TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE - SUBJECT TO REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

TUESDAY, DECEMBER 11, 2012

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

A. Recognition of Bobbie Lindsay Buck, Shore Protection Board, From December 2008 Through September 2012.

B. Presentations by Applicants for the Shore Protection Board.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

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

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

A. MINUTES

1. MINUTES: OCTOBER 10, 2012 — Page 12
Approval of the Minutes of the Town Council Meeting.

2. MINUTES: NOVEMBER 15, 2012 — Page 28
Approval of the Minutes of the Town Council Meeting.

3. MINUTES: NOVEMBER 16, 2012 — Page 48
Approval of the Minutes of the Special Town Council Meeting.

4. MINUTES: NOVEMBER 16, 2012 — Page 54
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session – Town of Palm Beach vs. Mortgage Electronic Registration Systems, Inc., a Delaware Corporation, Acting Solely as Nominee For Countrywide Bank, N.A.; Bank of America, N.A., F/K/A Countrywide Bank, FSB; And Back Home Loans Servicing, L.P. F/K/A Countrywide Home Loan Servicing, L.P.

5. MINUTES: NOVEMBER 16, 2012 — Page 58
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session – Jason Vega, Artemis Saridakis, Levente Henter, Marcus Farmer, Samuel Riley, And Gilad Bockman vs. Town of Palm Beach, Scott Duquette, Kirk Blouin And Daniel Szarszewski.

6. Approval of Major Matters Considered by the Architectural Commission at its Meeting on November 28, 2012. — Page 61

B. RESOLUTIONS

1. RESOLUTION NO. 154-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement by and Between the Palm Beach County Supervisor of Elections and the Town of Palm Beach Relating to Vote Processing Equipment Use and Election Services; Providing an Effective Date. — Page 70
[Susan A. Owens, Town Clerk]

2. RESOLUTION NO. 155-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Increase in Funding to Research Atlantica, Inc. in an Amount up to $6,000 (Thereafter Totaling $19,200) Through December of Calendar Year 2012 for the Purpose of Providing Historic Preservation Consulting Services, and Further Extending Consulting Services at the Rate of $55 Hourly, with a Cap of $3,300, for any Time Deemed Necessary to Assist the Royal Poinciana Way Committee, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services. [John Page, Director of Planning, Zoning, and Building] Page 86

3. RESOLUTION NO. 156-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of a Toro Greensmaster Riding Mower and Necessary Attachments at a Cost of $26,803.78 from Wesco Turf, Inc., in Accordance with Florida State Contract No. 760-000-10-1; Authorizing the Town Manager to Take Further Actions Necessary to Complete the Purchase. [Jay Boodheshwar, Director of Recreation and Special Projects] Page 91

4. RESOLUTION NO. 157-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Two (2) Police Motorcycles in the Amount of $36,400, From Bruce Rossmeyer's Daytona Harley Davidson, as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date. [Kirk W. Blouin, Director of Public Safety] Page 96

5. RESOLUTION NO. 158-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase Three (3) Patrol Vehicles in the Amount of $94,938 From Stingray Chevrolet, as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date. [Kirk W. Blouin, Director of Public Safety] Page 104

6. RESOLUTION NO. 159-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase One (1) Police Administrative Vehicle in the Amount of $18,527, From Maroone Chevrolet, as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date. [Kirk W. Blouin, Director of Public Safety] Page 116

7. RESOLUTION NO. 160-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of AutoVu License Reader System in the Amount of $79,590 From Dana Safety Supply, Inc. as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date. [Kirk W. Blouin, Director of Public Safety] Page 126

8. RESOLUTION NO. 161-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Engineer Service Corporation in the amount of $355,608.66 for the Telemetry System Replacement, Establishing a Project Budget of $440,000 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements. [H. Paul Brazil, Director of Public Works] Page 134

9. RESOLUTION NO. 162-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Professional Services Task to Kimley-Horn and Associates, Inc., in the Amount of $56,200 for Professional Engineering Services Associated with Groundwater Monitoring at the Town's Vegetative Landfill Sites, and Establish a Project Budget of $65,000. [H. Paul Brazil, Director of Public Works] Page 140

10. RESOLUTION NO. 163-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to GSKY Plant Systems, Inc., in the Amount of $25,760.04 and Establishing a Project Budget of $27,048 for the Maintenance of the Living Wall on Worth Avenue. [H. Paul Brazil, Director of Public Works] Page 149

11. RESOLUTION NO. 164-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Lopez Group, Inc., in the amount of $144,549 and Establishing a Budget of $148,885. [H. Paul Brazil, Director of Public Works] Page 154

12. RESOLUTION NO. 165-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of a Pan & Tilt Sewer Inspection Camera and Crawler from Aries Industries, Inc., of Waukesha, Wisconsin, in the Amount of $75,114. [H. Paul Brazil, Director of Public Works] Page 158

IX. COMMITTEE REPORTS

A. Public Works Committee Meeting of November 27, 2012. Page 162
[Michael J. Pucillo, Chair]

1. Selection Committee for Construction Management Services. Page 172
[H. Paul Brazil, Director of Public Works]

2. RESOLUTION NO. 166-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract with AECOM in the Amount of $15,879, to Provide Bidding and Permitting Phase Services for A-42 to A-41 and the Par 3 to A-39 Force Main Replacement Project and Establish a Bidding Phase Budget of $17,500. Page 175
[H. Paul Brazil, Director of Public Works]

3. RESOLUTION NO. 167-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc., to Provide Design Phase Services for Pump Stations A-39, A-41, A-42, and A-43 Emergency Generator Installations, in the Amount of $29,200, and Establish a Design Phase Budget of $33,000. Page 186
[H. Paul Brazil, Director of Public Works]

X. PUBLIC HEARINGS

A. RESOLUTION NO. 168-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Levy, Collection and Enforcement of Non-ad Valorem Assessments Levied Within a Portion of the Incorporated Area of the Town Constituting the Everglades Island Underground Utilities Assessment Area; Stating the Need for Such Levy; Providing for the Mailing of this Resolution; and Providing an Effective Date. Page 195
[Thomas G. Bradford, Deputy Town Manager]

B. RESOLUTION NO. 169-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the De-Designations of Certain Already Designated Historic or Specimen Trees Located at 1 Via Sunny and 340 Garden Road Within the Town of Palm Beach; Providing for the Recording of Said De-Designations; and Providing that a Copy of this Resolution be Recorded in the Public Records of Palm Beach County, Florida. Page 203
[H. Paul Brazil, Director of Public Works]

XI. BOARD/COMMISSION ANNUAL REPORT

A. Shore Protection Board. [E. Llwyd Ecclestone, Chair] Page 213

XII. REGULAR AGENDA

A. Old Business

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

2. Update Regarding Hurricane Sandy Impacts. Page 218
[Peter B. Elwell, Town Manager]

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding Solid Waste Authority of Palm Beach County and Palm Beach County vs. State of Florida Department of Environmental Protection and Town of Palm Beach, OGC Case No. 12-1527, State of Florida Department of Environmental Protection (SWVA Nos. 12-01 and 12-02). Discussion of this Matter to Begin Immediately Following the Regular Town Council Meeting on Wednesday, December 12, 2012, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph; Attorney Keith W. Rizzardi; and Court Reporter from Ley & Marsaa Court Reporters, Inc. [John C. Randolph, Town Attorney]

2. Consideration of Scheduling an Attorney/Client Session Regarding U.S. Bank National Association, as Trustee of Master Adjustable Rate Mortgages Trust 2007-3 vs. Gail Trinka a/k/a Gail T. Trinka, etc. et al, Case No. 502008CA030042XXXXMB, pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida Discussion of this Matter to Begin Immediately Following the Regular Town Council Meeting on Wednesday, December 12, 2012, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager

Peter B. Elwell; Attorney John C. Randolph; and Court Reporter from Ley & Marsaa Court Reporters, Inc.
[John C. Randolph, Town Attorney]

3. Consideration of Scheduling an Attorney/Client Session Regarding Jason Vega, Artemis Saridakis, Levente Henter, Marcus Farmer, Samuel Riley, and Gilad Bockman vs. Town of Palm Beach, Scott Duquette, Kirk Blouin and Daniel Szarszewski, Case Number 50 2012 CA 019746 XXXX MB AI, Fifteenth Judicial Circuit, Palm Beach County, Florida, to Begin Immediately Following the Regular Town Council Meeting on Wednesday, December 12, 2012, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph; Attorney Margaret Cooper; and Court Reporter from Ley & Marsaa Court Reporters, Inc.
[John C. Randolph, Town Attorney]

4. South County Road Commercial Corridor Parking Inventory Report. [Thomas G. Bradford, Deputy Town Manager] Page 222
TIME CERTAIN: 10 AM

   a. RESOLUTION NO. 170-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Letter Agreement Proposal with Kimley-Horn & Associates Inc. in the Amount of $34,650 for Professional Engineering Services Associated with the Evaluation of Parking Supply in the South County Road Commercial Corridor in Palm Beach and Providing Additional Funding of $4,200 for Staff Incidental Expenditures to Provide Additions to Parking Inventory; and Authorizing the Town Manager to Execute the Letter Agreement on Behalf of the Town to Effectuate Said Services.

5. Proposed Pay Range Increase and Anniversary Date Pay Raises for Fire-Rescue Lieutenants and Assistant Fire Marshal. Page 235
[Peter B. Elwell, Town Manager]

6. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter. [Peter B. Elwell, Town Manager] Page 238

7. Shore Protection Board Appointments. Page 240
[Peter B. Elwell, Town Manager]

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 18-2012 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 by Rescinding Article III, Resolution of Employee Grievances, in its Entirety; Providing a New Article III for Resolution of Employee Grievances Before the Town's Administrative and Personnel Committee; Providing for the Role of the Committee; Providing for Procedures; Providing for Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Page 245
[Peter B. Elwell, Town Manager]

B. First Reading

1. ORDINANCE NO. 19-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2012; Providing an Effective Date. Page 250
[Jane Struder, Director of Finance]

XIV. ANY OTHER MATTERS

XV. ADJOURNMENT

PLEASE TAKE NOTE:

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

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

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

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

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

Mon 12/10/2012 09:30 AM	Town Council Workshop to Receive Public Comment for Woods Hole Group's Consideration in Performing its Peer Review of the Town's Coastal Protection Program	Council Chambers
Tue 12/11/2012 09:30 AM	Town Council Meeting	Council Chambers
Wed 12/12/2012 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
Wed 12/19/2012 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 12/20/2012 09:30 AM	Royal Poinciana Way Committee	Council Chambers
Thu 12/20/2012 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Fri 12/21/2012 09:00 AM	Architectural Commission Meeting	Council Chambers
Mon 12/24/2012 04:00 AM	CHRISTMAS EVE	TOWN HALL CLOSED
Tue 12/25/2012 04:00 AM	CHRISTMAS DAY	TOWN HALL CLOSED
Mon 12/31/2012 04:00 AM	NEW YEAR'S EVE	TOWN HALL CLOSED
Tue 01/01/2013 04:00 AM	NEW YEAR'S DAY	TOWN HALL CLOSED
Tue 01/08/2013 09:30 AM	Town Council Meeting	Council Chambers
Tue 01/08/2013 08:00 PM	Town Caucus	Council Chambers

Wed 01/09/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
Thu 01/10/2013 09:00 AM	Recreation Advisory Commission Meeting	Council Chambers
Fri 01/11/2013 09:30 AM	Special Town Council Meeting to Call the Election	Council Chambers

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: OCTOBER 10, 2012
APPROVAL OF THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Town Council Meeting Held on October 10, 2012

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, OCTOBER 10, 2012

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, October 10, 2012, at 9:37 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO – None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Rosow stated that the Town Council would hopefully complete all non-time certain items on the Agenda today before 2:15 p.m., in order to devote the remaining time to the two time certain items.

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

VI. APPROVAL OF AGENDA

The following changes were made to the Agenda:

WITHDRAWN: Item No. VII.A.1., Appeal of ARCOM Decision, 229 Ridgeview Road, was withdrawn.

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

VII. DEVELOPMENT REVIEWS

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

A. Appeals

1. Appeal of ARCOM Decision, 229 Ridgeview Road Per letter dated August 20, 2012, from Paul Rampell. ***– This item was withdrawn.***

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 125 Worth Avenue Per Letter Dated September 21, 2012, from Maura A. Ziska.

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

Attorney Ziska, on behalf of The Ferretti Group, provided an overview of the applicant's request.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Frank Gentile, 100 Worth Avenue, spoke in opposition of the waiver.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the Request for Waiver of Section 42-199, Hours of Construction Work, at 125 Worth Avenue, until November 21, 2012, subject to Staff conditions. On roll call, the motion carried unanimously.

2. Request for Waiver of Section 42-199, Hours of Construction Work, at 150 Worth Avenue Per Letter Dated September 7, 2012, from The Goodman Company.

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

Jeff Fisher, Fisher Contracting Corp, and Bob Saffran, Goodman Company, provided an overview of the applicant's request.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the Request for Waiver of Section 42-199, Hours of Construction Work, at 150 Worth Avenue, subject to Staff conditions. On roll call, the motion carried unanimously.

3. Request for Waiver of Section 42-199, Hours of Construction Work, at 256 Worth Avenue Per Letter Dated October 3, 2012, from Maura A. Ziska.

The following ex-parte communications were declared: Council President Rosow and Council Member Kleid spoke with Attorney Ziska, who advocated the position of her client. Council Member Diamond left a message on Attorney Ziska's voicemail.

Attorney Ziska, on behalf of Burt Handelsman and the Island Company, provided an overview of the applicant's request.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the Request for Waiver of Section 42-199, Hours of Construction Work, at 256 Worth Avenue, subject to Staff conditions. On roll call, the motion carried unanimously.

4. Request for Waiver of Section 42-199, Hours of Construction Work, at 353 Worth Avenue Per Letter Dated September 21, 2012, from Maura A. Ziska.

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

Attorney Ziska, on behalf of Brown Harris Stevens and Ava Van de Water, provided an overview of the applicant's request.

Rob Frankel, Moss Construction, LLC, stated that the noise referenced in the letter of complaint from Mimi Duncan was actually coming from the apartment that is being renovated above them.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve the Request for Waiver of Section 42-199, Hours of Construction Work, at 353 Worth Avenue, subject to Staff conditions. On roll call, the motion carried unanimously.

Staff was directed to notify the Worth Avenue Association that the Town Council is not going to look favorably upon time extensions for construction on Worth Avenue; additionally, there shall be no contractor parking, whatsoever, along Worth Avenue after November 1st.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. MODIFIED SPECIAL EXCEPTION #8-2012 WITH SITE PLAN REVIEW AND VARIANCE The application of Temple Emanu-El of Palm Beach, Inc.; relative to property commonly known as **190 No. County Road; 224, 226, 234 Seminole Avenue;** described as Lengthy legal description on file; located in the C-TS/R-C Zoning District. The applicant (Temple Emanu-El of Palm Beach) recently obtained ownership of 23,200 square feet of garden/vacant land adjacent to the west of the existing synagogue. The Temple is requesting approval to use the adjacent vacant property as an accessory use to the Temple for religious services and other Temple related activities such as blessing of the animals, sukkot and any other uses that are incidental to a house of worship. The proposed garden activity area will have a fence along the rear/south side of the property, an 800 square foot pergola, a pathway around the perimeter of the garden, and a few benches. A house of worship is a special exception use in the R-C Zoning District and expanding the use of the Temple into the garden area requires special exception approval with site plan review. A Special Exception is also requested to allow 308 additional permanent seats to the Temple Sanctuary. The total number of permanent seats existing today is 553. A special exception request is required for expanding the seating in the sanctuary from 245 seats to 553 seats. A variance is requested to provide zero (0) additional onsite parking spaces in lieu of the additional 77 parking spaces that would have been required for the 308 additional seats that were installed.
[Attorney: Maura A. Ziska]
Deferred from the July 15, 2012, and August 15, 2012, Town Council Meetings.

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

The following ex-parte communications were declared: Mayor Coniglio, Council President Rosow, Council President Pro Tem Wildrick, and Council Members Diamond, Kleid, and Pucillo spoke with representatives of Temple Emanu-El, and residents. Council Members Diamond, Kleid, and Pucillo spoke with Attorney Ziska, who advocated the position of her client. Council Member Diamond added a disclaimer that he is a member of Temple Emanu-El.

Attorney Ziska, on behalf of Temple Emanu-El of Palm Beach, Inc., provided an overview of the applicant's request.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Leslie Shaw, 318 Seaspray Avenue, Planning and Zoning Commission Member, spoke in opposition of the project.

Robert Sheff, 219 Seminole Avenue, spoke in opposition of the project.

Asher Bar Zev, 150 Seminole Avenue, spoke in favor of the project.

Joann Warshaver, 223 Seminole Avenue, spoke in opposition of the project.

Herbert Hoffman, 235 Seminole Avenue, spoke in opposition of the project.

Terry Alfuth, 237 Oleander Avenue, spoke in opposition of the project.

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

Stephanie Lefes, 2778 S. Ocean Blvd., owner of Royal Palm International Real Estate, 125 Worth Avenue, spoke in opposition of the project.

Richard Bernstein, 235 Sanford Avenue, spoke regarding a resolution of the issues, rather than making unnecessary complaints.

Susan Rosenberg, 288 Queens Lane, spoke in favor of the project.

Sophia Burnichon, 231 Seminole Avenue, spoke in opposition of the project.

Leslie Evans, 135 Seminole Avenue, spoke in favor of the project.

Susan Markin, 1450 North Lake Way, spoke in opposition of the project.

Ronald Schram, 1420 N. Ocean Blvd., member of the Temple,

spoke in favor of the project.

Rabbi Michael Resnick, Rabbi of Temple Emanu-El of Palm Beach, 2480 Presidential Way, West Palm Beach, spoke in favor of the project.

Rabbi Moshe Scheiner, 230 Park Avenue, spoke in favor of the project.

Discussion ensued regarding the number of events, parking, landscaping, hours of events, the number of attendees at events, and garden entryways.

With regard to the onsite parking variance:

Motion was made by Council President Pro Tem Wildrick, and seconded by Council Member Pucillo, that the variance related to Modified Special Exception #8-2012 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the condition that St. Edward's Church provides written authorization annually for the Temple to utilize St. Edward's parking facilities for the Temple's valet parking. On roll call, the motion carried unanimously.

With regard to the special exception for the additional 308 permanent seats:

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, that the portion of Modified Special Exception #8-2012 related to the additional 308 permanent seats shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Clerk's Note: The below item and subsequent Declaration of Use Agreement item were considered concurrently.

With regard to the special exception and site plan review for the expanded use of the Temple into the garden area:

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Wildrick, that the portion of Modified Special Exception #8-2012 related to the expanded use of the Temple shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and that the site plan review related to Modified Special Exception #8-2012 shall be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1

through 11, subject to the Declaration of Use Agreement referenced below.

(1) Declaration of Use Agreement.
[John Page, Director of Planning, Zoning, and Building]
TIME CERTAIN: 2:15 PM

The following modifications were made to the proposed Declaration of Use Agreement:

Page 3, Item 2(d): "All such plant hedging shall, at planting, be a height not less than six (6) feet. The owner shall be given three (3) years to allow said hedging to reach a height not less than eight (8) feet, at which height it ~~and~~ shall be maintained ~~at said height~~."

Page 3, Item 2(e): Delete entire section.

Page 4, Item 2(g): "No Events shall be permitted to begin before 9:00 a.m. or to extend past 10:00 p.m. The 10:00 p.m. deadline shall be applicable to religious services connected with ceremonies conducted within the Synagogue. All other Events, other than the religious Events described herein above, shall be concluded by 8:00 p.m. The maximum number of people allowed at such Event shall be subject to the provisions set forth in Section 2(h) ~~with a maximum 150 people to be allowed at such Event~~."

Page 4, Item 2(h): "Events in the Garden will be held on not more than ~~twenty-six (26)~~ twenty (20) days during any twelve (12) month period. ~~Plus the number of days included in the observance of Sukkot~~. There shall be no more than ~~four (4)~~ three (3) events per month (Sukkot excepted)~~.~~, of which only one (1) can have up to three hundred (300) attendees; all other events held within a given month shall not exceed one hundred fifty (150) attendees."

Page 4, Item 2(k): "Owner shall return to the Town Council to address matters relating to compliance and impacts of the use of the Garden one (1) year from the Effective Date of this Agreement. At said meeting, the Town shall have the authority to modify the terms and conditions of this agreement based upon the testimony presented at such meeting relating to the impact of the use of the garden on the residential neighborhood in which it is located. Reconsideration shall be based upon the criteria set forth in the Town's Code relating to Special Exceptions and Site Plan Reviews. The Temple reserves the right to return to the status quo prior to the execution of the Declaration of Use Agreement. All parties agree to preserve their respective rights."

Page numbers in Article IV, Section 2, shall be renumbered accordingly.

There will be only one entryway. Said entryway shall be located adjacent to the Temple at the northeast corner, shall be not larger than 10', and shall be used for both vehicular and pedestrian traffic. Exhibit "C" will be redrawn accordingly.

On roll call, the motion carried unanimously.

b. SPECIAL EXCEPTION #20-2012 WITH VARIANCE The application of Harvey E. Oyer, III, Attorney for Del Friscos Restaurant Group; relative to property commonly known as **340 Royal Poinciana Way, Suites 300, 300A, 302, 302A, 306 & 308;** described as Lengthy legal description on file; located in the C-PC Zoning District. The applicant requests a Special Exception for a 260 seat, 8,399 square foot restaurant use in the C-PC district to be located in combined tenant spaces on the northeast side of the Royal Poinciana Plaza, as permitted by Section 134-1259 (a)(5). The proposal also includes the elimination of 2,589 square feet of existing second floor office space, the addition of a bar, a wine room, and two private dining rooms. The proposed hours of operation are: lunch and dinner (from 11am to 11pm) Monday through Wednesday, lunch and dinner (from 11am to midnight) Thursday through Saturday, and dinner only (5pm to 11pm) on Sunday. A special exception is requested for changes in use for more than 2,000 square feet in C-PC district, permitted by Section 134-1261, for a Town-Serving restaurant. A variance is also requested to eliminate the requirement to provide 72 off-street parking spaces to accommodate the 260 seat restaurant.
[Attorney: Harvey E. Oyer, III]
Deferred from the August 15, 2012, Town Council Meeting.
TIME CERTAIN: NO EARLIER THAN 3:00 PM

Mayor Coniglio recused herself, left the dais, and provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens.

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

The following ex-parte communications were declared: Council President Rosow, Council President Pro Tem Wildrick, and Council Members Diamond, Kleid, and Pucillo spoke with the residents. Council President Rosow and Council Members Diamond, Kleid, and Pucillo spoke with the applicant. Council President Rosow, Council President Pro Tem Wildrick, and Council Members Kleid and Diamond received correspondence from those for and against the project. Council President Pro Tem Wildrick and Council Member Diamond spoke with representatives from both sides. Council President Rosow spoke with the lessees. Council Member Kleid spoke with a representative from Palm Beach Towers.

Attorney Oyer, Shutts & Bowen LLP, on behalf of Del Friscos

Restaurant Group, provided an overview of the applicant's request.

Bill Martens, Vice President of Development, Del Friscos Restaurant Group, provided a presentation of the project.

Attorney Oyer provided additional information regarding the project and addressed the reduction in seating in their request.

Jerry Wentzel, DKS Associates Principle, transportation consultant, provided an overview of their traffic concurrency report relative to the restaurant.

Attorney John Little, Gunster Law Firm, on behalf of Sterling Palm Beach LLC, provided an overview of the 1979 Agreement.

Zoning Administrator Castro provided Staff's comments.

Town Attorney Randolph stated that he and Zoning Administrator Castro met with Attorney Little and discussed the availability of 213 additional parking spaces. He said that more time is needed to study the issue in order to advise the Town Council.

Bill Cooley, 8 Windsor Court, spoke in opposition of the project.

Sue Ellen Clarfeld, 1952 Breakers Pointe Way, owner of Truffies, spoke in opposition of the project.

Joel Kassewitz, 854 S. County Rd., spoke in opposition of the project.

Bill Yahn, Corcoran Group, showed photographs of the parking lot and spoke in favor of the project.

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

Brooks Ricca, 267 Dunbar Rd., spoke in opposition of the project.

Peter Broberg, 220 Monterey Rd., spoke in opposition of the project.

Tim Frank, 230 Pershing Way, West Palm Beach, representative of Palm Beach Towers, spoke regarding the discrepancies between available parking spaces and the parking study.

Kristy Pressly, General Counsel for The Breakers, spoke in favor

of the project.

John Eubanks, on behalf of Palm Beach Towers, 1209 N. Olive Avenue, spoke in opposition of the project.

Glenn Biers, on behalf of Palm Beach Grill, 340 Royal Poinciana Way, spoke in opposition of the project.

John Grosskopf, Palm Beach Towers General Manager, spoke in opposition of the project.

Jay Dinger, Leverett House Condominium, spoke in opposition of the project.

Adam Munder, Sterling Palm Beach LLC Partner, spoke in favor of the project.

Lori Volk, 206 Phipps Plaza, on behalf of the Volk Foundation, spoke regarding the proposed project.

Susan Markin, 1415 North Lake Way, spoke regarding the zoning issues.

Anita Seltzer, 44 Cocoanut Row, spoke regarding unresolved zoning issues.

Discussion ensued regarding parking, the 1979 Agreement with Royal Poinciana Plaza, town-serving requirements, clientele, and nature of the business.

Motion was made by Council Member Diamond to defer Special Exception #20-2012 with Variance. Motion died for lack of a second.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to defer Special Exception #20-2012 with Variance to the November 16, 2012, Special Town Council meeting, at 1:00 p.m. On roll call, the motion carried unanimously.

c. VARIANCE # 26-2012 The application of 2310 Investors LLC; relative to property commonly known as **2310 South Ocean Blvd.**; described as lengthy legal description on file; located in the R-C Zoning District. The applicant is proposing a dock which a portion runs adjacent to the seawall the length of the property and is 8 feet deep. The other portion of the proposed dock would be 48 feet long with a platform and boat lift. The variances being requested are as follows: to allow a zero (0) north riparian side yard setback in lieu of the 25 foot minimum required; to allow a zero (0) south

riparian side yard setback in lieu of the 25 foot minimum required; to allow the length of the dock to be 48 feet deep and west of the US Pierhead line and the Town's Bulkhead line in lieu of the 6 foot maximum allowed for a marginal dock. [Attorney: Maura A. Ziska]
Deferred from the August 15, 2012, Town Council Meeting.

The following ex-parte communications were declared: Council President Rosow, Council President Pro Tem Wildrick, and Council Members Diamond, Kleid, and Pucillo spoke with property owner Lawrence Moens. Council President Rosow and Council Member Kleid spoke with Attorney Ziska, who advocated the position of her client. Council Member Kleid spoke with the contractor.

Attorney Ziska, on behalf of 2310 Investors LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Lawrence Moens, 850 S. Ocean Blvd., property owner, provided additional information regarding his application.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Variance #26-2012 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

2. New Business

a. VARIANCE #29-2012 The application of CSC Brazilian LP.; relative to property commonly known as **301 Australian Avenue**; described as lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting a variance to keep 1050 square feet of artificial turf in the center of the north courtyard, which results in a landscaped open space of 23.3% in lieu of the 24.5% existing and the 35% minimum required in the R-C Zoning District. [Attorney: Maura A. Ziska]
[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will cause negative architectural impact to the subject property. Carried 6-1]

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

Attorney Ziska, on behalf of CSC Brazilian LP, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

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

Adam Schlesinger, President of CSC Brazilian LP, spoke regarding the difficulty of maintaining real grass in event areas.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, that Variance #29-2012 be denied for the reason that the application does not meet the criteria set forth in Section 134-201(a), items 1 through 7. On roll call, the motion carried 4-1, with Council President Rosow dissenting.

b. SITE PLAN REVIEW #10-2012 WITH VARIANCE The application of NDL Palm Beach Property LLC; relative to property commonly known as **191 Bradley Place**; described as Lot 19, Block 4, OCEAN PARK H.W. ROBBINS ADDITION TO PALM BEACH, FLORIDA, according to the plat thereof, as recorded in Plat Book 6, Page 78, Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a site plan review and variance to raise the building height in the restaurant north dining room from 12.1 feet to 14 feet and the overall height of the building from 12.1 feet to 19.83 feet by replacing the flat roof with a pitched roof. A variance is requested to raise the height and overall height of the building with an existing 1.5 foot rear setback in lieu of the 10 foot minimum required.
[Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the variance will not cause negative architectural impact to the subject property. Carried 6-1.]

The following ex-parte communications were declared: Council President Rosow and Council Members Kleid and Pucillo spoke with Attorney Ziska and Attorney Tim Hanlon, who advocated the position of their clients. Mayor Coniglio and Council Member Diamond spoke with Attorney Hanlon, who advocated the position of his client. Mayor Coniglio spoke with several residents on Seminole Avenue.

Attorney Ziska, on behalf of NDL Palm Beach Property LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Attorney Ziska read a list of self-imposed restrictions agreed upon by the applicant and Il Lugano.

Robert Sheff, 219 Seminole Avenue, expressed concern regarding parking.

Motion was made by Council Member Pucillo, and seconded by Council Member Diamond, that Site Plan Review #10-2012 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, and that the variance related to Site Plan Review #10-2012 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to staff conditions relative to installation of improved ventilation system, fixed doors, and impact glass, and a reliance on the good faith efforts of the parties, as presented. The dumpster screening/enclosure element must go before ARCOM, following Staff review. On roll call, the motion carried unanimously.

D. Other

1. Review of the Proposed Declaration of Use Agreement for the Palm House, 160 Royal Palm Way, Site Plan Review No. 6-2012 with Special Exceptions and Variance.

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

Zoning Administrator Castro provided an overview of the proposed Declaration of Use Agreement.

Attorney Ziska, on behalf of the applicant, provided a list of provisions in the proposed Declaration of Use Agreement that her client was not in agreement with.

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

Tara Lordi, Asset Manager, stated that Florida Power & Light (FPL) has not yet connected their power and it is causing more delays.

Vivian Dorris, 155 Brazilian Avenue, expressed concern regarding the generators that were being used.

Council Member Kleid requested that the Ordinances, Rules, and Standards (ORS) Committee look at requiring that a site have power prior to construction, and to no longer allow generators as temporary power.

Council President Rosow requested that the Town's FPL representative be invited to the next meeting to address the power issues regarding the project.

Discussion ensued regarding enforcement of the Declaration of Use Agreement, the impact of the project on the community, and the previous approvals the applicant had been granted.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, to approve the proposed Declaration of Use Agreement for the Palm House, 160 Royal Palm Way, related to Site Plan Review #6-2012 with Special Exceptions and Variance, as amended below:

PAGE 4, ITEM 1: "Said water feature shall be operational ~~as determined by the Town Council~~ between the hours of 9:00 a.m. and 12:00 a.m."

PAGE 4, ITEM 2: ", pool bar" was removed

PAGE 4, ITEM 3: "There shall be no music played on the abutting grass area."

PAGE 4, ITEM 5: "Except for emergencies, the Function Room elevator and stairwells shall not be accessible from 7:00 p.m. to 9:00 a.m. so as not to allow hotel guests and employees on the Function Room roof during those hours. Fire-rescue accessibility shall be provided by knox-boxes and an elevator override system. Access points shall include full doors and physical separations, such that they cannot be breached."

On roll call, the motion carried unanimously.

2. Request for Reconsideration of Town Council Decision, 95 North County Road (per letter dated July 25, 2012, from Hunter Johnson, Woolems, Inc.).
Deferred from the August 15, 2012, Town Council Meeting.

The following ex-parte communications were declared: Mayor Coniglio, Council President Rosow, Council President Pro Tem Wildrick, and Council Members Diamond, Kleid, and Pucillo spoke with Attorney Hanlon, who advocated the position of his client. Council Member Diamond also spoke with the contractor, John Rogers.

Attorney Hanlon, on behalf of Woolems, Inc., provided an overview of the applicant's request.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Motion was made by Council Member Diamond, seconded by Council Member Pucillo, to approve a reduction of the penalty fee to a total sum of $10,000. On roll call, the motion carried unanimously.

(Clerk's Note: At 12:22 p.m., the Town Council recessed for lunch; at 2:15 p.m., the Town Council reconvened the meeting to consider the Time Certain items.)

VIII. ANY OTHER MATTERS – None

IX. ADJOURNMENT

There being no further business, the October 10, 2012, regular Town Council meeting was adjourned at 7:14 p.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: NOVEMBER 15, 2012
APPROVAL OF THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Town Council Meeting Held on November 15, 2012

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON THURSDAY, NOVEMBER 15, 2012

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Thursday, November 15, 2012, at 9:31 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Owens gave the invocation. Mayor Coniglio asked for a moment of silence in honor of Veterans Day. Council President Rosow led the Pledge of Allegiance.

III. PRESENTATIONS

A. Recognition of John Schuler, Planning and Zoning Commission, From February 2004 Through September 2012

Mayor Coniglio recognized John Schuler for his service on the Planning and Zoning Commission.

B. Recognition of Michael Spaziani, Planning and Zoning Commission, From September 2009 Through September 2012

Mayor Coniglio recognized Michael Spaziani for his service on the Planning and Zoning Commission.

C. Recognition of Bobbie Lindsay Buck, Shore Protection Board, From December 2008 Through September 2012

Mayor Coniglio recognized Bobbie Lindsay Buck for her service on the Shore Protection Board.

D. Recognition of 2012 Town Employee of the Year

Mayor Coniglio recognized Mary McQuaig for being named the 2012 Town Employee of the Year.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding recognition the Town received from the United States Department of Defense for its support and values of military service. The Town was nominated by Fire-Rescue Battalion Chief David Burke, who currently serves as Chief Petty Officer in the United States Coast Guard. She stated that she is deeply appreciative of the Town's many employees that have served to strengthen and defend our country.

At the request of the Palm Beach Chamber of Commerce, Mayor Coniglio deemed November 24, 2012, as Small Business Day in the Town of Palm Beach.

Mayor Coniglio spoke regarding two businesses on Sunrise Avenue whose visibility has been affected by the construction and scaffolding at the Palm Beach Hotel, and asked if there was anything Staff could do to alleviate the problem.

Town Manager Elwell stated that Staff is aware of the issue and has been in communication with those business owners. He suggested that, if there is no objection from the Town Council, Staff be authorized to work with the businesses and allow temporary relief of certain provisions of the Town's Signage Code.

Council consensus was to authorize Staff to work with the businesses on Sunrise Avenue which have been affected by the construction at the Palm Beach Hotel and allow temporary relief from certain provisions of the Town's Signage Code.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Pucillo stated that he had received the same complaints and that it is a good idea to relax the Signage Code during the construction. He asked if there was a timeframe for the Hotel to complete their construction.

Town Manager Elwell responded that, since the Hotel does not know the extent of the work involved, there is no timeframe. Responding to Council President Rosow, Town Manager Elwell stated that this type of work is allowed during season. It is mainly interior work; however, due to some safety concerns and the nature of the work, the scaffolding was necessary.

Council Member Kleid recognized Brian Burns, who received the American Free Enterprise Medal from Palm Beach Atlantic University and who has served the Town and, most notably, the Police Foundation.

VI. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

Larry Goldberg, 3360 S. Ocean Blvd., spoke regarding shore protection activities and asked that Staff be directed to begin plans for dune restoration now before the Town has no ability to respond in a timely manner.

Ted Cooney, 445 Brazilian Avenue, thanked Mayor Coniglio for calling attention to the scaffolding work at the Palm Beach Hotel and allowing Staff to provide some flexibility to the signage requirements for the affected businesses.

Laurel Baker, Palm Beach Chamber of Commerce, thanked Mayor Coniglio for recognizing the independent stores in the Town and hoped that the bridge issue would be used as an opportunity to stay on the island and shop only in Palm Beach.

VII. APPROVAL OF AGENDA

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

VIII. CONSENT AGENDA

PULLED FROM CONSENT AGENDA: Item No. VIII.B., October 10, 2012, Town Council Minutes, was pulled from the Consent Agenda and placed under New Business as Item No. XI.B.8., for further discussion.

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

A. MINUTES: OCTOBER 9, 2012
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING

B. MINUTES: OCTOBER 10, 2012
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING – ***Item pulled from Consent Agenda and moved to New Business as Item No. XI.B.8.***

C. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON OCTOBER 24, 2012

D. RESOLUTIONS

1. RESOLUTION NO. 137-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Professional Design Consultant Fee Proposal with Bridges, Marsh & Associates Inc. in the Amount of $40,500 for Programming, Site Analysis and Schematic Design Services in Conjunction with the Peruvian Avenue 400 Block Streetscape Special Assessment Project; Approving a Task Budget of $44,550 for this Work; and Authorizing the Town Manager to Execute the Proposal on Behalf of the Town to Effectuate Said Services. [Thomas G. Bradford, Deputy Town Manager]

2. RESOLUTION NO. 143-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Three (3) Vehicles in the Total Amount of $55,845 as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program.
[Kirk W. Blouin, Director of Public Safety]

3. RESOLUTION NO. 144-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Increase to Johnson Controls, Inc. Contract in the Amount of $52,649 (Exhibit A); Establishing a Contract Contingency Fund of $70,000 and Thereby Approving a Total Amount of $122,649 from the Town's Equipment Replacement Contingency Fund, if Necessary, to Cover Scope of Work Changes; and Authorizing the Town Manager to Take Actions Necessary to Complete the Townwide Security and Surveillance Project Within Said Contingency.
[Kirk W. Blouin, Director of Public Safety]

4. RESOLUTION NO. 145-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Twelve Month Extension of the Contract Between the Town of Palm Beach and National Recovery Agency for EMS Billing Account Collections and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
[Kirk W. Blouin, Director of Public Safety]

5. RESOLUTION NO. 146-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Waiving the Purchasing Manual Policy to Allow Material Purchases in Excess of $25,000 by Quotes in Lieu of Sealed Bids and Establishing an Overall Project Budget of $200,000 to Replace a Section of Sewage Force Main on 23rd Street East of Tamarind Avenue in West Palm Beach, Florida.
[H. Paul Brazil, Director of Public Works]

6. RESOLUTION NO. 147-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock Roos & Associates, Inc. in the Amount of $11,760, and Establishing a Study Phase Budget of $13,000 for the E-3, Garden Road to Tangier Avenue Force Main Study. [H. Paul Brazil, Director of Public Works]

7. RESOLUTION NO. 148-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract with AECOM in the Amount of $4,995, to Provide Bidding Phase Services for Pump Stations A-42 and A-43 Improvements,

Establishing a Bidding Phase Budget of $5,500.
[H. Paul Brazil, Director of Public Works]

8. RESOLUTION NO. 149-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract for Bidding Phase Services to Mathews Consulting, Inc. in the Amount of $3,505 for Pump Stations A-39 and A-41 Improvements, Establishing a Bidding Phase Budget of $4,000. [H. Paul Brazil, Director of Public Works]

9. RESOLUTION NO. 150-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Palm Peterbilt, Inc., for the Purchase of One Peterbilt 320 Cab and Chassis with 20 CY Rear Load Packer Body, on FSA Contract No. 12-10-0905 in the Amount of $185,538 and Establishing an Overall Budget of $186,238. [H. Paul Brazil, Director of Public Works]

E. OTHER

1. Authorization to Proceed with Everglades Island Notice of Intent to Use Special Non-Ad Valorem Assessments.
[Thomas G. Bradford, Deputy Town Manager]

2. Approval of Selection Committee for Financial Advisor Services. [Jane Struder, Director of Finance]

3. Approval of Selection Committee for Contractors to Perform General Utility Projects and Emergency Infrastructure Repairs.
[H. Paul Brazil, Director of Public Works]

4. Approval of Alternative Selection Committee for Telemetry Replacement.
[H. Paul Brazil, Director of Public Works]

5. Authorization to Consider Ordinance No. 16-2012 Prior to 5:00 p.m. on December 12, 2012.
[John Page, Director of Planning, Zoning, and Building]

(Clerk's Note: Item No. XI.A.1., Update Regarding Flagler Memorial Bridge Project, was taken out of order and heard at this time.)

IX. COMMITTEE REPORTS

A. Administrative & Personnel Committee Meeting of October 2, 2012. [Richard M. Kleid, Chair]

Council Member Kleid provided an overview of the October 2, 2012,

Administrative & Personnel Committee meeting report.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to accept the Administrative & Personnel Committee meeting report of October 2, 2012. On roll call, the motion carried unanimously.

B. Administrative & Personnel Committee Meeting of November 5, 2012. [Richard M. Kleid, Chair]

Council Member Kleid provided an overview of the November 5, 2012, Administrative & Personnel Committee meeting report.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to accept the Administrative & Personnel Committee meeting report of November 5, 2012. On roll call, the motion carried unanimously.

Discussion ensued regarding the new procedural rules, and whether they would apply to the William Eaton Hearing on December 3rd and 4th.

Town Attorney Randolph stated that the Eaton hearing could be deferred and then the parties could be advised that the new rules would apply to the hearing. He said that the only way to avoid the preliminary hearing is to postpone it.

Town Manager Elwell suggested communicating these rules to both attorneys and the Town's Human Resources Department; and, if the parties have no objection, then the Town will cancel those hearings. However, if either party wants to address the Committee at the preliminary hearing, then the hearing would still be held.

C. Royal Poinciana Way Committee's Interim Report.
[Michael J. Pucillo, Town Council Member]

Council Member Pucillo provided an overview of the Royal Poinciana Way Committee's Interim Report.

X. BOARD/COMMISSION ANNUAL REPORT

A. Planning and Zoning Commission Annual Report.
[C. Tanner Rose, Chair, and John Page, Director of Planning, Zoning, and Building]

Tanner Rose, Planning and Zoning Commission Chairman, provided an overview of the Planning and Zoning Commission's Annual Report.

Motion was made by Council President Pro Tem Wildrick, and seconded by Council Member Kleid, to accept the Planning and Zoning Commission's Annual Report. On roll

call, the motion carried unanimously.

XI. REGULAR AGENDA

A. Old Business

1. Update Regarding Flagler Memorial Bridge Project.

Ryan Hamrick, PCL Civil Contractors, provided an update on the project. He said that they were looking into reopening the westbound off ramp going north toward Palm Beach Lakes Boulevard, but would have to find a way to keep the pedestrians off the ramp. They are actively looking at contingency plans for traffic.

Discussion ensued regarding traffic, the economic impact to the Town, as well as the need for additional intergovernmental coordination.

Town Manager Elwell stated that the Town has been working with other agencies to lengthen the timing of the eastbound and westbound traffic lights. We have been putting police officers at certain intersections, as needed. West Palm Beach police officers and Palm Beach County deputies have also been working at the West Palm Beach intersections, as needed.

Ryan Hamrick stated that they are also working with the Coast Guard to adjust some of the bridge openings to alleviate the traffic.

Town Manager Elwell stated that Staff has requested from the United States Coast Guard that the bridge closures for boat traffic during the rush hours be extended to three successive closures in order to alleviate the impact on school, late afternoon, and evening traffic.

Responding to Council Member Diamond's concerns regarding the Palm Beaches Marathon and Run Fest, Mayor Coniglio stated that, after speaking to Marathon Director Bob Fox, the Marathon will not come to Palm Beach or have any impact on the Town.

Council President Rosow suggested asking the Coast Guard to keep the bridges closed to boat traffic from 7:30 a.m.-9:00 a.m., 2:00 p.m.-3:00 p.m., and 4:00 p.m.-6:15 p.m.

2. Enforcement of the 1979 Agreement Regarding the Royal Poinciana Plaza Playhouse.
[William J. Diamond, Town Council Member]
TIME CERTAIN: 10 AM

Etonella Christlieb, 200 Everglade Avenue, spoke in favor of requiring the property owner to lease the Playhouse.

Paul Noble, 2175 Ibis Isle Road, spoke in favor of requiring the property owner to lease the Playhouse.

Pamela Pipes, 230 Via Palma, spoke in favor of requiring the property owner to lease the Playhouse.

Bill Metzger, 277 Esplanade Way, spoke in favor of requiring the property owner to lease the Playhouse.

Scott Hammond, 205 Worth Avenue, business owner, spoke in favor of requiring the property owner to lease the Playhouse.

Doug Hulse, 139 Sunrise Avenue, spoke in favor of requiring the property owner to lease the Playhouse.

William Cooley, 8 Windsor Court, spoke in favor of requiring the property owner to lease the Playhouse.

Janet Gordon, Palm Beach, spoke in favor of requiring the property owner to lease the Playhouse.

Simon Taylor, 264 Seminole Avenue, spoke in favor of requiring the property owner to lease the Playhouse.

Evans Hale, on behalf of New Friends of the Royal Poinciana Playhouse and The Theater Guild, spoke in favor of requiring the property owner to lease the Playhouse.

Barrie Ingham, 104 Isle Drive, Palm Beach Gardens, spoke in favor of requiring the property owner to lease the Playhouse.

Patrick Warner Flynn, elected District of Columbia official, spoke in favor of requiring the property owner to lease the Playhouse.

Sarah Drevin, 3450 S. Ocean Blvd., spoke in favor of requiring the property owner to lease the Playhouse.

Barbara Patrick, 235 Sunrise Avenue, spoke in favor of requiring the property owner to lease the Playhouse.

Lori Volk, 206 Phipps Plaza, on behalf of John L. Volk Foundation, spoke in favor of requiring the property owner to lease the Playhouse.

Woody Thomas, attorney in Palm Beach, spoke in favor of requiring the property owner to lease the Playhouse.

Don Huber, Boca Raton, spoke in favor of requiring the property owner to lease the Playhouse.

Attorney John Little, Gunster Law Firm, representing the owner, Sterling Palm Beach, LLC, provided comments regarding his interpretation of the 1979 Agreement and the requirements his Client is seeking for potential lessees.

Brian Kosoy, CEO Sterling Palm Beach, LLC, stated that, at the end of the day, our interest is cash flow. If a commercially viable lessee came forward, we may consider leasing the Playhouse to them.

Adam Munder, Sterling Palm Beach, LLC, spoke regarding their advertising efforts nationally and locally. He stated that eight people have expressed interest in leasing the Playhouse; and, that they are currently negotiating with one of them. In the end, this is a business decision.

Responding to Council Member Kleid regarding the Palm Beach Theatre Guild's lease offer, Brian Kosoy stated that the lease terms offered by the Theatre Guild were not reasonable.

Don Taylor, provided comments regarding his interpretation of the 1979 Agreement.

Upon request of Council President Pro Tem Wildrick, Mr. Munder agreed to provide periodic reports regarding their leasing efforts. Mr. Munder stated that the process could take six months to complete.

Council President Rosow stated that the potential lessee had told him that the process would be completed by January 1, 2013. He then asked Sterling Palm Beach to come back before the Town Council at the January 8, 2013, meeting to provide an update on the potential lease.

Council consensus was that Sterling Palm Beach come back before the Town Council at the January 9, 2013, Council meeting with a progress report on their potential lease. The Council requested that the potential lessee also attend the Council meeting.

(Clerk's Note: At approximately 12:00 p.m., the Town Council recessed for lunch; at 1:30 p.m., the Town Council reconvened the meeting.)

3. Review of Electrical Service Issues at 160 Royal Palm Way (Palm House). [Ethel Isaacs Williams, Florida Power & Light]
   TIME CERTAIN: 1:30 PM

Eli Perez, Engineering Supervisor, Florida Power & Light (FPL), stated that submittal of inspections by a municipality precipitates a request for power which, in this case, was received September 20, 2012. He said that power was installed on September 28, 2012.

Building Official Taylor said permission was given to FPL for power on September 20, 2012. Mr. Taylor stated the cause of the delay was that the wiring at the final inspection was not the same as what was submitted on the drawings.

Tara Lordi, Asset Manager, submitted a timeline with exhibits, which provided detailed information regarding the Hotel's requests and FPL's responses.

Mr. Perez stated that plans were provided to install the pipe and there was frequent communication with the general contractor for the project.

Mayor Coniglio thanked Ethel Isaacs Williams, FPL representative, for her responsiveness and keeping the Town informed.

Ms. Williams stated that the credit goes to Eli Perez and his team. She said to call her whenever assistance is needed.

Mayor Coniglio expressed concern that, as new aesthetic opportunities come forward, she sees obstacles to moving forward in an expeditious manner.

Ms. Lordi stated that they were doing their best to meet the February 14, 2013, deadline.

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding Town of Palm Beach vs. C, Acting Solely as Nominee for Countrywide Bank, N.A.; Bank of America, N.A., f/k/a Countrywide Bank, FSB; and Bac Home Loans Servicing, L.P. f/k/a Countrywide Home Loan Servicing, L.P., in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida Case No. 502011CA014981XXXXMBAF. Discussion of this Matter to Begin **Immediately Following the Special Town Council Meeting on Friday, November 16, 2012**, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph; and Court Reporter from Ley & Marsaa Court Reporters, Inc.

[John C. Randolph, Town Attorney]

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the scheduling of the Attorney/Client Session regarding Town of Palm Beach vs. C, Acting Solely as Nominee for Countrywide Bank, N.A.; Bank of America, N.A., f/k/a Countrywide Bank, FSB; and Bac Home Loans Servicing, L.P. f/k/a Countrywide Home Loan Servicing, L.P. On roll call, the motion carried unanimously.

2. Consideration of Scheduling an Attorney/Client Session Regarding Jason Vega, Artemis Saridakis, Levente Henter, Marcus Farmer, Samuel Riley, and Gilad Bockman vs Town of Palm Beach, Scott Duquette, Kirk Blouin and Daniel Szarszewski, Case Number 50 2012 CA 019746 XXXX MB AI, Fifteenth Judicial Circuit, Palm Beach County, Florida, to Begin **Immediately Following the Special Town Council Meeting on Friday, November 16, 2012**, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph; Attorney Margaret Cooper; and Court Reporter from Ley & Marsaa Court Reporters, Inc.
[John C. Randolph, Town Attorney]

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the scheduling of the Attorney/Client Session regarding Jason Vega, Artemis Saridakis, Levente Henter, Marcus Farmer, Samuel Riley, and Gilad Bockman vs Town of Palm Beach, Scott Duquette, Kirk Blouin, and Daniel Szarszewski. On roll call, the motion carried unanimously.

3. Coastal Protection Matters
TIME CERTAIN: 2 PM

a. Post Hurricane Sandy Status Report.
[H. Paul Brazil, Director of Public Works]

Coastal Coordinator Weber provided a presentation illustrating the effects Hurricane Sandy had on the Town's coastline.

Town Manager Elwell stated that the damage to the Sand Transfer Plant is being assessed. Staff will be bringing recommendations and costs to the Council at the December 11, 2012, Town Council meeting.

Town Manager Elwell stated that the Town is prepared to act and may be requesting that the Town Council declare this an emergency so as not to have to go through an extended bidding

process. Staff is not recommending dune restoration at this time because the sand is returning through natural recovery. The more sand that is brought in by natural recovery, the more opportunities the Town has to place sand later. There are also fiscal considerations. Restoration costs are estimated at $6 million, and we have not received approval from the Federal Emergency Management Agency at this time. Funding the entire restoration by ourselves would deplete the Coastal Protection Fund.

Discussion ensued regarding problems with the operation of the sand transfer plant, the needed repairs, the future extension of the pipe, the incorporation of its current conditions into the Woods Hole Group report, and the Town's expedited procedure for replacement of small quantities of sand and beach stairs.

Richard Manno, 3030 S. Ocean Blvd., spoke regarding the loss of his beach on the day of storm. He stated that he and his neighbors need immediate assistance, blanket permits, and advice. He asked the Town Council to assist in getting the Property Appraiser to lower the property values of the affected properties.

Council President Rosow stated that Mr. Manno should see Coastal Coordinator Weber, Director of Public Works Brazil, and Director of Planning, Zoning, and Building Page.

b. Request for a Construction Hours Waiver for USACE's Lake Worth Inlet Maintenance Dredging Project.
[H. Paul Brazil, Director of Public Works]

Town Manager Elwell provided an overview of the request.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the request for a Construction Hours Waiver for USACE's Lake Worth Inlet Maintenance Dredging Project. On roll call, the motion carried unanimously.

c. Transfer of FY12 Surplus to Coastal Protection Fund.
[Jane Struder, Director of Finance]

Council consensus was for Staff to prepare an ordinance for the December 11, 2012, Council meeting amending the budget to allow for the transfer of $2,000,000 from the General Fund to the Coastal Protection Fund.

4. Florida Inland Navigation District (F.I.N.D.) Grant for Dredging Project in Lake Worth. [H. Paul Brazil, Director of Public Works]

Director of Public Works Brazil provided an overview of the project.

Discussion ensued regarding the cost, the impact to the residents, the long term effects if not dredged, and the need to protect that area.

a. RESOLUTION NO. 152-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a State Grant Agreement with the Florida Inland Navigation District for the Town of Palm Beach for Phase I of the Town of Palm Beach Waterway Project in the Lake Worth Lagoon and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 152-2012. On roll call, the motion carried unanimously.

b. RESOLUTION NO. 153-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract with Applied Technology & Management, Inc. in the Amount of $79,312, to Provide Field Investigations, Preliminary Design, and Permitting Services, (Phase I), for the Town of Palm Beach Waterway Project in the Lake Worth Lagoon, and Establishing a Total Task Budget of $84,000.

Motion was made by Council Member Pucillo, and seconded by Council Member Diamond, to approve Resolution No. 153-2012. On roll call, the motion carried unanimously.

5. Update on Par 3 Clubhouse and Funding.
[H. Paul Brazil, Director of Public Works, and Jay Boodheshwar, Director of Recreation and Special Projects]

Director of Public Works Brazil provided an update on the project.

Mayor Coniglio stressed for the record that any budget shortfalls will be paid by the Par 3 Foundation, not the Town.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to accept the update on Par 3 Clubhouse and funding. On roll call, the motion carried unanimously.

6. Update Regarding Projects at the Town Docks.
[Jay Boodheshwar, Director of Recreation and Special Projects, and H. Paul Brazil, Director of Public Works]

Director of Recreation and Special Projects Boodheshwar provided an overview of the needed electrical upgrades at the Australian Dock. He stated that Staff recommends that Town Council approve moving forward

with the bidding process to upgrade the power supply for seven slips at the Australian Dock.

Motion was made by Council President Pro Tem Wildrick, and seconded by Council Member Kleid, to approve moving forward with the bidding process to upgrade the power supply at seven slips at the Australian dock. On roll call, the motion carried unanimously.

Director of Recreation and Special Projects Boodheshwar provided an overview of the structural concerns with the Australian dock house foundation.

Discussion ensued regarding the need for two buildings on the Australian dock, the previous agreement with the Royal Park Homeowner's Association to maintain their greenspace, the costs, and relocation and repair options.

Town Manager Elwell stated that Staff became aware of a less expensive solution for the long term, which would be moving one of the buildings to the upland. However, it goes against the decision that was made only two years ago, and implemented this summer.

Discussion continued regarding moving the dockmaster's building to the area where Public Works has a facility on the northwest side of Lake Drive.

Robert Schofield, 369 S. Lake Drive, on behalf of the Royal Park Homeowner's Association, expressed their opposition to relocating the building in the middle of the park.

Motion was made by Council President Pro Tem Wildrick, and seconded by Council Member Pucillo, to approve Staff's request to proceed with the structural repairs that are immediately necessary at the Australian dock. On roll call, the motion carried unanimously.

Ted Cooney, 445 Brazilian Way, stated that the entire Park is part of the Royal Park Bridge Historic Vista, and asked if the Landmarks Preservation Commission could be included in the planning.

Council consensus was to direct Staff to review the concept identified by President Rosow to relocate the Australian dock house to the Public Works area at the northwest corner of Lakeside Park.

7. Annual Report of Delinquent Accounts.
[Jane Struder, Director of Finance]

Director of Finance Struder stated that there were no special detail charges

that were delinquent at this time.

Motion was made by Council President Pro Tem Wildrick, and seconded by Council Member Pucillo, to accept the Annual Report of Delinquent Accounts and approve Staff's recommendation regarding write-offs. On roll call, the motion carried unanimously.

The below item was pulled from Consent:

8. OCTOBER 10, 2012, TOWN COUNCIL MEETING MINUTES

Council President Pro Tem Wildrick stated that, in the October 10, 2012, Town Council meeting minutes, the following corrections were needed:

1. Page 31, line 23: strike "St. Edward's Church provides" and add "the Temple shall make its best effort to obtain written authorization".
2. Page 31, line 33: after the word "that" and before the word "St. Edward's" add "the Temple shall make its best effort to obtain from St. Edward's Church written authorization annually for the Temple to utilize the parking facilities".

Council President Rosow asked if that was the sense and intent of the Council at the time the motion was made.

Town Attorney Randolph stated that the minutes must reflect what happened at the time. They do not necessarily reflect the intent of the maker.

Council Members Pucillo and Kleid expressed concerns about rewriting the minutes without reviewing the tape.

Town Attorney Randolph stated that, since this was a quasi-judicial hearing, if a motion for reconsideration is made, then the Town will have to re-notice the property owners and provide for notice at the next Council meeting.

Town Clerk Owens suggested that the Town Council defer this item to the November 16, 2012, Special Town Council meeting. She stated that she would listen to the tape tonight, and provide transcripts prior to the meeting.

Council consensus was to defer Item XI.B.8., to the November 16, 2012, Special Town Council meeting to allow the Town Clerk to transcribe the portion of the October 10, 2012, Council meeting regarding Temple Emanu-El's request for special exception and parking variance.

XII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 17-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 130, Vehicles for Hire, Certificate of Public Convenience and Necessity and Permit, Division 2, Section 130-71, Automobile Liability Insurance Requirement, by Amending Automobile Liability Insurance Requirements for Taxicab Certificates of Public Convenience and Necessity; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to adopt Ordinance No. 17-2012, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 16-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning, as Follows: Sections 134-787, 134-837, 134-887, 134-942, 134-997, 134-1052, 134-1352 and 134-1393 to Eliminate Municipally Owned and Operated Parks and Recreational Areas as a Permitted Use in the R-AA, R-A, R-B, R-C, R-D(1), R-D(2), Conservation and PUD Zoning Districts; Sections 134-790, 134-840, 134-890, 134-945, 134-1000, 134-1055, 134-1354 and 134-1395 to Create Municipally Owned and Operated Parks and Recreational Areas as a Special Exception Use in the R-AA, R-A, R-B, R-C, R-D(1), R-D(2), Conservation and PUD Zoning Districts; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John Page, Director of Planning, Zoning, and Building]

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, to approve Ordinance No. 16-2012, on first reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 18-2012 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 by Rescinding Article III, Resolution of Employee Grievances, in its Entirety; Providing a New Article III for Resolution of Employee Grievances Before the Town's Administrative and Personnel Committee; Providing for the Role of the Committee; Providing for Procedures; Providing for Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

[Peter B. Elwell, Town Manager]

Town Manager Elwell provided an overview of the ordinance.

Discussion ensued regarding the amount of work that would now be placed on the Administrative and Personnel Committee, whether elimination of the Grievance Resolution Board would deny employees due process, and the new Administrative and Personnel Committee procedures.

Responding to Council Member Kleid, Town Attorney Randolph announced the following amendments: Paragraph 2 of Section 82-209(2) was removed in its entirety and replaced by Section 82-209(3). The two references to "conclusions of law" in section 82-210 were amended to say "recommendations to the Town Council". He said that, with those changes, the ordinance can be heard on first reading.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve Ordinance No. 18-2012, on first reading, amended as follows: Paragraph 2 of Section 82-209(2) was removed in its entirety and replaced by Section 82-209(3). The two references to "conclusions of law" in section 82-210 were amended to say "recommendations to the Town Council". On roll call, the motion carried unanimously.

XIII. DEVELOPMENT REVIEWS

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

A. Appeals – None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 314 South County Road Per Letter Dated October 26, 2012, from Robert Brixius, President, Brixius Construction Services, Inc.

Mr. Brixius, President Brixius Construction Services, Inc., provided an overview of his request.

Director of Planning, Zoning, and Building Page recommended approval subject to Staff's conditions.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, to approve Request for Waiver of Section 42-199, Hours of Construction Work, at 314 South County Road, subject to Staff conditions. On roll call, the motion carried unanimously.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business – None

2. New Business

a. VARIANCE #30-2012 The application of 320 Island Road Trust; relative to property commonly known as **320 Island Road**; described as Lot 1 and Lot 2 and the East 15 feet of Lot 3, ISLAND ROAD DEVELOPMENT ADDITION to the Town of Palm Beach, according to the plat thereof, recorded in Plat Book 18, Page 35 of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting a variance to have a swimming pool 4.25 feet from the mean high waterline in lieu of the 10 foot minimum required. [Attorney: Maura A. Ziska]
Request for Deferral to the January 9, 2013, Town Council Meeting. – ***This item was deferred to the January 9, 2013, Town Council meeting.***

b. SPECIAL EXCEPTION #24-2012 The application of Cucina Dell' Arte; relative to property commonly known as **257 Royal Poinciana Way**; described as FLORAL PARK LTS 40 THRU 43 AND FLORAL PARK ADD NO I, PLAT BOOK 5, PAGE 28; located in the C-TS Zoning District. The applicant requests a Special Exception allowing Cucina Dell' Arte to occupy 646 sq. ft. in the rear of the building for storage space in addition to the 2,700 sq. ft. already approved for a total of 3,346 sq. ft. The operation of the restaurant will remain the same. [Attorney: Peter S. Broberg]

Mayor Coniglio and Council President Pro Tem Wildrick recused themselves, left the dais, and provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens.

The following ex-parte communications were declared: Council Members Diamond and Kleid spoke with owner Nick Coniglio, who advocated his position.

Attorney Broberg, on behalf of Cucina Dell' Arte, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Special Exception #24-2012 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in

Section 134-229 of the Town Code have been met. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick recused.

D. Other – None

XIV. ANY OTHER MATTERS – None

XV. ADJOURNMENT

There being no further business, the November 15, 2012, regular Town Council meeting was adjourned at 3:58 p.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: NOVEMBER 16, 2012
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on November 16, 2012

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON FRIDAY, NOVEMBER 16, 2012

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order at 1:07 p.m. on Friday, November 16, 2012, in the Town Council Chambers. On roll call, Mayor Coniglio, Council President Rosow, Council President Pro Tem Wildrick, and Council Members Diamond, Kleid, and Pucillo were found to be present.

II. PLEDGE OF ALLEGIANCE

Council President Rosow led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council Member Diamond, seconded by Council Member Kleid, to add discussion of the October 10, 2012, meeting minutes regarding Temple Emanu-El to the Agenda, and to approve the Agenda, as amended. On roll call, the motion was unanimous.

Discussion ensued regarding the Town Council's intent regarding the conditions of approval for Temple Emanu-El's Special Exception for additional seating and parking Variance.

Council consensus was that Temple Emanu-El's Special Exception for additional seating was not subject to the same conditions placed upon the Temple's parking Variance. The Special Exception was approved with no conditions; and, therefore, does not require written approval from St. Edward's Church for the Temple to use the Church's parking lot for overflow parking. The Town Council further clarified that the written approval required from St. Edward's Church for the parking variance only applies to valet parking. The October 10, 2012, meeting minutes will be amended to reflect same, and will be brought back before the Town Council at the December 11, 2012, Town Council meeting for final approval.

IV. **SPECIAL EXCEPTION #20-2012 WITH VARIANCE** The application of Harvey E. Oyer, III, Attorney for Del Friscos Restaurant Group; relative to property commonly known as 340 Royal Poinciana Way, Suites 300, 300A, 302, 302A, 306 & 308; described as Lengthy legal description on file; located in the C-PC Zoning District. The applicant requests a Special Exception for a 260 seat, 8,399 square foot restaurant use in the C-PC district to be located in combined tenant spaces on the northeast side of the Royal Poinciana Plaza, as permitted by Section 134-1259 (a)(5). The proposal also includes the elimination of 2,589 square feet of existing second floor office space, the addition of a bar, a wine room, and two private dining rooms. The proposed hours of operation are: lunch and dinner (from 11am to 11pm) Monday through Wednesday, lunch and dinner (from 11am to midnight) Thursday through Saturday, and dinner only (5pm to 11pm) on Sunday. A special exception is requested for changes in use for more than 2,000 square feet in C-PC district, permitted by Section 134-1261, for a Town-Serving restaurant. A variance is also requested to eliminate the requirement to provide 72 off-street parking spaces to accommodate the 260 seat restaurant. ***(The proposed modified plan submitted by the applicant reduces the proposed restaurant size to 7,732 square feet and reduces the seating to 222 seats. This would reduce amount of variance the applicant is requesting from 72 to 58 off-street parking spaces.)***
[Attorney: Harvey E. Oyer, III]
Deferred from the August 15, 2012, and October 10, 2012, Town Council Meetings.

Mayor Coniglio and Council President Pro Tem Wildrick recused themselves, left the dais, and provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens. There was still a quorum present.

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

The following ex-parte communications were declared: Council President Rosow and Council Members Diamond, Kleid, and Pucillo spoke with the applicant, representatives of Palm Beach Towers, and residents. Council Member Kleid also spoke with some of the nearby restaurant owners.

Attorney Oyer provided an overview of how the applicant plans to address the Town Council's concerns regarding the Town-serving requirement and parking.

Craig Mueller, Vice President Sterling Group, spoke regarding parking in the Plaza.

John Little, Attorney for Sterling Palm Beach, LLC, spoke regarding parking in the Plaza, the 1979 Agreement related to the Plaza, the Royal Poinciana Playhouse, Del Friscos, and the FDOT taking of parking spaces from the Plaza.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding the Town-serving requirement, the 1979 Royal Poinciana Plaza Agreement, grandfathered and non-conforming properties, parking, the size of the parking variance, and the FDOT taking of parking spaces from the Plaza.

John Eubanks, Brenton, Lynch, Eubanks & Suarez-Murias, P.A., expressed concern over the applicant's late submittal of documents, and spoke in opposition to the restaurant.

John Grosskopf, General Manager Palm Beach Towers, spoke in opposition to the restaurant.

William Cooley, 8 Windsor Court, spoke in opposition to the restaurant.

Laurel Baker, Palm Beach Chamber of Commerce, encouraged everyone to remember that the definition of Town-serving includes workers and guests on the island, and emphasized the importance of a free enterprise system.

Peter Brober, 220 Monterey Road, spoke in opposition to the restaurant.

Attorney Oyer provided responses to the public comments.

John Little, Attorney for Sterling Palm Beach, LLC, provided additional information on the applicant's calculation of the available parking spaces.

Further discussion ensued regarding clientele, parking, leasing of the Royal Poinciana Playhouse, market competition, and preservation of the 1979 Plaza Agreement.

Motion was made by Council Member Diamond to deny Special Exception #20-2012 with Variance. Motion died for lack of a second.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, that Special Exception #20-2012 be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to the following conditions:

1. **The applicant shall return after six months of operations and present evidence with respect to its Town-serving status.**
2. **The restaurant shall not exceed the 218 seats that the applicant has proffered. No more than 20 of those seats may be used for bar seating.**
3. **The hours of operation shall be no later than 10:00 p.m. during the week, and no later than 11:00 p.m. on weekends.**
4. **The restaurant will incorporate the priority reservation system for Town residents.**
5. **There shall be a prohibition on bands and live music.**
6. **The restaurant shall not have a happy hour or drink specials.**
7. **The restaurant shall adhere to the formula restaurant prohibitions and have a distinct exterior, interior, menus, and uniforms.**

On roll call, the motion carried 3-1, with Council Member Diamond dissenting.

Council Member Pucillo suggested that the applicant consider changing the name of the restaurant to further identify Del Friscos as a non-formula restaurant.

Motion was made by Council Member Pucillo that the Variance for 30 parking spaces related to Special Exception #20-2012 be granted and find in support thereof that the applicable criteria set forth in Section 134-201(a), Items 1-7, have been met, subject to the following conditions:

1. **Adoption of the Cure Plan, provided in the Applicant's parking analysis, which provides for 735 spaces in the Royal Poinciana Plaza.**

Motion died for lack of a second.

Council Member Pucillo stated for the record that his position is that the applicant does not need a variance for the parking spaces at night.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to deny the Variance related to Special Exception #20-2012 for the reason that the application does not meet the applicable criteria set forth in Section 134-201(a), Items 1-7. On roll call, the motion carried 3-1, with Council Member Pucillo dissenting.

Town Attorney Randolph clarified that this action leaves the application denied. The applicant has the option to come back at a subsequent time and show how they can meet the parking requirements without a variance.

Zoning Administrator Castro asked the Town Council how much of the parking variance is being denied.

Council President Rosow stated the entire request for the variance was being denied. If the applicant wants to come back before the Town Council, then they must define how many parking spaces they are requesting in the variance.

Zoning Administrator Castro asked if the Town Council believes that the applicant needs a variance for 57, 30, or 23 parking spaces.

Town Attorney Randolph stated that the number makes a difference because the applicant may not have to come back for a variance if they can meet the requirements for the number of parking spaces that the Town Council determines that they need.

Council President Rosow stated that the Council has not determined that. It is not their job. The applicant has the option of reducing the size of the restaurant so that they don't need a variance. Staff has to determine how many parking spaces are available and how many are needed. In his opinion, the presentations provided to the Council show an enormous deficit in parking. Council President Rosow directed the applicant's Attorney to go back to Staff for them to determine how big the restaurant can be without needing a variance.

Zoning Administrator Castro stated that Staff will look at the 1979 Agreement and work with the Town Attorney to determine the number of parking spaces required.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the November 16, 2012, special Town Council meeting was adjourned at 3:10 p.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: NOVEMBER 16, 2012

APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING - CLOSED DOOR SESSION - TOWN OF PALM BEACH VS MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., A DELAWARE CORPORATION, ACTING SOLELY AS NOMINEE FOR COUNTRYWIDE BANK, N.A.; BANK OF AMERICA, N.A., f/k/a COUNTRYWIDE BANK, FSB; AND BACK HOME LOANS SERVICING, L.P. f/k/a/ COUNTRYWIDE HOME LOAN SERVICING, L.P.

PRESENTER

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on November 16, 2012

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON FRIDAY, NOVEMBER 16, 2012

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 3:15 p.m. on Friday, November 16, 2012, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

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

III. TOWN OF PALM BEACH VS MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., A DELAWARE CORPORATION, ACTING SOLELY AS NOMINEE FOR COUNTRYWIDE BANK, N.A.; BANK OF AMERICA, N.A., F/K/A COUNTRYWIDE BANK, FSB; AND BAC HOME LOANS SERVICING, L.P. F/K/A COUNTRYWIDE HOME LOAN SERVICING, L.P., IN THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA CASE NO. 502011CA014981XXXXMBAF.

F.S. 286.011 (8) allows the Mayor, Town Council, and the Town Manager to Meet In A Closed-Door Attorney/Client Session For The Purpose Of Discussing Strategy Related To Litigation.

Town Council President Rosow announced the following:

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

At 3:17 p.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to Order

The Special Town Council meeting was reconvened at 3:23 p.m., in the Town Council Chambers.

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

Town Council President Rosow announced the termination of the Attorney/Client Session.

The following motions were made:

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to authorize the settlement of the pending lawsuit by agreeing to pay from the proceeds of closing, $525,000, to the Banks, subject to the Town receiving releases and satisfactions of any and all mortgages and liens on the property, and a stipulation for dismissal of the pending lawsuit and an agreed order in regard to the Macari foreclosure lawsuit so as to provide the Town free and clear title of the property for sale to the Chus and an exchange of the appropriate releases. On roll call, the motion carried unanimously.

Motion was made by Council Member Kleid, and seconded by Council Member Pucillo, to authorize the Town Manager to execute the amended option agreement between the Town and the Chus. On roll call, the motion carried unanimously.

The following item was added:

RESOLUTION NO. 151-2012 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE SALE AND CONVEYANCE OF TOWN PROPERTY LOCATED AT 110 ANGLER AVENUE, PALM BEACH, FLORIDA, TO MICHAEL CHU AND ELIZABETH K. CHU AND FURTHER AUTHORIZING THE TOWN MANAGER TO EXECUTE A SPECIAL WARRANTY DEED AND OTHER CLOSING DOCUMENTS IN CONNECTION WITH SUCH CONVEYANCE; PROVIDING AN EFFECTIVE DATE.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve Resolution No. 151-2012. On roll call, the motion carried unanimously.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Friday, November 16, 2012, was adjourned at 3:25 p.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Consent Agenda

Agenda Title

MINUTES: NOVEMBER 16, 2012

APPROVAL OF THE SPECIAL TOWN COUNCIL MEETING - CLOSED DOOR SESSION - JASON VEGA, ARTEMIS SARIDAKIS, LEVENTE HENTER, MARCUS FARMER, SAMUEL RILEY AND GILAD BOCKMAN VS TOWN OF PALM BEACH, SCOTT DUQUETTE, KIRK BLOUIN AND DANIEL SZARSZEWSKI.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Minutes of the Special Town Council Meeting Held on November 16, 2012

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON FRIDAY, NOVEMBER 16, 2012

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 3:26 p.m. on Friday, November 16, 2012, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

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

III. JASON VEGA, ARTEMIS SARIDAKIS, LEVENTE HENTER, MARCUS FARMER, SAMUEL RILEY, AND GILAD BOCKMAN VS TOWN OF PALM BEACH, SCOTT DUQUETTE, KIRK BLOUIN AND DANIEL SZARSZEWSKI, CASE NUMBER 50 2012 CA 019746 XXXX MB AI, FIFTEENTH JUDICIAL CIRCUIT, PALM BEACH COUNTY, FLORIDA.

F.S. 286.011 (8) allows the Mayor, Town Council, and the Town Manager to Meet In A Closed-Door Attorney/Client Session For The Purpose Of Discussing Strategy Related To Litigation.

Town Council President Rosow announced the following:

a.) The Attorney/Client Closed-Door Session
b.) The estimated time is thirty minutes
c.) The names of the persons attending:

Gail L. Coniglio, Mayor
David A. Rosow, Town Council President
Robert N. Wildrick, President Pro Tem
William J. Diamond, Town Council Member
Richard M. Kleid, Town Council Member
Michael J. Pucillo, Town Council Member
Peter B. Elwell, Town Manager

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

At 3:28 p.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

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

A.) Call to order

The Special Town Council meeting was reconvened at 4:11 p.m., in the Town Council Chambers.

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

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

V. **ANY OTHER MATTERS** – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Friday, November 16, 2012, was adjourned at 4:11 p.m.

APPROVED:

_____
David A. Rosow
Town Council President

ATTEST:

_____
Susan A. Owens, MMC
Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Consent Agenda

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of November 28, 2012

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated December 3, 2012 from John S. Page, Director of Planning, Zoning & Building
- Minutes of the Architectural Commission Meeting of November 28, 2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of November 28, 2012

Date: December 3, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of November 28, 2012.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of November 28, 2012.

GENERAL INFORMATION

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

Attachment

JSP:cmd

MINUTES
ARCHITECTURAL COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 S. COUNTY ROAD, PALM BEACH, FL

WEDNESDAY, NOVEMBER 28, 2012, 9:00 a.m.

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

I. CALL TO ORDER (9:00:08 a.m.)

Vice Chairman and Acting Chairman Nikita Zukov called the meeting to order at 9:00 a.m.

II. ROLL CALL (9:00:43 a.m.)

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

Staff members present: John S. Page, Director of Planning, Zoning and Building; John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission. Town Attorney John C. Randolph was present for the majority of the meeting.

III. PLEDGE OF ALLEGIANCE: (9:01:05 a.m.)

After the Pledge and prior to moving to the next agenda item, Mr. Page announced that Dr. Phillips had resigned from ARCOM since he was no longer a Town of Palm Beach resident.

IV. APPROVAL OF THE MINUTES FROM THE OCTOBER 24, 2012 MEETING: (9:01:24 a.m.)

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

V. **APPROVAL OF THE AGENDA : (9:02:10 a.m.)**
MOTION BY MRS. VANNECK FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:02:24 a.m.)**
Mrs. Delp administered the oath at this time and throughout the meeting as necessary.

VII. **OTHER BUSINESS:** None

VIII. **PROJECT REVIEW:**

A. MAJOR PROJECTS-OLD BUSINESS **(9:02:40 a.m.)**
B - 047 - 2012 Revisions to previous approval
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 160 Royal Palm Way
Applicant: 160 Royal Palm LLC (Glenn F. Straub, Manager)
Architect: Rafael A. Rodriguez
Project Description: The subject condominium hotel is currently under renovation pursuant to Town Council in May 2007. The site building has been modified from the original plan which requires approval from ARCOM. The following is a list of proposed changes to the approved plan: 1. Elimination of 2 pool structures and relocation of a pool structure 2. Elimination of mansard roof on the east elevation and addition of mansard roof on north elevation and east guest awning elevation 3. Redesign of landscaping, cabanas and pool terrace area 4. Addition of interior floor above lobby to total 1,486 of which 500 square feet is dining area 5. Addition of parapet to connect east and west stair towers 6. Addition of roof deck lounge on existing roof top of hotel 7. Addition of elevators to be shown on roof plans of function room where previously not shown 8. Elevators #2 and #5 up to roof deck 9. Third floor unit #3 exterior wall shown where previously not shown 10. Entrance stair balustrade changed to cast stone 11. Elevator penthouse #7 now shown where previously not shown 12. Front door design has been redesigned 13. Water table and rustication has been removed 14. New cast stone balustrade at function room parapet wall 15. New pergola at south dining terrace 16. New revised west elevation at function room 17. Exterior balconies extended 3?-6" beyond face of building on North, West courtyard and South courtyard elevations. Variances requested for height and overall height, parking spaces, and to allow construction to be phased

Revised Project Description: The subject condominium hotel is currently under renovation pursuant to the approval of the Town Council in May 2007. The site plan has been modified from the original plan which requires approval from the Town Council and ARCOM. The following is a list of the proposed changes to the approved plan: Elimination of two pool structures and relocation of a pool structure which includes service bar. Relocation of pool restrooms to inside of Function Room Elimination of the mansard roof on the east elevation and keep the existing mansard on the east guest wing elevation in lieu of the parapet that was previously shown on the plans and approved. Relocation of pool equipment and storage to under pool service building. Approval of landscaping, cabanas and pool terrace for the entire site. Addition of plunge pools to the pool terrace area. Addition of interior floor above lobby to total 1,486 square feet of which 500 square feet is dining area (#7 not under ARCOM jurisdiction) Addition of parapet to connect east stair tower to existing approved parapet. Addition of elevator to be shown on roof plan of Function Room roof where previously not shown. Replace solid parapet on Function Room with balustrade railing. Increase height of doors in main lobby overlooking pool deck by 3 feet. Add a breezeway from the main lobby to Function Room. Add a 7 foot tall hedge with a 42 inch rail on south side of proposed swimming pool to run length of pool deck area. Add pergola on south elevation and extend balconies on north, south and east elevations. Addition of service corridors

and expansion of kitchen and laundry room which totals approximately 3,625 square feet. (#15 not under ARCOM jurisdiction) Shift location of approved Function Room 25 feet to the east and add back the 4 of the 6 parking spaces that are lost. The size of the spa facility is decreased from 7,325 square feet to 5,948 square feet which eliminates the need for 2 parking spaces that were lost. Net effect is zero loss of parking spaces. Replace solid concrete railing on stairway on south side of west wing fire escape with precast balustrade railing.

At the June meeting, there was a motion to defer and see each one of these individual requests come in with the approved plans, pictures of existing conditions, and requested changes with supporting information. At the July meeting, there were a series of motions for approval and/or deferral to the August meeting. Deferred items include: The front elevation (porte cochere) which is to be re-designed with piers or double columns and then brought back to ARCOM; the Landscape plan is to return to ARCOM after obtaining final site plan approval from the Town Council; and, detailing of the breezeway from the main lobby to the Function Room to return to ARCOM. At the August meeting, there was a motion to approve, as presented, the southern wall exposure boundary line with the addition of doubling up the number of 14 ft. Traveler Palms that are from the Function Room east, adding Confederate Jasmine of a minimum height of 12 ft. to that wall, and that immediately, the eastern hedge perimeter be treated, fertilized, at least once a week, and be allowed to grow to a height of 16-18 feet, and that all these Traveler Palms are under perpetual maintenance, and the whole property should be under perpetual maintenance, and that it is our recommendation that the Medjool Palms be replaced with Coconuts. There was a second motion relative to the front porte cochere to make these four columns square piers, and that the piers are to align with the wall above, and the applicant is to return next month (Sept.) with a drawing of the piers (effectively a deferral). There was a third motion relative to the south stairs on the west wing, to remain with the original design of the exits, i.e., to not replace the cement with aluminum. The applicant was also asked to address the issue of noise from the A/C equipment at the September meeting. At the September meeting, without hearing the project further, the project was deferred to the October meeting at the applicant's request. At the October meeting, without hearing the project further, the project was deferred to the November meeting at the applicant's request.

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

ARCHITECTURAL PRESENTATION BY: Tara Lordi, Owner's Representative and Rafael A. Rodriguez, Architect
ATTORNEY PRESENT: Maura Ziska for the applicant

Ms. Lordi presented plans which replace the front entry columns with piers. Under commission comments, the commission agreed that the piers need a base, and discussed the horizontal joints of the piers.

Commission members recalled that the applicant was also to address soundproofing with regard to the air conditioning equipment. Ms. Lordi indicated that this project will be reviewed in January regarding removing the air conditioning units from the top of the Function Room to an area closer to the hotel and away from the neighbors. The a/c equipment will still need to be soundproofed for hotel guests.

It was suggested that the addition of the suggested bases be handled as a staff approval by Mr. Lindgren in consultation with the Chairman or Vice Chairman.

MOTION BY MRS. VANNECK FOR APPROVAL SUBJECT TO STAFF APPROVAL FOR BASES ON THE ARCHES AND THAT THE HORIZONTAL CUTS BE MINIMIZED. THE BASE DESIGN IS TO BE SUBMITTED THIS WEEK TO STAFF.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

(Also, see comments relative to this project under "X. Comments of the Architectural Commission and Director of Planning, Zoning and Building Department".

B - 072 - 2012 Park Garden
Address: 224, 226, 234 Seminole Avenue
Applicant: Temple Emanu El of Palm Beach, Inc.
Architect: Cotleur & Hearing, Inc.
Project Description: Passive park garden that includes a walking path with benches and a pergola

At the August meeting, without hearing the project, a motion carried for deferral to the October meeting. At the October meeting, a motion carried approving the landscape plans and deferring the pergola to the November meeting.

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

ARCHITECTURAL PRESENTATION BY: Donaldson Hearing, Cotleur & Hearing, Inc.
ATTORNEY PRESENT: Maura Ziska for the applicant

Mr. Hearing noted that at the last meeting, the landscape was approved subject to the addition of a tree. Since that time, the landscape plan has been revised to add (3) additional Tabebuia trees. He presented a revised two-tiered pergola with a taller center piece (approximately 12 ft. overall height) and two lower flanking wings (approximately 10 ft. overall height). Side bracing was added along with detailed outriggers on the street side.

Under commission comments, most members were pleased with the revised landscape and pergola plans, but there was a concern expressed, in consideration of the neighbors, regarding making the pergola even taller than originally presented. Mr. Hearing responded that from the street, the height of the pergola will not be an issue. The pergola will really only be seen from neighboring second floor windows.

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

B - 073 - 2012 Demolition and New Residence
Address: 200 Eden Road
Applicant: Act II Properties, LLC
Architect: SKA Architect + Planner/Patrick W. Segraves, AIA
Project Description: Demolition of existing two-story home. Construction of new two-story British West Indies style home to be approximately 6,600 square feet. Home will consist of four bedrooms, 5.5 baths, living room, family room, dining room, kitchen library, loggia and a three-car garage. Final landscape will also be included. Roof: Patina green flat concrete tile; Building color: Cream; Trim color: White; Shutter color: Dark Green

At the September meeting, demolition was approved with the typical caveats for sodding and irrigating. A second motion approved the architecture, but the applicant was to return with the final landscape (effectively a deferral to October), with the comments that were made including a new location for the generator, and revisions to the landscape along North Ocean Boulevard. At the October meeting, without hearing the project further, the project was deferred to the November meeting at the request of the applicant.

There was no call for disclosure of ex parte communication.

As the landscape architect was not present at this time…
MOTION BY MRS. VANNECK FOR DEFERRAL TO THE END OF THE MEETING.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

Later in the meeting, when the item was re-called…
MOTION BY MRS. VANNECK FOR DEFERRAL TO THE DECEMBER MEETING.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

B - 085 - 2012 Demolition
Address: 8 Golfview Road
Applicant: Dana Landry and Bill Moody (Contract Purchasers)
Architect: James C. Paine Jr.
Project Description: Demolish existing residence

At the October meeting, the project was deferred for a better presentation.

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

ARCHITECTURAL PRESENTATION BY: James C. Paine Jr.

Mr. Paine provided the demolition report with a sufficient photographic essay, as had been requested last month by the commission, for this 1922 Marion Sims Wyeth designed residence. He stated that the property was considered for landmarking in 1997 with owner objection and it was not approved by the Landmarks Preservation Commission at that time.

ARCOM members clearly expressed their preference that this Wyeth home, on this unique private street, not be demolished, but since ARCOM has no legal criteria to deny a demolition request…

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.

Mr. Zukov strongly encouraged the architect to advise his client to design a new home in the style of the other homes on Golfview, respecting the established neighborhood. Mr. Sammons stated that the property should have been landmarked. He indicated that subject to his study of the property for a previous client, renovation of this home is not out of the question, and indeed, would be a wiser choice.

MOTION SECONDED BY MR. HOMES, INCORPORATING MR. ZUKOV'S COMMENT THAT ANY NEW HOUSE DESIGN SHOULD MATCH THE STYLE OF THE OTHER HOMES ON GOLFVIEW.
MOTION CARRIED UNANIMOUSLY.

B. MAJOR PROJECTS-NEW BUSINESS **(9:34:17 a.m.)**

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

Call for disclosure of ex parte communication: No disclosures

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

Mr. Hanlon discussed the variances requested for the project, noting that the proposed new pool cabana will not be visible from the public right-of-way. Mr. Bell provided the presentation in accordance with the submitted plans and as described above.

Commission members had several concerns with the building design: Strange little building; problem with columns at corners; odd layout; questioning the height; perhaps lower the band; window is high and pinched in there; proportions are lacking; ARCOM is underwhelmed; improve the aesthetics; and, since variances are required, the project should enhance the property.

MOTION BY MR. SAMMONS FOR DEFERRAL TO DECEMBER.
MOTION SECONDED BY MRS. VANNECK.

Mr. Sammons provided several suggestions for improvement at the request of the architect.

MOTION CARRIED UNANIMOUSLY.

There was no motion made relative to the variances today.

B - 090 - 2012 Landscape/Hardscape
Address: 1480 North Lake Way
Applicant: 1480 N Lake Way LLC
Architect: John Lang, Lang Design Group
Project Description: Previously approved hardscape driveway material changes and final landscape

Call for disclosure of ex parte communication: No disclosures

LANDSCAPE PRESENTATION BY: John Lang, Lang Design Group

Mr. Lang noted one hardscape change relative to the route of the driveway to avoid intrusion into Banyan trees. Secondly, the owner has elected to eliminate a set of stairs at the pool which led to the guest pavilion. Coconuts, which had been planted on the beach, were moved onto the property, behind the seawall. The landscape plan evidences a very tropical, casual landscape with "tons" of Coconuts now added to the property to soften the building elevations. Mr. Lang was asked to be sure to obscure the service area with landscaping.

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

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

D. **MINOR PROJECTS - NEW BUSINESS:** None

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE): None

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (10:00:09 a.m.)

Mr. Zukov asked the members to opine relative to the material of choice for the piers at 160 Royal Palm Way. The consensus was that the piers should be done in cast stone, and that there should be some horizontal joints in the piers.

XI. ADJOURNMENT:

MOTION BY MR. KARAKUL TO ADJOURN THE MEETING AT 10:04 A.M.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Friday, December 21, 2012 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Nikita Zukov, Vice Chairman and Acting Chairman

cmd

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 154-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement by and Between the Palm Beach County Supervisor of Elections and the Town of Palm Beach Relating to Vote Processing Equipment Use and Election Services; Providing an Effective Date.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- Memorandum dated November 28, 2012, from Susan A. Owens, MMC, Town Clerk
- Resolution No. 154-2012
- 2013 Vote Processing Equipment Use and Election Services Agreement
- 2013 Vote Processing Equipment Use and Election Services Agreement-Exhibit A
- 2013 Vote Processing Equipment Use and Election Services Agreement-Exhibit B

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Susan A. Owens, MMC, Town Clerk

Re: Agreement with the Supervisor of Elections Relating to Vote Processing Equipment Use and Election Services
Resolution No. 154-2012

Date: November 28, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 154-2012, approving an agreement with the Palm Beach County Supervisor of Elections for Vote Processing Equipment Use and Election Services for the year 2013.

GENERAL INFORMATION

The Palm Beach County Supervisor of Elections (SOE) requires annual agreements with each of the Palm Beach County municipalities for Vote Processing Equipment Use and Election Services. This agreement shall serve to cover all 2013 Town of Palm Beach General or Special Elections. The following changes were made to this year's agreement:

1) Amendment: Provide the Municipal Clerk with an official certification of election results if allowed by law.
2) New provision: By signing this contract, your municipality approves the contract as a form of legal sufficiency and certifies that this contract has met all of the legal requirements of your Municipal Charter and all other related laws.
3) Fee increases for absentee ballots, the base municipal package, and precinct services.

Items 1 and 2 are minor amendments that are already in the Town's Code and contract review procedures, and will not impact the Town.

Regarding item 3 and general costs, Exhibits A & B reference the costs if the Town of Palm Beach were on the uniform municipal election schedule in March. These costs are not the costs the Town will be charged by the SOE. Our charges will be higher since the Town conducts stand alone elections and there is no opportunity for cost sharing with other municipalities. Staff has requested that the SOE provide an exhibit that will more accurately reflect our costs, and that the Town be allowed to replace the current exhibits with the revised costs. We were advised by the SOE that she does not have exhibits that reflect stand alone costs, that she will not be

preparing them, and that the agreement and exhibits cannot be amended to reflect our increased costs.

FUNDING/FISCAL IMPACT

The Town of Palm Beach has not had an election since it entered into contract with the Supervisor of Elections Office. As such, the SOE has advised the Town that the cost to the Town is unable to be determined at this time. $25,000 has been allocated for election costs in the Fiscal Year 2012-2013 Town Clerk's Office budget. If a run-off election is necessary, then additional funds will be requested from the General Fund Contingency.

TOWN ATTORNEY REVIEW

This resolution and agreement have been reviewed by the Town Attorney for legal form and sufficiency.

Attachments

SAO

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance

RESOLUTION NO. 154-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AGREEMENT BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE TOWN OF PALM BEACH RELATING TO VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Supervisor of Elections has offered, pursuant to the terms of the Agreement attached hereto, to provide vote processing equipment and election services to the Town of Palm Beach in regards to municipal elections in the Town of Palm Beach; and

WHEREAS, it is the desire of the Town to accept the use of such equipment and the election services of the Supervisor of Election for its municipal elections; and

WHEREAS, the terms agreed to by the parties in this regard are incorporated within an Agreement between the Supervisor of Elections and the Town of Palm Beach, a copy of said Agreement being attached hereto.

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

Section 1. The Town Council hereby accepts the terms of the Agreement between the Supervisor of Elections and the Town of Palm Beach relating to vote processing equipment use and election services from the Supervisor of Elections and hereby approves the terms of the Agreement between said parties, a copy of which is attached hereto, and hereby authorizes the Mayor of the Town to execute said agreement on behalf of the Town of Palm Beach. A copy of the executed Agreement shall be delivered to the Supervisor of Elections.

Section 2. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of December, 2012.

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

AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE TOWN OF PALM BEACH

THIS AGREEMENT, is made and entered into this _____ day of December, 2012, effective January 1, 2013, by and between the Palm Beach County Supervisor of Elections, an elected county officer pursuant to Article VIII, Sec.1 (d) of the *Florida Constitution*, hereinafter referred to as the "**SOE**", and the Town of Palm Beach, a municipal corporation, chartered and organized in accordance with the laws of the State of Florida, hereinafter referred to as the "**Municipality**".

WITNESSETH:

WHEREAS, Chapters 97 to 106, *Florida Statutes*, constitute the Florida Election Code (the "Code") which applies to municipalities where expressly so stated; and

WHEREAS, Sec 100.3605, *Florida Statutes*, states that "[T]he Florida Election Code, chapters 97-106 shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision"; and

WHEREAS, the Municipality and the SOE desire to work together to provide for municipal elections and to allocate certain responsibilities and expenses between the two parties to ensure that the provisions of the Code are followed during municipal elections; and

WHEREAS, the SOE and the Municipality wish to enter into this Agreement to set out the terms of this coordinated program.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter contained to be kept and performed by the parties hereto, and for the mutual benefit of the Municipality, its constituents and the SOE, it is agreed as follows:

1. **PURPOSE:**

The purpose of this Agreement is to set forth the terms and conditions under which services will be provided by the SOE and staff to the Municipality for municipal elections and to set forth the responsibilities of both parties so that there is a clear understanding of the rights and responsibilities of all parties. Such rights and responsibilities shall apply to the General, Run-Off, Special and Recount elections as necessary as well as the Post Election Audit, unless otherwise stated herein below.

2. **DATE OF GENERAL MUNICIPAL ELECTION:**

The date of the Town of Palm Beach's General Municipal election is February 5, 2013. It is hereby acknowledged and agreed that if the date listed is the same as most other municipalities in March or November, there will be a cost sharing among municipalities for costs incurred by the SOE. Such costs shall be allocated on a pro-rata share basis; otherwise, it is hereby

acknowledged and agreed upon by the municipality that it is responsible for all costs of the election, incurred by the office of the SOE.

3. **FEES AND CHARGES TO BE PAID BY THE MUNICIPALITY**:

The SOE hereby agrees not to charge Municipalities for taxpayer purchased equipment and supplies; (i.e. voting machines, tables, chairs, etc.) and associated maintenance and contract fees related to such equipment in return for which the Municipality hereby agrees not to charge the SOE for polling places within its dominion and control. Examples of municipal elections charges related to certain services performed by the SOE to be passed through to the Municipality on a shared pro rata basis for all municipalities holding elections on a general election day (i.e. 2nd Tuesday in March or November) are attached hereto as Exhibit A. All items to be paid or reimbursed to the SOE will be paid by the Municipality within thirty (30) days of receipt of an invoice from the SOE with documentation verifying the charges.

Examples of total costs to small, medium and large municipalities are attached hereto as Exhibit B.

4. **RESPONSIBILITIES OF BOTH THE MUNICIPALITY AND THE SOE FOR MUNICIPAL ELECTIONS:**

A. **Notice and Advertisement**

(1) **Municipality**

(a) Properly call and advertise the election according to statutes and charter at its own expense.
(b) Issue a resolution or ordinance to the SOE requesting that the Supervisor of Elections conduct the municipality's election and act as a member of the Municipality's Canvassing Board, which may or may not include the SOE.
(c) Certify that the registered voter information provided by the SOE to the municipality reflects the proper boundaries of the city and notify the SOE of any changes.

(2) SOE

(a) Publish legal notices for Logic & Accuracy testing, absentee ballot canvass, Post Election Audit and news releases on book closing.

B. **Qualifying Candidates**

(1) **Municipality**

(a) Provide qualifying packets to candidates and accept and process all qualifying papers and fees.
(b) Collect Name and Pronunciation Guides from the candidates at the time of qualifying and submit to SOE.
(c) Respond to all candidate inquiries and questions.
(d) Respond to all legal inquiries and questions.
(e) Respond to all media inquiries.

(2) **SOE**

(a) Verify signatures on any qualifying petitions submitted by candidates and notify the Municipality of such results upon the close of the candidate qualifying deadline.

C. **Ballots**

(1) **Municipality**

(a) Review, amend (if necessary) and approve ballot proof prepared by SOE.
(b) Place an order with the SOE for a sufficient quantity of ballots as applicable.
(c) Pay ballot design costs to the SOE as incurred.
(d) Pay the ballot printer directly for the cost of said ballots.
(e) Reimburse the SOE for costs incurred for translation and audio recording of ballot.
(f) Reimburse SOE for preparation of Absentee Ballot, Edge layout and Sample Ballot.

(2) **SOE**

(a) Layout, check, proof and deliver ballot layout to the printer.
(b) Receive, securely store and account for all ballots until disbursed to polling places.
(c) Contract to have audio recorded for Touch Screen ballot.
(d) Control all access to unvoted ballots while in the possession of the SOE.

D. **Equipment Testing**

(1) **Municipality**

(a) Provide that a representative will be present during the Logic and Accuracy testing as noticed by SOE.

(2) **SOE**

(a) Develop a unique test script and manually mark ballots to be used in public Logic & Accuracy test.
(b) Conduct public Logic & Accuracy test.

E. **Early Voting – Optional**

(1) **Municipality**

(a) Reimburse the SOE for staff overtime hours due to weekend and/or evening hours for Early Voting.
(b) Pay SOE for Early Voting supplies.
(c) Contract with, schedule and pay poll workers directly.
(d) Deliver voted ballots to SOE daily at a location designated by SOE.
(e) Designate Early Voting sites thirty (30) days prior to each Election and notify SOE in writing of locations.

(2) **SOE**

(a) Prepare and provide all supplies needed for each Early Voting site.

(b) Provide the Municipality with a list of poll workers.
(c) Train poll workers.
(d) Provide staffing to accept voted ballots daily at a location designated by SOE.

F. **Absentee Voting**

(1) **Municipality**

(a) Reimburse SOE for all postage costs incurred at the current postal rate.
(b) Pay SOE for materials and handling of each absentee ballot.
(c) Pay SOE $.10 per absentee ballot for verifying signatures on returned voted ballot certificates.
(d) Refer all requests for absentee ballots to SOE.

(2) **SOE**

(a) Determine eligibility and compile Absentee Ballot file.
(b) Accept all requests for Absentee Ballots by telephone, mail or in person.
(c) Prepare and mail Absentee Ballots.
(d) Deliver Absentee Ballots to the Post Office.
(e) Receive voted Absentee Ballots.
(f) Verify signatures on returned voted Absentee Ballot certificates.
(g) Prepare and open Absentee Ballots for tabulation.
(h) Account for all Absentee Ballots.
(i) Notify Absentee Ballot voter and provisional voters of the disposition of the Canvassing Board as required by law.
(j) Record Absentee Ballot returns to voter history.
(k) Conduct public testing of Logic and Accuracy for Absentee Ballot tabulating equipment.
(l) Provide qualified staff to operate tabulation equipment to count Absentee Ballots.

G. **Polling Places**

(1) **Municipality**

(a) Arrange for the use of an adequate number of polling places.
(b) Confirm polling place accessibility and ADA compliance.
(c) Notify SOE in writing thirty (30) days prior to election of the need for tables and chairs if necessary.
(d) Notify SOE of polling locations to be used no later than noon the Friday after the municipal candidate qualifying deadline.
(e) Notify the SOE not less than 30 days prior to the election that a polling place will be moved to another site.
(f) Notify voters, as required by law, if their regular polling place is to be temporarily relocated.

(2) **SOE**

(a) Provide the Municipality with a list of polling places and SOE contract.
(b) Provide tables and chairs upon written notice from the Municipality when required.
(c) Provide polling place supplies, i.e. signs, cones, etc.

(d) Notify voters and the Municipality of permanent polling place change(s).

H. **Precinct Supplies**

(1) **Municipality**

(a) Pay SOE for precinct supplies provided.
(b) Provide a secure place for precinct clerks to return supplies and voted ballots on election night.
(c) Pay SOE for the production of Precinct Registers.
(d) Pay directly to the SOE's contracted moving company to have voting equipment delivered and picked up from polling place no later than the day before the election and returned after the election.

(2) **SOE**

(a) Provide Precinct Registers for each polling place location.
(b) Provide Master CD compilation of registered voters for precinct advisors.
(c) Provide certification of registered voters after book closing.
(d) Prepare equipment, cabinets and routing of voting equipment delivery.
(e) Provide laptop computer at each polling place.
(f) Provide CD of voter file database for each polling place.
(g) Provide poll worker Clerks with cell phones.
(h) Provide Provisional Ballot envelopes and affidavit forms for each polling place.
(i) Provide secrecy sleeves in a number and amount appropriate for each polling place.

I. **Poll Workers**

(1) **Municipality**

(a) Contact, contract with and pay poll workers directly (using only poll workers who are currently on the SOE list, or individuals who have successfully completed required training).
(b) Schedule and notify poll workers of training classes.
(c) Reimburse SOE for expenses incurred for delivery and pick up of equipment to training locations.
(d) Reimburse SOE for expenses incurred in printing training material.
(e) Reimburse SOE for expenses incurred for trainers to train poll workers.
(f) Reimburse SOE for expenses incurred for contracted training locations.

(2) **SOE**

(a) Provide the Municipality with a list of current poll workers.
(b) Develop poll worker training schedule.
(c) Plan and contract for training classes and locations.
(d) Contract with and pay trainers to train poll workers.
(e) Provide printed training materials for poll workers.

J. **Election Day Support**

(1) **Municipality**

(a) Verify that all polling places are available to poll workers no later than 6:00 a.m. and open for voting promptly at 7:00 a.m. on Election Day.
(b) Ensure that all polling places remain open until 7:00 p.m. or until all voters who are in line to vote at 7:00 p.m. have completed voting.
(c) Reimburse SOE for all phone bank costs.

(2) **SOE**

(a) Assist in finding poll worker replacements if needed.
(b) Provide technical support personnel as needed.
(c) Provide phone bank support to respond to poll workers and voters on Election Day.

K. **Ballot Tabulation/Counting of Election Results**

(1) **Municipality**

(a) Deliver all voted ballots and other necessary election related items to a place designated by the SOE after the polling places have closed on Election Day.
(b) Deliver **all** voting machine cartridges to a place designated by the SOE after the polling places have closed on Election Day.
(c) Reimburse the SOE for any staff overtime and other expenses in relation to the tabulation and processing of ballots on Election Day.
(d) Act as member of Canvassing Board.

(2) **SOE**

(a) Provide technical staff and required equipment to administer tabulation and election results.
(b) Assist and act, or appoint a designee to assist and act on the SOE's behalf, as a member of the Municipality's Canvassing Board if desired by the municipality or act as a member of the County Canvassing Board if it canvasses the municipality's election, if allowed by law.
(c) Post election results on SOE WEB site and provide the same to Channel 20.
(d) Provide the Municipal Clerk with unofficial election results upon conclusion of tabulation and canvassing of ballots cast on Election Day.

L. **Post Election Day**

(1) **Municipality**

(2) **SOE**

(a) Provide the Municipal Clerk with an official certification of election results if allowed by law.
(b) Store all necessary election records and ballots until the expiration of retention period prescribed by statutes.
(c) Process polling place affirmation forms.
(d) Sort, inventory, pack and store all election materials for retention and disposition.
(e) Notify voters of the disposition of their Absentee or Provisional Ballots after the determination by the Canvassing Board, as required by law.

(f) Respond to public records requests regarding records kept on behalf of the Municipality.
(g) Record voting history for each voter who voted on Election Day.

M. **Audit**

(1) **Municipality**

(a) Provide that the Municipal Clerk will be responsible for the administration of the audit.
(b) Reimburse SOE for any staff time or other related expenses as may result from conducting the manual audit.

(2) **SOE**

(a) Organize precinct information to allow the Municipal Clerk to randomly select the race and precinct(s) that shall be audited.
(b) Organize and prepare ballots for manual audit.
(c) Provide SOE staff to conduct manual audit.
(d) Ascertain and publically post manual audit result to SOE WEB site.

N. **Recount**

(1) **Municipality**

(a) Provide that the Municipal Clerk will be responsible for the administration of the Recount, with support and guidance from the SOE.
(b) Act as a member of the Canvassing Board.
(c) Notify the candidates of the time and date of the Recount.
(d) Post public notice(s) of the Recount with the time and location.
(e) Cause to have the Recount recorded and minutes kept and approved by the Canvassing Board.
(f) Review with the Canvassing Board and the counting teams the statutes and rules of the Division of Elections, specifically Rule 1S-2.031. Recount Procedures; and Rule 1S-2.027. Standards for Determining Voter's Choice on a Ballot.
(g) Reimburse the SOE for all staff salaries/overtime, facility and other expenses required to conduct the Recount.

(2) **SOE**

(a) Post public notice(s) of the Recount with the time and location.
(b) Test tabulating equipment as required by Sec. 101.5612, *Florida Statues*.
(c) Provide counting teams for examining out stacked ballots.
(d) Prepare and organize ballots for Recount processing.
(e) Tabulate ballots and provide professional staff for equipment operations.
(f) Provide official certification as determined by the Canvassing Board.

5. **INDEMNITY:**

Each party to this agreement shall be liable for its own actions and negligence. To the extent

permitted by law, the Municipality shall indemnify, defend and hold harmless SOE against any actions, claims or damages arising out of the Municipality's negligence in connection with performance under this Agreement; and the SOE shall indemnify, defend and hold harmless the Municipality against any actions, claims or damages arising out of the negligence of SOE in connection with its performance under this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth at Sec. 768.28, *Florida Statutes.* In no case shall such limits for the Municipality extend beyond $200,000 for any one person or beyond $300,000 for any judgment which, when totaled with all other judgments, arises out of the same incident or occurrence. These provisions shall not be construed to constitute agreement by either party to indemnify the other for such other's negligent, willful or intentional acts or omissions. In the event of litigation, trial or appellate, between the Municipality and the SOE relating to a municipal election governed by this Agreement, or otherwise in connection with the interpretation or application of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Notwithstanding the above, the municipality shall defend legal challenges relating to its municipal election and shall be fully responsible for all legal costs including attorneys' fees for such defense of the Municipality and the SOE. The municipality shall be responsible for damages, if any, assessed by virtue of such lawsuit, up to the monetary limits provided for hereinabove without recourse to the SOE.

6. **TERM:**

This Agreement shall begin on the effective date January 1, 2012 and continue for a term of one year in order to cover Special Elections, if any, and may be modified by mutual agreement of the parties. Any proposed changes to this Agreement shall be provided to the municipalities no later than August 1 of the applicable year, or as soon as practicable.

7. **CHANGE IN LAW:**

In the event any change in law abrogates or modifies any provisions or applications of this Agreement, the parties hereto agree to enter into good faith negotiations and use their best efforts to reach a mutually acceptable modification of this Agreement.

8. **NOTICES:**

All formal notices affecting the provisions of this Agreement may be delivered in person or be sent by facsimile, registered mail, or by a recognized overnight courier such as FedEx, to the individual designated below, until such time as either party furnishes the other party written instructions to contact another individual.

For the SOE:	For the Municipality:
Supervisor of Elections 240 S. Military Trail West Palm Beach, Florida 33415 Attention: Susan Bucher	Name Street Address Municipality, FL Attention: Manager

9. **SEVERABILITY:**

If any clause, section, or provision of this Agreement shall be declared to be unconstitutional, invalid or unenforceable for any cause or reason, or is abrogated or negated by a change in law, the same shall be eliminated from this Agreement, and the remaining portion of this Agreement shall be in full force and effect and be valid as if such invalid portions thereof had not been

incorporated herein.

10. By signing this contract, you and your municipality approve the contract as a form of legal sufficiency and certify that this contract has met all of the legal requirements of your Municipal Charter and all other related laws.

11. **NO MODIFICATION EXCEPT IN WRITING:**

This is the complete and final agreement between the parties. No representations other than those set forth herein shall be binding upon the parties. No modification of this agreement shall be effective unless submitted in writing and signed by both parties, or their duly authorized representatives.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement effective January 1, 2013.

As to the SOE:

WITNESSES:

SUPERVISOR OF ELECTIONS
PALM BEACH COUNTY

_____

_____ _____
Susan Bucher

Date: _____

As to the MUNCIPALITY:

ATTEST:

INSERT NAME OF MUNICIPALITY

_____ _____

_____, Municipal Clerk _____, Mayor

(Affix Municipal Seal) Date: _____

EXHIBIT A

Palm Beach County Supervisor of Elections Office

Summary of Activity For Uniform Municipal Elections

Feb/Jul 2012 Estimate

		Costs	
	ABSENTEE BALLOTS	**$4.72**	**Cost per AB Ballot processed**
*	Runbeck Set up fee	$0.04	
*	On Call service -Pitney Bowes	$0.24	
*	Process Absentee Ballot Requests	0.85	
*	Prepare and mail Absentee Ballots (machine use, staff time, voter file, postage), record/verify absentee ballot returns, prepare/opening of absentee ballots for tabulation	2.50	
*	Provide absentee voting - prep and mailing	1.00	
*	Notification to Absentee Ballot and provisional voters on the disposition of Canvassing Board	0.09	
	MUNICIPAL PACKAGE	**2,407**	**Cost per Municipal**
*	Arrange for translating, printing and recording of audio ballot	**TBD**	
*	Provide polling place supplies – signs, cones, tables, chairs, etc.	25.00	
*	Assist in finding poll worker replacements	42.14	
*	Develop master CD compilation for precinct advisors	71.08	
*	Provide certification of registered voters after book closing	57.50	
*	Prepare Absentee Ballot, Edge layout and Sample Ballot	257.18	
*	Publish legal notices for L&A testing, canvass and post elections and news releases on book closing, absentee ballots and other election related news	66.09	
*	L&A test - development of a unique test script, manual ballot marking, pretesting for comparisons and pulling equipment for public tests	186.09	
*	Election Day support (SOE staff and phone bank)	399.17	
*	Election night support (SOE staff, vote tabulation and vote certification)	640.70	
*	Assist municipality with canvass of Absentee Ballots, schedule canvass and act as member of Canvassing Board	264.22	
*	Post election results on WEB site and Channel 20	86.80	
*	Interface with candidates, press, city staff, city attorneys regarding Election Law	138.41	
*	Conduct mandatory audit post election	172.98	
	PRECINCT SERVICES	**$159.40**	**Cost per precinct**
*	Provide Clerk Bags i.e. precinct registers, affidavits, supplies etc.	23.68	
*	Delivery and Pick up of voting equipment to training locations	2.33	
*	Prepare precinct scanners and ADA Touch screen equipment	18.58	
*	Prepare equipment cabinets and routing of voter equipment	18.58	
*	Provide CD of voter file database for Precinct Advisors	0.50	
*	Plan training class locations/train pollworkers/provide printed training materials	58.26	
*	Provide laptop computers for Precinct Advisors	8.54	
*	Notification of provisionsal ballot outcome	4.68	
*	Copy of current polling place contract	0.15	
*	Copy of current poll workers	0.15	
*	Create and retain voting history (post elections)	23.95	

EXHIBIT B

PALM BEACH COUNTY SUPERVISOR OF ELECTIONS
Municipal Elections Charges

UPDATED UNIFORM ELECTION CHARGES - FEB/JUL 2012 *

MUNICIPALITY	MUNICIPAL PACKAGE	ABSENTEE BALLOTS		PRECINCTS		TOTAL COST AND % CHANGE	
		# ballots	@4.72	# precincts	@ $159.40		
HAVERHILL	$2,407	40	$189	4	$638	$3,234	4%
RIVIERA BEACH	$2,407	1,209	$5,706	17	$2,710	$10,824	14%
BOCA RATON	$2,407	3,304	$15,595	47	$7,492	$25,494	16%

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 155-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Increase in Funding to Research Atlantica, Inc. in an Amount up to $6,000 (thereafter totaling $19,200) through December of Calendar Year 2012 for the Purpose of Providing Historic Preservation Consulting Services, and Further Extending Consulting Services at the Rate of $55 hourly, with a Cap of $3,300, for Any Time Deemed Necessary to Assist the Royal Poinciana Way Committee, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated December 4, 2012 from John S. Page
- Resolution No. 155-2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Research Atlantica, Inc.
Consulting Services Cost Amendment
Resolution No. 155-2012

Date: December 4, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council increase budgeted expenses to Research Atlantica, Inc., up to $6,000 for technical assistance to be provided in 2012. Further, it is recommended that an amount not to exceed $3,300 ($55 hourly) be authorized for any consulting/technical assistance provided through completion of the Royal Poinciana Way Committee work.

GENERAL INFORMATION

Research Atlantica, Inc. (Dr. Jane Day) has provided historic preservation consulting services to the Town for the past twenty years. Dr. Day has announced her retirement. In September of this year, the Town Council selected and awarded a historic preservation contract to Murphy & Stillings, LLC, and simultaneously contracted with Research Atlantica through the end of this calendar year in order to provide a smooth transition to the replacement consultant.

Dr. Day's expenses have traditionally been limited to the Town's Landmarks Preservation Commission and related activities. Although it was expected her services would diminish during the final three calendar months of this year, the Commission recently requested that Dr. Day provide a comprehensive review of the Town's inventory of potential landmarkable properties from her research over the past twenty years. In addition to that exercise, Research Atlantica completed the process of finalizing and presenting several historic preservation designation reports and related presentations to the Town (initiated and partially completed by Dr. Day before the new consultant was selected). It is expected that Research Atlantica expenses will closely approach the $13,200 that was awarded to the company in September of this year.

Unanticipated at time of contract approval was the amount of time and technical assistance that would become necessary to the Royal Poinciana Way Committee. The Committee, now in the process of devising zoning amendments for the Royal Poinciana Way 200 block, has determined that historic preservation should be an essential part of their work. Dr. Day's historical research

over many years on the block makes her particularly qualified to assist in that regard. The Chairman of the Royal Poinciana Way Committee has indicated to staff that technical assistance will be needed from Research Atlantica, Inc. through the completion of its work, expected early in 2013.

If authorized, Dr. Day will continue to provide on-going assistance to the Royal Poinciana Way Committee, including the creation of "design guidelines" now being requested by the Committee. The creation/review of design guidelines (with assistance of urban designer Steve Mouzon) is expected to total nearly $6,000 in 2012. Chairman Pucillo is hopeful that the Committee will finalize its work early in the new calendar year. It is projected that Research Atlantica may expend up to 60 hours through completion of the Committee's work (design guideline coordination, discussions with the Chairman and individual Committee members, staff consultations, and related Town meetings). Sixty hours at $55 per equals a projected cost cap of $3,300; the Town will be billed only for hours expended.

The most recent Town Council Resolution (No. 103-2012 approved in September) authorizing Research Atlantica, Inc. consulting services extends only through December this year. It is necessary to approve attached Resolution No. 155-2012 if the Council is agreeable to utilizing Dr. Day through completion of the Royal Poinciana Way Committee process.

FUNDING/FISCAL IMPACT

The Planning, Zoning and Building Department budget for the present fiscal year included an increase in historic preservation consulting expenses that were anticipated to occur as the Town transitioned to a new consultant. It is the unanticipated expense for technical support to the Royal Poinciana Way Committee that must now be provided. Fortunately, PZB has traditionally included modest funding for other consulting expenses that become necessary through the course of each year. The projected increase in expenses (not previously included as part of Resolution No. 103-2012 awarded in September this year) can be paid for within the confines of the PZB budget for the present fiscal year.

TOWN ATTORNEY REVIEW

Resolution No. 155-2012 has been approved by the Town Attorney for legal form and sufficiency.

cc: Jane Day, PhD., Research Atlantica, Inc.
John C. Randolph, Town Attorney
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 155- 2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INCREASE IN FUNDING TO RESEARCH ATLANTICA, INC. IN AN AMOUNT UP TO $6,000 (THEREAFTER TOTALING $19,200) THROUGH DECEMBER OF CALENDAR YEAR 2012 FOR THE PURPOSE OF PROVIDING HISTORIC PRESERVATION CONSULTING SERVICES, AND FURTHER EXTENDING CONSULTING SERVICES AT THE RATE OF $55 HOURLY, WITH A CAP OF $3,300, FOR ANY TIME DEEMED NECESSARY TO ASSIST THE ROYAL POINCIANA WAY COMMITTEE, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID SERVICES.

WHEREAS, Research Atlantica, Inc. is now providing historic preservation services to the Town for the first three months (October, November, December) of FY 2013 in an amount not to exceed $13,200, as approved by the Town Council on September 11, 2012, and

WHEREAS, in addition to the traditional historic preservation services provided by the contractor to the Landmarks Preservation Commission, the ad-hoc Royal Poinciana Way Committee has called upon Research Atlantica, Inc. to provide design assistance and technical support, and

WHEREAS, cost for providing additional assistance to the Royal Poinciana Way Committee by Research Atlantica, Inc. is estimated to be $6,000 through the month of December, 2012, and

WHEREAS, it will be necessary for Research Atlantica, Inc. to continue providing consultation to the Royal Poinciana Way Committee until its work has been completed in 2013:

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

The Town Manager is hereby authorized and directed to take such further actions as may be necessary to effectuate the increase of $6,000 in costs to Research Atlantica, Inc. for work in 2012, and do the same for any consulting expenses that occur in 2013 at the rate of $55 hourly, capped at $3,300, in association with the Royal Poinciana Way Committee.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of December, 2012.

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

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 156-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of a Toro Greensmaster Riding Mower and Necessary Attachments at a Cost of $26,803.78 from Wesco Turf, Inc., in Accordance with Florida State Contract No. 760-000-10-1; Authorizing the Town Manager to Take Further Actions Necessary to Complete the Purchase.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- Memorandum Dated November 29, 2012, from Jay Boodheshwar, Director of Recreation and Special Projects
- Resolution No. 156-2012
- Exhibit A - Wesco Turf Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Purchase Agreement with Club Car, Inc.
Resolution No. 156-2012

Date: November 29, 2012

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 156-2012, authorizing the purchase of a Toro Greensmaster Riding Mower and necessary attachments at a cost of $26,803.78 from Wesco Turf, Inc. in accordance with Florida State Contract No. 760-000-10-1.

GENERAL INFORMATION

The new Toro Greensmaster is a triplex riding greens mower. It is replacing another Toro triplex mower purchased in 1999, which has well surpassed its useful life. The current mower has a manufacturer's useful life estimate of 4-5 years. The new mower will be used to mow and verticut greens. We mow greens every morning before play begins and we verticut in the summer months on a weekly basis to help increase green speed and plant health.

FUNDING/FISCAL IMPACT

Sufficient funds have been included in the FY2013 Recreation Enterprise Fund's Equipment Replacement Fund budget to fully cover the $26,803.78 purchase.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

c: Jane Struder, Director of Finance
Lynda Cummings, Purchasing Agent
Tony Chateauvert, Golf Manager
Tim Campbell, Superintendent

RESOLUTION NO. 156-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE OF A TORO GREENSMASTER RIDING MOWER AND NECESSARY ATTACHMENTS AT A COST OF $26,803.78 FROM WESCO TURF, INC., IN ACCORDANCE WITH FLORIDA STATE CONTRACT NO. 760-000-10-1; AUTHORIZING THE TOWN MANAGER TO TAKE FURTHER ACTIONS NECESSARY TO COMPLETE THE PURCHASE.

* * * * *

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

Section 1. A purchase of one Toro Greensmaster riding greens mower, a blade cutting unit, a roller, and a light kit from Wesco Turf, Inc. in the amount of $26,803.78, is hereby approved, as outlined in Exhibit A.

Section 2. The Town Manager is hereby authorized to complete the purchase of one Toro Greensmaster riding greens mower, a blade cutting unit, a roller, and a light kit; and take further actions as may be necessary to complete said purchase.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of December, 2012.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan Owens, MMC Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 26-2013

Toro Greensmaster 3150-Q Riding Greens Mower

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the State of Florida Contract No.760-000-10-1, 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 State of Florida Contract No. 760-000-10-1 shall apply.

SCHEDULE OF BID ITEMS

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

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

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

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

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1	Model 04358 Toro Greensmaster 3150-Q Riding Greens Mower	1	EA	$ 20,155.27	$ 20,155.27
2	Model 04619 11-Blade Cutting Unit	3	EA	$ 1,846.23	$ 5,538.69
3	Model 04626 Narrow Wiehle Roller 200" spacing	1	EA	$ 814.49	$ 814.49
4	Model 105-8336 Light Kit GR3150	1	EA	$ 295.33	$ 295.33
				TOTAL	$ 26,803.78

Company Name: Wesco Turf, Inc. Authorized Signature: Ron DiCicco

REMARKS: _____

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

Firm: Wesco Turf, Inc.

***Signature:** Ron DiCicco **Name/Title:** Ron DiCicco Vice President RLC Division

Address: 2101 Cantu Court Sarasota, FL **Zip:** 34232

Federal ID#: _____

Telephone Number: (800) 486-8873 **Fax:** (941) 487-6839

Date: 11/9/2012

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

Name of Bidder's Contact Person: Ron DiCicco

Address: 2101 Cantu Court Sarasota, FL 34232

Phone Number: (800) 486-8773 Fax Number: (941) 487-6839

E Mail Address: ron.dicicco@wescoturf.com

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 157-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Two (2) Police Motorcycles in the Amount of $36,400, From Bruce Rossmeyer's Daytona Harley Davidson, as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- Memorandum dated November 27, 2012, from Kirk W. Blouin, Director of Public Safety
- Resolution No. 157-2012
- FSA Pricing
- Town RFQ

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Authorize Purchase of Police Motorcycles
Resolution No. 157-2012

Date: November 27, 2012

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve the purchase of two (2) police motorcycles in the amount of $36,400 ($18,200 each) from Bruce Rossmeyer's Daytona Harley Davidson. These items are included in the Town's Equipment Replacement Program and were previously considered and approved by the Town Council during the FY 2013 Budget process.

GENERAL INFORMATION

The Police Department currently has six (6) Harley Davidson Motorcycles; four (4) are 2004 models and two (2) are 2012 models. The Department motorcycles are on a 5 year useful life cycle but purchasing newer models was delayed until deemed necessary to do so based on staffing levels. The last two (2) 2004 models are expected to be replaced in 2014 if approved during the budget process.

The motorcycles will be purchased through the Florida Sheriffs Association State Bid #12-20-0905 (Exhibit A) and RFQ No. 20-2013 (Exhibit B).

FUNDING/FISCAL IMPACT

Purchases were approved as part of the FY2013 Equipment Replacement Program with a total budget of $34,900. The total cost of these items is $36,400 however the $1,500 overage will be covered by the savings related to the purchase of Police Patrol Vehicles also being considered at this meeting.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

KWB/lsg
Attachments

RESOLUTION NO. 157-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF TWO (2) POLICE MOTORCYCLES IN THE AMOUNT OF $36,400, FROM BRUCE ROSSMEYER'S DAYTONA HARLEY DAVIDSON, AS PREVIOUSLY CONSIDERED AND APPROVED BY THE TOWN COUNCIL DURING THE FY2013 BUDGET PROCESS AND INCLUDED IN THE TOWN'S EQUIPMENT REPLACEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Palm Beach Police Department is hereby authorized and directed to purchase two (2) police motorcycles vehicle via the Florida Sheriff's Association Bid 12-20-0905 and RFQ 20-2013 in the amount of $36,400 ($18,200 each) from Bruce Rossmeyer's Daytona Harley Davidson.

Section 2. Copies of the FSA price per motorcycle (Exhibit A) and RFQ No. 20-2013 (Exhibit B) are attached hereto and are hereby incorporated within this Resolution and made a part hereof.

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

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 11TH DAY OF DECMBER, 2012.

_____
Gail L. Coniglio, Mayor

_____
David A. Rosow, Town Council President

_____
Robert N. Wildrick, Council President Pro Tem

_____
William J. Diamond, Town Council Member

ATTEST:

_____
Richard M. Kleid, Town Council Member

_____
Susan A. Owens, Town Clerk

_____
Michael J. Pucillo, Town Council Member

FLORIDA SHERIFFS ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES & FLORIDA FIRE CHIEFS' ASSOCIATION

HARLEY-DAVIDSON POLICE MOTORCYCLE SPECIFICATION #15

2013 Harley Davidson Road King (FLHP)

The Harley Davidson Road King (FLHP) purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$16,500.00	$16,500.00	$16,500.00	$16,500.00

While the Florida Sheriffs Association, Florida Association of Counties and Florida Fire Chiefs' Association have attempted to identify and include those equipment items most often requested by participating agencies for full size vehicles, we realize equipment needs and preferences are going to vary from agency to agency. In an effort to incorporate flexibility into our program, we have created specific add/delete options which allow the purchaser to tailor the vehicle to their particular wants or needs.

The following equipment delete and add options and their related cost are provided here to assist you in approximating the total cost of the type vehicle(s) you wish to order through this program. Simply deduct the cost of any of the following equipment items you wish deleted from the base unit cost and/or add the cost of any equipment items you wish added to the base unit cost to determine the approximate cost of the type vehicle(s) you wish to order.

NOTE: An official listing of all add/delete options and their prices should be obtained from the appropriate dealer in your zone when preparing your order. Additional add/delete options other than those listed here may be available through the dealers, however, those listed here must be honored by the dealers in your zone at the stated prices.

VEHICLE:	Road King (FLHP)			
DEALER:	Bruce Rossmeyer's Daytona Harley-Davidson	Bruce Rossmeyer's Daytona Harley-Davidson	Bruce Rossmeyer's Daytona Harley-Davidson	Bruce Rossmeyer's Daytona Harley-Davidson
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$16,500.00	$16,500.00	$16,500.00	$16,500.00

Order Code	Add Options	All Zones
91453-00A [1]	Whelen electric siren, speaker and microphone.	$1,100.00 [1]
91448-00 [1]	Police Microphone Kit	$175.00 [1]
54180-10 [1]	Black pre-drilled Tour Pak for LEDs	$1,400.00 [1]
54179-10 [1]	White pre-drilled Tour Pak for LEDs	$1,400.00 [1]
54178-10 [1]	Black Tour Pak without Holes	$1,000.00 [1]
54177-10 [1]	White Tour Pak without Holes	$1,000.00 [1]
65989-97C [1]	Auxiliary battery	$175.00 [1]
53196-09 [1]	Adapter plate for mounting Tour Pak	$100.00 [1]
69816-10 [1]	LED Lights for Tour Pak (red with clear lens)	$300.00 [1]
69940-10 [1]	LED Lights for Tour Pak (blue with clear lens)	$300.00 [1]
69941-10 [1]	LED Lights for Tour Pak (split lens red/blue with clear lens)	$300.00 [1]
72641-10 [1]	LED Light chrome trim ring	$25.00 [1]
69251-04 [1]	LED Engine Guard Lights (red, blue, or split lens red/blue)	$800.00 [1]
69250-04 [1]	Pursuit lamps one red and one blue	$700.00 [1]
91474-07A [1]	Stealth switch	$250.00 [1]
	Solid color paint (other than birch white or vivid black) BLUE ?	$500.00
	Two-tone paint	$750.00
	Security System	$350.00
	Temporary tag	$25.00
	Transfer existing registration (must provide tag number)	$150.00
	New state tag (specify state, county, city, sheriff, etc.)	$175.00

+ 18,200

Exhibit B

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 20-2013

Harley Davidson Road King (FLHP) Motorcycles

INTENT AND SCOPE

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

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

SCHEDULE OF BID ITEMS

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

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

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

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

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1	FSA Specification No. 15 2013 Harley Davidson Road King (FLHP) with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone.	2	EA	$ 16 500	$ 33,000
2	91453-00A - Whelen electric siren, speaker and microphone.	2	EA	$ 1100	$ 2,200
3	53196-09 – Adapter Plate for mounting Tour Pak	2	EA	$ 100	$ 200
3	Solid Color Paint: SOLID LUXURY BLUE PEARL –	2	EA	$ 500	$ 1,000
				TOTAL	$ 36,400

Company Name: Daytona Harley-Davidson Authorized Signature:

REMARKS: 60-90 days delivery

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: Daytona Harley-Davidson

***Signature:** [signature] **Nam e/Title:** Manager - Police Sales

Address: 1637 N. US Hwy 1 Ormond Beach FL **Zip :** 32174

Federal ID#: 59-3205613

Telephone Number: (954) 257-2073 **Fax:** (386) 671-7077

Date: 11-19-12

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

Name of Bidder's Contact Person: Barry Kuhnly

Address: 1637 N. US Hwy 1 Ormond Beach FL 32174

Phone Number: 954-257-2073 Fax Number: 386-671-7077

E Mail Address: bKuhnly@brucerossmeyer.com

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 158-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase Three (3) Patrol Vehicles in the Amount of $94,938 From Stingray Chevrolet, as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- Memorandum dated November 27, 2012, from Kirk W. Blouin, Director of Public Safety
- Resolution No. 158-2012
- FSA Pricing
- Town RFQ

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Authorize Purchase of Police Patrol Vehicles
Resolution No. 158-2012

Date: November 27, 2012

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve the purchase of three (3) 2013 Chevrolet Caprice Patrol vehicles in the amount of $94,938 ($31,646 each) from Stingray Chevrolet. These items are included in the Town's Equipment Replacement Program and were previously considered and approved by the Town Council during the FY 2013 Budget process.

GENERAL INFORMATION

Police pursuit vehicles are on a four (4) year useful life cycle replacing three (3) vehicles each year. In FY2011 the Police Department began the conversion from Ford Crown Victoria to Chevrolet Caprices as its standard patrol vehicle.

The vehicles will be purchased through the Florida Sheriffs Association State Bid #12-20-0905 (Exhibit A) and RFQ No. 30-2013 (Exhibit B).

FUNDING/FISCAL IMPACT

Purchases were approved as part of the FY2013 Equipment Replacement Program with a total budget of $98,000. The total cost of these items is $94,938.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

KWB/lsg
Attachments

RESOLUTION NO. 158-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF THREE (3) PATROL VEHICLES IN THE AMOUNT OF $94,938 FROM STINGRAY CHEVROLET, AS PREVIOUSLY CONSIDERED AND APPROVED BY THE TOWN COUNCIL DURING THE FY2013 BUDGET PROCESS AND INCLUDED IN THE TOWN'S EQUIPMENT REPLACEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE

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

Section 1. The Palm Beach Police Department is hereby authorized and directed to purchase three (3) police patrol vehicles via the Florida Sheriff's Association Bid 12-20-0905 and RFQ 30 -2013 in the amount of $94,938 ($31,646 each) from Stingray Chevrolet.

Section 2. Copies of the FSA price per vehicle (Exhibit A) and RFQ No. 30-2013 (Exhibit B) are attached hereto and are hereby incorporated within this Resolution and made a part hereof.

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

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 11TH DAY OF DECMBER, 2012.

_____
Gail L. Coniglio, Mayor

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David A. Rosow, Town Council President

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Robert N. Wildrick, Council President Pro Tem

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William J. Diamond, Town Council Member

_____
Richard M. Kleid, Town Council Member

ATTEST:

_____
Susan A. Owens, Town Clerk

_____
Michael J. Pucillo, Town Council Member

FLORIDA SHERIFFS ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES & FLORIDA FIRE CHIEFS' ASSOCIATION

FULL SIZE PURSUIT VEHICLES - RWD (POLICE PACKAGE) SPECIFICATION #1

2013 Chevrolet Caprice (1EW19/1SB/PPV)

The Chevrolet Caprice (1EW19/1SB/PPV) purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

ZONE:	Western	Northern	Central	Southern
BASE PRICE:	$26,031.00	$25,924.00	$25,798.00	$25,924.00

While the Florida Sheriffs Association, Florida Association of Counties and Florida Fire Chiefs' Association have attempted to identify and include those equipment items most often requested by participating agencies for full size vehicles, we realize equipment needs and preferences are going to vary from agency to agency. In an effort to incorporate flexibility into our program, we have created specific add/delete options which allow the purchaser to tailor the vehicle to their particular wants or needs.

The following equipment delete and add options and their related cost are provided here to assist you in approximating the total cost of the type vehicle(s) you wish to order through this program. Simply deduct the cost of any of the following equipment items you wish deleted from the base unit cost and/or add the cost of any equipment items you wish added to the base unit cost to determine the approximate cost of the type vehicle(s) you wish to order.

NOTE: An official listing of all add/delete options and their prices should be obtained from the appropriate dealer in your zone when preparing your order. Additional add/delete options other than those listed here may be available through the dealers, however, those listed here must be honored by the dealers in your zone at the stated prices.

VEHICLE:	Caprice (1EW19/1SB/PPV)			
DEALER:	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	$26,031.00	$25,924.00	$25,798.00	$25,924.00

Order Code	Delete Options	All Zones
AEH-D [1]	Cloth rear seat in lieu of vinyl	$35.00[1]
	Front door body side molding	NA
6C7-D [1]	5" round dome lamp	$40.00[1]
7X6-D [1]	Driver's Side (Left Hand) Spotlight	$50.00[1]
SG8-D [1]	Space saver spare tire in lieu of full size spare tire	$45.00[1]
	Front License Bracket	NA

Order Code	Add Options	All Zones
	Please refer to Part D - Emergency Vehicle Lighting Specifications for lightbar descriptions and the awarded dealer pricing.	
L77 [1]	V8 engine *6.0L V8 flex fuel w/ active fuel mgmnt, ltd slip diff, 355hp* [1]	NC[1]
BBATP [1]	Priority start/battery saver	$224.00[1]
G80 [1]	Limited slip differential	$194.00[1]
KPREP [1]	Complete Police Prep Package *Incld 6J3; 6J4; 6J7; KWIRE LED; KWIRE extensions to trunk; 2 X80w grounded power mgmt systems frnt&rear* [1]	$1,385.00[1]
	Base Police Prep Package	NA
	Police Prep Package - "Ready for the Road"	NA
	Base Lighting Package	NA
7X7 [1]	Left & right-hand pillar mounted 6" spotlight with clear halogen bulb, factory installed *add $565 for dual LED; provides credit for STD LH spot* [1]	$359.00[1]
RAINX [1]	Visibility Package *Incld 12 oz supply to be re-applied monthly to windshield* [1]	$21.00[1]
TREM [1]	Tremco anti-theft - foot activated, dealer installed *KATS- Kerr approvedanti-theft system $395* [1]	$197.00[1]
SSTP [1]	SafeStop vehicle anti-theft - key activated or emergency lights activated, plug-&-play for most Ford and Chevy fleet vehicles, dealer installed in 20 minutes or less	$207.00[1]
MAG [1]	Rechargeable mag light	$149.00[1]
6B7/6J5 [1]	Roof wiring with hole *specify 6B7 on centerline or 6J5 on passenger side* [1]	$194.00[1]
	Roof wiring without hole	NA
KWIRE-LED [1]	Accessory feed wires for police equipment *basic LED wiring w/ terminated ends for mirror, Bpillar & rear deck; left blunt cut in trunk area* [1]	$289.00[1]
	Ready Buckle Prisoner Restraint Seat Belt System	NA
A98 [1]	Ignition powered trunk button, factory installed	Std[1]
	Comfort and convenience group	NA

VEHICLE:	Caprice (1EW19/1SB/PPV)			
DEALER:	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	$26,031.00	$25,924.00	$25,798.00	$25,924.00

9C3 [1]	Street appearance group	NC[1]
W2P [1]	Full wheel covers	$39.00[1]
NFILL [1]	Nitrogen filled tires including spare tire	$66.00[1]
	AM/FM radio with single CD	Std
	Daytime running lights	Std
TINTPD [1]	Sunscreen privacy glass *add $25 for windshield strip* [1]	$245.00[1]
	Cloth split bench – front	NA
	Driver seat only – 6 way power	Std
6N6 [1]	Rear door locks & handles inoperative	$65.00[1]
	Rear door locks & handles inoperative, dealer modification	$65.00
6N5 [1]	Rear windows inoperative	$69.00[1]
	Cruise control	Std
	Radio noise suppression	Std
7Y6 [1]	Courtesy light disabled	$24.00[1]
AY6 [1]	Side air protection (may affect cage availability)	$74.00[1]
TINT [1]	Legal deep tinted film, lifetime warranty, dealer installed *add $25 for windshield strip* [1]	$245.00[1]
3K [1]	Third key	$75.00[1]
6E3 / 6E4 [1]	Keyed alike *not compatible w/ Impala or Tahoe keys* [1]	$24.00[1]
	Factory remote keyless entry with 2 fobs included.	Std
	Front door moldings, not installed	NA
VS [1]	Vent visors - stick-on style *front windows only* [1]	$99.00[1]
	Rainshields - flange style	NA
BDRWN [1]	Door blank & rear window barriers with manual lock override (Setina, Pro-Gard, Cruisers or approved equivalent)	$610.00[1]
	Locking gas cap	$39.00
KP4DR [1]	Two-tone paint Royal Blue/White +1,794 *4 doors & roof panels only; not handles, mirrors, jambs; base color black; call dealer for other config.* [1]	~~$1,502.00~~[1]
BTW [1]	Class III hitch with 2" ball, dealer installed	$460.00[1]
KW4DR [1]	Optional equipment - specify *white vinyl wrap on 4 doors (belt line down only) & roof panel* [1]	$896.00[1]
K4S [1]	Optional equipment - specify *auxiliary 600cca battery for accessory equipment* [1]	$249.00[1]
KBDP3H [1]	Optional equipment - specify *NIJ level 3 ballistic front door panel (specify driver or pass. side) w HD door hinge; (level 3A $1478 panel only)* [1]	$2,095.00[1]

VEHICLE:	Caprice (1EW19/1SB/PPV)			
DEALER:	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	$26,031.00	$25,924.00	$25,798.00	$25,924.00

BTV [1]	Optional equipment - specify *remote vehicle start* [1]	$294.00[1]
GYW [1]	Optional equipment - specify *Hugo Blue custom factory color* [1]	$499.00[1]
	Setina PB100A12 – 12" Aluminum Push Bumper	NA
	Setina PB100A16 – 16" Aluminum Push Bumper *add $200 for 2 LED; add $350 for 4 LED* [1]	$475.00[1]
	Setina PB300 Push Bumper *add $200 for 2 LED; add $350 for 4 LED* [1]	$475.00[1]
	Go Rhino 5000 Series Push Bumpers *add $200 for 2 LED; add $350 for 4 LED* [1]	$475.00[1]
	Rear Transport Seat – Laguna System 3P	$806.00
	Rear Transport Seat – Pro Gard 6000 Series	$696.00
	Rear Transport Seat – Cruiser PCM012	$696.00
	Rear Transport Seat with extended seat belt – Patriot PSCV1	$790.00
	Pro-Gard P2600 Series Polycarbonate (Lexan) Cage with sliding window, full width lower extension panel, dealer installed	$815.00
	Setina 8S Lexan cage with 1/2 lexan and 1/2 expanded metal with full lower extension panel, dealer installed	$797.00
	Setina #10 Series Lexan Cage with sliding window, full width lower extension panel, dealer installed	$815.00
	Patriot VP1-120 Lexan cage with 1/2 lexan and 1/2 metal with full lower extension panel, dealer installed	$797.00
	Patriot VP1-100 all Lexan cage with full lower extension panel, dealer installed	$815.00
	Cruisers Cage with slide and lock window, lower extension panels, dealer installed	$846.00
	Cruisers Cage with 1/2 Lexan and 1/2 mesh, lower extension panels, dealer installed	$846.00
K9BX [1]	K-9 Container. All aluminum In-Vehicle (rear seat area) K-9 Container to protect the public, officer, K-9, and vehicle. Please specify vehicle year, make and model. Call for installation, shipping, and/or delivery prices.	$2,450.00[1]
K9RDR [1]	Electronic Remote Rear Door Opening system to be used with the K-9 Container. Allows the officer to release the K-9 from the vehicle from a remote position.	$1,285.00[1]
K9ALM [1]	Heat Alarm System to be used in a K-9 vehicle. Warns officer when dangerously high temperatures are inside the vehicle. *ACE K9 $1489* [1]	$965.00[1]
TTAG [1]	Temporary tag	$25.00[1]
TTRANS [1]	Transfer existing registration (must provide tag number)	$180.00[1]
TAGNEW [1]	New state tag (specify state, county, city, sheriff, etc.)	$235.00[1]
	Maintenance Plan - specify	NA
	Maintenance Plan - specify	NA
	Maintenance Plan - specify	NA

VEHICLE:	Caprice (1EW19/1SB/PPV)			
DEALER:	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	$26,031.00	$25,924.00	$25,798.00	$25,924.00
MG 5/100 [1]	Warranty - specify			$3,440.00[1]
MG 6/100 [1]	Warranty - specify			$3,790.00[1]
	Warranty - specify			NA

1/3

Exhibit B

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 30-2013

2013 Chevrolet Caprice RWD (Police Package)

INTENT AND SCOPE

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

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

SCHEDULE OF BID ITEMS

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

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

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

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

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1	FSA Specification No. 1 2013 Chevrolet Caprice (1EW19/1SB/PPV) with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone.	3	EA	$ 25,924	$ 77,772 00
2	L77 – V8 Engine	3	EA	$ Ø	$ Ø
3	SSTP SafeStop vehicle anti theft-key activated or emergency lights activated	3	EA	$ 207	$ 621 00
4	6N6 – Rear doors locks and handles inoperative	3	EA	$ 65	$ 195 00

Company Name: STINGRAY CHEVROLET Authorized Signature:

2/3

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
5	5N5 – Rear windows inoperative	3	EA	$ 69	$ 207.00
6	7Y6 – Courtesy light disabled	3	EA	$ 24	$ 72.00
7	6E3 – Keyed Like (Key code # 2N-61971)	3	EA	$ 24	$ 72.00
8	VS – Vent visors – stick on style	3	EA	$ 99	$ 297.00
9	KP4DR – Two tone paint *	3	EA	$ 1794	$ 5382.00
10	MG 5/100 Warranty $0 Deductible	3	EA	$ 3440	$ ~~6880.00~~ 10,320 e
				TOTAL	$ ~~91,498.00~~ 94,938 w

REMARKS: ITEM #9 VARIES FROM BASE FSA PAINT SCHEME of White painted Doors ; Roof over A BASE BLACK color. This Quote is for A FACTORY BASE COLOR WHITE, (LEAVING Doors ; Roof Panel White) ; PAINTING REMAINDER with DUPONT IMRON TO MATCH FORD ROYAL BLUE PER TOWN'S CURRENT SPECS (AS PERFORMED PREVIOUSLY BY BARTOW CHEVY)

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: STINGRAY CHEVROLET

*Signature: [signature] Name/Title: PETER POPIEL - GOVT ; FLEET COMM. SALES MGR

Address: 2002 N. FRONTAGE RD., PLANT CITY, FL Zip: 33563

Federal ID#: 26-3432941

Telephone Number: (407) 221-7600 Fax: (813) 359-5476

Date: 11/21/2012

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

Name of Bidder's Contact Person: "MAGIC" PETER POPIEL

Address: Same as above

Phone Number: 407-221-7600 Fax Number: 813-359-5476

E Mail Address: MAGICPETERFLEET@GMAIL.COM

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 159-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase One (1) Police Administrative Vehicle in the Amount of $18,527, From Maroone Chevrolet, as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- Memorandum dated November 27, 2012, from Kirk W. Blouin, Director of Public Safety
- Resolution No. 159-2012
- FSA Pricing
- Town RFQ

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Authorize Purchase of Police Administrative Vehicle
Resolution No. 159-2012

Date: November 27, 2012

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve the purchase of one (1) 2013 Chevrolet Impala Police Administrative vehicle in the amount of $18,527 from Maroone Chevrolet. This item is included in the Town's Equipment Replacement Program and was previously considered and approved by the Town Council during the FY 2013 Budget process.

GENERAL INFORMATION

Police administrative vehicles were depreciated over a five (5) year period. However, as part of the department's cost saving measures, the useful life cycle was extended to eight (8) years. The department will be replacing a 2004 Toyota Camry.

This vehicle will be purchased through the Florida Sheriffs Association State Bid #12-20-0905 (Exhibit A) and RFQ No. 29-2013 (Exhibit B).

FUNDING/FISCAL IMPACT

This purchase was approved as part of the FY2013 Equipment Replacement Program with a total budget of $17,280. The total cost of this item is $18,527, however the overage of 1,247 will be covered by the savings related to the purchase of Police Patrol Vehicles also being considered at this meeting.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

KWB/lsg
Attachments

RESOLUTION NO. 159-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) POLICE ADMINISTRATIVE VEHICLE IN THE AMOUNT OF $18,527 FROM MAROONE CHEVROLET, AS PREVIOUSLY CONSIDERED AND APPROVED BY THE TOWN COUNCIL DURING THE FY2013 BUDGET PROCESS AND INCLUDED IN THE TOWN'S EQUIPMENT REPLACEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE

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

Section 1. The Palm Beach Police Department is hereby authorized and directed to purchase one (1) police administrative vehicle via the Florida Sheriff's Association Bid 12-20-0905 and RFQ 29-2013 in the amount of $18,527 from Maroone Chevrolet

Section 2. Copies of the FSA price per vehicle (Exhibit A) and RFQ No. 29-2013 (Exhibit B) are attached hereto and are hereby incorporated within this Resolution and made a part hereof.

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

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 11TH DAY OF DECMBER, 2012.

_____
Gail L. Coniglio, Mayor

_____
David A. Rosow, Town Council President

_____
Robert N. Wildrick, Council President Pro Tem

_____
William J. Diamond, Town Council Member

ATTEST:

_____
Richard M. Kleid, Town Council Member

_____
Susan A. Owens, Town Clerk

_____
Michael J. Pucillo, Town Council Member

FLORIDA SHERIFFS ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES & FLORIDA FIRE CHIEFS' ASSOCIATION

FULL SIZE 4-DOOR ADMINISTRATIVE VEHICLES SPECIFICATION #5

2013 Chevrolet Impala (1WF19)

The Chevrolet Impala (1WF19) purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$18,642.00	$18,522.00	$18,442.00	$18,382.00

While the Florida Sheriffs Association, Florida Association of Counties and Florida Fire Chiefs' Association have attempted to identify and include those equipment items most often requested by participating agencies for full size vehicles, we realize equipment needs and preferences are going to vary from agency to agency. In an effort to incorporate flexibility into our program, we have created specific add/delete options which allow the purchaser to tailor the vehicle to their particular wants or needs.

The following equipment delete and add options and their related cost are provided here to assist you in approximating the total cost of the type vehicle(s) you wish to order through this program. Simply deduct the cost of any of the following equipment items you wish deleted from the base unit cost and/or add the cost of any equipment items you wish added to the base unit cost to determine the approximate cost of the type vehicle(s) you wish to order.

NOTE: An official listing of all add/delete options and their prices should be obtained from the appropriate dealer in your zone when preparing your order. Additional add/delete options other than those listed here may be available through the dealers, however, those listed here must be honored by the dealers in your zone at the stated prices.

VEHICLE:	Impala (1WF19)			
DEALER:	Alan Jay Chevrolet Buick GMC Cadillac	Alan Jay Chevrolet Buick GMC Cadillac	Alan Jay Chevrolet Buick GMC Cadillac	Maroone Chevrolet, LLC
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$18,642.00	$18,522.00	$18,442.00	$18,382.00

Order Code	Add Options	Western & Northern & Central	Southern
	Please refer to Part D - Emergency Vehicle Lighting Specifications for lightbar descriptions and the awarded dealer pricing.		
	Engine upgrade - specify	NA	NA
	Engine upgrade - specify	NA	NA
	CNG model - specify	NA	NA
	CNG conversion (discuss with dealer) *2013 EPA certification not available at time of bid* [1]	NA[1]	NA
	LPG conversion (discuss with dealer)	NA	NA
1WG19 [1] 1WG19/1LT [2]	Vehicle upgrade package - specify *LT Fleet Includes: Touring Suspension, Aluminum Wheels, AM/FM CD w/ auto volume control, Chrome trim instrument cluster, Remote Vehicle start, dual zone a/c, leather wrapped shift knob, vanity mirrors* [1] *LT Package* [2]	$1,130.00[1]	$1,149.00[2]
PCK [1] AN3 [2]	Seat trim upgrade - specify *Req's 1WG19 - Includes: Leather Seating surfaces, with heated driver / pass 6 way pwr pass seat, bose 8 spkr audio, 1 yr Sirius XM, auto dimming rear view mirror, universal home remote, pwr heated mirrors, flip fold rear seat, 6 mos onstar, and blue tooth* [1] *Split Bench Seat* [2]	$2,375.00[1]	$194.00[2]
	AWD	NA	NA
	Remote start system *Included and only available with 1WG19* [1]	NA[1]	NA
	Side air protection	Std	Std
	AM/FM radio with single CD	Std	Std
	Navigation system	NA	NA
PDC [1] PDC [2]	"Blue Tooth" connectivity *Includes leather wrapped wheel with steering wheel controls, UE1 Onstar w/ 6 mos service* [1] *Includes OnStar* [2]	$485.00[1]	$489.00[2]
3K [1] 3K [2]	Third key	$75.00[1]	$75.00[2]
	Keyless entry	Std	Std
LSPOT [1]	Left-hand pillar mounted 6" spotlight with clear halogen bulb	$450.00[1]	NA
RS [1]	Vent visors - stick-on style	$145.00[1]	$145.00
RSF [1]	Rainshields - flange style	$145.00[1]	$165.00
FSS [1]	Full size spare tire and rim *Ships loose (may not cosmetically match factory wheel and tire)* [1]	$479.00[1]	NA
PSDE [1]	Pin stripes/door edge guard	$139.00[1]	NA

VEHICLE:	Impala (1WF19)			
DEALER:	Alan Jay Chevrolet Buick GMC Cadillac	Alan Jay Chevrolet Buick GMC Cadillac	Alan Jay Chevrolet Buick GMC Cadillac	Maroone Chevrolet, LLC
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$18,642.00	$18,522.00	$18,442.00	$18,382.00

	Body side moldings	Std	Std
CLI [1]	Class I hitch and rec., dealer installed *Includes 4 prong flat wire harness Draw Bar 1 & 7/8" ball pin and clip* [1]	$389.00[1]	NA
CLIII [1]	Class III hitch and rec., dealer installed *Includes 4 prong flat wire harness Draw Bar 2" ball pin and clip* [1]	$449.00[1]	NA
N2 [1]	Nitrogen filled tires including spare tire	$89.00[1]	$100.00
	Daytime running lights	Std	Std
	Immobilize daytime running lights	NA	$100.00
VK3 [1]	Front license bracket	$14.00[1]	$14.00
425-5337 [1] VQG [2]	Optional equipment - specify *JOTTO COMPUTER MOUNT STAND* [1] *Weather Protection Pkg.--all weather floor mats and splash guards* [2]	$485.00[1]	$409.00[2]
PV700 [1]	Optional equipment - specify *700 WATT INVERTER W/ (2) 110V PLUGS* [1]	$299.00[1]	NA
WTF [1]	Optional equipment - specify *HD FLOOR LINER SYSTEM* [1]	$199.00[1]	NA
SAFE-T [1]	Optional equipment - specify *FIRE EXTINGUISHER, FIRST AID KIT, ROAD TRIANGLES* [1]	$295.00[1]	NA
	Optional equipment - specify	NA	NA
TEMP [1]	Temporary tag	$25.00[1]	$137.00
TRANS [1]	Transfer existing registration (must provide tag number) *Includes two way overnight shipping for signature* [1]	$123.60[1]	$175.00
TAG [1]	New state tag (specify state, county, city, sheriff, etc.) *Includes two way overnight shipping for signature* [1]	$175.70[1]	$200.00
SC2 [1]	Maintenance Plan - specify *Smart Care maintenance is provided for your vehicle in accordance with scheduled time and mileage requirements: Oil Changes, Chassis Lubrications, Tire Rotations Term 2 years 24,000 miles* [1]	$400.00[1]	NA
SC3 [1]	Maintenance Plan - specify *Smart Care maintenance is provided for your vehicle in accordance with scheduled time and mileage requirements: Oil Changes, Chassis Lubrications, Tire Rotations Term 3 years 36,000 miles* [1]	$575.00[1]	NA
SC4 [1]	Maintenance Plan - specify *Smart Care maintenance is provided for your vehicle in accordance with scheduled time and mileage requirements: Oil Changes, Chassis Lubrications, Tire Rotations Term 4 years 48,000 miles* [1]	$725.00[1]	NA
MG4100 [1] Major Guard $0 Deductible [2]	Warranty - specify *Major Guard 4yr 100k mile ext warrarnty $0 deductible* [1] *GMPP--5 years/75,000 miles* [2]	$1,910.00[1]	$2,365.00[2]
MG575 [1] Major Guard $0 Deductible [2]	Warranty - specify *Major Guard 5yr 75k mile ext warranty $0 deductible* [1] *GMPP--4 years/100,000 miles* [2]	$1,710.00[1]	$2,745.00[2]

VEHICLE:	Impala (1WF19)			
DEALER:	Alan Jay Chevrolet Buick GMC Cadillac	Alan Jay Chevrolet Buick GMC Cadillac	Alan Jay Chevrolet Buick GMC Cadillac	Maroone Chevrolet, LLC
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$18,642.00	$18,522.00	$18,442.00	$18,382.00

MG6100 [1] Major Guard $0 Deductible [2]	Warranty - specify *Major Guard 6yr 100k mile ext warranty $0 deductible* [1] *GMPP--6 years/100,000 miles* [2]	$2,480.00[1]	$3,315.00[2]

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 29-2013

2013 Chevrolet Malibu (1GB69) and Chevrolet Impala (1WF19)

INTENT AND SCOPE

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

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

SCHEDULE OF BID ITEMS

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

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

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

1. TERMS	2. F.O.B.	3.SHIPMENT VIA	4. QUOTATION VALID UNTIL
Net 30	DESTINATION	Flatbed	2013 Model Year Cut-off

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1	FSA Specification No. 6 2013 Chevrolet Malibu (1BB69)) with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone.	1	EA	$19,254.00	$19,254.00
2	RS Vent visors – Stick on Style	1	EA	$145.00	$145.00
				TOTAL	$19,399.00

Company Name: Maroone Chevrolet Authorized Signature: David Fuedgart

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1	FSA Specification No. 5 2013 Chevrolet Impala (1WF19) with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone.	1	EA	$18,382.00	$18,382.00
2	RS Vent visors – Stick on Style	1	EA	$145.00	$ 145.00
				TOTAL	$ 18,527.00

REMARKS: _____

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

Firm: Maroone Chevrolet, LLC

***Signature:** David Fridgant **Name/Title:** David Fridgant Govt. Bid Manager

Address: 8600 Pines Blvd. Pembroke Pines, FL **Zip:** 33024

Federal ID#: 65-0944183

Telephone Number: (954) 447-2150 **Fax:** (___) ___

Date: 11/19/12

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

Name of Bidder's Contact Person: same as above

Address: _____

Phone Number: _____ Fax Number: _____

E Mail Address: FridgantD@autonation.com

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 160-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of AutoVu License Reader System in the Amount of $79,590 From Dana Safety Supply, Inc. as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- Memorandum dated November 27, 2012, from Kirk W. Blouin, Director of Public Safety
- Resolution No. 160-2012
- Town RFQ

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Authorize Purchase of AutoVu License Reader System
Resolution No. 160-2012

Date: November 27, 2012

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve the purchase of Genetec AutoVu License Reader System in the amount of $79,590 from Dana Safety Supply, Inc. This item is included in the Town's Equipment Replacement Program and was previously considered and approved by the Town Council during the FY 2013 Budget process.

GENERAL INFORMATION

The Genetec AutoVu License Reader System with three (3) cameras is being purchased to replace the current system that was purchased 2008. The new units will be installed on the three (3) new Ford Escapes that were approved for purchase at the November Town Council meeting for use by Parking Enforcement personnel.

The AutoVu License Reader System is a proprietary solution manufactured by Genetec and Dana Safety Supply is an authorized and certified reseller of Genetec's LPR solution in the southeast region. RFQ No. 15-2013 is attached as Exhibit A.

FUNDING/FISCAL IMPACT

This purchase was approved as part of the FY2013 Equipment Replacement Program with a total budget of $79,590.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

KWB/lsg
Attachments

RESOLUTION NO. 160-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF AUTOVU LICENSE READER SYSTEM IN THE AMOUNT OF $79,590 FROM DANA SAFETY SUPPLY, INC., AS PREVIOUSLY CONSIDERED AND APPROVED BY THE TOWN COUNCIL DURING THE FY2013 BUDGET PROCESS AND INCLUDED IN THE TOWN'S EQUIPMENT REPLACEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Palm Beach Police Department is hereby authorized and directed to purchase the AutoVu License Reader System in accordance with RFQ 15-2013 in the amount of $79,590 from Dana Safety Supply, Inc.

Section 2. A copy of RFQ No. 15-2013 (Exhibit A) is attached hereto and is hereby incorporated within this Resolution and made a part hereof.

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

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 11TH DAY OF DECMBER, 2012.

_____
Gail L. Coniglio, Mayor

_____
David A. Rosow, Town Council President

_____
Robert N. Wildrick, Council President Pro Tem

_____
William J. Diamond, Town Council Member

ATTEST:

_____
Richard M. Kleid, Town Council Member

_____
Susan A. Owens, Town Clerk

_____
Michael J. Pucillo, Town Council Member

Exhibit A

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 15-2013

Genetec AutoVu License Plate Readers

INTENT AND SCOPE

It is the intent to obtain pricing, which covers and includes all required labor, materials, equipment and freight necessary for and reasonably incidental for full and complete execution of this project.

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 Genetec AutoVu Licence Plate Readers, as specified, for the following price:

1. TERMS	2. F.O.B.			3.S
Net 30	DESTINATION	QUOTE VALID 90 DAYS	SHIP VIA BEST WAY	

Item	Description /Specifications	Qty		
1	PAN TILT PER CAMERA GENETEC (AU-H-USBGPS) USB GPS UNIT	3	100.00	300.00
2	CREDIT FOR RETURN OF EXISTING GENETEC ICU LPR SYSTEMS	3	-9,325.00	-27,975.00
3	INSTALL DSS UN-INSTALLATION OF EXISTING GENETEC ICU LPR SYS	3	300.00	900.00
4	GENETEC (AU-K-C2X-BASE) CITY DUAL BASE KIT AUTOVu SHARPX CITY DUAL BASE KIT INCLUDES MAIN PROCESSING UNIT, WIRING, AND IN-VEHICLE LICENSE (LPR CAMERA(S) NOT INCLUDED.	3	24,485.00	73,455.00
5	AU-X-XGA-W12780 EACH GENETEC WHITE AUTOVU SHARPX CAMERA WHITE AUTOVu SHARPX CAMERA UNIT T SLOT MOUNTED (VEHICLE MOUNTS NOT INCLUDED) 1 INFRARED LPR HD (1024 X 946) RESOLUTION CAMERA	6	3,500.00	21,000.00

	(12MM LENSE) 1 COLOR CONTEXT SD (640 X 480) RESOLUTION CAMERA (8MM LENS) 780 NM LED ILLIMINUTION ARRAY	(CONTINUED) SEE PREVIOUS PAGE

Company Name: DANA SAFETY SUPPLY, INC Authorized Signature: W. EBell

6	AU-M-USCNTY EACH GENETEC MAPINFO STREETPRO MAPPING	3	1,020.00	3,060.00
7	AU-H-XMNT-CAMH EACH GENETEC SHARPX CAMERA HARD MOUNT MOUNTING BRACKET	6	200.00	1,200.00
8	INSTALL DSS INSTALLATION OF NEW GENETEC LPR SYSTEMS	3	2,250.00	6,750.00
9	GENETEC 'GSC-1U' ONE SECURITY DESK CLIENT CONNECTION	2	300.00	600.00
			TOTAL	79,290.00

FREIGHT CHARGE: 300.00

GRAND TOTAL: 79,590.00

OPTION

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Co
10	UPGRADE TO ANNUAL "ADVANCED REPLACEMENT WARRANTY"	3	EA	$ 900.00	$ 2,700.00

STATE STANDARD WARRANTY INFORMATION:

GENETEC WARRANTS EACH PRODUCT IT MANUFACTURES TO BE FROM DEFECTS IN MATERIALS AND ASSEMBLY IN THE COURSE OF NORMAL USE AND SERVICE, AND PROVIDES TECHNICAL SERVICE VIA DANA SAFETY SUPPLY MIAMI OFFICE RELATED TO THESE DEFECTS. THE GENETEC STANDARD HARDWARE WARRANTY DOES NOT COVER LABOR TO SEND A GENETEC ENGINEER ON-SITE TO EVALUATE A SYSTEM PROBLEM AND/OR DETERMINE IF THERE IS A WARRANTY ISSUE OR NOT AND/OR REPLACE A DEFECTIVE PRODUCT HOWEVER, DANA SAFETY SUPPLY WILL PROVIDE A TECHNICIAN FROM OUR MIAMI OFFICE WITHIN 12 HOURS FROM BEING NOTIFIED BY THE CITY TO MAKE THE ABOVE LISTED EVALUATION AND DETERMINATION.

STATE "ADVANCED REPLACEMENT" WARRANTY INFORMATION:

SAME AS ABOVE, EXCEPT ONCE DANA SAFETY SUPPLY MAKES A DETERMINATION THAT THE GENETEC PRODUCT IS NOT ABLE TO BE REPAIRED ON-SITE BY THE DSS TECHNICIAN, DANA SAFETY SUPPLY WILL COORDINATE THE OVERNIGHT DELIVERY OF THE PRODUCT TO GENETEC FOR REPAIR, AND THEN THE SUBSEQUENT RETURN OF THE GENETEC PRODUCT THAT HAS BEEN REPAIRED TO THE CITY.
THE WARRANTY TIME PERIOD BEGINS AT THE TIME OF PRODUCT INSTALLATION INTO THE CITY OWNED VEHICLE, AND HAS BEEN APPROVED AND ACCEPTED BY AN AUTHORIZED REPRESENTATIVE OF THE TOWN OF PALM BEACH.
IF AFTER EXPIRATION OF PRODUCT WARRANTY, DANA SAFETY SUPPLY, INC WILL CONTINUE TO PROVIDE SAID SERVICES AT OUR REGULARLY OFFERED RATE OF $55.00 PER HOUR.

*Supplemental information may be attached.

Company Name: DANA SAFETY SUPPLY, INC Authorized Signature: W. E Barnhart

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: DANA SAFETY SUPPLY, INC

***Signature:** W. E Barnhart **Name/Title:** WILLIAM E BARNHART, GM

Address: 1779 NW 79th AVE MIAMI, FL **Zip:** 33126

Federal ID#: 27-1557226

Telephone Number: (305) 639-6055 **Fax:** (305) 639-6056

Date: 10/19/2012

Failure to affix signature may result in disqualification of proposal

Name of Bidder's Contact Person: WILLIAM E BARNHART

Address: 1779 NW 79th AVE MIAMI, FL 33126

Phone Number: 305-951-5064 Fax Number: 305-639-6056

E Mail Address: bbarnharte1dss.com

Town of Palm Beach
RFQ No. 15-2013
Bids Must Be Received Prior To October 24, 2013 at 2:00 PM

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 161-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Engineer Service Corporation in the amount of $355,608.66 for the Telemetry System Replacement, Establishing a Project Budget of $440,000 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated December 6, 2012, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 161-2012
- Selection Committee Rankings
- Memorandum dated December 6, 2012, from Lynda Cummings, Purchasing Agent

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for Telemetry System Replacement Project
Resolution No. 161-2012

Date: December 6, 2012

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 161-2012 authorizing the Town Manager to enter into a contract with Engineer Service Corporation in an amount of $355,608.66 to accomplish the work associated with the replacement of the telemetry system for the Town's sanitary sewer and stormwater pump stations, and establish an overall project budget of $440,000.

GENERAL INFORMATION

Contractor Selection Process and Results:

After previous proposals for this work (RFP No. 2012-14) were rejected at the September 11, 2012 Town Council meeting, Town staff issued a new request for proposals (RFP No. 2013-02) and received responses on December 4, 2012. The selection committee to review these proposals consisted of Doug Terry, Water Resources Division Manager, Steve Kartrude, Electrical Bureau, Cheryl Somers, Assistant Director of Finance, and Spencer Wilson, Information Systems Manager as the voting members. Non-voting members included Eric Brown, Assistant Director of Public Works, James Bowser, Town Engineer, and Bud Goblisch, Jacobs Engineering (the Town's consultant for this project).

The recommendation of the Selection Committee is to award a contract to Engineer Service Corporation, based on its review of the contractors' technical and cost proposals. The Selection Committee's unanimous opinion (and also the consultant's) was that Engineer Service Corporation proposal best met the Town's project requirements. A modest construction contingency of 5% is recommended for unforeseen or changed conditions, as well as construction-phase support services by the consultant ($12,330). Due to additional professional services costs previously incurred for the preliminary study and re-solicitation process, an overall budget of $440,000 is recommended to complete this project.

The deadline for "narrow banding" mandated by the Federal Communications Commission (FCC) is December 31, 2012. Based on the re-solicitation of proposals, the Town will likely not be fully in compliance until summer of 2013. The FCC license modification is pending. We believe that

being under contract with Engineer Service Corporation by December 31 will help the Town avoid or minimize any penalty for late compliance.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Accelerated Capital Improvement Program. The original project budget of $400,000 is recommended to be increased to $440,000, based on the actual costs of the preliminary study, consultant fees (design, bid, re-bid, and construction phase support), construction contract, and contingency.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Finance Director
Cheryl Somers, Assistant Finance Director
Eric Brown, P.E., Assistant Public Works Director
James Bowser, P.E.,Town Engineer
Douglas Terry, Water Resources Division Manager
Steve Kartrude, Electrical Bureau Supervisor
Spencer Wilson, Information Systems Manager
Lynda Cummings, Purchasing Agent
Bud Goblisch, Jacobs Engineering

RESOLUTION NO. 161-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO ENGINEER SERVICE CORPORATION IN THE AMOUNT OF $355,608.66 FOR THE TELEMETRY SYSTEM REPLACEMENT, ESTABLISHING A PROJECT BUDGET OF $440,000 FOR SAID SERVICES, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID IMPROVEMENTS.

* * * * *

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

Section 1. The Town of Palm Beach Telemetry System Replacement contract is hereby awarded to Engineer Service Corporation for their proposal amount of $355,608.66, and establishing a total project budget of $440,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for these Telemetry System Replacement construction services with Engineer Service Corporation.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the Telemetry System Replacement 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 11th day of December 2012.

_____
Gail L. Coniglio, Mayor

_____
David A. Rosow, Town Council President

_____
Robert N. Wildrick, Council President Pro Tem

_____
William J. Diamond, Town Council Member

ATTEST:

_____
Richard M. Kleid, Town Council Member

_____
Susan A. Owens, MMC, Town Clerk

_____
Michael J. Pucillo, Town Council Member

RFP No. 2013-02 - Telemetry System Improvements
INTERVIEWS

SELECTION COMMITTEE RANKINGS

	Committee Member	Steve Kartrude*	Doug Terry	Cheryl Somers	Spencer Wilson	Total
	Company	**Rating**	**Rating**	**Rating**	**Rating**	**Average Rating**
1	Engineer Service Corporation	3.85	3.35	3.00	3.00	3.30
2	Star Controls Incorporated	3.70	3.40	2.55	3.00	3.16

*Replacement for James Bowser

TOWN OF PALM BEACH

MEMORANDUM

DATE: December 6, 2012

TO: Paul Brazil – Public Works Director,

FROM: Lynda Cummings
Purchasing Agent

SUBJECT: Final Ranking - RFP No. 2013-02 – Telemetry System Improvements"

The Selection Committee met on December 6, 2012. All members of the committee listed below were present:

Doug Terry	Water Resources Manager
Cheryl Somers	Assistant Director of Finance
Steve Kartrude	Electrical Bureau Supervisor
Bud Goblish	Consultant – Jacobs (non-Voting)
Spencer Wilson	Information Systems Manager
Adis Pedraza	Assistant Purchasing Agent (Non-Voting)
John Cmar	Buyer (Non-Voting)
Lynda Cummings	Purchasing Agent (non-Voting)

After thorough consideration of the two (2) finalists' proposals, the Selection Committee arrived at a final ranking as follows:

Engineer Service Corporation
Star Controls

It is the recommendation of the Selection Committee to award a contract to Engineer Service Corporation for Telemetry System Improvements

cc: File: RFP No. 2013-02
John Randolph, Town Attorney
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 162-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Professional Services Task to Kimley-Horn and Associates, Inc., in the Amount of $56,200 for Professional Engineering Services Associated with Groundwater Monitoring at the Town's Vegetative Landfill Sites, and Establish a Project Budget of $65,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 26, 2012, from H. Paul Brazil, P.E., Director of Public Works
- Resoloution No. 162-2012
- Kimley-Horn Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award of Professional Services Contract for Groundwater Monitoring at the Vegetative Landfill Sites
Resolution No. 162-2012

Date: November 26, 2012

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 162-2012 to award a professional services contract to Kimley-Horn and Associates, Inc. for $56,200 for work associated with the groundwater monitoring of the Town's vegetative landfill sites at Skees Road and Okeechobee Boulevard, and establishing an overall budget of $65,000.

GENERAL INFORMATION

The Town's operating permit for the Class III vegetative landfill sites at Skees Road and Okeechobee Boulevard requires semi-annual and quarterly groundwater monitoring, sampling and testing. Additionally, as started in 2012 the voluntary supplementary sampling program will continue for 2013 and be conducted in the same manner. Town staff recommends that this task be awarded to one of the professional engineering firms already under contract to the Town (Kimley-Horn and Associates, Inc.). They worked on the groundwater monitoring task for the Town in FY 2012 with HSA Engineering and Scientists as their sub-consultant. That project team has a significant amount of history regarding the Town's landfill sites and has the necessary expertise to perform this work, especially since there is increased scrutiny on the groundwater monitoring results, and evaluation parameters as part of the continuing permit renewal process.

A proposal for these services was received from Kimley-Horn and Associates, Inc. The task(s) includes those activities required by permit, but does not include any extra sampling or testing that may be requested in the future by the PBC Health Department or the FDEP. Any such future requirement would be an additional service and may require additional funding. Town staff will inform the Town Council of any such increased efforts and will request funding if those costs exceed the proposed budget and contingency.

FUNDING/FISCAL IMPACT

The Public Works Department FY2013 budget includes sufficient funds to accomplish this professional services task.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

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

RESOLUTION NO. 162-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A PROFESSIONAL SERVICES TASK TO KIMLEY-HORN AND ASSOCIATES, INC., IN THE AMOUNT OF $56,200 FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH GROUNDWATER MONITORING AT THE TOWN'S VEGETATIVE LANDFILL SITES, AND ESTABLISH A PROJECT BUDGET OF $65,000.

* * * * *

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

Section 1. The professional engineering services task described herein and attached hereto is hereby awarded to Kimley-Horn and Associates, Inc. for their proposal amount of $ 56,200, and establish a project budget of $65,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for professional engineering services with Kimley-Horn and Associates, Inc.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of these professional engineering services for ground water monitoring at the Town's vegetative landfill sites, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, assembled this 11th day of December 2012.

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

Kimley-Horn
and Associates, Inc.

November 21, 2012

Suite 200
1920 Wekiva Way
West Palm Beach
Florida
33411-2410

Mr. Eric Brown, P.E.
Town of Palm Beach
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

Re: Skees Road and Okeechobee Boulevard Landfill Facilities
2013 Compliance Sampling Proposal

Dear Eric,

Kimley-Horn and Associates, Inc. ("KHA" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for Permit Compliance Sampling at the Skees Road and Okeechobee Boulevard Landfill Facilities. Our project understanding, scope of services, fee basis, and schedule follow.

Project Understanding

The Town of Palm Beach currently owns and operates two Class III landfills. The sites are located on Okeechobee Blvd. and on Skees Road. The operating permits for the landfills require yearly monitoring with reports that are to be submitted to the FDEP. The Town has asked that KHA work with a subconsultant, HSA Engineers & Scientists, to perform the semiannual and biennial compliance sampling and prepare the monitoring reports for the 2012 permit year for both facilities.

The Town is currently in the process of renewing the operating permits for both facilities. The Palm Beach County Health Department recently issued an "Intent to Issue a Solid Waste Permit Renewal" for both sites. As part of the renewal application, the Town requested that several Evaluation Parameters be eliminated from the monitoring provisions of the operating permit. The Palm Beach County Health Department has accepted this request according to the draft permit. Therefore, sampling and reporting for these parameters has not been included in this proposal. These parameters will only be sampled, as an additional service, in the event that these parameters are reinserted into the operating permit as part of the anticipated Administrative Hearing process.

In 2012, the Town began a voluntary supplementary sampling program to compliment the compliance monitoring program for select parameters. This program will continue in 2013 in the form of two quarterly sampling events in the same manner as was performed in 2012.

TEL (561) 845-0665
FAX (561) 863-8175

Based on this understanding, a description of the proposed scope of services is presented below.

Scope of Services

Task 1 – Operating Permit Compliance Monitoring, Groundwater Testing and Reporting

Kimley-Horn and Associates, Inc. will employ the services of a subconsultant, HSA Engineers & Scientists, to perform groundwater sampling, testing and reporting in accordance with the Town's landfill operating permit conditions for both the Skees Road and Okeechobee Landfill sites. It has been assumed that the parameters to be analyzed will be as listed in Appendix 7 of the Draft Permits for both sites that were issued by the Health Department on November 19, 2012. Samples will be obtained for the on-site monitoring wells and analyzed as specified in Appendix 6 of the Draft Permits on a semi-annual basis in January and July, 2013. In the event that the anticipated Administrative Hearing process results in additional parameters to be monitored, and/or an increased sampling frequency, KHA will provide a proposal to the Town for sampling and testing of these parameters as additional services.

Reports will be generated that describe the laboratory testing results for each sampling event at each facility. These reports will be submitted to the PBCHD/FDEP as required by the draft permit conditions for both facilities. KHA will review the reports prepared by HSA prior to submission to the Town or the PBCHD/FDEP and offer comments or recommendations as appropriate. KHA staff will attend up to two (2) meetings with the Town to discuss the results of the supplemental sampling and analysis and will attend one (1) Town Council meeting to present the data, if required.

In accordance with Rule 62-701.510(7) F.A.C., if sampling parameters are detected at concentrations significantly higher than those concentrations normally expected for the site, or which are at levels above PBCHD/FDEP water quality standards or criteria specified in Chapter 62-520 F.A.C., KHA may recommend to the Town that re-sampling be performed for confirmation purposes or recommend other appropriate alternative actions. Any re-sampling services or alternative actions shall be performed as additional services only after KHA's receipt of written approval by the Town to perform such actions.

Task 2 – Continued Supplemental Groundwater Monitoring

<u>Skees Road Site Supplemental Quarterly Monitoring</u>
Supplemental Monitoring at the Skees Road landfill consists of bi-annual sampling and reporting for Arsenic, Chloride, Sodium and Ammonia that is in

addition to the semi-annual sampling events described in Task 1 above. This work will occur in April and October of 2013. KHA proposes to employ the services of HSA Engineers and Scientists to perform the sampling and reporting. KHA will coordinate their efforts and review their reports prior to submittal to the Town and the PBCHD.

Okeechobee Boulevard Site Supplemental Quarterly Monitoring
Supplemental Monitoring at the Okeechobee Blvd. landfill consists of bi-annual sampling and reporting for Cadmium, Lead, Chloride, Sodium and Ammonia that is in addition to the semi-annual sampling events that are already underway at the site. This work will occur in April and October of 2013. KHA proposes to employ the services of HSA Engineers and Scientists to perform the sampling and reporting. KHA will coordinate their efforts and review their reports prior to submittal to the Town and the PBCHD.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services.

Fee and Billing

KHA will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that the following budgets be established for these services.

Task 1 – Operating Permit Compliance Monitoring, Groundwater Testing and Reporting	*$38,370*
Task 2 – Continued Supplemental Groundwater Monitoring	*$17,830*

Closure

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

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fee described above.

We appreciate the opportunity to 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\Schanen\Proposals\Palm Beach\Landfill Monitoring\Landfill 2013 Compliance Sampling Proposal1.docx

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 163-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to GSKY Plant Systems, Inc., in the Amount of $25,760.04 and Establishing a Project Budget of $27,048, For the Maintenance of the Living Wall on Worth Avenue.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 28, 2012, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 163-2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

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

RE: Award Contract Extension for Worth Avenue Maintenance Agreement - Living Wall
Resolution No. 163-2012

DATE: November 28, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 163-2012 to extend a maintenance contract to GSky Plant Systems Inc. (GSky), in the amount of $25,760.04, and to establish a project budget of $27,048.

GENERAL INFORMATION

A green "living" wall was constructed as part of the Worth Avenue streetscape improvement project. This wall was designed and constructed with GSky's participation due to their expertise in such specialized systems. GSky has maintained the wall during the two years after construction. It is now necessary to extend to contract for another year.

The vendor (GSky) is responsible for the normal, routine maintenance necessary to keep the wall in an acceptable and satisfactory condition and appearance. This includes a plant replacement guarantee, with the exceptions made for catastrophic or extreme conditions or actions beyond the control of the vendor. In the event that emergency services are required as described in the agreement, additional funds will need to be provided. Town staff recommends that the maintenance contract budget be established not-to-exceed $27,048 and will advise the Town Council of any conditions requiring additional resources.

The Living Wall is a unique landscaping element and represents a significant investment by The Garden Club of Palm Beach. It is very sensitive and proper maintenance is essential to its survival. Very few of these systems exist and even fewer companies are qualified to maintain them. GSky specializes in design, installation, and maintenance of these walls. The Garden Club and Town staff have had concerns about the appearance of the wall and the condition of some of the plant species. Proper watering and fertilization have also been of concern. The vendor has satisfactorily responded to these concerns. We feel that it is appropriate to renew this contract for another year. The contract can be terminated if the vendor's performance is not satisfactory during the coming year.

FUNDING/FISCAL IMPACT

The assessment associated with the Worth Avenue Commercial District Maintenance Program is sufficient to fund the proposed work. The Garden Club of Palm Beach has again generously donated $10,000 this year towards the maintenance of the wall.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Heather Henry, President, The Garden Club of Palm Beach
Thomas Bradford, Deputy Town Manager
Eric Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager

RESOLUTION NO. 163-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT EXTENSION TO GSKY PLANT SYSTEMS, INC., IN THE AMOUNT OF $25,760.04 AND ESTABLISHING A PROJECT BUDGET OF $27,048 FOR THE MAINTENANCE OF THE LIVING WALL ON WORTH AVENUE.

* * * * *

WHEREAS a contract was awarded on December 13, 2011, to GSKY Systems, Inc., to provide maintenance for the Living Wall on Worth Avenue; and

WHEREAS, GSKY Plant Systems, Inc., has provided acceptable service under that contract; and

WHEREAS, that contract allows for four (4) twelve-month extensions, this is the second of the four renewals.

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

Section 1. The second contract extension for a period of twelve months, beginning December 13. 2012 and ending December 12, 2013, is hereby awarded to GSKY Plant Systems, Inc., for the amount of $25,760.04 and establishing a project budget of $27,048.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of December 2012.

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

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 164-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Lopez Group, Inc., in the amount of $144,549 and Establishing a Budget of $148,885.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 29, 2012, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 164-2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

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

RE: Authorization to Extend Worth Avenue Maintenance Contract
Resolution No. 164-2012

DATE: November 29, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 164-2012 to authorize the second twelve-month extension of the Worth Avenue Maintenance contract with Lopez Group, Inc., in the amount of $144,549. A contingency is requested in the amount of 3% for a total budget of $148,885.

GENERAL INFORMATION

Lopez Group, Inc. was awarded the Worth Avenue maintenance contract, per RFP No. 2011-03, as approved on November 9, 2010 with Resolution No. 129-10. Lopez Group has performed satisfactorily. The original contract was awarded in the amount of $128,041.04 for the base year. Based on additional items required since then (for example, replanting of annual flower beds twice per year), the purchase order amount was revised to $144,549 and a total budget of $148,885. The contractor will be paid for actual work completed. The contract provides for the option of (4) twelve-month renewals with all original terms and conditions.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

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

RESOLUTION NO. 164-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT EXTENSION TO LOPEZ GROUP, INC., IN THE AMOUNT OF $144,549 AND ESTABLISHING A BUDGET OF $148,885.

* * * * *

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

WHEREAS, Lopez Group, Inc., has provided acceptable service under that contract; and

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

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

Section 1. The second contract extension for maintenance services on Worth Avenue is hereby awarded to Lopez Group, Inc. for the amount of $144,549 for a period of twelve months, beginning January 1, 2013 and ending December 31, 2013, and a budget of $148,885 is hereby established for this work.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of December 2012.

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

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 165-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of a Pan & Tilt Sewer Inspection Camera and Crawler from Aries Industries, Inc., of Waukesha, Wisconsin, in the Amount of $75,114.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 29, 2012, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 165-2012
- Bid Tab Sheets

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Authorization to Purchase Sewer Inspection Camera
Resolution No. 165-2012

Date: November 29, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 165-2012 for the purchase of a Sewer Inspection Camera and Crawler per Sealed Bid No. 2012-21, in the amount of $75,114.

GENERAL INFORMATION

The Town currently owns a mainline video crawler system with recorder, which has been fully depreciated, outlived its life expectancy and no longer functions. In order to continue our pipeline inspection program, which enables us to identify the condition of our storm and sanitary sewer piping network, the replacement of this equipment with a new and improved system capable of inspecting all of our storm and sanitary pipelines is required. Sealed bids were received by the Purchasing Department on November 21, 2012, and Aries Industries Incorporated was the lowest responsive responsible bidder for their Pathfinder series zoom, pan and tilt portable closed circuit inspection camera system.

FUNDING/FISCAL IMPACT

$85,000 was previously allocated and approved for this equipment in the Equipment Replacement Fund budget. No new funding is requested.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment
cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
Lynda Cummings, Purchasing Agent
Doug Terry, Water Resources Division Manager

RESOLUTION NO. 165-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE OF A PAN & TILT SEWER INSPECTION CAMERA AND CRAWLER FROM ARIES INDUSTRIES INC., OF WAUKESHA, WISCONSIN, IN THE AMOUNT OF $75,114.

* * * * *

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

Section 1. In accordance with the terms of the Town of Palm Beach Sealed Bid No. 2012-21, the Town hereby awards the purchase of one pan & tilt sewer inspection camera and crawler to Aries Industries Inc. of Waukesha, Wisconsin, in the amount of $75,114.

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for the purchase of one pan & tilt sewer inspection camera and crawler.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of this purchase.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of December 2012.

_____
Gail L. Coniglio, Mayor

_____
David A. Rosow, Town Council President

_____
Robert N. Wildrick, Council President Pro Tem

_____
William J. Diamond, Town Council Member

ATTEST:

_____
Richard M. Kleid, Town Council Member

_____
Susan A. Owens, MMC, Town Clerk

_____
Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

BID NO. 2012-21
SEWER INSPECTION CAMERA AND CRAWLER
BID TABULATION

	Vendor:	Aries Industries, Inc.		Environmental Products of Florida Corporation		R.S. Technical Services, Inc.	
	Address:	550 Elizabeth Street		2525 Clarcona Road		1327 Clegg Street	
		Waukesha, WI 53186		Apopka, FL 32703		Petaluma, CA 94954	
	Telephone:	800-234-7205		407-798-0004		707-328-3442	
	Fax:	262-896-7099		407-798-0013		800-668-9423	
	Contact:	Neal Mueller		Jeffrey H. Haase		Adam Baker	
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
1	Pan and Tilt Sewer Inspection Camera and Crawler (complete with all listed auxiliary equipment)	1	EA	$ 66,814.00	$ 66,814.00	$ 99,770.00	$ 99,770.00	$ 81,599.30	$ 81,599.30
2	Software Training – two (2) days	1	LS	$ 3,000.00	$ 3,000.00	$ 3,300.00	$ 3,300.00	$ 2,000.00	$ 2,000.00
3	Equipment Training – two (2) days	1	LS	$ 800.00	$ 800.00	$ -	$ -	$ 1,500.00	$ 1,500.00
4	Manuals	1	SET		$ -	$ -	$ -	$ -	$ -
5	Telephone support and software updates	3	YR	$ 1,500.00	$ 4,500.00	$ 1,500.00	$ 4,500.00	$ 4,500.00	$ 13,500.00
				$	75,114.00	$	107,570.00	$	98,599.30

Extension error- unit price prevails; Total on proposal shown as $89,599.30 (line 5 Extended Cost shown as $4,500.00)

Bid Opened on November 21, 2012 at 2:00 PM

Opened by: John Cmar

Witnessed by: Adis Pedraza

161

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda
Committee Reports

Agenda Title
Public Works Committee Meeting of November 27, 2012.

Presenter
Michael J. Pucillo, Town Council Member

Supporting Documents

- Report of the Public Works Committee Meeting of November 27, 2012

REPORT OF THE PUBLIC WORKS COMMITTEE MEETING HELD ON TUESDAY, NOVEMBER 27, 2012

I. CALL TO ORDER AND ROLL CALL

The Public Works Committee meeting was called to order on Tuesday, November 27, 2012, at 9:33 a.m., in the Town Council Chambers. On roll call, Chairman Pucillo and Committee Member Kleid were found to be present.

II. APPROVAL OF AGENDA

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

III. FY2013 ACCELERATED CAPITAL IMPROVEMENT PROJECTS

Director of Public Works Brazil provided an update on the FY2013 Accelerated Capital Improvement Projects. He stated that Staff is recommending that like projects be bundled together and that Staff be authorized to begin the selection process for a construction management firm to manage the projects as bundled below. This will improve oversight, save money, expedite the projects, and reduce the number of contracts to be bid and administered by Staff. These are not complex projects, and Staff feels comfortable using Construction Manager (CM) services rather than a Construction Manager at Risk. The requested bundles include:

Pump Station Bundle

- Pump Station A-7 Inline Booster Station
- Pump Stations A-39 & A-41 Improvements
- Pump Stations A-42 & A-43 Improvements
- Ejector Station Upgrades

Force Main Bundle

- A-42 to A-41 & Par 3 to A-39 Force Main
- North Flagler Drive Force Main
- A-7 to Hammon Avenue Force Main Replacement
- Pinewalk Force Main Replacement

Other miscellaneous projects that would not be bundled

- Pump Stations A-5 & A-6
- Telemetry Improvements
- E-3 and E-6 Force Main Lining
- E-3 Force Main Extension
- A-39, A-41, A-42 & A-43 Generator Replacements

Committee Member Kleid requested that the condo managers and home owners in the affected areas be notified well in advance of the construction.

Town Manager Elwell responded that, the good thing about going the CM route is that they will provide extensive public outreach.

Responding to Chairman Pucillo, Director of Public Works Brazil stated that construction on the force mains will begin as soon as possible. Our target date for completion is early November 2013. Some of the projects may be able to be done simultaneously.

Committee Member Kleid asked if there was any consideration of installing additional lighting along the south end of A-1A, where there are gaps.

Director of Public Works Brazil stated that Staff was directed by the Town Council to not proceed with such a lighting fill-in project.

Motion was made by Committee Member Kleid, and seconded by Chairman Pucillo, to recommend to the Town Council approval of Staff's recommendations to bundle like projects, as specified above, and to start the selection process for a Construction Manager for next year's projects. On call for a vote, the motion carried unanimously.

IV. PRELIMINARY PROJECT LIST FOR PHASE 2 OF THE ACCELERATED CAPITAL IMPROVEMENT PROGRAM

Town Manager Elwell spoke regarding bonding of the three phases of the Accelerated Capital Improvement Program.

Town Engineer Bowser stated that there might be funds left over from Phase I that could be used to start designing Phase II's projects.

Town Manager Elwell and Director of Public Works Brazil stated that Staff's recommendations regarding the ACIP are in compliance with the internal auditor's recommendations regarding oversight, peer reviews, purchasing issues, dealing with field problems, documentation, and quality control.

Town Engineer Bowser stated that the costs indicated with the projects below include design and construction; however, they are rough estimates. Further design is needed to refine these estimates. Some projects have no estimates as Staff is seeking conceptual approval of the projects before spending money and time on developing the estimates.

He presented Staff's proposed list of Phase II ACIP projects, which includes project management fees:

Storm Water Pump Stations

- D-4 Stormwater Pump Station Improvements
- D-10 Stormwater Pump Station Improvements

Sewage Gravity and Force Mains

- Barton Avenue to Bradley Place Force Main Replacement
- Royal Palm Way Force Main - Cocoanut Row to South Ocean Boulevard
- Inflow / Infiltration Studies
- Sanitary Sewer Lining

Storm Drainage Collection Systems

- D-2 to D-9 Drainage Basin Pipe Interconnect
- D-6 to D-7 Drainage Basin Pipe Interconnect

Chairman Pucillo spoke regarding the recent flooding on Lake Trail due to Hurricane Sandy, and asked how the storm drainage system performed through that.

Town Engineer Bowser responded that there is little to no storm drainage along Lake Trail. What Staff is finding is that a lot of the water is not actually coming over the seawall, but rather from under the seawall. In this instance, there is not much we can do. In the areas where the water is actually coming in over the seawalls, we have been raising those seawalls.

- Seminole Avenue Drainage
- 400 Block Worth Ave Drainage

Streets

- Street Lighting Improvements

Committee Member Kleid asked why these improvements do not include the entire Town.

Town Manager Elwell responded that the sections of Town that are not being improved are part of the State system. The policy decision of the Town Council was that the Town was not going to pay for upgrading the State's infrastructure.

Committee Member Kleid asked if the costs for the Town to update the lights along that stretch of A-1A would be the same as our lighting improvements.

Town Engineer Bowser responded that the State has different style fixtures and that they are on FPL poles. If the Town were to make the improvements, it would have to do a complete underground conduit wiring.

Director of Public Works Brazil stated that, because of the height of the State's fixtures, assembly costs would be higher than those of the Town's light fixtures.

Town Manager Elwell stated that Staff can provide the cost estimates to improve those light structures within the State system.

- Traffic Signal System Upgrade

Responding to Committee Member Kleid, Town Manager Elwell stated that those portions of the structures not having a useful life of over 30 years cannot be included in the bond. Those items will be funded as Pay-as-You-Go.

Director of Public Works Brazil added that this piece of infrastructure is typically replaced small bits at a time.

Chairman Pucillo asked if portions of the program and bond could be financed for shorter terms than 30 years.

Town Manager Elwell stated that, as the Town goes back out to market for the Phase II bond, Staff will research whether or not portions of the Phase II bond can be financed for terms of less than 30 years.

- Golfview Alleyway Infrastructure Replacement
- Lake Trail under the Flagler Memorial Bridge

Town Engineer Bowser stated that Staff will be requesting grant funding through the Metropolitan Planning Agency for this project, as well as the Traffic Signal System Upgrades. He also mentioned that the Town may have an opportunity to work with PCL as they work on constructing the new bridge.

<u>Buildings</u>

- Town Building Renovations

Town Engineer Bowser stated that the Town needs to have an architect go through our buildings and determine what we should be upgrading. The overhead doors at the three fire stations have constant problems and need to be replaced.

Director of Public Works stated that, for the majority of our buildings, the last major renovations were done in 2004-2005, and that work was mostly for roof failures. Although the buildings are well maintained, the structures and systems are extraordinarily old. The north fire station is particularly old and in need of major renovations.

- North Fire Station Emergency Generator Replacement
- Phipps Ocean Park North End Restroom Building
- Storm and Sanitary Sewerage Pump Station Buildings Architectural Improvements

Director of Public Works Brazil stated that this project is not related to failing infrastructure; it would need to be a policy decision by the Town Council if they want to make the investment in improving the aesthetics of the stations.

Chairman Pucillo stated that, if the Town moves forward with this project, the most visible areas should be improved first.

Town Manager Elwell stated that the Town has tried to hide the pump stations. Some are so well hidden that you don't even know they are there.

Chairman Pucillo stated that the Town should work with residents near the pump stations in residential areas.

Director of Public Works responded that we typically do this. The residents' preferences are usually for the Town to match their landscape.

Bulkheads

- Lakeside Park Bulkhead Replacement

Streetscape Projects

- South Ocean Boulevard / Mid-Town Beach Streetscape
- South County Road Streetscape

Committee Member Kleid inquired about the status of the Legacy Project Commission's efforts regarding Memorial Fountain.

Town Manager Elwell stated that the private stakeholders are still in the planning and fundraising stage; and, Staff is assisting as needed.

Director of Public Works Brazil stated that the Town just completed some of the repairs at Memorial Fountain yesterday; and, it is now functional. Additional maintenance will be required while the stakeholders remain in the planning stage. Staff has not received a definitive timeframe from them.

Town Manager Elwell suggested that, since the Memorial Fountain renovations are dependent upon a private organization, this project be taken out of the Street Projects-South County Road Streetscape Program, and be considered as a separate item.

Chairman Pucillo concurred and requested that Staff keep in close contact with the Preservation Foundation and the other stakeholders. They have some money set aside and they have a very keen interest in the Fountain.

Town Manager Elwell further suggested that the remainder of the South County Road Streetscape project and the full Peruvian Avenue Streetscape project be placed on hold pending renovation of the Fountain and community interest and commitment.

Committee Member Kleid reiterated his desire to have the Town work with the Preservation Foundation and the Legacy Project Commission on these projects.

Town Manager Elwell stated that the Town plans to do so; however, if the private efforts don't come through, the Town still must do the renovations. I don't think that's the same case on the South County Road and Peruvian Avenue projects. These projects offer a lot of value to the community, and they fit the model of what we did on Worth Avenue. We could also contact the affected property owners and see if they are willing to form a partnership with the Town and pay for the improvements here too. This makes these two projects different from the Fountain and the South Ocean Boulevard/Mid-Town Beach Streetscape projects.

Responding to Chairman Pucillo, Town Manager Elwell stated that the South Ocean Boulevard/Mid-Town Beach Streetscape project is needed as it is a high traffic area, it hasn't been upgraded in a very long time, and it is not in great shape. The project will become more and more urgent as time progresses.

- Peruvian Avenue Streetscape

<u>Parks and Medians</u>

- Parks / Median Irrigation System Upgrades

Committee Member Kleid spoke regarding a small section of landscaped median north of the Lake Worth Bridge. He asked if irrigation to that area was a part of this program.

Town Manager Elwell stated that the landscaping planted there was a xeriscape demonstration project with the intent to plant materials that would not need to be regularly maintained or irrigated.

Committee Member Kleid stated that the roundabout at Southern Boulevard was another one of the demonstration projects, and that he thinks there is an irrigation system there.

Town Manager Elwell responded that area was done more recently and at a much larger scale. There are other demonstration projects at the southeast corner of Bradley Park and Tangier Avenue.

Chairman Pucillo requested that the Town work with the Garden Club on the Royal Poinciana Way upgrades, and that Staff explore the possibility of some type of walkway around or across the median.

Director of Public Works Brazil stated that he would get in touch with the Garden Club, but noted that previous similar recommendations were not well received.

Chairman Pucillo stated that he would also speak with the Garden Club. There has to be a better way to utilize the parking on the south side of that street and safely allow people to get from the south side to the north side of the street.

Director of Public Works Brazil stated that Staff will make sure to include options for creating sidewalks along the Royal Poinciana Way median and options for the landscaping median north of the Lake Worth Bridge in the project planning.

Yard Trash Landfills

- Okeechobee Boulevard / Skees Road Class III Landfills

Town Engineer Bowser stated that there have been permitting issues and concerns regarding these facilities. Staff is not sure what is going to come out of this, perhaps we will need to abandon Okeechobee and make Skees work. When we see the terms and conditions of the permits, we will come back to the Committee with a firmer recommendation.

Responding to Committee Member Kleid, Town Manager Elwell stated that this is an open area regarding cost. It is also contingent upon the administrative litigation related to Palm Beach County's objection to our operations.

Program Contingency

- Staff is recommending a $2,000,000 (5%) program contingency be established.

Coastal Protection Program Projects

- North Ocean Boulevard Seawall Replacement
- Ocean Outfall Abandonments

Town Engineer Bowser stated that these projects will be included in the bond; however, they will not be a part of the ACIP.

Town Manager Elwell stated that this is because there will be some projects that will be above the $40 million bond. We are trying to form a Phase II Program that will be about $40 million worth of work. These two projects would be above and beyond that. They will be financed through the bond, but paid back from the Coastal Protection Fund.

Other or Not Included Projects

- Palm Beach Side Channels Dredging

Responding to Chairman Pucillo, Town Engineer Bowser stated that this may or may not be a bondable project. It would probably come down to the amount of sand moved and how deep the dredging will be.

- Sewage Force Main Replacement to Regional Sewage Treatment Facility
- Ibis Island and Everglades Island Bridges
- North End Roadway Rebuilding
- Country Club Road Guardrail

Town Manager Elwell stated that this item is really just being raised to the Committee's

attention as a potential safety issue. If the Committee feels that there would be a negative reaction from the community for this project, he suggested that this item be taken off the list and not be given any further consideration.

Chairman Pucillo and Committee Member Kleid concurred.

Alan Golboro, 2500 S. Ocean Blvd, stated that the Town is spending a lot of money on consultants double checking our engineering. Engineering doesn't need double checking, especially for the smaller projects. He suggested that the Town eliminate some of these contracts, and use those funds to pay for a couple of good engineers on staff.

Chairman Pucillo concurred and asked Mr. Goldboro to speak with Director of Public Works Brazil, between now and the next Town Council meeting, and see how Staff feels about that. This is a major policy decision, and we need to get a better sense of how the numbers would play out.

Motion was made by Committee Member Kleid, and seconded by Chairman Pucillo, to recommend to the Town Council that the Program as presented be further refined, subject to the following:

1. **Under Streets Projects, Staff will prepare a cost estimate for a south end A-1A street lighting fill-in project.**
2. **Under Streetscape Projects, the Memorial Fountain Project shall be broken out as a separate project, and no longer be under the umbrella of the South County Road Streetscape.**
3. **What remains of the South County Road and Peruvian Avenue Streetscape Projects would not be further developed as projects at this time. Instead, they will be identified as potential future projects if there are private partners who wish to pursue those projects with the Town.**
4. **The Country Club Guardrail Project will be removed from the list and not considered any further.**
5. **Regarding financing of the Program, Staff will look into whether or not some of the bonds can be issued for less than a 30 year period in order to pay for work that might otherwise have to be paid for through operating budgets.**
6. **Under Streetscape Projects, Staff will identify and develop a Project to include some form of pedestrian crossing on or through the Royal Poinciana Way median.**

On call for a vote, the motion carried unanimously.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Public Works Committee Meeting of Tuesday, November 27, 2012, was adjourned at 11:20 a.m.

APPROVED:

_____
Michael J. Pucillo, Chairman

ATTEST:

_____
Susan A. Owens, MMC, Town Clerk

_____
Date

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda
Committee Reports

Agenda Title
Selection Committee for Construction Management Services.

Presenter
H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 21, 2012, from H. Paul Brazil, P.E., Director of Public Works

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization of Selection Committee for Construction Management Services Accelerated Capital Improvement Program

Date: November 21, 2012

STAFF RECOMMENDATION

The Public Works Committee and staff recommend that Town Council approve the selection committee identified below and direct staff, as authorized under Florida Statutes, Chapter 287.055, known as the Consultants Competitive Negotiation Act (CCNA), to receive qualifications from interested firms to provide construction management services to the Town, to short list, to conduct interviews, and to return to Town Council with a recommendation to enter into a contract(s) with the selected firm(s).

GENERAL INFORMATION

In an effort to meet or exceed the expectations outlined in the July 2010 Crowe Horwarth Internal Audit Report, the Town has established a procedure to manage construction projects. This assures compliance with our own procedures and provides multiple levels of review. Our current procedure for proper documentation requires the following:

1. The contractor provides documentation of all material, man-hours, equipment, and production. The contactor is also responsible for regular progress meetings, and for preparing shop drawings, change order requests and pay applications.
2. The engineer of record reviews daily activities and provides independent documentation and confirmation. Shop drawings, plans clarification, pay applications and potential change orders are reviewed and recommendations are made to the Town.
3. Town staff oversees all of these efforts, resolves conflicts, approves change orders and pay requests, and creates the Town's official record of all activities.
4. The Town has also hired an independent engineering firm as a program manager. This firm, Jacobs Engineering, provides independent reporting and overall program oversight.

The second level of review listed above is traditionally done by either the engineer of record or, for some of our projects, a construction manager at risk (CMAR). Our CMAR projects have been very successful and staff feels that a variation of this approach should be considered for next year's work.

We have 13 projects planned that have been designed by 5 different engineers. We could possibly have 9 different contractors. Management of this effort and assuring proper documentation will be a difficult task. We propose to group similar projects together to improve oversight and efficiency. We feel that it would be practical to define two larger projects as outlined below and retain one construction management firm to assist with all FY 2013 projects. The design engineers would be consulted as necessary.

This is how we completed two major projects in FY 2012 utilizing the CMAR methodology with one exception. We propose to only request construction management services and not have the construction management firm bid the projects and assume the risk of the projects. This reduces the cost of the construction management services. The Town would retain more liability in terms of dealing with potential change orders, but we believe the projects are not complex and have been well designed. A proper contingency will be requested to account for the unforeseen circumstances that inevitably will occur when dealing with underground construction.

Staff is requesting authorization to form a selection committee under the Consultants Competitive Negotiation Act (CCNA) to select a construction management firm. The CCNA process includes establishing a review team that evaluates the qualifications submitted by the firms that express an interest in underground utility construction projects. In accordance with Town Procedure No. 2-89-2, the Council may defer to a Selection Team consisting of the following members:

Michael Pucillo, Chairman, Public Works Committee
Jay Boodheshwar, Director of Recreation and Special Projects
Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer

In addition, the Purchasing Division staff will assist with the Selection Team's review process, as a non-voting member.

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with this approval. Council will be asked at a later date to approve entering into specific contracts with the selected firms.

cc: Lynda Cummings, Purchasing Agent
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Committee Reports

Agenda Title

RESOLUTION NO. 166-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract with AECOM in the Amount of $15,879, to Provide Bidding and Permitting Phase Services for A-42 to A-41 and the Par 3 to A-39 Force Main Replacement Project and Establish a Bidding Phase Budget of $17,500.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 29, 2012, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 166-2012
- AECOM Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for Bidding and Permitting Phase Services the A-42 to A41 and Par 3 to A-39 Force Main Replacement
Accelerated Capital Improvement Program
Resolution No. 166-2012

Date: November 29, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 166-2012 awarding a bidding phase services contract to AECOM in the amount of $15,879 and establish a project bidding and permitting phase budget of $17,500 for the A-42 to A41, and Par 3 to A-39 Force Main Replacement Project.

GENERAL INFORMATION

Contained within the Accelerated Capital Improvement Program is the design, permitting, bidding and construction of the improvements to the A-42 to A-41 and Par 3 to A-39 Force Main, located along South Ocean Boulevard between Phipps Ocean Park and the Bellaria Condominium at 3000 South Ocean Boulevard. The Town will be replacing the force main installed in 1962, with a larger PVC force main.

Town Council awarded the design contract for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement Project to AECOM via Resolutions No. 46-10 (Directional bore) and No. 4-2012 (Dig up and replace). Their previous contract was for design only. Staff is currently planning to advertise this project. By passing this resolution, the Town will fund consultant assistance for the bidding process.

FUNDING/FISCAL IMPACT

The cost to the Town will be $17,500. Funds are available in the project's budget within the Accelerated Capital Improvement Program.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

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

RESOLUTION NO. 166-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO AECOM IN THE AMOUNT OF $15,879, TO PROVIDE BIDDING AND PERMITTING PHASE SERVICES FOR A-42 TO A-41 AND THE PAR 3 TO A-39 FORCE MAIN REPLACEMENT PROJECT AND ESTABLISH A BIDDING PHASE BUDGET OF $17,500.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to AECOM in the amount of $15,879, providing bidding and permitting phase services for A-42 to A-41 and the Par 3 to A-39 Force Main Replacement, and establishes a bidding phase budget of $17,500.

Section 2. The Town Manager is hereby authorized and directed 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 and directed to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of December 2012.

_____
Gail L. Coniglio, Mayor

_____
David A. Rosow, Town Council President

_____
Robert N. Wildrick, Council President Pro Tem

_____
William J. Diamond, Town Council Member

ATTEST:

_____
Richard M. Kleid, Town Council Member

_____
Susan A. Owens, MMC, Town Clerk

_____
Michael J. Pucillo, Town Council Member

PROPOSAL AND SCOPE OF SERVICES
TOWN OF PALM BEACH

FORCE MAIN REPLACEMENT A-42 TO A-41 & PAR 3 to A-39 - PREDOMINENTLY DIRECTIONAL DRILL INSTALLATION (BID ALT. 1) & ALTERNATE DESIGN OPEN-TRENCH INSTALLATION (BID ALT. 2)

BIDDING AND PERMITTING ASSISTANCE SERVICES
NOVEMBER 28, 2012

A. Introduction

The Town operates a series of sanitary sewer pumping stations and force mains within and serving the Town of Palm Beach. Within the Capital Improvement Plan the 10" force main between sanitary pump stations A-42 and A-41 will be replaced with a 12" force main. The 4" force main immediately south of sanitary pump station A-39 and pump station A-41 will be replaced with a 16" force main and connected to an existing previously constructed 16" force main (dry line) along the Par 3 Golf Course.

The first set of the completed construction plans for the proposed improvements noted above reflect the majority of the force main to be installed via the horizontal directional drill method due to the numerous utility conflicts along the proposed route (Bid Alt. 1). At the request of the Town, a second set of construction plans was completed to reflect the majority of the force main to be installed via open trench method (Bid Alt. 2).

The Town has requested this proposal from AECOM Technical Services, Inc. (AECOM) to assist them with the bidding and permitting phases of this project. The following outlines the services to be provided by AECOM for this portion of the project upon our receipt of a Town Purchase Order and written Notice to Proceed.

B. Scope of Services

Task 1.0 Bidding Phase Services

AECOM will assist the Town by providing bidding services as outlined below. The Town will be the lead entity and is responsible for handling the bidding process, including advertising of the project, issuing plans and other bidding documents to prospective bidders, receiving RFIs and questions from prospective bidders, preparing and issuing all Addenda, receiving and tabulating bids, and making recommendations for award of

a Construction Contract. It is our understanding based on discussion with Town Staff that the Town will be receiving bids only from its pre-approved list of Contractors that have been found qualified to perform work of this nature for the Town. Also, it is our understanding that the Town will bid both sets of plans simultaneously for the project as one bid with two bid alternates (the initial design reflecting the majority of the force main as directional drill method of installation for Bid Alt. 1 and the alternate design reflecting the majority of the force main as open trench method of installation for Bid Alt. 2).

AECOM will assist by providing the following:

- Prepare a bid form and measurement and payment section to be included in the front end documents for the Alternate Design set of construction plans (Alternate 2), similar to the one prepared for the first set of plans (mostly directional drill installation (Bid Alt. 1). Also, review and update the bid form for the original set of construction plans (mostly directional drill set, Bid Alt. 1) and review and update the construction specifications as needed. Also, prepare a general paragraph statement for the proposed scope of the construction work for the Town to utilize in the advertisement of the project.

- Attend one (1) pre-bid meeting at the Town Public Works office to respond to questions by prospective bidders during the bidding process.

- Prepare draft responses to prospective bidder questions (one RFI) related to the construction plans and technical specifications prepared by AECOM for the project for use by the Town in preparing and issuing up to one (1) Addenda.

- Make minor changes to the construction plans to clarify issues raised by the RFI questions (this does not however, include any re-design; this will require a modification to this scope and fee proposal commensurate with the level of effort as agreed upon by both the Town and AECOM).

Task 2.0 Permitting Phase Services

AECOM will provide engineering permitting assistance services as follows:

- **City of West Palm Beach (Alternate Design only – Bid Alt. 2)**

  AECOM will prepare the Palm Beach County Supplement to DEP Application for Installation of Sewage Collection

Transmission System form, and assemble a plans and specifications submittal package including the FDEP/PBCHD Notification/Application for Constructing a Domestic Wastewater Collection/Transmission System Permit Application form (that will be submitted to the Palm Beach County Health Department) for review by the City of West Palm Beach. The Town will conduct a pre-submittal meeting with City Staff to explain the project and coordinate with them to help expedite the approval process.

- **FDEP Wastewater General Permit Application (Alternate Design only – Bid Alt. 2)**

  AECOM will prepare an FDEP/PBCHD Notification/Application for Constructing a Domestic Wastewater Collection/Transmission System Permit Application form for the force main replacement Alternate Design. The application and related support documents will be prepared and submitted, on behalf of the Town, to the Palm Beach County Health Department. One Request for Information (RFI) response will be prepared based on comments received from the Palm Beach County Health Department. The Town will conduct a pre-application meeting with the PBCHD to explain the project and coordinate with them to help expedite the permitting process.

- **FDOT Utility Permit Application (Alternate Design only – Bid Alt. 2)**

  AECOM will prepare an FDOT Utility permit application for the construction of the FM within FDOT Right-of-Way. The application and related support documents will be assembled and submitted, on behalf of the Town, to FDOT. One Request for Information response will be prepared based on comments from FDOT. It is assumed that a specific Maintenance of Traffic (MOT) plan, prepared by a licensed MOT engineer will not be needed for the permit process. It will be required however, as specified in the Construction Documents, that the Contractor provide suitable MOT plans prepared for the Contractor at Contractor's expense, in accordance with and approved by FDOT, prior to initiating construction. The Town will conduct a pre-application meeting with the FDOT to explain the project and coordinate with them to help expedite the permitting process.

C. Deliverables

AECOM will provide the following deliverables in hard and electronic format:

- Draft Bid Form, and a Measurement and Payment Section for the FM Replacement Alternate Design drawings (Bid Alt. 2).
- Updated Technical Specifications to reflect the FM Replacement Alternate Design.
- Palm Beach County Supplement to DEP Application for Installation of Sewage Collection/Transmission System form filled out for Town signature (for FM Replacement Alternate Design only).
- FDEP/PBCHD Notification/Application for Constructing a Domestic Wastewater Collection/Transmission System form filled out for Town signature (for FM Replacement Alternate Design only).
- FDOT Utility Permit Application Form filled out for Town signature (for FM Replacement Alternate Design only).

D. Additional Services

Should the Town request or desire additional services related to this project that are not included herein, or a level of effort beyond what is included in this Scope of Services and Fee proposal, AECOM will be happy to provide these additional services upon approval of a mutually agreed to scope and fee as a separate task order or amendment to this Scope of Services. Work will begin for the Additional Services after receipt of a written notice to proceed from the Town.

E. Obligations of the Town

During Bidding Phase:

- Provide AECOM with written copies of all RFI questions submitted by prospective bidders for which the Town wishes to provide clarification or additional information, and a copy of the Town's draft response for AECOM review and comment.
- The Town will prepare, assemble, and issue all Addenda to prospective bidders and will be the responsible entity and contact for correspondence to and from all prospective bidders.
- The Town will prepare minutes of the pre-bid meeting for distribution to all parties as necessary.
- The Town will conduct a site visit(s) with prospective bidders to the project site as necessary, and AECOM representatives will not need to be present.
- The Town will handle the bid opening, bid tabulation and checking of Contractor references, preparation of recommendation of award, attendance at Town Commission meeting, etc. AECOM

representatives will not be present at bid opening or Town Commission meeting.

During Permitting Phase:

- Permit fees will be paid by the Town.
- The Town will provide a review of the information presented in the draft application and provide updated information, as necessary, signatures on all application forms, etc.

F. Compensation

AECOM proposes to perform the tasks outlined above for a time and expense amount of $15,879.00 for the services noted above.

The fees are summarized in the following table:

Task Designation	Task Fee
Task 1.0 Bidding Phase Services	$9,010.00
Task 2.0 Permitting Phase Services	$6,869.00
Totals	**$15,879.00**

G. Project Schedule

The following project schedule has been developed. Dates are from execution of the Task Order and receipt of Purchase Order (Notice to Proceed) or from advertisement for bids, as indicated below.

Schedule Task	Time Elapsed to Task Completion (assumes the Town has issued an NTP for services to AECOM)
Bidding Phase Services	45 days from Town advertisement for receipt of bids
Permitting Phase Services	21 days from receipt of NTP from the Town

H. Proposal Submittal

Submitted by and as requested by the Town of Palm Beach.

"ENGINEER"
AECOM Technical Services, Inc.

By: _____

Lennart J. Lindahl, PE
Title: District Vice President

Town of Palm Beach

Fee Estimate

Force Main Replacement A-42 to A-41 & PAR 3 to A-39, - Predominently Directional Drill Installation (Bid Alt. 1) & Alternate Design Open-trench Installation (Bid Alt. 2)

Attachment 1

11/28/2012 Rev. 2

AECOM Technical Services, Inc.

No.	Task	Ops. Mgr. I	QMS - PM II	Sr. Proj.Mgr. - PM III	Electrical - PM II	Structural - PM II	Mechanical - PM II	Proj. Engr. III	Inspector II	CADD Op. III	Admin. Assistant II	ODCs	Task Summary	Cost
1.0	**Bidding Phase Services**													
	Prep bid form, measurement and payment section, review and update Alt 1 bid form, review and update technical specifications; attend one Pre-Bid meeting; Response preparation for up to one (1) RFI.			11				26			6	$ 429	$ 6,600	$ 7,029
	Make minor clarification changes as necessary to plans for re-issuance to prospective bidders			2				6		6		$ 121	$ 1,860	$ 1,981
	Task 1.0 Sub-Totals											$ 550	$ 8,460	$ 9,010
2.0	**Permitting Phase Services**													
	Prep Palm Beach County Supplement to DEP Application for Installation of Sewage Collection Transmission System for signature by City of West Palm Beach			3				3			2	$ 79	$ 1,210	$ 1,289
	FDEP/PBCHD Notification/Application for Constructing a Domestic Wastewater Collection/Transmission System Permit Application & Pre-Application Meeting			5				5		4	2	$ 149	$ 2,290	$ 2,439
	FDOT Utility Permit Application for Utility Installation within ROW & Pre-Application Meeting			6				8		4	2	$ 192	$ 2,950	$ 3,142
												$ -	$ -	$ -
												$ -	$ -	$ -
												$ -	$ -	$ -
												$ -	$ -	$ -
												$ -	$ -	$ -
												$ -	$ -	$ -
												$ -	$ -	$ -
	Task 2.0 Sub-Totals											$ 419	$ 6,450	$ 6,869
	Totals	0	0	27	0	0	0	48	0	14	12.00	$ 969	$ 14,910	$ 15,879
	Average Labor Rate	73.33	61.67	70.00	61.67	61.67	61.67	50.00	35.00	30.00	21.67			

"Summary" column based on hour estimates, shown in above spreadsheet, times an average direct labor rate times a multiplier of 3.0

"ODC" is Other Direct Costs which will be invoiced as a separate line item at 0.065% of Direct Labor cost times 3.0 per original professional services agreement.

"QMS" is Quality Management System" (QA/QC)

Monthly invoicing to Town will be based on an actual direct labor rate times hours worked times a multiplier of 3.0

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Committee Reports

Agenda Title

RESOLUTION NO. 167-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc., to Provide Design Phase Services for Pump Stations A-39, A-41, A-42, and A-43 Emergency Generator Installations, in the Amount of $29,200, and Establish a Design Phase Budget of $33,000.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 29, 2012, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 167-2012
- Kimley-Horn Proposal

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award of Design Consultant for Pump Stations A-39, A-41, A-42, and A-43 Generators Installation
Accelerated Capital Improvement Program
Resolution No. 167-2012

Date: November 29, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 167-2012 awarding a design contract to Kimley-Horn and Associates, Inc., for the replacement of the emergency generators at Pump Stations A-39, A-41, A-42, and A-43, in the amount of $29,200, and establishing a design phase budget of $33,000.

GENERAL INFORMATION

The Accelerated Capital Improvement Program (ACIP) includes upgrades to the A-39, A-41, A-42, and A-43 Sanitary Sewage Pump Stations. These stations are located at Phipps Ocean Park, Par 3 Golf Course, in front of 3000 South Ocean Boulevard and in front of 3400 South Ocean Boulevard. A project element not included in the ACIP was the replacement of the emergency generators which were installed in the 1960's. Town Council approved a change in the project's scope to have these emergency generators replaced at the October 9, 2012, Town Council meeting.

Town staff recommends awarding the design contract to Kimley-Horn. This work is to be completed during the 2013 construction season following the pump station A-39, A-41, A-42, and A-43 improvements.

FUNDING/FISCAL IMPACT

Sufficient funds exist within the ACIP to complete this scope of work.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Eric Brown, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer
Charles Langley, P.E., Senior Project Engineer
Mike Roach, P.E., Project Engineer
Jeff Sanon, P.E., Project Engineer
Doug Terry, Water Resources Division Manager

RESOLUTION NO. 167-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO KIMLEY-HORN AND ASSOCIATES, INC., TO PROVIDE DESIGN PHASE SERVICES FOR PUMP STATIONS A-39, A-41, A-42, AND A-43 EMERGENCY GENERATOR INSTALLATIONS, IN THE AMOUNT OF $29,200, AND ESTABLISH A DESIGN PHASE BUDGET OF $33,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Kimley-Horn and Associates, Inc., in the amount of $29,200, providing design phase services for Pump Stations A-39, A-41, A-42 and A-43 emergency generator installations, and establishing a design phase budget of $33,000.

Section 2. The Town Manager is hereby authorized and directed 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 and directed to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 11th day of December 2012.

_____
Gail L. Coniglio, Mayor

_____
David A. Rosow, Town Council President

_____
Robert N. Wildrick, Council President Pro Tem

_____
William J. Diamond, Town Council Member

ATTEST:

_____
Richard M. Kleid, Town Council Member

_____
Susan A. Owens, MMC, Town Clerk

_____
Michael J. Pucillo, Town Council Member

Kimley-Horn
and Associates, Inc.

November 29, 2012

Suite 200
1920 Wekiva Way
West Palm Beach,
Florida
33407

Mr. Jeff Sanon, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

Re: Generator Replacements at Sanitary Pumping Stations A-39, A-41, A-42, and A-43

Dear Jeff,

Kimley-Horn and Associates, Inc. ("KHA" or "CONSULTANT") is pleased to submit this scope of services to the Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to the generator replacements at sanitary pumping stations A-39, A-41, A-42, and A-43 in Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

It is understood that the Town desires to replace the standby generators at sanitary pumping stations A-39, A-41, A-42 and A-43 in order to increase the reliability of the standby back up power at each station. The existing generators are all water cooled and located inside the pump station buildings. It is understood that the generator sizes are not required to be upgraded. The Town has requested that the replacement generators be conventional air cooled type and be housed in package, reach-in style, weather resistant, sound attenuated enclosures and be located outside each of the existing pump station buildings. We understand that Pump Station A-42 has limited space available for an outdoor generator and may require an indoor air-cooled generator to within the existing building with sound attenuation. It was reported by the Town that the Automatic Transfer Switches (ATS) at all four stations were recently replaced and the Town would prefer to utilize the existing ATS's where possible. It is understood that the existing fuel storage volume at each station is sufficient and will not be required to be increased.

TEL 561 845 0665
FAX 561 863 8175

Scope of Services

KHA will perform design services to prepare construction plans and specifications for the generator replacement suitable for construction and submittal to Palm Beach County ERM and the Town's Building Department for permitting at the following sites:

- A-39 Sanitary Pump Station
- A-41 Sanitary Pump Station
- A-42 Sanitary Pump Station
- A-43 Sanitary Pump Station

For efficiency, plans will be prepared using photographs, available record drawings, the 2007 fuel tank replacement plans, and aerial photographs. It is believed that new surveys will not be required for the proposed improvements. During the development of the construction plans and specifications, Kimley-Horn will perform the following services:

- Attend up to two (2) design progress meetings with the Town.
- Perform up to two (2) site visits to gather information to complete design.
- Prepare sound attenuation design calculations for each generator installation.
- Prepare ventilation system design calculations for modifications to the generator room at the A-42 pump station.
- Prepare fuel system design calculations for each generator.
- Prepare day tank design for the A-42 pump station.
- Prepare structural design for the generator support foundations.

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

1. Cover Sheet
2. Demolition Plan
3. Generator Location and Fuel Piping Plan
4. A-42 Ventilation and Sound Attenuation Details
5. Construction Details
6. Electrical Plan
7. Electrical Details
8. Technical Specifications

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

We will submit plans and specifications for review at 80% completion stage and accommodate one round of reasonable requests for revisions by the Town. We will provide an opinion of probable construction cost at the 80% design stage and update this document with the final design submittal.

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

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town, will be considered additional services. Additional services we can provide include, but are not limited to, the following:

- Surveying and Mapping
- Easement Descriptions
- Geotechnical Investigation
- Fuel Tank Design
- Coordination with property owners and recording easements for the generator installation.
- Construction Phase Services

Information Provided By the Town

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

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

Schedule

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

Fee and Billing

KHA will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. We recommend that the Town establish a budget of $29,200 for the project.

Closure

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

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

We appreciate the opportunity to offer these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Kevin Schanen, P.E.
Vice President

Attachments – Fee Breakdown

ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	Generator Replacement at A-39, A-41, A-42, and A-43	SHEET	1 of 1
CLIENT:	Town of Palm Beach	FILE NO.	
ESTIMATOR:	Jason Lee	DATE:	11/29/12
		ALLOCA	0.0810

DESCRIPTION: See Scope of Services	DIRECT LABOR (MAN-HOURS)											
	P8 PM (JEP)	P7 PM (KMS)	P5 Mech. (JL)	P4 Engineer (FH)	P2 Analyst (JF)	D8 Designer (AB)	P2 Drafting (SB)	N6 Clerk (DC)	SUB (Bailey)	COMP	EXP	LINE TOTAL
												$0
												$0
Site Visit			4.5				4.5					$989
Generator Foundation Design				3.0								$372
Fuel Piping Design			4.0									$530
A-42 Ventilation			3.0									$398
A-42 Day Tank			3.0									$398
A-42 Structural			3.0	3.0								$769
Construction Plans												$0
Cover							2.0					$175
General Notes			2.0				4.0					$614
Demolition			6.0				12.0					$1,843
Generator and Fuel Piping Plans		0.5	12.0				28.0					$4,124
A-42 Ventilation / Sound Attenuation Details		0.5	6.0				12.0					$1,932
Construction Details		0.5	3.0	2.0			8.0					$1,433
Electrical Plans		0.5	2.0				4.0		8200.0			$8,904
Technical Specifications		1.0	8.0	2.0				3.0				$1,737
OPC		0.5	4.0									$620
80% Review meeting		3.0	3.0									$935
Respond to Comments and produce final plans		1.0	4.0				4.0	1.0				$1,142
Submit to Palm Beach County ERM			2.0				2.0					$440
												$0
Attend pre-bid meeting/review bids / summary memo			8.0					1.0				$1,143
answer questions during bidding		0.5	4.0					1.0				$703
												$0
												$0
												$0
												$0
												$0
TOTAL HOURS	**0**	**8**	**82**	**10**	**0**	**0**	**81**	**6**	**8200**	**0**	**0**	**186**
LABOR ($/HOUR)	**163.86**	**165.87**	**122.58**	**114.66**	**84.36**	**105.27**	**80.76**	**76.86**	**1.00**	**0.00**	**1.0**	
ALLOCATION	**0.00**	**107.48**	**809.21**	**92.87**	**0.00**	**0.00**	**526.60**	**37.35**	**0.00**	**0.00**	**0.00**	
TOTALS	**0.00**	**1,434.44**	**10,799.48**	**1,239.47**	**0.00**	**0.00**	**7,027.78**	**498.51**	**8,200.00**	**0.00**	**0.00**	**$29,200**

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 168-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Levy, Collection and Enforcement of Non-ad Valorem Assessments Levied Within a Portion of the Incorporated Area of the Town Constituting the Everglades Island Underground Utilities Assessment Area; Stating the Need for Such Levy; Providing for the Mailing of this Resolution; and Providing an Effective Date.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated November 1, 2012, from Thomas G. Bradford, Deputy Town Manager
- Resolution No. 168-2012
- Exhibit A Proof of Publication
- Exhibit B Sketch
- Exhibit B Legal Description

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Public Hearing to Adopt a Proposed Resolution of Intent to Create an Assessment Program for the Everglades Island Underground Project Area for Conversion of Overhead Utility Service to Underground Service
Resolution No. 168-2012

Date: November 1, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council consider all public comments at the public hearing on December 11 and thereafter adopt Resolution No. 168-2012. Adoption of this resolution at this time only preserves the Town's right to create the assessment area in time for the property tax bills to be mailed on or about November 1, 2013. The Town Council may decide for any reason not to proceed with the assessment area between now and September 10, 2013, and notify the Property Appraiser and Tax Collector of such change of intent.

GENERAL INFORMATION

Based on information provided by staff for the Town Council meeting on November 15, the Town Council gave staff the go ahead to conduct a public hearing on December 11 pursuant to F.S. 197.3632(3)(a) to consider adopting a resolution of intent to use the uniform method of assessment for the proposed Everglades Island Underground Utilities Assessment Area. The uniform method of assessment is the process used whereby the assessment appears on each benefitting property owner's annual property tax bill. This is the same process used for the Town's Solid Waste collection assessment and for the Worth Avenue project. It is the process approved by the Town Council for underground assessment projects. If approved and ultimately implemented, the proposal to form an assessment area will result in all costs of making the Everglades Island improvements be borne by those properties benefitting from the improvements. To date, project construction costs have been paid for by the Town pursuant to the internal financing plan approved by the Town Council for this purpose. As of this writing, the project is about 7% complete and about $49,935 has been spent to make the conversion, excluding interest and fees. Conversion work is to be finished by March 1. The final cost of the project along with the proposed assessment methodology will be presented to the Town Council when considering the initial assessment resolution at the July 9, 2013, Town Council meeting.

The next step in this process is to consider the Everglades Island proposed resolution of intent. The Town's notice appeared in the Palm Beach Daily News for four (4) consecutive weeks beginning on November 16 and ending on December 7. At this juncture, the Town Council should conduct the public hearing on proposed Resolution No. 168-2012 seeking comments from all interested parties relative to the resolution and the payment and collection concept that it portends for the affected properties in the proposed Everglades Island Assessment Area.

If the Town Council decides later this year that it does not wish to proceed with the assessments for any reason, the process is stopped, the Property Appraiser and Tax Collector are notified, and an assessment does not appear on any tax bill.

If the Town Council approves this first step, the tentative process to bring this matter to fruition hereafter will approximate the following:

- July 9, 2013 - Adoption of the initial assessment resolution. All estimated final costs of the project and other factors such as interest rates that affect final assessments will be provided and made public at this time.
- August 16, 2013 (on or about) – Mail notice to each affected property owner within the proposed boundaries of the assessment area advising of the tentative assessment amount and the date, time and place of adoption of the final resolution.
- September 10, 2013 – Adoption of final assessment resolution. All final costs of the project and other factors such as interest rates that affect final assessments will be provided and made public at this time.

FUNDING/FISCAL IMPACT

All expenditures to date have been recorded and will be recouped pursuant to the internal financing plan previously approved by the Town Council. Interest and fees will apply. As this is a special assessment project, all costs will be borne by the benefitting property owners and not the property owners of the Town as a whole.

TOWN ATTORNEY REVIEW

The Resolution of Intent was approved by Heather Encinosa, Esq. of the law firm Nabors, Giblin & Nickerson in Tallahassee. Ms. Encinosa specializes in special assessment programs and the law associated therewith. Ms. Encinosa was the author of Town Ordinance No. 12-07, which updated assessment procedures for the Town in July 2007.

Attachment
cc: H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Charles Langley, Senior Project Engineer
Danny Brannon, P.E., Brannon & Gillespie
John C. Randolph, Town Attorney
Heather Encinosa, Esq.

RESOLUTION NO. 168-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS LEVIED WITHIN A PORTION OF THE INCORPORATED AREA OF THE TOWN CONSTITUTING THE EVERGLADES ISLAND UNDERGROUND UTILITIES ASSESSMENT AREA; STATING THE NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida (the "Town") is contemplating the imposition of a non-ad valorem assessment for the provision of certain capital improvements and related services within the Everglades Island Underground Utilities Assessment Area; and

WHEREAS, the Town intends to use the uniform method for levying, collecting, and enforcing non-ad valorem special assessments for the cost of certain local improvements and related services to be provided within the Everglades Island Underground Utilities Assessment Area, including, but not limited to, removal of overhead utility lines and facilities, construction of underground utility lines and related facilities, landscaping, and other utility and utility related improvements (collectively referred to herein as the “Everglades Island Local Improvements”), as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such non-ad valorem assessments to be collected annually commencing in November 2013, in the same manner as provided for ad valorem taxes; and

WHEREAS, the Town held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

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

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

Section 2. Commencing with the Fiscal Year beginning on October 1, 2013, and with the tax bill mailed for such Fiscal Year and continuing until discontinued by the Town, the Town intends to use the uniform method of levying, collecting, and enforcing non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended, and Chapter 90 of the Town of Palm Beach Code of Ordinances, for levying, collecting, and enforcing non-ad valorem assessments for the cost of providing the Everglades Island Local Improvements and related services. The proposed non-ad valorem assessments shall be levied within the incorporated area of the Town that constitutes the Everglades

Island Underground Utilities Assessment Area. A legal description of such properties subject to the assessment is attached hereto as Exhibit B and incorporated by reference.

Section 3. The Town hereby determines that the levy of the assessments is needed to fund the cost of the Everglades Island Local Improvements and related services for the Everglades Island Underground Utilities Assessment Area.

Section 4. Upon adoption, the Town Clerk is hereby directed to send a copy of this Resolution by United States certified mail to the Florida Department of Revenue, the Palm Beach County Tax Collector, and the Palm Beach County Property Appraiser by January 10, 2013.

Section 5. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of December 2012.

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

EXHIBIT A

NOTICE BY THE TOWN OF PALM BEACH OF INTENT TO USE THE UNIFORM METHOD OF LEVYING, COLLECTING, AND ENFORCING NON-AD VALOREM ASSESSMENTS

Notice is hereby given to all owners of lands located within the boundaries of the proposed Everglades Island Underground Utilities Assessment Area within the incorporated area of the Town of Palm Beach that the Town of Palm Beach intends to use the uniform method for levying, collecting, and enforcing non-ad valorem assessments to be levied by the Town of Palm Beach for certain local improvements and related services to be provided within the Everglades Island Underground Utilities Assessment Area, including, but not limited to, removal of overhead utility lines and facilities, construction of underground utility lines and related facilities, landscaping, and other utility and utility related improvements (collectively referred to herein as the "Everglades Island Local Improvements") commencing with the Fiscal Year beginning on October 1, 2013, and continuing until discontinued by the Town.

The Town will consider the adoption of a resolution electing to use the uniform method of levying, collecting, and enforcing such assessments for the Everglades Island Local Improvements as authorized by section 197.3632, Florida Statutes, and Chapter 90 of the Town Code, at a public hearing to be held at 9:30 a.m. or as soon thereafter as the matter is heard on December 11, 2012, at 360 South County Road, Palm Beach, Florida. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Town Clerk's Office, located at 360 South County Road, Palm Beach, FL. All interested persons are invited to attend and be heard with regard to this matter.

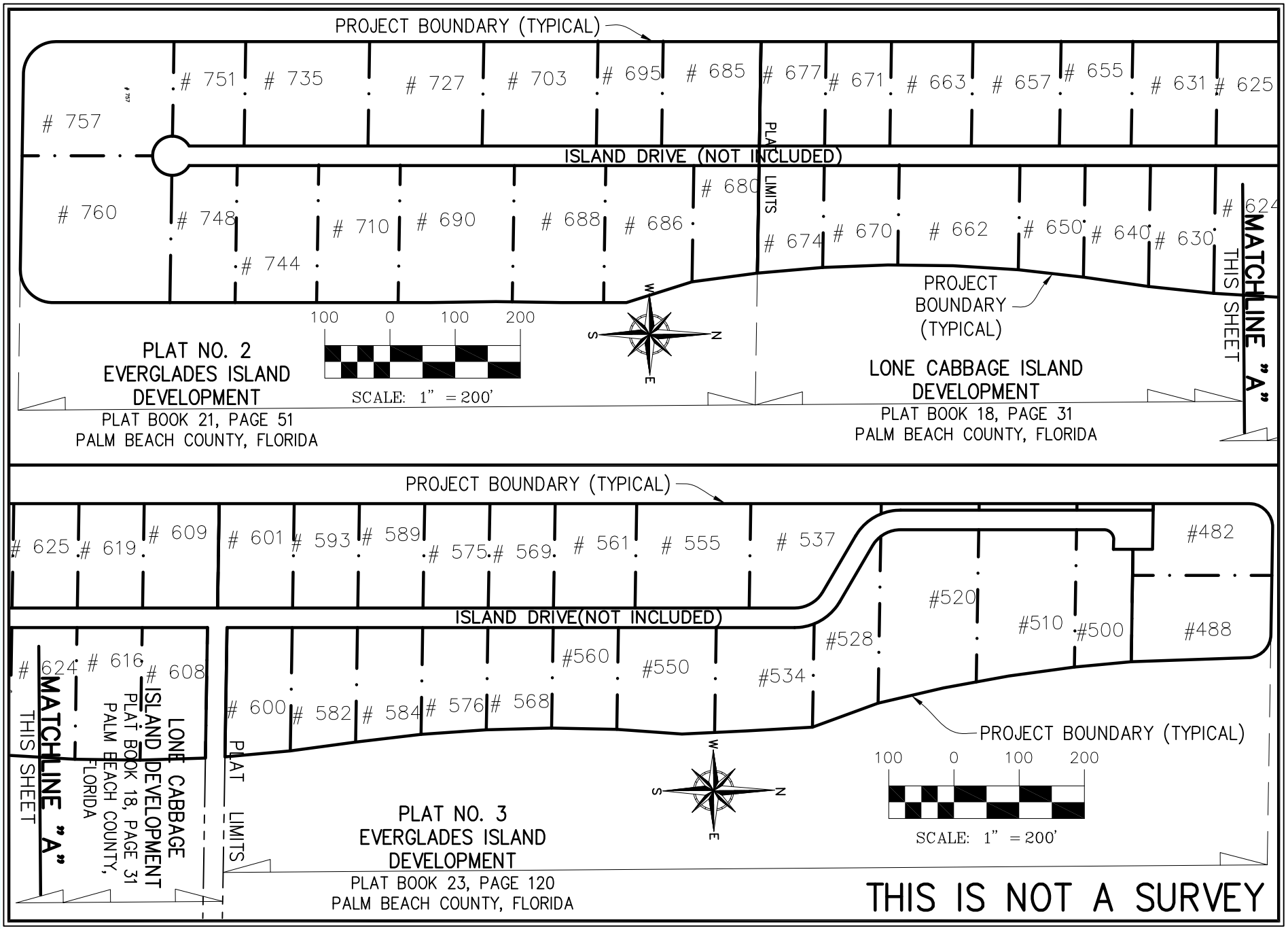
In the event any person decides to appeal any decision by the Town with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk at (561) 838-5416 at least two days prior to the date of the hearing.

DATED this 16th day of November, 2012.

By Order of: TOWN OF PALM BEACH, FLORIDA

Dated this 16th day of November, 2012
Town of Palm Beach
By: Peter B. Elwell, Town Manager

Publish: Palm Beach Daily News
November 16, 2012, November 23, 2012,
November 30, 2012, and December 7, 2012



SHEET NO. 1 OF 1 SHEETS PROJECT NO. 12-22	DATE / REVISIONS	A PORTION OF SEC. 27, TWP. 43 S., RNG. 43 E. PALM BEACH COUNTY, FLORIDA **PROJECT BOUNDARY SKETCH** EVERGLADES ISLAND PROJECT

DATE 10/26/2012
SCALE 1" = 200'
FIELD BK.
DRAWING BY D.B.
CHECKED BY E.A.L.

BETSY LINDSAY, INC.
SURVEYING AND MAPPING
7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
(772)286-5753 (772)286-5933FAX
LICENSED BUSINESS NO. 6852

EXHIBIT B

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOTS 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 AND THE LOT LABELED AS "NOT INCLUDED" OF PLAT NO. 2 EVERGLADES ISLAND DEVELOPMENT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 51, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF LOTS 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 AND 70 AND LOT "A" LESS THE EAST 15 FEET THEREOF OF PLAT OF LONE CABBAGE ISLAND DEVELOPMENT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 31, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND TOGETHER WITH:

ALL OF LOTS 25, 26, 27, 27 A, 28, 28 A, 29, 29 A, 30, 30 A, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 AND 50 OF PLAT NO. 3 EVERGLADES ISLAND DEVELOPMENT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 120, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING OR 27.69 ACRES, MORE OR LESS.

SAID PARCEL BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, DEDICATIONS OR RESTRICTIONS.

SHEET NO. 1
OF 1 SHEETS
PROJECT NO.
12-22

DATE	REVISIONS

A PORTION OF SEC. 27, TWP. 43 S., RNG. 43 E.
PALM BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION
EVERGLADES ISLAND PROJECT

DATE 10/26/2012
SCALE NOT TO SCALE
FIELD BK.
DRAWING BY D.B.
CHECKED BY E.A.L.

BETSY LINDSAY, INC.
SURVEYING AND MAPPING
7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
(772)286-5753 (772)286-5933FAX
LICENSED BUSINESS NO. 6852

EXHIBIT B

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 169-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the De-Designations of Certain Already Designated Historic or Specimen Trees Located at 1 Via Sunny and 340 Garden Road Within the Town of Palm Beach; Providing for the Recording of Said De-Designations; and Providing that a Copy of this Resolution be Recorded in the Public Records of Palm Beach County, Florida.

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 29, 2012, from H. Paul Brazil, P.E., Director of Public Works
- Resolution No. 169-2012
- Letter dated November 29, 2012, from Richard Maxwell
- Letters to Owners

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Ewell, Town Manager

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

Re: Historic/Specimen Trees De-Designations
Allspice Tree at 1Via Sunny, and Eugenia Species Tree at 340 Garden Road
Resolution No. 169-2012

Date: November 29, 2012

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 169-2012 authorizing the removal of the noted trees from the Town's list of designated historic or specimen trees.

GENERAL INFORMATION

The Town has completed the annual survey of the condition of the designated historic and specimen trees as required by Section 126-50 of the Town's Code of Ordinances. In the course of that inspection, the Town's Horticultural Consultant found both the Allspice tree at 1 Via Sunny, and the Eugenia Species tree at 340 Garden Road, to be in poor condition and no longer of specimen quality. It is his opinion that these trees should be removed from the list of the Town's historic/specimen trees. Attached are Horticultural Consultant's reports on both trees.

TOWN ATTORNEY REVIEW

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

Attachments

cc: John Page, Director of Planning, Zoning & Building Department
Eric B. Brown, P.E., Assistant Director of Public Works/Operations
Brett Madison, Facilities Maintenance Division Manager
Rob Walton, Chief Code Compliance Officer
Heather C. Henry, President, Garden Club of Palm Beach
Ann Blades, Garden Club of Palm Beach

RESOLUTION NO. 169-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE DE-DESIGNATIONS OF CERTAIN ALREADY DESIGNATED HISTORIC OR SPECIMEN TREES LOCATED AT 1 VIA SUNNY AND 340 GARDEN ROAD WITHIN THE TOWN OF PALM BEACH; PROVIDING FOR THE RECORDING OF SAID DE-DESIGNATIONS; AND PROVIDING THAT A COPY OF THIS RESOLUTION BE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

* * * * *

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

WHEREAS, the Town Council of the Town of Palm Beach has undertaken the procedures required to de-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 de-designation in the public records of Palm Beach County, Florida, pursuant to the terms of said ordinance.

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

Section 1. A tree previously recorded on Exhibit "A" attached to Resolution No. 11-99 in the public records of Palm Beach County, Florida, as ORB 11048, Pg. 873, shall be REMOVED as a Historic and Specimen Tree from the following described property:

PCN/Legal	Location	Count	Common Name	Botanical Name
50-43-43-22-03-000-0013	1 Via Sunny	1	Allspice Tree	Pimentia Dioica

PRIMAVERA ESTS (LAKE FRONT) WLY 390.23 FT OF LT A, N 4 FT OF LT B LYG S OF & ADJ TO & TROF SUBMERG LAND LYG W OF & ADJ TO IN TRS DEED 23129

Section 2. A 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. 859, shall be REMOVED as a Historic and Specimen Tree from the following described property:

PCN/Legal	Location	Count	Common Name	Botanical Name
50-43-43-03-20-000-0220	340 Garden Road	1	Eugenia Species	Eugenia Species

EDEN PROPERTIES LOT 22

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 11th day of December, 2012.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

KING TREE SERVICE
OF SOUTH FLORIDA

P.O. Box 210847
Royal Palm Beach, FL 33421-0847

November 29,2012

Town of Palm Beach
Brett Madison
957 Old Okeechobee Road
West Palm Beach, FL 33304

RE: Historic and Specimen Tree De-Designation

Greeting Brett. As a follow up to the specimen tree discussion I has yesterday in your office with you and Kirt Konopasaek, Kirt and I visited the two trees in question.:

Allspice tree @ 1 Via Sunny
Eugenia Tree @ 340 Garden Road

Back in September 2012, upon annual review, the Town's Horticultural Consultant Robert Haehle recommended that these trees be removed from Historic and Specimen Tree status.

In our meeting, you asked me to address this issue, the trees age, maintenance and/or neglect and overall condition offering more specifics. I'll discuss each tree in a minute, but first and very brief overview of some current trends in Modern Arboriculture.

- Trees are a "Closed System". They must each produce all of the energy they need to sustain life.
- They maintain a "Leaf to Wood Mass Ration" that helps them balance energy needs.
- Their energy need changes as they age, from 100% dynamic mass (sapling) to eventually 100 static mass (dead tree).
- Trees don't heal, they compartmentalize wounds.
- Tree stress is cumulative.
- Trees react slowly.
- Trees have integrity.
- We can often extend the life of a tree with modern chemicals, fertilizers, pesticides,...

When I look at a tree, I try and assess its stress, energy production, influences of the surrounding environmental conditions and several other factors. In the end, scientific objectivity as well as experience driven subjectivity results in an opinion.

The Allspice Tree at 1 Via Sunny:
This trees problems started when it was very young, and the tree was cut or broken at approximately 8' which led to the formation of the co-dominant stems, and undesirable condition. As Via Sunny was developed this tree was "urbanized" with construction, hardscaping and probably pruning that was the start of its long slow decline. More recently the stubs and dead wood referred to by Mr. Haehle on 9/4/12 have been removed. Five of the six large terminal branches had been shortened via internodal

KING TREE SERVICE
OF SOUTH FLORIDA
P.O. Box 210847
Royal Palm Beach, FL 33421-0847

pruning cuts. The leaf to wood mass ration is unbalanced and most of the growth on the large branches are watersprouts. These are all undesirable characteristics.

Might the tree live in decline for years, probably. Might we extend its life with science, quite possibly. Will it ever regain its integrity, never.

I agree with Mr. Haehle, it is not longer worthy of Historic and Specimen classification and it should be de-designated.

Eugenia at 340 Garden Road

This tree has had problems for a long time. I found one old cavity filled with concrete and two more filled with foam. This was a practice that was in favor at one time but was stopped due to scientific research about 25 years ago. It also has a major structural crack down the middle of the trunk from a branch union at one of the foam filled cavities down to within 2.5' of the ground. At grade there is a fist sized cavity in the trunk. The bark is peeling and there is tip dieback. The leaf to wood mass ration is low and it doesn't have the energy to even produce watersprouts. I met with the long-term caretaker of the tree, Mr. King. He has done his best over the years and is probably responsible for the tree still being alive today. If it was larger or if a target (building, sidewalk, car parking, etc.) was nearby I would deem this tree a hazard and recommend prompt removal. Its integrity is long gone and its death is imminent. I agree with Mr. Haehle that it needs to be de-designated from the Historic and Specimen tree list.

If you have any questions about any of the above or if I can be of further assistance please do not hesitate to call.

Sincerely,

Richard Maxwell

Richard Maxwell
ISA Certified Arborist SO-105

TOWN OF PALM BEACH

Office of the Town Manager

October 16, 2012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Giacomo Furnari
340 Garden Road
Palm Beach, FL 33480-3222

SUBJECT: Historic/Specimen Tree
Recommendation for De-Designation – Eugenia Species

Dear Mr. Furnari:

This is to inform you that the Eugenia Species tree located on your property at 340 Garden Road has been recommended for de-designation and removal from the historic and specimen tree list. This recommendation was made by the Town's horticultural consultant, Robert Haehle, on September 3, 2012 while he was doing the Town's annual inspection of historic and specimen trees. At that time Mr. Haehle noted that the tree was in poor condition and was no longer of specimen quality (please see attached report).

Per the Town's Code of Ordinance No. 126-57, the necessary resolution for de-designating the tree will be on the Town Council Agenda for the November 15, 2012 meeting which you are invited to attend to express your opinions or concerns pertaining to this action.

Should you have any questions, please do not hesitate to contact me at (561) 838-5410, or Brett Madison, Facilities Maintenance Division Manager, at (561) 838-5440, prior to the date of the meeting.

Sincerely,

Peter B. Elwell
Town Manager

PBE:mks
Attachment
cc: H. Paul Brazil, Director of Public Works
Eric B. Brown, Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Nancy Boyer, Office Manager
Heather Henry, Garden Club of Palm Beach

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411
E-mail: townmanager@townofpalmbeach.com • Website: www.townofpalmbeach.com

TOWN OF PALM BEACH

Public Works Department

November 29, 2012

Mr. Giacomo Furnari
340 Garden Road
Palm Beach, FL 33480-3222

SUBJECT: Historic/Specimen Tree
Recommendation for De-Designation – Eugenia Species

Dear Mr. Furnari:

This is to inform you that per the Town's Code of Ordinance No. 126-57, the necessary resolution for de-designating the tree will be on the Town Council Agenda for the December 11, 2012, meeting. We had previously notified you that it would be heard at the November 15, 2012, meeting, but this was deferred to the upcoming meeting. You are invited to attend to express your opinions or concerns regarding this action. Please note that removal of the tree should wait for Town Council approval of the proposed de-designation, unless it becomes a safety hazard in the interim.

Should you have any questions, please do not hesitate to contact Brett Madison, Facilities Maintenance Division Manager, at (561) 838-5440, prior to the date of the meeting.

Sincerely,

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

PBE:mks
Attachment
cc: Peter B. Elwell, Town Manager
Eric B. Brown, Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Nancy Boyer, Office Manager
Heather Henry, Garden Club of Palm Beach

TOWN OF PALM BEACH

Office of the Town Manager

October 16, 2012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. and Mrs. Leonard Sessa
1 Via Sunny
Palm Beach, FL 33480-4135

SUBJECT: Historic/Specimen Tree
Recommendation for De-Designation – Allspice Tree

Dear Mr. Sessa:

This is to inform you that the Allspice tree located on your property at 1 Via Sunny has been recommended for de-designation and removal from the historic and specimen tree list. This recommendation was made by the Town's horticultural consultant, Robert Haehle, on September 4, 2012 while he was doing the Town's annual inspection of historic and specimen trees. At that time Mr. Haehle noted that the tree was in poor condition and had declined to the point that he felt it was no longer of specimen quality (please see attached report).

Per the Town's Code of Ordinance No. 126-57, the necessary resolution for de-designating the tree will be on the Town Council Agenda for the November 15, 2012 meeting which you are invited to attend to express your opinions or concerns regarding this action. Please note that removal of the tree should wait for Town Council approval of the proposed de-designation, unless it becomes a safety hazard in the interim.

Should you have any questions, please do not hesitate to contact me at (561) 838-5410, or Brett Madison, Facilities Maintenance Division Manager, at (561) 838-5440, prior to the date of the meeting.

Sincerely,

Peter B. Elwell
Town Manager

PBE:mks
Attachment
cc: H. Paul Brazil, Director of Public Works
Eric B. Brown, Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Nancy Boyer, Office Manager
Heather Henry, Garden Club of Palm Beach

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TOWN OF PALM BEACH

Public Works Department

November 29, 2012

Mr. and Mrs. Leonard Sessa
1 Via Sunny
Palm Beach, FL 33480-4135

SUBJECT: Historic/Specimen Tree
Recommendation for De-Designation – Allspice Tree

Dear Mr. and Mrs. Sessa:

This is to inform you that per the Town's Code of Ordinance No. 126-57, the necessary resolution for de-designating the tree will be on the Town Council Agenda for the December 11, 2012, meeting. We had previously notified you that it would be heard at the November 15, 2012, meeting, but this was deferred to the upcoming meeting. You are invited to attend to express your opinions or concerns regarding this action. Please note that removal of the tree should wait for Town Council approval of the proposed de-designation, unless it becomes a safety hazard in the interim.

Should you have any questions, please do not hesitate to contact Brett Madison, Facilities Maintenance Division Manager, at (561) 838-5440, prior to the date of the meeting.

Sincerely,

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

HPB/nb

cc: Peter B. Elwell, Town Manager
Eric B. Brown, Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Nancy Boyer, Office Manager
Heather Henry, Garden Club of Palm Beach

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Board/Commission Annual Report

Agenda Title

Shore Protection Board Annual Report

Presenter

H. Paul Brazil, Director of Public Works

Supporting Documents

- Memorandum dated November 30, 2012, from Robert Weber, Coastal Coordinator, and E. Llwyd Ecclestone, Shore Protection Board Chairperson

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: Robert Weber, Coastal Coordinator
E. Llwyd Ecclestone, Shore Protection Board Chairperson

RE: Shore Protection Board Annual Report

DATE: November 30, 2012

The Shore Protection Board (SPB) is comprised of seven (7) members appointed by the Town Council for three-year terms. A chairperson and vice-chairperson are selected by the members. The 2012 SPB membership was as follows:

2012 Shore Protection Board Member	Position	First Term Appointment	Current Term Appointment	Current Term Expires	Term Currently Serving
E. Llwyd Ecclestone	Chairperson	12/2008	12/2011	12/2014	2
Bobbie Lindsay-Buck*	Vice-chairperson	12/2008	12/2011	12/2014	2
Kane Baker	Regular Member	12/2009	12/2009	12/2012	1
J. Patterson Cooper	Regular Member	12/2009	12/2009	12/2012	1
Gerald Frank	Regular Member	12/2008	12/2010	12/2013	2
Lee David Goldstein	Regular Member	12/2008	12/2010	12/2013	2
Lewis Katz	Regular Member	12/2008	12/2011	12/2014	2

* SPB Member Bobbie Lindsay-Buck resigned from the board on September 12, 2012, due to her appointment to the Planning & Zoning Commission by Town Council on September 11, 2012.

The Board is required to meet a minimum of four (4) times per year. The Board met five (5) times in the 2012 calendar year.

2012 Shore Protection Board Member	Meetings Attended	Absences	January 26	February 23	March 22	April 26	October 25
E. Llwyd Ecclestone	5	0	A	A	A	A	A
Bobbie Lindsay-Buck	4	0	A	A	A	A	*
Kane Baker	5	0	A	A	A	A	A
J. Patterson Cooper	5	0	A	A	A	A	A
Gerald Frank	5	0	A	A	A	A	A
Lee David Goldstein	5	0	A	A	A	A	A
Lewis Katz	4	1	A	A	A	E	A

A = Attended; E = Excused Absence; U = Unexcused Absence

CURRENT SHORELINE CONDITION

Up until the shoreline influences from Hurricane Sandy, the beaches had again performed well during the past year. Hurricane Sandy caused significant erosion of the dry beach and dunes in all reaches. Within sand placement areas, no roadways, single-family homes, or multi-unit buildings are threatened as a result of the erosion from Hurricane Sandy. Maintaining this level of protection for future storms will require continued implementation of coastal projects for storm protection and erosion control. Under an emergency order issued by the FDEP, private property owners are undertaking efforts to protect their properties. Town staff has assisted with regulatory approvals for this privately funded work. Town staff also has organized both contractors and consultants to perform emergency dune restoration work should Town Council determine shoreline conditions warrant such activity.

2012 COASTAL PROTECTION PROJECTS

No Coastal Management Plan projects were scheduled or constructed this calendar year. Monitoring work continued, as required by State and/or Federal permits and previously approved by Town Council. This report highlights the projects from within the SPB's revised plan in which continued studies either have been or are to be completed, and the State and Federal regulatory evaluations that are being considered.

The upcoming January 2013 Palm Beach Harbor Inlet Maintenance Dredging project, sponsored by the U.S. Army Corps of Engineers, will place approximately 280,000 cubic yards of sand on the beaches of Reach1 and northern portion of Reach 2 (between the Lake Worth Inlet south jetty and Angler Avenue). Sand placed from this effort will offset sand losses to this area which have resulted from the inoperable Sand Transfer Plant following Hurricane Sandy.

2012 STUDIES

Comprehensive Review of SPB's Long-Term Coastal Management Program. On April 10, 2012, following receipt of the SPB's recommended FY 2013 Coastal Management Program proposed budget, Town Council awarded a contract to Woods Hole Group (WHG), from East Falmouth, Massachusetts, to independently, objectively, and comprehensively review the SPB's Long-Term Coastal Management Program. WHG began by reviewing dozens of engineering and monitoring reports from between 1998 and 2012. WHG is currently in the process of interviewing Town Council members, SPB members, Town staff, State and Federal regulatory staff, various consultants, and other stakeholders. A public workshop has been scheduled for December 10,

2012, in Town Council Chambers, to receive public comment as part of the comprehensive review. A final report, including explicit recommendations for the future of the Town's Coastal Management Program, is to be submitted by WHG in January 2013.

Coastal Structures Plan. Final report received from Coastal Planning & Engineering, Inc., a Shaw Group Company, on September 18, 2012. The review included a groin performance evaluation, storm protection vs. recreational benefits, the value and costs of maintaining, modifying or improving groins, most effective groin locations, and potential safety issues. Results of the review include a recommendation for the Town to pursue groin rehabilitation as a capital improvement program.

Phipps Ocean Park/Reach 7 Shore Protection Alternatives. Final report received from Humiston & Moore Engineers on October 3, 2012. Results of the review have identified two recommendations. The first recommendation is to utilize sand as close to 0.25mm mean grain size as possible. Modeling results indicate that truck-hauling sand for the sole purpose of having a larger grain size (0.45mm, rather than 0.25mm) does not appreciably increase project stability. Rather, the larger grain size steepens the beach profile, allowing larger wave influences on the shoreline, which can reduce project longevity. The second recommendation is to construct a revised fill-only beach nourishment project (with a large volume of sand placed at the north end, Phipps Ocean Park) and continue monitoring to evaluate both the project performance and the need for future application of erosion control structures.

STATE AND FEDERAL REGULATORY PARTICIPATION

Palm Beach Island (PBI) Beach Management Agreement (BMA) Pilot Project. The Florida Department of Environmental Protection (FDEP) is working with its advisory agencies, Federal regulatory agencies, Palm Beach County, local governments, and local stakeholders, to develop a comprehensive agreement for addressing coastal management between Lake Worth Inlet (Palm Beach Inlet) and South Lake Worth Inlet (Boynton Inlet). The following five (5) SPB recommended projects are expected to be included in the BMA:

- Sand Transfer Plant Phase II Pipeline Extension
- Townwide Groin Rehabilitation Program
- Modified Mid-Town Renourishment Project (with inclusion of one additional groin)
- Expanded Phipps Ocean Park/Reach 7 Renourishment Project, including beach nourishment south to R. G. Kreusler Park, dune restoration north of Phipps Ocean Park to Sloan's Curve, and dune restoration south of the Lake Worth Pier to the southern Town limits (no structures)
- Townwide Dune Restoration, including pre-approved emergency activities

To date, five (5) stakeholder public meetings have been held. A draft agreement is being developed by FDEP staff. The next BMA stakeholder meeting is scheduled for December 6, 2012. The current schedule is to have the BMA finalized and executed in early 2013.

SPB recommended projects that are not listed above, such as Lake Worth Inlet Maintenance Dredging Placement Extension Area, Reach 8 Beach Restoration (South of the Lake Worth Pier), Palm Beach County's Central PBC Comprehensive Erosion Control Project, and others, will require additional regulatory review, a mitigation component, and/or completion of a Federal-mandated Environmental Impact Statement. These projects will be addressed in WHG's peer review of the Town's coastal management program and may continue to be pursued by the Town and other local sponsors either outside of the current BMA or as an amendment to the BMA.

Potential U.S. Army Corps of Engineers (USACE) Palm Beach Island General Permit. While the Federal regulatory agencies have stated limitations for their level of participation in the BMA, USACE staff has committed to working together with the FDEP and BMA participants to develop a regional general permit to satisfy the Federal government's regulatory review requirements for the BMA's sand placement projects. USACE staff intends to issue a public notice by the end of the 2012 calendar year.

RW

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

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Update Regarding Hurricane Sandy Impacts.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated December 4, 2012, from H. Paul Brazil, P.E., Director of Public Works

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: H. Paul Brazil, Director of Public Works

Re: Response to Hurricane Sandy

Date: December 4, 2012

STAFF RECOMMENDATION

Town staff does not recommend authorizing a dune construction project at this time.

GENERAL INFORMATION

Shoreline Condition

Typical for this time of year, seas have periodically been rough due to passing and stalled cold fronts and nor'easter weather patterns. These weather events have limited the beaches' natural recovery from Hurricane Sandy. Sand deposited by Sandy in the nearshore sandbars has migrated back to the shore in some locations, but seasonally large waves have continued to scour sand from the dry beach and dunes in other locations.

Due to the rough weather conditions, offshore and onshore post-storm surveying has been delayed. Once the weather allows, the consultant will collect the field data. We are first-in-line for this surveying once the waves allow the work to proceed. Actual changes to the Town's sediment budget will be determined following data collection.

FEMA Update

On November 29, 2012, the State of Florida was notified by FEMA that the request for post-Sandy Federal assistance was denied. It is uncertain whether or not the State will file an appeal. The Town and Palm Beach County have provided additional information in support of an appeal.

Sand Transfer Plant

Kimley-Horn & Associates is currently completing a damage assessment with a preliminary cost estimate for repairs to the Sand Transfer Plant. The effort is not complete, but preliminary findings indicate that the damage inside the plant is not as substantial as originally thought. The work may be limited to rebuilding/replacing a small pump and some relatively minor electrical work. However, the work outside the plant may be more involved than originally thought. The electric and water conduits were severely damaged during the storm and they will need to be replaced and secured to the jetty in a

more substantial manner. It may be necessary to modify the electrical service at the transformer. Our consultant is working with Florida Power and Light to develop plans and a cost estimate for this work. The timeline for this effort is not known at this time. We will work to complete this effort as soon as possible. Staff will update the Town Council at the January 2013 Town Council meeting.

As a part of the Lake Worth Inlet maintenance dredging project, the U.S. Army Corps of Engineers is scheduled to begin excavation of an expanded settling basin immediately east of the Sand Transfer Plant in January 2013. This material, as well as dredge material from within the inlet channel, will be placed on the dry beach or in shallow water in Reaches 1 and 2. This sand placement effort will mitigate for the recent sand losses in this area attributable to Sandy and subsequent nor'easter activities, and will minimize any negative impact of the plant being offline for repairs. Sand is currently collecting near the Sand Transfer Plant and has filled the beach landward of the plant. There are no sand losses attributable to the inoperable Sand Transfer Plant, just a delay in moving the sand across the inlet. If conditions continue, an ample amount of sand will be available at the plant for bypassing once it is operational again.

Dune Restoration

On October 31, 2012, the Florida Department of Environmental Protection issued an Emergency Final Order (EFO) for ten (10) counties on the east coast of Florida, which includes Palm Beach County. The emergency order will expire on December 28, 2012. This allows local governments to pursue appropriate measures in response to the storm. One activity that is allowed to be performed by local governments is dune restoration. In other areas of Palm Beach County (PBC), such as Coral Cove and Lantana, PBC Environmental Resources Management is moving forward with post-storm dune restoration.

Typical post-storm FEMA endorsed dune restoration projects are constructed with a density of 5 to 10 cubic yards per linear foot of beach. Considering the entire engineered beach sections in Town (Wells Road to Breakers, Clarke Avenue to El Vedado, Sloan's Curve to Kreusler Park, and the Bellaria condominium to the south Town limits) the linear distance is 27,800 feet. Using 5 cubic yards/linear foot, we estimate the placement of approximately 139,000 cubic yards of truck hauled sand. The estimated cost of placing 139,000 cubic yards would be approximately $5.562 million.

Staff has taken some preliminary steps to position the Town to respond quickly if necessary. Public Works and Purchasing staff have met with the contractor that successfully completed the 2010/2011 truck haul project and confirmed that they will honor the previously bid unit rates. Sand is available from the same source used for the past project. It would be necessary for the Town Council to waive our purchasing requirements to hire this contractor on an emergency basis.

Staff does not recommend moving forward with a dune project at this time, especially at 100% Town cost. Additionally, the extent of natural recovery is not yet known. No structures within the project areas are in imminent danger. We have the opportunity to pursue a dune project in the future with or without the emergency order. If shoreline conditions worsen and it becomes necessary to complete a project on an emergency basis, a special Town Council meeting can be called and Town purchasing policies can be waived to expedite the project.

FUNDING/FISCAL IMPACT

The cost of a dune construction project, including both contingency and construction management consulting services, is anticipated to be on the order of $6 million.

PURCHASING REVIEW

The Purchasing Division has determined that the results from the competitive bid process for the project in 2010/2011 could be used for an emergency dune restoration project.

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

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 170-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Letter Agreement Proposal with Kimley-Horn & Associates Inc. in the Amount of $34,650 for Professional Engineering Services Associated with the Evaluation of Parking Supply in the South County Road Commercial Corridor in Palm Beach and Providing Additional Funding of $4,200 for Staff Incidental Expenditures to Provide Additions to Parking Inventory; and Authorizing the Town Manager to Execute the Letter Agreement on Behalf of the Town to Effectuate Said Services.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- Memorandum dated November 30, 2012, from Thomas G. Bradford, Deputy Town Manager
- Exhibit A - PD Parking Lot Modification
- Exhibit B - Brazilian Ave 100 Diagonal Parking
- Exhibit C - Brazilian Ave 200 Blk Diagonal Parking
- Resolution No. 170-2012
- Attachment A - Kimley-Horn and Associates, Inc., Letter Agreement

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: South County Road Commercial Corridor Parking Inventory Report
Resolution No. 170-2012

Date: November 30, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council receive this report, ask any questions, provide direction as deemed appropriate and adopt Resolution No. 170-2012 approving a Letter Agreement for Parking Evaluation Services with Kimley-Horn and Associates in the amount of $34,649.41 and authorizing expenditure of up to $4,200 for signage, painting and striping for those parking changes the Town can make unilaterally for a total General Fund Contingency funding request of $38,849.41($38,850). Due to the number of recommendations contained within this report, staff recommendations are not separately listed here. Each recommendation will be reviewed during the presentation.

GENERAL INFORMATION

At the Town Council meeting on August 14, the Town Council approved a request by Patti Sans on behalf of the Greater South County Road Association for staff to review the South County Road commercial corridor parking inventory to determine if there was opportunity for inventory to be increased to enhance the commercial viability of the corridor. We have been meeting with Patti Sans since that time and this document constitutes the report of our findings. The staff members involved in the study in addition to me were:

- Paul Brazil, Director of Public Works
- Eric Brown, Assistant Director of Public Works
- Rick Howe, Major, Police Department
- Raychel Houston, Code Enforcement and Parking Manager

For purposes of this study, the South County Road Commercial Corridor is defined as that area along South County Road from Sea Spray Avenue on the north to Peruvian Avenue on the south and all intersecting side streets to the extent of any commercial uses east/west along the intersecting side street. Various estimates put the value of short term on-street parking spaces at anywhere from $40 to $400 a day in sales to retail businesses on the same block as those spaces; Downtown Research and Development Centre @ $150-$300 (national average); National Main

Street Program @ $40 (Downtown Valdosta, Ga.); Aspinwall COC @ $400; Dr. Lee Koppelman, LI Regional Planning Board @ $400 (Long Island, NY); John D. Edwards, PE @ $100. [1] There are currently 228 on street parking spaces in the study area. If the dollar figures above are accurate and the South County Road Commercial Corridor study area is in line with just the national average, every additional on street parking space added to the study area has the potential of providing between $46,950 to $93,900 annually in retail sales to businesses on the same block as the parking spaces and open at least six (6) days per week. On street parking inventory is an important variable relative to the economic vitality to any commercial district.

Many of our findings and recommendations resulting from our work effort are subject to traffic engineering analysis and in some cases may require FDOT approval. Layman estimates of potential additional spaces can easily be reduced or negated completely when engineering requirements are taken into account. We are recommending that funding be provided to enable us to have a traffic engineer analyze our recommendations, provide graphic depictions of the changes and cost estimate each in the event the Town Council only wishes to pursue some recommended parking changes. The funding required for traffic engineering is enumerated at the end of this section.

The findings of our work group appear below in no order of priority. The findings are further divided into three categories based on cost. Category 1 costs no additional money. Category 2 requires no, or little, traffic engineering analysis. Category 3 items should not be done until complete traffic engineering analysis is completed and therefore costs the most to accomplish.

Category 1 – no additional cost

1) **Realignment of South County Road** – There appears to be a sufficient amount of existing pavement on South County Road from Brazilian Avenue to Chilean Avenue to keep 4 lanes of traffic, two north bound and two south bound, and add parallel parking thereby increasing the on-street parking inventory. <u>This traffic engineering analysis need not be done as part of this study</u>. It is recommended that the Town Council request the Centennial Commission to look at this option in their conceptual planning for the Town Hall Square to avoid duplication of effort. Funds were previously provided to review parking and traffic engineering in the Legacy Project portion (Town Hall Square) of the South County Road Commercial Corridor. This item may have the potential to create the greatest increase in on street parking inventory.

Category 2 – minor additional cost ($4,200)

2) **Reduce Public Safety department parking on the 100 block of Australian Avenue** – This proposal calls for the reconfiguration of the Police Department parking lot to provide for additional parking spaces to reduce Public Safety personnel parking on both sides of the street on the west end of the 100 block of Australian Avenue. See Exhibit A. This base drawing was prepared as part of the Town of Palm Beach Traffic and Parking Improvement Plan, December 2006, but was not implemented at that time. This item requires minimal traffic engineering to determine if traffic radius requirements upon exit of the underground garage are maintained if the parking lot is reconfigured as shown.

[1] Mark Rimmer, Realistic Transportation Alternatives, Inc. - April 11, 2006

3) **100 Block of Chilean Avenue, west end**- Add three (3) parking spaces in front of 151 Chilean Avenue.

4) **After opening of new restaurant at 375 South County Road and filing of anticipated Valet Parking Permit application at same location,** modify signage to allow 1 hour parking from Midnight to 11:30 AM.

5) **At NW corner of Peruvian Avenue and South County Road intersection,** add a kiosk parking sign for driver clarity.

6) **Phipps Plaza:** Research residential permit parking (RPP) in the area to determine if the Town can provide for placard permit parking and/or more hourly parking while meeting RPP demand. I have already gathered the required data. The traffic engineering review should be minimal.

Category 3 – higher cost. Requires traffic engineering review (up to $34,650)

If the Town Council prefers to pursue these options a la carte it is recommended you inform staff of the options you wish to pursue and staff will bring back a revised proposal and enabling resolution next month to do only the desired scope of work.

7) **Extend parallel parking along the south side of 311 South County Road**. Alternatively, convert west end of 100 block of Brazilian Avenue to diagonal parking. See Exhibit B. This base drawing was prepared as part of the Town of Palm Beach Traffic and Parking Improvement Plan, December 2006, but was not implemented at that time.
8) **Extend parallel parking along the south side of 310 South County Road**. Alternatively, convert east end of 200 block of Brazilian Avenue to diagonal parking. See Exhibit C. This base drawing was prepared as part of the Town of Palm Beach Traffic and Parking Improvement Plan, December 2006, but was not implemented at that time.
9) **100 Block of Chilean Avenue, west end**- Study ability to convert all parking adjacent to Palm Beach Historic Inn to diagonal parking with commercial loading zone relocated to west side of Palm Beach Historic Inn.
10) **200 Block of Chilean Avenue, east end**- Consider adding one (1) space adjacent to 376 South County Road (Church Mouse).
11) **Consider adding parking spaces adjacent to 340 South County Road –** Alteration of the driveway at NE corner (Gray's Sunoco) could allow up to two additional parking spaces. Add a parking space adjacent to the existing newspaper rack currently marked with a yellow curb. Consider consolidating the newsstand at this location with the one adjacent to Preservation Park one block away. Alternatively, consider relocating the commercial loading zone at SW corner of Australian Avenue and South County Road to the on-street location adjacent to the newsrack.
12) **Consider adding 1 parking space at 359 South County Road and 1 parking space at 365 South County Road-** Analyze in conjunction with item 9 above.
13) **400 South County Road –** Peruvian Park on Peruvian Avenue, consider eliminating or reducing commercial loading time and converting to parking with signage.
14) **180 Royal Palm Way** – Consider adding up to two spaces in front of Sabadell Bank and add to kiosk inventory.
15) **239 South County Road** – Along Seaview Avenue frontage at this location (First National Bank, now Wells Fargo), consider adding one space.

16) **SW corner of Intersection of South County Road and Seaview Avenue** – There are 7 parking spaces adjacent to commercial property that are unregulated providing no turnover and one commercial loading zone. Consider converting these parking spaces to 1 or 2 hour parking. Eliminating the commercial loading zone may add up to 2 parking spaces.

FUNDING/FISCAL IMPACT

The Kimley-Horn proposal to review the parking options for viability with Town and FDOT requirements, graphically depict the proposals and to cost estimate all proposals except those having a minor cost is $34,650. The cost of the items the Town can implement immediately is $4,200. Staff recommends that the Town Council approve this proposal and fund the same from a FY 2013 General Fund Contingency allocation in the amount of $38,850. The FY 2013 General Fund Contingency was funded at $843,000.

PURCHASING REVIEW

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

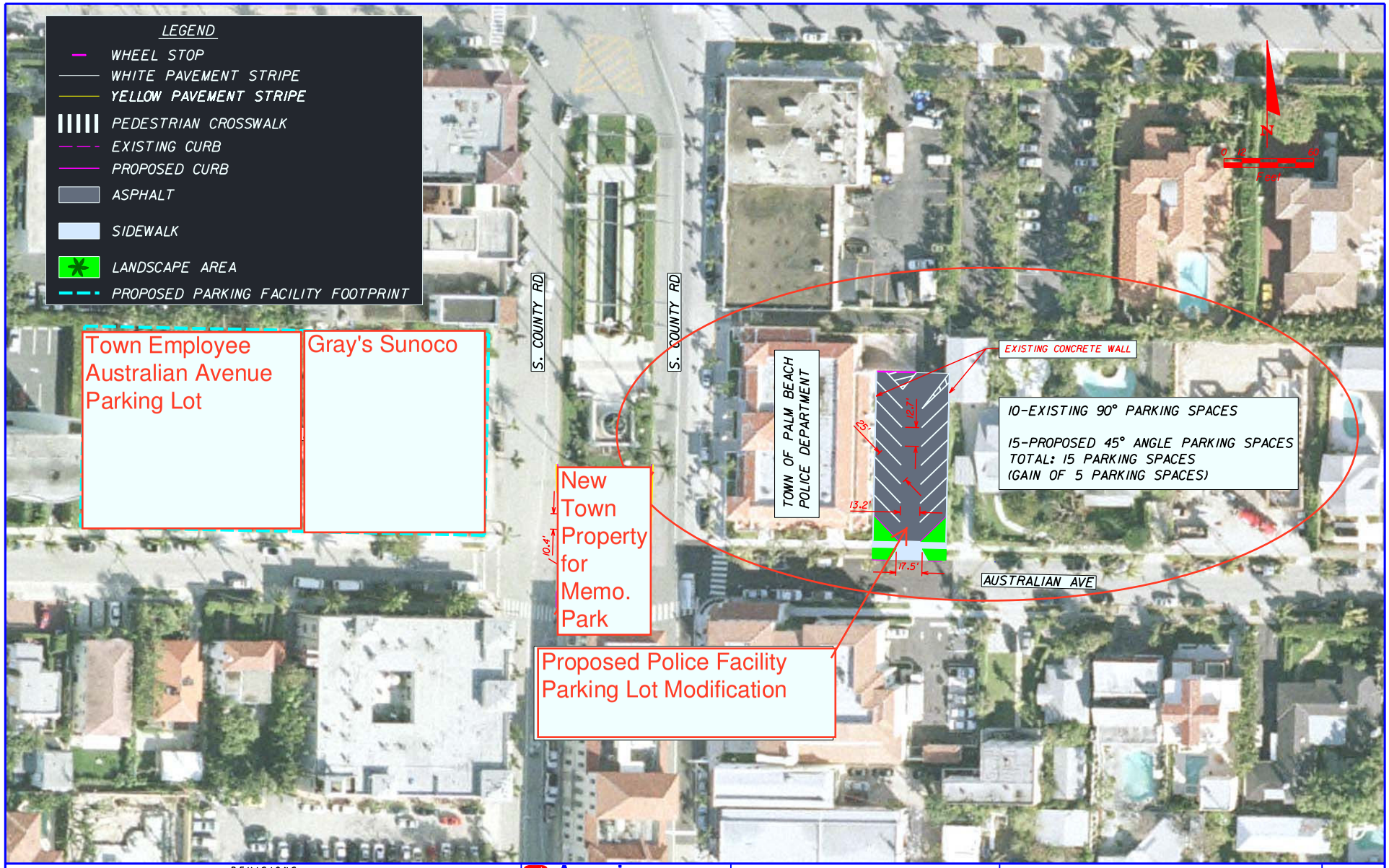
TOWN ATTORNEY REVIEW

Resolution No. 170-2012 has been approved for legal form and sufficiency by the Town Attorney.

Attachments
cc: H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Eric Brown, Assistant Director of Public Works
Rick Howe, Major, Police Department
Raychel Houston, Code Enforcement and Parking Manager
Lynda Cummings, Purchasing Agent
Patti Sans, Greater South County Road Association

N: TGB\Agenda Items\2012\ South County Road Commercial Corridor Parking Inventory Report 121112 TCM

EXHIBIT A



REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
		FIGURE 13			

American Consulting Engineers of Florida, LLC
2000 Palm Beach Lakes Blvd., Suite 1000
West Palm Beach, Florida 33409
Phone: (561) 253-9550 Fax: (561) 253-9551
Certificate of Authorization No. 7110

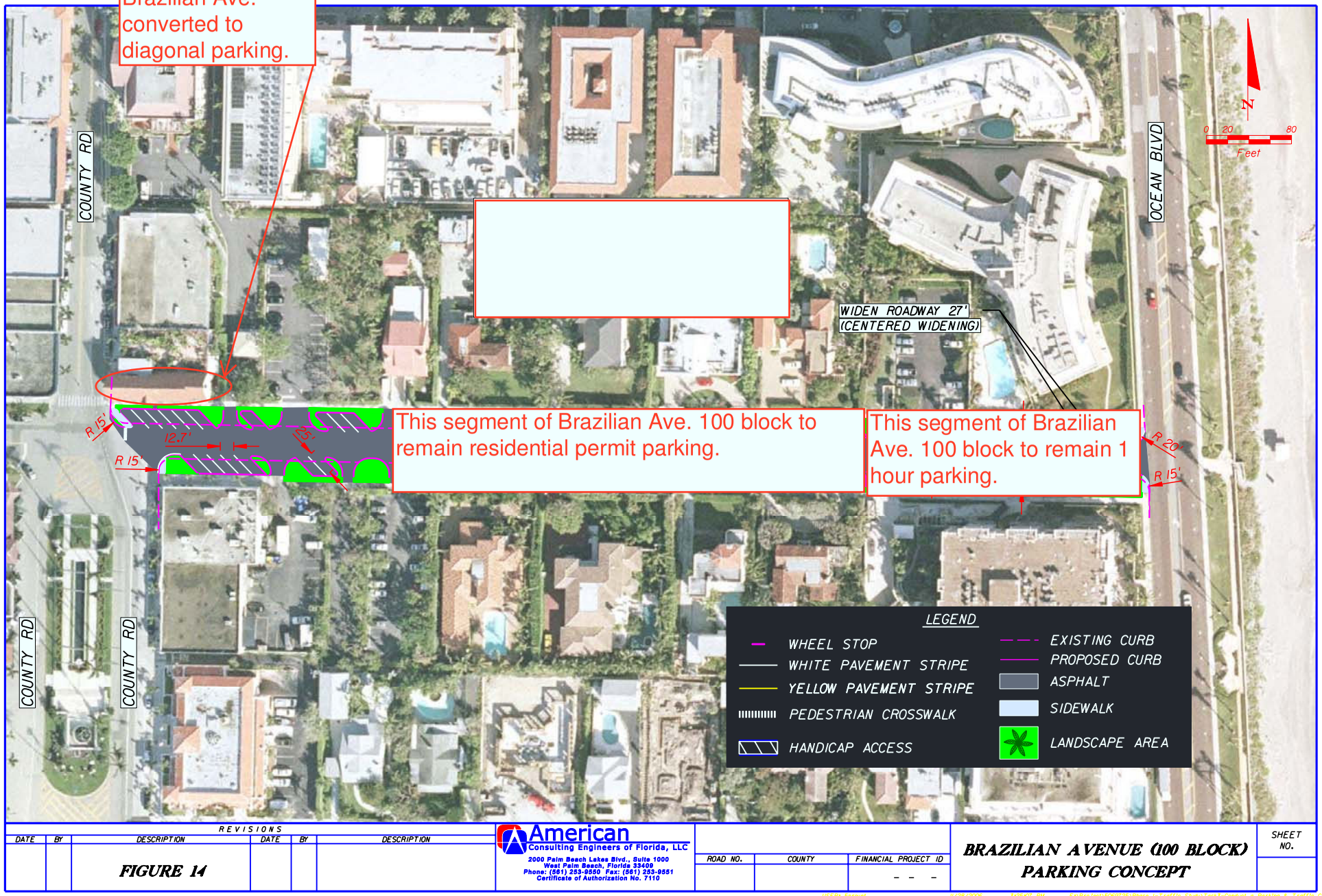
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
		- - -

AUSTRALIAN AVENUE (100 & 200 BLOCK) PARKING CONCEPT

SHEET NO.

USER: Sprovet 11/28/2006 3:17:41 PM F:\Project\5069725\Phase 1-Traffic Study\Task3-Conduct a Parking & Traffic Conflict Field

EXHIBIT B



REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
		FIGURE 14			

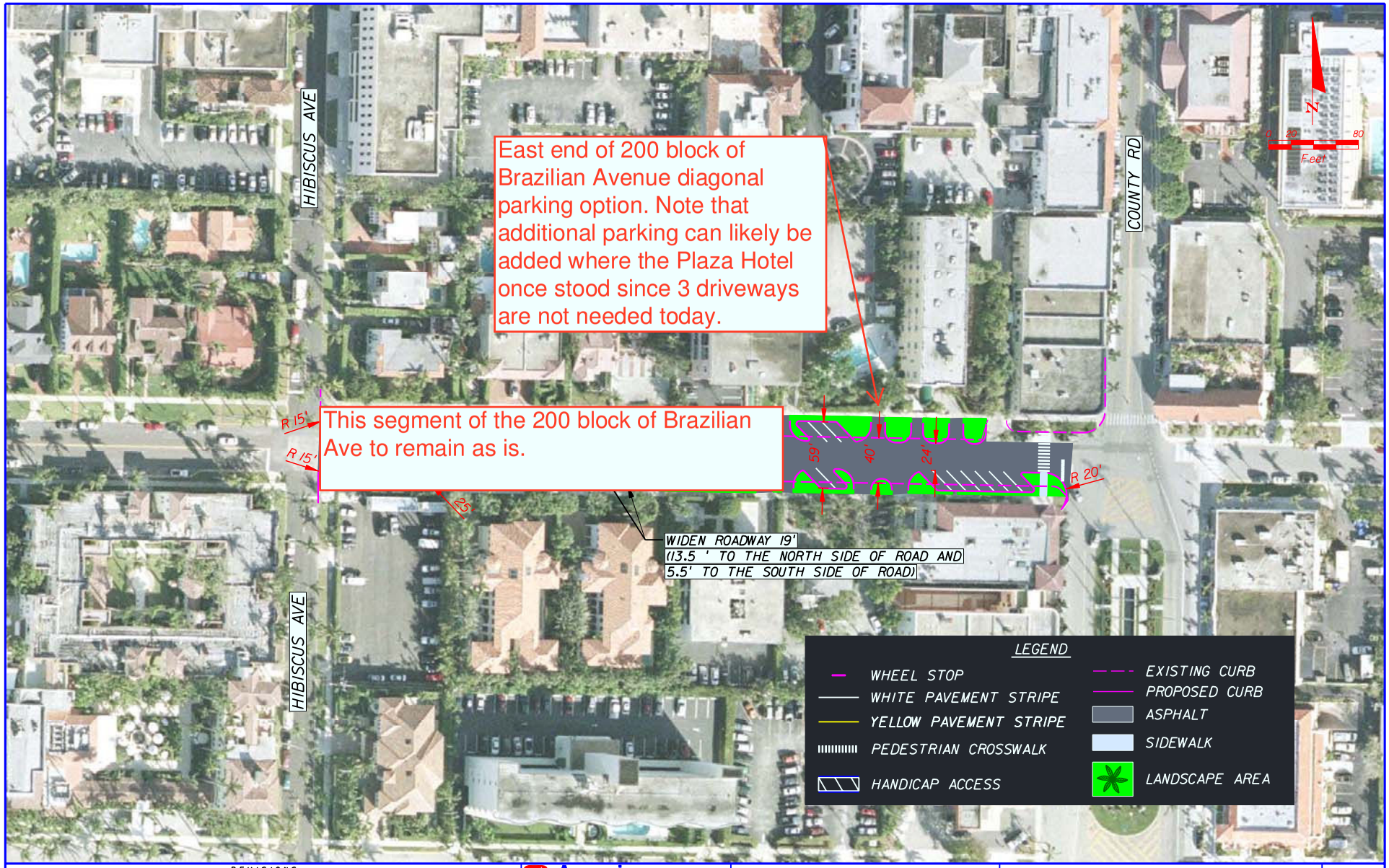
American Consulting Engineers of Florida, LLC
2000 Palm Beach Lakes Blvd., Suite 1000
West Palm Beach, Florida 33409
Phone: (561) 253-9550 Fax: (561) 253-9551
Certificate of Authorization No. 7110

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
		- - -

BRAZILIAN AVENUE (100 BLOCK) PARKING CONCEPT

SHEET NO.

USER: bprowel 11/28/2006 3:25:07 PM F:\Project\50697.25-Phase 1-Traffic Study\Task3-Conduct a Parking & Traffic Conflict Field



REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

FIGURE 15

American Consulting Engineers of Florida, LLC
2000 Palm Beach Lakes Blvd., Suite 1000
West Palm Beach, Florida 33409
Phone: (561) 253-9550 Fax: (561) 253-9551
Certificate of Authorization No. 7110

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
		- - -

BRAZILIAN AVENUE (200 BLOCK) PARKING CONCEPT

SHEET NO.

USER: tprovel 11/28/2006 3:32:01 PM F:\Project\50697.25-Phase 1-Traffic Study\Task3-Conduct a Parking & Traffic Conflict Field

RESOLUTION NO. 170-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A LETTER AGREEMENT PROPOSAL WITH KIMLEY-HORN & ASSOCIATES INC. IN THE AMOUNT OF $34,650 FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE EVALUATION OF PARKING SUPPLY IN THE SOUTH COUNTY ROAD COMMERCIAL CORRIDOR IN PALM BEACH AND PROVIDING ADDITIONAL FUNDING OF $4,200 FOR STAFF INCIDENTAL EXPENDITURES TO PROVIDE ADDITIONS TO PARKING INVENTORY; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE LETTER AGREEMENT ON BEHALF OF THE TOWN TO EFFECTUATE SAID SERVICES.

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

Section 1. The Kimley-Horn and Associates, Inc. Letter Agreement for, attached hereto as Attachment A, in the amount of $34,650, is hereby approved.

Section 2. A staff funding request not to exceed $4,200 is hereby approved to provide for incidental expenditures to provide additions to parking inventory.

Section 3. Funding as enumerated in Section 1 and Section 2 herein shall come from the Fiscal Year 2013 General Fund Contingency Account.

Section 4.The Town Manager is hereby authorized to execute the Letter Agreement on behalf of the Town of Palm Beach for provision of said services with Kimley-Horn and Associates, Inc.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 11th day of December, 2012.

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

Kimley-Horn
and Associates, Inc.

Suite 200
1920 Wekiva Way
West Palm Beach, Florida
33411
TEL 561 845 0665

November 14, 2012
Revised November 19, 2012

Thomas G. Bradford
Deputy Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, Florida 33480

Re: Letter Agreement for Parking Evaluation Services
Town of Palm Beach, Florida

Dear Mr. Bradford:

Kimley-Horn and Associates, Inc. ("KHA") is pleased to submit this letter agreement (the "Agreement") to the Town of Palm Beach ("the Client" or "You") for providing professional engineering services associated with the evaluation of public and on-site parking supply in the midtown portion of the Town of Palm Beach, Florida.

PROJECT UNDERSTANDING

It is our understanding that the Town is seeking additional public parking supply in the midtown area of the Town. The Town has met with business owners and representatives and has identified several locations that could be re-striped to provide additional parking. The Town is requesting KHA to review the viability of the parking proposal.

SCOPE OF SERVICES

Task 1 – Parking Plan Preparation

The Town of Palm Beach has developed a list of locations where on-street parking may be added or reconfigured (see Attachment). KHA will review the Town's proposal to determine which locations will support additional parking. As part of this task, KHA will perform up to three site visits. Spot field measurements may be made during the site visits. The proposed parking layouts will be compared with the Town's published sight triangles and engineering standards, as well as Florida Department of Transportation requirements, as necessary.

KHA will observe select loading zones in the midtown area from 8:00 AM to 6:00 PM during one weekday in the peak season. The purpose of the observations is to determine the amount of time throughout the day during which the loading zones are occupied.

TEL 561 845 0665
FAX 561 863 8175

KHA will develop graphics based on scaled high-resolution aerial graphics. These graphics will illustrate the conceptual parking plan.

A summary report will be provided, including graphics showing the recommended parking locations and recommendations for conversion of loading zones to parking spaces, relocation of loading zones, and/or addition of the restricted parking and loading areas.

For the recommendations that include improvements other than striping and/or signage, KHA will prepare an Opinion of Probable Cost for the modifications.

Task 2 – Review of Urban Parking Requirements

It is our understanding that the work group assembled to review possible South County Road Commercial Corridor parking inventory enhancements is concerned that the Town's parking code has a suburban orientation, while the study area is an urban commercial district, which can result in an overstated parking deficit when comparing the Code to the actual off-street parking in existence. KHA will perform a review of off-street parking requirements for other developed downtown areas with a similar mix of uses. KHA will also review published literature regarding the topic of off-street parking in urban downtown areas. KHA will prepare a summary memorandum of our findings, including recommendations for parking requirements for the known mix of uses in the study area to compare to inventory of actual parking spaces recently inventoried by the work group.

Task 3 – Meetings

KHA will be available to attend up to five (5) meetings regarding the project at your request.

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 and will be performed hourly rates per our contract with the Town, as we agree prior to their performance. Additional services we can provide include but are not limited to the following:

1. response to comments beyond those included above
2. design, bid and construction phase services
3. construction administration
4. topographic survey
5. coordination with other agencies, including but not limited to Palm Beach County Traffic Engineering
6. additional traffic engineering analyses
7. planning and zoning assistance
8. permitting and regulatory assistance
9. forensic (expert witness) services
10. landscape architecture services

11. attendance at meetings and/or public hearings beyond those described above

SCHEDULE

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

FEE AND BILLING

KHA will perform the services described in this Scope of Services for the above tasks on an hourly basis in accordance with our Contract with the Town. We recommend that the following budgets be established for the project:

- Task 1 - $21,370
- Task 2 - $6,950
- Task 3 - $6,330

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 February 9, 2009, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or “CLIENT” shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fees described above.

We appreciate the opportunity to propose these services to you.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Kevin Schanen, P.E.
Associate

Adam B. Kerr, P.E.
Project Manager

ABK/
Attachment

K:\WPB_TPTO\85294\ABK\2012\111312 Palm Beach Parking.doc

ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	Midtown Parking									SHEET 1 of 1		
CLIENT:	Town of Palm Beach									FILE NO.		
ESTIMATOR:	Adam Kerr									DATE: 11/14/12		
										ALLOCA 0.0810		
DESCRIPTION:		DIRECT LABOR (MAN-HOURS)										
		P8 PM (SJO)	P7 PM (KMS)	P5 Engineer (ABK)	P2 Analyst (DC)	D8 Designer (AB)	T7 Inspector (RC)	CLERK (DC)	SUB	COMP	EXP	LINE TOTAL
Task 1 - Parking Plan Preparation												
- Initial visit				5.0								$686
- Loading zone observations					12.0							$1,057
- Develop base map				4.0	9.0							$1,342
- Initial review of parking proposals			2.0	3.0								$770
- Review of sight triangle criteria		3.0		3.0								$1,141
- Develop initial parking plan graphics			2.0	18.0	30.0			1.0				$5,554
- Second field review				4.0								$549
- Prepare draft summary		2.0	8.0	20.0	8.0			6.0				$5,868
- Final field review				4.0								$549
-Respond to Town comments of draft				4.0	4.0			4.0				$1,234
- Opinion of Probable Costs			4.0	10.0	6.0							$2,618
Task 2 - Review of Urban Parking Requirements												
- Cursory review of Town parking code / data collection provided by Town		1.0	1.0	6.0	4.0			1.0				$1,681
- Review of other parking codes		2.0		6.0	6.0			1.0				$1,921
- Review of literature		2.0		4.0	4.0							$1,388
- Prepare summary report			1.0	8.0	4.0			4.0				$1,962
Meetings												
- 5 Meetings			20.0	20.0								$6,330
TOTAL HOURS		**10**	**38**	**119**	**87**	**0**	**0**	**17**	**0**	**0**	**0**	**271**
LABOR ($/HOUR)		**225.00**	**165.87**	**126.93**	**81.48**	**105.27**	**95.19**	**76.86**	**1.00**	**0.00**	**1.0**	
ALLOCATION		**182.25**	**510.55**	**1,223.48**	**574.19**	**0.00**	**0.00**	**105.84**	**0.00**	**0.00**	**0.00**	
TOTALS		**2,432.25**	**6,813.61**	**16,328.15**	**7,662.95**	**0.00**	**0.00**	**1,412.46**	**0.00**	**0.00**	**0.00**	**$34,649.41**

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Regular Agenda - New Business

Agenda Title

Proposed Pay Range Increase and Anniversary Date Pay Raises for Fire-Rescue Lieutenants and Assistant Fire Marshal.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated December 6, 2012, from Peter B. Elwell, Town Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Increasing Pay Ranges for Fire Rescue Lieutenants and the Assistant Fire Marshal and Resuming Anniversary Date Step Increases

Date: December 6, 2012

STAFF RECOMMENDATION

I recommend Town Council authorize staff to increase the top of the pay ranges for Fire Rescue Lieutenant and Assistant Fire Marshal by 3% and to resume awarding step pay increases to Fire Rescue Lieutenants and the Assistant Fire Marshal on their anniversary dates. I further recommend that the effective date of these actions be November 1, 2012.

GENERAL INFORMATION

During review and adoption of the FY13 budget, Town Council authorized a 3% increase to the pay ranges for all non-union positions.

On September 11, 2012, the Police Officers and Sergeants voted to decertify the Fraternal Order of Police as their collective bargaining agent. On September 27, 2012, the results of that election were made official by a vote of the Town's Mini-PERC. On October 9, 2012, the Town Council approved extending the 3% pay range increase to include Police Officers and Sergeants, since their status had changed to non-union positions.

On September 17, 2012, a Petition to Revoke Certification was filed, requesting decertification of the International Association of Firefighters (IAFF) as the collective bargaining agent for the Town's Fire Rescue Lieutenants and Assistant Fire Marshal. On October 25, 2012, the IAFF filed a Motion to Disclaim Interest, allowing the decertification to proceed without an election. On November 1, 2012, the Town's Mini-PERC issued an Order Granting Motion to Disclaim Interest and Decertifying Bargaining Agent.

Therefore, effective November 1, 2012, it is appropriate for the Fire Rescue Lieutenants and Assistant Fire Marshal to receive a 3% increase to the top of their pay range and a performance based pay increase on the anniversary of their promotion to their current position. In the case of the Fire Rescue Lieutenants and Assistant Fire Marshal, the applicable performance based pay increase would be a 4% "step increase" to the base pay of any individual who meets or exceeds performance expectations and has not yet reached the top of their pay range. The maximum

increase received by any one individual would be 4%. This will ensure that the Town's actions regarding Town employee pay increases will be consistently applied to all non-union employees. Fire Rescue Lieutenants and the Assistant Fire Marshal were not included in the 3% range increase action in the FY13 budget because such an action was still subject to collective bargaining at the time the budget was proposed and adopted.

This action would not reverse any action taken during the collective bargaining process. All other aspects of Fire Rescue Lieutenant and Assistant Fire Marshal compensation and all other policies addressed during the April 21, 2011, impasse hearing would remain as directed through the collective bargaining process.

FUNDING/FISCAL IMPACT

Funding for anniversary date step increases was included within the FY13 budget in anticipation of FY13 contract negotiations. No funding was included in the FY13 budget for the pay range increase for Fire Rescue Lieutenants and the Assistant Fire Marshal. The estimated FY13 cost of that action (which will enable employees at the top of their pay range to receive a 3% anniversary date pay increase that they otherwise would not have received) is $6,800. Staff is not requesting appropriation of any additional funding at this time. The cost of this action will be absorbed in the FY13 budget, offset by savings in other areas of Fire Rescue Department operations.

PBE:
cc: Kirk W. Blouin, Director of Public Safety
Danielle Olson, Director of Human Resources
Jane Struder, Director of Finance

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Regular Agenda - New Business

Agenda Title

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

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated November 28, 2012, from Peter Elwell, Town Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter

Date: November 28, 2012

STAFF RECOMMENDATION

Appointment of Peter B. Elwell to serve an additional one-year term as Town Manager from December 11, 2012, through December 10, 2013.

GENERAL INFORMATION

Section 4.02(b) of the Town Charter requires the annual appointment of a Town Manager for a one-year term. On December 13, 2011, the Town Council appointed me as Town Manager to serve a twelfth one-year term which expires on December 11, 2012.

PBE:cek

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Regular Agenda - New Business

Agenda Title

Shore Protection Board Appointments.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated December 3, 2012, from Peter B. Elwell, Town Manager
- Ballot
- Roster of Shore Protection Board Members
- Attendance Record

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Shore Protection Board Appointments

Date: December 3, 2012

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint a member to the Shore Protection Board to fill Kane K. Baker's vacant seating resulting from his term expiration.

- Staff recommends that the Town Council appoint a member to the Shore Protection Board to fill J. Patterson Cooper's vacant seating resulting from his term expiration.

- Staff recommends that the Town Council appoint a member to the Shore Protection Board to fill Barbara (Bobbie) Lindsay Buck's vacant seating resulting from her resignation.

GENERAL INFORMATION

Mr. Baker has completed a three-year term as a member of the Shore Protection Board **and is eligible** for reappointment. Mr. Baker has submitted a written verification of his interest in continuing to serve.

Mr. Cooper has completed a three-year term as a member of the Shore Protection Board **and is eligible** for reappointment. Mr. Cooper has submitted a written verification of his interest in continuing to serve.

Pursuant to the news release notifying the public of the vacancies on the Shore Protection Board, two other citizens submitted Applications for Service on the Shore Protection Board together with other appropriate qualifying information.

Attachments
PBE/ab
cc: H. Paul Brazil, Director of Public Works
Robert Weber, Coastal Coordinator

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BALLOT FOR APPOINTMENT OF MEMBERS TO THE SHORE PROTECTION BOARD

Town Council Meeting on December 11, 2012

Positions to be filled: **3** Regular Members (Term to expire 12/8/2015)
(due to term expiration of Kane K. Baker)
(due to term expiration of J. Patterson Cooper)
(due to resignation of Barbara Lindsay Buck)

Please circle **3** names from the list of names appearing below.

Regular Members Applying for Re-appointment
(Listed alphabetically)

Kane K. Baker	Completed 1 Term
J. Patterson Cooper	Completed 1 Term

Others Who Have Submitted Applications

W. Bradford Gary

Richard A. Raffo

Signature of Town Council Member: _____

SHORE PROTECTION BOARD MEMBERS
Updated 9/13/12

	Appointed	Term Expires
E. Llwyd Ecclestone, Jr., Chair 1555 Palm Beach Lakes Blvd., #1100 West Palm Beach, FL 33401 (o) 561-686-2000 ele@ecclestone.com	12/2008 12/2011	12/2014 (second term)
Gerald Frank 2784 S. Ocean Blvd. Palm Beach, FL 33480 561-588-8021 jejunf@yahoo.com	12/2008 12/2010	12/2013 (second term)
Kane K. Baker 1246 N. Lake Way Palm Beach, FL 33480 561-881-7101 kanemary@comcast.net	12/2009	12/2012 (first term)
J. Patterson Cooper 265 Orange Grove Road Palm Beach, FL 33480 561-848-6131 Fax: 561-848-6132 jpattersoncooper@gmail.com	12/2009	12/2012 (first term)
Lewis Katz 2275 South Ocean Blvd., #308N Palm Beach, FL 33480 561-351-3210 lewiskatz@bellsouth.net	12/2008 12/2011	12/2014 (second term)
Lee David Goldstein 3120 South Ocean Blvd., Apt. 1-103 Palm Beach, FL 33480 561-586-9500 Fax: 586-8188 ldgpga@aol.com	12/2008 12/2010	12/2013 (second term)

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TOWN OF PALM BEACH **ATTENDANCE RECORD 2012**
SHORE PROTECTION BOARD

MEMBERS	1/26/12	2/23/12	3/22/12	4/26/12	10/25/12	12/6/12	
Ecclestone	P	P	P	P	P		
Frank	P	P	P	P	P		
Baker	P	P	P	P	P		
Cooper	P	P	P	P	P		
Goldstein	P	P	P	P	P		
Katz	P	P	P	E	P		
Lindsay-Buck	P	P	P	P	*		

* Resigned effective September 12, 2012

Legend: S=Special Meeting, P=Present, E-Excused, U=Unexcused, A=Absence pending classification as excused or unexcused

Allowed 2 unexcused absences per calendar year

TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 18-2012 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 by Rescinding Article III, Resolution of Employee Grievances, in its Entirety; Providing a New Article III for Resolution of Employee Grievances Before the Town's Administrative and Personnel Committee; Providing for the Role of the Committee; Providing for Procedures; Providing for Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Ordinance No. 18-2012

ORDINANCE NO. 18-2012

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL BY RESCINDING ARTICLE III, RESOLUTION OF EMPLOYEE GRIEVANCES, IN ITS ENTIRETY; PROVIDING A NEW ARTICLE III FOR RESOLUTION OF EMPLOYEE GRIEVANCES BEFORE THE TOWN'S ADMINISTRATIVE AND PERSONNEL COMMITTEE; PROVIDING FOR THE ROLE OF THE COMMITTEE; PROVIDING FOR PROCEDURES; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 82 of the Town Code of Ordinances relating to Personnel is hereby amended by rescinding Article III, Resolution of Employee Grievances, in its entirety.

Section 2. Chapter 82 of the Town Code of Ordinances relating to Personnel is hereby amended by incorporating a new Article III, Resolution of Employee Grievances, to read as follows:

"**ARTICLE III.**
RESOLUTION OF EMPLOYEE GRIEVANCES

Sec. 82-206. Statement of Policy.

It is declared that the public policy of the Town and the purpose of this article is to provide implementation of a procedure for review of certain employee grievances while maintaining the orderly and uninterrupted operations and functions of government and management.

Sec. 82-207. Review by Administrative and Personnel Committee.

The Town's Administrative and Personnel Committee shall consider employee grievances properly filed pursuant to policies and procedures provided in the Town's Personnel Manual. The Administrative and Personnel Committee shall hear grievances relating to suspensions, demotions or discharges which have been filed with the Town's Director of Human Resources in accordance with said policies and procedures.

Sec. 82-208. Role of Committee.

The role of the Administrative and Personnel Committee in regard to hearing employee grievances is to (1) determine whether the facts elicited at the hearing support the determination made by the employee's department head and/or Town Manager; and (2) either sustain the decision of the department head and/or Town Manager, overturn such decision, or recommend less severe discipline if requested to do so by the grievant, and if it is determined, on the basis of all the facts, that the discipline imposed is unreasonable. In no event shall the Administrative and Personnel Committee recommend nor shall the Council impose discipline more severe than the discipline imposed by the department head and/or Town Manager.

Sec. 82-209. Procedures.

1. *Rights of Administrative and Personnel Committee*. Hearings before the Administrative and Personnel Committee will involve hearing testimony of witnesses and considering documentary evidence submitted at the hearing. The Administrative and Personnel Committee shall establish reasonable parameters relating to the length of time allowed for the presentation of a case and instruct the parties involved in regard to the order of the hearing, requirements of the parties relating thereto and any other rules, regulations and procedures relating to the hearing.

2. *Witness Subpoenas*. The Administrative and Personnel Committee shall have the authority, by subpoena, to compel the attendance of witnesses and exhibits for purposes of examination and investigation before the committee.

Sec. 82-210. Findings of Committee.

Subsequent to the presentation of arguments, testimony and documentary evidence of the parties, the Administrative and Personnel Committee shall, in open session, discuss the case, and shall make

findings of fact and recommendations. These findings of fact and recommendations shall be incorporated in a written order. The Administrative and Personnel Committee shall thereafter submit to the Town Council at the next regularly scheduled monthly meeting its findings and recommendations pertaining to the grievance. Thereafter, the Town Council shall make a determination and its decision shall be final. The Town Council shall not conduct an additional hearing, its responsibility being only to consider the recommendations and report of the Administrative and Personnel Committee and make a final determination regarding the applicable grievance at an open public meeting.

Sec. 82-211. Appeals.

In the event an aggrieved party wishes to appeal the decision of the Town Council, such review shall be by Petition for Writ of Certiorari to the 15th Judicial Circuit, where the Petition shall be reviewed."

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

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

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this _____ day of _____, 2012, and for second and final reading on this _____ day of _____, 2012.

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

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TOWN OF PALM BEACH

Town Council Meeting on: December 11, 2012

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 19-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2012, Providing an Effective Date.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- Memorandum Dated November 30, 2012, from Jane Struder, Finance Director
- Ordinance No. 19-2012
- Exhibit A
- Exhibit B

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Amendment to the General Fund and the Coastal Protection Fund Budgets
Ordinance No. 19-2012

Date: November 30, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 19-2012 on first reading, amending the General Fund and Coastal Protection Fund FY13 budgets.

GENERAL INFORMATION

The Town Council approved a one-time transfer of the FY12 estimated General Fund surplus to the Coastal Protection Fund for future projects at the November 15, 2012 Town Council meeting. Ordinance No. 19-2012 will amend the General Fund and Coastal Projection Fund budgets to authorize the transfer.

FUNDING/FISCAL IMPACT

The Ordinance will amend the General Fund Budget (001) in the amount of $2,000,000 and the Coastal Protection Fund budget (309) in the amount of $2,000,000.

TOWN ATTORNEY REVIEW

Ordinance No. 19-2012 has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments
jls
cc: H. Paul Brazil, Public Works Director
Robert Weber, Coastal Coordinator
John C. Randolph, Town Attorney

ORDINANCE NO. 19-2012

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE TOWN'S BUDGETS ADOPTED FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012, PROVIDING AN EFFECTIVE DATE.

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2012; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2013; and

WHEREAS, the budget amendment is necessary to transfer excess funds from the General Fund reserves to the Coastal Protection Fund to fund future Coastal Projects; and

WHEREAS, the Town Council must take action to put in place an ordinance to amend the budget.

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

Section 1. The foregoing recitals are herby ratified and confirmed.

Section 2. The General Fund and the Coastal Protection Fund budgets for the fiscal year commencing October 1, 2012, are hereby amended and adopted pursuant to the attached Exhibit "A" and "B", attached hereto and made a part of this ordinance.

Section 3. Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 11th day of December, 2012, and for second and final reading on this 8th day of January, 2013.

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

Exhibit A

Town of Palm Beach, Florida
General Fund Revenues and Expenditures
Budget Amendment
October 1, 2012 through September 30, 2013

	Adopted Budget FY2013	Ordinance No. 19-2012 Amendment	Amended Budget FY2013
Revenues			
Ad Valorem Taxes	36,865,400		36,865,400
Non Ad Valorem Taxes	7,477,500		7,477,500
Licenses & Permits	6,264,300		6,264,300
Intergovernmental	1,020,450		1,020,450
Charges for Services	3,652,116		3,652,116
Fines and Forfeitures	1,299,000		1,299,000
Investment Earnings	900,500		900,500
Miscellaneous Revenues	189,981		189,981
Interfund Transfers	885,000		885,000
Use of Undesignated Fund Balance	1,157,033	2,000,000	3,157,033
Total Revenues	59,711,280	2,000,000	61,711,280
Expenditures			
Department			
Legislative	95,600		95,600
General Government	445,153		445,153
Town Manager	741,371		741,371
Advice and Litigation	468,915		468,915
Human Resources	679,988		679,988
Information Systems	1,822,385		1,822,385
Finance	1,882,423		1,882,423
Planning/Building/Zoning	3,600,142		3,600,142
Library	288,989		288,989
Fire-Rescue	10,652,190		10,652,190
Police	12,885,527		12,885,527
Emergency Disaster Response	47,950		47,950
Public Works	14,330,768		14,330,768
Transfer to Other Funds	10,926,879	2,000,000	12,926,879
Contingent Appropriations	843,000		843,000
Total Expenditures	59,711,280	2,000,000	61,711,280
Revenue over/(under) Expenditures	$0	$0	$0

Exhibit B

Town of Palm Beach, Florida
Comprehensive Coastal Management Project Fund
Budget Amendment
October 1, 2012 through September 30, 2013

	Adopted Budget FY2013	Ordinance No. 19-2012 Amendment	Amended Budget FY2013
Revenues			
Investment Earnings	20,000		20,000
Transfer from General Fund	2,738,914	2,000,000	4,738,914
Total Revenues	2,758,914	2,000,000	4,758,914
Expenditures			
Current Year Projects	869,000		869,000
Prior Year Projects	6,063,000		6,063,000
Total Expenditures	6,932,000		6,932,000
Revenues Over/(Under) Expenditures	(4,173,086)		(2,173,086)
Beginning Fund Balance	10,354,771		10,354,771
Ending Fund Balance	6,181,685		8,181,685