwar, Deputy Town Manager
Kathleen Dominguez, Town Clerk
Paul W. Castro, AICP, Zoning Administrator
zf

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Consent - Other

Agenda Title

Approval for Use of Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves, for Two Proposed Projects, in an Amount Not to Exceed \$10,750.00.

Presenter

Beth Zickar, Director of Recreation

ATTACHMENTS:

- ▣ **Memorandum Dated November 27, 2017 from Beth Zickar, Director of Recreation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Beth Zickar, Director of Recreation

Re: Clubhouse Maintenance Projects at the Par 3 Golf Course

Date: November 27, 2017

STAFF RECOMMENDATION

Staff recommends Town Council approve the expenditure of funds for the purchase and installation of a replacement ice/water dispenser and the installation of tile wainscoting in the women's restroom entry at the Par 3 Golf Course and the transfer of funds, not to exceed \$10,750.00, from the Recreation Contingency Account to cover the cost of these projects.

GENERAL INFORMATION

The popularity of the Par 3 Golf Course and al Fresco restaurant continues to thrive. Rounds of golf for fiscal year 2017 exceeded 36,000. Patronage at the restaurant has grown by over 13% from 2016 to 2017. Adjustments to service delivery continue to be made as staff consistently strives to ensure the highest quality customer service is provided, at all times.

Council is being asked to consider the expenditure of funds to cover the cost of two projects at the Par 3 Clubhouse. The ice/water dispenser was installed in 2014 and is housed in the exterior vestibule on the southeast corner of the clubhouse. Exposure to environmental elements has resulted in extensive corrosion, causing considerable damage. The unit is no longer under warranty and the cost to repair exceeds the value of the machine. The ice/water dispenser is utilized by the public and is the most convenient, safe source of cold water and ice. The cost for a new unit, with installation, shall not exceed \$5,300.

A recent maintenance issue at the Par 3 Clubhouse created the need to replace the wood baseboards and wallpapered walls in the men's restroom entry with a tile wainscoting. This renovation not only enhanced the aesthetics of the facility but it also created an environment which is easier to clean and maintain. The installation of the tile wainscoting with tile floor base and chair rail, in the women's room, will mirror the project completed in the men's room. The cost for this project shall not exceed \$5,450.

FUNDING/FISCAL IMPACT

Funding for this purpose is available in the Par 3 Clubhouse M&I Fund, which had an unaudited balance of \$407,489 as of September 30, 2017. The balance of the Par 3 Clubhouse M&I reserve will be reduced by these additional expenditures, at fiscal yearend.

Funds remaining following the completion of all the approved projects will remain in the Par 3 Clubhouse M&I Fund. Expenditure of these funds will be limited to projects approved by the Town Council.

Cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Dean Mealy, Purchasing Manager
Tony Chateauvert, Golf Manager

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Board/Commission Annual Report

Agenda Title

Shore Protection Board Annual Report.

Presenter

Llwyd Ecclestone, Chair

ATTACHMENTS:

- **Memorandum dated December 6, 2017, from H. Paul Brazil, P.E.,
Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

FROM: E. Llwyd Ecclestone, Shore Protection Board Chairperson
Robert Weber, Coastal Program Manager

RE: Shore Protection Board Annual Report

DATE: December 6, 2017

The Shore Protection Board (SPB) is comprised of seven (7) regular members and three (3) alternate members appointed by the Town Council for three-year terms.

A chairperson and vice-chairperson are selected by the members. The 2017 SPB membership was as follows:

2017 Shore Protection Board Member	Position	Current Term Expires
E. Llwyd Ecclestone	Chairperson	12/2017
Gerald Frank	Vice-chairperson	12/2019
Kane Baker	Regular Member	12/2018
James C. Gavigan	Regular Member	12/2018
Lee David Goldstein	Regular Member	12/2019
Reuben B. Johnson, III	Regular Member	12/2018
Lewis Katz	Regular Member	12/2017
Melissa Ceriale	Alternate Member	05/2020
Stephen Jacoby	Alternate Member	05/2020
Harvey Kinzelberg	Alternate Member	05/2020

On December 13, 2016, Town Council re-appointed Lee Goldstein and Gerald Frank. With that appointment, both Mr. Goldstein and Mr. Frank were informed that the reappointment would be their final three-year term. Moving forward, Shore Protection Board members will only be allowed to serve for two (2) consecutive three-year terms. However, the board members serving at the time that Town Council set term limits have been grandfathered and will be allowed to apply for one final three-year term regardless of how many terms that they have previously served.

The Board met six (6) times during the 2017 calendar year.

2017 Shore Protection Board Member	Meetings Attended	Absences	Jan. 30	Mar. 23	Apr.27	Oct. 6	Nov. 3	Dec. 6
E. Llwyd Ecclestone	6	0	P	P	P	P	P	P
Gerald Frank	5*	0	P	P	P	P	P	NA
Kane Baker	6	0	P	P	P	P	P	P
James C. Gavigan	6	0	P	P	P	P	P	P
Lee David Goldstein	3**	0	P	P	P	NA	NA	NA
Reuben B. Johnson, III	5	1	P	P	P	E	P	P
Lewis Katz	5	1	P	P	P	P	E	P
Melissa Ceriale	3***	0	NA	NA	NA	P	P	P
Stephen Jacoby	3***	0	NA	NA	NA	P	P	P
Harvey Kinzelberg	3***	0	NA	NA	NA	P	P	P

P = Present

E = Excused

U = Unexcused

NA = Not Applicable

* Resigned on November 3, 2017

** Peacefully Passed on October 1, 2017

*** Appointed by Town Council on May 9, 2017

CURRENT SHORELINE CONDITION

The Town's proactive on-going coastal management efforts have maintained storm protection along the 12.2 miles of Town shoreline. Despite heavy sand erosion associated primarily with Hurricane Irma, no buildings are in imminent danger. Sand from the 2015 U.S. Army Corps of Engineers (USACE) Lake Worth Inlet Maintenance Dredging in Reach 1, 2015 Mid-Town Beach Renourishment in Reaches 3 and 4, and 2016 Phipps Ocean Park Beach Nourishment in Reach 7, have fed sand into Reaches 2, 5, and 8, respectively, to maintain shoreline stability. Dune Restoration in Reach 3 (2016), Reach 4 (2017) and Reach 8 (2015 and 2016) have also added stability to the Town's overall shoreline.

Effects from Hurricane Irma in September 2017 and subsequent seasonal storms have displaced large amounts of sand from the dry beach and into the nearshore. Overall, the volumetric sand losses from the beach attributable to Irma are on the order of hundreds of thousands of cubic yards. Although there is still a decent amount of sand in the nearshore, the beaches have been depleted of sand and have forced seawalls in several areas of the Town (Reaches 2, 3, 4, and 5) to provide a last line of defense for upland improvements and roads. While natural shoreline improvements are expected during the next few months within most of these areas, one 'hot spot' area near Gulfstream Road may require Town intervention to assist with shoreline recovery.

The impacts from Hurricane Matthew were measured and a FEMA claim exceeding \$4 million will be awarded to the Town of Palm Beach. A FEMA project worksheet is being prepared using measured data collected following Hurricane Irma. The Town will claim all eligible volumetric losses to FEMA for Reaches 1 and the northern portion of Reach 2 (inlet maintenance and beach placement), Reaches 3 and 4 (Mid-Town), Reach 7 (Phipps), and Reach 8 (upland only).

2017 COASTAL PROTECTION PROJECTS

The following coastal protection projects were constructed or are underway in 2017:

- Reach 4 Dune Restoration from Hammon Avenue to Via Marina, including approximately 5,000 cubic yards of sand; and
- Reaches 1 and northern portion of Reach 2, U.S. Army Corps of Engineers (USACE) Lake Worth Inlet Maintenance Dredging (from inlet to Palmo Way), including approximately 200,000 to 230,000 cubic yards of sand. Following the USACE project, the Sand Forepassing project will move approximately 20,000 cubic yards of newly placed USACE sand south of Palmo Way approximately 1,800 linear feet to Colonial Lane.

The above listed projects were constructed at no cost to the Town.

Sand Transfer Plant operations have continued during 2017 with more than 100,000 cubic yards of sand bypassed under the inlet, from Singer Island to Palm Beach Island from January through mid-November 2017.

Monitoring work continued, as required by State's Beach Management Agreement (BMA) and/or Federal permits and, as previously approved by Town Council.

The Town continues to await regulatory action by the USACE for the Reach 8 Environmental Impact Statement (EIS). Action by the USACE, such as publication of a Record of Decision (ROD), is expected to identify possible solutions to be considered for Reach 8. The Shore Protection Board will review and consider a solution in Reach 8, including an FY 2019 budget item, once additional feedback is received by the USACE.

2017 SHORE PROTECTION BOARD ACTIONS

The Breakers/Clarke/Mid-Town Area. The Shore Protection Board has taken repeated actions in 2017 to identify and advance a solution for the Breakers/Clarke/Mid-Town shoreline. In January, the board recommended that the Breakers attend an upcoming Shore Protection Board meeting with their coastal consultant so that both parties can understand and agree on a path forward. In March, following a lengthy discussion with the Breakers staff and consultant, the board recommended that staff and consultants from both the Town and the Breakers are to meet together and develop a plan to address any differences. Such a meeting did occur and the Town's consultant drafted a proposal to work on alternatives with all stakeholders. In April, the board recommended that the alternatives proposal be advanced to Town Council and that the work be performed in the summer months. In October, the board was presented the results of the alternatives analysis. It was the consensus of the Shore Protection Board to recommend that staff proceed with the recommended actions provided by the Town's consultant. Town staff is currently working with this consultant to finalize a design and planning scope of work for Town Council consideration at a future meeting (likely in January 2018). This scope of work is being developed with careful consideration from the Florida Department of Environmental Protection.

Because the solution for the Breakers/Clarke/Mid-Town vicinity will include many elements, some of the work may be performed at differing schedules. Groin-related activities in Mid-Town will continue to be planned and permitted by the Town's consultant that is currently performing permitting activities for the Town's Groin Rehabilitation Plan. Town staff is working closely with the regulatory agencies to identify efficiencies in effort to perform seawall and groin remediation at Mid-Town as soon as possible.

FY 2018 Coastal Management Program Budget. In April, the Shore Protection Board unanimously recommended an FY 2018 Coastal Management Program Budget of \$3.1 million. While this budget mostly includes program maintenance and monitoring requirements, the budget did include funding for the Sand Forepassing project. Additionally, the budget included \$500,000 toward the Town's estimated share of an anticipated study with the U.S. Army Corps of Engineers to designate the Mid-Town Beach Renourishment Project as a Federal project. Such designation would create improved cost sharing from both the State and Federal governments. The Town's overall share of the three-year study will be approximately \$1.5 million. The FY 2019 and FY 2020 proposed budgets will also include \$500,000, respectively, to complete the General Reevaluation Report with the Corps.

The board also recommended that the 'rolling' 10-year outlook be considered when planning for the Town's Coastal Management Program.

Sand Transfer Plant Condition, Performance, and Improvements. In November, the Shore Protection Board recommended that Town staff obtain a proposal from a consultant for a complete evaluation of the Sand Transfer Plant. The purpose is to identify any improvements that can be performed to enhance bypassing productivity. A proposal will be advanced to Town Council at an upcoming meeting.

Administrative. Because Town Council added three alternates to the board, the Shore Protection Board spent some time getting the new alternate members informed of Sunshine Laws, Public Records Laws, and a Historical timeline of the Town's Coastal Management Program.

ANTICIPATED 2018 SHORE PROTECTION BOARD ACTIONS

Prior to Town Council review and consideration, the Shore Protection Board will discuss and recommend actions for the following notable items in 2018:

- FY 2019 Coastal Management Program Budget;
- Implementation of shoreline solution for Breakers/Clarke/Mid-Town area as the first phase of the Groin Rehabilitation Plan;
- Interim Sand Placement in Mid-Town;
- Coastal Project in Reach 8.
- Dune Planting Plan and Implementation;
- Coastal Vulnerability Assessment; and
- Innovative Technologies

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

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda Committee Reports

Agenda Title

Report of the Administrative and Personnel Committee Meeting Held on November 6, 8 and 9, 2017.

TIME CERTAIN: 4:00 PM

Time Certain

4:00 PM

Presenter

Richard M. Kleid, Chair

ATTACHMENTS:

- ❑ **APC Suspension Order from Counsel**
- ❑ **Report of the Administrative and Personnel Committee Meeting of November 6, 2017 and continued on November 8, 2017 and November 9, 2017**

**ADMINISTRATIVE AND PERSONNEL COMMITTEE
TOWN OF PALM BEACH, FLORIDA**

IN RE:

APPEAL OF THREE-DAY SUSPENSION BY ALLEN POWERY

ORDER

This matter came before the Town of Palm Beach Administrative and Personnel Committee (the "Committee") on November 6, 8 and 9, 2017 pursuant to Article III. – RESOLUTION OF EMPLOYEE GRIEVANCES of the Town Code (Sections 82-206 through 82-210). The Employee, Allen Powery, appeared and was represented by his attorney, Isidro M. Garcia, Esq. The Town was represented by special counsel Margaret L. Cooper, Esq. Director of Public Works Paul Brazil acted as the Town's representative during the hearing.

Each party had a full opportunity to present, examine and cross-examine witnesses and to introduce pertinent documentary evidence. All witnesses were sworn and the proceedings were recorded. The Committee considered evidence offered by both sides, questioned witnesses based on their testimony and considered opening and closing arguments made by both sides. The Committee, having heard the testimony of witnesses and having considered the documentary evidence submitted by the parties at the hearing, hereby finds as follows:

FINDINGS OF FACT AND RECOMMENDATIONS

1. The Employee, Allen Powery, timely appealed his three-day suspension from the position of Right of Way Inspector II.
2. On or about July 14, 2017, the Town issued the Employee a Notice of Suspension for three days without pay. As set forth in the July 14, 2017 Notice of Suspension, the bases for the

Employee's suspension were the Employee's alleged: (i) failure to drive the entire island once per day to visually inspect right of way usage as directed by his supervisor; (ii) improper use of a Town vehicle to make personal trips to Publix while on duty; (iii) refusal to follow his supervisor's directives to check on the status of an opening in the road and to manage "Easement Abandonment Agreements;" and (iv) failure to timely handle an Installation and Maintenance Agreement in early 2017.

3. With regard to the allegation that the Employee failed to drive the entire island once per day to visually inspect right of way usage as directed by his supervisor:

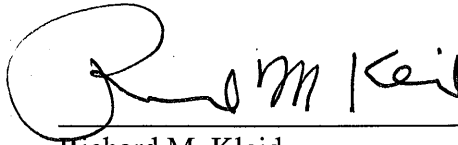
- a. Committee Member Ms. Araskog determined that the facts elicited at the hearing do not support the determination that the Employee failed to follow this directive.
- b. The undersigned Committee Chair Mr. Kleid determined that the facts elicited at the hearing support the determination that the Employee failed to follow this directive.

4. With regard to the allegation that the Employee improperly used a Town vehicle to make personal trips to Publix while on duty:

- a. Committee Member Ms. Araskog determined that the facts elicited at the hearing do not support the determination that the Employee engaged in improper use of a Town vehicle.
- b. The undersigned Committee Chair Mr. Kleid determined that the facts elicited at the hearing support the determination that the Employee engaged in improper use of a Town vehicle.

5. With regard to the allegation that the Employee refused to follow his supervisor's directives to check on the status of an opening in the road and to manage "Easement Abandonment Agreements:"
 - a. Committee Member Ms. Araskog determined that the facts elicited at the hearing do not support the determination that the Employee failed to follow these directives.
 - b. The undersigned Committee Chair Mr. Kleid determined that the facts elicited at the hearing support the determination that the Employee failed to follow these directives.
6. With regard to the allegation that the Employee failure to timely handle an Installation and Maintenance Agreement in early 2017, both Committee Member Ms. Araskog and the undersigned Committee Chair Mr. Kleid determined that this allegation should not have been included as a basis for the suspension at issue and, as such, is outside of the scope of this appeal.
7. As to the Committee's decision concerning the appropriateness of the three-day suspension:
 - a. Committee Member Ms. Araskog determined that the Town failed to establish that the Employee engaged in conduct violating any of the policies at issue and, therefore, concluded that the three-day suspension should be overturned.
 - b. The undersigned Committee Chair Mr. Kleid determined that the Town established that the Employee engaged in conduct violating each of the policies at issue and, therefore, concluded that the three-day suspension should be sustained.

Done and ordered on December ~~3~~⁴, 2017.

A handwritten signature in black ink, appearing to read "R M Kleid". The signature is written over a horizontal line.

Richard M. Kleid
Chair, Administrative and Personnel Committee

**MINUTES OF THE ADMINISTRATIVE AND PERSONNEL COMMITTEE MEETING
HELD ON MONDAY, NOVEMBER 6, 2017, WEDNESDAY, NOVEMBER 8, 2017
AND THURSDAY, NOVEMBER 9, 2017**

I. CALL TO ORDER AND ROLL CALL

The Administrative and Personnel Committee meeting was called to order on Monday, November 6, 2017, at 9:40 a.m., in the Town Council Chambers. On roll call, Committee Chair Richard M. Kleid and Committee Member Julie Araskog were found to be present.

II. APPROVAL OF AGENDA

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

III. OPENING STATEMENTS

Administrative and Personnel Committee (APC) Counsel Brett Schneider, requested that all parties in attendance announce their attendance for the record and provided an overview of the procedural rules and requirements of the Committee for the hearing.

Attorney Isidro Garcia, Esq. represented the Appellant, Mr. Allen Powery; Attorney Brett Schneider represented the Administrative and Personnel Committee; and Attorney Margaret Cooper represented the Town of Palm Beach.

Attorney Cooper provided her opening statements and introduced her exhibits. Ms. Cooper requested that all parties involved declare their Ex Parte communication. There was no Ex Parte Communications declared.

Attorney Garcia provided his opening statement. In addition, he requested that the Town reverse the three-day suspension that was given to his client, Allen Powery.

IV. PRESENTATION OF TOWN'S CASE

[H. PAUL BRAZIL, DIRECTOR OF PUBLIC WORKS]

All witnesses were sequestered during the meeting and ordered not to discuss the case or any matters relating to the case while outside of the hearing.

Town Clerk Kathleen Dominguez administered the oath to those providing testimony. The following witnesses were called and cross-examined:

- H. Paul Brazil, P.E., Director of Public Works
- Patricia Strayer, Town Engineer

The Administrative and Personnel Committee members asked Mr. Brazil about the procedure regarding suspensions and reprimands, the Town Vehicle policy, if there were any past written reprimands given to Mr. Powery, the lunch break policy, if a clear scope of work for handling easement agreements was given to Mr. Powery, and what the time parameters are for suspensions.

The Administrative and Personnel Committee requested that Mr. Brazil return to the next meeting with the notes from the interviews between the Project Engineers and Mr. Powery and the annotated GPS notes.

The Administrative and Personnel Committee recessed the meeting at 5:17 p.m. on November 6, 2017, until 8:30 a.m. on Wednesday, November 8, 2017.

CALL TO ORDER AND ROLL CALL

The meeting of the Administrative and Personnel Committee was reconvened and called to order at 8:30 a.m. on November 8, 2017, in the Town Council Chambers. On roll call, Committee Chair Richard M. Kleid and Committee Member Julie Araskog were present.

A motion was made by Committee Member Araskog, and was seconded by Chairman Kleid, to approve the Agenda, as printed. On roll call, the motion passed unanimously.

V. PRESENTATION OF ALLEN POWERY'S CASE [ALLEN POWERY]

All witnesses were sequestered during the meeting and ordered not to discuss the case or any matters relating to the case while outside of the hearing.

Attorney Garcia motioned to introduce Appellant Exhibits #5-15.

Attorney Cooper expressed concerns with the late submission of the exhibits by the appellant the night before the hearing without good cause.

Discussion ensued regarding the rules for submitting timely exhibits and the reason for the submission of the late exhibits.

It was the consensus of the Administrative and Personnel Committee to admit the Appellant's Grievance Supplemental List of Exhibits 5-15 into the record on the basis that the Committee wants to give Mr. Powery every opportunity to present his case with the exception that the exhibits presented are not an exhaustive list.

1 **The Administrative and Personnel Committee requested that Human Resources**
2 **Director Danielle Olson provide the page 5 which was missing from Ms. Strayer's**
3 **performance review of Mr. Powery.**

4
5 Mr. Brazil reported that he was not able to find the written notes from the interviews with
6 the Project Engineers and explained that the annotated GPS records were written after the
7 3 day suspension and therefore do not apply.

8
9 Attorney Brett Schneider administered the oath to those providing testimony. The
10 following witnesses were called and cross-examined:

- 11
12 • Patricia Strayer, Town Engineer
13 • Chester Purves, Services Division Manager
14 • Mike Roach, Project Engineer
15 • Jeff Sanon, Project Engineer
16 • Allen Powery, Appellant
17 • Charles Langley
18 • Mansour Hejazi, Public Works Systems Specialist
19 • Debby Moody, Office Manager
20 • Debbie Payne

21
22 *The Administrative and Personnel Committee recessed the meeting at 5:42 p.m. on*
23 *Wednesday, November 8, 2017, until 3:00 p.m. on Thursday, November 9, 2017.*

24
25 **VI. REBUTTAL BY TOWN**

26 [H. PAUL BRAZIL, DIRECTOR OF PUBLIC WORKS]

27
28 Attorney Cooper provided the Town's rebuttal.

29
30 **REBUTTAL BY OF ALLEN POWERY'S CASE**

31 [ALLEN POWERY]

32
33 Attorney Garcia provided the Appellant's rebuttal.

34
35 **VII. CLOSING STATEMENTS**

36
37 **CALL TO ORDER AND ROLL CALL**

38
39 The meeting of the Administrative and Personnel Committee was reconvened and called
40 to order at 3:00 p.m. on Thursday, November 9, 2017, in the Town Council Chambers.
41 On roll call, Committee Chair Richard M. Kleid and Committee Member Julie Araskog
42 were present.

43
44 **A motion was made by Committee Member Araskog, and was seconded by Chairman**
45 **Kleid, to approve the Agenda, as printed. On roll call, the motion passed unanimously.**
46

1 Attorney Cooper provided her closing statements.

2
3 Attorney Garcia provided his closing statements.

4
5 Attorney Schneider reviewed the Town code pertaining the role of the Administrative and
6 Personnel Committee for deliberating in a public meeting and provided an overview of
7 the allegations to be deliberated. The allegations are as follows: *1) Alleged misuse of*
8 *town equipment 2) failure to follow direction 3) insubordination 4) failure to handle*
9 *installation and maintenance agreement*

10
11 **VIII. DELIBERATION AND DECISION BY THE ADMINISTRATIVE AND**
12 **PERSONNEL COMMITTEE**
13

14 Having met and considered the evidence presented at the hearing, as well as the
15 arguments of Counsel, the Committee made the following recommendations:

16
17 Committee Member Araskog read aloud her findings and determined that the allegations
18 brought forth at the hearing do not support the disciplinary actions that were given to the
19 Employee and recommended to sustain the appeal in its entirety.

20
21 Chairman Kleid read aloud his findings and determined that the allegations brought forth
22 at the hearing support the disciplinary actions that were given to the Employee and
23 recommended to sustain the suspension.

24
25 Attorney Schneider verified that he will prepare and provide a written order of findings
26 and recommendations pertaining to the grievance for Chairman Kleid's signature that
27 will be brought forth to the Town Council for a final determination at their next regularly
28 scheduled meeting on December 12, 2017.

29
30 **VIII. ADJOURNMENT**
31

32 There being no further business, the Administrative and Personnel Committee Meeting of
33 November 6, 2017, with continuances on November 8, 2017, and November 9, 2017, was
34 concluded at 5:00 p.m., on November 9, 2017.

35
36 APPROVED:

37
38
39
40
41 _____
42 Richard M. Kleid
43 Chair
44
45
46

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ATTEST:

Kathleen Dominguez
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda
Committee Reports

Agenda Title
Report of the Public Works Committee Meeting Held on November 20, 2017.

Presenter
Margaret A. Zeidman, Chair

ATTACHMENTS:

- ▣ **Report of the November 20, 2017 Public Works Committee Meeting**

**MINUTES OF THE PUBLIC WORKS COMMITTEE
HELD ON MONDAY, NOVEMBER 20, 2017**

I. CALL TO ORDER AND ROLL CALL

The Public Works Committee meeting was called to order on Monday, November 20, 2017, at 1:00 p.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

It was the consensus of the Public Works Committee to approve the Agenda as printed.

III. COMMUNICATIONS FROM CITIZENS – None

**IV. CITY OF WEST PALM BEACH JOINT TRANSMISSION PIPELINE
IMPROVEMENTS – PROJECT COST OVER-RUNS REQUEST**

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

Public Works Director Brazil provided an update on the agreement for the Joint Transmission Pipeline Capital Improvements project which included the history, geographical perimeters, the Town's portion for the shared costs, and the cost overruns that will be submitted to the Town Council for approval.

Discussion ensued regarding the Town's portion of the shared cost and what the ramifications would be if the Town does not go through with the project.

**V. CITY OF WEST PALM BEACH LAKE MANGONIA 42" FM AERIAL
CROSSING – FY2018 CIP BUDGET**

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

Director Brazil provided an update on the agreement between the City of West Palm Beach and the Town of Palm Beach for the FY2018 CIP Budget for the Lake Mangonia 42" FM Aerial Crossing project. Mr. Brazil reported on the status of the project design, the condition of the existing pipe, the preliminary project costs, the Town's projected financial responsibility and the source of the funds for the project. He also reported that the recommendation of award to the construction bidder will be brought back to the Public Works Committee for a vote before it is presented to the Town Council.

VI. CITY OF WEST PALM BEACH WATER MAIN IMPROVEMENTS – 5 YEAR INTERLOCAL AGREEMENT UPDATE

Patricia Strayer, Town Engineer

Town Engineer Strayer provided an update of the agreement with the City of West Palm Beach regarding the Water System Improvements for overall water supply and water replacements.

Discussion ensued regarding the City of West Palm Beach's performance and how the projects are identified, scheduled and prioritized and what the impact would be if a water main were to fail or break.

VII. HURRICANE IRMA DEBRIS REMOVAL - UPDATE

Eric Brown, Assistant Director of Public Works

Assistant Director Brown provided a summary of the Town's disaster debris removal efforts.

Discussion ensued regarding contractor responsiveness and the timing of vegetative debris pick-up with post-storm debris removal.

VIII. TRUCK TRAFFIC STUDY – UPDATE

Eric Brown, Assistant Director of Public Works

Assistant Director Brown provided an overview of the cost and scope of services for the proposed truck traffic study. Mr. Brown asked the committee for guidance on how to proceed with the final scope and whether this should be deferred from bringing to the Town Council until after the Comprehensive Review of Town Operations (CRTO) takes place.

Discussion ensued regarding the timing of the proposed study and the committee's preference to defer this project until the CRTO process is completed.

Public Works Director Brazil recommended placing signage with warning language for trucks at South County Road north of Wells Road and South of Bradley Park with the use of existing operating expenses as a more cost effective option. Mr. Brazil presented examples to the Committee.

Susan Gary, 229 Onondaga Ave., spoke in support of installing signs on Onondaga Avenue in order to alleviate the issue with truck drivers using that street to turn around.

John David Corey, 226 Barton Ave., spoke regarding designating Cocoanut Row and other narrow streets in the Town as "No Truck" zones.

Discussion ensued regarding proper language, locations and size for Town road signs, concerns with enforcement and legal complications with imposing speed limits for certain vehicles.

1 It was the consensus of the Public Works Committee to move forward with the signage
2 that was proposed by Public Works Director Brazil with the condition that the size of the
3 sign be reduced and that the purchase of the signs go through the normal purchasing process
4 via the Town Manager and Police Department.

5
6 **IX. CROSSWALK REQUEST**

7 *Eric Brown, Assistant Director of Public Works*

8
9 Assistant Director Brown provided an overview of the request from a Town resident to
10 revise existing crosswalks to a higher (more visible) emphasis and for the creation of new
11 crosswalk locations.

12
13 Mr. Brown spoke regarding the Town's assessment for future crosswalk installations
14 including sidewalk improvements for ADA compliance, the cost for installing and
15 maintaining the crosswalks and provided some cost effective alternatives. He also spoke
16 regarding his concern with the timing of the project and the CRTO process.

17
18 Deputy Police Chief Ann-Marie Taylor reported on the accident data gathered for the list
19 of desired crosswalks locations over the past year.

20
21 Public Works Director Brazil and Assistant Director Brown proposed coinciding new
22 crosswalk installations with the Underground Utilities Project as a cost saving alternative
23 since that will provide opportunities for upgrading and improving the sidewalks and
24 crosswalks.

25
26 Discussion ensued regarding future projects that may allow opportunities to install new
27 crosswalks such as the mast arm project at the Palm Beach Biltmore Condominium since
28 that area is somewhat problematic as well as the potential for running into drainage issues
29 when tearing up sidewalks.

30
31 **The Public Works Committee requested that staff research the Cocoanut Row and Bradley**
32 **Place intersection for accident data.**

33
34 John David Corey, 426 Australian, spoke regarding his request for special emphasis cross
35 walks needed on South County Road and North County Road since it is a four (4) lane
36 highway.

37
38 Discussion ensued regarding the amount of projects taking place and that proper
39 procedures are followed when taking future sidewalk and crosswalk intersection
40 installation projects are taken into consideration.

41
42 The Public Works Committee thanked Mr. Corey for bringing these safety issues to their
43 attention.

44
45 ***Clerk's Note: The Public Works Committee adjourned for a 2 minute recess.***

Susan Gary, 229 Onondaga Ave., asked for clarification on the Town's water line replacement needs since she was under the impression was that the Underground Utilities Task Force was addressing all water line replacements with the Underground Utilities Project. She requested to see a copy of the comprehensive report.

In response to the question from Mrs. Gary, Director Brazil spoke regarding the Town's future plans to replace the water lines and clarified that the City of West Palm Beach will identify the projects and the Town of Palm Beach will provide the civil work on the most imminent projects.

Town Engineer Strayer further added that the City of West Palm Beach has not identified and does not feel that there are any water main lines that are in imminent need of replacement and/or repair at this time.

X. AUSTRALIAN AVENUE PARKING LOT IMPROVEMENTS – UPDATE

Town Engineer Strayer provided an update on the Australian Ave parking lot improvement project to replace the sewer line. She reported that it is 90% complete and explained the reason for the project and how it led to an opportunity to repave the sidewalk.

John David Corey, 426 Australian Ave., thanked the Public Works Department for a job well done.

XI. FLORIDA DEPARTMENT OF TRANSPORTATION COMMITMENT TO WIDENING PARTS OF THE SIDEWALK ALONG NORTH SIDE OF ROYAL POINCIANA PLAZA - UPDATE

Town Engineer Strayer provided a report on the outcome of the request to the Florida Department of Transportation (FDOT) to optimize the size of the sidewalk south of Royal Poinciana Way.

Director of Public Works Brazil reported that the FDOT was absolute in the design and ADA requirements of the sidewalk.

Discussion ensued regarding the drain that would have to be removed in order to resolve the issue and the issue with encroachment on private property and the gate.

Bradford Gary, 229 Onondaga Ave., spoke regarding the need to mitigate this issue and encouraged the Town Council to continue to work with the FDOT on this safety issue. He suggested that the Town Council draft a letter to send to the FDOT requesting them to re-review the safety issue.

John David Corey, 426 Australian Ave., spoke regarding his previous work on this matter. He explained that in the past, the FDOT has recognized the north side of the sidewalk on Royal Poinciana Way as a multi-purpose path and suggested that it be widened to a 9 foot clear path for the Lake Trail going North and South.

1 It was the consensus of the Committee to bring this matter to the Town Council for their
2 input.

3
4 **XII. BICYCLE SAFETY AND SIGNAGE**

5
6 Assistant Director Brown spoke regarding the request to study bicycle safety awareness.
7 He informed the committee that the safety issues are not clear and that any perceived
8 problems should be more clearly defined and provided recommendations that would help
9 define the issues at hand.

10
11 Deputy Chief Anne-Marie Taylor provided an overview of her study on the accident data
12 for the requested locations. Deputy Taylor reported on the existing educational campaign
13 initiatives for bicycle and pedestrian safety that will be taking place this year that was
14 provided by grant funds for this season to April 2018.

15
16 Committee Member Moore thanked Deputy Taylor for going above and beyond to
17 provide safety initiatives to the Town.

18
19 **XIII. FY 2018 CONSTRUCTION UPDATE**

20
21 Town Engineer Strayer provided an update on the FY2018 and 2019 construction
22 projects.

23
24 John David Corey, 426 Australian Ave., inquired about the schedule of projects for
25 Bradley Place and Sunrise Ave.

26
27 **XIV. ANY OTHER MATTERS**

28
29 Chair Zeidman spoke regarding safety issues with the Primavera and Lake Trail
30 intersection and Committee Member Moore brought up safety concerns with Pendleton
31 Avenue also.

32
33 Director Brazil suggested installing a bollards at the intersection of Primavera and Lake
34 Trail and Pendleton Ave. He also will address traffic crossing issues at Seaview with the
35 FDOT.

36
37 **XV. ADJOURNMENT**

38
39 There being no further business, the Public Works Committee of November 20, 2017,
40 was adjourned at 2:55 p.m.

41
42 APPROVED:

43
44
45
46
47 _____
Margaret Zeidman, Chair

1 ATTEST:
2
3
4

5 _____
6 Kathleen Dominguez
7 Town Clerk

8 _____
9 Date
10

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Palm House Receiver's Third Request for Extension of Abatement Period for Conditional Abatement of Daily Non-Completion Fee for the Palm House Project.

Presenter

Cary Glickstein, Court Appointed Receiver

ATTACHMENTS:

- ▣ **Letter from Receiver's Attorney, Gregg H. Glickstein, Dated November 17, 2017**
- ▣ **Court Order Dated December 1, 2017**

LAW OFFICES
GREGG H. GLICKSTEIN, P.A.
54 S. W. BOCA RATON BOULEVARD
BOCA RATON, FLORIDA 33432-5809
TEL: (561) 210-9920 EMAIL: ghgpa@bellsouth.net

Gregg H. Glickstein, Esquire

November 17, 2017

Mayor Gail L. Coniglio, Town of Palm Beach
c/o Thomas G. Bradford, Town Manager (via email)
360 S. County Road
Palm Beach, FL 33480

Re: Palm House Receiver's Third Request for Extension of Abatement Period for Conditional Abatement of Daily Non-completion Fee for the Palm House Project

Dear Mayor Coniglio and Town Council Members:

Cary Glickstein, as Receiver for the Palm House Property/Project located at 160 Royal Palm Way, respectfully requests the opportunity to show the Council that good cause exists for extending the Town's 120-day abatement period for the conditional abatement of the \$2,000 per day daily fee, originally effective as of December 14, 2016, that was most recently extended by the Council on August 9, 2017 for an additional 120-day period.

As stated in the attached letter from John (Skip) Randolph for the Town, dated January 20, 2017:

On the Receiver's request, a motion was initially made at the Town Council meeting in November 2016 and modified by the Town on December 14, 2016, to reflect the Town's decision to abate the \$2,000 per day daily fee otherwise accruing in accordance with Mr. Page's letter, effective December 14, 2016, contingent upon the utilization of the Funds, as described in the Agreed Order and consistent with the Receivership Order. In the event, however, the Funds are used in a manner inconsistent with the Receivership Order, the abatement shall end; the entire abated amount of daily fees retroactive to December 14, 2016 shall be reinstated; and, daily fees of \$2,000 per day for each day that a violation exists shall continue to accrue in accordance with Mr. Page's letter of February 22, 2013. Subject to the conditions imposed by the Town for abatement of the daily fees, the abatement shall remain in effect for a period of 120 days subject to an extension, for good cause shown, on motion made and approved by the Town Council before the abatement period expires.

As further stated in the attached letter from John Page for the Town, dated April 18, 2017:

The Town Council, at its April 12, 2017 meeting, heard a presentation from Palm House Receiver Cary Glickstein, relative to a request for extension of the conditional fine abatement previously approved on December 14, 2016. At said December meeting the Council temporarily suspended tolling of a \$2,000 daily fine resulting from failure to complete the Palm House project in accordance with previously approved Agreements. The suspension was conditional with a provision for retroactive application of the daily fine if funds were used inconsistently with the receivership order.

Following presentation from Cary Glickstein on April 12, the Town Council approved a "second" 120-day extension of daily fine abatement subject to all of the identical provisions as were imposed on December 14, 2016.

On August 9, 2017, counsel for the Receiver appeared before the Town Council in support of the Receiver's July 27 2017 written request for a second extension of the abatement period set forth in Mr. Randolph's letter, which was unanimously approved by the Council.

Before addressing the Receiver's request for a third extension of the abatement period set forth in Mr. Randolph's letter, the Receiver confirms to the Council adherence to the conditions imposed by the Council for the abatement granted as of December 14, 2016.

The initial impetus for the Receiver's efforts to pursue a conditional abatement in October 2016 was the Receiver's anticipated receipt of funds described in that certain Agreed Order Granting Plaintiff's Motion for Appointment of Receiver to Take Custody of Funds in the Federal Court's Registry, dated September 22, 2016, in *Palm House Hotel, LLLP v. Robert Matthews, et al.*, Case No.: 502015CA014480XXXXMB AB, pending in the Circuit Court of Palm Beach County, Florida (the "Agreed Order"). This action is a separate but related action from *Ryan Black v. Gerry Matthews and Palm House, LLC*, Case No.: 502014CA014846XXXXMB AG (the "Receivership Action") in which Cary Glickstein was appointed as receiver for the Palm House Project/Property in July 2015 based on an amended agreed order appointing receiver (the "Receivership Order").

Pursuant to the Agreed Order, proceeds from the private sale of the yacht known as the M/Y ALIBI (the 'Yacht') in the approximate amount of \$2,323,179.95 (the 'Funds') that were previously deposited into the Registry of the Federal Court in Case No. 9:15 CV-81606-KAM, United States District Court for the Southern District of Florida (the 'Federal Case') were delivered to the Receiver.

The Agreed Order appoints Cary Glickstein as Receiver for the Funds. Pursuant to paragraph 5 of the Agreed Order, the Receiver may apply to the Court for utilization of the funds for "reasonable purposes." Based on the Town Council meeting in September 2016, the Receiver intended to apply to the Court, pursuant to the Agreed Order, to utilize the funds to correct the "public safety issues" that were the subject of the Town Council Actions for that Town Council meeting.

Based on the September 2016 Town Council meeting, the Receiver authorized the Town to inspect the Palm House site and identify public safety issues in need of correction. Mr. Randolph provided the Receiver with a report for that inspection, which is attached to the Receiver's Fourth Quarterly Receiver's Report filed in the Receivership action on October 17, 2016.

Thereafter discussion ensued between the Receiver, Tom Bradford and Eric Brown in an effort to better identify the scope of the work necessary to correct the public safety issues outlined in the Town's inspection report and the estimated cost to complete that corrective work. The Receiver's expressed his intent to incorporate that scope of work and cost information in a motion to the court seeking court permission to use the Funds to reimburse the Town for emergency work completed on its behalf in October 2016 and to pay for completion of the remaining necessary work. In November 2016 the Receiver sought a cost proposal from the Town for completing the balance of work directed to public safety issues/conditions but got no further than an estimate prepared by Hedrick Brothers for the Town for preparing an estimate for that work, as reflected in the a separate exhibit to the Receiver's quarterly report.

As was discussed at that time, the Funds represent a potential source of funding for payment of and/or reimbursement for the cost of the work necessary to correct the subject public safety issues. The Funds also represent a source of funding for the receivership for the non-incoming producing Property that the Receiver has, by and large, been without for the duration of the receivership since July 2015.

In an effort to secure the Funds for purposes of the receivership, the Receiver sought from the Council an abatement of the daily fee being assessed against the Palm House Property for an initial term, with possible extensions, conditioned on utilization of the Funds for purposes consistent with the Receivership Order, as it may be amended.

Consistent with the Receiver's objectives with regard to the Funds, PHH filed and the Receiver separately joined in an amended motion seeking court authority to use the Funds consistent with the above purposes. That motion was also heard and decided on January 23, 2017.

Consistent with the Council's abatement of the daily fee as set forth in Mr. Randolph's letter of January 20, 2017, the Court authorized the Receiver to reimburse the Town for public safety storm preparation work. The Court further authorized the Receiver's use of the Funds to secure the necessary cost estimate, which in turn laid a foundation for a subsequent motion to use the Funds to pay for completion of that work. The Receiver also sought, unsuccessfully, payment of the two code violation cases, Case # CE 14-1091 and Case # CE 14-1212.

Following entry of the order authorizing the Receiver's use of the Funds, as set forth in the order, the Receiver reimbursed the Town for completed work and contracted with Hedrick Brothers to prepare an estimate for completion of the remaining public safety Property conditions/issues.

November 17, 2017

Page 4

On March 24, 2017 Hedrick Brothers completed its comprehensive estimate and shortly thereafter provided its estimate to the Receiver. The Receiver, in turn, provided the estimate to the Town through, Mr. Randolph.

Following the Receiver's appearance before the Council in April 2017, and consistent with the Receiver's objectives with regard to the Funds, a motion and an updated motions were initially filed in April 2017 seeking Court authority to use the Funds consistent with the purposes for which the abatement was originally granted in December 2016 and extended in April 2017.

Specifically, the motion sought Court authority for the Receiver to pay from the Funds the following current costs (as of June 30, 2017):

- | | | |
|----|--|---------------|
| 1. | Public Safety Remediation (Hedrick Brothers Construction Estimate) | \$ 345,446.00 |
| 2. | Town Enforcement of two 2014 Code Enforcement Cases: | |
| | a. Case # CE 14-1091 | \$ 19,150.00 |
| | b. Case # CE 14-1212 [\$250.00 per day] | \$ 169,400.00 |
| 3. | Receiver Operating Account Shortfall (June 30, 2017) | |
| | a. Receiver Fees for Services (Feb. 1, 2017- June 30, 2017) | \$ 42,990.00 |
| | b. Receiver's Attorneys' Fees for Services Rendered (Feb. 1, 2017
- June 30, 2017) | \$ 18,645.00 |
| 4. | Repair Damages to water meter connections from unapproved
re-routing ("jumping") water service fees from
disconnected water meters prior to appointment
of Receiver (estimated) | \$ 4,500.00 |
| 5. | Water Service (Jan 1, 2017 – June 30, 2017) | \$ 8,739.71 |

An evidentiary hearing was conducted on the motion on July 21, 2017. In support of the motion, testimony was given by the Receiver, Hedrick Brothers Construction and the Town Manager. The court entered an order on August 4, 2017. That order provides, in part, as follows:

- a. The Receiver is hereby authorized and instructed to release forthwith the sum of \$345,446.00 for public safety remediation to be carried out Hedrick Brothers. The Receiver is to exercise reasonable discretion in the disbursement of said amount and is not required to release the full sum if the Receiver finds certain economies in the disbursement of funds for public safety remediation;
- b. The Receiver is hereby authorized and instructed to immediately disburse \$19,150.00 to the Town to satisfy the Town Code Enforcement Case identified as CE 14-1091;

c. The Receiver is hereby authorized and instructed to release forthwith to the Town the sum of \$50,000.00 as partial payment of the outstanding fine in the Town Code Enforcement Case identified as CE 14-1212. The Court recognizes that the sum requested to satisfy this Code Enforcement Case was \$169,400.00 and the release of \$50,000.00 is without prejudice to a subsequent request for the release of funds to satisfy the total outstanding balance;

f. The Receiver is hereby authorized and instructed to release forthwith the sum of \$4,500.00 or such amount thereof as is necessary to repair damages to the water meter connections from unapproved re-routing ("jumping") water service fees and disconnected water meters;

g. The Receiver is hereby authorized and instructed to release forthwith the sum of \$8,739.71 to pay for water service through June 30, 2017;

Following entry of that order, the Receiver, representatives of Hedrick Brothers Construction and Town officials met to prioritize the public safety work to be done at the Palm House project for purposes of a contract between the Receiver and Hedrick Brothers for completion of that work. The Receiver contracted with Hedrick Brothers for completion of the remediation work described in its estimate and that remediation work is currently underway may be completed by the date of the Council meeting on December 12, 2017.

In addition, following entry of the order the Receiver disbursed \$19,150.00 to the Town to satisfy the Town Code Enforcement Case CE 14-1091 and disbursed \$50,000.00 as partial payment of the outstanding fine in the Town Code Enforcement Case CE 14-1212. Further to the order, the Receiver restored water service to the Property.

The order is also provided authority to return to the Court in 30 days to seek additional receivership funding authority. On October 2, 2017, the Receiver filed his motion seeking further funding authority, including authority to pay the balance of the outstanding code enforcement fine of \$119,400.00 on Town Code Enforcement Case CE 14-1212. Over initial opposition to the funding request sought by the Receiver, the Receiver secured an agreed order from the court on November 6, 2017 authorizing the Receiver to pay the Town an additional \$50,000.00 of the outstanding fine amount of Town Code Enforcement Case CE 14-1212, subject to certain conditions that the Receiver believes occurred or were satisfied at a Code Enforcement Board hearing on November 16, 2017. The order further provides that the Receiver may reapply to the court for additional funding authority and the Receiver intends to continue to pursue authority to pay the remaining amount (\$69,400.00) of that code enforcement fine.

Separately, on September 1, 2017 and on October 25, 2017, two motions were filed to expand the Receiver's authority with regard to the disposition of Palm House Hotel Property/Project. The Receiver is the proponent of one of those motions and Palm House Hotel, LLLP is the proponent

of the other motion. Both motions have been provided to Mr. Randolph. Both motions requested an expedited hearing and the court agreed to hear the motions on November 15, 2017. Both motions are founded upon the conclusion that financing for project completion under the current ownership of the Property has not materialized nor is there any expectation that it will materialize. Both motion seek to move the court in the direction of sale of the Palm House Hotel to a qualified developer who will finally complete the Project as approved by the Town.

That hearing occurred and the Receiver's is awaiting an agreed order that compels the parties to the receivership litigation to provide the Receiver with bona fide financing for completion of the project, as currently authorized in the receivership orders, or to reach agreement for the sale of Property by January 15, 2018. If the parties cannot accomplish either objective in the time period provided, the Receiver shall have authority to professionally market the Palm House Property to prospective purchasers in the manner sought in the Receiver's motion.

In support of the renewed motion to the Council for abatement of the daily fee in December 2016, the Receiver pointed out that the abatement sought by the Receiver was based on the premise that attainment of the Receiver's objectives as stated in the Receivership Order (which have been reaffirmed and expanded in subsequent orders and as will be further expanded in the anticipated order to be entered by the court shortly) are aligned with the Town's interests for the Property/Project.

The Receiver believes that the conditional abatement the Council granted in December 2016 and extended in April 2017 and again in August 2017 has been a deterrent to the motions seeking to use the funds for purposes that are not consistent with the objectives set forth the receivership orders will continue to be a deterrent so long as it remains in effect.

Furthermore and more urgently, the conditional abatement remains a compelling, persuasive argument for securing funds to pay to correct unsafe and unsightly Project site conditions, satisfy Town Code Enforcement fines and, more recently, expanding the Receiver's authority further to a prospective sale of the Property to a qualified developer. The Receiver has consistently and repeatedly informed the court in funding authority motions and in the Receiver's quarterly receiver's reports that the abatement conferred by the Council is conditional, temporary and subject to expiration absent a sufficient showing to the Council of good cause for further extension.

The argument remains that abatement of the daily fine represents a loss of leverage in favor of the Town to compel completion of the Project. However, as reflected in the Receivership Order, completion of the Project is the primary objective of the receivership. The Receiver's view has been and continues to be that the conditional abatement of the daily fee is a better utilization of that leverage further to Town's objectives for which there is no prejudice to the Town if the conditions for abatement are not fulfilled.

November 17, 2017

Page 7

Accordingly, the Receiver respectfully submits that the same reasons that supported the Town's conditional abatement in December 2016, its extension in April 2017 and its extension in August 2017 remain in full force and effect at this time and those reasons constitute good cause for the Council's extension of the abatement period for an additional 120-day abatement period or for such other abatement period as the Council determines is warranted at this time.

Thank you for the opportunity to present this motion and for your consideration of its merits.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Gregg H. Glickstein", with a long horizontal flourish extending to the right.

Gregg H. Glickstein
Counsel for Receiver, Cary Glickstein
Attachments

cc: John (Skip) Randolph, Esquire (via email)
Cary Glickstein, Receiver (via email)

John C. Randolph
Attorney
(561) 650-0458
Fax: (561) 650-5300
jrandolph@jonesfoster.com

January 20, 2017

Via U.S. Mail & Email (cg@ironwoodproperties.com)

Cary Glickstein
Receiver, Palm House, 160 Royal Palm Way, West Palm Beach, FL
1118 Waterway Lane
Delray Beach, Florida 33483

Re: Palm House - Receiver's Request for Conditional Fine Abatement
Palm House Hotel, LLLP v. Robert Matthews, et al.,
Case No. 502015CA014480XXXXMB AB, Fifteenth Judicial Circuit

Dear Mr. Glickstein:

I am the attorney for the Town of Palm Beach. I am writing, on behalf of the Town, to confirm certain actions of the Town Council relating to a request you made of the Council. As Receiver for the Palm House at 160 Royal Palm Way in Palm Beach (the "Property") under an Amended Agreed Order on Plaintiff's Motion for Appointment of Receiver (the "Receivership Order") entered in *Ryan Black vs. Gerry Matthews and Palm House, LLC*, Case No: 502014CA014846XXXXMB AG, you requested a conditional abatement of the Town's enforcement of the Property owner's violation of the Declaration of Use Agreement between the Town and the Property owner, 160 Royal Palm, LLC.

In connection with your request, the Town was apprised of that certain Agreed Order Granting Plaintiff's Motion for Appointment of Receiver to Take Custody of Funds in the Federal Court's Registry, dated September 22, 2016, in *Palm House Hotel, LLLP v. Robert Matthews, et al.*, Case No.: 502015CA014480XXXXMB AB, pending in the Circuit Court of Palm Beach County, Florida (the "Agreed Order").

As you are aware and as more particularly set forth in John Page's letter to the Property owner dated February 22, 2013, the Town has been enforcing the Property's owner's violation of that Declaration of Use Agreement as provided in the Remedies for Violation section of the Agreement which requires the Property owner to pay the Town a liquidated amount of \$2,000 on a per day basis for each day that a violation exists. As set forth in Mr. Page's letter, the daily fee (effective February 15, 2013), will continue until such time that the Town issues a Certificate of Occupancy verifying that the project has been completed in accordance with all Town Codes and requirements.

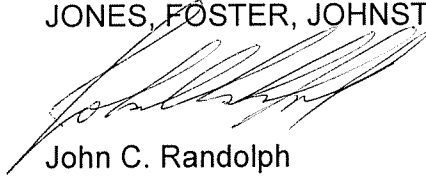
Cary Glickstein
Receiver, Palm House, 160 Royal Palm Way, West Palm Beach, FL
January 20, 2017
Page 2

You appeared before the Town Council, as Receiver for the Property, seeking an abatement of the daily fees currently accruing for the reasons stated in Mr. Page's February 22, 2013 letter for an initial term, with possible extensions, conditioned on utilization of the Funds, as described in the Agreed Order, for purposes consistent with the Receivership Order, as it may be amended.

On the Receiver's request, a motion was initially made at the Town Council meeting in November 2016 and modified by the Town on December 14, 2016, to reflect the Town's decision to abate the \$2,000 per day daily fee otherwise accruing in accordance with Mr. Page's letter, effective December 14, 2016, contingent upon the utilization of the Funds, as described in the Agreed Order and consistent with the Receivership Order. In the event, however, the Funds are used in a manner inconsistent with the Receivership Order, the abatement shall end; the entire abated amount of daily fees retroactive to December 14, 2016 shall be reinstated; and, daily fees of \$2,000 per day for each day that a violation exists shall continue to accrue in accordance with Mr. Page's letter of February 22, 2013. Subject to the conditions imposed by the Town for abatement of the daily fees, the abatement shall remain in effect for a period of 120 days subject to an extension, for good cause shown, on motion made and approved by the Town Council before the abatement period expires.

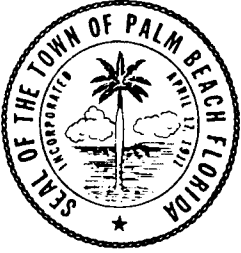
Sincerely,

JONES, FOSTER, JOHNSTON & STUBBS, P.A.



John C. Randolph
JCR/jcl

P:\DOCS\13156\00008\LTR\1RD8546.DOCX



TOWN OF PALM BEACH

Planning, Zoning & Building Department

April 18, 2017

Gregg H. Glickstein, P.A.
54 S.W. Boca Raton Boulevard
Boca Raton, FL 33432-4708

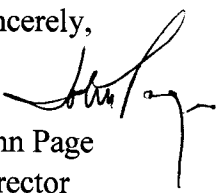
RE: Palm House Receiver's Request for an Extension of the Conditional Abatement
Conferred in December 2016

Dear Mr. Glickstein:

The Town Council, at its April 12, 2017 meeting, heard a presentation from Palm House Receiver Cary Glickstein, relative to a request for extension of the conditional fine abatement previously approved on December 14, 2016. At said December meeting, the Council temporarily suspended tolling of a \$2,000 daily fine resulting from failure to complete the Palm House project in accordance with previously approved Agreements. The suspension was conditional, with a provision for retroactive application of the daily fine if funds were used inconsistently with the receivership order.

Following presentation from Cary Glickstein on April 12, the Town Council approved a "second" 120-day extension of daily fine abatement subject to all of the identical provisions as were imposed on December 14, 2016. Town Council Minutes of the December 14 meeting can be found on the Town's website, and will be further augmented with the April 12, 2017 Minutes in the weeks ahead.

Sincerely,


John Page
Director

cc: John Randolph, Town Attorney

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

RYAN BLACK,

CASE NO.: 50 2014 CA 014846 XXXX MB AG

Plaintiff,

vs.

GERRY MATTHEWS and
PALM HOUSE, LLC, a
Delaware limited liability company,

Defendants.

**AGREED ORDER ON THE EXPANSION OF THE RECEIVER'S AUTHORITY
CONCERNING PALM HOUSE HOTEL PROPERTY**

THIS MATTER came before the Court on *Palm House Hotel, LLLP's Motion for Order* dated September 1, 2017 [DE#234] (the "LLLP's Motion") and the *Receiver's Motion for Instructions and Expedited Hearing* dated October 25, 2017 [DE#253] the (the "Receiver's Motion,") and the Court having been advised of the agreement of Palm House Hotel, LLLP ("LLLP"), RYAN BLACK, GERRY MATTHEWS, 160 ROYAL PALM, LLC, and PALM HOUSE, LLC (the "Parties"), and being otherwise duly advised of the premises, finds as follows:

1. Further to the objectives set forth in the *July 16, 2015 Amended Agreed Order on Plaintiff's Motion to Appoint Receiver* [DE#64] (the "July 16, 2015 Order"), and consistent with the *August 4, 2017 Order* and the *January 23, 2017 Order*, the Parties agree the Receiver's authority should be expanded to allow the Receiver to obtain third-party Property reports and thereafter market the Property, as set forth in the Receiver's Motion, commencing January 16, 2018.

Based on the foregoing, it is ORDERED AND ADJUGED, as follows:

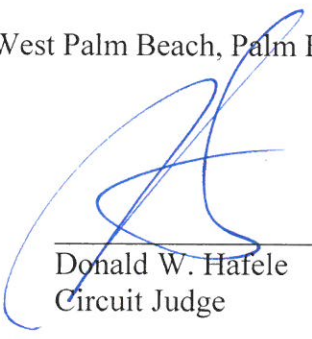
1. After December 15, 2017, the Receiver shall be authorized to obtain the third-party Property reports described in the Receiver's Motion absent the Parties' agreement for the sale of the Property or financing for completion of the Project.

2. The Receiver shall continue to be authorized to negotiate a bona fide commitment for Project financing, as provided in the July 16, 2015 Order, and to receive and report to the Parties and to the Court any bona fide offer to purchase the Property that he receives from the Parties or as may be otherwise received between the date of this Order and January 15, 2018, as provided in the January 23, 2017 Order. The term "bona fide" for purposes of an offer to purchase the Property, as set forth above, shall mean, without limitation, the Receiver's receipt of a good faith deposit of not less than \$1,000,000.00 payable to Gregg H. Glickstein, P.A. Trust Account.

3. If the Parties have not reached an agreement for the sale of the Property or financing for completion of the Project by January 15, 2018, the Receiver shall be authorized to market the Property for sale commencing January 16 2018, as provided in the Receiver's Motion, unless such marketing is postponed upon motion of a party showing good cause for such postponement.

4. The Court reserves jurisdiction to enter all other Orders in connection herewith or as may be just and proper.

DONE AND ORDERED in Chambers, West Palm Beach, Palm Beach County, Florida on this 1 day of ~~November~~ ^{Dec.} 2017.



Donald W. Hafele
Circuit Judge

Copies furnished to:

Ryan Black v. Gerry Matthews *et. al.*
CASE NO.: 50 2014 CA 014846 XXXX MB AG

Henry B. Handler, Esq., *Attorney for Palm House Hotel, LLLP*, 2255 Glades Road, Suite 218-A, Boca Raton, FL 33431 at hbh@whcflla.com; filings@whcflla.com; jn@whcflla.com;

Brooks Ricca, Jr., Esq., *Attorney for Ryan Black*, The Barristers Building, Suite 200, 1615 Forum Place, West Palm Beach, FL 33401 at bricca@riccalawyers.com; lkendrick@riccalawyers.com;

R. Lee Dorough, Esq., 56 East Pine Street, Suite 301, Orlando, FL 32801 at rleedorough@yahoo.com;

Adam T. Rabin, Esq., 1601 Forum Place, Suite 505, West Palm Beach FL 33401 at arabin@mccaberabin.com; e-filing@mccaberabin.com;

Gregg J. Glickstein, Esq., 54 S Boca Raton Blvd., Boca Raton, FL 33432 at ghgpa@bellsouth.net;

Christopher W. Kammerer, Esq., 1601 Forum Place, Suite 500, West Palm Beach, FL 33401 at ckammerer@kammerermariani.com; jmariani@kammerermariani.com;

Gerard J. Curley, Jr., Esq., Gunster, Yakley & Stewart, P.A., 777 South Flagler Dr., Suite 500 East, West Palm Beach, FL 33401 at gcurley@gunster.com; ksonderling@gunster.com; cstgeorge@gunster.com; dradkay@gunster.com; mjadotte@gunster.com; tboske@gunster.com; crossodivita@gunster.com;

Jeffrey Backman, Esq. and Rachel E. Walker, Esq., Greenspoon Marder, P.A., 200 E. Broward Blvd., Suite 1800, Ft. Lauderdale, FL 33301 at Rachel.Walker@gmlaw.com; Jeffrey.backman@gmlaw.com; Khia.joseph@gmlaw.com; csrapp@kkla.com;

Rachel Studley, Esq., Wicker Smith, 515 North Flagler Dr., Suite 1600, West Palm Beach, FL, 33401 at wpbcrpleadings@wickersmith.com;

Christopher W. Kammerer, Esq. and **John F. Mariani, Esq.** of Kammerer Mariani, PLLC, *attorneys for Matthews Defendants*, 1601 Forum Place, Suite 500, West Palm Beach, FL 33401, at christopherkammerer@kammerermariani.com and jmar-iani@kammerermariani.com ;

Daniel A. Hershman, Esq., *attorney for Landau defendants*, 2240 Palm Beach Lakes Boulevard, Suite 101, West Palm Beach, FL 33409 at daher-shmanlaw@aol.com; and

Alexander L. Domb, Esq., *attorney for KK-PB Financial*, 11190 Polo Club Road, Suite 1, Wellington, FL 33414 at alec@adlaw.com

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project:

Steven N. Stern, Underground Utilities Project Manager

- a. Review of Project & Dashboard, Summary of Project Status.
- b. Peer Review of Master Plan, Final Report Delivery.
Anthony Hanson, Principal Engineer, Patterson & Dewar Engineers Inc.
TIME CERTAIN: 2:30 PM

- i. Underground Utilities Task Force Questions and Comments

- ii. Mayor and Town Council Questions and Comments

Time Certain

2:30 PM

Presenter

ATTACHMENTS:

- ❑ **Project Dashboard**
- ❑ **Summary of Report Findings Presented by Anthony Hanson**
- ❑ **Peer Review of Town-Wide Underground Utilities Master Plan**

TOWN OF PALM BEACH

Information for Town Council on December 12, 2017

TO: Mayor and Town Council

FROM: Steven Stern, Project Manager

RE: Key Project Updates

DATE: December 12, 2017

1. FPL Network Topology

Status of FPL topology questions inclusive of hardening of feeders and power distribution serving the Town. FPL External Affairs acknowledged receiving our questions and working on a response. Town Requested a November, now December, reply.

- o 10/09: Request initiated for Nov UUTF to FPL External Affairs Manager.
- o 10/25: FPL replied it necessary to delay response until December UUTF.
- o 11/27: Escalated to FPL Director of External Affairs.
- o 11/30: FPL comments received.

2. Cost Savings

Reduce Easement Expense:

- o RFP for Easement Acquisition Services issued by Purchasing on 11/12/17. Four bidders attended pre-bid conference held 11/21/17. Next milestone, proposal due date is December 12, 2017, at 2 p.m.
- o Water main deflection avoidance
 - o Easement in progress at *2800 S Ocean*.
 - o 8 of 14 deflections completed, *5 of 6 eliminated by Engineer*, 1 remaining.

3. Communications

Outreach:

- o 11/16: Civic Association Undergrounding Status Update
- o 12/1: Cup of Joe with Bo
- o 12/4: Coffee with the Crew
- o Proactive Construction Updates delivered ~ 33 of 41 Condos, P1 South
- o Proactive Construction Updates, door hangers to impacted areas, P1 North

Voluntary request for Easement Letter

- o Planned for January 2018, mailing to 300 residents in Phase 2 North and South.
- o Posted to Undergrounding.Info web site.

4. Holiday Stand Down / Clean Up

Completed:

- o Thanksgiving Stand Down, Phase 1 North, Wed Nov 22 – Nov 26.

Planned:

- o Christmas Stand Down, Phase 1 North, Friday Dec 22 – Jan 1.

5. ATT Fiber Optic System, Status Update

- o 12/1: Town Staff met with Peter Brandt and Schef Wright to review ATT's current proposal and strategize how to:
 - o Drive down currently proposed incremental project costs for fiber service deployment.
 - o Remove ambiguity over the ability to convert ATT copper customers to fiber to avoid undetermined incremental cost for parallel copper systems.
 - o Remove ambiguity for ATT to decommission existing overhead infrastructure and avoid delays to uninstall existing poles or overhead wire.
 - o Discuss the benefits of communication service (fiber) improvements Townwide.
 - o Review how other undergrounded Town's supported overhead to underground communications services conversion projects.

6. Peer Review of Master Plan, Final Report Delivery

Town Staff received the Final Peer Review of the Town-Wide Underground Utilities Master Plan, Summary of Report Findings Presentation and Supplemental Information from Patterson & Dewar on Dec 6th 5PM.

At the time of this writing, Town Staff have not reviewed the Final documents and intend to provide additional comments, if necessary, as a supplemental memorandum prior to meeting.

The Final Peer Review and Presentation documents are included within the December 12th Town Council backup. These files and the supplemental document referred to as Appendix G will be posted to the Undergrounding.Info web site available to the public for view and download.



Town Of Palm Beach Utility Undergrounding Program

Report: November 2017

Updates

Big thanks to the Palm Beach Civic Association for hosting the public information session on November 16th!

Status Legend

Green (1) - On Task
Yellow (2) - Caution
Red (3) - Not On Task

Design

Phase I Design	Budget	1	98.8%	100%
	Schedule	1	99.0%	100%
Phase II Design	Budget	1	22.8%	100%
	Schedule	1	37.0%	100%

Construction

Phase I North Construction	Budget	1	11.8%	100%
	Schedule	1	19.0%	100%
Phase I South Construction	Budget	1	37.5%	100%
	Schedule	1	23.0%	100%

Easement Acquisition

Phase I Easements	1	99.0%
Phase II Easements	1	0.0%

Communications

Communications	Budget	1	34.6%	100%
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Saves And Raves

Confirmatory utility exploration in Phase 1 South allowed us to eliminate two watermain deflections!

1	1
100%	100%
4.8%	17.1%
Overall Budget	Overall Design



Underground Utility Task Force Monthly Progress Report November 2017

Table of Contents

Dashboard – Phase 1 Construction and Phase 2 Design

1. Kimley-Horn Progress Report Phase 1
2. Kimley Horn Progress Report Phase 2
3. Master Plan Gantt Chart
4. Phase 1 Design Gantt Chart
5. Phase 2 Design Gantt Chart Draft
6. Phase 1 North Construction Schedule
7. Burkhardt Executive Project Summaries
8. Phase 1 South Construction Schedule
9. Whiting Turner Executive Summary
10. Project Financial Report
11. Interest Rate Forecast as of October 27, 2017

The following reports will be provided when applicable in future reporting:

- Safety and Reliability Reports
- Completion Milestones

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of \$98.6 million.

Prepared by the Finance Department & TMO
December 1, 2017

Town-Wide Undergrounding Master Planning and Phase 1 Design Project
KHA Project #044063188
Progress Report
Period: October 25, 2017 to November 24, 2017

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Master Planning is 99% complete
 - North End Design is 99% complete
 - South End Design is 99% complete
- Budget: Project is on budget as of November 15, 2017
 - Master Planning is at 99% of total task budget
 - North End Design is at 99% of total task budget
 - South End Design at 99% of total task budget
- Easement Status
 - Phase 1: 100% of easements approved

B. Master Planning Phase

- Continued coordination with AT&T and Comcast regarding overall program cost reduction.

C. Detailed Design Phase

- FDOT Landscape Permit Application coordination and response to comments from FDOT.
- ERP Permit coordination with the FDEP
- Coordination with Town Attorney, Brannon & Gillespie, Waypoint Engineering, and FPL related to the easement acquisition process (collection of executed agreements).

II. Upcoming Activities (Nov 25, 2017 – Dec 24, 2017)

A. Master Planning Phase

- None until presentation of master plan at Town Council

B. Detailed Design Phase

- Continued coordination with the FDOT related to the Landscape Permit application.
- Continued coordination with the FDEP for the submerged land lease documents to complete the ERP process.
- Progress meetings to occur to coordinate various elements of the project.



Town-Wide Undergrounding - Phase 2 Design
KHA Project #044063202
November 2017 Progress Report
Period: October 26, 2017 to November 25, 2017

I. Scope Update

A. General

- **Schedule:** Project schedule progress is shown below.
 - Phase 2 North Design is 37% complete
 - Phase 2 South Design is 37% complete
- **Budget:** Project is on budget as of November 15, 2017
 - Phase 2 North Design is at 22% of total task budget
 - Phase 2 South Design at 20% of total task budget
- **Easement Status**
 - Phase 2: N/A, will provide status when this work begins

B. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design.
- Continued coordination with geotechnical engineer for field investigation and drilling activities. Final report received.
- Coordination with subsurface utilities locating subconsultant for soft-dig field work.
- Submittal of utility base map for Phase 2 South.
- Progress Meeting Attendance.

II. Upcoming Activities (November 26, 2017 – December 25, 2017)

A. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design.
- Soft dig utility investigation field work completion.
- Follow up with FPL regarding schedule for receipt of equipment locations.
- Progress Meeting Attendance

III. Saves and Raves

- A. Saves:** Confirmatory utility exploration in Phase 1 South has allowed us to eliminate two watermain deflections.
- B. Raves:** Big thanks to the palm Beach Civic Association for hosting the public information session on November 16th. We had a great turnout!

ID	Task Name	Duration
1	Master Planning	230 days?
2	External Project Kick off Meeting	1 day
3	Internal Project Kick off Meeting	1 day
4	Task 1.1.1 - Data Collection	65 days?
5	Collect/Analyze Town Project Data- ACIP Program Information (roads, drainage, street lights, other planned ACIP projects)	35 days
6	Collect/Analyze City Data - Watermain program information	30 days
7	Collect/Analyze Lake Worth and South Palm Beach data at project limits	30 days
8	Collect/Analyze FPU - gas main replacement program	30 days
9	Collect/ Analyze - FDOT records and proposed projects in Town limits	30 days
10	Collect/Analyze FPL	23 days?
11	Office Meeting/Record Review with FPL	1 day?
12	Field Verification of Major Utility Elements	22 days
13	Collect/Analyze ATT	22 days?
14	Office Meeting/Record Review with ATT (infrastructure / Smart Poles)	1 day?
15	Field Verification of Major Utility Elements	21 days
16	Collect/Analyze Comcast	21 days
17	Office Meeting/Record Review with Comcast	1 day
18	Field Verification of Major Utility Elements	18 days
19		
20	Task 1.1.2 - Data Collection-Future Communications Systems	104 days
21	Collect/Analyze - TOPB Police and Fire Dept private lines	16 days
22	Meeting with Town Public Works staff, Fire Department Staff, and Police Staff	1 day
23	Analysis of Town-wide Closed communications system expansion (police/fire/public works)	17 days
24	Analysis of Town-wide Closed Circuit communications system	51 days
25	Develop recommendations/conceptual order of magnitude OPC (Town Future Communications only)	21 days
26	Draft and Issue summary memorandum	47 days
27	Review recommendations with Town	6 days
28		
29	Broadband Infrastructure Assessment	180 days?
30	Kickoff meeting	1 day

Project: TOPB UG Master Plann
Date: Wed 11/22/17

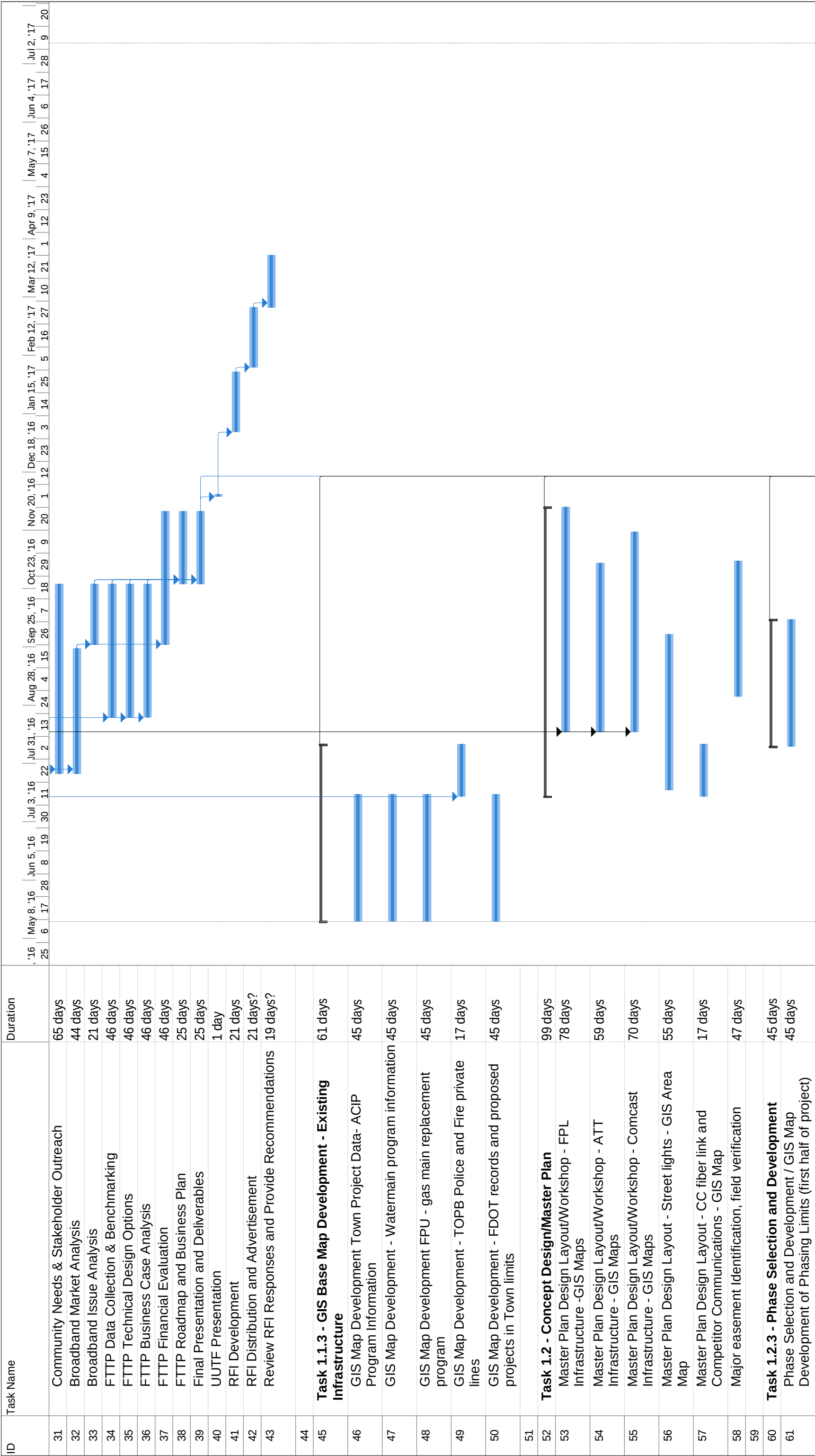
Task Milestone

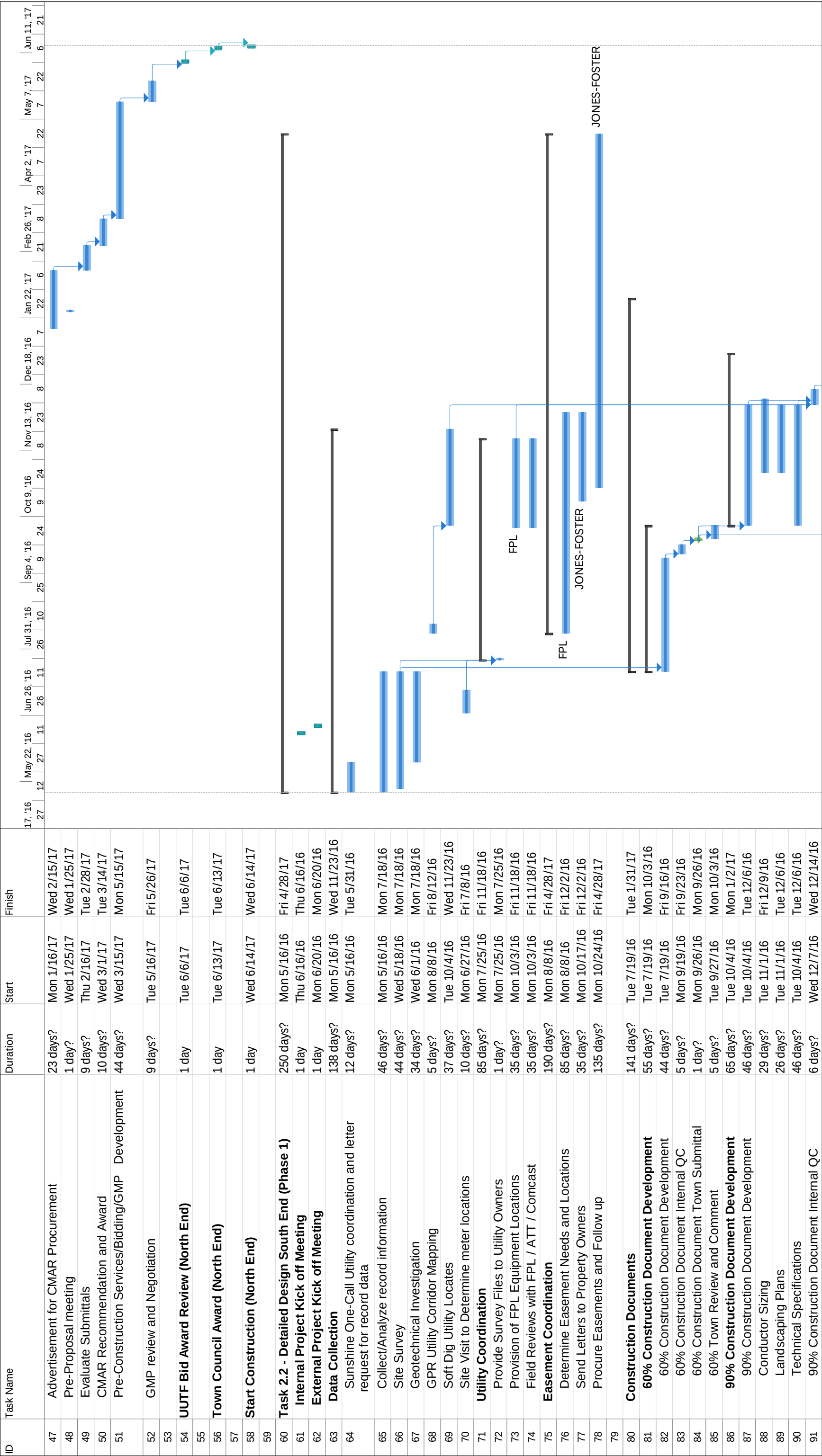
Summary Manual Task

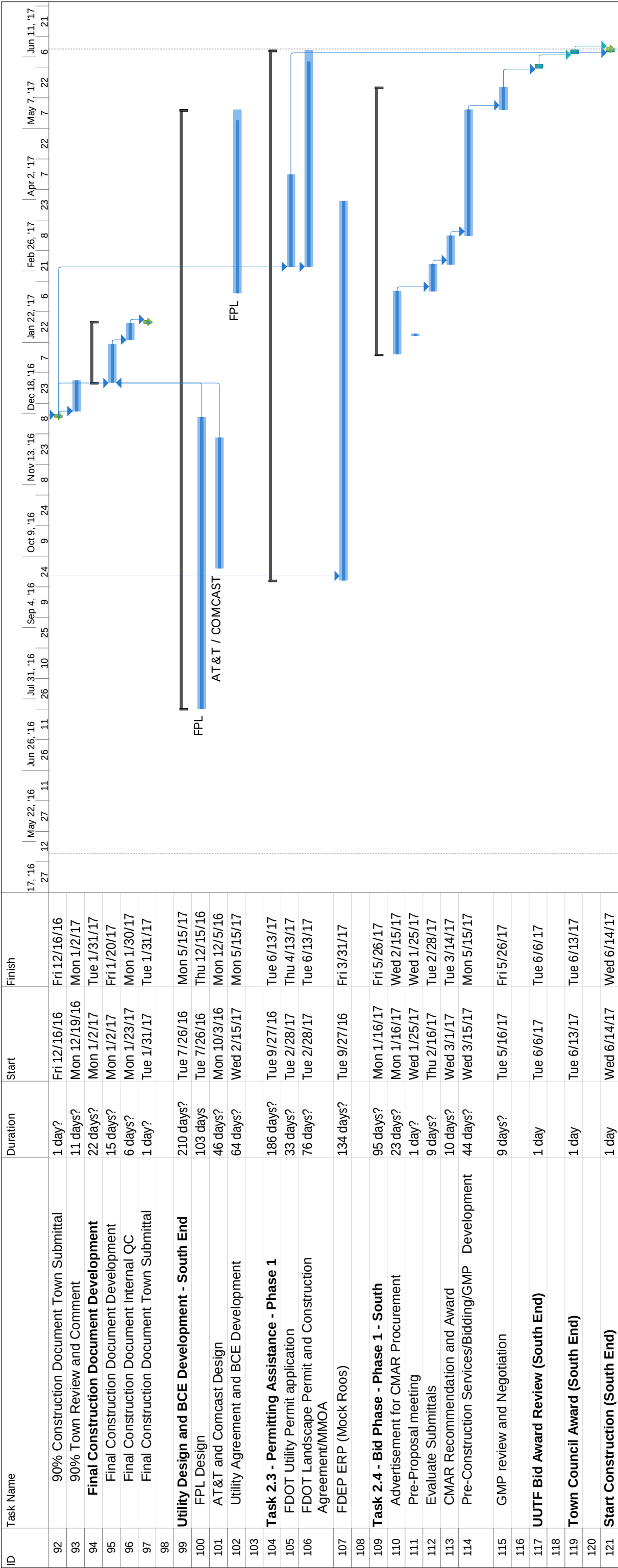
Manual Progress

Progress

Page 1







ID	Task Name	Start	Finish	Jul '17 18 25 2 9 Aug '17 6 13 20 27 Sep '17 3 10 17 24 Oct '17 1 8 15 22 Nov '17 5 12 19 26 Dec '17 3 10 17 24 Jan '18 7 14 21 28 Feb '18 4 11 18 25 Mar '18 1 8 15 22 Apr '18 1 8 15 22 May '18 6 13 20 27 Jun '18 3 10 17 24 Jul '18 1 8 15 22 Aug '18 5 12 19 26 Sep '18 2 9 16 23 Oct '18 7 14 21 28
1	Detailed Design North End (Phase 2 North)	Mon 6/19/17	Wed 8/15/18	
2	Data Collection	Mon 6/19/17	Wed 11/22/17	
3	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17	
4	Collect/Analyze record information	Mon 6/19/17	Fri 8/18/17	
5	Site Survey	Wed 6/21/17	Thu 8/17/17	
6	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17	
7	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17	
8	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17	
9	Utility Preliminary Design	Tue 9/12/17	Fri 1/5/18	
10	FPL Provision of Preliminary Equipment Locations	Tue 9/12/17	Fri 1/5/18	
11	Easement Coordination	Mon 1/8/18	Wed 8/15/18	
12	Determine Easement Needs and Locations	Mon 1/8/18	Fri 2/2/18	
13	Send Easement Request Letters to Property Owners	Mon 2/5/18	Fri 2/9/18	
14	Procure Easements and Follow up	Mon 2/12/18	Wed 8/15/18	
15				
16	Construction Documents	Fri 8/18/17	Fri 6/1/18	
17	Utility Base Mapping	Fri 8/18/17	Tue 9/26/17	
18	Utility Base Map Development	Fri 8/18/17	Fri 9/1/17	
19	Utility Base Map Internal QC	Mon 9/4/17	Fri 9/8/17	
20	Utility Base Map Town/Utility Owner Submittal	Mon 9/11/17	Mon 9/11/17	
21	Utility Base Map Town Review and Comment	Tue 9/12/17	Tue 9/26/17	
22	Equipment Location Plan Development	Mon 1/8/18	Tue 3/6/18	
23	Equipment Location Plan Development	Mon 1/8/18	Fri 2/2/18	
24	Equipment Location Plan Internal QC	Mon 2/5/18	Fri 2/16/18	
25	Equipment Location Plan Town Submittal	Mon 2/19/18	Mon 2/19/18	
26	Equipment Location Plan Town Review and Comment	Tue 2/20/18	Tue 3/6/18	
27	Conduit Routing Plan Development	Tue 2/20/18	Fri 6/1/18	
28	Conduit Routing Plan Development	Tue 2/20/18	Fri 5/18/18	
29	Commercial/Customer Owned Services Design	Fri 3/2/18	Fri 5/4/18	
30	Landscaping Plans	Mon 4/2/18	Fri 5/18/18	
31	Technical Specifications	Mon 4/2/18	Fri 5/18/18	
32	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18	
33	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18	
34				
35	Utility Design and BCE Development - Phase 2 North	Tue 9/12/17	Fri 7/20/18	
36	FPL Design and Preliminary Conduit Routing	Tue 9/12/17	Fri 2/16/18	
37	AT&T and Comcast Design	Mon 2/5/18	Fri 4/20/18	
38	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18	
39				
40	Bid Phase - Phase 2 North	Mon 1/8/18	Fri 8/3/18	

Project: TOPB UG Ph 2 Design

Date: Wed 11/22/17

Task

Milestone

Summary

Project Summary

Manual Task

Manual Summary

Deadline

Critical

Manual Progress

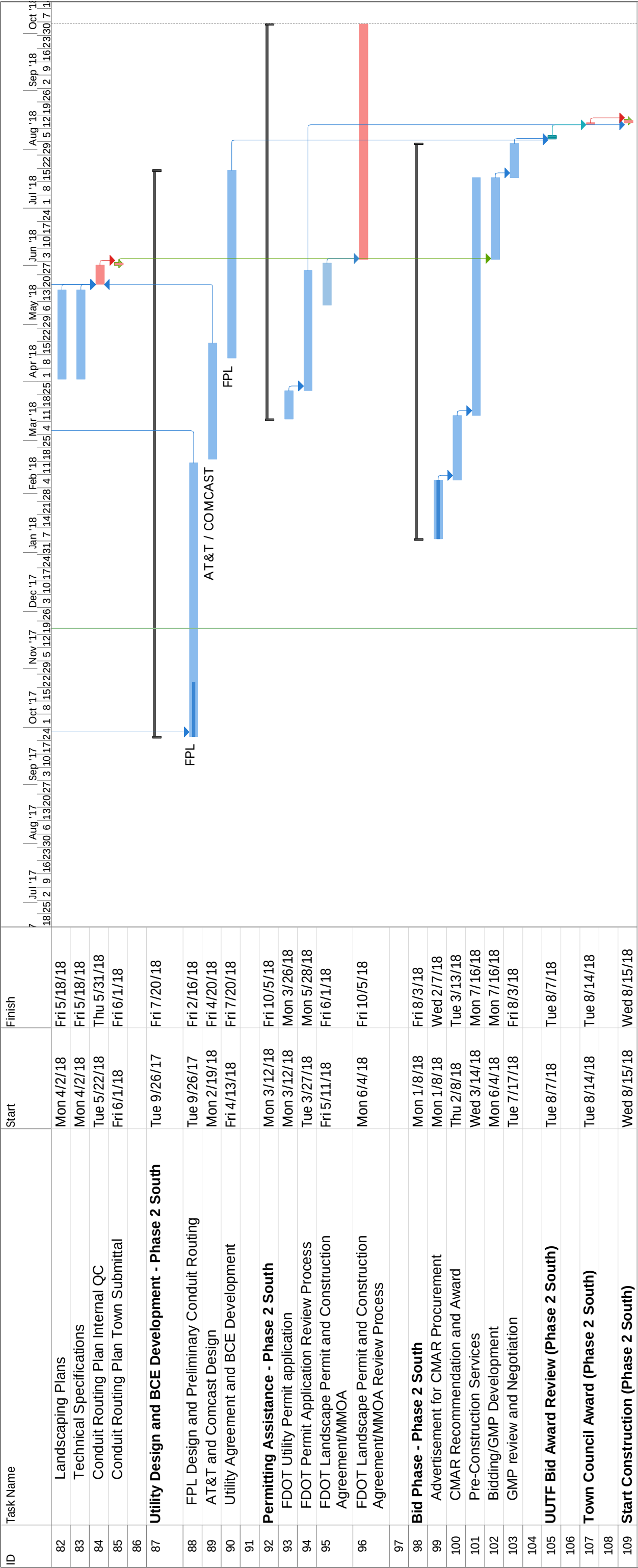
Progress

Critical Split

Progress

Page 1

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41	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18	
42	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18	
43	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18	
44	Bidding/GMP Development	Mon 6/4/18	Mon 7/16/18	
45	GMP review and Negotiation	Tue 7/17/18	Fri 8/3/18	
46				
47	UUTF Bid Award Review (Phase 2 North)	Tue 8/7/18	Tue 8/7/18	
48				
49	Town Council Award (Phase 2 North)	Tue 8/14/18	Tue 8/14/18	
50				
51	Start Construction (Phase 2 North)	Wed 8/15/18	Wed 8/15/18	
52				
53	Detailed Design South End (Phase 2 South)	Mon 6/19/17	Wed 8/15/18	
54	Data Collection	Mon 6/19/17	Wed 11/22/17	
55	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17	
56	Collect/Analyze record information	Mon 6/19/17	Thu 8/31/17	
57	Site Survey	Wed 6/21/17	Thu 8/31/17	
58	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17	
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67				
68	Construction Documents	Fri 9/1/17	Fri 6/1/18	
69	Utility Base Mapping	Fri 9/1/17	Tue 10/10/17	
70	Utility Base Map Development	Fri 9/1/17	Fri 9/15/17	
71	Utility Base Map Internal QC	Mon 9/18/17	Fri 9/22/17	
72	Utility Base Map Town/Utility Owner Submittal	Mon 9/25/17	Mon 9/25/17	
73	Utility Base Map Town Review and Comment	Tue 9/26/17	Tue 10/10/17	
74	Equipment Location Plan Development	Mon 1/22/18	Tue 3/20/18	
75	Equipment Location Plan Development	Mon 1/22/18	Fri 2/16/18	
76	Equipment Location Plan Internal QC	Mon 2/19/18	Fri 3/2/18	
77	Equipment Location Plan Town Submittal	Mon 3/5/18	Mon 3/5/18	
78	Equipment Location Plan Town Review and Comment	Tue 3/6/18	Tue 3/20/18	
79	Conduit Routing Plan Development	Tue 3/6/18	Fri 6/1/18	
80	Conduit Routing Plan Development	Tue 3/6/18	Fri 5/18/18	
81	Commercial/Customer Owned Services Design	Tue 3/6/18	Fri 5/4/18	
Project: TOPB UG Ph 2 Design Date: Wed 11/22/17				Task Summary Project Summary Manual Task Manual Summary Deadline Critical ↓ Critical Split Progress Manual Progress Progress
Page 2				



Project: TOPB UG Ph 2 Design
Date: Wed 11/22/17

Task

Milestone

Summary

Project Summary

Manual Task

Manual Summary

Deadline

Critical

Critical Split

Progress

Manual Progress

Progress

Page 3

Executive Summary
For
October 2017

Project Description

Townwide Overhead Utility Undergrounding
Phase 1 North
P.O. # 171308

Project Status:

The directional drilling operation continued north of Onondaga along North Ocean Blvd. to just past Mediterranean with the installation of the FPL, AT&T, and Comcast conduits. Once the crew drilled half way between Mediterranean & Caribbean Road they stopped and went to Onondaga so there were be no conflicts with the water main installation near East Inlet Drive.

Onondaga Avenue is a street that has main feeder lines to be installed. With all of the existing utilities that are already buried along Onondaga, it is a time consuming operation to install all of the necessary conduits without damaging what is currently in the ground. Maintaining traffic on such a narrow street presents its own set of challenges.

A service line crew continued installing the service line conduits along Onondaga Avenue, Debra lane, Manana Lane and Via Manana. When the primary drilling crew begins to drill again along North Ocean the service crew will follow them.

Drilling along Onondaga has continued with a cautious pace and is taking longer than anticipated. The drilling company anticipates bringing in another crew next month to make up the time. The project continues to remain within budget.

Vincent G. Burkhardt
President



Executive Summary
For
October 2017

Project Description

Townwide Utility Undergrounding
Onondaga Avenue & Laurie Lane Improvements
Phase 1 North
P.O. # 171308

Project Status:

The storm drainage work finished this month along Onondaga Avenue. Adjustments to the storm drainage tops along with touching up of the mud work at the structures where the pipe connections occur has been completed.

This crew began the installation of the water main along North Ocean Blvd near Indian Road to East Inlet Drive. The crew set up the maintenance of traffic devices and mobilized both the material and equipment.

The existing water main was tapped at Indian Road and by the end of the month the crew installed the new main up to the northern end of East Inlet Drive at Annie's dock.

The project is running behind schedule due to the high tides and unforeseen soil conditions however, this work is not on the critical path. This project continues to stay within budget.

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 1 NORTH
SCHEDULE
RFQ No. 2017-14

ID	Task Name	% Complete	Duration	Start	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
1	Phase I - NORTH	19%	420 days	Mon 6/12/17																						
2	Fully Executed Non-GAF Agreement	100%	23 days	Mon 6/12/17																						
3	Copy Of Executed Easements	98%	23 days	Mon 6/12/17																						
4	Fully Executed Applicant Installed Agreement With FPL	100%	23 days	Mon 6/12/17																						
5	Fully Executed R/O/W Agreement With FPL	100%	23 days	Mon 6/12/17																						
6	Fully Executed Agreement With COMCAST / AT & T	50%	23 days	Mon 6/12/17																						
7	Town Council Approval	100%	1 day	Tue 6/13/17																						
8	Award Prime Contract	100%	13 days	Wed 6/14/17																						
9	Permitting	100%	15 days	Mon 6/26/17																						
10	Customer Owned Service Connection Permitting	0%	15 days	Mon 6/26/17																						
11	Sub Contract Agreements	100%	23 days	Wed 6/14/17																						
12	Material Procurement	100%	11 days	Fri 6/30/17																						
13	Underground Conduit Installation, Primary/Secondary (FPL, ATT,	18%	225 days	Mon 7/17/17																						
14	Feeder Splice Box Installation	2%	15 days	Thu 10/12/17																						
15	Set Transformers / Switch Cabinets (FP0%	0%	75 days	Wed 11/8/17																						
16	Secondary Services / Wire	0%	138 days	Tue 2/20/18																						
17	As-Built Submission / Review (FPL)	0%	47 days	Tue 2/20/18																						
18	Pull Wire / Terminations Primary (FPL)	0%	81 days	Tue 2/20/18																						
19	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	133 days	Tue 2/27/18																						
20	*Comcast Pull Wire, Set Pedestals	0%	133 days	Tue 2/27/18																						
21	Cut over / Overhead Removal (ATT/Comcast)	0%	45 days	Mon 9/3/18																						
22	Energize Underground (FPL)	0%	30 days	Fri 4/27/18																						
23	Secondary Service Switch Over (FPL)	0%	113 days	Mon 6/11/18																						
24	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	90 days	Mon 9/17/18																						
25	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%																								
26	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%																								
27	Storm Drainage	90%	45 days	Mon 7/17/17																						
28	Water Main	60%	35 days	Mon 9/4/17																						



SAFETY

Monthly safety inspections are conducted by WT Regional Safety Director. Daily safety inspections conducted by onsite staff.

- ◆ 0 lost time incidents to date
- ◆ 0 recordable incidents to date

CONSTRUCTION

- ◆ S. Ocean Blvd (Watermain Deflection Crew) - 8 of the 14 water main deflections completed. 5 of the 6 remaining water main deflections have been eliminated by the Engineer (Town Cost Savings). 1 deflection remaining to be completed.
- ◆ S. Ocean Blvd (Electrical Undergrounding Crew) - Undergrounding Crews are continuing to conduct exploratory work, to minimize the potential impact of any unforeseen conditions. Currently installing FPL feeder & primary conduits north of Lake Avenue. Approx. 70% of feeder & primary conduit is completed on S. Ocean Blvd. Approx. 20% of concrete vaults and pads for transformers and switches have been installed.
- ◆ Ibis Isle Undergrounding Crew has completed FPL primary, Comcast, and AT&T conduit installation along Ibis Isle Road East and West. Transformer pads and splice boxes along Ibis Isle Road East and West completed. Currently pulling FPL cable on Ibis Isle Road East & West. Conduit installation along Ibis Way currently on hold pending FDEP permit issuance for the subaqueous crossing.

DOCUMENTATION:

RFIs:

- A. 11 RFIs issued to date
- B. 1 Outstanding RFI

SUBMITTALS:

- A. 42+ Individual Submittals Processed
- B. 0 Submittal Package Currently Under Review
- C. 0 Submittal Packages Pending Submission to A/E

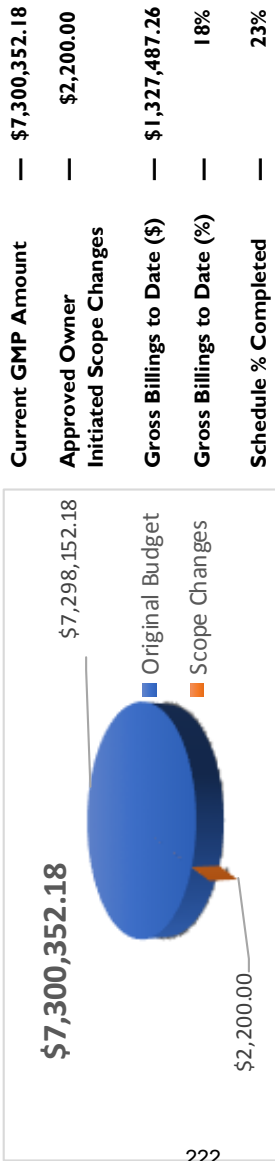
DRAWINGS:

- A. Post GMP Drawing Revision #2 received October 5th from KHA
- B. Post GMP Drawing Revision #3 received October 12th from KHA
- C. Post GMP Drawing Revision #4 received October 23rd from KHA
- D. Post GMP Drawing Revision #5 received November 28th from KHA

RELEVANT POTENTIAL CHANGES:

- A. FPL Line Drawing Changes to Ibis Isle Scope of Work
- B. Reduction in S. Ocean Boulevard Street Lighting Scope of Work
- C. Additional AT&T Fiber Conduits at Ibis Isle per the Town's request

FINANCIALS—BUDGET VS. COSTS



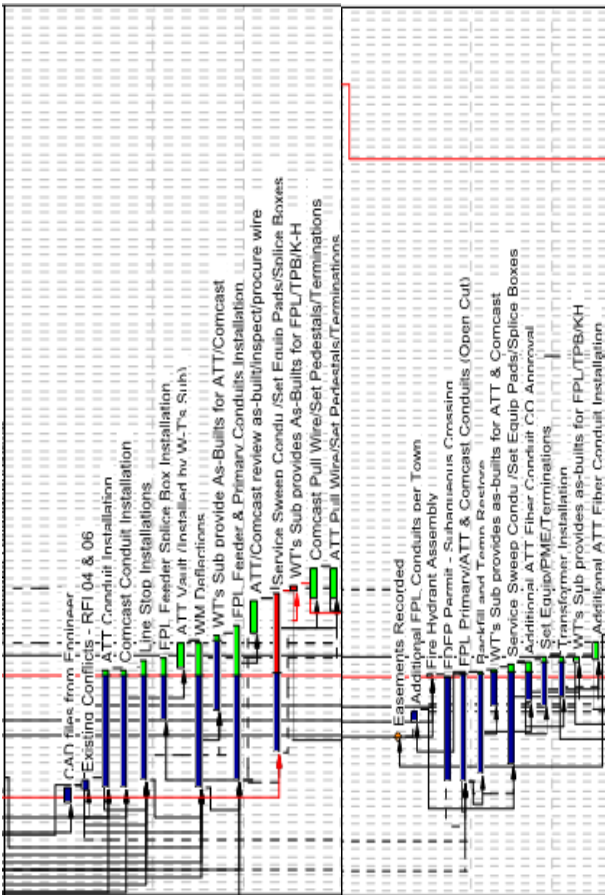
SCHEDULE SUMMARY

S. Ocean Undergrounding -Sta 11+10 to Sta 243+66

IMP 1517	CAD files from Engineer	5	0	16AUG17 A	30AUG17 A
IMP 1516	Existing Conflicts - RFI 04 & 06	4	0	28AUG17 A	05SEP17 A
1500	ATT Conduit Installation	10	4	29AUG17 A	05DEC17
1505	Comcast Conduit Installation	10	4	29AUG17 A	05DEC17
1518	Line Stop Installations	50	10	04SEP17 A	13DEC17
1512	FPL Feeder Splice Box Installation	20	12	23DEC17 A	15DEC17
1507	ATT Vault (Installed by W-T's Sub)	15	15	06DEC17	27DEC17
1521	WM Deflections	60	20	29AUG17 A	29DEC17
1509	WT's Sub provides As-Builts for ATT/Comcast	5	4	01NOV17 A	03JAN18
1543	FPL Feeder & Primary Conduits Installation	75	30	04SEP17 A	12JAN18
1544	ATT/Comcast review as-built/inspect/procure wire	20	20	04JAN18	31JAN18
1545	Service Sweep Condu /Set Equip Pads/Splice Boxes	75	48	27SEP17 A	06FEB18
1547	WT's Sub provides As-Builts for FPL/TPB/KH	5	5	07FEB18	13FEB18
1525	Comcast Pull Wire/Set Pedestals/Terminations	20	20	07FEB18	28FEB18
1527	ATT Pull Wire/Set Pedestals/Terminations	20	20	07FEB18	28FEB18

Ibis Isle

IMP 3052	Easements Recorded	0	0		11OCT17 A
IMP 3009	Additional FPL Conduits per Town	7	0	23OCT17 A	03NOV17 A
3005	Fire Hydrant Assembly	5	0	28NOV17 A	30NOV17 A
IMP 3006	FDEP Permit - Subaqueous Crossing	30	1	04SEP17 A	30NOV17
3008	FPL Primary/ATT & Comcast Conduits (Open Cut)	30	2	04SEP17 A	04DEC17
3010	Backfill and Lamp Baskets for ATT & Comcast	35	3	04SEP17 A	05DEC17
3020	Service Sweep Condu /Set Equip Pads/Splice Boxes	45	5	19SEP17 A	11DEC17
IMP 3011	Additional ATT Fiber Conduit CD Approval	10	8	19NOV17 A	14DEC17
3045	Set Equip Pads/Terminations	30	5	19NOV17 A	18DEC17
3047	Transformer Installation	30	5	13NOV17 A	18DEC17
3055	WT's Sub provides as-builts for FPL/TPB/KH	5	5	12DEC17	18DEC17
IMP 3012	Additional ATT Fiber Conduit Installation	10	10	15DEC17	29DEC17



SCHEDULE NOTES / IMPACTS:

- Street Lighting installations currently delayed due to Town's Directive to hold until FPL LTI Tariff is approved. Revised credit currently being priced by Whiting-Turner.
- Additional AT&T Fiber Conduit at Ibis Isle requested by the Town. Currently being priced by Whiting-Turner. This will delay AT&T from beginning their scope of work (pulling wire etc).
- FDEP Permit at Ibis Isle Subaqueous Crossing preventing Undergrounding Subcontractor from completing Ibis Isle Conduit Installation.

Underground Utility Project Budget
Project Financial Summary
November 30, 2017

	Budget	Actual	% Expended
Phase 1			
Phase 1 Design	\$ 1,310,829	\$ 1,295,063	98.8%
Phase 1 Utility Costs	\$ 48,608	\$ 48,608	100.0%
Phase 1 Construction	\$ 8,536,041	\$ 1,556,591	18.2%
Phase 1 Construction Utility Costs	\$ 1,850,970	\$ 1,236,770	66.8%
Phase 1 Construction Engineering	\$ 568,532	\$ 103,805	18.3%
Phase 1 Easements	\$ -	\$ 295,208	n/a
Total Phase 1	\$ 12,314,980	\$ 4,536,044	36.8%
Phase 2			
Phase 2 Design	\$ 979,659	\$ 223,796	22.8%
Other			
Other Project Costs	\$ 880,414	\$ 992,142	112.7%
Total To Date	\$ 14,175,053	\$ 4,759,839	33.6%
Total Project Budget	\$ 98,600,000		
% Budgeted/Encumbered To Date	14.38%		
% Spent to Date	4.83%		

Underground Utility Project Budget
Phase 1 Project Costs
November 30, 2017

	Budget	Actual	% Expended
Project Engineering			
Task 2.1 - Detailed Design North End	472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	619,411	619,411	100.0%
Task 2.3 - Permitting Assistance	17,790	16,011	90.0%
Task 2.4 - Bid Phase Assistance	42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase	125,399	121,337	96.8%
Legal Sketch and Description - Easements	34,000	24,075	70.8%
Subtotal Design Phase	\$ 1,310,829	\$ 1,295,063	98.8%
Utility Costs (FPL)			
FPL Engineering for Binding Cost Estimate	\$ 38,608		
North End Design		10,595	
South End Design		28,013	
Total FPL Engineering Costs for Design	\$ 38,608	\$ 38,608	100.0%
Utility Costs (AT&T and Comcast)			
AT&T North End Design		5,000	
AT&T South End Design		5,000	
Total Utility Costs (AT&T and Comcast)	\$ 10,000	\$ 10,000	100.0%
Construction Costs			
Phase 1 North Construction			
Preconstruction	\$ 19,720	19,720	100.0%
Burkhardt Construction	\$ 3,798,144	365,678	9.6%
Utility Costs (FPL, Comcast, AT&T)	\$ 476,776	96,884	20.3%
Construction Engineering (KH)	\$ 253,532	43,563	17.2%
	\$ 4,548,172	\$ 525,845	11.6%
Phase 1 South Construction			
Preconstruction	\$ 22,200	22,200	100.0%
Whiting Turner Construction	\$ 4,695,977	1,148,993	24.5%
Utility Costs (FPL, Comcast, AT&T)	\$ 1,374,193	1,139,886	82.9%
Construction Engineering (KH)	\$ 315,000	60,242	19.1%
	\$ 6,407,370	\$ 2,371,321	37.0%
Legal Costs/Easement Acquisition - Jones Foster	\$ -	\$ 295,208	0.0%
Total Phase 1 Costs	\$ 12,314,980	\$ 4,536,044	36.8%

Underground Utility Project Budget
Phase 2 Project Costs
November 30, 2017

	Budget	Actual	% Expended
Phase 2 Design			
Kimley Horn			
Task 1.1 Phase 2 North Design	\$ 281,304	\$ 98,456	35.0%
Task 1.2 Phase 2 South Design	\$ 335,353	\$ 117,374	35.0%
Task 1.3 Permitting Assistance North	\$ 5,779	\$ -	0.0%
Task 1.3 Permitting Assistance South	\$ 6,895	\$ -	0.0%
Task 1.4 Bid Phase Assistance North	\$ 18,498	\$ -	0.0%
Task 1.4 Bid Phase Assistance South	\$ 22,067	\$ -	0.0%
Task 1.5 Easement Assistance North	\$ 64,936	\$ 3,098	4.8%
Task 1.5 Easement Assistance South	\$ 77,466	\$ -	0.0%
Task 1.6 Meetings North	\$ 62,297	\$ 3,788	6.1%
Task 1.6 Meetings South	\$ 74,320	\$ -	0.0%
Task 1.7 Legal Sketch North	\$ 14,020	\$ 1,080	7.7%
Task 1.7 Legal Sketch South	\$ 16,725	\$ -	0.0%
Total Phase 2 Design	\$ 979,659	\$ 223,796	22.8%

Underground Utility Project Budget
Other Project Costs
November 30, 2017

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 42,800	95.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 38,064	95.0%
Subtotal Master Planning	\$ 597,895	\$ 593,627	99.3%
Community Outreach	\$ 282,519	\$ 196,945	69.7%
FPL Future Phases	Future Phase Budget	\$ 75,215	
FPL Nightingale/LaPuerta - Townwide Portion	Future Phase Budget	\$ 74,900	
Comcast Preplanning	Future Phase Budget	\$ 12,015	
Comcast Nightingale/LaPuerta - Townwide Portion	Future Phase Budget	\$ 8,885	
AT&T Nightingale/LaPuerta Townwide Portion	Future Phase Budget	\$ 30,555	
Total Other Project Costs	\$ 880,414	\$ 992,142	112.7%

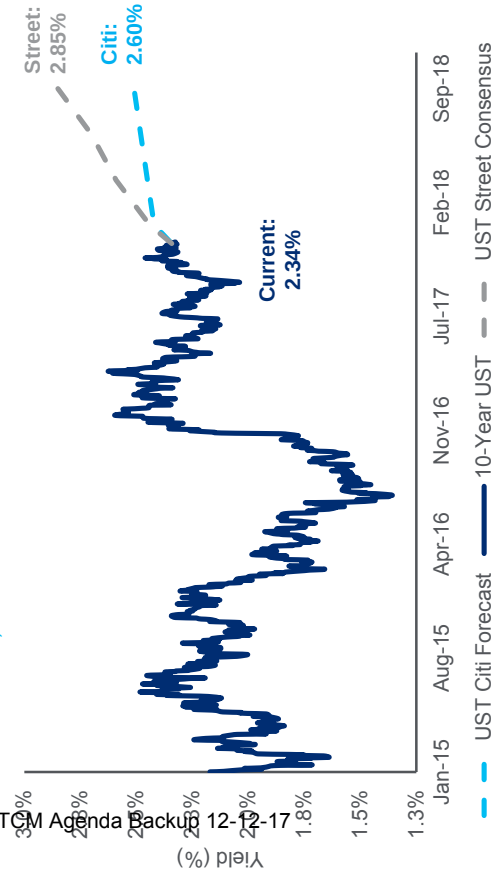
Related Costs Outside of the Underground Project Budget

Underground City of Lake Worth Section	Budget	Actual	% Expended
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 25,306	7.2%
Project Construction Engineering	\$ 11,607	\$ 3,178	27.4%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 720	21.6%
Total Lake Worth Section	\$ 525,586	\$ 181,165	34.5%
Goldmacher v TPB Legal and Other Costs		\$ 137,558	
Kosberg v TPB Legal and Other Costs		\$ 107,325	
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
Project Manager -Pay and benefits	\$ 130,000	\$ 49,699	38.2%
Peer Review Study - Patterson & Dewar	\$ 100,000	\$ 75,000	75.0%
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 22,633	64.7%
Total Related Costs Outside of the Budget	\$ 894,169	\$ 671,172	75.1%

U.S. Rate Forecasts

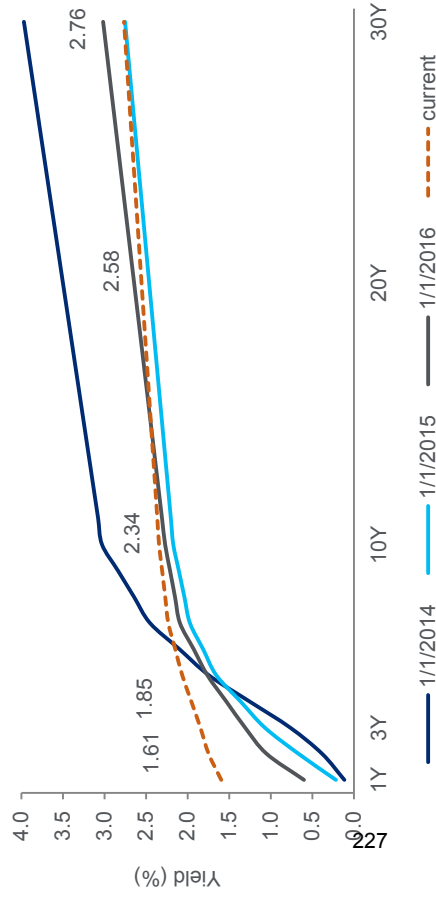
10-Year Treasury Yield Forecast

Citi forecasts a muted interest rate environment as we progress through the second half of 2017, while the street's is elevated



US Treasury Yield Curve

Yields strengthened across the intermediate-range and long-end of the curve last week



Rate Forecasts

5-Year Treasury	Current	4Q17	1Q18	2Q18	3Q18	4Q18	1Q19
Citi's Forecast	2.07%	1.80%	2.00%	2.05%	2.25%	2.40%	2.45%

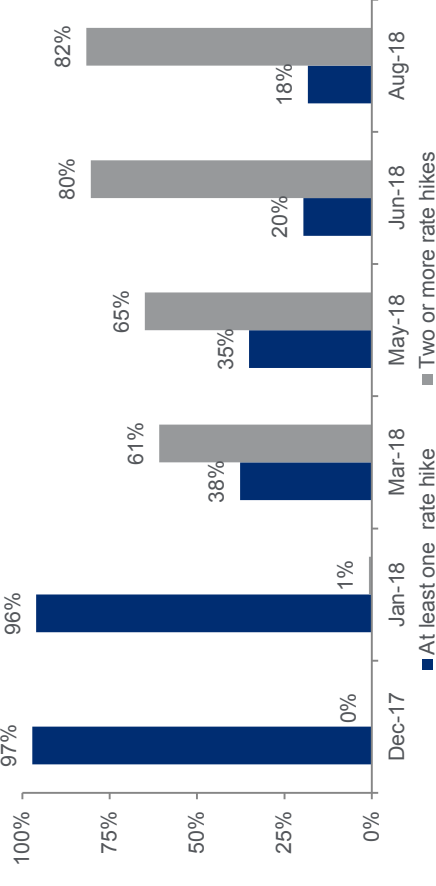
10-Year Treasury	Current	4Q17	1Q18	2Q18	3Q18	4Q18	1Q19
Citi's Forecast	2.34%	2.20%	2.45%	2.45%	2.60%	2.75%	2.80%
Economists' Consensus		2.44%	2.59%	2.70%	2.85%	2.95%	3.01%

30-Year Treasury	Current	4Q17	1Q18	2Q18	3Q18	4Q18	1Q19
Citi's Forecast	2.76%	2.85%	3.00%	3.00%	3.20%	3.40%	3.45%
Economists' Consensus		2.98%	3.11%	3.24%	3.30%	3.40%	3.40%

Fed Funds	Current	4Q17	1Q18	2Q18	3Q18	4Q18	1Q19
Citi's Forecast	1.25%	1.50%	1.75%	2.00%	2.25%	2.25%	2.25%
Economists' Consensus		1.50%	1.50%	1.75%	2.00%	2.00%	2.25%

Expectations of Next Fed Increase in Rates

The market is currently pricing in a 97% probability of one more rate hike by the end of 2017



Peer Review of Town-Wide Underground Utilities Master Plan Summary of Report Findings

Town of Palm Beach

Presented by: Anthony Hanson
December 12, 2017



**patterson
& dewar**
ENGINEERS

Peer Review

Objectives

- **Project Overview**
 - Perform independent, technical peer review of the “Town-Wide Undergrounding of Utilities Master Plan” completed in April 2017 by Kimley-Horn and Associates
- **Project Goals**
 - Analyze the project’s approach and design, the master plan, scheduling, sequencing, phasing, and the probable cost of construction.
 - Report on potential real, tangible improvements/modifications available to the Town/KHA

Peer Review

Acknowledgements

- **Commitment of TC and UTTF**
 - The dedication of the TC and UTTF to executing this project in the best way possible is unmistakable.
- **Complexity of Project Scope**
 - We recognize the extensive scope of this undergrounding project and acknowledge all the hard work put into its development. There is lots of good work being done.
- **Stakeholder Participation**
 - We greatly appreciate the active participation and cooperation of all the project's stakeholders, including the Town's staff, the KHA design team, staff from FP&L, and the Phase 1 CMAR contractors and electrical subcontractors.
- **Our Contribution**
 - While we hope to be helpful, our peer review analysis and recommendations constitute only our opinions as outside consultants performing a thorough, albeit concise review.

Peer Review

Tasks

- Kickoff Meeting
- Data Request and Review
 - Reviewed reference materials, comprising more than 62 individual documents totaling more than 2,500 pages.
- Stakeholder Consultations
 - Interviewed the Town's staff, the KHA design team, staff from FP&L, Comcast, and AT&T, the Phase 1 CMAR contractors and electrical subcontractors, as well as electrical subcontractors whose bids for work were unsuccessful.
 - Attended meeting of the UTTF Committee on 10/03/2017

Peer Review

Focus Areas

- Our analysis concentrated on these areas:
 - Focus Area I – Program Management & Delivery Method
 - Focus Area II – Costing and Applicability of Opinion of Probable Cost
 - Focus Area III – Scheduling and Sequencing
 - Focus Area IV – Planning and Engineering Design
 - Focus Area V – Traffic Impacts
- There are several changes we believe have the highest potential to mitigate risk and positively impact cost, schedule, and/or quality of this project.

Peer Review Recommendations

- Finding 1.3: Implement a formal Project Management Plan (PMP)
 - Project Governance and Execution Document
 - Accumulation of multiple sub-plans discussing Scope, Timing, Cost, Personnel and Resource Management, and Communication
 - Guides management action to ensure "no surprises"
 - Dynamic, living document – to be used as part of project execution, not something that sits on a shelf

Peer Review

Recommendations

- Finding 1.1 and 3.2: Maintain CMAR delivery method, but execute as single contract utilizing the unit pricing approach
 - CMAR is an acceptable delivery method
 - Execute single CMAR contract for remaining phases
 - Phases as currently designed remain in place
 - Utilize unit pricing as basis for establishing and adjusting contract value throughout life of project (Finding 2.1)

Peer Review

Recommendations

- Finding 2.1: Prepare deterministic cost estimate for future phases/entire project
 - Master Plan estimates are based on historical costs for similar systems, which is acceptable for that stage of a project
 - Typically, project estimates are based on actual project details established during the preliminary design phase
 - Process is complicated by lack of electrical detail or schematic drawings. Requires system inventory.
 - Could increase confidence in original cost estimate

Peer Review

Recommendations

- Finding 4.2: Vet FP&L design and negotiate improvement on equipment selection where possible
 - Currently being done at Design level
 - Should be discussed among entire project team to get consensus of preferences based on cost and functionality
 - Make informed decision on type and quantity of switchgear
 - Confirm cost difference for TPB-specific application

Switchgear Comparison

PME



Vista



Thank you!

Feedback and Questions?



Peer Review of Town-Wide Underground Utilities Master Plan Summary of Findings

December 6, 2017

Presented to:



Attention: Town of Palm Beach
951 Okeechobee Road Suite "D"
West Palm Beach, Florida 33401

Presented by:

Anthony Hanson, PE
ahanson@pdengineers.com
(615) 838-4197

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December 6, 2017

Town of Palm Beach
951 Okeechobee Road Suite "D"
West Palm Beach, Florida 33401

Patterson & Dewar Engineers, Inc. is pleased to submit to the Town of Palm Beach this Peer Review of the "Town-Wide Undergrounding of Utilities Master Plan" completed in April 2017 by Kimley-Horn and Associates. We examined the project's scope and identified the following areas of focus for our evaluation:

- Program Management and Delivery Method
- Costing and Applicability of Opinion of Probable Cost
- Scheduling and Sequencing
- Planning and Engineering Design
- Traffic Impacts

Based on our review and analysis, we have identified several topics for discussion and consideration. Our findings center around administrative procedures, cost estimate confidence, contract quantities, as well as technical details. In most cases, the recommendations presented are qualitative in nature, but we have attempted to quantify the potential impacts where possible based on available data. The anticipated effects of our findings will need further evaluation to determine the precise impact to the project's cost and schedule; the functionality and reliability of the final undergrounded utilities infrastructure; or the potential risk that can be mitigated from the overall undergrounding effort.

We are committed to working with the Town to communicate to all interested parties the reasonings behind our recommendations for action and the steps necessary to execute recommended potential changes to meet the needs of the project. If you have any questions about this peer review, the data we reviewed, or our methods of analysis, please contact me at any time at 615-838-4197 or ahanson@pdengineers.com.

Sincerely,



Patterson and Dewar Engineers, Inc.

P. Anthony Hanson, P. E.
Principal Engineer

Acknowledgement

The utilities undergrounding project initiated by the Town of Palm Beach (Town) is quite the undertaking, and our Project Team wishes to acknowledge how well the Town's staff has done at managing the project thus far. We recognize that this is an ambitious project that is plagued by numerous constraints that are outside of the Town's control. We would also like to note how diligent Kimley-Horn and Associates (KHA) has been in managing the design of the overall project and the successful engagement of the selected Construction-Manager-At Risk (CMAR) contractors for Phase 1. The individuals working on the project have, in our opinion, exhibited the highest degree of professionalism and demonstrated a desire to deliver an excellent project on-time and on-budget while mitigating, to the greatest extent possible, the impact on the Town's citizens. While our task has been to identify areas for improvement, we applaud the painstaking work that has already been undertaken and congratulate all stakeholders on the extraordinary efforts underway to meet this momentous challenge.

Executive Summary

Patterson & Dewar Engineers, Inc. (P&D) has been retained by the Town of Palm Beach to provide an independent, technical peer review of the "Town-Wide Undergrounding of Utilities Master Plan" (Master Plan) completed in April 2017 by KHA with the intent of improving the overall project cost, schedule, and/or quality, retained. This peer review sought to address specific "charge questions" posed by the Town in the analysis as well as other topics identified during the review. This peer review included examination of the project's approach and design consideration, the Master Plan, scheduling, sequencing, phasing, the probable cost of construction, and the overall plan for executing the project. Once submitted the current execution team including the Town staff and the KHA team will provide responses to the findings in this report.

Our approach for this project was to partner P&D's in-house expertise with outside specialty firms, Erdman Anthony and NewGen Strategies & Solutions, to provide a seamless team of professionals to perform the peer review for the Town. Collectively this team of subject matter experts is referred to herein as the "Project Team".

The Project Team was provided reference materials for the project, including more than 70 individual documents totaling 2,700+ pages. We analyzed data and drawings provided by the Town and KHA. Then we conducted interviews of the Town's staff, the KHA design team, staff from FP&L, Comcast, and AT&T, the Phase 1 CMAR contractors and Phase 1 electrical subcontractors, as well as electrical subcontractors whose bids for work were unsuccessful. All participants were open, forthcoming with information, and accommodating to the Project Team. These stakeholder consultations were an essential part of the review process, and included phone calls, team meetings, and attendance at a meeting on October 3, 2017 of the Town's Underground Utility Task Force (UTTFF) Committee to learn of the issues and concerns of those individual citizens, as well as those of Town leadership.

Supplementing the core project team, expert advice was solicited from two utility construction companies, both with a large presence in the Southeast. Extensive conversations with these contractors further aided in assessing this project's approach to construction phasing and execution. The responses to all interview questions were factored into the Team's analysis.

The following report has been structured to address key focus areas which have been developed to address each of the charge questions provided by the Town. These focus areas are as follows:

- Focus Area I – Program Management and Delivery Method
- Focus Area II – Costing and Applicability of Opinion of Probable Cost
- Focus Area III – Scheduling and Sequencing
- Focus Area IV – Planning and Engineering Design
- Focus Area V – Traffic Impacts

Our consultations and analysis have been very informative. After assessing the project from every angle and taking an "out of the box" approach to this peer review, we have developed several recommendations for consideration by the Town. The effects of our recommendations vary from compressing the schedule to potentially impacting the budget to adding procedures or documents that will improve project execution. In some cases, the suggestions may increase the budget, but will improve the overall quality or lower the associated risks of the project. There are some findings for which we ultimately do not recommend the Town make changes, but our summary analysis is still presented herein to show our research of that focus area and let the reader know we gave in-depth consideration to every topic. The impetus for all of the Project Team's suggestions, as well as the potential effects, are detailed in our summary analysis.

Included on the following page is a matrix of our findings with notes on potential impacts to the project's budget, schedule, the functionality of the final system, or the potential mitigation of project risk. The chart identifies the impact category for each of the findings. These impacts, which may positively or negatively affect the overall project, are discussed comprehensively in the requisite section of the report.

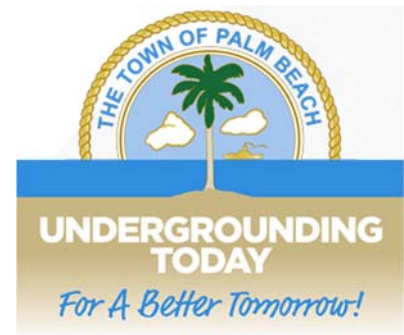
Description	Potential Impact				Notes
	Budget	Sched.	Funct.	Risk	
Focus Area I – Program Management and Delivery Method					
1.1 Maintain CMAR delivery method, but execute as continuing contract	✓	✓			Similar to Finding 3.2
1.2 Retain CMAR earlier in the process	✓			✓	Allows for better collaboration
1.3 Develop a Project Management Plan	✓			✓	Helps identify responsibilities and track tasks
1.4 Carefully monitor the amount of work self-performed by CMAR	✓	✓		✓	Ensures proper use of CMAR while ensuring quality and minimizing overhead
1.5 Monitor competitiveness of the CMAR-conducted subcontractor bidding process	✓				Ensures participation from maximum number of bidders for subcontractor work
1.6 Use project management software for program coordination and execution	✓	✓		✓	Useful tool for enhancing and encouraging project reporting
1.7 Maximize benefits from CMAR delivery method	✓			✓	Critical to realize full benefits
Focus Area II – Costing and Applicability of Opinion of Probable Cost					
2.1 Prepare deterministic cost estimate for future phases	✓			✓	Improves confidence and accuracy of estimate
2.2 Maximize savings from tax-exempt status through Town’s Direct Purchase Program	✓	✓		✓	AT&T and Comcast conduits
2.3 Minimize the number of exceptions to ensure integrity of GMP	✓			✓	Enhances integrity and reliability of overall program cost
2.4 Improve effectiveness of the Task Force	✓	✓		✓	Ensures proper use of time and project resources
Focus Area III – Scheduling and Sequencing					
3.1 Modify structure and organization of phases	✓	✓		✓	Not recommended
3.2 Improve schedule by minimizing number of contracts and utilizing unit pricing	✓	✓		✓	Max. 3 CMAR contracts for life of project
3.3 Consider engaging FP&L for electrical installation	✓	✓		✓	Not recommended
Focus Area IV – Planning and Engineering Design					
4.1 Validate design with appropriate electrical codes and standards			✓		Standard design practices
4.2 Vet FP&L design and negotiate improvement	✓		✓		Consider using more Vista equipment and less PME-4 switchgear
4.3 Monitor constraints to design completion and implementation	✓	✓		✓	Customer service entrance issue; Difficulty of easement acquisition
4.4 Optimize the number of geotechnical tests	✓	✓		✓	Provides more data for design phase, estimates
4.5 Optimize the number of subsurface utility locates	✓	✓		✓	Consider hiring a private locating service.
4.6 Expand other infrastructure improvements		✓		✓	Consider accelerating the water, sewer, drainage improvement projects
4.7 Request express circuits to mainland substation	✓		✓		Affects overall reliability of service to island
Focus Area V – Traffic Impacts					
5.1 Execute phases simultaneously	✓	✓		✓	Not recommended
5.2 Incentivize less disruptive construction methods	✓	✓		✓	Reduces travel delay for motorists and has significantly less impact on roadway rehabilitation.
5.3 Use FDOT Green Book Standards				✓	Provides less restrictive, yet fully acceptable, standards for design of roadway reconstruction

Project Background

The Town of Palm Beach is world-renowned for being beautiful and affluent. Part of the beauty of the Town is the historic estate homes. However, the historic overhead utility lines are neither beautiful nor reliable. With high property values, and associated tax burden, the residents and taxpayers expect and deserve a high level of service for their infrastructure system. There are locations where power outages are far too common due to the age and condition of the power facilities. There are many areas where overhead utility poles with multiple wires mar the otherwise beautiful streetscape in front of multi-million dollar estates.

After the hurricanes of 2004-2005, and in compliance with mandates from the Florida Public Services Commission (PSC), Florida Power & Light (FP&L) is implementing a hardening program to better withstand some of those extreme weather events. FP&L's solution is to replace the current wood poles with larger concrete poles. This solution will make the current view even more unsightly. Therefore, the Town is taking advantage of this opportunity to harden the utilities, improve the view, and obtain a reduction in the FP&L costs of 25% for large (3 miles or more) projects.

The goal of the project is to convert approximately 45 pole miles of overhead electric and telecommunication lines to an underground conduit system throughout the Town. The project budget has been estimated between \$90M and \$120M, with a duration of 6 to 10 years. This town-wide utility conversion project will require a joint effort among the Town, FP&L, AT&T and Comcast to accomplish the Town's goal of removing all overhead utilities.



While such undergrounding efforts are not uncommon, the Town's effort will be uniquely challenging in several ways. Some examples:

- The Town's beauty comes from an immense amount of landscaping and foliage. Efforts to minimize the disturbance and damage to this landscape will create challenging working conditions for utility contractors.
- There is limited open area within the Town for staging equipment and materials, which will make staging and mobilization of crews difficult.
- The Town's transportation infrastructure is such that the underground work cannot impede traffic flow without the creation of significant headaches for drivers.

The above is not an exhaustive list, but does serve to illustrate that the project is a significant undertaking for the Town and will have a vast impact on its residents. While the final result will improve reliability of the electric system and the aesthetics of the Town, the execution of the project will not be without its challenges and impacts to residents.

With the intent of improving the overall project cost, schedule, and/or quality, the Town of Palm Beach retained P&D to provide an independent, technical peer review of the Master Plan completed in April 2017 by KHA. The

peer review addresses specific “charge questions” in the analysis as well as other topics identified in the review process.

During the master planning stage, the KHA design team performed value engineering to identify potential cost savings or impacts. Some of these are still under discussion and have yielded positive impacts to the project. As evidenced by the value engineering efforts already undertaken, the Town has been extremely cost-conscious in the execution of the program. Significant effort has already been expended, and while this peer review provides additional considerations for Town leaders and key stakeholders, we applaud those involved for their diligent efforts to-date. At the time of our peer review, the Master Plan had been finalized and Phase 1 of the project had been bid out and awarded to two separate CMAR contractors. On-the-ground activities have commenced and are currently on schedule based on the latest update, despite a significant weather event halting work for several weeks. Survey and design services have also begun for Phase 2 work.

Overview of Peer Review Tasks

This peer review includes analysis of the project’s approach and design consideration, the Master Plan, scheduling, sequencing, phasing, the probable cost of construction, and the overall plan for executing the project.

Kickoff Meeting

The peer review process began when the Project Team attended a kickoff meeting on July 27, 2017 wherein key stakeholders of the Town and the KHA team met with the Project Team representatives to discuss framework, direction, and overall objectives of the peer review. This allowed the Project Team to meet with key technical experts for the Town and KHA and to establish appropriate lines of communication and coordination. The accomplishments of the kickoff meeting included the following:

- Meet the Town team, design team, and introduce The Project Team
- Finalize the scope of services
- Finalize the peer review schedule and establish key milestones
- Obtain the data requested and review it with the design team

The following personnel attended the kick off meeting:

- | | |
|----------------------------------|---|
| • P&D – Anthony Hanson | • The Town of Palm Beach – Patricia Strayer |
| • NewGen – Chris Ekrut | • The Town of Palm Beach – Steven Stern |
| • Erdman Anthony – Dana Gillette | • Burkhardt – Marc Kleisley |
| • Erdman Anthony – James Noth | • Whiting Turner – Bo Huggins |
| • Kimley-Horn – Kevin Schanen | • Whiting Turner – Frank Zamremba |
| • Kimley-Horn – Russel Barnes | |

Those attendees listed above participated in several consultations, but may have not been present for every meeting session.

Data Request and Review

Also as part of the effort, the Project Team submitted a comprehensive data request to both the Town and KHA that included the following:

- Construction Documents for current projects
- Engineer's Estimates of Probable Costs for current projects
- Engineer's Estimated Construction Schedule for current projects
- Engineer's Recommended Traffic Control Plan for current projects
- Contractor's Bids for current projects
- Contractor's Schedule for current projects
- Contractor's Traffic Control Plan for current projects
- Master Plan

A complete list of the documents requested by the Project Team is provided in Appendix A and a list of the documents reviewed by the Project Team is provided in Appendix B.

Stakeholder Consultations

After reviewing the information provided, the Project Team led a long summit onsite and conducted interviews with all stakeholders associated with the project. Additional consultations were held with those unable to attend the in-person interviews due to the weather event. The topics addressed included the following:

- Opportunities for enhancements
- Opportunities to reduce costs
- Review of contingency
- Review of inflation
- Review of cost estimates
- Review of proposed construction approach, methods, and equipment
- Review of proposed schedule and phasing
- Review of schedule and cost trade-offs
- Review of proposed traffic control impacts
- Review of project delivery methods, such as Design-Bid-Build, CMAR, Design-Build, Public-Private-Partnership.

The following personnel attended the interviews:

- | | |
|----------------------------------|---|
| • P&D – Anthony Hanson | • The Town of Palm Beach – Patricia Strayer |
| • NewGen – Chris Ekrut | • Burkhardt – Marc Kleisley |
| • Erdman Anthony – Dana Gillette | • Whiting Turner – Bo Huggins |
| • Kimley-Horn - Kevin Schanen | • Whiting Turner – Frank Zamremba |

Personnel from the following companies were interviewed by phone:

- FP&L
- CR Dunn
- Wilco
- Mastech
- Danella
- Hypower
- Pike Electric

The Project Team consulted by phone with several of the unsuccessful bidders of the electrical component of the phase bid process.

The Project Team also conducted in-person interviews with two large utility construction companies in the southeast. The companies were provided the Master Plan, the Phase 1 bidding documents, drawings, and the sequencing maps. Interviewees from these companies included regional vice presidents, underground project managers, and project estimators. Interviews were conducted on-site at their locations after those contractors completed an initial review of the project. The discussions centered around the delivery method, the project size and phasing, and the overall construction techniques needed. Summary information gleaned from these interviews is shown in Appendix C. We would note that we are, at this time, refraining from listing these contractors by name given the potential that they may wish to bid on future phases of the project. While the input of these construction contractors was critically important and proved instrumental in some of the recommendations made herein, we do not wish for their independent, third-party comments to jeopardize their capacity to assist the Town in the future. We appreciate the Town and Task Force's understanding on this issue.

Preparation of Report

The Project Team analyzed the responses and prepared this summary report to address the charge questions and other topics identified during the peer-review process. During this process, the Project Team attended a meeting of the Town's Underground Utility Task Force Committee to learn of the issues and concerns of those individual citizens as well as those of the Town leadership.

Once this report has been submitted to and reviewed by the Town staff, the design team, and the construction teams, the Town will develop a response to the suggestions made herein. Those responses will be incorporated into the overall peer review document for a complete and comprehensive study. After the report has been finalized, the Project Team will attend a meeting with the Town Council to present the results of our peer review and answer any questions the Town may have.

Peer Review Report Findings



Focus Area I

Program Management and Delivery Method

Introduction

The definition of a successful project is one that is delivered on-time, on-budget, and meets the project owner's expectations. Based on this definition, the constraints of a project are easily defined as:

- 1) the time available to conduct the project;
- 2) the monetary resources available for the project; and
- 3) the overall scope, or work to be accomplished.

In the case of the Town's Utilities Undergrounding effort, the process is made up of multiple projects, defined simply as a "program", with each project having its own unique constraints based on varying demands on schedule, cost, and work to be performed. Executing this program in a timely and cost-effective manner has required, and will continue to require, careful coordination between the Town, its various program contractors and subcontractors, as well as FP&L, Comcast, and AT&T.

Substantial work has been performed to-date to define the unique elements and constraints of the program, and our Team applauds the diligent efforts various stakeholders have taken to ensuring the program is executed in the most timely and cost-effective manner. No project is without its challenges, but the minimal disruptions that have occurred to-date speak to the competence of both Town of Palm Beach staff and the various engineering and construction contractors that are engaged in program execution. While other sections of this report will address the more technical aspects of completing the program, this section focuses on the management and delivery of the program to determine where areas for improvement might exist to either facilitate more timely or more cost-effective completion.

The Project Team would be remiss if we did not remind the reader that increasing layers of management or expanding the management of a program does typically come with either increases in cost or possibly an expansion to the program schedule to allow for execution of various processes or deployment of certain policies or practices. While such changes to management or program delivery may result in a near-term increase in cost, such cost increases may be offset by avoided cost at a future point in the program, or such changes may serve to reduce or mitigate risk factors which, should such risks manifest themselves during program execution, could result in added cost.

Charge Questions

- Are there any large-scale opportunities to modify the planning, phasing, construction methodology, and/or other implementation ideas that would significantly impact the recommendations in the Master Plan and could significantly impact the overall opinion of probable cost?
- Are there recommendations for construction delivery methods that could reduce the overall cost of the project? In reviewing the Master Plan, the Town wishes to know if there are alternative approaches that will deliver this program more efficiently.

Findings

Finding 1.1 – Maintain CMAR delivery method, but execute as a continuing contract

Summary

While it appears that CMAR is the most effective method of project delivery given the complexity and demands of the program, it is possible that other methods of program delivery may result in reduced costs to the Town. If CMAR is to be utilized, the Town should look for ways to, at minimum, streamline contracting and minimize the time committed to the procurement process. The Master Plan prepared by KHA does an excellent job of enumerating the strengths and weaknesses of a variety of program delivery methods. Based on this discussion, it ultimately is concluded that CMAR is the most effective method of delivery for the Town's utilities undergrounding program.

While the Project Team does not necessarily take issues with the employment of CMAR, it has been discovered through multiple conversations that the use of CMAR may result in increased costs to the Town. While this cost increase is noted within the Master Planning document, the advantages of said method with regards to enhanced project timing and risk mitigation are cited as a factor that outweighs the increased cost. The Project Team agrees with this assessment; nevertheless, the advantages of CMAR, namely construction management, can be achieved in other, potentially more economical, ways.

- For example, a number of larger subcontractors maintain in-house project management capabilities which are duplicative in nature to the services provided by the CMAR. These capabilities include, but may not be limited to, project controls and public engagement. While these services are being provided by the CMAR, it is possible that some subcontractors will embed the cost of these services into its prices as "overhead", despite the fact that said services are not being provided. If such cases exist, then the Town is effectively double-paying for these types of services, driving up the overall cost of the program. Were the Town to utilize the construction management services of individual contractors, it's possible that overall project management costs could be reduced.

Additionally, because of the enhanced risk of financial performance undertaken by the CMAR, there is a level of mark-up that is included within their cost to the Town. Were the Town to employ an alternative delivery method other than CMAR, and rely on the individual sub-contractors to provide project management services, it is possible the overall cost of the program could be reduced.

However, the Project Team notes that the cost of Project Management for Phase 1 North and Phase 1 South ranged from a low of approximately 8% to a high of just under 12%. Based on the Project Team's experience and discussions with other industry professionals, it is our opinion that this cost of construction management services falls within the industry standard acceptable range and is not considered excessive. As such, it is not anticipated that there would be significant cost savings should the Town deviate from the CMAR approach and rely on individual sub-contractors to provide said services.

Further, the cost of CMAR services is reasonable given the elevated level of service demanded by the Town and its residents. As noted earlier, the Town of Palm Beach is a unique community with distinctive clientele. The residents of the Town expect and rely on excellent and exacting customer service. With this level of service potentially comes increased cost. These standards will not be reduced even should individual sub-contractors provide construction management services and, as such, it is possible that there might actually be an increase in cost were an alternative method to be utilized. Further, the disjointed nature of construction management without a CMAR could lead to disruptions in the expected service level and unacceptable disruptions to citizens.

Moreover, should the Town undertake a differing project delivery approach, then it may place greater requirements on Town staff with regards to management of individual contractors for multiple, on-going phases. If existing staff is not able to manage this increase in workload with existing resources, then additional personnel may be needed, ultimately contributing greater cost to the Town because of the program. The Project Team does not have sufficient information to assess the capabilities and workload of Town staff, and cannot provide a definitive estimation of how changing from CMAR to internal management may impact cost. This type of review and assessment should be conducted prior to considering any type of amendment to the method of program delivery.

Recommendation for Action

Instead of moving away from CMAR delivery method, the Project Team encourages the Town to consider a single, continuing contract¹ with the selected CMARs. (This recommendation is explored further in Focus Area 3.) Such continuing contracts can be competitively bid on qualifications, and then negotiated with unit pricing that changes over the life of the project at agreed upon rates. Then, construction management can be negotiated as a percentage of the direct cost.

By engaging in a single contract that continues over time, the Town can reduce the time and internal resources committed to the purchasing process. While our Project Team recognizes that the procurement of a CMAR specific to each phase was likely designed to ensure the Town is protected in the event of non-performance of a specific CMAR contractor or sub-contractor, this constant procurement process adds time and cost to the project. Additionally, the lessons learned by CMARs through the process are lost if the Town makes significant changes in contractors through the life of the project. These lessons learned and knowledge gained are critical to maintain and can ultimately help to decrease the timeline of the project and overall project cost.

¹ (The term "continuing contract" here is not intended to represent a legal term defined by the Florida procurement laws, but rather to imply "a single, longer term contract with a finite completion date". Any changes to the contracting method for this project must be in compliance with appropriate laws and approved by the Town's attorney.)

While we are sensitive to the Town's desire to protect itself in the event of non-performance and to receive the most competitive pricing, it is our opinion that continuing contracts can be structured to provide sufficient protection to the Town. Further, given the quality of the Town's selected CMARs and their demonstrated record of excellent performance, we believe that the risk of non-performance is minimal compared to the time and cost that is being added to the project through on-going procurement efforts.

Potential Impact

By maintaining the CMAR method and structuring continuing contracts with the CMAR(s), we believe the timeline of the project can be shortened, and while the overall cost of the program may not be diminished, this change will likely free up the Town's internal purchasing resources thereby reducing cost. Currently, as we understand the Program schedule, 28 months (or 2+ years) are committed to the procurement process. By shortening this process, we believe substantial time can be saved, with a commensurate reduction in overall cost and further avoidance of cost increases from inflation.

Utilizing a continuing contracting method does introduce a greater risk of potential non-performance of selected contractors; however, the Project Team believes the continuing contract can be structured with sufficient legal protections to minimize this risk. Additionally, by agreeing now on unit pricing that will apply further into the future (as further discussed in Finding 3.2), it is possible that the Town may run the risk of not receiving the most competitive pricing, reflective of the unique pricing conditions at the time that the work is ready to perform. However, while this risk does exist, the Project Team believes the reduction in schedule that can potentially be achieved more than outweighs the potential risk.

Finding 1.2 – Retain CMAR earlier in the process**Summary**

Based on the timing of when the CMARs for Phase 1 were retained, some of the advantages of the CMAR delivery method have not, in the Project Team's opinion, been fully realized. Specifically, the CMARs for Phase 1 had limited opportunity to offer input on design of these phases, or provide opinions on technical feasibility during construction reviews. One of the distinct advantages of the CMAR method of program delivery is that the CMAR is typically retained early in the project to provide their input and guidance on design, cost estimation, as well as provide their review and opinion on the technical aspects of constructing the project. As noted by the Town of Palm Beach's Construction In-Progress & Construction Project Bidding Internal Audit conducted by Crowe Horwath (Crowe Horwath Audit) from October 1, 2010 through June 30, 2011, in practice, if a CMAR arrangement is used, the Construction Manager is normally engaged early in the process to manage the design process. Specifically, the Town's amended Purchasing Manual language contained within the audit states:

"The greatest benefit is achieved when the contractor is brought into the design process at the outset. The benefit of this construction method is the contractor's input into the design resulting in a better scope of work and the expectation that fewer change orders and claims will occur due to design errors."

Specific to the first phase of this project, it is the Project Team's understanding that the CMARs for the project were not engaged until design was relatively complete. Some of the CMAR advantages are lost due to the fact that the final project design is determined by FP&L, and very little can ultimately be changed without its direct approval. As such, even if the CMAR had time to provide suggestions for improvement, they may ultimately not be acceptable to FP&L.

However, while the impact of constructability reviews may be minimal, we believe it important that if the CMAR method is to continue to be employed, the selected CMAR contractor should be engaged earlier in the process to have input on design and overall constructability of each phase.

Recommendation for Action

Consider retaining the CMAR earlier in the design process to take full advantages of their expertise. Additionally, as noted in Finding 1.1, placing the CMAR on a continuing contract would also accomplish this objective.

Potential Impact

While engaging the CMAR earlier will likely lead to increased levels of cost due to retaining these professional services for a longer period, it is anticipated that having more input on the design and constructability of each phase may result in ideas for cost reduction or cost avoidance. However, we also recognize that the level of cost reduction or cost avoidance may be limited in this case due to the requirements of FP&L.

The early engagement of the CMAR allows for additional professional input on the design, which can also help to mitigate risks that the design may not be fully constructible due to unique field conditions. The Project Team believes this risk mitigation, and the avoidance of schedule delays or cost overruns, helps to offset the potential increase in cost from retaining professional services for a greater period of time.

Finding 1.3 – Develop a Project Management Plan

Summary

In the Project Team's opinion, there exists limited formal documentation on management of this complex program. While we recognize that execution of the program has only recently begun, it is our opinion that there is a lack of critical management documentation that should exist at this point in the life of the program. Specifically, our Team is not aware of the existence of a formal Project (or Program) Management Plan (PMP).

A PMP is an amalgamation of several smaller plans that address all the critical elements of a program or project. The PMP documents "the actions necessary to define, prepare, integrate, and coordinate all subsidiary plans."² Typically, a PMP, at minimum, would include sub-plans outlining the following areas:

- Scope
 - Including Work Breakdown Structure and acceptance process for completed deliverables

² A Guide to the Project Management Body of Knowledge (PMBOK Guide), Third Edition, 2004, Project Management Institute, Appendix F, Page 337

- Time Management
 - Including program sequencing documents outlining project dependencies, resource estimation, and duration estimation
- Cost Management
 - Including baseline cost estimate and cost control measures
- Quality Management
 - Including a definition of expected quality standards and metrics and the process for quality assurance
- Resource Management
 - Including documentation of project roles and responsibilities, team member competency and expected interaction
- Communications Management
 - Including a determination of communication needs, and a formal plan for information distribution and reporting
- Risk Management
 - Including the identification of both qualitative and quantitative risk measures and the response plan should such risks arise
- Procurement Management
 - Including contracting standards and documents, management of the procurement process, and measures for properly administering contracts

When the PMP for the program was requested from Town Staff, the response received was that the Master Plan, as prepared by KHA, represents the PMP for this program. However, while the Master Plan is a comprehensive and well-constructed document, it does not fully cover all aspects of program execution. Given the complexity of the program, it is our opinion that a formal PMP is essential to effective and efficient completion.

Additionally, as noted in the Crowe Horwath Audit, it was indicated that the Town's updated purchasing manual (which was not provided for review by the Project Team) includes language requiring that as part of the CMAR pre-construction services, the CMAR should:

"develop a project manual, which includes, but isn't limited to, issues such as project goals, project approach, work plan, communication/coordination procedures, emergency contacts, etc."

At this time, the Project Team is not aware that either CMAR has produced such a project manual specific to their specific phase of the project. While some of these items are covered, albeit succinctly, within the contracts with each CMAR, the Project Team believes that the contemplated project manual would be of great assistance in the execution of each phase and can assist in mitigating project risk.

Our Team does note that in the exceptions to at least one of the GMP documents, it states the following:

“the project manual described in the contract shall mean the closeout project manual which shall be updated periodically and presented to the Owner upon completion of the project.”

However, Section 2.2 in the contract with the applicable CMAR states that they shall provide the following:

“Establish and maintain a) procedures for coordination among the Owner, Design Consultant, Sub-Contractors and Construction Manager with respect to all aspects of the Work; b) Implement such procedures, incorporate them into a Project resource manual, and distribute manuals to the Construction Team.”

It is the opinion of the Project Team that there is confusion that exists regarding what is meant by a “project manual”. As anticipated by the Town, it appears such manual is meant to be a living document which governs the execution of the program phase. Specific to at least one of the current CMAR contractors, the “project manual” is more of a closeout document. The Project Team recommends the purpose of and contents of the contemplated project manual be better defined to enhance its use and function in executing and monitoring the various phases or projects within the program.

Further, in discussions with Town Staff, it was indicated that there have already arisen some limited issues of proper project communication between the Town and selected contractors. While these are likely single, isolated incidents, having a formal PMP inclusive of a Communications sub-plan which documents expectations, may minimize the occurrence of such instances in the future.

Finally, while no one anticipates a partial or complete failure of program delivery at any point, without formal documentation of program roles and expectations, should such failure occur, it could result in substantial time in litigation between the parties to determine overall responsibility. Development of a formal PMP clearly outlines said roles and responsibilities, as well as corresponding expectations, and can be used to mitigate risk should the program not be completed as planned.

Recommendation for Action

Consider the development of a formal PMP. As an alternative, enforce the requirement on CMAR contractors that project manuals be developed specific to each phase of the project.

Potential Impact

The development of a formal PMP, or even the development of project manuals specific to each phase, will likely result in a near-term increase in project cost as the development of such plans takes time and effort. However, the benefit of such a plan on stream-lined project execution may also result in cost reduction, or cost avoidance, in the future. Such cost/benefit cannot be formally quantified, but the development of a PMP is recognized in the industry as a “best practice” for the execution of a program of this complexity. Finally, in the event the Program experiences significant disruption and problems, the PMP could be a valuable asset in assessing roles and responsibilities, and mitigating the risk to the Town of non-performance by individuals.

Finding 1.4 – Carefully monitor the amount of work self-performed by CMAR

Summary

While at times advantageous, in general the self-performance of work by the CMAR should, in our opinion, be limited and carefully evaluated prior to approval.

While at times it may be advantageous in terms of time or cost for a CMAR contractor to execute work, allowing this process does introduce a certain level of risk into the traditional CMAR process. For example, when a CMAR utilizes a sub-contractor to execute a specific project element, the CMAR serves as the quality assurance check on the performance of that work. When the CMAR self-performs the work, then they must have a process in place within their organization to ensure quality. As anyone who has ever been responsible for quality knows, it is very difficult to check your own work, and a better product is often produced when there are multiple sets of responsible parties reviewing the work performed. If at any point in the process the CMAR is not diligent on quality, then the project may suffer.

Additionally, in the traditional CMAR contracting process, the CMAR obtains a mark-up on the direct cost of construction. Unless carefully monitored, construction work that the CMAR performs themselves could be higher cost than a competitive alternative, upon which the CMAR would then also earn a mark-up. Such instances can lead to the incurrence of even higher overall program costs through inappropriate “double-dipping”.

The challenge of CMAR self-performance is noted in the previously referenced Crowe Horwath Audit. At Page 18, it notes that the Town’s purchasing manual contains the following language:

“Ideally, the CMAR will not self-perform any construction work under this contract and will be secured prior to the commencement of the design process. The Owner reserves the right to allow the CMAR to self-perform work upon prior written notification and consent of the Town Manager or designee.”

Recommendation for Action

Continue to limit the allowances for self-performance of work by CMAR contractors and carefully weigh the advantages of such actions against the cost and/or risk. Presently the Phase 1 contracts limit self-performance to 20% of a certain demolition task. Future contracts should continue these limitations and monitor self-performed work throughout the contract term.

Potential Impact

Minimizing the amount of work performed by the selected CMAR(s) should assist in maintaining the project cost at baseline levels. While it likely will not result in cost savings, it will assist the Town in maintaining the overall project budget. As previously mentioned, there may be times when the benefits of self-performance outweigh the cost or risk. Those instances should be carefully evaluated and documented prior to permitting the CMAR to self-perform the indicated work. Also, the risk to maintaining quality assurance should be compared with the potential advantages to the project schedule, as well as compared against the potential impact to the overall project budget.

Finding 1.5 – Monitor the competitiveness of the CMAR-conducted subcontractor bidding process

Summary

The Town must ensure that the development of procurement packages and the competitive bidding process employed by each CMAR is adequate to ensure the competitiveness of the bidding process.

The Project Team was granted access to a substantial amount of the bid documents utilized by each CMAR in procuring subcontractors. Based on our review of this documentation, our Team believes the process was fair, open, and resulted in competitive and fair bids which ultimately form the basis for the CMAR agreed upon GMPs. At this time, we do not have further recommendations for improving or modifying the CMAR subcontractor bidding process, and recommend that similar processes continue to be followed in the future.

Further, we recommend that Town purchasing staff continue to carefully monitor the bidding process of the selected CMAR(s) and, should opportunities arise, provide guidance and support to ensure that the bidding process remains as competitive as possible which will ensure the price of each project, and resulting GMP, is as cost effective as possible. Such areas of monitoring include the level and overall distribution of the bid packages, as well as the sizing and structure of bid packages to ensure the maximum amount of interest by potential subcontractors.

Recommendation for Action

Town staff should continue to monitor and work directly with the selected CMARs to ensure the continued competitiveness of the subcontractor bidding process.

Potential Impact

The structure of the bid packages of each CMAR can have an impact on the types and number of subcontractors that respond to the requests for bid. Maintaining the competitiveness of this process is critical to ensuring the GMPs produced by each CMAR are as cost effective as possible.

Finding 1.6 – Use project management software for program coordination and execution

Summary

Use of a Project Management system by all team members may benefit the Town by reducing the time to file, find and manage documents, to reduce change orders, delays or overruns, to allow Town officials to access timely information, and to standardize the documentation and information across the various projects.

Just as changes in technology have simplified and enhanced our daily work and personal lives, it also has impacted and enhanced the management of complex programs. Currently there exists a number of off-the-shelf, as well as custom-built, programs that can assist organizations in managing and coordinating projects. These programs range in their complexity and capability, but all seek to enhance coordination and communication among key program stakeholders and facilitate the timely transfer of information. Such programs can also be useful in standardizing and streamlining work flow processes.

While such programs can be useful, they are only as good as the user and the information. As the old adage goes, “garbage-in, garbage-out.” Given the complexity of the undergrounding program, our Project Team believes this particular program would lend itself very well to the use of such a software, and recommend the Town explore its options in this area.

Recommendation for Action

We recommend that the Town consider if the cost of purchasing, implementing, and maintaining a standardized tool for all team members would result in sufficient benefits which outweigh the cost

Potential Impact

The use of Project Management software will result in near-term increases in cost as the software would need to be procured and set-up, and users would need to be trained on the use and function of the program. Additionally, on-going Information Technology resources may be needed to maintain the program and to assist users with troubleshooting. However, use of such software can minimize errors and mitigate risk, thereby increasing the avoidance of cost, or reduce long-term program cost through stream-lined processes and procedures.

Finding 1.7 – Maximize benefits from CMAR delivery method**Summary**

Based on provided documentation, the Project Team was not able to assess the overall effectiveness of the internal policies and procedures concerning the utilization of the CMAR project delivery method. As noted in the Crowe Horwath Audit, a recommendation was noted that the Town:

“review and revise its Policies and Procedures related to CMAR contracts to ensure the Town’s procurement policies and procedures requirements are properly executed and documented... [and] the Town should ensure that the CMAR is used in a manner that benefits the Town.”

The audit did contain language that was to be included in a Purchasing Manual Update, and the Project Team is working under the assumption that this language is indeed included within the Town’s current Purchasing Manual. Items contained within this language, and the Town’s compliance with said requirements, will be further addressed in later findings.

Recommendation for Action

Ensure that the policies and procedures regarding the use of CMAR in the Town’s Purchase manual have been fully updated and are fully complied with throughout the course of the project.

Potential Impact

As noted in the referenced Crowe Horwath audit, improvements to the policies and procedures concerning the use of the CMAR program delivery method were considered “high-risk”. While CMAR can be an effective method of program delivery, particularly at mitigating the risks of cost overruns to the Town, this method is only as effective as the governing policies and procedures, as well as the effective implementation and management of said governing policies and procedures.

CMAR is most certainly an appropriate method for mitigating the cost overrun risk to the Town while also facilitating an accelerated timeline for project delivery; however, the achievement of risk mitigation and accelerated project schedules comes with added cost. While the Project Team is supportive of the use of CMAR in this instance, the Town must ensure that its policies and procedures for the use of CMAR comply with best practices to achieve the greatest outcome in the process.



Focus Area II

Costing and Applicability of Opinion of Probable Cost

Introduction

The cost estimate is the mechanism wherein the financial needs for the project are identified. As a project progresses from the concept phase to planning and design, and ultimately, to the construction stage, the level of cost estimating detail will become more granular. As the level of detail increases, confidence in the accuracy of the figures will increase. A project as complex as this one undertaken by the Town presents a challenge to developing a very detailed cost estimate given the number of entities involved, uniqueness of the service area, and potential for unforeseen circumstances.

The Association for the Advancement of Cost Engineering (AACE) publishes a recommended practice document, 17R-97, titled Cost Estimate Classification System which is used by Owners as they budget and estimate major construction projects. The AACE classifies estimates into the following five categories as the project plans become more complete³:

ESTIMATE CLASS	Primary Characteristic	Secondary Characteristic			
	LEVEL OF PROJECT DEFINITION Expressed as % of complete definition	END USAGE Typical purpose of estimate	METHODOLOGY Typical estimating method	EXPECTED ACCURACY RANGE Typical +/- range relative to best index of 1 [a]	PREPARATION EFFORT Typical degree of effort relative to least cost index of 1 [b]
Class 5	0% to 2%	Screening or Feasibility	Stochastic or Judgment	4 to 20	1
Class 4	1% to 15%	Concept Study or Feasibility	Primarily Stochastic	3 to 12	2 to 4
Class 3	10% to 40%	Budget, Authorization, or Control	Mixed, but Primarily Stochastic	2 to 6	3 to 10
Class 2	30% to 70%	Control or Bid/Tender	Primarily Deterministic	1 to 3	5 to 20
Class 1	50% to 100%	Check Estimate or Bid/Tender	Deterministic	1	10 to 100

Notes: [a] If the range index value of "1" represents +10/-5%, then an index value of 10 represents +100/-50%.

[b] If the cost index value of "1" represents 0.005% of project costs, then an index value of 100 represents 0.5%.

³ Cost Estimate Classification System (AACE International Recommended Practice No. 17R-97), Rev. Nov. 29, 2011, Association for the Advancement of Cost Engineering, Page 4

The Project Team has used the AACE chart as a point of reference when analyzing the cost estimates developed for this project.

Charge Questions

- Provide a high-level review of the Engineer's Opinion of Probable Cost.
 - Are there opportunities to increase the success of the program through enhancements that we should consider?
 - Are there opportunities to reduce the costs to our program and what should we consider?
 - Please list pluses and minuses for suggestions that will increase our costs or reduce our costs.
 - Is the contingency enough?
 - Are the fees in-line with industry standards?
 - List potential additional costs we may incur that are not noted in the Master Plan
 - What has been your experience with these early estimates?

Findings

Finding 2.1 – Prepare deterministic cost estimate for future phases

The Project Team understands that cost estimates will become more precise with finalization of plans. According to the AACE chart, the initial cost estimate, which was developed for the Town's project prior to the project kickoff, is reflective of a Class 5 estimate. The cost estimate included in the Master Plan has more detail and could be classified as a Class 4. Still, that cost estimate is based on generalized figures estimated for expected length, number of lots, and neighborhood types to be converted. One advantage to using generalized figures at this stage is that the KHA design team has experience with the activities required for undergrounding on the FP&L system. Although this simplified approach may very well prove to be accurate, the confidence level and contingency levels should be reviewed and confirmed throughout the life of the project. It appears at the time of our review that the contracted and spent amounts of Phase 1 are within the Master Plan budgets.

To date, a more detailed cost estimate has not been provided to the Project Team for several reasons, primary among which is that the engineering detail of the current system (e.g. all phases) has not been provided to FP&L such that they can prepare their design and, ultimately, provide a firm, fixed price for each specific phase. FP&L will not provide the existing system drawings to the Town or others because of security of the electrical grid. Therefore, we cannot opine on the current Opinion of Probable Cost.

Our analysis finds that the cost estimate included in the Master Plan is a Class 4 estimate with limited detail, which is appropriate for a Master Plan; increasing the detail in the cost estimate would require preliminary or final construction plans. This level of detail is expected to have an accuracy range of +/- 12%. The average rate for contingency included in the Master Plan is approximately 10%.

Recommendation for Action

At this point in a project of this magnitude, a more deterministic cost estimate has usually been completed. As it stands now, the presentation of this project's \$98,600,000 cost results in a false sense of security about the amount that will be needed to complete the project. To preclude that false sense of security, we recommend that the costs be presented as a range that includes a contingency portion for unforeseen circumstances and states a level of confidence regarding the accuracy of costs. That cost estimate range should be based on the project parameters identified and developed during Phase 1.

This would include an electric survey of the electrical equipment in question specific to the entire system minus FP&L providing the existing system maps. With either the survey or FP&L maps, a unit pricing based cost estimate could be implemented. The difficulty in this is identifying the existing underground facilities and the needed upgrades to connect to the new electrical system. With a complete survey or mapping of the electrical overhead system, a cost estimate based on unit pricing could be established with a higher confidence level. However, with the complexity of this project, a certain amount of contingency is still recommended for unforeseen things. With a detailed cost estimate, a 3-5% accuracy range could be achieved. Because of the complexity of the project and its potential for unforeseen circumstances, we recommend a 3-5% contingency amount be included in the estimate.

Potential Impact

The derivation of a detailed Class 2 cost estimate based on the actual existing system should increase the confidence level of all involved entities. By presenting the cost estimate as a range, there is a better potential for elected officials, the Undergrounding Task Force, and average residents to better understand the level of uncertainty that is appropriate at the Master Plan stage of the program, and will help to temper expectations that the final price will be within this range rather than a potentially unrealistic, precise amount.

Finding 2.2 – Maximize savings from tax-exempt status through Town's Direct Purchase Program**Summary**

Based on available documentation, the Project Team was not able to determine the Town's efforts in employing its tax-exempt status via the direct purchase of materials.

As noted in the previously mentioned Crowe Horwath Audit, Observation Number 9 addresses the cost savings that can be realized by direct Town purchase of materials, such that the Town can receive full benefit of its exemption from sales tax. The Audit notes that Town staff has indicated such direct purchases have been utilized before in instances when long lead times are available. Such purchases are also contemplated via the Town's Direct Purchase Program terms and conditions as included as an Attachment to the CMAR contracts.

The Project Team recognizes that such tax savings on direct purchase of materials are limited on this program, as only purchases specific to Comcast and AT&T would be eligible for direct purchase. However, while limited, such actions still represent a savings and should be considered.

As mentioned above, direct purchase of materials is not possible specific to FP&L equipment. The Project Team has not assessed the potential savings were such purchases possible. There is a potential that the volume purchasing discount available to the Town via FP&L provided equipment is actually greater than the potential tax savings from direct purchase. If such volume discounts are substantial specific to Comcast and AT&T, then the Project Team would be remiss if we did not point out the advantage of the volume purchases over the direct purchases by the Town. In the end, the Town must carefully evaluate each purchasing option and evaluate the best course of action in an effort to reduce the project cost where possible.

Recommendation for Action

Where possible and where it makes sense from an overall cost standpoint, continue to employ the Town's Direct Purchase Program for direct purchase of materials for work associated with undergrounding the facilities of AT&T and Comcast.

Potential Impact

Based on available estimates, the direct costs specific to Comcast and AT&T is estimated at \$5.66M for the program in total. These costs include both labor and purchase of materials. Assuming 25% of this cost is associated with materials, then the cost associated with direct purchase would be approximately \$1.415M. Further assuming a sales tax rate of 7%, then total savings from direct purchases could approximate roughly \$99K in total. This estimate is very general and based on the limited cost estimates available to the Project Team. As cost estimation improves, then the potential savings from this finding can be better quantified. However, we would be remiss if we did not note that direct purchase could also impact the timeline of the program if the Town fails to keep up with the direct purchase of materials, ensuring that such materials are on-site when needed.

Finding 2.3 – Minimize the number of exceptions to ensure integrity of GMP

Summary

The Town should work to restrict, where possible, the number of exceptions and limiting conditions contained within the GMP(s). Likewise, where exceptions exist, the Town must realize that the GMP may not reflect a true, guaranteed maximum price for a particular project phase.

As a CMAR contractor, a substantial amount of risk is undertaken when a GMP is offered and accepted by the Town. Given this, it is critically important to clearly define what is and is not covered within a GMP so that the contractor is properly protected and the Town clearly understands the ultimate level of cost overrun risk mitigation that has been achieved.

In reviewing the executed GMPs with the currently contracted CMAR's, our Project Team noted that there are a substantial amount of exceptions and clarifications. While many of these are expected and essential, some may be slightly aggressive given the nature of the work being performed.

For example, one GMP defines work hours as "Monday through Friday from 9:00 a.m. to 5:00 p.m. from December 1st through April 20th, and 8:00 a.m. to 6:00 p.m. from May 1st through November 30th." While such

clarification or exception is entirely normal, when cutovers of service occur specific to commercial business, such cutovers may have less impact on customers if performed on a weekend. Further, if such work does occur on a weekend, then it could be argued that this is an exception to the GMP and the CMAR should be granted a change order and an increase in the GMP.

Our Team understands that not every situation and circumstance can be thought of in advance and negotiated. There must be some latitude given on the part of the CMAR as well as on the Town. Recent experience indicates that, in practice, this latitude exists and most likely small exceptions and occurrences can be handled informally with no change to the GMP. That being said, the Town must also realize that every exception that is accepted within the GMP represents an instance when the GMP does not truly represent a “Guaranteed Maximum Price”, but represents an area where costs may increase in time.

Recommendation for Action

Where possible, the Town should seek to limit the exceptions and clarifications included within a GMP so as to maintain the integrity of the guarantee that is being granted. Where such exceptions and clarifications cannot be avoided, then the Town should plan for potential risk of cost over-runs, or work with the CMAR to ensure that the exception or clarification does not ultimately result in an increase in price.

Potential Impact

As indicated above, every exception and clarification included within the GMP represents an area where the maximum price may be increased. The Town must consider that a Guaranteed Maximum Price may be subject to revision, and must account for said changes in the overall budget of the program.

Finding 2.4 – Improve effectiveness of the Undergrounding Utilities Task Force

Summary

Project meetings are an essential element to proper control and management of any endeavor. Given the complexity of the undergrounding effort, and its impact on the Town’s citizenry, project meetings are critically important to the success of this program. Specific to the Undergrounding Utilities Task Force (UUTF), meetings with this group provide an excellent opportunity for the design team, contractors, and staff to communicate with the Town’s citizens about the project status and challenges, as well as an opportunity for the Town leaders to offer input and suggestions to improve the project. The project is an important undertaking and that avenue for communication is valuable.

However, it is the Project Team’s observation that the format of the current meetings is centered solely around project reporting. This format requires Town staff and key project stakeholders to spend extensive time in preparing for, attending, presenting, and responding to the Task Force on a monthly basis. This takes significant time from the technical execution of the project and the reporting component of these meetings may be better handled via more automated processes, such as implementation of a project management software as discussed in Finding 1.6 above, which the Task Force would presumably be granted access to, or via routine written reports delivered by the Town’s Project Manager.

It is our opinion that the true value of the Undergrounding Utilities Task Force comes in communicating the concerns of the citizenry to Town staff and the project execution team, as well as providing their independent viewpoint on how the overall program can be better executed. The Task Force is comprised of individuals with impressive management backgrounds from a variety of industries. Applying this disparate knowledge to the execution of the project could have significant benefits which could lead to improvements in project delivery.

With regards to communicating the concerns of the citizenry, this task could be handled via the submission of requests via a project management system, or could be funneled via e-mail or phone call through the Town's Project Manager, with the Project Manager then coordinating the response and providing appropriate follow-up on the concern. A method such as the above could make better use of in-person meetings. Additionally, Task Force members should participate, where possible, in meetings out in the Community and serve as champions of the overall effort in interfacing with the other residents of the Town. Task Force members should be considered ambassadors of the undergrounding effort, and assist in the public communications efforts which are critical to project success.

In our opinion, the Task Force meetings, which in our opinion could be reduced to a quarterly, in-person basis, should be focused more on project improvement and risk management. Such meetings could be conducted in a "round-table" format, and the Town's Project Manager should chair and facilitate meetings that include topics such as overall planning, review of design plans, staffing, staging, or materials issues, risk register, lessons learned, quality issues, public comments, etc. The team should be flexible to adjust the agenda and the schedule of the meetings to react appropriately if the collaboration meetings are found to be of little value.

If there is a desire to continue at least part of the progress reporting component of the Task Force meetings, then the meetings could still be held quarterly, with the first part of the meeting devoted to limited progress reporting and answering specific, direct concerns from the Task Force members, and the second part of the meeting devoted to collaboration and project improvement.

Recommendation for Action

Seek ways to reduce, where possible the "reporting" component of the project and rely on more automated systems, such as a project management system discussed in Finding 1.6, to automate such tasks. The Town should consider amending the frequency of the Task Force meetings to a quarterly basis and utilize the extensive knowledge of this team to search for ways to improve the project, rather than to spend valuable project resources solely focused on the reporting of project tasks and status.

Potential Impact

By amending the content and focus of the Task Force meetings, as well as reducing the number of meetings, there is a potential to reduce cost associated with staff, consultants, and Contractors preparation and attendance. Additionally, by focusing more on the application of the unique knowledge of Task Force members, there is a potential that further improvements can be made to the overall execution of the project.



Focus Area III Scheduling and Sequencing

Introduction

The most efficient sequence/schedule of such a complex project is difficult to identify and develop. The Master Plan outlines a viable and logical plan for completion of the project. Many factors affect the schedule and appropriate sequence of a project of this type. Factors considered in the process include:

- Varying design requirements of the different utilities involved
- Design coordination of all entities involved
- Disruption to the Town's citizens
- Weather conditions
- Contractor interest and ability to work on FP&L system
- Availability of labor resources in the area
- Availability of materials

One of the biggest challenges is the coordination of the design efforts in this project due to the number of entities involved. The development of the design is a sequential process that requires KHA to prepare detailed as-built maps of the current system in place. This process requires a thorough field survey of all existing utilities. Once this is completed, FP&L begins to detail its design. The length of the design time varies and is dependent on FP&L's current workload. After FP&L completes its design, KHA and others incorporate third-party systems into the FP&L design and other area improvements such as water line and storm drainage modifications. KHA work would include preparing combined detailed conduit drawings of the proposed system and coordinating conflicts.

Simultaneous to this process, easements are being acquired to place the facilities on private property where needed. FP&L allows 180 days for final approval of the design and the payment of the Contribution in Aid of Construction (CIAC). There are probably ways to streamline this process, but it is the Project Team's understanding that FP&L has not indicated that deviation from this process is allowed. Once major equipment locations are finalized, the KHA team can begin the easement acquisition phase. Easement acquisition represents a significant effort and can pose a risk to the schedule if not obtained in a timely manner. Failing to obtain any of the necessary easements could affect the schedule and costs due to the need for re-design. The easement acquisition process may also impact public relations.

Charge Questions

- Assumptions and limitations (based on the Town of Palm Beach's codes and ordinances and historic traffic congestion) were utilized in developing the size of each construction phase and the sequencing of construction. Are there recommendations for modifying these assumptions which would improve the overall opinion of probable cost?
- Are there adjustments that could be made to the construction phase sizes and sequencing that would reduce the opinion of probable cost?
- Do you have suggestions to reduce the number of years to complete the project?
- We are interested in the trade-offs of schedule vs. costs. Please, provide suggestions.

Findings

Finding 3.1 – Modify structure and organization of phases

Summary

Identifying the optimum number of phases for a project such as this is complicated. Currently, as defined in the Master Plan, there are fifteen phases to this undergrounding effort; each phase includes defined time for preliminary design, CMAR bidding, finalizing design, and active construction. The magnitude of the procurement tasks alone will affect the public, the Owner's personnel, the contractors who may be interested, as well as the interest of design and construction support entities. The present configuration requires separately bidding the CMAR work for each phase, effectively creating multiple bidding processes, which increases the Town's internal procurement overhead expenses. Executing the work this way will also require multiple mobilizations and demobilizations for the contractor in each phase, as well as duplicating activities such as establishing site offices and laydown areas, and securing the work area. This is especially true if consideration is given to the division of the work and the specialty equipment and crews needed for several of the work tasks as outlined.

Rethinking the phase structure could be beneficial. Based on our experience bidding utility work and the responses given by the contractors we interviewed, executing the project in fewer, more comprehensive phases will boost interest from contractors. Increased participation could improve competition and potentially decrease cost. Consolidating phases will reduce, though only slightly, the time needed for bidding activities and the cost of construction overhead. Further, completing the work faster would help to mitigate the impact of inflation on overall construction cost.

Nevertheless, changing the phase structure has its disadvantages. Increasing the size of the phases may negatively impact the public because it will necessitate a larger zone of heavy construction underway at one time. Larger zones of construction may increase roadway congestion or amplify traffic headaches for the Town's residents, creating additional public relations issues. It will also increase time needed for design, as the design process for each phase will have to be completed before bidding for the contractor can begin. While it may eliminate some mobilization/demobilization repetition by the prime construction crew, there will still be multiple mobilizations and demobilizations for the specialty crews. It may also decrease the capability to track progress across the overall project.

Recommendations for Action

While we recognize that restructuring phases (potentially reducing the quantity of phases but increasing their magnitude and complexity) is a viable alternative approach, we recommend the Town execute the project in the phases as currently defined for separating design services and controlling impact on the public.

Potential Impact

Reduced project duration with increased impact on Town citizens

Finding 3.2 – Improve schedule by minimizing number of contracts and utilizing unit pricing**Summary**

As previously stated, the existing phase schedule has fifteen potential CMAR bidding processes and the period of time allowed for bidding/preconstruction period/construction phase award totals approximately 28 months (or 2+ years) for the duration of the project. This division of work was developed for several reasons, ranging from design time to impact on residents to the influence of FP&L. With this structure comes the potential need to execute up to 15 different construction contracts to perform work on various phases. Executing so many contracts necessitates a longer procurement process and limits cost-saving prospects. This problem is further compounded by the lengthy design time needed to accommodate the standard FP&L process coupled with the amount of coordination required between all utilities involved.

From our experience and our discussions with the current subcontractors and potential contractors, we know that for a project of this magnitude, the electrical portion alone will consist of approximately 4 distinct crew types whose work is coordinated by the CMAR or the subcontractor.

- Directional bore crew
- Equipment setting crew
- Cable pulling crew
- Termination crew

Even though the current schedule appears to have continuous activity on the ground throughout each phase, in actuality, each type of crew will only be active for approximately 25% of the year. So, the difficulty faced here is increasing the size of the contracts to facilitate fewer procurement activities and reduce construction time, but still maintaining the project controls for design and impact to the Town's residents.

When seeking out other ways to improve the project schedule, the Project Team also evaluated how the contracts for Phase 1 work were setup. Those CMARs were awarded work based on GMPs with exceptions. Based on our review of the ratios of CM activity to the work and the enhanced project support by the CMAR, we concluded the CMAR delivery method was an appropriate method for this project (see Finding 1.1). The process for selecting the CMAR is qualifications based. Once selected, the CMAR would use competitively based bidding on the final design drawings to the subcontractors performing the work. A review of the Phase 1 procurement process indicated the root of the bids was unit pricing based on the details of the final design. In this type of project, the units and circumstances are fairly repetitive.

An effective option for the Town to address duplicated construction efforts and competition in the procurement process would be to combine all phases into one contract and utilize unit pricing for the phases that have not had design completed. Executing construction using unit prices is common in the field of utility work, and it is most likely how FP&L would perform this work if contracted to execute it. Typical unit pricing includes an upper and lower bound for the units to protect the Owner and Contractor for large deviations of units. While CMAR is still selected as the delivery method, the CMAR's portion could be defined as a percentage of the total pricing for subcontracted work. This is similar to the General Contractor approach, but it includes the self-perform limitation. However, in this application it appears bounds could be set on the quantities if the electric survey identified in Finding 2.1 is completed. Typically, $\pm 25\%$ is the limit established on the unit deviation before unit pricing can be modified. Other restrictions could be implemented to limit the impact to the residences, such as limiting the phases in which boring can be conducted simultaneously. Also, escalators could be used for future work. These could be based on agreed factors or tied to financial indices published for each region on a yearly basis. Based on our understanding of the procurement and procedure for The Town and state of Florida, this process would be in compliance with the requirements.

The Project Team acknowledges that lump sum bids derived from complete designs are typically more efficient; however, with the repetitive nature of these phases, we believe a unit-pricing method could allow for an accelerated schedule, as well as a more favorable costing approach. It is our understanding this approach would still allow the CMAR to solicit additional competitive bids for future addons, such as water line modifications or modifications to other aspects of the project.

Recommendation for Action

As with our recommendation for Finding 1.1 (Maintain CMAR; Execute continuing contract), our proposed solution to these problems is for the Town to implement one large contract via the CMAR method for the remaining phases, but moreover, use unit pricing to establish the costs for the un-designed phases. Reducing the number of contracts could keep a tighter rein on construction activities occurring across multiple areas and using a unit pricing approach may open the project up to opportunities for additional cost savings. A short review time and comparison to the original estimated units would be required, but would be significantly less than the CMAR selection and bidding time.

A revised project schedule based on this recommendation is provided in Appendix D. The schedule maintains the phase structure as outlined in the Master Plan, and the individual length of each task within each phase remains the same, even though it should be anticipated that efficiencies in the design process may decrease the length of some tasks.

The chief constraint our Project Team placed on this revised schedule was to only have one phase at a time in the "heavy construction" phase or the directional boring phase. Heavy construction would occur during all times of the year, but only one phase would be in this activity at a time. The other phases of construction should be less intrusive and/or concentrated to a specific location on any given day. To facilitate the long design periods, development of both the survey and basemap is a sequential task throughout the project until complete. The design process for KHA and other entities would not be significantly impacted save for timing and resources needed. With the phases remaining the same, the only impact would be that several phases will be in design

simultaneously; however, they would be staggered to allow for construction to begin as soon as additional phases are completed. The project team will need to work with all entities involved to keep the design ahead of construction. The projected completion date with this approach would be 2022.

Potential Impact

Improved schedule and cost savings

Finding 3.3 – Consider engaging FP&L to perform the electrical installation**Summary**

FP&L offers to complete the undergrounding project in-house. In theory, the Town could agree and pay the CIAC developed by FP&L, and then FP&L would perform all the electrical primary installation and conversion. It is the Project Team's understanding that several towns have utilized this approach, though the size of these projects are not on-par with the size of the Town's undertaking. Several factors limiting the attractiveness of this option have been identified and enumerated in several conversations and forums. Some items that FP&L would not perform are as follows:

- Site Restoration (sod, landscaping, pavement, roadway, curbing, sidewalks, etc.)
- Work on private property (i.e. installation of new service conduits from the front street and connections to meters)
- Underground conversion of any other utilities (i.e. CATV and Telephone)
- Removal of communications facilities from poles
- Easement acquisition

These items would be performed by others and the inefficiencies of multiple construction efforts, as well as design, would impact the overall cost and schedule. However, for completeness it should be noted that a probability of lower cost may exist. This opinion is based on the premise that larger Investor-Owner-Utilities will typically have lower established unit pricing for pre-approved contractors. This potential saving will need to be weighed against the disadvantages.

A variation from these two extremes (No FP&L /All FP&L) work would be for the Town to install the mechanical/conduit system, and then allow FP&L to install the medium voltage equipment.

Recommendation for Action

This option is not the recommended delivery method, but provides alternative discussions to the current plan.

Potential Impact

If selected, this would guarantee a longer schedule, but may result in lower costs. However, while the Project Team has included this finding for purposes of producing a comprehensive product, we are not recommending that this finding be acted upon at this time.



Focus Area IV Planning and Engineering Design

Introduction

This focus area includes the review of the Master Plan and detailed design documents relative both to the civil engineering aspects, as well as the electrical engineering and components, such as conduit sizing, equipment selection, and conformance to electrical codes. The Master Plan outlines the design sequence for the project which involved the multiple entities and identified an organized procedure for the project phases.

The technical aspects of the project vary and present numerous constraints. The island is a unique environment with challenges encountered in few other locations. The lush and manicured landscape, as well as the compact street designs and the seasonal traffic issue, are a few of the constraints that must be considered in the project. Also, the environmental conditions of a barrier island must be considered. There is a balance between the desire for pleasing aesthetics and the need for reliable service that is affected by the water table, storm surge, and wind events.

Further, this project includes design constraints required by multiple outside entities. FP&L, Comcast, AT&T, and City of West Palm Beach each have individual requirements ranging from technical preferences to scheduling constraints that must be considered when reviewing the planning and engineering design of the combined project. The civil engineering elements of the project are significant as the survey, conduit installation, roadway resurfacing, maintenance of traffic, and associated projects for water, sewer or drainage improvements to be performed concurrently are a major portion of the work.

Charge Questions

- Have the appropriate and applicable engineering concepts been utilized?
- Is the design criteria and analysis/design methodology sound?
- Is the equipment utilized appropriate for our barrier island?
- Conduct a technical review of the Phase 1 design and specifications?
- Assumptions and limitations (based on the Town of Palm Beach's codes and ordinances and historic traffic congestion) were utilized in developing the size of each construction phase and the sequencing of construction. Are there recommendations for modifying these assumptions which would improve the overall opinion of probable cost?
- Are the geotechnical and site reports appropriate for this level of master planning? Are there recommendations that would improve the accuracy of the opinion of probable cost?
- Conduct a review of the analysis results and provide recommendations for improvements?

Findings

Finding 4.1 – Validate design with appropriate electrical codes and standards

Summary

The Project Team reviewed the design details of the Phase 1 specifications and drawings relative to the National Electrical Safety Code (NESC) standards and other applicable standards that dictate designs of this nature. The drawings reviewed included those packages provided by KHA and FP&L. The electrical design was performed by FP&L based on its standards for coastal environments. Various acceptable design concepts could exist for the system; however, adherence to FP&L standards is required since FP&L will own and operate the facilities after installation. FP&L's expertise has been developed through years of experience across the state of Florida. KHA consolidated the designs of the entities involved (FP&L, AT&T, Comcast) and produced mechanical drawings to summarize the designs. The Project Team notes the design team has electrical engineers who are familiar with the FP&L design and the design standards and codes that will apply.

Recommendation for Action

Continue to review the designs to validate the design with appropriate codes and standards.

Potential Impact

None anticipated at this time.

Finding 4.2 – Vet FP&L design and negotiate improvement

Summary

With underground systems of this nature, the selected material and methods for the installation can have a dramatic effect on all aspects of the project, including schedule and cost. Selecting the correct materials and methods will impact the long-term success of the project and may impact the reliability of the system. With FP&L controlling the design, there is limited potential for variation, yet it is our understanding there is some room for negotiation.

The process for evaluating and negotiating equipment selection should be considered. In some cases, there could be a case for betterment of some of the areas within the design selected. It is our understanding that the Government Allowance Factor (GAF) accounts for these betterments; however, in some cases the use of certain equipment could be considered betterment and will assist FP&L in operational issues in the future.

The single most important piece of equipment in an underground system is the equipment used to connect, isolate, and protect all of the multiple connection points with the private property. For this project, these devices are pad-mounted switchgear. Several variations of this equipment exist that will vary in cost and operational benefits. It is our understanding the FP&L designs have some flexibility with the type of equipment used.

Vista Switchgear: The current designs utilize the S&C Vista and PME type pad-mounted switchgear. Both devices are considered acceptable by industry standards for underground applications. The Vista units are the newest generation of switchgear. The relative costs of the two units are quite different.

The Vista gear is a hermetically sealed unit, whereas the PME unit is air-insulated. The hermetically sealed system theoretically provides better protection during storm surges or flooding events because of its construction. There are still components that could be affected by the water level in the Vista gear, but the high voltage compartment is sealed. The Vista gear provides electronic protection for the tapped ways, versus one-shot expulsion fuses. This would affect the long-term operation and the cost of maintaining the equipment. The fuses will degrade over time and not perform as originally designed as well as they are one-shot devices meaning they will need to be replaced if it experiences a fault. Also, the Vista unit can be mounted below-grade in submersible vaults. It should be noted that the long-term performance of equipment in coastal areas has not been validated and this equipment style is not used by FP&L.

While the Vista style switchgear is substantially more expensive, it has operational advantages over the PME. One additional benefit of the Vista gear is its conversion to allow for distribution automation for smart grid applications. The Vista can have motor operators and electronic controllers added to facilitate automatic feeder restoration. The PME gear can also be retrofitted, but it is generally considered difficult and cost prohibitive. Although, the Project Team notes that the cost differential identified in some of this project's discussions does not appear to be consistent with typical pricing. The price differential for the Vista should be in the range of \$20,000. Installation for manual versions of these devices should be similar to each other.

PME-4 Switchgear: Other less costly methods exist for the isolation points in the underground system. The current designs utilize series connected PME-4 switchgear with expulsion fuses for isolation and coordination. Sectionalizing cabinets with load break disconnectable elbows could be utilized to minimize cost. The disadvantage of this configuration is isolation during fault conditions. The sectionalizing cabinet does not isolate the faulted section; therefore, the upstream device would need to provide this isolation. However, for routine maintenance and planned events, the sectionalizing cabinets can be used to isolate sections. The overall cost differential for these devices is unknown. The advantage if this equipment is entirely budget drive, the disadvantage is exposure. More customers would be exposed to an outage for a single event.

Recommendation for Action

The Town should continue to vet the FP&L design and look for areas of improvement in relation to balancing equipment selection and location with up-front cost, reliability and operational considerations. The Town should continue to review and select the use of the Vista gear in strategic areas, considering the differences in the two types of switchgear and their relative advantages. FP&L's experience and familiarity with the operational differences should be communicated to the decision-makers of the Town.

Potential Impact

Initial cost and long-term operational and maintenance effect. The two options presented in this finding can impact reliability and budget in differing ways. It is the opinion of the project team that the Vista switchgear offers a more reliable and expandable solution for underground applications similar to this project. However,

the cost is prohibitive and should be applied in limited situations. Discussions with FP&L about the type of switchgear to use should include consider the distribution automation implementation, as that could justify the use of the Vista switchgear and possible classification of betterment for the upgrade, thereby minimizing the impact to the budget. The other option should reduce cost because of the equipment cost, but would affect reliability in small pockets of customers served by a tapped feeder.

Finding 4.3 – Monitor constraints to design completion and implementation

Summary

During our review, a couple of areas were identified as potential risks to the project. These items were first identified by the KHA project team, but are restated here for importance.

Service Entrance: Typically, with public-private projects, the interface between the public equipment and the private equipment is one of the areas of most uncertainty. Several factors could affect the completion of the project and potentially create publicity issues. For this project, the rework of the low voltage service at the house and on private property is always a potential issue. Whether it is the condition of the private facilities or the surrounding area, unforeseen issues always occur and thus the Town should be prepared to encounter them. The discrepancy between who will pay for those costs is problematic, even though the equipment is homeowner owned, the Town is initiating the change. It is recommended that the Town and the design team come to a consensus on how this will be handled and even develop a policy for distribution. If funded by the Town, an allowance for modifications should be included in the budget

Easements: It appears the design team, including staff from the Town and the KHA team, are diligently pursuing the necessary easement acquisition for the program. Acquiring the proper easements is a legal necessity, and is an element that could ultimately be of significant impact to the schedule should the Town run into difficulty. At present, the Town is pursuing all non-monetary channels for easement acquisitions with the public. Failure to acquire even one of these easements has the potential to impact the schedule causing delays and redesigns. The current process does allow for an effective rework process, but the schedule will be impacted nevertheless.

Recommendation for Action

For the private service entrance issue, we recommend a preemptive survey by qualified personnel of each service entrance; the Project Team is not aware of such a survey currently. Typically, an allowance for issues discovered at this level is part of the cost estimates.

The easement process should remain a focus of the Town and all members of the Project Team.

Potential Impact

Cost, schedule, and public relations

Finding 4.4 – Optimize the number of geotechnical tests

Summary

The Master Plan recommends "that geotechnical explorations, record drawing research, and sub-surface utility locating be performed during the design phase" to "reduce the risk of unforeseen sub-surface conditions including unknown/unmarked utilities, unsuitable soils, contaminated soils, and/or rock conditions". The contractors for Phase 1 North and South have both commented that the quantity and hardness of the rock encountered as they excavate or drill to install the conduits has increased the construction cost. There is no solution to the presence of rock; the only recommendation is to aid the construction effort by identifying the location of the rock. The cost of soil borings must be compared to the benefit of the additional knowledge gained.

Recommendation for Action

Schedule meetings with the design team and contractors for Phase 1 North and Phase 1 South to review the various risks that will be faced and develop strategies to mitigate those risks. Perhaps providing the contractors with more data on the soil conditions that they will encounter will allow them to better price the project by clarifying the amount of rock that they will encounter. The contractors, designers, and geotechnical engineers can, by working together, recommend an optimum number of geotechnical soil borings to provide the future phases with the data needed by the contractor without expending excessive dollars on testing.

Potential Impact

By optimizing the number of solid borings, there is a potential to reduce the overall project schedule if the Contractors have more certainty about the soil conditions they will encounter and can plan accordingly. There is also the possibility that overall costs can either be reduced, or future costs increases avoided, if there are no change orders due to unexpected soil conditions. Further, with prior knowledge of soil conditions, Contractors will have better knowledge of the limits of the rock and can tighten their bid accordingly.

Finding 4.5 – Optimize the number of subsurface utility locates

Summary

The Master Plan recommends "that geotechnical explorations, record drawing research, and sub-surface utility locating be performed during the design phase" to "reduce the risk of unforeseen sub-surface conditions including unknown/unmarked utilities, unsuitable soils, contaminated soils, and/or rock conditions". The contractors for Phase 1 North commented that they have encountered gas mains in unexpected locations on two occasions. The location of underground utilities is important and for Phase 1 was dependent on the data provided by the utility owner. The cost of utility locates must be compared to the benefit of the additional knowledge.

Recommendation for Action

Consider using a private utility location service rather than relying on the utility owner to mark its facilities. Private locating services use electro-magnetic locator wands, like the utility companies use, as well as Ground Penetrating Radar. They would locate all underground lines, where a utility company locates only the lines that they own. Private locators would locate private lines as well as the public lines owned by the utility companies.

Utility companies do not charge to locate their lines; however, a private locating company would charge \$200-\$250/hour for their service. A private locating company may respond quicker than the utility company. Private locating companies can also include liability coverage for their services, for a fee. The cost of a private locating service must be compared to the benefits of improved accuracy and faster response.

Potential Impact

By utilizing a private utility location service, there is a potential to reduce the project schedule, or avoid costly delays, if the Contractors have more certainty about the underground conflicts they will encounter and can plan accordingly. Further, better knowledge of the existence and location of other services may help reduce potential future change orders due to unexpected underground utilities. Finally, the use of a private service has the potential to reduce the project schedule, or avoid delays, if the utility companies are slow to mark their facilities and a private locator will perform the service in a more timely manner.

Finding 4.6 – Expand other infrastructure improvements

Summary

The water mains, sewer mains, and drainage lines in the Town are aging and many are past their design life of 50 years. As a municipality plans for proactive rehabilitation and maintenance of its basic infrastructure, a system with a 50-year design life will result in roughly 2% of the total system being replaced each year. Clearly many of the mains in the Town are exceeding the anticipated 50-year design life and the cost of replacing water, sewer or drainage pipes is high. This topic is further complicated by the fact that the City of West Palm Beach owns and operates the water mains in the Town of Palm Beach.

There are benefits to replacing all infrastructure within a roadway at one time: The construction impacts can be limited to one time. The cost of surface restoration can be limited to one paving effort. Foliage and landscaping can be minimally disturbed and new plantings can be limited. The overhead costs for mobilization, procurement, management, inspections, etc. can be combined and reduced. However, there are deterrents to replacing all infrastructure at one time: Mainly the cost is very high. The planning effort is time consuming. The effort involves multiple utility owners with various priorities that will not be aligned.

Recommendation for Action

Consider expanding the water, sewer and drainage replacement efforts. The Master Plan notes that the City can afford to budget up to \$800,000 a year for water main replacement projects. The Town should review with the City the condition and age of the entire system and the fees paid by the owners for water service to determine an appropriate annual budget for water main replacement. This undertaking is well beyond the scope of the undergrounding project.

The Town's Retail Water Service and Franchise Agreement with the City expires in 2029 at which point the Town will need to address the future of the water infrastructure system. Potential solutions could be to:

- Extend the agreement with the City,
- Negotiate a new agreement with the City,
- Take over the operation of the water mains, or
- Enter an agreement with a different local utility or private utility company to operate the water system

Although not an immediate concern, the opportunity to combine projects with the undergrounding effort makes this a topic of interest.

While expanding the overall program to include water, sewer, and drainage infrastructure is not necessarily a topic within the scope of this peer review, our Team would be remiss if we did not point out the larger infrastructure improvement goals and objectives that could be achieved by expanding the program. We understand that the Town is concerned about the cost and overall time it will take to perform the undergrounding program; however, taking the time now to improve this infrastructure could save the Town substantial time and effort later. Infrastructure programs require long-term viewpoints as they involve improvements which will serve generations to come. As the Town considers what other water, sewer, and drainage improvements to undertake in conjunction of the conversion of overhead utilities to underground, it should evaluate and carefully consider the longer-term opportunities available to current stakeholders to expand and enhance the infrastructure for future generations of Town residents.

Potential Impact

As the Town has already experience, there is a potential to reduce project cost specific to the undergrounding effort if the surface restoration can be applied to or shared with another infrastructure project rather than being assigned solely to the undergrounding program. There is also a potential to reduce impacts to the residents if the roadway which is disturbed due to undergrounding would also be subject to other construction project in the near future. By performing all the work at once, there is less overall impact to citizens. However, as discussed above, expanding the program to include other infrastructure will result in an overall greater level of cost for the Town and should be considered carefully against other Town priorities.

Finding 4.7 – Request express circuits to mainland substation

Summary

It appears the island's feeder lines are connected to multiple substations on the mainland. It is our understanding that all but two feeders are tied to different substations. This division of the load provides a reasonable level of reliability to the island. The existing overhead feeds from the substations are approximately 0.5 to 0.75 miles from the intercoastal underground dip. The feeders currently serve local load on the mainland. To provide more reliable service, some or all of the feeders could be connected to dedicated express feeders during the hardening process to remove exposure on the circuits feeding the island.

Recommendation for Action

Discuss the express feeder option for some feeders on the mainland.

Potential Impact

If successful, this change would increase the reliability of the island's electric service, but may increase project cost.

 Focus Area V
Traffic Impacts

Introduction

Hurricane Irma spotlighted the importance of the Transportation Management element of this project. The Town of Palm Beach is accessed by four bridges over the Intracoastal Waterway and is served by one north-south roadway on the south half of the Town and two north-south roadways on the north half. The roadways operate at close to maximum capacity in normal traffic conditions so emergency ingress-egress is of paramount importance. Ensuring the undisturbed flow of traffic throughout all phases of the undergrounding effort is of critical importance.

Charge Questions

- Construction related traffic congestion is a particular concern of Town officials, residents, and local businesses. Do you have any recommendations that would reduce construction traffic related problems?

Findings

Finding 5.1 – Execute phases simultaneously

Summary

The Transportation Management Plan (TMP) developed for the project phases the construction by concurrently constructing projects from the north and south sides of town working towards final completion in Phase 8 at the middle of the Town. All phases cover the full width of the island and therefore impacts all north-south roadways during each phase. The Project Team reviewed the TMP to determine if alternative phasing's would be more efficient and/or cost effective.

To maintain continuous traffic flow, a phasing allowing at least one of the parallel north-south roadways on the north side of Town to remain un-touched is preferable. This would require construction of the undergrounding facilities to split the neighborhoods which is inefficient and would require restoration of disturbed areas within the neighborhoods to take an extra year. The concern of potentially blocking all north-south lanes on both routes appears to be adequately addressed in the TMP through restrictions placed on the contractor requiring construction activities to be staggered such that one route or the other is always fully accessible. This condition will need to be closely monitored and carefully coordinated with any future construction activities unrelated to the undergrounding project.

Our team also considered a phasing option that would construct all undergrounding improvements commencing from the north or south sides of the Town and progressing sequentially until completion. This phasing would have the benefit of isolating the construction activity within the Town but would be problematic in allowing multiple contractor teams to work without interfering with one another and was therefore dropped from further consideration.

A “bundled” phasing operation was also evaluated. Under this option the construction would be divided into three segments, north, middle and south. Contractors could access their areas by separate bridges, avoiding interference with each other, and the work would progress simultaneously in three segments instead of the two segments currently being implemented. This concept would shorten the overall duration of the construction by tackling the work in three simultaneous segments instead of two. We believe this concept merits further evaluation and consideration by the design team.

Recommendation for Action

This option is not recommended due to the additional traffic control zones required and discontinuity in the design process.

Potential Impact

The Project Team has included this finding for purposes of producing a comprehensive product, however we are not recommending that this finding be acted upon at this time. For discussion, by utilizing three simultaneous phases centered around key access points to the island, there is a potential to reduce the overall schedule by increasing the number of phases constructed simultaneously. This, in turn, could also potentially reduce overall cost. A key element of this concept is the ability of FPL to energize the three segments. The current plan is to energize from the north and south towards the middle of the town. The need of FPL to energize the new work from the north and the south coupled with the questionable adequacy of labor, material, and the availability of appropriate staging area in proximity to work locations and the impact to Town residents by increasing the number of active work zones, and therefore traffic control areas, renders this a non-viable option.

Finding 5.2 – Incentivize less disruptive construction methods**Summary**

Construction methods play a key role in the level of traffic control required to place the underground conduits. Conventional open cut construction requires extensive lane closures and longer construction duration for pavement restoration. Directional bore methods are less intrusive, require much less restoration and are the preferred method of construction from a traffic management perspective. The construction of the first phases is using directional bore to place the underground conduit. It is anticipated that this method will continue to be more cost effective for the contractors, dependent on the availability and cost of the required specialized equipment.

To motivate contractors to utilize the least disruptive construction method possible, the contract documents should consider a “lane rental” concept whereby the contractor would be required to pay for lane closures to perform open cuts. Under this concept, inconvenience to the traveling public is minimized by reducing the amount of time during which the Contractor closes one or more lanes as permitted by the Contract, an incentive - disincentive provision for Lane Rental Days can be established for the Contract. The contractor includes his estimated lane closure days in the bid price. A total incentive payment or disincentive deduction is established based on the total allowable number of Lane Rental Days provided in the contract at the per day cost.

If the Contractor uses fewer Lane Rental Days than the total allowable number of Lane Rental Days, the Contractor receives an incentive payment for every Lane Rental Day less than the total allowable number of Lane Rental Days established for the Contract. If the Contractor uses more Lane Rental Days than the total allowable number of Lane Rental Days, a disincentive deduction for every Lane Rental Day more than the allowable number of Lane Rental Days established for this Contract, is assessed from funds otherwise due the Contractor.

Other construction activities such as transformer placement and pole removals allow for the use of temporary and/or moving operations for maintenance of traffic setups. This results in less disruption to the roadway users and is easily removed for emergency access.

Periodic Presidential visits and the reconstruction of the Southern Boulevard bridge will also impact traffic flow to and from the Town for the next several years. The Florida Department of Transportation will maintain two lanes of traffic on Southern Boulevard, which is the current laneage, so overall minor impact is anticipated. Presidential visits occur with little advance notice due to security reasons and generally require construction activities along the route and in the vicinity of Mar-a-Lago to cease for the duration of the visit. Coordination with the local police department will continue to be needed to determine the limitations to construction activities.

Recommendation for Action

The design team should evaluate requiring Lane Rentals to incentivize the contractors to use less disruptive construction methods i.e. directional boring for the installation of the underground conduit.

Potential Impact

While traffic impact will be minimized, there is the potential that overall cost will be greater if directional boring proves to be more expensive than open cuts.

Finding 5.3 – Use FDOT Green Book Standards

Summary

Review of the Master Plan indicates that the design team has applied and utilized the appropriate engineering concepts. The Master Plan notes that the Florida Department of Transportation (FDOT) Design Standards will be used during the design. FDOT's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, commonly referred to as the "Greenbook", establishes the minimum criteria for local roadways. Authority for the Florida Greenbook is established by Chapters 20.23(3)(a), 334.044(10)(a), and 336.045, Florida Statutes, and Rule 14-15.002, Florida Administrative Code. This manual is intended for all projects off the state and national highway systems. The standards in the Greenbook are less stringent than those used for state highways. The Master Plan does not specifically reference this manual; however, the Phase 1 North plans to appear to be designed to the Greenbook standards.

Recommendation for Action

Confirm that the Greenbook standards are applied on the local roadways to confirm that the roadways are not over-designed during the surface restoration effort for the conduit installation.

Potential Impact

By ensuring that only the required standards are complied with, there is the potential to reduce the overall project budget by minimizing excessive design standards. However, at this time, the Project Team believes that the appropriate standards are being followed, so potential cost reduction from this finding are minimal.

In Closing

We applaud the Town and KHA design team on their efforts to date. The Master Plan developed by KHA is very thorough, and the data and drawings we received were invaluable to our review. Further, we appreciate the cooperation of all stakeholders who participated in our consultations and proffered constructive feedback on the project. Substantial, quality work has been performed to-date to bring this monumental effort to fruition, and our Project Team appreciates the opportunity to be included in an effort to further enhance the stellar work already being performed.

As stated previously, our task was to seek out ways to positively impact the project's budget, schedule, and risk potential, as well as to improve the overall quality. Much time and thought has already been put into determining the best ways of achieving success on this project, and our Team hopes that our suggestions further contribute to the substantial value that has already been achieved.

The changes our Project Team advocates that we believe have the highest potential to mitigate risk and positively impact cost, schedule, and/or quality are to:

- Finding 1.1 and 3.2: Maintain CMAR delivery method, but execute as continuing contract utilizing the unit pricing approach
- Finding 1.3: Implement a formal Project Management Plan;
- Finding 2.1: Prepare deterministic cost estimate for future phases;
- Finding 4.2: Vet FP&L design and negotiate improvement on equipment selection where possible.

These changes would assist in formalizing management of the project allowing for better control of the schedule, costs, and quality, as well as improving the accuracy of the project's cost estimates. Our recommendations would also eliminate the multiple CMAR bidding phases and the repeated mobilization efforts, helping to further diminish the project timeline and overall cost of project execution.

However, while we believe our recommendations are sound and would contribute to the overall benefit of the project, we encourage the Town and other project stakeholders to evaluate and carefully consider our suggestions to ensure the anticipated benefits could be realized. There may be specific conditions of which the Project Team is unaware that may limit the anticipated benefits from implementation of the above recommendations. Those with day-to-day knowledge and experience of the project should carefully review our findings and recommendations prior to implementation.

Again, our Team is grateful for this opportunity, and we stand ready to answer any questions or provide additional information in support of our findings and recommendations. We look forward to assisting the Town, the Task Force, KHA, and other project delivery stakeholders as they continue to work to improve and enhance the reliability of the Town's infrastructure.

Appendices

Appendix A – Complete List of Documents Requested

Appendix B – Complete List of Documents Reviewed

Appendix C – Summary Results of Interviews

Appendix D – Revised Proposed Project Schedule

Appendix E – Town Staff Responses to Report Findings

Appendix F – Report Feedback from TC and UTTF

Appendix G – Supplemental Information

Appendix A

Complete List of Documents Requested



Town of Palm Beach
Peer Review of Town-Wide Underground Utilities Master Plan
Appendix A - Complete List of Documents Requested

Subject	Item #	Document Requested	Received	Notes
General Documents	1	Formal Project Management Plan, if available	N/A	Beyond KHA scope of services and project approach described in the RFP response, KHA believes this to be the overall org chart that the Town developed and presented to the Task Force.
	2	Supporting documentation and analysis specific to the development of Chapter 7 of the Master Plan prepared by KHA	Yes	PDR - Provided information is just industry documentation.
	3	Contact information for FPL, ATT, and CATV	Yes	
	4	Listing of the scope changes/reductions made to the undergrounding program to-date in an effort to bring cost down. Describe the change and provide an estimate of the program savings associated with the change.	Yes	
	5	FP&L Flowchart showing its process associated with preparing the undergrounding design plan.	Yes	
	6	Sample or links of any program dashboards that have been prepared to track program status.	Yes	
	7	Documentation or guidelines available to contractors working with the Town which indicate working days, working hours, site conditions, rules of access, etc.	Yes	
	8	Finalized copy of Master Plan	Yes	Includes info on original analysis of delivery methods
	9	Construction Documents for current projects Phase 1S	Yes	
	10	Engineer's Estimated Construction Schedule for current projects	Yes	Part of Master Plan
	11	Any applicable schedules prepared by CMAR specific to on-going work	Yes	Uploaded schedules received from CMARs
	12	Original \$90M Probable Cost Estimate reflecting as much detail as available and copies of all source documents, as applicable.	Yes	PDR- Current provide estimates are high level and do not indicate the level of detail in the estimates.
	13	Engineer's Estimates of Probable Costs for current projects reflecting line-item detail and copies of backup sources	Yes	Master plan has a summary of costs. PDR request more detail with quantities, unit prices, sources for prices, backup, xls files showing calculations, etc.
	14	Contractor's Bids and Schedules of Values for current projects	Yes	Uploaded GMP documents received from CMARs
	15	Cost estimate, assumptions, options and technical requirements of FPL, Comcast, and ATT	Yes	Part of Master Plan
	16	Any binding cost estimates prepared and received by the Town from FP&L	Yes	
	17	Engineer's Recommended Traffic Control Plan for current projects	Yes	Part of Master Plan
	17A	Sample FPL final design submittal	Yes	
	17B	Metrics of each phase relative to the quantities of major items such , kFT three phase , kFT of single Phase, # transformers, # of meters		
	18	Contractor's Traffic Control Plan for current projects	Yes	KHA asked that Town upload this from the MOT permitting process
	19	Copy of the RFQ used to procure the services of CMAR Firms	Yes	PDR believes documentation is necessary to properly understand Bid tabulation in 22
	20	Bid tabulation sheets and Evaluation Committee Scorecards from Engineering Master Planning procurement process showing ranking of KHA	Yes	PDR team understands from Town communication that procurement of KHA is outside scope of peer review
	21	Contract(s) for Master Plan Development, Phase I, and Phase II Design between the Town and Kimley-Horn and Associates	Yes	PDR team understands from Town communication that procurement of KHA is outside scope of peer review
	22	Bid tabulation sheets and Evaluation Committee Scorecards from CMAR Contracting Process showing ranking of Burkhardt Construction and Whiting-Turner		PDR believes bid tabulations are important to assessing competitiveness of CMAR process
	23	Contract(s) for CMAR Services between the Town and Burkhardt Construction and Whiting-Turner	Yes	PDR believes contracts are important for purposes of understanding construction of GMPs. We have the technical specs , but wanted the terms and conditions



Town of Palm Beach
Peer Review of Town-Wide Underground Utilities Master Plan
Appendix A - Complete List of Documents Requested

Subject	Item #	Document Requested	Received	Notes
Procurement Documents	24	Copies of the bid packages released to contractors by Burkhardt Construction and Whiting-Turner to their subcontractors	Yes	PDR requests are necessary to understanding how requests might have impacted bid method / competitiveness of bids received
	25	Copies of the advertisements released by CMAR for notification of subcontracting opportunities and list of firms each CMAR notified directly of bidding opportunity	Yes	PDR believes documents are necessary to assess competitiveness of CMAR subcontracting process
	26	Copies of the competitive bids received by the CMAR from their subcontractors	Yes	PDR believes documents are necessary to assess competitiveness of CMAR subcontracting process
	27	Bid tabulation sheets and scorecards, if applicable, for procurement of subcontractors by Burkhardt Construction and Whiting-Turner	Yes	PDR believes documents are necessary to assess competitiveness of CMAR subcontracting process.
	28	List of the concessions that the CMAR and/or subcontractors requested. Indicate those that have been approved and those that were rejected by the Town.	Yes	The potential restrictions placed on the CMAR and subcontractors can have impact on cost and schedule. Understanding what concessions were requested but not permitted may have impact on cost.
	29	Copy of the Town's Procurement Policies and Procedures including indication of procurement methods available to the Town. Please include a copy of Procedure No. 1-02-7 Construction Contracts and Project Management Procedures and the Town's Purchasing Policy and Procedures Manual.	Yes	PDR Team understands from Town communications that the Town's procurement policies and procedures are beyond the scope of the peer review. Previous internal audits have addressed Town's procurement practices and, in particular, with use of CMAR, such practices could impact overall program cost and may impact competitiveness of bid process.
	30	Any management reviews performed of the contracts with the Town's CMAR contractors.	None	The routine monitoring of contracts is an important part of project management and risk control. If routine management audits are not being conducted, this could indicate a potential area of weaknesses in internal control and the possibility for cost overrun or schedule slippage.
	31	Please discuss the Town's efforts to ensure the tax-exempt status of materials procured by the CMAR as part of the undergirding effort.	Yes	The Town's ability to apply its tax exempt status to materials purchases can assist in reducing the cost of the program.
	32	Please verify that the CMAR will not be performing any construction work themselves. If approval has been granted for the CMAR to perform the construction work, please provide documentation of said approval.	Yes	There is an inherent conflict in the performance of construction work by the CMAR. This can impact the competitiveness of the cost of the work. Also, if formal approval of such practices are not received, then it can demonstrate a lack of internal control and the possibility for cost overrun.
	33	List of plan holders that requested the phase 1 Bid documents	Yes	
Procurement Documents	34	List of Prebid attendees at Phase 1 pre bid meetings	Yes	

Appendix B

Complete List of Documents Reviewed

Town of Palm Beach
Peer Review of Town-Wide Underground Utilities Master Plan
Exhibit B - Complete List of Documents Reviewed

	Type	Document	Pg Ct
Overall Project	Document	Engineer RFQ No. 2016-07 - Dec 2015	28
	Document	Engineer RFQ No. 2016-07 - Addendum 1	6
	Document	Engineer RFQ No. 2016-07 - Addendum 2	2
	Document	Engineer Ph. 1 Master Professional Services Agreement with TPB (Incl. KHA proposal revised 5-6-16)	100
	Document	Project Delivery Primer, AIA and AGC	15
	Document	CM/GC Guidelines for Public Owners, NASFA and AGC	102
	Document	Owner's Guide to Project Delivery Methods, CMAA	37
	Document	Risk in CMAR, CMAA	9
	Document	Retail Water Agmt	41
	Spreadsheet	Comcast invoice	1
	Document	TPB Ordinance 01-13 Environment_Construction Hours	3
	Document	TPB Ordinance 23-04 Environment_Construction Hours	2
	Document	TPB Capital Project Management Audit Memo (6-22-12)	6
	Document	TPB Capital Project Management Audit Memo (2-25-14)	6
	Document	Town Council Meeting Minutes, Bradford Memo, FP&L Hardening Plans - Oct 2014	8
	Document	Town Council Meeting Minutes - Feb 2017	45
	Document	TPB project dashboard	1
	Document	TPB Purchasing Policy and Procedures Manual	40
	Document	TPB Direct Purchase Program	12
KHA	Document & Spreadsheet	KHA Master Planning Phase Scope and Cost Estimate for Engineering Services (3-29-16)	9
	Document & Drawings	KHA Master Plan, draft (Incl. Phasing Map, Trans. Mgmt Plan, and OPC)	204
	Document & Drawings	KHA Master Plan, final (Incl. Phasing Map, Trans. Mgmt Plan, and OPC)	210
	Spreadsheet	Master Plan Cost Estimates (R1)	18
	Spreadsheet	KHA Master Plan Unit Cost Derivation	5
	Spreadsheet	KHA Master Plan OPC PerPhase and Quantity Sheets	20
	Document & Spreadsheet	KHA Revised Ph. 1 Scope WO1 and Cost Estimate for Engineering Services (4-29-16)	19
	Document	KHA Phase 1 OPC and GMP	4
	Document	KHA Cost Savings, OPC for UG program	7
	Document	KHA overall wire quantities	1
Phase 1, North	Document & Spreadsheet	KHA Ph. 2 Scope and Cost Estimate for Engineering Services (5-26-17)	10
	Document	CMAR RFQ No. 2017-14, Ph. 1 North, Final - 2017	48
	Drawings	Plan Drawings, Ph. 1 North, Preliminary - Dec 2016	56
	Document	Technical Specs, Ph. 1 North, Preliminary - Dec 2016	155
	Drawings	Plan Drawings, Ph. 1 North, IFC - July 2017	102
	Document & Drawings	Technical Specs, Ph. 1 North, IFC - Aug 2017 (Incl. Geotech, FPL, AT&T, and Comcast dwgs)	377
	Drawings	AT&T comments to KHA - May 2017	7
	Drawings	FP&L dwgs - Updated June 2017	39
	Document	Phase 1 North, CMAR GMP with unit pricing	13
	Document	AT&T North estimate	1
Phase 1, South	Document	FDOT Maintenance of Traffic, N. Ocean, Ph. 1 North	5
	Document	CMAR RFQ No. 2017-14, Ph. 1 South, Draft - 2017	43
	Document	CMAR RFQ No. 2017-14, Ph. 1 South, Whiting Turner Bid - Feb 2017	98
	Document	Pre-Construction services agreement, Whiting Turner - Apr 2017	9
	Document	Phase 1 South Bid Schedule, Whiting Turner - June 2017	4
	Spreadsheet	Phase 1 South, CMAR bid comparison	14
	Document	Phase 1 South, CMAR GMP with unit pricing, Whiting Turner	19
	Document & Drawings	Technical Specs, Ph. 1 South, IFC - Aug 2017 (Incl. Geotech, FPL, AT&T, and Comcast dwgs)	363
	Drawings	Ph. 1 South Plans - IFC July 2017	129
	Drawings	Comcast - South Conduit Ibis	1
FP&L	Drawings	Comcast - South End Design	1
	Drawings	FP&L Phase 2 dwgs - Updated June 2017	205
	Drawings	FP&L Phase 2 LW dwgs - Updated June 2017	7
	Drawings	AT&T Southend Conduit Design	15
	Document	AT&T South estimate	1
	Document	FDOT Maintenance of Traffic, Ibis Isle, Ph. 1 South	2
	Document	FDOT Maintenance of Traffic, Whiting Turner, S. Ocean, Ph. 1 South	2
	Document	FDOT Maintenance of Traffic, Wilco, S. Ocean, Ph. 1 South	5
	Document	FP&L ballpark estimate	11
	Document	FP&L sample schedule	1
	Document	FP&L Phase 1 North customer all UG	4
	Document	FP&L Phase 1 South customer all UG	4
	Document	FP&L Phase 1 South LW customer all UG	4
	Document	FP&L invoice 1800112832	1
	Document	FP&L invoice 1800112837	1
	Document	FP&L invoice 1800116955	1
	Document	FP&L invoice 1800119531	1
	Document	FP&L invoice 1800119572	1
	Document	FP&L invoice 1800119575	1
	Document	FP&L invoice 1800119577	1
	Document	FP&L invoice 1800119579	1
	Document	FP&L invoice 1800119581	1
	Document	FP&L invoice 1800133797	1
	Document	FP&L invoice 1800141883	1
TOTAL NUMBER OF DOCUMENTS REVIEWED			73
TOTAL PAGE COUNT OF DOCUMENTS REVIEWED			2,727

Appendix C

Summary Results of Stakeholder Interviews

**Town of Palm Beach
Peer Review of Town-Wide Underground Utilities Master Plan
Exhibit C - Summary Results of Interviews**

INTERVIEW WITH KHA

#	Question	Answer
1	How many projects via CMAR have you executed? What % of projects use CMAR you work on?	Do all three types, Do more DBB
2	Has FPL shared the metrics of the island system with you?	No
3	Do you have a breakdown of the metrics by phase?	Only the existing lines
4	What are the major challenges/major cost drivers associated with the engineering design?	Easements and redesigns if needed
5	What do you consider the most constraining aspect to the project relative to Schedule? To Construction?	Easement acquisition
6	Besides the Master Plan and the engineering design, what other services is KHA providing the Town?	Full design, Constr Engr, RFI responses, Constr Observation
7	What interface/coordination has KHA had with the CMAR's? How much involvement do the CMARs have in the design process?	Not much due to time constraints
8	Based on what they know now, will the cost associated with designing future phases be similar or will there be anticipated cost savings for future phases?	Straight percentage; no cost savings
9	What public outreach are you doing? What is the cost for that service?	
10	What Construction Inspection, Management, Representation, etc. are you doing? What is that fee?	8.50%
11	General Comments	Not much duplication of effort, every entity is doing their part
12	General Comments	No detailed cost estimated; it is based on typical areas
13	General Comments	Feeder is large conductor; Primary is taps (3-2" conduits)
14	General Comments	10-12 feet at the most for depth
15	General Comments	Didn't get okay for Phase II until August 2017
16	General Comments	Current plan to bid CMAR for each phase
17	General Comments	Phase I currently under budget by 5% of original estimate
18	General Comments	Only got one other CMAR to submit SOQ

**Town of Palm Beach
Peer Review of Town-Wide Underground Utilities Master Plan
Exhibit C - Summary Results of Interviews**

INTERVIEW WITH CMARS

#	Question	Answer
1	What % of projects do execute via the CMAR process?	98-100% 70%
2	What public outreach are you doing?	On ground with liaison, talking to public daily
3	How did you learn of the project?	Demand Star
		Combined effort with superintendent
4	What was your contributions to the pre construction review? Were you given opportunity review and comment on design? What amendments were made based on your comments?	Design complete, not much input
		Following for years
5	What tasks and % of work are you performing?	None
		Yes we did a constructability review
6	How many subs for each trade did you solicit ?	It varies; at least 3 for major subs
7	Would you participate in a Typical GC role if delivery method changes ?	No
8	Do you see larger phases practical ?	Yes
		Not sure
9	Were you given the opportunity to do both Phase I sections?	No
		Yes
10	Could combining phases be beneficial from a overall project cost standpoint?	Not Really - savings in general conditions and Mob/Demob charges
		Not sure
11	What process did you undertake in determining the sizes/work to be included in the sub bid packages	Divided by trades
12	What process did you go through for pre-qualifying subconsultants? How were subs notified of this process/opportunity?	No pre-qualifying conditions; Advertise in Palm Beach Post
13	Do you feel FP&L's list of prequalified subs is adequate? Is there sufficient availability of subs?	Yes
14	What are the capabilities of your chosen subs with regards to project management? Do any of them provide similar services as WT/Burkhart?	
15	In negotiating your contract with the Town, did you request additional contract exceptions? If so, what were they and were they granted?	Some minor rewording, our goal is to work for the client
16	Which subs are doing which work? Who is installing the conduit? Who is installing the cables? Who is installing the transformers? Who is repairing the streets? Who is installing the water main?	See bids, electric sub doing all of the electrical and patching
17	What methods are you using to install the conduit? Why did you decide to use that method?	HDD
		HDD
18	Plans have FPL sheets, ATT sheets, Comcast sheets, water main sheets. Is that a challenge? How do you recognize conflicts?	Yes
19	Did you do Program Management Plan?	No; doing by committee with KHA
20	General Comments	Goal is to work for all of town residents
21	General Comments	Process seems efficient
22	General Comments	Pricing would be higher with DBB
23	General Comments	Local contractors are an advantage
24	General Comments	Drawings okay

Town of Palm Beach
Peer Review of Town-Wide Underground Utilities Master Plan
Exhibit C - Summary Results of Interviews

INTERVIEW WITH LARGE UTILITY CONTRACTORS (NOT INVOLVED WITH PHASE 1 OF THIS PROJECT)

#	Question	Answer
1	General Comments	Would prefer if this were executed as one large project
2	General Comments	Would prefer if work was performed directly for Owner
3	General Comments	Has capability to perform CM work a well. Have performed large municipal and coastal environments
4	General Comments	Resources would not be an issue if the phases were larger
5	General Comments	CMAR process is not saving the project money
6	General Comments	Would recommend larger contract with possible unit pricing
7	General Comments	Risk is dollars, so whoever takes risks should get margins
8	General Comments	Multiple phases means duplicate mobilization and demobilization charges
9	General Comments	Each phase would be a learning curve for new contractor
10	General Comments	Shrinking the schedule would be advantageous
11	General Comments	Contractor capacity should not be a problem
12	General Comments	Larger phases would be better
13	General Comments	Can perform CM work internally
14	General Comments	Would bid as prime contractor
15	General Comments	Multiple sets of drawings is confusing
16	General Comments	Would consider open cut if bidding
17	General Comments	Parallel bore is difficult
18	General Comments	Only got 1 other CMAR to submit SOQ

Participants:

Project Team: Anthony Hanson, Dana Gillette, Jim Noth, Chris Ekert

Contractor Representatives: Josh Post (Vice President), Keith Simpson (Vice President), Barry Bartlett (Project Manager), David Abernathy (Project Manager), Tony Harris (Project

Town of Palm Beach
Peer Review of Town-Wide Underground Utilities Master Plan
Exhibit C - Summary Results of Interviews

INTERVIEW WITH ELECTRICAL SUBCONTRACTORS

#	Question	Answer
1	Are you an approved FPL contractor ?	Yes
		Yes
		Yes
		Yes
2	What percentage of work do you do for FPL?	Mostly for FPL
		Mostly for FPL
		Not sure but FPL is only a small portion
		12 projects a year
3	Where you involved in any other Coastline UG projects?	Yes
		Yes
4	Are you performing the directional boring as well?	Yes, self-performing
		Subbing this work out to others
		Yes, self-performing
		Subbing this work out to others
5	Do you see any modifications to the design that could save money?	No
		No
		No
		Executing bigger phases = lower prices
		Allow patching, new project for resurfacing
6	Would it be of financial benefit to use only one sub on both on Phase I N and S?	Not sure, but probably yes it would
		Yes larger pieces would be beneficial
		Yes larger pieces would be beneficial
7	General Comments	Typically work directly for FP&L or Owner and avoid CMAR
8	General Comments	3-4 type of crews for work with specialty crews for each phase
9	General Comments	Prints not finalized causing confusion
10	General Comments	Normally prime contractor
11	General Comments	We sometimes do unit work for FPL; but have also done lump sum pricing
12	General Comments	The general approach of the project is good
13	General Comments	Could be performed with a General Contractor approach
14	General Comments	There is incomplete info for accurate bidding
15	General Comments	Staging is a problem
16	General Comments	The size of phases is too small
17	General Comments	Multiple crews typically used on a project like this - boring, pads setting, equipment setting, cable pulling and terminating
18	General Comments	The bid process is a little fast; we needed more time
19	General Comments	Had staffing issues

Appendix D

Revised Proposed Project Schedule

Exhibit D – Proposed Revised Schedule for Town of Palm Beach, Peer Review of Undergrounding of Utilities Master Plan

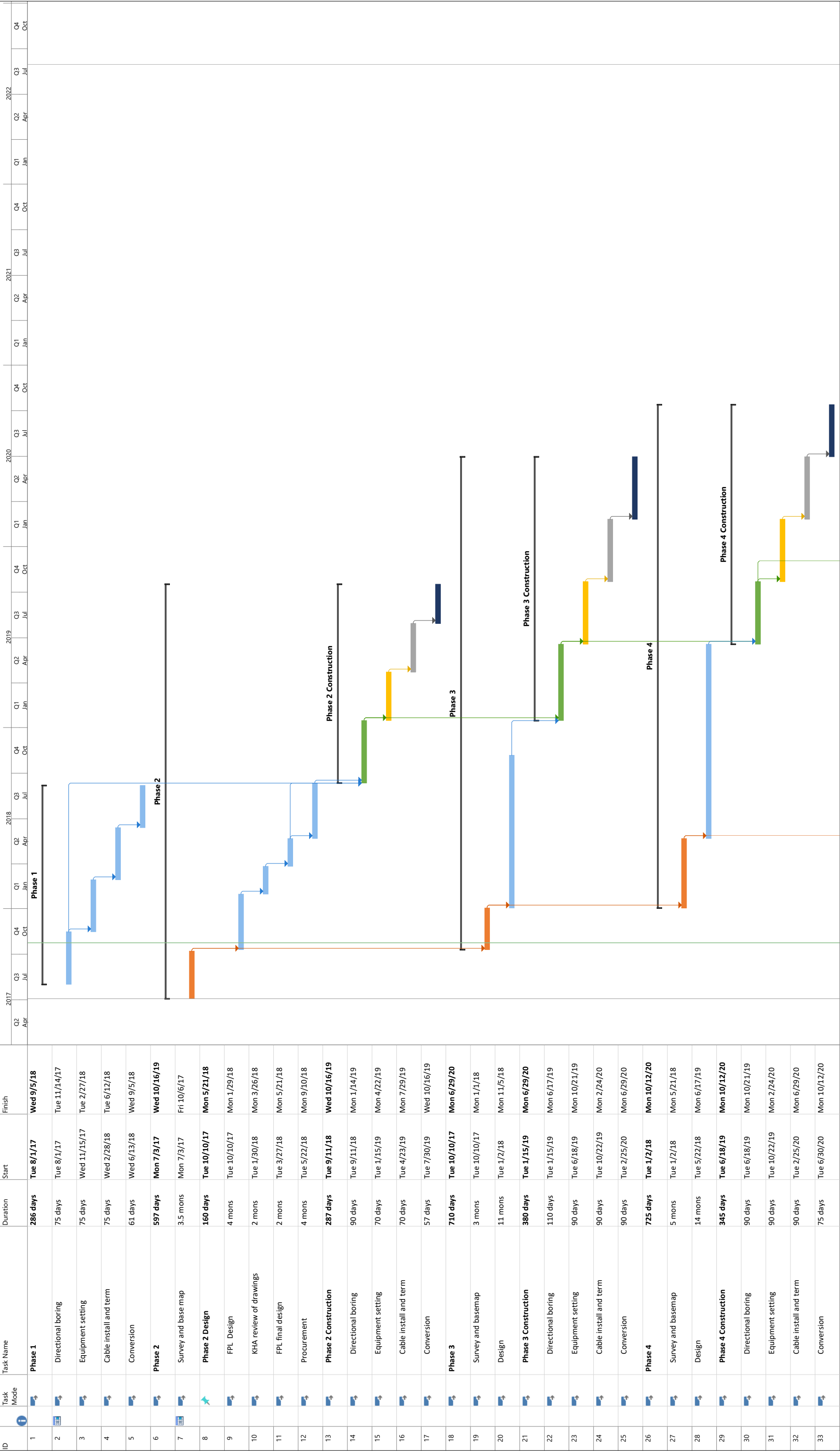
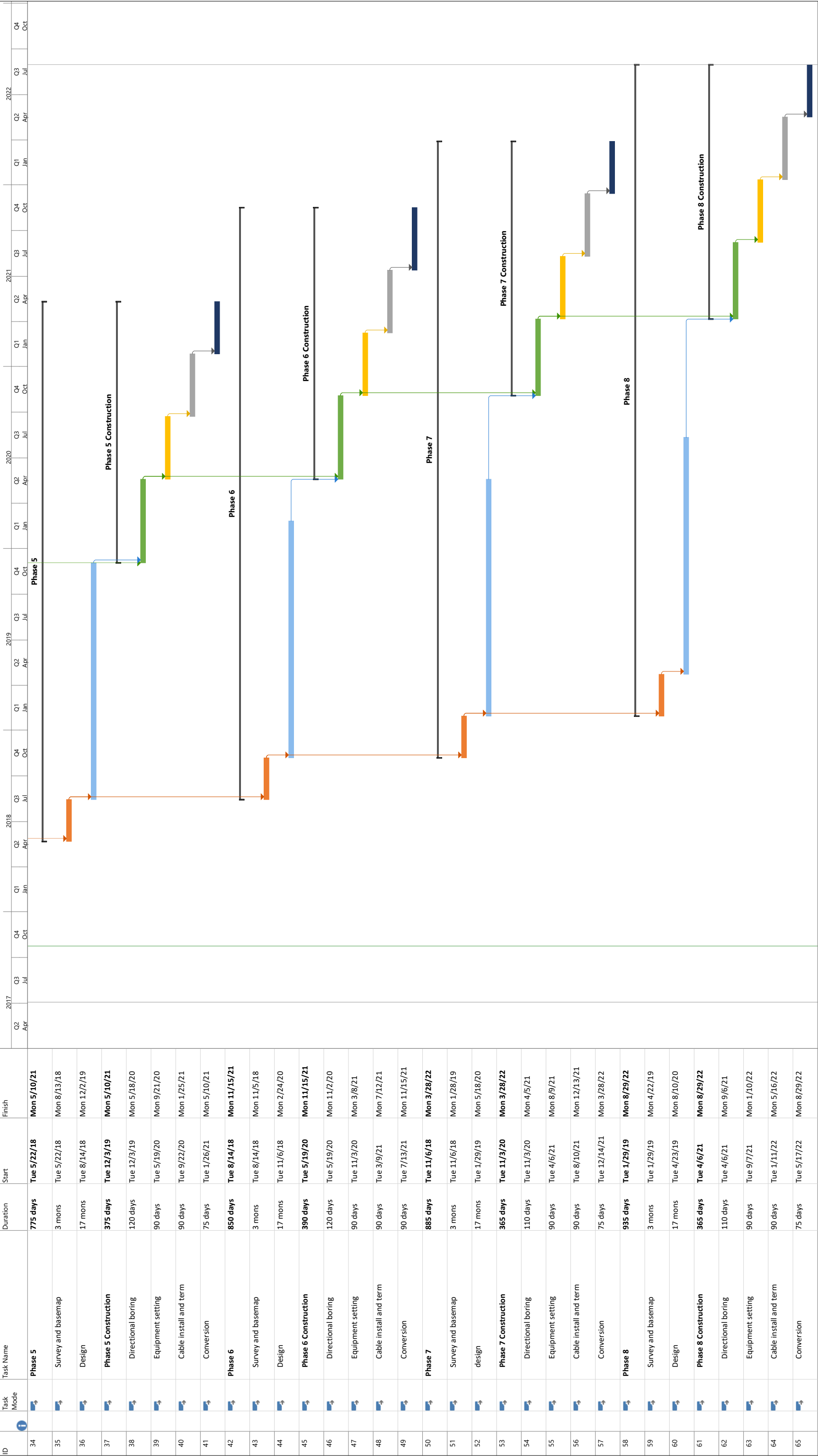


Exhibit D – Proposed Revised Schedule for Town of Palm Beach, Peer Review of Undergrounding of Utilities Master Plan



Appendix E

Town Staff Responses to Report Findings

Town of Palm Beach
Peer Review of Town-Wide Underground Utilities Master Plan
Appendix E - Town Staff Responses to Report Findings

Report Findings	Town Response
Finding: 1.1 – Maintain CMAR delivery method, but execute as a continuing contract	Concur, but limited to State Procurement Laws.
Finding: 1.2 – Retain CMAR earlier in the process	Concur, we adopted this approach prior to the recommendation and thus Phase 2 was advertised 10/26/17.
Finding: 1.3 – Develop a Project Management Plan	Concur, while documentation contained in the above bulleted list exists, there is not a single repository. Staff time and resources are the key constraints to timely development of the comprehensive PMP. Additional resources will be required by staff to accomplish this recommendation.
Finding: 1.4 – Carefully monitor the amount of work self-performed by CMAR	Concur, the Town has mechanisms in place to manage this. First, the CMAR contract limits self-performance of work by the CMAR to 20% of the contract value. The intent of this limit is to allow the CMAR to perform some work activities in order to expedite the schedule. For example, the restoration of any damage due to pole removal is expected to be performed by the CMAR as it is impossible to accurately quantify this and bid it out in a timely manner after pole removal is complete. Second, the Town reviews the work proposed by the CMAR and the associated cost, along with the Engineer of Record, prior to the CMAR being approved to proceed. Additionally, the quality of the work is reviewed in the field by the Town and the Engineer of Record prior to approval of any payment to the CMAR.
Finding: 1.5 – Monitor the competitiveness of the CMAR-conducted subcontractor bidding process	Concur, CMAR is required to follow TOPB purchasing procedures and the Town monitors this process.
Finding: 1.6 – Use project management software for program coordination and execution	Concur, presently our consultants and contractors utilize their own software. TOPB will investigate purchasing one tool. This can be a tool that is applied as part of item 1.3 above.
Finding: 1.7 – Maximize benefits from CMAR delivery method	Concur, the Town is working closely with Purchasing to ensure benefits are maximized.
Finding: 2.1 – Prepare deterministic cost estimate for future phases	Concur, this is included in the Consultant's scope of services and will be prepared for each Phase of the program as those designs are completed.
Finding: 2.2 – Maximize savings from tax-exempt status through Town's Direct Purchase Program	Concur, direct purchases for tax-savings will be used when the savings are significant enough to justify the additional risk and the staff effort to support the process.
Finding: 2.3 – Minimize the number of exceptions to ensure integrity of GMP	Concur, the exceptions have been and will continue to be negotiated with the CMAR during the GMP development process.
Finding: 2.4 – Improve effectiveness of the Undergrounding Utilities Task Force	These recommendations should be implemented at the discretion of the UUTF.
Finding: 3.1 – Modify structure and organization of phases	We agree that the project should be executed with the phases as currently defined.
Finding: 3.2 – Improve schedule by minimizing number of contracts and utilizing unit pricing	We can explore reducing the number of CMAR contracts for the duration of the program along with the development of unit pricing for common elements to dictate future costs. We do not concur with the revised construction schedule presented in Appendix D for the following reasons: 1. It is not possible to install all underground conduits within a duration of 90 to 120 days as presented. The schedule in the master plan overlaps several activities such as boring, equipment/cable installation, and conversion on a per loop basis through use of multiple crews/contractors working on multiple streets simultaneously under the CMAR method. The Appendix D schedule relies on unrealistically short conduit installation durations that are sequentially back to back with no consideration of weather delays, seasonal construction restrictions, traffic impacts, material storage/delivery, etc. 2. Much of the design work for phases 3 through 8 occurs between the second half of 2018 through early 2020. We do not believe that it can be realistically expected that approximately 700 easements could be procured within an 18-24 month period. We also do not believe that the utility owners could keep up with this design/construction pace as they are resource limited and cannot provide the staffing required to meet this schedule. 3. Pole removal is excluded from the schedule which artificially reduces the overall duration. The alternate schedule proposes construction activities in four phases at one time (five phases if pole removal is included). Having more than 60% of the entire town area under construction at one time is not feasible as impacts will be far too great for the road system or the community to tolerate.
Finding: 3.3 – Consider engaging FP&L to perform the electrical installation	We agree that this finding should not be acted upon.
Finding: 4.1 – Validate design with appropriate electrical codes and standards	Designs have been and will continue to be validated with applicable codes and standards.

Town of Palm Beach
Peer Review of Town-Wide Underground Utilities Master Plan
Appendix E - Town Staff Responses to Report Findings

Report Findings	Town Response
Finding 4.2 – Vet FP&L design and negotiate improvement	We agree that the FPL designs should be vetted and negotiated throughout the program. This was done for Phase 1 and will continue throughout the program. We further agree with the peer review statement that the exclusive use of Vista gear is cost prohibitive and should be applied to limited situations. To this point, a mix of standard and Vista gear is being used in Phase 1. We agree with the recommendation that Vista gear should be applied in limited situations. We acknowledge that the Vista gear has some advantages over the standard PME style equipment, however the decision to employ FPL standard equipment was made after much discussion with Town staff and presentations to the Task Force and Town Council. Standard PME style gear exists in the Town today where FPL performed the design and installation. Since FPL has no issues installing their standard equipment in coastal areas, and they will be responsible for maintaining it into the future, and standard equipment offers significant cost advantages to the Town, the decision was ultimately made to predominantly use standard PME gear. Vista gear will be proposed in areas where accessibility is problematic since the Vista gear only requires access from one side. The PME-4 configuration is intended to allow existing underground primary cable radial tap facilities that serve vaults without fuse cabinets or Molded Vacuum Interrupter/primary breakers (MVI) to be included in a total underground system when installation of the fuse cabinets or MVI at the vault is considered to not be feasible. (Costly reconstruction of the vault and/or the costly addition of new underground primary cable facilities and their associated easement requirements). Sectionalizing cabinets are available from FPL but the reduced cost of this cabinet needs to be combined with the cost increase for vault work, fuse cabinets, MVI, and/or new primary cable installation (with associated restoration costs) on private property. Additionally, use of the sectionalizing cabinets would decrease reliability of the primary loop if the radial tap cable failed between the sectionalizing cabinet and the vault. We do not believe there to be any significant cost savings through the use of sectionalizing cabinets and we feel the private property work and reduced reliability through their use to be an overall detriment to the
Finding: 4.3 – Monitor constraints to design completion and implementation	Concur, FPL staff conducts a survey during the design of each phase that consists of visiting each service entrance, removing the meter cover, and documenting the conductors. For Phase 1, FPL reported that they saw no non-conforming service entrances.
Finding: 4.4 – Optimize the number of geotechnical tests	We are making a limited number of geotechnical test borings to canvas an area to provide soils information to contractors bidding on the project. Bore locations are chosen based on USGS Soil Maps that were overlaid on the Town during the master planning phase of the program. Any specific recommendations to further optimize this process will be considered.
Finding: 4.5 – Optimize the number of subsurface utility locates	We have hired private utility locators for the detailed design of each Phase area. This significantly increases the accuracy of utilities shown on the plans. However, in underground construction, there will continue to be unknown facility encounters as potholing needs to be limited to that which is cost effective. There is no doubt that the amount of potholing that has been done has reduced the number of utility strikes that could have occurred if no potholing was performed. However, we do not believe that increasing the number of potholes would have a dramatic impact on reducing strikes of unknown facilities. Any specific recommendations to further optimize this process will be considered. Ground Penetrating Radar techniques were employed early in the project to test effectiveness of this locating technique. Due to the high groundwater table in Palm Beach, the technology was found to be ineffective and its use was abandoned in favor of potholing.
Finding:	This is being done and the master plan describes the infrastructure improvements that are planned to occur concurrent to undergrounding. There needs to be a balance with this work however, in order to prevent schedule expansion and minimize community impacts. With Horizontal Directional Drilling being employed for much of Phase I, a large expansion of watermain and drainage work would increase community impacts because of the need for installation by open cut. Funding constraints also exist that prevent the full-scale replacement of all infrastructure under the roadways.
Finding: 4.7 – Request express circuits to mainland substation	Concur, we can discuss this with FPL and we agree that it will increase reliability but will also increase project costs.
Finding: 5.1 – Execute phases simultaneously	We agree that this option should not be implemented.
Finding: 5.2 – Incentivize less disruptive construction methods	Concur, we will explore the use of incentives/disincentive payments. However, for Phase 1 we were able to achieve the lowest cost bid with all Horizontal Directional Boring construction methods.
Finding: 5.3 – Use FDOT Green Book Standards	The Florida Greenbook along with Transportation Design for Livable Communities (TDLC) requirements (Chapter 21 of the FDOT Plans Preparation Manual), was used in the design of Phase 1 and will continue to be used throughout the duration of the project.

Appendix F

Report Feedback from TC and UTTF

LINE #	FOCUS AREA / FINDING	REQUESTOR	COMMENT	RESPONSE
1	2.1 Refrain CMAR earlier in the process	Dennis Batortoff UUTF	A little more clarity on unit pricing method will be useful.	See discussion on Finding 3.2
2	2.2 Improve effectiveness of the Risk Force	Tom Parker UUTF	I agree with P&D that our UUTF meetings are too dedicated to project reporting. When I have participated in projects, my efficiency has been inversely correlated i.e. The recommendation is to make the interaction more efficient with automated reports directed to the TC and the UUTF. The meeting can then be more productive with the basics out of the frequency with which I was required to interrupt productive activity in order to report it. Progress can be continuously and securely reported to the UUTF online the way, and to the public as appropriate.	Unit pricing can be used before design is completed for all phases. The concept is to execute one single contract that include all phases. Before the bid process is begun, the design team would perform a system inventory and preliminary design based on the common construction units in the project. These units would be used for bidding purposes. As the final design phase is completed, the unit price tabulation would be adjusted. This method allows for field changes to inform the project as the unit pricing is reconciled at the end of the phase. Requires monitoring and reconciliation by Owner. Hopefully will provide higher degree of confidence to all since it will be based on the completed, actual system.
3	2) Improve schedule by minimizing number of contracts and utilizing unit pricing	Dennis Batortoff UUTF	A little more clarity on unit pricing method will be useful.	See Item 68 below for more information
4	2.1 Vet PB&L design and negotiate improvement	Julie Araskog TC	Vista Switch vs Switch utility now. Understated original budget vs now planning to install. What was the original number of Vista Switch Gear originally planned to be installed before the budget was found to be 30 million over budget and where were the Vista switches going? Why were we originally using Vista Switches? Who recommended the change away from Vista and why? How many switch changed from Vista to switch gear now using for the whole island? How many Vista Switch Gear planned for Phase 1 originally and where? What Vista Switch Gear were changed to the less expensive switch gear and where they are being placed? Did PB&L recommend we use Vista originally? Who recommended we use the lower priced? What was PB&L's recommendation or response to not using the Vista? Why did we make the change? Was it just budgetary? What is the estimated number of Vista Switch Gear boxes we plan for all phases? Where are they going now? Why?	See Item 68 below for more information
5	4.2 Vet PB&L design and negotiate improvement	Bobbie Lindsay TC	Switchgear equipment brand/type and location. How many PME switch units are being located in Phase 1, North and South. Are any of these units are being located in flood prone areas. Like 43, according to the recently released Flood Maps by FEMA. Based on the draft Peer Review I received yesterday, and in looking at Phase 1 North, for example, it appears that it would be wise to place Vista switch gear in all locations except those on North Ocean Way and parts of the eastern ocean blocks on the side streets that are out of the flood zone in Phase 1 North. Perhaps the easiest way to do this is to overlay the switchgear type on the FEMA maps for both Phase 1 North and South and mark the locations where the different gear type is located. Vista vs. PME. (d like to see both north and south Phase 1.	See Item 68 below for more information
6	4.2 Vet PB&L design and negotiate improvement	Jeff Smith UUTF	The peer review discusses using Vista Switchgear in lieu of PME type pad-mounted switchgear. Can you please direct them to put photos or specifications with drawings of the two types of switchgear in their report with dimensions for comparison.	Descriptive bulletins will be added to an appendix. Sizes are comparable, approximately 66" by 60"
7	4.2 Vet PB&L design and negotiate improvement	Tony Dowell UUTF	We want to reduce costs not increase them by adding more VISTA switches. PB&L is responsible for all electrical repairs.	
8	2.1 Prepare deterministic cost estimate for future phases	Bobbie Lindsay TC	It is disappointing that they will not quote on the Town's cost estimate, since that is one of the principal charges we gave the peer review, and that they use the accuracy level of +/-12%. I'm unclear as to whether this is due to KHA's inability to provide engineering detail to PB&L (page 23) that impacts PB&L's ability to prepare design docs for all phases. How did this process work at Jupiter Island or Longboat or Gulfstream? Did they use CMAR? did they design it? Did PB&D review other comparable (at least 4-1 pole mile) projects our size?	The estimate could be refined to a Class 2 or 3 with a field inventory and preliminary design for the entire town, which would increase the degree of confidence in the estimate and possibly allow contingencies to be reduced. It is important that the town think of the cost as a range at this early stage of the project. Gulfstream 6 a smaller Town and did their \$8M project in two phases with traditional low bid.
9	1.1 Maintain CMAR delivery method, but execute as continuing contract.	Bobbie Lindsay TC	How many other undergrounding efforts of our size in the SE used the CMAR approach to contracting?	Based on our information, CMAR is not routinely utilized.
10		Bobbie Lindsay TC	Page 6. Review Summary of findings: matrix to TC and UUTF. Go through it to we all understand it.	
11	5.1 Execute phases simultaneously	Bobbie Lindsay TC	Why not recommend modifying structure or phases? Need to understand reasoning.	See Finding 5-1, recommending executing phases simultaneously. The design process is a very complicated process with the many entities involved. The smaller phases allow for better control of the design process. It also allow the Project to monitor and control the impact to the citizens. As mentioned elsewhere all contractors indicated the larger the phases and the latitude they are given is a better situation for the contractor and could result in better pricing, but this would potentially allow the contractor to have free rein on the island with multiple construction zones underway at the same time. The phasing allows monitoring and limiting the construction zones. The larger contract(s) could allow the best of both scenarios by awarding to one contractor with larger volume but allowing control of the work area.
12	General	Bobbie Lindsay TC	P. 7 Why are they saying the budget is 90-\$120 MM?	\$90M initial estimate, \$120M highest KH estimate, with \$98M the current estimate
13	General	Bobbie Lindsay TC	While on page 7, P&D says this project is a joint effort among Town, PB&L, AT&T and Comcast. only the Town and Town consultants were consulted at kick-off. P&D PB&L was interviewed by phone. The interview was conducted by Anthony Hanson of P&D. The interview lasted about 1 hour. PB&L was non-committal about the multiple phases in please identify meetings, consultations with PB&L, AT&T and Comcast including the names and titles of those consulted at the companies and how much time was spent with them. Was PB&L asked about our phasing, ability to generate drawings, their ability to respond to our drawings, CMAR approach and whether our phasing was the optimal approach? Explain.	The interview was conducted by Anthony Hanson of P&D. The interview lasted about 1 hour. PB&L was non-committal about the multiple phases in design at the same time. They did not deny the possibility, but indicated it would be evaluated on a case by case basis.
14	General	Bobbie Lindsay TC	On page 10, which of the contractors and engineers interviewed bid CMAR contracts for under grounding? On page 10, were the 2 large construction companies personally interviewed, but unnamed in Exhibit C, from the list on page 30? Explain comment in Exhibit C re: 1 other CMAR bidder. Were there only 3 bids for the Phase 1?	It is our understanding there were three SOQ received for the CMAR project
15	1.1 Maintain CMAR delivery method, but execute as continuing contract.	Bobbie Lindsay TC	Page 12. In our CMAR approach, at what point in contract negotiations was the GWP established? The report is somewhat confusing as it recommends staying with CMAR yet it says other methods might result in reduced costs to Town.	It is our understanding the GWP was established after the CMAR was selected. Once selected the CMAR produced competitive bidding packages and awarded based on price and compliance. This is the typical processes for CMAR style projects.
16	2.1 Prepare deterministic cost estimate for future phases	Bobbie Lindsay TC	Explain the 8-12% cost of the construction management. Is this facted throughout all phases? Who was 8% and who was 12% as that is a considerable spread?	The two projects are different in size. The cost of equipment is a component of the total cost and the derivation of the %. With the larger cost of equipment on the south side, it causes the CMAR % to be a smaller portion of the overall project.
17	1.1 Maintain CMAR delivery method, but execute as continuing contract.	Bobbie Lindsay TC	p. 13: Is P&D stating that the team is recommending extending the two existing contractors without further competitive bidding? Instead of moving away from CMAR delivery method, the Project Team encourages the Town to consider a single, continuing contract with the selected CMARs. Explain 3 CMAR contracts? We have two now. Is P&D suggesting we re-bid only once more for the entire project?	Yes, only one more would be awarded 1-3 continuing service contracts. Utilizing the unit pricing described above, the project could be bid once more to adhere to the contractors' response about project size. The 1 to 3 is recommended because of the critical areas mentioned in the Master Plan (Residential and town-Multi residential). The other option is one contract for the remaining phases with unit pricing. The next round of bidding will begin after the Phase II design is complete (at the earliest).
18	1.3 Develop a Project Management Plan	Bobbie Lindsay TC	p. 16 Please review with us the Project Management Plan comments explaining the confusing. Would a PMP be an expected deliverable for the cost of KHA to the taxpayer?	A PMP would be developed by a program manager. To our knowledge, there is not a true "program manager" on this effort. Not certain this is a KHA responsibility.
19	1.4 Carefully monitor the amount of work self-performed by CMAR	Bobbie Lindsay TC	P. 18: Better explain Finding 1-4, particularly P&D's point about potential for double dipping," as well as the conflict with the Town's purchasing manual.	No conflict, just a point: Town is complying with their procedures.
20	1.6 Use project management software for program coordination and execution	Bobbie Lindsay TC	P. 19, it appears we don't use project management software. What will this cost to implement and does staff agree with the recommendation?	Cost can vary widely depending on platform. Platform exists for the public facing information via the website. This would be for internal use for more detailed info to the UUTF or TC.
21	2.1 Prepare deterministic cost estimate for future phases	Bobbie Lindsay TC	Page 24. Explain the more deterministic cost estimate not being completed, and what can be done to get a more accurate estimate.	It is not possible to have a more precise cost estimate without having more precise plans. It is important for the Town to think of the cost estimate as a range at this early stage in the project. The unit approach described above is an incremental approach to more deterministic cost estimate. Usually completed in the preliminary design phase.
22	2.1 Prepare deterministic cost estimate for future phases	Bobbie Lindsay TC	P. 23 Does P&D think it's possible to get preliminary construction plans for the entire project and would that be sufficient for PB&L to provide existing drawings for entire project?	No, the phased approach is still the recommended way to provide progress and allow for simultaneous design and construction. The large contract approach provides for the continuing progress, but not excessive overhead with multiple bidding phases.
23	2.3 Minimize the number of exceptions to ensure integrity of GWP	Bobbie Lindsay TC	Page 26: Explain GWP being subject to revision and give examples of how the Town can limit exceptions and clarifications.	After hours work, unsuitable soil and meter base replacements are a few. The exceptions appear to be reasonable. However, could result in some unanticipated cost.

LINE #	FOCUS AREA / FINDING	REQUESTOR	COMMENT	RESPONSE
24	3.1 Modify structure and organization of phases	Bobbie Lindsay TC	p. 27-30: Is P&D aware of any undergrounding conversions of similar size that have created as many phases as Town? Even though P&D says it may boost interest from contractors and make the bidding more competitive to have larger phases, are its primary reasons to not recommend doing that inconveniencing more residents at the same time? Discuss the cost savings of Reduced project duration vs. the inconvenience to more resident.	Shortening project length will reduce inflation and future unknowns. With a compressed schedule there will be enhanced pressure for design completion and easement acquisition therefore increased risks. The ideal situation is a complete design and then start construction. With an constantly changing system this is not realistic or does it show progress to the citizens.
25	2 Improve schedule by minimizing number of contracts and cutting unit pricing	Bobbie Lindsay TC	Page 31: We need to have a discussion with P&D about its recommendation to execute one large contract via the CMAR method with unit pricing. How does this impact costs and why wouldn't it reduce schedule? Why wouldn't one look at bigger phases? You had a single contractor?	The design process has several steps and is fairly complex. The smaller phases allow for progress and control over the Town impact. The large contract with multiple phases allow progress and tries to allow for specialty crews to move from one phase to another in a continuous process. The limiting factor is the design process and easement acquisition. To utilize this approach the project team will need to dedicate the necessary resources to keep the design process ahead of the construction. With an compressed schedule there is an increase risk for construction cost impacts such as mobilization and change orders.
26	3 Consider engaging FP&L for electrical installation	Bobbie Lindsay TC	Page 32: If this is a lower cost, are we looking at this?	It is our understanding it was evaluated early in the process. FP&L provided a price, but it does not include the items listed in the report. Additionally the impact to other citizens would be substantially increased and the duration would be undetermined due to the FP&L priority to these types of projects. A variation of this would be for the Town to install the conduits for FP&L, ATT and Comcast, then have the utilities install the equipment.
27	General	Bobbie Lindsay TC	Also, please explain if large utility contractors typically use CMAR and if not, why not?	Typically they do not. The larger contractors have such capabilities in-house and therefore shy away from these arrangements.
28	2 Vet FP&L design and negotiate improvement	Bobbie Lindsay TC	Page 35: Vista Switchgear. I've spoken to Patricia about this and emailed Town project manager, Steven. P&D seems to think the Vista units are more reliable and integrating food proof because they are hermetically sealed? Please confirm. I am wondering where the Vista switches are being installed. I'd like to make sure Vista units are being installed in the correct locations and not in the year flood areas. Is the \$20K price differential correct between the P&E and Vista gear? Does P&D believe it's best to place Vista units in lower lying areas?	see line item 68
29	General	Bobbie Lindsay TC	Were audit comments re: CMAR acted upon by Town with these Phase 1 contracts?	Yes
30	General	Bobbie Lindsay TC	Explain why only 19 of 33 documents that were requested by Peer Reviewer were supplied. Please provide the dates that the remaining docs needed were requiredAll documents requested have been provided. The staff has been very helpful and prompt in supplying information. What impacts if any do we think this may have on the report?	
31	General	Bobbie Lindsay TC	In Exhibit C, Confirm only 2 CMARs answer? Big utility contractors said we'd save money if we did the construction in bigger phases. If they not going to suggest bigger phases, and the bigger companies don't do CMAR, what will they be bidding on (What is the point of having their names)?	Initial discussions with these contractors were based on the guidelines given in the original SOQ proposals with stipulated the future bidding restriction. Their position is always to not bid on projects that require CMAR. The contractors are not aware of the CMAR process and they are okay with the disclosure. The companies interviewed were Davis H Elliot Construction (Lexington, KY) and Service Electric Construction (Chattanooga, TN).
32	General	Bobbie Lindsay TC	How many subs are we using now? P&D said using only one sub in north and south would be better. Does staff agree?	Not sure where this reference is, but generally the fewer the subs, the less layers of overheads and continuity of work and processes.
33	General	Bobbie Lindsay TC	There is no discussion or mention of the potential impact of other infrastructure projects on the cost or schedule.	Concur- the recommendations assumes the design process in the Master Plan of up to 17 months per phase would allow for the design of the infrastructure improvements needs. These items would also be need to be estimated in the Bidding stage and reconciled in the final pay request.
34		Bobbie Lindsay TC	High Level Questions for FP&L VP Bryan Olenick:	
35		Bobbie Lindsay TC	If we went to bigger phases would they be able to get the design done for bigger phases to shorten duration? Will a senior officer at FP&L confirm that they can only design the phases at the rate they are doing now?	FP&L
36		Bobbie Lindsay TC	Is FP&L doing the Jax project and how many pole miles per year are they designing there?	FP&L
37		Bobbie Lindsay TC	Explain "questionable adequacy of labor, material, and the availability of appropriate staging area in proximity to work locations", when we have a almost half acre site in WPB directly across the bridge. Will we consider or be allowed to use the state ROW on Southern Blvd causeway?	FP&L
38	5.3 Use DDOT Green Book Standards	Bobbie Lindsay TC	Confirm that the traffic design is to no more than Greenback standards.	The Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (commonly referred to as the "Florida Greenbook") provides criteria for public streets, roads, highways, bridges, sidewalks, curbs and curbside, crosswalks, bicycle facilities, etc. used by the public for vehicular travel. The manual is intended for all projects off the state and national highway systems and is appropriate for this project.
39	5.1 Execute phases simultaneously	Bobbie Lindsay TC	On p. 40 the statement re: continuous traffic flow only applies to approximately half of the island, where there are two north-south routes. From S. County/ So Ocean Blvd intersection southward to end of Town there is only one route north/south. Please explain this sentence, "This would require construction of the undergrounding facilities to split the neighborhoods which is inefficient and would require restoration of disturbed areas within the neighborhoods to take an extra year."	You are correct in noticing that this applies to the north portion of the Town only where two north/south roadways are available. The sentence before the one you note says "To maintain continuous traffic flow, a phasing allowing at least one of the parallel north-south roadways on the north side of Town to remain un-touched is preferable."
40	5.1 Execute phases simultaneously	Bobbie Lindsay TC	on page 40 explain, the statement, "Our team also considered a phasing option that would construct all undergrounding improvements commencing from the north if all work was conducted proceeding from one end of the island or the other, the work zones would be immediately adjacent to each other. Assuming two separate contracts are issued for the same roadway, the work zones would be working in the same general area. In close proximity of the work zones could create potential conflict areas."	Assuming two separate contracts are issued for the same roadway, the work zones would be working in the same general area. In close proximity of the work zones could create potential conflict areas.
41	General	Bobbie Lindsay TC	It would be nice to understand better the contractor interviews in Exhibit C. I'm not sure what P&D expects us to conclude, since majority don't prefer CMAR and think we should do it in bigger phases!	The larger contract with the multiple phases accomplishes both the Town's interest and the contractors interest. The larger contract would increase volume for the Contractor's and potentially reduce unit pricing while the current phasing keep control to limit impact to the citizens
42	General	Julie Araskog TC	1. The motion that carried at the Town Council meeting was: Peer Review to hire a national company of national reputation with broad experience in large undergrounding projects to conduct a Peer Review of the Master Plan prepared by KHA, opine on the cost of undergrounding, the plan for construction, enumerate possible cost savings procedures and to specify the risk factors with optional plans suggested.	
43	General	Julie Araskog TC	2. Page 8 states that all of the stakeholders were present for a kick-off meeting, yet the major stakeholders being the Town Council and the Civic Association were not present to discuss the final scope of services. There also was not anyone from the UTTF. This is troubling to me. Please respond.	TPB: Those present at the kick-off meeting included representatives of TPB staff and the Patterson and Dewar team to introduce the project stakeholders and review the contracted scope of services. The Patterson and Dewar team came to a UUTF meeting to solicit their input in a separate meeting. The budget and scope did not include the same level of meeting with Town Council. Staff reached out to the Civic Association and they indicated that they are not technical and would rely on staff. The Town Council, UUTF and Civic Association receive recommendations through the Master Plan Review in draft and final document delivery and do not contribute to the technical or procedures in effect which were reviewed.
44	General	Julie Araskog TC	3. Page 8 the Town has been extremely cost conscious in the execution of the program, did Patterson& Dewar look at the KHA contract? Did they opine on the contract being too expensive? Did they opine on the cost of the program? Did they opine on the cost of the program? Did they opine on the cost of the program? Did they opine on the cost of the program?	The proposal/contract for KHA to prepare the master plan was reviewed and found to be thorough. Much of the work performed to prepare the master plan will also serve other purposes including engineering design, construction management, and construction cost estimation. The Town procurement staff is responsible for negotiating fair design fees on behalf of the taxpayers.
45	General	Julie Araskog TC	4. One of the components that we discussed and that I believe was supposed to be part of the Peer Review team was having a company that was experienced in Utility Undergrounding to assess our Master Plan, the work and direction being taken by our present Construction Subs, and to comment on our phasing and possibilities for reducing the time from ten years. I was disappointed and frustrated that this was not done. Can someone be added to as I believe was promised to state their name and give a full report?	Construction contractors unanimously discussed larger contracts with more control as a more attractive solution for them. There is several constraints to limit that possibility in the TPB project. The contractor will only comment on construction period. The constraining aspect of this project is the design process and the desire to limit the impact on the citizens.

LINE #	FOCUS AREA / FINDING	REQUESTOR	COMMENT	RESPONSE
46	General	Julie Araskog TC	5. I was surprised and not confident in the reasoning on page 10 stating that there were in-person interviews with two large utility construction companies, but there was not a Utility Construction Company on the Peer Review Team. P&D states that they are refraining from listing those Utility Construction Companies by name that were interviewed because those companies could want to bid on future phases. This does not work for me. I thought the whole point was to have an independent review with an independent utility construction company. This was probably the most disappointing and disturbing issue for me with this peer review. I thought we were clear about the importance of the timeline and this aspect of the peer review. Perhaps if some of us were present at the Stakeholders meeting, this would have been reiterated. I further understand when Selection Committee made its final decision to accept Dewar Patterson's proposal that there was an agreement that a Utility Construction Company with experience in Underground would be part of the team. 100,000 dollars being spent on this Peer Review. I believe a major aspect is missing that we did request. I would like to be told the names of the construction companies that P&D consulted for this Peer Review.	Names and project profiles will be provided - See line item 31, above
47	1. Maintain CMAR delivery method, but execute as continuing contract.	Julie Araskog TC	6. Please comment on the suggestion on Page 13 of considering a single, continuing contract with the selected CMARs.	TPB: The term continuing contract is a purchasing term in the State of Florida and is limited in its use for construction under \$2 million. We believe the Peer Review intended this comment as a recommendation to have one CMAR contractor for the duration of the project. With the most recent CMAR advertisement staff has worked with Purchasing to include language to allow the contract to cover up to 3 phases.
48	2. Retain CMAR earlier in the process	Julie Araskog TC	7. Do you agree that the chosen CMAR should be invoked earlier in the design process? (pg. 15)	TPB: Staff agrees that the CMAR contractor should be on board as early as possible to participate in constructibility review and value engineering. We hope to have the CMAR contract awarded for phase 2 by February. This will be significantly earlier than we were able to have them on board for the Phase 1 construction. Also with including more than one phase in the contract scope staff will have the CMAR consultants engaged very early in the process for future phases.
49	3. Develop a Project Management Plan	Julie Araskog TC	8. How can we develop a project management plan? Please comment on all suggestion, including: (a) having better formal documentation of this project as stated on the bottom of pages 15-16? (b) How about the project manual specific to the CMARs specific phase of the project? (pg. 16) (c) Formal documentation of program roles and expectations to prevent possible litigation because of the lack of an understanding of overall responsibility.	We can provide sample templates
50	1.4 Carefully monitor the amount of work self-performed by CMAR	Julie Araskog TC	9. Please comment on Summary and Recommendation for Action on page 18.	This is currently being limited, it was state here to reinforce the need to monitor and comply in the future
51	1.5 Monitor competitiveness of the CMAR-conducted	Julie Araskog TC	10. How can the Town ensure that the CMARs are bidding jobs competitively to keep costs down. (p. 19)	Purchasing needs to oversee the contracting and review the results.
52	1.6 Use project management software for program coordination and execution	Julie Araskog TC	11. Project Management Software? (p. 19) Why doesn't KHA already provide this as they oversee this project?	KHA
53	1.7 Maximize benefits from CMAR delivery method	Julie Araskog TC	12. Finding 1.7: Maximize benefits from CMAR delivery method. Pg. 20. Now that P&D has the internal policies and procedures concerning the utilization of the CMAR delivery method, will they evaluate it properly? They state on page 20 that they did not receive the requested documents.	Documents received and evaluated, Policies and Procedures are reflective and consistent with all other documentation. As best as we can tell, they are complying with policies and procedures.
54	2.1 Prepare deterministic cost estimate for future phases	Julie Araskog TC	13. Findings 2.1: Prepare a deterministic cost estimate for future phases. Please comment on the Findings in this section and especially in regard to the "false sense of security." As I understand the comments on page 24, P&L is unable to provide a firm price because P&L has not been given engineering detail of the current system (all phases). Please comment on their recommendations for Action recommended at the top of page 24.	From a false sense P&L has provided a non-binding cost estimate, based on general specifications. The deterministic cost estimate is to solidify the cost estimate and confidence in the estimate. The estimate described a preliminary design estimate based on the actual system and an field inventory or P&L provided existing system information (for security reasons will not be provided), to provide a binding cost estimate P&L is requiring an as-built style land survey. This is the first component in the design process and per phase is scheduled for approximately 2 months.
55	2.1 Prepare deterministic cost estimate for future phases	Julie Araskog TC	14. I am disturbed at the Findings in this section and under Potential impact on page 24. The budgetary concerns have been an issue since this project began and what P&D seems to be stating is that we do not have enough detail in our budget to actually pinpoint the cost.	That is correct. It is not possible for a precise cost estimate to be prepared until precise construction plans are prepared. It is important for the Town to recognize the appropriate level of precision that is possible at this stage of the project. The Finding in 2.1 recommend an preliminary design estimate based on actual conditions to be determined by a field survey by electrical engineers.
56	2.2 Maximize savings from tax-exempt status through Town's Direct Purchase Program	Julie Araskog TC	15. Have we employed our tax-exempt status for direct purchase of materials and cost savings by volume purchases?	Not sure on the telecom conduits. It is our understanding P&L has not allowed any direct purchased items. The direct purchase is contemplated in each contract. Just not sure if it is being done or not. Also not sure if P&L would allow non electrical items such as conduit to be direct purchased or if it would be a savings because of the bulk discount P&L probably gets.
57	2.3 Minimize the number of exceptions to ensure integrity of GMP	Julie Araskog TC	16. Finding 2.3: Minimize the number of exceptions to ensure integrity of the GMP. I raised this issue in TC meetings. Could P&D please be more specific in listing other exceptions that it feels are aggressive other than just the altered work hours?	Unsuitable backfill material, delay by P&L for switching procedures, Working dates/times
58	Focus Area II – Scheduling and Sequencing	Julie Araskog TC	17. Do we need to protect ourselves with P&L's 180 final approval deadline? (bottom of page 28)	Just need to be aware and as soon as possible accept the estimate
59	3.2 Improve schedule by minimizing number of contracts and utilizing unit pricing	Julie Araskog TC	18. Finding 3.2: please comment on their summary, observations and recommendations. Is it possible to complete this project by 2022?	The proposed timeline is based on our high level review. The difficult items will be the design process with all the entities. In some phases 17 months is provided, which should be doable with cooperation from P&L. The easement acquisition would also need to be included in this time period and will require a enhanced effort by all involved.
60	4.2 Vet P&L design and negotiate improvement	Julie Araskog TC	19. Page 35: Vista Switch Gear versus PME. I sent questions would like answered by P&L. Please see those questions and the others I sent in regarding the design of the Vista Switch Gear. I am concerned about the reliability of the Vista Switch Gear. I am also concerned about the reliability, long term operation and maintenance costs, differences during storm surge or flooding, longevity, and all other issues discussed on pages 35-6.	See item 68 below for more information
61	4.3 Monitor constraints to design completion and implementation	Julie Araskog TC	20. Finding 4.3 Please comment	TPB: 1. Service Entrance: CMARs document privately owned infrastructure prior to commencement of work and responsible for repairs to private property if damage occurs during construction. 2. Voluntary easements are pursued when platted easements or right of way placement is not practical. For phase 1 the Town has been successful to develop alternative easement solutions through collaboration with PPL, Kinley Horn and property owners when necessary to avoid condemnation. As a last resort condemnation could be considered to facilitate the project's success.
62	4.4 Optimize the number of geotechnical tests	Julie Araskog TC	21. Finding 4.4 (p. 37) How much has the construction cost risen due to the rock? Why is this the first we are hearing of this? Also, please comment on the recommendation for action.	
63		Julie Araskog TC	22. Comment on recommendations for 4.5, 4.6 and 4.7.	See item 68 below for more information
64	5.2 Incentivize less disruptive construction methods	Julie Araskog TC	23. Page 42: do we know if the directional boring is proving to be more expensive than open cuts? Your comments? Laner rentals?	Our understanding is the contractor was allowed to bid either, both contractors choose the HDD on phase 1.
65	General	Julie Araskog TC	24. Pg. 44: Please comment overall on their findings and suggestions listed in their closing.	TPB: Staff concurs with the recommendations in the overall findings. Staff is working on how best to implement these and will discuss in detail at the UTF meeting in January.
66	General	Julie Araskog TC	25. Appendix C: I reiterate that I do not like reading comments by unknown entities and I am concerned and frustrated that we did not include a construction company as part of the team and full process.	See 57 above
67		Susan Gary	The peer review describes several major areas that need to be addressed by the Town: Focus Areas No. 1, and 2, point out major deficiencies that the Town needs to address: including how and when will they develop the project controls and management plan noted by P&D?	TPB: Staff plans to research the recommendation to deploy additional management and reporting software and consolidate existing documentation such as the master plan, policies, procedures and construction phase schedules and address remaining gaps through delivery of a PMP. The PMP availability is targeted for start of phase 2 construction, mid 2018.
68	Focus Area II – Scheduling and Sequencing	Susan Gary	Focus Area 3 includes two major areas regarding equipment. We need more specific recommendations from the P&D team regarding the Vista boxes and express circuits.	First, confirm the cost differential of the Vista and the PME gear and the equipment and accessories included. This differential would be based on the TPB doing the installation. Second, have a discussion with P&L about their current philosophy about the use of the Vista vs the PME. An understanding of the island circuits schematically could allow the efficient deployment of the two styles of switches. It is our understanding that the first phase does include a mix of Vista vs PME gear. A confirmation of the cost differential could allow additional units being utilized with less impact to the budget. For the express circuit additional discussions with P&L about the amount of exposure and how the feeders are sectionalized on the mainland would determine if express circuits are necessary.

LINE #	FOCUS AREA / FINDING	REQUESTOR	COMMENT	RESPONSE
69	Focus Area I – Program Management and Delivery Method	Susan Gary	1) Vulnerability to lawsuits due to lack of project management controls: • develop a Project/Program Management Plan (P/PW) • employ project management software • implement the CMAR contract according to the recommendations of the Crowe & Horvath Audit. Example: Bringing CMAR on-board earlier, not allowing CMAR to self-perform work etc. The report states that a PMP is recognized in the industry as a "best practice". It can mitigate risk to the Town in the event of nonperformance or litigation as roles and responsibilities of all parties are clearly defined. (Pgs 16-17) At a minimum, the PMP should include: scope, time, cost, quality, resources, communication, risk management, and project close-out. The PMP should also include a plan for how to manage the program and help mitigate the risks inherent in a large & complex program. These items need to be addressed by Town officials as soon as possible.	
70	Focus Area II – Costing and Applicability of Option of Obsolete Cost	Susan Gary	2) Cost – apparently, our cost estimate needs "fine tuning"; we are not where we need to be. The peer review states that at this juncture a more deterministic cost estimate has usually been completed. It further states that the cost estimate should be a "range". Pgs 22-29-24 The town should determine which consultant will perform this cost estimate.	That is correct. It is not possible for a precise cost estimate to be prepared until precise construction plans are prepared. It is important for the Town to recognize the appropriate level of precision that is possible at this stage of the project. This finding recommends the development of a system review to help determine the equipment and estimate the ultimate final design. A field review would and preliminary design could be used to increase the confidence level of the estimates and provide a unit count for the contract recommended in Finding 3.2.
71	Focus Area IV – Planning and Engineering Design	Susan Gary	3) Reliability of the new system – Two recommendations critical to the reliability of the US system: more detailed advice would be helpful. • use of Vista switchboxes @ \$20,000 differential. The peer review notes that "this is the single most important piece of equipment in an underground system"; "the equipment is used to connect, isolate and protect all of the multiple connection points with the home." Further, "It is the opinion of the project team that the vista switchgear offers a more reliable & expandable solution for underground applications similar to this project." Pgs. 34-35 • Finding 4.7 request express circuits to mainland substation. The review states "to provide more reliable service some or all of the feeders could be connected to dedicated express feeders." Pg 39	See Line 68 above
72	General	Maggie Zeldman	Revised proposed project schedule appears to reduce the life of the project by 3 years, ending in fall of 2022 as a result of overlapping phase construction. There is no reason why this was decided not to do this. What is the downside of this proposal? What will the impact be to our residents: traffic congestion, re-routing of traffic, traffic delay?	The revised schedule includes staggered "Heavy Construction" periods, however the impact on the citizens will be greater. Other factors will be the ability/willingness of PP&L to keep up with the design schedule and the easement acquisition.
73	1.1 Maintain CMAR delivery method, but execute as continuing contract.	Maggie Zeldman	Execute CMAR as continuing contract. Makes sense to use same construction manager, contractors and subs throughout process – creates efficiencies. They know us, know our expectations, know the topography.	With multiple layers of entities involved, there will be a slight amount of overlap. The clear definition of roles and responsibilities will help mitigate this. The checks and balances of the typical % mentioned in the document is a check for this concern.
74	1.1 Maintain CMAR delivery method, but execute as continuing contract.	Maggie Zeldman	Please comment on "duplication of services." How can we make sure that subs are not charging us for services provided by CMAR?	
75	1.2 Retain CMAR earlier in the process	Maggie Zeldman	Involve CMAR earlier in process. Makes sense.	
76	1.4 Carefully monitor the amount of work self-performed by CMAR	Maggie Zeldman	If our CMAR performs the work what process is in place to assure quality and cost containment?	The design/construction observation team would be responsible for this. It is my understanding the only task being performed by the CMAR is the pole removals after completion. Site restoration will be the major impact from this tasks and policing the quality will be the responsibility of the design/construction observation team in conjunction with the Town.
77	2.1 Prepare deterministic cost estimate for future phases	Maggie Zeldman	When can we expect to give engineering detail of all phases to PP&L so they can provide a firm, fixed cost? Should we increase the contingency to 4 or 5%? The longer the life of the project, the higher the contingency should be. I am encouraged that we are under budget thus far in Phase 1.	The proposed schedule includes a sequential as found survey. Based on this schedule the final phase would be available by 3rd quarter 2022
78	2.4 Improve effectiveness of the Task Force	Maggie Zeldman	I do not agree with their suggestion to reduce Task Force meetings from monthly to quarterly. Leave it as is. This can be revisited as we move through phases- perhaps in Phase 4. Let's get the wrinkles out first.	The intent of this finding is to provide efficient design and construction process once all of the concepts has been defined. When and if all stakeholders believe project to be at this point the meeting schedule can be revisited. The alternative solution mentioned was a less formal process, perhaps an automated software reporting package could be used to inform the UTF and TC.
79	4.2 Vet PP&L design and negotiate improvement	Maggie Zeldman	Please address the suggestion "use more Vista equipment and less PME-4 switching gear." So far, "the single most important piece of equipment in an underground system is the equipment used to connect, isolate and protect all of the multiple connection points...". The Vista is "hermetically sealed." Should we be using more or all Vista switches? What is the experience with Vista vs PME-4 in other coastal towns? PP&D suggest the price increase for using Vista is \$20,000. Could we use Vista in lower lying areas and use PME-4 on higher ground- correlate with new FEMA flood plane maps?	See Line 68 above
80	4.3 Monitor constraints to design completion and implementation	Maggie Zeldman	Do we need to hire a firm to obtain easements? What is the cost? Can this be handled and coordinated more efficiently and appropriately by Steven Stern? What is the average percentage of refusals to give easements? What is the experience of similar towns? Have other towns hired an easement specialist? What amount of money do we have allocated to easement acquisition- consider all sources; KH and JS? Please compare cost of in house and outsourcing. Has Paragon given us a cost estimate based on their experience of % of easement refusals? It is possible to use a hybrid approach—the town for the low hanging fruit and those with issues of placement and Paragon for the refusals to grant easements? We need to compare cost and look at method we think best suits our needs but also with an eye to getting this done.	As mentioned above, this is a significant risk to the accelerated schedule
81	4.3 Monitor constraints to design completion and implementation	Maggie Zeldman	Service entry. Do we need Service Entry Survey? They recommend it. PP&D suggests we have an allocated allowance for "modifications." We have an allowance for greenery replacement but not a kitty for "modifications." They also recommend a policy be established. Good idea.	
82	4.6 Expand other infrastructure improvements	Maggie Zeldman	Water infrastructure. "the city can afford to budget up to \$800,000/ year". Are we using the full amount? I know Paul is on top of this.	
83	4.7 Request express circuits to mainland substation	Maggie Zeldman	I have red marks and stars all over this one. EXPRESS FEEDER OPTION. It would be such a shame to go through all of this and not have the best feeder system. We will only be as good as our weakest link.	Suggested to find more information about the feeder system. Additional information is needed to decide if adequate system.
84	5.2 Incentivize less disruptive construction methods	Maggie Zeldman	Consider "lane Rental" option- really? Is this an industry standard?	FDOT uses the lane rental concept on many of their projects to control travel disruption. See the link below for FDOT's rationale behind the concept of lane rentals. The second link is for boilerplate bid language for FDOT projects. The third link is for an example of an actual bid for an FDOT project that used lane rental. http://www.fdot.gov/construction/contract/General/LaneRental.stm http://www.fdot.gov/programmanagement/implemented/Workbooks/jawWorkbooks2016/Files/5-P00813001DLR.pdf http://www.fdot.gov/contracts/02/06/2020/bid/2027/06/01/FC17508dPosing.pdf

Appendix G

Supplemental Information

(Provided Under Separate Cover)

- Project Management Book of Knowledge Sample Templates
- Sample Program Management Plan (Clean Water Nashville, Vol. 1)
- Switchgear Descriptions
 - PME-descriptive-bulletin-665-30
 - VISTA descriptive-bulletin-680-30
- Lane Rental Information
 - FDOT rationale
 - FDOT boilerplate language
 - Bid tabulation example
- Material on utility contractors consulted
 - Davis H Elliot Service Card
 - Davis H Elliot Company Profile
 - Service Electric Brochure

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Regular Agenda - New Business

Agenda Title

Adoption of the 2018 Town Council Meeting Schedule.

Presenter

Thomas G. Bradford, Town Manager

ATTACHMENTS:

- **Memorandum dated December 4, 2017, from Thomas G. Bradford, Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Adoption of the 2018 Town Council Meeting Schedule

Date: December 4, 2017

STAFF RECOMMENDATION

Staff recommends the Town Council adopt the 2018 meeting schedule as modified below, along with any other modifications that may be acceptable to the majority.

GENERAL INFORMATION

Staff requests Town Council approval relative to the dates to conduct the following 2018 Town Council meetings. The standard schedule, with no modifications would be as follows:

JANUARY 9 AND 10	JULY 10 AND 11 ⁽²⁾
FEBRUARY 13 AND 14	AUGUST 14 AND 15
MARCH 13 AND 14 ⁽¹⁾	SEPTEMBER 11 AND 12 ⁽³⁾
APRIL 10 AND 11	OCTOBER 9 AND 10
MAY 8 AND 9	NOVEMBER 13 AND 14
JUNE 12 AND 13	DECEMBER 11 AND 12

Staff recommends the standard schedule be amended as follows:

- ⁽¹⁾ Staff recommends moving the Town Council regular and development review meetings in March to the third Tuesday and Wednesday of March due to the Town's general election. Swearing in of newly elected official(s) usually takes place at the regular Town Council meeting immediately following the Town election. Per Ordinance No. 21-2017, the Town's general elections have been moved to the second Tuesday of March. The 2018 election will be held on Tuesday, March 13, 2018, which is the same day as the March Town Council

meeting. Staff does not recommend holding the Town Council meetings on election day and the day after due to the fact that a) candidates and their supporters will find it difficult to attend a meeting on election day due to campaigning; and b) candidates and their campaign workers will also find it difficult to attend a meeting the morning following election day due to the late nature of election night canvassing. Staff recommends moving the regular Town Council meeting to March 20 in order to swear in the newly elected Council Members and adopt the certified election results. The development review meeting will be held on March 21, 2018. The two commissions (Planning & Zoning and Landmarks Preservation) that traditionally meet in the third week of March, can now move to the second week of March. If we find that this works satisfactorily, this may become the normal March schedule going forward.

- (2) In July, staff needs to have proposed FY2018 budget matters considered to be state TRIM law compliant. Staff recommends the Tuesday, July 10, 2018, meeting be a special meeting devoted only to the budget or budget related matters. Staff recommends that the Wednesday, July 11, 2018, meeting be devoted to remaining municipal business matters that require action and to development review matters.
- (3) The Tuesday, September 11, 2018, regular municipal business Town Council meeting is in conflict with the last day of Rosh Hashanah. Staff recommends rescheduling the Tuesday, September 11, 2018, meeting to be held Thursday, September 13, 2018. All staff liaisons to boards and commissions will be instructed to re-schedule any meeting that conflicts with Rosh Hashanah or Yom Kippur.

TGB:cek

cc: Department Directors
John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointment of Town Manager Thomas G. Bradford Pursuant to Section 4.02(b) of the Town Charter from December 13, 2017 through December 11, 2018.

Presenter

Thomas G. Bradford, Town Manager

ATTACHMENTS:

- **Memorandum dated December 5, 2017, from Thomas G. Bradford, Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Consideration of Re-Appointment of Town Manager Thomas G. Bradford to a New One-Year Term Pursuant to Section 4.02 (b) of the Town Charter from December 13, 2017 through December 11, 2018

Date: December 5, 2017

STAFF RECOMMENDATION

Consider re-appointment of Thomas G. Bradford to serve an additional one – year term as Town Manager from December 13, 2017 through December 11, 2018.

GENERAL INFORMATION

Section 4.02 (b) of the Town Charter requires the annual appointment of a Town Manager for a one – year term. Last year I was re-appointed to a one-year term through December 12, 2017. Therefore, if you are so inclined my re-appointment this time would be from December 13, 2017 through December 11, 2018. December 11, 2018 is the tentative date of the December 2018 Town Council meeting.

I consider it to be an honor and a privilege to be Town Manager in Palm Beach working for the citizens of the Town. I wish to continue serving in this capacity as I feel there is additional work to be done in specific areas of the organization. I can elaborate in person if you prefer. Soon, if not already, you will be provided with an evaluation form to rate my performance relative to the myriad of things that we deal with year in and year out as well as rating performance on the goals you established for this evaluation period.

I will be prepared to address any aspect of this at your meeting on December 12. The establishment of new goals for 2018 will commence after the municipal election to enable newly elected officials to be part of that process.

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Regular Agenda - New Business

Agenda Title

Staff Request to Reconsider the Extension of Off-Site Supplemental Shared Parking Provisions in the Code of Ordinances as Adopted in Ordinance No. 25-2015

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated December 1, 2017, from John S. Page, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Staff Request to Reconsider the Extension of Off-Site Supplemental Shared Parking Provisions in of the Code of Ordinances as Adopted in Ordinance No. 25-2015

Date: December 1, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council reconsider its vote allowing off-site supplemental parking provisions, temporarily adopted via Ordinance No. 25-2015, to sunset and expire on December 13, 2017.

GENERAL INFORMATION

The Town Council approved Ordinance No. 25-2015 (See Exhibit A) in November 2015 to encourage the use of supplemental, off-site shared parking regulations in Commercial Zoning Districts. All revisions were designed to sunset (expire) on December 13, 2017 unless extended by the Town Council. On November 15, 2017, at Staff's recommendation, the Council voted to allow the temporarily adopted off-site supplemental parking to expire on December 13, 2017.

As advised last month, the proposed Carriage House Club applicant submitted an amendment to its Special Exception application for a private club. On October 20, 2017, a revised the Special Exception application was submitted requesting off-site supplemental shared parking based on the temporary zoning regulations which are due to expire on the date that application is to be heard. It has come to Staff's attention that if these regulations expire on December 13th. Opponents to the Carriage House will likely object to the project based on this technicality. The pending Carriage House application is based on criteria for temporary supplemental parking that existed at the time they filed. In order to be fair to the applicant who may have an estoppel issue, Staff recommends the Council reconsider it's vote at the next regularly scheduled meeting (December 12th) and approve a four month (April 11, 2018) extension of those temporary regulations.

If you have any questions, please contact Paul Castro, Zoning Administrator, at 227-6406.

cc: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Paul W. Castro, AICP, Zoning Administrator
Bill Bucklew, Building Official
zf

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointment to the Investment Advisory Committee.

Presenter

Jane Struder, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum dated December 4, 2017, from Kathleen Dominguez, Town Clerk**
- ▣ **IAC sample ballot**
- ▣ **IAC applicant**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council
VIA: Thomas G. Bradford, Town Manager
FROM: Kathleen Dominguez, Town Clerk
RE: Investment Advisory Board Applicants
DATE: December 4, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council appoint a member to the Investment Advisory Board in order to fill the vacant seat resulting from Bernard Panfel's unexpired term. The expiration date of Mr. Panfel's term is May 1, 2018.

GENERAL INFORMATION

The Town Clerk's Office has received one application from a Town of Palm Beach resident for service on the Investment Advisory Commission along with the appropriate qualifying information. The name of the applicants is Kathleen Anderson who resides at 2660 South Ocean Boulevard. Her application and qualifying information is attached.

Attachments

cc: Jane Struder, Director of Finance

**BALLOT FOR APPOINTMENT OF REGULAR MEMBERS
TO THE INVESTMENT ADVISORY COMMITTEE
Town Council Meeting on December 12, 2017**

Positions to be filled:

***1 Regular Members**

**Due to:*

Resignation of Mr. Panfel, Regular Member (Term Expires 5/2018)

Please circle 1 from the list of names appearing below:

Regular Members Applying for Reappointment

Kathleen M. Anderson

Signature of Town Council Member: _____

Town Council Member

* ORI Ginally Rec'd
12/01/17 - Not legible.



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

INVESTMENT ADVISORY COMMITTEE

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail addressed to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Kathleen M Anderson Residence Address: 2660 South Ocean Blvd
Mailing Address: 2660 South Ocean Blvd 401^W Home Telephone: 609-915 9318
E-mail Address: KMA2658@aol.com Work Telephone: _____

I am a resident of the Town of Palm Beach KMA (please initial)

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why do you wish to be appointed as a member of the Investment Advisory Committee? (Please use additional pages if necessary)

Have worked in the investment business for over 30 years
Still love the process even though I am retired
Managing Director at BlackRock. At peak had \$50 bill in

2. Please identify how many meetings of the Investment Advisory Committee you have attended in the past two (2) years.

☒ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4+

assets
in fund

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

no one

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

None

5. Please describe your current or prior investment experience, and describe any fixed investment experience you may have.

Have managed mutual funds both sector and diversified
Have been in the business my whole career

6. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
☐ Palm Beach Civic Association
☐ Citizens' Association of Palm Beach

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. retired No. of years. 2

Employer. Previous BlackRock, Merrill Lynch 25 yrs

8. Past occupation(s). Portfolio Manager No. of years. 25

Employer(s). BlackRock / Merrill Lynch

9. Please provide details regarding your educational background:

BBA in economics & finance
Some graduate work in finance

10. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
<u>none</u>				

11. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? no

12. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Not known

GENDER

☐ Male ☒ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: _____

Kathleen M. O'Connell

DATE: _____

12/1/17

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

INVESTMENT ADVISORY COMMITTEE

The Investment Advisory Committee consists of five members serving two year terms, appointed by the Town Council. Members of the Committee shall be residents of the Town and shall have prior fixed income investment experience. The Committee acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town's investment policy and the investment of the Town's surplus funds. The Committee shall hold at least four meetings per year and more if it is deemed necessary. The Town of Palm Beach will not do business directly or indirectly with a Committee member or a Committee member's employer or business while they are serving on the Committee and for at least two years after the member's term has expired.

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointments to the Shore Protection Board

Presenter

H. Paul Brazil, Director of Public Works

ATTACHMENTS:

- ▣ **Memorandum dated December 1, 2017 from Kathleen Dominguez, Town CLerk**
- ▣ **SPB Sample Ballot**
- ▣ **SPB applications**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

TO: Mayor and Town Council
VIA: Thomas G. Bradford, Town Manager
FROM: Kathleen Dominguez, Town Clerk
RE: Shore Protection Board Applicants
DATE: December 1, 2017

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint a member to the Shore Protection Board in order to fill the remainder of Gerald Frank's current term which expires in **December 2019**.
- Staff recommends that the Town Council appoint a member to the Shore Protection Board in order to fill the remainder of Lee David Goldstein's term which expires in **December 2019**.
- Staff recommends that the Town Council appoint members to the Shore Protection Board in order to fill the two (2) vacancies resulting from Llwyd Ecclestone and Lewis Katz's current term expirations.

GENERAL INFORMATION

Mr. Ecclestone has completed a three-year term as a member of the Shore Protection Board **and is eligible** for reappointment for a final term. Mr. Ecclestone has served on the Shore Protection Board since 2008 and has submitted written verification of his interest in continuing to serve.

Mr. Katz has completed a three-year term as a member of the Shore Protection Board **and is eligible** for reappointment for a final term. Mr. Katz has served on the Shore Protection Board since 2008 and has submitted written verification of his interest in continuing to serve.

The following alternate members have submitted an application for service as a Regular Member of the Shore Protection Board:

- Ms. Melissa Ceriale, 230 South Ocean Blvd.
- Mr. Stephen Jacoby, 2275 S. Ocean Blvd.
- Mr. Harvey Kinzelberg, 260 N. Ocean Blvd.

The following six (6) citizens have submitted an application for service on the Shore Protection Board together with the appropriate qualifying information. The applicants are:

- 1) Mr. Warren Belmar, 130 Sunrise Avenue
- 2) Mr. Peter Broberg, 220 Monterey Road
- 3) Ms. Diane Buhler, 2505 S. Ocean Blvd.
- 4) Mr. Per 'William' Lorentzen, 231 Osceola Way
- 5) Mr. James Edward Sved, 2560 South Ocean Blvd.
- 6) *Mr. Thomas Warnke, 2780 Worcester Road, Lake Worth, FL 33462

*Per Section 2 – Article X of the Town Code, one member of the Shore Protection Board is allowed to be a non-town resident as long as they possess specific knowledge or expertise related to shore protection, coastal management and beach nourishment.

Attachments

cc: Shore Protection Board
H. Paul Brazil, P.E., Director of Public Works
Robert Weber, Coastal Program Manager

**BALLOT FOR APPOINTMENT OF REGULAR MEMBERS
TO THE SHORE PROTECTION BOARD
Town Council Meeting on December 12, 2017**

Positions to be filled:

***4 Regular Members**

**Due to:*

Term expiration of Mr. Ecclestone, Chair

Term expiration of Mr. Katz, Regular Member

Passing of Mr. Goldstein, Regular Member (Term expiring on 12/2019)

Resignation of Mr. Frank, Vice Chair (Term expiring on 12/2019)

Please circle 4 names from the list below:

Regular Members Applying for Reappointment

(Listed alphabetically)

E. Llwyd Ecclestone, Chair

Completed 3rd Term

Lewis Katz, Regular Member

Completed 3rd Term

Alternate Members Applying for Promotion to Regular Member

(Listed alphabetically)

Melissa Ceriale, Alternate Member

1st Full Term

Stephen Jacoby, Alternate Member

1st Full Term

Harry Kinzelberg, Alternate Member

1st Full Term

Others Who Have Submitted Applications

(Listed alphabetically)

Warren Belmar

Peter S. Broberg

Diane Buhler

Per 'William' Lorentzen

James Sved

Thomas Warnke

Signature of Town Council Member: _____
Town Council Member

RECEIVED

By Town Clerk Office at 4:53 pm, Oct 26, 2017



TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

SHORE PROTECTION BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: E. Lwyd Ecclestone, Jr. E-mail Address: ele@ecclestone.com

Residence Address: 190 S.Ocean Blvd., Palm Beach, FL 33480

Mailing Address: P.O.Box 3267, West Palm Beach, FL 33402

Home Telephone: 561-833-3162 Work Telephone: 561-686-2000

* I am a resident of the Town of Palm Beach ELE (please initial) * Attached Fl. Dr. Lic.

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

Our beach and shoreline is our most valuable asset and I want to continue my work on the SPB to ensure its preservation.

2. How many meetings of the Shore Protection Board have you attended in the last year? ALL

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

Director-Palm Beach Civic Association, Director-Aviation and Airports Advisory Board, PBC, Lifetime Director-Kravis Center for the

Performing Arts, Past Board Member-Florida Housing Finance Authority, Past Board Member-Commission on Ethics, State of FL

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.
Certain times during summer months.

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

I developed Lost Tree Village, PGA National and Old Port Cove. I understand design and construction of seawalls and pertinent utilities that serve the residents. I have served on the SPB for 9 years.

6. Please describe your experience with the design and/or construction of coastal protection projects.

I have vast experience with contractors to develop land and have dealt with numerous government entities and agencies. I have been served on the SPB for 9 years

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

I have served on the SPB since 2008 and have gained an incredible amount of knowledge.

8. Are you a member of any of the following organizations? (Check all that apply)

- | | |
|--|---|
| ☐ Palm Beach Chamber of Commerce | ☒ Preservation Foundation of Palm Beach |
| ☒ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☐ Neighborhood Alliance of Palm Beach |
| ☐ Other _____ | |

9. Present occupation: Builder/Investor hotels/office buildings Number of years 38 plus

Employer: self-employed National Investment Company

10. Past occupation(s): Land Developer/Community Builder Number of years 45 plus

Employer(s): self-employed Florida Realty Building Company

11. Please provide details regarding your educational background.

(High School) Taft School, Watertown, CT graduated 1954

(College) Wayne State University, Detroit, MI graduated 1959 BBA

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
Diana	Spouse	190 S.Ocean	Interior Des.	Self

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am
(board/commission/committee)

seeking in this application.

*****If reappointed, I will not resign my position from the Palm Beach Civic Assoc. or Preservation Fdn.**

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

- ☐ Native American
☒ Caucasian
☐ Not known

GENDER

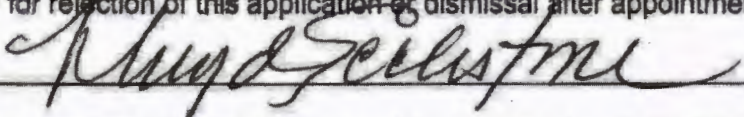
- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

#15. Please see attached Email. *Forme*

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature:  Date: 10/26/2017

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline. The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment. The Board shall hold at least four meetings per year and more if deemed necessary.

Regina Kamak

From: E. Llwyd Ecclestone <ele@ecclestone.com>
At: Tuesday, October 31, 2017 4:45 PM
To: Regina Kamak
Subject: Application for SPB

Regina,

I have your message regarding the question left off the application I completed and submitted.

#15 I would not like to be considered for an alternate position if not reappointed to the Shore Protection Board.

Thank you.

E. Llwyd Ecclestone
P.O. Box 3267
West Palm Beach, FL 33402
561-686-2000
ele@ecclestone.com

Florida *The Sunshine State*
DRIVER LICENSE CLASS E


EDWARD J. ECCLESTONE JR.
180 S OCEAN BLVD
PALM BEACH, FL 33480-0000
DOB: 03-08-1936 SEX: M
ISSUED: 05-28-2010 EXPIRES: 03-08-2018
RESTA
ENDORSE

E. Ecclestone Jr.
SAFE DRIVER

Operation of a motor vehicle constitutes consent to any sobriety test required by law



TOWN OF PALM BEACH
APPLICATION FOR SERVICE ON
SHORE PROTECTION BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: LEWIS KATZ E-mail Address: LEWIS.KATZ@GMAIL.COM

Residence Address: 2275 S. OCEAN Blvd. #308 U

Mailing Address: same

Home Telephone: (561) 588-4112 Work Telephone: (561) 351-3210

I am a resident of the Town of Palm Beach LLK (please initial)

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

I HAVE BEEN A SPB MEMBER SINCE 2003
AND I WISH TO SERVE FOR ONE LAST TERM

2. How many meetings of the Shore Protection Board have you attended in the last year? 5

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

NO

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

I AM ALWAYS AVAILABLE

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

MS IN MECHANICAL ENGINEERING & A
MBA IN FINANCE FROM NYU.

6. Please describe your experience with the design and/or construction of coastal protection projects.

I HAVE COASTAL PROJECT EXPERIENCE
SINCE 2000

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

SEE # 6

8. Are you a member of any of the following organizations? (Check all that apply)

- | | |
|--|--|
| ☐ Palm Beach Chamber of Commerce | ☐ Preservation Foundation of Palm Beach |
| ☐ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☐ Neighborhood Alliance of Palm Beach |
| ☐ Other <u>NO</u> | |

9. Present occupation: CONSULTANT Number of years 15

Employer: OVERSEAS TECHNOLOGY PARTNERS, LLC

10. Past occupation(s): VP & COO AMEX CPS LA Number of years 5

Employer(s): AMERICAN EXPRESS

11. Please provide details regarding your educational background.

See AS

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
GABRIELA GOLDSTEIN WIFE	SAME	MI	SELF	

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. X

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am
(board/commission/committee)
seeking in this application.

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Board should the Town Council wish to appoint you as an Alternate Member? Yes ☐ No ☒ ☐

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

- ☐ Native American
☒ Caucasian
☐ Not known

GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: _____

Date: _____

12/1/17

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline. The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment. The Board shall hold at least four meetings per year and more if deemed necessary.


Susan Bucher Supervisor of Elections
VOTER INFORMATION CARD • PALM BEACH COUNTY, FLORIDA
TARJETA ELECTORAL, CONDADO DE PALM BEACH, FLORIDA

REGISTRATION NUMBER Número de Inscripción	REGISTRATION DATE Fecha de Inscripción	PRECINCT Distrito Electoral
[REDACTED]	10/07/96	7158 0

KATZ, LICA LEWIS
2275 S OCEAN BLVD
APT 304-N
PALM BEACH FL 33480

Political Party / Partido Político

[REDACTED]	6/14/2016
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----- FOLD HERE TO VIEW P-1001P -----

YOUR PRECINCT NUMBER	Su Número de Precincto
YOUR POLLING LOCATION	Su Centro Electoral
PB FIRE STATION #3 2185 S OCEAN BLVD PALM BEACH	

YOU ARE ELIGIBLE TO VOTE FOR A REPRESENTATIVE IN EACH DISTRICT LISTED
 USTED PUEDE VOTAR POR UN REPRESENTANTE DE CADA DISTRITO NOMBRADO

U.S. CONGRESS	STATE SENATE	STATE HOUSE
Congreso de los EE.UU.	Senado del Estado	Cámara de Diputados del Estado
21	30	89
COUNTY COMMISSION	SCHOOL BOARD	MUNICIPALITY
Comisión del Condado	Junta Escolar	Municipalidad
7	4	PB

Signature / Firma [REDACTED]



TOWN OF PALM BEACH
APPLICATION FOR SERVICE ON
SHORE PROTECTION BOARD

DOM 05/09/17
DOM 12/12/17
RECEIVED

2017 APR 24 AM 11:52 TOWN CLERK

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Melissa Ceriale E-mail Address: Msceriale@mac.com

Residence Address: 230 S. Ocean Boulevard, Palm Beach, FL 33480

Mailing Address: 230 S. Ocean Boulevard, Palm Beach, FL 33480

Home Telephone: (203) 820-4608 Work Telephone: _____

Length of Residency
Town of Palm Beach: 15

I am a resident of The Town of Palm Beach

1. Why are you interested in serving on the Shore Protection Board?

We have been ocean residents for 10 years, and have lived through two remediation projects. I have also been involved with the Breakers/Midtown situation since last spring when we invited Congresswoman Lois Frankel to tour the midtown beach area and familiarize herself with the current situation. I have also been educating myself on the history and current workings of the DEP and the local scenario as I am most interested in our shore protection from both the safety net and environmental perspectives.

2. How many meetings of the Shore Protection Board have you attended in the last year? 2*

* I have listened to online meetings from 2016 as well

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

I am a member of the Board of Trustees and Executive Committee of Montefiore Medical Center in the Bronx, NY. I am co-chair of the development committee, chair of community services as well as a sitting member on five additional committees. I can proudly say that I have an almost perfect attendance record on the several committees and am, by far, the most active member of this board, outside the current Chairman.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

None.

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

My main qualification is my commitment to the safety of the PB community. We have lived here for 15 years and I am eager to give back in an area where I have a deep interest in the protection of the town shoreline and the preservation of the environment as well as understanding the duties of maintaining a fiscal balance. I also bring diversity and energy to this board with the willingness and desire to fully engage, learn, and be a strong representative for the interests of our town.

6. Please describe your experience with the design and/or construction of coastal protection projects.

I oversaw the planning, permitting, and construction of our beach-front pool as the General Contractor, working with our architect, the town building officials and the DEP due to the proximity of this project to the shoreline. I have toured the north end sand transfer station as well as the south island reaches as I continue to understand the complexities facing this town board.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

I have met with Robert Weber, Gail Coniglio, town residents and our congresswoman Lois Frankel for continual discussion. I have also walked the shoreline to personally observe the benefits and downsides of the remediation methods and ongoing maintenance. I have read extensively and continue to educate myself on the local, state, federal and global issues that with impact us moving forward.

8. Are you a member of any of the following organizations? (Check all that apply)

- | | |
|--|---|
| ☐ Palm Beach Chamber of Commerce | ☒ Preservation Foundation of Palm Beach |
| ☐ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☐ Neighborhood Alliance of Palm Beach |
| ☐ Other | |

9. Present occupation: Hospital Trustee, Philanthropist, Chairman of a Number of years 10
family foundation, homemaker, and mother of 4.

Employer: Board of Trustees, Montefiore Medicine (4 years)

10. Past occupation(s): General Contractor Number of years 15

Employer(s): Prospect Design and Build LLC

11. Please provide details regarding your educational background.

BS Hotel, Restaurant, and Institutional Management, Michigan State University 1986

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
John Ceriale	Spouse	230 S. Ocean	Hotelier/Banker	Prospect Hotel Adv's
Robby Ceriale	Child	230 S. Ocean	Student	
Jack Ceriale	Child	230 S. Ocean	Student	

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the N/A if I am appointed to the position I am
(board/commission/committee)
seeking in this application.

The following information is required by Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

GENDER

- ☐ Native American ☐ Male ☒ Female
☒ Caucasian
☐ Not known

PHYSICALLY DISABLED

- ☐ Yes ☒ No

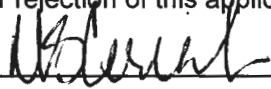
#15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an alternate Member of the Board. Should the Town Council wish to appoint you as an alternate Member?

Revised 8/10/2015

Page 3 of 4

yes/no

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature:  Date: 18 April 2017

****Please note that Board/Commission applications will expire on December 15 of each year.**

SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline.

The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment.

The Board shall hold at least four meetings per year and more if deemed necessary.





TOWN OF PALM BEACH
APPLICATION FOR SERVICE ON
SHORE PROTECTION BOARD

TOWN OF PALM BEACH

RECEIVED

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Name: Stephen Jacoby E-mail Address: stephenmjacoby@gmail.com

Residence Address: 2275 S. Ocean Blvd.

Mailing Address: 2275 S. Ocean Blvd.

Home Telephone: 917-952-7776 Cell Work Telephone: _____

I am a resident of the Town of Palm Beach JS (please initial)

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

I am interested in serving as protecting our shoreline environmentally is critical to the preservation of the Palm Beach as we know it. The oceans have always been a passion of mine and it would be an honor to serve.

2. How many meetings of the Shore Protection Board have you attended in the last year? one*

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.
S.I. Newhouse School of Public Communications Board 1993 to present

Whitney Museum Print Committee 2001-2008

The Norton Print Committee 2016 American Classical Orchestra Trustee 1997-2005

*Have Read Meeting Minutes since 2009

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

none

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

I have been involved with OCEANA since 2004 via development and strategy.

My skillset from 40 years in the media business in executive positions (Conde Nast, Hearst, Bloomberg) has yeilded great analytical experience and problem solving abilities.

6. Please describe your experience with the design and/or construction of coastal protection projects.

I have had several conversations with various individuals with knowledge of shore protection issues currently facing the Town of Palm Beach as well as extensive reading and studying of the beach map and the reaches.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

I've met with Robert Weber twice to gain insight into our coastal issues and to educate myself as to how I can add value. I have read the Shore Protection Board minutes since 2009. I've walked to beaches here to observe our coastline.

8. Are you a member of any of the following organizations? (Check all that apply)

- | | | |
|--------------------------|-------------------------------------|----------------------------|
| ☐ | Palm Beach Chamber of Commerce | Preservation Foundation of |
| ☐ | Palm Beach | |
| ☐ | Palm Beach Civic Association | North End Property Owners |
| ☐ | Association | |
| | Citizens' Association of Palm Beach | Neighborhood Alliance of |
| | Palm Beach Other | |

9. Present occupation: marketing consultant, _____ Number of years

Employer: Westfield Corporation

10. Past occupation(s): media and marketing _____ Number of years

Employer(s): Conde Nast Publications, Hearst, Bloomberg, Harlem Village Academies

11. Please provide details regarding your educational background.

Syracuse University

B.A. Journalism S.I. Newhouse School of Public Communications with honors

B.A. Arts and Sciences with honors

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
None				

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the N/A if I am appointed to the position I am
(board/commission/committee)
seeking in this application.

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Board should the Town Council wish to appoint you as an Alternate Member? Yes ☒ No ☐

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

- ☐ Native American
☒ Caucasian
☐ Not known

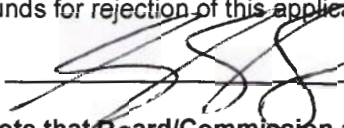
GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature:  Date: *April 14, 2017*

****Please note that Board/Commission applications will expire on December 15 of each year.**

SHORE PROTECTION BOARD

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The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment.

The Board shall hold at least four meetings per year and more if deemed necessary.





TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

SHORE PROTECTION BOARD

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Name: Harvey Kinzelberg E-mail Address: hkinzelberg@sequelcapital.com

Residence Address: 260 N. Ocean Blvd., Palm Beach, FL 33480

Mailing Address: 260 N. Ocean Blvd., Palm Beach, FL 33480

Home Telephone: 561-833-0098 Work Telephone: 312-799-4401

I am a resident of the Town of Palm Beach HK (please initial)

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

I live on N. Ocean Blvd. and have been the designated beach/shore interface of our neighborhood, Wells Rd. to Seminole, for the last 10
years. I have previously lived on the shore of Lake Michigan and invested in various shore protection projects. Thus I want to share my
knowledge in Shore Protection issues with the Town of Palm Beach to preserve one of our most precious assets.

2. How many meetings of the Shore Protection Board have you attended in the last year? 2-as alternate

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.
Currently serving as alternate on Palm Beach Shore Protection Board, since being elected earlier this year.

Active Trustee of Cornell University for 8 years, vice chair of the buildings&properties committee,now Trustee emeritus of Cornell for Life.

Board of Highland Park (Illinois) Hospital for 10 years, co-chair of investment & finance committees. CEO of Meridian Leasing, 1yrs.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

None.

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

Have a undergraduate degree in Engineering from Cornell and Masters in Economic Planning from Stanford.

Active Certified scuba diver for 52 years, and have extensive knowledge of off-shore reef conditions around the world.

Have actively worked with Paul Brazil & Rob Weber regarding beach & sea wall issues along N. Ocean Blvd. (Wells to Seminole Rd.)

6. Please describe your experience with the design and/or construction of coastal protection projects.

Built a 16 ft. high, 150 ft. long revetment to protect my property on Lake Michigan in Glencoe, Illinois + a groin system.

Have actively worked with Paul Brazil & Rob Weber regarding beach & sea wall issues along N. Ocean Blvd. (Wells to Seminole Rd.) for

last 5+ years.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

Specific knowledge in the the use of revetments, groins and sea walls as part of shore protection.

8. Are you a member of any of the following organizations? (Check all that apply)

☐ Palm Beach Chamber of Commerce

☐ Preservation Foundation of Palm Beach

☒ Palm Beach Civic Association

☐ North End Property Owners Association

☐ Citizens' Association of Palm Beach

☐ Neighborhood Alliance of Palm Beach

☒ Other Cornell Univ. Trustee

9. Present occupation: President & CEO Number of years 26

Employer: Sequel Capital LLC

10. Past occupation(s): CEO Number of years 13

Employer(s): Meridian Leasing Corporation

11. Please provide details regarding your educational background.

Bachelors of Sciences degree in Engineering (Operations Research) from Cornell University

Masters of Sciences degree in Engineering Economic Planning from Stanford University

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
Mary Ann Kinzelberg	wife	260N. Ocean Blvd, PB	housewife	none
Victor Spilotro	Step son	200 Via Bellaria, PB	Estate Mngr. / investmt advisor	Sequel Capital

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. no

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am
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seeking in this application.

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RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

- ☐ Native American
☒ Caucasian
☐ Not known

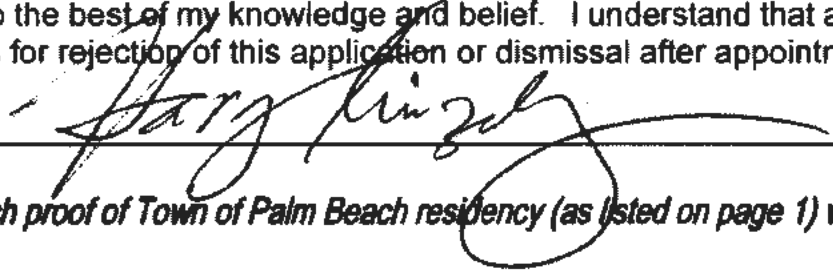
GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

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Signature:  Date: 11-29-17

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

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11. Please provide details regarding your educational background.

Bachelors of Sciences degree in Engineering (Operations Research) from Cornell University

Masters of Sciences degree in Engineering Economic Planning from Stanford University

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Family Member Name	Relationship	Address	Occupation	Employer
Mary Ann Kinzelberg	wife	260N. Ocean Blvd, PB	housewife	none
Victor Spilotro	Step son	200 Via Bellaria, PB	Estate Mngr./ investmt advisor	Sequel Capital

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. no

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

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RACE

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☐ Asian American
☐ Hispanic American

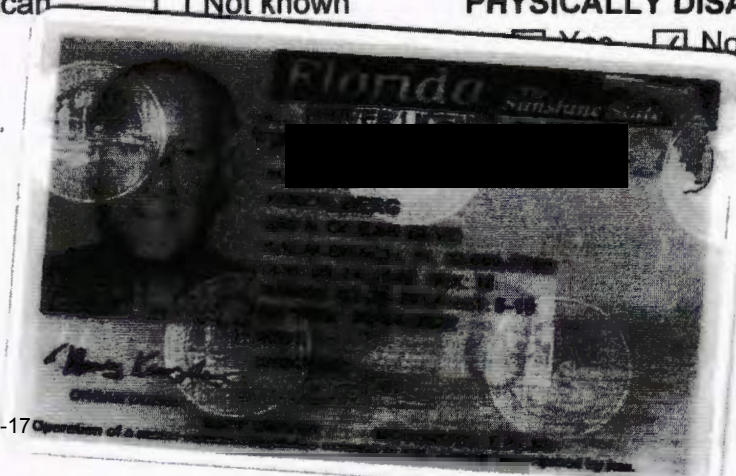
- ☐ Native American
☒ Caucasian
☐ Not known

GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No





TOWN OF PALM BEACH
APPLICATION FOR SERVICE ON
SHORE PROTECTION BOARD

Received 2017 Apr 27
Town Clerk
Updated w/ Initial
#86.3 11/29/17 Bmk
RECEIVED

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Warren Belmar E-mail Address: warrenbelmar@gmail.com

Residence Address: 130 Sunrise Ave, Apt. 319, Palm Beach, FL 33480

Mailing Address: _____

Home Telephone: 561-833-1022 Work Telephone: 202-255-1586

I am a resident of the Town of Palm Beach WB (please initial)

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

I want to help insure the existence of a beautiful beach for my children and grandchildren.

We have been on the beach block of Sunrise Ave since 1971 and treasure our wonderful beaches.

2. How many meetings of the Shore Protection Board have you attended in the last year? One

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

n/a

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

n/a

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

I have a legal degree from Columbia Law School, which will prove helpful in addressing environmental and permitting issues. *J*

have attached a resume listing my various responsibilities and achievements, reflecting the trust placed in me by others.

6. Please describe your experience with the design and/or construction of coastal protection projects.

n/a

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

n/a

8. Are you a member of any of the following organizations? (Check all that apply)

☐ Palm Beach Chamber of Commerce

☐ Preservation Foundation of Palm Beach

☒ Palm Beach Civic Association

☐ North End Property Owners Association

☐ Citizens' Association of Palm Beach

☐ Neighborhood Alliance of Palm Beach

☐ Other _____

9. Present occupation: Retired Number of years _____

Employer: _____

10. Past occupation(s): Lawyer Number of years 50

Employer(s): Fulbright & Jaworski, LLP: U.S. Dept. of Energy

11. Please provide details regarding your educational background.

LL.B Columbia Law School, Class of 1966, With Honors

B.A. Brooklyn College, Class of 1963 with Honors

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
Anita Belmar	Wife	130 Sunrise Ave	Retired	N/A

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am
(board/commission/committee)
seeking in this application.

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Board should the Town Council wish to appoint you as an Alternate Member? Yes ☒ No ☐

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

- ☐ Native American
☒ Caucasian
☐ Not known

GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

[Handwritten signature]
11/29/17

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: Walter Belman Date: 4/24/17

****Please note that Board/Commission applications will expire on December 15 of each year.**

SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline.

The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment.

The Board shall hold at least four meetings per year and more if deemed necessary.

WARREN BELMAR
BIOGRAPHICAL INFORMATION

Present Positions:

Managing Partner
Capitol Counsel Group, LLC
130 Sunrise Avenue, Suite 319
Palm Beach, Florida 33480
Tel: 202-255-1586
warrenbelmar@gmail.com

Senior Fellow
Administrative Conference
of the United States

Bar Admissions:

Admitted to practice in the District of Columbia and New York, and before the United States Supreme Court, the United States District Court for the District of Columbia, the United States Courts of Appeals for the Second Circuit, the District of Columbia Circuit and the Federal Circuit, and the United States Court of Federal Claims.

Current Federal Government Position

Senior Fellow, Administrative Conference of the United States
(2010-)

Former Government Positions:

Deputy General Counsel for Energy Policy, U. S. Department of Energy (2006-2009); Attorney Advisor, Office of Legal Counsel, United States Department of Justice (1967-69); Court Law Clerk,

United States Court of Appeals for the District of Columbia Circuit (1966-67).

Former Private Practice Positions:

Managing Partner, Capitol Counsel Group, LLC (February 1999-August 2003; January 2005-June 2006; March 2009-); Partner, Fulbright & Jaworski, LLP (June 1977-February 1999); Partner, Balch & Bingham, LLP (September 2003-December 2004); Partner, Arent, Fox, Kintner, Plotkin & Kahn, Washington, D.C. (January-May, 1977), and Associate (May 1972 - December 1976); Associate, Dickstein, Shapiro & Galligan, Washington, D.C. (January 1969 - May 1972).

Professional Organizations (Past & Present):

Federalist Society ((Member of Executive Committees of Financial Services and Professional Responsibility Practice Groups); Republican National Lawyers Association; Administrative Conference of the United States (Chair, Judicial Review Committee) (1986-95); Principal, Council For Excellence in Government; American Law Institute, Life Member; The Supreme Court Historical Society; Chairman of the Board of The Clean Economy Network Education Fund (2009-2011); The District of Columbia Bar; The Bar Association of the District of Columbia; Federal Bar Association; and Federal Energy Bar Association (Chair, Oil Pipeline Regulation Committee (1983-84); Chair, Committee on Liaison with Administrative Law Judges (1991-92)); American Bar Association: Activities within the Section of Administrative Law & Regulatory Practice of the ABA include, in addition to service as Chair of the Section (1996-1997), service as Vice Chairman, Wage & Price Controls Committee (1973-74); Chairman, Emergency Economic Controls Committee (1974-80); Chairman, Energy Committee (1980-82); Vice

Chairman, Energy Committee (1987-91); Chairman, Adjudication Committee (1980-82); Member of the Council of the Section (1983-86); Member of Nominating Committee (1988-89); Chairman, Banking, Currency and Treasury Committee (1986-92); Vice Chair of Women and Minority Group Outreach Committee (1989-91); Vice Chair of Committee for Annual Award for Outstanding Government Service (1989-91); Chairman, Financial Services Committee (1992-96); Budget Officer (1991-94); Co-Chair, Banking & Financial Services Committee (2003-06); and Chair, Federal Clean Energy Finance Committee (2009-); Council Member, Senior Lawyers Division of ABA (2014-2017) and (2003-04); Chair, SLD Voice of Experience Newsletter Committee (2012-16).

Speeches and Publications:

Numerous speeches and publications in the energy, environmental law, and bank regulatory areas; author of “Washington Scene “ column for Voice of Experience, ABA Senior Lawyers Division.

Civic (Past and Present):

Palm Beach Civic Association, Member of the Board (2015-); Boys & Girls Clubs of Greater Washington, Member of the Board (1995-2006); four time Chair of Annual Congressional Dinner (1994-1997), and recipient of Chairman’s Award; member, Metro-Washington Chapter, Cystic Fibrosis Foundation, and Co-Chair of Annual Celebrity Tennis Gala (1988-2013)

Clubs (Past and Present):

The 116 Club, Washington, D.C.; Federal City Club, Washington D.C.; Old Guard Society of Palm Beach Golfers; The Breakers; Palm Beach Republican Club

Schools and Colleges:

Elementary and undergraduate schools in Brooklyn, New York;
Brooklyn College (A.B. *Cum Laude* 1963); Columbia Law School
(LL.B. *Cum Laude* 1966)

Marital Status:

Married to Anita Finston Belmar (1971); two children; two grandchildren.

*See note on back
Page 2 of 2
MEMBER FORM



RECEIVED

By Town Clerk Office at 4:36 pm, Oct 17, 2017

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

SHORE PROTECTION BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: YVES S. BROBERG E-mail Address: ybro@cochberg.com

Residence Address: 220 MOORELY RD, PB, FL 33480

Mailing Address: 223 BERWIAN AVE, PB, FL 33480

Home Telephone: 661-842-7270 Work Telephone: 561-856-5166

I am a resident of the Town of Palm Beach YB (please initial)

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

Palm Beach's beaches have been a part of my life my entire life. I have walked, jogged, picked up shells, caught sand fleas and/or sunbed almost everyday.

2. How many meetings of the Shore Protection Board have you attended in the last year? 2

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

TB Chamber of Commerce - Director - 20 years attendance 100%
Seaview Parks Commission (Pec. Commission) - Chairman - 5+ years 100%
Planning + zoning - member - 8 years - 100%
Building Board of Adjustments + Appeals - 5+ years - 100%
Civic Assn - Board of Directors - 3 years - 100%

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

None

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

My qualifications go beyond books + degrees. I have been on Palm Beaches beaches my whole life and I understand the ocean + beach's rhythm ... I understand sand flows and I understand how to preserve our beaches

6. Please describe your experience with the design and/or construction of coastal protection projects.

My experience is gained from observation. I know the broken groins in the north end still hold sand but should be rebuilt. Also groin fields should be implemented town wide but I'm also willing to listen to other options

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

See #4

8. Are you a member of any of the following organizations? (Check all that apply)

☒ Palm Beach Chamber of Commerce

☐ Preservation Foundation of Palm Beach

☒ Palm Beach Civic Association

☐ North End Property Owners Association

☐ Citizens' Association of Palm Beach

☐ Neighborhood Alliance of Palm Beach

☐ Other _____

9. Present occupation: Attorney Number of years 35

Employer: Coe + BERGER LLP

10. Past occupation(s): Professional Baseball Number of years 9

Employer(s): _____

11. Please provide details regarding your educational background.

Palm Beach Public, Palm Beach High School
Dartmouth College, Nova Southeastern Law School

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
Beverly	Wife	Same	Re Associate	Beach House
Elizabeth	Daughter	222 Australia	Personal Shopper	Self

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the N/A if I am appointed to the position I am seeking in this application.
 (board/commission/committee)

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

- ☐ Native American
☒ Caucasian
☐ Not known

GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: [Signature] Date: 10.12.17

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline. The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment. The Board shall hold at least four meetings per year and more if deemed necessary.

#15. Note: After my many years of service to the Town of Palm Beach, I have no interest in being a alternate member. If I can not be considered for a voting membership, please do not consider this application.



WEST PALM BEACH

City of West Palm Beach

Public Utilities – Customer Service
401 Clematis Street

West Palm Beach, FL, 33401

Hours of Operation 8:00 AM to 5:00 PM Mon-Fri

Pay By Phone (561) 822-1300

Pay ON-LINE www.wpb.org

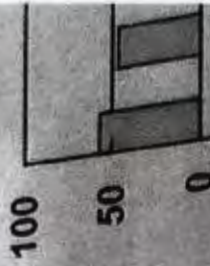
Account Number
Previous Bill
Payments Thank

Current Billing Ch
TOTAL AMOUNT



PETER BROBERG
220 MONTEREY RD
PALM BEACH FL 33480-3228

2.468



Nov 16
Oct 16

CURRENT BILLING CHARGES DUE BY 10-24-2017 OR LATE PAYMENT FEE WILL BE CHARGED

Effective October 1, 2017 utility fees were adjusted to reflect the cost of providing service to our customers. You will see 2 lines for each service affected by this resolution. The first line will be for service prior to the effective date.



TOWN OF PALM BEACH
APPLICATION FOR SERVICE ON
SHORE PROTECTION BOARD

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Name: Diane Buhler E-mail Address: beachsweep@gmail.com

Residence Address: 2505 S. Ocean Blvd., #214, Palm Beach, FL 33405

Mailing Address: 214 Alhambra Place, West Palm Beach, FL 33405

Home Telephone: 917-371-3028 Work Telephone: _____

I am a resident of the Town of Palm Beach DB (please initial)

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

I spent decades on Wall Street. I now serve to educate and overcome ocean debris issues. My idealistic views, at times, allows for my

search of many alternatives to an issue and I understand wholeheartedly the realities of a barrier island having my boots on the ground

almost every day. I seek to serve to become a more integral part of protecting our shoreline and support ideas for longevity.

2. How many meetings of the Shore Protection Board have you attended in the last year? 3-4

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

I am a recent addition to the board of the Citizens Association of Palm Beach.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

I am available year round and have a flexible schedule, barring any vacations which I will hopefully be able to arrange around set meeting dates.

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

My qualifications aren't school bought but hands on. I walk and collect trash along the coastline of Palm Beach almost every weekday.

I have seen the changes wave erosion has created and the changes with the addition of sand, naturally or not, in almost all areas along

Reach 1 to Reach 6. I have learned a great deal from Rob Weber, NOAA, DEP, FWC and other coastal municipalities in this area.

6. Please describe your experience with the design and/or construction of coastal protection projects.

I have no experience with any specific design or construction other than being involved in the Reach 8 project many years ago and

helping Surfrider shed light on the DEPs coastal imbalance on sand grain size and the need to update this issue to save our East Coast

beaches from the continuous addition of the wrong sand and its negative impact on our ocean and beach environment.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

I have no particular knowledge at this time on better technology or management processes that exist and work in our area but I am

constantly learning from County agencies and individuals that offer such and would love the opportunity to bring innovative ideas to the

Shore Protection Board for review and potential implementation. 'Simple and cheap', as offered at the last meeting, is not the way to go.

8. Are you a member of any of the following organizations? (Check all that apply)

☐ Palm Beach Chamber of Commerce

☐ Preservation Foundation of Palm Beach

☐ Palm Beach Civic Association

☐ North End Property Owners Association

☒ Citizens' Association of Palm Beach

☐ Neighborhood Alliance of Palm Beach

☐ Other _____

9. Present occupation: Beach Cleaner Number of years 4

Employer: Friends of Palm Beach

10. Past occupation(s): Processor, Exec Associate, Headhunter, Bond Sales/Trader Number of years 2, 4, 5, 15

Employer(s): Palm Beach First Finl & Mortgage, Calibre-Wachovia Palm Beach, Horizon Group, CS First Boston

11. Please provide details regarding your educational background.

As far as formal education, I rec'd a BS in Business Economics/Accounting in 1987. I have spent the last 22 years
scuba diving around the world and the exposure to the current conditions of changing ocean balance, sea level
rise and weather disruptions has been an education in reality of challenges faced by coastal communities.

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
Eric Lieberman	Husband	2505 S. Ocean Blvd., #214 Palm Beach, FL 33480	Owner	Palm Beach First Financial & Mortgage

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am
(board/commission/committee)
seeking in this application.

15. In the event you are applying to be a Regular Member of the Recreation Advisory Commission and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? Yes ☐ No ☐

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

- ☐ Native American
☒ Caucasian
☐ Not known

GENDER

- ☐ Male ☒ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

DECLARATION OF DOMICILE

For Domiciliaries of the State Of Florida:

To the Clerk of the Circuit Court (County Comptroller) of Palm Beach County, Florida.

This is my declaration of domicile in the State of Florida that I am filing this day in accordance and in conformity with Section 222.17, Florida Statutes.

I Diane Buhler hereby declare that I reside in and maintain a place of abode at:

2505 S. Ocean Blvd., #214

(street and number)

Palm Beach, FL

(city and county)

, Florida

which place of abode I recognize and intend to maintain as my permanent home and, if I maintain another place or places of abode in some other state or states, I hereby declare that my above-described residence and abode in the State of Florida constitutes my predominant and principal home, and I intend to continue it permanently as such. I am, at the time of making this declaration, a bona fide resident of the State of Florida residing at:

2505 S. Ocean Blvd., #214

(street and number)

Palm Beach, FL 33405

(city and county)

, Florida

I formerly resided at:

(street and number)

(city, county and state)

and the place or places where I maintain another or other place or places of abode are as follows: (Here list street address, city, county, and state of any other place or places of abode.)

214 Alhambra Place, West Palm Beach, FL 33405

Diane Buhler
(Signature)

Sworn to and subscribed before me this

17 of November, 2017

Colleen Hinson
(Signature of Notary Public, State of Florida)

Colleen HINSON
(Print, type or stamp commissioned name of Notary Public)



Personally Known _____ or Produced Identification X
(Check One)

Type of Identification Produced: FL Drivers License

121416

(See reverse side for Domiciliaries of States Other than the State of Florida)

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: Diane Buhler

Digitally signed by Diane Buhler
DN: cn=Diane Buhler, o=Friends of Palm Beach,
email=diane@friendsofpalmbeach.com, c=United States, givenName=Diane Buhler
Date: 2017.11.15 09:33:50 -0500

Date: 11/17/17

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline. The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

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Regina Kamak

From: Diane Buhler <diane@friendsofpalmbeach.com>
Sent: Tuesday, November 21, 2017 11:50 AM
To: Kathleen Dominguez
Cc: Town Clerks Staff; beachsweep@gmail.com
Subject: Re: SPB Application Submission

#15
Yes on the alternate spot for sure. The application said something about the Rec center alternate so was unsure whether or not to check. I'm in Costa Rica. Will send photocopies upon return next week. My license is changed but are you asking if registered voter? Not yet it will be.

Make it a great day, Diane
Friends of Palm Beach
917-371-3028

On Nov 21, 2017, at 8:50 AM, Kathleen Dominguez <KDominguez@TownofPalmBeach.com> wrote:

Dear Ms. Buhler,

The Town Clerk's Office is in receipt of your application for the Shore Protection Board. I want to thank you for applying and for your interest in serving the Town.

Upon review of your application, I noticed that you forgot to check the box for Item #15 indicating whether or not you would like to serve as an alternate member in the event you are not appointed as a regular member. Can you please let us know by email, if you are interested in serving as an Alternate Member? Also, I realize that you are a new resident of the Town but we require that all applicants submit a valid driver's license and voter ID card as proof that you are a registered in the Town of Palm Beach. Can you please send those documents to our office as soon as possible?

Please feel free to contact me if you have any questions.

Thank you and have a wonderful holiday!

Sincerely,

Kathleen Dominguez
Town Clerk
Town of Palm Beach

360 South County Road
Palm Beach, FL 33480
561-838-5416

From: Diane Buhler <diane@friendsofpalmbeach.com>

Sent: Friday, November 17, 2017 10:29 PM

To: Town Clerks Staff

Cc: beachsweep@gmail.com

Subject: SPB Application Submission

Please find attached the application for the opening on the Shore Protection Board.

Diane Buhler

Founder/President

Friends of Palm Beach

A 501c3 non-profit organization

www.friendsofpalmbeach.com

TIN# 30-0845635

917-371-3028 cell

561-507-0345 office

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

<Shore Protection Board Application.pdf>



TOWN OF PALM BEACH
APPLICATION FOR SERVICE ON
SHORE PROTECTION BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Per 'William' Lorentzen E-mail Address: william.lorentzen@wginc.com

Residence Address: 231 Osceola Way, Palm Beach, FL 33480

Mailing Address: Same

Home Telephone: 561-841-9895 Work Telephone: 561-351-0713 *

I am a resident of the Town of Palm Beach ^{PWL} (please initial)

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

I grew up in Palm Beach and have spent countless hours on our coastline (in various reaches), and have seen first hand the erosional issues our island experiences. My goal is to protect coastal habitat, residents, town infrastructure, and historic structures simultaneously.

As a local Environmental Scientist with a background in coastal geology, I could contribute to this goal on the Shore Protection Board.

2. How many meetings of the Shore Protection Board have you attended in the last year? 0

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

N/A

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

No problems with availability.

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

I received a Bachelor of Science in Geology (with an economics minor) from the College of Charleston. My undergraduate thesis for the Honors College was on geomorphology of the coastline proximal to Palm Beach Inlet, and I excelled in marine geology/relevant courses.

As a local Environmental Scientist and member of FAEP Treasure Coast, I'm familiar with local regulations and environmental issues.

6. Please describe your experience with the design and/or construction of coastal protection projects.

During the past ~2 years, I have worked as an Environmental Scientist for Wantman Group Inc. (WGI) in West Palm Beach. This has provided me with valuable experience in local design and construction processes, some of which have been coastal projects. In my personal time, I have spent considerable time researching the challenges of coastal protection projects such as the PEP reefs.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

One of my long-term goals is to investigate the potential for multi-purpose artificial reefs that are engineered to prevent coastal erosion and local scouring, without compromising environmental, navigational, and recreational concerns. I have spent personal time researching these issues. I have also attended conferences that emphasize the potential of 'living shoreline' management practices.

8. Are you a member of any of the following organizations? (Check all that apply)

- | | |
|--|--|
| ☐ Palm Beach Chamber of Commerce | ☐ Preservation Foundation of Palm Beach |
| ☐ Palm Beach Civic Association | ☐ North End Property Owners Association |
| ☐ Citizens' Association of Palm Beach | ☐ Neighborhood Alliance of Palm Beach |
| ☐ Other _____ | |

9. Present occupation: Environmental Scientist Number of years 2

Employer: Wantman Group Inc. (WGI)

10. Past occupation(s): Various geology internships Number of years 2 summers

Employer(s): Archbold Biological Station, Sumin Resources, and Earthscope IDOR Seismology Project

11. Please provide details regarding your educational background.

After attending middle and high school locally, I studied geology at the College of Charleston Honors College.

I focused on marine geology as an undergraduate, but also took courses in GIS, Remote Sensing, and seafloor mapping. Based on undergraduate success, I am a member of both NSCS and Phi Eta Sigma honors societies.

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
Per Lorentzen	Father	231 Osceola Way	Investor	None
Rachel Lorentzen	Mother	231 Osceola Way	Real Estate Agent	Brown Harris Stevens

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am
(board/commission/committee)
seeking in this application.

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Board should the Town Council wish to appoint you as an Alternate Member? Yes ☒ No ☐ ☐

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

- ☐ Native American
☒ Caucasian
☐ Not known

GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: Per William Lopez Date: 11/20/2017

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

SHORE PROTECTION BOARD

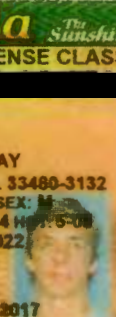
The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline. The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment. The Board shall hold at least four meetings per year and more if deemed necessary.

Florida *The Sunshine State*
DRIVER LICENSE CLASS E



PER WILLIAM
LORENTZEN
231 OSCEOLA WAY
PALM BEACH, FL 33480-3132
DOB: 07-13-1992 SEX: M
ISSUED: 05-18-2014 HGT: 5-08
EXPIRES: 07-13-2022



REC'D:
ENDORSE:
REPLACED: 07-06-2017

W. Lorentzen
ORGAN DONOR

SAFE DRIVER
Operation of a motor vehicle constitutes consent to any sobriety test required by law.



RECEIVED
JAN 6 2017
TOWN CLERK

TOWN OF PALM BEACH
APPLICATION FOR SERVICE ON
SHORE PROTECTION BOARD

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Name: JAMES EDWARD SVED E-mail Address: James.sved@gmail.com
Residence Address: 2560 SOUTH OCEAN BOULEVARD PALM BEACH 33480
Mailing Address: 2560 SOUTH OCEAN BOULEVARD #211 PALM BEACH 33480
Home Telephone: 434-760-0068 Work Telephone: 561-299-1125

I am a resident of the Town of Palm Beach JS (please initial)

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

I have experience and professional credentials which
would be helpful to this board.

2. How many meetings of the Shore Protection Board have you attended in the last year? 0 (Just returned to town)

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

I am the former consultant to the Town of Palm Beach
Landmarks Preservation Commission, ARCOM, and the
Town Council. I have been called to appear as
expert witness in front of numerous boards in California
and Virginia. I have appeared at numerous boards
Revised 06/01/2017 in Virginia as Staff.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

N/A

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

I have worked in Environmental Services professionally.
I have been a certified advanced scuba diver for 30 years;
I have experience in urban planning

6. Please describe your experience with the design and/or construction of coastal protection projects.

I am an award-winning restoration architect and project manager. I have worked on coastal projects from Florida to the Bahamas to the Mid-Atlantic to New York to California.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

I spent last year working as a senior manager for Stantec Environmental Services

8. Are you a member of any of the following organizations? (Check all that apply)

☒ Palm Beach Chamber of Commerce

☒ Preservation Foundation of Palm Beach

☐ Palm Beach Civic Association

☐ North End Property Owners Association

☐ Citizens' Association of Palm Beach

☐ Neighborhood Alliance of Palm Beach

☐ Other _____

9. Present occupation: Restoration Architecture / Number of years 29

Architectural Historian
Employer: Land and Sea Cultural Resource Management

10. Past occupation(s): _____ Number of years _____

Employer(s): _____

11. Please provide details regarding your educational background.

I hold a Master's degree from the University of Virginia School of Architecture and a BA in English from Randolph-Macon College

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the WPA if I am appointed to the position I am seeking in this application.
(board/commission/committee)

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? Yes ☒ No ☐

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Signature: _____ Date: 6 NOV 17

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SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline. The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

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James Edward Sved
2560 South Ocean Boulevard
Palm Beach, FL 33480

6 November, 2017

Shore Protection Board
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Dear Madam Mayor and members of the Town Council,

I am no stranger to the Town of Palm Beach. A quarter of a century ago, I served as the consultant to the Town Landmarks Preservation Commission, worked with ARCOM, spearheaded the first restoration of Memorial Fountain, and worked closely with the Preservation Foundation of Palm Beach, the Flagler Museum, The Breakers, and The Society of the Four Arts.

My career took me away from this lovely town, and I am elated to have come home. I am very interested in serving the community by adding my expertise and experience to the Shore Protection Board.

For the past 25 years, I have been engaged in restoration, the adaptive use of buildings, and the history of architecture. My work in these areas has taken me beyond the built environment, and I have significant experience in professional cultural resources work, working under the umbrella of environmental services. I have worked with municipalities and corporations all across the US on environmental and cultural resources programs that include coastal wetlands plans, sediment and erosion control, and coastal erosion. As a researcher in subaquatic archaeology, I have become well aware of sea level rise, the changes occurring in ocean currents caused by rising water temperatures and changes in salinity and acidity, and the evolving volatility of our coastal storms. I have been a certified advanced scuba diver for more than 30 years.

How our oceans have been changing is having a direct result on properties, property values, the conditions of roads and the transmission of public utilities. The sea level rise has had a significantly greater effect on South Florida than it has on other parts of the United States, some scientists say as much as 6% greater. This will have a profound impact on future urban planning, and will have a direct impact on the incredible architectural and cultural resources of our Town.

As such, I wish to add my experience and my knowledge to the Town of Palm Beach Shore Protection Board. I am delighted to be home, and I pledge to fulfill my full term, if selected for this important appointment.

Respectfully,

James Edward Sved
561-299-1125

James Edward Sved
jamesved@gmail.com
Palm Beach, Florida
<http://jesved.com>
561-299-1125

PROFESSIONAL EXPERIENCE

Land & Sea CRM, Washington, DC & Palm Beach, FL

Project Director

December 2012-Present

Award-winning design, interior design, project management, construction administration, and full service Cultural Resource Management. Federally accredited in architectural history, historic architecture, and archaeology.

Key Projects: Construction management consulting for residential conversions, Washington, DC; Code review for a private client in Nassau, Bahamas; Residential construction of luxury beach houses, Southampton, NY; Senior consultant for mixed-use redevelopment, Santa Barbara, California; Public and private projects and clients in CRM.

Stantec, Glen Allen, Virginia

Senior Cultural Resources Program Manager

August, 2016-May, 2017

Managed an office of 18 archaeologists and architectural historians in the area of cultural resources management. Budget oversight, personnel coordination, project solicitation. Served as senior staff providing QA/QC and oversight review of federal, state, and local projects involving NHPA, NEPA, CEQA, Section 106, and other federal regulations.

City of Petersburg, Virginia, Petersburg, Virginia

Preservation Planner & Museum Director

January 2012-October 2012

Director preservation planning programs and activities (CLG) for a local government; managed three city museums. Managed a staff of 27. Public speaking and board meeting oversight.

Key Projects: Roof restoration, City Market building; structural assessment and reports, city museum (Old Exchange Building); Direction of city Landmarks Commission, CLG program.

Second Presbyterian Church, Richmond, Virginia

Facilities Administrator

2006-2009

Managed facilities operations and capital improvements for an ecumenical campus. Served as staff continuity during a complete pastoral re-alignment, coordinating programs and dealing with the congregation on a daily basis, administrative coordination included, but not limited to, daycare, school programs, weekly feeding of the homeless, communications, social media, and bulletins. Signature authority on all fiscal matters. Managed a full-time staff of nine.

Key Projects: Church Sanctuary renovations; Organ window renovations; Tiffany stained glass restoration; Annex building renovations.

URS Corporation, Washington, DC

Project Manager/Project Director

2000-2005

Managed and directed multi million dollar, federally-funded restoration project, the award-winning restoration of Main Street Station (Federal Transportation Authority); Directed capital improvements for the City of Richmond Parks and Recreation Department (On-loan) for 9 months. Served as Preservation consultant and site archaeologist of record, as well. Managed a staff of five. Site architect of record, interior designer, archaeologist, project manager.

Key Projects: Project director, site architect of record, interior designer, historic archaeologist, construction administrator for the Restoration of Main Street Railroad Station (Restoration Project of the Year); Project management of the renovation of the Venable School (K-12); Monthly federal project field work, research, and reporting in archeology, collecting, cataloging, and accessioning more than 11,000 artifacts into local museums.

Cooper-Lecky Architects, Washington, DC

Project Manager

1998-2000

Managed restoration projects such as the Science Museum of Virginia; designed projects.

Key Projects: Project management of the renovation of Old Glen Allen School into the Cultural Arts Center at Glen Allen; Site architect for the renovation of a Union Railroad station into the Science Museum of Virginia, ensuring compliance with the Secretary of the Interior's Standards; Design for the Virginia State Fairgrounds.

County of Henrico, Virginia

Project Manager

1997-1998

Managed new construction and restoration capital improvement projects for a county government. Managed one construction inspector.

Key Projects: Three Lakes Nature Center (New construction); Cultural Arts Center at Glen Allen; County office building renovations.

College of William & Mary, Williamsburg, Virginia

Project Manager

1995-1997

Managed new construction and restoration capital improvement projects for a state-funded university, including the Sir Christopher Wren Building.

Key Projects: Baseball stadium (New construction); Renovation of Brown Hall; Renovation of student housing facilities.

University of Virginia, Charlottesville, Virginia

Project Architect/Project Manager

1992-1995

Managed new construction and restoration capital improvement projects for a state-funded university including Thomas Jefferson's Academical Village, a World Heritage site.

Key Projects: Renovation of Fayerweather Hall; Renovation of Brooks Hall; Renovations to Scott (Football) Stadium; Renovation of Oncology Department, UVa. Hospital; Renovation of medical research laboratories (MR4); Range and Lawn rooms of Jefferson's Academical Village.

Commonwealth of Virginia Department of Historic Resources, Richmond, Virginia

Interim State Historian

1991

Served as interim historian for a state historic preservation office.

Key Projects: Directed the Commonwealth's Historical Highway Marker Program; Served as a member of the Section 106 Project Review Team.

Town of Palm Beach, Palm Beach, Florida

Preservation Consultant

1989-1991

Principal consultant for the Town of Palm Beach Town Council and Landmarks Preservation Commission; restored city landmarks; wrote the Town of Palm Beach Preservation Plan; landmarked 89 structures under local ordinance, in compliance with Florida SHPO.

Key Projects: Designed and directed the restoration of Addison Mizner's Memorial Fountain Plaza.

OTHER PROFESSIONAL EXPERIENCE

Virginia Commonwealth University, Richmond, Virginia

Adjunct lecturer

September, 2007-October, 2012

Adjunct lecturer for the Virginia Center on Aging.

Subjects: Architectural history, historic preservation, history, urban development & sustainability

K-12 Education, Hanover & Henrico County Schools, Virginia

Long-term Substitute

2006; 2009

Served as a long-term middle school and elementary school substitute between professional projects on two occasions, working with diverse students of many ages.

Building Design & Construction Magazine, Chicago, Illinois

Contributing Editor

1999-2004

Wrote, edited, and researched articles on architecture, restoration, historic preservation, and materials for a trade publication.

Articles published: 32

San Francisco Chronicle, San Francisco, California

Print and digital columnist for the fourth largest newspaper in the United States.

2005-2008

Popular Home and Garden section columnist, writing on the lighter side of urbanity.

Articles published: 40

Numerous Commercial, Trade, and Academic Print Magazines and Periodicals

Freelance Writer

1997-2010

Popular freelance writer on architecture, interiors, and landscapes for a variety of national and regional magazines including, but not limited to, Southern Living, JANE, Richmond Magazine, R-HOME, Style Weekly.

Articles published: 55

Herald de Paris & Cie., Washington, DC

Writer; Editor-in-chief; Founder; Director

April, 2008 - present

Managing Editor, editing and curating some of the top writers, journalists and photographers in the United States and abroad, on range of topics from politics, sports, White House, music, culture, food and entertainment, and architecture. Herald de Paris is non-profit publication with 2,000,000 - 3,000,000 unique readers per month. Professional writer and journalist.

Articles written and published: Hundreds

Articles edited and vetted: Thousands

EDUCATION

Master of Architectural History, University of Virginia, 1989

Bachelor of Arts, English, Randolph-Macon College, 1986

Doctoral Studies in Higher Education Policy, & Leadership, College of William & Mary, 1996-1997

Licensed Realtor

REFERENCES & WRITING SAMPLES - Available upon request

Wireless Statement

Bill-At-A-Glance

Previous Balance	\$216.53
Payment - 10/04	\$211.52CR
Adjustments	\$5.01CR
Balance	\$0.00
New Charges	\$272.57

Total Amount Due \$272.57

Amount Due in Full by Oct 28, 2017

Service Summary

Service	Page	Total
 Account Charges	2	\$0.00
 Wireless		\$272.57
310 745-4878 \$49.10	2	
34 249-5603 \$28.35	3	
34 760-0068 \$161.37	3	
804 218-6351 \$33.75	4	
Total New Charges		\$272.57

Manage Your Account:

Online: att.com/myatt

Mobile App: att.com/myattapp

Support: 800 331-0500 or 611 from your mobile device

TTY: 866 241-6567



For Important Information about your bill, please see the **News You Can Use** section (Page 4).

Return bottom portion with your check in the enclosed envelope.
Payments may take 7 days to post.

How much can I save?

Call today for special offers on
DIRECTV® with **no equipment to buy.**

Call **866.562.3924**

Go to **att.com/BrowseDTV**

Visit **your local AT&T store**

Summary of Changes

	Previous Bill	Current Bill	Change
Account Charges	\$5.01	\$0.00	- \$5.01
Late Payment Fee			
310 745-4878	\$38.02	\$49.10	+ \$11.08
Monthly Charges, Account Activity			
434 249-5603	\$12.01	\$28.35	+ \$16.34
Monthly Charges, Account Activity			
434 760-0068	\$138.82	\$161.37	+ \$22.55
Account Activity, Monthly Charges, Usage			
804 218-6351	\$22.67	\$33.75	+ \$11.08
Monthly Charges, Account Activity			
Change from Previous Bill			+ \$56.04

Payments & Adjustments

Item

No. Description

1.	Master Card payment posted 10/04	211.52CR
2.	Wireless - Credit-Late Payment Fee	5.00CR
3.	Wireless - Government Fees and Taxes	0.01CR
	Total Adjustments	5.01CR
	Total Payments & Adjustments	216.53CR

Wireless Services provided by AT&T Mobility, LLC.

Printed on Recyclable Paper

DUPLICATE: Oct 28, 2017

\$272.57



TCM Agenda Backup 12-12-17

Account Number [REDACTED]

Please include account number on your check.

JAMES EDWARD SVED
340 ROYAL POINCIANA WAY STE 317
PALM BEACH, FL 33480-4096

386

Make checks payable to:
AT&T MOBILITY

☐ CHECK FOR AUTO PAY



TOWN OF PALM BEACH
APPLICATION FOR SERVICE ON
SHORE PROTECTION BOARD

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Name: Thomas Wamke E-mail Address: trwamke@hotmail.com

Residence Address: 2780 Worcester Road, Lake Worth, FL 33462

Mailing Address: same

Home Telephone: 561-236-0155 Work Telephone: same

Length of Residency
 Town of Palm Beach: _____

1. Why are you interested in serving on the Shore Protection Board?

To provide expertise to assist the Town in preserving the priceless shoreline of Palm Beach.

2. How many meetings of the Shore Protection Board have you attended in the last year? 5

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

Please see attached

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

None at this time

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

Please see attached

6. Please describe your experience with the design and/or construction of coastal protection projects.

No direct design or construction experience. Attached listing includes several examples of consultations related to projects.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

Please see attached.

8. Are you a member of any of the following organizations? (Check all that apply)

☐ Palm Beach Chamber of Commerce

☐ Preservation Foundation of Palm Beach

☐ Palm Beach Civic Association

☐ North End Property Owners Association

☐ Citizens' Association of Palm Beach

☐ Neighborhood Alliance of Palm Beach

☒ Other Please see attached

9. Present occupation: Retired ^{see} Number of years attached

Employer: _____

10. Past occupation(s): Included in attached document Number of years _____

Employer(s): _____

11. Please provide details regarding your educational background.

B.A., Florida Atlantic University, Social Science and Psychology.

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am
(board/commission/committee)
seeking in this application.

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
☐ Asian American
☐ Hispanic American

- ☐ Native American
☒ Caucasian
☐ Not known

GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

15.

In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an alternate Member of the Board should the Town Council wish to appoint you as an alternate Member?

(Yes) No
2.m

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: Tom Mankin Date: 11-22-17

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Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment.

The Board shall hold at least four meetings per year and more if deemed necessary.

** (APPLYING AS THE NON-RESIDENT MEMBER, PER ABOVE.)*

Tom Warnke - Background Related to Coastal Systems

Local

City of Boynton Beach

2007 - Appointed by the mayor Taylor of Boynton Beach to serve on the Committee on Feasibility for Redesign of Boynton Inlet. Served on sub-committee to review the body of work of nine Coastal Engineering firms under consideration for selection to conduct the Inlet Re-Design Study funded by the South Florida Water Management District. Participated for three years in the Committee's analysis of computer modeling of dynamic coastal systems, including consideration of numerous possible changes to the design of the South Lake Worth Inlet and the related inshore and offshore systems. Appointed by City Commission to Visions 2020 Planning Committee.

City of Boca Raton

2012 - Consultations with Boca Raton Inlet Dredge Operator while conducting research in methods to enhance inlet bypass of beach-compatible down drift sand by utilizing a movable dredge. Operator had 37 years of experience as the dredge operator at Boca Raton Inlet.

Hillsboro Inlet Authority - Broward County

2012 - Consultation with Chairman while researching methods to enhance inlet bypass of beach-compatible down drift sand. This Inlet Authority purchased a new, moveable dredge to enhance inlet bypass, and has been able to move sufficient beach-quality sand past the inlet to obviate the need for beach nourishment at Pompano Beach.

South Lake Worth Inlet Commission

Studied the movement of sand and related issues ("Sand Wars") and litigation between the Commission, the Town of Manalapan and the Town of Ocean Ridge for 10 years while my father was the Chairman of the Commission. Qualified as an expert witness and hired to testify on behalf of the Commission as defendant during wrongful death litigation regarding sandbars and ocean currents at the Inlet, resulting in the litigation being dropped by the plaintiff.

Town of Briny Breezes

Television presentation regarding beach erosion, ocean water quality and methods to enhance sustainability in the Town's maintenance practices.

Delray Beach (Sandoway House Nature Center)

Conducted educational programs and initiated an innovative aquifer monitoring program for quality assessment of ground water contribution to nearshore waters in conjunction with staff scientist at the South Florida Water Management District.

Preservation Florida (Ocean Ridge – Highland Beach)

2007 to 2012 Consulted with administrators regarding changes to comprehensive plan for barrier island communities, and impacts to coastal environment.

County / Regional

Palm Beach County – Department of Environmental Resource Management (ERM)

Contacts: Numerous consultations with administrator and seven senior staff members, 1986 until present.

Palm Beach County – County Commission

2008 - 2017 Appointed by County Commission to the Palm Beach County Artificial Reef and Estuarine Enhancement Committee for three, three-year terms. This appointment was first recommended by ERM administrators. Consultation with County Commissioners and ERM staff regarding innovative technology for erosion control from 2002 to the present.

Consultation with stakeholders and County Commissioner regarding user-group mediation at newly-constructed Juno Pier. Presented sandbar and current survey to County Commissioner and wrote guidelines for users of the pier's aquatic zones which have been in place since 1999.

Palm Beach County - Aquatics Department

Contact: Director Dave Lill. Consultation with directors for the past 35 years regarding ocean recreational user-group management and stakeholder access.

West Palm Beach Fishing Club

30 year working relationship with director Tom Twyford. Consultation regarding numerous issues involving coastal environment, as well as work within Florida Outdoor Writers Association (FOWA).

Jupiter Inlet District

Contact: Consulted with commissioner Mike Grella regarding sand bypass strategies.

Lake Worth Lagoon Initiative

Member – Habitat Enhancement Committee

Florida Gulf Coast University

2012 - Provided presentation and conducted roundtable discussion regarding environmental impacts of sand mining (aka "Truck Haul") for beach nourishment projects.

Florida Ocean Sciences Institute

1973 - 1979 Provided coastal issues educational programs to Palm Beach County and Broward County students, including supervision of dune restoration work. Lobbied for Palm Beach County to purchase additional public beach property at Boynton Inlet (now Ocean Inlet Park).

Miami Beach

1971 - Participated in community planning meetings in preparation prior to Florida's first dredge and fill project for beach sand replacement along the entire coast of Miami Beach.

State

DEP / Southeast Florida Coral Reef Initiative / Our Florida Reefs Working Group

2013 - 2017 Appointed as a Working Group Member representing Palm Beach County. Invested more than 200 hours participating in Working Group meetings resulting in 83 recommendations for local, state and federal government entities on how to preserve the Southeast Florida Reef Tract from Stuart to Miami Beach.

DEP Administrative Hearing

2008 - 2009 Participated as a plaintiff. Resulted in administrative law judge Meile ruling that no harmful dredged material would be placed on the beaches of Reach 8 in the Town of Palm Beach.

South Florida Water Management District

Contact: Senior Staff Scientists regarding aquifer protection and groundwater movement / environmental impacts

FAU / Harbor Branch Oceanographic Institution

Contact: Senior Staff Scientists – Offshore and Inshore issues related to water quality and habitat sustainability.

Florida Oceanographic Institution

Contact: Director – Erosion documentation and monitoring.

Private Coastal Engineering and Environmental Firms

Numerous consultations and contributions, including assistance in editing peer-reviewed publications.

Florida Department of Environmental Protection

Contacts: DEP Secretary's staff, and staff in numerous bureaus. Consultation regarding erosion control, water quality and beach access issues.

University of Miami School of Oceanography

1996 - 2016 Consultations with scientists Dr. Tom Cook and Dr. Hal Wanless with specializing in coastal geology and sedimentology.

Southeast Florida Regional Climate Change Compact

2010 - 2017 Participant in conferences related to Sea Level Rise and Coastal Impacts.

Federal

Army Corps of Engineers

Contacts: Local Project Managers – Consultation regarding alternatives for coastal erosion control.

2001 - Hosted “Corps Reform Network” national meeting field trip to beaches in Palm Beach County and presented program on coastal erosion control alternatives.

U.S. Coastal Commission on Ocean Policy

2000 - Provided comments during Florida meetings for consideration by Congress.

ASR Ltd., New Zealand

2007- Contacts: CEO and Directors – Collaboration and consultation on innovative technology for coastal erosion control alternatives since 1998.

Senator Bill Nelson

Collaboration on coastal issues, including documentation of federal funding and Army Corps of Engineers reform.

Southeast Florida Coral Reef Initiative

Contributor to Technical Advisory Committee and U.S. Coral Reef Task Force regarding ocean nitrification from Dry Tortugas to the Cape Canaveral area related to the effects of ocean outfalls and aquifer injection wells.

As a student of Florida’s marine and coastal systems since 1966, I bring a working knowledge of Florida’s coastal processes and reef systems to the Town of Palm Beach Shore Protection Board. I am knowledgeable regarding coastal erosion issues in the counties of Palm Beach, Broward, Miami Dade and Monroe. Specific interests also include Land-Based/Anthropogenic Sources of Pollution. I am also a personal stakeholder as an avid diver, surfer, fisher, sailor and boater, having an historical perspective on coastal processes which began locally in 1956.

Education

B.A., Florida Atlantic University, Social Science and Psychology, 1971

Employment

1971 - 1979 State of Florida, Circuit Court System. Division of Youth Services
Probation Officer, Palm Beach County

1980 - 1983 Kimball International. Eastern U.S. Sales Manager

1983 - 2001 Costa Del Mar Sunglasses. Sales Management, Marketing
Manager, Vice President.

2001 - 2010 Ideal Publications. Retail Account Sales and Collections

2010 - present. Semi-retired, regular part-time work with The Coastal Star
newspaper and the City of Boynton Beach Parks and Recreation Department.

2017 Employed part-time as the Executive Director of the Palm Beach County
Surfing History Project and the Surfing Florida Museum in Lake Park, Florida.

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 31-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Amending Chapter 14, Aviation, at Article II. Aircraft, so as to Rescind in its Entirety Section 14-35 Thereof, Relating to Drones; Model Aircraft in its Entirety; Providing for a New Section 14-35 Relating to Drones; Model Aircraft, so as to Provide a Definition of "Drones/Model Aircraft" and so as to Provide that Drones/Model Aircraft Operated in the Town Shall Comply with all Rules and Regulations of the Federal Aviation Administration (FAA) Relating to the Operation and Registration of Same, as well as all Rules and Regulations of the State of Florida Relating to said Operation.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Ordinance No. 31-2017**

ORDINANCE NO. 31-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, AVIATION, AT ARTICLE II. AIRCRAFT, SO AS TO RESCIND IN ITS ENTIRETY SECTION 14-35 THEREOF, RELATING TO DRONES; MODEL AIRCRAFT IN ITS ENTIRETY; PROVIDING FOR A NEW SECTION 14-35 RELATING TO DRONES; MODEL AIRCRAFT, SO AS TO PROVIDE A DEFINITION OF "DRONES/MODEL AIRCRAFT" AND SO AS TO PROVIDE THAT DRONES/MODEL AIRCRAFT OPERATED IN THE TOWN SHALL COMPLY WITH ALL RULES AND REGULATIONS OF THE FEDERAL AVIATION ADMINISTRATION (FAA) RELATING TO THE OPERATION AND REGISTRATION OF SAME, AS WELL AS ALL RULES AND REGULATIONS OF THE STATE OF FLORIDA RELATING TO SAID OPERATION.

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

Section 1. Chapter 14, Aviation, of the Town Code of Ordinances is hereby amended at Article II, Aircraft, so as to rescind in its entirety Section 14-35 thereof, and so as to provide a new Section 14-35 as set forth herein.

"Sec. 14-35 Drones; Model Aircraft.

(a) Definition.

Drone/Model Aircraft is defined as a powered, aerial vehicle that:

- a) Is any contrivance used or designed to navigate or fly in the air;
- b) Does not carry a human;
- c) Uses aerodynamic forces to provide vehicle lift;
- d) Can fly autonomously or be piloted remotely;
- e) Can be expendable or recoverable;

- f) Model aircraft of less than three pounds and which do not carry a camera are not included within this definition.

(b) Operation of drone/model aircraft within the Town.

Drones and model aircraft operated within the Town shall be operated and registered in accordance with all rules and regulations of the Federal Aviation Administration (FAA) and the state of Florida relating to said operation and registration.”

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 November, 2017, and for second and final reading on this 12th day of December, 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie K. Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 32-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 46, Fire Prevention and Protection, Amending Article III, “Fire Prevention”, in Accordance with Florida State Statute 633.202 and 633.208 the “Florida Fire Prevention Code” Adopted by the State of Florida Fire Marshal in Chapter 69a-60 of the Florida Administrative Code with Local Amendments, National Fire Protection Association Fire Code - N.F.P.A. 1, Florida 2015 Edition, and National Fire Protection Association Life Safety Code - N.F.P.A. 101, Florida 2015 Edition; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Herewith; Providing for Codification; and Providing for an Effective Date.

Presenter

Kirk W. Blouin, Director of Public Safety

ATTACHMENTS:

- ▣ **Ordinance No. 32-2017**

ORDINANCE NO. 32-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 46, FIRE PREVENTION AND PROTECTION, AMENDING ARTICLE III, "FIRE PREVENTION", IN ACCORDANCE WITH FLORIDA STATE STATUTE 633.202 AND 633.208 THE "FLORIDA FIRE PREVENTION CODE" ADOPTED BY THE STATE OF FLORIDA FIRE MARSHAL IN CHAPTER 69A-60 OF THE FLORIDA ADMINISTRATIVE CODE WITH LOCAL AMENDMENTS, NATIONAL FIRE PROTECTION ASSOCIATION FIRE CODE - N.F.P.A. 1, FLORIDA 2015 EDITION, AND NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE - N.F.P.A. 101, FLORIDA 2015 EDITION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING FOR 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 46 of the Town Code of Ordinances, relating to Fire Prevention and Protection, is hereby amended at Article III, Fire Prevention, and Section 46-66, to read as follows:

"Section 46-66. Codes adopted; copies on file.

(a) There are hereby adopted by the Town, for the purpose of prescribing regulations governing conditions hazardous to the health, safety, welfare, life and property from fire or explosion, certain codes in accordance with Florida State Statute 633.202 and 633.208 the "Florida Fire Prevention Code" adopted by the State Fire Marshal Chapter 69A-60 of the Florida Administrative Code, as may be amended, including N.F.P.A. 1 Fire Code, Florida 2015 Edition, and the N.F.P.A. 101 Life Safety Code, Florida 2015 Edition, both as modified by Chapter 69A-60 of the Florida Administrative Code, all of which are deemed adopted by reference, as fully as if set out at length herein, as the minimum fire safety code. If conflicts exist between the codes, the more stringent shall be applied at the discretion of the Director of Public Safety or his or her representatives.

(b) A copy of each of the above codes is on file and open to inspection by the public in the office of the Town Clerk."

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 that 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 November, 2017, and for second and final reading on this 12th day of December, 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 12, 2017

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 34-2017 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, at Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-67, United States Internal Revenue Code Qualification; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Thomas G. Bradford, Town Manager

ATTACHMENTS:

- ▣ **Memorandum dated December 5, 2017, from James W. Linn, Pension Counsel**
- ▣ **Ordinance No. 34-2017**
- ▣ **Attachment - IRS Letter**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 12, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: James W. Linn, Pension Counsel

Re: Ordinance Amending the Town of Palm Beach Retirement System to Create a
Preservation of Benefits Plan
Ordinance No. 34-2017

Date: December 5, 2017

RECOMMENDATION

It is recommended the Town Council approve Ordinance No. 34-2017, implementing technical revisions to the Town Retirement System as required by the IRS determination letter received in July 2016.

GENERAL INFORMATION

On the advice of tax counsel retained by the Retirement System Board of Trustees, the Retirement System sought a determination letter from the IRS. The IRS issued a favorable determination letter in July 2016, confirming that the Town Retirement System satisfies the applicable Internal Revenue Code requirements to retain its status as a qualified plan (copy attached hereto). The IRS determination letter requires that certain technical language be added to section 82-67 of the Town Retirement Plan, concerning U.S. Internal Revenue Code qualifications. This ordinance adds the language required by the IRS. The Retirement System is currently administered in accordance with the new language. The new language is summarized below:

- The Retirement System shall pay all benefits in accordance with a good faith interpretation of the Internal Revenue Code requirements applicable to governmental plans.
- Distribution of Benefits must commence no later than age 70 and one-half, or April 1 following the year the member terminates Town employment if after age 70 and one-half.
- The Retirement System may establish separate benefits for a member and non-member pursuant to a qualified domestic relations order.
- The member's entire benefit must be distributed over the member's lifetime or the lives of the member and a designated beneficiary.
- If the member dies after benefit payments have commenced, the member's entire interest must be paid out within 5 years, unless the member's surviving spouse is the sole designated beneficiary, in which case the surviving spouse may defer receipt of the

benefit until December 31 of the year the member would have attained age 70 and one-half.

- The benefit paid to a member's beneficiary must comply with certain maximum and minimum benefit requirements of the Internal Revenue Code.
- Death and disability benefits may not exceed the maximum benefit requirements of the Internal Revenue Code.
- The Retirement System Trust Fund may not revert to the employer, and no contributions shall be returned to the employer except due to a mistake of fact as permitted by the Internal Revenue Code.

ACTUARIAL/FISCAL IMPACT

This ordinance is not expected to have any actuarial or fiscal impact, because the Retirement System is now being administered in accordance with this ordinance. A letter of "no impact" has been requested from the Retirement System actuary.

TOWN ATTORNEY REVIEW

Ordinance No. 34-2017 was prepared by Jim Linn, a shareholder with Lewis, Longman and Walker, the Town's pension counsel.

Attachments

cc: William Hanes, Pension Administrator
Jane Struder, Director of Finance
Danielle Olson, Director of Human Resources
John Randolph, Town Attorney

ORDINANCE NO. 34-2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION I, IN GENERAL, BY AMENDING SECTION 82-67, UNITED STATES INTERNAL REVENUE CODE QUALIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I, In General; Section 82-67, to read as follows:

“Sec. 82-67. - United States Internal Revenue Code qualifications.

- (a) The town intends the retirement system to be a qualified pension plan under section 401 of the United States Internal Revenue Code, as amended, or successor provisions of law, and that the trust be an exempt organization under section 501 of the United States Internal Revenue Code. The board of trustees may adopt such additional provisions to the retirement system as are necessary to fulfill this intent.
- (b) In accordance with section 415 of the United States Internal Revenue Code, as amended, the following limitations on benefits are adopted:
 - (1) Except as provided in the remainder of this subsection, the annual benefit as described by section 415(b)(2) of the United States Internal Revenue Code provided by the retirement system shall not exceed the lesser of \$160,000.00, or 100 percent of the retiree's average compensation for his highest three years of compensation while employed.
 - (2) If the annual benefit under the plan begins before age 62, or after age 65, the limit set forth in subsection (b)(1) above shall be reduced or increased so that such limitation equals an annual benefit which is equivalent to a \$160,000.00 annual benefit beginning at age 62, or age 65, respectively, as set forth in regulations prescribed by the United States Secretary of the Treasury.
 - (3) All definitions, limitations and exceptions set forth in or incorporated in section 415 of the United States Internal Revenue Code are applicable to this section.
 - (4) The provisions of this division notwithstanding, the board of trustees shall at all times administer the retirement system in compliance with the provisions of section 415 of the United States Internal Revenue Code which are applicable to public employee retirement plans who have not elected the grandfather provision.

- (5) Employee-elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the rules of the Internal Revenue Code shall be included in compensation for retirement purposes. Compensation in excess of the limitations set forth in section 401(a)(17) of the code, adjusted in accordance with U.S. Treasury Department regulations, shall be disregarded.

(c) *Adjustments to Basic 415(b) Limitation for Form of Benefit.* If the benefit under the plan is other than the form specified below, then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations.

(1) If the form of benefit without regard to the automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the section 415(b) of the Internal Revenue Code limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount [determined using the assumptions specified in Treasury Regulation section 1.415(b)-1(c)(2)(ii)] that takes into account the additional benefits under the form of benefit in subsections below.

(2) For a benefit paid in a form to which section 417(e)(3) of the Internal Revenue Code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:

(A) The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or

(B) The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a 5% interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the Internal Revenue Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the Internal Revenue Code); or

(3) For a benefit paid in a form to which section 417(e)(3) of the Internal Revenue Code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:

(A) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;

(B) The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation section

1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the Internal Revenue Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the Internal Revenue Code); or

The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation section 1.417(e)-1(d)(3) (prior to January 1, 2009, using the rate in effect for the month prior to retirement, and on and after January 1, 2009, using the rate in effect for the first day of the plan year with a one-year stabilization period and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation section 1.417(e)- 1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the Internal Revenue Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the Internal Revenue Code), divided by 1.05.

(d) *Other Adjustments in 415(b) Limitation.*

(1) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section for the member's annuity starting date shall be equal to the lesser of (i) the annual amount of a benefit payable in the form of a straight life annuity commencing at the member's annuity starting date that is the actuarial equivalent of the one hundred sixty thousand dollar (\$160,000) annual limit (as adjusted under section 415(d) of the Internal Revenue Code and, if required, for years of participation less than ten (10)), with actuarial equivalence computed using a five percent (5%) interest rate assumption and the applicable mortality table for the annuity starting date as defined in the plan (expressing the member's age based on completed calendar months as of the annuity starting date), and (ii) the one hundred sixty thousand dollar (\$160,000) annual limit (as adjusted under section 415(d) of the Internal Revenue Code and, if required, for years of participation less than ten (10)) multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the plan at the member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the plan at age sixty-two (62), both determined without applying the limitations of this section.

(2) In the event the member's benefit is based on at least fifteen (15) years of service as a full-time employee of any police or fire department or on fifteen (15) years of military service, the adjustments provided for in (1) above shall not apply.

(3) The reductions provided for in (1) above shall not be applicable to pre-retirement disability benefits or pre-retirement death benefits.

(e) *Effect of a Lump Sum Component on 415(b) Testing.* With respect to a member who receives a portion of the member's annual benefit in a lump sum, a member's applicable Limit shall be applied taking into consideration both the portion of the member's benefit subject to section 417(e)(3) of the Internal Revenue Code and the portion not subject to section 417(e)(3) of the Internal Revenue Code, as required by section 415(b) of the Internal Revenue Code and applicable Treasury Regulations.

(f) The retirement system shall pay all benefits in accordance with a good faith interpretation of the requirements of section 401(a)(9) of the Internal Revenue Code and the regulations in effect under that section as applicable to a governmental plan within the meaning of section 414(d) of the Internal Revenue Code. The retirement system is subject to the following provisions:

(1) Distribution of a member's benefit must begin by the required beginning date, which is the later of the April 1 following the calendar year in which the member attains age 70 1/2 or April 1 of the year following the calendar year in which the member terminates. If a member fails to apply for retirement benefits by the later of either of those dates, the Retirement Board shall begin distribution of the monthly benefit as required by this rule in the form provided in Ordinance Sections 82-95 and 82-115.

(2) The member's entire interest must be distributed over the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary.

(3) The retirement system pursuant to a qualified domestic relations order may establish separate benefits for a member and nonmember.

(4) If a member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death.

(5) If a member dies before required distribution of the member's benefits has begun, the member's entire interest must be distributed within five (5) years of his death, unless it is to be distributed in accordance with the following rules:

a. If the member's surviving spouse is the sole designated beneficiary, the member's remaining interest in the plan is distributed or begins to be distributed by December 31 of the calendar year immediately following the calendar year in which the member died or by December 31 of the calendar year in which the member would have attained age 70 1/2, if later, and if the surviving spouse dies before the distribution to the surviving spouse begins, this section shall be applied as if the surviving spouse were the plan member; or

- b. If the member's surviving spouse is not the sole designated beneficiary, the member's remaining interest is to be distributed over the life of the designated beneficiary or over a period not extending beyond the life expectancy of the designated beneficiary; and such distribution begins no later than December 31 of the calendar year immediately following the calendar year of the member's death.
- (6) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of section 401(a)(9)(G) of the Internal Revenue Code, and the minimum distribution incidental benefit rule under Treasury Regulation Section 1.401(a)(9)-6, Q&A-2.
- (7) The death and disability benefits provided by the retirement system are limited by the incidental benefit rule set forth in section 401(a)(9)(G) of the Internal Revenue Code and Treasury Regulation Section 1.401-1(b)(1)(i) or any successor regulation thereto. As a result, the total death or disability benefits payable may not exceed 25% of the cost for all of the members' benefits received from the retirement system.
- (8) Notwithstanding the other provisions of this rule or the provisions of the Treasury Regulations, benefit options may continue so long as the option satisfies section 401(a)(9) of the Internal Revenue Code based on a reasonable and good faith interpretation of that section.
- (d) The trust fund must not revert, and no contributions shall be permitted to be returned, to the employer, except due to a mistake of fact as permitted by Revenue Ruling 91-4.

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 _____ day of _____, 2017, and for second and final reading on this _____ day of _____, 2017.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Susan A. Owens, MMC, Town Clerk

Bobbie Lindsay, Town Council Member

Margaret Zeidman, Town Council Member

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **JUL 01 2016**

TOWN OF PALM BEACH
C/O ICE MILLER LLP
MARY BETH BRAITMAN
ONE AMERICAN SQ STE 2900
INDIANAPOLIS, IN 46282

Employer Identification Number:
59-6233740
DLN:
17007202053005
Person to Contact:
CHRISTINE L CHAILLE ID# 31324
Contact Telephone Number:
(513) 263-4558
Plan Name:
TOWN OF PALM BEACH RETIREMENT
SYSTEM
Plan Number: 001

Dear Applicant:

Based on the information you provided, we are issuing this favorable determination letter for your plan listed above. However, our favorable determination only applies to the status of your plan under the Internal Revenue Code and is not a determination on the effect of other federal or local statutes. To use this letter as proof of the plan's status, you must keep this letter, the application forms, and all correspondence with us about your application.

Your determination letter does not apply to any qualification changes that become effective, any guidance issued, or any statutes enacted after the dates specified in the Cumulative List of Changes in Plan Requirements (the Cumulative List) for the cycle you submitted your application under, unless the new item was identified in the Cumulative List.

Your plan's continued qualification in its present form will depend on its effect in operation (Section 1.401-1(b)(3) of the Income Tax Regulations). We may review the status of the plan in operation periodically.

You can find more information on favorable determination letters in Publication 794, Favorable Determination Letter, including:

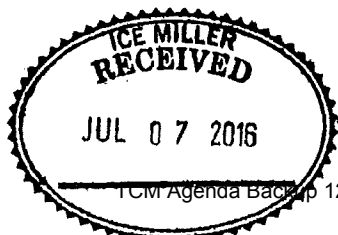
The significance and scope of reliance on this letter,
The effect of any elective determination request in your application materials,
The reporting requirements for qualified plans, and
Examples of the effect of a plan's operation on its qualified status.

You can get a copy of Publication 794 by visiting our website at www.irs.gov/formspubs or by calling 1-800-TAX-FORM (1-800-829-3676) to request a copy.

This letter considered the 2014 Cumulative List of Changes in Plan Qualification Requirements.

We made this determination on the condition that you adopt the proposed

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TOWN OF PALM BEACH

amendments you submitted in your letter dated 6/20/16, on or ~~before~~ ^{2017 10 2016} before the date the Income Tax Regulations provide under Section 401(b) of the Internal Revenue Code.

We based this determination letter solely on your claim that the plan meets the requirements of a governmental plan under Section 414(d) of the Internal Revenue Code.

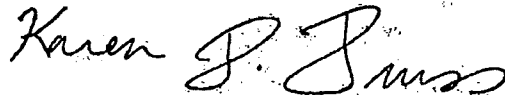
This determination letter applies to the plan and related documents you submitted with the application you filed during the remedial amendment cycle ending January 31, 2016.

This determination letter expresses no opinion as to the federal tax consequences of the replacement, or proposed replacement, of any joint and survivor, single life or other annuity being paid with a lump sum payment or other accelerated form of distribution.

If you submitted a Form 2848, Power of Attorney and Declaration of Representative, or Form 8821, Tax Information Authorization, with your application and asked us to send your authorized representative or appointee copies of written communications, we will send a copy of this letter to him or her.

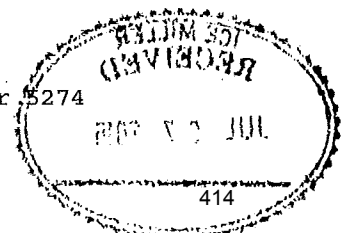
If you have any questions, you can contact the person listed at the top of this letter.

Sincerely,



Karen D. Truss
Director, EP Rulings & Agreements

Letter 5274



**PROPOSED AMENDMENT TO TOWN OF PALM BEACH RETIREMENT SYSTEM
ORDINANCE FOR COMPLIANCE WITH FAVORABLE DETERMINATION LETTER
(ISSUED ON JULY 1, 2016)**

TOWN OF PALM BEACH RETIREMENT SYSTEM DEFINED BENEFIT PLAN

I. Compliance with Code Section 401(a)(9) (see, Ordinance Section 82-67)

1. Ordinance Section 82-67, United States Internal Revenue Code qualifications, shall be amended to add the following paragraph (c) to be read as follows:

(c) The retirement system shall pay all benefits in accordance with a good faith interpretation of the requirements of section 401(a)(9) of the Internal Revenue Code and the regulations in effect under that section as applicable to a governmental plan within the meaning of section 414(d) of the Internal Revenue Code. The retirement system is subject to the following provisions:

(1) Distribution of a member's benefit must begin by the required beginning date, which is the later of the April 1 following the calendar year in which the member attains age 70 1/2 or April 1 of the year following the calendar year in which the member terminates. If a member fails to apply for retirement benefits by the later of either of those dates, the Retirement Board shall begin distribution of the monthly benefit as required by this rule in the form provided in Ordinance Sections 82-95 and 82-115.

(2) The member's entire interest must be distributed over the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary.

(3) The retirement system pursuant to a qualified domestic relations order may establish separate benefits for a member and nonmember.

(4) If a member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death.

(5) If a member dies before required distribution of the member's benefits has begun, the member's entire interest must be distributed within five (5) years of his death, unless it is to be distributed in accordance with the following rules:

- a. If the member's surviving spouse is the sole designated beneficiary, the member's remaining interest in the plan is distributed or begins to be distributed by December 31 of the calendar year immediately following the calendar year in which the member died or by December 31 of the calendar year in which the member would have attained age 70 1/2, if later, and if the surviving spouse dies before the distribution to the surviving spouse begins, this section shall be applied as if the surviving spouse were the plan member; or

- b. If the member's surviving spouse is not the sole designated beneficiary, the member's remaining interest is to be distributed over the life of the designated beneficiary or over a period not extending beyond the life expectancy of the designated beneficiary; and such distribution begins no later than December 31 of the calendar year immediately following the calendar year of the member's death.

(6) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of section 401(a)(9)(G) of the Internal Revenue Code, and the minimum distribution incidental benefit rule under Treasury Regulation Section 1.401(a)(9)-6, Q&A-2.

(7) The death and disability benefits provided by the retirement system are limited by the incidental benefit rule set forth in section 401(a)(9)(G) of the Internal Revenue Code and Treasury Regulation Section 1.401-1(b)(1)(i) or any successor regulation thereto. As a result, the total death or disability benefits payable may not exceed 25% of the cost for all of the members' benefits received from the retirement system.

(8) Notwithstanding the other provisions of this rule or the provisions of the Treasury Regulations, benefit options may continue so long as the option satisfies section 401(a)(9) of the Internal Revenue Code based on a reasonable and good faith interpretation of that section.

II. Compliance with Rev. Rul. 91-4 (see, Ordinance Section 82-67)

1. Ordinance Section 82-67, United States Internal Revenue Code qualifications, shall be amended to add the following paragraph (d) to be read as follows:

(d) The trust fund must not revert, and no contributions shall be permitted to be returned, to the employers, except due to a mistake of fact as permitted by Revenue Ruling 91-4.