TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

DECEMBER 10, 2019

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

Gail L. Coniglio, Mayor
Danielle H. Moore, President
Margaret A. Zeidman, President Pro Tem
Julie Araskog
Lew Crampton
Bobbie Lindsay

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

A. Lunch Recess from 12:30 to 1:30 P.M.

V. DECLARATION OF TOWN CAUCUS RESULTS

A. RESOLUTION NO. 146-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Town Caucus; Naming Therein The Candidates Nominated; Declaring Said Nominees To Be Qualified Candidates And Elected Without Opposition; Establishing The Terms Of Office For Said Candidates; And Declaring That No Municipal Candidate Questions Will Appear On The March 17, 2020, Town Of Palm Beach General Election Ballot. Page 8

Kathleen Dominguez, CMC, Town Clerk

VI. RECOGNITIONS

A. Recognition of Kenneth Walker for his service on the Planning and Zoning Commission from October 2016 to September 2019.

Josh Martin, Director of Planning, Zoning and Building

VII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by Shore Protection Board Applicants

Kathleen Dominguez, CMC, Town Clerk

B. Appointments to the Shore Protection Board Page 15

Kathleen Dominguez, CMC, Town Clerk

VIII. COMMENTS OF MAYOR GAIL L. CONIGLIO

IX. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

X. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

XI. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes Page 44
   Kathleen Dominguez, CMC, Town Clerk

   a. November 12, 2019, Town Council Meeting Minutes
   b. November 13, 2019, Town Council Development Review Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 22, 2019. Page 86

   Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 126-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach, Ex Post Facto, to Submit an Application for the FY 2019 Presidential Residence Protection Assistance Page 95

(PRPA) Grant for Reimbursement of Applicable Law Enforcement Personnel Overtime Expenses incurred during the Grant Period; and Authorizing the Town Manager and Staff to Execute all Documents Necessary on Behalf of the Town of Palm Beach.

Nicholas Caristo, Chief of Police

2. RESOLUTION NO. 144-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Cigna, Inc., in an Amount not to Exceed $800,000 to Provide Stop Loss Coverage, and Authorizing the Town Manager to Take Actions Necessary to Effectuate this Contract. Page 103

   Danielle Olson, Director of Human Resources

3. RESOLUTION NO. 145-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, County, Florida, Approving and Adopting the 2020 revised Palm Beach County Local Mitigation Strategy Plan; Providing an Effective Date; and For Other Purposes. Page 108

   Jay Boodheshwar, Deputy Town Manager

4. RESOLUTION NO. 147-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management, Inc., in the Amount of $188,051.94 for Construction Phase Coastal Engineering Support Services for Phipps Ocean Park Beach Nourishment and Dune Restoration and Establishing a Task Budget of $228,000, Contingent Upon Award of the U.S. Army Corps Of Engineers Award of the Palm Beach County Federal Shore Protection Project Mid-Town Segment. Page 112

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

5. RESOLUTION NO. 148-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving Final Payment for the City Of West Palm Beach Joint Transmission Pipeline Improvements in the Amount of $472,045.86. Page 123

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

6. RESOLUTION NO. 149-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to M & M Asphalt Maintenance dba All County Paving for the Phase 2 Resurfacing Project in the Amount of $409,736.50, and establishing a Project Budget of $471,196. Page 127

   Dean Mealy, Purchasing Manager

7. RESOLUTION NO. 150-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders for Engineering Design Services of the A-6, E-5, and E-5 Wastewater Pump Stations to Kimley-Horn and Associates and D-12 and D-8 Drainage Pump Stations to Mock-Roos & Associates in the Amount of $404,177 and a Project Budget of $425,000. Page 144

   Dean Mealy, Purchasing Manager

8. RESOLUTION NO. 151-2019 A Resolution of the Town Council of Page 172

the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2019-36, Water Feasibility Study to Kimley-Horn and Associates and Authorize the Town Manager and Town Staff to Facilitate Negotiations for Scope and Price Proposal.

Dean Mealy, Purchasing Manager

9. RESOLUTION NO. 152-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Award for the Comprehensive Zoning Code Reform to the Congress of the New Urbanism in an Amount Not-To-Exceed $249,900. Page 186

   Josh Martin, Director of Planning, Zoning and Building

10. RESOLUTION NO. 154-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Construction Agreement with the Florida Department of Transportation (FDOT) for Work Associated with the Town Marina Project to be Constructed within the FDOT Right-of-Way. Page 272

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

C. OTHER

1. Consider Request to Vacate and Abandon Unused Road Right-of-Way at Ibis Island Road Page 281

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

2. Approval of Cost-of-Living Pay Adjustment Policy Page 286

   Danielle Olson, Director of Human Resources

XII. APPEALS

A. Palm Beach Hotel Appeal of Garbage Collection Page 289

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

XIII. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Shore Protection Board Page 310

E. Llwyd Ecclestone, Jr., Chair

XIV. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project Page 315

   Steven Stern, Project Manager

   TIME CERTAIN: 2:00 P.M.

   a. Review of Project and Status Summary

2. Discussion Regarding Landmark Notification Procedures Page 376

   Josh Martin, Director of Planning, Zoning and Building

3. Proposed Changes to Special Event Ordinance Page 413

   Kathleen Dominguez, CMC, Town Clerk

4. Public Parking Program for Town-owned Peruvian Parking Lot and 100 Block of Sunrise Avenue — Page 423
Jay Boodheshwar, Deputy Town Manager

5. Ficus Benjamina Removal Program Special Pick-Up — Page 429
H. Paul Brazil, P.E., Director of Public Works

B. New Business

1. Coastal Resilience Implementation Plan Discussion — Page 433
H. Paul Brazil, P.E., Director of Public Works
TIME CERTAIN: 11:00 AM

2. RESOLUTION NO. 153-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation to Award RFP No. 2020-01, Mandel Recreation Center Fitness Center and Wellness Program Coordinator to Health Fitness Corporation in the Annual Amount of $181,593, and a Proposed Three-Year Award in the Amount of $544,779 based on Satisfactory Performance and Subsequent Budget Approval. — Page 441

The Town negotiated a Best and Final Cost Savings of $6,386 Annually, and $19,158 for a Three-Year Contract Award.

Carolyn Stone, Director of Business Development and Operations

3. Authorize Waiver to Town Code for Work During Season for the Bradley Park Hotel, 280 Sunset Avenue — Page 486
H. Paul Brazil, P.E., Director of Public Works

C. Matters Pulled From Consent Agenda: If needed

XV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 39-2019 An Ordinance of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, in General, by Amending Section 82-54, Credited Service; Loss of Credited Service; Reinstatement of Credited Service.; Amending Subdivision II, Reserve Accounts, by Amending Section 82-80, Member Contributions; Amending Subdivision III, Firefighters, by Amending Section 82-94, Retirement Age and Service Conditions for Firefighters; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. — Page 492
Danielle Olson, Director of Human Resources

B. First Reading

1. ORDINANCE NO. 40-2019 An Ordinance of the Town Council of — Page 499

the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Article X. – On-Street Parking Permits, at Section 134-2296(c) and Section 134-2327(2); Relating to Issuance of Decals and Visitor/Service Permits; Allowing for the Issuance of Eight Decals and Visitor/Service Permits Instead of the Four Currently Allowed; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

2. ORDINANCE NO. 41-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 74 of the Town Code of Ordinances, Parks And Recreation, Article II, Beaches And Aquatic Activities, Division 3, Regulation of Use of Public Beaches, At Section 74-191, So As To Include the Beach from Sunset Avenue To Wells Road And Beaches Defined By The Town Which Provides That No Person Shall Take Any Animal Upon Said Beaches; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. Page 503

Jay Boodheshwar, Deputy Town Manager

XVI. ANY OTHER MATTERS

XVII. ADJOURNMENT

PLEASE TAKE NOTE:

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

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

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

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770

for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda

DECLARATION OF TOWN CAUCUS RESULTS

Agenda Title

RESOLUTION NO. 146-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Town Caucus; Naming Therein The Candidates Nominated; Declaring Said Nominees To Be Qualified Candidates And Elected Without Opposition; Establishing The Terms Of Office For Said Candidates; And Declaring That No Municipal Candidate Questions Will Appear On The March 17, 2020, Town Of Palm Beach General Election Ballot.

Presenter

Kathleen Dominguez, CMC, Town Clerk

ATTACHMENTS:

- **Resolution No. 146-2019**
- **Town Caucus Minutes Signed**

RESOLUTION NO. 146-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING THE RESULTS OF THE TOWN CAUCUS; NAMING THEREIN THE CANDIDATES NOMINATED; DECLARING SAID NOMINEES TO BE QUALIFIED CANDIDATES AND ELECTED WITHOUT OPPOSITION; ESTABLISHING THE TERMS OF OFFICE FOR SAID CANDIDATES; AND DECLARING THAT NO MUNICIPAL CANDIDATE QUESTIONS WILL APPEAR ON THE MARCH 17, 2020, TOWN OF PALM BEACH GENERAL ELECTION BALLOT.

WHEREAS, at a regular and duly called Caucus of the Town of Palm Beach, Florida, held on December 3, 2019, the following persons were duly nominated at said Caucus by the voters of the Town of Palm Beach for the offices of Town Council persons of said Town of Palm Beach, Florida, with their terms of office to be for two year periods with the terms beginning at the March 17, 2020, Town Council meeting:

GROUP 1: Lewis S.W. "Lew" Crampton
GROUP 2: Margaret "Maggie" Zeidman
GROUP 3: Barbara "Bobbie" Lindsay

their nominations being shown by the certified copy of the minutes of said Caucus, which said certified copy is made a part of this Resolution; and

WHEREAS, the Town Clerk has performed the necessary examination and certification required by Town Ordinance; and

WHEREAS, no opposition candidates were nominated for the aforementioned seats at the Town Caucus held on December 3, 2019; and

WHEREAS, the Town Clerk has determined that all candidates have met all Town and State qualification requirements to run for the seat for which they have been nominated.

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

SECTION ONE: It is hereby declared that the following candidates have been nominated and qualified for election to the seats for Town Council persons:

GROUP 1: Lewis S.W. "Lew" Crampton
GROUP 2: Margaret "Maggie" Zeidman
GROUP 3: Barbara "Bobbie" Lindsay

SECTION TWO: There being no other candidates qualifying for the seats referenced above, it is hereby declared that no municipal candidate questions will appear on the March 17, 2020, Town of Palm Beach General Election ballot.

SECTION THREE: It is hereby declared that the following candidates, having no opposition for election, are hereby declared to be elected to the respective Town Council seats listed below:

GROUP 1: Lewis S.W. "Lew" Crampton
GROUP 2: Margaret "Maggie" Zeidman
GROUP 3: Barbara "Bobbie" Lindsay

SECTION FOUR: The terms of office of the elected officials referenced above shall begin and shall run from the March 17, 2020, Town Council meeting.

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION ASSEMBLED THIS 10th DAY OF DECEMBER 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, CMC, Town Clerk

MINUTES OF THE TOWN OF PALM BEACH TOWN CAUCUS
HELD ON TUESDAY, DECEMBER 3, 2019

A CAUCUS OF THE VOTERS OF THE TOWN OF PALM BEACH WAS HELD IN THE TOWN COUNCIL CHAMBERS, AT 360 SOUTH COUNTY ROAD, PALM BEACH, FLORIDA, AT 7:00 P.M. ON DECEMBER 3, 2019, FOR THE PURPOSE OF NOMINATING CANDIDATES TOWN COUNCIL SEATS, GROUPS ONE, TWO and THREE.

The 108th Annual Town Caucus was held in the Town Council Chambers at 360 South County Road, at the above named time pursuant to the call and notice thereof, which was published in the Palm Beach Post, a newspaper in Palm Beach County, Florida, on November 18, 2019, November 25, 2019 and December 2, 2019, and in La Guia News, a Spanish language newspaper in Palm Beach County, Florida, on November 15, 2019, November 22, 2019 and November 29, 2019.

I. CALL TO ORDER – MAYOR GAIL CONIGLIO

The Caucus was called to order by Mayor Gail Coniglio.

II. ELECTION OF CAUCUS OFFICERS

Mayor Coniglio advised that the first order of business of this 108th Caucus was to elect Caucus Officers, consisting of a Caucus Chairperson and a Caucus Secretary. She stated that, pursuant to the Town Charter and Town Code, only qualified voters may participate in the Town Caucus, and that each nominator must state his or her name and street address.

A. Caucus Chairperson

On motion of Daniel McDonnell, 2784 S. Ocean Blvd., the nomination of Thomas Parker, 215 Jamaica Lane, for Caucus Chairperson was made. Mayor Coniglio called for further nominations. There were none. Mr. Parker was elected unanimously, by acclamation.

Mr. Parker assumed the office of Chairman, and called for nominations for a Caucus Secretary. Chairman Parker reminded all that pursuant to the Town Charter and Code, only qualified voters of the Town are permitted to participate in this 108th Caucus. Each nominator must state his or her name and address.

B. Caucus Secretary

On motion of Daniel McDonnell, 2784 S. Ocean Blvd., the nomination of Nicki McDonald, 250 Bradley Place, #604, for Caucus Secretary was made. There being no further nominations, Ms. McDonald was elected unanimously, by acclamation.

III. NOMINATIONS FOR THE OFFICE OF TOWN COUNCIL MEMBER-GROUP ONE

Chairman Parker called for nominations for Town Council Member-Group One, the seat currently held by Lewis S.W. Crampton. He announced that each nominator must state the name and street address of the person being nominated, as well as his or her own name and street address.

Richard M. Kleid, 2660 S. Ocean Blvd., #403-S, nominated Lewis S.W. Crampton, 2335 S. Ocean Blvd., #5B, as a candidate for Town Council Member-Group One.

The nomination was seconded by William M. Matthews, 380 N. Lake Way and Lynn A. Foster, 424 Brazilian Ave.

Chairman Parker called for further nominations, and there were none.

After a motion was made, seconded, and unanimously passed to close nominations, Chairman Parker declared that nominations for candidates for Town Council Member-Group One were closed.

Chairman Parker then declared that Lewis S.W. Crampton has been duly nominated at the Town Caucus to be a candidate for the Office of Town Council Member-Group One, and requested that the candidate stand and state his address.

Lewis S.W. Crampton, stood and was recognized. He stated that he is a registered voter and that his address is 2335 S. Ocean Blvd., 5B, Palm Beach, FL 33480.

IV. NOMINATIONS FOR THE OFFICE OF TOWN COUNCIL MEMBER-GROUP TWO

Chairman Parker called for nominations for Town Council Member-Group Two, the seat currently held by Margaret A. Zeidman. He announced that each nominator must state the name and street address of the person being nominated, as well as his or her own name and street address.

Michael J. Pucillo, 224 Dunbar Rd., nominated Margaret A. Zeidman, 229 Barton Ave., as a candidate for Town Council Member-Group Two.

The nomination was seconded by Roberta Horwich, 2860 S. Ocean Blvd., and Royal Victor, III, 208 Via Tortuga.

Chairman Parker called for further nominations for Town Council Member–Group Two and there were none.

After a motion was made, seconded, and unanimously passed to close nominations, Chairman Parker declared that nominations for Town Council Member-Group One candidates were closed.

Chairman Parker then declared that Margaret A. Zeidman has been nominated at the Town Caucus to be a candidate for the Office of Town Council Member-Group Two, and requested that the candidate stand and state her address.

Margaret A. Zeidman stood and was recognized. She stated that she is a registered voter and that her address is 229 Barton Ave., Palm Beach, FL 33480.

V. NOMINATIONS FOR THE OFFICE OF TOWN COUNCIL MEMBER-GROUP THREE

Chairman Parker called for nominations for Town Council Member-Group Three, the seat currently held by Barbara Duna "Bobbie" Lindsay. He announced that each nominator must state the name and street address of the person being nominated, as well as his or her own name and street address.

C. Edward Carter, 130 Chilean Ave., nominated Barbara Duna "Bobbie" Lindsay, 212 Caribbean Road, as a candidate for Town Council Member – Group Three.

The nomination was seconded by Maureen S. Feltman, 2860 S. Ocean Blvd., #605 and Keith Beaty, 395 Caribbean Road.

Chairman Parker called for further nominations for Town Council Member–Group Three and there were none.

After a motion was made, seconded, and unanimously passed to close nominations, Chairman Parker declared that nominations for Town Council Member-Group Three candidates were closed.

Chairman Parker then declared that Barbara Duna "Bobbie" Lindsay has been duly nominated at the Town Caucus to be a candidate for the Office of Town Council Member-Group Three, and requested that the candidate stand and state her address.

Barbara Duna "Bobbie" Lindsay stood and was recognized. She stated that she is a registered voter and that her address is 212 Caribbean Road, Palm Beach, FL 33480.

Chairman Parker thanked all of the candidates, and reminded them to promptly contact the Town Clerk's Office for information about additional required procedures, pursuant to Section 5.05 of the Town Charter and Florida Statutes. He stated that the Caucus Chair and Secretary are hereby authorized to sign and present the minutes of this 108th Caucus to the Town Council at their meeting scheduled for Tuesday, December 10, at 9:30 a.m., to call the Election.

VI. ADJOURNMENT

There being no further business to come before the Caucus, upon motion duly made, seconded, and carried, the Caucus meeting was adjourned at 7:45 p.m.

Thomas Parker
Caucus Chairperson

Nicki McDonald
Caucus Secretary

ATTEST:

Kathleen Dominguez, CMC
Town Clerk

12/3/19
Date

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointments to the Shore Protection Board

Presenter

Kathleen Dominguez, CMC, Town Clerk

ATTACHMENTS:

- **Memorandum Dated December 2, 2019, from Kathleen Dominguez, CMC, Town Clerk**
- **Letter Dated November 26, 2019, from Melissa Ceriale**
- **Attendance Record**
- **Sample Ballot for Regular Member**
- **Sample Ballot for Alternate Member**
- **Application - Belmar**
- **Application - Ceriale**
- **Application - Rapoport**
- **Application - Reickert**
- **Application - Russo**

TOWN OF PALM BEACH

Information for Town Council Meeting on December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Kathleen Dominguez, CMC, Town Clerk

RE: Shore Protection Board Appointment of Regular and Alternate Members

DATE: December 2, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint members to the Shore Protection Board (SPB) in order to fill the two (2) vacant regular member positions resulting from Melissa Ceriale and Harvey Kinzelberg's expired terms and the two (2) vacant alternate member positions. All applicants have submitted proof of residency in the Town of Palm Beach.

GENERAL INFORMATION

The Town Clerk's office has received one application seeking **REAPPOINTMENT** from Melissa Ceriale who resides at 230 S. Ocean Blvd., Palm Beach, FL.

The Town Clerk's office has received one application from an **ALTERNATE SEEKING APPOINTMENT TO A REGULAR MEMBER POSITION** from Warren Belmar who resides at 130 Sunrise Avenue, Apt. 319, Palm Beach, FL.

The Town Clerk's office has received three (3) applications seeking **APPOINTMENT** from the following citizens:

1) Vladimir Rapoport who resides at 3300 S. Ocean Blvd, #S205, Palm Beach, FL.
2) Erick A. Reickert who resides at 3100 S. Ocean Blvd., #601S, Palm Beach, FL.
3) Ronald P. Russo who resides at 3450 S. Ocean Blvd., #122, Palm Beach, FL.

Their applications are attached.

c.c.: H. Paul Brazil, Director of Public Works

Town Council
Town of Palm Beach

November 26, 2019

Dear Council Members and Mayor Coniglio,

First, please accept my apologies that I am unable to be present today as I apply for a new appointment to the Shore Protection Board. I am currently traveling with my son in Asia, a trip which has been on the calendar for many months.

As you will see from my attendance record, I have been a member of the SPB for the past 2 years and have not yet missed a meeting. I believe that the study and care of our coastal community is one of utmost importance and hope you feel that my participation in this aspect has been valuable thus far. I hope to lend my voice and studies of shore protection for another term appointment and ask you for your vote of confidence.

There is much work to be done in regard to shore protection in light of continually changing conditions, climate change and what science shows us is happening on a global scale. We must look long and hard at our most vulnerable aspects and make solid recommendations based on both current and new technologies and knowledge at hand. I am committed to carrying on in this capacity and look forward to representing our community should you agree.

With sincere regards,



Melissa Ceriale
230 S Ocean Blvd
Palm Beach, FL 33480

TOWN OF PALM BEACH
SHORE PROTECTION BOARD
ATTENDANCE RECORD 2019

MEMBERS	1/24/2019	3/21/2019- Workshop	4/25/2019	11/21/2019	
Clerked By:	Lynne	Lynne	Lynne	Lynne	
Ecclestone	P	P - *Arrived 9:10am	P	P	
Baker	P	P	P	P	
Ceriale	P	P	P	P	
Gavigan	P	P	P	P	
Katz	E	P	P - * not present for voting	P	
Kinzelberg	P	P	P	P	
Johnson	P	P	P	P	
Alternate Members					
Belmar	P	P	P	P	
Jacoby	P	P	P	Resigned 9/15/19	
Lorentzen	P	P - Resigned			

Legend:

S=Special Meeting, P=Present, E-Excused, U=Unexcused,

A=Absence pending classification as excused or unexcused

V=Eligible to Vote in Meeting

Allowed 2 unexcused absences per calendar year

****Attendance:**
*Members must attend more than two meetings in one calendar year
*Excused absences: illness, family death, religious holiday, legal process
*Must notify PW of absence no later than noon on Friday prior to meeting, unless emergency
*Excused absences shall be noted in the minutes of the next meeting after the absence

BALLOT FOR APPOINTMENT OF **REGULAR MEMBERS**
TO THE **SHORE PROTECTION BOARD**
Town Council Meeting on **December 10, 2019**

Positions to be filled: **2** **Members**

Please circle 2 from the list of names appearing below

Regular Member Applying for Reappointment

Melissa Ceriale

Alternate Member Applying for Promotion to Regular Member

Warren Belmar

Others Who Have Submitted Applications

Vladimir Rapoport *

Erick A. Reickert *

Ronald P. Russo, Jr. *

* Indicates that applicant **will** accept an alternate position if they are not appointed as a regular member.

Signature of Town Council Member: _____
Town Council Member

BALLOT FOR APPOINTMENT OF **ALTERNATE MEMBERS**
TO THE **SHORE PROTECTION BOARD**
Town Council Meeting on **December 10, 2019**

Positions to be filled: **2** **Alternate Members**

Please circle 2 from the list of names appearing below

Applications Received From the following:

Vladimir Rapoport

Erick A. Reickert

Ronald P. Russo, Jr.

Signature of Town Council Member: _____
Town Council Member

RECEIVED

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

SHORE PROTECTION BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Warren Belmar E-mail Address: warrenbelmar@gmail.com

Residence Address: 130 Sunrise Avenue, Apt. 319, Palm Beach, Florida 33480

Mailing Address: 130 Sunrise Avenue, Apt. 319, Palm Beach, Florida 33480

Home Telephone: 561-833-1022 Work Telephone: 202-255-1586

I am a resident of the Town of Palm Beach WB (please initial) KD

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

As a resident I am concerned with maintaining our shore line and beaches for the benefit of all town residents and visitors.

2. How many meetings of the Shore Protection Board have you attended in the last year? All

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

N/A SINCE 2018, I HAVE SERVED AS AN ALTERNATE MEMBER OF THE SHORE PROTECTION BOARD.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

N/A

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

SERVICE AS AN ALTERNATE ON THE SHORE PROTECTION BOARD HAS ALLOWED ME TO ACQUIRE A BETTER UNDERSTANDING OF THE ISSUES. MY LEGAL PRACTICE LENDS ITSELF TO THE REGULATIONS AND STATUTES GOVERNING SHORE PROTECTION INITIATIVES.

6. Please describe your experience with the design and/or construction of coastal protection projects.

N/A

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

N/A

8. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☑ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☐ Other _____
- ☐ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Neighborhood Alliance of Palm Beach

9. Present occupation: Retired Number of years 10

Employer: _____

10. Past occupation(s): Attorney Number of years 55

Employer(s): United States (Judicary, DOJ and DOE); Fulbright & Jaworski LLP: Capitol Counsel Group, LLC; etc.

11. Please provide details regarding your educational background.

Brooklyn College. AB 1963: Columbia Law School. LLB 1966 BOTH WITH HONORS

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
Anita	Wife	130 SUNRISE	N/A	N/A
Rebecca	Daughter	130 SUNRISE	N/A	N/A

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☑ I will resign from the ALTERNATE- SHORE PROTECTION BOARD (board/commission/committee) if I am appointed to the position I am seeking in this application.

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? **Yes** ☑ **N** —

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ ~~African American~~
- ☐ Asian American
- ☐ Hispanic American
- ☐ Native American
- ☑ Caucasian
- ☐ Not known

GENDER

- ☑ Male
- ☐ Female

PHYSICALLY DISABLED

- ☐ Yes
- ☑ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: Warren Bellman Date: 11/6/19

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline. The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment. The Board shall hold at least four meetings per year and more if deemed necessary.

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

SHORE PROTECTION BOARD

2019 NOV 22 PM2:26 TWN CLERK

RECEIVED

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Melissa Ceriale E-mail Address: msceriale@mac.com

Residence Address: 230 S Ocean Blvd Palm Beach 33480

Mailing Address: Same

Cell ~~Home~~ Telephone: 203·820·4608 Work Telephone: _____

I am a resident of the Town of Palm Beach NKD (please initial) NKD

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

To contribute my time & efforts back to this community in a capacity that I believe is strongly needed & of the utmost importance.

2. How many meetings of the Shore Protection Board have you attended in the last year? 4 of 4

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

Shore Protection Board for past 2 years.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

None.

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

2 years of experience on the SPB and my commitment to the safety of the PB community.

6. Please describe your experience with the design and/or construction of coastal protection projects.

I worked for over 15 years as a general contractor and specifically spent a significant amount of time working on our own residential property here in regard to coastal construction.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

I continue to immerse & educate myself in this space on all levels, including local, state & federal.

8. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☐ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☐ Other _____
- ☒ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Neighborhood Alliance of Palm Beach

9. Present occupation: Hospital Trustee, Philanthropist Number of years 12

Employer: Board of Trustees, Montefiore Medicine (6 yrs)

10. Past occupation(s): Prospect Design & Build Number of years 15

Employer(s): Principal Owner (Self)

11. Please provide details regarding your educational background.

BS. Hotel, Restaurant & Institutional Management
Michigan State University, 1986

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
John Ceriale	Spouse	Same	Hotelier/Banker	Self
Christine Ceriale	Daughter	Same	Fashion	Intermix
Robby Ceriale	Son	Same	~~Zuma~~ Bev.	Mgr, Zuma
Jack Ceriale	Son	Same	Student	UNLV

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. NO

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am
(board/commission/committee)
seeking in this application. N/A

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? **Yes** ☐ **No** ☒

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE
- ☐ African American
- ☐ Asian American
- ☐ Hispanic American
- ☐ Native American
- ☒ Caucasian
- ☐ Not known

GENDER
- ☐ Male
- ☒ Female

PHYSICALLY DISABLED
- ☐ Yes
- ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: _____ Date: 22 Nov 2019

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

SHORE PROTECTION BOARD

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Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment. The Board shall hold at least four meetings per year and more if deemed necessary.

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

SHORE PROTECTION BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: VLADIMIR RAPOPORT E-mail Address: vr20007@gmail.com

Residence Address: 3300 S. Ocean Blvd, apt S205, Palm Beach FL 33480

Mailing Address: 3300 S. Ocean Blvd, apt S205, Palm Beach FL 33480

Home Telephone: 202-361-3658 (Mobile) Work Telephone: _____

I am a resident of the Town of Palm Beach VR (please initial) KD

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

MY CV IS ATTACHED. I HAVE 35+ YEARS EXPERIENCE IN GEOTECHNICAL (SOILS & FOUNDATIONS) ASSESSMENTS FOR PLACEMENT OF NEAR-SHORE & OFFSHORE PLATFORMS, PIPELINES AND WINDFARMS.

AS PART OF MY WORK I HAVE INTERACTED WITH SPECIALISTS ON SEAFLORE/ & NEAR-SHORE ERROSION AND SCOUR

2. How many meetings of the Shore Protection Board have you attended in the last year? 3

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

N/A

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

MY PRIMARY RESIDENCE IS IN PALM BEACH. I DO TRAVEL, ESPECIALLY DURING SUMMER MONTHS

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

PARTIAL LIST OF MY GEOTECHNICAL PUBLICATION IS ATTACHED. I AM A MEMBER OF SEVERAL INTERNATIONAL GEOTECH.

EXPERT PANELS (SEE ATTACHED CV). AS PART OF GEOTECH. SITE ASSESSMENTS I HAVE INTERACTED WITH NUMEROUS

SPECIALISTS ON SEAFLOOR SCOUR AND ERROSION

6. Please describe your experience with the design and/or construction of coastal protection projects.

WHEN ASSESSING POTENTIAL OFFSHORE PIPELINE LANDING SITES, PARTICIPATED IN ASESSMENT OF POTENTIAL

SHORE/NEAR-SHORE ERROSION. THE SAME APPLIES TO OFFSHORE PLATFORS AND PIPELINES WHERE SEAFLOOR

SCOUR MECHANISM IS NOT VERY DIFFERENT FROM COASTAL PROJECTS. RECOMMENDED SCOUR REMEDIAL MEASURES

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

AS A MEMBER OF SEVERAL INTERNATIONAL EXPERT PANELS (SEE MY CV) I CONTINUE TO FOLLOW LATEST

DEVELOPMENTS IN GEOTECHNICS, INCLUDIG SCOUR & ERROSION PREVENTION

8. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☐ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☐ Other _____
- ☐ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Neighborhood Alliance of Palm Beach

9. Present occupation: RETIRED IN 2018 / CONSULTANT 2006-2018 Number of years 1 / 12

Employer: SELF (CORE HOLDING)

10. Past occupation(s): PRESIDENT Number of years 6

Employer(s): FUGRO CIS BV (THE NETHERLANDS)

11. Please provide details regarding your educational background.

1967 MS MECHANICAL ENGINEERING. RIGA TECHNICAL UNIVERSITY. RIGA. LATVIA

1973 -1976 PhD CANDIDATE - MARINE GEOTECHNICS. NATIONAL RESERCH INSTITUTE FOR MARINE GEOLOGY & GEOPHYSICS. RIGA LATVIA

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
NONE				

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. NO

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the NOT SERVING ON ANY (board/commission/committee) if I am appointed to the position I am seeking in this application.

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? **Yes** ☐ **No** ☐

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

☐ African American
☐ Asian American
☐ Hispanic American
☐ Native American
☑ Caucasian
☐ Not known

GENDER

☑ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☑ No

11. Please provide details regarding your educational background.

1967 MS MECHANICAL ENGINEERING. RIGA TECHNICAL UNIVERSITY. RIGA. LATVIA

1973 -1976 PhD CANDIDATE - MARINE GEOTECHNICS. NATIONAL RESERCH INSTITUTE FOR MARINE GEOLOGY & GEOPHYSICS. RIGA LATVIA

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
NONE				

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. NO

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the NOT SERVING ON ANY (board/commission/committee) if I am appointed to the position I am seeking in this application.

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? **Yes** ☒ **No** ☐ IR

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American
- ☐ Asian American
- ☐ Hispanic American
- ☐ Native American
- ☑ Caucasian
- ☐ Not known

GENDER

☑ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☑ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: V. Rachel Front Date: 10-24-19

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

SHORE PROTECTION BOARD

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Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment. The Board shall hold at least four meetings per year and more if deemed necessary.

VLADIMIR RAPOPORT

Palm Beach, Florida USA
vr20007@gmail.com 202-361-3658 - Mobile

SUMMARY: Over 35 years of progressively responsible international experience (engineer to project manager to CEO) in Project management, Site assessment for near-shore and offshore platforms and pipelines, Geotechnical engineering and surveys. Personally worked on projects in more than 40 countries including USA (Gulf of Mexico & Alaska), Canada, the North Sea, Australia, India, countries of Central America, South America, Caribbean, Southeast Asia, West Africa, East Africa, Middle East, Russia, Kazakhstan, and Azerbaijan.

EXPERIENCE

2007 - 2018 ***Consultant, Washington, DC USA***

Technical Consultancy: geotechnical engineering & site assessment for near-shore and offshore infrastructure planning, installation of offshore drilling platforms and pipelines, project management, site assessment for offshore wind farms.
Technical expert witness in court on placement of offshore platforms, site assessments and surveys.
Consultancy on international project management, business development and M & A for energy service companies.

2001 - 2006 ***President, Fugro C.I.S. BV, Leidschendam, The Netherlands***

Responsible for M & A, strategic planning, and business development (offshore and onshore geotechnical services) for Fugro companies in Azerbaijan, Kazakhstan and Russia. Interacted with local oil companies and regulating agencies.
(Fugro is a group of engineering companies operating in 55 countries)

1988 – 2001 ***President, MARSCO Inc. (geotechnical engineering firm), Houston, Texas***

Founded and managed company with offices in Houston & Singapore. Managed and advised on variety of upstream projects worldwide including projects located onshore, near-shore and offshore, in water depths reaching 2800 meters. Served as a technical expert witness in court.
In 2001, MARSCO was acquired by Fugro.

1981 – 1988 ***Staff Engineer - to - Lead Engineer – to - Project Manager***
McClelland Engineers, Houston, Texas.

Directed and participated in a wide variety of field and office geotechnical investigations worldwide, primarily for upstream oil and gas developments. The projects included: field investigations (drilling, testing, geophysical surveys), feasibility studies, erosion studies, studies for pile-supported, gravity, and Arctic platforms; mobile offshore drilling units; and foundations on permafrost. Supervised numerous site investigations on land and offshore.

1980 – 1981 **Geotechnical Engineer Fugro, Houston, Texas**

1970 –1979 ***Engineer (1970-1976), Research Fellow (1976-1979)***
National Research Institute for Marine Geology & Geophysics
(VNIIMORGEO), Riga, Latvia

EDUCATION

1967	MS Mechanical Engineering, Riga Technical University, Riga, Latvia
1973–1976	PhD Candidate - Marine Geotechnics, VNIIMORGEO, Riga, Latvia

PUBLICATIONS

Authored and co-authored numerous publications in the field of marine geotechnical engineering, offshore field development, and placement of mobile offshore drilling platforms. Presented numerous lectures.
Conducted numerous industry seminars for oil companies, drilling companies and insurance companies.

MEMBERSHIPS

ASCE Marine Renewable Energy Committee – Member, ex-Chair of Geotechnical Sub-Committee
International Standard Organization (ISO) – "Marine Site Surveys" – Member of Expert Panel
International Standard Organization (ISO) – "Mobile Offshore Drilling Platforms" – Member of Expert Panel
International Association of Drilling Contractors – Member of Technical Committee

PERSONAL DETAILS

USA Citizen
Languages: English, Russian, Latvian.

Vladimir Rapoport
Partial List of Publications

Effects of Soil Information on Economics of Jackup Installation
with D. A. Geer and S. D. Devoy
Offshore Technology Conference, May 2000, Houston, Texas. OTC 12080

Soil-Structure Interaction During Preloading Of Jackup Modu'S In Different Soil Conditions
with S.D. Devoy, J. Alford and W.B. Huthnance
Offshore Technology Conference, May 1994, Houston, Texas. OTC 7531

Environmental Site Assessment
Drilling Discharges and Environmental Protection, September 1994, Yuzhno-Sakhalinsk, RF

Observed Storm Stability of Jackup Boats (Liftboats)
with W. P. Stewart and M. Oser
Offshore Technology Conference, Houston, May 1991. OTC 6611

On-Bottom Stability of Jack-Ups
with W. P. Stewart, R. M. White, and D. Devoy
Offshore Technology Conference, Houston, May 1989. OTC 5820

Preloading of Independent Leg Units at Locations with Difficult Soil Conditions
with J. Alford
Marine Structures, vol.2, England, 1989, pp 451-462

Placement of Mat-Supported Jack-Up Rigs in Very Weak Soil
with E.L. Turner and J. Chevallier
Offshore Technology Conference, Houston, Texas, May 1987. OTC 5358

Geotechnical Considerations in Placement of Jack-up Drilling Units Offshore Brazil
with F. Bogossian
Proceedings, Symposium on Offshore Engineering, Rio de Janeiro, Brazil, 1987

Foundation Performance of Jack-up Drilling Units – Analysis of Case Histories
with A.G. Young
Mobile Offshore Structures, International Conference, London, September 1987

Uplift Capacity of Shallow Offshore Foundations
with A. G. Young
ASCE: Uplift Behavior Anchor Foundations in Soil, Detroit, Michigan, 1985, pp 73-85

Prediction of Breakout Resistance for Objects Embedded into Seafloor Soil
with A. G. Young
Oceans–83 Proceedings, San Francisco, California. 1983, pp 567-572

Predictions of Jack-Up Rig Footing Penetration
with S. N. Endley, P. J. Thompson and V. P. Baglioni.
Offshore Technology Conference, May 1981, Houston, Texas. OTC 4144

Evaluation of Breakout Resistance for Objects Embedded into Seafloor Soil
VNIIMORGEO, Riga, Latvia, 1979, 62 pp

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

SHORE PROTECTION BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Erick A Reickert E-mail Address: ErickA5@aol.com

Residence Address: 3100 S Ocean Blvd, Ph 601S, Palm Beach, FL 33480

Mailing Address: Same as above

Home Telephone: 561-547-1448 Work Telephone: none

I am a resident of the Town of Palm Beach _____ (please initial) KD

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

With my home on the ocean, the condition of the beach is extremely important to the safety and beauty of my home. This also applies to many homeowners in the Town of Palm Beach, and I would be pleased to represent all of them.

2. How many meetings of the Shore Protection Board have you attended in the last year? 0

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

I have not served in any governmental capacity.

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

My times away from Palm Beach varies each year. I am able to schedule my times away.

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

I hold an Engineering degree from Northwestern University and a Master of Business Administration degree from Harvard University. This permits me to analyze and evaluate issues from a technical and engineering perspective and to apply business and financial principals when assessing alternative plans.

6. Please describe your experience with the design and/or construction of coastal protection projects.

I have no direct experience with design or construction of coastal projects but I have have been following the actions of the Shore Protection Board intently for the past four years and also the progress of the EIS for Reach 8.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

Not at this time.

8. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☑ Palm Beach Civic Association
- ☑ Citizens' Association of Palm Beach
- ☐ Other _____
- ☑ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Neighborhood Alliance of Palm Beach

9. Present occupation: Retired Number of years _____

Employer: _____

10. Past occupation(s): Automotive Executive, VP of Powertrain, VP of Product Planni Number of years 30

Employer(s): Ford Motor Company, Chrysler Corporation, Acustar Corp. New Venture Gear Corp.

11. Please provide details regarding your educational background.

Northwestern University- BSEE 1958; Harvard University MBA 1965.

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
Susan Reickert	Wife	Same as mine	Retired	---

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. NO

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am
(board/commission/committee)
seeking in this application.

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? **Yes** ☑ **No** ☐

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE
- ☐ African American
- ☐ Asian American
- ☐ Hispanic American
- ☐ Native American
- ☑ Caucasian
- ☐ Not known

GENDER
- ☑ Male ☐ Female

PHYSICALLY DISABLED
- ☐ Yes ☑ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: Erik A. Reichert Date: 11/25/19

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

SHORE PROTECTION BOARD

The Shore Protection Board acts in an advisory capacity and makes recommendations to the Town Council in matters relating to shore protection, coastal management, beach nourishment, coastal armoring, the sand transfer plant, and matters relating to the Town's Lake Worth lagoon shoreline. The scope of the Board shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

Members of the Board shall possess knowledge of or interest in shore protection, coastal management, and/or beach nourishment. The Board shall be composed of seven members to be appointed by the Town Council. Members of the Board shall serve for terms of three years. Each member of the Board is required to be a resident of the Town of Palm Beach, except that one member of the Board may be a non-Town resident who possesses specific knowledge or skills directly related to shore protection, coastal management, and beach nourishment. The Board shall hold at least four meetings per year and more if deemed necessary.

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

SHORE PROTECTION BOARD

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

Name: Ronald P. Russo, Jr. E-mail Address: ron@beachlabs.org

Residence Address: 3450 S Ocean Blvd #122, Palm Beach, FL 33480

Mailing Address: 3450 S Ocean Blvd #122, Palm Beach, FL 33480

Home Telephone: 561-408-5147 Work Telephone: ~~212-213-5444~~

I am a resident of the Town of Palm Beach RR (please initial) KD

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Shore Protection Board?

~~I am lucky enough to live on the ocean. The beach is my backyard. Everyday I head out to the beach to take a long walk or jog and inevitably I come back with an armful of garbage. I don't see this as a passing problem but rather one that is in dire need of a solution. I started my non-profit BeachLabs.org in an effort to bring awareness to the local community to save our beaches / environment.~~

2. How many meetings of the Shore Protection Board have you attended in the last year? 0

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance records, etc.

none

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

none

5. Please list your qualifications specifically relevant to shore protection, including any degrees or certifications you may possess.

I founded BeachLabs.org because I am passionate about the cause.

6. Please describe your experience with the design and/or construction of coastal protection projects.

I have none.

7. Please describe any particular knowledge or experience you may have regarding alternative or emerging shore protection technology or coastal management processes.

I have high morals and logic as seen in this video:

https://beachlabs.org/stop-tractors-from-shredding-plastic-on-our-beaches

8. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
- ☐ Palm Beach Civic Association
- ☐ Citizens' Association of Palm Beach
- ☑ Other Nonprofits First
- ☐ Preservation Foundation of Palm Beach
- ☐ North End Property Owners Association
- ☐ Neighborhood Alliance of Palm Beach

9. Present occupation: Consultant Number of years 12

Employer: BeachLabs.net

10. Past occupation(s): Investment Banker Number of years 13

Employer(s): CapStone Investments / US Euro Securities

11. Please provide details regarding your educational background.

I grew up in NJ and attended public school until 10th grade. At that point I transferred to Seton Hall Prep to play ice hockey. I made varsity my sophmore year and made the Dean's List every quarter. After high school I graduated from St. John's University in NY and started on Wall Street.

12. To enable the Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach including your spouse, parents, siblings, or children, as applicable.

Family Member Name	Relationship	Address	Occupation	Employer
Julia Russo	X-Wife	3230 S Ocean Blvd	None	None
Stella Russo	Daughter	3450 S Ocean Blvd	3rd Grade	PB Public

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations. No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the n/a (board/commission/committee) if I am appointed to the position I am seeking in this application.

15. In the event you are applying to be a Regular Member of the Shore Protection Board and you are not successful, will you accept appointment as an Alternate Member of the Commission should the Town Council wish to appoint you as an Alternate Member? **Yes ☐X No☐**

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

☐ African American
☐ Asian American
☐ Hispanic American
☐ Native American
☑ Caucasian
☐ Not known

GENDER

☑ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☑ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

Signature: _____ Date: 11/09/2019

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

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TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Minutes

Agenda Title
Town Council Meeting Minutes
Kathleen Dominguez, CMC, Town Clerk

a. November 12, 2019, Town Council Meeting Minutes
b. November 13, 2019, Town Council Development Review Meeting Minutes

Presenter

ATTACHMENTS:

- **November 12, 2019, Town Council Meeting Minutes**
- **November 13, 2019, Town Council Development Review Meeting Minutes**

TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 12, 2019

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, November 12, 2019, at 9:30 a.m. in the Town Council Chambers. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Dominguez gave the invocation. Council President Moore led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following modifications were made to the Agenda:

a. Item No. XII. B. 1. was given a 12:00PM Time Certain

IV. APPROVAL OF AGENDA

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve the agenda, as amended above. On roll call, the motion passed unanimously.

V. PRESENTATIONS

A. Presentation on Royal Poinciana Playhouse
Alex Patterson, UpMarkets

Ms. Patterson provided an update on the lease efforts of the theater. She reported that meetings are happening with four (4) potential operators.

The Mayor and Town Council members thanked and congratulated Ms. Patterson for her efforts and on the success of the plaza to date. Discussion ensued regarding concerns with parking issues affecting the plaza negotiations, the underutilization of the plaza's property, and the need for more flexibility regarding use of the theater.

In response to questions, Ms. Patterson explained that the theater is being marketed as a dynamic cultural arts center with live performances, films and private events.

It was the consensus of the Town Council to invite Ms. Patterson to the January 14, 2020, Town Council meeting to provide another update.

B. Temporary Docks at Flagler Museum for Special Event Hosted by the Marine Industries Association of Palm Beach County and Informa Markets from March 26 to 29, 2020
Josh Martin, Director of Planning, Zoning and Building

Harvey Oyer provided an overview of the special event, which included the expected number of guests, temporary dock sizes, 24-hour security and fire plans. He also reported that adjacent neighbors, the Breakers Hotel, Palm Beach Towers and Royal Poinciana Plaza were in support of this invitation-only event.

The Mayor and Town Council spoke in support of the event.

In response to questions, Andrew Doolan from Informa Markets confirmed that the temporary docks will be floated over from West Palm Beach so there will be no traffic impacts to the Town.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve the floating docks for the Flagler Museum event. On roll call, the motion passed unanimously.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by Investment Advisory Committee Applicants
Kathleen Dominguez, CMC, Town Clerk

Robert Ciolek, 3200 S. Ocean Blvd., A503, provided a summary of his qualifications and experience.

Council Member Crampton spoke regarding his knowledge of Mr. Ciolek's experience as an Auditor in Massachussetts' government.

In response to questions, Mr. Ciolek confirmed that he would be able to attend all the IAC meetings.

Alan Scheuer, 1332 N. Ocean Blvd., provided a summary of his qualifications and experience.

In response to questions, Mr. Scheuer spoke regarding his availability to attend the meetings.

Town Manager Blouin commented that the 2020 IAC meeting dates could be worked out with the Director of Finance.

B. Appointments to the Investment Advisory Committee
Kathleen Dominguez, CMC, Town Clerk

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve the appointment of Alan Scheuer as a regular member of the Investment Advisory Committee. On roll call, the motion passed unanimously.

VII. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio thanked Captain Curtis Krauel of the Police Dept. and announced his retirement after twenty-two (22) years of service to the Town. She spoke regarding the Memorial Fountain ceremony and plaque dedication that was held earlier that morning and mentioned the fabulous response to the Flags for Heroes event in Bradley Park.

She also enumerated the home rule issues that will be focused on during the upcoming legislative sessions in 2020 being water quality, Lake Okeechobee and beach management. She spoke of the efforts and partnerships being made to ban plastic bags and announced the "How Can I Help?" column and petition on the Town's website for citizens who wish to get involved.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Crampton thanked the Mayor for her leadership on the local ban of plastic bags. He shared comments received from residents about the need for a local dog park in the Town of Palm Beach. He asked if the Town Council had an appetite to research this item further.

Council President Moore gave some historical background on the subject of dog parks in the Town of Palm Beach.

It was the consensus of the Town Council to add a discussion about researching a potential dog park location under Any Other Matters.

Council Member Lindsay announced that Part II of the panel discussion "Where Have All the Songbirds Gone?" will be held on February 3, 2020 and will be filmed by Bill Metzger in partnership with film students from local schools. She also announced that Pan's Garden will be showcasing their native gardens on Saturday, November 23rd with a family event. She echoed the Mayor's comments regarding banning single-use plastic bags. She spoke regarding the Palm Beach Civic Association's news broadcast that featured Paul Colby, the Town's Facilities Maintenance Manager, sharing the Town's replacement of Ficus Benjamina hedges at Town owned locations with native and Florida Friendly alternatives.

Bill Metzger, 277 Esplanade Way, gave an overview of the "Where Have All the Songbirds Gone?" event. He spoke regarding the various partnerships, leadership, and education.

Council Member Araskog commented on the success of the Songbirds panel. She reported that pool cleaners, landscapers and construction companies have been seen coming to the island on Sundays and asked the Town to send out a reminder about zero work on Sundays. She also commented on the recent loss of a historic specimen tree and suggested the Town looking at increasing the penalty fees for unauthorized removals.

Mayor Coniglio announced that an Environmental Forum on the Town of Palm Beach's initiative to eliminate the use of plastic bags is scheduled for December 12th at 10am at the Royal Poinciana Chapel.

Council President Pro Tem Zeidman announced that a Community Safety forum is scheduled for November 19th from 6-8:00 p.m. in the Town Council Chambers. She commended the Police Department for going green with the purchase of two (2) hybrid vehicles.

Council President Moore thanked the Palm Beach Rotary Club for the flags placed on Royal Poinciana Way during Veterans Day weekend. She also encouraged residents to have their staff get a Town ID card in order to return to the island after a hurricane.

IX. COMMUNICATIONS FROM CITIZENS

Andrew Roddy, 231 Kenlyn Rd., thanked the Mayor and Town Council for safeguarding the community. He spoke regarding public health in Palm Beach; moving from fossil fuel to electric technology and banning gas-powered leaf blowers to provide a better health atmosphere. He thanked the Town for the undergrounding of the north end.

Ellen Howe, 2295 S. Ocean Blvd., spoke regarding charging stations for electric vehicles and the Town purchasing electric cars as replacements for Town vehicles.

Simon Taylor, 234 Oleander Ave., commended Alex Patterson and spoke regarding the Royal Poinciana Playhouse. He commented on the challenges being faced to reopen the theater. He also shared his observations of the vision and reopening, public-private funding, and commented that no amended agreement is needed.

Neil Schiller, Attorney, Saul Ewing Arnstein & Lehr, 515 N. Flagler Dr., West Palm Beach, spoke regarding the Public Works Director's decision to change the pick-up location of the Palm Beach Hotel's solid waste and recyclable materials. He requested that the Town allow the Hotel to leave their solid waste and recyclable materials at the original location for pick-up until the appeal is heard at the December 10th Town Council meeting.

Steve Smith, 122 Kings Rd., owner of the Palm Beach Hotel Ballroom, spoke regarding the need to address the current pick-up plan while the appeal is waiting to be heard.

Town Manager Blouin explained that the ordinance provides that the Director of Public Works can determine the solid waste pick-up locations.

Town Attorney Randolph opined on the appeal process and explained that the Town Council has the authority to delay the Public Works Director's decision before the appeal is heard.

Paul Brazil, Director of Public Works, explained the reason for changing the pick-up location.

It was the consensus of the Town Council to place the Palm Beach Hotel's request under Any Other Matters for further discussion.

Diane Buhler, Friends of Palm Beach, announced beach clean-up dates and educational events, which included an Educational movie series.

The following residents commented on the FY 2019-20 tennis rate increases:

Beth Cole, 1193 N. Lake Way
Howie Murray, 3475 S Ocean Blvd.
Bill Fritz, 315 Cocoanut Row

Richard Lynn, 165 Brazilian Avenue, new President of Greater South County Road Association, commended past President Patti Sans, and spoke regarding the goals of the organization to promote the businesses on that street.

X. APPROVAL OF CONSENT AGENDA

Item Nos. X. C. 4. and X. C. 6. were pulled from the Consent Agenda and placed under Item XII.C.

Item No. X. C. 2. was withdrawn from the Agenda.

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

A. MINUTES

1. Town Council Meeting Minutes
   Kathleen Dominguez, CMC, Town Clerk

   a. October 10, 2019, Town Council Meeting Minutes
   b. October 10, 2019, Town Council Development Review Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of October 30, 2019.

B. RESOLUTIONS

1. RESOLUTION NO. 125-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Authorizing Payment to the Municipal Public Safety Communications Consortium (MPSCC) of Palm Beach County in the Amount of $82,442.69 for FY20. *Nicholas Caristo, Chief of Police*

2. RESOLUTION NO. 127-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Extension of Bid No. 2018-28, Vegetation and Litter Removal to Property Works in the Amount of $131,216 for FY20, FY21, and FY22 Contingent Upon Budget Approval and Satisfactory Vendor Performance. *Dean Mealy, Purchasing Manager*

3. RESOLUTION NO. 128-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Extension of Bid No. 2018-6, Town Fountain Maintenance to Mako Pools in the Amount of $78,000 for FY20, FY21, and FY22 Contingent Upon Budget Approval and Satisfactory Vendor Performance. *Dean Mealy, Purchasing Manager*

4. RESOLUTION NO. 129-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Extension of RFQ No. 29-2016, Irrigation Contractor to B Ellis Enterprises Inc. in the Amount of $30,000 for FY20 and FY21 Contingent

Upon Budget Approval and Satisfactory Vendor Performance.
Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 130-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Piggyback Extension of the Palm Beach County School Board Contract 17C-19T, Asphalt Paving to M&M Asphalt Maintenance, Inc. dba All County Paving in the Amount of $100,000 for FY20.
Dean Mealy, Purchasing Manager

6. RESOLUTION NO. 133-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn & Associates, Inc., for Landfill Facilities 2020 On-Call Consulting, Compliance Sampling and Monitoring in the Amount of $99,648 and a Project Budget of $109,612.
Dean Mealy, Purchasing Manager

7. RESOLUTION NO. 134-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Extension of RFP 2017-18, Historic Preservation Consulting Services to Murphy Stillings for FY20 in the Amount of $60,000.
Dean Mealy, Purchasing Manager

8. RESOLUTION NO. 135-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Bid No. 2019-37, Construction of Police Department Virtual Room to Seven Star Construction in the Amount of $93,743 and a Project Budget of $107,803.
Dean Mealy, Purchasing Manager

9. RESOLUTION NO. 136-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract in an Amount not to Exceed $75,000 to Hartford Life and Accident Insurance Company, to Provide Group Life, Accidental Death and Dismemberment, and Supplemental Life Insurance and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.
Danielle Olson, Director of Human Resources

10. RESOLUTION NO. 137-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Cigna, Inc., in an Amount not to Exceed $225,000 to Provide Administrative Services for Group Health, Prescription And Dental Coverage, and Authorizing the Town Manager to Take Actions Necessary to Effectuate this Contract.
Danielle Olson, Director of Human Resources

11. RESOLUTION NO. 138-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Grant for Project No. PB-PB-19-208, Between the Florida Inland Navigation District and The Town of Palm Beach Under the Waterways Assistance Program, Specifically Construction Reimbursement for the Town of Palm Beach Town Dock Replacement Project, in the Amount of $3,062,000, and Authorizing the Mayor to Execute Same on Behalf of the Town. *H. Paul Brazil, P.E., Director of Public Works*

C. OTHER

1. Appointment to the Public Employees Relations Commission Panel per PERC Ordinance Appendix "A" Section 1.003
Danielle Olson, Director of Human Resources

2. Approve Request by Florida Power & Light to Close Orange Grove Road for Eleven (11) Days
H. Paul Brazil, P.E., Director of Public Works– ***WITHDRAWN***

3. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts
Jane LeClainche, Director of Finance

4. 726 Hi-Mount Road – Authorize Town Manager to Enter into a Hold Harmless Agreement and Waive Driveway Site Visibility Requirements
H. Paul Brazil, P.E., Director of Public Works – ***PULLED FROM CONSENT***

5. General Fund Contingency Allocation Request for the Purchase of a Rotary Turf Mower, Not to Exceed $9,000
Carolyn Stone, Director of Business Development and Operations

6. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon for Palm Beach County's Jupiter-Carlin Federal Shore Protection Project
H. Paul Brazil, P.E., Director of Public Works – ***PULLED FROM CONSENT***

XI. COMMITTEE REPORTS

A. Report of the Public Works Committee Meeting Held on October 11, 2019
Bobbie Lindsay, Chair

Chair Lindsay provided the highlights of the meeting, which included a discussion on the proposed free pick-up service for residents who wish to dispose of their ficus benjamina hedges and the cost to the Town. She also provided an update on the Town's green initiative and various construction projects.

Discussion ensued regarding the goal and focus of the green initiative.

In response to questions, Council Member Lindsay spoke regarding the importance of going chemical-free and the goal to replace hedges with natives or Florida-friendly plantings in order to attract more birds, butterflies, and native wildlife.

Mayor Coniglio remarked that the Town should be a leader in the green initiative program. She acknowledged the incentive to the residents and suggested quantifying the cost savings to the residents when the time comes to decide on whether the Town should remove ficus benjamina from private properties at the taxpayer's expense.

Motion was made by Council Member Araskog, and was seconded by Council President Moore, to approve the Public Works Committee meeting report. On roll call, the motion passed unanimously.

B. Report of the Ordinances, Rules and Standards Committee Meeting Held on October 24, 2019

Chair Araskog provided the highlights of the meeting, which included the discussion about the notice procedures for designating a historic district and landmarking a single property, the comments provided from the residents and landmarks preservation experts, and the proposed changes to the Special Events ordinance.

Town Attorney Randolph cautioned the Town Council that changing or amending the current Landmarks Ordinance may invoke the Bert Harris Act and advised that the Town consider making a change to their internal notification procedures.

Council Member Crampton spoke regarding the need for a voluntary landmarking program and providing more notice to affected residents when there is a potential to designate a property as a landmark. He also acknowledged the importance of completing the historic district educational symposium and zoning code change.

Jay Serzan, 353 Seabreeze Avenue, spoke regarding his impression that the Landmarks Designation Procedure would be discussed today.

It was the consensus of the Town Council to discuss the landmark notice changes and special events ordinance changes at the December 10, 2019, Town Council Meeting.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to accept the Ordinances, Rules and Standards Committee report. On roll call, the motion passed unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project

a. Review of Project and Dashboard, Summary of Project Status
Steve Stern, Project Manager

Project Manager Stern provided an update on the project, upcoming meeting dates, a progress summary report for each phase, updates on the completed pole conversions. He announced the Guaranteed Maximum Price (GMP) process has been completed and will be reviewed later in the presentation. Next month a new and improved opinion of cost and budget update will be provided.

Patricia Strayer, Town Engineer, presented a request for an 8 x 20 ft trailer located at Palmo Park to store tools and supplies for Burkhardt's subcontractors and provided information on how the trailer would be screened including the benefits of the trailer.

In response to questions, Ms. Strayer explained how long the trailer would be needed, the location in the park and how much noise will be generated.

Discussion ensued regarding notifying the residents about the accelerated activities in the area and bringing this item back to the Town Council if there are numerous complaints from the impacted residents.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve the placement of an equipment storage trailer in the alleyway at Palmo Park, with the condition that this is brought back before the Town Council if there are numerous complaints received from the affected residents. On roll call, the motion passed unanimously.

Mr. Stern continued with his project update including the financial summary and explained the detailed footnotes within that summary. He also explained that a presentation will be provided next month on the updated project budget reflecting the comprehensive opinion of construction cost and an overall project budget.

Discussion ensued regarding the grand total of project cost, transparency and an overview of what has driven up the opinion of cost for the project, and an update on the Kosberg-Scharf judgement ruling.

Council Member Lindsay requested that staff include the actual project costs with the grant monies included in the updated budget.

b. RESOLUTION NO. 140-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Engineering Services for Town-Wide Utility Undergrounding Phase 2 South, and Establishing a Construction Phase Engineering Budget of $325,418.
Patricia Strayer, P.E., Town Engineer

Town Engineer Strayer provided an overview of the resolution.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve Resolution No. 140-2019. On roll call, the motion passed unanimously.

c. RESOLUTION NO. 141-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving the Award of Construction Manager At Risk to Burkhardt Construction Incorporated for Town-Wide Utility Undergrounding Phase 2 South in the Amount of $6,494,596 and Establishing a Project Budget of $6,694,596.
Patricia Strayer, P.E., Town Engineer

Town Engineer Strayer provided an overview of the resolution.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 141-2019. On roll call, the motion passed unanimously.

2. Further Discussion Regarding Potential Changes to Fees & Regulations for Paid Parking and Other Parking Matters
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided a summary of the discussion that took place at the July 11, 2019 Town Council meeting regarding the proposed changes to parking regulations in various locations throughout the

Town. He provided the following list of items that were deferred to this meeting for further discussion:

a. Conversion of the 100 Block of Sunrise Avenue to Paid Parking

Discussion ensued regarding the mixed uses of Sunrise Ave., the reasons for converting the block from a one-hour time-limited parking street to a paid parking street, user issues and privacy concerns with the use of a mobile parking app, unintended consequences that could affect the residents, and whether or not more parking enforcement is needed.

Public Comments:

Warren Belmar, 130 Sunrise Ave., requested the Town Council consider deciding on this item in December. He spoke regarding not placing physical kiosks on the street and the twenty-(20) propsed parking placards not being a sufficient amount for the residents on that street. He inquired about the reasons for converting the parking spaces on the 100 block of Sunrise to paid parking and suggested stricter enforcement of the one-hour time limit instead. He expressed concern with the use of the Park Mobile app as the only parking payment method and restricting the resident's public beach access. He also inquired about the reason for expanding the 24/7 parking enforcement regulations to the 100 block of Sunrise Ave.

Laurel Baker, Palm Beach Chamber of Commerce, spoke regarding the impact the low parking turnover has on the stores and local businesses and the need for a solution. She suggested the Town Council consider safety issues first, address the paid parking solutions for the business community, and let staff manage the community's parking program.

Simon Taylor, 234 Oleander Ave., spoke regarding the letter he submitted detailing privacy concerns with mobile apps and urged the Town Council to read the Park Mobile's reviews online. He shared that he has never seen an issue with parking on Sunrise Ave. and the complaints he has heard from residents regarding allowing outsiders to use the beach.

Motion was made by Council Member Lindsay, and was seconded by Council President Moore, to convert the 53 parking spaces on the 100 block of Sunrise Avenue to paid parking at $3 per hour using an outdoor kiosk that is readable in the sunlight and by use of a Mobile App that is not ParkMobile, and implement up to 15 or 20 parking placards. On call for a vote, the motion passed 4 to 1, with Council Member Crampton dissenting. ***(Clerk's Note: This motion was subsequently reconsidered and amended later in the meeting.)***

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to reconsider the previous vote made to convert the 100 block of Sunrise Avenue to metered parking. On roll call, the motion passed 4 to 1, with Council President Moore dissenting.

Discussion ensued regarding the hours of parking enforcement on the 100 block of Sunrise Avenue and the transient use of the parking on that street by beachgoers.

Motion was made by Council Member Lindsay, and was seconded by Council Member Moore, to convert the 53 parking spaces on the 100 block of Sunrise Avenue to paid parking at $3 per hour using an outdoor kiosk that is readable in the sunlight and by use of a Mobile App (that is not ParkMobile) during the hours of 7:00 AM to 10:00 PM, seven (7) days a week, and implement up to 15 or 20 parking placards. On call for a vote, the motion failed 2 to 3, with Council Members Moore and Lindsay voting in favor of and Council Members Araskog, Zeidman and Crampton dissenting.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to convert the 53 parking spaces on the 100 block of Sunrise Avenue to paid parking at $3 per hour using an outdoor kiosk that is readable in the sunlight and by use of a Mobile App (that is not ParkMobile) during the hours of 6:00 AM to 10:00 PM, seven (7) days a week, and implement up to 15 or 20 parking placards. On call for a vote, the motion passed 4 to 1, with Council Member Crampton dissenting.

b. 24/7 Enforcement of Metered Parking Areas for: Bradley Place (100 Block), Royal Palm Way/Recreation Center Parking Lot, Lake Drive (adjacent to Marina), and Peruvian Avenue (200 and 300 Blocks) and;

c. Expansion of "Metered" Parking Locations

Deputy Town Manager Boodheshwar presented a map illustrating the current paid parking locations and current free time limited spaces to include in the paid parking program.

Discussion ensued regarding the cost and demand for parking placards on residential streets, concerns with converting non-commercial areas to metered parking, and looking at the previous parking studies.

i. Expansion of Metered Parking Locations on the 100, 200 and 300 Blocks of Worth Avenue

Discussion ensued regarding the parking abuses and low parking turnover on Worth Avenue, what the Town's involvement should be with respect to the matter of business owners allowing their employees to take up parking spaces on Worth Avenue, the underutilized parking lots nearby, not adding physical parking meters

to the street, the need to look at Worth Avenue's zoning district, adding more valet parking areas, and the Town's enforcement of the two-hour time limit.

In response to questions, Town Attorney Randolph advised against tying the issuance of occupational licenses to the placard-parking program.

Public Comments:

John Maus, storeowner of Maus and Hoffman, provided historical background on the parking issues and proposed solutions for Worth Avenue. He requested the Town Council consider implementing a parking placard program or zoned parking in lieu of physical kiosks.

Ed Kassatly, storeowner of Kassatly's Inc., spoke regarding stricter parking enforcement and the use of cameras and requiring store employees and storeowners register their cars, issuing tickets to the storeowners for parking abuse and not installing physical kiosks.

Warren Belmar, 130 Sunrise Ave., spoke regarding the implementation of parking placards on Worth Avenue and asked if someone with a parking placard would be allowed for an entire year without moving their vehicle.

In response to Mr. Belmar's question, Town Manager Blouin explained that the Town's Code of Ordinances could be amended to prohibit placard owners from parking for a year on Worth Avenue.

Glen Espey, Jeweler on Worth Avenue, spoke regarding his experience as a jeweler in California and the lack of leadership with their parking programs, Amazon's plans to open up warehouses, providing a solution for employee parking in season and out of season in order to accommodate the parking needed for customers. He suggested requiring owners and merchants pay for their employees to park off-island and transportation during season.

Daren Rubenfeld, Law Office of Daren Rubenfeld, 247-A Worth Ave., spoke regarding his efforts to implement a valet parking program on the 300 block of Worth Avenue.

Motion was made by Council Member Araskog, and was seconded by Council Member Zeidman, to defer the following items to the January 14, 2020 Town Council meeting:

- **Expansion of metered parking for the 100 Blocks of Hammon Ave., Peruvian Ave., and Chilean Ave., Australian Ave., Brazilian Ave.**
- **Expansion of metered parking for the 100, 200 and 300 blocks of Worth Avenue**

- **Implementation of 24/7 enforcement of metered parking in the Phipps Ocean Park Lots, 100 Block of Royal Palm Way and the west side of South Ocean Boulevard (adjacent to Mid-Town Beach)**

On roll call, the motion passed unanimously.

It was the consensus of the Town Council to request that staff partner with the Worth Avenue Association and nearby parking lot owners for their input on employee parking solutions and strategies.

It was the consensus of the Town Council to request that staff provide the data from previous parking studies to the Town Council to review before the January 14, 2020 Town Council meeting.

d. Implementation of "shared parking", using the Town employee lots

Deputy Town Manager Boodheshwar presented his research on the creation of a "shared parking" program using the Town employee parking lot on Peruvian Avenue and Australian Avenue. He explained that although there are usage limitations placed on the Peruvian lot per the Declaration of Use Agreement from 1999, the implementation of metered public parking is possible but a modification to the agreement would be required. He also explained that a special exception use approval would be required if the Town Council wishes to pursue using the Australian lot during the Town's off-hours for off-street parking which could include a valet program.

Discussion ensued regarding the enforcement and use of the lot for valet or metered parking.

It was the consensus of the Town Council to direct staff to present a pilot-parking program for public use of the Peruvian lot on Fridays from 5:30 p.m to 11:00 p.m. and from 8:00 a.m. to 11:00 a.m on Saturdays and Sundays with the implementation costs included.

e. Residential Permit Parking Program

Deputy Town Manager Boodheswar provided an overview of the Residential Permit Parking program and the demand from residents to increase the total number of residential permit decals and visitor passes a resident can purchase.

It was the consensus of the Town Council to direct staff to bring back an ordinance that will expand the number of residential permit decals and visitor passes for residents at the December 10, 2019 Town Council meeting.

(Clerk's Note: The Town Council recessed after this item for a thirty-five minute lunch break.)

3. Proposed Amendments to FY2020 Recreation Department Tennis Fees
Carolyn Stone, Director of Business Development and Operations

Director Stone introduced the seasonal pass and presented the reduced 12-play pass rates and daily fees for residents and non-residents and other daily fee adjustments for residents, juniors, non-residents adults and non-resident juniors as a way to remedy the issue with the recent tennis fee increase for FY2019-2020.

(Clerk's Note: Due to time constraints, Item No. X.C.4. was heard and voted on at this time.)

Discussion ensued regarding the process and decision for raising the tennis rates, the timing with the budget approval, consulting with the Recreation Advisory Commission on any proposed fee increases in the future, changing the seasonal pass dates to begin on October 1st and end on April 30th to accommodate the tennis teams, changing the non-resident junior program dates to the months of September to May to coincide with the academic year and the services and amenities provided at each cour..

In response to questions, Director Stone spoke regarding the amount of annual passes sold in the last two years for various categories and the importance of getting non-resident participation.

Public Comments:

Bill Fritz, 315 Coconut Row, spoke regarding the tennis fees increasing from 40 to 200%, the Town not being able to sell as many passes and meet their goal with the high increase, and concerns that the Town will lose a lot of customers. He inquired about the budgeting, cost revenue decreases and other projections that went into the cost increase.

Town Manager Blouin addressed Mr. Fritz's comments and questions. He spoke regarding the projected revenue, cost consideration and the fact that the fees have not increased in ten years. He acknowledged that the Town should have increased the fees incrementally and stated that the new rates are fair based on the business model and current play participation in Palm Beach.

Michael Lederman, 2295 S. Ocean Blvd., spoke regarding the need to look at the big picture and requested the Town freeze or reduce the increase on

the residential adult and residential family pass rates.

Jack McDonald, former Town Mayor, spoke regarding the Town's process for increasing the fees, the importance of being competitive with peers, staff and management not knowing what is happening in other clubs and not being a tennis player, and the different amenities and advantages of each of the Town's tennis courts.

Buehler Stem, 150 Bradley Place, spoke regarding the feeling of disenfranchisement developing from residents and non-residents. He proposed implementing a 10% increase for residents and a 15% for non-residents.

Pam McIver, 695 Island Drive, spoke regarding the issue of bad timing with respect to the recent increase in tennis fees occurring right before the opening of the new recreation center. She requested that the Town Council take a second look at the annual pass rates.

Discussion ensued regarding business development and customer relations, the recreation center programs being a service to the community, if lowering the fees would benefit the program, the need for cost recovery for the tennis program, and whether the new proposed fees are a good compromise.

Motion was made by Council Member Crampton, and was seconded by Council President Moore, to approve Resolution No. 126-2019. On roll call, the motion passed unanimously.

B. New Business

1. Consideration of Refunding the 2013 Revenue Bonds
Jane Le Clainche, Director of Finance
TIME CERTAIN: 12:00 PM

(Clerk's Note: Due to its Time Certain, this item was taken out of order and heard after Item No. XII.A.1.)

Jay Glover, Town Financial Advisor from PFM, presented an overview of the available refunding options related to the 2013 Public Improvement Revenue Bonds.

He reported that the 2013 bonds are not callable until January 1, 2024 and therefore, are not eligible for a current refunding. He spoke regarding an opportunity for a taxable refund based on current tax laws and presented refunding statistics based on bond rating and market conditions. He requested the Town Council's feedback and guidance on whether to start

the transaction today and provide the parameters for cost savings and interest. He provided the costs incurred by the Town to prepare the documentation.

Discussion ensued regarding Palm Beach County's recent taxable refunding transaction for a similar bond, true interest cost, rating fees, tax laws, the competitive bid process and timeline, the process for amending the savings parameter should the original rate be higher than the market.

It was the consensus of the Town Council to approve an award basis parameter of 8%.

a. RESOLUTION NO. 142-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Issuance of Not Exceeding $52,000,000 Town of Palm Beach, Florida Public Improvement Revenue Refunding Bonds (Capital Improvement and Coastal Management Program) in One or More Series for the Purpose of Refunding All or a Portion of the Town's Public Improvement Revenue Bonds, Series 2013 (Capital Improvement and Coastal Management Program), Subject to Subsequent Proceedings and Approvals by the Town Council; Authorizing and Directing the Town Manager or the Director of Finance to "Deem Final" the Preliminary Official Statement Relating to the Bonds for the Purposes of Rule 15c2-12 of the Securities and Exchange Commission; Authorizing and Directing the Mayor, Town Council Members, the Town Manager, the Director of Finance and Other Proper Officials of the Town to Execute and Deliver any and all Documents and Instruments and to do and Cause to be Done any and all Acts and Things Necessary or Proper for Carrying Out the Transactions Contemplated by This Resolution: and Providing for an Effective Date.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 142-2019. On roll call, the motion passed unanimously.

b. RESOLUTION NO. 143-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Supplementing Town Resolution No. 142-2019 to Authorize the Public Sale of Town of Palm Beach, Florida Public Improvement Revenue Refunding Bonds, Federally Taxable Series 2019 (Capital Improvement and Coastal Management Program) (The "SERIES 2019 BONDS"); Approving the Form of and Authorizing the Use of a Preliminary Official Statement, Official Notice of Sale and Summary Notice of Sale in Connection with the Public Sale of the Series 2019 Bonds; Authorizing the Execution and Delivery of an

Official Statement in Connection with the Series 2019 Bonds; Authorizing the Execution and Delivery of an Escrow Deposit Agreement; Requiring Compliance within Certain Statutory Requirements; Authorizing and Directing the Town Manager and Director of Finance to Determine Certain other Details of Said Series 2019 Bonds Within the Parameters Set Forth Herein; Authorizing the Proper Officials to do all Other Things Deemed Necessary or Advisable in Connection with the Issuance, Sale and Delivery of Said Series 2019 Bonds; and Providing for an Effective Date.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 143-2019 with an award basis parameter of 8%. On roll call, the motion passed unanimously.

2. The Four Seasons Resort Palm Beach Appeal of Fines Imposed for Non-payment of Solid Waste Collection Fees
H. Paul Brazil, P.E., Director of Public Works

(Clerk's Note: This item was taken out of order and heard after Item No. XII. A. 3.)

Director Brazil provided an overview of the Town's compacted garbage collection services, the billing schedule and the amount of penalties fees accrued by the Four Seasons Resort Palm Beach for non-payment of those services during the calendar year 2019. He also spoke regarding the challenges the Town has had with the Four Seasons Resort over the past ten years with payment delinquencies and the amount of staff time devoted to collecting the quarterly fees.

Zdenka Demus, Finance Director of the Four Seasons' Resort, spoke regarding the way their bills are processed, the resort not being aware of the nonpayment of the quarterly bills, staffing changes, and the fact that their payment center is at a remote location in Texas. She also explained the efforts being made by the resort to ensure the non-payment issues no longer continue and requested a waiver of the penalty fees.

Discussion ensued regarding the numerous attempts by staff to contact the resort and the finance department about the delinquencies and the number of times the Town has waived the Resort's penalty fees in the last ten years.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to deny the Four Seasons Resort's Appeal to waive the penalty fines for the non-payment of solid waste collection fees. On roll call, the motion passed unanimously.

3. Proposed Public/Private Beautification Project with the Palm Beach Country Club
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the project.

Discussion ensued regarding the Town's investment with the seawall, the Town's partnership with the Palm Beach County Club, the currently degraded vista on the Oceanside of the Club, cost, maintenance and ownership.

It was the consensus of the Town Council to direct staff to proceed and present the project scope and costs at a future meeting.

4. Discussion Regarding Modification of Town Code to Prohibit Dogs on Beaches Between Wells Road and Sunset Avenue
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar presented the proposed changes to the Town's Code of Ordinances that would expand the "no dogs" rule on the beach area between Wells Road and Sunset Avenue.

Discussion ensued regarding concerns with overuse and shifting the problem elsewhere, challenges with enforcement, jurisdiction over private versus public beach areas, and trying this new rule out for a one year time-period.

In response to questions, Town Attorney Randolph opined that the Town can regulate the beach area up to the water line.

It was the consensus of the Town Council to direct staff to present an ordinance for first reading at the December 10, 2019 Town Council meeting amending the pertinent sections of the Code to expand the "no dogs" rule to Wells Road and Sunset Ave with a sunset provision of November 2020.

C. Matters Pulled From Consent Agenda:

1. 726 Hi-Mount Road – Authorize Town Manager to Enter into a Hold Harmless Agreement and Waive Driveway Site Visibility Requirements
H. Paul Brazil, P.E., Director of Public Works

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve the Hold Harmless Agreement and Waive Driveway

Site Visibility Requirements for 726 Hi-Mount Road. On roll call, the motion passed unanimously.

2. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon for Palm Beach County's Jupiter-Carlin Federal Shore Protection Project
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the project scope, areas impacted and the level of noise.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to grant the waiver for the United States Army Corps of Engineers to perform the construction related activities in support of the project. On roll call, the motion passed unanimously.

XIII. ORDINANCES

A. First Reading

1. ORDINANCE NO. 39-2019 An Ordinance of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, in General, by Amending Section 82-54, Credited Service; Loss of Credited Service; Reinstatement of Credited Service.; Amending Subdivision II, Reserve Accounts, by Amending Section 82-80, Member Contributions; Amending Subdivision III, Firefighters, by Amending Section 82-94, Retirement Age and Service Conditions for Firefighters; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Ordinance No. 39-2019. On roll call, the motion passed unanimously.

XIV. ANY OTHER MATTERS

1. Celebration of the 19th Amendment Centennial of Women's Right to Vote
Bobbie Lindsay, Council Member

Council Member Lindsay presented an opportunity to partner with two private organizations to celebrate the upcoming 100th anniversary of the ratification of women's right to vote in the Town of Palm Beach.

It was the consensus of the Town Council to approve a Townwide event at the end of the 2020 charity season to celebrate the 100th Anniversary of the Ratification of Women's Right to Vote in America.

2. Penalties for Removal of Historic and Specimen Trees
Julie Araskog, Council Member

Director Brazil explained the section of the Town Code at Section 126-58 that addresses the penalty for intentionally removing a historic and specimen tree without permission.

Council Member Araskog spoke regarding a recent Code Enforcement Board hearing where an owner, who was in violation of Chapter 66 of the Town Code, was given the option to pay a $5,000 fine in lieu of the penalty described in Section 126-58.

Town Attorney Randolph opined that it is within the Code Enforcement Board's jurisdiction to impose fines for code violations.

It was the consensus of the Town Council to direct the Town Attorney to review the two sections of the code that address the protection of historic and specimen trees and bring it to the Code Enforcement Board for further review and clarification.

3. Assigning a Time Certain to Contentious Agenda Items
Julie Araskog, Council Member

Council Member Araskog asked the Town Council if they would consider assigning a time certain for contentious agenda items.

Council President Moore replied that she would consider it.

4. Palm Beach Hotel Request to Delay Decision of the Director of Public Works
Neil Schiller, Attorney

Council Member Araskog spoke regarding the reasons the request should be considered before the appeal is heard next month and a decision is made.

Attorney Neil Schiller provided the dates for filing the appeal and the section of the code he is appealing.

Mayor Coniglio spoke regarding the authority given to the Public Works Director to determine the areas for garbage pick-up locations based on the health, safety and welfare of the public.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to authorize the Palm Beach Hotel to place residential solid waste at the current location on Park Avenue until the appeal is heard at the December 10, 2019, Town Council Meeting. On roll call, the motion passed unanimously.

5. Potential Dog Park Location
Lew Crampton, Council Member

Council Member Crampton asked the Town Council if there was an appetite for identifying a dog park in Palm Beach.

Discussion ensued regarding potential locations to consider and whether Palm Beach is an appropriate place for a dog park.

It was the consensus of the Town Council to direct staff to work with Council Member Crampton on researching and presenting potential dog park locations.

XV. ADJOURNMENT

There being no further business, the Regular Town Council meeting of November 12, 2019, adjourned at 6:44 p.m.

Attest:

Approved:

Kathleen Dominguez, CMC,
Town Clerk

Danielle H. Moore, Town Council President

Date:_____

TOWN OF PALM BEACH

Minutes of the Development Review
Town Council Meeting
Held on November 13, 2019

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order November 13, 2019 at 9:33 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation. Council President Moore led the Pledge of Allegiance.

III. PRESENTATIONS

A. Presentation on Approach, Scope and Schedule for Code Reform Project

Planning, Zoning & Building Director Josh Martin presented the approach, scope and schedule for the proposed Code Reform. Mr. Martin reviewed the proposed project schedule. He felt historic Palm Beach should be legalized. He stated this proposal had never been done in the United States. Mr. Martin reviewed the proposal which included education, research, and transparency for the residents with proposed symposiums, feedback sessions, documentation, and use of a world class think tank familiar with international best practices.

Lynn Richards, Executive Director of the Congress for New Urbanism, introduced herself and spoke about her ideas for Palm Beach Code Reform.

Planning, Zoning & Building Director Martin recommended taking the proposal to the Planning and Zoning Commission and getting feedback. He was also working on the budget to be sure the current budget could sustain this project without asking for additional funds, and would bring this information back in December.

Mayor Coniglio commented on the importance of responsive listening to the community. She recommended giving Mr. Martin a yellow light for this project to allow everyone to move forward.

Council Member Araskog indicated she would like to see the plan move to the Planning and Zoning Commission first and then come back to the Town Council for a vote. She asked Mr. Martin to bring the cost forward at the next month's meeting. She was happy to hear that Code Reform would preserve the Town.

Council Member Lindsay expressed support for the project going to the Planning and Zoning Commission, and thought the Town needed Code Reform. She liked everyone going through education together and making a decision together, and was 100% in support of Mr. Martin's efforts.

Council Member President Pro Tem Zeidman was ready to move forward, learning about the possibilities. She commented Mr. Martin was very knowledgeable about the Town and understood the concerns of residents. She looked forward to Code Reform.

Council Member Crampton was in total support of this effort. He appreciated the view that process was as important as the product. He felt this was a very important process that was needed to guarantee our future and to be in control of change.

Council President Moore expressed respect for the Code but it was written 40 years ago. She stated a new code was needed, and she fully supported this effort.

Council Member Araskog asked Town Attorney Randolph about moving forward with Code Reform. Town Attorney Randolph responded it was fine to move forward and Bert Harris would be addressed down the road. Council Member Araskog felt process was so important and appreciated taking this to the advisory board.

Mallory Baches, Congress for New Urbanism, stated she was looking forward to working with the Town in the historic symposium and appreciated the thoughtfulness of the Council in moving forward.

Mr. Martin announced the launching of a project website, *preservepalmbeach.com* in coordination with Code Reform.

Council President Moore stated Director Martin had a consensus of the Council to move forward.

Public Comment:

Andrew Roddy, 223 S. County Road, thanked Mr. Martin and looked forward to being part of the Code Reform process. He loved the vias on the west end of Worth Avenue, but advocated for separation between buildings. He wanted to preserve the character of the buildings but be able to maintain them.

Simon Taylor, 234 Oleander Avenue, expressed his objections to the proposal.

Anita Seltzer, 44 Cocoanut Row, expressed her concerns with the proposal.

Rob Frisbie echoed gratitude for staff in their effort to preserve the Town. He thought Palm Beach should lead by example.

Anne Pepper, 333 Seaspray Avenue, believed Code Reform was necessary.

Amanda Skier, Preservation Foundation of Palm Beach, reported she enjoyed working with Mr. Martin and felt there was so much opportunity for education.

Jaime Torres, Fairfax and Sammons Architects, stated he does not reside here but had been working in the Town for over 20 years. He could see that the fabric of the Town was being undermined by current projects.

Alex Hufty Griswold, 274 Orange Grove Road, commented Planning and Zoning had streamlined the process. He spoke about his history with the Town, and about his challenges with the Code.

Gordon McCoun, 434 Chilean Avenue, thought Code Enforcement should be involved with the process. He was in favor of Code Reform.

Bill Metzger, 277 Esplanade Way, reported he had recorded an original presentation by Mr. Martin to the Planning and Zoning Commission regarding Code Reform process and improvement. He stated he would record the Historic District at the Flagler and LPC Symposium as well as the feedback session, and hopefully more in the future, and he had the ability to go live with recordings. He presented an audio request which would allow him to go live.

Town Manager Blouin asked the Town Council if they would be okay with recording meetings.

Council Member Araskog inquired who would be taped. Mr. Martin explained all of the symposium public sessions would be recorded.

Town Manager Blouin described some of the other events that would be taped, which included the Town Council Meetings.

Council President Pro Tem Zeidman thanked Mr. Metzger for his efforts. She would be in favor of taping the meetings unless there were any legal issues. She felt it would be good for residents.

Council Member Lindsay indicated she was in favor of this, which was good for transparency, and as technology improved, it was important to change. This would be very low cost, and would make the records more accessible.

Mayor Coniglio thought it was great idea. She commented they were behind the times and asked what the cost would be. Mr. Metzger stated there would be no cost.

Council Member Araskog agreed with transparency, and commented minutes did not often capture statements, and it would be easier to watch the meeting. She felt this was a great idea, and thanked Mr. Metzger for offering the service at no cost.

Council Member Crampton commented this was a good thing for transparency and efficiency.

Council President Moore thanked Mr. Metzger for his offer. Town Manager Blouin indicated staff would look at all the issues and would report back to the Council. Council President Moore asked to please bring it back so they could have another discussion.

Mr. Metzger commented a public meeting was open for recording, but to broadcast live on the internet was somewhat different. He was aware of issues. He would still like to record the symposium, but did not have to stream it, and it would be available for streaming if there were no issues.

Council President Moore thanked Mr. Metzger for all his work and stated this would be left up to staff.

Please note: A short break was taken at 11:07 a.m. The meeting resumed at 11:17 a.m.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio had no comments.

V. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

There were no comments heard at this time.

VI. COMMUNICAT IONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Mary Webster, 145 Peruvian Avenue, expressed her concerns for the future of the lot behind Neiman Marcus. She asked the Town Council to carefully consider whether to allow the new owners to place the lot for sale.

Leslie Shaw, 318 Seaspray Avenue, requested that someone present a counterpoint in the Symposium. Mr. Martin stated that was in the works.

Simon Taylor, 234 Oleander Avenue, expressed concern about CNU and stated his objections to the Code Reform.

Bill Metzger, 277 Esplanade Way, expressed concern for the chicane on 218 Debra Lane. He asked that the Town encourage the new owners to relocate the equipment on their property rather than in the road.

VII. APPROVAL OF AGENDA

The following modifications were made to the agenda:
Withdrawal of Item VIII.C.1 (b) from the agenda.

Deferral of Item VIII.C.2 (a) to the January 15, 2020 meeting.

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

VIII. DEVELOPMENT REVIEWS

A. **Appeals**

1. **Appeal of September 14, 2019 ARCOM Staff Approval for Tow Away Signs**

Council Member Lindsay expressed a conflict of interest and left the room.

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

Ex-parte communication was requested. Each member of the Council stated none.

Attorney Randolph passed out an overview and timeline of all of the events taken place to date. He recommended a deferral of the appeal and explained the reasons.

Amanda Quirke Hand, attorney representing 100 Emerald Beach Way, concurred with Town Attorney Randolph. She asked that the Town Council order the parties to mediate this issue.

M. Timothy Hanlon, attorney representing 1236 S. Ocean Blvd., objected to Town Attorney Randolph's recommendation and explained his reasoning.

Town Attorney Randolph noted that this must be concluded within 45 days so if Attorney Hand did not agree to a deferral the Town Council must go forward today.

Council Member Araskog agreed with Town Attorney Randolph. She felt that the Town Council should rely on the court's decision on a path to move forward. She stated she would rather get the court's ruling first before moving forward with mediation.

Town Attorney Randolph stated options for moving forward, and his belief that it would be prejudicial to the Town to discuss matters today that were before the court.

Council President Pro Tem Zeidman stated she would listen to the advice from Town Attorney Randolph.

Council President Moore agreed with Town Attorney Randolph.

Council Member Crampton agreed with Town Attorney Randolph.

Attorney Hanlon stated it would not be prejudicial if only the new issues were heard, Town Attorney Randolph agreed.

Motion was made by Council Member Araskog, and seconded by Council President Moore, to defer the appeal of the September 14, 2019 ARCOM Staff Approval for Tow Away Signs to a meeting 31 days after the Court had ruled on the writ. On roll call, the motion carried 4-0, with Council Member Lindsay recused.

B. **Time Extensions and Waivers**

1. **Time Extension Request, 247 Worth Avenue, Le Bilboquet Restaurant**

Planning Zoning & Building Assistant Director Wayne Bergman presented the time extension request for 247 Worth Avenue, Le Bilboquet Restaurant, to work through the entire restricted winter season; however, nothing would be visible or accessible from Worth Avenue and all parking and deliveries would take place from the Apollo parking lot.

Maura Ziska, Attorney, explained all of the work would stop over the holidays, and the request was for regular hours 9 a.m. to 5 p.m., with no weekends.

No ex parte was declared by the Council.

Council Member Araskog questioned if Club Collette would be affected. Attorney Ziska stated it would not be affected. Council Member Araskog requested no work during Passover and Thursday through Sunday during Easter, and if there were complaints that this could come back.

Council Member Lindsay questioned if this would affect any parking.

Jane Holzer, 147 Dunbar Rd., stated she did not believe there would be a parking problem.

Mayor Coniglio indicated she thought this was a good request, and added there were no letters of objection.

Motion was made by Council Member Crampton, and seconded by Council President Moore, to approve the waiver for time extension request for 247 Worth Avenue, Le Bilboquet Restaurant, with any complaints to come back before the Town Council. On roll call, the motion carried unanimously 5-0.

C. **Variances, Special Exceptions, and Site Plan Reviews**

1. **Old Business**

a. **Z-19-00211 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-PC Planned Center The application of 305 Concepts Palm Beach, LLC d/b/a Coyo Taco, Applicant, relative to property located at **340 ROYAL POINCIANA WAY SUITE: M337**, legal description on file, is described below.

On March 15, 2017, the Town Council approved Special Exception #5-2017, which authorized Coyo Taco to operate a restaurant containing more than 3000 S.F. in the C-PC zoning district at Suites #337A and M 333 of the Royal Poinciana Plaza. The approval was conditioned upon execution of a Declaration of Use Agreement, which did not permit Coyo Taco to have a disc jockey. This application seeks to amend the existing Declaration of Use Agreement to allow the restaurant to have a DJ on Tuesday, Friday and Saturday nights, in addition to special events. The hours requested for the DJ are 8:00pm to 12:00pm on Tuesday nights and 8:00pm to 1:00am on Friday and Saturday nights and for special events. The DJ will be confined to the interior of Coyo Taco. No physical changes to the previous approval are requested. The Declaration of Use Agreement also required Coyo Taco to return to the Town Council to demonstrate compliance with the Town Serving requirement. Coyo Taco has collected data confirming that the Town Serving requirement is met. This information will be

presented to the Town Council during the public hearing on this application.

Ex-parte communication was declared by Council Member Araskog and Council Member Lindsay. No other ex-parte communication was disclosed.

Jamie Crowley, attorney for the applicant, explained the request and the testing that had been completed for noise, which showed no problems with noise levels when the music was loudest.

Council Member Crampton expressed his concerns and the reasons he could not support the request, that the establishment had had problems with underage drinking and people around the establishment had reported problems with noise. Also, he did not agree with changing the declaration of use so quickly after additions had been made.

Council Member Araskog expressed her concerns, and stated she would rather have it begin one night a week and then return for additional nights if there were no complaints.

Attorney Crowley explained the situation regarding the underage drinking had been addressed by now having a third party professional identification company who checks all identification. He discussed the request. Council President Pro Tem Zeidman inquired about the noise testing methods. Mr. Crowley discussed the testing.

Council Member Araskog inquired if the noise was tested near the door that would be opened and closed. Mr. Crowley responded it was tested from the south where the towers would be impacted.

Council Member Lindsay clarified with Mr. Crowley which doors would be opened and the room that would hold the music. He stated nothing could be heard in the parking lot.

Zoning Manager Paul Castro stated that there had been no reported noise complaints from Code Enforcement going back to May and he understood the request was deferred to see if there were any complaints.

Council President Pro Tem Zeidman questioned if the DJ would be at the special events. Council Member Lindsay inquired how many special events with a DJ had occurred this year. Mr. Crowley stated that they had not had any with a DJ and offered to withdraw that from his request until a later date. He clarified they had support of the management.

Council Member Araskog supported trying one night, Friday or Saturday, and to come back in 3 months to see how it was working, and if complaints to come back sooner. She expressed concern with the decibel reading in the courtyard due to other eating establishments. Council Member Crampton asked when the restaurant opened. Mr. Crowley responded it had been operating about two years. He asked about the professional ID reader, which Mr. Crowley explained they scanned IDs and determined if they were real. Mr. Crowley explained how they had tested the noise.

Public Comment
Simon Taylor, 234 Oleander Avenue, expressed concern about resident safety with the proposed application and asked the Council to reject the application.

Anne Pepper, 333 Seaspray Avenue, expressed concern about the proposed application.

Council President Pro Tem Zeidman commented she understood the concerns of the residents.

Council Member Araskog stated she had changed her mind and wasn't prepared to allow a DJ, but might agree to one night.

Council Member Lindsay felt they could be given a trial of one night a week to give the applicant a chance to show whether this would work.

Discussion ensued.

Motion was made by Council Member Araskog, and seconded by Council President Pro Tem Zeidman, that Special Exception Z-19-00211 with Site Plan Review 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, until a time certain of April 15, 2020 when this shall be revisited, for one consistent night each week of the applicant's choice either Friday or Saturday, hours 8 p.m. to 12:00 midnight, and no DJ's for special events; and if there were complaints earlier than April 15, 2020 even if the noise decibel appeared correct, to return to Town Council. Zoning Manager Castro clarified no changes would be made to any agreement until after April 15, 2020. On roll call, the motion carried 3-2 with Council Member Crampton and Council President Moore opposed.

b. **Z-19-00213 VARIANCE(S)**
This item was withdrawn under Approval of the Agenda, Item V.

2. **New Business**

a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN**

REVIEW AND VARIANCE(S)

This item was deferred under Approval of the Agenda, Item V.

b. **Z-19-00224 SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density Residential. The application of Andrew and Milla Russo, Applicant, relative to property located at **218 Debra Lane** legal description on file, is described below. 1. Section 134-893(b)(2) - A request for Site Plan Review to build a 3,539 square foot, 2 story home, hardscape and swimming pool on an existing 10,393 square foot platted lot with a depth of 90' in lieu of 100' minimum required. The following variances are being requested for the proposed swimming pool. a. Section 134-1757 - Request for a front yard setback of twenty feet, four inches (20.33') in lieu of the twenty- five foot (25.0') minimum front yard setback required by code. b. Section 134-1757 - Request to allow the proposed swimming pool in a required street side yard with a continuous hedge of three feet (3.0') in height in lieu of six feet (6.0') minimum required. [Architectural Review Commission Recommendation: Implementation of the proposed site plan review and variances will not cause negative architectural impact to the subject property. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 4-3]

Ex-parte Communication was disclosed by Council Member Araskog and Council Member Lindsay. No other ex parte communication was disclosed.

Frank Lynch, attorney on behalf of the owners at 218 Debra Lane, explained the zoning requests.

Paul Castro provided staff comments.

Public Comments

Molly Noonan, 1469 North Lake Way, expressed concern for the proposed home, which was much larger than her home and the effect it would have in blocking light to her home.

Council Member Araskog inquired if there was a way to change the house so that the variance request for the pool would not be needed. Mr. Lynch responded. Discussion ensued. Mr. Castro provided further staff comments regarding the swimming pool.

Council President Pro Tem Zeidman commented the applicant was trying to make this come into as much compliance as they could for other people in the neighborhood. Mr. Martin spoke

about the issues with the lot.
Discussion ensued.

Attorney Lynch offered to remove the variance related to the pool, which made the hedge the only variance request.

Council Member Lindsay thought the issue of raising the lot should be one of the first items to be addressed in code reform. Mayor Coniglio asked if the applicant was willing to have a transformer on the corner to eliminate the chicane. Attorney Lynch responded they would make every effort to work with the Town and hoped the easement could be diminished but would need to consult others.

Discussion ensued regarding moving the chicane to their property.

Attorney Lynch indicated he could voluntarily agree to working with the Town to shrink the size of the easement and accept the chicane onto the applicant's property as a condition of the variance. Council Member Araskog asked if they should still volunteer an easement. Town Attorney Randolph responded they were volunteering the transformer easement as a condition of the variance.

Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Zeidman, that Variance Z-19-00224 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried 4-1, with Council Member Araskog opposed.

Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Zeidman, that Site Plan Z-19-00224 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11 have been met. On roll call, the motion carried unanimously, 5-0.

Please note: A short break was taken at 1:20 p.m. The meeting resumed at 1:22 p.m.

Mayor Coniglio asked Josh Martin to put the FEMA issues first in the Code Reform.

c. **Z-19-00225 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Ave The application of FRO II WORTH OWNER LLC (Andrew Osborne), Applicant, relative to property located at **259 WORTH AVE**, legal description on file, is described below. Pursuant to Sections 134-1162 and 134-1165 the applicant is requesting Special Exception with Site Plan Review in order to construct a third story as a special allowance based on the Worth Avenue Design Guidelines. This project qualifies for the special allowances as set forth In Exhibit D(Copy on file in the PZ&B Department). The proposed third story consists of a roof top deck with an enclosed 2,390 square feet of living space which includes a 720 square foot pergola. The following variance is being requested: Section 134-1165 - proposed maximum story coverage of 33% for the enclosed living area on the third floor roof deck in lieu of the 25% maximum allowed for a third story using the Worth Avenue Design Guidelines. [Architectural Review Commission Recommendation: The project meets the Worth Avenue Design Guidelines as presented. Carried 5-2.] [The Architectural Review Commission approved the project as presented. Carried 6-1]

Ex-parte was declared by Council Member Araskog, Council Member Crampton, Council President Moore, Council Member Pro Tem Zeidman and Council Member Lindsay.

Maura Ziska, attorney for the owner of the Tiffany building, explained the zoning requests, and commented the new owners wanted to turn the second and third floors into a single family residence. She added that the second floor did not require a variance, and the third floor did not require a variance if the Worth Avenue Design Guidelines for a special allowance were met.

Keith Spina, GliddenSpina, presented the architectural plans for the proposed two-story residence. He placed alternate renderings on the overhead projector. Changes had been made to meet ARCOM requests.

Zoning Manager Castro provided staff comments, stating staff believed the applicant qualified to ask for special allowances, but it was up to ARCOM and the Town Council to approve a project for a third story if they met the special criteria to allow for the third story. Staff thought this was a quality project and that the applicant had the ability to request from Town Council the special allowance, but it was the Council's

decision whether or not they met that and if they should be granted the variance.

Council Member Lindsay asked whether the architects tried to stay within the 25% with the structure of the third story, which Mr. Spina indicated they had. Discussion ensued about the third floor coverage.

Council Member Lindsay thought it was a good adaptation and an elegant solution, and expressed favor for the project.

Council Member Araskog inquired about quasi-judicial procedure.

Council Member Crampton was in favor of the project.

Mayor Coniglio commented she would have liked to have seen Worth Avenue Guidelines, and would like to see the third floor within the guidelines of the code.

Council President Moore asked to see the north elevation of the building from the adjacent parking lot. Mr. Spina reviewed the layout of the rooftop.

Council Member Araskog expressed concern that Town Council had not seen the Worth Avenue Design Guidelines. She asked Mr. Spina questions pertaining to the guidelines. Mr. Spina indicated they had reached out to Town staff for help with meeting the guidelines. Zoning Manager Castro explained they sat down with the architect and went through the intent of the guidelines. Council Member Araskog expressed concern for buildings getting higher and the character of the street would be lost. She was also concerned about 35%.

Council President Pro Tem Zeidman asked Mr. Spina if he considered using more of the coquina stone. He explained how they arrived at the decision to use the small amount of coquina stone. Council President Pro Tem Zeidman saw this residence as a good turning point for Worth Avenue.

Public Comments

Carol LeCates, 212 Seabreeze Avenue, expressed concern regarding whether the project was eligible for the special allowance under the Worth Avenue Guidelines.

Anne Pepper, 333 Seaspray Avenue, thought it was important to stick to the Worth Avenue Guidelines.

Council Member Lindsay thought our Code was counting some items that were not counted in other municipalities, and felt this was a nice solution.

Council Member Araskog did not believe the changes were eligible to be approved in the Worth Avenue Guidelines. She stated she could not vote for this. She believed the item should be deferred.

Council Member Zeidman recommended removing the terraces.

Mr. Martin made some recommendations for the project.

Maura Ziska stated that a deferral would not work for her client.

Town Attorney Randolph stated that he had reviewed the documents and believed that there was enough language in the guidelines to support Zoning Manager Castro's recommendation.

Council Member Crampton stated support for the project. He felt it appropriate to proceed with caution but the architect was not pushing the envelope. He believed this was a positive improvement.

Mayor Coniglio provided her comments, stated she was in favor of the project, and would like to see other mixed use buildings on Worth Avenue.

Mr. Castro stated that the guidelines were handed to the ARCOM members when they made their decision.

Council Member Lindsay stated that she had talked to staff and they were confident the guidelines had been met.

Council Member Araskog noted ARCOM had asked that this come back on certain issues.

Motion was made by Council Member Crampton, and seconded by Council President Pro Tem Zeidman, that Site Plan Z-19-00225 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11 have been met pending a decision on pergola and pool made by ARCOM. On roll call, the motion carried 4-1, with Council Member Araskog opposed.

Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, that Variance Z-19-00225 shall be deferred to a time certain of December 11, 2019. On roll call, the motion carried unanimously, 5-0.

Motion was made by Council Member Crampton, and seconded by Council President Pro Tem Zeidman, that Special Exception Z-19-00225 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 4-1, with Council Member Araskog opposed.

d. **Z-19-00226 SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Karen Lehrman Pravias, Applicant, relative to property located at **225 EVERGLADE AVE SUITE:** 1, legal description on file, is described below. The applicant is requesting Site Plan Review pursuant to Section 134-942 to propose the removal of an existing 120 square foot awning and to replace it with a 192 square foot awning along the south side of the condominium unit, which will require the following variances: 1. Section 134-948 (5) - front yard setback of 17.33 feet in lieu of the 25 foot minimum required for multifamily use in the R-C Zoning District. 2. Section 134-948 (6) -West side yard setback of 14.84 feet in lieu of the 20-foot minimum setback required for multifamily use in the R-C Zoning District. 3. Section 134-948 (9) -Lot coverage of 41.34% in lieu of the 41.17% existing and the 30% maximum allowed for multifamily use in the R-C Zoning District.

No ex parte was declared.

Maura Ziska, attorney for the owner of the building, explained the zoning requests.

Paul Castro provided staff comments.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance Z-19-00226 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried unanimously, 5-0.

Motion was made by Council President Pro Tem Zeidman, and seconded by Council Member Araskog, that Site Plan Z-19-00226 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the

specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11 have been met. On roll call, the motion carried unanimously 5-0.

e. **Z-19-00227 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Brett and Meaghan Barakett, Applicant, relative to property located at **130 BARTON AVE**, legal description on file, is described below. The Applicant is proposing to construct a two story, 1,597 square foot addition (not including mechanical basement) and a 1,715 square foot basement. The addition is to be the same height and overall height of existing home, but the addition requires the following variance requests: 1. a height of 24.4 feet in lieu of 22 feet maximum permitted (Section 134-893(10); 2. An overall height of 29.2 feet in lieu of 25 feet maximum for a flat roof residence (Section 134-893(10); and 3. A rear building height plane height of 24.4 feet in lieu of 22 foot maximum (Section 134-893(8). [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project with conditions relating to the architecture. Carried 7-0]

No ex-parte was disclosed.

M. Timothy Hanlon, attorney for the owner of the building, explained the zoning requests.

Paul Castro provided staff comments.

Motion was made by Council Member Lindsay, and seconded by Council Member Araskog, that Variance Z-19-00227 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area, and added there were three variances. On roll call, the motion carried unanimously, 5-0.

IX. ANY OTHER MATTERS

A. **Discussion to Consider Section 66-236 to Require Town Approval of Removing Landscape Buffers**

Planning Zoning & Building Assistant Director Wayne Bergman presented the item to see if the Town Council members would like this item to be taken to ORS.

Mayor Coniglio stated she was in favor of looking at this item.

Council Member Araskog agreed with Mayor Coniglio. She reported she had discussed this with Mr. Bergman.

Council Member Lindsay stated she was comfortable sending it to ORS, but not to make this a big process.

Council President Moore raised concern but was fine with sending it to ORS.

Mr. Martin discussed the situation that occurred, which prompted this discussion.

Council Member Araskog asked that a requirement to keep a hedge for a certain length of time be considered.

B. **Discussion of Previous Vote and Reconsideration of Request from O'Conner Property Management on Behalf of Wilson 151 Worth, LLC, to Release the 1998 Use Agreement Requirements for 152 Peruvian Avenue**

Town Attorney Randolph stated that Harvey Oyer sent a letter objecting to this item and requested it be a part of the record. Attorney Randolph read the letter into the record.

Motion was made by Council Member Araskog, and seconded by Council President Moore, to reconsider last month's vote regarding 152 Peruvian Avenue and the declaration of use agreement.

Peter Bergner, O'Conner Capital Partners, stated he was present to see who they needed to speak to adjacent to the property. Mr. Martin stated this needed to go through proper channels.

On roll call, the motion carried unanimously, 5-0.

Mr. Martin stated he would work with the neighbors to facilitate a negotiation.

Mr. Castro recalled what he remembered from the original approval.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to rescind the previous vote on the action taken on 152 Peruvian Avenue. On roll call, the motion carried unanimously 5-0.

X. **ADJOURNMENT**

There being no further business, the Development Review Town Council meeting of

November 13, 2019 was adjourned at 3:15 p.m. without the benefit of a roll call.

APPROVED:

_____
Danielle H. Moore, Town Council President

ATTEST:

_____
Kelly Churney, Administrative Specialist

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Minutes

Agenda Title
Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 22, 2019.

Presenter
Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated November 22, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Review Commission Meeting of November 22, 2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Josh Martin, Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of November 22, 2019

Date: November 22, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of November 22, 2019.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of November 22, 2019.

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

JM:kmc

TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON FRIDAY, NOVEMBER 22, 2019

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

I. **CALL TO ORDER**
Chair Vila called the meeting to order at 9:00 a.m.

II. **ROLL CALL**

Robert J. Vila, Chairman	PRESENT
Michael B. Small, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT (arrived at 9:03 a.m.)
Maisie Grace, Member	PRESENT (arrived at (9:02 a.m.)
John David Corey, Member	PRESENT
Nikita Zukov, Member	ABSENT (unexcused)
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT

Please note: Mr. Vila stated that Ms. Shiverick would be voting in the absence of Mr. Zukov.

Staff Members present were:
John Lindgren, Planning Manager
Kelly Churney, Secretary to the Architectural Review Commission

III. **PLEDGE OF ALLEGIANCE**
Chair Vila led the Pledge of Allegiance.

IV. **APPROVAL OF THE MINUTES FROM THE OCTOBER 30, 2019 MEETING**
Motion made by Mr. Small and seconded by Mr. Garrison to approve the minutes from the October 30, 2019 meeting. Motion carried unanimously.

V. **APPROVAL OF THE AGENDA**

Mr. Small requested the deferral the following projects to the December 13, 2019 meeting: B-018-2019 341 Hibiscus Ave., B-052-2019 405 N. Lake Way, B-070-2019 259 Worth Avenue.

Dustin Mizell, Environment Design Group and professional for the project B-018-2019 341 Hibiscus Ave., requested his deferral to the February 26, 2020 meeting. The consensus of the Commission was to approve his request.

Motion made by Mr. Small and seconded by Mr. Garrison to approve the agenda as amended, with the deferral of B-052-2019 405 N. Lake Way, B-070-2019 259 Worth Avenue to the December 13, 2019 meeting and a deferral of project B-018-2019 341 Hibiscus Ave. to the February 26, 2020 meeting. Motion carried unanimously.

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

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

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

There were no comments heard at this time.

VIII. **COMMENTS FROM THE ARCHITECTURAL COMMISSION MEMBERS**

Mr. Small questioned whether it would be appropriate to combine the December meeting with the January meeting, to be held in January. Mr. Lindgren stated a meeting would be necessary in December, even if only to defer all of the items to the January meeting. Mr. Small wondered if it would be possible to combine the meetings around the holidays in 2020. Mr. Lindgren stated that he would need to investigate whether this was possible due to the Code requirements.

IX. **PROJECT REVIEW**

A. DEMOLITIONS AND TIME EXTENSIONS

None

B. MAJOR PROJECTS – OLD BUSINESS

B-018-2019 Modifications
Address: 341 Hibiscus Ave.
Applicant: Roy and Vanessa Carroll
Professional: Dustin Mizell/Environment Design Group
Project Description: Addition of vehicular gate. Revisions to the entry courtyard and associated landscape changes.

A motion carried at the March meeting to defer the project for one month to the April 24, 2019 meeting for restudy. A motion carried at the April meeting to defer the project for one month to the May 29, 2019 meeting for a restudy based on the comments from the Commissioners. A motion carried at the May meeting to defer

the project for one month to the June 26, 2019 meeting at the request of the professional. A motion carried at the June meeting to defer the project until the November 22, 2019 meeting at the request of the professional.

Please note: The project was deferred to the February 26, 2020 meeting at the Approval of the Agenda, Item V.

B-052-2019 Demolition/New Construction
Address: 405 N. Lake Way
Applicant: Mary E. Curran
Professional: Anthony A. Harrington
Project Description: Proposal of a new two-story residence with pool, landscape and hardscape. Demolition of existing two-story residence.

A motion carried at the August meeting to approve the demolition with conditions. A second motion carried to defer the project for one month to September 25, 2019 so that the professional could address the comments made by the Commission. Because of the storm experienced in the area, the applicant was granted a deferral until the October 30, 2019 meeting to allow the applicant sufficient time to make the necessary revisions. At the October 30, 2019 meeting the project was deferred to the November 22, 2019 meeting with a direction to restudy study all of the comments made by the Commissioners, specifically the roof, main entrance, the front door and the doors on the west elevation.

Please note: The project was deferred to the December 13, 2019 meeting at the Approval of the Agenda, Item V.

B-063-2019 New Construction
Address: 220 Brazilian Avenue
Applicant: PBROC Limited Partnership
Professional: Patrick O'Connell/Patrick Ryan O'Connell Architect, LLC
Project Description: Proposed construction of a new two-story, two-family residential structure, including new pools, hardscape and landscape.

At the September 25, 2019 ARCOM, meeting the project was deferred for one month to October 30, 2019 for restudy. At the October 30, 2019 meeting, the project was deferred to the November 22, 2019 meeting, for a restudy in accordance with the comments of the Commissioners, specifically the comments relating to the mass of the structure.

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

Mr. O'Connell presented the architectural modifications proposed for the two-story, multi-family structure.

Mr. Vila called for public comments.

Robert Andrew Roddy, 223 S. County Rd., expressed concern for the some of the landscaping items and the generator proposed.

Dustin Mizell, Environment Design Group, responded to the comments made by Mr. Roddy.

Ms. Grace questioned whether the changes to the mass were significant enough. She thought the building looked too commercial and lacked charm. She also questioned the proportions of the design. Ms. Grace suggested opening up the front wall and gates to allow for views into the property. She questioned the color proposed and thought it added to the lack of charm. She questioned the balconies on the east and west side as well as the sconces proposed.

Ms. Shiverick thought the massing was improved but questioned the sconces proposed. She suggested using a different color for the body of the building and thought with a color on the home, a white shutter may be more appropriate. She also agreed with Mr. Roddy on his landscaping assessment. She stated she preferred the previously proposed landscaping plan.

Mr. Corey thought the roof changes were successful and thought the reduction of the massing was successful. He suggested reducing the vehicular gates/openings as well as changing the sconces. While he did like the first landscaping design, he commended the landscape professional for using natives in the proposed plan and thought the design was successful.

Mr. Floersheimer questioned whether reduction of the mass was significant enough to make a difference.

Ms. Catlin stated she did not believe the design looked commercial and thought the mass was appropriate. She was in favor of using an open gate, recommended changing the sconces as well as the color of the residence. She was in favor of the landscape plan.

Mr. Ives thought the design was successful for the area. He questioned whether the parapet would slope with the roof. Mr. O'Connell responded.

Mr. Vila thought the professional addressed all of the concerns of the Commissioners and thought the design was successful. He stated his only concerns related to the color palate, the lighting fixtures and the darkness of the roof material.

Mr. Roddy requested that the generator louvered doors proposed to face south are changed to face west. He also requested that all of the landscaping maintenance is handled on the owner's side of the wall.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the project with the caveat that the following items will return to the January 29, 2020 meeting: the colors for the residences, the lanterns, the front site walls and vehicular gates. Motion carried unanimously.

B-070-2019 Additions/Modifications
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) - DONE 10/30/19
Address: 259 Worth Avenue
Applicant: Fro II 259 Worth Owner LLC
Professional: Keith Spina (Glidden Spina)
Project Description: Convert existing 2nd floor retail space to residential, and add 3rd floor residential unit to existing 2-story building.

At the October 30, 2019 meeting, the project was found to meet the Worth Avenue Design Guidelines, and was approved with the following items to return to the Commission at the November 22, 2019 meeting: a restudy of the pool area, the beautification of the north façade and a different option for the pergola on the third floor.

Please note: The project was deferred to the December 13, 2019 meeting at the Approval of the Agenda, Item V.

C. MAJOR PROJECTS – NEW BUSINESS
None

D. MINOR PROJECTS – OLD BUSINESS

None

E. MINOR PROJECTS – NEW BUSINESS
A-029-2019 Modifications
Address: 221-231 Royal Poinciana Way & 214-216 Sunset Avenue ("Via Flagler" – fka: "Testa's")
Applicant: T3 Family Investments, LLC – contact: Cody Crowell
Professional: Roger Janssen/Dailey Janssen Architects
Project Description: Proposing modifications to various buildings and site features, including 1) A decorative handrail for the Royal Poinciana Way steps, 2) Increase in building parapet height at Building #'s 1, 3 and 6 to screen rooftop equipment, 3) A low wall adjacent to the Sunset sidewalk to provide grading transitions to improve landscaping, and 4) Relocate the commercial entrance doors of Building #4 from the north façade to the east façade.

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

Mr. Janssen provided an overview of the project.

Jason Skinner, Dailey Janssen Architects, presented the architectural modifications for the proposed project.

Ms. Shiverick thought the parapets were a bit heavy and suggested using a similar parapet as building 4, which is perforated.

Ms. Grace thought the parapets were more noticeable on building 1 and 3 and would prefer to see the condensing units.

Ms. Garrison was in favor of the parapets because they covered the condensing units, which he believed were an eyesore.

Mr. Ives agreed with Mr. Garrison. Mr. Ives suggested that any changes in the future to the properties on the street, in terms of the steps and handrails, should be consistent in the design.

Mr. Corey questioned why the sidewalk on Sunset Avenue was not raised. Mr. Skinner responded. Mr. Corey expressed concern for the hump in the road. Mr. Corey suggested looking into the idea of reducing the width of the steps in order to eliminate the third railing. Mr. Corey liked Ms. Shiverick's suggestion of adding perforation in the parapet designs.

Motion made by Mr. Garrison and seconded by Mr. Ives to approve the project as presented with the caveats that the parapets are changed to a more perforated design. Motion carried 6-1, with Mr. Corey opposed.

A-030-2019 Modifications
Address: 1495 Via Manana
Applicant: Michael & Laura Anthony
Professional: Roger Hansrote
Project Description: Request to install a new garage door and two light sconces that will flank the garage door.

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

Mr. Vila called for public comments.

Julie Araskog, 1490 Via Manana, offered her support for the project.

David Klein, attorney for the project, provided an overview and discussed the support received for the project.

Mr. Hansrote presented the installed garage door and light sconces.

Motion made by Mr. Ives and seconded by Mr. Small to approve the project as presented. Motion carried unanimously.

X. **ADDITION COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

There were no comments heard at this time.

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

Mr. Lindgren reminded the Commission about the Historic District Symposium in December.

Mr. Lindgren also reviewed the Code that discusses the requirements of the Architectural Review Commission meetings.

XII. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Small to adjourn the meeting at 10:11 a.m. Motion carried unanimously.

The next meeting will be held on Friday, December 13, 2019 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 126-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach, Ex Post Facto, to Submit an Application for the FY 2019 Presidential Residence Protection Assistance (PRPA) Grant for Reimbursement of Applicable Law Enforcement Personnel Overtime Expenses incurred during the Grant Period; and Authorizing the Town Manager and Staff to Execute all Documents Necessary on Behalf of the Town of Palm Beach.

Presenter
Nicholas Caristo, Chief of Police

ATTACHMENTS:

- **Memorandum Dated November 6, 2019 from Nicholas Caristo, Chief of Police**
- **Resolution No. 126-2019**
- **PRPA Grant Application Exhibit A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: FY2019 President Residence Protection Assistance (PRPA) Grant Reimbursement
Resolution No. 126-2019

Date: November 6, 2019

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 126-2019 authorizing the Town of Palm Beach, ex post facto, to submit FY2019 Presidential Residence Protection Assistance (PRPA) grant application for reimbursement of qualifying law enforcement personnel overtime for the protection of the President and family while in residence in the Town Palm Beach.

GENERAL INFORMATION

This grant program is administered by the Federal Emergency Management Agency (FEMA) under the Department of Homeland Security Appropriations Act, 2018, (Pub. L. No. 115-141) and provides for the reimbursement of overtime activities associated with the protection of any non-governmental residence of the President designated or identified to be secured by the United States Secret Service (USSS). Awards are made on a first come first serve rolling basis to qualifying agencies, therefore, so as to not jeopardize this grant reimbursement opportunity, the application was submitted on November 6th, 2019, prior to the November 15, 2019 deadline.

FUNDING/FISCAL IMPACT

FEMA anticipates that all awards will be made no later than December 31, 2019. The Town anticipates a minimum reimbursement of $13,474.10 for overtime expenses incurred while the President was in residence during the application period of October 1, 2018 – September 30, 2019. However, there is the possibility of an additional reimbursement of $1,628.26 for other applicable overtime (President not in residence) depending on funding availability, for a total grant reimbursement of $15,102.36.

PURCHASING REVIEW

This item is not applicable to the Purchasing Division.

TOWN ATTORNEY REVIEW

The resolution has been approved by the Town Attorney as to form and legal sufficiency.

NC/lsg

cc: Jane LeClainche, Director of Finance
Jay Boodheshwar, Deputy Town Manager
John Randolph, Town Attorney

RESOLUTION NO. 126-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN OF PALM BEACH, EX POST FACTO, TO SUBMIT AN APPLICATION FOR THE FY 2019 PRESIDENTIAL RESIDENCE PROTECTION ASSISTANCE (PRPA) GRANT FOR REIMBURSEMENT OF APPLICABLE LAW ENFORCEMENT PERSONNEL OVERTIME EXPENSES INCURRED DURING THE GRANT PERIOD; AND AUTHORIZING THE TOWN MANAGER AND STAFF TO EXECUTE ALL DOCUMENTS NECESSARY ON BEHALF OF THE TOWN OF PALM BEACH.

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

Section 1. The Town Manager and staff are authorized, ex post facto, to submit an application to the Federal Emergency Management Agency (FEMA) for reimbursement of applicable overtime expenses incurred by law enforcement personnel during the grant period of October 1, 2018 - September 30, 2019.

Section 2. A copy of the FY2019 Presidential Residence Protection Assistance (PRPA) Grant application submitted on behalf of the Town of Palm Beach is attached hereto as *Exhibit A* and is hereby incorporated within this Resolution and made a part hereof.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of December, 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, Town Clerk

GRANTS.GOV

WORKSPACE FORM

1-800-518-4726
SUPPORT@GRANTS.GOV

This Workspace form is one of the forms you need to complete prior to submitting your Application Package. This form can be completed in its entirety offline using Adobe Reader. You can save your form by clicking the "Save" button and see any errors by clicking the “Check For Errors” button. In-progress and completed forms can be uploaded at any time to Grants.gov using the Workspace feature.

When you open a form, required fields are highlighted in yellow with a red border. Optional fields and completed fields are displayed in white. If you enter invalid or incomplete information in a field, you will receive an error message. Additional instructions and FAQs about the Application Package can be found in the Grants.gov Applicants tab.

OPPORTUNITY & PACKAGE DETAILS:

Opportunity Number:	DHS-19-GPD-134-00-01
Opportunity Title:	Fiscal Year 2019 Presidential Residence Protection Assistance Grant (PRPA)
Opportunity Package ID:	PKG00255540
CFDA Number:	97.134
CFDA Description:	Presidential Residence Protection Security Grant
Competition ID:	
Competition Title:	
Opening Date:	10/01/2019
Closing Date:	11/15/2019
Agency:	Department of Homeland Security - FEMA
Contact Information:	Centralized Scheduling and Information Desk 800-368-6498 askcsid@fema.dhs.gov

APPLICANT & WORKSPACE DETAILS:

Workspace ID:	WS00370527
Application Filing Name:	Town of Palm Beach - PRPA FY2019
DUNS:	0760306590000
Organization:	PALM BEACH, TOWN OF
Form Name:	Application for Federal Assistance (SF-424)
Form Version:	2.1
Requirement:	Mandatory
Download Date/Time:	Nov 06, 2019 04:46:19 PM EST
Form State:	No Errors

FORM ACTIONS:

OMB Number: 4040-0004
Expiration Date: 12/31/2019

Application for Federal Assistance SF-424

* 1. Type of Submission:
- [ ] Preapplication
- [x] Application
- [ ] Changed/Corrected Application

* 2. Type of Application:
- [x] New
- [ ] Continuation
- [ ] Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received: Completed by Grants.gov upon submission.

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: Town of Palm Beach

* b. Employer/Taxpayer Identification Number (EIN/TIN): 59-6000402

* c. Organizational DUNS: 0760306590000

d. Address:

* Street1: 360 S County Rd
Street2:
* City: Palm Beach
County/Parish:
* State: FL: Florida
Province:
* Country: USA: UNITED STATES
* Zip / Postal Code: 33480-6735

e. Organizational Unit:

Department Name: Finance Department

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:
* First Name: Amy
Middle Name:
* Last Name: Wood
Suffix:

Title: Assistant Finance Director

Organizational Affiliation:

* Telephone Number: 561-227-6332
Fax Number: 561-835-4632

* Email: awood@townofpalmbeach.com

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Department of Homeland Security - FEMA

11. Catalog of Federal Domestic Assistance Number:

97.134

CFDA Title:

Presidential Residence Protection Security Grant

*** 12. Funding Opportunity Number:**

DHS-19-GPD-134-00-01

* Title:

Fiscal Year 2019 Presidential Residence Protection Assistance Grant (PRPA)

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Presidential Residence Protection of Mar-a-Lago October 1, 2018 - September 30, 2019

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: FL-021 * b. Program/Project: FL-021

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 10/01/2018 * b. End Date: 09/30/2019

18. Estimated Funding ($):

* a. Federal	15,102.36
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	15,102.36

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name: Amy

Middle Name:

* Last Name: Wood

Suffix:

* Title: Assistant Finance Director

* Telephone Number: 561-227-6332 Fax Number: 561-835-4632

* Email: awood@townofpalmbeach.com

* Signature of Authorized Representative: Completed by Grants.gov upon submission. * Date Signed: Completed by Grants.gov upon submission.

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 144-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Cigna, Inc., in an Amount not to Exceed $800,000 to Provide Stop Loss Coverage, and Authorizing the Town Manager to Take Actions Necessary to Effectuate this Contract.

Presenter
Danielle Olson, Director of Human Resources

ATTACHMENTS:

- **Memorandum dated November 26, 2019, from Danielle Olson, Director of Human Resources**
- **Resolution No. 144-2019**
- **Exhibit A**

Information for Town Council Meeting on December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Danielle Olson, Director of Human Resources

RE: Resolution Awarding a Contract to Cigna, Inc., in an Amount not to Exceed $800,000 to Stop-Loss Coverage, **Resolution No. 144-2019**

DATE: November 26, 2019

STAFF RECOMMENDATION

Staff recommends Town Council approval of Resolution No. 144-2019, awarding a contract to Cigna, Inc., in an amount not to exceed $800,000 to provide stop loss coverage and authorizing the Town Manager to take actions necessary to effectuate this contract.

SUMMARY EXPLANATION/BACKGROUND

The Gehring Group, the Town's health insurance broker, conducted a full marketing for all lines of group insurance coverage that includes stop-loss, health, prescription, dental, vision, life insurance and other ancillary plans. The renewal rate, had the town remained with Florida Blue for medical and Symetra for stop-loss, was expected to be 8.4%. By moving the medical and stop loss to Cigna, the increase will be 0.8%

Referencing exhibit A, the Annual Specific Stop Loss Premium is expected to increase by 21.5%. The increase is attributed to demographics (specifically average age of covered participants), the high cost of specialty medications that includes those currently being covered under the plan and new pharmaceuticals that are expected to hit the market in the coming year, expected claimants over the stop loss level, and trend which is currently at 20%. However, due to the change in carrier and stop loss provider, this increase was offset by a -32.9% reduction in the Administrative Fee and Aggregate Stop Loss Premium with Cigna.

FISCAL IMPACT/FUNDING SOURCE

Sufficient funds have been budgeted in the FY20 Self Insurance Health fund and in the OPEB trust to provide for the expenses proposed herein.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jane Le Clainche, Director of Finance
Dean Mealy, Purchasing Manager

RESOLUTION NO. 144-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO CIGNA, INC., IN AN AMOUNT NOT TO EXCEED $800,000 TO PROVIDE STOP LOSS COVERAGE, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO EFFECTUATE THIS CONTRACT.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves the issuance of an agreement to Cigna, to provide stop loss coverage.

Section 2. The Town Manager is hereby authorized to execute the agreement on behalf of the Town of Palm Beach for administrative services for stop loss coverage.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate this agreement for stop loss coverage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of December 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, CMC, Town Clerk

Ext

Town of Palm Beach
Self Funded Claims and Fixed Cost RFP Evaluation - Firm Offers
Effective Date: January 1, 2020

GEHRING GROUP
EMPLOYEE BENEFITS | RISK MANAGEMENT

	CURRENT	RENEWAL		Cigna ASO w/Symetra SL		Cigna ASO w/Cigna SL	
	Florida Blue/Symetra	Florida Blue/Symetra		Cigna/Symetra		Cigna	
EXPECTED CLAIMS COSTS			% Change		% Change		% Change
Composite 432	$1,070.65	$1,140.22		$1,078.02	(1)	$1,078.02	(1)
Annual Expected Claims Costs	$5,550,239	$5,910,880	6.5%	$5,588,435	0.7%	$5,588,435	0.7%
Annual Administration Cost	$275,892	$275,892	0.0%	$191,341	-30.6%	$173,197	-37.2%
Annual Specific Stop Loss Premium	$631,376	$818,139	29.6%	$818,139	29.6%	$766,921	21.5%
Annual Aggregate Stop Loss Premium	$49,605	$49,605	0.0%	$49,605	0.0%	$31,830	-35.8%
TOTAL EXPECTED COST	$6,507,113	$7,054,516		$6,647,520		$6,560,383	
$ Increase (Decrease)	N/A	$547,403		$140,407		$53,270	
% Increase (Decrease)	N/A	8.4%		2.2%		0.8%	

(1) Expected Claims Cost is shown composited for comparison purposes.

FCM Backup 12-3-19

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 145-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, County, Florida, Approving and Adopting the 2020 revised Palm Beach County Local Mitigation Strategy Plan; Providing an Effective Date; and For Other Purposes.

Presenter
Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated November 27, 2019, from Jay Boodheshwar, Deputy Town Manager**
- **Resolution No. 145-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Adoption of the Revised 2020 Palm Beach County Local Mitigation Strategy Plan
Resolution No. 145-2019

Date: November 27, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 145-2019, approving and adopting the revised 2020 Palm Beach County Local Mitigation Strategy (LMS) Plan.

GENERAL INFORMATION

The approval and adoption of Resolution No. 145-2019 is required by the Federal Emergency Management Agency (FEMA) for the Town to be in compliance with federal guidelines introduced in response to the Disaster Mitigation Act of 2000. As described in the LMS Plan, adoption of the plan is required in order for Palm Beach County and participating municipalities, including the Town of Palm Beach, to be eligible to apply for and receive pre-disaster and post-disaster federal funding for mitigation purposes.

It is important to note it was through the LMS process that the Town applied for and ultimately received nearly $8.5 million in HMGP grant funding for the Town-wide undergrounding project. We were eligible to apply because we were in full compliance with the requirements of participation in the County's LMS program.

A full copy of the LMS Plan can be viewed in the Town Manager's Office.

TOWN ATTORNEY REVIEW

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

cc: Department Directors
Wayne Bergman, Assistant Director of Planning, Zoning and Building
Robert Weber, Coastal Program Manager
Karen Temme, Risk Manager

RESOLUTION NO. 145-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AND ADOPTING THE 2020 REVISED PALM BEACH COUNTY LOCAL MITIGATION STRATEGY PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, Palm Beach County is susceptible to a variety of natural, technological, and human-caused disasters, including but not limited to, severe weather, hazardous materials incidents, nuclear power plant emergencies, communicable diseases, and domestic security incidents as well as climate change impacts and sea level rise that causes increased inundation, shoreline erosion, flooding from severe weather events, accelerated saltwater contamination of ground water and surface water supplies, and expedited loss of critical habitats; and

WHEREAS, the Disaster Mitigation Act of 2000, was enacted to establish a national. disaster hazard mitigation program to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from disasters, and to assist state, local, and tribal governments in implementing effective hazard mitigation measures to ensure the continuation of critical services and facilities after a natural disaster; and

WHEREAS, the Disaster Mitigation Act of 2000, as a condition for qualifying for and receiving future Federal mitigation assistance funding as well as reimbursement for Presidentially Declared Disasters, requires such governments to have Federal Emergency Management Agency approved hazard mitigation plans in place that identify the hazards that could impact their jurisdictions, identify actions and activities to mitigate the effects of those hazards, and establish a coordinated process to implement plans; and

WHEREAS, Palm Beach County's Local Mitigation Strategy (LMS), in coordination with governmental and non- governmental stakeholders having an interest in reducing the impact of disasters, and with input from the private sector and other members of the public, developed and revised the Palm Beach County Local Mitigation Strategy; and

WHEREAS, the 2020 revised Local Mitigation Strategy has been approved by the Florida Division of Emergency Management and the Federal Emergency Management Agency subject to adoption by the County Board of County Commissioners; and

WHEREAS, the LMS Steering Committee recommends the formal adoption of the 2020 Revised Local Mitigation Strategy, including planned future enhancements described therein, by the County and all 38 participating municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH TOWN, FLORIDA, THAT:

Section 1. The foregoing " Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Town Council of the Town of Palm Beach hereby approves and adopts the 2020 Revised Local Mitigation Strategy Plan (attached hereto as Exhibit A) in its entirety, as revised by the LMS Steering Committee as submitted to the Palm Beach County Board of County Commissioners, the Florida Division of Emergency Management and the Federal Emergency Management Agency.

Section 3. The Town Council of the Town of Palm Beach authorizes the appropriate (City, Town, Village, Board) Officials to pursue available funding opportunities for implementation of proposed mitigation initiatives described in the Local Mitigation Strategy, and upon receipt of such funding or other necessary resources, seek to implement the actions in accordance with the mitigation strategies set out by the Local Mitigation Strategy.

Section 4. The Town Council of the Town of Palm Beach will continue to support and participate in the Local Mitigation Strategy planning and implementation process as required by Federal Emergency Management agency, the Florida Division of Emergency Management, and the Palm Beach County Local Mitigation Strategy Steering Committee.

Section 5. The Town Council of the Town of Palm Beach will consider incorporating climate change concerns, sea level rise and natural hazards into the local comprehensive plan and into future reviews of flood prevention regulations and zoning codes.

Section 6. The Town Council of the Town of Palm Beach directs the Clerk to transmit an original of the executed Resolution to the Palm Beach County Division of Emergency Management, attention Local Mitigation Strategy Coordinator (712-6481), for filing in the Office of the Clerk & Comptroller.

Section 7. 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 10th day of December 2019.

Gail L. Coniglio, Mayor	Danielle H. Moore, Town Council President
	Margaret A. Zeidman, Town Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Lew Crampton, Town Council Member
Kathleen Dominguez, CMC Town Clerk	Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 147-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management, Inc., in the Amount of $188,051.94 for Construction Phase Coastal Engineering Support Services for Phipps Ocean Park Beach Nourishment and Dune Restoration and Establishing a Task Budget of $228,000, Contingent Upon Award of the U.S. Army Corps Of Engineers Award of the Palm Beach County Federal Shore Protection Project Mid-Town Segment.

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

ATTACHMENTS:

- **Memorandum dated November 26, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 147-2019**
- **ATM Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Purchase Order for Construction Phase Coastal Engineering Support Services for Phipps Ocean Park Beach Nourishment and Dune Restoration
Resolution No. 147-2019

DATE: November 26, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 147-2019, approving a purchase order for Construction Phase Coastal Engineering Support Services to Applied Technology & Management, Inc. (ATM), for Phipps Ocean Park Beach Nourishment and Dune Restoration in the amount of $188,051.94, and establish a task budget of $228,000.

GENERAL INFORMATION

Following execution of the Project Partnership Agreement (PPA) between the Town and the U.S. Army Corps of Engineers (Corps), the Corps solicited bids. As included within the PPA, and as requested by the Town, the Mid-Town solicitation included a bid alternate for the Phipps Ocean Park Beach Nourishment to be constructed by the Town. Combining the Mid-Town and Phipps projects into one solicitation is expected to result in a savings to the Town due to a reduction in mobilization cost. The Town is responsible for the regulatory requirements with respect to both the FDEP Beach Management Agreement (BMA) and the existing Corps permit for both Mid-Town and Phipps. Town Council approved a purchase order to APTIM, Inc. for Construction Phase Coastal Engineering Services in support of the Mid-Town project in June 2019.

ATM has provided a proposal to provide the necessary professional engineering services to the Town for $188,051.94 in support of the Phipps Ocean Park Beach Nourishment Project. ATM understands the complexities of the Phipps project as they successfully provided these same services in 2015 with the previous Phipps project. The Phipps project will include direct sand placement through beach nourishment, and a stockpile of dredged sand for truck hauling to dune-only areas in Reaches 7 and 8. The ATM proposal includes oversight of the trucking portion of the project, which will be solicited by the Town following award of Mid-Town by the Corps. This Phipps project is the first time under the new PPA with the Corps, Town staff recommends a contingency of $39,948.06 and establishing a budget of $228,000. The ATM proposal also includes oversight of trucking sand for dune restoration in Reach 9 in the Town of South Palm Beach. This ATM activity will only be authorized by Town staff following an interlocal agreement with the Town of South Palm Beach, expected in early 2020 for Town Council consideration.

Approval of the purchase order to ATM is contingent upon the U.S. Army Corps of Engineers award of the Palm Beach County Federal Shore Protection Project Mid-Town Segment, which includes Phipps Ocean Park Beach Nourishment as a bid alternate in the Corps solicitation.

FUNDING/FISCAL IMPACT

Sufficient funds exist in the Coastal Protection Fund to accommodate the construction phase services cost.

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: Shore Protection Board
Jane Struder, Director of Finance
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 147-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO APPLIED TECHNOLOGY & MANAGEMENT, INC., IN THE AMOUNT OF $188,051.94 FOR CONSTRUCTION PHASE COASTAL ENGINEERING SUPPORT SERVICES FOR PHIPPS OCEAN PARK BEACH NOURISHMENT AND DUNE RESTORATION AND ESTABLISHING A TASK BUDGET OF $228,000, CONTINGENT UPON AWARD OF THE U.S. ARMY CORPS OF ENGINEERS AWARD OF THE PALM BEACH COUNTY FEDERAL SHORE PROTECTION PROJECT MID-TOWN SEGMENT.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Applied Technology & Management, Inc., in an amount of $188,051.94 for Construction Phase Coastal Engineering Support Services for Phipps Ocean Park Beach Nourishment and Dune Restoration and establishing a task budget of $228,000.

Section 2. The Town Council approval is contingent upon U.S. Army Corps of Engineers award of the Palm Beach County Federal Shore Protection Project Mid-Town Segment for which the Phipps Ocean Park Beach Nourishment is a bid alternate within the Mid-Town solicitation.

Section 3. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these services, and is authorized to approve additional tasks, as necessary, within the budget.

Section 4. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of said project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of December, 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, CMC, Town Clerk

ATM DESIGN ENGINEERING CONSULTING

Work Proposal

Town of Palm Beach

Applied Technology & Management

Consulting Services

For

2019/20 Project Construction Support

11/22/2019

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

Project Background

This proposal provides consulting services in support of planned beach construction by the Town during the 2019/20 dredging/beach construction season. This proposal is inclusive of support for three distinct construction efforts: the Phipps Nourishment Project, Reaches 8 and 9 Dune Construction and as-needed support for the (USACE) Mid-Town Nourishment Project. This proposal provides engineering, environmental, and construction support to facilitate these projects. ATM will serve as the Engineer of Record (EoR) for the two projects under the direct control of the Town (Phipps and Reaches 8&9) and will serve in an advisory role to the USACE for the Mid-Town effort.

Specific Tasks are delineated within the following Scope of Services:

SCOPE OF SERVICES

Task 1: Pre-Construction Tasks – Phipps Nourishment Project

This following sub-tasks will be conducted to support project initiation, coordination and execution:

Task 1.1: Pre-Construction Conference

ATM will notice and direct a pre-construction conference with relevant parties including regulatory agencies, Town Staff and the project contractor. This meeting will satisfy pre-construction meeting specific conditions within the State and Federal permits. ATM will prepare a meeting agenda and project overview documents to support meeting execution.

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

Task 1.2: Meetings and Project Coordination

ATM will support project related meetings on an as-needed basis as directed by Town Staff. These may include (but is not limited to) meetings with project area residents, regulatory entities, Town Council and Shore Board.

ATM will prepare project educational materials for use in public outreach efforts. All documents will be provided to Town Staff for review in draft form prior to finalization.

Task 1.2 Deliverable: Meeting summaries, agendas and project educational materials as appropriate.

Task 2: Construction Administration and Observation – Phipps Nourishment Project

ATM will provide project administration and observation to support project conformance with the plans and specifications, project permit and conditions of the construction contract.

Task 2.1: Engineering Observation and Administration

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

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

This task is based on the assumption of an approximate 60-day (40 days active construction) construction timeline with a total daily time commitment during active construction on the order of ten hours by key observation staff. Additional senior support is included in addition to this effort.

Task 2.1 Deliverables:

1) A Daily observation report will be prepared by the on-site construction representative. This will be submitted to the Town electronically within 24 hours of the observations.

2) ATM will provide brief summary reports of project progress to the Town on a weekly basis. Additional documents will be prepared and submitted to the Town as appropriate during construction.

3) ATM will provide the Town with copies of permit-required regulatory agency submittals.

4) ATM will provide the Town with a recommendation for payment associated with Contractor invoice submittals.

Task 2.2: Project Review and Certification

ATM will prepare Project Certification documentation for submittal to the FDEP and USACE. This will include development of signed and sealed Project Certifications for both the FDEP and USACE. Project performance monitoring as required by project permit will be conducted under annual monitoring efforts beyond this scope. ATM will prepare a final project sediment QA report consistent with the requirements of the project QA/QC Plan. This effort will include collection of sand samples for mechanical sieving.

Task 2.2 Deliverables:

1) USACE project certification letter
2) FDEP project certification letter
3) Project QA Sediment Report
4) Any additional correspondence or documentation as required

Task 3: Reach 8 and 9 Plans, Specifications, Bidding and Construction Support

ATM will support the bidding and construction of a truck haul project in Reach 8 and 9 utilizing stockpiled sand from the Phipps Nourishment Project.

Subtasks include:

Task 3.1 Plans and Specifications.

ATM will develop a set of plans and specifications sufficient for project bidding. The project volumes and construction template will be updated based on the most recent project monitoring surveys. This package will consist primarily of the project plans and technical specifications. These will be incorporated into the Town's general front end (boilerplate) bidding/contract documents. This effort will be conducted in coordination with Town coastal and purchasing staff.

Task 3.1 Deliverable: A draft copy of the plans and specifications will be prepared for Town Staff review. A final plans and specifications set will be provided based on staff input.

Task 3.2 - Bid Support

ATM will support a pre-bid conference with potential bidders and will address questions received from potential bidders. If necessary, ATM will develop draft addendums to the bid. Upon receipt of bids, ATM will review the submittal packages and provide a recommendation to the Town regarding bid award.

Task 3.2 Deliverable: An agenda for the pre-bid conference will be prepared. Addendums as appropriate will be prepared. All documentation will be provided to Town Staff in draft form for review and comment prior to finalization.

Task 3.3 – Federal Permit Minor Modification Support

It is anticipated that a minor modification to the existing Phipps Nourishment Project federal permit will be required to accommodate the change in borrow area and additional placement in Reach 9. While dune projects typically do not require Federal authorization, it is required in this case given that the borrow source is from an offshore borrow area under Federal jurisdiction. Under this Task ATM will prepare the minor modification request, coordinate with the USACE regarding the request and respond to any requests for additional information (RAI).

Task 3.3 Deliverable: ATM will prepare the minor modification request. ATM will prepare any required correspondence or RAI requests as needed.

Task 3.4: Project Management and Site Inspection

ATM will provide engineering construction support services to accommodate the construction of the Reach 8 and 9 Truck Haul Dune Project utilizing sand from the Phipps Nourishment Project dredge operations. This effort will be an extension of the effort as defined in Task 2 to accommodate the additional Reach 8 and 9 project construction.

This task is based on the assumption of a 20 day active construction timeline occurring in parallel with the Phipps Project construction with a total daily time commitment on the order of ten hours by additional key observation staff. Additional senior support is included in addition to this effort.

Task 3.4 Deliverables:

1) A Daily observation report will be prepared by the on-site construction representative. This will be submitted to the Town electronically within 24 hours of the observations (these may be combined with Phipps project reporting as appropriate).

2) ATM will provide brief summary reports of project progress to the Town on a weekly basis. Additional documents will be prepared and submitted to the Town as appropriate during construction (these may be combined with Phipps project reporting as appropriate).

3) ATM will provide the Town with copies of permit-required regulatory agency submittals.

4) ATM will provide the Town with a recommendation for payment associated with Contractor invoice submittals.

Task 3.5: Project Review and Certification

ATM will prepare Project Certification documentation for submittal to the FDEP and USACE for the Reach 8 project segment. This will include development of signed and sealed Project Certifications for both the FDEP and USACE. Project performance monitoring as required by project permit will be conducted under annual monitoring efforts beyond this scope. ATM will prepare a final project sediment QA report consistent with the requirements of the project QA.QC Plan. This effort will include collection of sand samples for mechanical sieving.

Task 3.5 Deliverables:

1) USACE project certification
2) FDEP project certification
3) Project QA Sediment Report
4) Any additional correspondence or documentation as required

<u>Task 4: Mid-Town / USACE Coordination</u>

ATM will support construction of the Mid-Town Nourishment Project by the USACE on an as-needed basis.

Subtasks include:

Task 4.1 Mid-Town / USACE Coordination

ATM will provide consultation support to the Town regarding the Mid-Town Nourishment Project on an as-needed basis. It is noted that the USACE will oversee project construction. This task provides additional scope and budget for ATM to support this construction effort on behalf of the Town. This may include participation in project meetings, review of project materials, on-site review of construction elements or other tasks as directed by the Town.

Task 4.1 Deliverable: ATM will prepare exhibits and materials as directed by the Town.

FEES

A summary of project Fees by Task is provided in Table 1 below. *Invoicing shall be on a time and materials basis not to exceed the total task budget outlined herein consistent with the Agreement.*

TABLE 1

Proposal Fees by Task

	Task Description and Breakdown	ATM Total Labor	Internal Direct Expenses*	Total Task Budget
Task 1	**Pre-Construction Tasks**			
1.1	Pre-Construction conference	$6,020.00	$60.20	$6,080.20
1.2	Meetings and Project Coordination	$7,920.00	$79.20	$7,999.20
	Total Cost - Task 1	**$13,940.00**	**$139.40**	**$14,079.40**
Task 2	**Construction Administration and Observation**			
2.1	Engineering Observation and Administration	$79,000.00	$790.00	$79,790.00
2.2	Project Review and Certification	$16,280.00	$5,162.80	$21,442.80
	Total Cost - Task 2	**$95,280.00**	**$5,952.80**	**$101,232.80**
Task 3	**Reach 8 and 9 Construction Support**			
3.1	Plans and Specs Development	$8,030.00	$80.30	$8,110.30
3.2	Bidding Support	$5,880.00	$58.80	$5,938.80
3.3	Federal Permit Minor Modification	$5,144.00	$51.44	$5,195.44
3.4	Engineering Observation and Administration	$29,520.00	$295.20	$29,815.20
3.5	Project Review and Certification	$12,720.00	$1,127.20	$13,847.20
	Total Cost - Task 3	**$61,294.00**	**$1,612.94**	**$62,906.94**
Task 4	**Mid-Town / USACE Coordination**			
4.1	Mid-Town / USACE Coordination	$9,640.00	$192.80	$9,832.80
	Total Cost - Task 4	**$9,640.00**	**$192.80**	**$9,832.80**
	Total Task Order Costs	**$180,154.00**	**$7,897.94**	**$188,051.94**

SCHEDULE

ATM can initiate services immediately upon receipt of Notice to Proceed (NTP). It is noted that execution of this Scope of Services is contingent on actions by others, particularly the construction contractor.

The following schedule is assumed.

TASK	ESTIMATED COMPLETION
Task 1: Pre-construction Tasks	The Pre-Construction Conference (Task 1.1) will be conducted on a date as directed by Town Staff. Task 1.2 will be completed on an as-needed basis
Task 2: Construction Administration and Observation	Active Construction will be completed by May 1, 2020. Site Remediation to be completed by June 1, 2020. Project Certification to be completed within 90 days of project completion
Task 3: Reach 8 Bidding and Construction	Reach 8 to be bid as directed by Town Staff. Active Construction to be completed by May 1, 2020. Site Remediation to be completed by June 1, 2020. Project Certification to be completed within 90 days of project completion
Task 4: Mid-Town / USACE Coordination	Task to be completed as directed by the Town. Active Construction to be completed by May 1, 2020.

Should you have any questions regarding this proposal, please feel free to contact me at your convenience.

Sincerely,

Applied Technology & Management, Inc.



Michael G. Jenkins, Ph.D., P.E.
Coastal Engineering Principal

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 148-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving Final Payment for the City Of West Palm Beach Joint Transmission Pipeline Improvements in the Amount of $472,045.86.

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

ATTACHMENTS:

- **Memorandum dated December 3, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 148-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Paul Brazil, Director of Public Works

RE: Approving the Final Payment for the City of West Palm Beach Joint Transmission Pipeline Improvements – Final Project Cost of $472,045.86
Resolution No. 148-2019

DATE: December 3, 2019

STAFF RECOMMENDATION

Town staff recommends Town Council approve Resolution No. 148-2019, Approving the Final Payment for the City of West Palm Beach Joint Transmission Pipeline Improvements – Final Project Cost of $472,045.86.

SUMMARY EXPLANATION/BACKGROUND

The City of West Palm Beach (the City) and the Town of Palm Beach entered into an agreement, dated December 6, 1972, which provided for the construction, operation, and maintenance of a Regional Sewage Treatment Facility and a Joint Wastewater Transmission System. The City currently operates and maintains the Joint Wastewater Transmission Pipeline on behalf of the City and the Town. On August 16, 2016, the City and the Town replaced the 1972 Agreement with a new Interlocal Agreement specific to the Joint Wastewater Transmission Pipeline Capital Improvements, operation and maintenance, along with the shared financial responsibility between the City and the Town. Under the terms of the Interlocal Agreement, the Town of Palm Beach is responsible for 22.6% of the costs associated with improvements to the Joint Transmission Pipeline, as well as 22.6% of the annual operation and maintenance costs. Also under the terms of the Agreement, the Town of Palm Beach was required to make an initial deposit/contribution to the City of West Palm Beach of $3,400,000 within 30 days of the Agreement being fully executed and has been recognized as fulfilled. The initial cost estimate for the project was $16,000,000 and the final completion costs are $17,132,948.30. The project is complete, a final accounting has been made, and the Town is required to contribute the balance of the 22.6% shared total project cost, $472,045.86.

FISCAL IMPACT/FUNDING SOURCE

The funding for this project will be fully accommodated within the Town's Accelerated Capital Improvement Program – Phase 2.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: Jay Boodheshwar, Deputy Town Manager
Patricia Strayer, Town Engineer
Jason Debrincat, Senior Project Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 148-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING FINAL PAYMENT FOR THE CITY OF WEST PALM BEACH JOINT TRANSMISSION PIPELINE IMPROVEMENTS IN THE AMOUNT OF $472,045.86.

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 148-2019, approving Final Payment for the City of West Palm Beach Joint Transmission Pipeline Improvements in the Amount of $472,045.86.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of December 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 149-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to M & M Asphalt Maintenance dba All County Paving for the Phase 2 Resurfacing Project in the Amount of $409,736.50, and establishing a Project Budget of $471,196.

Presenter
Dean Mealy, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated November 25, 2019, from Dean Mealy, Purchasing Manager**
- **Resolution No. 149-2019**
- **Proposal**

Information for Town Council Meeting on December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving the Award of a Purchase Order to M&M Asphalt Maintenance, Inc. dba All County Paving for Phase 2 Resurfacing Project in the Amount of $409,736.50 and Establishing a Project Budget of $471,196, **Resolution No. 149-2019**

DATE: 25 November 2019

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 149-2019, Approving the Award of a Purchase Order to M&M Asphalt Maintenance, Inc. dba All County Paving for Phase 2 Resurfacing Project in the Amount of $409,736.50 and Establishing a Project Budget of $471,196.

SUMMARY EXPLANATION/BACKGROUND

Town Purchasing piggybacked the Palm Beach School Board Contract for paving. The School Board awarded a Contract for Road Work and Pavement Markings, 17C-19T to M&M Asphalt, Inc. dba All County Paving.

The Contract with All County Paving has proven to be a great source for Town-wide paving needs, offering excellent work and best pricing. Both the School Board and the vendor have agreed to extend the contract options to the Town.

The spreadsheets contained within the Proposal detail nearly 29,370 SY of milling of existing asphalt pavement including disposal and type lll pavement resurfacing, for Phase 2 North, in addition to 725 SY of milling and resurfacing for Via Manana.

FISCAL IMPACT/FUNDING SOURCE

The funding will for this program is from Pay-to-Go and a contribution of forty percent from the Florida Public Utility.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research. The vendor has completed work within the Town with a high degree of success.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Director of Public Works
Patricia Strayer, Town Engineer
Steven Stern, Undergrounding Project Manager
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 149-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO M&M ASPHALT MAINTENANCE, INC. DBA ALL COUNTY PAVING FOR PHASE 2 RESURFACING PROJECT IN THE AMOUNT OF $409,736.50 AND ESTABLISHING A PROJECT BUDGET OF $471,196.

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution 149-2019, approving the Award of a Purchase Order to M&M Asphalt Maintenance, Inc. dba All County Paving for Phase 2 Resurfacing Project in the Amount of $409,736.50 and Establishing a Project Budget of $471,196.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of December, 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, CMC, Town Clerk

ALL COUNTY
PAVEMENT MANAGEMENT SOLUTIONS

Pavement Maintenance Proposal

Town Of Palm Beach

Patricia Strayer

Project:

Phase 2 Resurfacing Project

N. Lake Trail & Onondaga Ave
Palm Beach FL 33480

855.499.PAVE | AllCountyPaving.com

PAVEMENT 2017 TOP CONTRACTOR ALL COUNTY PAVING

ALL COUNTY
PAVEMENT MANAGEMENT SOLUTIONS

Contractor's Information

Company Info



All County Paving
1180 SW 10th St
Delray Beach, FL, 33444

P: 561-588-0949
F: 561-588-2140
http:///www.allcountypaving.com/

Contact Person

Josh Marfleet
Sales & Estimating
JMarfleet@allcountypaving.com
Cell: 561-302-9361
Office 561-588-0949

About Us

All County Paving is a full service asphalt paving and maintenance contractor with over 30 years of expertise in the pavement maintenance & construction of parking lots, roadways and recreational surfaces throughout Florida.

We understand that you have needs and issues that are not evident when you seek proposals for your projects. At All County Paving, we will share with you the simple best practices that not only provide you with the best project for the money, but also the best experience of working with a team of people who understand how to make this easy for you, your customers and the community.

Please find the enclosed proposal as per your request. Please don't hesitate to contact us with any questions.

Proposal: Phase 2 Resurfacing Project

JOB SITE PREPARATION

1. Supply & install inlet protection on all curb inlets to prevent debris from entering the drainage system.
2. At completion of the project remove inlet protection. (In the event of a hurricane ACP will remove inlet protect to avoid flooding)

MAINTENANCE OF TRAFFIC

1. Provide MOT to include: Barricades, Cones, Flagging, and signage for operations.

1" MILLING

1. Mill the entire section up to 1” average up to 29,370 square yards.
2. Mill the existing asphalt in front of concrete tie-ins and asphalt roadways for smooth transition.
3. Thoroughly clean off the existing surface prior to overlay.
4. Clean and remove any related debris from site.

1" ASPHALT PAVING

1. The area under consideration comprises of 29,370 square yards.
2. Tack areas with DOT approved primer tack.
3. Install 1” average hot plant mixed asphalt Type S-III.
4. Roll and compact areas using a steel drum and rubber tire roller.
5. Remove any related debris from site

THERMOPLASTIC ROAD MARKING MATERIALS

1. Clear away loose dirt and debris.
2. Pour thermoplastic road marking materials to include all existing pavement markings in the area of asphalt overlay including temp paint as needed.
3. Thermoplastic will be applied at a rate of 90 wet mils.
4. Glass beads will be incorporated in the material for retro-reflectivity

REFLECTIVE PAVEMENT MARKINGS

1. Supply & install 302 Yellow Reflective Pavement Markers.

VIA MANANA

1. The area under consideration comprises of 725 square yards.
2. Mill the entire section up to 1" average, sweep clean and remove all debris .
3. Tack areas with DOT approved primer tack.
4. Install 1” average hot plant mixed asphalt Type S-III.
5. Roll and compact areas using a steel drum and rubber tire roller.
6. Remove any related debris from site

NOTES

1. The terms and conditions of this proposal are those of the contract with Palm Beach County School Board 17C-19T.

Proposal: Phase 2 Resurfacing Project

Spreadsheet

17C-19T BID SUMMARY DOCUMENT

This Bid Summary Document must be used to submit prices and must be uploaded to Demandstar. Prices submitted in any other format shall not be accepted. Vendor to complete ALL highlighted areas.

VENDOR NAME:	**M & M** Asphalt Maintenance, Inc. dba All County Paving

GROUP 3: PAVING /ALL WORK SHALL BE IN ACCORDANCE WITH LATEST FOOT STANDARDS)

ITEM	DESCRIPTION	UNIT	ESTIMATED QTY	UNIT PRICE	TOTAL
	Milling of Existing Asphalt Pavement (Includes Disposal)				
JJ.	1" Average Depth	sy	29370	$ 3.75	$ 110,137.50
	TOTAL COST GROUP "3" (ITEMS A.-KK.)				$ 110,137.50

GROUP 4: **RESURFACING /Includes broom sweep/surface prep and disposall**

ITEM	DESCRIPTION	UNIT	ESTIMATED QTY	UNIT PRICE	TOTAL
	Pavement Resurfacing				
B.	Type III, 1"Compacted Thickness	SY	29370	$ 8.75	$ 256,987.50
C.	Leveling Course	ton	80	$ 115.00	$ 9,200.00
	TOTAL COST GROUP "4" (ITEMS A.-E.)				$ 266,187.50

GROUP 12: MISCELLANEOUS ITEMS

ITEM	DESCRIPTION	UNIT	ESTIMATED QTY	UNIT PRICE	TOTAL
H.	12" White Striping (Paint)**	lf	60	$ 0.75	$ 45.00
K.	12" White Striping /Thermoolastic**	lf	60	$ 2.90	$ 174.00
M.	6" Colored (any) Striping (Paint)**	lf	9330	$ 0.60	$ 5,598.00
O.	6" Colored (any) Striping (Thermoolastic)**	lf	9330	$ 1.90	$ 17,727.00
** Unit price indicated shall include temporary striping.					
	TOTAL COST GROUP 12 (ITEMS **A.-BB.**)				$ 23,544.00
				TOTAL.....	$ 399,869.00

Notes:

Spreadsheet Via Manana

17C-19T BID SUMMARY DOCUMENT					
This Bid Summary Document must be used to submit prices and must be uploaded to Demandstar. Prices submitted in any other format shall not be accepted. Vendor to complete ALL highlighted areas.					
VENDOR NAME:		**M & M** Asphalt Maintenance, Inc. dba All County Paving			
GROUP 3: PAVING /ALL WORK SHALL BE IN ACCORDANCE WITH LATEST FOOT STANDARDS)					
ITEM	DESCRIPTION	UNIT	ESTIMATED QTY	UNIT PRICE	TOTAL
	Milling of Existing Asphalt Pavement (Includes Disposal)				
JJ.	1" Average Depth	sy	725	$ 3.75	$ 2,718.75
	TOTAL COST GROUP "3" (ITEMS A.-KK.)				$ 2,718.75
GROUP 4: **RESURFACING /Includes broom sweeo/surface oreo and disoosall**					
ITEM	DESCRIPTION	UNIT	ESTIMATED QTY	UNIT PRICE	TOTAL
	Pavement Resurfacing				
B.	Type III, 1"Compacted Thickness	SY	725	$ 8.75	$ 6,343.75
C.	Leveling Course	ton	7	$ 115.00	$ 805.00
	TOTAL COST GROUP "4" (ITEMS A.-E.)				$ 7,148.75
GROUP 12: MISCELLANEOUS ITEMS					
ITEM	DESCRIPTION	UNIT	ESTIMATED QTY	UNIT PRICE	TOTAL
H.	12" White Striping (Paint)**	lf		$ 0.75	$ -
K.	12" White Striping /Thermoolastic**	lf		$ 2.90	$ -
M.	6" Colored (any) Striping (Paint)**	lf		$ 0.60	$ -
0.	6" Colored (anv) Striping (Thermoolastic)**	lf		$ 1.90	$ -
•• Unit price indicated shall include temporary striping.					
	TOTAL COST GROUP 12 (ITEMS **A.-BB.**)				$ -
				TOTAL.....	$ 9,867.50

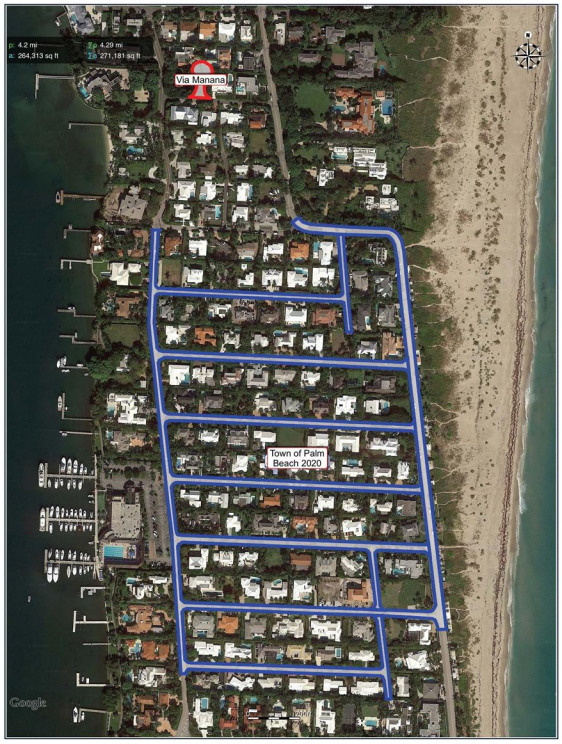
Notes:

Site Map

Via Manana

Generated by Measure Map Pro on Nov 7, 2019 at 10:48:29 AM
PerimetroKey: **4.29 mi**
Area: **271,181 sq ft**

Blue Blink One:
Mobile GPS technologies



Page 1

Notes:

Price Breakdown: Phase 2 Resurfacing Project

Please find the following breakdown of all services we have provided in this proposal. This proposal originated on October 23, 2019.

Item	Description	Cost
1	JOB SITE PREPARATION	Included
2	MAINTENANCE OF TRAFFIC	Included
3	1" MILLING	Included
4	1" ASPHALT PAVING	Included
5	THERMOPLASTIC ROAD MARKING MATERIALS	Included
6	REFLECTIVE PAVEMENT MARKINGS	Included
7	VIA MANANA	Included
	Total:	**$409,736.50**

Authorization to Proceed & Contract

All Prices quoted are valid for 30 days from the date of this proposal.

This proposal price is based on work being completed during the hours of 7:00 AM and 6:00 PM, Monday-Friday, excluding holidays. Additional fees will apply if work is required to be completed at night or on the weekends. Please contact your sales representative for details.

ACCEPTED: Prices, specifications,terms and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined below.

Payment Terms

We agree to pay the total sum or balance in full upon completion of this project.

I am authorized to approve and sign this project as described in this proposal as well as identified below with our payment terms and options.

PROGRESS PAYMENTS NET 30 DAYS

Date: _____



Patricia Strayer | Town Engineer
Town Of Palm Beach
951 Old Okeechobee Rd
West Palm Beach, FL, 33401
pstrayer@townofpalmbeach.com
C: 561-838-5440
O: 561-838-5440

Josh Marfleet | Sales & Estimating
JMarfleet@allcountypaving.com
C: 561-302-9361
All County Paving
1180 SW 10th St
Delray Beach, FL, 33444
P: 561-588-0949
F: 561-588-2140
http:///www.allcountypaving.com/

Contract Terms & Conditions

1. This proposal/contract including all terms and conditions shall become a legally binding attachment to any contract entered into between All County Paving and the financially responsible company for which the work will be performed.
2. Actual Permit Cost, Procurement Fee of $495.00 per permit and any additional work required by the permit(s) will be extra to the contract amount.
3. Job site will be barricaded during work. The contractor will not be responsible for persons breaking through barricades, tracking of materials or paint, damages to cars or persons trespassing in designated areas.
4. This contractor recommends a civil engineer be retained for ADA upgrades. As such this contractor makes no claim that ADA upgrades will meet any/all local, state and federal guidelines on ADA compliance.
5. All work is to be completed in a workmanlike manner according to standard practices.
6. All material is guaranteed to be as specified.
7. A certificate of Insurance will be issued upon request prior to commencement of work.
8. Our workers are covered by Workmen's Compensation Insurance.
9. In the event of any litigation or other proceeding arising out of this agreement, the prevailing party shall be entitled to collect its attorneys' fees and all costs of litigation from the other party, including appellate attorneys' fees.
10. In the event that any work is done under this agreement as amended, or any side agreement, by All County which work is on public property, the (Client/Owner) agrees and understands that the project property which it owns shall be charged with all indebtedness hereunder.
11. This proposal specifically excludes the acceptance of a "Pay when Paid Clause" payment clause.
12. Any punch list items must be submitted in writing. No repairs will be made until 90% of the invoice amount has been paid.
13. All agreements contingent upon strikes, accidents or delays beyond our control.
14. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate.
15. Material Costs Increase**:** Our prices may change with no warning based on US world oil prices. We base our price when we bid the project based on the price of asphalt at that time. In the event that a price increase happens, you will have a new fee to you as well, unless stated in the specifications that a guaranteed material price is included.
16. There will be a charge of $47.50 above the Contract amount to dispose of used materials at an approved environmentally compliant waste facility.
17. All County reserves the right to revisit the site if time has elapsed from the original proposal to acceptance.
18. Due to price fluctuations on material costs, this contractor reserves the right to withdraw the proposal at any time prior to the commencement of work.
19. Due to the fluctuations in the petroleum markets, All County reserves the right to impose a fuel surcharge.
20. Not responsible for any damage to underground utilities.
21. Owner to carry fire, tornado and other necessary insurance upon above work.
22. Site Services: The property is responsible to notify all landscapers and garbage companies to not provide service on our scheduled work day. In the event of a reschedule due to unforseen conditions, you are required to let all service providers know about the change.
23. Lawn Fertilization: should not be installed seven days before or after service.
24. All County shall be provided with suitable access to the work area. If All County's work is dependent upon or must be undertaken in conjunction with the work of others, such work shall be performed and completed so as to permit All

County to perform its work hereunder in an uninterrupted single shift operation.

25. All County cannot work around vehicles. Management is responsible for towing when owners fail to comply with paving and or sealcoating schedule.
26. Barricaded Parking Lot: It is vital that all vehicles are removed from our area of work no later than 7:15 am, unless otherwise agreed. As you can imagine, our project costs are based on the property having all cars, people and objects off the area of work. Tow Trucks need to be arranged 5 days prior to the start of any work and must be on call to remove cars from the scheduled work zone. If any cars are left on the area of work, we cannot be held responsible for any damage to the vehicles.
27. Driving on Surface: Once you start driving on paved/sealed surface, avoid turning your wheels unless your car is moving. We understand this may be difficult to do, but understand that when wheels are turned on a freshly paved/sealed asphalt surface, scuffing and turn marks wil be evident.
28. Existing Cracks with vegetation growing should be prepared with a weed killer for several treatments before we arrive on the job.
29. Rain: If it's raining the day of scheduled service, assume we aren't coming and we will contact you to reschedule as soon as possible. If it rains after our installation, please contact your representative. We monitor the weather closely and can generally predict this very well. In the event that an unexpected storm happens, we will touch up any areas where sealer has not bonded.
30. Sprinklers: should be off 24 hours prior until 48 hours after service. Avoid lawn cutting during this same period of time. The surface must be dry for our arrival. Areas where the newly sealed pavement is wet may wear prematurely.
31. Please make sure street sweepers are cancelled during the sealcoating projects and should not be used on freshly seal coated properties.
32. Any additional mobilizations for Sealcoating will be billed at a rate of $1,750.00 each. If there are any dumpsters in the scheduled area to be Sealcoated please have them removed or moved to another area so we can seal under it. If they're not moved, there will be an additional mobilization fee to remobilize.
33. All County guarantees the sealer against peeling or flaking off of stable asphalt for a period of (1) year, excluding normal wear & tear. All County guarantees all workmanship and materials for up to (1) year, excluding normal wear & tear. Warranty starts at conclusion of work and is not valid until payment has been made in full.
34. Overspray on Grass: where grass meets your pavement, you may expect a small “drift spray” of pavement sealer. This is normal and will disappear generally after the next mowing.
35. Seal Coating: Is not a crack filler. All existing cracks in the pavement will still be visible after sealcoating.
36. Any broken car stops will be replaced at an additional cost of $55.00 each.
37. Any additional mobilizations for Paving will be billed at a rate of $5,450.00 each.
38. Any additional reflective pavement markers that are required by the city code will be an additional charge of $12.50 each to the contract amount.
39. Reflective Pavement Markers are excluded from the warranty.
40. Pavement Sealer: will take several days to fully cure and is sensitive to animal droppings, tree droppings,water stains from irrigation systems, ponding water & tire markings during this time. This is normal and no reason to be concerned, it will fade over time. Areas of shade will take longer to dry and cure than areas in the direct sunlight.
41. The asphalt surface that will be placed on this project will not have the finish and look of a sealcoat application. If sealcoat is desired at a later date, we will be happy to quote you separately.
42. Large cracks in the existing asphalt may reflect through the new asphalt in time.
43. There will be tire tracking, this cannot be avoide. The tracking marks will disappear in time.
44. Standing Water: This contractor cannot guarantee elimination of standing water.
45. Concrete Repairs : This contractor will not be responsible for damage to grass, sod, irrigation or any other

underground utilities. Excavated materials will be left in the islands/landscaped areas.

46. Concrete Grinding: Customer is aware that after grinding of the sidewalks, the concrete will be rough and not uniform in appearance. Customer is also aware that grinding of concrete will not eliminate the potential of a liability issue.
47. Delays to All County shall be paid at a rate of $200.00 per half hour.

Attachments

Please click any of the links below to view and print all documents.

Company Attachments

References (Contractor)

References (Property Management)

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 150-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders for Engineering Design Services of the A-6, E-5, and E-5 Wastewater Pump Stations to Kimley-Horn and Associates and D-12 and D-8 Drainage Pump Stations to Mock-Roos & Associates in the Amount of $404,177 and a Project Budget of $425,000.

Presenter
Dean Mealy, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated November 25, 2019, from Dean Mealy, Purchasing Manager**
- **Resolution No. 150-2019**
- **Kimley-Horn Proposal**
- **Kimley-Horn Proposal**
- **Kimley-Horn Proposal**
- **Mock-Roos Proposal**
- **Mock-Roos Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve Five (5) Purchase Orders for Engineering Design Services of the A-6, E-6, and E-5 Wastewater Pump Station Improvements and D-8 and D-12 Drainage Pump Stations in the Amount of $404,177 and a Project Budget of $425,000, **Resolution No. 150-2019**

DATE: 25 November 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the a Resolution to Approve Five (5) Purchase Orders for Engineering Design Services of the A-6, E-6, and E-5 Wastewater Pump Station Improvements and D-8 and D-12 Drainage Pump Stations.

The resolution will approve a purchase order to Mock, Roos & Associates, Inc. (MR), for engineering design and bid phase services in the amount of $135,773 for the D-8 Pump Station Improvements and establishing an engineering design and bid phase services budget of $140,000, including contingency; a purchase order to Kimley-Horn and Associates, Inc. (KHA), for engineering design and bid phase services in the amount of $92,000 for the D-12 Pump Station Improvements and establishing an engineering design and bid phase services budget of $96,000, including contingency; a purchase order to KHA, for engineering design and bid phase services in the amount of $104,000 for the A-6 Wastewater Pump Station Improvements and establishing an engineering design and bid phase services budget of $112,000, including contingency; a purchase order to KHA, for engineering design and bid phase services in the amount of $47,600 for the E-6 Wastewater Pump Station Improvements and establishing an engineering design and bid phase services budget of $50,000, including contingency; and a purchase order to MR, for engineering design and bid phase services in the amount of $24,804 for the E-5 Wastewater Pump Station Improvements and establishing an engineering design and bid phase services budget of $27,000, including contingency.

GENERAL INFORMATION

As part of the Accelerated Capital Improvement Program-Phase II, a condition assessment was performed by Mock-Roos and Associates, Inc. in 2016 on all the Town's sanitary sewer stations and drainage stations. Town staff have been using these assessments to budget the necessary maintenance to both sanitary and drainage stations. The FY 2020 Approved Capital Improvements Budget included these five (5) stations. The table below demonstrates the

budgeted amounts, the proposal amounts and the recommended contract amounts with contingency:

Station	Location	Budgeted Design Cost	Proposed Design Cost	Cost w/Contingency	Consultant
D-8	Country Club Road	$105,000	135,773	$140,000	Mock-Roos
D-12	Everglade Avenue	$100,000	$92,000	$96,000	Kimley
A-6	Royal Palm Way/Intracoastal	$115,000	$104,000	$112,000	Kimley
E-6	Tangier Avenue	$30,000	$47,600	$50,000	Kimley
E-5	Country Club Drive	$33,000	$24,804	$27,000	Mock-Roos
	Total	$383,000	$404,177	**$425,000**	

The recommended amounts exceed the budgeted design cost. The actual budgeted funds for these stations includes construction cost for the E-5 station. This construction will not occur until FY 2021. Therefore, the FY2020 budget has enough funds to perform this work. Staff has reviewed the proposals in comparison to the condition assessments. The conditions assessments are 4 years old and do not include all of the maintenance issues that are requiring repairs. Staff is using the Professional Services Consulting contracts to perform this work. The work has been distributed to MR and KHA based on each firms capabilities and experience with each of the above referenced stations.

FUNDING/FISCAL IMPACT

Funding for the Design and Bid Phase Engineering Services of this project is contained within the FY 2020 Pay As You Go Capital Improvement Plan.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Paul Brazil, Public Works Director
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer

RESOLUTION NO. 150-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING PURCHASE ORDERS FOR ENGINEERING DESIGN SERVICES OF THE A-6, E-5, AND E-5 WASTEWATER PUMP STATIONS TO KIMLEY-HORN AND ASSOCIATES AND D-12 AND D-8 DRAINAGE PUMP STATIONS TO MOCK-ROOS AND ASSOCIATES IN THE AMOUNT OF $404,177, AND A PROJECT BUDGET OF $425,000.

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 150-2019 approving Purchase Orders for Engineering Design Services of the A-6, E-5, and E-5 Wastewater Pump Stations to Kimley-Horn and Associates and D-12 and D-8 Drainage Pump Stations to Mock-Roos and Associates in the Amount of $404,177, and a Project Budget of $425,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of December, 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, CMC, Town Clerk

Kimley»Horn

October 30, 2019

Patricia Strayer, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: ***Wastewater Pump Station Improvements at A-6 Pump Station***

Dear Patricia,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to mechanical and electrical improvements to the A-6 Wastewater Pump Station in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

It is understood that the Town is interested making improvements to the A-6 Wastewater Pump Station in order to increase operational reliability. Items that will be addressed have been identified in the Town of Palm Beach Wastewater Pump Station Condition Assessment prepared by Mock-Roos Consulting Engineers with additions that were identified during a recent site visit with Town staff. The improvements are not anticipated to require a Health Dept. permit as the modifications will not change the capacity of the station, however it is anticipated that a Town of Palm Beach building permit will be required for the replacements. Below are the improvements recommended for the station.

A-6 Wastewater Pump Station

- Replace generator
- Replace day tank
- Replace drywell, wetwell, and mechanical room ventilation system
- Replace ladder, grating and handrails within the wetwell
- Replace steel floor supports at wetwell ceiling
- Replace sanitary connection within wetwell from the docks
- Recoat wetwell
- Replace grating in mechanical room
- Replace roof
- Recoat catwalk and ships ladder in drywell
- Replace electrical service
- Replace MTS/ATS
- Replace panelboard and miscellaneous electrical equipment
- Replace the electrical control panel
- Replace transducer and floats in wetwell

Scope of Services

Task 1 – Design Phase Services

We will attend a kick off meeting with the Town to discuss the project goals. We will visit the site to support the design services. Kimley-Horn will perform design services to prepare construction plans and specifications for the wastewater pump station improvements suitable for construction and submittal to the Town's Building Department containing the following information:

1. Cover Sheet
2. A-6 Demolition Plan
3. A-6 Site Plan
4. A-6 Generator Enlarged Plan and Section
5. A-6 Mechanical First Floor Plan
6. A-6 Drywell and Wetwell Plan
7. A-6 Roof Plan
8. A-6 Drywell and Wetwell Sections and Details
9. A-6 Grating and Framing Details
10. A-6 Fuel Riser Diagram and Fuel Pipe Details
11. A-6 Wetwell Concrete Repair Details
12. A-6 Wetwell Rehabilitation Details
13. A-6 Construction Details
14. A-6 Electrical Plan and Details
15. Technical Specifications

Electrical plans and specifications will be prepared by a subconsultant employed by Kimley-Horn. Kimley-Horn will prepare general civil, mechanical, and structural technical specifications. The site plans will be developed using the existing record drawings and field measurements. If it is determined that a survey is required during the permit approval process, we can provide this as an additional service.

We will submit plans and specifications for review at 60% and 90% completion stages, meet with the Town to review their comments, and accommodate one round of reasonable requests for revisions by the Town after each review. We will provide an opinion of probable construction cost at the 90% design stage and update this document with the final design submittal.

Task 2 – Bid Phase Services

Kimley-Horn will attend the pre-bid meeting, review the bid proposal from the apparent low bidder, and prepare a bid tabulation and memorandum to the Town containing our findings after our review of the bids. We will also assist the Town with responding to questions received from prospective bidders, if required. We will provide up to 5 signed and sealed copies of the construction documents for the Town to distribute to the selected contractor for permitting. We will respond to one round of reasonable comments from the building department after submittal by the Town/contractor, if required.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals

approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Surveying and Mapping, Construction Layout
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements
- Construction Phase Services

Information Provided by the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to Kimley-Horn by the Town during the project.

- Access to the site.
- Available record drawings and data

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule. It is understood these improvements are desired to be constructed in the summer of 2021.

Fee and Billing

Kimley-Horn 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 – Design Phase Services	$96,500
Task 2 – Bid Phase Services	$ 7,500
Total	$104,000

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, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or “CLIENT” shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Vice President

Attachment

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ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	A-6 Wastewater Pump Station Improvements	SHEET	1 of 1
CLIENT:	Town of Palm Beach	FILE NO.	
ESTIMATOR:	JRL	DATE:	10/29/19
		ALLOCA	0.0000

DESCRIPTION: See Scope of Services	DIRECT LABOR (MAN-HOURS)											
	Principal	Chief Engineer	Project Manager	Senior Reg. Prof	Eng. Prof.	Eng. Int.	Analyst	Admin/Clerical	Senior Designer	SUB (Hillers)	EXP	LINE TOTAL
												$0
Design, Bid and Permit Phase Services												$0
Kickoff Meeting			3.0			3.0						$946
Site Visit (2)			6.0			6.0						$1,892
Wetwell and Drywell Ventilation Calculations	0.5		6.0			12.0		2.0				$2,930
Wetwell Structural Review	2.0		8.0			12.0		2.0				$3,749
Fuel Piping Calcs			6.0			12.0		1.0				$2,699
Day Tank Selection			6.0			12.0		1.0				$2,699
Generator Foundation			6.0			12.0		2.0				$2,787
Strucutral Checks on Misc Metals (floor support, ladders, railings, ect.)	2.0		12.0			16.0		2.0				$5,011
Develop Construction Phasing Plan	1.0		6.0			4.0		2.0				$2,113
Construction Plans												$0
Cover Sheet						1.0						$120
A-6 Demolition Plan			2.0			6.0						$1,110
A-6 Site Plan	1.0		6.0			16.0						$3,377
A-6 Generator Enlarged Plan and Section	1.0		12.0			24.0						$5,509
A-6 Mechanical First Floor Plan	1.0		6.0			16.0						$3,377
A-6 Drywell and Wetwell Plan	1.0		12.0			24.0						$5,509
A-6 Roof Plan	1.0		3.0			16.0						$2,791
A-6 Drywell and Wetwell Sections and Details	1.0		6.0			16.0						$3,377
A-6 Grating and Framing Details	1.0		3.0			16.0						$2,791
A-6 Fuel Riser Diagram and Fuel Pipe Details	1.0		3.0			16.0						$2,791
A-6 Wetwell Concrete Repair Details	1.0		3.0			16.0						$2,791
A-6 Wetwell Rehabilitation Details	1.0		3.0			8.0						$1,832
A-6 Construction Details	1.0		6.0			16.0						$3,377
A-6 Electrical Plan and Details			4.0			4.0				18500.00	$4	$19,765
Technical Specifications			8.0			16.0		8.0				$4,182
OPC			8.0			16.0		4.0				$3,832
60 and 90 review meetings and submittals			4.0			12.0		4.0				$2,571
Respond to comments and produce final plans			4.0			12.0		4.0				$2,571
												$0
Prepare Documents			2.0			8.0		2.0			$96	$1,621
Attend Pre-Bid Meeting, attend field visits, prepare minutes			2.0			4.0		1.0				$958
Respond to Contractor RFIs			4.0			8.0		3.0				$2,004
Review Bids and prepare summary memorandum			4.0			2.0		2.0				$1,197
Respond to TOPB Building Permit Comments			3.0			8.0		2.0				$1,721
												$0
												$0
												$0
TOTAL HOURS	**16.5**	**0.0**	**167.0**	**0.0**	**0.0**	**370.0**	**0.0**	**42.0**	**0.0**	**18500**	**100**	**$104,000.00**
LABOR ($/HOUR)	**285.90**	**266.26**	**195.44**	**184.35**	**151.32**	**119.92**	**107.97**	**87.47**	**152.84**	**1.00**	**1.0**	
ALLOCATION	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	
TOTALS	**4,717.35**	**0.00**	**32,638.48**	**0.00**	**0.00**	**44,370.40**	**0.00**	**3,673.74**	**0.00**	**18,500.00**	**100.03**	**$104,000.00**

Kimley»Horn

October 30, 2019

Patricia Strayer, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *Stormwater Pump Station Improvements at D-12 Pump Station*

Dear Patricia,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to mechanical and electrical improvements to the D-12 Stormwater Pump Station in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

It is understood that the Town is interested making improvements to the D-12 Stormwater Pump Station in order to increase operational reliability. Items that will be addressed have been identified in the Town of Palm Beach Stormwater Pump Station Condition Assessment prepared by Mock-Roos Consulting Engineers with additions that were identified during a recent site visit with Town staff. The improvements are not anticipated to require a modification to the SFWMD permit as the modifications will not change the capacity of the station, however it is anticipated that a Town of Palm Beach building permit will be required for the replacements. Below are the improvements recommended for the station.

- Replace the wetwell access plates with H-20 aluminum hatches
- Replace the check valves with flap gates
- Replace the existing Type H precast vaults with larger precast vaults to accommodate a flap gate
- Replace door hardware in NW corner of mechanical room
- Replace heat exchangers and cooling piping within mechanical room
- Replace the roof

Scope of Services

Task 1 – Design Phase Services

We will attend a kick off meeting with the Town to discuss the project goals. We will visit the site to support the design services. Kimley-Horn will perform design services to prepare construction plans and specifications for the stormwater pump station improvements suitable for construction and submittal to the Town's Building Department containing the following information:

1. Cover Sheet
2. D-12 Wetwell Site Demolition Plan
3. D-12 Wetwell Site Plan

4. D-12 Wetwell and Inlet Section
5. D-12 Enlarged Hatch Replacement Plan and Details
6. D-12 Mechanical Building Site Plan
7. D-12 Mechanical Building Floor Plan
8. D-12 Mechanical Building Roof Plan
9. D-12 Cooling System Riser Diagram
10. D-12 Cooling System Section and Details
11. D-12 Construction Details
12. Technical Specifications

Kimley-Horn will prepare general civil, mechanical, and structural technical specifications. There are no electrical improvements anticipated for this project. The site plans will be developed using the existing record drawings and field measurements. If it is determined that a survey is required during the permit approval process, we can provide this as an additional service.

We will submit plans and specifications for review at 60% and 90% completion stages, meet with the Town to review their comments, and accommodate one round of reasonable requests for revisions by the Town after each review. We will provide an opinion of probable construction cost at the 90% design stage and update this document with the final design submittal.

Task 2 – Bid Phase Services

Kimley-Horn will attend the pre-bid meeting, review the bid proposal from the apparent low bidder, and prepare a bid tabulation and memorandum to the Town containing our findings after our review of the bids. We will also assist the Town with responding to questions received from prospective bidders, if required. We will provide up to 5 signed and sealed copies of the construction documents for the Town to distribute to the selected contractor for permitting. We will respond to one round of reasonable comments from the building department after submittal by the Town/contractor, if required.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Surveying and Mapping, Construction Layout
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements
- Electrical Engineering
- Construction Phase Services

Information Provided by the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to Kimley-Horn by the Town during the project.

- Access to the site.
- Available record drawings and data

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule. It is understood these improvements are desired to be constructed in the summer of 2021.

Fee and Billing

Kimley-Horn 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 – Design Phase Services	$84,500
Task 2 – Bid Phase Services	$ 7,500
Total	$92,000

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, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Vice President

Attachment

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ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	D-12 Stormwater Pump Station Improvements	SHEET	1 of 1
CLIENT:	Town of Palm Beach	FILE NO.	
ESTIMATOR:	JRL	DATE:	10/29/19
		ALLOCA	0.0000

DESCRIPTION: See Scope of Services	DIRECT LABOR (MAN-HOURS)											
	Principal	Chief Engineer	Project Manager	Senior Reg. Prof	Eng. Prof.	Eng. Int.	Analyst	Admin/Clerical	Senior Designer	SUB	EXP	LINE TOTAL
												$0
Design, Bid and Permit Phase Services												$0
Kickoff Meeting			3.0			3.0		2.0				$1,121
Site Visit (2)			6.0			6.0						$1,892
Wetwell and Hatch Selections / Supplier Coordination	1.0		4.0			12.0		2.0				$2,682
D-12 Top Slab Structural Design	2.0		8.0			16.0		2.0				$4,229
Heat Exchanger Calcs	2.0		8.0			16.0						$4,054
Cooling Piping Hydraulic Calcs	2.0		8.0			16.0						$4,054
Heat Exchanger Selection	1.0		8.0			16.0		2.0				$3,943
Precast Inlet Design	2.0		8.0			16.0		2.0				$4,229
Develop Construction Phasing Plan	1.0		6.0			8.0		2.0				$2,593
Construction Plans												$0
Cover Sheet						1.0					$2	$122
D-12 Wetwell Site Demolition Plan			2.0			6.0						$1,110
D-12 Wetwell Site Plan	1.0		6.0			16.0						$3,377
D-12 Wetwell and Inlet Section	2.0		12.0			24.0						$5,795
D-12 Enlarged Hatch and Replacement Plan and Details	2.0		6.0			16.0						$3,663
D-12 Mechanical Building Site Plan	1.0		6.0			16.0						$3,377
D-12 Mechanical Building Floor Plan	1.0		6.0			16.0						$3,377
D-12 Mechanical Building Roof Plan	2.0		8.0			16.0						$4,054
D-12 Cooling System Riser Diagram	2.0		12.0			24.0						$5,795
D-12 Cooling System Section and Details	2.0		12.0			24.0						$5,795
D-12 Construction Details	1.0		8.0			16.0						$3,768
Technical Specifications	2.0		12.0			24.0		8.0				$6,495
OPC			8.0			16.0		4.0				$3,832
60 and 90 review meetings and submittals			4.0			12.0		4.0				$2,571
Respond to comments and produce final plans			4.0			12.0		4.0				$2,571
												$0
Prepare Documents			2.0			8.0		2.0				$1,525
Attend Pre-Bid Meeting, attend field visits, prepare minutes			2.0			4.0		1.0			$96	$1,054
Respond to Contractor RFIs			4.0			8.0		3.0				$2,004
Review Bids and prepare summary memorandum			4.0			2.0		2.0				$1,197
Respond to TOPB Building Permit Comments			3.0			8.0		2.0				$1,721
												$0
												$0
												$0
TOTAL HOURS	**27.0**	**0.0**	**180.0**	**0.0**	**0.0**	**378.0**	**0.0**	**42.0**	**0.0**	**0**	**98**	**$92,000.00**
LABOR ($/HOUR)	**285.90**	**266.26**	**195.44**	**184.35**	**151.32**	**119.92**	**107.97**	**87.47**	**152.84**	**1.00**	**1.0**	
ALLOCATION	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	
TOTALS	**7,719.30**	**0.00**	**35,179.20**	**0.00**	**0.00**	**45,329.76**	**0.00**	**3,673.74**	**0.00**	**0.00**	**98.00**	**$92,000.00**

Kimley»Horn

October 30, 2019

Patricia Strayer, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *Wastewater Pump Station Improvements at E-6 Pump Station*

Dear Patricia,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to mechanical and electrical improvements to the E-6 Wastewater Pump Station in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

It is understood that the Town is interested making improvements to the E-6 Wastewater Pump Station in order to increase operational reliability. Items that will be addressed have been identified in the Town of Palm Beach Wastewater Pump Station Condition Assessment prepared by Mock-Roos Consulting Engineers with additions that were identified during a recent site visit with Town staff. The improvements are not anticipated to require a Health Dept. permit as the modifications will not change the capacity of the station, however it is anticipated that a Town of Palm Beach building permit will be required for the work. Below are the improvements recommended for the station.

E-6 Wastewater Pump Station

- Replace 12" plug valve on connection to forcemain
- Replace hatches in both the wetwell and valve vault with larger H-20 rated hatches
- Recoat wetwell and valve box
- Replace pump rails and float hangers
- Replace bypass pipe, valve and cam-lok
- Install drain from valve vault to the wetwell
- Replace piping and valves within the valve vault and wetwell
- Replace odor control system
- Replace the electrical control panel
- Replace floats in both wetwell and manhole

Scope of Services

Task 1 – Design Phase Services

We will attend a kick off meeting with the Town to discuss the project goals. We will visit the site to support the design services. Kimley-Horn will perform design services to prepare construction plans and specifications for the wastewater pump station improvements suitable for construction and submittal to the Town's Building Department containing the following information:

1. Cover Sheet
2. E-6 Demolition Plan
3. E-6 Site Plan
4. E-6 Wetwell Sections and Details
5. E-6 Electrical Plan and Details
6. General Construction Details Sheet(s)
7. Technical Specifications

Electrical plans and specifications will be prepared by a subconsultant employed by Kimley-Horn. Kimley-Horn will prepare general civil, mechanical, and structural technical specifications. The site plans will be developed using the existing record drawings and field measurements. If it is determined that a survey is required during the permit approval process, we can provide this as an additional service.

We will submit plans and specifications for review at 60% and 90% completion stages, meet with the Town to review their comments, and accommodate one round of reasonable requests for revisions by the Town after each review. We will provide an opinion of probable construction cost at the 90% design stage and update this document with the final design submittal.

Task 2 – Bid Phase Services

Kimley-Horn will attend the pre-bid meeting, review the bid proposal from the apparent low bidder, and prepare a bid tabulation and memorandum to the Town containing our findings after our review of the bids. We will also assist the Town with responding to questions received from prospective bidders, if required. We will provide up to 5 signed and sealed copies of the construction documents for the Town to distribute to the selected contractor for permitting. We will respond to one round of reasonable comments from the building department after submittal by the Town/contractor, if required.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Surveying and Mapping, Construction Layout
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements
- Construction Phase Services

Information Provided by the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to Kimley-Horn by the Town during the project.

- Access to the site.
- Available record drawings and data

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule. It is understood these improvements are desired to be constructed in the summer of 2020.

Fee and Billing

Kimley-Horn 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 – Design Phase Services	$40,100
Task 2 – Bid Phase Services	$ 7,500
Total	$47,600

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, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\E-6 Pump Station\E-6 Wastewater Pump Station Improvements.docx

TCM Backup 12-10-19

ESTIMATE FOR ENGINEERING SERVICES

PROJECT:	E-6 Wastewater Pump Station Improvements	SHEET 1 of 1	
CLIENT:	Town of Palm Beach	FILE NO.	
ESTIMATOR:	JRL	DATE:	10/13/17
		ALLOCA	0.0000

DESCRIPTION: See Scope of Services	DIRECT LABOR (MAN-HOURS)											
	Principal	Chief Engineer	Project Manager	Senior Reg. Prof	Eng. Prof.	Eng. Int.	Analyst	Admin/Clerical	Senior Designer	SUB (Hillers)	EXP	LINE TOTAL
												$0
Design, Bid and Permit Phase Services												$0
Kickoff Meeting			3.0			3.0						$946
Site Visit			3.0			3.0						$946
Wetwell and Hatch Selections / Supplier Coordination	1.0		4.0			8.0		2.0				$2,202
E-6 Top Slab Structural Design			4.0			4.0						$1,261
E-6 Odor Control Selection Calcs	1.0		6.0			16.0		2.0				$3,552
Develop Construction Phasing Plan	1.0		6.0			4.0						$1,938
Construction Plans												$0
Cover Sheet						1.0						$120
E-6 Demolition Plan			2.0			8.0						$1,350
E-6 Site Plan	1.0		6.0			12.0						$2,898
E-6 Wetwell Sections and Details	1.0		3.0			12.0						$2,311
E-6 Odor Control Details			3.0			12.0						$2,025
E-6 Electrical Plan and Details			1.0			2.0				8500.00	$70	$9,006
Technical Specifications			8.0			16.0		8.0				$4,182
OPC			4.0			12.0						$2,221
60 and 90 review meetings and submittals			4.0			12.0		4.0				$2,571
Respond to comments and produce final plans			4.0			12.0		4.0				$2,571
												$0
Prepare Documents			2.0			8.0		2.0				$1,525
Attend Pre-Bid Meeting, attend field visits, prepare minutes			2.0			4.0		1.0			$96	$1,054
Respond to Contractor RFIs			4.0			8.0		3.0				$2,004
Review Bids and prepare summary memorandum			4.0			2.0		2.0				$1,197
Respond to TOPB Building Permit Comments			3.0			8.0		2.0				$1,721
												$0
												$0
												$0
TOTAL HOURS	**5.0**	**0.0**	**76.0**	**0.0**	**0.0**	**167.0**	**0.0**	**30.0**	**0.0**	**8500**	**166**	**$47,600.00**
LABOR ($/HOUR)	**285.90**	**266.26**	**195.44**	**184.35**	**151.32**	**119.92**	**107.97**	**87.47**	**152.84**	**1.00**	**1.0**	
ALLOCATION	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	
TOTALS	**1,429.50**	**0.00**	**14,853.44**	**0.00**	**0.00**	**20,026.64**	**0.00**	**2,624.10**	**0.00**	**8,500.00**	**166.32**	**$47,600.00**

MOCK • ROOS
CONSULTING ENGINEERS

October 30, 2019

Mr. Duke Basha
Assistant Purchasing Manager
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No. B9035.00
Subject: D-8 Stormwater Pump Station Rehabilitation

Dear Mr. Basha:

We are submitting the attached *Proposal to Provide Professional Engineering Services for the D-8 Stormwater Pump Station Rehabilitation Project.* Please review the attached proposal and return one signed copy to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will be $135,773.00.

If you have any questions please contact me at 683-3113, extension 293. Thank you for using Mock•Roos on this project. We look forward to working with you.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.
Senior Vice President

GGG:jeh
Copies: Bookkeeping

F:_PROPOSALS\pb__\B9035.00_D-8 Design and BPS\20191023_ltr_strayer_proposal submittal.doc

Proposal to Provide Professional Engineering Services for the D-8 Stormwater Pump Station Rehabilitation Project

Services to be provided by: Mock•Roos

Services provided to (Town): Town of Palm Beach

Proposal Date: October 30, 2019

Proposal Terms

A. Project Understanding:

The Town is planning to move forward with the necessary improvements to its D-8 Stormwater Pump Station identified in the Town's December 2015 Stormwater Pump Station Assessment Report. In addition to the recommendations in the report, Mock•Roos will also design structural modifications to the D-8 Pump Station for sound attenuation to support the proposed air cooled generator upgrades. Mock•Roos and its subconsultants (Structural, Electrical, and Architectural) will provide design, permitting, and bid services for the recommended improvements as outlined in **B. Scope of Services** below.

Mock•Roos will provide services as outlined in **B. Scope of Services** below.

B. Scope of Services:

1. Attend a project kick-off meeting followed by an onsite meeting with the Town to review the scope of the rehabilitation. Mock•Roos' team members shall arrange and participate in meetings with the Town staff and/or others to discuss and coordinate on various technical issues/topics relating to this project. At the Towns request, assist the Town with public outreach to adjacent residents by attending up to two meetings with project stake holders and providing engineering support.

2. Provided the services of a professional land surveyor to survey the project limits. Prepare up to three (3) draft easement exhibits and one (1) sketch and legal description for the Town's use securing an easement from the property owner for the existing facilities and proposed improvements.

3. Prepare typical design calculations, plans, specifications, and other required deliverables for Project components based on industry practice for such facilities to advance the Project design through 30-percent (for review/comment), 90-percent (for review/comment and Building Department/ARCOM submittal) and 100-percent complete documents (for preapproved contractors). Review and coordination with Town staff shall be performed to confirm the proposed improvements are in accordance with the Town's Operation and Maintenance (O&M) goals.

4. Assist the Town with bidding the project by attending a pre-bid meeting, assisting with responses to bidder's questions, providing clarifications, reviewing the bids, and providing a letter of recommendation at the Town's request.

5. The following rehabilitation scope items were identified in the Town's 2015 Pump Station Assessment Report as being recommended for rehabilitation within the next two to five years:

D-8 Stormwater Pump Station Rehabilitation Scope from Condition Assessment:

- Replace/rehabilitate the wafer check valves
- Upgrade the Generator coolant system with an air cooled radiator
- The wetwell access located between the pumps and the generator control building will be reinforced and filled with concrete
- The pump station will be repainted
- The east door of the generator building will be replaced to include a threshold to reduce water infiltration during rain events
- Modify the existing building to provide ventilation for the air cooled generator
- Review the exiting condition of the wetwell and recommend minor upgrades
- The Town has upgraded the exterior lights. Supplemental exterior lights will be added based on the final design
- The pump station control panel and the E-5 Lift Station control panel have both exceeded their life expectancy and should be replaced
- Replace the antenna mast at the station
- Replace the instruments in the wetwell
- Provide power to E-5 Lift Station proposed odor control equipment

D-8 Stormwater Pump Station Rehabilitation Scope from site visit:

- See attached proposed structural modification exhibit
- Provide the design for a new manual transfer switch and modifications to the existing MCC-2
- Upgrade lighting and electrical within the generator room and proposed structural improvements for the sound attenuation structural improvements
- Provide demolition plan for existing electrical equipment, terminal boxes for 3rd storm pump. Relocate capacitor bank and provide new terminal boxes for pump cables and 3rd pump wetwell floats and level instruments
- Demolish and abandon in place existing water cooling wells

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services. Based on the current scope of services the following items have not been included:
   - no survey is anticipated to be required
   - easement research and acquisition will not be required
   - no evaluation of the existing drainage basin or the operation of the existing drainage system is anticipated to be required
   - modification to raise equipment to an elevation above where it exists today will not be required.

2. Town to coordinate and obtain easements for existing pump station and proposed improvements.

3. Any design changes, schedule changes, drawing changes, or other project changes requested by Client will be considered Additional Services.

4. Additional Services can be provided upon Mock•Roos receiving signed authorization from Client.

D. Assumptions:

1. It is assumed that the Town will facilitate access to the structural and electrical elements to be reviewed and into the pump station intake bays, provide gas monitoring and ventilation equipment that may be required for entry, and perform lock out/tag out of the pumps.
2. It is assumed that the plans to be provided will be for the purposes of maintaining the existing structural elements. The scope in this task does not include a load analysis, structural analysis, or certification that the structure meets any current design codes.
3. Mock•Roos is providing the services of an Architect to lead the ARCOM review process. Up to two rounds of revisions to the plans are included as a result of the review process.
4. Town to coordinate with residents and project stake holders, on increased generator noise associated with an air cooled radiator system.

E. Fees and Rates:

1. Mock•Roos will complete these services on an hourly basis at Mock•Roos' hourly rates, plus reimbursable expenses.

2. The total fee to provide the Scope of Services is anticipated to be $135,773.00.

3. Mock•Roos will not provide services in excess of the anticipated fee without signed authorization from Client.

4. Mock•Roos can provide Additional Services at the Mock•Roos rates in effect at that time, plus reimbursable expenses or for an agreed upon lump sum fee.

E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.

2. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

F. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services. This authorization becomes valid upon Mock•Roos receiving a Purchase Order for these services.

MOCK•ROOS

Signed: _____ 10/30/19

Name: Garry G. Gruber, P.E.

Title: Senior Vice President

Date: October 30, 2019

TCM Backup 12-10-19

Town of Palm Beach
D-8 Pump Station Rehabilitation
Design, Permitting, and Bid Phase
(PA# B9035.00)

	Task Description	Labor Categories: Project Director	Senior Project Manager	Senior Engineer	Project Engineer III	Project Engineer II	Senior Administrative Assistant	Subconsultant	Total
Labor Hourly Billing Rate		$195.00	$175.00	$170.00	$150.00	$125.00	$70.00		
Design and Bid Phase									
1	Kick-off Meeting and Stake Holder Meeting(s)	2	12		4		2		$ 3,230
2	Site Visits		8	8	16		2		$ 5,300
3	Survey, Exhibits, and Sketch and Legal		8			8	2	$4,450	$ 6,990
4	30-Percent Completion	4	20	20	40	60	4		$ 21,460
5	90-Percent Completion	2	10	20	20	40	2		$ 13,680
6	Permitting	10	20			16	10		$ 8,150
7	Bid Phase Services	4	8		8		2		$ 3,520
8	Structural *(Kimley Horn)*							$41,443	$ 41,443
9	Architectural *(Bridges and Marsh)*							$17,000	$ 17,000
10	Electrical *(C&W Engineering)*							$12,500	$ 12,500
	Subtotal	*$ 4,290*	*$ 15,050*	*$ 8,160*	*$ 13,200*	*$ 15,500*	*$ 1,680*	*$75,393*	*$ 133,273*
								Expenses	$ 2,500
								Design and Bid Services (Lump Sum) Total	**$135,773**

MOCK • ROOS
CONSULTING ENGINEERS

October 30, 2019

Mr. Duke Basha
Assistant Purchasing Manager
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No. B9031.00
Subject: E-5 Wastewater Pump Station Rehabilitation

Dear Mr. Basha:

We are submitting the attached *Proposal to Provide Professional Engineering Services for the E-5 Wastewater Pump Station Rehabilitation Project.* Please review the attached proposal and return one signed copy to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will be $24,804.00.

If you have any questions please contact me at 683-3113, extension 293. Thank you for using Mock•Roos on this project. We look forward to working with you.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.
Senior Vice President

GGG:jeh
Copies: Bookkeeping

F:_PROPOSALS\pb__\B9031.00_E-5 Design and BPS\20191023_ltr_strayer_proposal submittal.doc

Proposal to Provide Professional Engineering Services for the E-5 Wastewater Pump Station Rehabilitation Project

Services to be provided by: Mock•Roos

Services provided to (Town): Town of Palm Beach

Proposal Date: October 30, 2019

Proposal Terms

A. Project Understanding:

The Town is planning to move forward with the necessary improvements to its E-5 Wastewater Pump Station identified in the Town's March 2016 Wastewater Pump Station Assessment Report. Mock•Roos and its subconsultants (Structural and Electrical) will provide design and permitting services for the recommended improvements as outlined in **B. Scope of Services** below. The improvements to the E-5 Wastewater Pump Station will be incorporated into the drawing set for the Town's D-8 Stormwater Pump Station Rehabilitation and will be bid as one project.

Mock•Roos will provide services as outlined in **B. Scope of Services** below.

B. Scope of Services:

1. Attend a project kick-off meeting followed by an onsite meeting with the Town to review the scope of the rehabilitation. Mock•Roos' team members shall arrange and participate in meetings with the Town staff and/or others to discuss and coordinate on various technical issues/topics relating to this project.

2. Prepare typical design calculations, plans, specifications, and other required deliverables for Project components based on industry practice for such facilities to advance the Project design through 30-percent (for review/comment), 90-percent (for review/comment and Building Department submittal) and 100-percent complete documents (for preapproved contractors). Review and coordination with Town staff shall be performed to confirm the proposed improvements are in accordance with the Town's Operation and Maintenance (O&M) goals.

3. The following rehabilitation scope items were identified in the Town's 2016 Wastewater Pump Station Assessment Report as being recommended for rehabilitation within the next two to five years:

E-5 Wastewater Pump Station Rehabilitation Scope from Condition Assessment:

- Design for the installation of a sump pump in the valve vault
- Design an odor control system (to be located near/in the D-8 Pump Station foot print)
- Replace the existing wetwell and valve vault hatches with double leaf stainless steel traffic rated hatches improving access
- Design the replacement of the E-5 Pump Station Control Panel and relocate terminal box
- Design the replacement of conduits including explosion seal-offs and other miscellaneous electrical components associated with the wiring should be designed to bring the station up to current code
- Design electrical upgrades to accommodate the new odor control system and tie into the D-8 Pump Station

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services. Based on the current scope of services the following items have not been included:
   - Kimley Horn is to provide the asbuilts that will be developed into a basemap and additional survey is not included
   - Easement research/acquisition is to be provided by the Town and is not included
   - Evaluation of the existing service area and the operation of the existing pump station is not included
   - Modifications to raise equipment to an elevation above where it exists today is not included
   - Landscaping modification (fiscus removal and replacement) are to be completed by the Town and are not included
   - ARCOM review is not anticipated and not included

2. Town to coordinate and obtain easements for existing pump station components and proposed improvements.

3. Bid Services have been removed as the Town intends to have this project bid with the Town's D-8 Stormwater Pump Station Project.

4. Any design changes, schedule changes, drawing changes, or other project changes requested by Client will be considered Additional Services.

5. Additional Services can be provided upon Mock•Roos receiving signed authorization from Client.

D. Assumptions:

1. It is assumed that the Town will facilitate access to the structural and electrical elements to be reviewed.

2. It is assumed that the plans to be provided will be for the purposes of maintaining the existing structural elements. The scope in this task does not include a load analysis, structural analysis, or certification that the structure meets any current design codes.

E. Fees and Rates:

1. Mock•Roos will complete these services on an hourly basis at Mock•Roos' hourly rates, plus reimbursable expenses.

2. The total fee to provide the Scope of Services is anticipated to be $24,804.00.

3. Mock•Roos will not provide services in excess of the anticipated fee without signed authorization from Client.

4. Mock•Roos can provide Additional Services at the Mock•Roos rates in effect at that time, plus reimbursable expenses or for an agreed upon lump sum fee.

E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.

2. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

F. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services. This authorization becomes valid upon Mock•Roos receiving a Purchase Order for these services.

MOCK•ROOS

Signed: _____ 10/30/19

Name: Garry G. Gruber, P.E.

Title: Senior Vice President

Date: October 30, 2019

TCM Backup 12-10-19

Town of Palm Beach
E-5 Pump Station Rehabilitation
Design, Permitting, and Bid Phase
(PA# B9031.00)

Task Description	Labor Categories: Project Director	Senior Project Manager	Senior Engineer	Project Engineer II	Senior Administrative Assistant	Subconsultant	Total
Labor Hourly Billing Rate	$195.00	$175.00	$170.00	$125.00	$70.00		
Design and Bid Phase							
1 Kick-off Meeting	2	4			2		$ 1,230
2 Site Visits		2	2				$ 690
3 30-Percent Completion	2	2	4	40	4		$ 6,700
4 90-Percent Completion	2	2	4	10	2		$ 2,810
5 Permitting and 100- Percent		8		8	2		$ 2,540
6 Structural *(Kimley Horn)*						$3,834	$ 3,834
7 Electrical *(C&W Engineering)*						$6,500	$ 6,500
Subtotal	*$ 1,170*	*$ 3,150*	*$ 1,700*	*$ 7,250*	*$ 700*	*$10,334*	*$ 24,304*
						Expenses	$ 500
							$24,804

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 151-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2019-36, Water Feasibility Study to Kimley-Horn and Associates and Authorize the Town Manager and Town Staff to Facilitate Negotiations for Scope and Price Proposal.

Presenter
Dean Mealy, Purchasing Manager

ATTACHMENTS:

- **Memorandum Dated November 25, 2019, from Dean Mealy, Purchasing Manager**
- **Resolution No. 151-2019**
- **Scope of Work Issued**
- **Kimley-Horn Responses to Technical**
- **Kimley-Horn Responses to Technical**

Information for Town Council Meeting on December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving the Award of Request for Qualification No.2019-36, Water Feasibility Study to Kimley-Horn and Associates and Authorize the Town Manager and Staff to Negotiate the Proposal and Pricing, **Resolution No. 151-2019**

DATE: 25 November 2019

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution Approving the Award of Request for Qualification No.2019-36, Water Feasibility Study to Kimley-Horn and Associates and Authorize the Town Manager and Staff to Negotiate the Proposal and Pricing.

SUMMARY EXPLANATION/BACKGROUND

Town Purchasing issued RFQ No. 2019-36 for a Water Feasibility Study with the following Scope of Work:

The Scope of Work is comprised of the following essential tasks: • Water Supply Options • Water Distribution Options • Final Analysis and Recommendations for Long Term Water Supply.

The following is an outline of the anticipated scope to complete the essential tasks listed above:

1) Data Collection and Review. The selected consultant will perform a review of available data which includes "Inventory of City of West Palm Beach Water Facilities in the Town of Palm Beach" dated September 1, 2015 and the Retail Water Service and Franchise Agreement (City of West Palm Beach). Other data will be required to be collected, but this will be determined and identified by the selected consultant.

2) Water Supply Options. Based on the data collected and analyzed, the selected consultant will develop a suite of alternatives for water supply to the Town of Palm Beach. These alternatives should, at a minimum, consider the following options: a) Continue with a Retail Agreement with the City of West Palm Beach b) Negotiating a Wholesale Agreement with the City of West Palm, c) Negotiating a Wholesale Agreement with another Utility, d) Developing a Town-owned water source, e) Entering into a Public-Private-Partnership with a water provider, and f) Combination of the Water Supply Options For each option a general description will be provided listing the

advantage and disadvantages. Feasibility of each option will be assessed and will be based on the ability to supply Town's existing and future average annual and peak demand, as well as the cost of bulk water for each supply option. The cost estimate should be based on existing rates and discussions with potential bulk suppliers. All water supply options cost estimates should be at a minimum a Class 5 or "Order of Magnitude" estimate. The selected consultant will provide a cost estimate for each option in a manner that allows each option to be compared based on cost.

3) Water Distribution Options. Considering that each water supply option presents a different set of logistical configurations affected by elements such as source location and number of connections to the existing network, there will be differing distribution network modifications needed for each water supply option. Below is a nonexclusive list of potential water distribution options: a) Negotiate a Retail Renewal Agreement with the City of West Palm Beach b) Take ownership of water distribution system "as is" and perform repairs and replacement c) Take ownership of a portion of the water distribution system, with the exception of South Palm Beach (as documented in the existing Agreement) d) Capital improvements necessary to allow the existing distribution network to accommodate new water source options (with the potential need for new larger diameter water mains, storage tanks and re-pump facilities)

The repair and replacement backlog remaining should be assumed as part of the costs associated with taking ownership of the system in all options other than negotiation of a Retail Renewal Agreement with the City of West Palm Beach. For options where a new water supply option is considered, modifications to the distribution system may be necessary. For instance, if the source of the water supply is at only one point along the Town, either the north, central or southern portion, additional distribution infrastructure may be needed. The cost of these additional facilities should include land acquisition if necessary.

4) Evaluation Report. A Final Evaluation Report is the final deliverable that combines the water supply options and the distribution system options into a suite of alternatives. Each alternative should be presented with a total order of magnitude cost shown. The Feasibility Report should describe the assumptions and approach utilized to evaluate each alternative and should compare list non-quantitative factors such as constructability, regulatory, sustainability and risk.

Fifty-one (51) firms were contacted to participate, besides the public notification through Public Purchase, Demand Star and the Palm Beach Post. Of the fifty-one firms, only sixteen (16) began the process of submitting an actual response to the RFQ.

On opening day of the solicitation, only Kimley-Horn and Associates had actually submitted. I had purchasing staff conduct outreach to the other fifteen firms to determine why they didn't finalize their submittals.

In the review of the statements, and the experience Kimley-Horn and Associates has working on this particular discipline, both with the Town and with the City of West Palm Beach, the Public Works Director, Senior Project Engineer, Town Manager and my office recommend the award to Kimley-Horn and authorize the Town Manager and Staff to Negotiate the Proposal and Pricing.

FISCAL IMPACT/FUNDING SOURCE

There is no associated cost to this award as it is an approval of a Request for Qualification.

USER DEPARTMENT CONCURRENCE

Public Works is in full concurrence with this recommendation.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research. The vendor has completed work within the Town with a high degree of success.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Paul Brazil, Director of Public Works
Patricia Strayer, Town Engineer
Jason Debrincat, Senior Project Manager
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 151-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF RFQ NO. 2019-36, WATER FEASIBILITY STUDY TO KIMLEY-HORN AND ASSOCIATES AND AUTHORIZE THE TOWN MANAGER AND TOWN STAFF TO FACILITATE NEGOTIATIONS FOR SCOPE AND PRICE PROPOSAL.

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 151-2019 Awarding RFQ No. 2019-36, Water Feasibility Study to Kimley-Horn and Associates and Authorize the Town Manager and Town Staff to facilitate negotiations for scope and price proposal.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of December, 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, CMC, Town Clerk

SCOPE OF WORK

The Scope of Work is comprised of the following essential tasks:

- Water Supply Options
- Water Distribution Options
- Final Analysis and Recommendations for Long Term Water Supply

The following is an outline of the anticipated scope to complete the essential tasks listed above:

1) **Data Collection and Review**
   The selected consultant will perform a review of available data which includes "Inventory of City of West Palm Beach Water Facilities in the Town of Palm Beach" dated September 1, 2015 and the Retail Water Service and Franchise Agreement (City of West Palm Beach). Other data will be required to be collected, but this will be determined and identified by the selected consultant.

2) **Water Supply Options**
   Based on the data collected and analyzed, the selected consultant will develop a suite of alternatives for water supply to the Town of Palm Beach. These alternatives should, at a minimum, consider the following options:

   a) Continue with a Retail Agreement with the City of West Palm Beach
   b) Negotiating a Wholesale Agreement with the City of West Palm,
   c) Negotiating a Wholesale Agreement with another Utility,
   d) Developing a Town-owned water source,
   e) Entering into a Public-Private-Partnership with a water provider, and
   f) Combination of the Water Supply Options

   For each option a general description will be provided listing the advantage and disadvantages. Feasibility of each option will be assessed and will be based on the ability to supply Town's existing and future average annual and peak demand, as well as the cost of bulk water for each supply option. The cost estimate should be based on existing rates and discussions with potential bulk suppliers.

   All water supply options cost estimates should be at a minimum a Class 5 or "Order of Magnitude" estimate. The selected consultant will provide a cost estimate for each option in a manner that allows each option to be compared based on cost.

3) **Water Distribution Options**
   Considering that each water supply option presents a different set of logistical configurations affected by elements such as source location and number of connections to the existing network, there will be differing distribution network modifications needed for each water supply option. Below is a nonexclusive list of potential water distribution options:

   a) Negotiate a Retail Renewal Agreement with the City of West Palm Beach
   b) Take ownership of water distribution system "as is" and perform repairs and replacement
   c) Take ownership of a portion of the water distribution system, with the exception of South Palm Beach (as documented in the existing Agreement)
   d) Capital improvements necessary to allow the existing distribution network to accommodate new water source options (with the potential need for new larger diameter water mains, storage tanks and re-pump facilities)

The repair and replacement backlog remaining should be assumed as part of the costs associated with taking ownership of the system in all options other than negotiation of a Retail Renewal Agreement with the City of West Palm Beach.

For options where a new water supply option is considered, modifications to the distribution system may be necessary. For instance, if the source of the water supply is at only one point along the Town, either the north, central or southern portion, additional distribution infrastructure may be needed. The cost of these additional facilities should include land acquisition if necessary.

4) Evaluation Report

A Final Evaluation Report is the final deliverable that combines the water supply options and the distribution system options into a suite of alternatives. Each alternative should be presented with a total order of magnitude cost shown. The Feasibility Report should describe the assumptions and approach utilized to evaluate each alternative and should compare list non-quantitative factors such as constructability, regulatory, sustainability and risk.

1.3.3 Technical Approach, Workload and Scheduling

Understanding of the Town's Needs in Association with Water Supply

For decades, **Kimley-Horn** has partnered with and served the Town of Palm Beach in a variety of ways. Our strong relationships with Town staff, excellent client service and thorough knowledge and understanding of the of the Town's facilities, procedures, and operations have resulted in many successful projects and we look forward to continuing that trend if selected to complete the Town's Water Supply Feasibility Study.



Providing exceptional client service has been and will always remain paramount in our core values and we will demonstrate this to you on this project as we have on our past projects for the Town. The Kimley-Horn team will provide a thoughtful approach to completing the Town's Water Supply Feasibility Study as further described below. This approach starts with our team members that we have selected to serve you for this assignment.

We are distinct in the diversity of the team members and their respective talents and we are unmatched in our combined length of service to the Town of Palm Beach. Project manager, **Jason Lee, P.E.,** has been serving the Town for over 16 years and has worked closely with Town staff to help deliver many successful projects. Unlike other consultants, Jason has the unique ability to call upon team members that have decades of experience serving the Town. Principal-in-Charge, **Kevin Schanen, P.E.,** has been serving the Town for nearly two decades and technical advisor, **John Potts, P.E.,** has served the Town for nearly 40 years. This experience and local knowledge of the Town's infrastructure, geography, geology, history, and community provides the Kimley-Horn team with a unique understanding of the Town's water supply needs and concerns. Some of the water supply and distribution projects that Kimley-Horn has completed over the last 25 years within the Town of Palm Beach includes the following:

- Town of Palm Beach Water Supply Consultant, 2008-2013
- Town of Palm Beach Feasibility Analysis for Reverse Osmosis Facilities
- Palm Beach Par 3 Floridan Well Design and Installation, 2009
- Palm Beach Irrigation Water System with Aquifer Storage and Recovery Report, 1995
- Southern Boulevard 16" subaqueous water main crossing relocation, 2017
- Flagler Memorial Bridge 24" subaqueous water main crossing, 2012
- Town-wide Watermain Critical Age Mapping, 2016
- Numerous watermain replacements throughout the Town, Early 1980s-Current

Many of the watermain projects listed above were funded through the user fees that are generated by Town customers as set forth in the Inter-Local Agreement between the Town and the City of West Palm Beach.

Water Supply Options

Having served as a past Water Supply Consultant to the Town, Kimley-Horn understands the Water Supply needs of the Town. We are very familiar with the terms of the Inter-Local Agreement between the City of West Palm Beach and the Town and being that you are 10 years away from expiration of this agreement, we agree that it is prudent to explore options at this time. By doing so, there is time to implement changes that would be necessary should the Town decide to provide potable water to the community in a different manner than is done today.

The Town has a maximum day demand of approximately 10 MGD, which includes both potable and irrigation water uses. The City of West Palm Beach currently owns and maintains an extensive network of pipelines, booster pumping stations, and water storage facilities throughout the Town. We understand that the Town would like to explore the following options as a part of this project:

1. Continue having the City provide water on a retail basis as is done today;
2. Take over ownership of the distribution system with the Town becoming a bulk customer of the City;
3. Becoming a customer of another local water utility;
4. Developing a Town-owned utility and the associated treatment plants to supply water to the community;
5. Entering a public-private partnership with a franchise utility to supply water to the community;
6. Developing a combined solution of several of the options above.

For Option 1, we would assume that much of the inter-local agreement would remain as it is today. However, discussions would need to be had with the Town and the City to determine if and how the existing distribution system will be transferred to the Town along with an understanding of the capital improvements necessary to replace the pipelines that have reached or are nearing the end of their useful lives. In 2016 as a part of the Undergrounding program, we developed a graphical map to illustrate the location and extent of these pipelines based on the data obtained from the Eardman-Anthony report.



For Option 2, we would recommend a review of the study that was performed nearly two decades ago where meters where installed at all of the subaqueous crossings to determine flow rates should the Town decide to become a bulk customer of the City. Costs related to installation of bulk metering facilities along with real estate needs to do so will also need to be considered. Because this option requires the Town set up a utility system to bill customers and maintain the distribution infrastructure, those costs will also need to be assessed.

For Option 3, Our team of experts will explore water supply options from utility service providers adjacent to the Town of Palm Beach, including Palm Beach County Water Utilities, City of Riviera Beach Utility Special District, City of Lake Worth Beach Utilities and their existing water supplier, the City of West Palm Beach. To assist us with this portion of the project, we have added **A. Mohammed Shammet, P.E., PMP** to our team. Mohammed has the unique experience of having conducted similar reviews, negotiations of Inter-local Agreements, and implementation of water supply options both as a consultant and as an employee of a municipal utility that relied on neighboring utilities to supplement community water supply needs.



Our team's technical diversity will allow us to analyze water quality data to determine the advantages/ disadvantages for each of the potential potable service providers. We have extensive experience with providing corrosion investigations, disinfection byproducts studies and review of other quality parameters that should be considered when changing water sources. As seen recently in the news with the situation in Flint, Michigan, changing water quality parameters need to be carefully assessed to avoid internal pipeline corrosion. We know that lead joint piping still exists in the Town today and the internal pipeline scale needs to be protected to avoid allowing this lead to enter the water supply. We will review their water use permits, permitted water treatment capacities, and existing water demands to determine if there is available capacity to serve the Town, or what the costs would be to expand the plants to provide this capacity. All necessary improvements that would be required to accommodate the Town's maximum day and peak hour water demands including having adequate water for fire protection will be reviewed and incorporated into the study. Each of the potential potable service providers' distribution atlases will be reviewed to determine the extent of pump station and pipeline improvements that will be needed to deliver water to the Town. Kimley-Horn will also review the bulk rates and retail rates for each of the water utilities for the Town to better understand the financial implications of receiving water from each of the utility service providers.

We have demonstrated this expertise recently with the Utility Condition Assessment and Valuation of Indiantown Company, Inc. that we performed on behalf of Martin County Utilities. This project was very similar to the Town's Water Supply Feasibility Study and as part of the project we identified water supply, water treatment and distribution system improvements necessary for Martin County Utilities to serve Indiantown and provided cost estimates to upgrade Martin County's Tropical Farms Water Treatment Plant (WTP) capacity. We've also performed similar services for the City of Delray Beach as part of the Water Supply and Feasibility Study where we evaluated several options for new water supply and treatment capacities to prepare for future potable water demands.

For Option 4, Kimley-Horn has a detailed understanding of the requirements for developing a Town owned water source. In 2009, Kimley-Horn completed a Feasibility Analysis for Reverse Osmosis Facilities for the Town of Palm Beach. We will review and update the findings of this report which explored construction of a WTP on Town-owned property at Quadrille Boulevard and Dixie Highway (Quadrille site) and a second WTP at Phipps Ocean Park (Phipps Park site). A study of the raw water supply, treatment options, by-product (concentrate) disposal options, and site limitations for these properties

was conducted. The conclusion was that it is feasible to construct water treatment facilities with the following capacities on these properties:

- Quadrille Site – A 3.75-MGD water treatment plant that would treat Floridan Aquifer water using the reverse osmosis process
- Phipps Park Site 1 – A 7.5-MGD water treatment plant that would treat Floridan Aquifer water using the reverse osmosis process
- Phipps Park Site 2 – A 10.0-MGD water treatment plant that would treat seawater using the reverse osmosis process

In keeping with the findings of this report, when the Town needed to provide an alternative irrigation water supply for the Par 3 Golf Course Kimley-Horn provided complete groundwater modeling, design and permitting for a Floridan well that has been delivering irrigation water to the Golf Course since it was renovated. This well was constructed with the idea that it could also provide water supply to a future RO plant at the Phipps Park site while continuing to provide irrigation to the Golf Course. Costs related to the improvements required to make this conversion will be included in this analysis.

For Options 5 and 6, Kimley-Horn has the experience necessary to evaluate entering into a public-private partnership with a water provider or some combination of these options. We are prepared to provide cost estimates that may include treatment plant expansions for adjacent utilities, pump station, and pipeline improvements necessary to serve the Town. We also have relationships with several private utility providers that make it their business model to take over existing systems and provide turn key utility operations across the state and nation. We propose to meet with them to develop conceptual options and related costs regarding how they could develop a system to serve the Town. Additionally, we will review scenarios to determine if combinations of the above options would provide maximum benefit to the Town.

Water Distribution Options

Based on the age of the existing infrastructure, no matter which option is selected a capital program for renewal and replacement will need to be assessed to determine the long-term costs associated with taking over the water distribution system. Over the years, Kimley-Horn has completed numerous distribution system projects which has allowed us to gain a unique understanding of the system within the Town. Kimley-Horn has also replaced two of the subaqueous transmission mains under the ICW that serve the Town, which include the 24" subaqueous water main crossing at Flagler Memorial Bridge and the 16" subaqueous water main crossing at Southern Boulevard Bridge.



Much of the water distribution system within the Town has exceeded its service life. The City of West Palm Beach through the inter-local agreement has outlined a program for the systematic replacement of these aged watermains but the funding source for these improvements has not kept up with the replacement needs. Therefore, replacement has been performed on an opportunistic basis with the funding that is available. The Town currently collects approximately $800,000 per year to perform such watermain replacements and several projects have recently been completed or are in the design stage. This budget has been beneficial in replacing some of the critical watermain infrastructure, particularly in areas that are being impacted by other infrastructure projects such as the undergrounding program. Kimley-Horn has completed a Watermain Map by Age as part of the Town-Wide Undergrounding of Utilities Program Master Plan, which will serve as a starting point in evaluating the most critical

improvements to the water distribution system. This will allow us to develop a capital program and assess the true costs related to replacement of these mains.

We have completed master plans for utilities that have faced similar challenges for evaluating distribution systems with alternative water source options. We have provided master planning for local municipalities such as Martin County and Indian River County where we have created and maintained hydraulic models of their water distribution and transmission system. In each of these master planning exercises we evaluated the system for deficiencies and analyzed options for expansion to meet the needs of new developments. We have summarized the costs for the necessary improvements for the Utility's use to budget for the distribution system improvements through either capital improvement plans or developer impact fees. We plan to apply this experience to this project to develop the infrastructure needs related to implementing any one, combination of several, water supply options and their associated costs for implementation.



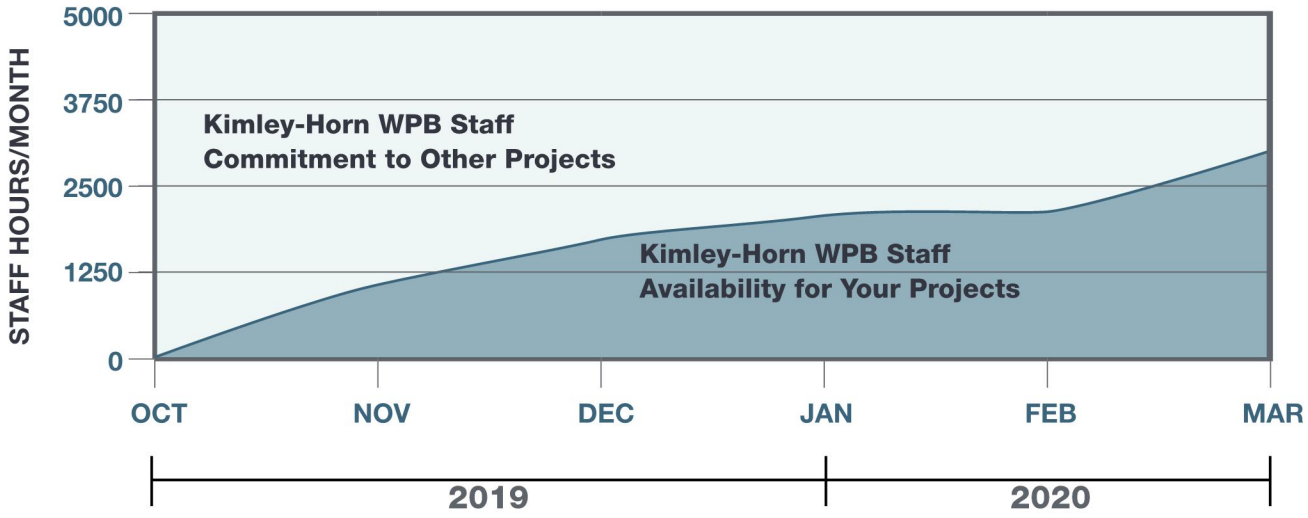
Kimley-Horn has a reputation for client service that is unmatched, and we offer a team of experts that can assist you to complete the Town's Water Supply Feasibility Study. Our team is dedicated to meeting your schedule and budget expectations and has a solid track record of partnering with you over the years to deliver successful projects and programs. Utilizing the above approach, we will deliver the same exceptional service you have received from us in the past. We look forward to serving as your Water Supply Consultant.

Overall Workload of the Company

We are confident that we can meet the technical and staffing needs anticipated for this project. It is part of Kimley-Horn's philosophy not to operate individual offices as profit centers. Rather, we make it a practice to share our depth of resources firmwide. This ensures that we have more than enough staff and technical resources to complete every assigned project on time and to your satisfaction. The members of our team were selected using two criteria: (1) their experience with similar projects, and (2) their projected availability to assume major responsibilities for this project.

Kimley-Horn knows that complex assignments take planning, flexibility, and the experience that comes from a successful track record of managing multiple, simultaneous projects. The Town of Palm Beach can be assured of our continued responsiveness and ability to handle multiple assignments simultaneously. This is a skill that we are not just saying we can perform—we have demonstrated this to the Town for decades. We use a weekly workload forecasting technique called "cast-aheads" to ensure staff availability by office and specialty discipline. The cast-ahead system is a proprietary program that is maintained on our computer network, and it is accessible by all project managers. It is the primary means of tracking and evaluating our staffing needs. Updated monthly by the project managers, the cast-ahead system is used to define specific staffing needs for the upcoming month and for the next six months. The input required of the project managers includes individual project names, as well as requests for specific personnel to work on these projects for a certain number of weeks per month. The combined input from all project managers in the firm is compiled and distributed in the form of a report to all project managers and regional management for review and discussion at a monthly cast-ahead meeting. Work overloads or shortages for specific personnel and for individual offices are tabulated and addressed at the monthly meeting. These imbalances are resolved through shifts of personnel between offices. The objective is to balance the workload in a manner that maximizes the utilization of production staff, while ensuring that all project requirements and client deadlines are met. This tool is another example of the importance Kimley-Horn places on client service.

In addition to cast-aheads, every Friday we update a milestone management form that details what each staff member will be doing for the next week. Our staff resources are then reallocated for the upcoming week if needed to keep each project on schedule. The chart below provides you with an overview of our local staff's availability to the Town over the next six months.



October 18, 2019

Kimley»Horn

Eric Shibley
Town of Palm Beach
951 Old Okeechobee Road, Suite D
West Palm Beach, Florida 33401

Re: Water Supply Feasibility Study; RFQ No. 2019-36

Dear Mr. Shibley and Members of the Evaluation Committee:

The Town needs a consultant who works as a partner with you—one who is an extension of your staff and has the local talent and experience to achieve your goals efficiently and cost-effectively. **Kimley-Horn is that consultant.** *We have extensive knowledge of the Town's water supply needs, infrastructure, and have local staff members who have personally delivered dozens of successful projects to the Town.* We are best suited to serve as your water supply consultant for the following reasons:

Responsiveness. Our staff of dedicated professionals takes great pride in the way we serve our clients and react to their needs. As a firm, we have demonstrated this to the Town for over 50 years. *As your project manager and central point of contact, I can assure you that we are committed to technical excellence and are extremely conscientious about time and budget constraints.* Our commitment to client service has been demonstrated time and time again, resulting in longstanding relationships with you and other neighboring municipalities.

Proactive Consulting. Our approach to serving clients begins with effective two-way communication. We pledge to work closely with you as your partner during all phases of the project, from project definition through design, bidding, and construction. Your needs will always be first and foremost in our minds and will be reflected in our deliverables. We know that we can only exceed your expectations if we listen to what you say, anticipate your additional needs, and develop strategies to ensure success in meeting your goals for your projects.

Extensive Experience. I have more than 16 years of experience on a wide range of projects, with specific expertise in the design and construction of water treatment systems, pump stations, and transmission systems. *More importantly, almost half of my professional working experience has been serving the Town of Palm Beach.* No other consultant has comparable experience with or knowledge of your infrastructure. Our in-house project team includes locally, nationally, and internationally recognized experts who have served numerous South Florida water supply systems. Our combined decades of experience and broad range of expertise will enable us to meet all your water supply needs.

Extension of Your Staff. At Kimley-Horn, we understand that our clients need partners to solve their problems, not just hired help. As we have demonstrated in the past, we familiarize ourselves with your goals, then draw upon our expertise to devise innovative and cost-effective approaches to meeting these goals. We share your commitment to the residents of the Town and pledge to provide you with value in all that we do. That can only be accomplished by becoming an integral part of your team.

Summary. Kimley-Horn has a reputation for client service that is unmatched, and we offer a team of experts to help you complete the Town's Water Supply Feasibility Study. Our team has a solid track record of partnering with your staff over the years to deliver a high level of personal service. We look forward to serving as your water supply consultant.

Very truly yours,
KIMLEY-HORN

Jason Lee, P.E.
Project Manager
Phone: (561) 840-0256
jason.lee@kimley-horn.com

Kevin Schanen, P.E.
Principal-in-Charge
Phone: (561) 840-0820
kevin.schanen@kimley-horn.com

Note: This proposal shall stay in effect for a period of six months from the above-referenced date.
Kevin Schanen, P.E. is fully authorized to bind the firm for any contract or services arising out of this proposal.

Principal Office Contact Information: 1920 Wekiva Way, Ste. 200, West Palm Beach, FL 33411
Office Phone: (561) 845-0665

Years in Business: 52 Years *Staff Size:* 4,147

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 152-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Award for the Comprehensive Zoning Code Reform to the Congress of the New Urbanism in an Amount Not-To-Exceed $249,900.

Presenter
Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated December 1, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- **Resolution No. 152-2019**
- **CNU Proposal**
- **Presentation on Code Reform**
- **Code Reform FAQs**
- **Memorandum Dated November 6, 2019 from Josh Martin, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Joshua Martin, AICP, Director of Planning, Zoning, and Building

RE: Approve an award for the Comprehensive Zoning Reform to the Congress for the New Urbanism
Resolution No. 152-2019

DATE: December 1, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 152-2019, approving an award for the Comprehensive Zoning Reform to the Congress for the New Urbanism in an amount not-to-exceed $249,900 and authorizing this expenditure from the PZB FY 19/20 Department Budget.

GENERAL INFORMATION

The Town of Palm Beach seeks to reform its conventional zoning code. In additional to being based on outdated auto-centric land use patterns, the current code is also unmanageable due to extensive, contradicting standards and special district conditions added over the past several decades.

Most existing zoning codes, including that of Palm Beach, were written to guide the post-war housing boom. While these codes were able to accommodate unprecedented growth, many had unintentional consequences that hampered the ability to develop more of the walkable, vibrant streets and neighborhoods that were the historic hearts of many villages and cities. In Palm Beach, it is illegal in the Town's zoning code to build a replica of a beloved building or neighborhood of Historic Palm Beach. Furthermore, the process of updating a code can be expensive and time consuming, requiring significant municipal capacity.

In 2016, the Congress for the New Urbanism (CNU -- CNU is a nonprofit 501(c) (3) organization headquartered in Washington, DC) launched the Project for Code Reform to streamline the code reform process by providing local governments with place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately create more walkable, prosperous, and equitable places. While the reform strategies developed through the project have been met with widespread support, an opportunity to fully demonstrate the systemic implementation of incremental reform would provide key learnings for the project and illustrate a front-to-back strategy that other communities could model.

As a result, CNU now seeks to leverage the Project for Code Reform by partnering with the Town of Palm Beach, as a case study for analyzing the full extent of regulations that can inhibit

the placemaking, historic preservation, and historic form promotion strategies that have a demonstrated track record of increasing financial performance, preserving and revitalizing historic commercial corridors, protecting the environment, and helping to create more equitable communities. As a byproduct of this research, CNU will then empower expert code-writing members to draft an orderly, incremental but comprehensive code reform process based on current research, best practice, and community context, delivered with significant public education and engagement. The outcome will be a radically simplified town-wide zoning code, easily understood and fully integrated across all land use regulations.

CNU is proposing a five-step process for implementing this project, which will be implemented through six categories of research. The five-step process includes:

- Analysis of existing code elements across all land use regulations,
- Research into existing federal and state regulations that impact local development,
- A half-day symposium led by national experts on critical coding considerations and town building principles,
- A half day public engagement exercise following each symposium, and
- Provision of recommended code changes (or language for new land use regulations) that incorporates all of the above.

A detailed scope and approach is included in the backup materials attached to this memo.

The total cost of this proposal is time and materials, not to exceed amount of $249,900. Staff agrees that this approach will provide the needed analysis and information to effectively address the comprehensive reform of the Town's existing zoning code.

FUNDING/FISCAL IMPACT:

Staff request the Town Council authorized this expenditure from the PZB FY 19/20 Department Budget. One hundred thirty five thousand dollars ($135,000) was included in the PZB FY 20 Department Budget and the remainder of the cost of the effort will be covered through cost savings due to staff vacancies within the Department.

PURCHASING

The Purchasing Division of the Finance Department was approached by the Director of Planning, Zoning and Building about the potential use of the Congress for New Urbanism for this particular project. Pursuant to the Town's Purchasing Policy and Procedure's Manual, Administrative Procedure 1-19-1, Section 3.4, the Town may engage a 501(c) (3) cooperation for a contract that meets the criteria.

The Congress for New Urbanism is a 501(c) (3) corporation. In the review of State Statue 255.60, the Town may engage this firm with the understanding the annual expenditure cannot exceed $250,000. The Purchasing Manager also confirmed with the Office of the Inspector General that we may proceed under the condition that our internal Policy and Procedures provide for the use of non-profit corporation and the corporation meets all requirements of their certificate.

As such, the Purchasing Manager is recommending the Waiver of Formal Bid Procedures and engage The Congress for New Urbanism in the Not-to-Exceed Amount of $249,900.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Le Clainche, Finance Director
Dean Mealy, Purchasing Manager

RESOLUTION NO. 152-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AWARD FOR THE COMPREHENSIVE ZONING CODE REFORM TO THE CONGRESS OF THE NEW URBANISM IN AN AMOUNT NOT-TO-EXCEED $249,900.00.

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 152-2019, approving an award for the Comprehensive Zoning Code Reform to the Congress for the New Urbanism in an Amount Not-to-Exceed $249,900.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of December 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, Town Clerk

Town of Palm Beach
Project for Code Reform Project Brief and Proposed Work Plan

Revised Final Draft date: November 6, 2019

The Town of Palm Beach seeks to reform its conventional zoning code. In additional to being based on outdated auto-centric land use patterns, the current code is also unmanageable due to extensive, contradicting standards and special district conditions added over the past several decades.

Most existing zoning codes, including that of Palm Beach, were written to guide the post-war housing boom. While these codes were able to accommodate unprecedented growth, many had unintentional consequences that hampered the ability to develop more of the walkable, vibrant streets and neighborhoods that were the historic hearts of many villages and cities. In Palm Beach, it is illegal in the Town's zoning code to build a replica of a beloved building or neighborhood of Historic Palm Beach. Furthermore, the process of updating a code can be expensive and time consuming, requiring significant municipal capacity.

In devising a work plan for the Code Reform Project, Josh Martin, Director of Planning, Zoning, and Building spent nearly a year meeting with residents, business owners, and other stakeholders to ensure that the Town of Palm Beach would experience the most bespoke code reform process in the country—one that had not been experienced before, as the Town of Palm Beach deserves an inimitable approach to zoning code reform given its inimitable built environment.

As a result, the following four pillars of the code reform project became apparent:

- Research: The Town of Palm Beach deserves to be equipped with leading research from a leading institution/think tank regarding all facets of zoning code reform;
- Education: Once the research of best practices of code reform has been completed, international leading experts in the subject areas of code reform shall participate in a number of symposiums in Palm Beach to reflect on the research at hand as well as their prominent and respected experience in the respective subject matter. The proposed subject areas will as a result include a comprehensive review of the entire, existing Town of Palm Beach Zoning Code;
- Transparency: The code reform process should be discussed, deliberated, and composed in the public and by the public. Therefore, following each symposium, a community feedback session will be conducted to reflect and comment on the information that was transmitted to the Town; and
- Incremental Code Reform: Following the research, education, and community feedback loops, proposed "incremental" code reform (for each subject area) will be drafted and again considered via community feedback sessions in a series of public venues.

In 2016, the Congress for the New Urbanism (CNU -- CNU is a nonprofit 501(c)(3) organization headquartered in Washington, DC) launched the Project for Code Reform to streamline the code reform process by providing local governments with place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately create more walkable, prosperous, and equitable places. While the reform strategies developed through the project have been met with widespread support, an opportunity to fully demonstrate the systemic implementation of incremental reform would provide key learnings for the project and illustrate a front-to-back strategy that other communities could model.

As a result, CNU now seeks to leverage the Project for Code Reform by partnering with the Town of Palm Beach, with the ultimate goal to comprehensively analyze the full extent of regulations that can inhibit the placemaking, historic preservation, and historic form promotion strategies that have a demonstrated track record of increasing financial performance, preserving and revitalizing historic commercial corridors, protecting the environment, and helping to create more equitable communities. As a byproduct of this research, CNU will then empower expert code-writing members to draft an orderly, incremental but comprehensive code reform process based on current research, best practice, and community context, delivered with significant public education and engagement. The outcome will be a radically simplified town-wide zoning code, easily understood and fully integrated across all land use regulations.

CNU is proposing a five-step process for implementing this project, which will be implemented through six categories of research. The five-step process includes:

- Analysis of existing code elements across all land use regulations,
- Research into existing federal and state regulations that impact local development,
- A half-day symposium led by national experts on critical coding considerations and town building principles,
- A half day public engagement exercise following each symposium, and
- Provision of recommended code changes (or language for new land use regulations) that incorporates all of the above.

The five categories of land use regulatory research through which this process will be delivered include:

- The History, Theory and Practice of Land Use Codes
    - Speaker 1: (Leading Expert in Urban Design)
    - Speaker 2: (Leading Academic in Planning History)
- Place, Form, and Space in the Town of Palm Beach
    - Speaker 1: (Leading Expert in Code Writing)
    - Speaker 2: (Leading Expert in Architecture)
- Vulnerability Analysis and Design & Regulation for Resiliency
    - Speaker 1: (Leading Expert in Sustainability)
    - Speaker 2: (Leading Expert in Resiliency)
    - Speaker 3: (Leading Expert in Climate-Responsive Design)
- Complete Streets, Retail Trends, and Parking Resource Management
    - Speaker 1: (Leading Expert in Retail)
    - Speaker 2: (Leading Expert in Transportation)

- The Power of Good Design in Coding Urban Outcomes
    - Speaker 1: (Leading Expert in Urban Design)
    - Speaker 2: (Leading Expert in Public Health)
    - Speaker 3: (Leading Expert in Architectural Design)

Prior to the launch of the project, a preliminary symposium and corresponding community listening session focused on the Historic District will be conducted (scheduled: December 4-5), responding to the immediate needs of the Town and allowing for this major area of research to begin immediately.

With the results of the Historic District research, symposium, and feedback, taken together with these five identified additional categories of research, all major factors mitigating the built outcomes of the Palm Beach zoning code will be researched and analyzed, and specific coding recommendations will be developed. At the completion of the process, these coding recommendations will be compiled into a completely reformed zoning code for the Town.

A town-wide incremental zoning overhaul this systemic has never been done in the U.S. By breaking the process and the analysis into incremental phases, and educating the public on the essential elements of land use regulations and state requirements, CNU believes the result will deliver a code reform process that is replicable in other cities and towns in the U.S. A partnership between CNU and the Town of Palm Beach will not only provide the Town with a newly reformed code, it will also provide CNU with insights on the incremental code reform process: what works, what doesn't, and how it can be replicated in other places.

PROPOSED WORKPLAN

Task 1 - Kickoff & Research: *Identify the Needs for Code Reform in Palm Beach*

In order to fully understand the breadth and depth of the code reform needs in the Town of Palm Beach, a formal project launch and thorough background of research is necessary. CNU will lead a Kickoff meeting with Town elected officials, staff, and stakeholder group representatives to launch the project, explain the incremental code reform process, and solicit feedback and facilitate a dialogue on the common zoning obstacles. Additionally, CNU will conduct an analysis of the land use regulations across the 5 identified categories of research that are contributing to the challenges of placemaking in the Town of Palm Beach, identified the major obstacles to be addressed through the code reform process.

Strategy: Kickoff Meeting and Research Papers on Land Use Regulatory Themes
Objective: Analyze existing regulatory obstacles to best practice placemaking strategies across 5 identified categories of research
Primary Team Members: CNU (Mallory Baches, Avery Kelly), Researcher (Bruce Donelley)
Secondary Team Members: CNU (Lynn Richards), Code Experts (Matt Lambert, Marina Khoury)
Sub-tasks:

- Kick-off meeting with Town of Palm Beach and Project Team to cement scope, confirm approach, and engage local departmental partners in process of project
- Research of relevant local, state, and federal regulations on land use
- Distillation of research into major placemaking-inhibiting obstacles
- Delivery of research in an easy to read, annotated document suitable for publication

Deliverables:

- 5 @ 3-5-page reports on each of the identified categories of research
- Preparation work associated with each research paper
- Design/layout work associated with each research paper

Task 2 - Symposium Series: *Link Code Reform to Stakeholder Interests and Address Community Concerns*

In order to engage and ground the Palm Beach community in the need for, implications of, and considerations associated with the incremental code reform process, CNU will facilitate individual symposia focused on the five (5) identified categories of land use regulation research. To deliver this public education, CNU will leverage the expertise of nationally-recognized experts in fields critically associated with zoning, including: architecture, urban design, planning, historic preservation, landscape, sustainability, resiliency, transportation, commercial development, housing, and public health. Additionally, CNU will facilitate community listening sessions in conjunction with each symposium, to gauge concerns and solicit feedback on the subject.

Strategy: Organization and Execution of Symposium Series
Objective: In incremental phases, provide public educational grounding, fostered by national industry experts speaking on the primary land use regulatory themes impacting the Town of Palm Beach
Primary Team Members: CNU (Mallory Baches, Tracy Cooper)
Secondary Team Members: CNU (Lynn Richards), Code Experts (Matt Lambert, Marina Khoury)
Sub-tasks:

- Coordinate with speakers on preparation for presentations
- Collaborate with Town of Palm Beach on outreach for series
- Record and publish presentations online
- Facilitate public listening sessions following each presentation
- Record and document community feedback

Deliverables:

- 5 @ 2-day site visits for symposium series
- Preparation work associated with each site visit
- Documentation/publication work associated with each site visit

Symposium Series Schedule			
February 6	Symposium 1: History of Codes/Code Theory/Zoning Codes Best Practices	**Leading Expert in Urban Design / Leading Academic in Planning History** Lynn Richards Mallory Baches Marina Khoury	Organizational Approach, Short Term vs Long Term Fixes, Vision for Code
February 20	Symposium 2: Place Types, Form, Height/Scale/Mass, Landscape, Open Space	**Leading Expert in Code Writing / Leading Expert in Architecture** Mallory Baches Marina Khoury	Architectural Standards, Height Districts, Frontage Types, Composition Adjacency Requirements, Transition Principles, Use/Form
March 5	Symposium 3: Vulnerability Analysis, FEMA Regulation, Local Regulations, Disaster Regulations, Design	**Leading Expert in Sustainability / Leading Expert in Resiliency / Leading Expert in Climate-Responsive Design** Mallory Baches Marina Khoury	FEMA Design Strategies, Sustainability Strategies, Stormwater Strategies
March 19	Symposium 4: Retail + Parking + Transportation (Complete Streets)	**Leading Expert in Retail / Leading Expert in Transportation** Mallory Baches Marina Khoury	Retail Strategy (Main Street District), Parking Standards and Management Strategy, Transportation and Streetscape Network

April 2	Symposium 5: Inclusive Mobility/Public Health/the Power of Good Design	**Leading Expert in Urban Design / Leading Expert in Public Health / Leading Expert in Architectural Design** Lynn Richards Mallory Baches Marina Khoury	Urban Standards, Lot Coverage, Frontage Buildout, Additional Requirements and Guidelines, Sign Standards

Task 3 - Workshop: *Determine Place Types, Map the Municipality, and Draft Code Reform Framework*

CNU will lead a five-day workshop, where the team will work directly with Town staff to learn about the most prevalent planning and zoning obstacles to livable, walkable placemaking specific to the needs and concerns of the Town of Palm Beach. The team will determine the place types and context zones present in Palm Beach, map the municipality based on these place types and context zones, and develop protection and/or enhancement goals for each. The outcome of the workshop will be a Code Reform Framework, which the team will use as a tool when compiling the specific replacement code elements for each place type in Palm Beach, based on the five (5) identified categories of land use regulation.

Strategy: Incremental Coding Workshop
Objective: Utilizing background research on existing regulations, Determine Place Types and Map Municipality in order to draft corresponding Code Reform Framework, outlining the structure for delivering replacement code elements based on land use regulatory themes
Primary Team Members: CNU (Lynn Richards, Mallory Baches), Code Experts (Matt Lambert, Marina Khoury), Renderer (DPZ CoDesign)
Sub-tasks:

- Determination of place types
- Mapping of districts
- Building of code reform framework
- Preliminary structuring of replacement code elements
- Illustrating of common existing code conditions, as needed

Deliverables:

- 1 @ 1-week workshop to analyze existing code and propose conceptual recommendations
- Preparation work associated with planning workshop
- Draft framework for revised code elements
- Illustrations associated with code conditions

Background Base Mapping needed from Town of Palm Beach:

- Existing Building Types/Lot Types/District Types documentation
- Synoptic Survey results

Task 4 - Code Elements Framework: *Deliver, Review, and Adopt Replacement Code Elements*

Utilizing the Code Reform Framework created during the five-day workshop, the team will develop specific incremental land use regulation changes for each place type within the Town of Palm Beach. The resulting place-specific strategies will identify the incremental reform that Palm Beach should implement in each of the critical coding areas. CNU will facilitate the delivery of these replacement code elements, in incremental phases based on the five (5) identified categories of land use regulation and in conjunction with each of the five (5) symposia, to the Town of Palm Beach for review and adoption.

Strategy: Code Element Drafting, Listening Sessions and Review, Code Element Refinement, and Incremental Adoption
Objective: Deliver replacement code elements with precise code text and corresponding diagrams, inserted into draft code reform framework incrementally with the subject matter and phasing of 6 symposiums, to be reviewed to ensure they respond to the zoning reform challenges facing the Town of Palm Beach and are easily implemented, in preparation for refinement and incremental adoption
Primary Team Members: Code Experts (Matt Lambert, Marina Khoury)
Secondary Team Members: CNU (Lynn Richards, Mallory Baches)
Sub-tasks:

- For each land use regulatory theme, draft recommended replacement code elements and insert into code reform framework
    - Incorporate review/ground truthing by Town of Palm Beach and stakeholders
    - Incorporate community feedback based on listening sessions
- Refine recommended code elements as necessary
- Publish recommended code elements
- Facilitate adoption of recommended code elements

Deliverables:

- 5 @ reviewed individual land use regulatory-thematic sets of recommended code elements

Task 5 - Code Documents Creation: *Layout Document Structure and Design Individual Code Deliverables*

CNU will design and layout an overall document structure, within which to embed each of the 5 sets of specific incremental land use regulation changes for each place type developed by the team as well as any related guidance materials necessary. The layout will be designed with the goal of creating a user-friendly document that breaks down complicated information so that it is easily understood and more accessible to non-planning professionals, as well as easily applied and administered by the Town of Palm Beach staff.

Strategy: Create a Comprehensive Community Code Document
Objective: Provide a simple organizing structure and incrementally embed strong, easy-to-understand code deliverables, as will be essential for the Town of Palm Beach to use the complete document and adopt the individual sets of recommendations embedded within
Primary Team Members: CNU (Mallory Baches), Renderer (DPZ CoDesign), document designer
Secondary Team Members: Code Experts (Matt Lambert, Marina Khoury)
Sub-tasks:

- Acquire images from Team and Town of Palm Beach, as needed
- Develop iconography/graphics/diagrams necessary for clearly conveying individual sets of replacement code elements
- Layout of document structure
- Embedding of replacement code elements
- Illustrating of common replacement code conditions, as needed
- Draft review of each set of code deliverables by Town of Palm Beach
- Finalization of each set of code deliverables

Deliverables:

- 5 @ fully formatted draft/final code documents for review by Town of Palm Beach

Task 6 - Final Report and Analysis: *Draft Summary Report of Incremental Code Reform Process and Final Coding Results*

CNU will lead a review workshop with the team, in order to analyze the project and provide a final reporting document that summarizes the research and specific incremental code reform of the 6 identified categories of land use regulation and for each Palm Beach place type, based on the learnings from the 5-day workshop, the review of the replacement code elements, and the feedback from the community listening sessions. The layout will be designed to provide an easy-to-read document that fully summarizes the code reform process and products delivered to the Town of Palm Beach. CNU will then work with the Town to facilitate outreach and communication of the final report to the audiences of both CNU nationally and the Town of Palm Beach locally.

Strategy: Review Workshop to Compile Research and Replacement Code Elements into Final Findings Report

Objective: Compile the research and product developed through the Incremental Code Reform Process and Model Comprehensive Community Code delivered to the Town of Palm Beach through this project into a final findings report suitable for publication and distribution
Primary Team Members: CNU (Lynn Richards, Mallory Baches, Lisa Schamess), document designer
Secondary Team Members: Code Experts (Matt Lambert, Marina Khoury)
Sub-tasks:

- Compile and analyze the process and products derived from the project
- Summarize and provide analysis of code elements delivered to Palm Beach
- Design and layout of report
- Outreach and communication of final report

Deliverables:

- 1 @ 1-week workshop to compile and synthesize research and findings, analyze code documents, and draft final report framework
- Preparation work associated with planning workshop
- 1 @ fully formatted final report documenting process/product
- Preparation work associated with final report
- Design/layout work associated with final report

Task 7 - Conclusion: *Draft Findings Document of Incremental Code Reform Implementation*

CNU will develop a findings document that synthesizes the process and products developed for the Town of Palm Beach project, to determine lessons learned and identify areas for further research relevant to the implementation of a complete incremental code reform process. CNU will work with the Town to review the project and identify examples of best practices and opportunities for improvement, and will compile strategies for systematizing response to both. CNU will then draft a reference manual for communities to refer to when implementing their own Incremental Code Reform process.

Strategy: Create an Incremental Code Reform Manual
Objective: Synthesize the outcomes developed through CNU's facilitation of a complete Incremental Code Reform Process into a findings document illustrating how other cities can replicate the process implemented in the Town of Palm Beach.
Primary Team Members: CNU (Lynn Richards, Mallory Baches, Lisa Schamess), document designer
Sub-tasks:

- Synthesize the complete research content executed through the project
- Design and layout of guide
- Outreach and communication of guide

Deliverables:

- 1 @ fully formatted findings document for broader audience
- Preparation work associated with findings document
- Design/layout work associated with findings document

PROPOSED TEAM

Research Team:

- Lynn Richards, CNU (face of project)
- Mallory Baches, CNU (PM)
- Support staff
    - Bruce Donnelly, Access Places (researcher)
    - Avery Kelly, CNU (research assistant)
    - Tracy Cooper, CNU (logistics coordinator)
    - Lisa Schamess, CNU (communications)

Coding Team:

- Marina Khoury, DPZ CoDesign
- Matt Lambert, DPZ CoDesign
- Renderer: DPZ CoDesign

PROPOSED BUDGET

In order to deliver the previously identified deliverables, the proposed budget shall be $250,000 plus expenses. The budget needed for this project has already been approved by the current, fiscal year budget via a code reform line item as well as salary savings for a full-time planner position.

Project Deliverables:

- 5 @ 3-5-page reports on each of the identified categories of research
    - Preparation work associated with each research paper
    - Design/layout work associated with each research paper
- 5 @ 2-day site visits for symposium series
    - Preparation work associated with each site visit
    - Documentation/publication work associated with each site visit
- 1 @ 1-week workshop to analyze existing code and propose conceptual recommendations
    - Preparation work associated with planning workshop
    - Draft framework for revised code elements
    - Illustrations associated with code conditions
- 5 @ reviewed individual land use regulatory-thematic sets of recommended code elements
- 1 @ 1-week workshop to compile and synthesize research and findings, analyze code documents, and draft final report framework
    - Preparation work associated with planning workshop
- 1 @ fully formatted final report documenting process/product
    - Preparation work associated with final report
    - Design/layout work associated with final report
- 1 @ fully formatted findings document for broader audience
    - Preparation work associated with findings document
    - Design/layout work associated with findings document

PROPOSED PROJECT TIMELINE (final schedule TBD once project is approved)

January 2020			
January 6	Kickoff Meeting	Project Team: Marina Khoury, Matt Lambert, Mallory Baches, Lynn Richards	
January 6-10	Incremental Coding Workshop: Analysis/Mapping/Base Materials	Project Team: Marina Khoury, Matt Lambert, Mallory Baches, Lynn Richards (Public Engagement)	Synoptic Survey, Place Types, Context Zones, Open Space, Lot Type, Building Types
January 30	Symposium 1 research prep deadline		
February 2020			
February 6	Symposium 1: History of Codes/Code Theory/Zoning Codes Best Practices	**Leading Expert in Urban Design / Leading Academic in Planning History** Lynn Richards Mallory Baches Marina Khoury	
February 7	Community Feedback Listening Session	Mallory Baches Marina Khoury	
February 13	Symposium 1 code recommendations deadline		
	Symposium 2 research prep deadline		
February 20	Symposium 2: Place Types, Form, Height/Scale/Mass, Landscape, Open Space	**Leading Expert in Code Writing / Leading Expert in Architecture** Mallory Baches Marina Khoury	History of Palm Beach, Mapping/Synoptic Survey, Transitions, Adjacency Requirements
February 21	Community Feedback Listening Session	Mallory Baches Marina Khoury	
February 27	Symposium 2 code		

	recommendations deadline		
	Symposium 3 research prep deadline		
March 2020			
March 5	Symposium 3: Vulnerability Analysis, FEMA Regulation, Local Regulations, Disaster Regulations, Design	**Leading Expert in Sustainability / Leading Expert in Resiliency / Leading Expert in Climate-Responsive Design** Mallory Baches Marina Khoury	(ex: elevate historic structure, new infill)
March 6	Community Feedback Listening Session	Mallory Baches Marina Khoury	
March 12	Symposium 3 code recommendations deadline		
	Symposium 4 research prep deadline		
March 19	Symposium 4: Retail + Parking + Transportation (Complete Streets)	**Leading Expert in Retail / Leading Expert in Transportation** Mallory Baches Marina Khoury	
March 20	Community Feedback Listening Session	Mallory Baches Marina Khoury	
March 26	Symposium 4 code recommendations deadline		
	Symposium 5 research prep deadline		
April 2020			
April 2	Symposium 5: Inclusive Mobility/Public Health/the Power of Good Design	**Leading Expert in Urban Design / Leading Expert in Public Health / Leading Expert in Architectural Design** Lynn Richards Mallory Baches	

		Marina Khoury	
April 3	Community Feedback Listening Session	Mallory Baches Marina Khoury	
April 9	Symposium 5 code recommendations deadline		
April 20-24	Completion Workshop: Compilation of Research Papers into Final Recommendation Report	Project Team: Marina Khoury, Matt Lambert, Mallory Baches, Lynn Richards (Public Engagement)	
May 2020			
May 14	Draft document delivered		
May 28	Comments received from Town of Palm Beach		
June 2020			
June 5	Final Draft document delivered		

The Congress for the New Urbanism (CNU) is an international non-profit working to build places people love—thriving, prosperous communities where people have diverse choices for how they live, work, shop, and travel. Our mission is to help create more great places. We do this by changing the practices and standards of urban design and development to support healthy regions and diverse, complete neighborhoods.

With nineteen chapters and headquartered in Washington, D.C., CNU works to unite the New Urbanist movement. Our projects and campaigns empower our members' efforts, identify policy opportunities, spread great ideas and innovative work to a national audience, and catalyze new strategies for implementing policy through design approaches.

All New Urbanists share the conviction that our physical environment has a direct impact on our chances for happy, prosperous lives. Our movement includes professionals, leaders, advocates, citizens, and like-minded organizations working to identify and address the range of issues impeding the development and redevelopment of well-designed neighborhoods, public places, commercial corridors, and rural environments.

The Project for Code Reform

Why aren't more cities implementing placemaking strategies, which are proven to expand economic activity, increase mobility, protect the environment, and create more equitable places? In many cases, it's because a municipality's zoning codes and ordinances make it illegal to create the type of vibrant communities that support jobs, foster economic development, and are attractive places for people to live, work, and play that residents and local leaders are seeking.

The challenge before the placemaking movement now is how to bring coding innovations and changes to the 42,000 units of local government with zoning authority. To date, a limited number of cities have updated their codes, creating inequities between cities and towns with—and without—resources to update their zoning codes to create the foundation for diverse, vibrant places.

CNU's Project for Code Reform seeks to streamline the code reform process by providing local governments place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately create more walkable, prosperous, and equitable places. And to do it in a way that meets planners, mayors, and planning commissioners where they are: politically, financially, and administratively. The Project's incremental approach allows jurisdictions to set their own pace for code changes, allowing them to prioritize their coding efforts, respond to the community's vision and needs, and allows for greater community learning and understanding.

Lynn A. Richards
President and CEO, Congress for the New Urbanism

EXPERIENCE

CONGRESS FOR THE NEW URBANISM

PRESIDENT AND CEO ***2014-PRESENT***

I manage all aspects of CNU including strategic planning, fund raising, communications, program development and implementation, and event planning. Under my leadership, with 2600 members, a staff of 10, and a budget of $1.4M, we are working to strategically address regulatory and administrative barriers to good urbanism in the areas of transportation standards and designs, financing, equity, and environmental issues.

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF SUSTAINABLE COMMUNITIES, Washington, D.C.

Senior Policy Analyst—Special Projects **2013-2014**

I was responsible for developing tools and policies for state and local government, which are designed to create more places that people love. Tools cover topics such as transportation policy and street design, suburban retrofit, state stormwater standards, and other policies designed to change other state standards.

HARVARD UNIVERSITY GRADUATE SCHOOL OF DESIGN / LINCOLN INSTITUTE OF LAND POLICY **2012 – 2013**

Loeb Fellow/ Lincoln-Loeb Fellow

I used my Fellowship year to expand my leadership skills and deepen my technical knowledge on the role of design in community redevelopment efforts, with a particular focus on rescaling suburban environments. Accomplishments included:

- Researched suburban retrofit strategies, including economic development, environment, transportation, and equity approaches.
- Taught a new January-term course on suburban retrofit and co-taught a semester-length study on a North Hollywood, CA suburban redevelopment and revitalization project.
- Gave guest lectures in a dozen Harvard classes and at eight Boston-based organizations, including two sold-out lectures on suburban retrofit at the Lincoln Institute, and was a studio critic during mid-term and final studio reviews.

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF SUSTAINABLE COMMUNITIES, Washington, D.C.

Policy Director **2010- 2013**

I was responsible for tracking emerging design and development trends, developing the Office's strategic plan and budget to respond to those trends, and crafting specific policy initiatives to maximize our effectiveness and leverage emerging opportunities. Accomplishments include:

- Worked with approximately four dozen state and local governments to implement placemaking approaches by developing policies, urban design strategies, and environmental solutions for vibrant, prosperous neighborhoods (also did this as senior policy analyst).
- Worked with several EPA offices to: (1) develop standards, policies, and strategies for a national regulation on stormwater management that facilitates downtown revitalization, and (2) incorporate stormwater management into smart growth and green building policies and programs.
- Developed several new community-based technical assistance efforts aimed at providing policy options around common barriers for over 150 communities a year.
- Served on USGBC LEED Locational and Planning Technical Advisory Group.
- Identified internal and external performance metrics.
- Served as high-level spokesperson for EPA and the DOT-HUD-EPA Sustainable Communities Partnership for engagements at the White House, Office of Management and Budget, state and local governments, and other stakeholder meetings and workshops, including defending our budget to OMB and Congress.

Acting Director for EPA's Smart Growth Program **2008-2009, 2010**

I managed all aspects of EPA's smart growth and sustainable design work, including managing 17 staff, 50 projects, and a $7.0M budget. Accomplishments included:

- Worked with external and internal partners to develop smart growth sustainable design policies, strategies, and regulatory requirements, including strengthening and expanding national coalition of smart growth advocates and organizations.
- Developed the Division's 2008-09 strategies plan and budget, including aligning all projects within the Division's 5-year priorities, developing associated performance measures, and maximizing leveraging efforts, e.g., for every $1 we spent, we leveraged $8 from other federal, state, or local resources.
- Revised the Division's process for delivering technical assistance to communities to ensure narrower focus, better alignment with the Division's priorities, and compliance with Agency's contracting rules.
- Briefed EPA senior management, OMB, White House staff, and Congressional staff on all aspects of our smart growth and sustainable design program.

Senior Policy Analyst, Smart Growth Program **2000 - 2008**

I worked in all aspects of the Smart Growth program, including running the National Award for Smart Growth Achievement (2004), completing research on economic development strategies, managing grants and contracts, giving dozens of presentations every year, and representing the program to internal and external partners and other interested organization. I also led the water and development research, including my groundbreaking research on water and land use strategies. Accomplishments included:

- Changed state stormwater standards in West Virginia and Tennessee.
- Researched land use development patterns and their impact on water quality, which resulted in two major EPA publications: *Protecting Water Resources with Higher Density Development* and *Protecting Water Resources with Smart Growth*.
- Leveraged NOAA Coastal Community Development program to include smart growth issues, developed and gave a week long training Sea Grant extension agents, and drafted "Waterfront and Coastal Smart Growth Elements."
- Published numerous articles on the water quality benefits of smart growth approaches.

EPA AWARDS: Since 2001, I have received one gold medal, one silver medal, and three bronze medals for outstanding public service.

ICF CONSULTING, Fairfax, Virginia **1998 - 2000**

Senior Associate

Generated new business in the sustainable development sector; analyzed economic, social, and environmental impacts from brownfields redevelopment; and completed legislative and policy analysis on a wide-range of environmental issues, such as brownfields, radon in drinking water, underground injection control wells, and environmental justice.

PRESIDENT'S COUNCIL ON SUSTAINABLE DEVELOPMENT, WASHINGTON, DC **1997 - 1999**

Member Liaison and Member of the Environmental Management Task Force

I ensured equity issues had full representation in the Task Force's recommendations.

THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS, WASHINGTON, DC **1997 - 1998**

Planner II

Worked with WashCOG staff and partners to develop a comprehensive energy efficient policies and programs for local jurisdictions.

PEACE CORPS KAZAKHSTAN, Almaty, Kazakhstan **1994 - 1995**

Associate Peace Corps Director—Environment

Developed and implemented first environmental program for Peace Corps, including 1) managing three staff and 12 Volunteers, 2) designed and implemented in-service training programs, NGO institutional development, and grants management, and 3) coordinated with local and national government officials, international funding organizations, Central Asian academic institutions, and local and international NGOs.

ISAR (FORMERLY THE INSTITUTE FOR SOVIET AND AMERICAN RELATIONS)

Central Asian Program Director, Almaty, Kazakhstan **1993-1994**

Responsible for all aspects of starting an environmental small grants program funded by U.S. Agency for International Development; including managing four staff, program budget, federal contracts, and coordinating with U.S. AID, U.S. Embassy, and U.S. governmental officials and local non-governmental organizations.

Environmental Program Director, Washington, D.C. **1991 - 1993**

Responsible for managing all environmental projects in the former Soviet republics, including developing funding proposals, serving as a technical communications consultant, and giving public and governmental briefings on the environmental situation in the former Soviet Republics.

ORGANIZATION FOR AMERICAN SOVIET EXCHANGES, Washington, D.C. **1989-1991**

Developed a directory of Soviet environmental non-governmental organizations.

EDUCATION

Harvard University, Graduate School of Design, Loeb Fellowship in Advanced Environmental Studies, 2012- 2013

Indiana University, School of Public and Environmental Affairs, Bloomington, Indiana

- Masters of Science in Environmental Science, 1997
- Masters of Public Affairs, 1997
- Awarded "Most Outstanding Student" by faculty (1997) and won a first prize in a Fulbright Essay Contest (1996)

Allegheny College, Meadville, Pennsylvania, B.A. History and Political Science, 1988

SELECTED PROFESSIONAL PUBLICATIONS

Richards, Lynn. 2012. *Rural Water Infrastructure Practices*. Planning Magazine, August/September 2012.

Richards, Lynn. 2011. *Aligning Stormwater Goals and Community Goals*. Stormwater: The Journal for Surface Water Quality Professionals. Vol. 12, No. 6.

Richards, Lynn and A. Hall. 2009. *Water Quality Scorecard: Incorporating Green Infrastructure Practices at the Municipal, Neighborhood, and Site Scales*. EPA 231-B09-001.

Richards, Lynn. 2009. Managing Stormwater Runoff: A Green Infrastructure Approach. *Planner's Commissioners Journal*. #73, Winter 09.

Richards, Lynn. 2008. "Water and Density Debate," chapter: *Sustainable Urbanism—Urban Design with Nature*. Doug Farr, John Wiley & Sons, New Jersey.

Richards, Lynn. 2008. "Leading the Horse to Water: How to Fully Engage Local Decision Makers." *National Charrette Institute Best Practices*.

Richards, Lynn and M. Dalbey. 2006. "Creating Great Places: The Critical Role of Citizen Participation." Community Development: Journal of the Community Development Society. Vol. 37, Num. 4, Winter 2006.

Richards, Lynn. 2006. "Turning Stormwater Runoff into a Community Amenity." California Downtown Association. Volume 16, Issue 3.

Richards, Lynn. 2006. "Development Density Scenarios and their Water Resources Impacts." US EPA, Nonpoint Source News-Notes Issue #78, Spring 2006.

Richards, Lynn. 2006. "Turning Stormwater Runoff into a Community Amenity." Getting Smart! Volume 9, Issue 5. ICMA: Washington, DC.

Richards, Lynn. 2006. "Now That's Smart!" *SPEAlumni*, Indiana University, Volume 2, Number 1. Spring 2006.

Richards, Lynn. 2006. "Water and the Density Debate." *American Planning Association: Planning Magazine*. June 2006.

Richards, Lynn. 2006. *Protecting Water Resources with Higher Density Development*. EPA 231-R-06-001.

Richards, Lynn. 2004. *Protecting Water Resources with Smart Growth*. EPA 231-R-04-002

Gaffield, S., Goo, R., Richards, L., and Jackson, R. "Public Health of Inadequately Managed Stormwater Runoff." *American Journal of Public Health*, September 2003.

Richards, Lynn. "EPA Study Indicates Concentrated Urban Development is Better for Water Quality." *Watershed and Wet Weather: Technical Bulletin*. Water Environment Federation, Volume 8, Number 1, January 2003.

Richards, Lynn and S. Stein. "SG WATER: Smart Growth Water Assessment Tool for Estimating Runoff." *Conference proceedings for TMDL 2002*, Phoenix, Arizona, November 13-16, 2002.

Richards, Lynn. "Water Quality Benefits of Brownfield Redevelopment, Infill Development, and Other Smart Growth Strategies." *Conference proceedings for Watershed 2002*, Fort Lauderdale, Florida, February 24-27 2002.

Richards, Lynn. "Alternatives to Subsidizing Edge Development: Strategies for Preserving Rural Landscapes." *Terrain.org: A Journal of the Built and Natural Environments*, Issue 10, Fall/Winter 2001.

Richards, Lynn. *Environmental Problems in Kazakhstan.* English language section. United Nations, Almaty, Kazakhstan, 1997.

Richards, Lynn. *Georgia Chapter: Environmental Resources and Constraints in the Former Soviet Republics.* Philip Pryde, editor. Westview Press, 1995.

Richards, Lynn. "In Support of Ordinary Citizens." Cover Story. *Allegheny Magazine*, Meadville, PA. 1994.

In *Surviving Together*, a quarterly journal focusing on relations with the former Soviet Republics:

- "Greening the Globe: The Magic of Electronic Mail." *Surviving Together*, vol 11 issue 4, Winter 1993
- "The Greens of Kyrgyzstan." *Surviving Together*, vol 11 issue 3, Fall 1993.
- "The Azerbaijan Green Movement." *Surviving Together*, vol 11 issue 2, Summer 1993.
- "E-mail Training in Bryansk Extends the Grassroots Network." *Surviving Together*, Winter 1992.

- "Dnepropetrovsk Develops Program to Protect the Environment." *Surviving Together*, Summer, 1991
- "March 28, 1991: In the Crowd at Pushkin Square." *Surviving Together*, Spring, 1991.

Richards, Lynn. *Directory of Environmental Groups in the Newly Independent States and in the Baltic Nations (1990-1992).* Kompass Resources International, Washington, DC, 1992.

MALLORY B.E. BACHES

URBAN DESIGNER AND CIVIC SPECIALIST

CURRICULUM VITAE

Mallory B.E. Baches A.I.C.P. LEED-AP CNU-A focuses her professional practice on the intersection of planning and community development, exploring the relationship between the quality of physical realm and the strength of civic engagement, involvement, and investment. She excels in helping individuals, groups, organizations, and communities develop expanded civic networks and increase resource cultivation within a strengthened built environment. Mallory is a gifted urban designer, a practiced public speaker, and an accomplished author.

EXPERIENCE

2018 - present — Program Manager, CONGRESS FOR THE NEW URBANISM — Washington, DC

- Leads strategy in Empowering Cities and Towns, supporting member- and organization-led initiatives to respond to the demand for walkable urbanism
- Directs the Project for Code Reform, an initiative in partnership with MEDC, MML, MPA, and AARP to empower incremental zoning code reform
- Manages the #NUFuture initiative facilitated by the organization, seeking to refocus the mission of the New Urbanist movement for the next 25 years
- Leads organization outreach to Local Governments, developing technical assistance and educational opportunities for municipal staff and elected officials

2013 - 2018 — Founder and Director, THE CIVIC HUB — Beaufort, SC

- Guided individuals, groups, and communities to use design principles in the development of civic capacity within their towns and neighborhoods
- Assessed and supported social capital expansion, increasing civic investment and encouraging social impact through strategic partnerships and initiatives
- Lead creation of bespoke community outreach services, focused on client mission and local conditions in utilizing a collective impact approach
- Serveed as the face and voice of firm practice through facilitation, lecturing, writing, and organizational representation and management

2011 - 2013 — Executive Director, SEA ISLANDS 2050 — Beaufort, SC

- Directed launch of the sustainability advocacy non-profit; implemented the mission, guided vision, and maintained organizational goals and objectives
- Built strategic partnerships, supported hands-on collaboration, provided public education and initiative advocacy, and led solution implementation strategy
- Maintained organizational management, oversaw public relations, and balanced fiscal duties with logistical coordination as the chief executive
- Developed an organizational business plan, including community analysis, operating plan, governance strategy, and outreach planning

2007 - 2012 — Co-Founder, RIVERVIEW CHARTER SCHOOL — Beaufort, SC

- Launched first public charter school in Beaufort County SC currently serving 600 K-8th students with an "Excellent" state school report card rating
- Helped in writing of school charter, including research of educational philosophy, curriculum themes, organizational approaches, and school culture
- Collaborated in research, development, and implementation of significant programs and policies reflecting the mission and vision of the school
- Spearheaded approval of school by local, state, and federal authorizing agencies and facilitated implementation of school operations for opening year

2004 - 2011 — Co-Founder and Partner, DPZ•PACIFIC — Kuala Lumpur, MALAYSIA

- Founded the first Duany Plater-Zyberk & Company affiliate, responding to demand for sustainable planning solutions in fastest-growing region of the world
- Developed innovation in urban design process and traditional architectural expression, translating best practices for unique international conditions
- Led firm management, procedural development, and financial oversight; provided public presentations, meeting facilitation, and consultancy support
- Served as communication and outreach leadership for the firm, providing oversight of publication copy, media strategy, and organizational branding

2000 - 2004 — Project Manager, DUANY PLATER-ZYBERK & COMPANY — Miami, FL

- Delivered schematic architectural design, master planning, site analysis, and coding serving wide ranging project types and client needs
- Managed project types ranging from greenfield to infill to downtown redevelopment to form-based code to sustainability-based to regional planning
- Communicated with firm principals, staff, project consultants, vested officials, local community, and client team in delivering a successful project outcome
- Chronicled principles and practices of firm work through both project publication documentation as well as regular journalistic coverage

1999 - 2000 — Asst Town Architect, DUANY PLATER-ZYBERK & COMPANY — Gaithersburg, MD

- Oversaw the implementation of Kentlands Architectural Code, reviewing builder submissions and coordinating with local planning approval department

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MALLORY B.E. BACHES

EDUCATION

1999	UNIVERSITY OF NOTRE DAME	Bachelor of Architecture
2018	UNIVERSITY OF OXFORD	MSc in Sustainable Urban Development

HONORS

2016	ATLAS COLLABORATIVE FOUNDATION	Trustee
2013	ASSOCIATION FOR COMMUNITY DESIGN	Board Member and former President
2013	NEXT CITY	Vanguard Class of 2013
2011	CONGRESS FOR NEW URBANISM	CNU-A
2006	AMERICAN PLANNING ASSOCIATION	AICP
2004	U.S. GREEN BUILDING COUNCIL	LEED-AP

EXPERTISE

- Urban design, theory, and planning, including the principles and practice of New Urbanism and current planning best practices
- Traditional architectural approach and application across the spectrums of building type and vernacular condition, both national and international
- Sustainability theory and integration into urban design and community development
- Digital medium use and curation, including its integration into design, communication, presentation, and outreach

SELECTED EXPERIENCE

THE CIVIC HUB

In founding The Civic Hub, Mallory's goal is to provide services to citizens and organizations seeking to improve their own communities but unsure of where to begin or without ample resources to do so. Building on her own experiences as a citizen activist, she has developed a series of engagement experiences that respond to a variety of group sizes and initiative scopes, emphasizing collaboration and supporting community building at every level of participation.

RURAL + CRITICAL

Serving as lead organizer of public education and outreach, Mallory worked with the Beaufort County Open Land Trust in campaigning for the 2012 ballot measure seeking re-funding of the Beaufort County Rural and Critical Land Preservation Program. Tasks included program branding and marketing, website development and social media presence, volunteer committee leadership and communication facilitation, community outreach planning and organization, public relations oversight, and news media coverage coordination. The ballot measure was successfully passed, approved by voters by a 2:1 margin.

SEA ISLANDS 2050

As founding Executive Director of Sea Islands 2050, Mallory's oversight included strategic partnerships, hands-on collaboration, public education, and initiative advocacy and implementation on behalf of the start-up sustainability advocacy nonprofit's membership. The role was an opportunity for Mallory to drive policy initiatives that sought broad-based community impact and left her with deep knowledge of local conditions, organizations, institutions, and civic leaders.

RIVERVIEW CHARTER SCHOOL

As a member of the school's Charter Committee, Mallory helped lay the groundwork for what Riverview Charter School is today. Her role gave her experience collaborating with educators, policy makers, fundraisers, legal experts, financial advisors, interested parents, and the community at large. She benefits from in-depth institutional knowledge as a school volunteer, committee member, former board member/ leadership, and parent of a current student.

AWARDS

- 2018 Congress for the New Urbanism *Charter Award* to VILLAGE OF PROVIDENCE, with DPZ CoDESIGN
- 2016 Congress for the New Urbanism *Charter Award* to CIVIC MASTER PLAN, with Metrocology, Inc.
- 2015 American Planning Association - North Carolina *Marvin Collins Planning Award* to BUILD A BETTER BOULEVARD project, with Metrocology, Inc.
- 2014 American Planning Association - South Carolina *Outstanding Planning Award* to CIVIC MASTER PLAN for Beaufort SC, with Metrocology, Inc.
- 2014 National Association of Homebuilders *Community of the Year* to THE VILLAGE OF PROVIDENCE, with DPZ CoDESIGN
- 2006 Homes for NC *Affordable Housing Achievement Project of the Year* to WILLOW OAKS HOPE VI project, with DPZ CoDESIGN

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MALLORY B.E. BACHES

SELECTED URBAN DESIGN

LEAN URBANISM PROJECT, *various cities*, implementation of pilot projects
CHRONICLE MILL, *Belmont NC*, historic preservation adaptive reuse
THE NEXT BIG THING, *Chattanooga TN*, tactical urbanism workshop
BUILD A BETTER BOULEVARD, *Belmont NC*, corridor study
SPRAWL REPAIR, *Beaufort SC*, industrial park incremental redevelopment
VAN DON, *Quang Ninh VIETNAM*, economic development zone masterplan
NATURE CITY, *Abu Dhabi UAE*, competition submittal for new waterfront city
RIPLEY VALLEY, *Queensland AUSTRALIA*, regional plan
PARADISE POINT, *Queensland AUSTRALIA*, masterplan & design manual
SOL SQUARE, *Christchurch NEW ZEALAND*, infill development
LORETO BAY, *Baja California Sur MEXICO*, sustainability-based development
HEART OF PEORIA, *Peoria IL*, downtown redevelopment & form-based code
NEW TOWN ST. CHARLES, *St. Charles MO*, greenfield development
WILLOW OAKS, *Greensboro NC*, Hope VI redevelopment
COCONUT GROVE STREETSCAPE, *Coconut Grove FL*, walkability masterplan
BURTON AREA SECTOR PLAN, *Beaufort SC*, conceptual condition survey
VICKERY, *Atlanta GA*, greenfield neighborhood center development
NAS JAB NEW ORLEANS, *Belle Chasse LA*, military base redevelopment

CHARRETTES

CODE • BREVARD, *Brevard NC*
MORRIS SQUARE, *Charleston SC*
CIVIC MASTER PLAN, *Beaufort SC*
SMARTER STARTER HOUSING, *Beaufort SC*
RIPLEY VALLEY, *Queensland AUSTRALIA*
OCEAN BEACH, *Hawke's Bay NEW ZEALAND*
WEITI, *Auckland NEW ZEALAND*
SWEETWATER NEW CITY MASTERPLAN, *New South Wales AUSTRALIA*
MODENA BEACH/EXCELSA VILLAGE, *Papamoa NEW ZEALAND*
CENTRAL CITY SOUTH, *Christchurch NEW ZEALAND*
NANNING, *Guangxi Province P.R. of CHINA*
MIRADOR, *Marimbula AUSTRALIA*
YAN SHAN NEW TOWNSHIP, *Guilin P.R. of CHINA*
SYDENHAM SQUARE, *Christchurch, NEW ZEALAND*
SOUTH OF LITCHFIELD (SOL), *Christchurch, NEW ZEALAND*
FEC CORRIDOR STUDY, *Miami FL*
LOST RABBIT, *Jackson MS*
LAS LOMAS, *Los Angeles CA*
FIVE MILE, *Queenstown NEW ZEALAND*
SANDY POINT, *Edenton NC*
CRAIG RANCH, *McKinney TX*
LAS COLINAS, *Irving TX*
OWL'S HEAD, *Freeport FL*
JINDEE, *Western Australia AUSTRALIA*
BULACAN TOWNSHIP VILLAGE CENTER, *Manila PHILIPPINES*
DOWNTOWN CORAL GABLES, *Coral Gables FL*
ZHONG YI GARDEN, *Beijing P.R. of CHINA*
OCEANFRONT ASBURY, *Asbury Park NJ*
COCONUT GROVE STREETSCAPE, *Coconut Grove FL*
THE VILLAGE OF PROVIDENCE, *Huntsville AL*
PARRIS ISLAND MARINE BASE, *Beaufort SC*
LA ESTANCIA MIGRANT HOUSING, *Wimauma FL*
LA PRIMAVERA, *Leon MEXICO*
THE COMMONS, *Tysons Corner VA*
PLAYAS DI TIJUANA, *Baja California MEXICO*
CHEROKEE FARMS, *Beaufort SC*
ESCAP, *St. Lucia WEST INDIES*
BUILDER MAGAZINE NAHB MODEL LIVEWORKS, *Atlanta GA*
ANCHOR MILL, *Huntersville NC*
CELADON, *Beaufort SC*
SUNCANA DOLINA, *Mostar BOSNIA-HERZEGOVINA*
HOTEL HEALDSBURG, *Healdsburg CA*

PRESENTATIONS

- 2017 Congress for the New Urbanism CNU.25 202 Workshop, *Beyond the Charrette: Connecting to Communities & Empowering Everyday Citizens*
- 2016 Association for Community Design Swap Meet, *Considering a Hierarchy of Community Needs*
- 2016 Congress for the New Urbanism CNU.24 Open Innovation, *The Art of Entitlement and Loving Where You Live*
- 2016 Congress for the New Urbanism CNU.24 Open Innovation, *Design for Good / Design for Impact*
- 2015 National League of Cities Congress of Cities, *The Art Advantage: Creative Placemaking Strategies for Your City*
- 2012 Growing Power Urban and Small Farms Conference, *Growing an Underlay Food System*

PUBLICATIONS

- 2019 New Urban Research (forthcoming), *Conflicts and Commonalities Between Urban Preservation and Social Sustainability in the Historic City of Bath*

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Marina Khoury | RA, LEED AP, CNU-A

Partner | DPZ Partners

Marina Khoury is an expert in sustainable urban redevelopment, regional planning, transit-oriented developments, affordable housing and form-based codes. As a partner at DPZ Partners, she has been Director of its Washington D.C. office since 2007. A licensed architect and fluent in several languages, Khoury has worked on the design and implementation of projects in the US, Canada, Europe and the Middle East including ground-breaking new codes around the world that mandate resilient urbanism. She speaks globally widely on issues related to Smart Growth and affordable, sustainable, and walkable communities. Marina is one of 20 members on the Expert Committee of Global Forum on Human Settlements (UNEP-GFHS) International Green Model City (IGMC) Initiative, under the United Nations Environment Programme (UNEP). Marina is also active in Washington area civic groups, including the Congress for the New Urbanism (CNU), where she served as a Board member of the CNU-DC chapter from 2007-2012. She currently serves on the following Boards: Chair of the Executive Board of Smart Growth America's Form-Based Code Institute (FBCI), and Board Member the Center for Applied Transect Study (CATS). She is a member of the New Urban Guild and a LEED Accredited professional. Most recently, Marina spoke at the United Nations in New York, for the 10th anniversary of the Global Forum for Human Settlements.

Education

1992 Master of Architecture, University of Wisconsin, Milwaukee

1992 Master of Urban Planning, University of Wisconsin, Milwaukee

1989 Bachelor of Science in Architecture (with honors), University of Wisconsin, Milwaukee

1985-88 Ecole Speciale d'Architecture, Architecture Program, Paris, France

Affiliations

Form-Based Code Institute, Chairperson

UN: Global Forum Human Settlement. IGMC Expert Committee Member

Lambda Alpha International, George Washington Chapter, Member

Center for Applied Transect Study, Board Member

New Urban Guild, Member

Selected Experience

- Pensacola CRA FBC, Pensacola, FL
- Central Riyadh Redevelopment, KSA
- Sycamore: Suburban Retrofit Plan, Charleston, SC
- Orange County Comprehensive Plan & Zoning Rewrite, FL
- Downtown Bethel TOD Plan and Code, Bethel, CT
- National Kuwait Code, Kuwait
- Perdidio Key Master Plan & Code, Perdidio Key, FL
- Port au Prince Redvelopment Plan and Code, Port au Prince, Haiti
- Garden District Plan, Edinburgh, Scotland
- Mark Center and Small Area Plan and Code, Alexandria, VA
- Al Ain CBD, Abu Dhabi, UAE - Structure Plan and Code
- Hertfordshire Regional Guide to Growth Plan, Herfordshire, UK
- River District Redevelopment Plan, Vancouver, Canada
- Miami 21, Miami, FL - Form-Based Code Zoning Rewrite,
- Loreto Bay Resort Town, Baja, Mexico
- Oakville Regional Plan, Ontario, Canada
- New Town St. Charles Master Plan and FBC, St. Charles, MO
- Friday Harbor Resort (formerly Big Bay Point), Inisfill, Ontario, Canada
- Miami-Dade County Agriculture & Rural Area Study, FL
- Westhaven Master Plan, Franklin, TN



Matthew Lambert

Partner | DPZ Partners

Matthew Lambert is a planner, urban designer, and architectural designer, with over 15 years of experience that covers a broad range of project types. He has managed projects for developer, municipal, and institutional clients which include form-based codes, regulatory reform, urban infill and redevelopment, greenfield development, campus redevelopment, and architectural design. Among his project experience, Matthew has focused on regulations and form-based codes, leading code projects and providing code-related education.

Lambert heads DPZ's office in Portland, Oregon, leading projects within the region and across the country. Matthew is active in the Congress for the New Urbanism (CNU), a member of the CNU's Board of Directors and a board member of the Cascadia regional CNU chapter.

Education

2005 Bachelor of Architecture and Computer Science, Magna Cum Laude, University of Miami

Affiliations

Congress for the New Urbanism (CNU), Board of Directors

CNU Cascadia, Board of Directors

Transect Codes Council, Board Member

Selected Experience

- Orange County, FL - Zoning Code Rewrite
- Hot Springs Village, AR - Comprehensive Master Plan and Zoning Code
- Albuquerque, NM - Economic Development-based Infill and Zoning Analysis with Zoning Update Recommendations
- CNU Code Reform Initiative, MI - Zoning Code Reform
- Reinvent Phoenix, AZ - Form-based Code and Master Plans for Transit-oriented Development
- Downtown Mobile, AL - Downtown Master Plan and Form-based Code
- Doña Ana County, NM - Regional Scenario Planning and Comprehensive Plan
- AARP California Strategy Study, CA - Development Pattern Analysis
- Atlanta Regional Commission Aging Forum and Lifelong Communities
- Bawabat Makkah Lands, Makkah, Saudi Arabia - Scenario Planning and Form-based Code
- Hertfordshire Regional Growth Plan, England - Regional Scenario Plan
- Scottish Sustainable Communities Initiative, Scotland - Country-wide Redevelopment and Growth Framework
- Presence Sts. Mary and Elizabeth, Chicago, IL - Medical Campus Redevelopment
- Presence Resurrection Medical Center, Chicago, IL - Medical Campus Redevelopment
- East End Revitalization, Richmond, VA - Medical-initiated Infill Redevelopment



photo credit: wally gobetz

PRESERVING PALM BEACH

An Incremental Approach to Code Reform

Presentation to Palm Beach Town Council – November 13, 2019

RESEARCH

EDUCATION

TRANSPARENCY

INCREMENTAL CODE REFORM

TCM Backup 12-10-19

RESEARCH

A think-tank focused on Palm Beach

The Town of Palm Beach deserves to be equipped with leading research from a leading institution/think-tank regarding all facets of zoning code reform.

TEAM

Congress for the New Urbanism

Lynn Richards – President & CEO

Mallory B.E. Baches AICP, LEED-AP, CNU-A – Program Manager

Code Writing Experts

Marina Khoury AIA – Partner & Director of Town Planning, DPZCoDesign

Matthew J. Lambert – Partner, DPZCoDesign

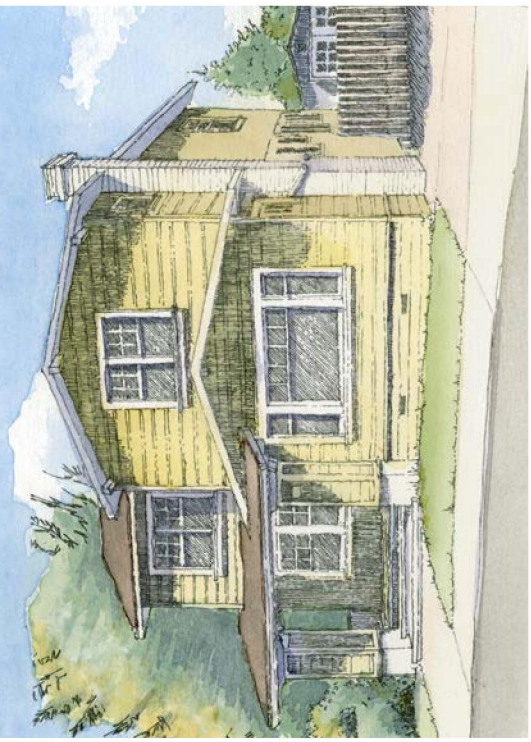
Bruce Donnelly – Director and Researcher, Access Places

EXPERTISE

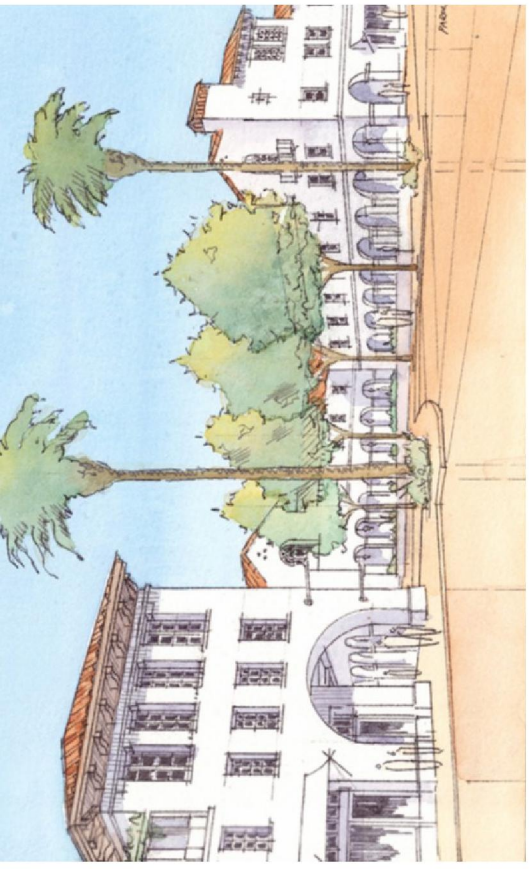














EDUCATION

Analysis

Understanding Existing Code Elements across all land use regulations

Research

Studying existing federal and state regulations impacting local development

Symposium

Dialogue by national experts on critical code considerations and principles

Public Engagement

Communication with the community about issues relevant to their concerns

Documentation

Provision of recommended code changes incorporating the findings of this process

TRANSPARENCY

Town Comprehensive Plan (2017)

Future growth and development within the town shall be managed to maintain and enhance the town's unique physical and historic character with emphasis on its visual qualities, and compatibility and harmony among its diverse land uses.

INCREMENTAL CODE REFORM

- meet the town planners, mayor and council, and planning commissioners **where they are**
- be **historic context**-sensitive and place-sensitive
- enable change, **not mandate** nor guarantee change
- **respond to trends and needs** for housing, new business opportunities, and transportation

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MODULE 1

The History, Theory and Practice of Land Use Codes

Symposium:

Leading Expert in Urban Design

Leading Academic in Planning History

Organizational Approach, Short Term vs Long Term Fixes, Vision for the Code of the Town of Palm Beach

MODULE 2

Place, Form, and Space in the Town of Palm Beach

Symposium:

Leading Expert in Code Writing

Leading Expert in Architecture

Architectural Standards, Height Districts, Frontage Types, Composition
Adjacency Requirements, Transition Principles, Use/Form

MODULE 3

Vulnerability Analysis and Design & Regulation for Resiliency

Symposium:

Leading Expert in Sustainability
Leading Expert in Resiliency
Leading Expert in Climate-Responsive Design

FEMA Design Strategies, Sustainability and Stormwater Strategies

MODULE 4

Historic Preservation and Landscapes, Landmarking, and Protection Best Practices

Symposium:

Leading Expert in Historic Preservation

Leading Expert in Landscape Design

Historic Preservation Strategies, Demolition, Revisions to Landmarking, Evaluation of Historic Districts, Grade/Category (1/2/3), Native Vegetation and Landscapes

MODULE 5

Complete Streets, Retail Trends, and Parking Resource Management

Symposium:
Leading Expert in Retail
Leading Expert in Transportation

Retail Strategy (Main Street District), Parking Management Strategy, Transportation and Streetscape Network

MODULE 6

The Power of Design in Coding Urban Outcomes

Symposium:

Leading Expert in Urban Design
Leading Expert in Public Health
Leading Expert in Architectural Design

Urban Standards, Lot Coverage, Frontage Buildout, Additional Requirements and Guidelines, Sign Standards

OUTCOMES

- **process improvement:** Preserve Palm Beach will eliminate unneeded, bureaucratic, costly zoning and development review processes for our residents and business owners.

- **user-friendly document:** The code deliverables, compiled into a final document through the Preserve Palm Beach process, will provide a more user-friendly zoning document that does not require a legal entourage to navigate.

OUTCOMES

- **neighborhood compatibility:** The reformed code will require new construction and infill development to be more in keeping with the height, scale, and mass of existing Palm Beach neighborhoods throughout improved zoning standards.

- **design review process:** The Preserve Palm Beach recommendations will serve to improve the efficiency (time) and reduce costs associated with the existing design review processes of ARCOM and LPC.

SCHEDULE

Town Council Meeting: November 13, 2019

Kickoff Workshop Week: January 2020

Community Symposia Series: 6 dates in January – April 2020

Community Engagement Sessions: 6 dates in January – April 2020

Code Completion Workshop Week: April 2020

Draft Recommendations Delivered: May 2020

Final Recommendations Delivered: June 2020

DO NOT
ENTER
S COUNTY RD

CNU Building Places People Love.

Lynn Richards
President and CEO
Congress for the New Urbanism
Lrichards (at) cnu.org

INCREMENTAL CODE REFORM IN THE TOWN OF PALM BEACH

Across the country, local governments are seeking tools and technical support to improve their zoning and other land use codes and ordinances. In many cases, it's because a municipality's regulations make the type of vibrant communities that are attractive places for people to live, work, and play that residents and local leaders are seeking illegal by local ordinance. Too often, the task to reform this disconnect faces insurmountable complexity and expense, as part of an all-or-nothing code replacement approach.

Instead, it is possible to create place-specific, incremental coding changes that address the most problematic barriers to walkability, mixed-use opportunities, legalizing historic structures and places, and thriving public spaces in their communities. This alternative approach focuses on pragmatic and bespoken, "if you do nothing else" types of changes that can be adopted quickly, create public trust and build political will, and ultimately strengthen and create more walkable, prosperous, and vibrant places.

The Town of Palm Beach offers a world-class example of historic buildings and landmarks within an historic street pattern, an example of the quality of existing urbanism that is unquestionably worth protecting. Yet the pressure of economic opportunity, the complexity of existing regulations, and the demands of state and federal requirements threaten the ability of Palm Beach to effectively protect what makes the town unique while encouraging and supporting the best interests of the community.

In response, the Preserve Palm Beach code reform project has been specifically designed to address the challenges that confront the Town of Palm Beach, drawing on the expertise of internationally-recognized code writing experts, as well as the research and wisdom of experts in the subject areas related to this highly-technical regulatory reform work. The project brings together extraordinary community education and involvement, through an extensive series of symposia, with a customized gradual reform process, through an incremental regulation research, rewrite, and review process, to deliver the first-ever comprehensive incremental code reform process to a municipality.



What is the Congress for the New Urbanism (CNU)?

As a membership-based non-profit, CNU's work for the past 25 years has promoted a more sustainable future for cities and towns in every state. CNU's programs and activities (see https://www.cnu.org/what-we-do/our-projects) are geared to both supporting existing and building more compact, walkable communities.

New Urbanism is a planning and development approach based on the principles of how cities and towns had been built for the last several centuries. New Urbanism focuses on protecting and promoting human-scaled urban design: walkable blocks and streets, housing and shopping in close proximity, and accessible public spaces and is defined by the 27 principles in the Charter of the New Urbanism, which were developed to offer alternatives to the placeless and sprawling land use patterns typical of post-WWII development that have been shown to inflict negative economic, health, and environmental impacts on communities.

However, there are hundreds of barriers to planning, designing, building, and enforcing compact, walkable communities. Local codes and ordinances often prohibit it or make cost prohibitive, and local government planning departments and commissions often can't approve these kinds of developments as a result. This is where CNU has focused its work in the Project for Code Reform.

What is the Project for Code Reform (PCR), and why use incremental code reform?

Through its Project for Code Reform research, CNU seeks to streamline the code reform process by providing local governments with place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately regulate for more walkable, prosperous, and vibrant places. Preserving Palm Beach will:

- **meet the town planners, mayor and council, and planning commissioners where they are:** politically, financially, and administratively. The Project's incremental approach enables jurisdictions to set their own pace for code changes, allowing them to prioritize their coding efforts, respond to the community's vision and needs, and facilitate greater community learning and understanding.
- **be historic context- and place-sensitive:** The central organizing principle of incremental code reform is to observe and respond to a place's history, current needs, and coming trends. This is not a one-size-fits-all approach; it is a bespoke approach suited to the specific places it serves.
- **enable change, not mandate or guarantee it:** Incremental code reform is code-agnostic, not prescriptive. While there are common principles and time-tested practices that are known to work, the goal is not one set approach but rather a nuanced framework that permits and guides growth and change.
- **respond to trends and needs related to housing, retail landscape, and transportation:** Working incrementally will enable responsiveness to current demands while ensuring support of the essential character of the historic context in which these trends must be accommodated.



How will this process and research support and improve the Town of Palm Beach?

CNU's approach is centered on counteracting the complexity and expense of code reform by focusing on incremental change, instead of an all-or-nothing approach. Integral to our approach is partnering with local organizations and incorporating significant community education and engagement. This lays the foundation for prioritizing reform efforts in connection to community vision, creating code changes that are more likely to succeed in:

- **process improvement:** Preserve Palm Beach will eliminate unneeded, bureaucratic, costly zoning and development review processes for our residents and business owners.
- **user-friendly document:** The code deliverables, compiled into a final document through the Preserve Palm Beach process, will provide a more user-friendly zoning document that does not require a legal entourage to navigate.
- **neighborhood compatibility:** The reformed code that will come out of the Preserve Palm Beach project will require new construction and infill development to be more in keeping with the height, scale, and mass of existing Palm Beach neighborhoods throughout improved zoning standards.
- **design review process:** The recommendations that are delivered through Preserve Palm Beach will serve to improve the efficiency (time) and reduce costs associated with the existing design review processes of ARCOM and LPC.

What are the deliverables for this work, and what will it cost the Town of Palm Beach?

- **a fully researched, communicated, reviewed, and designed reformed zoning code:** through a multi-staged research, education, writing, community feedback, and recommendation refinement process, the Town of Palm Beach will receive the final draft of the Preserving Palm Beach report in a clear and easy to understand layout with coding language, local photography, example illustrations, and identifying iconography as is necessary for conveying the intent and specific code reform recommendations of the outcomes of the project effectively.
- **budget comment:** through a partnership with a non-profit organization, the Town will spend only 25% of a comparable, market rate exercise.



TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Joshua Martin, Director of Planning, Zoning & Building

RE: Town of Palm Beach: Project for Code Reform

DATE: November 6, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council consider the attached scope, approach, and path forward regarding Zoning Code Reform for the Town of Palm Beach.

GENERAL INFORMATION

Almost a year ago, I began working at the Town as the Director of our department. Recently, I pulled out my meeting notes from my first meeting with Kirk and Jay and read the following from that meeting: "the immediate focus of your leadership of the department should include improving the many processes of the department (way too many forms, outdated processes, streamlining and making processes more user-friendly), using a common sense approach, improving responsiveness of our staff members (24-hour response time), being more accessible to the public and our customers, reforming the customer service culture of the department's employees, explore ways we can use technology to improve our processes and customer service, and make a point to reach out to the external customers on site in Town and in the public . . ."

Reflecting over the (almost) past year, I am proud to report that we (PZB) have made a significant amount of progress in the aforementioned initiatives. Through a combination of all of your hard work and Wayne coming on board in December as our new Assistant Director/Chief Building Official, we have managed to achieve the following (and there are many others):

- Reorganized the Planning, Zoning, and Building Department in an effort to implement a community-wide mandate and a vision approved by leadership that: promotes customer service to residents, property owners, business owners, and various contractors/consultants that is timely, consistent, respectful, clear, and accountable; and constructs a framework that empowers process owners and managers within the department to take actions that result in real and sustained improvements to the processes of the department;
- Identified and began adopting "quick fixes" for the Zoning Code with Staff, stakeholders, Planning and Zoning Commission, and Town Council including a general approach to comprehensive Zoning Code Reform;

- ARCOM and LPC staff reviews/approvals are now processed as PERMITS, which has eliminated storage of approved plans pending payment, eliminated unpaid staff approvals, eliminated lost plans, and greatly expedited the review process;
- Community outreach with residents, business owners, and professionals to see how department processes can be improved upon to provide better service and efficiencies; The A/C, roofing, and water heater affidavit program that allows licensed contractors to certify their installation as code compliant, eliminating final inspections by Town inspectors (although we can audit the installations for ensure compliance);
- Implemented a revision to the EDEN permitting software to allow the issuance of just ONE building permits for a project. This will significantly reduce staff and customer time in the application and permit issuance processes;
- Implemented "turn-around" permits for certain small construction and renovation projects, like water heater and A/C replacements;
- Conversion of all Public Work's Right-of-Way permit types from the AS400 to EDEN;
- Creation of Staff Approval permit type to facilitate the collection of delinquent fees and allow electronic review/approval and timely digitization of ARCOM and LPC staff approvals;
- Oversee the processing of Special Event permits;
- PZB Digital Submission Task Force – vetted options for implementation of a digital plan review system;
- ERP Task Force identified Tyler EnerGov implementation as the best step forward for an online permitting system;
- Completed the ISO Building Code Effectiveness Grading Schedule;
- Contracted with engineers from KimleyHorn – one for structural, one for assistance to Public Works/Development Plan Review;
- Established Construction site monitoring program for all active construction projects in the Town;
- Created contractor self-certification affidavits;
- Issued window / energy code interpretation letter;
- Established the one permit per project (dropping from 76 permit types to 36);
- Drafted the clean-up of Chapter 18, Building and Administrative Amendments Ordinances which were adopted by Town Council;
- Introduced Annual Facility permits for commercial buildings;
- Monitored and improved overall building plan and development plan review timelines and started turn-around permits for the first time in the Town's history;
- Drafted updates to the Business Tax Rates that were ultimately adopted by Town Council;
- Drafted updates to the Master Fee Schedule that were ultimately adopted by Town Council;
- Created and implemented Certificate of Occupancy Checklist for all large projects,
- Implemented the certification process for final costs of building projects which in return captured lost (in the past) revenue to the Town;
- Drafted the first-ever Town Property Maintenance Code which was ultimately adopted by Town Council; and

- Drafted the first-ever construction screening ordinances for ARCOM and LPC which were ultimately adopted by Town Council.

But our department still has a great deal to do and many achievements lie ahead. As I outlined in a recent Staff Meeting, over the next year, I am confident we can achieve the following:

a. **Adopt a proposed path forward for comprehensive Zoning Code Reform with Staff, stakeholders, Planning and Zoning Commission, and Town Council**. A successful outcome will include the following: identifying the type of code the Town should pursue as well as methodology of code; scoping of the zoning code reform; defining the area of the new/parallel code; identify the planning process for the code reform; determining the relationship with existing regulations; assessing existing conditions; visioning and creating regulations by engaging the community, explaining and illustrating the new regulations, create the regulating plan and zoning district regulations, and create a new development review process. ***The attached approach and scope in partnership with the Congress for the New Urbanism (CNU) outlines the proposed path forward recommended by Staff to Town Council for consideration during the 14 August 2019 Town Council Development Review meeting.*

b. **Continue to improve the day-to-day building permit and development plan review processes within the next six months.** A successful outcome will include the following: reducing the turnaround time for building permit issuance and development plan review; identify and execute "permits while you wait", establish specific review days of the week: ARCOM, LPC, development plan review, and minor permits; and insert more professional judgment in the permitting/plan review process by our Staff. ***This task in an ongoing project within the Department.*

c. **By the end of the 2019, complete the Palm Beach Process Improvement Initiative to assist Planning, Zoning, and Building (PZB) customers, staff, and managers responsible for resident, business, and development review processes in identifying and implementing process improvements.** The primary purpose of this process will be to begin melding the processes into a seamless experience that is:

- Supported by customer service that is timely, consistent, respectful, clear, and accountable; and
- Conducted in partnership with the residents, business community, and private development sector with better tools and support to staff in performing their roles.

The aim of the project becomes to empower process owners and managers to take actions that result in real and sustained improvements to the aforementioned processes. It will focus on the facets of the process that process owners and managers within the PZB department are in control of and can actually change. The focus of what can be changed will be defined at the very beginning of the project so that valuable time will not be wasted on thing that cannot be changed. ***To date, the PZB Department has conducted two public workshops on Process Improvement. The third workshop will be conducted in September 2019 and the last workshop will be conducted in the Fall (late November or December).*

The project will use a continuous improvement approach and lean methodology to facilitate the following outcomes:

- Clear understanding among all process owners of the end-to-end process ("as is");
- Identification of bottlenecks and inefficiencies that create backlogs and inconsistent outcomes, resulting in both frustration for both customers and staff,
- Shared understanding and a clear vision among all process owners for an improved, streamlined process ("to be") that addresses frustrations and inefficiencies; and
- Tangible changes that reduce the amount of time it takes the city to issue/process applications through the various PZB review processes and improve customer and staff satisfaction with the process and its outcomes.

The project will include, but not be limited to the following tasks:

- Mapping of the current and future state processes, identifying gap and process improvements, develop action plans, and work on five improvement projects for 90 days;
- Assess technology to determine how automation technology may be used to further streamline work flows and bring Palm Beach's process in line with current industry standards and best practices that are tailored for Palm Beach's unique environment;
- Conduct listening sessions with stakeholders (residents, business owners, Town Council members, civic organizations, PZB board and commission members, developers, design professionals, contractors/subcontractors, and others as needed) to hear frustrations with the process, identify what is working well, gather their ideas for improvements and share some of the Town's emerging solutions for process improvements.

A successful outcome will include the following:

- Fully documented current and future state process maps, with a clear vision of what the process is to become and the value proposition for customers;
- Full understanding of the process across all divisions of the PZB department, including the problem areas and inefficiencies and what is needed to further automate the process to achieve more streamlining and greater efficiencies;
- Staff skills in business process mapping and applying lean practices to achieve process improvements;
- Clarity about how customers view the process, what they want from it, and the changes they would like the Town to make;
- Greater willingness to see changes positively, consider alternatives to current policies and procedures, and take action to change the process for the better;
- Measurable progress on all of the targeted process improvements;
- More collegial relationships and stronger collaboration among the divisions within PZB that carry out the various processes;
- Greater understanding of the departmental-level capacity to work on and sustain improvements; and
- Final product that "owned" by the various stakeholders that will participate in the initiative.

My expectations for the PZB Department remain to continue the path of positive change we are on via a client-focused mentality, professionalism, self-starter attitudes, and continued risk-taking in the name of responsibility and common sense.

CC: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney

Town of Palm Beach
Project for Code Reform Project Brief and Proposed Work Plan

Revised Final Draft date: November 6, 2019

The Town of Palm Beach seeks to reform its conventional zoning code. In additional to being based on outdated auto-centric land use patterns, the current code is also unmanageable due to extensive, contradicting standards and special district conditions added over the past several decades.

Most existing zoning codes, including that of Palm Beach, were written to guide the post-war housing boom. While these codes were able to accommodate unprecedented growth, many had unintentional consequences that hampered the ability to develop more of the walkable, vibrant streets and neighborhoods that were the historic hearts of many villages and cities. In Palm Beach, it is illegal in the Town's zoning code to build a replica of a beloved building or neighborhood of Historic Palm Beach. Furthermore, the process of updating a code can be expensive and time consuming, requiring significant municipal capacity.

In devising a work plan for the Code Reform Project, Josh Martin, Director of Planning, Zoning, and Building spent nearly a year meeting with residents, business owners, and other stakeholders to ensure that the Town of Palm Beach would experience the most bespoke code reform process in the country—one that had not been experienced before, as the Town of Palm Beach deserves an inimitable approach to zoning code reform given its inimitable built environment.

As a result, the following four pillars of the code reform project became apparent:

- Research: The Town of Palm Beach deserves to be equipped with leading research from a leading institution/think tank regarding all facets of zoning code reform;
- Education: Once the research of best practices of code reform has been completed, international leading experts in the subject areas of code reform shall participate in a number of symposiums in Palm Beach to reflect on the research at hand as well as their prominent and respected experience in the respective subject matter. The proposed subject areas will as a result include a comprehensive review of the entire, existing Town of Palm Beach Zoning Code;
- Transparency: The code reform process should be discussed, deliberated, and composed in the public and by the public. Therefore, following each symposium, a community feedback session will be conducted to reflect and comment on the information that was transmitted to the Town; and
- Incremental Code Reform: Following the research, education, and community feedback loops, proposed "incremental" code reform (for each subject area) will be drafted and again considered via community feedback sessions in a series of public venues.

In 2016, the Congress for the New Urbanism (CNU -- CNU is a nonprofit 501(c)(3) organization headquartered in Washington, DC) launched the Project for Code Reform to streamline the code reform process by providing local governments with place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately create more walkable, prosperous, and equitable places. While the reform strategies developed through the project have been met with widespread support, an opportunity to fully demonstrate the systemic implementation of incremental reform would provide key learnings for the project and illustrate a front-to-back strategy that other communities could model.

As a result, CNU now seeks to leverage the Project for Code Reform by partnering with the Town of Palm Beach, with the ultimate goal to comprehensively analyze the full extent of regulations that can inhibit the placemaking, historic preservation, and historic form promotion strategies that have a demonstrated track record of increasing financial performance, preserving and revitalizing historic commercial corridors, protecting the environment, and helping to create more equitable communities. As a byproduct of this research, CNU will then empower expert code-writing members to draft an orderly, incremental but comprehensive code reform process based on current research, best practice, and community context, delivered with significant public education and engagement. The outcome will be a radically simplified town-wide zoning code, easily understood and fully integrated across all land use regulations.

CNU is proposing a five-step process for implementing this project, which will be implemented through six categories of research. The five-step process includes:

- Analysis of existing code elements across all land use regulations,
- Research into existing federal and state regulations that impact local development,
- A half-day symposium led by national experts on critical coding considerations and town building principles,
- A half day public engagement exercise following each symposium, and
- Provision of recommended code changes (or language for new land use regulations) that incorporates all of the above.

The five categories of land use regulatory research through which this process will be delivered include:

- The History, Theory and Practice of Land Use Codes
    - Speaker 1: (Leading Expert in Urban Design)
    - Speaker 2: (Leading Academic in Planning History)
- Place, Form, and Space in the Town of Palm Beach
    - Speaker 1: (Leading Expert in Code Writing)
    - Speaker 2: (Leading Expert in Architecture)
- Vulnerability Analysis and Design & Regulation for Resiliency
    - Speaker 1: (Leading Expert in Sustainability)
    - Speaker 2: (Leading Expert in Resiliency)
    - Speaker 3: (Leading Expert in Climate-Responsive Design)
- Complete Streets, Retail Trends, and Parking Resource Management
    - Speaker 1: (Leading Expert in Retail)
    - Speaker 2: (Leading Expert in Transportation)

- The Power of Good Design in Coding Urban Outcomes
    - Speaker 1: (Leading Expert in Urban Design)
    - Speaker 2: (Leading Expert in Public Health)
    - Speaker 3: (Leading Expert in Architectural Design)

Prior to the launch of the project, a preliminary symposium and corresponding community listening session focused on the Historic District will be conducted (scheduled: December 4-5), responding to the immediate needs of the Town and allowing for this major area of research to begin immediately.

With the results of the Historic District research, symposium, and feedback, taken together with these five identified additional categories of research, all major factors mitigating the built outcomes of the Palm Beach zoning code will be researched and analyzed, and specific coding recommendations will be developed. At the completion of the process, these coding recommendations will be compiled into a completely reformed zoning code for the Town.

A town-wide incremental zoning overhaul this systemic has never been done in the U.S. By breaking the process and the analysis into incremental phases, and educating the public on the essential elements of land use regulations and state requirements, CNU believes the result will deliver a code reform process that is replicable in other cities and towns in the U.S. A partnership between CNU and the Town of Palm Beach will not only provide the Town with a newly reformed code, it will also provide CNU with insights on the incremental code reform process: what works, what doesn't, and how it can be replicated in other places.

PROPOSED WORKPLAN

Task 1 - Kickoff & Research: *Identify the Needs for Code Reform in Palm Beach*

In order to fully understand the breadth and depth of the code reform needs in the Town of Palm Beach, a formal project launch and thorough background of research is necessary. CNU will lead a Kickoff meeting with Town elected officials, staff, and stakeholder group representatives to launch the project, explain the incremental code reform process, and solicit feedback and facilitate a dialogue on the common zoning obstacles. Additionally, CNU will conduct an analysis of the land use regulations across the 5 identified categories of research that are contributing to the challenges of placemaking in the Town of Palm Beach, identified the major obstacles to be addressed through the code reform process.

Strategy: Kickoff Meeting and Research Papers on Land Use Regulatory Themes
Objective: Analyze existing regulatory obstacles to best practice placemaking strategies across 5 identified categories of research
Primary Team Members: CNU (Mallory Baches, Avery Kelly), Researcher (Bruce Donelley)
Secondary Team Members: CNU (Lynn Richards), Code Experts (Matt Lambert, Marina Khoury)
Sub-tasks:

- Kick-off meeting with Town of Palm Beach and Project Team to cement scope, confirm approach, and engage local departmental partners in process of project
- Research of relevant local, state, and federal regulations on land use
- Distillation of research into major placemaking-inhibiting obstacles
- Delivery of research in an easy to read, annotated document suitable for publication

Deliverables:

- 5 @ 3-5-page reports on each of the identified categories of research
- Preparation work associated with each research paper
- Design/layout work associated with each research paper

Task 2 - Symposium Series: *Link Code Reform to Stakeholder Interests and Address Community Concerns*

In order to engage and ground the Palm Beach community in the need for, implications of, and considerations associated with the incremental code reform process, CNU will facilitate individual symposia focused on the five (5) identified categories of land use regulation research. To deliver this public education, CNU will leverage the expertise of nationally-recognized experts in fields critically associated with zoning, including: architecture, urban design, planning, historic preservation, landscape, sustainability, resiliency, transportation, commercial development, housing, and public health. Additionally, CNU will facilitate community listening sessions in conjunction with each symposium, to gauge concerns and solicit feedback on the subject.

Strategy: Organization and Execution of Symposium Series
Objective: In incremental phases, provide public educational grounding, fostered by national industry experts speaking on the primary land use regulatory themes impacting the Town of Palm Beach
Primary Team Members: CNU (Mallory Baches, Tracy Cooper)
Secondary Team Members: CNU (Lynn Richards), Code Experts (Matt Lambert, Marina Khoury)
Sub-tasks:

- Coordinate with speakers on preparation for presentations
- Collaborate with Town of Palm Beach on outreach for series
- Record and publish presentations online
- Facilitate public listening sessions following each presentation
- Record and document community feedback

Deliverables:

- 5 @ 2-day site visits for symposium series
- Preparation work associated with each site visit
- Documentation/publication work associated with each site visit

Symposium Series Schedule			
February 6	Symposium 1: History of Codes/Code Theory/Zoning Codes Best Practices	**Leading Expert in Urban Design / Leading Academic in Planning History** Lynn Richards Mallory Baches Marina Khoury	Organizational Approach, Short Term vs Long Term Fixes, Vision for Code
February 20	Symposium 2: Place Types, Form, Height/Scale/Mass, Landscape, Open Space	**Leading Expert in Code Writing / Leading Expert in Architecture** Mallory Baches Marina Khoury	Architectural Standards, Height Districts, Frontage Types, Composition Adjacency Requirements, Transition Principles, Use/Form
March 5	Symposium 3: Vulnerability Analysis, FEMA Regulation, Local Regulations, Disaster Regulations, Design	**Leading Expert in Sustainability / Leading Expert in Resiliency / Leading Expert in Climate-Responsive Design** Mallory Baches Marina Khoury	FEMA Design Strategies, Sustainability Strategies, Stormwater Strategies
March 19	Symposium 4: Retail + Parking + Transportation (Complete Streets)	**Leading Expert in Retail / Leading Expert in Transportation** Mallory Baches Marina Khoury	Retail Strategy (Main Street District), Parking Standards and Management Strategy, Transportation and Streetscape Network

April 2	Symposium 5: Inclusive Mobility/Public Health/the Power of Good Design	**Leading Expert in Urban Design / Leading Expert in Public Health / Leading Expert in Architectural Design** Lynn Richards Mallory Baches Marina Khoury	Urban Standards, Lot Coverage, Frontage Buildout, Additional Requirements and Guidelines, Sign Standards

Task 3 - Workshop: *Determine Place Types, Map the Municipality, and Draft Code Reform Framework*

CNU will lead a five-day workshop, where the team will work directly with Town staff to learn about the most prevalent planning and zoning obstacles to livable, walkable placemaking specific to the needs and concerns of the Town of Palm Beach. The team will determine the place types and context zones present in Palm Beach, map the municipality based on these place types and context zones, and develop protection and/or enhancement goals for each. The outcome of the workshop will be a Code Reform Framework, which the team will use as a tool when compiling the specific replacement code elements for each place type in Palm Beach, based on the five (5) identified categories of land use regulation.

Strategy: Incremental Coding Workshop
Objective: Utilizing background research on existing regulations, Determine Place Types and Map Municipality in order to draft corresponding Code Reform Framework, outlining the structure for delivering replacement code elements based on land use regulatory themes
Primary Team Members: CNU (Lynn Richards, Mallory Baches), Code Experts (Matt Lambert, Marina Khoury), Renderer (DPZ CoDesign)
Sub-tasks:

- Determination of place types
- Mapping of districts
- Building of code reform framework
- Preliminary structuring of replacement code elements
- Illustrating of common existing code conditions, as needed

Deliverables:

- 1 @ 1-week workshop to analyze existing code and propose conceptual recommendations
- Preparation work associated with planning workshop
- Draft framework for revised code elements
- Illustrations associated with code conditions

Background Base Mapping needed from Town of Palm Beach:

- Existing Building Types/Lot Types/District Types documentation
- Synoptic Survey results

Task 4 - Code Elements Framework: *Deliver, Review, and Adopt Replacement Code Elements*

Utilizing the Code Reform Framework created during the five-day workshop, the team will develop specific incremental land use regulation changes for each place type within the Town of Palm Beach. The resulting place-specific strategies will identify the incremental reform that Palm Beach should implement in each of the critical coding areas. CNU will facilitate the delivery of these replacement code elements, in incremental phases based on the five (5) identified categories of land use regulation and in conjunction with each of the five (5) symposia, to the Town of Palm Beach for review and adoption.

Strategy: Code Element Drafting, Listening Sessions and Review, Code Element Refinement, and Incremental Adoption
Objective: Deliver replacement code elements with precise code text and corresponding diagrams, inserted into draft code reform framework incrementally with the subject matter and phasing of 6 symposiums, to be reviewed to ensure they respond to the zoning reform challenges facing the Town of Palm Beach and are easily implemented, in preparation for refinement and incremental adoption
Primary Team Members: Code Experts (Matt Lambert, Marina Khoury)
Secondary Team Members: CNU (Lynn Richards, Mallory Baches)
Sub-tasks:

- For each land use regulatory theme, draft recommended replacement code elements and insert into code reform framework
    - Incorporate review/ground truthing by Town of Palm Beach and stakeholders
    - Incorporate community feedback based on listening sessions
- Refine recommended code elements as necessary
- Publish recommended code elements
- Facilitate adoption of recommended code elements

Deliverables:

- 5 @ reviewed individual land use regulatory-thematic sets of recommended code elements

Task 5 - Code Documents Creation: *Layout Document Structure and Design Individual Code Deliverables*

CNU will design and layout an overall document structure, within which to embed each of the 5 sets of specific incremental land use regulation changes for each place type developed by the team as well as any related guidance materials necessary. The layout will be designed with the goal of creating a user-friendly document that breaks down complicated information so that it is easily understood and more accessible to non-planning professionals, as well as easily applied and administered by the Town of Palm Beach staff.

Strategy: Create a Comprehensive Community Code Document
Objective: Provide a simple organizing structure and incrementally embed strong, easy-to-understand code deliverables, as will be essential for the Town of Palm Beach to use the complete document and adopt the individual sets of recommendations embedded within
Primary Team Members: CNU (Mallory Baches), Renderer (DPZ CoDesign), document designer
Secondary Team Members: Code Experts (Matt Lambert, Marina Khoury)
Sub-tasks:

- Acquire images from Team and Town of Palm Beach, as needed
- Develop iconography/graphics/diagrams necessary for clearly conveying individual sets of replacement code elements
- Layout of document structure
- Embedding of replacement code elements
- Illustrating of common replacement code conditions, as needed
- Draft review of each set of code deliverables by Town of Palm Beach
- Finalization of each set of code deliverables

Deliverables:

- 5 @ fully formatted draft/final code documents for review by Town of Palm Beach

Task 6 - Final Report and Analysis: *Draft Summary Report of Incremental Code Reform Process and Final Coding Results*

CNU will lead a review workshop with the team, in order to analyze the project and provide a final reporting document that summarizes the research and specific incremental code reform of the 6 identified categories of land use regulation and for each Palm Beach place type, based on the learnings from the 5-day workshop, the review of the replacement code elements, and the feedback from the community listening sessions. The layout will be designed to provide an easy-to-read document that fully summarizes the code reform process and products delivered to the Town of Palm Beach. CNU will then work with the Town to facilitate outreach and communication of the final report to the audiences of both CNU nationally and the Town of Palm Beach locally.

Strategy: Review Workshop to Compile Research and Replacement Code Elements into Final Findings Report

Objective: Compile the research and product developed through the Incremental Code Reform Process and Model Comprehensive Community Code delivered to the Town of Palm Beach through this project into a final findings report suitable for publication and distribution
Primary Team Members: CNU (Lynn Richards, Mallory Baches, Lisa Schamess), document designer
Secondary Team Members: Code Experts (Matt Lambert, Marina Khoury)
Sub-tasks:

- Compile and analyze the process and products derived from the project
- Summarize and provide analysis of code elements delivered to Palm Beach
- Design and layout of report
- Outreach and communication of final report

Deliverables:

- 1 @ 1-week workshop to compile and synthesize research and findings, analyze code documents, and draft final report framework
- Preparation work associated with planning workshop
- 1 @ fully formatted final report documenting process/product
- Preparation work associated with final report
- Design/layout work associated with final report

Task 7 - Conclusion: *Draft Findings Document of Incremental Code Reform Implementation*

CNU will develop a findings document that synthesizes the process and products developed for the Town of Palm Beach project, to determine lessons learned and identify areas for further research relevant to the implementation of a complete incremental code reform process. CNU will work with the Town to review the project and identify examples of best practices and opportunities for improvement, and will compile strategies for systematizing response to both. CNU will then draft a reference manual for communities to refer to when implementing their own Incremental Code Reform process.

Strategy: Create an Incremental Code Reform Manual
Objective: Synthesize the outcomes developed through CNU's facilitation of a complete Incremental Code Reform Process into a findings document illustrating how other cities can replicate the process implemented in the Town of Palm Beach.
Primary Team Members: CNU (Lynn Richards, Mallory Baches, Lisa Schamess), document designer
Sub-tasks:

- Synthesize the complete research content executed through the project
- Design and layout of guide
- Outreach and communication of guide

Deliverables:

- 1 @ fully formatted findings document for broader audience
- Preparation work associated with findings document
- Design/layout work associated with findings document

PROPOSED TEAM

Research Team:

- Lynn Richards, CNU (face of project)
- Mallory Baches, CNU (PM)
- Support staff
    - Bruce Donnelly, Access Places (researcher)
    - Avery Kelly, CNU (research assistant)
    - Tracy Cooper, CNU (logistics coordinator)
    - Lisa Schamess, CNU (communications)

Coding Team:

- Marina Khoury, DPZ CoDesign
- Matt Lambert, DPZ CoDesign
- Renderer: DPZ CoDesign

PROPOSED BUDGET

In order to deliver the previously identified deliverables, the proposed budget shall be $250,000 plus expenses. The budget needed for this project has already been approved by the current, fiscal year budget via a code reform line item as well as salary savings for a full-time planner position.

Project Deliverables:

- 5 @ 3-5-page reports on each of the identified categories of research
    - Preparation work associated with each research paper
    - Design/layout work associated with each research paper
- 5 @ 2-day site visits for symposium series
    - Preparation work associated with each site visit
    - Documentation/publication work associated with each site visit
- 1 @ 1-week workshop to analyze existing code and propose conceptual recommendations
    - Preparation work associated with planning workshop
    - Draft framework for revised code elements
    - Illustrations associated with code conditions
- 5 @ reviewed individual land use regulatory-thematic sets of recommended code elements
- 1 @ 1-week workshop to compile and synthesize research and findings, analyze code documents, and draft final report framework
    - Preparation work associated with planning workshop
- 1 @ fully formatted final report documenting process/product
    - Preparation work associated with final report
    - Design/layout work associated with final report
- 1 @ fully formatted findings document for broader audience
    - Preparation work associated with findings document
    - Design/layout work associated with findings document

PROPOSED PROJECT TIMELINE (final schedule TBD once project is approved)

January 2020			
January 6	Kickoff Meeting	Project Team: Marina Khoury, Matt Lambert, Mallory Baches, Lynn Richards	
January 6-10	Incremental Coding Workshop: Analysis/Mapping/Base Materials	Project Team: Marina Khoury, Matt Lambert, Mallory Baches, Lynn Richards (Public Engagement)	Synoptic Survey, Place Types, Context Zones, Open Space, Lot Type, Building Types
January 30	Symposium 1 research prep deadline		
February 2020			
February 6	Symposium 1: History of Codes/Code Theory/Zoning Codes Best Practices	**Leading Expert in Urban Design / Leading Academic in Planning History** Lynn Richards Mallory Baches Marina Khoury	
February 7	Community Feedback Listening Session	Mallory Baches Marina Khoury	
February 13	Symposium 1 code recommendations deadline		
	Symposium 2 research prep deadline		
February 20	Symposium 2: Place Types, Form, Height/Scale/Mass, Landscape, Open Space	**Leading Expert in Code Writing / Leading Expert in Architecture** Mallory Baches Marina Khoury	History of Palm Beach, Mapping/Synoptic Survey, Transitions, Adjacency Requirements
February 21	Community Feedback Listening Session	Mallory Baches Marina Khoury	
February 27	Symposium 2 code		

	recommendations deadline		
	Symposium 3 research prep deadline		
March 2020			
March 5	Symposium 3: Vulnerability Analysis, FEMA Regulation, Local Regulations, Disaster Regulations, Design	**Leading Expert in Sustainability / Leading Expert in Resiliency / Leading Expert in Climate-Responsive Design** Mallory Baches Marina Khoury	(ex: elevate historic structure, new infill)
March 6	Community Feedback Listening Session	Mallory Baches Marina Khoury	
March 12	Symposium 3 code recommendations deadline		
	Symposium 4 research prep deadline		
March 19	Symposium 4: Retail + Parking + Transportation (Complete Streets)	**Leading Expert in Retail / Leading Expert in Transportation** Mallory Baches Marina Khoury	
March 20	Community Feedback Listening Session	Mallory Baches Marina Khoury	
March 26	Symposium 4 code recommendations deadline		
	Symposium 5 research prep deadline		
April 2020			
April 2	Symposium 5: Inclusive Mobility/Public Health/the Power of Good Design	**Leading Expert in Urban Design / Leading Expert in Public Health / Leading Expert in Architectural Design** Lynn Richards Mallory Baches	

		Marina Khoury	
April 3	Community Feedback Listening Session	Mallory Baches Marina Khoury	
April 9	Symposium 5 code recommendations deadline		
April 20-24	Completion Workshop: Compilation of Research Papers into Final Recommendation Report	Project Team: Marina Khoury, Matt Lambert, Mallory Baches, Lynn Richards (Public Engagement)	
May 2020			
May 14	Draft document delivered		
May 28	Comments received from Town of Palm Beach		
June 2020			
June 5	Final Draft document delivered		

The Congress for the New Urbanism (CNU) is an international non-profit working to build places people love—thriving, prosperous communities where people have diverse choices for how they live, work, shop, and travel. Our mission is to help create more great places. We do this by changing the practices and standards of urban design and development to support healthy regions and diverse, complete neighborhoods.

With nineteen chapters and headquartered in Washington, D.C., CNU works to unite the New Urbanist movement. Our projects and campaigns empower our members' efforts, identify policy opportunities, spread great ideas and innovative work to a national audience, and catalyze new strategies for implementing policy through design approaches.

All New Urbanists share the conviction that our physical environment has a direct impact on our chances for happy, prosperous lives. Our movement includes professionals, leaders, advocates, citizens, and like-minded organizations working to identify and address the range of issues impeding the development and redevelopment of well-designed neighborhoods, public places, commercial corridors, and rural environments.

The Project for Code Reform

Why aren't more cities implementing placemaking strategies, which are proven to expand economic activity, increase mobility, protect the environment, and create more equitable places? In many cases, it's because a municipality's zoning codes and ordinances make it illegal to create the type of vibrant communities that support jobs, foster economic development, and are attractive places for people to live, work, and play that residents and local leaders are seeking.

The challenge before the placemaking movement now is how to bring coding innovations and changes to the 42,000 units of local government with zoning authority. To date, a limited number of cities have updated their codes, creating inequities between cities and towns with—and without—resources to update their zoning codes to create the foundation for diverse, vibrant places.

CNU's Project for Code Reform seeks to streamline the code reform process by providing local governments place-specific incremental coding changes that address the most problematic barriers first, build political will, and ultimately create more walkable, prosperous, and equitable places. And to do it in a way that meets planners, mayors, and planning commissioners where they are: politically, financially, and administratively. The Project's incremental approach allows jurisdictions to set their own pace for code changes, allowing them to prioritize their coding efforts, respond to the community's vision and needs, and allows for greater community learning and understanding.

Lynn A. Richards
President and CEO, Congress for the New Urbanism

EXPERIENCE

CONGRESS FOR THE NEW URBANISM

PRESIDENT AND CEO ***2014-PRESENT***

I manage all aspects of CNU including strategic planning, fund raising, communications, program development and implementation, and event planning. Under my leadership, with 2600 members, a staff of 10, and a budget of $1.4M, we are working to strategically address regulatory and administrative barriers to good urbanism in the areas of transportation standards and designs, financing, equity, and environmental issues.

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF SUSTAINABLE COMMUNITIES, Washington, D.C.

Senior Policy Analyst—Special Projects **2013-2014**

I was responsible for developing tools and policies for state and local government, which are designed to create more places that people love. Tools cover topics such as transportation policy and street design, suburban retrofit, state stormwater standards, and other policies designed to change other state standards.

HARVARD UNIVERSITY GRADUATE SCHOOL OF DESIGN / LINCOLN INSTITUTE OF LAND POLICY **2012 – 2013**

Loeb Fellow/ Lincoln-Loeb Fellow

I used my Fellowship year to expand my leadership skills and deepen my technical knowledge on the role of design in community redevelopment efforts, with a particular focus on rescaling suburban environments. Accomplishments included:

- Researched suburban retrofit strategies, including economic development, environment, transportation, and equity approaches.
- Taught a new January-term course on suburban retrofit and co-taught a semester-length study on a North Hollywood, CA suburban redevelopment and revitalization project.
- Gave guest lectures in a dozen Harvard classes and at eight Boston-based organizations, including two sold-out lectures on suburban retrofit at the Lincoln Institute, and was a studio critic during mid-term and final studio reviews.

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF SUSTAINABLE COMMUNITIES, Washington, D.C.

Policy Director **2010- 2013**

I was responsible for tracking emerging design and development trends, developing the Office's strategic plan and budget to respond to those trends, and crafting specific policy initiatives to maximize our effectiveness and leverage emerging opportunities. Accomplishments include:

- Worked with approximately four dozen state and local governments to implement placemaking approaches by developing policies, urban design strategies, and environmental solutions for vibrant, prosperous neighborhoods (also did this as senior policy analyst).
- Worked with several EPA offices to: (1) develop standards, policies, and strategies for a national regulation on stormwater management that facilitates downtown revitalization, and (2) incorporate stormwater management into smart growth and green building policies and programs.
- Developed several new community-based technical assistance efforts aimed at providing policy options around common barriers for over 150 communities a year.
- Served on USGBC LEED Locational and Planning Technical Advisory Group.
- Identified internal and external performance metrics.
- Served as high-level spokesperson for EPA and the DOT-HUD-EPA Sustainable Communities Partnership for engagements at the White House, Office of Management and Budget, state and local governments, and other stakeholder meetings and workshops, including defending our budget to OMB and Congress.

Acting Director for EPA's Smart Growth Program **2008-2009, 2010**

I managed all aspects of EPA's smart growth and sustainable design work, including managing 17 staff, 50 projects, and a $7.0M budget. Accomplishments included:

- Worked with external and internal partners to develop smart growth sustainable design policies, strategies, and regulatory requirements, including strengthening and expanding national coalition of smart growth advocates and organizations.
- Developed the Division's 2008-09 strategies plan and budget, including aligning all projects within the Division's 5-year priorities, developing associated performance measures, and maximizing leveraging efforts, e.g., for every $1 we spent, we leveraged $8 from other federal, state, or local resources.
- Revised the Division's process for delivering technical assistance to communities to ensure narrower focus, better alignment with the Division's priorities, and compliance with Agency's contracting rules.
- Briefed EPA senior management, OMB, White House staff, and Congressional staff on all aspects of our smart growth and sustainable design program.

Senior Policy Analyst, Smart Growth Program **2000 - 2008**

I worked in all aspects of the Smart Growth program, including running the National Award for Smart Growth Achievement (2004), completing research on economic development strategies, managing grants and contracts, giving dozens of presentations every year, and representing the program to internal and external partners and other interested organization. I also led the water and development research, including my groundbreaking research on water and land use strategies. Accomplishments included:

- Changed state stormwater standards in West Virginia and Tennessee.
- Researched land use development patterns and their impact on water quality, which resulted in two major EPA publications: *Protecting Water Resources with Higher Density Development* and *Protecting Water Resources with Smart Growth*.
- Leveraged NOAA Coastal Community Development program to include smart growth issues, developed and gave a week long training Sea Grant extension agents, and drafted "Waterfront and Coastal Smart Growth Elements."
- Published numerous articles on the water quality benefits of smart growth approaches.

EPA AWARDS: Since 2001, I have received one gold medal, one silver medal, and three bronze medals for outstanding public service.

ICF CONSULTING, Fairfax, Virginia **1998 - 2000**

Senior Associate

Generated new business in the sustainable development sector; analyzed economic, social, and environmental impacts from brownfields redevelopment; and completed legislative and policy analysis on a wide-range of environmental issues, such as brownfields, radon in drinking water, underground injection control wells, and environmental justice.

PRESIDENT'S COUNCIL ON SUSTAINABLE DEVELOPMENT, WASHINGTON, DC **1997 - 1999**

Member Liaison and Member of the Environmental Management Task Force

I ensured equity issues had full representation in the Task Force's recommendations.

THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS, WASHINGTON, DC **1997 - 1998**

Planner II

Worked with WashCOG staff and partners to develop a comprehensive energy efficient policies and programs for local jurisdictions.

PEACE CORPS KAZAKHSTAN, Almaty, Kazakhstan **1994 - 1995**

Associate Peace Corps Director—Environment

Developed and implemented first environmental program for Peace Corps, including 1) managing three staff and 12 Volunteers, 2) designed and implemented in-service training programs, NGO institutional development, and grants management, and 3) coordinated with local and national government officials, international funding organizations, Central Asian academic institutions, and local and international NGOs.

ISAR (FORMERLY THE INSTITUTE FOR SOVIET AND AMERICAN RELATIONS)

Central Asian Program Director, Almaty, Kazakhstan **1993-1994**

Responsible for all aspects of starting an environmental small grants program funded by U.S. Agency for International Development; including managing four staff, program budget, federal contracts, and coordinating with U.S. AID, U.S. Embassy, and U.S. governmental officials and local non-governmental organizations.

Environmental Program Director, Washington, D.C. **1991 - 1993**

Responsible for managing all environmental projects in the former Soviet republics, including developing funding proposals, serving as a technical communications consultant, and giving public and governmental briefings on the environmental situation in the former Soviet Republics.

ORGANIZATION FOR AMERICAN SOVIET EXCHANGES, Washington, D.C. **1989-1991**

Developed a directory of Soviet environmental non-governmental organizations.

EDUCATION

Harvard University, Graduate School of Design, Loeb Fellowship in Advanced Environmental Studies, 2012- 2013

Indiana University, School of Public and Environmental Affairs, Bloomington, Indiana

- Masters of Science in Environmental Science, 1997
- Masters of Public Affairs, 1997
- Awarded "Most Outstanding Student" by faculty (1997) and won a first prize in a Fulbright Essay Contest (1996)

Allegheny College, Meadville, Pennsylvania, B.A. History and Political Science, 1988

SELECTED PROFESSIONAL PUBLICATIONS

Richards, Lynn. 2012. *Rural Water Infrastructure Practices*. Planning Magazine, August/September 2012.

Richards, Lynn. 2011. *Aligning Stormwater Goals and Community Goals*. Stormwater: The Journal for Surface Water Quality Professionals. Vol. 12, No. 6.

Richards, Lynn and A. Hall. 2009. *Water Quality Scorecard: Incorporating Green Infrastructure Practices at the Municipal, Neighborhood, and Site Scales*. EPA 231-B09-001.

Richards, Lynn. 2009. Managing Stormwater Runoff: A Green Infrastructure Approach. *Planner's Commissioners Journal*. #73, Winter 09.

Richards, Lynn. 2008. "Water and Density Debate," chapter: *Sustainable Urbanism—Urban Design with Nature*. Doug Farr, John Wiley & Sons, New Jersey.

Richards, Lynn. 2008. "Leading the Horse to Water: How to Fully Engage Local Decision Makers." *National Charrette Institute Best Practices*.

Richards, Lynn and M. Dalbey. 2006. "Creating Great Places: The Critical Role of Citizen Participation." Community Development: Journal of the Community Development Society. Vol. 37, Num. 4, Winter 2006.

Richards, Lynn. 2006. "Turning Stormwater Runoff into a Community Amenity." California Downtown Association. Volume 16, Issue 3.

Richards, Lynn. 2006. "Development Density Scenarios and their Water Resources Impacts." US EPA, Nonpoint Source News-Notes Issue #78, Spring 2006.

Richards, Lynn. 2006. "Turning Stormwater Runoff into a Community Amenity." Getting Smart! Volume 9, Issue 5. ICMA: Washington, DC.

Richards, Lynn. 2006. "Now That's Smart!" *SPEAlumni*, Indiana University, Volume 2, Number 1. Spring 2006.

Richards, Lynn. 2006. "Water and the Density Debate." *American Planning Association: Planning Magazine*. June 2006.

Richards, Lynn. 2006. *Protecting Water Resources with Higher Density Development*. EPA 231-R-06-001.

Richards, Lynn. 2004. *Protecting Water Resources with Smart Growth*. EPA 231-R-04-002

Gaffield, S., Goo, R., Richards, L., and Jackson, R. "Public Health of Inadequately Managed Stormwater Runoff." *American Journal of Public Health*, September 2003.

Richards, Lynn. "EPA Study Indicates Concentrated Urban Development is Better for Water Quality." *Watershed and Wet Weather: Technical Bulletin*. Water Environment Federation, Volume 8, Number 1, January 2003.

Richards, Lynn and S. Stein. "SG WATER: Smart Growth Water Assessment Tool for Estimating Runoff." *Conference proceedings for TMDL 2002*, Phoenix, Arizona, November 13-16, 2002.

Richards, Lynn. "Water Quality Benefits of Brownfield Redevelopment, Infill Development, and Other Smart Growth Strategies." *Conference proceedings for Watershed 2002*, Fort Lauderdale, Florida, February 24-27 2002.

Richards, Lynn. "Alternatives to Subsidizing Edge Development: Strategies for Preserving Rural Landscapes." *Terrain.org: A Journal of the Built and Natural Environments*, Issue 10, Fall/Winter 2001.

Richards, Lynn. *Environmental Problems in Kazakhstan.* English language section. United Nations, Almaty, Kazakhstan, 1997.

Richards, Lynn. *Georgia Chapter*: *Environmental Resources and Constraints in the Former Soviet Republics.* Philip Pryde, editor. Westview Press, 1995.

Richards, Lynn. "In Support of Ordinary Citizens." Cover Story. *Allegheny Magazine*, Meadville, PA. 1994.

In *Surviving Together*, a quarterly journal focusing on relations with the former Soviet Republics:

- "Greening the Globe: The Magic of Electronic Mail." *Surviving Together*, vol 11 issue 4, Winter 1993
- "The Greens of Kyrgyzstan." *Surviving Together*, vol 11 issue 3, Fall 1993.
- "The Azerbaijan Green Movement." *Surviving Together*, vol 11 issue 2, Summer 1993.
- "E-mail Training in Bryansk Extends the Grassroots Network." *Surviving Together*, Winter 1992.

- "Dnepropetrovsk Develops Program to Protect the Environment." *Surviving Together*, Summer, 1991
- "March 28, 1991: In the Crowd at Pushkin Square." *Surviving Together*, Spring, 1991.

Richards, Lynn. *Directory of Environmental Groups in the Newly Independent States and in the Baltic Nations (1990-1992).* Kompass Resources International, Washington, DC, 1992.

MALLORY B.E. BACHES

URBAN DESIGNER AND CIVIC SPECIALIST

CURRICULUM VITAE

Mallory B.E. Baches A.I.C.P. LEED-AP CNU-A focuses her professional practice on the intersection of planning and community development, exploring the relationship between the quality of physical realm and the strength of civic engagement, involvement, and investment. She excels in helping individuals, groups, organizations, and communities develop expanded civic networks and increase resource cultivation within a strengthened built environment. Mallory is a gifted urban designer, a practiced public speaker, and an accomplished author.

EXPERIENCE

2018 - present — Program Manager, CONGRESS FOR THE NEW URBANISM — Washington, DC

- Leads strategy in Empowering Cities and Towns, supporting member- and organization-led initiatives to respond to the demand for walkable urbanism
- Directs the Project for Code Reform, an initiative in partnership with MEDC, MML, MPA, and AARP to empower incremental zoning code reform
- Manages the #NUFuture initiative facilitated by the organization, seeking to refocus the mission of the New Urbanist movement for the next 25 years
- Leads organization outreach to Local Governments, developing technical assistance and educational opportunities for municipal staff and elected officials

2013 - 2018 — Founder and Director, THE CIVIC HUB — Beaufort, SC

- Guided individuals, groups, and communities to use design principles in the development of civic capacity within their towns and neighborhoods
- Assessed and supported social capital expansion, increasing civic investment and encouraging social impact through strategic partnerships and initiatives
- Lead creation of bespoke community outreach services, focused on client mission and local conditions in utilizing a collective impact approach
- Serveed as the face and voice of firm practice through facilitation, lecturing, writing, and organizational representation and management

2011 - 2013 — Executive Director, SEA ISLANDS 2050 — Beaufort, SC

- Directed launch of the sustainability advocacy non-profit; implemented the mission, guided vision, and maintained organizational goals and objectives
- Built strategic partnerships, supported hands-on collaboration, provided public education and initiative advocacy, and led solution implementation strategy
- Maintained organizational management, oversaw public relations, and balanced fiscal duties with logistical coordination as the chief executive
- Developed an organizational business plan, including community analysis, operating plan, governance strategy, and outreach planning

2007 - 2012 — Co-Founder, RIVERVIEW CHARTER SCHOOL — Beaufort, SC

- Launched first public charter school in Beaufort County SC currently serving 600 K-8th students with an Excellent state school report card rating
- Helped in writing of school charter, including research of educational philosophy, curriculum themes, organizational approaches, and school culture
- Collaborated in research, development, and implementation of significant programs and policies reflecting the mission and vision of the school
- Spearheaded approval of school by local, state, and federal authorizing agencies and facilitated implementation of school operations for opening year

2004 - 2011 — Co-Founder and Partner, DPZ PACIFIC — Kuala Lumpur, MALAYSIA

- Founded the first Duany Plater-Zyberk & Company affiliate, responding to demand for sustainable planning solutions in fastest-growing region of the world
- Developed innovation in urban design process and traditional architectural expression, translating best practices for unique international conditions
- Led firm management, procedural development, and financial oversight; provided public presentations, meeting facilitation, and consultancy support
- Served as communication and outreach leadership for the firm, providing oversight of publication copy, media strategy, and organizational branding

2000 - 2004 — Project Manager, DUANY PLATER-ZYBERK & COMPANY — Miami, FL

- Delivered schematic architectural design, master planning, site analysis, and coding serving wide ranging project types and client needs
- Managed project types ranging from greenfield to infill to downtown redevelopment to form-based code to sustainability-based to regional planning
- Communicated with firm principals, staff, project consultants, vested officials, local community, and client team in delivering a successful project outcome
- Chronicled principles and practices of firm work through both project publication documentation as well as regular journalistic coverage

1999 - 2000 — Asst Town Architect, DUANY PLATER-ZYBERK & COMPANY — Gaithersburg, MD

- Oversaw the implementation of Kentlands Architectural Code, reviewing builder submissions and coordinating with local planning approval department

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MALLORY B.E. BACHES

EDUCATION

1999	UNIVERSITY OF NOTRE DAME	Bachelor of Architecture
2018	UNIVERSITY OF OXFORD	MSc in Sustainable Urban Development

HONORS

2016	ATLAS COLLABORATIVE FOUNDATION	Trustee
2013	ASSOCIATION FOR COMMUNITY DESIGN	Board Member and former President
2013	NEXT CITY	Vanguard Class of 2013
2011	CONGRESS FOR NEW URBANISM	CNU-A
2006	AMERICAN PLANNING ASSOCIATION	AICP
2004	U.S. GREEN BUILDING COUNCIL	LEED-AP

EXPERTISE

- Urban design, theory, and planning, including the principles and practice of New Urbanism and current planning best practices
- Traditional architectural approach and application across the spectrums of building type and vernacular condition, both national and international
- Sustainability theory and integration into urban design and community development
- Digital medium use and curation, including its integration into design, communication, presentation, and outreach

SELECTED EXPERIENCE

THE CIVIC HUB

In founding The Civic Hub, Mallory's goal is to provide services to citizens and organizations seeking to improve their own communities but unsure of where to begin or without ample resources to do so. Building on her own experiences as a citizen activist, she has developed a series of engagement experiences that respond to a variety of group sizes and initiative scopes, emphasizing collaboration and supporting community building at every level of participation.

RURAL + CRITICAL

Serving as lead organizer of public education and outreach, Mallory worked with the Beaufort County Open Land Trust in campaigning for the 2012 ballot measure seeking re-funding of the Beaufort County Rural and Critical Land Preservation Program. Tasks included program branding and marketing, website development and social media presence, volunteer committee leadership and communication facilitation, community outreach planning and organization, public relations oversight, and news media coverage coordination. The ballot measure was successfully passed, approved by voters by a 2:1 margin.

SEA ISLANDS 2050

As founding Executive Director of Sea Islands 2050, Mallory's oversight included strategic partnerships, hands-on collaboration, public education, and initiative advocacy and implementation on behalf of the start-up sustainability advocacy nonprofit's membership. The role was an opportunity for Mallory to drive policy initiatives that sought broad-based community impact and left her with deep knowledge of local conditions, organizations, institutions, and civic leaders.

RIVERVIEW CHARTER SCHOOL

As a member of the school's Charter Committee, Mallory helped lay the groundwork for what Riverview Charter School is today. Her role gave her experience collaborating with educators, policy makers, fundraisers, legal experts, financial advisors, interested parents, and the community at large. She benefits from in-depth institutional knowledge as a school volunteer, committee member, former board member/ leadership, and parent of a current student.

AWARDS

- 2018 Congress for the New Urbanism *Charter Award* to VILLAGE OF PROVIDENCE, with DPZ CoDESIGN
- 2016 Congress for the New Urbanism *Charter Award* to CIVIC MASTER PLAN, with Metrocology, Inc.
- 2015 American Planning Association - North Carolina *Marvin Collins Planning Award* to BUILD A BETTER BOULEVARD project, with Metrocology, Inc.
- 2014 American Planning Association - South Carolina *Outstanding Planning Award* to CIVIC MASTER PLAN for Beaufort SC, with Metrocology, Inc.
- 2014 National Association of Homebuilders *Community of the Year* to THE VILLAGE OF PROVIDENCE, with DPZ CoDESIGN
- 2006 Homes for NC *Affordable Housing Achievement Project of the Year* to WILLOW OAKS HOPE VI project, with DPZ CoDESIGN

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MALLORY B.E. BACHES

SELECTED URBAN DESIGN

LEAN URBANISM PROJECT, *various cities*, implementation of pilot projects
CHRONICLE MILL, *Belmont NC*, historic preservation adaptive reuse
THE NEXT BIG THING, *Chattanooga TN*, tactical urbanism workshop
BUILD A BETTER BOULEVARD, *Belmont NC*, corridor study
SPRAWL REPAIR, *Beaufort SC*, industrial park incremental redevelopment
VAN DON, *Quang Ninh VIETNAM*, economic development zone masterplan
NATURE CITY, *Abu Dhabi UAE*, competition submittal for new waterfront city
RIPLEY VALLEY, *Queensland AUSTRALIA*, regional plan
PARADISE POINT, *Queensland AUSTRALIA*, masterplan & design manual
SOL SQUARE, *Christchurch NEW ZEALAND*, infill development
LORETO BAY, *Baja California Sur MEXICO*, sustainability-based development
HEART OF PEORIA, *Peoria IL*, downtown redevelopment & form-based code
NEW TOWN ST. CHARLES, *St. Charles MO*, greenfield development
WILLOW OAKS, *Greensboro NC*, Hope VI redevelopment
COCONUT GROVE STREETSCAPE, *Coconut Grove FL*, walkability masterplan
BURTON AREA SECTOR PLAN, *Beaufort SC*, conceptual condition survey
VICKERY, *Atlanta GA*, greenfield neighborhood center development
NAS JAB NEW ORLEANS, *Belle Chasse LA*, military base redevelopment

CHARRETTES

CODE BREVARD, *Brevard NC*
MORRIS SQUARE, *Charleston SC*
CIVIC MASTER PLAN, *Beaufort SC*
SMARTER STARTER HOUSING, *Beaufort SC*
RIPLEY VALLEY, *Queensland AUSTRALIA*
OCEAN BEACH, *Hawke's Bay NEW ZEALAND*
WEITI, *Auckland NEW ZEALAND*
SWEETWATER NEW CITY MASTERPLAN, *New South Wales AUSTRALIA*
MODENA BEACH/EXCELSA VILLAGE, *Papamoa NEW ZEALAND*
CENTRAL CITY SOUTH, *Christchurch NEW ZEALAND*
NANNING, *Guangxi Province P.R. of CHINA*
MIRADOR, *Marimbula AUSTRALIA*
YAN SHAN NEW TOWNSHIP, *Guilin P.R. of CHINA*
SYDENHAM SQUARE, *Christchurch, NEW ZEALAND*
SOUTH OF LITCHFIELD (SOL), *Christchurch, NEW ZEALAND*
FEC CORRIDOR STUDY, *Miami FL*
LOST RABBIT, *Jackson MS*
LAS LOMAS, *Los Angeles CA*
FIVE MILE, *Queenstown NEW ZEALAND*
SANDY POINT, *Edenton NC*
CRAIG RANCH, *McKinney TX*
LAS COLINAS, *Irving TX*
OWL'S HEAD, *Freeport FL*
JINDEE, *Western Australia AUSTRALIA*
BULACAN TOWNSHIP VILLAGE CENTER, *Manila PHILIPPINES*
DOWNTOWN CORAL GABLES, *Coral Gables FL*
ZHONG YI GARDEN, *Beijing P.R. of CHINA*
OCEANFRONT ASBURY, *Asbury Park NJ*
COCONUT GROVE STREETSCAPE, *Coconut Grove FL*
THE VILLAGE OF PROVIDENCE, *Huntsville AL*
PARRIS ISLAND MARINE BASE, *Beaufort SC*
LA ESTANCIA MIGRANT HOUSING, *Wimauma FL*
LA PRIMAVERA, *Leon MEXICO*
THE COMMONS, *Tysons Corner VA*
PLAYAS DI TIJUANA, *Baja California MEXICO*
CHEROKEE FARMS, *Beaufort SC*
ESCAP, *St. Lucia WEST INDIES*
BUILDER MAGAZINE NAHB MODEL LIVEWORKS, *Atlanta GA*
ANCHOR MILL, *Huntersville NC*
CELADON, *Beaufort SC*
SUNCANA DOLINA, *Mostar BOSNIA-HERZEGOVINA*
HOTEL HEALDSBURG, *Healdsburg CA*

PRESENTATIONS

- 2017 Congress for the New Urbanism CNU.25 202 Workshop, *Beyond the Charrette: Connecting to Communities & Empowering Everyday Citizens*
- 2016 Association for Community Design Swap Meet, *Considering a Hierarchy of Community Needs*
- 2016 Congress for the New Urbanism CNU.24 Open Innovation, *The Art of Entitlement and Loving Where You Live*
- 2016 Congress for the New Urbanism CNU.24 Open Innovation, *Design for Good / Design for Impact*
- 2015 National League of Cities Congress of Cities, *The Art Advantage: Creative Placemaking Strategies for Your City*
- 2012 Growing Power Urban and Small Farms Conference, *Growing an Underlay Food System*

PUBLICATIONS

- 2019 New Urban Research (forthcoming), *Conflicts and Commonalities Between Urban Preservation and Social Sustainability in the Historic City of Bath*

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Education

1992 Master of Architecture, University of Wisconsin, Milwaukee

1992 Master of Urban Planning, University of Wisconsin, Milwaukee

1989 Bachelor of Science in Architecture (with honors), University of Wisconsin, Milwaukee

1985-88 Ecole Speciale d Architecture, Architecture Program, Paris, France

Affiliations

Form-Based Code Institute, Chairperson

UN: Global Forum Human Settlement. IGMC Expert Committee Member

Lambda Alpha International, George Washington Chapter, Member

Center for Applied Transect Study, Board Member

New Urban Guild, Member

Marina Khoury | RA, LEED AP, CNU-A

Partner | DPZ Partners

Marina Khoury is an expert in sustainable urban redevelopment, regional planning, transit-oriented developments, affordable housing and form-based codes. As a partner at DPZ Partners, she has been Director of its Washington D.C. office since 2007. A licensed architect and fluent in several languages, Khoury has worked on the design and implementation of projects in the US, Canada, Europe and the Middle East including ground-breaking new codes around the world that mandate resilient urbanism. She speaks globally widely on issues related to Smart Growth and affordable, sustainable, and walkable communities. Marina is one of 20 members on the Expert Committee of Global Forum on Human Settlements (UNEP-GFHS) International Green Model City (IGMC) Initiative, under the United Nations Environment Programme (UNEP). Marina is also active in Washington area civic groups, including the Congress for the New Urbanism (CNU), where she served as a Board member of the CNU-DC chapter from 2007-2012. She currently serves on the following Boards: Chair of the Executive Board of Smart Growth America s Form-Based Code Institute (FBCI), and Board Member the Center for Applied Transect Study (CATS). She is a member of the New Urban Guild and a LEED Accredited professional. Most recently, Marina spoke at the United Nations in New York, for the 10th anniversary of the Global Forum for Human Settlements.

Selected Experience

- Pensacola CRA FBC, Pensacola, FL
- Central Riyadh Redevelopment, KSA
- Sycamore: Suburban Retrofit Plan, Charleston, SC
- Orange County Comprehensive Plan & Zoning Rewrite, FL
- Downtown Bethel TOD Plan and Code, Bethel, CT
- National Kuwait Code, Kuwait
- Perdidio Key Master Plan & Code, Perdidio Key, FL
- Port au Prince Redvelopment Plan and Code, Port au Prince, Haiti
- Garden District Plan, Edinburgh, Scotland
- Mark Center and Small Area Plan and Code, Alexandria, VA
- Al Ain CBD, Abu Dhabi, UAE - Structure Plan and Code
- Hertfordshire Regional Guide to Growth Plan, Herfordshire, UK
- River District Redevelopment Plan, Vancouver, Canada
- Miami 21, Miami, FL - Form-Based Code Zoning Rewrite,
- Loreto Bay Resort Town, Baja, Mexico
- Oakville Regional Plan, Ontario, Canada
- New Town St. Charles Master Plan and FBC, St. Charles, MO
- Friday Harbor Resort (formerly Big Bay Point), Inisfill, Ontario, Canada
- Miami-Dade County Agriculture & Rural Area Study, FL
- Westhaven Master Plan, Franklin, TN



Matthew Lambert

Partner | DPZ Partners

Matthew Lambert is a planner, urban designer, and architectural designer, with over 15 years of experience that covers a broad range of project types. He has managed projects for developer, municipal, and institutional clients which include form-based codes, regulatory reform, urban infill and redevelopment, greenfield development, campus redevelopment, and architectural design. Among his project experience, Matthew has focused on regulations and form-based codes, leading code projects and providing code-related education.

Lambert heads DPZ's office in Portland, Oregon, leading projects within the region and across the country. Matthew is active in the Congress for the New Urbanism (CNU), a member of the CNU's Board of Directors and a board member of the Cascadia regional CNU chapter.

Education

2005 Bachelor of Architecture and Computer Science, Magna Cum Laude, University of Miami

Affiliations

Congress for the New Urbanism (CNU), Board of Directors

CNU Cascadia, Board of Directors

Transect Codes Council, Board Member

Selected Experience

- Orange County, FL - Zoning Code Rewrite
- Hot Springs Village, AR - Comprehensive Master Plan and Zoning Code
- Albuquerque, NM - Economic Development-based Infill and Zoning Analysis with Zoning Update Recommendations
- CNU Code Reform Initiative, MI - Zoning Code Reform
- Reinvent Phoenix, AZ - Form-based Code and Master Plans for Transit-oriented Development
- Downtown Mobile, AL - Downtown Master Plan and Form-based Code
- Doña Ana County, NM - Regional Scenario Planning and Comprehensive Plan
- AARP California Strategy Study, CA - Development Pattern Analysis
- Atlanta Regional Commission Aging Forum and Lifelong Communities
- Bawabat Makkah Lands, Makkah, Saudi Arabia - Scenario Planning and Form-based Code
- Hertfordshire Regional Growth Plan, England - Regional Scenario Plan
- Scottish Sustainable Communities Initiative, Scotland - Country-wide Redevelopment and Growth Framework
- Presence Sts. Mary and Elizabeth, Chicago, IL - Medical Campus Redevelopment
- Presence Resurrection Medical Center, Chicago, IL - Medical Campus Redevelopment
- East End Revitalization, Richmond, VA - Medical-initiated Infill Redevelopment

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 154-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Construction Agreement with the Florida Department of Transportation (FDOT) for Work Associated with the Town Marina Project to be Constructed within the FDOT Right-of-Way.

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

ATTACHMENTS:

- **Memorandum dated November 26, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 154-2019**
- **Construction Agreement**
- **Exhibit A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Town Marina Project – FDOT Construction Agreement
Resolution No. 154-2019

DATE: November 26, 2019

STAFF RECOMMENDATION

Town staff recommends approval of Resolution No. 154-2019 to authorize a Construction Agreement with the Florida Department of Transportation (FDOT) for work associated with the project that is located within the FDOT right-of-way.

GENERAL INFORMATION

Town staff and the project consultant for this project (Baird and Associates) have been working with the FDOT staff and the Town Attorney to review and edit the proposed Construction Agreement. Minor modifications to the standard agreement have been included at Section IV of Exhibit A.

Staff requests that the Town Council approve Resolution No. 154-2019 to enter into a Construction Agreement with FDOT, which is required because the northern portion of the bulkhead is to be tied into the bridge abutment to provide a continuous seawall at the proper elevation. That work located within the FDOT right-of-way requires execution of a Construction Agreement between the Town and FDOT to authorize that work.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
Carolyn Stone, Director of Business Development & Operations
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E. Senior Project Engineer
Dean Mealy, Purchasing Manager
Mike Horn, Town Dockmaster
Rob Weber, Coastal Program Manager

RESOLUTION NO. 154-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONSTRUCTION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR WORK ASSOCIATED WITH THE TOWN MARINA PROJECT TO BE CONSTRUCTED WITHIN THE FDOT RIGHT-OF-WAY.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a Construction Agreement between the Florida Department of Transportation (FDOT) and the Town of Palm Beach for construction of improvements within the FDOT right-of-way that are associated with the Town Marina project.

Section 2. The Town Manager, or his designee, is hereby authorized to execute a Construction Agreement on behalf of the Town of Palm Beach for these improvements.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, and to act as the Construction Coordinator as defined in the Construction Agreement.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of December, 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, CMC, Town Clerk

Construction Agreement No.: 2019-C- 496-00006

THIS CONSTRUCTION AGREEMENT (this "Agreement") is made and entered into by and between the State of Florida, Department of Transportation, (3400 West Commercial Blvd, Ft. Lauderdale FL 33309) (hereinafter referred to as the "DEPARTMENT") and Town of Palm Beach (360 S County Road, Town of Palm Beach, FL 33480) (hereinafter referred to as the "Construction Coordinator").

WITNESSETH:

WHEREAS, the DEPARTMENT is authorized and required by Section 334.044(13), Florida Statutes, to coordinate the planning, development, and operation of the State Highway System; and

WHEREAS, pursuant to Section 339.282, Florida Statutes, the DEPARTMENT may contract with a property owner to finance, construct, and improve public transportation facilities; and

WHEREAS, the Construction Coordinator proposes to construct certain improvements to SR 704 Section 93280 Subsection 000 from Begin MP 9.701 to End MP 9.704 Local Name Royal Park Bridge located in Palm Beach County (hereinafter referred to as the "Project"); and

WHEREAS, the parties desire to enter into this Agreement for the Construction Coordinator to make improvements within the DEPARTMENT'S right of way to construct the Project, which will become the property of the Department upon acceptance of the work.

NOW, THEREFORE, based on the premises above, and in consideration of the mutual covenants contained herein, the parties hereby agree that the construction of the Project shall proceed in accordance with the following terms and conditions:

1. The recitals set forth above are specifically incorporated herein by reference and made a part of this Agreement. The Construction Coordinator is authorized, subject to the conditions set forth herein, to enter the DEPARTMENT'S right of way to perform all activities necessary for the construction of **See attached exhibit A scope of services/special provisions.**

2. The Project shall be designed and constructed in accordance with the latest edition of the DEPARTMENT'S Standard Specifications for Road and Bridge Construction and DEPARTMENT Design Standards and Manual of Uniform Traffic Control Devices ("MUTCD"). The following guidelines shall apply as deemed appropriate by the DEPARTMENT: the DEPARTMENT Structures Design Manual, AASHTO Guide Specifications for the Design of Pedestrian Bridges, AASHTO LRFD Bridge Design Specifications, the DEPARTMENT Plans Preparation Manual ("PPM") Manual for Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (the "Florida Green Book") and the DEPARTMENT Traffic Engineering Manual. The Construction Coordinator will be required to submit any construction plans required by the DEPARTMENT for review and approval prior to any work being commenced. Should any changes to the plans be required during construction of the Project, the Construction Coordinator shall be required to notify the DEPARTMENT of the changes and receive approval from the DEPARTMENT prior to the changes being constructed. The Construction Coordinator shall maintain the area of the project at all times and coordinate any work needs of the DEPARTMENT during construction of the project.

3. The Construction Coordinator shall notify the DEPARTMENT a minimum of 48 hours before beginning construction within DEPARTMENT right of way. The Construction Coordinator shall notify the DEPARTMENT should construction be suspended for more than 5 working days.

4. Pursuant to Section 7-13 of the DEPARTMENT Standard Specifications, the Construction Coordinator is required to possess a general liability insurance naming the DEPARTMENT as an additional insured and insuring the DEPARTMENT and the Construction Coordinator against any and all claims for injury or damage to persons and property, and for the loss of life or property that may occur (directly or indirectly) by reason of the Construction Coordinator accessing DEPARTMENT right of way and the Construction Coordinator's performance of the Project. Such amount shall be carried in a minimum amount of not less than n/a and 00/100 Dollars ($ 0.00) for bodily injury or death to any one person or any number of persons in any one occurrence, and not less than n/a and 00/100 Dollars ($ 0.00) for property damage, or a combined coverage of not less than n/a and 00/100 Dollars ($ .00). Additionally, the Construction Coordinator shall supply the DEPARTMENT with a payment and performance bond in the amount of the estimated cost of construction, provided by a surety authorized to do business in the State of Florida, payable to the DEPARTMENT. The bond and insurance shall remain in effect until completion of construction and acceptance by the DEPARTMENT. Prior to commencement of the Project and on such other occasions as the DEPARTMENT may reasonably require, the Construction Coordinator shall provide the DEPARTMENT with certificates documenting that the required insurance coverage is in place and effective. If the Construction Coordinator is a governmental entity they will be exempt from these requirements.

5. The Construction Coordinator shall be responsible for monitoring construction operations and the maintenance of traffic ("MOT") throughout the course of the project in accordance with the latest edition of the DEPARTMENT Standard Specifications, section 102. The Construction Coordinator is responsible for the development of a MOT plan and making any changes to that plan as necessary. The MOT plan shall be in accordance with the latest version of the DEPARTMENT Design Standards, Index 600 series. Any MOT plan developed by the Construction Coordinator that deviates from the DEPARTMENT Design Standards must be signed and sealed by a professional engineer. MOT plans will require approval by the DEPARTMENT prior to implementation.

6. The Construction Coordinator shall be responsible for locating all existing utilities, both aerial and underground, and for ensuring that all utility locations be accurately documented on the construction plans. All utility conflicts shall be fully resolved directly with the applicable utility.

7. The Construction Coordinator will be responsible for obtaining all permits that may be required by other agencies or local governmental entities.

8. It is hereby agreed by the parties that this Agreement creates a permissive use only and all improvements resulting from this agreement shall become the property of the DEPARTMENT. Neither the granting of the permission to use the DEPARTMENT right of way nor the placing of facilities upon the DEPARTMENT property shall operate to create or vest any property right to or in the Construction Coordinator, except as may otherwise be provided in separate agreements. The Construction Coordinator shall not acquire any right, title, interest or estate in DEPARTMENT right of way, of any nature or kind whatsoever, by virtue of the execution, operation, effect, or performance of this Agreement including, but not limited to, the Construction Coordinator's use, occupancy or possession of DEPARTMENT right of way. The parties agree that this Agreement does not, and shall not be construed to, grant credit for any future transportation concurrency requirements pursuant to chapter 163, Florida Statutes.

9. The Construction Coordinator shall perform all required testing associated with the design and construction of the project. Testing results shall be made available to the DEPARTMENT upon request. The DEPARTMENT shall have the right to perform its own independent testing during the course of the Project.

10. The Construction Coordinator shall exercise the rights granted herein and shall otherwise perform this Agreement in a good and workmanlike manner, with reasonable care, in accordance with the terms and provisions of this Agreement and all applicable federal, state, local, administrative, regulatory, safety and environmental laws, codes, rules, regulations, policies, procedures, guidelines, standards and permits, as the same may be constituted and amended from time to time, including, but not limited to, those of the DEPARTMENT, applicable Water Management District, Florida Department of Environmental Protection, Environmental Protection Agency, the Army Corps of Engineers, the United States Coast Guard and local governmental entities.

11. If the DEPARTMENT determines a condition exists which threatens the public's safety, the DEPARTMENT may, at its discretion, cause construction operations to cease and immediately have any potential hazards removed from its right of way at the sole cost, expense, and effort of the Construction Coordinator. The Construction Coordinator shall bear all construction delay costs incurred by the DEPARTMENT.

12. All work and construction shall be completed within 365 days of the date of the last signature affixed to this agreement. If construction is not completed within this time, the DEPARTMENT may make a claim on the bond. The DEPARTMENT may terminate this Agreement at any time, with or without cause and without DEPARTMENT liability to the Construction Coordinator, by providing sixty (60) days prior written notice of termination to the Construction Coordinator.

13. The Construction Coordinator shall be responsible to maintain and restore all features that might require relocation within the DEPARTMENT right of way.

14. The Construction Coordinator will be responsible for clean up or restoration required to correct any environmental or health hazards that may result from construction operations.

15. Upon completion of construction, the Construction Coordinator will be required to submit to the DEPARTMENT final as-built plans and an engineering certification that construction was completed in accordance to the plans. Prior to the termination of this Agreement, the Construction Coordinator shall remove its presence, including, but not limited to, all of the Construction Coordinator's property, machinery, and equipment from DEPARTMENT right of way and shall restore those portions of DEPARTMENT right of way disturbed or otherwise altered by the Project to substantially the same condition that existed immediately prior to the commencement of the Project.

16. If the DEPARTMENT determines that the Project is not completed in accordance with the provisions of this Agreement, the DEPARTMENT shall deliver written notification of such to the Construction Coordinator. The Construction Coordinator shall have thirty (30) days from the date of receipt of the DEPARTMENT'S written notice, or such other time as the Construction Coordinator and the DEPARTMENT mutually agree to in writing, to complete the Project and provide the DEPARTMENT with written notice of the same (the "Notice of Completion"). If the Construction Coordinator fails to timely deliver the Notice of Completion, or if it is determined that the Project is not properly completed after receipt of the Notice of Completion, the DEPARTMENT, within its discretion may: 1) provide the Construction Coordinator with written authorization granting such additional time as the DEPARTMENT deems appropriate to correct the deficiency(ies); or 2) correct the deficiency(ies) at the Construction Coordinator's sole cost and expense, without DEPARTMENT liability to the Construction Coordinator for any resulting loss or damage to property, including, but not limited to, machinery and equipment. If the DEPARTMENT elects to correct the deficiency(ies), the DEPARTMENT shall provide the Construction Coordinator with an invoice for the costs incurred by the DEPARTMENT and the Construction Coordinator shall pay the invoice within thirty (30) days of the date of the invoice.

17. Nothing in this Agreement shall be deemed or otherwise interpreted as waiving the DEPARTMENT'S sovereign immunity protections, or as increasing the limits of liability as set forth in Section 768.28, Florida Statutes. The DEPARTMENT'S liability for breach of this Agreement is limited in amount and shall not exceed the limitations of liability for tort actions as set forth in Section 768.28(5), Florida Statutes.

18. All formal notices, proposed changes and determinations between the parties hereto and those required by this Agreement, including, but not limited to, changes to the notification addresses set forth below, shall be in writing and shall be sufficient if mailed by regular United States mail, postage prepaid, to the parties at the contact information listed below.

19. The Construction Coordinator shall not cause any liens or encumbrances to attach to any portion of DEPARTMENT right of way.

20. This Agreement shall be governed by the laws of the State of Florida in terms of interpretation and performance. Venue for any and all actions arising out of or in any way related to the interpretation, validity, performance or breach of this Agreement shall lie exclusively in a state court of appropriate jurisdiction in Leon County, Florida.

21. The Construction Coordinator may not assign, pledge or transfer any of the rights, duties and obligations provided in this Agreement without the prior written consent of the DEPARTMENT'S District Secretary or his/her designee. The DEPARTMENT has the sole discretion and authority to grant or deny proposed assignments, with or without cause. Nothing herein shall prevent the Construction Coordinator from delegating its duties hereunder, but such delegation shall not release the Construction Coordinator from its obligation to perform this Agreement.

22. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Nothing in this Agreement is intended to confer any rights, privileges, benefits, obligations or remedies upon any other person or entity except as expressly provided for herein.

23. This instrument, together with the attached exhibits and documents made part hereof by reference, contain the entire agreement of the parties and no representations or promises have been made except those that are specifically set out in this Agreement. All prior and contemporaneous conversations, negotiations, possible and alleged agreements and representations, covenants, and warranties with respect to the subject matter of this Agreement, and any part hereof, are waived, merged herein and superseded hereby.

24. By their signature below, the parties hereby acknowledge the receipt, adequacy and sufficiency of consideration provided in this Agreement and forever waive the right to object to or otherwise challenge the same.

25. The failure of either party to insist on one or more occasions on the strict performance or compliance with any term or provision of this Agreement shall not be deemed a waiver or relinquished in the future of the enforcement thereof, and it shall continue in full force and effect unless waived or relinquished in writing by the party seeking to enforce the same.

26. No term or provision of this Agreement shall be interpreted for or against any party because that party or that party's legal representative drafted the provision.

27. If any section, paragraph, clause or provision of this Agreement is adjudged by a court, agency or authority of competent jurisdiction to be invalid, illegal or otherwise unenforceable, all remaining parts of this Agreement shall remain in full force and effect and the parties shall be bound thereby so long as principle purposes of this Agreement remain enforceable.

28. A modification or waiver of any of the provisions of this Agreement shall be effective only if made in writing and executed with the same formality as this Agreement.

29. The Construction Coordinator agrees to promptly indemnify, defend, save and hold harmless the DEPARTMENT and all of its officers, agents and employees from and pay all demands, claims, judgments, liabilities, damages, fines, fees, taxes, assessments, penalties, costs, expenses, attorneys' fees and suits of any nature or kind whatsoever caused by, or arising out of or related to the performance or breach of this Agreement by the Construction Coordinator, including, without limitation, performance of the Project within the DEPARTMENT'S right of way. The term "liabilities" shall specifically include, without limitation, any act, action, neglect or omission by the Construction Coordinator, its officers, agents, employees or representatives in any way pertaining to this Agreement, whether direct or indirect, except that neither the Construction Coordinator nor any of its officers, agents, employees or representatives will be liable under this provision for damages arising out of injury or damages directly caused or resulting from the sole negligence, intentional or wrongful acts of the DEPARTMENT or any of its officers, agents or employees. The Construction Coordinator shall notify the DEPARTMENT in writing immediately upon becoming aware of such liabilities. The Construction Coordinator's inability to evaluate liability, or its evaluation of liability, shall not excuse performance of the provisions of this paragraph. The indemnities assumed by the Construction Coordinator shall survive termination of this Agreement. The insurance coverage and limits required in this Agreement may or may not be adequate to protect the DEPARTMENT and such insurance coverage shall not be deemed a limitation on the Construction Coordinator's liability under the indemnities granted to the DEPARTMENT in this Agreement.

30. Construction Coordinator:

(1) shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Construction Coordinator during the term of the contract; and

(2) shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

31. <u>COMPLIANCE WITH LAWS</u>

The Construction Coordinator shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the Construction Coordinator in conjunction with this Agreement. Specifically, if the Construction Coordinator is acting on behalf of a public agency the Construction Coordinator shall:

(1) Keep and maintain public records that ordinarily and necessarily would be required by the Department in order to perform the services being performed by the Construction Coordinator.

(2) Provide the public with access to public records on the same terms and conditions that the Department would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.

(3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

(4) Meet all requirements for retaining public records and transfer, at no cost, to the Department all public records in possession of the Construction Coordinator upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Department in a format that is compatible with the information technology systems of the Department. Failure by the Construction Coordinator to grant such public access shall be grounds for immediate unilateral cancellation of this Agreement by the Department. The Construction Coordinator shall promptly provide the Department with a copy of any request to inspect or copy public records in possession of the Construction Coordinator and shall promptly provide the Department a copy of the Construction Coordinator's response to each such request.

CONSTRUCTION COORDINATOR CONTACT INFORMATION

Name Kirk Blouin Title Town Manager
Office No. _____ Cell 561 838 5410 Email KBlouin@TownofPalmBeach.com

Name _____ Title _____
Office No. _____ Cell _____ Email _____

Mail Address 360 South County Road. Town of Palm Beach, FL 33480

IN WITNESS WHEREOF, Construction Coordinator and the DEPARTMENT have executed this Agreement for the purposes herein expressed on the dates indicated below.

CONSTRUCTION COORDINATOR

By: _____ (Signature)

Kirk Blouin (Print Name)

Town Manager (Title)

_____ (Date)

DEPARTMENT OF TRANSPORTATION

By: _____ (Signature)

_____ (Print Name)

District 4 Maintenance Engineer (Title)

_____ (Date)

Legal Review:

_____

EXHIBIT A
Permit # 2019-C-496-00006

I. SCOPE OF SERVICES

The Town is rehabilitating the Town Docks located at 320 S Lake Drive, immediately south of the Royal Park Bridge. A portion of this work includes installing a new bulkhead in front of an existing bulkhead and raising the cap of a return wall that terminates at the bridge abutment.

Since the existing bulkhead extends to the bridge, a portion of the proposed bulkhead lies within the FDOT's Right-of-Way #3280-2524.

The existing and proposed bulkheads are both 1,536 feet long. The new bulkhead will be a cantilevered sheet pile bulkhead, comprised of NZ-26 sheet pile driven in front of (seaward) of the existing bulkhead. A concrete cap will be constructed on top of the sheet pile and the new bulkhead will have a crest elevation of +5.3 feet, NAVD (approx. +7.7 feet, MLLW). The existing bulkhead has a crest elevation of +3.1 feet, NAVD (+5.5 feet, MLLW). The cap of the existing bulkhead will be cut to an elevation of 2.1 feet, NAVD.

There is a 15.4-foot long return section that extends to the bridge abutment. This section will be raised by placing a parapet wall on top of the existing return wall to increase the elevation from +3.1 feet, NAVD to +5.3 feet, NAVD.

II. PROJECT PLANS

The Construction Coordinator is authorized to install the Project in accordance with the attached plans prepared by Gordon Thomson, P.E., and dated 09/13/19. Any revisions must be approved by the DEPARTMENT in writing.

III. SPECIAL PROVISIONS FOR CONSTRUCTION

Construction Coordinator will coordinate (i.e. Pre-construction meetings, inspections, final acceptance of work, etc.) with DBI, Inc., Attn: Tikiyah Walker @ 561-992-1318, fax 561-993-9000, cell 561-662-2437. Construction Agreement is valid only for work proposed within the Department of Transportation (D.O.T.) right-of-way. Certification acceptance and final approval is contingent upon conformity of all work completed according to this permit and the restoration of the Right of Way.

This agreement is subject to the Construction Coordinator obtaining all necessary approvals from other agencies. The Construction Coordinator has obtained approvals from the Florida Department of Environmental Protection (FDEP) and the United States Army Corps of Engineers (USACE).

All materials and construction within the FDOT right-of-way shall conform to the latest Standard Plans for Road and Bridge Construction and latest Standard Specifications for Road and Bridge construction.

Storm Water Pollution Prevention Plan - The Construction Coordinator shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. The Construction Coordinator shall be responsible for the correction of any erosion, shoaling, or water quality problems that result from the construction or operation of the surface water management system.

A copy of this agreement and plans must be on the job site at all times during the construction of this facility.

Restricted hours of operation for lane closures will be from 9:00am to 4:00 pm, (Monday-Friday), unless otherwise approved by the Operations Engineer, or designee. MOT shall be picked up by 4:00 pm and not start before 9:00 am.
The Construction Coordinator will submit as-built plans.

IV. MODIFICATIONS TO BASIC AGREEMENT

The following sections shall be modified as indicated below:

A. Section 12: The DEPARMENT and the Construction Coordinator may extend the completion date, if mutually agreed to in writing.
B. Section 20: Section 20 shall be modified as follows: This Agreement shall be governed by the laws of the State of Florida in terms of interpretation and performance. Venue for any and all actions arising out of or in any way related to the interpretation, validity, performance or breach of this Agreement shall lie exclusively in a state court of appropriate jurisdiction in Broward County, Florida.
C. Section 29: The paragraph is amended to end with the following sentence: “Nothing in this paragraph shall be interpreted to nor shall it waive any of the provisions of Florida Statute Section 768.28 as it relates to the Construction Coordinator.”

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Consent - Other

Agenda Title
Consider Request to Vacate and Abandon Unused Road Right-of-Way at Ibis Island Road

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

ATTACHMENTS:

- **Memorandum dated November 22, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **Letter and Plat**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Consider Request to Vacate and Abandon Unused Road Right-of-Way at Ibis Island Road

DATE: November 22, 2019

STAFF RECOMMENDATION

Town staff requests Town Council to consider a request from the property owners of 2315 Ibis Isle Road to abandon 40 feet of road right-of-way located between the north property line and the existing roadway.

GENERAL INFORMATION

Town staff received a request from the property owner of 2315 Ibis Isle Road requesting the abandonment of 40 feet of existing road right-of-way. The Plat of Ibis Isle, Palm Beach, Florida, includes an 80 foot dedicated road right-of-way. Presently, the pavement and drainage structures are located within the northern portion 40 feet of the right-of-way. There are drainage and utilities located within the requested area for abandonment. Attached is the request from the property owner, along with the survey of the property.

If Town Council agrees to consider this request, staff will meet with the property owner to determine the area available for abandonment based on the location of utilities within the road right-of-way. An appraisal for the agreed upon property will be acquired at the owners expense. Staff will then follow the requirements laid out in the Town Code of Ordinances, Chapter 106, Article IV. The Town will make application to abandon a portion of the public right-of-way. As required, property owners within a 300 ft. radius will be notified, and an ad will be placed in the Palm Beach Post of the potential vacation and abandonment of Town property. The Town Council's consideration for final approval will be scheduled based on meeting the requirements of the Town Code of Ordinances.

FUNDING/FISCAL IMPACT

There is no Town funding/fiscal impact at this time.

TOWN ATTORNEY REVIEW

The Town Attorney has been provided a copy of this item and will be available at the meeting.

Attachment

cc: Robert C. Sorgini, P.A., Sorgini & Sorgini, P.A.
John Randolph, Town Attorney
Patricia Strayer, P.E., Town Engineer

SORGINI & SORGINI, P.A.

ATTORNEYS AT LAW
300 NORTH FEDERAL HIGHWAY
LAKE WORTH BEACH, FLORIDA 33460

RICHARD C. SORGINI (1921-2014)
ROBERT C. SORGINI
ALISON R. PERCY

(561)585-5000
(FAX) 533-9455
bob@rcslawyers.com

November 5, 2019

Via Email Only

Mr. Kirk Blouin
Town Manager
Town of Palm Beach
kblouin@townofpalmbeach.com

Mr. Paul Brazil
Director of Public Works
Town of Palm Beach
pbrazil@townofpalmbeach.com

Re: 2315 Ibis Isle Road South, Palm Beach, FL 33480

Dear Mr. Blouin and Mr. Brazil:

I am the Attorney for Mr. Owen Mark Sanderson who is purchasing 2315 Ibis Isle Road South, Palm Beach, FL 33480. This property is Lot 36, Ibis Isle. I am writing Mr. Blouin as the Town Manager and Mr. Brazil as the Director of Public Works because my question involves the platted road known as Ibis Isle Road South.

Separately attached are the following:

1. Plat of Ibis Isle.
2. My client's survey of Lot 36.

You will see that the Plat of Ibis Isle dedicates an eighty (80') foot wide road to the public in front of Lot 36. The road, which is currently approximately twenty eight (28) feet wide, is laid out on the north half of the dedicated roadway. The survey of Lot 36 shows that the front forty (40') feet of grass at 2315 Ibis Isle Road South is actually the unused platted road.

My client plans to build a new home on Lot 36 and is interested in purchasing part of the unused platted road to add additional frontage to Lot 36. The existing 40 foot grassed unused platted road creates a hardship for my client by setting his front building line 75 feet back from the paved road. The acquisition of part of this unused road would allow Mr. Sanderson to set the front building line for his new home closer to the street and build a one story home instead of a two story home.

Is the sale of part of the unused platted road a matter that the Town of Palm Beach would consider?

Sincerely,

SORGINI & SORGINI, P.A.

By: _____
ROBERT C. SORGINI

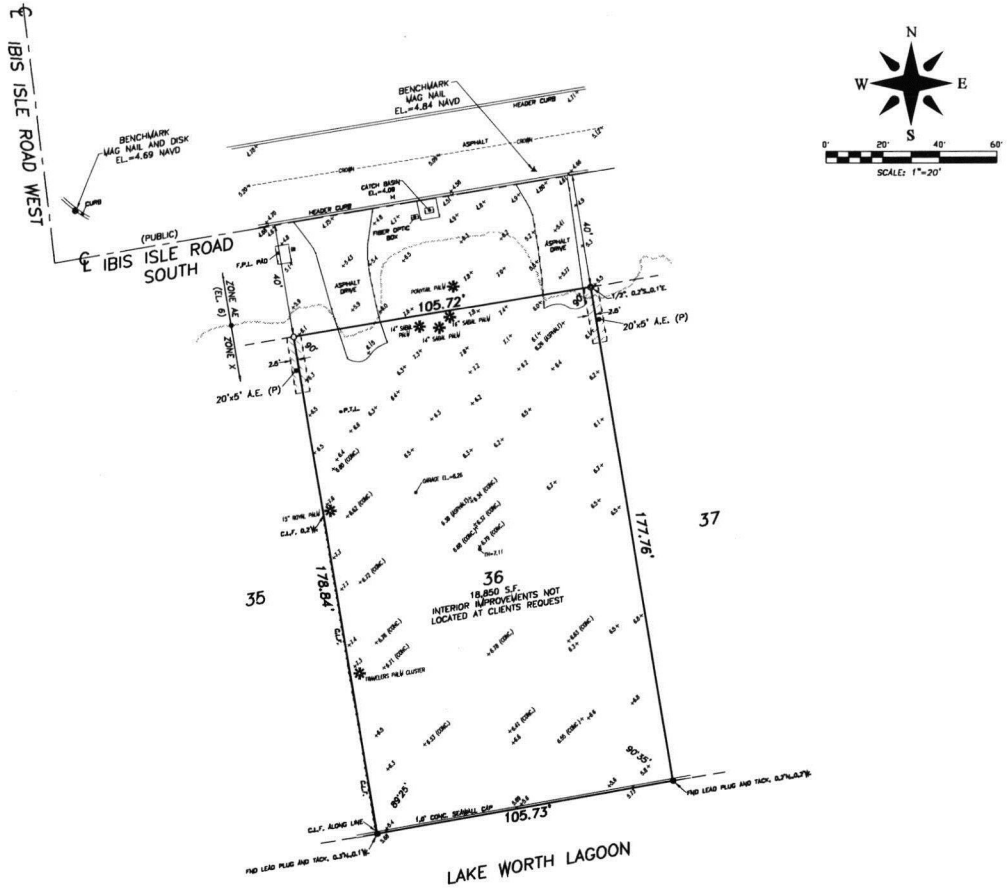
RCS/lak
Attachments
pc: Mr. Owen Mark Sanderson

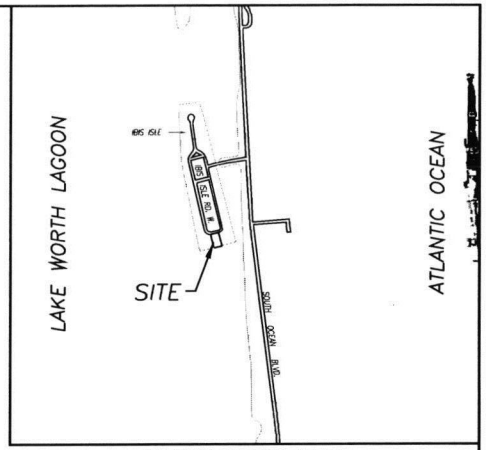
TCM Backup 12-10-19

285

LEGEND

A	= ARC LENGTH
A/C	= AIR CONDITIONING
A.E.	= ACCESS EASEMENT
A.K.A.	= ALSO KNOWN AS
ASPH	= ASPHALT
BLDG.	= BUILDING
B.M.	= BENCHMARK
B.O.C.	= BACK OF CURB
B.O.W.	= BACK OF WALK
(C)	= CALCULATED
CATV	= CABLE ANTENNA TELEVISION
C.B.	= CHORD BEARING
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.C.C.L.	= COASTAL CONSTRUCTION CONTROL LINE
CH	= CHORD
C.L.F.	= CHAIN LINK FENCE
CLR.	= CLEAR
C.M.P.	= CORRUGATED METAL PIPE
CONC.	= CONCRETE
(D)	= DESCRIPTION DATUM
D.B.	= DEED BOOK
D.E.	= DRAINAGE EASEMENT
D.H.	= DRILL HOLE
D/W	= DRIVEWAY
EL.	= ELEVATION
ENC.	= ENCROACHMENT
E.O.P.	= EDGE OF PAVEMENT
E.O.W.	= EDGE OF WATER
ESM'T	= EASEMENT
F.F.	= FINISH FLOOR
FND.	= FOUND
F.O.C.	= FACE OF CURB
I.D.	= INSIDE DIAMETER
INV.	= INVERT
I.T.W.C.D.	= INDIAN TRAIL WATER CONTROL DISTRICT
L.A.E.	= LIMITED ACCESS EASEMENT
L.B.	= LICENSE BOARD
L.W.D.D.	= LAKE WORTH DRAINAGE DISTRICT
(M)	= FIELD MEASUREMENT
M.H.	= MANHOLE
M.H.W.L.	= MEAN HIGH WATER LINE
M.L.W.L.	= MEAN LOW WATER LINE
N.A.V.D.	= NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	= NATIONAL GEODETIC VERTICAL DATUM
N.P.B.C.I.D.	= NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT
N.T.S.	= NOT TO SCALE
O.A.	= OVERALL
O.D.	= OUTSIDE DIAMETER
O/H	= OVERHEAD UTILITY LINE
O.R.B.	= OFFICIAL RECORD BOOK
O/S	= OFFSET
(P)	= PLAT DATUM
P.B.	= PLAT BOOK
P.B.C.	= PALM BEACH COUNTY
P.C.	= POINT OF CURVATURE
P.C.C.	= POINT OF COMPOUND CURVATURE
P.C.P.	= PERMANENT CONTROL POINT
PG.	= PAGE
P.I.	= POINT OF INTERSECTION
P/O	= PART OF
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
P.R.C.	= POINT OF REVERSE CURVATURE
P.R.M.	= PERMANENT REFERENCE MONUMENT
PROP.	= PROPOSED
P.T.L.	= PROPANE TANK LID
PVM'T.	= PAVEMENT
(R)	= RADIAL
R	= RADIUS
RGE.	= RANGE
R.P.B.	= ROAD PLAT BOOK
R/W	= RIGHT OF WAY
(S)	= SURVEY DATUM
S.B.	= SETBACK
SEC.	= SECTION
S/D	= SUBDIVISION
S.F.	= SQUARE FEET
S.F.W.M.D.	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
S.I.R.W.C.D.	= SOUTH INDIAN RIVER WATER CONTROL DISTRICT
S.R.	= STATE ROAD
STA.	= STATION
STY.	= STORY
TH	= THRESHOLD ELEVATION
T.O.B.	= TOP OF BANK
T.O.C.	= TOP OF CURB
TWP.	= TOWNSHIP
TYP.	= TYPICAL
U/C	= UNDER CONSTRUCTION
U.E.	= UTILITY EASEMENT
U.R.	= UNRECORDED
W.C.	= WITNESS CORNER
W.M.E.	= WATER MANAGEMENT EASEMENT
W.M.M.E.	= WATER MANAGEMENT MAINTENANCE EASEMENT
W.M.T.	= WATER MANAGEMENT TRACT
℄	= BASELINE
℄	= CENTERLINE
Δ	= CENTRAL ANGLE/DELTA
■	= CONCRETE MONUMENT FOUND (AS NOTED)
□	= CONCRETE MONUMENT SET (LB #4569)
●	= ROD & CAP FOUND (AS NOTED)
○	= 5/8" ROD & CAP SET (LB #4569)
⊙	= IRON PIPE FOUND (AS NOTED)
⊙	= IRON ROD FOUND (AS NOTED)
▲	= NAIL FOUND
◆	= NAIL & DISK FOUND (AS NOTED)
◆	= MAG NAIL & DISK SET (LB #4569)
℄	= PROPERTY LINE
⊗ ⊠	= UTILITY POLE
Ω	= FIRE HYDRANT
⊞	= WATER METER
⋈	= WATER VALVE
☼	= LIGHT POLE
✱	= PINE TREE
✱	= SABAL PALM





VICINITY SKETCH N.T.S.

BOUNDARY SURVEY FOR:
OWEN MARK SANDERSON

This survey is made specifically and only for the following parties for the purpose of a closing on the surveyed property.

Owen Mark Sanderson
Rabideau Law
Sorgini & Sorgini, P.A.
Old Republic National Title Insurance Company

The undersigned surveyor assumes no responsibility or liability for any other purpose or to any other party other than stated above.

PROPERTY ADDRESS:
2315 Ibis Isle Road South
Palm Beach, FL 33480

LEGAL DESCRIPTION:
Lot 36, IBIS ISLE, according to the Plat thereof, as recorded in Plat Book 24, Page 84, of the Public Records of Palm Beach County, Florida.

FLOOD ZONE:
This property is located in Flood Zone AE (EL 6) & X, according to F.I.R.M. (Flood Insurance Rate Map) No. 12099C 0593F, dated 10/05/2017.

NOTES:
1. *No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect this survey and boundaries. This office has made no search of the Public Records.*
2. *Elevations shown hereon, if any, are in feet and decimal parts thereof and are based on NAVD-88. The expected accuracy of the elevations shown hereon is 0.03' for the hard surface elevations (shown thus x 0.00) and 0.1' (shown thus x 0.0) for the soft surface elevations. Elevations shown hereon are U.S. survey feet unless otherwise noted.*
3. *Description furnished by client or client's agent.*
4. *Unless presented in digital form with electronic seal and electronic signature this survey must bear the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.*
5. *This survey cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation. Certificate of Authorization Number LB4569.*
6. *Except as shown, underground and overhead improvements are not located. Underground foundations not located.*
7. *The survey sketch shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work or research.*
8. *No responsibility is assumed by this surveyor for the construction of improvements, from building ties shown on this survey.*
9. *Revisions shown hereon do not represent a "survey update" unless otherwise noted.*
10. *All dates shown within the revisions block hereon are for interoffice filing use only and in no way affect the date of the field survey stated herein.*
11. *In some instances, graphic representations have been exaggerated to more clearly illustrate the relationships between physical improvements and/or lot lines. In all cases, dimensions shown shall control the location of the improvements over scaled positions.*
12. *It is a violation of Rule 5J-17 of the Florida Administrative Code to alter this survey without the express prior written consent of the Surveyor. Additions and/or deletions made to the face of this survey will make this survey invalid.*
13. *The ownership of fences, perimeter walls and/or hedges shown hereon are not known and thus are not listed as encroachments. Fences, hedges and/or perimeter walls are shown in their relative position to the boundary.*
14. *The expected horizontal accuracy of the information shown hereon is +/- 0.10'.*

Digitally signed by Craig L. Wallace
DN: cn=Craig L. Wallace, o=Wallace Surveying Corporation, ou=Wallace Surveying Corporation, email=info@wallacesurveying.com, c=US
Date: 2019.07.25 13:56:43 -04'00'

CERTIFICATION:
I HEREBY ATTEST *that the survey shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.*

DATE OF LAST FIELD SURVEY: 7/18/2019

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

BOUNDARY SURVEY FOR:
OWEN MARK SANDERSON

WALLACE SURVEYING CORP., certificate numbers & data
1000 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA, 33407 • (561) 640-4801

FIELD:	J.C.	JOB NO: 19-1377	F.B. PG281 PG. 24
OFFICE:	W.B.	DATE: 7/18/19	DWG. NO. 19-1377
CHK'D	C.W.	REF: 19-1377.DWG	SHEET 1 OF 1

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Consent - Other

Agenda Title
Approval of Cost-of-Living Pay Adjustment Policy

Presenter
Danielle Olson, Director of Human Resources

ATTACHMENTS:

- **Memorandum Dated November 27, 2019, from Danielle Olson, Director of Human Resources**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: Approval of Cost-of-Living Pay Adjustment Policy

Date: November 27, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the Approval of Cost-of-Living Pay Adjustment policy as described herein effective October 5, 2019, to coincide with the effective date of the implementation of the Town-wide Compensation Study.

GENERAL INFORMATION

During the Town-wide Compensation Study conducted in FY19, providing a cost-of-living (COLA) increase to employees was adopted by the Town Council effective FY21 and to be determined annually as part of the budget approval process. Additionally, the Town Council adopted a change in policy with respect to position pay ranges to be at or up to the 75th percentile of the market versus within the 75th percentile (depending on employee retirement group). During implementation of the pay range policy, it was determined that several positions were non-compliant so ranges were therefore frozen. As a result, employees in this situation will receive no pay increase in excess of their pay range in FY20 nor a COLA without approval of the recommendation below.

In order to mitigate this impact on our long-term employees, staff recommends implementing the approval of Cost-of-Living Pay Adjustment policy in FY20 versus FY21. This policy would provide for a COLA in FY21 as originally approved during the Compensation Study. However, it would also provide a lump sum payment when an employee approaches or has reached the maximum of their pay range in an amount not to exceed the approved COLA beginning in FY20. Therefore, the longer term employees who are at or near the maximum of their pay range may be provided a pay increase in an amount not to exceed the annual budget approved COLA in the form of a one-time lump sum payment, less all applicable taxes. Lump sum payments are not added to the individual's base salary nor are they considered pensionable compensation per Sec.82-52 of the Town's Code of Ordinances or subject to employee contributions to the same.

Implementing this policy in FY20 is possible without an increase to the previously approved budget to implement the results of the compensation study. Should this policy be approved in FY20 as proposed, employee's whose salary reaches the maximum rate of pay for their assigned

job classification shall receive a lump sum increase not to exceed 2% of base pay in FY20, and not to exceed the budget approved COLA percentage in future fiscal years. Please note that the CPI (April 2018-April 2019) for South Florida was 2.2%. The annual COLA will then be implemented at the beginning of the fiscal year starting in FY21, subject to budget approval.

FUNDING/FISCAL IMPACT

Adoption of this policy in FY20 is fully funded by the approved budgeted amount for the implementation of the compensation study. No additional funding is required.

Cc: Jay Boodheshwar, Deputy Town Manager
Department Directors

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Appeals

Agenda Title
Palm Beach Hotel Appeal of Garbage Collection

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

ATTACHMENTS:

- **Memorandum dated November 25, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **Letter Dated November 7, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **Appendix I**
- **Letter Dated November 26, 2019, from Dale and Helen Finfrock**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

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

Re: Palm Beach Hotel Appeal of Garbage Collection

DATE: November 25, 2019

STAFF RECOMMENDATION

Town staff recommends that the Town Council uphold the Director of Public Works decision to provide garbage and recycling collection for the Palm Beach Hotel (the Hotel) on Sunrise Avenue as opposed to Park Avenue.

GENERAL INFORMATION

Representatives of the Hotel have requested that the Town Council consider an appeal of the Director of Public Works decision to provide residential garbage and recycling collection on Sunrise Avenue as opposed to the current Park Avenue service location. The Park Avenue service point was used because there was no access point to Sunrise Avenue. That is not the case anymore. A gate has been installed on the southeast corner of the building. There is also a concrete walkway that connects the garbage storage area (northwest corner) to Sunrise Avenue. The dumpster and recycling containers can be rolled to Sunrise Avenue and returned to the storage area by Hotel staff. The twelve (12) commercial units in the Hotel are currently serviced from Sunrise Avenue.

It is not uncommon for customers (both multifamily residential and commercial) to have to move a dumpster to a location that we dictate for service. We historically have worked with our customers to minimize effort and negative impacts to neighbors. This is the first location that simply refuses to comply. My decision creates additional effort for the Hotel but improves the quality of life for the residents on Park Avenue. I believe that is the correct decision.

Attached as Appendix 1 is an abbreviated summary of the recent interactions we have had with both the Hotel and the adjacent neighbors. Please recognize this is only what has transpired recently, the garbage service for the Hotel has been a contested issue for more than 20 years.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

The Town Attorney has been provided a copy of this item and will be available at the meeting.

Attachment

cc: H. Paul Brazil, P.E., Director of Public Works
Eric Brown, Assistant Director of Public Works
Chester Purves, Services Division Manager

TOWN OF PALM BEACH

Public Works Department

November 7, 2019

CERTIFIED MAIL/RETURN RECEIPT

Neil M. Schiller
Saul Ewing Arnstein, & Lehr
515 N. Flagler Drive, Suite 1400
West Palm Beach, FL 33401

RE: Palm Beach Hotel Solid Waste Collection Service Location

This letter is to acknowledge your request to appeal my decision of the location of your client's (Palm Beach Hotel) solid waste pickup. I would also like to take the opportunity to address some of the concerns expressed in the attached letter dated November 6, 2019.

You were concerned that you were notified via email as opposed to certified letter. I'm sure you remember that the vast majority of our communications working through these issues for the past year have been oral communications and email. That approach was sufficient for you in the past. Apparently, it is now not sufficient, so I am sending this certified letter to you expressing what we have discussed in the past two (2) weeks and what you have acknowledged in your letter.

We are not ceasing service. As you acknowledge in the attached letter, your client is required to bring their solid waste to a different location to minimize negative impacts to their neighbors. You also stated:

"Additionally, we assert that this notice is faulty in that Section 102-48 of the Town of Palm Beach Code of Ordinances requires that when collection is stopped, a notice of the cessation of service must be filed with the Town Manager and a copy of the notice served upon the owner or occupant of the premises affected."

This is not accurate. We have not stopped your service. Your point of service has changed.

You state that it is an economic hardship to bring your solid waste to Sunrise Avenue versus Park Avenue. I would disagree. The difference is approximately 450 feet. The same staff that brings the solid waste to Park Avenue can take it to Sunrise Avenue. The existing concrete sidewalk on your property behind the building will facilitate rolling a container or containers to Sunrise Avenue.

In weighing the impact to your client's staff time verses the impact to your neighbors, I feel my decision is justified. I do not believe that this decision will negatively affect the "health, safety and welfare of the residents and their guests".

Your client will not have a fire code issue if your client's staff promptly returns any containers to the northwest corner of the building as they do today. Any problems with storing containers on the southeast corner of your client's building or blocking the gate will be self-inflicted.

The Landmarks issue you raise can also be solved by promptly returning the containers to the northwest corner of the building as your client does today. The fact that we pick up at the southeast corner of the building does not mean that you need to store your containers there. You don't store them there today.

My letter dated June 14, 2019, acknowledged your clients willingness to help find a compromise solution. In addition, as you quoted, the letter states that it may not be the final solution. In recent conversations with your client's neighbors that are directly impacted by our attempted compromise, it is apparent to me that the current approach is not acceptable to them. As previously stated, I need to weigh the impact to the neighbors against your client's inconvenience of rolling containers another 450 feet to Sunrise Avenue and then back to where they are stored. I believe that I have made the correct decision.

I will contact the Town Manager to discuss advancing your appeal. I will be in contact with you.

Sincerely,

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

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Eric Brown, P.E., Assistant Director of Public Works and P.W. File
Chester Purves, Services Division Manager

SAUL EWING
ARNSTEIN
& LEHR LLP

Neil M. Schiller, Esq.
Partner
Neil.Schiller@Saul.com

November 6, 2019

Mr. Paul Brazil
Public Works Director
Town of Palm Beach, Florida
951 Okeechobee Road
West Palm Beach, Florida 33401

RE: Correspondence of November 4, 2019 – PB Hotel Solid Waste Collection

Dear Mr. Brazil:

As you know, the law firm of Saul Ewing Arnstein and Lehr represents the Palm Beach Hotel Condominium Association, Inc., a legal Florida not-for-profit corporation, in relation to this matter. On Monday we received an email from Mr. Chester Purves, Services Division Manager regarding a change in the Town's solid waste and recycling service at my client's property. Pursuant to Section 102-9 of the Town of Palm Beach Code of Ordinances, **my client desires to appeal the public works director's decision to relocate my client's authorized solid waste and recycling pickup location on its property**.

Since April 26, 2019, my client and the Town have worked collaboratively to address the solid waste concerns at the Palm Beach Hotel. We met with you and Mr. Purves multiple times on site and in your office to come up with a compromise and appease the Town. We agreed to move our commercial waste container to the southeast corner of the property, while ensuring that residential pickup and recycling would remain at the north side of the property, where solid waste pickup had occurred continuously since at least the 1970s. My client has spent thousands of dollars on this issue alone, including the purchase of additional RESIDENTIAL containers as directed by Mr. Purves at one of our on-site meetings in early June. On June 14, 2019, we received correspondence from you memorializing the compromise described above. (Attached) Everything seemed to be going well until you called me on Monday, October 28, 2019, you called me to advise of changes to my client's solid waste service irrespective of the compromise we agreed to and relied on as you memorialized in your correspondence of June 14, 2019.

Procedurally, we object to receiving this notice via electronic mail, rather than a certified letter as that would be more appropriate to alert property owners to substantive changes unilaterally made by the Town. Additionally, we assert that this notice is faulty in that Section 102-48 of the Town of Palm Beach Code of Ordinances requires that when collection is stopped, a notice of the

cessation of service must be filed with the Town Manager and a copy of the notice served upon the owner or occupant of the premises affected. The proposed action by the Town in relocating all of the premises' garbage and recycling collection is akin to ceasing service and proper notice should have been filed. It is ironic that the Town sends written bills and notices for solid waste charges and collection thereof, and not send any written notice on the cessation and/or relocation of this essential governmental service.

Staff's desired relocation of Palm Beach Hotel's solid waste is an economic hardship that will also disrupt the property's operations as well as the health, safety and welfare of the residents and their guests. The property's site plan was approved with a trash room, at the Northwest corner of the building. That room is where trash bins are stored and where the maintenance staff deposits the refuse from the building twice a day. Additionally, there are yellow and blue recycling containers located at the back of the building. Currently, our one-person maintenance staff places the residential containers on Park Avenue in the morning right before 10:00 am as directed. Once the waste or recyclables are retrieved by the Town, the drivers have put the containers back onto our property where our staff retrieves them as soon as they can and returns them to the building. Due to the number of units in the building and the number of containers that will be needed to ensure safe and healthy operation of the property, the association will be forced to hire additional staff and purchase additional containers in order to comply. For a non-profit condominium association, with unique features and challenges like my client, this relocation will be an economic hardship.

The proposed relocation of the solid waste and recycling containers creates unintended consequences due the size of the property and number of containers that would be required. The property consists of 262 total units including some very large common areas. Of those 262 units just five of them are commercial tenants; the balance (257) are residential units in the condominium and are charged by the Town as such. As we previously relayed our concerns regarding the volume of solid waste generated by the property and its uses; it does not seem plausible or practical to relocate these residential containers to the Southeast corner of the property. Currently there is limited space on the eastern side of the building, with large, mature landscaping occupying a large portion of the area. The number of containers that will be required for both commercial and residential solid waste and recycling pickup will effectively block that gate entrance onto Sunrise Ave. Our residents and guests store their bicycles and other similar vehicles just forty feet away from your proposed solid waste and recycling pickup location; which would again effectively block that access. Lastly, the Palm Beach Hotel Condominium Association is home to Congregation New Synagogue of Palm Beach, which uses the eastern portion of our property for various activities and religious ceremonies, including locating their Sukkah there during the Sukkot holiday. The proposed relocation for commercial and residential solid waste and recycling pickup will have significant negative impacts on the health, safety and welfare of the residents who live or visit the property.

The Town's proposed relocation of the property's commercial and residential solid waste and recycling collection location violates the International Fire Code and should be voided. The Sunrise Ave. gate on the southeast side portion of the property is a fire-safety egress point for the property. There are emergency exit stairs in close proximity to this gate. As referenced above, the proposed relocation will require a number of containers to be placed in this location; creating a number of impediments to quickly and safely accessing Sunrise Ave. as the closest public right

of way; which is considered a means of egress under the International Fire Code. The International Fire Code requires that means of egress be unobstructed.[1] Additionally, Section 1004.7 of the International Fire Code requires that "yards, patios, occupied roofs, courts, and similar outdoor areas accessible to and usable by the building occupants shall be provided with means of egress as required by this chapter..."[2] Relocating the solid waste and recycling pickup location will create significant obstructions to the established means of egress from the building and the property and must be immediately rescinded.

The Palm Beach Hotel is a "landmarked" building in the Town of Palm Beach and is listed on the National Register of Historic Places by the National Park Service. The building and property are clearly important to the Town having been designated as a landmark. In 2008, when the building was proposed and approved as a landmark, the Landmarks Preservation Commission's duties were to safeguard the Town's historic and cultural resources through its historic districts. Due to its landmark status, the Town of Palm Beach Code of Ordinances appears to prohibit the proposed relocation of commercial and residential solid waste and recycling pickup location. Section 54-71(a) of the Code says,

> *"No landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission."*

The proposed relocation of the solid waste and recycling pickup location for my client's property and its unintended consequences was not heard by the Town of Palm Beach Landmarks Commission, nor was a certificate of appropriateness obtained. Due to the number of containers required by the property and the fact that we cannot effectively block the egress gate on Sunrise Ave., the only practical option for the property and its residents and staff, is to store the containers on the east side of the property which will affect the existing mature landscaping. The code specifically prohibits this without a certificate of appropriateness. Based on the foregoing, the proposed relocation of the solid waste and recycling pickup location violates the Town of Palm Beach Code of Ordinances and therefore should be immediately rescinded.

You and the Town have previously committed to my client, in writing to continue solid waste and recycling services to the Palm Beach Hotel Condominium Association at the northern side of the property. On June 14, 2019, you sent a letter to my client thanking us for our communication and

[1] Sec. 1003.6, 2018 International Fire Code.
[2] Sec. 1004.8, 2018 International Fire Code.

cooperation to the changes made in June to our solid waste collections. You wrote, *"Your willingness to work with our department is very much appreciated, as is your dedication to ensure that your property's needs are being met."* Additionally, in the third paragraph you wrote, *"The Town recognizes and appreciates you raising concern related to the amount of solid waste being generated by the property when vacancy rates have been relatively high and its impact on the current solid waste collection operation. To address your valid concerns, the Town kindly requests that your staff utilize the commercial dumpster first and then fill the residential bins that get taken to Park Avenue Monday, Tuesday, Thursday, and Friday. Additionally, the driveway, owned by the Town of Palm Beach, shall continue to be used by the Palm Beach Hotel for deliveries, residential solid waste collection and recycling, and any other reasonable and customary uses the Palm Beach Hotel has used the driveway."* The letter does go on to say that this may or may not be the final solution, but that you "sincerely appreciate having a like-minded partner seeking to create a suitable compromise for all." Recognize that we received this letter on June 14, 2019, and did not hear anything from the Town until October 17, 2019, about a meeting and then we spoke on Monday, October 28, 2019, when you informed me that you would be relocating the solid waste and recycling collection at my client's property to the Southeastern portion of its property. On November 1, 2019, you asked me if my client was prepared for your service relocation. I responded that day that it was not, and that they'd appeal your decision to the Town Council. There is no rhyme or reason for the proposed service change other than the neighbors on Park Avenue have complained. This was the basis for the original change in service in June, now they complain again, and service is moved again? With 262 units in the Palm Beach Hotel, we have many more registered voters in the Town than those that live on Park Avenue. Further, the building was constructed and operating BEFORE any of the residents on Park Avenue purchased their homes. It appears that the Town is singling out the Palm Beach Hotel Condominium Association for continuing its operations as it had for at least the last thirty years.

The Town's actions in unilaterally relocating the established commercial and residential solid waste and recycling pickup location not only violates the Town's Code of Ordinances as a Landmarked property, but it also violates the International Fire Code by creating obstructions in the means of egress used to exit the building and property in case of an emergency. The Board of the Palm Beach Hotel Condominium Association has been actively addressing the other issues in the building and on the property and have been making great headway; however costly distractions like this only serve to drain the Association's resources, including the energy and willingness of the board members and President to serve. My client has proven that it is willing and able to work with the Town to improve the property and the community; however, we need to be met halfway and not continuously fighting over where to place the garbage on our property. We respectively request that you immediately rescind the relocation directive and reestablish solid waste and recycling collection at the northern portion of the building as this was a standard pattern and practice for thirty or more years.

Please advise when the appeal hearing will be scheduled and the appropriate procedure for the hearing. As this is an appeal of a staff action that was timely filed, we request that the proposed relocation be stayed until there is a final resolution. Please feel free to contact me with any questions or concerns. Be advised that we have filed two public records requests related to this issue and may desire to amend this correspondence.

November 6, 2019
Attn: Mr. Paul Brazil

Sincerely,



Neil M. Schiller
For the Firm

CC: Mayor Gail Coniglio
Council President Danielle Moore
Council President Pro Tem Maggie Zeidman
Council Member Julie Araskog
Council Member Lew Crampton
Council Member Bobbie Lindsay
Town Manager Kirk Blouin
Deputy Town Manager Jay Boodheshwar
Town Attorney John C. Randolph, Esq.
Client

TOWN OF PALM BEACH

Public Works Department

June 14, 2019

Mr. Michael Arendt, President
Palm Beach Hotel Condominium Association
235 Sunrise Avenue
Palm Beach, Florida 33480-3812

RE: Solid Waste Collection at Palm Beach Hotel

Dear Mr. Arendt:

I wanted to memorialize our conversation from June 5, 2019, regarding the solid waste collection service at your property. Thank you for your cooperation and communication with our staff relating to the operational changes to collecting the solid waste. Your willingness to work with our department to address the Town's concerns with the previous solid waste collection is very much appreciated, as is your dedication to ensure that your property's needs are being met.

Currently, all of the residential waste is being collected by your maintenance staff on each floor and transferred to the waste collection room located on the northwest side of the building. The waste collection room has residential trash bins that are filled daily and brought to the curb on Park Avenue by the Palm Beach Hotel staff. Any commercial waste is being collected in a dumpster located on the east side of the building.

The Town recognizes and appreciates you raising concern related to the amount of solid waste being generated by the property when vacancy rates have been relatively high and its impact on the current solid waste collection operation. To address your valid concerns, the Town kindly requests that your staff utilize the commercial dumpster first and then fill the residential bins that get taken to Park Avenue Monday, Tuesday, Thursday, and Friday. Additionally, the driveway, owned by the Town of Palm Beach, shall continue to be used by the Palm Beach Hotel for deliveries, residential solid waste collection and recycling, and any other reasonable and customary uses the Palm Beach Hotel has used the driveway.

Again, thank you for your diligence in assisting the Town in addressing solid waste collection from a community perspective. We recognize that the current setup may or may not be the final solution, however, we sincerely appreciate having a like-minded partner seeking to create a suitable compromise for all. Please continue to raise potential issues as they arise and we will be happy to continue to work with you.

Sincerely,

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

cc: Neil Schiller, Saul Ewing, Arnstein & Lehr
Eric Brown, P.E., Assistant Director of Public Works
Chet Purves, Services Division Manager

MAILING ADDRESS: Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480 • (561) 838-5440
LOCATION: Suite A • 951 Old Okeechobee Road • West Palm Beach, Florida 33401 • Fax No. (561) 835-4691

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ORB 7247 Pg 1951

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. CL-88-8711 AO

PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.,
Plaintiff(s),

vs.

BARNETT BANK OF PALM BEACH COUNTY, INC., et al,
Defendant(s).

FINAL JUDGMENT

THIS CASE was tried before the Court on a Complaint for a Declaratory Judgment to establish an easement in favor of the Palm Beach Hotel Condominium Association, Inc. across the property of Howard Lichterman and Carol Lichterman, his wife. The Palm Beach Hotel and the building located on the property owned by the Lichtermans were built in 1925. The Lichterman property was known as "The Palm Beach Hotel Annex" and was used for employee housing. The properties were used in conjunction with each other and were in the same ownership until 1981 when the Palm Beach Hotel property was submitted to a Declaration of Condominium by a developer. The next year, the developer conveyed the annex property to himself as trustee, thus severing the unity of title which had existed for fifty-seven years. The west ten feet of the annex property (now

known as "The Park Avenue Inn") is a driveway which provides the only access to the rear service area of the hotel out to a public right of way. At the time the unity of title was severed, the developer failed to reserve this easement in favor of the hotel condominium.

The Palm Beach Hotel Condominium contains 320 condominium units, including 28 commercial condominiums with such businesses as a bicycle shop, a French bakery and cafe, an Italian restaurant, a large restaurant/lounge with an alcoholic beverage license, a barber shop, three real estate brokerages, a large banquet facility with commercial kitchen, an interior decorator, a talent agency, a barber shop, a fitness spa, a catering service, a mortgage broker, and several other businesses. The property is a nonconforming use under the Town of Palm Beach Zoning Code and is used in a much more intense manner than would be permitted under the modern zoning code.

There is a service area behind the hotel for delivery of goods, maintenance of utilities, access to the service and freight elevator, dumpster storage, fire and emergency service and the holding of cooled food wastes in two specially designed structures. The service area is accessible only through the driveway over the west ten feet of the Park Avenue Inn property. The driveway has been in continuous, open and notorious use since the hotel and its annex (now known as the "Park Avenue Inn") opened in 1925. The unique configuration of the hotel building and surrounding structures necessarily requires an access easement to

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Park Avenue. The only access available is the driveway on the west side of the Park Avenue Inn property. The easement is absolutely necessary for the beneficial use and enjoyment of the hotel property, as well as for the health and safety of the owners of the condominium units, the hotel guests and the patrons of the commercial establishments.

The Plaintiff also seeks removal of the metal fire escapes at the rear of the Park Avenue Inn property which encroach on the northern boundary of the Palm Beach Hotel Condominium property. Although there is no affirmative defense pled by the Defendant, Park Avenue Inn, property owner, the record reflects that the fire escapes have been in existed for a long period of time. Inasmuch as the photographic evidence indicates no appropriate fire escape to the south of the Park Avenue Inn property, the Court declines to order removal of the metal fire escapes. Should the Plaintiff wish to pursue this aspect of the case, this denial is without prejudice to the right of the parties to readdress this matter to the Court.

THEREUPON, IT IS ORDERED AND ADJUDGED THAT:

1. An easement of necessity is hereby established in favor of the Palm Beach Hotel Condominium property (legally described on the attached Exhibit "A") across the western ten feet of the Park Avenue Inn property (legally described on the attached Exhibit "B").

2. The request of Palm Beach Hotel Condominium Association, Inc. for removal of the fire escapes on the south side

of the Park Avenue Inn property is hereby denied without prejudice to the parties to readdress this matter to Court.

3. Jurisdiction is reserved to assess costs and determine entitlement and if appropriate, assessment of attorney's fees and sanctions.

DONE AND ORDERED at West Palm Beach, Florida this 15th day of May, 1992.

RICHARD B. BURK, CIRCUIT JUDGE

COPIES FURNISHED TO:
Kirk Friedland, Esq., Suite 505, 501 S. Flagler Drive, West Palm Beach, Florida 33401
Charles Brodzki, Esq., 3rd Floor, 633 Andrews Avenue, Fort Lauderdale, Florida 33301
William B. King, Esq., P.O. Box 3088, West Palm Beach, FL 33402

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EXHIBIT "A"

Lots 27 to 45, inclusive, SUNRISE AVENUE ADDITION NO. 2 to the Town of Palm Beach, Florida, according to the Plat thereof on file in the office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida recorded in Plat Book 8, Page 69.

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EXHIBIT "B"

The western 10 feet of Lot 43 of Lots 43 and 44 of BUNGALOW PARK, an addition to the Town of Palm Beach, Florida, according to the plat thereof in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 7, Page 26.

RECORD VERIFIED
PALM BEACH COUNTY, FLA.
CLERK CIRCUIT COURT

Appendix 1

Timeline of Events – Palm Beach Hotel Garbage Collection, Chester Purves, Services Division Manger

January 11, 2013: Staff met with Dr. Nassar regarding damage sustained to her fence when the collection crews transported the dumpster from the trash room (directly behind her property) at the Hotel to the garbage truck on Park Avenue. At this time, Dr. Nassar expressed her displeasure with the commercial garbage collection occurring on a residential street and the disruption it caused. Chester Purves concluded the meeting by agreeing to take steps to prevent future damage to her property and to minimize the disruption.

Staff looked into alternative service access locations from all four sides of the hotel property and was unable to find one that would accommodate all of the service criteria needed to successfully service the two (2) cubic yard dumpster for the hotel. Since the service location could not be changed, we implemented improvements to the current location and process. Those improvements and changes included widening and repaving the alley surface, installing a curb, and requiring that two (2) employees must transport the dumpster from the trash room to the truck and back.

These changes to procedures and the site conditions improved the noise disruption and eliminated all future incidents relating to damage to Dr. Nassar's property. At this point, it appeared the issue of damage was eliminated and disruption was minimized. No further action at that time.

December 12, 2018: On this date, Patrick Ohannessian, a resident of Park Avenue directly across from the Hotel access alley, contacted the Public Works Director to discuss his displeasure of the collection process and its disruption and safety issues it is causing. Chester Purves was asked to look into Patrick's concerns.

January 11, 2019: Staff reviewed the concerns, and implemented changes to procedures, collection times, and repairs to the equipment that was allowing garbage spillage. Parallel to these concerns, Mr. Ohannessian requested that the garbage generated by the Hotel should be collected from Sunrise Avenue. Mr. Ohannessian was told that this was looked into previously and the alley was the only viable access, however, staff would look into it again.

January 15, 2019: Staff met with the Hotel property manager, Mr. Perez, to review the site layout and look for potential access locations for garbage collection service. Since our previous investigation into service access in 2013, a service gate and fence was installed on the southeast corner of the property. This installation now provided sufficient access to the service garbage collection for the Hotel. Mr. Perez agreed to present this new service location to the HOA president and others who would ultimate make a decision. Several requests to Mr. Perez for an update on the Board decision were sent and on March 14, 2019 Mr. Perez agreed to meet only to let me know that he was not in the position to make decisions. We would need to get on a Board Meeting agenda in April or May.

March 25, 2019: A certified letter was sent to Mr. Perez requiring compliance with the Public Works Director's request to make the necessary provisions to collect the garbage from Sunrise Avenue. Michael Arendt, Community Association Board of Directors President, was copied on this correspondence. On April 1, 2019, Mr. Arendt contacted the Public Works Director acknowledging the letter and agreeing to work toward a solution.

April 19, 2019: A meeting was held between Public Works and Hotel representatives. A site visit was conducted and discussions regarding an alternative to service locations and procedures were discussed. At this point, it was agreed upon that Sunday service from Park Avenue would be stopped. The Association attorney reached out requesting a meeting to review the meeting topics and to develop a plan.

April 29, 2019: A meeting was set up between Public Works and Mr. Neil Schiller, attorney representing the Hotel. The following below, in italics, is a copy of the email sent to Mr. Schiller outlining our meeting:

Neil- thanks again for the meeting at our office Monday. I discussed your proposal that we spoke about on the phone with Mr. Brazil and he is receptive to the idea of the curbside residential garbage collection on Park Avenue as a trial. The following are bullet points identifying the component of the waste collection process for the Palm Beach Hotel.

- *PBH has identified the residential waste stream and will be disposing of it separately from the commercial waste. Garbage will be placed in individual wheeled containers designed for semi-automated collection. Recycling will be placed in the blue and yellow containers provided by the town.*

- *Residential garbage will be collected Monday, Tuesday, Thursday and Friday. Recycling collection will take place on Wednesday. PBH staff will place the containers curbside, on Park Avenue for town staff to collect. After service has been performed, PBH staff will retrieve the containers from the right of way.*

- *Commercial garbage will be collected 7 days per week. Town staff will retrieve the dumpster from the walkway on the northeast corner of the property and wheel it to the truck utilizing the loading zone on Sunrise Avenue. After service is performed, staff will return the dumpster back to the location. Commercial recycling will take place on Tuesday for the yellow containers and Wednesday for the blue containers. Service procedures and locations for commercial recycling will follow the same as commercial garbage.*

The implementation date for this procedural change will take effect on May 6th, 2019.

May 8, 2019: Chester Purves was contacted by Mr. Ohannessian and advised that the terms of the trial process that was negotiated between the Town and the Hotel was not acceptable and he requested to meet. A meeting date never materialized and, at this point, the topic went dormant.

August 23, 2019: Mr. Ohannessian contacted the Deputy Town Manager and requested to meet on site to hear the concerns of those in the neighbor. In attendance at the meeting was Dr. Nasser, Mr. Ohannessian, Jay Boodeshwar, Chester Purves, and an unknown resident. We discussed the history of the concern dating back to 2013, the steps made to improve the situation, and Mr. Ohannessian's main objective of eliminating the Hotels service from Park Avenue.

September 11, 2019: The Public Works Director updated Jay Boodheshwar on his standing that the service location for commercial garbage is on Sunrise Avenue and residential on Park Avenue, as discussed in the April 29, 2019 meeting.

September 16, 2019: The Services Division Manager instructed Town collection crews to return emptied containers to the entrance to the trash room. This was done to assist the Hotel staff getting the cans out of sight as early as possible to appease the neighbors.

September 17, 2019: I emailed Mr. Ohannessian and advised him of the changes made to the process and reiterated that the compromise made was fair for both the Hotel and the residents of Park Avenue. Shortly after that, Mr. Ohannessian began contacting Town Council members and the Mayor to dispute the Director's recommendation of the collection point.

TOWN OF PALM BEACH
DEC 04 2019
Town Manager's Office

Dale and Helen Finfrock
221 Park Ave.
Palm Beach Fl. 33480

Town of Palm Beach
Town Council
360 South County Rd.
P.O. Box 2029
Palm Beach, Fl
33480

November 26, 2019

My wife and I own four properties on Park Ave and Oleander Ave. We are constantly being disturbed by the commercial trash pickup on Park Ave from the rear of the Palm Beach Hotel. This occurs every morning 5 days a week. This should not be happening on a quiet residential street, whereas Sunrise Avenue that borders the front of the hotel is completely commercial. There is absolutely no reason, why the trash pickup should not take place on a commercial street such as Sunrise Avenue, as it does for other businesses in that area. For those residents of the hotel just the same garbage nuisance should be pushed up on the physical address of dwelling, that being Sunrise Avenue not Park avenue. We would be grateful if you would correct this injustice.

Very truly yours,

Dale B. Finfrock

Helen H. Finfrock

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Board/Commission Annual Report

Agenda Title
Annual Report of the Shore Protection Board

Presenter
E. Llwyd Ecclestone, Jr., Chair

ATTACHMENTS:

- **Memorandum Dated November 22, 2019, from E. Llwyd Ecclestone, Jr., Chair and Robert Weber, Coastal Program Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: E. Llwyd Ecclestone, Shore Protection Board Chairperson
Robert Weber, Coastal Program Manager

RE: Shore Protection Board Annual Report

DATE: November 22, 2019

The Shore Protection Board (SPB) is comprised of seven (7) regular members and three (3) alternate members appointed by the Town Council for three-year terms.

A chairperson and vice-chairperson are selected by the members. The 2019 SPB membership was as follows:

2018 Shore Protection Board Member	Position	Current Term Expires
E. Llwyd Ecclestone	Chairperson	12/2020
Lewis Katz	Vice-chairperson	12/2020
Kane Baker	Regular Member	12/2021
Melissa Ceriale	Regular Member	12/2019
James C. Gavigan	Regular Member	12/2021
Reuben B. Johnson, III	Regular Member	12/2021
Harvey Kinzelberg	Regular Member	12/2019
Stephen Jacoby	Alternate Member	5/2020
Warren Belmar	Alternate Member	5/2020
William Lorentzen	Alternate Member	5/2020

On January 24, 2019, Town Council re-appointed Llwyd Ecclestone and Lewis Katz. Mr. Ecclestone and Mr. Katz are currently serving their final three-year term ending in December 2020. Kane Baker, James Gavigan, and Reuben Johnson are serving their final three-year terms ending in December 2021. Melissa Ceriale and Harvey Kinzelberg are currently serving a partial term and will be eligible to be appointed for two (2) three-year terms. SPB members are allowed to serve for two (2) consecutive three-year terms.

The Board met four (4) times during the 2019 calendar year.

2017 Shore Protection Board Member	Meetings Attended	Absences	Jan 24	Mar 31	Apr 25	Nov 21
E. Llwyd Ecclestone	4	0	P	P	P	P
Lewis Katz	3	1	E	P	P	P
Kane Baker	4	0	P	P	P	P
Melissa Ceriale	4	0	P	P	P	P
James C. Gavigan	4	0	P	P	P	P
Reuben B. Johnson, III	4	0	P	P	P	P
Harvey Kinzelberg	4	0	P	P	P	P
Stephen Jacoby**	3	0	P	P	P	R
Warren Belmar	4	0	P	P	P	P
William Lorentzen*	2	0	P	P	R	R

P = Present
E = Excused
U = Unexcused
R = Resigned

*Will Lorentzen resigned from the Board on March 19, 2019.
**Stephen Jacoby resigned from the Board on September 15, 2019.

CURRENT SHORELINE CONDITION

The Town's proactive on-going coastal management efforts have maintained storm protection along the 12.2 miles of Town shoreline. Despite heavy sand erosion associated primarily with Hurricanes Matthew (2016) and Irma (2017), and the close encounter with Hurricane Dorian in 2019, no buildings are in imminent danger. Sand from the 2015 U.S.Army Corps of Engineers (USACE) Lake Worth Inlet Maintenance Dredging in Reach 1, 2015 Mid-Town Beach Renourishment in Reaches 3 and 4, and 2016 Phipps Ocean Park Beach Nourishment in Reach 7, continue to feed sand into Reaches 2, 5, and 8, respectively, to maintain shoreline stability. Dune Restoration in Reach 3 (2016), Reach 4 (2017) and Reach 8 (2015 and 2016) continue to provide stability to the Town's overall shoreline. The shoreline in Reaches 1, 3, 4, 6, 7, 8 (and Reach 9 in the Town of South Palm Beach) are to be further stabilized with expected sand placement efforts in late 2019 and early 2020.

2019 COASTAL PROTECTION PROJECTS

Sand Transfer Plant operations have continued during 2019 with more than 70,000 cubic yards (CY) of sand bypassed under the inlet, from Singer Island to Palm Beach Island, between January and mid-November 2019. The current volume is less than the volume (more than 100,000 CY) at this time last year and, together with the inlet maintenance dredging, falls short this year of meeting the inlet sand bypassing goals of an average of 202,000 cubic yards per year. The lower volume is likely attributable to the relatively mild weather this year. Long term, the bypassing goals are expected to be met.

Biological, physical, sea turtle nesting, and shorebird monitoring work continued, as required by State's Beach Management Agreement (BMA) and/or Federal permits, as previously approved by Town Council.

The Town continues to await regulatory action by the U.S. Army Corps of Engineers (USACE) for the Reach 8 Environmental Impact Statement (EIS). Action by the USACE, such as publication of a Record of Decision (ROD) and an Intent to Issue, continues to be expected consistent with the Town's preferred alternative. The Shore Protection Board will review and consider a solution in Reach 8, including an FY 2021 budget item, once additional feedback is received by the USACE.

2019 SHORE PROTECTION BOARD ACTIONS

Workshop. On March 21, 2019, the SPB held a public workshop to informally discuss coastal-related topics.

Goals and Objectives. The Board endorsed the 2019 SPB goals with minor revisions. Two new goals were added:

- Coastal Vulnerability and Resiliency
- Communication

Groins. State and Federal permits have been received. The Board recommended that implementation of a Groin Rehabilitation Plan be approved by Town Council in the future, but recognizes that during the current construction window (November 2019 – April 2020) the focus must remain on time-sensitive beach nourishment and dune restoration with our Federal and State partners.

Vulnerability. The Board recommended that Town Council accept the Woods Hole Group Coastal Vulnerability Study and move forward with development of an implementation plan.

Public Education and Communication. The Board recommended that the Town publicize the condition of the beaches and the successes of the Beach Management Agreement with FDEP and the Town's beach nourishment program.

Stakeholder Coordination**.** The Board is to identify any areas of concern regarding both stakeholder and agency coordination and make recommendations to Town Council.

Coastal Vulnerability Assessment. In January, the Shore Protection Board received the draft report from Woods Hole Group. One element of the two-year study was to use a model to help the Town plan for present and future risks of flooding. With the proposed FY 2020 Coastal Management Program budget, the Board recommended development of an implementation plan to address Town infrastructure identified in the Coastal Vulnerability Assessment that is vulnerable to flooding.

The Breakers/Clarke/Mid-Town Area. In November, the Shore Protection Board received the results from the Technical Advisory Committee. A solution to further stabilize this complex shoreline has been identified by coastal engineering experts. The Shore Protection Board unanimously recommended that staff obtain a proposal from a consultant for design and permitting and advance that recommendation to Town Council for approval in January 2020.

FY 2020 Coastal Management Program Budget. In April, the Shore Protection Board unanimously recommended an FY 2020 Coastal Management Program Budget of $38.8 million. To summarize, the budget included carryover for artificial reef construction, Sand Forepassing, Town shared costs associated with FEMA for Mid-Town and Phipps repair projects from hurricanes Matthew and Irma, program maintenance and monitoring requirements. In addition, the SPB's FY 2020 budget recommended adjusting the groin rehabilitation item from $500,000 to $5,000,000 to construct the

first phase. Town Council adopted an FY 2020 budget consistent with 39 of the 40 individual items identified within the SPB recommended FY 2020 Coastal Management Program Budget. The only item approved by Town Council that was inconsistent with the SPB recommendation was groin rehabilitation (which was maintained at an annual appropriation of $500,000). Construction of structural coastal projects, such as groins, can be funded through future bonds and would be considered following the active 2019/2020 construction window for beach projects.

ANTICIPATED 2020 SHORE PROTECTION BOARD ACTIONS

Prior to Town Council review and consideration, the Shore Protection Board will discuss and recommend actions for the following notable items in 2020:

- FY 2021 Coastal Management Program Budget, including Groin Rehabilitation;
- Permitting/implementation of a shoreline solution for Breakers/Clarke/Mid-Town area;
- Continued considerations for Reach 8 following USACE issuance of a Record of Decision and Town receipt of State and Federal permits;
- Receipt of a resiliency implementation plan to include actions to be taken along both the ocean and lagoon sides;
- Continued project monitoring of Mid-Town and Phipps and continued Townwide physical, biological, sea turtle nesting, and shorebird nesting monitoring in accordance with the BMA; and
- Coordination between beach raking and volunteer beach cleanups.

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, P.E., Director of Public Works
Patricia Strayer, P.E., Town Engineer

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Town-wide Undergrounding Project
Steven Stern, Project Manager
TIME CERTAIN: 2:00 P.M.
a. Review of Project and Status Summary

Time Certain
2:00 P.M.

Presenter

ATTACHMENTS:

- **Project and Status Summary**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

To: Mayor & Town Council

Via: Kirk W. Blouin, Town Manager

From: **Steven Stern, Underground Utilities Project Manager**

Re: Utility Undergrounding Project Status Report

Date: November 26, 2019

I. Communications

Community Meetings:

- South Phases:
  Date TBD after start of Phase 2 South construction.

- North Phases: Coffee with the Crew & Town Staff
  Monday, December 2, 2019
  Next Meeting, January 2, 2020

Litigation Update:

Kosberg/Scharf Class Certification:
On November 26, 2019, the Class Certification was denied by Judge James Nutt, Circuit Court.

PBT Real Estate, LLC vs Town of Palm Beach:
We are still awaiting the plaintiff's appeal ruling of the Eleventh Circuit Court.

II. Progress Summary:

Construction progress:

Phase 1 South Construction:

- As of November 26th, the final 3 of 55 condominium buildings are pending FPL conversion from the overhead to the underground system. These remaining locations are planned to be completed during the week of December 3rd.
- Pole removal activities will begin after these remaining conversions are complete.

Phase 2 North Construction:

- Phase 2 North construction is 62% complete.
- ATT and Comcast wire pulls and pedestal sets continue.

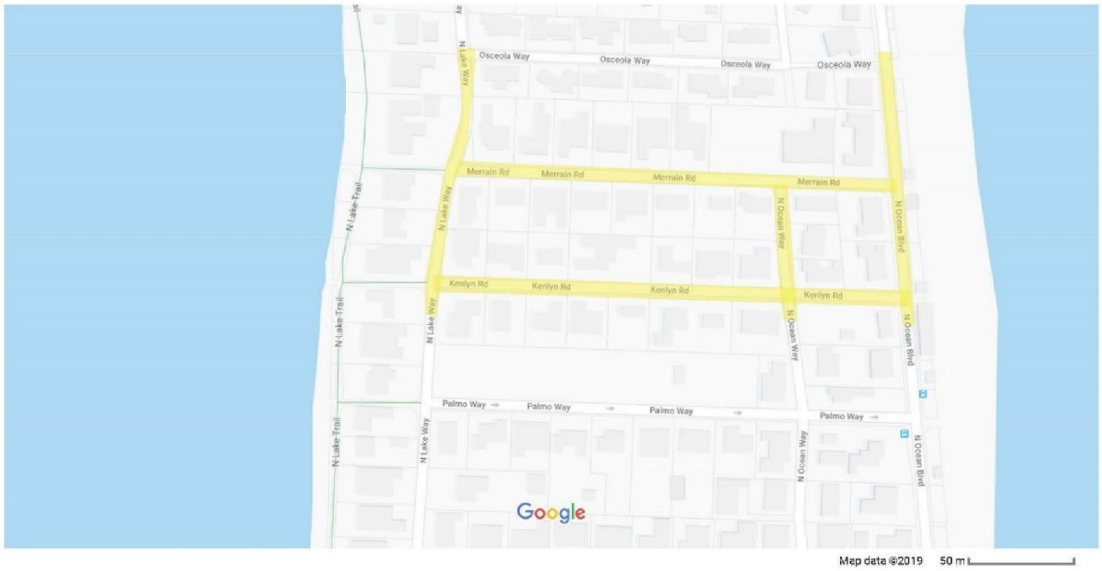
Phase 2 South Construction:

- Phase 2 South is transitioning to start of construction.

Phase 3 North Construction:

- Phase 3 North construction is 10% complete.
- The drilling crew are working within area #1, planned through end of 2019. Work area 1 is Merrain Road, Kenlyn Road and the adjacent north-south streets.

Phase 3 North / Work Area #1



Phase 3 South Construction:

- Bid package availability remains incomplete due to outstanding easements.

\

Design & Easement Progress:

Phase 2:

- Phase 2 South Design is 99% complete

Easement Status:

- Phase 2 South: 95% of easements recorded.

Phase 3:

- Phase 3 North Design is 98% complete
- Phase 3 South Design is 80% complete

Easement Status:

- Phase 3 North: 97% of easements approved.
  One final easement is desired but not secured. A chicane is planned to serve 4 homes on the far west end of Mockingbird Trail.

- Phase 3 South: 80% of easements approved.
  We are struggling to secure the remaining critical path easements along S. County Road and south of Worth Ave.

Phase 4:

- Phase 4 North Design is 65% complete
- Phase 4 South Design is 54% complete

Easement Status:

- Phase 4 North: 40% of easements approved
- Phase 4 South: 36% of easements approved

Phase 5:

- Phase 5 North Design is 33% complete
- Phase 5 South Design is 33% complete

Easement Status:

- Phase 5 North: Not Started
- Phase 5 South: Not Started

Phase 6:

- Phase 6 North Design is 1% complete
- Phase 6 South Design is 3% complete

Easement Status:

- Phase 6 North: Not Started
- Phase 6 South: Not Started

III. Financial Summary

The Undergrounding Utility Project Budget Summary within this month's report is updated to include the revised consulting engineer's Opinion of Probable Cost (OPC). The updated opinion is based on firm pricing and other actual costs realized through the first 25% of the Townwide program namely, Phases 1N, 1S, 2N, 2S & 3N . Using this information, the Town requested Kimley-Horn update the Opinion of Probable Cost for the overall Townwide program.

Mr. Kevin Schanen, P.E., Kimley-Horn, has provided the following memorandum describing the changes to the updated comprehensive program OPC in detail along with his presentation.

MEMORANDUM

To:	Steve Stern
From:	Kevin Schanen. P.E. Kimley-Horn and Associates, Inc.
Date:	November 27, 2019
Subject:	Master Plan Opinion of Probable Cost Update Process – Town-Wide Undergrounding of Utilities Program

Prior to the Town embarking on the current Undergrounding program, a Master Plan was prepared. The original Master Planning process included the development of an Opinion of Probable Cost for the overall Undergrounding program. Currently the Town has received firm pricing for five of the fifteen project phase areas including Phases 1 North, 1 South, 2 North, 2 South, and 3 North. Construction, Engineering, and Legal Costs for these phases total $31.1M which is approximately 13% above the current opinion of probable cost for the project. Based on this information, the Town requested that Kimley-Horn use this new information to update the opinion of probable cost for the overall program. The following is a description of the process Kimley-Horn performed to update the program costs.

1.0 Approach

The following elements were considered when updating the opinion of probable construction costs for each phase of the project:

- ***Use of cost information from the first five phase areas:*** Recent bid prices contained in the individual Guaranteed Maximum Price (GMP) for the first five phase areas were used to update the unit prices that were estimated in developing the original opinion of probable cost. These unit prices are based on the linear footage of overhead infrastructure to be converted underground in each phase.
- ***Use of a consistent unit cost application methodology:*** Since final detailed designs for the remainder of the program phases have not yet been completed, the updated unit prices were applied to the remaining phases based on the linear footage of overhead infrastructure that remains to be put underground in each phase. One exception to this is Phase 4 South. A preliminary design was received from FPL for this area and was quantified to better refine the unit costs in the Mid-Town area.

In general, much more information related to the program is available now than existed at the time of the master planning effort. This new information is being used to update the opinion of probable cost for the program.

2.0 Phase Area Line Item Unit Costs

Based on the actual unit prices and quantities received for the first five phase areas, our opinion of probable costs for each future phase area was updated. The total costs received for the first five phase areas were broken down into the following line items based on values contained in the individual GMPs and from invoices received by FPL, AT&T and Comcast. These costs were then divided by the length of overhead pole-line feet converted within each phase area and then averaged where appropriate to develop representative unit costs per pole-line foot converted that were applied to the future phase areas where design is not complete. A summary of each line item category outlined in the opinion of probable cost is below:

Line Item Category	***Unit Costs Included in the Line Item Category***
FPL Overhead to Underground Conversion	General Conditions related to electrical infrastructure installation (Mobilization, demobilization, Maintenance of Traffic, Bonds and Insurance, Pre-construction documentation, survey layout and record drawings), construction management fees, and installation of FPL provided conduit in Town right-of-way, cabling, and equipment
AT&T Overhead to Underground Conversion	General Conditions related to AT&T conduit and pull box installation (Mobilization, demobilization, Maintenance of Traffic, Bonds and Insurance, Pre-construction documentation, survey layout and record drawings), construction management fees, and installation of conduit in public Town right-of-way, vaults, and pull boxes
Comcast Overhead to Underground Conversion	General Conditions related to Comcast installation (Mobilization, demobilization, Maintenance of Traffic, Bonds and Insurance, Pre-construction documentation, survey layout and record drawings), construction management fees, and installation of conduit in Town right-of-way
Roadway and Private Property Restoration	Asphalt trench repair, sodding/grassing, bore pit repair, driveway restoration, equipment screening/landscaping, curb repair for conduit installation, right of way and private property restoration, construction management fees, and restoration after utility pole removal demolition
FPL Direct Cost	Provision of electrical infrastructure materials, “Make-ready” costs for transition to underground system, overhead infrastructure removal and demolition
ATT Direct Costs	Provision and installation of all AT&T equipment and cabling within Town installed conduits, service conversions, and removal of overhead AT&T infrastructure

Line Item Category	*Unit Costs Included in the Line Item Category*
Comcast Direct Cost	Provision and installation of all Comcast vaults, equipment and cabling within Town installed conduits, service conversions, and removal of overhead Comcast infrastructure
FPL Service Conduit	Installation of FPL provided service cable/conduit on private property
ATT/Comcast Service Conduit	Installation of ATT/Comcast service conduit in the right of way and on private property as applicable
Street Light Replacement Costs	Impacted street light replacement and street light electrical service installation
Engineering/Permitting/Surveying	Estimated fees for engineering design and survey, easement sketch and legal descriptions, and permitting fees
Construction Administration	Estimated fees for construction engineering observation and Town support during construction
Legal Fees	Legal fees for easement acquisitions

In addition to the above effort, because we have received preliminary design information for the Phase 4 South area, preliminary quantities were able to be developed for this phase. Unit cost information received in the individual GMPs were applied to these quantities to develop unit costs per pole-line-foot for Phase 4 South. These unit costs per pole-line-foot were applied to both Phases 4 South and 5 South because these areas are very similar.

3.0 Quantity Estimation

To develop reasonably accurate quantity estimates for each phase of construction, GIS shape files developed during the Master Plan process for roadways, parcels, existing overhead utility locations, and other infrastructure project information were imported into AutoCAD drafting software. Aerial photography imported into AutoCAD was used to confirm the accuracy of the GIS data. Based on this GIS and AutoCAD data, the following quantities were developed for each phase:

- Length of existing overhead utilities to be converted underground
- Number of parcels per phase
- Quantity of impacted street lights

4.0 Credits

The following credits have been considered in the updated opinion of probable cost.

- ***Florida Power and Light Government Adjustment Factor (GAF) Waiver Credit:*** In accordance with the FPL Tariff, the undergrounding program qualifies for a GAF waiver of 25%.

The GAF waiver credit amount has been estimated based on the average GAF waiver per pole-line-foot that the Town has received for the first five phases.

- ***FEMA Pre-Mitigation Grant:*** The Town was awarded a grant in the amount of approximately $8.5M by FEMA. This credit has been applied to Phase 5 as the funds are specifically earmarked for that phase. While future grants are a possibility, we have not included any additional grants in the credits.

5.0 Inflation and Program Contingency

The Construction Cost Index (CCI) as calculated by Engineering News Record was originally used to estimate an average inflation rate for this program. The CCI tracks the change in price for a specific combination of construction labor, steel, concrete, cement, and lumber using data from 20 Cities in the United states. The CCI is similar in concept to the well-known CPI (Consumer Price Index), which tracks the consumer prices for a representative base of goods and services for urban consumers, but is considered more reflective of the construction industry and construction labor rates.

The average yearly historical CCI's were updated to include publish information between September 2016 and October 2019. These values were added to the CCI's between January 1990 – August 2016 that were included in the original opinion of probable cost. The average percentage increase of construction costs during the time between January 1990 and October 2019, as well as the time between the years 2006 and 2019, was 3.1% per annum. This is 0.1% higher than what was contained in the original master plan opinion of cost. We did not feel this change was significant enough to warrant straying from the original rate of 3%. The primary reason behind this is that the slight increase is being completely driven by the inflation rate in 2017. This single year experienced the highest inflation rate since 2008 and we felt that this rapid increase has already been captured in the unit rates we received in the GMPs for the first five phases. For this reason, we felt that we have adequately captured the spike in costs and applied to them to future phases of the program.

It should be noted that inflation is difficult to accurately project into the future and historical trends are not necessarily indicative of future inflation rates. Month-to-month or year-to-year changes in inflation rates could be significantly more or less than the percentages assumed for this opinion of cost.

The original master plan opinion of probable cost carried a contingency of 5 percent on soft costs (Engineering / Legal) and 9.25% on construction costs (Construction / Utility Direct Costs). Based on the GMPs that have been received and the contingencies that have been carried by the Town for each of those phases ($200,000 per phase, or approximately 3%), we recommend that a contingency of 5% be carried forward for the phases that have not yet gone to bid.

6.0 Updated Opinion of Probable Costs

Based on the updates described in the previous sections, the updated opinion of probable cost is presented in the below table, broken down per phase.

TOWN OF PALM BEACH

Engineer's Conceptual Opinion of Probable Cost for Undergrounding - November 2019 Update

Individual Phase Opinion of Probable Cost Summary

Item No.	*Phase*	Phase Cost-- Today's dollars	Phase Cost -- Considering Inflation	Contingency	Total
2	***Phase 1 North***	$ 5,727,000	$ 5,727,000	$ -	$ 5,730,000
3	***Phase 1 South****	$ 7,180,000	$ 7,180,000	$ -	$ 7,180,000
4	***Phase 2 North***	$ 5,291,000	$ 5,291,000	$ 200,000	$ 5,490,000
5	***Phase 2 South***	$ 7,775,000	$ 7,775,000	$ 200,000	$ 7,980,000
6	***Phase 3 North***	$ 5,546,000	$ 5,546,000	$ 200,000	$ 5,750,000
7	***Phase 3 South***	$ 8,953,000	$ 9,198,000	$ 450,000	$ 9,650,000
8	***Phase 4 North***	$ 6,355,000	$ 6,528,000	$ 320,000	$ 6,850,000
9	***Phase 4 South***	$ 7,776,000	$ 7,987,000	$ 380,000	$ 8,370,000
10	***Phase 5 North***	$ 7,898,000	$ 8,337,000	$ 410,000	$ 8,750,000
11	***Phase 5 South***	$ 10,307,000	$ 10,882,000	$ 530,000	$ 11,410,000
12	***Phase 6 North***	$ 6,504,000	$ 7,037,000	$ 340,000	$ 7,380,000
13	***Phase 6 South***	$ 11,809,000	$ 12,799,000	$ 620,000	$ 13,420,000
14	***Phase 7 North***	$ 6,545,000	$ 7,367,000	$ 390,000	$ 7,760,000
15	***Phase 7 South***	$ 6,875,000	$ 7,738,000	$ 410,000	$ 8,150,000
16	***Phase 8***	$ 11,879,000	$ 13,771,000	$ 730,000	$ 14,500,000
	TOTAL	$ 116,400,000	$ 123,200,000	$ 5,180,000	$ 128,400,000
* Cost of Lake Worth Segment excluded from Phase 1 South since bond dollars cannot be spent in a municipality other than Palm Beach				**FEMA Grant**	$ (8,500,000)
				Total	**$ 119,900,000**

As is shown in the above table the total phase costs, exclusive of contingency and inflation, are approximately 13% higher than the current opinion of probable cost of $103.5M. While individual phases are affected in different ways based on the details of the approach described in the above sections, the overall phase costs are trending similarly to what has been experienced in the first five phase areas of the program.

7.0 Cost Drivers

Primary reasons why the updated opinion of probable cost is higher than the original master plan conceptual opinion of probable cost include the following:

- ***Construction Market Conditions***: The most significant cost driver is the state of the South Florida Construction market. Economic conditions are very good and contractors are very busy. There is a lot of work in the market and this is combining with a labor shortage which drives up construction costs.
- ***Increase in the Cost of Materials***: We have heard from both utility owners and contractors that metals, concrete, and asphalt prices have all risen. Comcast has told us directly that their cable and equipment costs have risen since the beginning of the program which will ultimately yield a $400K impact to the program for Comcast alone based on current projections.
- ***Final Easement Locations***: Initial equipment design is based on the most economical layout. During the easement process, the vast majority of the equipment is requested by property owners to be placed in locations that are less than ideal from a cost perspective. For example, switch equipment at the south end of Phase 3 North was moved south to a right of way location

because we could not secure easement space near the most economical location. This single move cost an additional $69,800 over the originally planned location. The relocation of easements must be accommodated or the project will require obtaining easements through an eminent domain proceeding.

The above three factors are the most significant contributors to the increase in costs over the original opinion of probable cost for the program. We believe that these three factors combine to create an approximate increase of $8M over the original opinion of cost, exclusive of inflation and contingency factors.

The factors below are less significant individually, but they combine to create an approximate increase of $5M over the original opinion of cost.

- ***AT&T Fiber***: The current opinion of probable cost considered the deployment of an AT&T Fiber system and associated conduit subsidies that AT&T had once offered. When AT&T withdrew this offer and the program reverted to the "like for like" copper system, there was a $1.7M cost impact to the program.
- ***Street Light Replacement***: Street lights were considered for replacement in the original opinion of cost **only** on the main arterial streets. The direction has since changed to replace all street lighting in the Town that is currently mounted to utility poles. This has a cost impact of approximately $500K.
- ***Vista Switches***: The original master plan contemplated a 90/10 ratio of standard versus Vista switches. The easement acquisition for switches has been particularly challenging because they require a large easement space. In many situations, space constraints and resident conditions have required the use of Vista's in lieu of standard switches. This has resulted in a 67/33 ratio of standard versus vista switches. We anticipate this trend will continue which we project will have a $425K impact to the program.
- ***Easement Acquisition/Legal Costs***. Easement acquisition costs are trending about 20% higher than originally anticipated by the original opinion of probable cost. This is largely due to the number of property owners we need to reach and the number of times we need to start over when an easement is denied by a property owner. There has been no reliable way to predict exactly how any phase will go with regards to easement acquisition. We have seen a fair bit of uniqueness to the communities between the phases with easement acquisition in some areas being harder than in others. There is good news in that acquisition processes are improving, and costs today are far lower than what they were in Phase 1. We project the increase in acquisition costs will have an approximate impact of $700K to the program.
- ***Easement Abandonment:*** Related to easement acquisition is the recent decision to fund the abandonment process for rear easements where the property owner has granted a new easement for the program. These costs were not included in the original opinion of probable construction cost and have a $220K impact to the program.
- ***Landscaping***: The original opinion of probable construction cost considered only providing small shrubs on one side of the transformer that faced the right of way. To finalize easements with property owners, or satisfy individual demands, we have needed to provide more plantings than originally anticipated. We project this will result in an increase of $900K over the total program.

- ***Unmetered Services***: The original master plan contemplated that existing street lighting and traffic signals that are currently being paid for by the Town on an energy basis would continue in that fashion. FPL has recently indicated that a change in the tariff will now require a metered service entrance once these services are converted from the overhead system. We project this will result in an increase in costs between $100K to $300K.
- ***Non-Code Compliant Service Entrances***: The original opinion of probable construction cost excluded non-code compliant service entrance correction costs. At the time, the Town had taken the position that these costs would be borne by the property owner. However, in an effort to control the project schedule and complete the conversions in a timely manner the Town has elected to perform this work when it arises. This has not been an extensive problem as we have come across only three of these situations in the first five phases. However, correcting service entrance issues can be expensive, especially in the commercial areas. Costs associated with this have ranged from $3K to $20K per location.
- ***Three-Phase to Single-Phase Conversions***: We have come across several homes that have three-phase service but do not necessarily need three phase service. Property owners in a number of these locations have said they would be willing to grant an easement for a single-phase transformer but not a three-phase transformer. When we run out of options to place a three-phase transformer in the area, a three-phase to single-phase conversion is our option of last resort. Costs related to these conversions generally range between $3,000 and $11,000 per location depending on the how extensive the conversion.

Opinion of Probable Cost Update

- Background
- Updated Opinion of Probable Cost
- Cost Drivers

Program Costs to Date

Current Program Cost Comparison			
Phase Areas	Current OPC	Actual Costs	Variance
Phases 1N, 1S, 2N, 2S, 3N	$27.5M	$31.1M	13%

Opinion of Probable Cost Update

Updated Opinion of Probable Cost Summary	
Program Costs (Today's Dollars)	**$116,400,000**
Contingency	**$5,200,000**
Inflation (Projected)	**$6,800,000**
Grant Funding (Rounded)	**($8,500,000)**
Total Program Costs (Rounded)	**$119,900,000**

Opinion of Probable Cost Update

Cost Drivers

- Construction Market Conditions
- Material price increases
- Final Easement Locations
- AT&T Fiber
- Street Lighting
- Unmetered Services
- Vista Switches
- Easement Acquisition
- Easement Abandonment
- Landscaping
- Non-Code Compliant Service Entrances
- Three-Phase conversions

Questions?

Underground Utility Project
Monthly Progress Report
December 2019

Table of Contents

Dashboard – Phase 1, 2, 3 Construction and Phase 2, 3, 4, 5, 6 Design

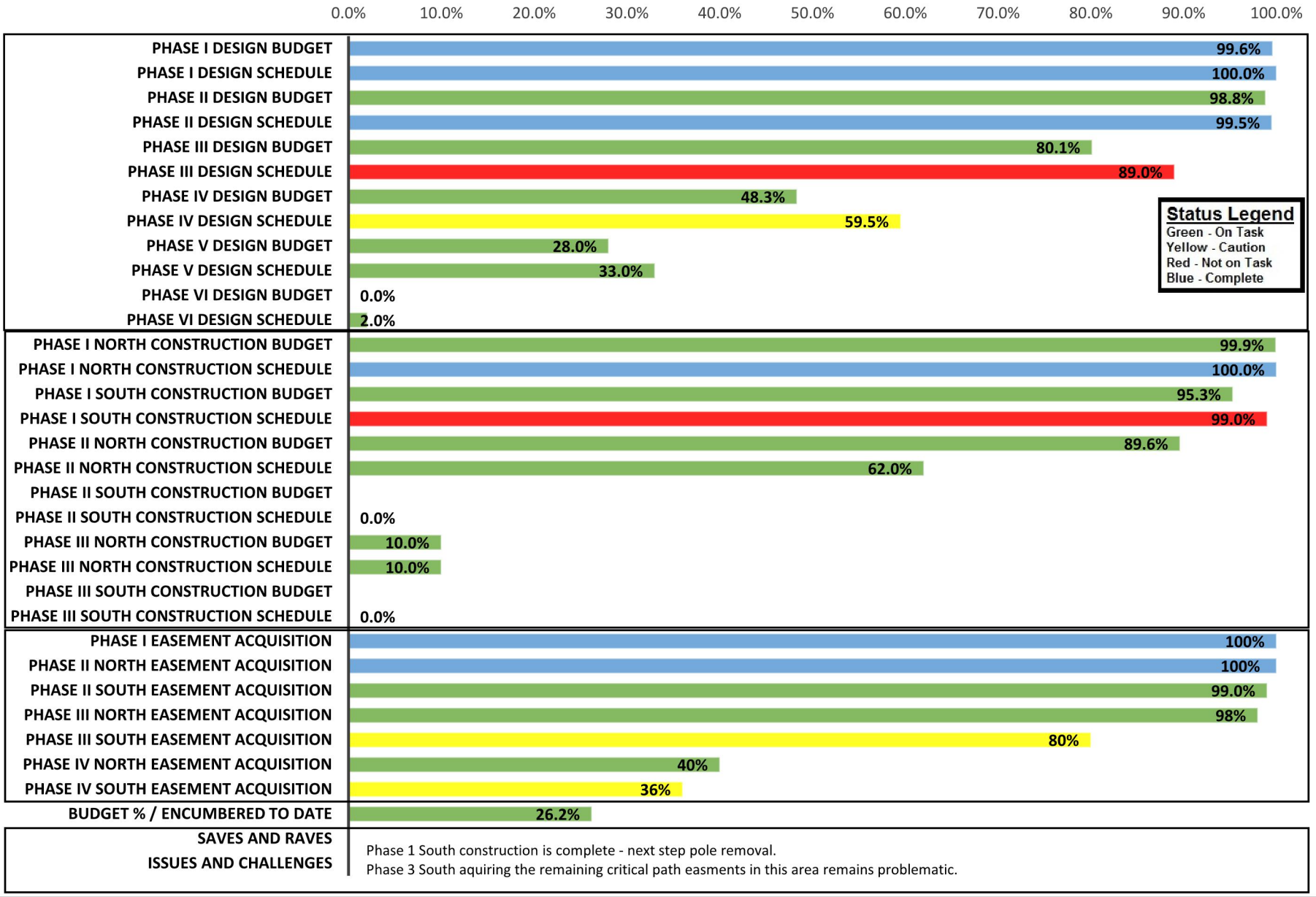
1. Townwide Undergrounding - Phasing & Sequencing Program Map
2. Kimley-Horn - Design Progress Reports - Phase 2 - 6
3. Kimley-Horn - Design Phase 2 - 6 Gantt Charts
4. Burkhardt - Executive Summary & Schedule – Phase 2N & 3N
5. Whiting Turner - Executive Summary & Schedule – Phase 1S
6. Project Financial Report
7. Interest Rate Forecast

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of $119.9 million.

Prepared by the TMO & Finance Departments
November 26, 2019

Town of Palm Beach - Underground Utility Project Dashboard - Dec '19



Phasing and Sequencing



Town-Wide Undergrounding - Phase 2 Design
KHA Project #044063202
November 2019 Progress Report
Period: October 20, 2019 to November 21, 2019

I. Scope Update

A. General
- Schedule: Project schedule progress is shown below.
  - Phase 2 North Design is 100% complete
  - Phase 2 South Design is 99% complete
- Budget: Project is on budget as of October 15, 2018
  - Phase 2 North Design is at 99% of total task budget
  - Phase 2 South Design at 99% of total task budget
- Easement Status
  - Phase 2 North: 100% of easements approved
  - Phase 2 South: 95% of easements approved

B. Detailed Design Phase
- Continued coordination with Comcast, AT&T and FPL to finalize Network Design Plans for Phase 2 South.
- Continued resident coordination for easement acquisition in Phase 2 South.
- Conduct and attend Design Progress Meeting and develop/distribute Meeting Minutes
- Completed the Phase 2 South GMP development process
- Attendance at Progress Meeting with Town and Utility Owners
- Attendance at Subconsultant Coordination Meetings

II. Upcoming Activities (November 22, 2019 – December 21, 2019)

A. Detailed Design Phase
- Continue resident meetings/conference calls to discuss easements in Phase 2 South.
- Progress Meeting Attendance.

Kimley»Horn

Town-Wide Undergrounding - Phase 3 Undergrounding
KHA Project #044063215
November 2019 Progress Report
Period: October 20, 2019 to November 22, 2019

I. Scope Update

A. General
- Schedule: Project schedule progress is shown below.
  - Phase 3 North Design is 98% complete *
  - Phase 3 South Design is 80% complete *
- Budget: Project is on budget as of October 15, 2019
  - Phase 3 North Design is at 93% of total task budget
  - Phase 3 South Design at 83% of total task budget
- Easement Status
  - Phase 3 North: 97% of easements approved
  - Phase 3 South: 80% of easements approved

* Phase 3 South is currently behind schedule.

B. Detailed Design Phase
- Continued Subconsultant/utility owner coordination
- Continued Progress on development of Bid Plans for Phase 3 South.
- Continued review and comment on FPL, ATT and Comcast Design Plans
- Received, reviewed and met with ATT and Comcast regarding the Phase 3 South area to coordinate the design and provide updates based on easement progress.
- Progress Meeting Attendance.
- Progress on Phase 3 South Landscape plans.
- Continued development of Phase 3 North and South easement exhibits and submittal to Town.
- Site meetings with property owners to discuss easement requests in Phase 3 North and South.
- Development of legal sketches and descriptions for Phases 3 North and South.
- Meetings with Town to discuss program status
- Meetings with Everglades Club to discuss easement needs

II. Upcoming Activities (November 23, 2019 – December 22, 2019)

A. Detailed Design Phase
- Continued Subconsultant/utility owner coordination
- Continued Progress on development of Bid Plans for Phase 3 South.
- Continued Easement meetings with property owners – Phases 3 North and South
- Continued coordination with FPL, AT&T and Comcast to complete the Phase 3 South design
- Progress Meeting Attendance

Kimley»Horn

Town-Wide Undergrounding - Phase 4 Undergrounding
KHA Project #044063219
November 2019 Progress Report
Period: October 20, 2018 to November 22, 2019

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
  - Phase 4 North Design is 65% complete
  - Phase 4 South Design is 54% complete
- Budget: Project is on budget as of September 15, 2019
  - Phase 4 North Design is at 61% of total task budget
  - Phase 4 South Design at 53% of total task budget
- Easement Status
  - Phase 4 North: 40% of easements approved
  - Phase 4 South: 36% of easements approved.

B. Detailed Design Phase

- Subconsultant coordination related to Phase 4 Undergrounding
- Completion of soft dig field utility investigation in Phase 4 South.
- Continued coordination with utility owners to receive design information.
- Continued development of Equipment Locations and Conduit Plans for Phase 4 North and South.
- Performed field work to obtain information for equipment placement based on easement meetings with property owners.
- Review of FPL and AT&T Conduit and Equipment Plans, coordination with FPL and AT&T regarding design modifications.
- Development and delivery of easement exhibits to the Town for Phases 4 North and South.
- Progress Meeting Attendance
- Site visits and meetings with property owners to discuss easement requests

II. Upcoming Activities (November 23, 2019 – December 22, 2019)

A. Detailed Design Phase

- Continued coordination with utility owners to refine the design.
- Review Comcast design for Phase 4 South.
- Continued development and submittal of easement exhibits for Phases 4 North and South.
- Continued development of Equipment Location and Conduit Plans for Phases 4 North and South.
- Meetings with property owners to discuss easement requests.
- Progress Meeting attendance.

Kimley»Horn

Town-Wide Undergrounding - Phase 5 Undergrounding
KHA Project #044063229
November 2019 Progress Report
Period: October 26, 2019 to November 25, 2019

I. Scope Update

A. General
- Schedule: Project schedule progress is shown below
  - Phase 5 North Design is 33% complete
  - Phase 5 South Design is 33% complete
- Budget: Project is on budget as of November 15, 2019
  - Phase 5 North Design is at 23% of total task budget
  - Phase 5 South Design is at 24% of total task budget
- Easement Status
  - Phase 5: N/A, will provide status when this work begins

B. Detailed Design Phase
- Awaiting preliminary equipment locations from FPL
- Coordinated with utility companies, sub-consultants, and Town
- Led coordination meetings with sub-consultants

II. Upcoming Activities (November 26, 2019 – December 25, 2019)

A. Detailed Design Phase
- Await preliminary equipment locations from FPL
- Develop equipment location plans
- Coordinate with utility companies, sub-consultants, and Town
- Lead coordination meetings with sub-consultants

Town-Wide Undergrounding - Phase 6 Undergrounding
KHA Project #044063247
November 2019 Progress Report
Period: October 26, 2019 to November 25, 2019

I. Scope Update

A. General
- Schedule: Project schedule progress is shown below
  - Phase 6 North Design is 1% complete
  - Phase 6 South Design is 3% complete
- Budget: Project is on budget as of November 15, 2019
  - Phase 6 North Design is at 1% of total task budget
  - Phase 6 South Design is at 2% of total task budget
- Easement Status
  - Phase 6: N/A, will provide status when this work begins

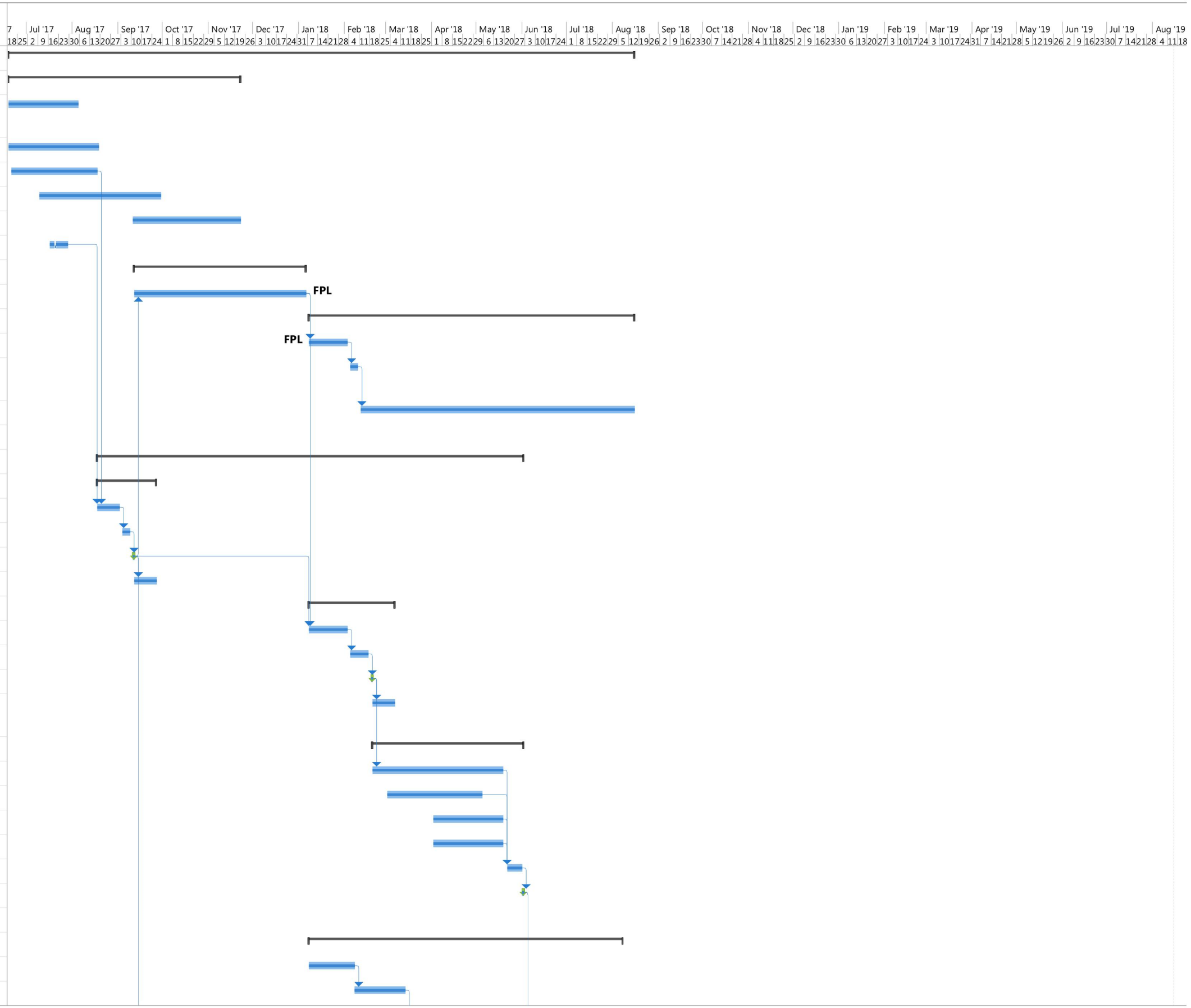
B. Detailed Design Phase
- Surveyed project sites
- Located electric meters
- Coordinated with utility companies, sub-consultants, and Town
- Led coordination meetings with sub-consultants

II. Upcoming Activities (November 26, 2019 – December 25, 2019)

A. Detailed Design Phase
- Survey project sites
- Locate electric meters
- Research existing easements
- Coordinate with utility companies, sub-consultants, and Town
- Lead coordination meetings with sub-consultants

TCM Backup 12-10-19

ID	Task Name	Start	Finish
1	**Detailed Design North End (Phase 2 North)**	**Mo 1/1/1**	**Wed 1/1/1**
2	**Data Collection**	**Mo 1/1/1**	**Wed 11/1/1**
3	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17
4	Collect/Analyze record information	Mon 6/19/17	Fri 8/18/17
5	Site Survey	Wed 6/21/17	Thu 8/17/17
6	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17
7	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17
8	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17
9	**Utility Preliminary Design**	**e 1/1/1**	**r1/1/1**
10	FPL Provision of Preliminary Equipment Locations	Tue 9/12/17	Fri 1/5/18
11	**Easement Coordination**	**Mo 1/1/1**	**Wed 1/1/1**
12	Determine Easement Needs and Locations	Mon 1/8/18	Fri 2/2/18
13	Send Easement Request Letters to Property Owners	Mon 2/5/18	Fri 2/9/18
14	Procure Easements and Follow up	Mon 2/12/18	Wed 8/15/18
15			
16	**Construction Documents**	**r1/1/1**	**r1/1/1**
17	**Utility Base Mapping**	**r1/1/1**	**e 1/1/1**
18	Utility Base Map Development	Fri 8/18/17	Fri 9/1/17
19	Utility Base Map Internal QC	Mon 9/4/17	Fri 9/8/17
20	Utility Base Map Town/Utility Owner Submittal	Mon 9/11/17	Mon 9/11/17
21	Utility Base Map Town Review and Comment	Tue 9/12/17	Tue 9/26/17
22	**Equipment Location Plan Development**	**Mo 1/1/1**	**e 3/1/1**
23	Equipment Location Plan Development	Mon 1/8/18	Fri 2/2/18
24	Equipment Location Plan Internal QC	Mon 2/5/18	Fri 2/16/18
25	Equipment Location Plan Town Submittal	Mon 2/19/18	Mon 2/19/18
26	Equipment Location Plan Town Review and Comment	Tue 2/20/18	Tue 3/6/18
27	**Conduit Routing Plan Development**	**e 1/1/1**	**r1/1/1**
28	Conduit Routing Plan Development	Tue 2/20/18	Fri 5/18/18
29	Commercial/Customer Owned Services Design	Fri 3/2/18	Fri 5/4/18
30	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
31	Technical Specifications	Mon 4/2/18	Fri 5/18/18
32	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
33	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
34			
35	**Bid Phase - Phase 2 North**	**Mo 1/1/1**	**e 1/1/1**
36	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
37	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18

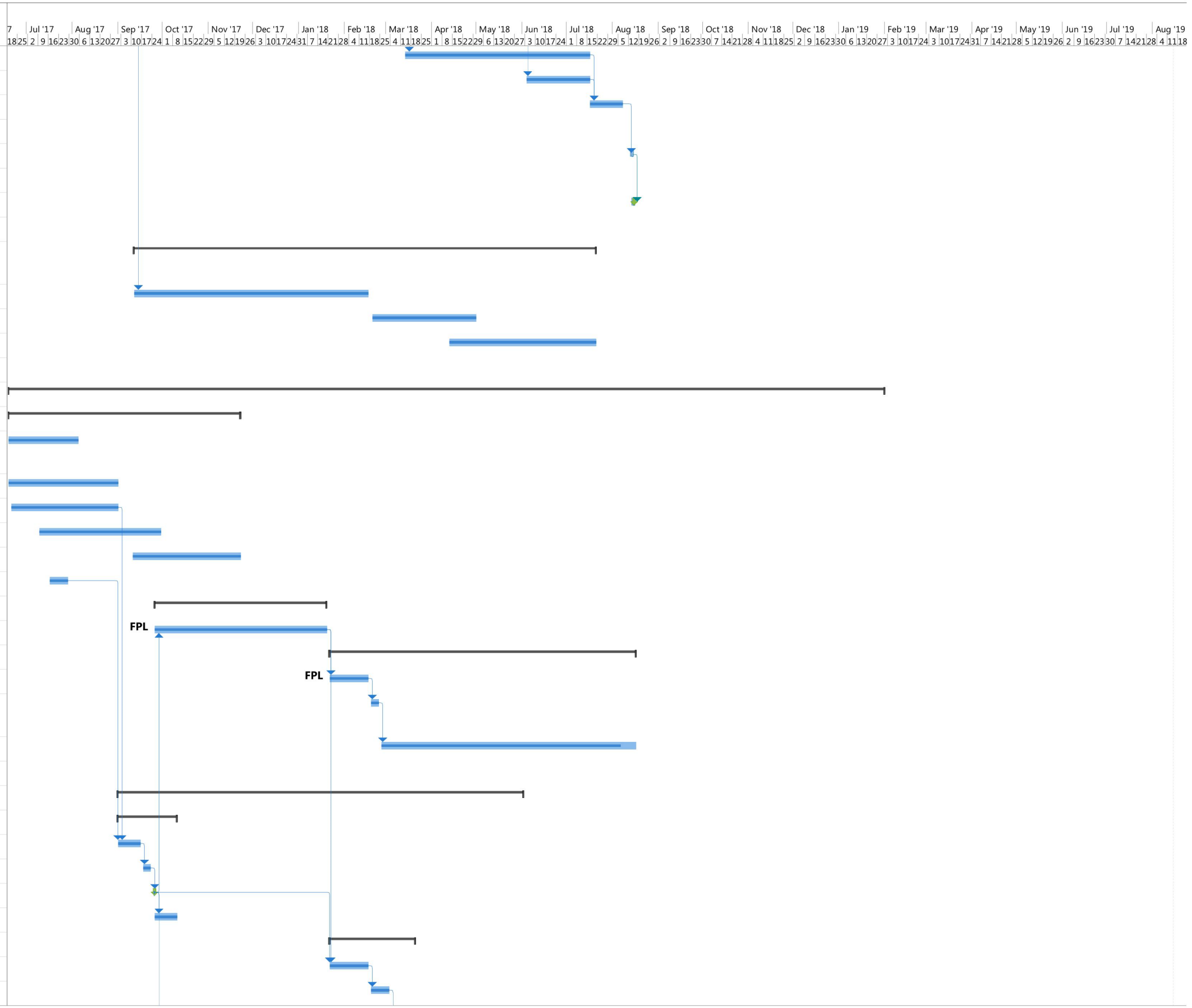


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Project: TOPB UG Ph 2 Designr
Date: Thu 11/21/19

Task | Milestone | Summary | Project Summary | Manual Task | Manual Summary | Deadline | Progress | Manual Progress

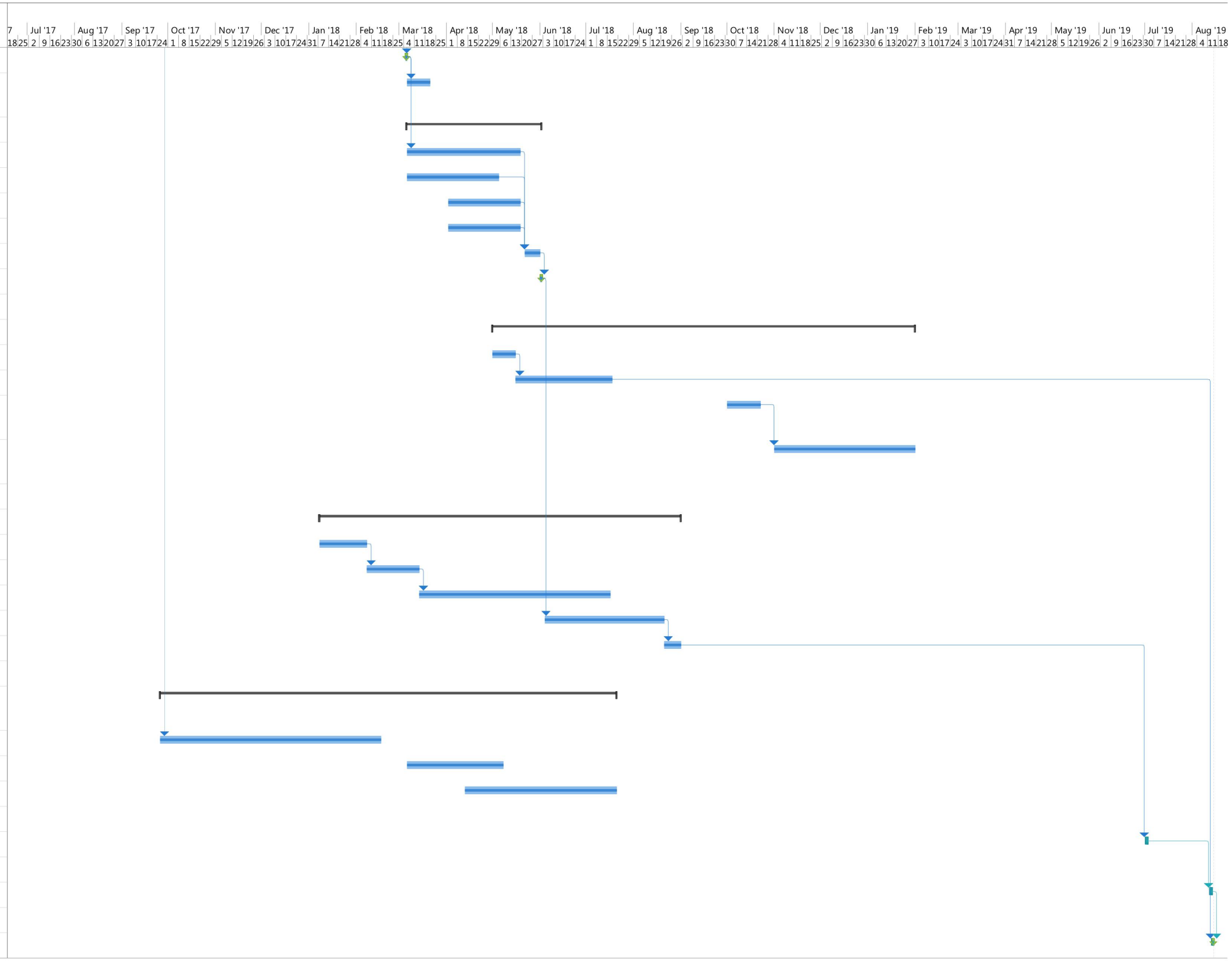
ID	Task Name	Start	Finish
38	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
39	Bidding/GMP Development	Mon 6/4/18	Mon 7/16/18
40	GMP review and Negotiation	Tue 7/17/18	Tue 8/7/18
41			
42	**Town Council Award (Phase 2 North)**	Tue 8/14/18	Tue 8/14/18
43			
44	**Start Construction (Phase 2 North)**	Wed 8/15/18	Wed 8/15/18
45	<New Task>		
46	**Utility Design and BCE Development - Phase 2 North**	**□□e □/1□/1□**	**□r□□/□□/1□**
47	FPL Design and Preliminary Conduit Routing	Tue 9/12/17	Fri 2/16/18
48	AT&T and Comcast Design	Tue 2/20/18	Mon 4/30/18
49	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
50			
51	**Detailed Design South End (Phase 2 South)**	**Mo□ □/1□/1□**	**□h□ 1/31/1□**
52	**Data Collection**	**Mo□ □/1□/1□**	**Wed 11/□□/1□**
53	Sunshine One-Call Utility coordination and letter request for record data	Mon 6/19/17	Fri 8/4/17
54	Collect/Analyze record information	Mon 6/19/17	Thu 8/31/17
55	Site Survey	Wed 6/21/17	Thu 8/31/17
56	Geotechnical Investigation	Mon 7/10/17	Fri 9/29/17
57	Soft Dig Utility Locates	Mon 9/11/17	Wed 11/22/17
58	Site Visit / Determine meter locations	Mon 7/17/17	Fri 7/28/17
59	**Utility Preliminary Design**	**□□e □/□□/1□**	**□r□1/1□/1□**
60	FPL Provision of Preliminary Equipment Locations	Tue 9/26/17	Fri 1/19/18
61	**Easement Coordination**	**Mo□ 1/□□/1□**	**□h□ □/1□/1□**
62	Determine Easement Needs and Locations	Mon 1/22/18	Fri 2/16/18
63	Send Easement Request Letters to Property Owners	Mon 2/19/18	Fri 2/23/18
64	Procure Easements and Follow up	Mon 2/26/18	Thu 8/16/18
65			
66	**Construction Documents**	**□r□□/1/1□**	**□r□□/1/1□**
67	**Utility Base Mapping**	**□r□□/1/1□**	**□□e 1□/1□/1□**
68	Utility Base Map Development	Fri 9/1/17	Fri 9/15/17
69	Utility Base Map Internal QC	Mon 9/18/17	Fri 9/22/17
70	Utility Base Map Town/Utility Owner Submittal	Mon 9/25/17	Mon 9/25/17
71	Utility Base Map Town Review and Comment	Tue 9/26/17	Tue 10/10/17
72	**Equipment Location Plan Development**	**Mo□ 1/□□/1□**	**□□e 3/□□/1□**
73	Equipment Location Plan Development	Mon 1/22/18	Fri 2/16/18
74	Equipment Location Plan Internal QC	Mon 2/19/18	Fri 3/2/18



Project: TOPB UG Ph 2 Designr
Date: Thu 11/21/19

Task | Milestone | Summary | Project Summary | Manual Task | Manual Summary | Deadline | Progress | Manual Progress

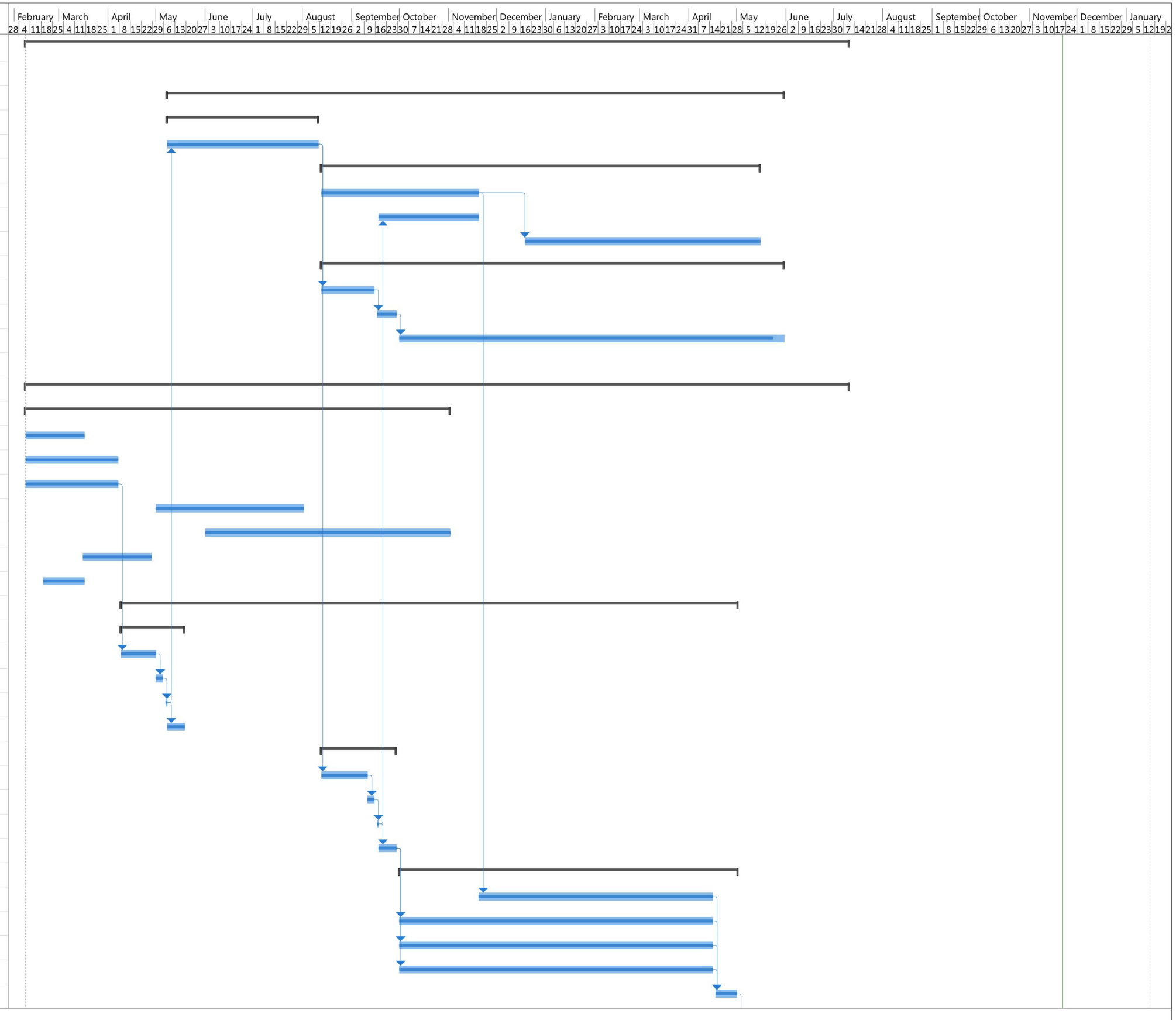
ID	Task Name	Start	Finish
75	Equipment Location Plan Town Submittal	Mon 3/5/18	Mon 3/5/18
76	Equipment Location Plan Town Review and Comment	Tue 3/6/18	Tue 3/20/18
77	**Conduit Routing Plan Development**	**□□e 3/□/1□**	**□r□□/1/1□**
78	Conduit Routing Plan Development	Tue 3/6/18	Fri 5/18/18
79	Commercial/Customer Owned Services Design	Tue 3/6/18	Fri 5/4/18
80	Landscaping Plans	Mon 4/2/18	Fri 5/18/18
81	Technical Specifications	Mon 4/2/18	Fri 5/18/18
82	Conduit Routing Plan Internal QC	Tue 5/22/18	Thu 5/31/18
83	Conduit Routing Plan Town Submittal	Fri 6/1/18	Fri 6/1/18
84			
85	**Permitting Assistance - Phase 2 South**	**□□e □/1/1□**	**□h□ 1/31/1□**
86	FDOT Utility Permit application	Tue 5/1/18	Tue 5/15/18
87	FDOT Permit Application Review Process	Wed 5/16/18	Tue 7/17/18
88	FDOT Landscape Permit and Construction Agreement/MMOA	Mon 10/1/18	Mon 10/22/18
89	FDOT Landscape Permit and Construction Agreement/MMOA Review Process	Thu 11/1/18	Thu 1/31/19
90			
91	**Bid Phase - Phase 2 South**	**Mo□ 1/□/1□**	**□r□□/31/1□**
92	Advertisement for CMAR Procurement	Mon 1/8/18	Wed 2/7/18
93	CMAR Recommendation and Award	Thu 2/8/18	Tue 3/13/18
94	Pre-Construction Services	Wed 3/14/18	Mon 7/16/18
95	Bidding/GMP Development	Mon 6/4/18	Mon 8/20/18
96	GMP review and Negotiation	Tue 8/21/18	Fri 8/31/18
97	<New Task>		
98	**Utility Design and BCE Development - Phase 2 South**	**□□e □/□□/1□**	**□r□□/□□/1□**
99	FPL Design and Preliminary Conduit Routing	Tue 9/26/17	Fri 2/16/18
100	AT&T and Comcast Design	Tue 3/6/18	Mon 5/7/18
101	Utility Agreement and BCE Development	Fri 4/13/18	Fri 7/20/18
102			
103	**UUTF Bid Award Review (Phase 2 South)**	Tue 7/2/19	Tue 7/2/19
104			
105	**Town Council Award (Phase 2 South)**	Tue 8/13/19	Tue 8/13/19
106			
107	**Start Construction (Phase 2 South)**	Wed 8/14/19	Wed 8/14/19



Project: TOPB UG Ph 2 Designr
Date: Thu 11/21/19

Task | Milestone | Summary | Project Summary | Manual Task | Manual Summary | Deadline | Progress | Manual Progress

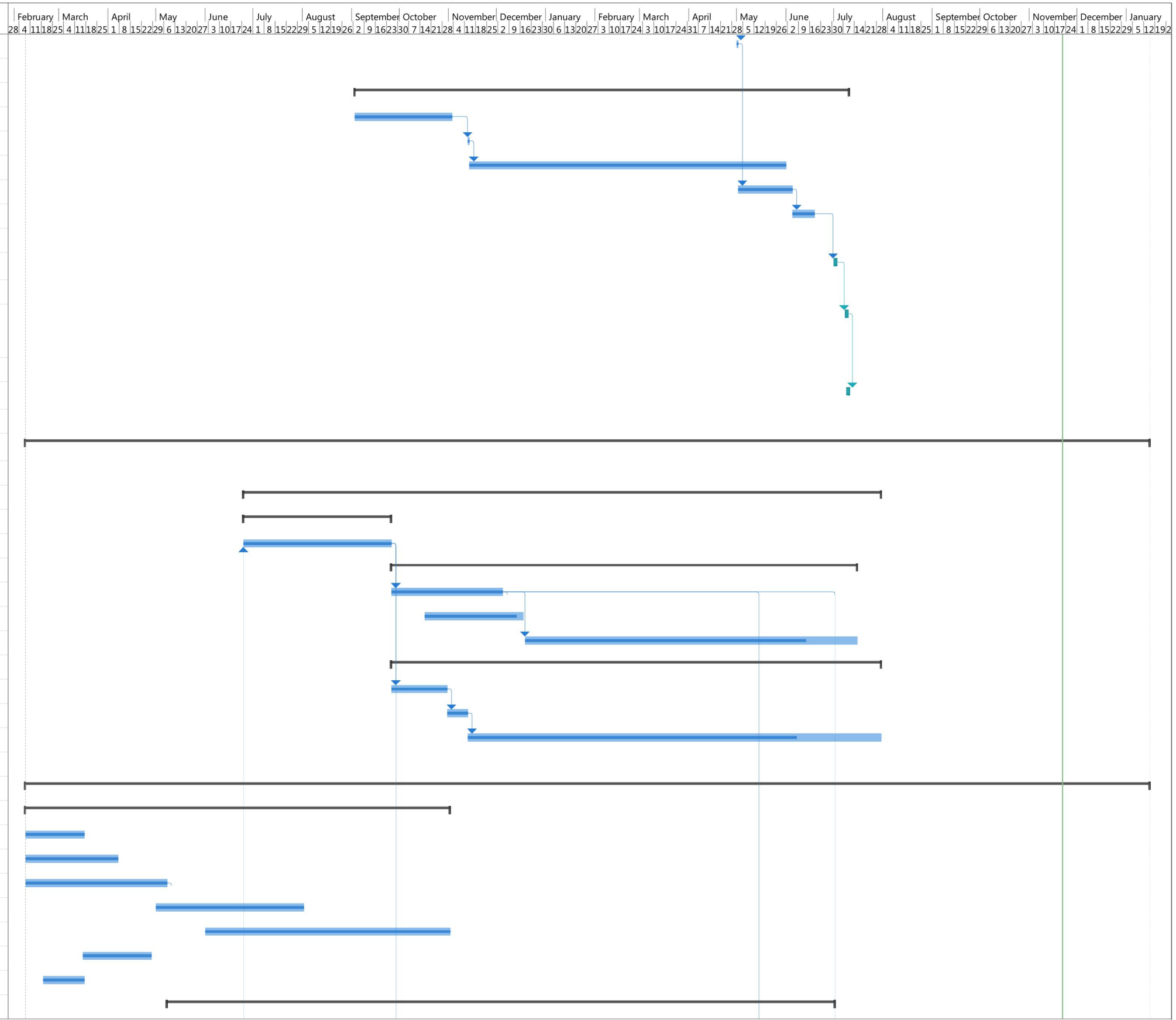
ID	Task Name	Start	Finish
1	**[illegible] Phase 3 North**	**[illegible]**	**Wed [illegible]**
2			
3	**[illegible] Activities [illegible] Outside Resources**	**[illegible]**	**[illegible]**
4	**[illegible] Prel[illegible] [illegible]**	**[illegible]**	**[illegible]**
5	*FPL Provision of Preliminary Equipment Locations*	Tue 5/8/18	Fri 8/10/18
6	**[illegible] [illegible] and [illegible]**	**Mo[illegible]**	**Wed [illegible]**
7	*FPL Design and Preliminary Conduit Routing*	Mon 8/13/18	Mon 11/19/18
8	*AT&T and Comcast Design*	Tue 9/18/18	Mon 11/19/18
9	*Utility Agreement, BCE Development and Final FPL Design*	Wed 12/19/18	Wed 5/15/19
10	**[illegible]**	**Mo[illegible]**	**[illegible]**
11	*Determine Easement Needs and Locations*	Mon 8/13/18	Fri 9/14/18
12	*Send Easement Request Letters to Property Owners*	Mon 9/17/18	Fri 9/28/18
13	*Procure Easements and Follow up*	Mon 10/1/18	Thu 5/30/19
14			
15	**[illegible] Activities [illegible] Other Resources**	**[illegible]**	**Wed [illegible]**
16	**[illegible]**	**[illegible]**	**[illegible] 11/1/1[illegible]**
17	*Sunshine One-Call, Utility Coordination and Letter Request*	Thu 2/8/18	Fri 3/16/18
18	*Collect/Analyze Record Information*	Thu 2/8/18	Fri 4/6/18
19	*Site Survey*	Thu 2/8/18	Fri 4/6/18
20	*Geotechnical Investigation*	Tue 5/1/18	Wed 8/1/18
21	*Soft Dig Utility Locates*	Fri 6/1/18	Thu 11/1/18
22	*Site Visit / Determine Meter Locations*	Fri 3/16/18	Fri 4/27/18
23	*Existing Easement Research*	Mon 2/19/18	Fri 3/16/18
24	**[illegible] [illegible]**	**Mo[illegible]**	**Wed [illegible]**
25	***Utility Base Mapping***	**Mo[illegible]**	**[illegible]**
26	*Utility Base Map Development*	Mon 4/9/18	Mon 4/30/18
27	*Utility Base Map Internal QC*	Tue 5/1/18	Fri 5/4/18
28	*Utility Base Map Town/Utility Owner Submittal*	Mon 5/7/18	Mon 5/7/18
29	*Utility Base Map Town Review and Comment*	Tue 5/8/18	Fri 5/18/18
30	***Equipment Location Plan Development***	**Mo[illegible]**	**[illegible]**
31	*Equipment Location Plan Development*	Mon 8/13/18	Mon 9/10/18
32	*Equipment Location Plan Plan Internal QC*	Tue 9/11/18	Fri 9/14/18
33	*Equipment Location Plan Town Submittal*	Mon 9/17/18	Mon 9/17/18
34	*Equipment Location Plan Town Review and Comment*	Tue 9/18/18	Fri 9/28/18
35	**[illegible] [illegible] Plan [illegible]**	**Mo[illegible]**	**Wed [illegible]**
36	*Conduit Routing Plan Development*	Tue 11/20/18	Mon 4/15/19
37	*Commercial/Customer Owned Service Design*	Mon 10/1/18	Mon 4/15/19
38	*Landscaping Plans*	Mon 10/1/18	Mon 4/15/19
39	*Technical Specifications*	Mon 10/1/18	Mon 4/15/19
40	*Conduit Routing Plan Internal QC*	Thu 4/18/19	Tue 4/30/19



Project: Phase 3 Detailed Desig
Date: Fri 11/22/19

Task	Summary	Inactive Milestone	Duration-only	Start-only	External Milestone	Manual Progress	
Split	Project Summary	Inactive Summary	Manual Summary Rollup	Finish-only	Deadline		
Milestone	Inactive Task	Manual Task	Manual Summary	External Tasks	Progress		

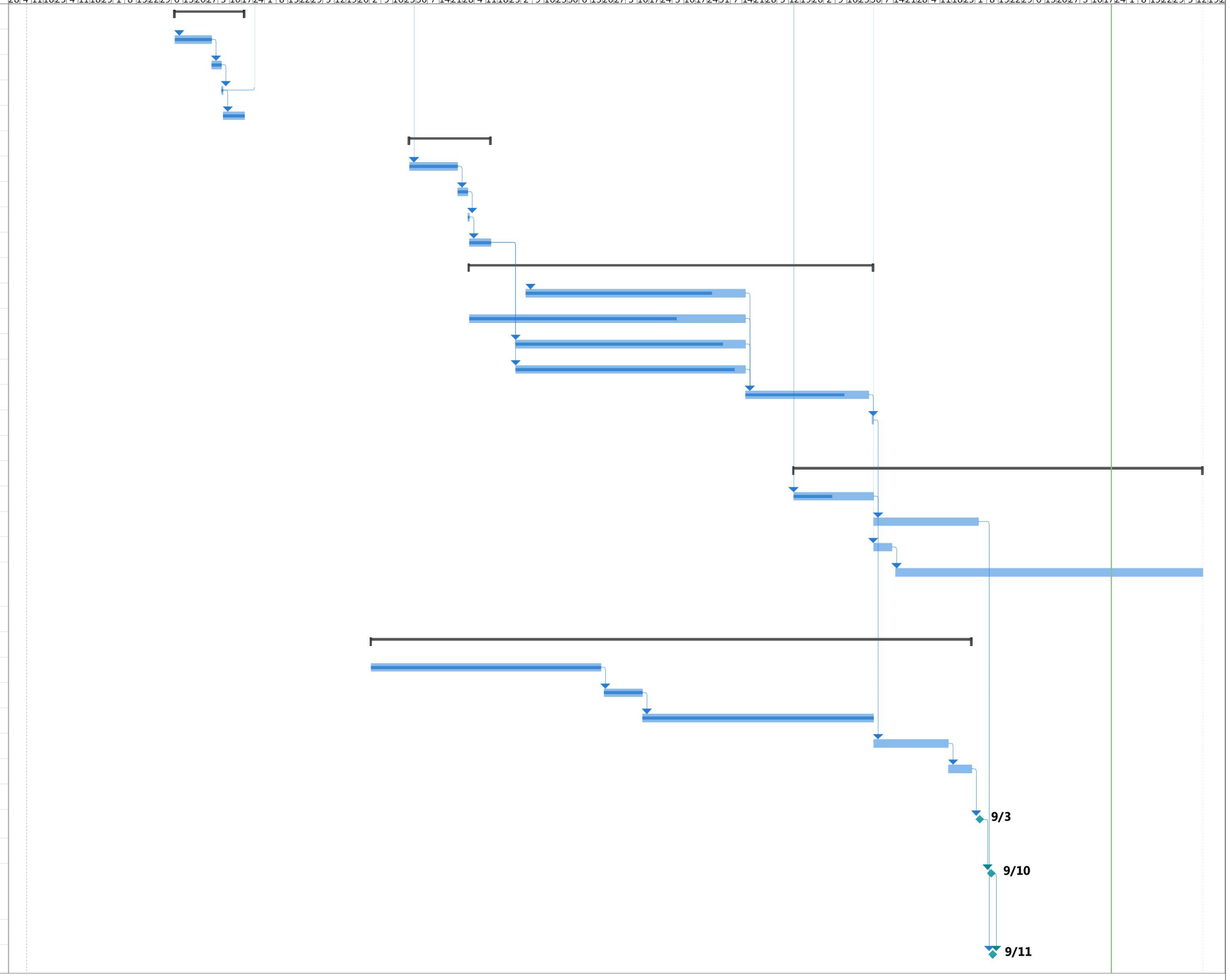
ID	Task Name	Start	Finish
41	*Conduit Routing Plan Town/CMAR Submittal*	Wed 5/1/19	Wed 5/1/19
42			
43	**□□d Phase □Phase 3 North**	**Mo□ □/3/1□**	**Wed □/1□/1□**
44	CMAR Procurement	Mon 9/3/18	Fri 11/2/18
45	CMAR Recommendation and Award	Tue 11/13/18	Tue 11/13/18
46	Pre-Construction Services	Wed 11/14/18	Fri 5/31/19
47	Bidding/GMP Development	Thu 5/2/19	Tue 6/4/19
48	GMP Review/Negotiation	Wed 6/5/19	Tue 6/18/19
49			
50	**□ □ □□ □MP □e□□e□ □Phases 3 North a□d □o□th□**	Tue 7/2/19	Tue 7/2/19
51			
52	**□o□ □ □o□□□□□ MP □e□□e□ a□d A□ ard □Phases 3 North a□d □o□th□**	Tue 7/9/19	Tue 7/9/19
53			
54	**□tart □o□str□□t□b□ □Phases 3 North a□d □o□th□**	Wed 7/10/19	Wed 7/10/19
55			
56	**□eta□□ed □es□□ □Phase 3 □o□th**	**□h□ □/□/1□**	**Wed 1/1□/□□**
57			
58	**□es□□ A□t□□□□es □□ □ts□de □eso□r□es**	**Mo□ □/□□/1□**	**□□e □/3□/1□**
59	**□t□□ Pre□□ □ar□ □es□□**	**Mo□ □/□□/1□**	**□□e □/□□/1□**
60	*FPL Provision of Preliminary Equipment Locations*	Mon 6/25/18	Tue 9/25/18
61	**□t□□ □es□□ a□d □□□ □e□eb□□ e□t**	**Wed □/□□/1□**	**Mo□ □/1□/1□**
62	*FPL Design and Preliminary Conduit Routing*	Wed 9/26/18	Tue 12/4/18
63	*AT&T and Comcast Design*	Wed 10/17/18	Mon 12/17/18
64	*Utility Agreement, BCE Development and Final FPL Design*	Wed 12/19/18	Mon 7/15/19
65	**□ase□ e□t □oord□□at□b□**	**Wed □/□□/1□**	**□□e □/3□/1□**
66	*Determine Easement Needs and Locations*	Wed 9/26/18	Tue 10/30/18
67	*Send Easement Request Letters to Property Owners*	Wed 10/31/18	Mon 11/12/18
68	*Procure Easements and Follow up*	Tue 11/13/18	Tue 7/30/19
69			
70	**□es□□ A□t□□□□es □□□□ □e□□□ or□ □eso□r□es**	**□h□ □/□/1□**	**Wed 1/1□/□□**
71	**□ata □o□□e□t□b□**	**□h□ □/□/1□**	**□h□ 11/1/1□**
72	*Sunshine One-Call, Utility Coordination and Letter Request*	Thu 2/8/18	Fri 3/16/18
73	*Collect/Analyze Record Information*	Thu 2/8/18	Fri 4/6/18
74	*Site Survey*	Thu 2/8/18	Mon 5/7/18
75	*Geotechnical Investigation*	Tue 5/1/18	Wed 8/1/18
76	*Soft Dig Utility Locates*	Fri 6/1/18	Thu 11/1/18
77	*Site Visit / Determine Meter Locations*	Fri 3/16/18	Fri 4/27/18
78	*Existing Easement Research*	Mon 2/19/18	Fri 3/16/18
79	**□o□str□□t□b□ □o□□□ e□ts**	**□□e □/□/1□**	**Mo□ □/1/1□**



Project: Phase 3 Detailed Desig
Date: Fri 11/22/19

Task	Summary	Inactive Milestone	Duration-only	Start-only	External Milestone	Manual Progress	
Split	Project Summary	Inactive Summary	Manual Summary Rollup	Finish-only	Deadline		
Milestone	Inactive Task	Manual Task	Manual Summary	External Tasks	Progress		

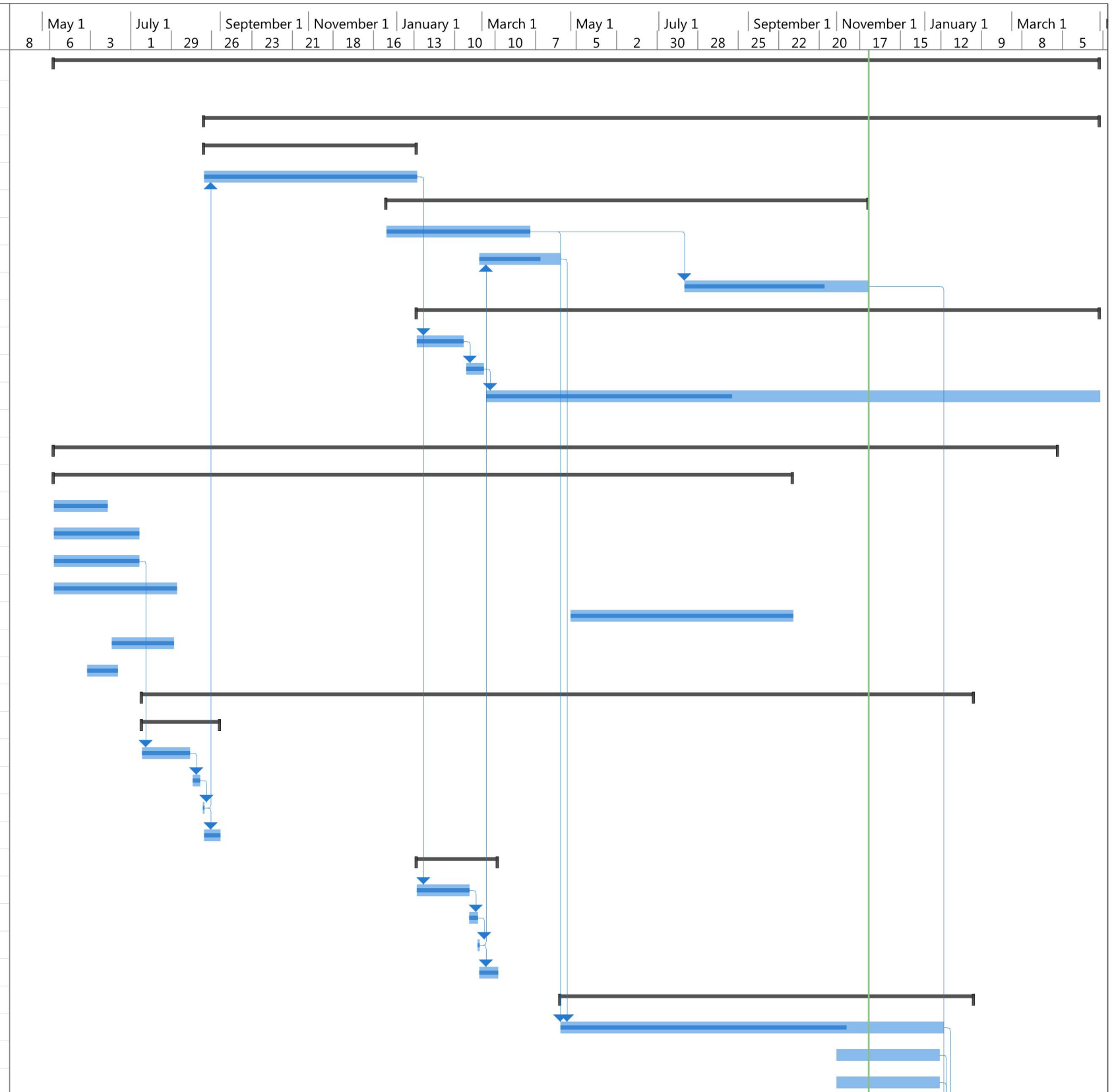
ID	Task Name	Start	Finish
80	***Utility Base Mapping***	**□□e □/□/1□**	**Mo□ □/1□/1□**
81	*Utility Base Map Development*	Tue 5/8/18	Tue 5/29/18
82	*Utility Base Map Internal QC*	Wed 5/30/18	Mon 6/4/18
83	*Utility Base Map Town/Utility Owner Submittal*	Tue 6/5/18	Tue 6/5/18
84	*Utility Base Map Town Review and Comment*	Wed 6/6/18	Mon 6/18/18
85	***Equipment Location Plan Development***	**Wed □/□□/1□**	**□□e 11/13/1□**
86	*Equipment Location Plan Development*	Wed 9/26/18	Wed 10/24/18
87	*Equipment Location Plan Plan Internal QC*	Thu 10/25/18	Tue 10/30/18
88	*Equipment Location Plan Town Submittal*	Wed 10/31/18	Wed 10/31/18
89	*Equipment Location Plan Town Review and Comment*	Thu 11/1/18	Tue 11/13/18
90	**□o□d□t □o□t□□ P□□ □e□eb□□ e□t**	**□h□ 11/1/1□**	**Mo□ □/1/1□**
91	*Conduit Routing Plan Development*	Wed 12/5/18	Mon 4/15/19
92	*Commercial/Customer Owned Service Design*	Thu 11/1/18	Mon 4/15/19
93	*Landscaping Plans*	Thu 11/29/18	Mon 4/15/19
94	*Technical Specifications*	Thu 11/29/18	Mon 4/15/19
95	*Conduit Routing Plan Internal QC*	Tue 4/16/19	Fri 6/28/19
96	*Conduit Routing Plan Town Submittal*	Mon 7/1/19	Mon 7/1/19
97			
98	**Per□ □tt□□ A□t□□t□es □Phase 3 □o□th**	**Wed □/1□/1□**	**Wed 1/1□/□□**
99	*FDOT Utility permit Application*	Wed 5/15/19	Mon 7/1/19
100	*FDOT Utility permit Application Review Process*	Tue 7/2/19	Mon 9/2/19
101	*FDOT Landscaping Permit Application*	Tue 7/2/19	Fri 7/12/19
102	*FDOT Landscaping Permit Application Review and MMOA Execution Process*	Mon 7/15/19	Wed 1/15/20
103			
104	**□□d Phase □Phase 3 □o□th**	**Mo□ □/3/1□**	**□h□ □/□□/1□**
105	*CMAR Procurement*	Mon 9/3/18	Fri 1/18/19
106	*CMAR Recommendation and Award*	Mon 1/21/19	Tue 2/12/19
107	*Pre-Construction Services*	Wed 2/13/19	Mon 7/1/19
108	*Bidding/GMP Development*	Tue 7/2/19	Thu 8/15/19
109	*GMP Review/Negotiation*	Fri 8/16/19	Thu 8/29/19
110			
111	**□ □ □□ □ MP □e□□□ □Phases 3 North a□d □o□th□**	Tue 9/3/19	Tue 9/3/19
112			
113	**□o□ □ □o□□□□□ MP □e□□□ a□d A□ ard □Phases 3 North a□d □o□th□**	Tue 9/10/19	Tue 9/10/19
114			
115	**□tart □o□str□□t□b□ □Phases 3 North a□d □o□th□**	Wed 9/11/19	Wed 9/11/19



Project: Phase 3 Detailed Desig
Date: Fri 11/22/19

Task	Summary	Inactive Milestone	Duration-only	Start-only	External Milestone	Manual Progress
Split	Project Summary	Inactive Summary	Manual Summary Rollup	Finish-only	Deadline	
Milestone	Inactive Task	Manual Task	Manual Summary	External Tasks	Progress	

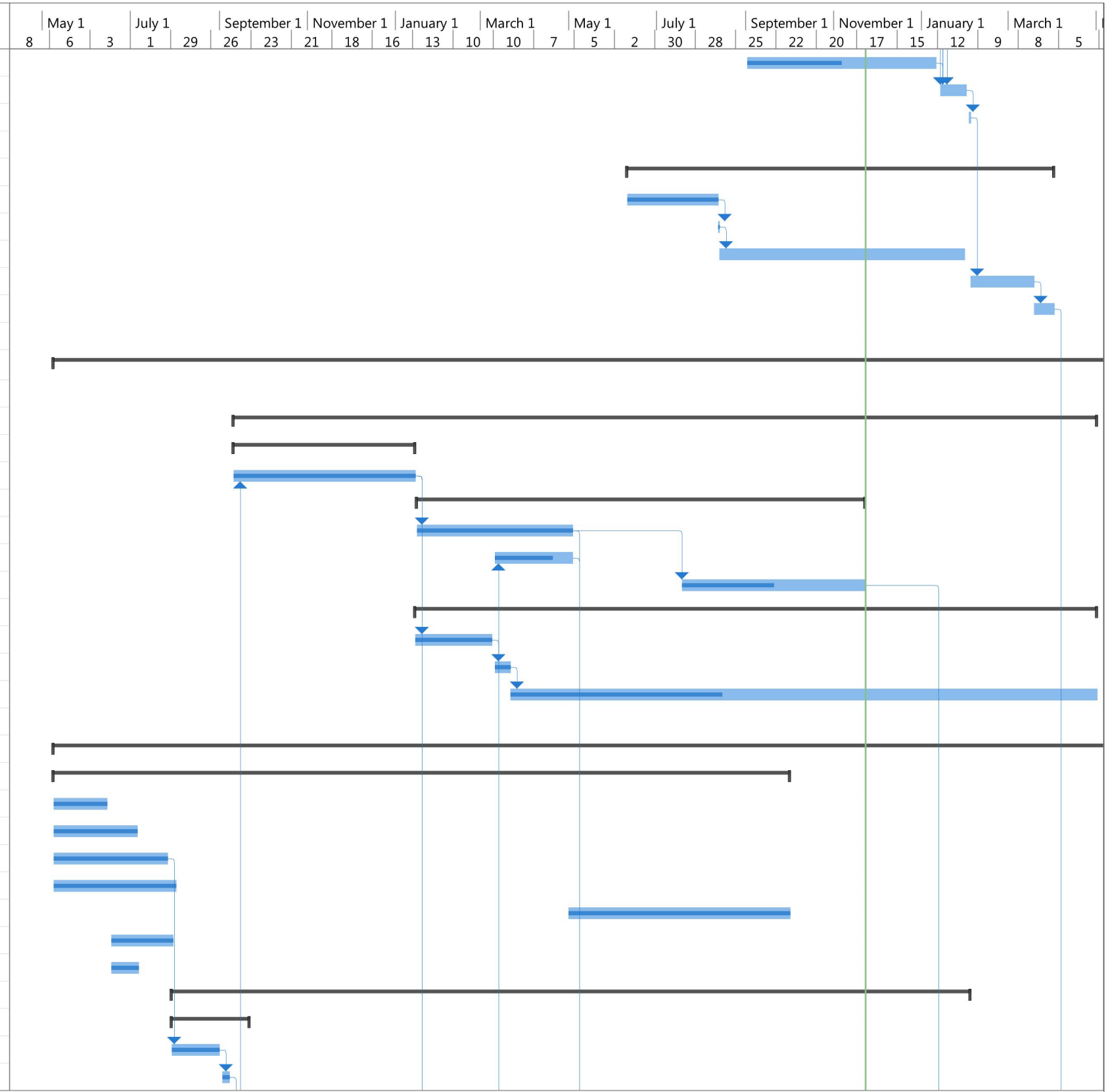
ID	Task Name	Start	Finish
1	**[illegible] Phase [illegible] North**	**Wed [illegible]**	**[illegible]**
2			
3	**[illegible] Activities [illegible] [illegible]**	**[illegible]**	**[illegible]**
4	**[illegible] Pre[illegible] [illegible]**	**[illegible]**	**Mo[illegible] 1/1[illegible]**
5	*FPL Provision of Preliminary Equipment Locations*	Tue 8/21/18	Mon 1/14/19
6	**[illegible] [illegible] and [illegible] [illegible]**	**[illegible]**	**[illegible]**
7	*FPL Design and Preliminary Conduit Routing*	Tue 12/25/18	Tue 4/2/19
8	*AT&T and Comcast Design*	Wed 2/27/19	Tue 4/23/19
9	*Utility Agreement, BCE Development and Final FPL Design*	Fri 7/19/19	Fri 11/22/19
10	**[illegible] [illegible]**	**[illegible]**	**[illegible]**
11	*Determine Easement Needs and Locations*	Tue 1/15/19	Fri 2/15/19
12	*Send Easement Request Letters to Property Owners*	Mon 2/18/19	Fri 3/1/19
13	*Procure Easements and Follow up*	Mon 3/4/19	Thu 4/30/20
14			
15	**[illegible] Activities [illegible] [illegible]**	**Wed [illegible]**	**Wed [illegible]**
16	**[illegible]**	**Wed [illegible]**	**[illegible]**
17	*Sunshine One-Call, Utility Coordination and Letter Request*	Wed 5/9/18	Thu 6/14/18
18	*Collect/Analyze Record Information*	Wed 5/9/18	Fri 7/6/18
19	*Site Survey*	Wed 5/9/18	Fri 7/6/18
20	*Geotechnical Investigation*	Wed 5/9/18	Wed 8/1/18
21	*Soft Dig Utility Locates*	Wed 5/1/19	Tue 10/1/19
22	*Site Visit / Determine Meter Locations*	Mon 6/18/18	Mon 7/30/18
23	*Existing Easement Research*	Fri 6/1/18	Thu 6/21/18
24	**[illegible] [illegible]**	**Mo[illegible]**	**Mo[illegible]**
25	***Utility Base Mapping***	**Mo[illegible]**	**[illegible]**
26	*Utility Base Map Development*	Mon 7/9/18	Fri 8/10/18
27	*Utility Base Map Internal QC*	Mon 8/13/18	Fri 8/17/18
28	*Utility Base Map Town/Utility Owner Submittal*	Mon 8/20/18	Mon 8/20/18
29	*Utility Base Map Town Review and Comment*	Tue 8/21/18	Fri 8/31/18
30	***Equipment Location Plan Development***	**[illegible]**	**Mo[illegible]**
31	*Equipment Location Plan Development*	Tue 1/15/19	Tue 2/19/19
32	*Equipment Location Plan Plan Internal QC*	Wed 2/20/19	Mon 2/25/19
33	*Equipment Location Plan Town Submittal*	Tue 2/26/19	Tue 2/26/19
34	*Equipment Location Plan Town Review and Comment*	Wed 2/27/19	Mon 3/11/19
35	**[illegible] [illegible]**	**Wed [illegible]**	**Mo[illegible]**
36	*Conduit Routing Plan Development*	Wed 4/24/19	Mon 1/13/20
37	*Commercial/Customer Owned Service Design*	Fri 11/1/19	Fri 1/10/20
38	*Landscaping Plans*	Fri 11/1/19	Fri 1/10/20



Project: Phase 4 Detailed Desig
Date: Sat 11/23/19

Task	Project Summary	Manual Task	Start-only	Deadline
Split	Inactive Task	Duration-only	Finish-only	Progress
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
Summary	Inactive Summary	Manual Summary	External Milestone

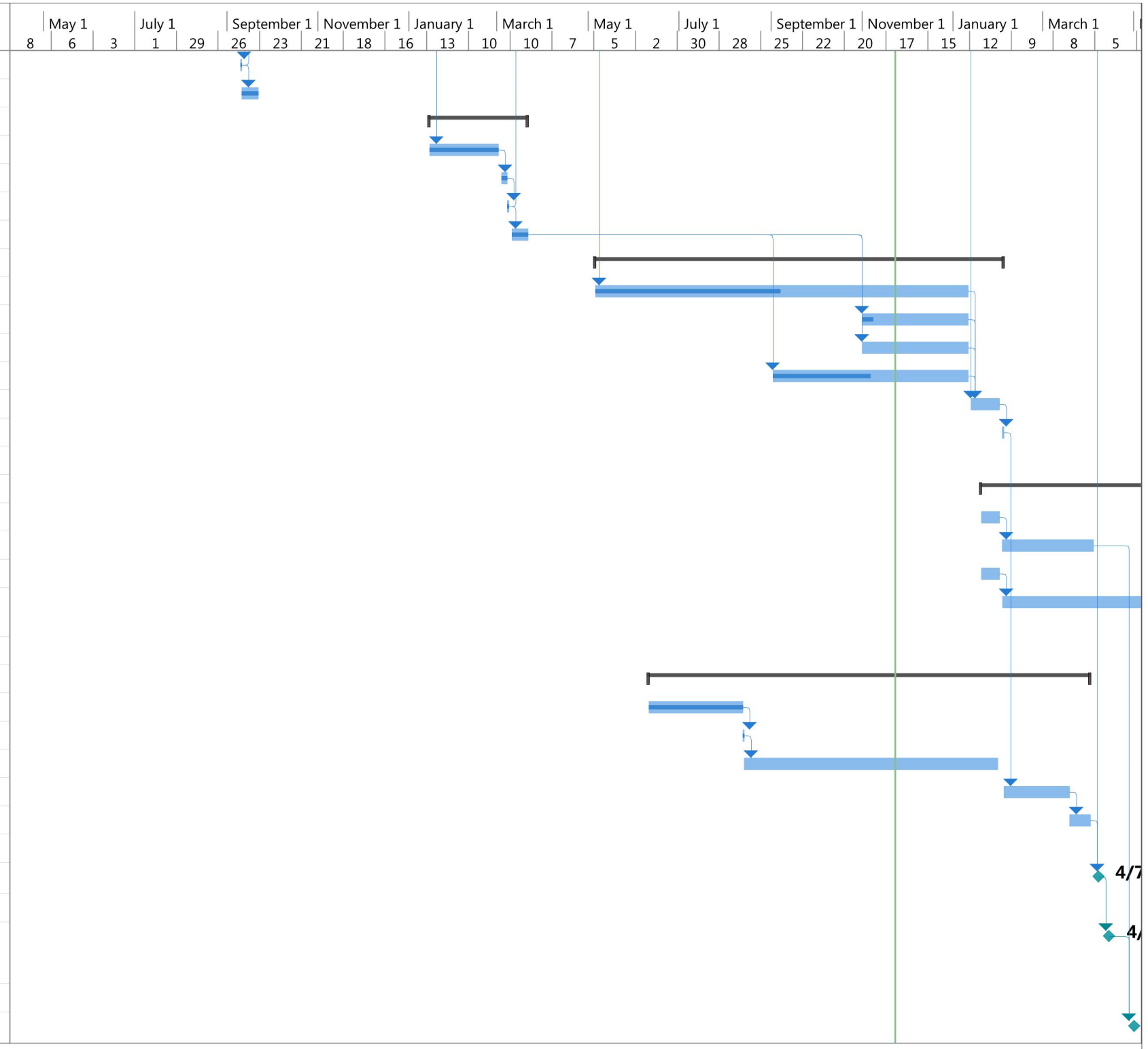
ID	Task Name	Start	Finish
39	*Technical Specifications*	Mon 9/2/19	Fri 1/10/20
40	*Conduit Routing Plan Internal QC*	Tue 1/14/20	Fri 1/31/20
41	*Conduit Routing Plan Town/CMAR Submittal*	Mon 2/3/20	Mon 2/3/20
42			
43	**[illegible] Phase [illegible]Phase [illegible] North**	**[illegible]e [illegible]/11/1[illegible]**	**Wed [illegible]/1/[illegible]**
44	CMAR Procurement	Tue 6/11/19	Mon 8/12/19
45	CMAR Recommendation and Award	Tue 8/13/19	Tue 8/13/19
46	Pre-Construction Services	Wed 8/14/19	Thu 1/30/20
47	Bidding/GMP Development	Tue 2/4/20	Wed 3/18/20
48	GMP Review/Negotiation	Thu 3/19/20	Wed 4/1/20
49			
50	**[illegible]etai[illegible]ed [illegible]es[illegible] [illegible]Phase [illegible] [illegible]o[illegible]th**	**Wed [illegible]/[illegible]/1[illegible]**	**Wed [illegible]/[illegible]/[illegible]**
51			
52	**[illegible]es[illegible] A[illegible]t[illegible]i[illegible]es [illegible][illegible]ts[illegible]de [illegible]eso[illegible]r[illegible]es**	**[illegible]e [illegible]/11/1[illegible]**	**[illegible]r[illegible]/1/[illegible]**
53	**[illegible]t[illegible] Pre[illegible] [illegible]ar[illegible] [illegible]es[illegible]**	**[illegible]e [illegible]/11/1[illegible]**	**Mo[illegible] 1/1[illegible]/1[illegible]**
54	*FPL Provision of Preliminary Equipment Locations*	Tue 9/11/18	Mon 1/14/19
55	**[illegible]t[illegible] [illegible]es[illegible] a[illegible]d [illegible][illegible][illegible]e[illegible]e[illegible]o[illegible] e[illegible]t**	**Wed 1/[illegible]/1[illegible]**	**[illegible]r[illegible]11/[illegible][illegible]/1[illegible]**
56	*FPL Design and Preliminary Conduit Routing*	Wed 1/16/19	Fri 5/3/19
57	*AT&T and Comcast Design*	Mon 3/11/19	Fri 5/3/19
58	*Utility Agreement, BCE Development and Final FPL Design*	Fri 7/19/19	Fri 11/22/19
59	**[illegible]ase[illegible] e[illegible]t [illegible]oord[illegible]at[illegible]b[illegible]**	**[illegible]e 1/1[illegible]/1[illegible]**	**[illegible]r[illegible]/1/[illegible]**
60	*Determine Easement Needs and Locations*	Tue 1/15/19	Fri 3/8/19
61	*Send Easement Request Letters to Property Owners*	Mon 3/11/19	Thu 3/21/19
62	*Procure Easements and Follow up*	Fri 3/22/19	Fri 5/1/20
63			
64	**[illegible]es[illegible] A[illegible]t[illegible]i[illegible]es [illegible][illegible] [illegible]e[illegible]or[illegible] [illegible]eso[illegible]r[illegible]es**	**Wed [illegible]/[illegible]/1[illegible]**	**Wed [illegible]/[illegible]/[illegible]**
65	**[illegible]ata [illegible]o[illegible]e[illegible]t[illegible]b[illegible]**	**Wed [illegible]/[illegible]/1[illegible]**	**[illegible]e 1[illegible]/1/1[illegible]**
66	*Sunshine One-Call, Utility Coordination and Letter Request*	Wed 5/9/18	Thu 6/14/18
67	*Collect/Analyze Record Information*	Wed 5/9/18	Thu 7/5/18
68	*Site Survey*	Wed 5/9/18	Thu 7/26/18
69	*Geotechnical Investigation*	Wed 5/9/18	Wed 8/1/18
70	*Soft Dig Utility Locates*	Wed 5/1/19	Tue 10/1/19
71	*Site Visit / Determine Meter Locations*	Mon 6/18/18	Mon 7/30/18
72	*Existing Easement Research*	Mon 6/18/18	Fri 7/6/18
73	**[illegible]o[illegible]str[illegible][illegible]t[illegible]b[illegible] [illegible]o[illegible][illegible] e[illegible]ts**	**Mo[illegible] [illegible]/3[illegible]/1[illegible]**	**Mo[illegible] [illegible]/3/[illegible]**
74	***Utility Base Mapping***	**Mo[illegible] [illegible]/3[illegible]/1[illegible]**	**[illegible]r[illegible]/[illegible]1/1[illegible]**
75	*Utility Base Map Development*	Mon 7/30/18	Fri 8/31/18
76	*Utility Base Map Internal QC*	Mon 9/3/18	Fri 9/7/18



Project: Phase 4 Detailed Desig
Date: Sat 11/23/19

Task	Project Summary	Manual Task	Start-only	Deadline
Split	Inactive Task	Duration-only	Finish-only	Progress
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
Summary	Inactive Summary	Manual Summary	External Milestone

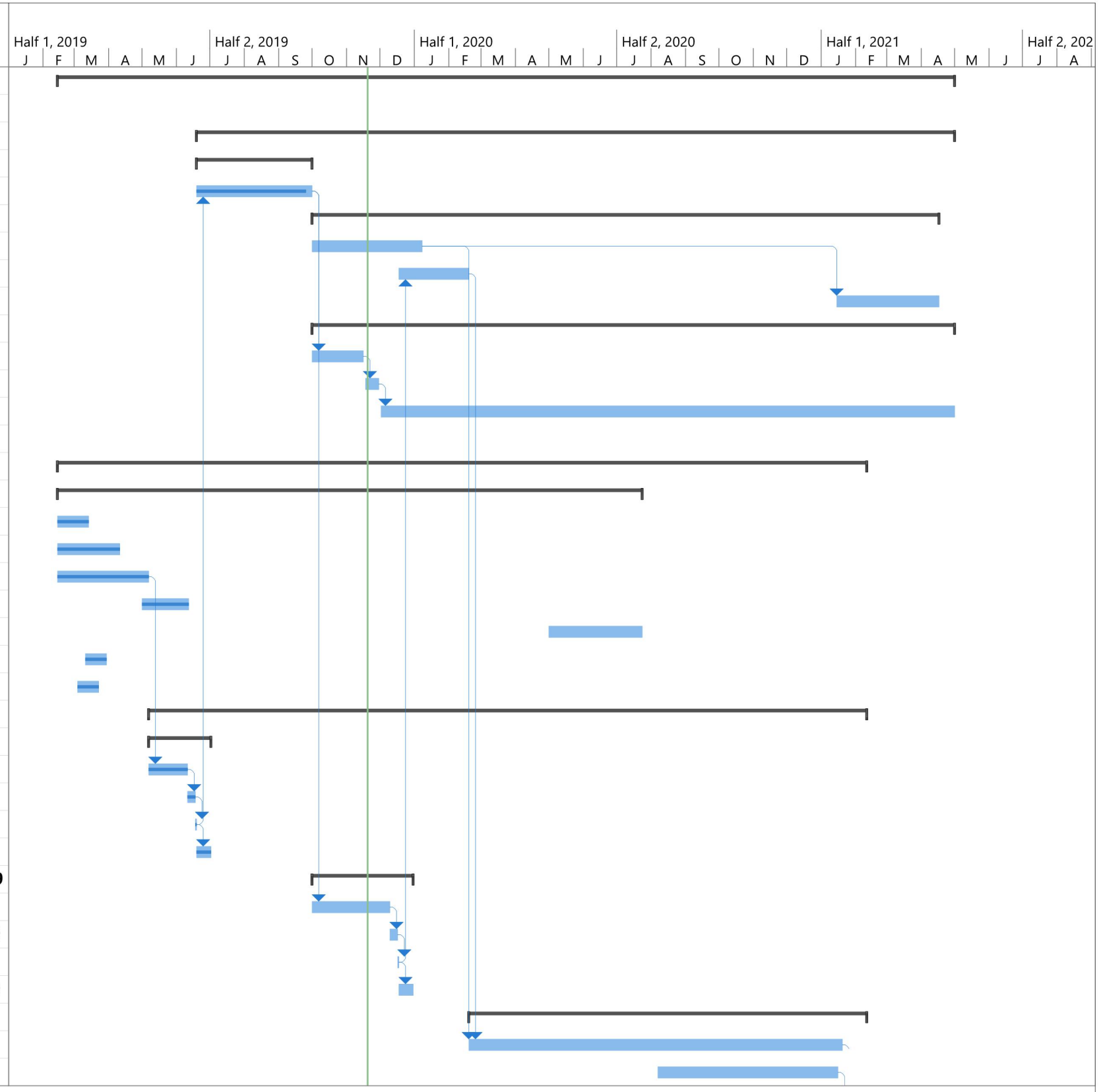
ID	Task Name	Start	Finish
77	*Utility Base Map Town/Utility Owner Submittal*	Mon 9/10/18	Mon 9/10/18
78	*Utility Base Map Town Review and Comment*	Tue 9/11/18	Fri 9/21/18
79	***Equipment Location Plan Development***	**e 1/1/1**	**h 3/1/1**
80	*Equipment Location Plan Development*	Tue 1/15/19	Fri 3/1/19
81	*Equipment Location Plan Plan Internal QC*	Mon 3/4/19	Thu 3/7/19
82	*Equipment Location Plan Town Submittal*	Fri 3/8/19	Fri 3/8/19
83	*Equipment Location Plan Town Review and Comment*	Mon 3/11/19	Thu 3/21/19
84	**o d t o t P a e e o e t**	**Mo /1**	**Mo /3**
85	*Conduit Routing Plan Development*	Mon 5/6/19	Fri 1/10/20
86	*Commercial/Customer Owned Service Design*	Fri 11/1/19	Fri 1/10/20
87	*Landscaping Plans*	Fri 11/1/19	Fri 1/10/20
88	*Technical Specifications*	Mon 9/2/19	Fri 1/10/20
89	*Conduit Routing Plan Internal QC*	Mon 1/13/20	Fri 1/31/20
90	*Conduit Routing Plan Town Submittal*	Mon 2/3/20	Mon 2/3/20
91			
92	**Per tt A t t s Phase o th**	**Mo 1/**	**Wed /**
93	*FDOT Utility permit Application*	Mon 1/20/20	Fri 1/31/20
94	*FDOT Utility permit Application Review Process*	Mon 2/3/20	Fri 4/3/20
95	*FDOT Landscaping Permit Application*	Mon 1/20/20	Fri 1/31/20
96	*FDOT Landscaping Permit Application Review and MMOA Execution Process*	Mon 2/3/20	Wed 8/5/20
97			
98	**d Phase Phase o th**	**e /11/1**	**Wed /1/**
99	*CMAR Procurement*	Tue 6/11/19	Mon 8/12/19
100	*CMAR Recommendation and Award*	Tue 8/13/19	Tue 8/13/19
101	*Pre-Construction Services*	Wed 8/14/19	Thu 1/30/20
102	*Bidding/GMP Development*	Tue 2/4/20	Wed 3/18/20
103	*GMP Review/Negotiation*	Thu 3/19/20	Wed 4/1/20
104			
105	**MP e Phases North a d o th**	Tue 4/7/20	Tue 4/7/20
106			
107	**o o MP e a d A ard Phases North a d o th**	Tue 4/14/20	Tue 4/14/20
108			
109	**tart o str t b Phases North a d o th**	Fri 5/1/20	Fri 5/1/20



Project: Phase 4 Detailed Desig
Date: Sat 11/23/19

Task	Project Summary	Manual Task	Start-only	Deadline
Split	Inactive Task	Duration-only	Finish-only	Progress
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
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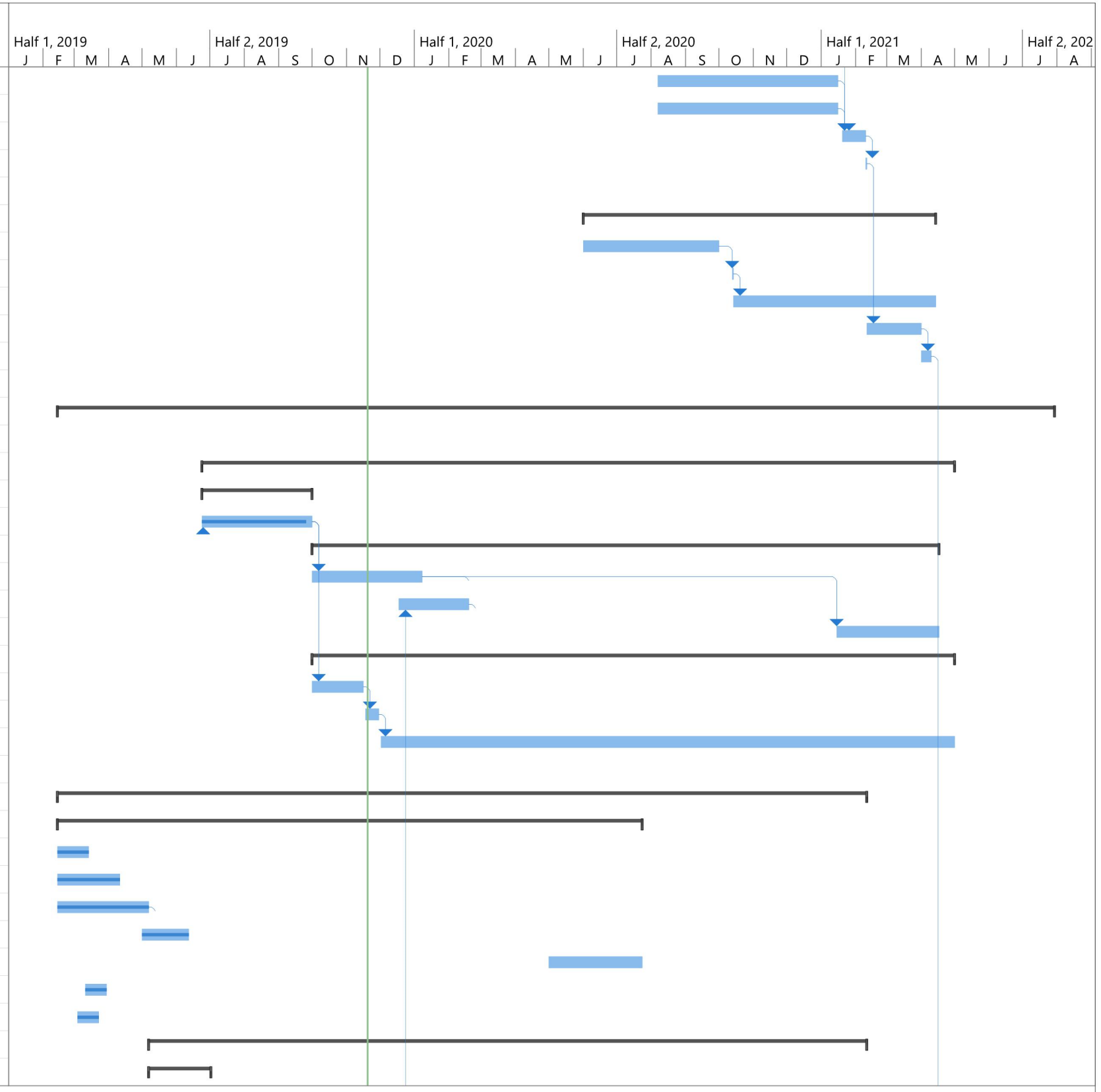
ID	Task Name	Start	Finish
1	**Detailed Design - Phase 5 North**	**Thu 2/14/19**	**Fri 4/30/21**
2			
3	**Design Activities - Outside Resources**	**Wed 6/19/19**	**Fri 4/30/21**
4	**Utility Preliminary Design**	**Wed 6/19/19**	**Mon 9/30/19**
5	FPL Provision of Preliminary Equipment Locations	Wed 6/19/19	Mon 9/30/19
6	**Utility Design and BCE Development**	**Tue 10/1/19**	**Fri 4/16/21**
7	FPL Design and Preliminary Conduit Routing	Tue 10/1/19	Tue 1/7/20
8	AT&T and Comcast Design	Wed 12/18/19	Tue 2/18/20
9	Utility Agreement, BCE Development and Final FPL Design	Fri 1/15/21	Fri 4/16/21
10	**Easement Coordination**	**Tue 10/1/19**	**Fri 4/30/21**
11	Determine Easement Needs and Locations	Tue 10/1/19	Fri 11/15/19
12	Send Easement Requeset Letters to Property Owners	Mon 11/18/19	Fri 11/29/19
13	Procure Easements and Follow Up	Mon 12/2/19	Fri 4/30/21
14			
15	**Design Activities - Kimley-Horn Resources**	**Thu 2/14/19**	**Wed 2/10/21**
16	**Data Collection**	**Thu 2/14/19**	**Thu 7/23/20**
17	Sunshine One-Call, Utility Coordination, and Letter Request	Thu 2/14/19	Wed 3/13/19
18	Collect/Analyze Record Information	Thu 2/14/19	Wed 4/10/19
19	Site Survey	Thu 2/14/19	Mon 5/6/19
20	Geotechnical Investigation	Wed 5/1/19	Tue 6/11/19
21	Soft Dig Utility Locates	Fri 5/1/20	Thu 7/23/20
22	Site Visit / Determine Meter Locations	Mon 3/11/19	Fri 3/29/19
23	Existing Easement Research	Mon 3/4/19	Fri 3/22/19
24	**Construction Documents**	**Tue 5/7/19**	**Wed 2/10/21**
25	**Utility Base Mapping**	**Tue 5/7/19**	**Mon 7/1/19**
26	Utility Base Map Development	Tue 5/7/19	Mon 6/10/19
27	Utility Base Map Internal QC	Tue 6/11/19	Mon 6/17/19
28	Utility Base Map Town/Utility Owner Submittal	Tue 6/18/19	Tue 6/18/19
29	Utility Base Map Town Review and Comment	Wed 6/19/19	Mon 7/1/19
30	**Equipment Location Plan Development**	**Tue 10/1/19**	**Mon 12/30/19**
31	Equipment Location Plan Development	Tue 10/1/19	Mon 12/9/19
32	Equipment Location Plan Internal QC	Tue 12/10/19	Mon 12/16/19
33	Equipment Location Plan Town Submittal	Tue 12/17/19	Tue 12/17/19
34	Equipment Location Plan Town Review and Comment	Wed 12/18/19	Mon 12/30/19
35	**Conduit Routing Plan Development**	**Wed 2/19/20**	**Wed 2/10/21**
36	Conduit Routing Plan Development	Wed 2/19/20	Tue 1/19/21
37	Commercial/Customer-Owned Service Design	Fri 8/7/20	Fri 1/15/21



Project: 2019_0226_Schedule
Date: Wed 11/20/19

Task	Project Summary	Manual Task	Start-only	Deadline
Split	Inactive Task	Duration-only	Finish-only	Progress
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
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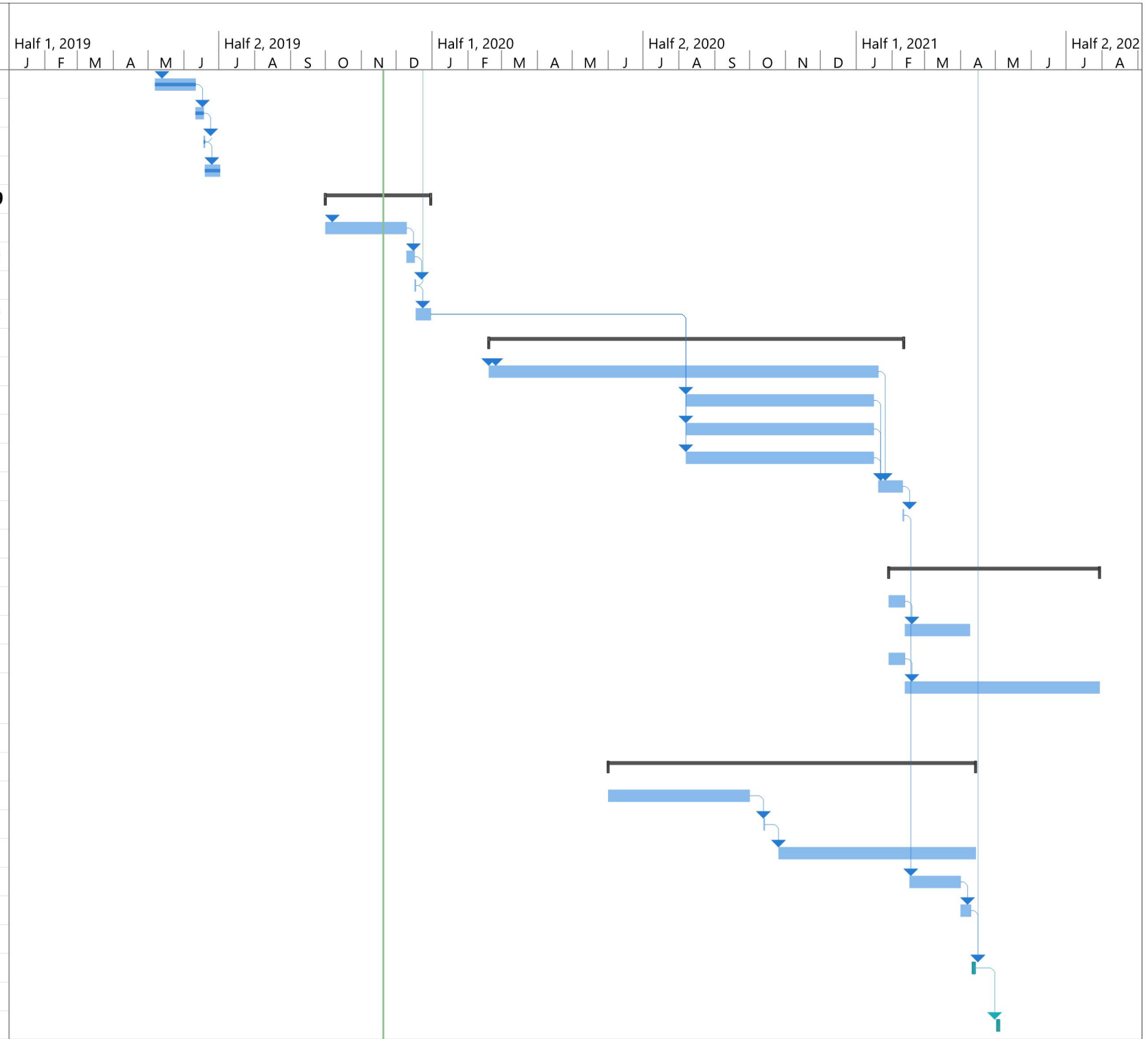
ID	Task Name	Start	Finish
38	Landscaping Plan	Fri 8/7/20	Fri 1/15/21
39	Technical Specifications	Fri 8/7/20	Fri 1/15/21
40	Conduit Routing Plan Internal QC	Wed 1/20/21	Tue 2/9/21
41	Conduit Routing Plan Town/CMAR Submittal	Wed 2/10/21	Wed 2/10/21
42			
43	**Bid Phase - Phase 5 North**	**Mon 6/1/20**	**Tue 4/13/21**
44	CMAR Procurement	Mon 6/1/20	Wed 9/30/20
45	CMAR Recommendation and Award	Tue 10/13/20	Tue 10/13/20
46	Preconstruction Services	Wed 10/14/20	Tue 4/13/21
47	Bidding/GMP Development	Thu 2/11/21	Wed 3/31/21
48	GMP Review/Negotiation	Thu 4/1/21	Fri 4/9/21
49			
50	**Detailed Design - Phase 5 South**	**Thu 2/14/19**	**Thu 7/29/21**
51			
52	**Design Activities - Outside Resources**	**Mon 6/24/19**	**Fri 4/30/21**
53	**Utility Preliminary Design**	**Mon 6/24/19**	**Mon 9/30/19**
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68	Site Survey	Thu 2/14/19	Mon 5/6/19
69	Geotechnical Investigation	Wed 5/1/19	Tue 6/11/19
70	Soft Dig Utility Locates	Fri 5/1/20	Thu 7/23/20
71	Site Visit / Determine Meter Locations	Mon 3/11/19	Fri 3/29/19
72	Existing Easement Research	Mon 3/4/19	Fri 3/22/19
73	**Construction Documents**	**Tue 5/7/19**	**Wed 2/10/21**
74	**Utility Base Mapping**	**Tue 5/7/19**	**Mon 7/1/19**



Project: 2019_0226_Schedule
Date: Wed 11/20/19

Task	Project Summary	Manual Task	Start-only	Deadline
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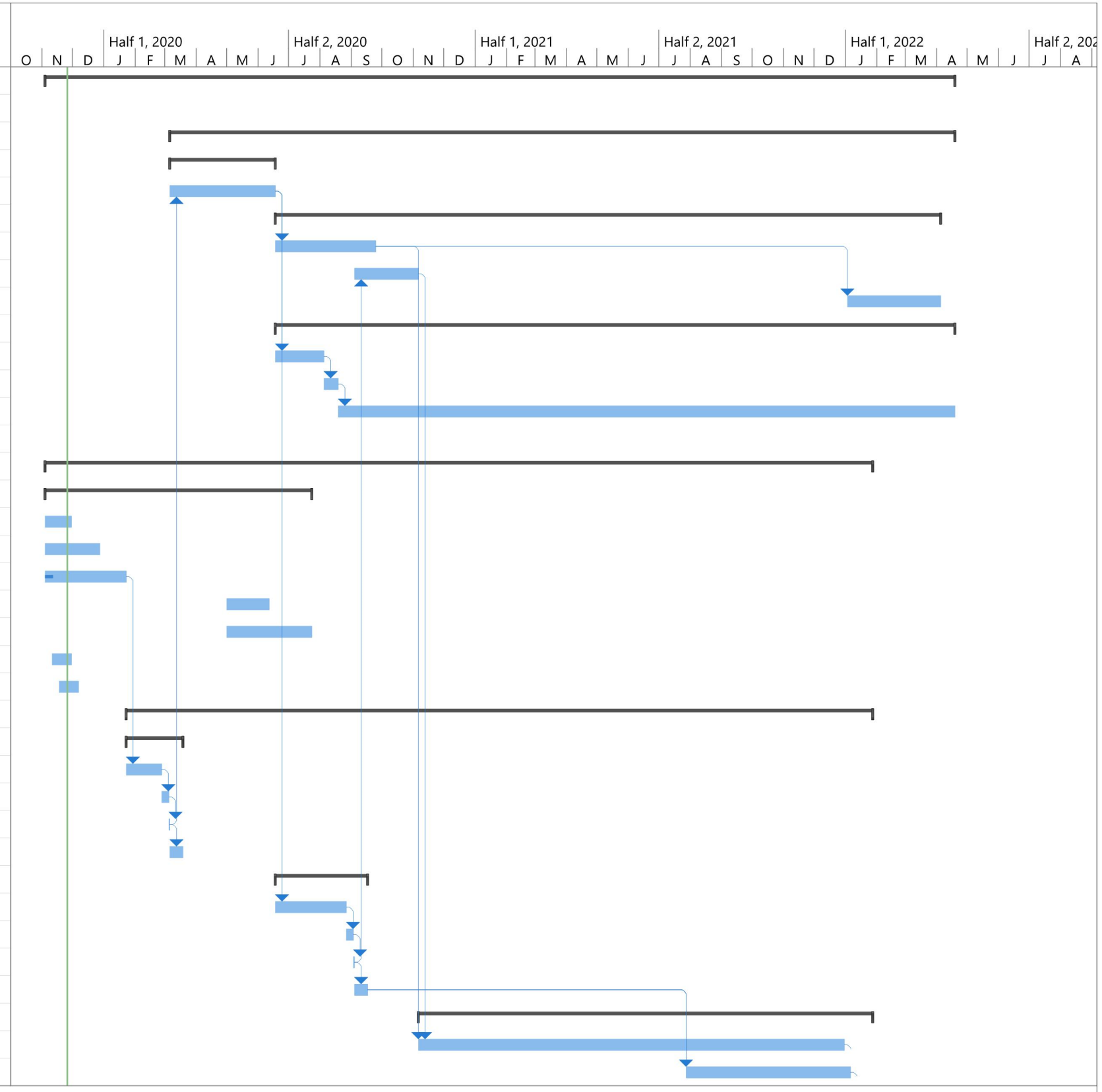
ID	Task Name	Start	Finish
75	Utility Base Map Development	Tue 5/7/19	Mon 6/10/19
76	Utility Base Map Internal QC	Tue 6/11/19	Mon 6/17/19
77	Utility Base Map Town/Utility Owner Submittal	Tue 6/18/19	Tue 6/18/19
78	Utility Base Map Town Review and Comment	Wed 6/19/19	Mon 7/1/19
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84	**Conduit Routing Plan Development**	**Wed 2/19/20**	**Wed 2/10/21**
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90	Conduit Routing Plan Town/CMAR Submittal	Wed 2/10/21	Wed 2/10/21
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92	**Permitting Activities - Phase 5 South**	**Fri 1/29/21**	**Thu 7/29/21**
93	FDOT Utility Permit Application	Fri 1/29/21	Thu 2/11/21
94	FDOT Utility Permit Application Review Process	Fri 2/12/21	Thu 4/8/21
95	FDOT Landscaping Permit Application	Fri 1/29/21	Thu 2/11/21
96	FDOT Landscaping Permit Application Review and MMOA Execution Process	Fri 2/12/21	Thu 7/29/21
97			
98	**Bid Phase - Phase 5 South**	**Mon 6/1/20**	**Tue 4/13/21**
99	CMAR Procurement	Mon 6/1/20	Wed 9/30/20
100	CMAR Recommendation and Award	Tue 10/13/20	Tue 10/13/20
101	Preconstruction Services	Mon 10/26/20	Tue 4/13/21
102	Bidding/GMP Development	Tue 2/16/21	Wed 3/31/21
103	GMP Review/Negotiation	Thu 4/1/21	Fri 4/9/21
104			
105	Town Council GMP Review and Award (Phases 5 North and South)	Mon 4/12/21	Mon 4/12/21
106			
107	Start Construction (Phases 5 North and South)	Mon 5/3/21	Mon 5/3/21



Project: 2019_0226_Schedule
Date: Wed 11/20/19

Task	Project Summary	Manual Task	Start-only	Deadline
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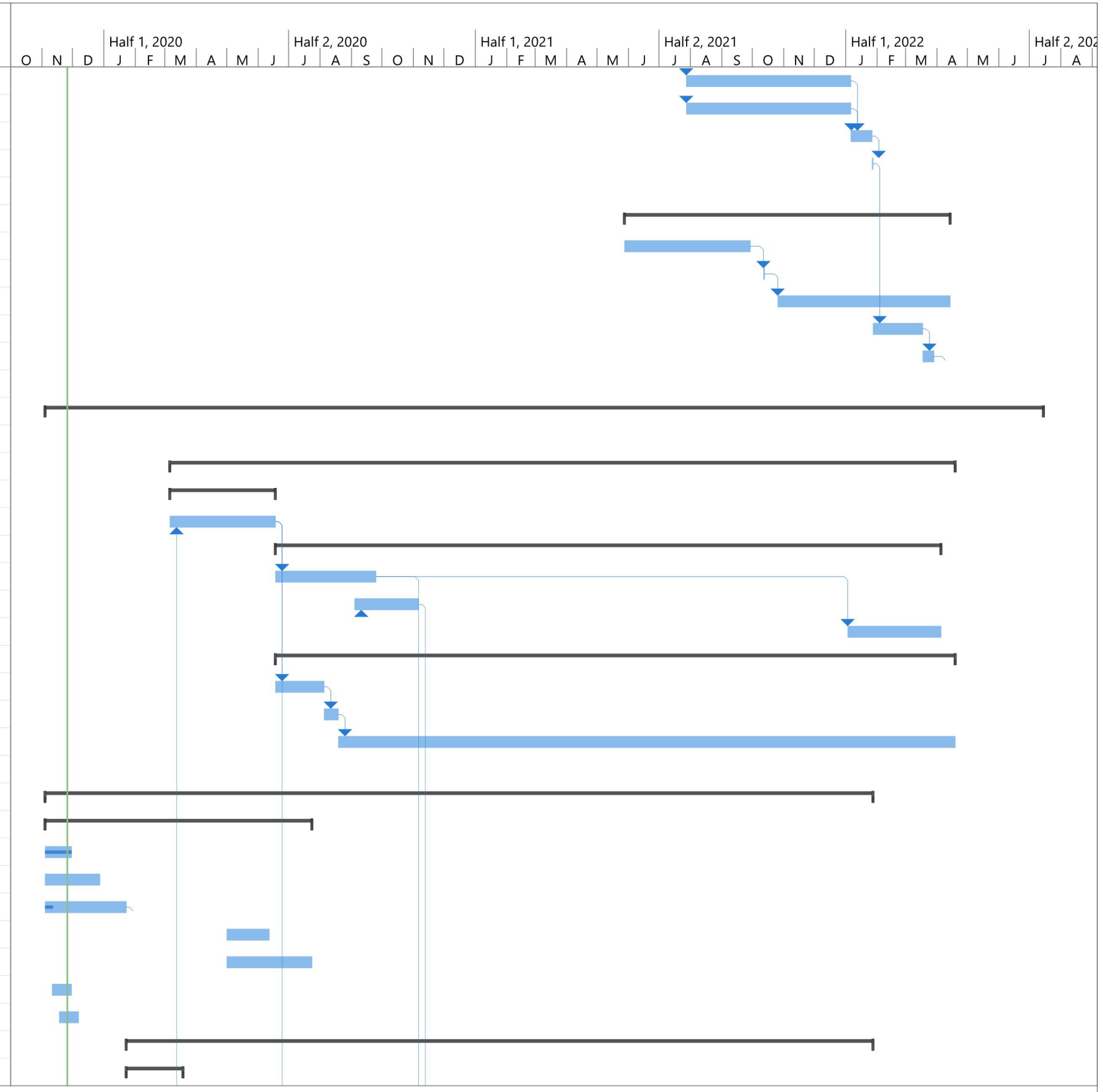
ID	Task Name	Start	Finish
1	**Detailed Design - Phase 6 North**	**Mon 11/4/19**	**Mon 4/18/22**
2			
3	**Design Activities - Outside Resources**	**Fri 3/6/20**	**Mon 4/18/22**
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5	FPL Provision of Preliminary Equipment Locations	Fri 3/6/20	Wed 6/17/20
6	**Utility Design and BCE Development**	**Thu 6/18/20**	**Mon 4/4/22**
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10	**Easement Coordination**	**Thu 6/18/20**	**Mon 4/18/22**
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13	Procure Easements and Follow Up	Wed 8/19/20	Mon 4/18/22
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21	Soft Dig Utility Locates	Fri 5/1/20	Thu 7/23/20
22	Site Visit / Determine Meter Locations	Mon 11/11/19	Fri 11/29/19
23	Existing Easement Research	Mon 11/18/19	Fri 12/6/19
24	**Construction Documents**	**Thu 1/23/20**	**Thu 1/27/22**
25	**Utility Base Mapping**	**Thu 1/23/20**	**Wed 3/18/20**
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28	Utility Base Map Town/Utility Owner Submittal	Thu 3/5/20	Thu 3/5/20
29	Utility Base Map Town Review and Comment	Fri 3/6/20	Wed 3/18/20
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32	Equipment Location Plan Internal QC	Thu 8/27/20	Wed 9/2/20
33	Equipment Location Plan Town Submittal	Thu 9/3/20	Thu 9/3/20
34	Equipment Location Plan Town Review and Comment	Fri 9/4/20	Wed 9/16/20
35	**Conduit Routing Plan Development**	**Fri 11/6/20**	**Thu 1/27/22**
36	Conduit Routing Plan Development	Fri 11/6/20	Thu 12/30/21
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Project: 2019_0226_Schedule
Date: Tue 11/26/19

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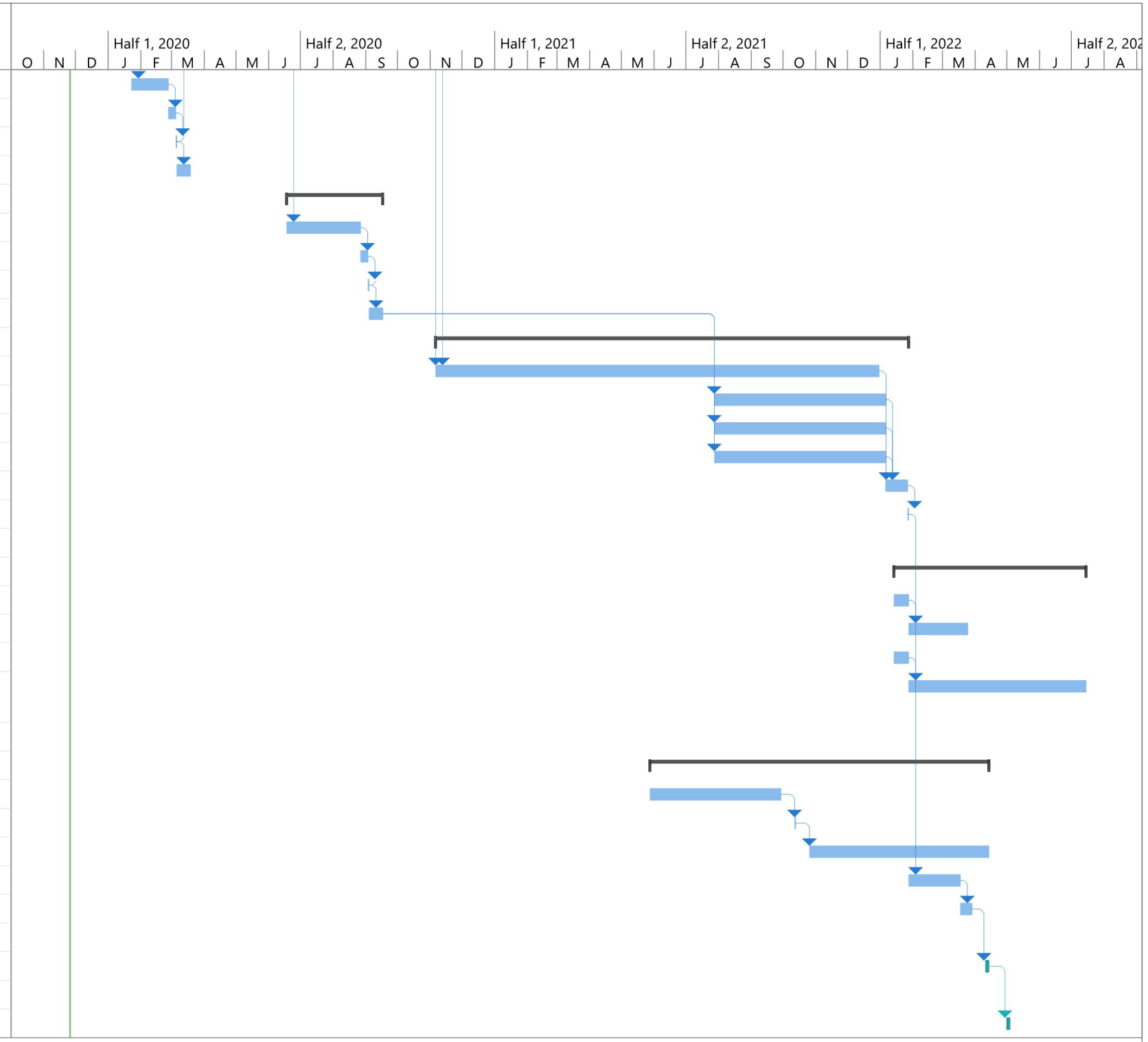
ID	Task Name	Start	Finish
38	Landscaping Plan	Wed 7/28/21	Wed 1/5/22
39	Technical Specifications	Wed 7/28/21	Wed 1/5/22
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47	Bidding/GMP Development	Fri 1/28/22	Thu 3/17/22
48	GMP Review/Negotiation	Fri 3/18/22	Mon 3/28/22
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52	**Design Activities - Outside Resources**	**Fri 3/6/20**	**Mon 4/18/22**
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62	Procure Easements and Follow Up	Wed 8/19/20	Mon 4/18/22
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69	Geotechnical Investigation	Fri 5/1/20	Thu 6/11/20
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74	**Utility Base Mapping**	**Thu 1/23/20**	**Wed 3/18/20**



Project: 2019_0226_Schedule
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ID	Task Name	Start	Finish
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82	Equipment Location Plan Town Submittal	Thu 9/3/20	Thu 9/3/20
83	Equipment Location Plan Town Review and Comment	Fri 9/4/20	Wed 9/16/20
84	**Conduit Routing Plan Development**	**Fri 11/6/20**	**Thu 1/27/22**
85	Conduit Routing Plan Development	Fri 11/6/20	Thu 12/30/21
86	Commercial/Customer-Owned Service Design	Wed 7/28/21	Wed 1/5/22
87	Landscaping Plan	Wed 7/28/21	Wed 1/5/22
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93	FDOT Utility Permit Application	Fri 1/14/22	Thu 1/27/22
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98	**Bid Phase - Phase 6 South**	**Fri 5/28/21**	**Wed 4/13/22**
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103	GMP Review/Negotiation	Fri 3/18/22	Mon 3/28/22
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105	Town Council GMP Review and Award (Phases 6 North and South)	Tue 4/12/22	Tue 4/12/22
106			
107	Start Construction (Phases 6 North and South)	Mon 5/2/22	Mon 5/2/22



Project: 2019_0226_Schedule
Date: Tue 11/26/19

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BURKHARDT
CONSTRUCTION, INC.

Vincent G. Burkhardt
President

Executive Summary

BURKHARDT CONSTRUCTION, INC.

Vincent G. Burkhardt
President

Executive Summary
For
October 2019

Project Description
Townwide Overhead Utility Undergrounding
Phase 2 North
P.O. # 181400

Project Status:

In October the crews continued pulling wire throughout the site. All of the primary wire and the majority of the secondary wire was installed by the end of the month. As the month ended all of the main feeder wire had also been pulled. The FPL as build drawings have been reviewed by the engineers and are now in the hands of FPL for their review.

COMCAST crews continued pulling cables through their conduits throughout the project and began installing private side service cables.

Florida Public Utilities (FPU Gas), finished with their roadway restoration within the project limits.

AT&T finished rodding their conduits to obtain the lengths of cable needed for the switchover. They are now awaiting material delivery

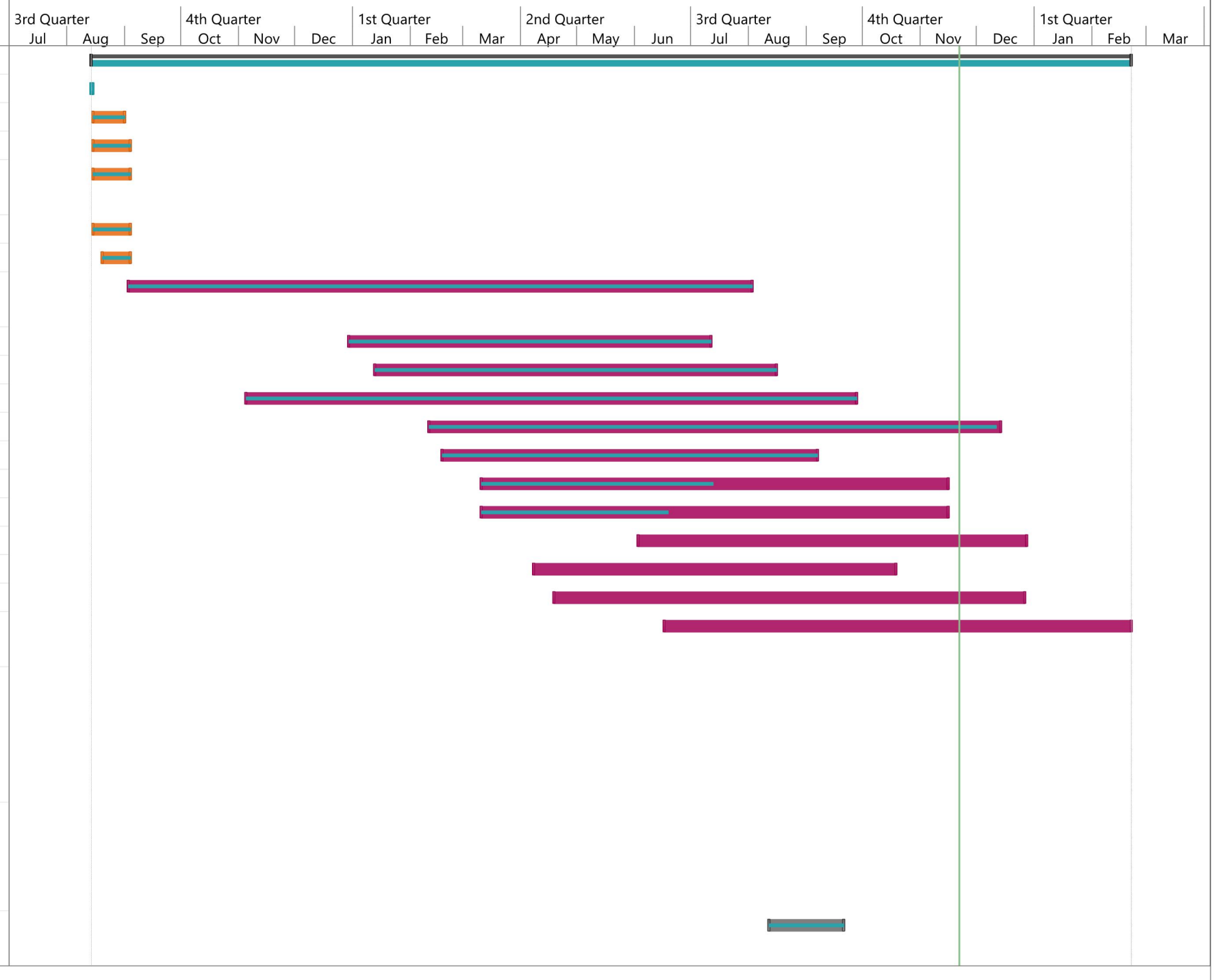
The project remains on schedule and continues to stay within budget.

1401 Alabama Avenue • West Palm Beach, Florida 33401 • (561) 659-1400 • Fax (561) 659-1402

TCM Backup 12-10-19

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 2 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03

ID	Task Name	% Comple	Duration	Start	Finish
1	**Phase 2 NORTH**	**62%**	**399 days**	**Tue 8/14/18**	**Fri 2/21/20**
2	Town Council Approval	100%	1 day	Tue 8/14/18	Tue 8/14/18
3	Award Prime Contract	100%	13 days	Wed 8/15/18	Fri 8/31/18
4	Permitting	100%	14 days	Wed 8/15/18	Mon 9/3/18
5	Customer Owned Service Connection Permitting	100%	14 days	Wed 8/15/18	Mon 9/3/18
6	Sub Contract Agreements	100%	14 days	Wed 8/15/18	Mon 9/3/18
7	Material Procurement	100%	11 days	Mon 8/20/18	Mon 9/3/18
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	100%	240 days	Mon 9/3/18	Fri 8/2/19
9	Feeder Splice Box Installation	100%	140 days	Sun 12/30/18	Thu 7/11/19
10	Set Transformers / Switch Cabinets (FPL)	100%	155 days	Sun 1/13/19	Thu 8/15/19
11	Secondary Services / Wire	100%	235 days	Mon 11/5/18	Fri 9/27/19
12	As-Built Submission / Review (FPL)	99%	220 days	Mon 2/11/19	Fri 12/13/19
13	Pull Wire / Terminations Primary (FPL)	100%	145 days	Mon 2/18/19	Fri 9/6/19
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	50%	180 days	Mon 3/11/19	Fri 11/15/19
15	*Comcast Pull Wire, Set Pedestals	40%	180 days	Mon 3/11/19	Fri 11/15/19
16	Cut over / Overhead Removal (ATT/Comcast)	0%	150 days	Mon 6/3/19	Fri 12/27/19
17	Energize Underground (FPL)	0%	140 days	Mon 4/8/19	Fri 10/18/19
18	Secondary Service Switch Over (FPL)	0%	180 days	Fri 4/19/19	Thu 12/26/19
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	180 days	Mon 6/17/19	Fri 2/21/20
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			
22	Storm Drainage	100%	30 days	Mon 8/12/19	Fri 9/20/19

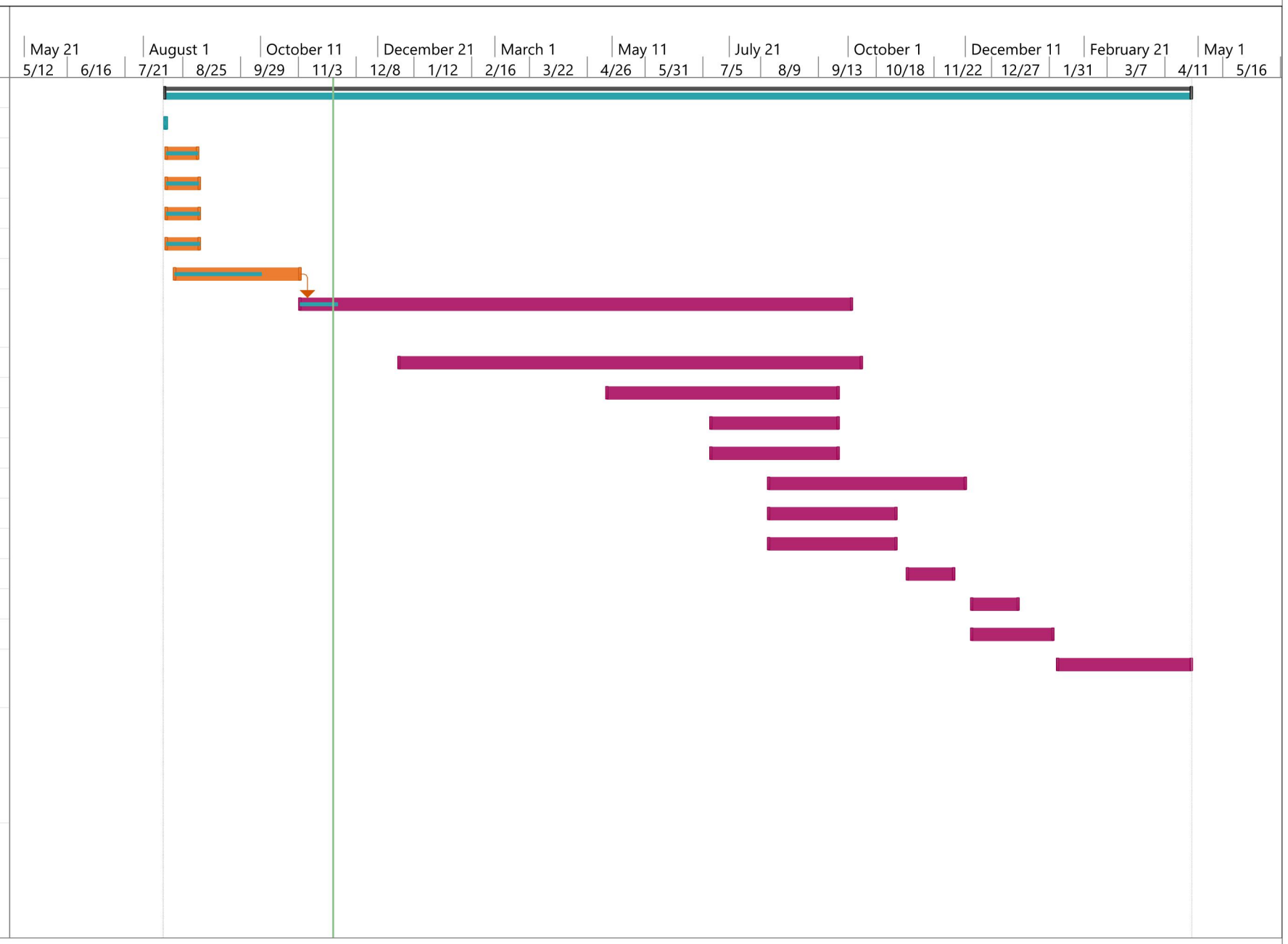


UPDATED 11/22/19
CURRENT PERCENT COMPLETED 62%

BURKHARDT CONSTRUCTION, INC.

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 3 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03

ID	Task Name	% Comp	Duration	Start	Finish
1	**PHASE 3 NORTH**	**10%**	**444 days?**	**Wed 8/14/19**	**Mon 4/26/21**
2	Town Council Approval	10...	1 day	Wed 8/14/19	Wed 8/14/19
3	Award Prime Contract	10...	13 days	Thu 8/15/19	Mon 9/2/19
4	Permitting	95%	14 days	Thu 8/15/19	Tue 9/3/19
5	Customer Owned Service Connection Permitt	10...	14 days	Thu 8/15/19	Tue 9/3/19
6	Sub Contract Agreements	10...	14 days	Thu 8/15/19	Tue 9/3/19
7	Material Procurement	70%	55 days	Tue 8/20/19	Sun 11/3/19
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	7%	240 days	Mon 11/4/19	Fri 10/2/20
9	As-Built Submission / Review (FPL)	0%	200 days	Fri 1/3/20	Thu 10/8/20
10	Secondary Services / Wire	0%	100 days	Fri 5/8/20	Thu 9/24/20
11	Feeder Splice Box Installation	0%	55 days	Fri 7/10/20	Thu 9/24/20
12	Set Transformers / Switch Cabinets (FPL)	0%	55 days	Fri 7/10/20	Thu 9/24/20
13	Pull Wire / Terminations Primary (FPL)	0%	85 days	Fri 8/14/20	Thu 12/10/20
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	55 days	Fri 8/14/20	Thu 10/29/20
15	*Comcast Pull Wire, Set Pedestals	0%	55 days	Fri 8/14/20	Thu 10/29/20
16	Cut over / Overhead Removal (ATT/Comcast)	0%	20 days	Fri 11/6/20	Thu 12/3/20
17	Energize Underground (FPL)	0%	20 days	Tue 12/15/20	Mon 1/11/21
18	Secondary Service Switch Over (FPL)	0%	35 days	Tue 12/15/20	Mon 2/1/21
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	57 days	Fri 2/5/21	Mon 4/26/21
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of	0%			
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			

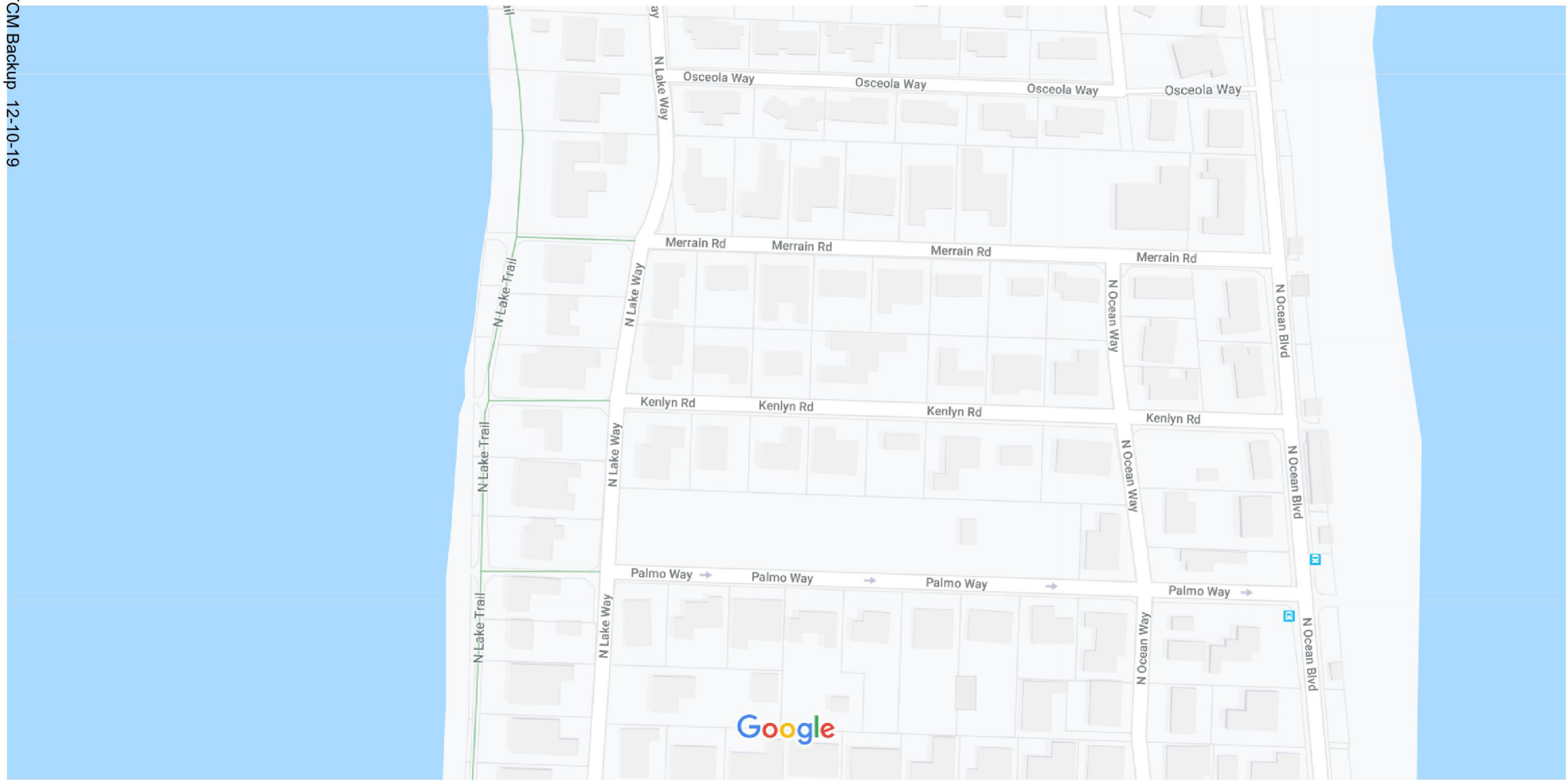


CONSTRUCTION SCHEDULE UPDATED 11/25/19
CURRENT PERCENT COMPLETED 10%

BURKHARDT CONSTRUCTION, INC.

Phe

TCM Backup 12-10-19



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November 2019 MONTHLY REPORT

TOWN UNDERGROUNDING PHASE 1—SOUTH—Whiting-Turner Project Updates

TCM Backup 12-10-19

SAFETY

Monthly safety inspections are conducted by WT Regional Safety Director. Daily safety inspections conducted by onsite staff.

- 0 lost time incidents to date
- 1 recordable incident to date

CONSTRUCTION

- Some switching orders for the south end of South Ocean Blvd. (south of Lake Ave.) received from FPL. Conversions currently in progress. Approx. 46 conversions completed to date.
- S. Ocean Blvd (Electrical Undergrounding Crew) - Undergrounding Crews are 100% scope of work completed. Street Lighting install completed. FPL Punchlist related items completed. Some switching orders received from FPL. Electrical conversions 67% completed.
- Phipps Ocean North Parking Lot Lighting conduit, handholes and pole installation completed. Switching orders for this area received from FPL.
- Ibis Isle AT&T/Comcast conduit installation along with drainage improvements and striping complete. Ibis Island switching order received, energizing in progress. 44 conversions completed to date on Ibis Isle.
- A-41 electrical/mechanical installations complete. Roof install 100% completed.

DOCUMENTATION:

RFIs:

A. 37 RFIs issued to date
B. 0 Outstanding RFI

SUBMITTALS:

A. 276+ Individual Submittals Processed
B. 0 Submittal Package Currently Under Review
C. 0 Submittal Packages Pending Submission to A/E

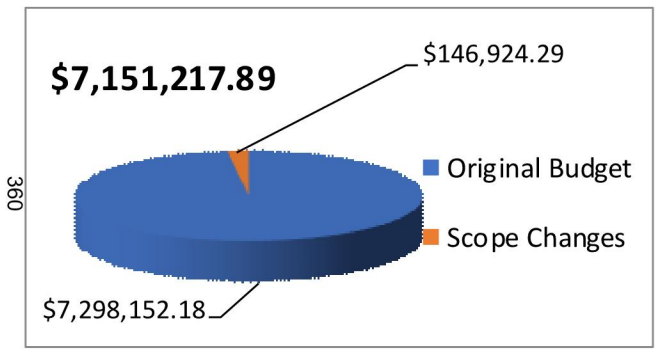
DRAWINGS: Added Scopes of Work

A. Post GMP Phipps Ocean Park Restroom Building.
B. Post GMP Phipps Ocean Park Lighting.
C. Post GMP A-41 Wastewater Pump Station.
D. Post GMP Ibis Bridge Watermain Crossing.

RELEVANT POTENTIAL CHANGES:

A. Time Extension Requested based on delayed receipt of Switching Orders from FPL.

FINANCIALS—BUDGET VS. COSTS

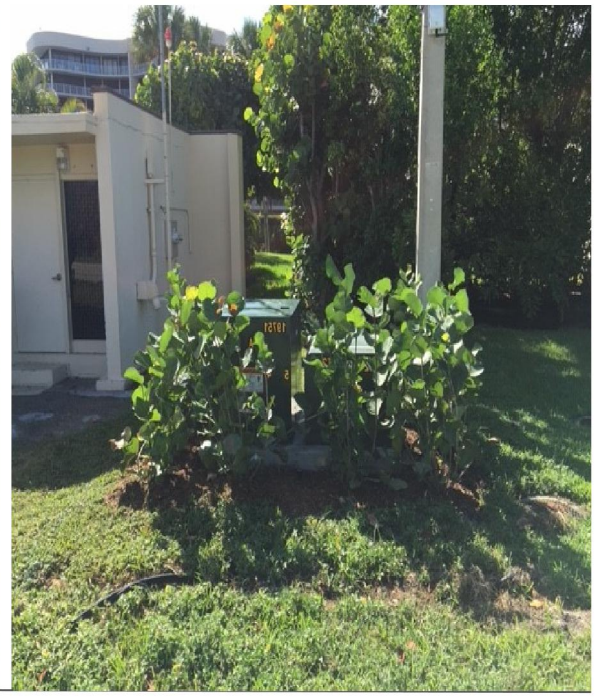


Current GMP Amount	—	**$7,151,217.89**
Approved Owner Initiated Scope Changes	—	**$146,934.29**
Gross Billings to Date ($)	—	**$6,594,884.75**
Gross Billings to Date (%)	—	**92%**
Schedule % Completed	—	**95%**

360







SCHEDULE SUMMARY

S. Ocean Undergrounding -Sta 11+10 to Sta 243+66

1570	Converting / Energizing Services	45	44	17MAY19 A	21AUG19
1530	ATT remove Overhead Facilities	10	10	23MAY19	05JUN19
1535	Comcast remove Overhead Facilities	10	10	23MAY19	05JUN19
1537	Restoration due to ATT work	10	10	06JUN19	19JUN19
1540	Restoration due to Comcast work	10	10	06JUN19	19JUN19
1575	De-energize existing Aerial Power	7	7	22AUG19	30AUG19

A-41 Pump Station

Preconstruction

4100	Bid Packages to Subs	5	0	23MAR18 A	26APR18 A
4105	Subcontractor Bids Due	10	0	26APR18 A	10MAY18 A
4110	WT Prepares Analysis & Submit to Owner	10	0	11MAY18 A	18MAY18 A
4115	Town Council/Engineer Approves WT Proposal	15	0	18MAY18 A	12JUN18 A
4120	Town Issues Change Order / PO	3	0	12JUN18 A	28JUN18 A
4125	WT Issues Contracts to Subs	10	0	12JUN18 A	18JUL18 A

Street Lighting

IMP4140	Davco to complete Punchlist per Town/MR	10	5	30NOV18 A	24MAY19
4050	Asphalt/Concrete Restoration	15	15	27MAY19	14JUN19
IMP4130	Primary to be Enerized (Heat-up/Switching Order)	1	1	03JUN19	03JUN19
4040	FPL to Energize Light Poles	10	10	04JUN19	17JUN19
4060	Landscape & Irrigation Restoration	10	10	17JUN19	28JUN19
4090	Bid Unit #4 Substantial Completion	0	0		28JUN19



SCHEDULE NOTES / IMPACTS:

- **Street Lighting conduit and handhole installations by Whiting-Turner 100% complete. Completion of the FPL Street Lighting installation punch-list (by FPL contractor) is still pending. This is preventing Whiting-Turner from completing the restoration scope.**
- **Additional AT&T/Comcast Service Conduit by Whiting-Turner at Ibis Isle completed. AT&T direct installations pending and Comcast direct installation approx. 100% completed. Service swaps are complete from both AT&T and Comcast.**
- **A-41 Pump Station pump back online. Roof installation complete.**
- **FPL switching orders slowly being received. Remaining switching orders pending.**

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
Preconstruction Phase					
1037	Town/W-T agree on Contract Language	10	0	20JAN17 A	07MAR17 A
1000	RFQ Review / Selection Committee Award	0	0	13MAR17 A	
1145	Receive Executed Precon Contract from Town	3	0	13APR17 A	17APR17 A
1010	Town Commission approves W-T Preconstruction	0	0		13APR17 A
1020	Publicly Advertise Bid	6	0	16APR17 A	23APR17 A
1005	Bid Documents from Engineer	0	0	17APR17 A	
1007	Prepare for Preconstruction	3	0	17APR17 A	21APR17 A
1015	Notice to Proceed (Same date as Executed Contr.)	1	0	17APR17 A	17APR17 A
1025	Bid Packages/Addenda out to Bid	6	0	17APR17 A	21APR17 A
1040	Bids due from Subs	23	0	17APR17 A	24MAY17 A
1018	Town Provides Proposed "Construction" Contract	1	0	19APR17 A	19APR17 A
1030	W-T comments on proposed "contract" language	10	0	19APR17 A	02MAY17 A
1035	Prebid meeting	0	0	04MAY17 A	
1045	W-T Summarize Bids / Prepare Draft GMP	7	0	17MAY17 A	07JUN17 A
1047	Finalize GMP	7	0	22MAY17 A	08JUN17 A
1052	Town provides W-T with Construction Contract	2	0	30MAY17 A	06JUN17 A
1054	W-T signs Construction Contract digitally	1	0	06JUN17 A	12JUN17 A
1056	Submit GMP for Council Approval	5	0	06JUN17 A	08JUN17 A
1195	Town Issues Construction Contract	3	0	13JUN17 A	14JUN17 A
1055	Town Commission Approval of GMP	0	0		13JUN17 A
1080	W-T executes Subcontracts and procures materials	21	0	26JUN17 A	03AUG17 A
1065	Town issues Construction NTP	1	0	27JUN17 A	27JUN17 A
1175	FPL Eng Completed/Check Paid to FPL/Sign Agreeme	0	0		12JUL17 A
1075	Preconstruction Video	9	0	20JUL17 A	27JUL17 A
1095	W-T mobilizes for Construction	0	0	02AUG17 A	
1090	W-T setup Trailer/Staging Compound	21	0	04AUG17 A	09AUG17 A
1085	Soft Digs	12	0	14AUG17 A	31OCT17 A
1185	LED Street Lighting issue resolved	0	0		12OCT17 A
IMP1096	W-T Revised Street Lighting Directive to Proceed	0	0	18JAN18 A	
Procurement					
1100	WM Pipe/Fittings/Accessories	20	0	17JUL17 A	06OCT17 A
1105	WM Line Stops	20	0	17JUL17 A	06OCT17 A
1110	FPL Feeder & Primary Conduit Procurement	40	0	17JUL17 A	09AUG17 A
1115	FPL Secondary Conduit Procurement	40	0	17JUL17 A	29DEC17 A
1125	FPL Wire	60	0	17JUL17 A	28MAR18 A
1130	ATT Vaults	30	0	17JUL17 A	30APR18 A
1135	ATT / Comcast Conduit	30	0	17JUL17 A	29SEP17 A
1120	FPL Equipment/Switches /PMEs	60	0	02AUG17 A	28MAR18 A
1117	Street Lighting Conduit/Pull Boxes/Access	30	0	18JAN18 A	28FEB18 A
IMP1170	TOPB/FPL Procure revised Street Light Materials	14	0	18JAN18 A	02MAR18 A
1155	Street Lights Poles & Fixtures (VOID - by FPL)	100	0	01MAY18 A	07AUG18 A
1165	Precast Pole Base (VOID by FPL)	60	0	01MAY18 A	07AUG18 A
Construction					
General					



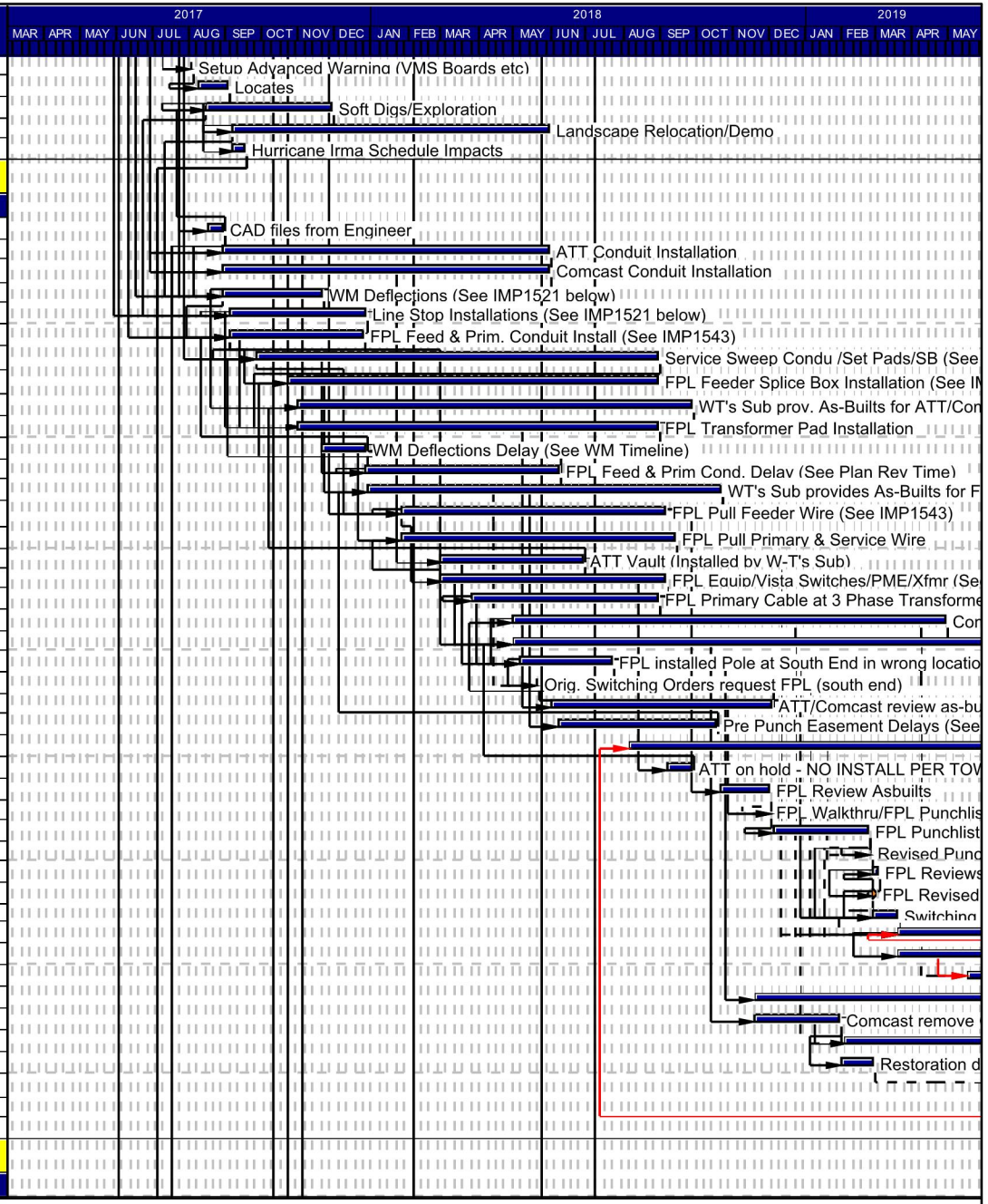
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Finish date	01JUN20
Data date	25SEP19
Run date	25SEP19
Page number	1A

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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

Early bar
Progress bar
Critical bar
Summary bar
Start milestone point
Finish milestone poi

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
1200	Setup Advanced Warning (VMS Boards etc)	2	0	02AUG17 A	04AUG17 A
1205	Locates	10	0	09AUG17 A	04SEP17 A
1210	Soft Digs/Exploration	20	0	14AUG17 A	30NOV17 A
1215	Landscape Relocation/Demo	30	0	06SEP17 A	31MAY18 A
IMP 1207	Hurricane Irma Schedule Impacts	8	0	07SEP17 A	18SEP17 A
S. Ocean Undergrounding -Sta 11+10 to Sta 243+66					
IMP 1517	CAD files from Engineer	10	0	16AUG17 A	30AUG17 A
1500	ATT Conduit Installation	10	0	29AUG17 A	31MAY18 A
1505	Comcast Conduit Installation	10	0	29AUG17 A	31MAY18 A
1521	WM Deflections (See IMP1521 below)	60	0	29AUG17 A	21NOV17 A
1518	Line Stop Installations (See IMP1521 below)	50	0	04SEP17 A	29DEC17 A
1543	FPL Feed & Prim. Conduit Install (See IMP1543)	75	0	04SEP17 A	27DEC17 A
1545	Service Sweep Condu /Set Pads/SB (See IMP1543)	75	0	27SEP17 A	31AUG18 A
1512	FPL Feeder Splice Box Installation (See IMP1543)	20	0	23OCT17 A	31AUG18 A
1509	WT's Sub prov. As-Builts for ATT/Comc. (IMP1543)	5	0	01NOV17 A	28SEP18 A
1550	FPL Transformer Pad Installation	20	0	01NOV17 A	31AUG18 A
IMP1521	WM Deflections Delay (See WM Timeline)	28	0	21NOV17 A	29DEC17 A
IMP1543	FPL Feed & Prim Cond. Delay (See Plan Rev Time)	118	0	27DEC17 A	08JUN18 A
1547	WT's Sub provides As-Builts for FPL/TPB/K-H	5	0	29DEC17 A	23OCT18 A
1553	FPL Pull Feeder Wire (See IMP1543)	40	0	27JAN18 A	07SEP18 A
1557	FPL Pull Primary & Service Wire	50	0	27JAN18 A	14SEP18 A
1507	ATT Vault (Installed by W-T's Sub)	15	0	01MAR18 A	30JUN18 A
1555	FPL Equip/Vista Switches/PME/Xfmr (See IMP 1543)	55	0	01MAR18 A	07SEP18 A
1560	FPL Primary Cable at 3 Phase Transformer Termin	45	0	26MAR18 A	31AUG18 A
1525	Comcast Pull Wire/Set Pedestals/Terminations	20	0	01MAY18 A	30APR19 A
1527	ATT Pull Wire/Set Pedestals/Terminations	20	3	01MAY18 A	27SEP19
IMP1564	FPL installed Pole at South End in wrong locatio	56	0	07MAY18 A	24JUL18 A
1595	Orig. Switching Orders request FPL (south end)	2	0	21MAY18 A	21MAY18 A
1514	ATT/Comcast review as-built/inspect/procure wire	20	0	01JUN18 A	05DEC18 A
IMP 1545	Pre Punch Easement Delays (See Easem. Timeline)	57	0	08JUN18 A	19OCT18 A
1590	Final Landscape & Irrigation Restoration	40	35	06AUG18 A	28MAY20
IMP1567	ATT on hold - NO INSTALL PER TOWN	15	0	07SEP18 A	28SEP18 A
IMP1613	FPL Review Asbuilts	30	0	23OCT18 A	04DEC18 A
IMP1615	FPL Walkthru/FPL Punchlist	1	0	04DEC18 A	04DEC18 A
IMP1625	FPL Punchlist Items Addressed by W-T/Town	57	0	06DEC18 A	25FEB19 A
IMP1628	Revised Punchlist As-Builts to FPL (KHA)	2	0	25FEB19 A	27FEB19 A
IMP1630	FPL Reviews Punchlist Revised As-Builts	3	0	27FEB19 A	04MAR19 A
IMP1629	FPL Revised Asbuilt Followup Meeting	0	0		27FEB19 A
IMP1605	Switching Orders requested from FPL	14	0	28FEB19 A	20MAR19 A
1565	Make Feeder Hot/Burn-in	10	8	20MAR19 A	25OCT19
IMP1635	Switching Order recevied from FPL	15	12	20MAR19 A	15OCT19
1570	Converting / Energizing Services	45	30	17MAY19 A	06DEC19
1530	ATT remove Overhead Facilities	10	8	19NOV18 A	09OCT19
1535	Comcast remove Overhead Facilities	10	0	19NOV18 A	31JAN19 A
1537	Restoration due to ATT work	10	7	04FEB19 A	18OCT19
1540	Restoration due to Comcast work	10	0	31JAN19 A	28FEB19 A
1575	De-energize existing Aerial Power	7	7	09DEC19	17DEC19
1580	Bid Unit #1 & #2 Substantial Completion	0	0		17DEC19
1585	FPL Remove Overhead Cond./Light/Poles (by FPL)	90	90	18DEC19	23APR20
Ibis Isle					



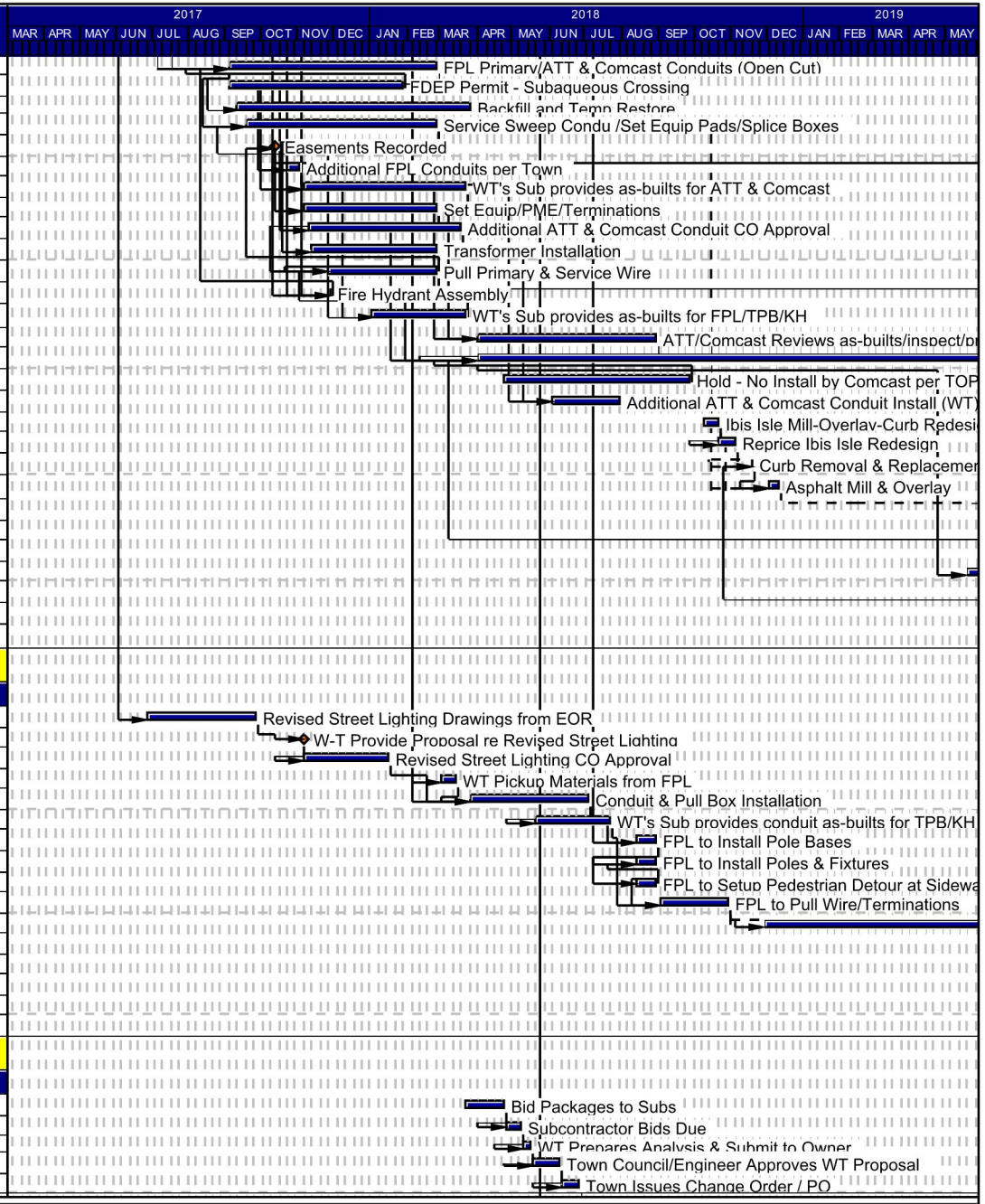
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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

- Early bar
- Progress bar
- Critical bar
- Summary bar
- Start milestone point
- Finish milestone poi

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
3008	FPL Primary/ATT & Comcast Conduits (Open Cut)	30	0	04SEP17 A	28FEB18 A
IMP 3006	FDEP Permit - Subaqueous Crossing	30	0	04SEP17 A	29JAN18 A
3010	Backfill and Temp Restore	30	0	11SEP17 A	28MAR18 A
3030	Service Sweep Condu /Set Equip Pads/Splice Boxes	45	0	19SEP17 A	28FEB18 A
3052	Easements Recorded	0	0		11OCT17 A
IMP 3009	Additional FPL Conduits per Town	7	0	23OCT17 A	03NOV17 A
3020	WT's Sub provides as-builts for ATT & Comcast	5	0	06NOV17 A	23MAR18 A
3045	Set Equip/PME/Terminations	30	0	06NOV17 A	28FEB18 A
IMP 3011	Additional ATT & Comcast Conduit CO Approval	10	0	10NOV17 A	20MAR18 A
3047	Transformer Installation	30	0	13NOV17 A	28FEB18 A
3049	Pull Primary & Service Wire	30	0	27NOV17 A	28FEB18 A
3005	Fire Hydrant Assembly	5	0	29NOV17 A	30NOV17 A
3055	WT's Sub provides as-builts for FPL/TPB/KH	5	0	03JAN18 A	23MAR18 A
3035	ATT/Comcast Reviews as-builts/inspect/procure	20	0	02APR18 A	31AUG18 A
3057	ATT/Comcast to install Residential Services	35	0	02APR18 A	06SEP19 A
IMP 3013	Hold - No Install by Comcast per TOPB	30	0	25APR18 A	28SEP18 A
IMP 3012	Additional ATT & Comcast Conduit Install (WT)	10	0	04JUN18 A	31JUL18 A
IMP3084	Ibis Isle Mill-Overlay-Curb Redesign	5	0	11OCT18 A	23OCT18 A
IMP3120	Reprice Ibis Isle Redesign	5	0	23OCT18 A	06NOV18 A
3074	Curb Removal & Replacement	7	0	19NOV18 A	21NOV18 A
3076	Asphalt Mill & Overlay	7	0	04DEC18 A	14DEC18 A
3065	Energize Primary	10	0	05AUG19 A	06AUG19 A
3090	WT's Sub Converts Residential Services (FPL)	45	0	16AUG19 A	20SEP19 A
IMP3067	Comcast requires Power to complete conversions	10	0	01JUL19 A	08JUL19 A
3100	ATT/Comcast remove overhead facilities	20	0	20MAY19 A	28JUN19 A
3110	Bid Unit #3 Substantial Completion	0	0		24SEP19
3070	FPL Remove Overhead Conductors/Light/Poles	90	90	25SEP19	30JAN20
3080	Final Landscape & Irrigation Restoration	45	45	17JAN20	19MAR20
Street Lighting					
IMP 4000	Revised Street Lighting Drawings from EOR	30	0	27JUN17 A	27SEP17 A
IMP 4005	W-T Provide Proposal re Revised Street Lighting	0	0	06NOV17 A	
IMP 4007	Revised Street Lighting CO Approval	10	0	06NOV17 A	18JAN18 A
IMP 4009	WT Pickup Materials from FPL	4	0	02MAR18 A	16MAR18 A
4000	Conduit & Pull Box Installation	40	0	26MAR18 A	06JUL18 A
4080	WT's Sub provides conduit as-builts for TPB/KH	10	0	21MAY18 A	24JUL18 A
4010	FPL to Install Pole Bases	60	0	14AUG18 A	31AUG18 A
4030	FPL to Install Poles & Fixtures	40	0	14AUG18 A	31AUG18 A
4070	FPL to Setup Pedestrian Detour at Sidewalk	2	0	14AUG18 A	31AUG18 A
4020	FPL to Pull Wire/Terminations	15	0	03SEP18 A	01NOV18 A
IMP4140	Davco to complete Punchlist per Town/MR	10	5	30NOV18 A	01OCT19
4050	Asphalt/Concrete Restoration	15	15	02OCT19	22OCT19
IMP4130	Primary to be Enerized (Heat-up/Switching Order)	1	1	16SEP19 A	25SEP19
4040	FPL to Energize Light Poles	10	10	26SEP19	09OCT19
4060	Landscape & Irrigation Restoration	10	10	23OCT19	05NOV19
4090	Bid Unit #4 Substantial Completion	0	0		05NOV19
A-41 Pump Station					
Preconstruction					
4100	Bid Packages to Subs	5	0	23MAR18 A	26APR18 A
4105	Subcontractor Bids Due	10	0	26APR18 A	10MAY18 A
4110	WT Prepares Analysis & Submit to Owner	10	0	11MAY18 A	18MAY18 A
4115	Town Council/Engineer Approves WT Proposal	15	0	18MAY18 A	12JUN18 A
4120	Town Issues Change Order / PO	3	0	12JUN18 A	28JUN18 A



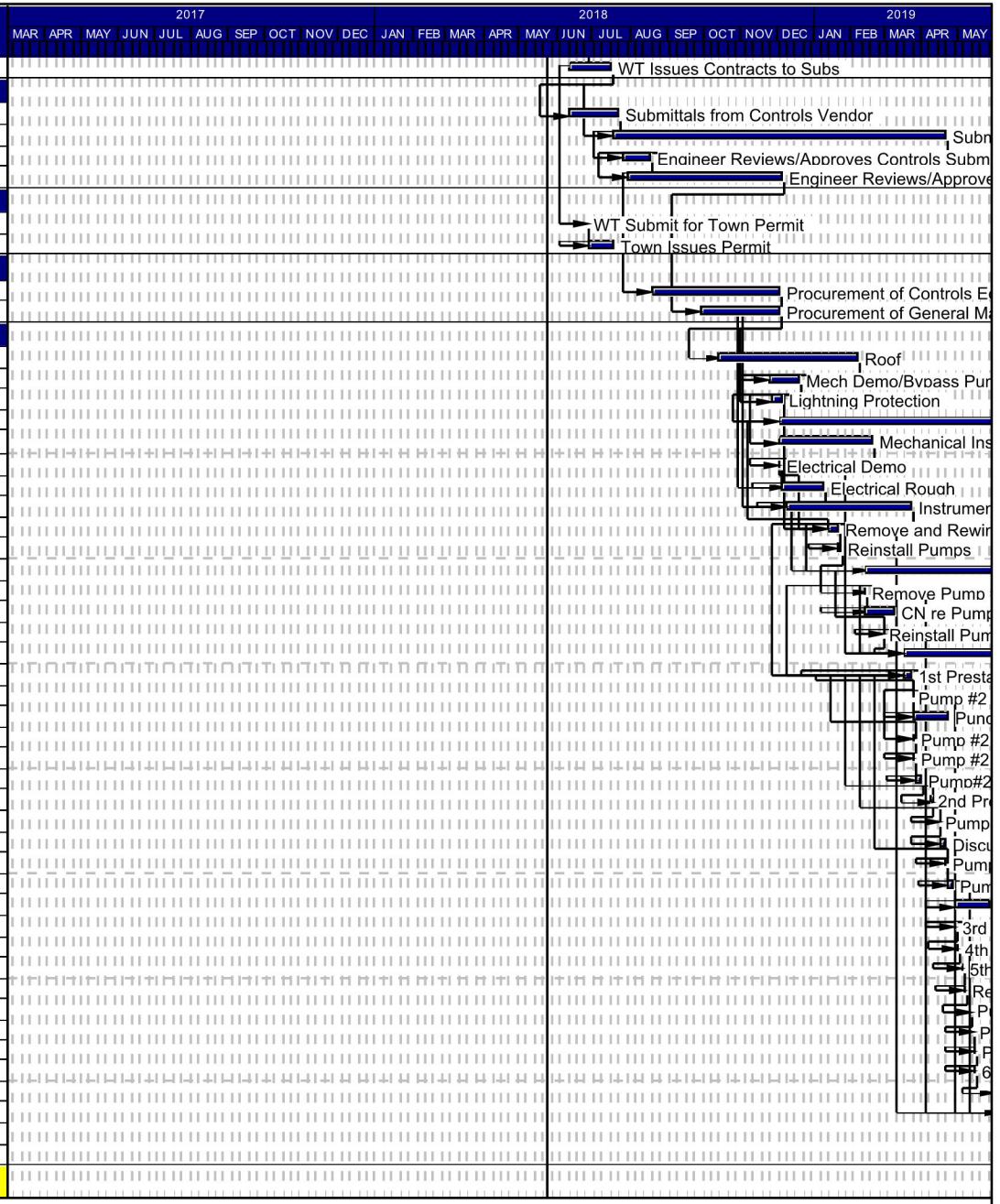
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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

- Early bar
- Progress bar
- Critical bar
- Summary bar
- Start milestone point
- Finish milestone poi

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
4125	WT Issues Contracts to Subs	10	0	12JUN18 A	18JUL18 A
Submittal					
4210	Submittals from Controls Vendor	40	0	12JUN18 A	23JUL18 A
4200	Submittals from Subs	20	0	18JUL18 A	22APR19 A
4230	Engineer Reviews/Approves Controls Submittals	10	0	26JUL18 A	20AUG18 A
4220	Engineer Reviews/Approves Submittals	10	0	31JUL18 A	07DEC18 A
Permits					
4300	WT Submit for Town Permit	10	0	28JUN18 A	28JUN18 A
4310	Town Issues Permit	30	0	28JUN18 A	19JUL18 A
Procurement					
4410	Procurement of Controls Equipment	80	0	20AUG18 A	05DEC18 A
4400	Procurement of General Materials	35	0	29SEP18 A	05DEC18 A
Construction					
4505	Roof	15	0	15OCT18 A	08FEB19 A
4500	Mech Demo/Bypass Pump/Temp Vent	15	0	26NOV18 A	21DEC18 A
4575	Lightning Protection	5	0	27NOV18 A	07DEC18 A
4525	Bypass Pumping	80	0	03DEC18 A	05JUN19 A
4510	Mechanical Installations	30	0	04DEC18 A	21FEB19 A
4515	Electrical Demo	35	0	04DEC18 A	06DEC18 A
4540	Electrical Rough	25	0	07DEC18 A	11JAN19 A
4545	Instrumentation & Controls	30	0	10DEC18 A	25MAR19 A
4520	Remove and Rewind Pumps	20	0	14JAN19 A	22JAN19 A
4535	Reinstall Pumps	15	0	22JAN19 A	25JAN19 A
4550	Electrical Final	15	0	14FEB19 A	03JUL19 A
IMP4580	Remove Pump #3 due to leak in Cooling Jacket	1	0	14FEB19 A	14FEB19 A
IMP4590	CN re Pump#3 & Repair Time at Sanders	10	0	14FEB19 A	11MAR19 A
IMP4600	Reinstall Pump #3	1	0	01MAR19 A	01MAR19 A
4530	Mechanical Final	20	0	18MAR19 A	17JUN19 A
4555	1st Prestartup	10	0	18MAR19 A	25MAR19 A
IMP4610	Pump #2 Electrical Fault during Startup	1	0	25MAR19 A	25MAR19 A
IMP4710	Punchlist generated/issued by KHA	5	0	25MAR19 A	24APR19 A
IMP4620	Pump #2 to be Removed/Deliverer to Sanders/Condo	2	0	26MAR19 A	26MAR19 A
IMP4660	Pump #2 Repair/Returned to A-41	1	0	26MAR19 A	28MAR19 A
IMP4670	Pump#2 Reinstalled	1	0	28MAR19 A	02APR19 A
IMP4630	2nd Prestartup with KHA/Town/W-T/Subs (No Improv	2	0	10APR19 A	10APR19 A
IMP4640	Pumps Overheating and Shutdown by W-T	1	0	17APR19 A	17APR19 A
IMP4680	Discussions/Onsite Eval. of Overheating Pumps	3	0	17APR19 A	22APR19 A
IMP4650	Pump #3 sent to Sanders/Condo due to Overheating	2	0	22APR19 A	23APR19 A
IMP4581	Pump #3 repaired at Condo	1	0	23APR19 A	29APR19 A
IMP4591	Pump#3 Returned/reinstalled at A-41	1	0	29APR19 A	29MAY19 A
IMP4601	3rd Prestartup with W-T/Subs (No improvement)	1	0	30APR19 A	30APR19 A
IMP4611	4th Prestartuo with W-T/ML/Subs (No Improvments)	1	0	02MAY19 A	02MAY19 A
IMP4621	5th Prestartup with W-T/ML deadhead/RPM (No Impr	1	0	06MAY19 A	06MAY19 A
IMP4690	Report from ML - All acceptable except tolerance	1	0	08MAY19 A	08MAY19 A
IMP4700	Pump #2 removed/sent to Condo re tolerance	1	0	13MAY19 A	13MAY19 A
IMP4582	Pump #2 shim inspection at Condo by W-T/VE	1	0	15MAY19 A	15MAY19 A
IMP4585	Pump #2 returned/installed at A-41	2	0	15MAY19 A	16MAY19 A
IMP4588	6th Prestartup W-T/ML/Subs - 51PSI Pump#2	1	0	16MAY19 A	16MAY19 A
IMP4592	Final Startup/Commissioning	1	0	31MAY19 A	31MAY19 A
4560	Dismantle Bypass & Temp Ventillation	3	0	05JUN19 A	05JUN19 A
4565	Sitework/Restoration (excludes asphalt apron)	10	0	26JUL19 A	26JUL19 A
4570	Closeout	10	5	25SEP19 A	01OCT19



Phipps Ocean Park Restroom Building

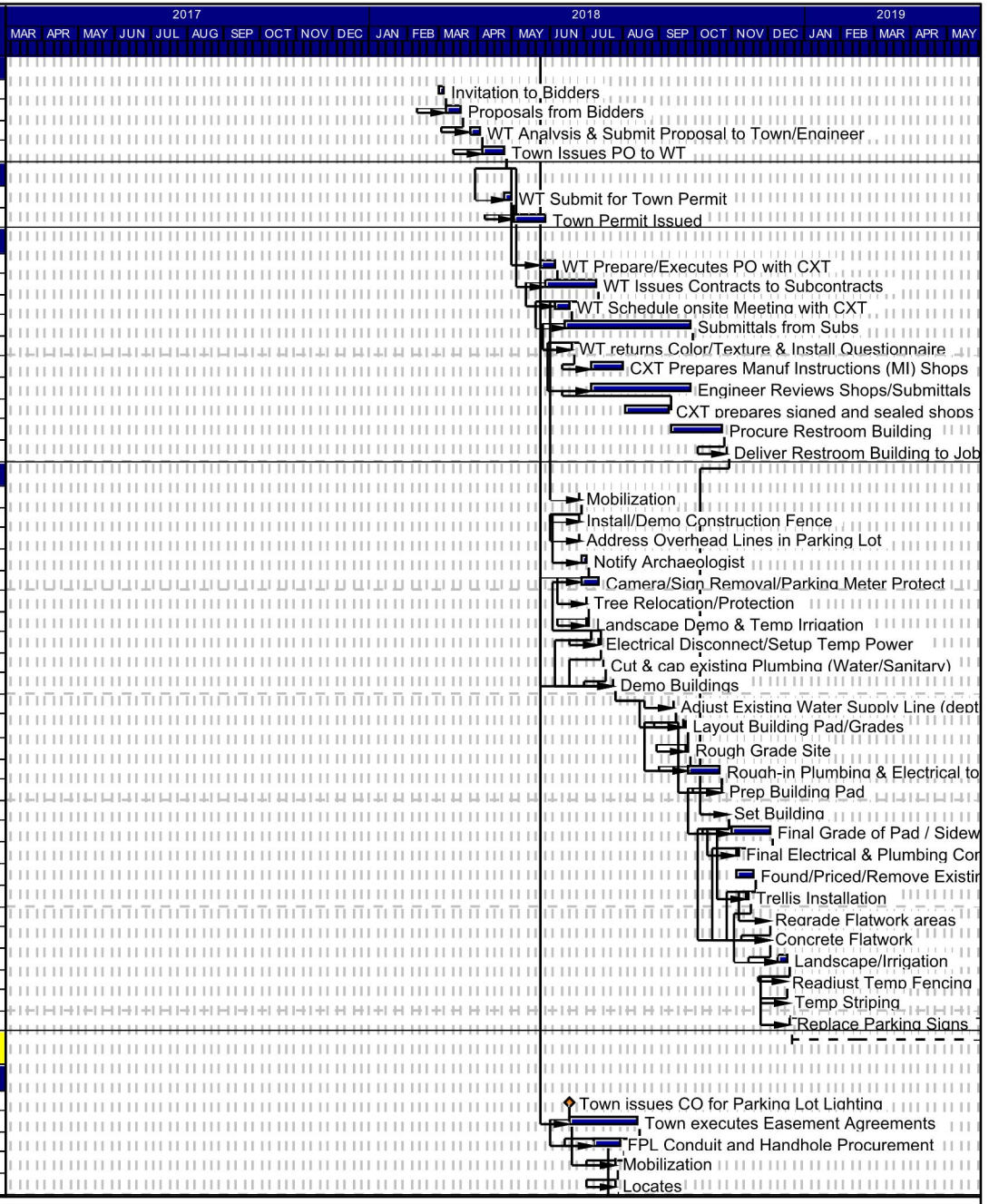
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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

- Early bar
- Progress bar
- Critical bar
- Summary bar
- Start milestone point
- Finish milestone poi

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
Preconstruction					
5030	Invitation to Bidders	5	0	01MAR18 A	06MAR18 A
5040	Proposals from Bidders	10	0	06MAR18 A	20MAR18 A
5050	WT Analysis & Submit Proposal to Town/Engineer	5	0	26MAR18 A	05APR18 A
5060	Town Issues PO to WT	10	0	05APR18 A	25APR18 A
Permits					
5070	WT Submit for Town Permit	5	0	25APR18 A	02MAY18 A
5080	Town Permit Issued	20	0	02MAY18 A	29MAY18 A
Procurement					
5100	WT Prepare/Executes PO with CXT	5	0	25MAY18 A	06JUN18 A
5105	WT Issues Contracts to Subcontracts	10	0	29MAY18 A	11JUL18 A
5110	WT Schedule onsite Meeting with CXT	5	0	06JUN18 A	20JUN18 A
5115	Submittals from Subs	10	0	15JUN18 A	28SEP18 A
5120	WT returns Color/Texture & Install Questionnaire	2	0	20JUN18 A	21JUN18 A
5130	CXT Prepares Manuf Instructions (MI) Shops	10	0	06JUL18 A	03AUG18 A
5150	Engineer Reviews Shops/Submittals	10	0	06JUL18 A	28SEP18 A
5155	CXT prepares signed and sealed shops from MI	20	0	03AUG18 A	11SEP18 A
5160	Procure Restroom Building	67	0	11SEP18 A	26OCT18 A
5165	Deliver Restroom Building to Jobsite	5	0	29OCT18 A	30OCT18 A
Construction					
5200	Mobilization	1	0	27JUN18 A	27JUN18 A
5205	Install/Demo Construction Fence	3	0	27JUN18 A	28JUN18 A
5210	Address Overhead Lines in Parking Lot	5	0	27JUN18 A	27JUN18 A
5215	Notify Archaeologist	3	0	28JUN18 A	03JUL18 A
5220	Camera/Sign Removal/Parking Meter Protect	1	0	28JUN18 A	13JUL18 A
5224	Tree Relocation/Protection	5	0	03JUL18 A	03JUL18 A
5226	Landscape Demo & Temp Irrigation	5	0	03JUL18 A	06JUL18 A
5229	Electrical Disconnect/Setup Temp Power	2	0	12JUL18 A	13JUL18 A
5231	Cut & cap existing Plumbing (Water/Sanitary)	2	0	16JUL18 A	17JUL18 A
5234	Demo Buildings	3	0	24JUL18 A	26JUL18 A
5237	Adjust Existing Water Supply Line (depth)	3	0	13SEP18 A	14SEP18 A
5239	Layout Building Pad/Grades	1	0	21SEP18 A	24SEP18 A
5350	Rough Grade Site	2	0	24SEP18 A	26SEP18 A
5243	Rough-in Plumbing & Electrical to Building	5	0	25SEP18 A	24OCT18 A
5340	Prep Building Pad	1	0	25OCT18 A	26OCT18 A
5249	Set Building	2	0	30OCT18 A	30OCT18 A
5247	Final Grade of Pad / Sidewalk	1	0	02NOV18 A	05DEC18 A
5255	Final Electrical & Plumbing Connections	3	0	05NOV18 A	09NOV18 A
IMP5281	Found/Priced/Remove Existing Propane Tank	1	0	05NOV18 A	21NOV18 A
5259	Trellis Installation	4	0	14NOV18 A	16NOV18 A
IMP5291	Regrade Flatwork areas	1	0	03DEC18 A	04DEC18 A
5251	Concrete Flatwork	2	0	04DEC18 A	04DEC18 A
5261	Landscape/Irrigation	3	0	11DEC18 A	20DEC18 A
5265	Readjust Temp Fencing	2	0	18DEC18 A	18DEC18 A
5271	Temp Striping	2	0	20DEC18 A	20DEC18 A
5269	Replace Parking Signs	3	0	21DEC18 A	21DEC18 A
Parking Lot Lighting					
5300	Town issues CO for Parking Lot Lighting	0	0	18JUN18 A	
5307	Town executes Easement Agreements	20	0	18JUN18 A	15AUG18 A
5311	FPL Conduit and Handhole Procurement	20	0	09JUL18 A	31JUL18 A
5314	Mobilization	1	0	27JUL18 A	27JUL18 A
5319	Locates	1	0	27JUL18 A	27JUL18 A



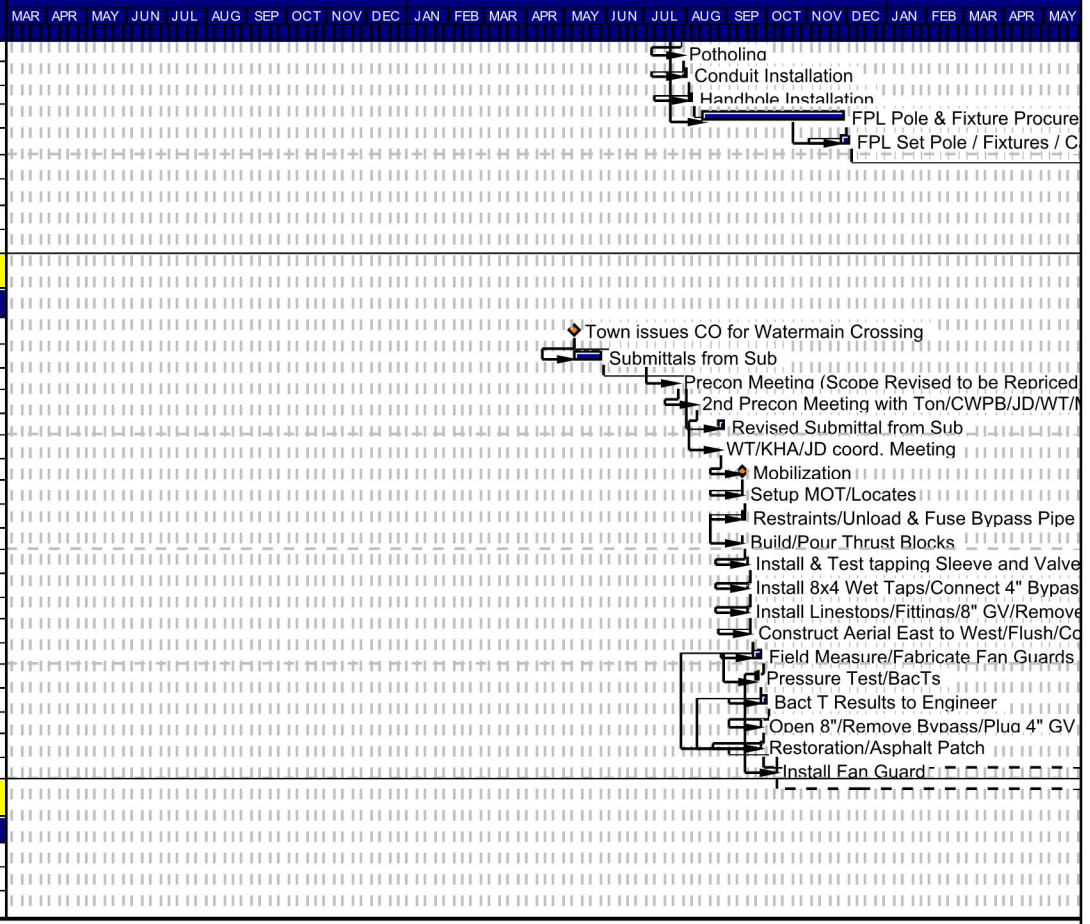
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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

- Early bar
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Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
5322	Potholing	2	0	30JUL18 A	30JUL18 A
5325	Conduit Installation	5	0	31JUL18 A	03AUG18 A
5328	Handhole Installation	2	0	03AUG18 A	07AUG18 A
5331	FPL Pole & Fixture Procurement	30	0	15AUG18 A	30NOV18 A
5335	FPL Set Pole / Fixtures / Cable	5	0	28NOV18 A	05DEC18 A
IMP5349	Primary to be Energized	1	0	16SEP19 A	17SEP19 A
5339	FPL/Davco Conversions	2	2	25SEP19	26SEP19
5347	Restoration	2	2	27SEP19	30SEP19
5342	Remove Existing Pole / Fixtures	2	0	25SEP19	25SEP19
	Ibis Isle Watermain Crossing				
5400	Town issues CO for Watermain Crossing	0	0	09MAY18 A	
5403	Submittals from Sub	10	0	09MAY18 A	30MAY18 A
5407	Precon Meeting (Scope Revised to be Repriced)	1	0	26JUL18 A	26JUL18 A
5411	2nd Precon Meeting with Ton/CWPB/JD/WT/MR	1	0	10AUG18 A	10AUG18 A
5415	Revised Submittal from Sub	3	0	27AUG18 A	31AUG18 A
5419	WT/KHA/JD coord. Meeting	10	0	28AUG18 A	28AUG18 A
5423	Mobilization	0	0	13SEP18 A	
5429	Setup MOT/Locates	1	0	13SEP18 A	14SEP18 A
5431	Restraints/Unload & Fuse Bypass Pipe	1	0	14SEP18 A	17SEP18 A
5435	Build/Pour Thrust Blocks	1	0	14SEP18 A	14SEP18 A
5439	Install & Test tapping Sleeve and Valve	1	0	18SEP18 A	19SEP18 A
5442	Install 8x4 Wet Taps/Connect 4" Bypass	1	0	18SEP18 A	19SEP18 A
5445	Install Linestops/Fittings/8" GV/Remove LS	1	0	18SEP18 A	19SEP18 A
5449	Construct Aerial East to West/Flush/Connect	3	0	19SEP18 A	21SEP18 A
5458	Field Measure/Fabricate Fan Guards	15	0	21SEP18 A	28SEP18 A
5452	Pressure Test/BacTs	3	0	24SEP18 A	26SEP18 A
5465	Bact T Results to Engineer	2	0	27SEP18 A	02OCT18 A
5471	Open 8"/Remove Bypass/Plug 4" GV	1	0	28SEP18 A	28SEP18 A
5475	Restoration/Asphalt Patch	2	0	28SEP18 A	28SEP18 A
5462	Install Fan Guard	1	0	10OCT18 A	10OCT18 A
6000	Substantial Completion	1	1	29MAY20	29MAY20
6010	Punchlist	0	0	01JUN20	
6020	Final Completion	1	1	01JUN20	01JUN20



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The Whiting-Turner Contracting Co.
Town Wide Undergrounding Ph1 - South
CONSTRUCTION SCHEDULE

- Early bar
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Underground Utility Project Budget
Project Financial Summary
November 30, 2019

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	$ 12,620,000	$ 12,910,000	$ 12,797,329	$ 12,455,075	97.3%
Phase 2	$ 9,170,000	$ 13,470,000	$ 5,908,316	$ 5,489,023	92.9%
Phase 3	$ 10,910,000	$ 15,400,000	$ 5,907,018	$ 1,419,164	24.0%
Phase 4	$ 10,370,000	$ 15,220,000	$ 1,330,129	$ 566,858	42.6%
Phase 5 ($8.5 Million FEMA Grant Offset)	$ 14,090,000	$ 11,694,645	$ 1,594,415	$ 372,729	23.4%
Phase 6	$ 16,820,000	$ 20,800,000	$ 1,886,346	$ -	0.0%
Phase 7	$ 11,730,000	$ 15,910,000	$ -	$ -	
Phase 8	$ 12,300,000	$ 14,500,000	$ -	$ -	
Total Project Costs To Date	$ 98,010,000	$ 119,904,645	$ 29,423,554	$ 20,302,848	69.0%
Other Costs Associated Directly with the Project (Page 8)	$ 570,000	$ 980,414	$ 980,414	$ 915,944	93.4%
Grand Total of Costs Related to Project	$ 98,580,000	$ 120,885,059	$ 30,403,968	$ 21,218,793	69.8%
Debt Service and Related Debt Issuance Costs (Page 8)			$ 2,700,000	$ 3,432,464	127.1%
Total Other Costs Outside Underground Budget (Page 8)			$ 1,019,169	$ 1,853,611	181.9%
Grand Total of All Costs Related to the Project	$ 98,580,000	$ 120,885,059	$ 31,423,137	$ 23,072,404	73.4%

Total Project Budget - Opinion of cost for construction		$ 119,904,645
% Budgeted/Encumbered To Date Project Costs		25.36%
% Spent to Date - Project Costs		17.70%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	$ -	$ 11,736,629	0.0%
Assessment Revenue	$ 13,380,000	$ 8,628,078	64.5%
Commercial Paper	$ -	$ -	0.0%
Town Owned Property Prepaid Assessments	$ 2,797,291	$ 2,797,291	100.0%
Interest on Assessment Escrow	$ -	$ 396,389	0.0%
Interest	$ 512,000	$ 1,499,428	292.9%
GO Bond Proceeds	$ 60,500,000	$ 60,499,897	100.0%
1 Cent Sales Tax	$ 2,000,000	$ 1,500,000	75.0%
FPL		$ 450,246	0.0%
FEMA Grant	$ 8,500,000	$ -	0.0%
Other			
Kevin McGann - CO #9	$ -	$ 34,900	0.0%
Donations - Civic Association	$ 49,250	$ 49,250	100.0%
Transfer from (307) Fund CIP	$ 760,200	$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	$ 409,450	$ 265,000	64.7%
Total Project Revenues	$ 88,908,191	$ 88,617,308	99.7%

Underground Utility Project Budget
Phase 1 Project Costs
November 30, 2019

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	***$ 1,330,000***	***$ 1,280,000***	***$ 1,276,829***	***$ 1,276,813***	**100.0%**
Construction Costs					
Phase 1 North Construction					
Preconstruction			**$ 19,720**	19,720	**100.0%**
Burkhardt Construction			**$ 3,598,144**	3,598,144	**100.0%**
Street Light Conversion			**$ 26,273**	40,934	**155.8%**
Change Order for AT&T and Comcast Conduit			**$ 371,201**	371,201	**100.0%**
Other Change orders			**$ 130,415**	130,415	**100.0%**
Utlity Design Costs			**$ 15,595**	15,595	**100.0%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 476,776**	483,548	**101.4%**
Construction Engineering (KH)			**$ 230,532**	205,818	**89.3%**
	$ 4,210,000	**$ 4,930,000**	**$ 4,868,657**	**$ 4,865,374**	**99.9%**
Phase 1 South Construction					
Preconstruction			**$ 22,200**	22,200	**100.0%**
Whiting Turner Construction			**$ 4,450,977**	4,177,374	**93.9%**
Change Order for AT&T and Comcast Conduit			**$ 125,147**	125,147	**100.0%**
Other Approved Change Orders			**$ 12,749**	12,749	**100.0%**
Utlity Design Costs			**$ 33,013**	33,013	**100.0%**
Utility Construction Costs (FPL, Comcast, AT&T)			**$ 1,374,193**	1,362,028	**99.1%**
Construction Engineering (KH)			**$ 283,880**	272,915	**96.1%**
	$ 6,800,000	**$ 6,350,000**	**$ 6,302,159**	**$ 6,005,425**	**95.3%**
Easement Recording Fees			**$ 347**	$ 740	
Legal Costs/Easement Acquisition - Jones Foster	**$ 280,000**	**$ 350,000**	**$ 301,359**	**$ 306,723**	**101.8%**
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment					
Surveying			**$ 13,978**		
Temp Service					
Total Phase 1 Costs	**$ 12,620,000**	**$ 12,910,000**	**$ 12,797,329**	**$ 12,455,075**	**97.3%**

Underground Utility Project Budget
Phase 2 Project Costs
November 30, 2019

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		$ 281,304	$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		$ 335,353	$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			$ 12,674	$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			$ 40,565	$ 38,358	94.6%
Task 1.6 Meetings North and South			$ 136,617	$ 129,348	94.7%
Total Phase 2 Design	**$ 735,000**	**$ 807,000**	**$ 806,513**	**$ 797,037**	**98.8%**
Construction Costs					
Phase 2 North Construction					
Preconstruction			**$ 35,000**	31,970	91.3%
Burkhardt Construction			**$ 4,015,865**	3,522,215	87.7%
Approved Change Orders			**$ -**	-	
FPL Design Cost			**$ 11,759**	1,350	11.5%
ATT Design Cost			**$ 5,000**	$ 5,000	100.0%
Comcast Design Cost				$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			**$ 496,307**	$ 496,307	100.0%
FPL - Additional Vista Switches				$ 54,938	
Street Light Conversion			**$ 19,186**	$ 19,186	100.0%
Construction Engineering (KH)			**$ 248,121**	$ 193,349	77.9%
Total Phase 2 North Construction	**3,800,000**	**5,020,000**	**$ 4,831,238**	**$ 4,328,898**	**0.0%**
Phase 2 South Construction	**-**				
Preconstruction			**$ 35,000**	-	
Burkhardt Construction					
Approved Change Orders			**$ -**		
FPL Design Cost			**$ 13,330**	14,200	106.5%
ATT Design Cost			**$ 5,000**	$ 5,000	100.0%
Comcast Design Cost				$ 4,582	
Utility Costs (FPL, Comcast, AT&T)				$ 123,948	
Street Light Conversion				$ 19,268	
Construction Engineering (KH)	-				
Total Phase 2 South Construction	**4,435,000**	**7,424,000**	**$ 53,330**	**$ 166,998**	**313.1%**
Easement Acquisition/Abandonment	**200,000**	**219,000**			
Kimley Horn Easement Assistance					
Task 1.5 Easement Assistance North			**$ 64,936**	$ 64,715	99.7%
Task 1.5 Easement Assistance South			**$ 77,466**	$ 76,456	98.7%
Surveys					
Task 1.7 Legal Sketch North			**$ 14,020**	$ 14,020	100.0%
Task 1.7 Legal Sketch South			**$ 16,725**	$ 16,633	99.5%
Advertising				$ 1,101	
Jones Foster - Legal			**$ 25,000**	$ 20,045	80.2%
Postage			**$ -**	$ 491	
Recording Costs			**$ 3,605**	$ 2,629	72.9%
Easement Abandonment			**$ 15,484**	$ -	0.0%
Total Easement Acquisition Costs	**200,000**	**219,000**	**$ 217,236**	**$ 196,090**	**90.3%**
Total Phase 2 Costs	**$ 9,170,000**	**$ 13,470,000**	**$ 5,908,316**	**$ 5,489,023**	**92.9%**

Underground Utility Project Budget
Phase 3 Project Costs
November 30, 2019

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	$ 325,000		$ 288,851	$ 280,189	97.0%
Task 1.2 Phase 3 South Design	$ 535,000		$ 503,260	$ 379,332	75.4%
Task 1.3 Permitting Assistance			$ 13,739		0.0%
Task 1.4 Bid Phase Assistance			$ 36,834	$ 18,417	50.0%
Task 1.5 Meetings			$ 101,652	$ 38,845	38.2%
Deductive Change Order (Scope Change)			$ (49,840)		0.0%
Total Phase 3 Design	**$ 860,000**	**$ 895,000**	**$ 894,496**	**$ 716,782**	80.1%
Construction Costs					
Phase 3 North Construction	**$ 3,700,000**	**$ 5,300,000**			
Preconstruction			**$ 24,580**	$ 24,580	100.0%
Construction - Burkhardt			**$ 4,042,171**	$ 70,046	1.7%
Approved Change Orders					
FPL Design Cost			**$ 12,850**		0.0%
ATT Design Cost				$ 5,000	
Comcast Design Cost				$ 3,128	
Construction Engineering (KH)			**$ 236,976**	$ 6,197	2.6%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			**$ 243,470**	$ 243,470	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			**$ 74,900**	$ 74,900	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			**$ 8,885**	$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			**$ 30,555**	$ 30,555	100.0%
Total Phase 3 North Construction	**$ 3,700,000**	**$ 5,300,000**	**$ 4,674,387**	**$ 466,760**	10.0%
Phase 3 South Construction	**$ 6,090,000**	**$ 8,875,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 11,359**		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Construction Engineering (KH)					
Total Phase 3 South Construction	**$ 6,090,000**	**$ 8,875,000**	**$ 11,359**	**$ 8,128**	0.0%
Easement Acquisition/Abandonment	**$ 260,000**	**$ 330,000**			
Kimley Horn Easement Assistance					
Task 1 Easement Assistance North and South			**$ 235,953**	$ 223,875	94.9%
Legal Advertising				$ 1,076	
Surveys					
Task Legal Sketch South			**$ 37,436**		
Jones Foster - Legal			**$ 25,000**		
Recording Costs				$ 2,541	
Easement Abandonment			**$ 28,387**	$ -	
Total Easement Acquisition Costs	**$ 260,000**	**$ 330,000**	**$ 326,776**	**$ 227,493**	**69.6%**
Total Phase 3 Costs	**$ 10,910,000**	**$ 15,400,000**	**$ 5,907,018**	**$1,419,164**	**24.0%**

Underground Utility Project Budget
Phase 4 Project Costs
November 30, 2019

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	$ 402,000		$ 312,317	215,499	69.0%
Task 1.2 Phase 4 South Design	$ 413,000		$ 451,284	203,078	45.0%
Task 1.3 Permitting Assistance			$ 14,468	-	0.0%
Task 1.4 Bid Phase Assistance			$ 37,899	-	0.0%
Task 1.6 Meetings			$ 77,911	13,420	17.2%
Total Phase 4 Design	**$ 815,000**	**$ 894,000**	**$ 893,879**	**431,997**	48.3%
Construction Costs					
Phase 4 North Construction	**4,605,000**	**6,275,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 12,757**		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	**$ 4,605,000**	**$ 6,275,000**	**$ 12,757**	**8,128**	0.0%
Phase 4 South Construction	**4,710,000**	**7,640,000**			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			**$ 13,160**		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	**$ 4,710,000**	**$ 7,640,000**	**$ 13,160**	**8,128**	0.0%
Easement Acquisition/Abandonment	**$ 240,000**	**$ 411,000**			
Kimley Horn Easement Assistance					
Easement Assistance (KH)			**$ 280,270**	115,987	41.4%
Easement Assistance (KH) -- Switches			**$ 62,780**	49	0.1%
Surveys					
Legal Sketch			**$ 38,230**	2,250	5.9%
Legal Sketch - Switches			**$ 4,967**		
Jones Foster - Legal					
Recording Costs				319	
Easement Abandonment			**$ 24,086**		
Total Easement Acquisition Costs	**$ 240,000**	**$ 411,000**	**$ 410,333**	**118,606**	**28.9%**
Total Phase 4 Costs	**$ 10,370,000**	**$ 15,220,000**	**$ 1,330,129**	**566,858**	**42.6%**

Underground Utility Project Budget
Phase 5 Project Costs
November 30, 2019

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	$ 520,000		$ 454,210	$ 140,805	31.0%
Task 1.2 Phase 5 South Design	$ 600,000		$ 606,951	$ 188,155	31.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South			$ 17,100		0.0%
Task 1.4 Bid Phase Assistance North			$ 37,899		0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North			$ 77,911	$ 5,752	7.4%
Task 1.6 Meetings South					0.0%
Total Phase 5 Design	**$ 1,120,000**	**$ 1,195,000**	**$ 1,194,071**	**$ 334,712**	**28.0%**
Construction Costs					
Phase 5 North Construction	**$ 5,890,000**	**$ 8,055,000**			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
FPL Design Costs			**$ 16,223**	16,223	100.0%
Construction Engineering (KH)					
Total Phase 5 North Construction	**$ 5,890,000**	**$ 8,055,000**	**$ 16,223**	**$ 16,223**	0.0%
Phase 5 South Construction	**$ 6,750,000**	**$ 10,545,000**			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
FPL Design Costs			**$ 19,283**	19,283	100.0%
Construction Engineering (KH)					
Total Phase 5 South Construction	**$ 6,750,000**	**$ 10,545,000**	**$ 19,283**	**$ 19,283**	**100.0%**
Easement Acquisition/Abandonment	**$ 330,000**	**$ 365,000**			
Kimley Horn Easement Assistance					
Easement Assistance			**$ 218,600**	$ 2,150	1.0%
Easement Assistance			$ 75,696	$ 250	0.3%
Surveys					
Legal Sketch			$ 41,080		
Jones Foster - Legal					
Recording Costs				$ 111	
Easement Abandonment			**$ 29,462**	$ -	
Total Easement Acquisition Costs	**$ 330,000**	**$ 365,000**	**$ 364,838**	**$ 2,511**	**0.7%**
Fema Grant		**$ (8,465,355)**			
Total Phase 5 Costs	**$14,090,000**	**$11,694,645**	**$ 1,594,415**	**$ 372,729**	**23.4%**

Underground Utility Project Budget
Phase 6 Project Costs
November 30, 2019

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	$ 420,000		$ 475,019		0.0%
Task 1.2 Phase 6 South Design	$ 940,000		$ 826,551		0.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South			$ 17,694		0.0%
Task 1.4 Bid Phase Assistance North			$ 35,938		0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North			$ 84,791		0.0%
Total Phase 6 Design	$ 1,360,000	$ 1,440,000	$ 1,439,993	$ -	0.0%
Utility and Construction Costs					
Phase 6 North Construction	$ 4,790,000	$ 6,615,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 North Construction	$ 4,790,000	$ 6,615,000	$ -	$ -	0.0%
Phase 6 South Construction	$ 10,270,000	$ 12,298,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 South Construction	$ 10,270,000	$ 12,298,000	$ -	$ -	**0.0%**
Easement Acquisition/Abandonment	$ 400,000	$ 447,000			
Kimley Horn Easement Assistance					
Easement Assistance			$ 351,594		
Surveys					
Legal Sketch			$ 58,415		
Jones Foster - Legal					
Recording Costs					
Easement Abandonment			$ 36,344	$ -	
Total Easement Acquisition Costs	$ 400,000	$ 447,000	$ 446,353	$ -	**0.0%**
Total Phase 6 Costs	$ 16,820,000	$ 20,800,000	$ 1,886,346	$ -	**0.0%**

Underground Utility Project Budget
Other Project Costs
November 30, 2019

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	$ 88,021	$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	$ 23,511	$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	$ 161,756	$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	$ 31,244	$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	$ 77,660	$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	$ 17,448	$ 17,448	100.0%
Task 1.6 - Master Plan Document	$ 45,053	$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	$ 113,135	$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	$ 40,067	$ 40,067	100.0%
Subtotal Master Planning	***$ 597,895***	**$ 597,883**	100.0%
Comcast Preplanning - Master Plan		$ 12,015	
Community Outreach	**$ 282,519**	$ 206,046	72.9%
Peer Review Study - Patterson & Dewar ($50,000 Offsetting Revenue)	**$ 100,000**	$ 100,000	100.0%
Total Other Project Costs	**$ 980,414**	**$ 915,944**	**93.4%**

Debt Service and Related Debt Issuance Costs

	Budget	Actual	% Expended
Commercial Paper Issuance Cost		$ 195,366	
Commercial Paper Fees		$ 52,252	
Commercial Paper Interest		$ 243,096	
GO Bond Closing Costs		$ 487,471	
GO Bond Debt Service	**$ 2,700,000**	$ 2,454,281	90.9%
Total Debt Service and Related Debt Issuance Costs	**$ 2,700,000**	**$ 3,432,464**	**127.1%**

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	**$ 25,231**	$ 24,430	96.8%
Project Construction	**$ 351,081**	$ 346,124	98.6%
Project Construction Engineering	**$ 11,607**	$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	**$ 134,333**	$ 127,531	94.9%
Project Meeting Attendance	**$ 3,334**	$ 2,914	87.4%
Total Lake Worth Section	**$ 525,586**	$ 513,847	97.8%
Ibis Way PGD Improvements	**$ 14,583**	$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		$ 183,701	
Kosberg v TPB Legal and Other Costs		$ 516,238	
PBT Real Estate v TPB		$ 159,182	
Gardner, Bist Bowden, Bush (Shef Wright)		$ 24,799	
Temp Services - Easement acquisition	**$ 40,000**	$ 23,901	
Project Manager -Pay and benefits	**$ 315,000**	$ 310,416	98.5%
Telecommunications Consultant	**$ 89,000**	$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	**$ 35,000**	$ 23,735	67.8%
Total Related Costs Outside of the Budget	**$ 1,019,169**	**$ 1,853,611**	**181.9%**

U.S. Rate Forecasts

10-Year Treasury Yield Forecast

Citi and the street is forecasting a steady rate environment for the remainder of the year, with diverging rate forecasts in 2020



Rate Forecasts

5-Year Treasury	Current	4Q19	1Q20	2Q20	3Q20	4Q20	1Q21
Citi's Forecast	1.59%	1.50%	1.33%	1.15%	0.98%	0.80%	0.80%
Economists' Consensus		1.50%	1.55%	1.62%	1.70%	1.70%	1.82%

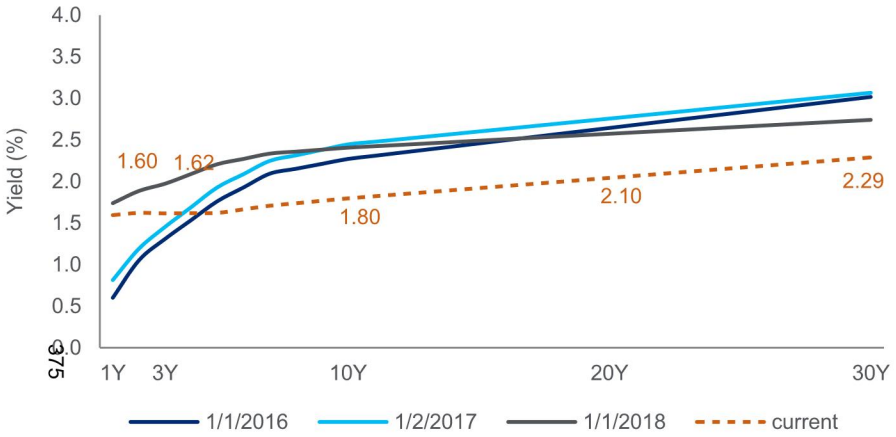
10-Year Treasury	Current	4Q19	1Q20	2Q20	3Q20	4Q20	1Q21
Citi's Forecast	1.76%	1.75%	1.63%	1.50%	1.38%	1.25%	1.25%
Economists' Consensus		1.65%	1.70%	1.77%	1.80%	1.90%	1.95%

30-Year Treasury	Current	4Q19	1Q20	2Q20	3Q20	4Q20	1Q21
Citi's Forecast	2.22%	2.25%	2.13%	2.00%	1.88%	1.75%	1.75%
Economists' Consensus		2.10%	2.12%	2.20%	2.25%	2.25%	2.35%

Fed Funds	Current	4Q19	1Q20	2Q20	3Q20	4Q20	1Q21
Citi's Forecast	2.00%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%
Economists' Consensus		1.75%	1.75%	1.63%	1.50%	1.50%	1.50%

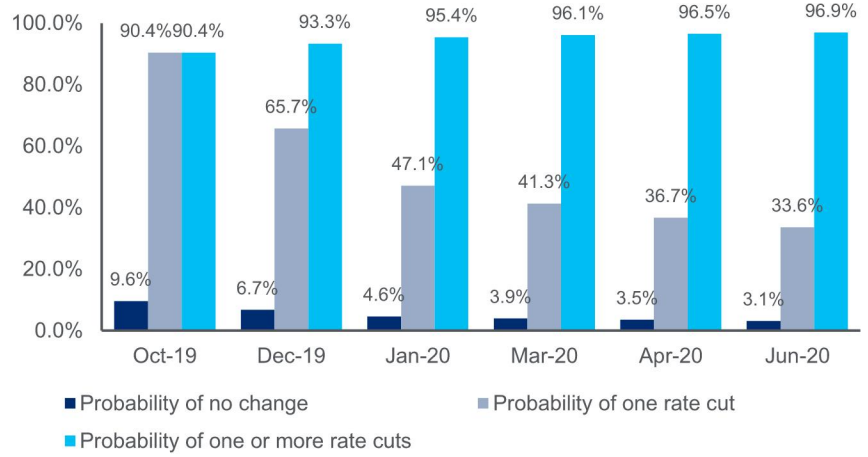
US Treasury Yield Curve

The yield curve remains inverted, but has steepened over the last week



Expectations of Fed Change in Interest Rates (Market View)

Investors currently anticipate a 90.4% chance the Fed will cut rates at its October 30 meeting, up from 86.3% last week



Source: Current rates and expectation of Fed hike as of October 25, 2019; Citi forecasts as of September 25, 2019, Bloomberg forecasts as of October 25, 2019.

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Discussion Regarding Landmark Notification Procedures

Presenter
Josh Martin, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum dated November 27, 2019, from Wayne Bergman, Assistant Director of Planning, Zoning and Building**
- **Back-up from the ORS Meeting of 10-24-19**
- **Ordinance No. 01-79 Landmarks Preservation**
- **Extract of Town Council Meeting Minutes of January 9, 1979**
- **Extract of Town Council Meeting Minutes of February 13, 1979**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

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

Re: Landmark Notification Procedures

Date: November 27, 2019

BACKGROUND

This past August, the Landmarks Preservation Commission ("LPC") voted to place the 100 plus private properties located along the "Sea Streets" under consideration and study for a future Landmark designation. The LPC was able to do this by considering the properties as a possible "historic district". Chapter 54, Historical Preservation, allows the LPC to place individual properties or districts under consideration, without notice to the property owners and without guidance or direction from the Town Council.

Immediately after this action by the LPC, numerous property owners sent in letters and emails requesting that the LPC and Town Council NOT take such action. The Town Council, at their Development Review meeting held on September 11, 2019, made a motion to strongly request that the LPC rescind their motion to place the Sea Street historic district under consideration for future Landmark designation, and to send the matter of notice to the ORS Committee for their review.

The LPC, at their September 18, 2019, reviewed the strong request from the Town Council to rescind their action to consider the Sea Street district. The LPC again voted, 5-2, to keep the district under consideration for future Landmark designation. The Town Council, at their October 10, 2019 meeting, took action to remove from consideration, without prejudice, the "Sea Streets" as a historic district, based upon Section 54-41 of the Town Code. The Town Council further agreed to allow an educational symposium to move forward on historic preservation, without reference to any specific geographic area of the Town.

GENERAL INFORMATION

The ORS Committee reviewed the LPC notice requirements at their October 24, 2019 meeting. Minutes are attached. Staff presented the item and introduced several suggestions from some of the Town residents. A lengthy discussion took place, with several residents stating that they would like to be notified whenever properties are being considered for either Landmark

designation or inclusion in a historic district. There was mention of concern with any significant changes to Chapter 54, Historical Preservation. At the conclusion of the discussion, Jay Boodheshwar summarized the two main issues involving changes to the existing notice requirements:

1. Should the notification procedures for Landmarking individual properties and historic districts designations be handled separately?
2. How should the Town memorialize the changes? Should the Town modify the existing code (Chapter 54) or simply adopt a new procedure for notice?

Attachments: ORS Minutes, October 24, 2019 Meeting
Staff memo to ORS, dated October 14, 2019
Draft code changes to Chapter 54, Section 54-164 to add notice requirement for any property about to be placed under consideration for Landmark designation or as part of a historic district
Other municipal Landmark ordinances
Emails from Residents about the notice requirement draft
Ordinance 1-79
Town Council Minutes, January 9, 1979 Meeting
Town Council Minutes, February 13, 1979 Meeting

WRB

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: October 24, 2019

To: Ordinances, Rules and Standards Committee

From: John Lindgren, Planning Manager

Via: Josh Martin, Director of Planning, Zoning & Building

Re: Notice to Property Owners Prior to LPC Placing a Property Under Consideration for Landmarks Designation

Date: October 14, 2019

STAFF RECOMMENDATION

Staff recommends the Ordinances, Rules and Standards (ORS) Committee review the attached proposed ordinance change requiring notice be given to property owners prior to their property being placed under consideration for landmark designation by the Landmarks Preservation Commission (LPC).

GENERAL INFORMATION

The Landmarks Preservation Commission recently placed the "Sea" Streets under consideration as a historic district, which the Town Council ultimately overturned and removed the area from consideration as a historic district without prejudice. During this process, even though all notification requirements within the landmarks code were followed, concern was raised that the property owners were not notified prior to their properties being put under consideration as part of a historic district. At their September 11, 2019 meeting, Town Council directed staff to look at possible code changes that would require notice to property owners prior to their property being placed under consideration for landmark designation, and to take these code revisions to the ORS Committee for their review.

Staff has proposed revisions to Sec. 54-164 of the Town's code of ordinances that address the landmark designation process so that notice is required prior to placing a property under consideration for landmark designation; this requirement is also applicable for the historic districts designation process.

Attachment – Chapter 54-164 Code Revisions

cc: Wayne Bergman, Asst. Director of Planning, Zoning & Building
John C. Randolph, Town Attorney

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2) Prior to any property being placed under consideration for landmark designation at a Landmarks Preservation Commission meeting, the owner of record shall be notified via certified mail at least 30 days prior to the meeting date. The same notification will also be required for all property owners of record within an area prior to placing the area under consideration as a historic district. Only those properties where the owner or owners of record request that their property be put under consideration for landmark designation will be exempted from this requirement.

~~(2)~~(3) After a property has been placed under consideration for landmark designation, ~~N~~notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

~~(3)~~(4) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

~~(4)~~(5) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

~~(5)~~(6) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

~~(6)~~(7) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

~~(7)~~(8) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

~~(8)~~(9) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

~~(9)~~(10) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

~~(10)~~(11) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

~~(11)~~(12) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

~~(12)~~(13) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

LANDMARK ORDINANCE EXAMPLES

Town of Jupiter Island - Sec. 1.03. - Landmark designation procedures.
The town commission shall designate landmarks and remove landmark designations according to the following procedures:
A. Potential landmarks shall be identified for consideration by either:
1.Application by the owner of record, or
2.Other means of identification.
B. If a potential landmark is identified by means other than application by the owner of record, notice of a proposed designation shall be sent by certified mail to the owner of record announcing that a public hearing by the town commission to consider such designation on a specific date that is not less than 30 days after the mailing of such notice.
C. The administrative official post notice of each such proposed designation within the Town Hall or other conspicuous place within the town designated for public notices at least 30 days prior to the public hearing.
D. At public hearing, the town commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.
E. Within not more than 30 days after a public hearing, the town commission shall render a final decision regarding the proposed designation, and give written notice of its decision to each owner of property affected by the designation, which includes the reasons for the decision.
F. Within 30 days of the date on which the town commission designates a landmark, the administrative official shall file a certificate of notification that such property is designated as a landmark in the Public Records of Martin County. The certificate of notification shall also be maintained on the public record of the town until such time as such designation may be withdrawn.

City of Lake Worth Beach – Sec. 23.5-4. - Historic preservation.
Potential landmark designation.
A. *In general.* The HRPB or the city commission may by a majority vote of its members and without notice to the owner, designate as a "potential landmark" any building, structure or site which is identified in the survey as value being "potentially eligible" for listing in the National Register based on the criteria for designation outlined in subsection b. If such interim designation is made, the HRPB shall within no more than forty-five (45) days complete an application and schedule a public hearing. If the owner of the potential landmark objects in writing to designation, the HRPB shall complete its review of the application within ninety (90) days of its initial designation of potential landmark status. Once a formal application for designation has been filed, the matter shall be reviewed as provided in subsection e). Designation of a potential landmark is to be considered an extraordinary action and its use shall be limited to situations where the HRPB has reason to believe that an imminent threat exists to the maintenance or survival of buildings or structures identified in the survey to be "potentially eligible" for listing in the National Register.

B. *Effect of pending applications for designation.* When an application for designation is made and notice is mailed to affected parties, no action with respect to the exterior appearance of such site or district shall commence unless approved in accordance with the procedures provided in subsection e). In order to protect the city's general welfare, avoid an irreparable loss and prevent circumvention of the protections of this article, such requirement shall remain in effect until final disposition of the recommended action. The applicant may apply to the HRPB for review of a proposed action prior to final action by the city commission. The HRPB shall review the application using the criteria established herein, including unreasonable economic hardship. Permits may be issued upon HRPB approval of designation. Should the HRPB deny the applicant's request, the applicant may appeal to the city commission as provided in subsection o) below. If the city commission declines to designate the landmark or historic district, all permitting requirements set forth herein shall no longer apply to any proposed action.

City of Boca Raton – Sec. 28-235. - Establishment of historic sites and districts.
(1) Historic districts and sites shall be established by ordinance by the city council.
(2) Before the establishment of a historic site or district, the historic preservation board shall conduct studies and research and make a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the city. The historic preservation board report shall contain recommendations concerning the buildings and areas to be included as proposed historic sites or districts. The board shall furnish written notice by mail to all persons or entities who own property being considered for establishment as a historic site or district at least 14 days prior to the meeting at which the board will consider the designation.
(3) Copies of the report shall be transmitted for review and recommendation to the planning and zoning board, which shall hold a public hearing thereon after 14 days' written notice by mail to the owners of the properties proposed to be established as historic sites or districts.
(4) After the public hearing, the planning and zoning board shall submit a final report with its recommendations and those of the historic preservation board to the city council.
(5) The city council may, upon receipt of the final report, introduce an appropriate ordinance establishing 1 or more historic sites or districts. The city council may adopt the ordinance with or without amendments following a public hearing after 14 days' written notice of the time and place of the hearing has been furnished the owners of the properties proposed to be established as historic sites or districts.
(6) Upon adoption of the ordinance, the owners of properties designated as historic sites or districts shall be given written notification of such designation by the city clerk. One copy of the ordinance shall be filed in the official records of the county, and 1 copy shall be filed in the office of the chief code administrator.
(7) The ordinance shall also provide for a suitable sign or marker on or near the property indicating that the property has been designated as a historic site or district, and the sign or marker may include a brief explanation of the property's historical significance.

City of Miami – Sec. 23-4. - Designation of historic resources, historic districts, multiple property designations, and archaeological sites and zones.

Procedures for designation. Properties which meet the criteria set forth in section 23-4 may be designated as historic resources, historic districts, multiple property designations, and archaeological sites and zones according to the following procedures:

(1) *Proposals and preliminary evaluation.* Proposals for designation may be made to the board by any one of its members, the mayor, the city manager, resolution of the planning, zoning and appeals board, resolution of the city commission, the property owner, resolution of the county historic preservation board, resolution of any organization that has been a registered non-profit corporation in the state for at least five years with a recognized interest in historic preservation, or the preservation officer. In those instances when a historic district or multiple property designation is being considered, the preservation office shall conduct outreach involving all relevant home owner associations and neighborhood associations, ultimately ascertaining their level of support by way of resolution or vote. Said level of support shall be taken into consideration by staff and members of the HEPB when evaluating any proposed historic district or multiple property designation. The board shall conduct a preliminary evaluation of the data provided in the proposal for conformance with criteria set forth in subsection (a); and shall, if appropriate, direct the planning department to prepare a designation report. The board may require the party initiating such proposal to provide any necessary documentation, and to pay any applicable fees.

a. *Notification.* At least ten days prior to the meeting at which the board will consider the preliminary evaluation, the owner of property or his designated agent or attorney, on file with the city, which is the subject of said proposal for designation shall be notified by certified mail of the board's intent to consider the preliminary evaluation of the property. Should the applicant be a person other than the property owner or designated agent or attorney on file with the city, the applicant shall be notified and the owner of record of the subject property shall be notified. For historic districts or multiple property designations where there are more than 50 properties to be considered, for designation, the owners shall be notified by first class mail and by the published notice. The notice sent by certified mail of the board's intent to consider the preliminary evaluation of the property, when sent to the property owners of involuntarily designated residentially zoned properties in a T3-O designated transect zone that are not the applicants, will state the right to appeal the board's final decision regarding designation to the city commission, and will include in the notification a statement of the fee waiver provision contained in subsection (c)(7) herein.

Landmark Designation Process
Notice Requirements For Other Jurisdictions

Town of Jupiter Island – first notice to a property owner is done after property is put under consideration, and at least 30 days prior to considering the property for landmark designation.

City of Lake Worth Beach – first notice to a property owner is done after interim designation is made.

City of Boca Raton – first notice is sent to property owners at least 14 days prior to considering a property for landmark designation (no notice is required for the initial study done to put a property under consideration).

City of Miami – first notice is done by certified mail at least 10 days prior to conducting preliminary evaluation of a property to place it under consideration; however, from the date of the notice, no building permit for any new construction, alteration, relocation or demolition that may affect the property proposed for designation shall be issued until completion of the designation review process. Outreach is also done with homeowners associations when considering multiple properties for historic designation; this outreach is done prior to consideration for landmarking, and feedback from this outreach is taken into consideration when evaluating a proposed historic district.

City of Tarpon Springs – first notice is done at least 15 days prior to hearing to consider the property for historic designation, which is scheduled after receiving a petition for designation from the preservation board, the board of commissioners, the owner or the P&Z Department.

Hillsborough County – no notice is required for the initial informal review, because historically for almost every property, the property owner has requested that the property be put through the landmarking review process. For the rare occasions when a property is to go through the initial informal review for landmarking without being requested by the property owner, staff will reach out to the property owner and let them know about the meeting. If the historic board makes a determination to pursue the landmarking process, then notice is sent to the affected property owner.

Miami-Dade County – no notice is done to initiate the designation process (i.e. put a property under consideration for landmarking), because the meeting for this is not a public meeting; therefore no notice is required. However, in practice, staff often notifies the property owner ahead of time in order to provide a transparent process.

City of Oakland Park – first notice to a property owner is done after the property is put under consideration, and at least 30 days prior to being considered for landmarking.

City of West Palm Beach – first notice to a property owner is done after the property is put under consideration through the submittal of an application for historic designation (by historic preservation board, city commission, staff or property owner); notice is done at least 30 days prior to consideration, and is sent to the affected property owner and the property owners within 400 feet of the subject site.

From: Joshua Martin
To: Carol LeCates; Wayne Bergman; Julie Araskog; Lew Crampton
Cc: Kathleen Dominguez; Jay Boodheshwar; John Lindgren; Joshua Martin
Subject: RE: Section 54-164, Landmark Designation...
Date: Tuesday, October 22, 2019 3:14:07 PM
Importance: High

Carol:

Good afternoon. I hope this email finds you well.

By copy of this email, I am sending this to Kathleen Dominguez for the purpose of including this material in the discussion at the ORS meeting this week.

If you have any questions or comments, please let me know.

Thank you all,
Josh

Josh Martin, AICP, CNU-A
Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6401
Mobile: 843-247-2057
www.townofpalmbeach.com

From: Carol LeCates <clecates@comcast.net>
Sent: Tuesday, October 22, 2019 3:07 PM
To: Joshua Martin <jmartin@TownOfPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; juliearaskog@aol.com; lewcramptonpb@gmail.com
Subject: Section 54-164, Landmark Designation...

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Hello All,

In reading the proposed text modification to the Landmark designation procedures, I respectfully suggest a few edits to the language (not the substance):

(2) Prior to ~~any~~ a property's being placed under consideration for landmark designation or undesignation at a Landmarks Preservation Commission meeting, the owner(s) of record of such property shall be notified via certified mail at least 30 days prior to the meeting date. The same notification also will ~~also~~ be required ~~for~~ to all property owners of record within an area prior to ~~placing~~ the area's being placed under consideration as a historic district. This notice requirement may be waived for only those properties ~~where the~~ whose owner or owners of record have requested that the~~ir~~ property be put under consideration for landmark designation ~~will be exempted from this requirement~~.

Edited version:

"(2) Prior to a property's being placed under consideration for landmark designation or undesignation at a Landmarks Preservation Commission meeting, the owner(s) of record of such property shall be notified via certified mail at least 30 days prior to the meeting date. The same notification will also be required to all property owners of record within an area prior to the area's being placed under consideration as a historic district. This notice requirement may be waived only for those properties whose owner or owners of record have requested that the property be put under consideration for landmark designation."

I assume that the final sentence is due to the fact that this type of owner already would receive notice separately. If that is not the case, then I would suggest that it be deleted.

I hope I have not offended with these suggestions, and I am in favor of the modifications to the notice requirements.

Thank you and best regards,

Carol

From:	Jay Boodheshwar
To:	Kathleen Dominguez
Cc:	Joshua Martin; Wayne Bergman; John Lindgren; Antonette Fabrizi
Subject:	FW: Clarification re: LPC Notification
Date:	Wednesday, October 23, 2019 12:45:38 PM

Kathleen,

Please include this email in the ORS supplemental back up as well. Thanks. Jay

Jay Boodheshwar
Deputy Town Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Phone: 561-838-5410
Fax: 561-838-5411
www.townofpalmbeach.com

From: Julie Araskog <jaraskog@alumni.nd.edu>
Sent: Tuesday, October 22, 2019 6:57 PM
To: Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: Fwd: Clarification re: LPC Notification

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Jay or Josh,

Will you please clarify the question Jay raises below?

Thank you,
Julie

Begin forwarded message:

From: "Jay Serzan" <jayserzan@comcast.net>
Subject: Clarification re: LPC Notification
Date: October 22, 2019 at 6:49:35 PM EDT
To: <juliearaskog@aol.com>

Hello Julie

I will need some clarification re: the proposed change.

I want to be sure that the *existing* language in newly numbered Paragraph #7

**(7) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and
architectural importance of such property.**

will apply to the new Paragraph #2

**(2) Prior to any property being placed under consideration for landmark designation at a
Landmarks Preservation Commission meeting, the owner of record shall be notified via
certified mail at least 30 days prior to the meetinq date. The same notification will also be
required for all property owners of record within an area prior to placing the area under
consideration as a historic district. Only those properties where the owner or owners of
record request that their property be put under consideration for landmark desiqnation will
be exempted from this requirement.**

Meaning to say that an owner is able to present testimony or evidence at this initial phase.

Otherwise, just giving notice really does not accomplish much.

The benefit of allowing an owner to address the item at the initial phase may give information
to the LPC that would cause them to not place the property under consideration, thereby saving
time and money.

Such information could include architectural changes that have been made to the building that would preclude
It from being a landmark, etc.

I don't need to know the answer now as I will attend the ORS meeting on Thursday.

Just want you to be thinking about this.

Thank you for your attention.

Regards,

Jay Serzan

John Lindgren, AICP
Planning Manager

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414
www.townofpalmbeach.com

From: Steven Jeffrey Greenwald, Esq. <3102724@gmail.com>
Sent: Tuesday, October 22, 2019 8:33 PM
To: John Lindgren <JLindgren@TownofPalmBeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>; Jay Serzan <jayserzan@comcast.net>
Subject: Proposed changes to 54-164 a little add needed; ORS meeting October 24 at 2:30

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

John Lindgren, Julie Araskog, John Randolph, and Town Council: Sorry to bother you, but the Ordinance, Rules and Standards (ORS) Meeting on this is Thursday at 2:30PM. Jay Serzan also just made some points known to Julie just today and asked for my assistance.

Looking at the attached proposed changes to 54-164 (attached) all looks fine to me except a couple little but important things need to be added to make for proper due process (a chance to be heard) under Florida's constitution.

These are the suggested simple adds to facilitate this, with the adds **underlined in bold**:

54-164 Subsection (a)(9) should now read: "Any interested party may present testimony or documentary evidence regarding the designation **or placing under consideration** of a proposed landmark, landmark site or historic district at **a** public hearing and may submit to the commission documentary evidence within three days after the hearing."

Reason for the above: Simply notice without a chance to be heard is of little use. A chance to be heard is also necessary under Florida's Constitution, to facilitate the required notice *and due process*. Furthermore all may benefit early, if an owner has info showing why a property is not landmarkable, thus saving the Town and owner time and money.

and **54-164 (b)** should also now read:

"Designation, undesignation **and placing under consideration** hearings before the

commission shall be held only during the months of November, December, January, February, March and April."

Thank you so much for your kind consideration.
SJG

_____
Steven Jeffrey Greenwald, Esq.

Email address:

3102724@gmail.com

U.S.A. Telephone & voicemail:
561-310-2724

Mailing address: P.O. Box 3407
Palm Beach, Florida 33480 - U.S.A.

11/5/79

ORDINANCE NO. 1-79

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, CREATING A COMMISSION TO BE KNOWN AS THE TOWN OF PALM BEACH "LANDMARKS PRESERVATION COMMISSION" FOR THE PURPOSE OF ESTABLISHING, REGULATING, PRESERVING AND PROTECTING HISTORIC DISTRICTS AND LANDMARKS WITHIN THE TOWN OF PALM BEACH; PRESCRIBING THE POWERS, DUTIES, AUTHORITY, PROCEDURES AND STANDARDS OF SAID COMMISSION; DEFINING THE PURPOSE AND INTENT OF THIS ORDINANCE; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR A VIOLATION HEREOF; AND FOR OTHER PURPOSES.

- -

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

Section 1. Purpose and Intent. It is hereby declared to be a matter of public policy that the protection, enhancement and perpetuation of properties of special, notable, aesthetic or architectural character or historic interest or value is a public purpose and necessity and is required in the interest of health, prosperity, safety and general welfare of the people residing within and without the Town of Palm Beach.

The purpose of this ordinance is to:

(a) Effect and accomplish the protection, enhancement and perpetuation of such properties and of districts which represent or reflect elements of the Town's cultural, social, economic, political and architectural history.

(b) Safeguard the Town's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.

(c) Stabilize and improve property values.

(d) Foster civic pride in the beauty and notable accomplishments of the past.

(e) Protect and enhance the Town's attractions to residents and visitors.

(f) Strengthen the economy of the Town.

(g) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the residents of and visitors to the Town.

Section 2. Definitions. In this ordinance, unless the context clearly requires otherwise:

Alteration: Any change because of construction, repair, maintenance or otherwise to a building located within an Historic District or designated as a Landmark, or Landmark Site.

Applicant: The record owner of the site and/or buildings located thereon, the lessee thereof, or a person holding a "bona fide" contract to purchase same who makes application for a certificate of appropriateness under this ordinance.

Building: Any building or other structure built for shelter or enclosure of persons, animals, or chattels, including fences, signs, paving and boundary walls, and any part of any such building or structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls. The term "building" shall be construed as if followed by the words "or any part thereof".

Certificate of Appropriateness: A document evidencing approval of the Commission for work proposed by an applicant.

Commission or Landmarks Commission: Means the Landmarks Preservation Commission created under this ordinance.

Construction: The erection of an on-site improvement to a Landmark or to a building or any parcel of ground located within an Historic District or on a Landmark Site, whether the site is presently improved or unimproved, or hereafter becomes unimproved by "demolition", "demolition by neglect" or as a result of destruction of an improvement located thereon by fire, windstorm or other casualty, or otherwise (such a parcel of Ground being herein referred to as a "site".)

Demolition: The complete or constructive removal of a building on any site.

Demolition by Neglect: Neglect in the maintenance of any building, resulting in any one or more of the following:

(1) The deterioration of a building(s) to the extent that it creates or permits a hazardous or unsafe condition as determined by the Building official.

(2) The deterioration, as determined by the Building Official, of a building(s) characterized by one or more of the following:

(a) Those buildings which have parts thereof which are so attached that they may fall and injure persons or property.

(b) Deteriorated or inadequate foundation.

(c) Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.

(d) Members of walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

(e) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.

(f) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(g) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety.

(h) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

(i) Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.

(3) Action by the Town Council, the Fire Chief or the Building Official based upon the safety or physical condition of any building.

Earthworks: Any subsurface remains of historical, archaeological or architectural importance or any unusual ground formations of archaeological significance.

Exterior: All outside surfaces of a building.

Historic District: An area designated by the Commission which contains one or more Landmarks or Landmark Sites as well as those abutting sites which the Commission determines should fall under the provisions of this section to assure that their appearance and development is harmonious with such Landmarks and Landmark Sites.

Landmark and Landmark Site: An unimproved parcel of ground, including, without limitation, earth works (Landmark Site) or a parcel of ground with improvements (Landmark), wheresoever located in the Town, of particular historic, architectural or cultural significance, which said Landmark or Landmark Site meets at least one of the following criteria:

(1) exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; or

(2) is identified with historic personages or with important events in national, state or local history; or

(3) embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; or

(4) is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Ordinary Repairs or Maintenance: Work done to prevent deterioration of a building or to correct any deterioration or decay of or damage to a building or any part thereof by restoring the building as nearly as practicable to its condition prior to such deterioration, decay or damage.

Owner of record: As reflected on the current Palm Beach County tax roll.

Section 3. Landmarks Preservation Commission, Composition and Terms. A Landmarks Preservation Commission is hereby created consisting of seven members. A majority of the members shall have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. Each member except one shall be an owner of property located in or a resident of, the Town. The term for each member shall be three years and each will serve without compensation. The Town Council shall appoint the members from time to time. The first commission shall have two members for one-year terms, two members for two-year terms and three members for three-year terms. A member shall not be appointed for more than two consecutive three-year terms but shall be eligible for reappointment upon the lapse of one year after the expiration of the member's second consecutive three-year term. The Town Council may appoint one or more, but not more than three alternate Commissioners, with similar qualifications to serve in the absence of any regular Commissioners.

Section 4. Powers of the Commission.

(a) No Landmark nor any building on a Landmark Site or within an Historic District shall be erected, altered, restored, moved or demolished until after an application for a Certificate of Appropriatness as to exterior architectural features has been submitted to and approved by the Commission. Similarly, if earthworks of historical or archaeological importance exist in an Historic District, or on a Landmark Site, there shall be no excavating or moving of earth, rock, or subsoil in or about such earthworks without a Certificate of Appropriateness. For the purpose of this ordinance "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and the type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a Landmark Site or within an Historic District, if located or

plainly visible from out-of-doors, shall be under the control of the Commission.

(b) The Commission shall not consider interior arrangement or use.

(c) Nothing in this ordinance shall be construed to prevent ordinary maintenance or repairs which do not involve a change of design or material, or affect the outward appearance of a building.

(d) The Commission shall exercise only those powers and duties granted by this ordinance and those powers and duties which may be assigned to it at a later date by the Town Council.

Section 5. Creation of Historic Districts: For preservation purposes the Landmarks Commission shall designate geographically defined areas within the Town to be designated as Historic Districts and shall cite the guideline criteria upon which such designation is made. An Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the Town which:

(a) exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or Town; or

(b) is identified with historic personages or with important events in national, state, or local history; or

(c) embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style, or methods of construction or use of indigenous materials or craftsmanship; or

(d) is representative of the notable works of one or more master builders, designers, or architects whose individual ability has been recognized to have influenced their age; or

(e) constitutes a unique density of architecture, scale, landscaping and planning.

Section 6. Petition for Special Historic District Category: Following the designation of each Landmark or Landmark Site, the Commission shall petition the Town Council for the categorizing of such property as Special District H. Following the designation of each Historic District, the Commission shall petition the Town Council for the categorizing of each property in such District to Special District HD.

Section 7. Certificate of Appropriateness:

(a) The Commission shall prescribe the procedure for making application for a Certificate of Appropriateness.

(b) The applicant shall, upon request, have the right to a preliminary conference with a member of the Commission or of the Commission staff for the purpose of making any changes or adjustments to the application which might be more consistent with the Commission's standards.

(c) The Commission shall hold a public hearing upon each application for a Certificate of Appropriateness affecting property under its control. Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the Town at least 30 days before such hearing and by posting such notice on the bulletin board in the lobby of the Town Hall. In addition, notice shall be mailed at least 30 days prior to the date of such public hearing to the applicant and to the Building Official.

(d) Within not more than 45 days after the hearing on an application, the Commission shall act upon it, either approving, denying or deferring action until the next meeting of the Commission, giving consideration to the factors set forth in Section 8 hereof. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the Commission, and whatever its decision, notice in writing shall be given to the applicant and the Building

Official. The Commission shall keep a record of its actions under this ordinance.

(e) No Building Permit shall be issued by the Building Official which affects a building or site in an Historic District or a Landmark or a Landmark Site without a Certificate of Appropriateness.

(f) The Commission shall have the right to make such recommendations for changes and modifications as it may deem necessary in order to enable the applicant to meet the requirements.

(g) Nothing contained herein shall prevent the making of any temporary construction, reconstruction, demolition or other repairs on a Landmark, Landmark Site or a building in an Historic District pursuant to the order of any governmental agency or a court of competent jurisdiction for the purpose of remedying emergency conditions determined to be dangerous to life, health, or property, provided that in case of demolition prior notice of such action shall be given to the Commission.

(h) Where, by reason of topographical conditions, or irregularly shaped lots, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this ordinance would result in serious undue hardship particularly affecting such applicant, then the Commission, in passing upon his application, shall have the power to vary or modify adherence to this ordinance; provided always that its requirements insure harmony with the general purposes hereof and will not adversely affect an Historic District, Landmark or Landmark Site. Guidelines for the application of this sub-section may be developed by the Commission.

Section 8. <u>Criteria for the Issuance of Certificates of Appropriateness</u>. In passing upon an application for a Certificate of Appropriateness the Commission shall consider the following criteria:

(a) For new Construction:

(1) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, viz: the height, the gross volume, the proportion between width and height of the facade(s), the proportions and relationships between doors and windows, the rhythm of solids to voids created by openings in the facade, the materials used in the facade, the texture inherent in the facade, the colors, pattern and trim used in the facade, and the design of the roof.

(2) existing rhythm created by existing building masses and spaces between them should be preserved.

(3) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

(4) A new street facade should blend directionally with other buildings with which it is visually related - which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

(5) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

(b) For exterior alterations:

(1) The criteria set forth in (a) above shall be considered insofar as applicable in applying such criteria provided that the Commission may consider the original design of the building and the buildings visually related to it and disregard alteration subsequently made thereto.

(2) Exterior alterations shall not affect the architectural quality or historical character of the building.

(c) For signs located or plainly visible from out-of-doors the scale, design, materials, style and patterns should be compatible with the buildings and environment with which they are visually related.

(d) For demolition of a Landmark or a building in an Historic District, the following should be considered:

(1) The historic or architectural significance of the building.

(2) The importance of the building to the aesthetics of the District.

(3) The special character and aesthetic interest that the building adds to the District.

(4) The difficulty or the impossibility of reproducing such a building because of its design, texture, material, detail, or uniqueness of location.

(5) The future utilization of the site.

(d) Reconstruction of a non-conforming use building:

The reconstruction of a building legally non conforming as to use and destroyed by fire, storm or other act of God shall be governed by the provisions of the zoning ordinance except that the Commission shall regulate the exterior design of such buildings in accordance with the criteria set forth in (a) above.

Section 9. Commission Powers with Respect to Landmarks, Landmark Sites and Historic Districts:

The Commission shall exercise the following powers:

(a) To designate a building together with its accessory building(s) and its lot of record, or a vacant site or a district as historic and worthy of preservation as a Landmark, Landmark Site or Historic District, as the case may be, within the jurisdiction of the Commission, provided such designation is ratified by the Town Council;

(b) To recommend appropriate legislation for the preservation of any building, site or district which it has so designated;

(c) To make application for public and private funds when

appropriate and available for the purposes set forth in this ordinance subject to the approval of the Town Council;

(d) To review application proposing erection, alteration, restoration or moving of any building which it has so designated or any building located in a district which it has so designated, and to issue or deny Certificates of Appropriateness accordingly;

(e) To review applications for demolition permits proposing demolition of all or part of any Landmark or any building located in an Historic District, and to issue Certificates of Appropriateness or to deny them for one year;

(f) To cooperate with the owner of a Landmark or a property located in an Historic District throughout the year following a refusal to issue a Certificate of Appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such Landmark or property;

(g) To renew its denial of a Certificate of Appropriateness for demoliton of such Landmark or property for additional one-year periods indefinitely thereafter, following a public hearing each time at which the owner of the affected Landmark or property shall be afforded an opportunity to appear with counsel and to present testimony;

(h) To prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation, said prohibition to remain in effect for the length of time required by the Commission and the Town Council for final action on the proposed designation. The Commission shall accomplish such prohibition by furnishing the Building Official a list of the street addresses of all property under consideration for landmark designation.

Section 10. Landmark, Landmark Site and Historic District Designation Procedure. The following procedure shall be adhered to by the Commission in designating any building, building site, or district that is worthy of preservation;

(a) The Commission shall consider for landmark designation any property proposed by the owner of record or by a member of

the Commission.

(b) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a Landmark or Landmark Site and to each owner of record of property in a district proposed for designation as an Historic District, describing the property proposed and announcing a public hearing by the Commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(c) The Commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the Town Hall, and in addition the Commission may cause such notice to be published in a newspaper having general circulation in the Town.

(d) The Commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(e) The Commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed Landmark, Landmark Site or Historic District.

(f) The Commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(g) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the Commission.

(h) Any interested party may present testimony or documentary evidence regarding the designation of a proposed Landmark, Landmark Site or Historic District at the public hearing and may

submit to the Commission documentary evidence within three days after the hearing.

(i) Within not more than 45 days after a public hearing the Commission shall render a final decision regarding the proposed designation and shall give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(j) The Commission may maintain a record of testimony and documentary evidence submitted to the Commission for consideration of the designation of a proposed Landmark or Historic District.

(k) In accord with Section 9 (a) of this Ordinance, the Town Council shall within 90 days ratify the determination of the Commission prior to the becoming effective of the designation of a property as a Landmark or Landmark Site or of a district as an Historic District. Absent such ratification the Commission's determination shall be ineffective.

(l) Within 30 days of the date on which the Town Council ratifies the Commission's designation of a Landmark, Landmark Site or Historic District, the Commission shall cause to be filed in the Office of Recorder of Deeds of Palm Beach County a certificate of notification that such property is designated a Landmark or Landmark Site or is located within a district designated an Historic District, and said certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the Commission or the Town Council.

(m) The Town Council, upon receipt of a designation from the Commission, shall hold a public hearing to review and ratify, or decline to ratify, such designation.

(n) Hearings before the Landmarks Preservation Commission shall be held only during the months of November, December, January, February, March and April, except in the year 1979.

Section 11. Demolition by Neglect: In the event the Commission determines that a Landmark is in the course of being "demolished by neglect", it shall notify the owner of record of such preliminary finding stating the reason therefore, and shall give the owner of record 30 days from the date of notice in which to commence work rectifying the evidences of neglect cited by the Commission. Such notice shall be accomplished in the following manner:

(a) by certified mailing to the last known address of the owner of record; or

(b) in the event the procedure outlined in (a) above is not successful, then by attaching such notice to the Landmark twice within a week.

(c) Upon the owner of record's failing to commence work within 30 days of such notice, the Commission shall notify the owner of record in the manner provided above to appear at the next public hearing of the Commission. The Commission shall cause to be presented at said public hearing the reasons for the notice, and the owner of record shall have the right to present any rebuttal thereto. If, thereafter, the Commission shall determine that the Landmark is being "demolished by neglect", the Commission shall inform the Town Council of its determination, whereupon the Town Council may bring charges against the owner of record for violation of this ordinance and the Town Council may cause such Landmark to be repaired at its expense at such time as funds are appropriated therefor, in which event the Town may file an affidavit of the Building Official to such effect in the Office of the Recorder of Deeds for Palm Beach County which shall operate to create to the extent it may lawfully do so, a lien against the property for the funds so expended by the Town.

Section 12. Commission Enforcement Powers:

(a) In performance of their duties, members of the Commission shall have the right to enter upon properties in the Town at reasonable times and upon reasonable notice to the owners thereof.

(b) Upon request of the Commission, the Building Official shall aid the Commission in making necessary inspections in Connection with the enforcement of this ordinance, shall furnish the Commission with copies of reports of his inspection and shall send notices to all persons who may be in violation of the provisions of this ordinance to inform them of such violations.

(c) Failure to comply with the provisions of this ordinance shall constitute a violation hereof and shall be punishable by Town Council by a fine of not more than $500 per day for each day the violation continues and if the violation continues for more than ten days, in addition to said fine, by imprisonment for not more than 60 days.

Section 13. Appeals: Any person aggrieved by any decision, act or proceeding of the Commission shall have the right to apply in writing to the Town Council for reversal or modification thereof, and the President of the Town Council shall have the right to stay all further action by the Commission or the Building Official until the Town Council shall affirm or disaffirm the decision, act or proceeding of the Commission. Any such appeal shall be taken within 20 days of the date of the decision, act or proceeding of the Commission, and the Town Council shall consider said appeal at its next meeting, but in any event, not more than 45 days thereafter. The Town Council has the right to reverse or modify any decision of the Commission.

Section 14. Rules of Procedure: The Commission shall elect a chairman, a Vice Chairman and a secretary and may adopt rules for the conduct of its meetings. A majority of the Commission shall constitute a quorum for the transaction of business, provided however, that in cases of emergency, if a quorum cannot be obtained the chairman or vice chairman in his absence, and one other member of the Commission may act to prevent an imminent and irreparable violation of the provisions of this ordinance.

Section 15. Voluntary Restrictive Covenants: The owner of any Landmark or Landmark Site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the Commission. The Commission may assist the owner in preparing such a covenant in the interest of preserving the Landmark or the Landmark Site. The owner shall record such covenant in the Office of the Recorder of Deeds for Palm Beach County and shall notify the Town Clerk, Building Official and Town Council and may notify the Office of the County Property Appraiser of Palm Beach County, of such covenant and the conditions thereof.

Section 16. Severability Clause: 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 17. Repealer: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 18. Effective Time: This ordinance shall become effective immediately upon its passage and approval as required by law.

Passed and adopted on first reading at a regular adjourned session assembled on the 9th of January, 1979 and on second and final reading on the 13th day of February, 1979.

Attest:

Town Clerk

Approved:

Mayor

Walter L. Cathcart

Robert M. Grace

on second reading with the amendment as to the penalty provision, that each offense would result in a fine not to exceed $50 for the first offense and not less than $100.00 for each additional offense and eliminate any incarceration provision which is presently in the Ordinance, and for habitual offenders, the fine will not exceed $500.00.

Mr. Warwick stated he knows of no other way to deal with the problem than try and get an Ordinance that is enforceable and then seek an adequate way to enforce it, and he seconded the motion.

Mr. Mettler stated if the Ordinance passes, he will suggest that the Town Manager and the Police Department accomplish two things:

(1) Educate the citizenry about the Ordinance through the media;
(2) Warnings should be given to citizens the first few times the Ordinance is violated.

Mr. Robinson stated he was not in favor and he hopes that if the Ordinance is passed, we are not talking about a new City agency to enforce the Ordinance.

Mr. Warwick stated the police officers are paid a lot more money than would be paid an individual to resolve dog complaints and he felt it would be cheaper to enforce this ordinance with such a person rather than using trained police officers.

Mr. Grace called the question and on Roll Call, Aye votes were given by Mr. Mettler, Mr. Warwick, and Mr. Rathbun. No votes were given by Mr. Robinson and Mr. Grace.

Ord. 1-79 LPC

Item No. 8 - Ordinance No. 1-79 - First Reading - Landmark Preservation Commission.

Mr. Middleton read the Ordinance by title. He called the Council's attention to some changes that were proposed -

ORDINANCE NO. 1-79

An ordinance of the Town of Palm Beach, Palm Beach County, Florida, creating a Commission to be known as the Town of Palm Beach "Landmarks Preservation Commission" for the purpose of establishing, regulating, preserving and protecting historic districts and landmarks within the bown of Palm Beach; prescribing the powers, duties, authority, procedures and standards of said commission; defining the purpose and intent of this ordinance; providing when this ordinance shall become effective; repealing all ordinances or parts of ordinances in conflict herewith; providing a penalty for a violation hereof; and for other purposes.

(Proposed changes):

On Page 2 - section (f) was omitted and it should read: "Strentthen the economy of the Town."
On Page 3 - sixth line should read: "The deterioration, as determined by the Building Official, of a building (s) characterized by one or more of the following:
On Page 4 - second line - the work "or" should be inserted right after importance rather than "of".
On Page 6 - first line the word "also" should be eliminated and it will read: "shall be under the control of the Commission." In the middle of the page in section (a) the second last word should be "or" instead of "and".
On page 7 - Section 7 - sub-paragraph (b), next to the last line the word "for" is eliminated after the word "application".
On page 10- in sub-paragraph (4), the phrase "or uniqueness of location"should be added at the end of this section.
On Page 11- in sub-paragraph (h), in the second line the word "or" inserted and the spelling of "designation" in the last line is corrected.
On Page 12- in sub-paragraph (d), the first line should read: "The Commission may retain or solicit expert testimony". On the top of this page, the third line, "Site" should be capitalized.
On Page 13- sub-paragraph (m)should read: "The Town Council, upon receipt of a designation from the Commission, shall hold a public hearing to review and ratify, or decline to ratify, such designation."

Mr. Warwick moved for adoption of Ordinance No. 1-79 on first reading. Seconded by Mr. Mettler.

Mr. Adrian Winterfield addressed the Council and stated he felt this was the most important Ordinance to be presented to the Town in many years so he thought there should be scrutiny by way of public hearings. He had reservations as the appropriateness of the direct passage as he felt this Ordinance would have an effect on the Zoning Ordinance and conceivably it could negate the Zoning Ordinance in specific cases. If there is a set procedure for the amendment of the Zoning Ordinance, it should be duplicated for the first reading of such an important Ordinance. He did not understand the effect the Ordinance, as presently drafted, would have on Senate Bill No. 261 with regards to private property rights. He felt there was an enormous delegation of authority to this Commission, even though the Council has the right of review - in the interval the Commission would exert tremendous power. The standards are extremely vague as there is virtually no property in the Town under the standards set forth in the Ordinance which could be considered a landmark. He had a question in his mind of the appropriateness of the attempt to control construction on sites which are presently vacant. He wondered how this Commission would relate to the Architectural Commission.

Mr. Winterfield observed that this Commission had asked for funding twice and since the Council obviously favors the endeavor, the funding was forthcoming immediately. Perhaps this Commission should be requested to submit an annual budget, as there has been $2500 given by the Town and private donations are forthcoming. He reiterated this Ordinance is of such an importance that the Council might wish to consider Hearings between the first and second readings.

Mr. Robinson disagreed with Mr. Winterfield and felt the time to act was now.

Mr. Grace called the question and on Roll Call, all members of the Council voted unanimously in favor of the Ordinance.

Mr. Mettler thanked the Commission for all their work. Mr. Robinson complimented the Commission on their thoroughness. Mr. Grace extended his thanks and appreciation for this Commission's very hard work. Mr. Warwick echoed the foregoing comments and reassured the Commission they would have the Council's ongoing cooperation.

Mr. Grace wondered if this should be assigned to the Ordinance, Rules and Standards Committee for any hearings between the first and second readings? Mr. Middleton stated this was proper if it was the Council's pleasure. Mr. Robinson stated he did not think this was necessary.

Lease for LPC

Item 8 (a) Authorization for Town Manager to sign lease on behalf of Landmark Preservation Commission to rent office space. Mr. Frost stated the lease is tailored to fit a public rather than a private situation, and it is in the amount of $6400 per year of $8 per square foot. The monies would come from the donations account. Mr. Middleton stated this is a business property lease and he would like to tailor it to the Town's needs. Mr. Mettler asked if it would be proper to authorize the Town Manager to execute the lease on behalf of the Town subsequent to the revision that the attorney will make. Mr. Middleton said this would be proper. Mr. Mettler so moved. Mr. Warwick seconded the motion. Motion carried unanimously.

Res.1-79

Item No. 9 - Resolution No. 1-79 - Proposed Storm Sewerage System in 200 block of Sunrise Avenue (North County Road to Bradley Place). Mr. Middleton read the resolution. Mr. Mettler asked Mr. Frost where would the money come from and secondly, when was construction planned? Mr. Frost stated the money will come from the Revolving Fund and he would hope that construction could be done between May and December, 1979. Mr. Mettler moved for its approval. Seconded by Mr. Robinson.

Mr. Grace asked about the detailed plans that were supposed to be on file in the office of the Town Engineer and wanted to know if these plans would be available at the time the notice was published? Mr. Frost stated the preparation of the detailed construction plans will require several months, so the wording should be changed, and what is available now are the preliminary drawings.

Mr. Middleton stated we cannot provide any contracts until the notice is published once a week for three consecutive weeks and if the plans are not available, the notice should not be published.

Mr. Mettler withdrew his motion, to which the seconder agreed.

Mr. Warwick moved that this Resolution be tabled until such time as detailed plans are secured. Seconded by Mr. Mettler. Motion was carried unanimously.

Master Sewage Pumping Station

Item No. 10 - Master Sewage Pumping Station - Additional Personnel and Equipment. Mr. Frost stated he has sent a memorandum to the Mayor and Council outlining the personnel and equipment problems envisioned and money has been provided to the City of West Palm Beach for partial year of treatment and since he does not have the authority to hire any personnel over complement, or buy any equipment which has not been budgeted for by line item, he needed some authority from the Council, as it is now getting close to the time that we must start tooling up for the operation of the master pumping station and it is the opinion of the Public Works Department that additional personnel and equipment will be needed. The additional money needed for the remainder of the fiscal year for personnel is $40,000 and the equipment needs would be $16,000. Mr. Warwick moved that the additional personnel and equipment be authorized. Seconded by Mr. Mettler. Mr. Rathbun asked that this be brought to the Public Works Committee at their meeting of January 29, 1979. Mr. Mettler asked that Mr. Hadley and Mr. Greene be at this meeting and a report be made to the February meeting, but in the meantime the motion be passed as time is of the essence so these people are on board at the time the Regional Plant becomes operational. Mr. Grace called the question and the motion passed unanimously.

Rate change Par III

Item No. 11 - Rate Change - Par III Golf Course. Mr. Rathbun asked if the Golf Commission's report had been approved? Mr. Grace stated a determination was made as to who the family members are, but nothing else. Mr. Rathbun said the Commission has recommended the play tickets be reduced from $65.00 to $60.00 for residents for 12 play tickets and from $75 down to $70 for the non-residents, as they feel this will encourage play and therefore generate more revenue. Mr. Mettler moved that this recommendation of the Golf Commission be approved. Seconded by Mr. Robinson. Mr. Frost asked what the starting date would be? Mr. Rathbun suggested it be January 15,1979 to which all the Council agreed. Motion carried.

Leash Law

Item No. 12 - Leash Law Enforcement Officer. Mr. Warwick stated he certainly would not want trained police officers to be utilized for the enforcement of this new Ordinance and he asked that this matter be referred to the Public Safety Committee for a study of what it would cost to hire a person to enforce this Ordinance, whether it would be feasible to hire such a person or to make a contract with some outside entity, or the Animal Rescue League - explore all the means which might be available and report back to the Council with their recommendation for the next meeting, and he so moved. Seconded by Mr. Mettler, Motion carried unanimously.

Rem.of park.on Worth Ave.

Item No. 13 - Removal of Parking on Worth Avenue. Mr. Grace stated this was discussed at a Council meeting last year that parking would be removed from the north side of Worth Ave by November of 1979, however no motion was made. Mr. Mettler moved that the parking on the north side of Worth Avenue be removed by November 1, 1979. Seconded by Mr. Warwick.

Mr. Robinson wanted to k-ow where these 70 some cars were going to park and whether or not there would be an alternative? Mr. Warwick stated parking and double parking on Worth Avenue is a problem and we have been waiting for these people to come up with a solution and if they know now parking will be removed by November 1st, 1979, they may be forced to take some kind of action.

Mr. Mettler withdrew his motion and made a new one: He moved that parking on the north side of Worth Avenue between County Road and cocoanut Row be removed no later than November 1, 1979 and the Town Manager notify the worth Avenue Property Association and the Worth Avenue Merchants Association and any other parties that he deems necessary for notification of this requirement.

and to the neighborhood. The seconder accepted the change to the motion. Mr. Robinson further amended his motion to allow eight foot gate posts with 4' gates. Seconder accepted the further amendment. On roll call, no votes were cast by Mr. Mettler and Mr. Warwick and yes votes were cast by Mr. Rathbun, Mr. Robinson and Mr. Grace. Motion carried.

7-79 Var. Item No. 7 - Variance No. 7-79 - Stanley J. Harte (Harte-Biltmore, Ltd.), 150 Bradley Place, permission to enlarge site plan by enlarging southern curb cut, adding to and relocating parking spaces on south side, and improving additional southern property. R-D2 District. (to amend Variance No. 21-77). Harrison Chauncey addressed the Council as applicant's attorney. This applicant has purchased at a great expense to himself a piece of property to the south of his property and thereby created more open space. This property will also allow ingress and egress. Additionally, there will be a relocation of some parking. Also, they would like an adjustment to the cabana arrangement. He stated that to renovate a building of this magnitude is a great task. After demolition, they found that what the plans stated was there was not as the plans showed.

Mr. Eugene Lawrence, ARchitect, exhibited plans and explained that they have had their landscape plan approved by the Architectural Commission. The newly acquired land opens a vista to the building from Royal Poinciana Way. They wish to install some green space between the parking places that were approved previously. They also would like to have an entrance/exist to the basement parking area. They would like to increase the cabanas by approximately 1800 square feet, which will have planting on the top.

Mr. Frost gave the Administrative comments: Public Works: The curb cut for the new driveway on the south side of the property should provide a pedestrian refuge between the two driveways as it is too wide an area and does not provide a pedestrian refuge. There should be planning for the utilities that now ixist between the Nordine property and the Biltmore. Building Department wonders how many more variances will be received before this project is completed. Town Manager felt the trash site was in a very poor location for retrieval.

Mr. Mettler asked Mr. Chauncey if he or his client had any problem with the comments of the Administration? Mr. Chauncey indicated they did not, as they will create a pedestrian refuge and without representing so, they will try and do something about the power lines and will try to do something about the trash site. With regards to more variances, he felt if more authority was given to the Buidling Department, they would not have to come back to the Council but he could not guarantee that they would not come back again as a project of this scope, problems do come up every day and some just be solved by the variance route.

Mr. Robinson moved that the application be approved subject to the Town's Administrative comments. Mr. Mettler asked if the motion could be amended to include approval of the cabanas as shown on Exhibit 1. Mr. Robinson accepted the amendment and Mr. Mettler seconded the motion. On roll call, all voted affirmatively for approval. Motion carried unanimously. (Mayor Ritchie left the meeting).

Mr. Mettler stated that since there were many people here to hear the Ordinances, he would move that Item 8, Committee reports, be placed at the end of the agenda. Seconded by Mr. Rathbun. On roll call, all voted affirmatively. Motion carried.

Ord. 1-79 Item No. 9 - Ordinance No. 1-79 - Second Reading - Landmarks Preservation Commission. Mr. Middleton stated there have been suggestions for some amendments to this Ordinance since the first reading suggested by Mr. Fred Bosselman, who is working with the Landmarks Preservation Commission.

Mr. Middleton stated under definitions on page 4, the following should be added: "Owner of record: As reflected on the current Palm Beach County tax roll."

Mr. Middleton stated a long letter has been received from Mr. Oehlert raising many questions and he felt the Ordinance should be adopted and consider some of the questions at a later time.

Mr. Middleton stated in Section 7 (d), in Line 1, the words "filing of" be deleted and the following be inserted: "hearing on".

In Section 9, page 11, sub-section (h), the following should be added: "The Commission shall accomplish such prohibition by furnishing the Building Official a list of the street addresses of all property under consideration for landmark designation."

On Page 13, in Section 10 (n) add at the end: "except in the year 1979."

Another suggestion had been made that there be a provision for alternate commissioners to serve when the regular commissioners are not available and it should be added to the ordinance that the Town Council can appoint one or more alternate commissioners, but not more than three, to serve in the absence of any of the regular commissioners, and he recommended that this be put in Section 3 on page 3, under the paragraph Terms, at the end of the paragraph. Mr. Grace asked if it could also be added that these alternate members shall have the same qualifications as the regular members.

Mr. Thomas M. Mettler moved that Mr. Bosselman's recommendations as stated by Mr. Middleton be approved. Seconded by Mr. Warwick. On roll call, all voted affirmatively. Motion carried.

Mr. Grace stated he had a few amendments: Page 5, Section 4 (a), in the seventh line, after "Historic District", the phrase "or on a Landmark Site" should be added.

Mr. Grace stated in Section 5, sub-section (d), he suggested the insertion of "to have influenced their age" be substituted for "to influence their age".

Mr. Grace stated in Section 5, sub-section (d), the words in the first two lines should be: "non-conforming" instead of "non-confirming".

Mr. Grace stated in Section 10, on page 11, he suggested the words "building site" should be inserted after the word "building".

Mr. Grace stated in Section 10, sub-section (n), he would like the months changed to: "November, December, January, February, March and April, except in the year 1979."

Mr. Grace stated in Section 13, page 15, 7th line - he would like to see the time increased to "20" days instead of "10".

Mr. Warwick moved for approval of Mr. Grace's recommendations. Seconded by Mr. Mettler. On roll call, all members of the Council voted affirmatively. Motion carried unanimously.

Mr. Adrian Winterfield addressed the Council and wondered if the Sunshine Law is applicable with regards to the meetings held by the Landmark Preservation Commission.

Mr. Mettler moved for adoption of the ordinance by title on second reading. Mr. Middleton stated he had not read it as yet. Mr. Mettler withdrew his motion. Mr. Middleton read Ordinance 1-79 by title. MR. Mettler moved for adoption of Ordinance No. 1-79 by title only. Seconded by Mr. Warwick. On roll call, motion carried unanimously, all members voting affirmatively.

Mr. Grace suggested the following names for appointment to the Landmark Preservation Commission: Mrs. Hoffstot, Mr. Hulitar, Judge Knott, Mr. Simmons, Mr. Maddock, Mr. Willard and Mr. Volk and as an alternate, Mr. John Johnston. Mr. Grace explained Mr. Johnston is an attorney with the law firm of White and Case who have been involved in landmark preservation cases in the New York area and Mr. Johnston has recently moved to this area and purchased a home in Palm Beach and will now make this his permanent residence. Mr. Robinson moved for approval of the names nominated by Mr. Grace for members of the Landmark Preservation Commission together with the alternate. Seconded by Mr. Warwick. On roll call, all voted aye. Motion carried unanimously.

Mr. Grace felt that this Commission has already done a large amount of work and now they wish to begin its work on designations, which will be a time consuming task and he suggested that the Landmark Preservations Commission be authorized, if they so wish, to hire Mr. Kenneth Lansdowne.

Mr. Mettler stated that since there is no budgeted amount for this Commission, he would like the Commission to give some idea to the Council of what they do plan to spend for the rest of this fiscal year, and he moved that an additional $1000 be authorized to the Landmark Preservations Commission and at the March meeting some projection be given from them as to the amount needed for the remainder of this fiscal year. Seconded by Mr. Robinson. On roll call, all members voted affirmatively. Motion carried unanimously.

Mr. Robinson asked that the Landmark Preservations Commission be adequately advised by the Town Attorney as to the requirements of the Sunshine Law and all of the designations, etc. Mr. Grace stated these cautions were expressed to them by the attorney.

Item No. 10 - Ordinance No. 2-79 - First Reading - Amending Chapter 30, Code of Ordinances "Traffic" - Jogging. Mr. Middleton read the Ordinance No. 2-79

Ord. 2-79 jogging

ORDINANCE NO. 2-79

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 30, CODE OF ORDINANCES, TOWN OF PALM BEACH, ENTITLED "TRAFFIC", SO AS TO PROHIBIT PEDESTRIANS FROM USING CERTAIN STREETS OR ROADWAYS AS DEFINED IN THE AFORESAID CHAPTER 30 FOR THE PURPOSE OF RUNNING OR JOGGING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR A VIOLATION HEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Mr. Harrison Chauncey expressed his dissatisfaction with the proposed Ordinance, as did Raymond Mordine.

Mr. Warwick and Mr. Robinson explained this ordinance has been recommended by the Police Department and Mr. Warwick moved for adoption of Ordinance No. 2-79 on first reading. Seconded by Mr. Robinson. Mr. Grace asked if the Ordinance, Rules & Standards Committee could study the possibility of including an hour limitation such as no jogging after dark, and report back to the Council. On roll call, all members voted affirmatively. Motion carried unanimously.

Item No. 11 - Ordinance No. 3-79 - First Reading - Amending Chapter 8, Code of Ordinances - "Beaches, Boats, Bulkheads and Waterways" Mooring of vessels in Lake Worth.

Ord. 3-79

ORDINANCE NO. 3-79

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, TOWN OF PALM BEACH, ENTITLED "BEACHES, BOATS, BULKHEADS AND WATERWAYS", BY AMENDING SECTIONS 8-10. AND 8-11. THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR A VIOLATION HEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Mr. Middleton read the Ordinance. Mr. Rathbun expressed his concern that a boat which was having some type of a problem could not anchor in the case of an emergency. Mr. Middleton explained this Ordinance would not take precedent over marine rules and regulations. Mr. Warwick felt the Chief of Police could allow a boat such time as would be necessary in the case of an emergency. Mr. Warwick moved for adoption of Ordinance No. 3-79 on first reading. Seconded by Mr. Mettler.

Mr. Vincent Bailey of 315 Clark Avenue addressed the Council in support of proposed Ordinance.

Mr. Robinson stated that although the main navigational channel is on the west side of the lake, there is another one on the east side of the lake and a lot of boats have been in mooring in that channel. Mr. Warwick stated another problem is that West Palm Beach has an ordinance very similar to the one proposed and when the boats are approached by the officers on that side of the lake, the boats just move to our side of the lake.

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Proposed Changes to Special Event Ordinance

Presenter
Kathleen Dominguez, CMC, Town Clerk

ATTACHMENTS:

- **Memorandum dated November 26, 2019, from Kathleen Dominguez, Town Clerk**
- **Sections 106-289 and 106-290 Races Walks and Runs Strike-through and underline format**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

To: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

From: Kathleen Dominguez, CMC, Town Clerk

Re: Review of Special Events Ordinance to Establish Town Council Approval Criteria for Races, Walks and Runs on Public Property

Date: November 26, 2019

STAFF RECOMMENDATION

Staff recommends the Town Council review the proposed revisions to the Town's Code of Ordinances at Chapter 106, Article VII. - Special Events on Public Property, and provide direction.

GENERAL INFORMATION

At the July 9, 2019 Town Council meeting, staff was directed to work with the ORS Committee to revise Chapter 106 of the Town's Code of Ordinances related to *Special Events on Public Property* to include criteria for approving walks, runs, and other types of races on public property.

At the October 24, 2019 ORS Committee meeting, staff presented two new sections to add to Chapter 106 at Article VII. that would establish the procedure and criteria to be used for approving run/walks and other applicable activities in the Town. The ORS Committee reviewed the proposed sections and provided their feedback which is being presented to you in strikethrough and underline format for your consideration.

Attachment

cc: Jay Boodheswar, Deputy Town Manager

ARTICLE VII. - SPECIAL EVENTS ON PUBLIC PROPERTY

DIVISION 1. - GENERALLY

Sec. 106-256. - Definitions.

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

Special event means any meeting, activity, run/walk or gathering of a group of persons having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public place or building, which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area or building, which results in preempted use by the general public or which deviates from the established use. Nothing in this article shall preclude the use of such areas by the town for governmental purposes.

Run/walk event includes an event of a designated distance, including but not limited to, a 5k, 10k, half-marathon, marathon, which involves, but is not limited to, walking, running, and/or racing.

5k run/walk includes a walking/running event over a distance of five kilometers (3.1069 miles). 10K run/walk includes a walking/running event over a distance of ten kilometers (6.2 miles).

Half marathon includes a walking/running event of 21.0975 kilometers (13.1094 miles). The half marathon is also known as a 21k, 21.1k or 13.1 miles, although these values are rounded and not formally correct.

Marathon includes a walking/running event over a distance of 42.195 kilometers (26.219 miles).

(Code 1982, § 10-432)

Cross reference— Definitions generally, § 1-2.

Sec. 106-257. - Regulations relating to special event.

The following regulations shall apply to all special events held within the town:

(1) There shall be held at the location requested no more than one special event on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day. The town reserves the right to limit use of public spaces at any time to prevent overuse and/or adverse impacts to adjacent neighborhoods.

(2) The maximum total duration of each special event and the assembly thereof shall be five hours.

(3) Any signs, props or displays used in conjunction with the special event must be removed immediately after the time permitted for the special event has expired.

(4) The use of banners, flags (other than flags of official governmental bodies), streamers, balloons or any similar devices, in connection with the event, shall be prohibited.

(5) The use of decorated vehicles and trailers in connection with the event is prohibited.

(6) The granting of a special event permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the town shall be empowered to apportion such streets and intersections for simultaneous use by special event participants and vehicular and pedestrian traffic.

(7) The concentration of persons and/or vehicles at the special event will not interfere unduly with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly area or other areas of the town.

(8) There are sufficient parking places near to the site of the special event to accommodate the approximate number of automobiles reasonably expected to be driven to the special event.

(9) The event is not otherwise in violation of ordinances or regulations of the town or the state or of federal law.

(Code 1982, § 10-435; Ord. No. 12-2018 , § 1, 7-10-18)

Sec. 106-258. - Penalties.

Any person determined to be in violation of the provisions of this article, not relating to revocation of the permit, shall be subject to section 1-14.

(Code 1982, § 10-442)

Secs. 106-259—106-280. - Reserved.

DIVISION 2. - PERMIT

Sec. 106-281. - Required.

No person shall engage in, participate in, aid, form or start any special event unless a special event permit shall have first been obtained from the town manager or his/her designee. No permit shall be required for special events officially sponsored by the town government and approved by the town council, nor shall the regulations set forth in this division 2 apply to such special events.

(Code 1982, § 10-433; Ord. No. 29-10, § 2, 9-29-10; Ord. No. 12-2018 , § 2, 7-10-18)

Sec. 106-282. - Application.

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

(b) *Filing.* A completed application for a special event permit, providing all information required herein, shall be filed with the town clerk's office not less than 45 days (or a shorter period of time as deemed appropriate at the discretion of the town manager) and not more than nine months for residents and seven months for non-residents before the date on which it is proposed to conduct the special event.

(c) *Contents.* The application for a special event permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such a special event.

(2) The purpose of the special event.

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

(4) The date on which the special event is to be conducted.

(5) The exact hours the special event is to be conducted.

(6) The name or type of event.

(7) The exact location of the event.

(8) The approximate number of participants and spectators.

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

(10) The name of the applicant's insurance company for the event and proof of insurance. The town shall be named as additional insured on a policy of liability insurance in an amount not less than $1,000,000.00. The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular special event proposed by the applicant. If the special event applicant maintains higher limits than the minimums shown below, the town requires and shall be entitled to coverage for the higher limits maintained by the applicant.

(11) The signature of the applicant.

(12) The name, address and telephone number of the person who will be responsible for the conduct of the special event (i.e., special event chair).

(13) Provisions for cleanup after conclusion of the special event. The applicant shall be responsible for costs of complete and immediate cleanup.

(d) *Fees.* The following fees in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time:

a. An administrative processing fee;

b. A refundable damage deposit, if applicable;

c. A usage fee prepaid for the hours requested to hold the proposed special event, if applicable.

(Code 1982, § 10-434; Ord. No. 2-2013, § 1, 6-11-13; Ord. No. 12-2018 , § 3, 7-10-18)

Sec. 106-283. - Standards for issuance.

The town manager shall issue a special event permit, when from consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

(1) No other applicant has obtained a permit for the date requested.

(2) The special event applicant has agreed in writing to abide by all provisions set forth in this article.

(3) All required information is set forth in the application and is in accordance with all provisions set forth in this article.

(4) The concentration of persons and vehicles at assembly points of the special event will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.

(5) The conduct of such special event will not interfere with the movement of police and fire rescue vehicles and equipment en route to a fire or the movement of emergency medical services equipment en route to an emergency.

(6) The special event is not being held for the purpose of advertising any product, goods or event, and shall not be held for private profit or fund raising, unless the applicant is a 501 (c) 3 non-profit, in which a charitable solicitation permit would also be required.

(7) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the special event.

(8) The conduct of the special event will not result in damage to town-owned property or constitute a hazard to the safety of other persons within the immediate vicinity of the event.

(9) No event is scheduled elsewhere in the town where the town's resources required for that event are so great that the deployment of resources for the proposed assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

(10) An original certificate of insurance was supplied to the town naming the town as additional insured on a policy of liability insurance in an amount not less than $1,000,000.00 or an amount higher based upon the particular special event proposed."

Applications for special events that involve leaving the primary event location (public or private properties) to utilize public sidewalks, streets and/or bike paths shall receive Town Council approval prior to the issuance of a special event permit and shall be subject to section 106-289 and 106-290.

(Code 1982, § 10-436; Ord. No. 12-2018 , § 4, 7-10-18)

Sec. 106-284. - Notice of approval or denial.

The town manager shall act upon an application for a special event permit within 20 days after the filing thereof and must notify the applicant of the approval or denial of the application within that same period. If the town manager denies an application, a written notice stating the reasons for denial shall be sent to the applicant by certified mail and made available by the town for inspection within the 20-day period specified above.

(Code 1982, § 10-437; Ord. No. 12-2018 , § 5, 7-10-18)

Sec. 106-285. - Appeal procedure.

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

(Code 1982, § 10-438; Ord. No. 12-2018 , § 6, 7-10-18)

Sec. 106-286. - Duties of permittee.

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

(Code 1982, § 10-439)

Sec. 106-287. - Possession.

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

(Code 1982, § 10-440)

Sec. 106-288. - Revocation.

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

(Code 1982, § 10-441)

Sec. 106-289. – Races, Walks, and Runs

Applications for activities or events that involve leaving the primary event location ~~(e.g. run/walks, 5ks, marathons, and half-marathons) that involve leaving the primary event location~~ whether ~~(~~on public or private properties~~)~~ that will ~~o~~ utilize public sidewalks, streets and/or bike paths including but not limited to runs, walks, 5ks, marathons, half-marathons and/or races, shall receive Town Council approval prior to the issuance of a special event permit.

The following procedure and criteria for approving races, runs, and/or walks shall be as follows:

a) Applications for races, walks and/or runs shall be submitted as outlined in section 106-282 with the following additional information:

   1. The name, address and telephone number of the person who will be the event chairman and who will be responsible for its conduct;
   2. The time and date at which persons of the event will begin to assemble at any such assembly area or areas;
   3. The location and route of the run, ~~/~~walk or race event shall be ~~indicated by choosing the approved routes in section 106-290, or any other route~~ approved by the Town of Palm Beach.
   4. A specific~~,~~ and written description of the preparations made to provide adequate ambulance and medical care during the event and activity;

b) Following timely submission of the application, fees and all necessary information, the application shall be subject to review by the following:

   1. Director of Public Works or his/her designee
   2. Fire Chief or his/her designee
   3. Chief of Police or his/her designee
   4. Code Enforcement Manager or his/her designee
   5. Risk Manager or his/her designee
   6. Director of Planning and Zoning or his/her designee
   7. Town Manager or his/her designee

c) The above personnel considering the application shall submit individual recommendations throughout the review process to the Town Clerk, including approval, denial, special conditions, or other fees required to reimburse the Town, for its costs.

d) The Town Manager or his/her designee will submit a staff report, the special event application and supporting documentation to the Town Council for consideration and final approval.

e) An application shall be subject to the following factors:

1. Adequacy of the location of the start and finish line, relative to the public safety and impact to the residents.~~.~~

2. The date(s) and time(s) of the run,~~/~~walk and/or race event, or whether such event will conflict with a town sponsored event or town-wide event;

3. A ~~The~~ maximum ~~amount~~ number of persons ~~the organizers will allow~~ participate~~ing~~ in the event;

4. ~~Reasonableness of t~~The detailed plan ~~that will~~ governs any and all event and activity clean-up procedures for the entire event that shall comply with legal and established standards of sanitation, health and prevention;

5. ~~Reasonableness of T~~the detailed plan ~~that will~~ governs any and all fire, smoke, traffic, refreshment stations, parking and security hazards and prevention;

6. ~~Reasonableness of the~~ The detailed plan ~~that will~~ governs any and all event and activity parking and any and all locations used solely for parking;

7. ~~Reasonableness of the P~~preparations are made to provide adequate ambulance and medical care during the event and activity;

8. Adequacy and sufficiency of the general and/or special liability insurance policy and declarations and/or bonds covering the event ~~or,~~ personnel, visitors, invitees, and participants; and

9. The conduct of the event will not likely cause injury to persons or property, and will not create or give rise to ~~provide~~ disorderly conduct or ~~create~~ disturbances.

10. The applicant agrees to abide by the noise rules and regulations outlined in Section 42-197.

f) Public conduct during special events.

1. *Interference.* No person shall unreasonably hamper, obstruct, ~~or~~ impede, or interfere with any event or event assembly or with any person, ~~vehicle or animal~~ participating and/or volunteering in an event, or any animal being used in a special ~~n~~ event.

2. No driver of a vehicle shall drive between the vehicles or persons comprising an event. ~~when such vehicles or persons are in motion and are conspicuously designated as an event~~.

3. *Parking on event route*. The Chief of Police may post signs or take other action to notify the public of the designated event route. ~~to such effect, and i~~It shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

4. No unaffiliated person shall throw, give or offer any material, candy, pamphlets or any ~~any~~ other article to any participants or spectators during the special event.

Section 106-290 Routes for races-runs-walks

~~a) The following routes are the approved routes available to organizers: Turkey Trot and Race of Hope 5K route (exhibit A)~~

~~b)~~a) Dates and times for ~~races/run/walks~~ races, walks, and/or runs shall be subject to the approval of the Town Council and shall not be permitted on Sundays.

~~c) There shall be no more than three (3) events between January 1 and the weekend prior to Memorial Day weekend, no more than two (2) events between June and August, and not more than three (3) events between the weekend after Labor Day and the weekend before Thanksgiving each year.~~

~~d)~~b) -No vehicular or bicycle races shall be permitted.

~~e) Events which include multiple modes of travel (e.g., walking and running) shall be permitted so long as the start times for different modes of travel are staggered.~~

~~f)~~c) Prior to the issuance of the event permit, town staff shall determine the specific portions or lanes of the roadway that may be used by the participants. This determination shall be based on safety considerations and the preservation of access to businesses and other scheduled activities along the route.

~~g) In addition to the routes established by subsection (a) of this section, races/walks/runs (e.g. marathons and half-marathons) may be permitted on other streets in the town so long as the majority of the race/walk/run occurs outside of the town and that portion of the race/walk/run within the town does not exceed one and one-half mile in length. Races permitted pursuant to this subsection (g) shall not be subject to the time/frequency requirements established in subsections (b) and (c) of this section.~~

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Public Parking Program for Town-owned Peruvian Parking Lot and 100 Block of Sunrise Avenue

Presenter
Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated December 2, 2019, from Jay Boodheshwar, Deputy Town Manager**
- **Quote**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Public Parking Program for Town-Owned Peruvian Parking Lot and 100 Block of Sunrise

Date: December 2, 2019

STAFF RECOMMENDATION

Staff recommends Town Council approve the public parking plan outlined below for the Town-Owned lot on the 200 block of Peruvian Avenue. Staff also recommends approval to utilize $32,850 from the FY2020 General Fund Contingency Budget to purchase five (5) new parking kiosks to service the Peruvian Lot (1 kiosk) and the 100 Block of Sunrise (4 kiosks).

GENERAL INFORMATION

At the November 12, 2019, Town Council meeting, the implementation of paid parking on the 100 block of Sunrise Avenue was approved and staff was also directed to prepare a pilot public parking program, utilizing the Town employee lot on the 200 block of Peruvian Avenue when said lot was not being utilized by employees. Shortly after the November Council meeting, the parking committee met to develop implementation plans for the Peruvian Lot, which contains 22 parking spaces, as well as the 100 block of Sunrise.

Peruvian Parking Lot (22 spaces)

Current Regulations:

- Town employees only 24/7

Proposed Regulations:

- Town employees only from Midnight – 6:00pm Monday - Friday
- Paid public parking @ $3/hr (via kiosk or ParkMobile) from 8:00am-10:00pm on Saturdays, Sundays and Holidays, as well as from 6:00pm – 10:00pm Monday - Friday
- Parking placards available for this lot (maximum of 20) – valid only during public parking hours identified above

200 Block of Peruvian (41 spaces)

Current Regulations:

- Paid public parking @ $3/hr (via kiosk or ParkMobile) from 8:00am – 6:00pm Monday – Saturday for 39 spaces
- Two (2) loading zone only spaces that are enforced Monday – Saturday from 8:00am – 6:00pm and are 2hr free parking on Sundays.

Proposed Regulations:

- Paid public parking @ $3/hr (via kiosk or ParkMobile) from 8:00am – 10:00pm Monday – Sunday for 39 spaces
- The two (2) loading zone only spaces will continue to be enforced Monday – Saturday from 8:00am – 6:00pm. Said spaces will be paid public parking spaces @ $3/hr from 6:00pm – 10:00pm, Monday – Saturday and 8:00am – 10:00pm on Sundays.

200 Block of Peruvian Map



100 Block of Sunrise Avenue

Staff has determined that four (4) kiosks are sufficient to implement paid parking on the 100 Block of Sunrise. Two will be placed on the north side of the street and two will be placed on the south side.

FUNDING/FISCAL IMPACT

The Purchasing Division has determined that there are two methods to procure the five (5) required kiosks for Sunrise Avenue and the Peruvian lot. We could lease to own @ $230/month/kiosk over a 36 month period, which will cost $41,400. We could also purchase them outright at $6,570 per kiosk (includes equipment, 24/7 support and installation), which would be $32,850 for the five kiosks. Staff recommends purchasing them outright.

The maximum annual revenue potential for the proposed parking plan for the Peruvian Lot is $188,232 (based $3/hr x 16 hrs/day x 22 spaces x 116 days/year and $3/hr x 4 hrs/day x 22 spaces x 249 days/year). Assuming a 10% utilization rate, annual revenue is estimated at $18,823, resulting in a 4.2 month ROI on the purchase of one kiosk to service this parking lot.

The maximum annual revenue potential for the 100 block of Sunrise Avenue is $928,560 (based $3/hr x 16 hrs/day x 53 spaces x 365 days). Assuming a 10% utilization rate, annual revenue is estimated at $92,856, resulting in a 3.4 month ROI on the purchase of four kiosks to service this parking area.

Attachments

cc: Department Directors
Dean Mealy, Purchasing Manager
Ben Alma, Support Services Manager

Flowbird - Confidential Quotation

For: Town of Palm Beach

Quote Issued: December 3, 2019

Quote Expires: December 31, 2019

Quote Name: Town of Palm Beach CWT 5

Quote ID: 510

General Information

Bill To:
Town of Palm Beach
951 Okeechobee Road Suite D
West Palm Beach, Florida

Contact:
Town of Palm Beach

Prepared By:
Scott Fox

Prepared For:
Ben Alma

Equipment

Product Name	Quantity	Unit Price	Year One Total	Year Two Total	Year Three Total
Color Display	5	$0.00	$0.00		
CWTCC Pay Station *Color: BLACK* *Power: Solar (5)* *Payment Methods: Credit/Debit Card* *Configuration: Pay by Space* *Warranty: 13-month Hardware Warranty*	5	$5,795.00	$28,975.00		
Light Bar with Motion Sensor	5	$0.00	$0.00		
		Annual Total	$28,975.00	$0.00	$0.00

On-Going Services

Product Name	Quantity	Sales Price	Year One Total	Year Two Total	Year Three Total
WebOffice Professional Edition *Includes:* *Pay by Space Configuration* *Maintenance alarms alerts to cell phone* *Pay Station Mapping (Google Maps)* *Reporting (standard and analytical)* *Credit Card Gateway* *Cellular Communication Fees* *24/7 Support*	5	$600.00	$3,000.00	$3,000.00	$3,000.00
		Annual Total	$3,000.00	$3,000.00	$3,000.00

General Services

Product Name	Quantity	Sales Price	Year One Total	Year Two Total	Year Three Total
Estimated CWT Shipping	5	$0.00	$0.00		
CWT Installation *Flowbird will secure and level pay station to the ground and provide hardware training, review preventative maintenance and trouble shooting* *Ground preparation is not included.*	5	$175.00	$875.00		
		Annual Total	$875.00	$0.00	$0.00

Total Costs

Year One Total	Year Two Total	Year Three Total
$32,850.00	$3,000.00	$3,000.00

All prices stated are exclusive of taxes and shipping costs unless specifically itemized in this quotation. Customer is responsible for all taxes or providing proof of tax-exempt status. By accepting this order, Customer agrees to be bound by all applicable terms and conditions or terms of existing contract(s) between Customer and Flowbird for the same products and services, if any:

Accepted by: _____ Date: _____/_____/_____

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda
Regular Agenda - Old Business

Agenda Title
Ficus Benjamina Removal Program Special Pick-Up

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

ATTACHMENTS:

- **Memorandum dated November 22, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **Attachment**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Ficus Benjamina Removal Program Special Pick-Up

DATE: November 22, 2019

STAFF RECOMMENDATION

Town staff recommends that the Mayor and Town Council review the information and provide direction to staff on the collection and disposal of ficus hedge material from private properties.

GENERAL INFORMATION

At the August 14, 2019 Town Council meeting, Resolution No. 69-2019 was adopted to facilitate the collection and disposal of ficus hedge material from private property. This resolution established collection fees, revised the Master Fee Schedule, and provided specific information on scheduling and collection periods.

During the Town Council meeting on September 10, 2019, the Public Works Committee report was accepted with the comment that the Committee and Public Works staff should study the cost impacts if the service was provided free of charge to the residents (as an incentive to proactively remove the hedge material). Staff prepared cost estimates and presented the information at the Public Works Committee meeting on October 11, 2019.

At the November 12, 2019 Town Council meeting, the Public Works Committee report was approved. Staff was directed to put the Ficus Benjamina removal program in place with the quantified cost on the December 10, 2019 agenda for further discussion. The following is information previously provided to the Public Works Committee for their review and discussion:

- Collection Costs: The cost identified for equipment and labor is based on an hourly rate referencing the FY2020 Compensation Plan and 2019 FEMA equipment rates. The collection crew consists of four (4) members utilizing three (3) pieces of equipment. The total cost of the collection crew is $370.96/hour. To estimate daily and seasonal costs based on participation, the assumption is made that a maximum of three (3) separate property collections could be performed, requiring eight (8) working hours, on any Saturday during the summer collection season.

- Disposal Cost: In addition to collection costs, the direct cost of disposal is based on the Solid Waste Authorities Tip Fee Rate Schedule, under Construction/Land Clearing category at $52/ton. To estimate overall disposal costs, the assumption is made that one (1) 30-cubic-yard dump truck holds four (4) tons of material which is equivalent to roughly 150 lineal feet of hedge material and root balls, and that would be typical for each service location.

- Potential Scenario: To assist in estimating the inclusive seasonal cost of offering this service, the assumption is made that the service is scheduled and provided for eight (8) hours each Saturday throughout the summer season. The cost for each of these days is $3,591 and for 26 Saturdays, the total amount is about $93,383 for the entire summer season. Attached is the estimating worksheet used in preparing this information.

FUNDING/FISCAL IMPACT

The actual cost will depend upon the demand for this service, but if fully utilized each Saturday in the summer season, costs would likely approach $100,000. The additional collection of the ficus on Saturdays during the summer season also overlaps with the heaviest collection period of the year when the majority of vegetative debris is collected. This will require compensating the employees at overtime rates. The impact of operating the equipment for additional hours will also increase costs for maintenance and repair. The FY2020 budget for the Public Works Department does not include funds for this additional service, and the cost impacts associated with it. If the demand for this service exceeds the capabilities of Town staff, Public Works would look to utilize a contracted service to perform a portion of the tasks. This service would come with a cost, not identified in the above information.

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
Jane LaClainche, Finance Director
Eric Brown, P.E., Assistant Director of Public Works
Chester Purves, Services Division Manager

Information on Cost of Collection and Disposal for special collection of vegetation

Equipment Type and Cost*

2-30 cubic yard dump truck $75.50/hr

1-RS3 crane truck $53.22/hr

Equipment Total (Hourly) $204.22/hr

Crew Type and Cost**

1- Crane Operator

2- Equipment Operator

1- Trash Worker

Crew Cost Total (Hourly) $166.74

Disposal Cost***

1-Full truck 30 cubic yards @275lbs/yd = 8,250 lbs or 4.12 ton.

4 ton @ $52/ton = $208

Total Cost

The total cost of a crew, equipment and disposal charges collecting vegetation for eight hours on a Saturday is estimated to be **$3591**. This includes service to three separate properties and three truck loads to the disposal facility.

($204.22/hr x 8 hrs) + ($166.74/hr x 8 hrs) + ($208/load x 3 loads) = $3,591

* Cost per hour based on FEMA rates

**Crew cost based on FY 20 Compensation Plan.

***Disposal cost based on SWA Tip Fee, Construction/Land Clearing coding used. 275 lbs/yd is the approved conversion formula.

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

Coastal Resilience Implementation Plan Discussion

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

TIME CERTAIN: 11:00 AM

Presenter

ATTACHMENTS:

- **Memorandum dated November 25, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **Woods Hole Group Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Coastal Resilience Implementation Plan Discussion

DATE: November 25, 2019

STAFF RECOMMENDATION

Town Council approved the Coastal Resilience Implementation Plan on October 10, 2019 through Resolution No. 118-2019. At the same meeting, Town Council requested a presentation and an opportunity to discuss expectations for the approved plan. Woods Hole Group (WHG) will be making a presentation and requesting input from both Town Council and the public.

GENERAL INFORMATION

Following a two (2) year effort to complete the Town's Coastal Flood Vulnerability Assessment, WHG presented their findings to the Town Council on February 14, 2019, and submitted the final report in July 2019. The purpose of the vulnerability assessment was to identify Town infrastructure that has a flooding risk due to future storm surge impacts from tropical storms or hurricanes including projected rising sea levels. One of the recommendations from the vulnerability assessment was to develop an implementation plan using the output from the assessment to define specific action items and timing to optimize resilience and cost-effectiveness.

WHG provided the Town with a proposal on September 23rd to develop the implementation plan. The proposal outlines the development of a plan that will identify actions to be taken during three (3) different timelines: those that will be short-term to address today's risk, those that are less urgent within the next 10-year planning cycle, and those in the longer term that look beyond the next 10-years depending upon how climate evolves. Development of the implementation plan is expected to take approximately nine (9) months.

Following approval of the WHG scope (attached) through Resolution No. 118-2019, Town Council requested that WHG be present at an upcoming Town Council meeting to explain the revisions made between their draft and final versions of the Coastal Vulnerability Study. In addition, WHG is to explain what will be performed with development of the Coastal Resilience Implementation Plan and how it will be useful to the Town for prioritizing a long-term action plan. Bob Hamilton of WHG will be present at the December 10, 2019 Town Council meeting.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager
Bob Hamilton, Woods Hole Group

WOODS HOLE GROUP FOR EARTH, FROM SPACE
A CLS COMPANY

WOODSHOLEGROUP.COM

PROPOSAL
IMPLEMENTATION PLAN DEVELOPMENT
BASED ON THE COASTAL FLOOD VULNERABILTY ASSESSMENT

VER: 9/23/2019

TOWN OF PALM BEACH

Woods Hole Group is pleased to submit this proposal to assist the Town of Palm Beach (TOPB) with development of an Implementation Plan for coastal resilience. The Implementation Plan will build on the findings of the Coastal Flood Vulnerability Assessment (CFVA) to define specific prioritized actions for the Town to pursue. The actions, policies, and projects will be targeted to protect priority assets identified in the CFVA, including traditional protection methods as well as innovative adaptations where appropriate to build resiliency for the TOPB from future flood events[1]. In the CFVA, certain high priority assets were determined to be at risk from current or future flooding. The Implementation Plan will guide the Town in choosing short-term measures to address today's risk, as well as layout a prospective plan for future projects and recommendations to build lasting resilience for the Town. In this way, the Implementation Plan also will allow the Town to consider present and future risk when designing new public works projects with a long design life (e.g., seawall design, height of lift stations, etc.).

An Implementation Plan leverages information in the CFVA to define specific actions the Town should take (and when) to build resilience for the TOPB community, and how to proceed cost-effectively. This plan serves a central role in translating the vulnerabilities and initial recommendations from the CFVA into an action plan that can be used directly to consider and weigh priorities, set the foundation for future engineering design and construction, and plan future budgets. Recognizing the uncertainty with future climate change, sea level, storm intensity and associated risk, the Implementation Plan will also define specific monitoring parameters and triggers, which if exceeded indicate an increased risk that warrants direct action. As such, the Implementation Plan will include multiple adaptation pathways that depend on observed trigger points and varied distribution of cost over time to identify a cost-effective approach. The Plan will also consider a range of possible adaptations at different scales, such as individual adaptations for a single asset (e.g., Town Hall; a Police or Fire Station), adaptations for a category of assets (e.g., all sewer lift stations), or regional adaptations for areas where key flood pathways are impacting multiple assets. These adaptations are expected to be flexible and modular in nature, and can be adjusted as necessary in the future using an adaptive management approach. Some examples of these were provided in the CFVA; the Implementation Plan will be more comprehensive and specific.

[1] While certainly the focus will be on the Town-owned assets, the implementation plan will extend beyond just these assets as the actions, policies, and projects may be focused on building overall resilience to the Town of Palm Beach. There will be actions and approaches that may provide co-benefits to other private and/or ecological assets.

BACKGROUND

The CFVA provided a comprehensive analysis of:

- the probability of inundation for present and future scenarios,
- depth of inundation for the same two scenarios,
- identification of over 2,200 Town-owned buildings, streets, parks, beach access ways, sewer pump/lift stations, stormwater basins and stormwater pumps,
- assignment of standardized consequence scores for each asset; and,
- coastal vulnerability indices (CVIs)

With this information, TOPB is positioned to make informed, defensible, efficient and effective decisions for managing risk to public assets during present and future flooding events. The Town has information to identify public assets at most risk now and in the future, which assets are most highly valued, and can identify public works projects to manage this risk. It is important to recognize that if an asset has potential for flooding now or in the future, it does not necessarily warrant action. Some assets are resilient to flooding and can keep operating. Other assets may not function during a flooding event, but this may be acceptable for short durations. The degree to which an asset is affected by flooding may also depend upon the depth of flooding (e.g., 6 inches or 1 foot of water during a storm may be acceptable in some cases). Other assets, however, may be critical enough to Town health and safety or other values, that specific action is warranted at that asset location to minimize flood risk regardless of the depth. Groups of assets may also be subject to flooding from the same source; thereby, warranting a regional solution to block the flood pathway itself.

In the context of the Town's planning cycle, the vulnerability assessment was in the original 10-year plan; our understanding is the implementation plan was incorporated into the updated long-term plan for FY 2020. Adding implementation to the 10-year plan will define specific projects and actions to include in the next planning cycle. Some specific actions in the Implementation Plan will be short-term (i.e., to address today's risk), some will be less urgent (or more complex) within the next 10-year planning horizon, and other longer-term actions will look beyond 10-years and depend upon how the climate evolves. For these longer-term considerations, the Implementation Plan will define the specific areas of future risk, certain monitoring and observations to conduct in the interim to determine whether a potential risk is actually materializing, and trigger points for taking action. The Implementation Plan will also consider costs-benefits for what is recommended (e.g., consequence of not taking action today, compared to waiting).

PROPOSED TASKS

Task 1 – Refine Prioritization Process

This task will advance the prioritized list of vulnerable TOPB assets developed in the CFVA. Although the list establishes priorities based on the value of an asset (using the CFVA scoring criteria and input from the Town) and the probability of inundation, refinement is needed because there are hundreds of individual assets. Specifically, we will develop a process for further refining the CFVA results to

determine, for example, whether an asset requires immediate action or action at various periods in the future, asset-specific action, regional action, or no action. By refining the CFVA prioritization, we will identify opportunities to create efficiencies in the response, such as grouping vulnerable and valued assets so a single adaptation will protect an area and multiple assets within that area. Additionally, there may be some assets that will not be impacted by intermittent flooding. The goal for Task 1 is to develop a process by which to work with the experts in the TOPB to assign vulnerable assets to groupings based on the timing of an adaptation, the need for an adaptation, and the spatial extent required for an adaptation.

Deliverable: A process (e.g., a decision-tree) to further categorize vulnerable assets to identify the highest priority projects. WHG will work with the TOPB to process the assets identified in the CFVA. The output of Task 1 will be categories of assets grouped based on (initial list to be refined during this Task with input from the TOPB):

- sensitivity to short-term flooding;
- critical elevations (i.e. assets that are ruined by any water, versus those that are damaged only by water over a certain depth);
- assets located in a particularly vulnerable area within the Town (such that one adaptation could protect many assets); and,
- immediate/current vulnerability versus vulnerability in the future.

Task 2 – Develop Scope for Short-Term Adaptation Projects

A subset of assets will require a near-term response (or protecting some assets in the near-term will have far-reaching benefits over the longer term). These assets will have been categorized in Task 1. In this Task, specific adaptations will be conceptualized. This will include a catalog of different options for specific assets/asset groupings with attention to develop regional adaptations to protect geographic areas rather than individual assets. The Task will not result in design plans, but will provide sufficient information for decision-makers to establish future budget needs and project timelines and identify the resources needed for permitting. Adaptations and projects developed will likely be flexible and/or modular in nature such that they could easily be adjusted in the future if necessary.

Deliverable: For the highest priority assets/geographic asset groupings in the short-term response category: develop a conceptual project narrative including catalog of specific adaptation options; develop maps and conceptualizations of adaptations; provide rationale for why immediate response needed; budget ranges; schedule for implementation.

Task 3 – Develop Scope for Middle-Term and Long-Term Adaptation Projects

Similar to Task 2, this scope item is designed to identify and describe adaptation projects for asset categories expected to be vulnerable in the future; an immediate response is not required, but adaptations should be built into the Town Planning process now to benefit future development. In this Task, adaptations that can be developed over middle-term and long-term time periods 10-, 25-, 50+

years will be conceptualized. Town staff collaboration will be required to define middle-term and long-term from the Town perspective. For these adaptation projects expected to emerge in the future, greater emphasis will be placed on regional adaptations; identifying opportunities to build adaptations into projects likely to occur in the future (e.g., school replacement, bridge repairs, pump upgrades, beach management plan updates, and building/zoning regulations).

Deliverable: For up to the highest priority assets/geographic asset groupings in the middle-term and long-term response categories: identify opportunities to build adaptation considerations into the existing Town Planning process, develop a conceptual project narratives including catalog of longer term adaptation options, develop maps and conceptualizations of adaptations, provide rationale for why asset groups can be protected over the longer term, budgeting considerations, schedule for implementation.

Task 4 - Development of Implementation Pathways

This task would consolidate the various adaptations (short-term, middle-term, and long-term) identified in Tasks 2 and 3, and assemble them into a manageable number of clearly defined implementation pathways. The pathways would provide decision guidance for the Town to take action based on aggressive and non-aggressive climate change responses or financial throughput. The basis for developing implementation pathways is that we have an uncertain future. To make a decision on a future decision based on what is predicted today essentially requires that what we predict today will come true. Based on the probabilistic results for Palm Beach in the CFVA, we know different future scenarios are possible at different probabilities. For this reason, there is a need for an Implementation Plan that makes a commitment in the short-term, but that allows for additional actions that can be implemented in the future if, based on what is learned, experienced, or measured in the interim, proves a need for a different action (See Task 5 for collection of data needed for this step). This method is based on a variety of work, including Dynamic Adaptive Policy Pathways (DAPP), first online April 5, 2019 by Haasnoot, Warren and Kwakkel. In taking this approach that accounts for future uncertainty and monitoring into its decision-making process, the Town of Palm Beach is being proactive in planning responsible infrastructure investments.

In short, for Town of Palm Beach assets at risk in the future, a clear set of decision pathways will be identified guided by observations over time, and based on consideration of cost savings. A simple example is for the Town Docks. One could achieve the end objective of protecting against the prediction for 2100 by designing today for that predicted worst-case condition. However, this would be extremely conservative and costly today. Instead, the project can be designed presently for a moderate future condition that provides adequate protection today, and with likelihood to provide lasting protection in the future at less than present day cost. At the same time, today's project can be designed in a way that it can be enhanced in the future if observations prove a more severe climate case evolves. The future enhancement would then achieve the protection goal, but at less cost than rebuilding the project again. This type of rational would be applied overall to the Implementation Plan.

Deliverable: Implementation Plan rationale and graphics

Task 5 – Development of Monitoring Program and Trigger Points

This task would outline a monitoring program (e.g., real time tide stations, rain gauges, etc.) to provide middle-term and long-term data used to determine trigger points for next actions/steps outlined in the Implementation Plan. This task would also include the development of the actual trigger points for taking next steps.

Deliverable: Outline of data needs, collection options, personnel requirements, timelines for collection and analysis required to support the trigger points in the Implementation Plan.

Task 6 – Reporting

Technical memos would be provided upon completion of each task, including any recommended refinements to the scope or approach. The primary reporting deliverable, however, would be the Implementation Plan report. Short-term actions to mitigate today's risk would be highlighted. Middle-term and long-term actions also would be identified within the Implementation Plan pathways. The report would include the rationale, the decision points with graphics, the monitoring plan and trigger points, and suggestions for refinements / updates.

Task 7 – Meetings, Presentations and Discussions

Based on past experience, the proposed Tasks benefit from Town and community input. We also know the value of communicating the process to Town personnel, committees and the public. The format for the communications is difficult to predict, but as a starting point, we include in the proposed budgets the following:

- Provide support in preparation of materials for public outreach (assume 3 presentations given by Town personnel)
- In-Person Presentation and Participation in Town Committee Meetings (Assume 2, 2-day trips, for Bob Hamilton and Kirk Bosma)
- Conference/Video/Remote PC calls with Town personnel (assume 1, hour long call per month for duration of Contract Period

BUDGET

The budget for this work is divided into discrete Tasks with each Task providing the Town with an incremental tool for completing the implementation process.

Table 1. Cost Estimate

WBS Item		Labor Category and Hourly Rate					Direct Costs	Cost Estimate
	Project Lead	Sr. Coastal Engineer	Lead Scientist/ Engineer	Scientist/ Engineer	Coastal Sci,/Eng.	Pubs & Contracts		
	$215	$195	165	$140	$100	$90		
Task 1	4	6	18	6	30	4		$9,200.00
Tasks 2 and 3	22	32	28	40	128	6		$34,530.00
Tasks 4 and 5	14	28	28	28	104	8		$28,130.00
Tasks 6 and 7	43	30.5	41	17	46	16	$2,487	$32,864.50
TOTAL	*83*	*96.5*	*115*	*91*	*308*	*34*	*$2,487*	*$104,724.50*

SCHEDULE & DELIVERABLES

The proposed work would be completed over approximately a 9 month period, depending upon time of award / initiation, and availability of Town stakeholders to review, comment, and discuss draft results. This recognizes the seasonality involved in scheduling activities for certain Town boards. A more specific schedule with milestones will be established as part of the kick-off process. Interim deliverables that will be delivered to the Town, and when input will be required from Town staff and appropriate stakeholders include:

- Task 1. Technical memo with refined priorities
- Task 2 and 3. Technical memo with scope for short-, middle-, and long-term adaptation projects
- Task 4 and 5. Technical memo with implementation pathways, monitoring plan and triggers
- Task 6. Draft and Final summary reports

The work would be completed in accordance with the terms of the master contract agreement between Woods Hole Group and The Town of Palm Beach. We appreciate the opportunity to continue this work with the Town. Please contact me (508) 495-6229 or Ted Wickwire (508) 495-6242 directly with any questions.

Sincerely,

The Woods Hole Group, Inc.

Ted Wickwire
Team Leader / Sr. Environmental Scientist

Robert P. Hamilton, Jr.
President / Coastal Engineer

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 153-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation to Award RFP No. 2020-01, Mandel Recreation Center Fitness Center and Wellness Program Coordinator to Health Fitness Corporation in the Annual Amount of $181,593, and a Proposed Three-Year Award in the Amount of $544,779 based on Satisfactory Performance and Subsequent Budget Approval.

The Town negotiated a Best and Final Cost Savings of $6,386 Annually, and $19,158 for a Three-Year Contract Award.

Presenter

Carolyn Stone, Director of Business Development and Operations

ATTACHMENTS:

- **Memorandum Dated November 25, 2019, from Carolyn Stone, Director of Business Development and Operations**
- **Resolution No. 153-2019**
- **Exhibit A**
- **Best and Final Pricing**
- **Oral Presentation**
- **RFP**
- **Selection Committee Scoring**

TOWN OF PALM BEACH

Information for Town Council Meeting on December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Carolyn Stone, Director of Business Development and Operations

RE: Resolution Approving the Award of the Award of RFP 2020-01, Mandel Recreation Center Fitness Center and Wellness Program Contractor to Health Fitness Corporation in the Annual Amount of $181,593 and a Proposed Three-year Award of $544,779 Contingent Upon Satisfactory Performance and Subsequent Budget Approval; **Resolution No. 153-2019**

DATE: November 27, 2019

STAFF RECOMMENDATION

Staff recommends Town Council review the overview of the Business Operation Model for the new Morton and Barbara Mandel Recreation Center, as well as the advantages of outsourcing the operations of the Fitness Center and wellness/fitness programs. Staff also recommends Town Council approval of the Award of RFP 2020-01, Mandel Recreation Center Fitness Center and Wellness Program Contractor, to Health Fitness Corporation in the annual amount of $181,593 and a proposed three-year award of $544,779, contingent upon satisfactory performance and subsequent budget approvals.

GENERAL INFORMATION

First who, then what.
In order for the Town to have a successful launch of the Morton and Barbara Mandel Recreation Center, it is necessary to have the right team in place (the who). The work that went to building a beautiful facility is only part of the equation. The programs and those who will operate, market and manage them matter most. We have spent nearly five months researching and formulating a plan that can provide the expertise needed to offer an amazing experience for our resident members of the fitness center. Ultimately, we are looking for more than a fitness center manager; we are seeking a partner who can bring our vision to life by creating a professionally dynamic, engaging, and comprehensive wellbeing experience to the program offerings at the Mandel Recreation Center (the what).

Staff began vetting potential partners through an RFI process in July. Owning and operating a fitness center is new to the Town's portfolio. A fitness center is more than a place to exercise, but also to socialize, and create a feeling of belonging to the community. Beyond that, the fitness center offers a launching pad for residents to engage in a personalized journey of health and

wellness. The state of the art machines are important, but equally as important is the programming menu that will evolve from a well-managed and marketed facility. For the Mandel Recreation Center to serve as the unifier in Town, it is necessary to have a competent, credentialed, and disciplined staff to manage the program offerings and center. Therefore, staff is recommending that the Town execute a contract with *Health Fitness* for the management of the fitness center and related wellness programs at the Morton and Barbara Mandel Recreation Center.

Overview: Why Health Fitness?
Health Fitness brings over 40 years of experience in working with similar clients, to program and drive engagement at fitness center and community recreation facilities. The goal is for Town of Palm Beach residents to engage in programs that are life enhancing, fun, and healthful. The more our client base participates, the more enjoyable their experience will be leading to a healthier community and more satisfied fitness center members and class participants. Health Fitness ensures this engagement happens in a safe and professional manner in accordance with industry best practices and guidelines through certified and high quality staff members. Their mission of improving the health and wellbeing of the people they serve is in lock step alignment with one of our BHAGS (big hairy audacious goals) for the Recreation Department – to make the Town of Palm Beach the healthiest town in America! Health Fitness has done their due diligence in understanding the Palm Beach clientele. They recognize the uniqueness of our community and the demographics we serve. The programming model supports the whole person and community, not just their physical health.

Health Fitness's client base includes 238 national locations and partnerships where they operate nearly all aspects of fitness and recreational programming. Noted clients are Massachusetts Institute of Technology and Harvard University. Their average client tenure is 16 years.

The Experience:
Health Fitness is an experienced partner in the public, private, non-profit and academic world. Their team provides credentialed trainers (health related degree from an accredited university, CPR, First Aid and AED certified and certified personal trainers). Their responsibilities include: staff hiring and development, member orientation and assessments, promoting membership to the fitness center, designing exercise plans and programs for both individuals and groups, developing motivational programs, and providing measurements for program participants. The onsite staff includes a full time program manager and a full-time health fitness professional. Part-time health fitness specialists also provide program and facility coverage and member support. Health Fitness will provide ongoing strategic planning and engagement in collaboration with our Mandel Recreation Center management team. They will work closely with the onsite staff, the corporate team, and local community partnerships to offer an amazing Palm Beach experience. One team, one plan, and one message.

Marketing and Strategic Plan Development:
One of the most critical elements missing in the Recreation Department is marketing. Although we do produce in house marketing pieces and a very basic plan, it is not robust. In order to engage our population, we must have well thought out and professionally designed campaigns. Health Fitness will provide (included in the service fee) turnkey campaigns and program plans that have the look and feel of our 'brand' but tailor targeted promotions to our various constituent

groups. Program calendars and strategies will be prepared each quarter in conjunction with Town staff starting with marketing and communication plans, a health promotion calendar, group fitness class programming, recreation and special event opportunities, motivations and incentive programming, targeted member engagement, integration plan, health and safety promotion, quality assurance and outcomes reporting, and facility management and staff development.

Revenue Opportunities:
Currently, our 'fitness' program offerings include a handful of classes including yoga, tai chi, toning, and stretch. We need to significantly broaden and stay up to date with the latest fitness trends, which would include these offerings plus boot camp style classes, functional wellness, tennis fitness, golf fitness, dance, mat Pilates and the like. Health Fitness staff, as part of their contracted agreement with the Town, will teach these classes at no additional cost, which will lead to increased programming revenue and a more comprehensive program mix. The original business plan accounted for an increase in revenue due to the sale of fitness center memberships only. Adding additional group exercise classes and personal training will add to this revenue (with a conservative estimate of $50,000 of additional revenue per year).

Expense control:
The Fitness Center and related programming is a seven day a week operation requiring 90 plus hours per week of staff coverage. By collaborating with Health Fitness, we avoid the need to have additional FTEs. Health Fitness will provide full staff coverage of the fitness center and related programs seven days per week.

Human Resources:
With the tightest labor market in decades, finding high quality and properly credentialed staff can be a challenge-especially part time staff. Health Fitness has a pipeline of staff from their national network that they train and promote from within their organization. They also handle all of the human resource functions that ultimately save the Town money and time.

Additional layer of insurance coverage:
Fitness Center operations come with a higher degree of exposure than other recreational assets. The contractor is licensed and insured which adds an additional layer of protection to the Town

FISCAL IMPACT/FUNDING SOURCE

Earmarked funds are in the FY 2020 budget to hire staff to operate the center. These funds would be applied toward the Health Fitness management contract expenses. The increase to the FY 2020 budget for these additional operations is $212,000, so the contract from Health Fitness at a cost of $181,593 is fully covered by the approved budget. Partnering with them will lead to a more vibrant program, professional management, reduced liability, fewer town employees and most importantly, a dynamic program. They have a track record of exceptional service delivery and a client focused strategy that will assist us in achieving our cost recovery goals as well as best in class service to our residents.

PURCHASING

The Purchasing Division of the Finance Department facilitated the solicitation, selection committee and all related documentation as well as securing a Best and Final Pricing.

RFP 2020-01, Mandel Recreation Center Fitness Center and Wellness Program Coordinator was issued on October 8, 2019. Eight (8) firms downloaded the solicitation and three (3) firms submitted. One of the three firms had to withdraw due to company restructuring.

The Selection Committee consisted of Carolyn Stone, Jane Le Clainche and Kennie Wells as voting members and Jay Boodheshwar, Mark Bresnahan, Duke Basha and Dean Mealy served as non-voting members.

Health Fitness Corporation initial scoring from the proposal submittals were significantly rated higher than the other submittal and a decision was made to just obtain the oral presentation from Health Fitness Corporation. Voting members unanimously recommend award to Health Fitness Corporation.

Purchasing was able to secure a Best and Final reduction in pricing of $6,386 annually and a potential savings of $19,158 for the three-year period.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market research. Purchasing Staff completed extensive outreach to clients currently being served by Health Fitness Corporation and found nothing but the most positive of feedback.

TOWN ATTORNEY REVIEW

This resolution is in a format utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: Jay Boodheshwar, Deputy Town Manager
John Randolph, Town Attorney
Jane Le Clainche, CPA Finance Director
Dean Mealy, CPPO Town Purchasing Manager
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 153-2019

A RESOLUTION OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE AWARD OF THE RFP 2020-01, MANDEL RECREATION CENTER FITNESS CENTER AND WELLNESS PROGRAM CONTRACTOR TO HEALTH FITNESS CORPORATION IN THE ANNUAL AMOUNT OF $181,593 AND A PROPOSED THREE-YEAR AWARD OF $544,779 CONTINGENT UPON SATISFACTORY PERFORMANCE AND SUBSEQUENT BUDGET APPROVAL;

* *

WHEREAS; the Town of Palm Beach will operate a fitness center and related programs in the Morton and Barbara Mandel Fitness Center; and

WHEREAS; the Town of Palm Beach issued a RFP to secure a partner to operate and manage the fitness center and related programming; and

WHEREAS; the Town of Palm Beach wishes to enter into an agreement with Health Fitness Corporation to provide said services.

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

Section 1. A contract to Health Fitness Corporation is hereby awarded, to provide fitness center and program management services for the Town of Palm Beach, as outlined in the attached "Exhibit A", in the annual amount of $181,593.

Section 2. Funding for the contract with Health Fitness Corporation is provided for in the FY2020 Recreation Center budget.

Section 3. The Town Manager is directed to take the appropriate actions to effectuate the agreement.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of December 2019.

_____
Gail L. Coniglio, Mayor

ATTEST:

_____
Kathleen Dominguez, CMC, Town Clerk

HealthFitness
A Trustmark Company

Town of Palm Beach Program Operations - Proforma

Staff Compensation and Benefits	Year 1	BAFO 11/20/2019	Comments
Program Manager (1 FTE)	$45,000.00	$45,000.00	Assumes annual salary alone; 3% merit increase factored in Year 2 and Year 3
Health Fitness Professional (1 FTE)	$34,000.00	$34,000.00	Assumes annual salary alone; 3% merit increase factored in Year 2 and Year 3
Full-Time Staff Benefits	$23,700.00	$23,700.00	Assumes benefit package calculated at 30% of salaries
Health Fitness Specialist (.67 FTE)	$20,100.00	$20,100.00	Assumes annual wages alone for part-time staff; 3% merit increase factored in Year 2 and Year 3
Part-Time Benefits	$4,020.00	$4,020.00	Assumes payroll and adminstration costs calculated at 20% of wages
Staff Compensation and Benefits Total	$126,820.00	$126,820.00	
Account Management	**Year 1**		**Comments**
Overhead G&A	$20,700.00	$20,700.00	Overhead cost includes account management, access to HealthFitness programming resources (e.g., Health Management Plan, operational procedures manuals, program resource library, marketing resources, normative database, Quality Assurance Program). G&A costs include accounting, finance, and payroll processing.
Management Fee	$31,100.00	$24,900.00	Assumes cost for annual HealthFitness fixed management Fee (Profit).
Liability Insurance	$5,359.00	$5,173.00	Assumes annual cost for insurance including liability and property/casualty insurance coverage at 3% of all staff compensation and benefits, overhead/G&A, and HealthFitness management fee.
Member Management System (Technology)	$0.00	$0.00	Assumes the Town will be providing member management systems to operate and administrate fitness center usage, tracking and reporting
Projected Equipment Replace or Upgrade	$4,000.00	$4,000.00	Fitness/Group Exercise Supplies cost assumes expense for minor replacement supplies (e.g., mats). Will only pass through actual expense. If $100 is spent annually from this line item, that is all that will be passed through
Account Management Total	$61,159.00	$54,773.00	
Total Annual HealthFitness Fee	$187,979.00	$181,593.00	Includes Staff compenation, wages and benefits as well as Account Management Fees. Assumes Equipment Replacement at $4,000, but this is a variable cost; i.e., do not exceed projected expense. If actual annual replace or upgrade cost amounts to $1,500, than $1,500 will be the cost passed through to the Town. Actual Only Not Projected.
Monthly Fixed Fee	$15,664.92	$15,132.75	

Footnotes:
Projected revenue coming back to the town could include revenue generated from personal training, health education seminars, challenges, etc. HealthFitness will work with the Town during implementation to develop comprehensive business plan and program schedule that will outline projected revenue generated from agreed upon programming.

BAFO Footnotes:
Management Fee reduction of $6,200.00 annually or approximately 20% reduction
Liability Ins. decreased slightly due to Management Fee reduction (Liability Ins calcualted as a percentage of HealthFitness Fees as noted in Liability Ins. Comments section)
Outlines fees reduced as part of BAFO

2236 RFP No. 2020-01 Mandel Recreation Center Fitness Center and Wellness Program Contractor

BAFO-evaluation phase Ends on **Nov 22 2019 4:00 PM**

Message

From	Health Fitness Corporation
Subject	HealthFitness BAFO
Related to	(Solicitation) 2236 RFP No. 2020-01 Mandel Recreation Center Fitness Center and Wellness Program Contractor
Sent on	Nov 20 2019 3:34 PM
Sent to	Town of Palm Beach

Appendices attached to this message (max. 10 MB):

HealthFitness BAFO for the Town of Palm Beach.pdf *283 Kb* Download | Preview

Good Afternoon, Dean,

Please reference the attached document, which represents our response to the Town's request for a Best and Final Offer (BAFO). Specifically, we have reduced our Management Fee and corresponding Liability Insurance Fee as outlined within the document. Our reduction in Management Fee is fairly substantial and solidifies our sincere interest in wanting to partner with the Town of Palm Beach on this important recreation and health initiative. The Town has clearly communicated its interest in providing the "best" programs and services and that nothing other than the highest level of professionalism be extended to members. We fully agree with these program objectives and service level expectations. This is precisely why the Town fits our model as an ideal partner.

We are looking into contracting for December and will get back to you soon on the logistics.

Thank you again for the opportunity. We look forward to creating a positive, long-term relationship with the Town of Palm Beach.

MARTIN BANKS, MBA
Director - Business Development
HealthFitness
Phone: 815.953.2511
Email: **martin.banks@hfit.com**
www.healthfitness.com

TCM Backup 12-10-19

Town of Palm Beach Program Operations - Proforma

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TCM Backup 12-10-19

HealthFitness.
A Trustmark Company

Management of Mandel Recreation Fitness Center and Wellness Program

Presented to The Town of Palm Beach

November 19, 2019

Introductions



Martin Banks
Director, Business Development



Tim Mertz
Senior Director, Collegiate & Community Recreation

© 2019 Health Fitness Corporation

Who we are

Our single purpose at HealthFitness is to make people healthier.
To help them choose better, feel better and improve their wellbeing.



45 Years
in Business



4,300+
Associates
Nationwide



170+
Clients



$1.8 Billion
in Assets
(Trustmark)

© 2019 Health Fitness Corporation

An experienced partner

93
CLIENT PARTNERSHIPS

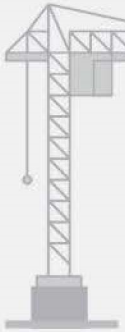


44
transitioned sites since 2010, onboarding more than **150** equivalent staff

28+
MULTI-TENANT SITES



16
YEARS
CLIENT TENURE



200+
SUCCESSFUL CONSTRUCTION PROJECTS

© 2019 Health Fitness Corporation

Our approach – it's personal



We help individuals increase healthy behaviors and decrease or eliminate unhealthy behaviors.



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We support the whole person, not just their physical health

Social

- Connections
- Social support



Physical

- Tobacco use
- Physical activity
- Nutrition
- Stress
- Sleep



Emotional

- Purpose
- Resiliency
- Restorative behaviors



Financial

- Money stress
- Managing money for today and your future



Environment

- Home
- Work
- Community



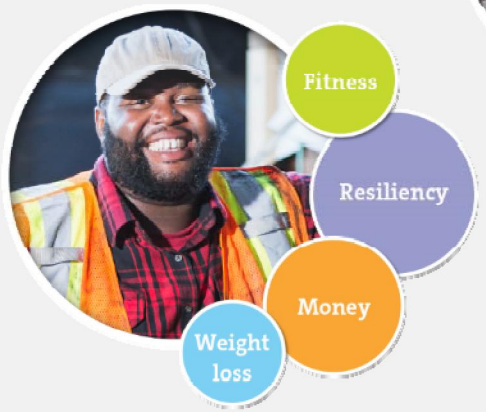
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This allows us to address the needs of your entire population — knowing the journey is different for everyone



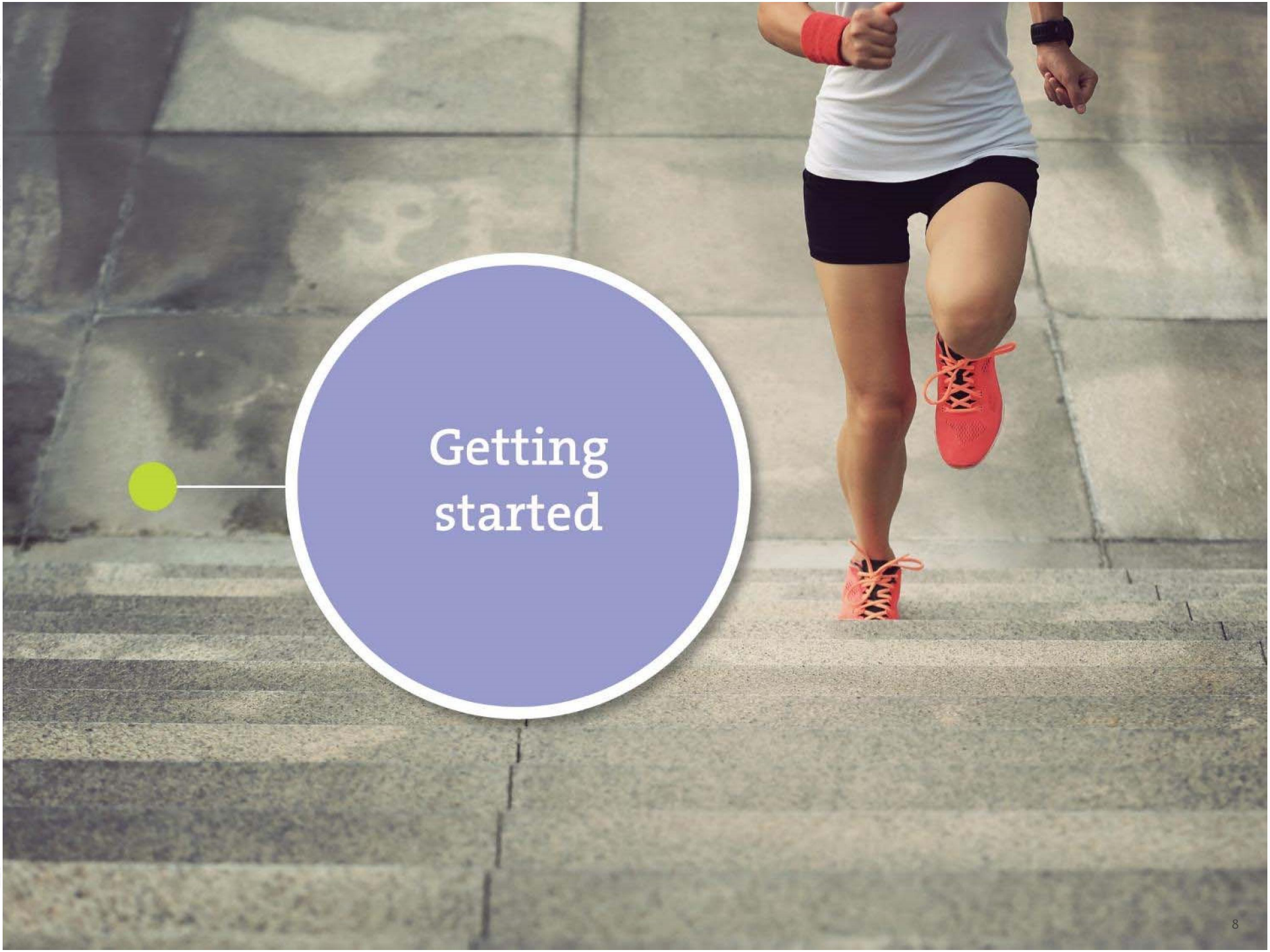








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Getting started

Delivering the experience

Credentials:

- Health-related degree from an accredited university
- CPR, First Aid and AED certifications
- Continuing education to maintain certifications

Responsibilities:

- Staff development/supervision
- Member orientations/assessments
- Promoting enrollment
- Designing exercise plans (individual/group)
- Developing motivational programs
- Program measurements



Building your team

HealthFitness Corporate Team

- MARTIN BANKS, Director, Business Development
- ARCH HASLER, Vice President, Fitness, Recreation and Wellness Consulting
- ANN WYATT, Vice President, Program Management & Engagement
- JEN SMITH, Vice President, Client Strategy & Growth
- NIKKA McKEE, Implementation Manager
- CANDACE JONES, Director, Marketing
- TINA LOSKOTA, Vice President, Human Resources

HealthFitness Client Strategy & Engagement Team

James Aranowski
Senior Director, Program Management & Engagement

On-site Staff

- Program Manager (1.0 FTE)
- Health Fitness Professional (1.0 FTE)
- Part-time Health Fitness Specialists (0.67 FTE)

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Supportive Partnership

Teamwork & Collaboration



1 Team Plan Message

Palm Beach Resident Experience


Creating
opportunities
to get (and keep)
people moving

Programming

- Equipment orientations, fitness assessments, personalized fitness prescriptions
- Weekly group activity/class programming
- Wellness challenges
- Team-building activities
  - meeting stretch breaks, 5k training, etc.
- Fee-for-service programming
  - personal training, massage therapy
- Virtual programming
  - CubeFit, Wellbeats
- Recreational partnerships



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Our methodology

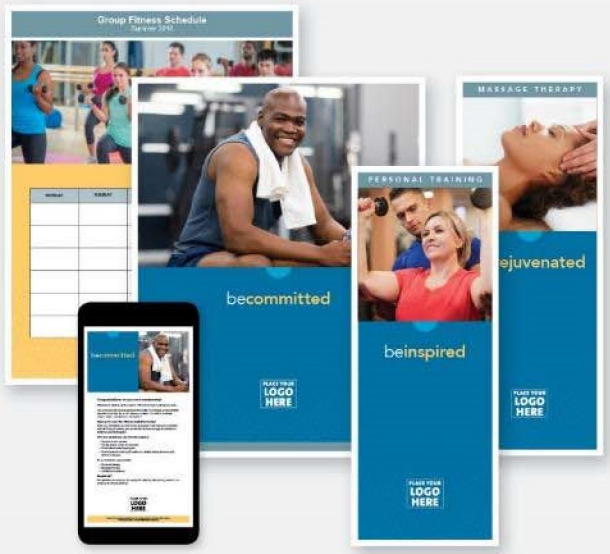
Our robust training education is developed in partnership with human performance leader, Spectrum, Inc.; the process ensures:

- that as industry leaders, we have a standard language and workout design that places our fitness professionals in a cohesive strategy.
- a results-driven fitness and training program based on scientific approach.

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Engaging your population

- Turnkey campaign themes
- 20 hours (annually) complimentary custom consulting:
  - Brand development
  - Campaign creation
  - Target promotions







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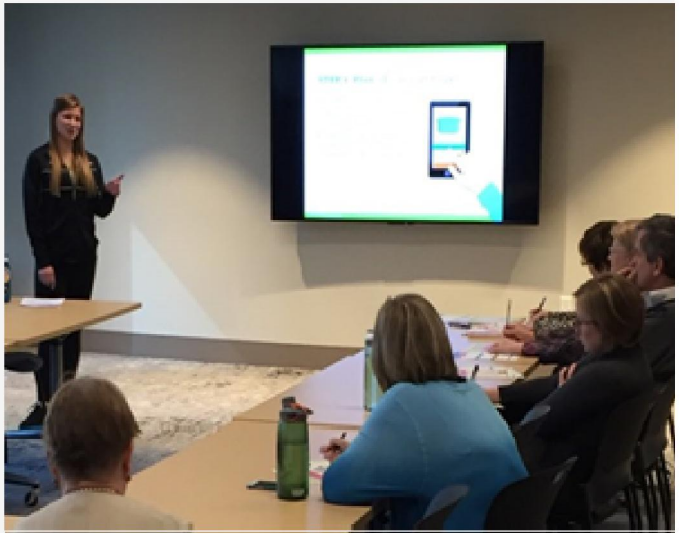
Offering more than just fitness











Involvement in the Community

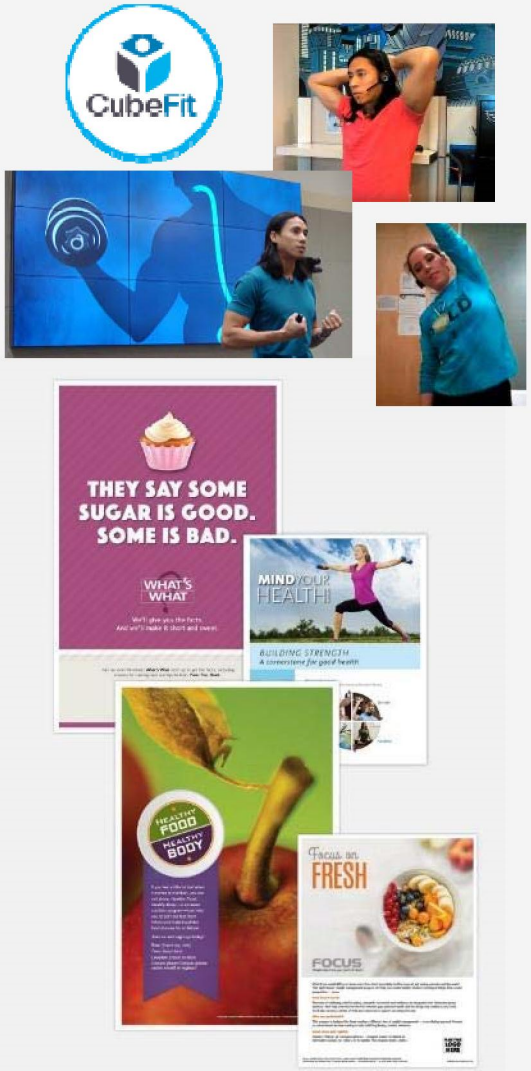
- Charity events, farmers markets, national awareness events, community celebrations, collaboration with local associations
  - Shield and Axes program
  - Pink Ribbon Program
  - Bright Horizons Integration
- Children's Miracle Network - donated a portion of enrollment fees to the Children's Miracle Network
  - Recently raised more than $12,000 in 7 days
  - With that money, the foundation is buying an infant stretcher to transport a newborns in the safest way possible to the NICU.
- Other efforts at client sites have included: on-site blood drives with local blood centers and the American Red Cross; cycling and walking teams for charity races; fundraising for local food banks (as part of an incentive challenge); recruiting and training participants for a charity 5K



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Education

Multiple delivery options (on-site/digital)



- **CubeFit**
  - On-site program manager leads 5-10 minute workouts broadcast to all employees via Skype (or similar technology)
- **Meet ups**
  - Fun, quick (10 minute) learning opportunities in a convenient setting, with key takeaways
- **Seminars**
  - Learning sessions (30-60 min) in a social setting, with handouts and actionable tips
- **Series Classes**
  - Weekly classes (30-60 min), 4-6 weeks in length, offer a cohesive learning experience and skill building
- **Weight management program**
  - Eight interactive sessions (45-60 min), key takeaways and a robust toolkit of resources

Recreational sports and activities

We engage participants in a broad range of recreational sports:

- Aquatics
- Court/hardwood
- Field
- Ice
- Racquet

And we manage a variety of recreational activities, including: open recreation, leagues, lessons, summer camps and tournaments.



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Injury prevention and treatment

Work readiness

- Post-offer employment testing
- Functional capacity evaluations
- Return to work/work placement

Early intervention

- Worksite ergonomics
- Work conditioning
- Shift stretch
- Line-side coaching
- Movement efficiency solutions

Treatment

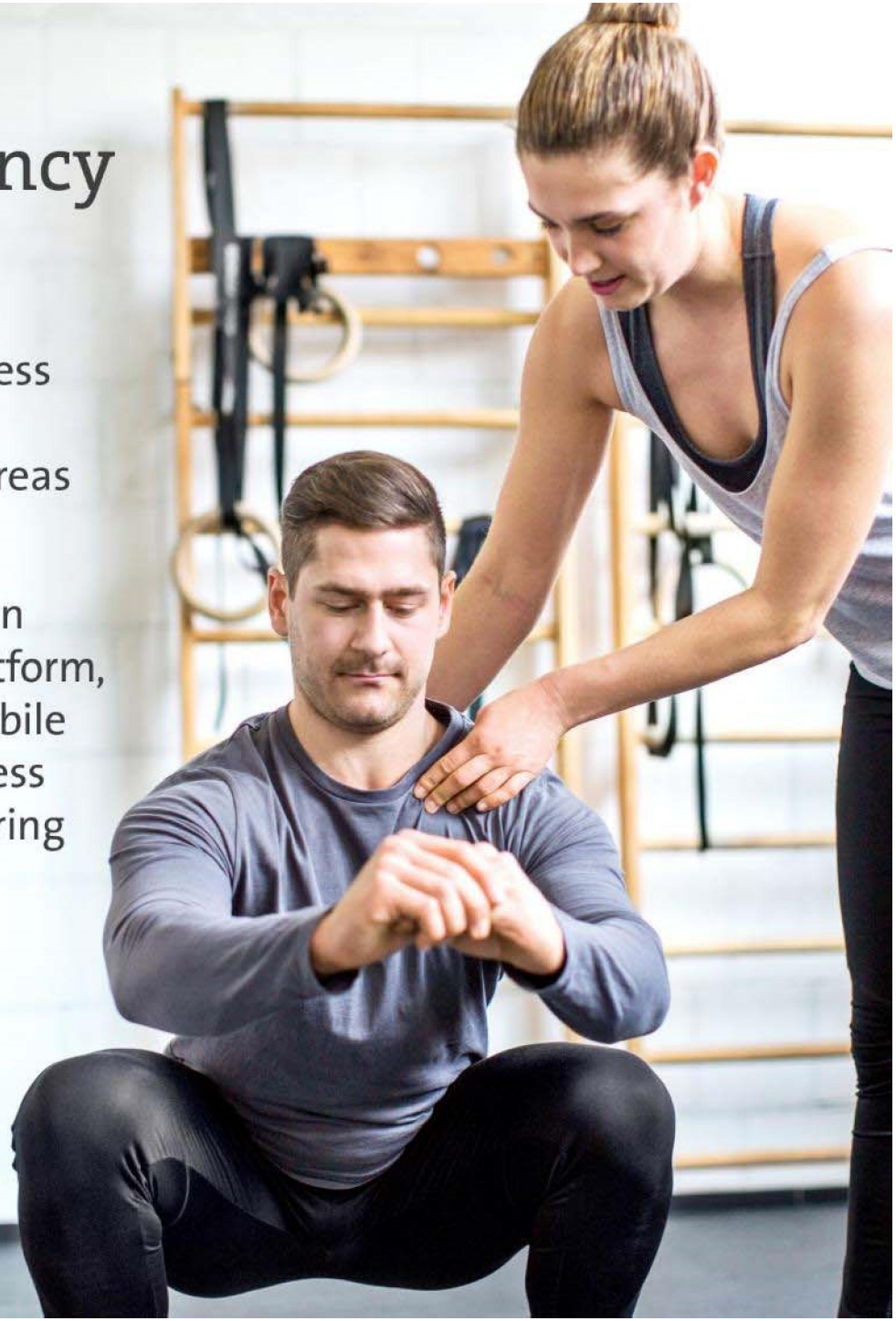
- Physical therapy
- Occupational therapy



Movement efficiency solutions

Assessment. Science-based process identifies muscular deficits and imbalances, focusing on seven areas and scoring each.

Corrective exercise plan. Based on scoring and generated by the platform, includes instructional videos (mobile access), support from HealthFitness staff and retesting (including scoring and updated plan).

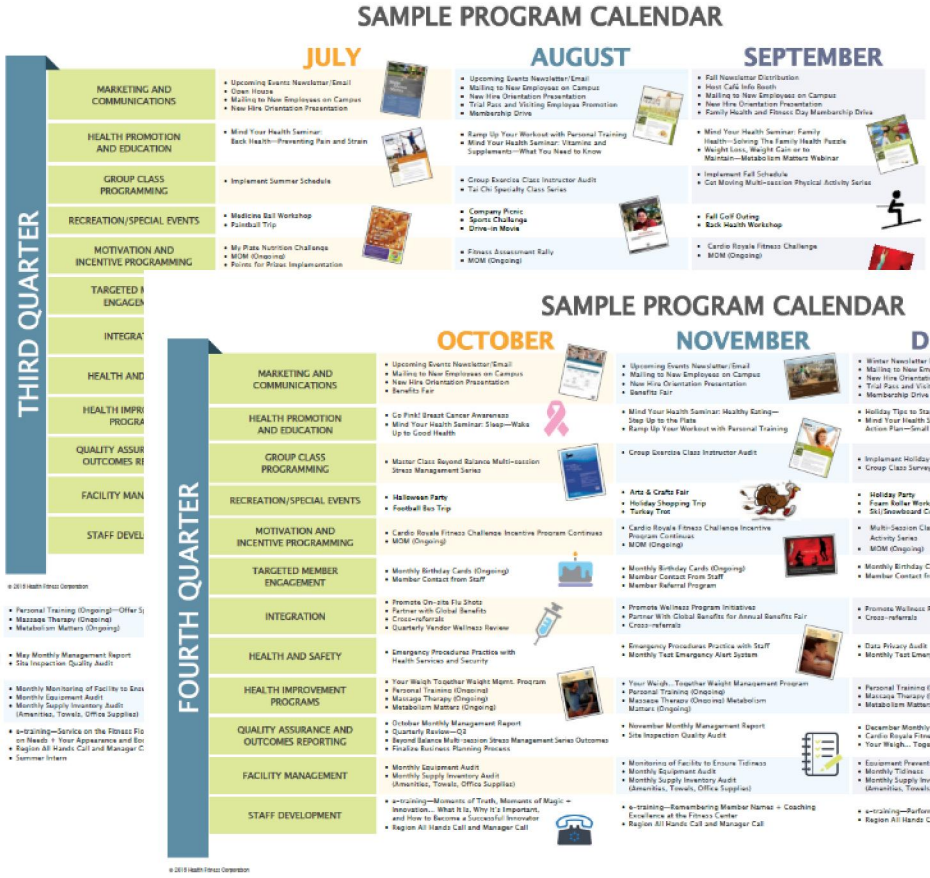


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Planning and Strategy







© 2019 Health Fitness Corporation

Come DO WELL with us.

© 2019 Health Fitness Corporation

2236 RFP No. 2020-01 Mandel Recreation Center Fitness Center and Wellness Program Contractor

Health Fitness Corporation

SOLICITATION PACKAGE DOCUMENTS & EVALUATION FACTORS

1.1. SOLICITATION PACKAGE DOCUMENTS

Filled

Weight: 0% Score: 0%

SCOPE OF WORK

1.1.1. Filled Knockout question

Weight: 0%

Please review the attached **Scope of Work.** There is no response needed for this section but the Contractor must read to fully understand project details and Contractor's responsibilities.

Attached documents:

SOW Mandel Rec Fitness Center and Wellness Program Contractor - Final.pdf *106 Kb*	Download	| Preview

Marking this option serves as a digital/electronic signature and certification of the Respondents acknowledgement of the Bid Document (0%) (KO)

Score: 0%

TERMS & CONDITIONS | SCOPE OF WORK | DRAWINGS

1.1.2. Filled Knockout question

Weight: 0%

Please review the attached RFP documents to include **Instructions to Suppliers and General Conditions, and General Terms and Conditions.** Please indicate if you read and understood the requirements of this solicitation.

Attached documents:

~~(Revoked) Instructions To Suppliers and General Conditions-RFP.pdf *220 Kb*~~	Download	| Preview
EVALUATION AND SELECTION COMMITTEE OVERVIEW.pdf *60 Kb*	Download	| Preview
Updated - Instructions To Suppliers and General Conditions - RFP.pdf *247 Kb*	Download	| Preview

Marking this option serves as a digital/electronic signature and certification of the Respondents acknowledgement of the Bid Documents (0%) (KO)

Score: 0%

STATE REGISTRATION REQUIREMENTS

1.1.3. Filled Knockout question Weight: 0%

Any company submitting a bid in response to this Solicitation should either be registered or have applied for registration with the Florida Department of State in accordance with the provisions of Chapter 607, Florida Statutes. A copy of the registration/application may be required prior to award of a contract.

If you have already registered with the State of Florida, please select YES and upload evidence of this registration.

If you are not registered please confirm by selecting no and agree to the statement of intent to acquire this registration.

- (•) Yes (Best)
- ( ) No (Worst) (KO)

Attached documents by supplier:

HealthFitness Certificate of Authority_FL.pdf *96 Kb*	Download	| Preview

Score: 0%

INTENT LETTER

1.1.4. Filled Knockout question Weight: 0%

Please upload you company intent letter executed by person that has the authority to sign the contract on behalf of your company. Please include a statement of your understanding of the scope, and its requirements.

Attached documents by supplier:

Evaluation method:
Value

Worst: 0.00 (KO)
Best: 1.00
Unit: 1

Town of Palm Beach Intent Letter_HealthFitness.pdf *44 Kb*	Download	| Preview

Score: 0%

1.2. SUPPLIER RESPONSE & ACKNOWLEDGEMENTS

Filled Weight: 0% Score: 0%

PRIMARY CONTACT

1.2.1. Filled Knockout question Weight: 0%

Please provide information regarding who may be contacted regarding this proposal using the table below.

Score: 0%

Evaluation method:
Yes / No

No - KO

	Primary Contact	Second Contact (optional)
Name (First, Last):	Martin Banks	
Title:	Director, Business Development	
Address (Street Address, City, State Zip):	9069 Charrington Drive, Frankfort, IL 60423	
Phone Number:	815.953.2511	
Mobile Phone Number:	815.953.2511	
Email Address:	martin.banks@hfit.com	

START TIME

1.2.2. Filled Knockout question Document attachment is missing Weight: 0%

The Contractor shall be prepared to start the work under this Contract by **December 15, 2019.**

- Marking this option serves as a digital/electronic signature and certification of the Respondents acknowledgement of the required time of completion. (0%) (KO)

Attached documents by supplier:

Score: 0%

SUB CONTRACTORS

1.2.3. Filled Knockout question Weight: 0%

Please list or upload the subcontractors that you will use on this contract. Please include the Subcontractor name, address and the amount of years you have used each subcontractor. Bidders using their own forces for the work will need to enter **'My company will not use any sub-contractors'** in No.1 under Sub-Contractor Name.

If subcontractors are listed below, the Bidder acknowledges that they have fully investigated each subcontractor listed and has in their files evidence each subcontractor has engaged successfully in his line of work for a reasonable period of time, of performing the work required. The Town reserves final approval of any subcontractors listed. Following award of contract the Town reserves the right for approval of future subcontractors and refusal of existing or future subcontractors providing work under this contract.

Please use fillable PDF form attached to list your subcontractors.

Attached documents:

LIST OF PROPOSED SUBCONTRACTORS -FORMS.pdf *49 Kb* Download | Preview

Attached documents by supplier:

Evaluation method:
Yes / No

No - KO

LIST OF PROPOSED SUBCONTRACTORS -FORMS_HealthFitness.pdf *81 Kb* Download | Preview

Score: 0%

PROJECT REFERENCES

1.2.4. Filled Knockout question Weight: 0%

Provide at least five (5) business references, from which all should be related to this scope of work, preferably of public or government type agencies within three (3) years. You may use the provided fillable PDF form or upload your own document which must contain at a minimum the information requested on the Town provided form.

A referenced person(s) must be someone who has personal knowledge of the Proposer's performance. The referenced person must have been informed that they are being used as a reference and that the Town may check references.

Attached documents:

PROFESSIONAL REFERENCES - FORMS.pdf *55 Kb* Download | Preview

Attached documents by supplier:

Evaluation method:
Yes / No

No - KO

PROFESSIONAL REFERENCES - FORMS_HealthFitness.pdf *65 Kb* Download | Preview

Score: 0%

BIDDERS' QUALIFICATION

1.2.5. Filled Knockout question Weight: 0%

Please respond to this question by submitting fillable PDF form attached.

Please upload your W-9 and Business Tax Receipt. In case that you do not have a Business Tax Receipt please upload a statement of explanation.

Attached documents:

BIDDER'S QUALIFICATION -FORM.pdf *53 Kb* Download | Preview

Attached documents by supplier:

Evaluation method:
Yes / No

No - KO

BIDDER'S QUALIFICATION -FORM_HealthFitness.pdf *66 Kb*	Download	Preview
Business Tax Receipt Statement_HealthFitness.pdf *61 Kb*	Download	Preview
HEALTH FITNESS CORPORATION_W9.pdf *56 Kb*	Download	Preview

Score: 0%

DRUG - FREE WORKPLACE CERTIFICATION

1.2.6. Filled Weight: 0%

Please submit a drug free form by using attached fillable PDF form.

Attached documents:

DRUG-FREE WORKPLACE CERTIFICATION -FORM.pdf *45 Kb* Download | Preview

Attached documents by supplier:

Evaluation method:
Yes / No

Drug-free Workplace_HealthFitness.pdf *82 Kb* Download | Preview

Score: 0%

TRUTH IN NEGOTIATIONS

1.2.7. Filled Knockout question Weight: 0%

Please submit a truth in negotiations form by using attached fillable PDF form.

Attached documents:

~~(Revoked) Truth-in-Negotiations.pdf 62 Kb~~	Download	| Preview
Truth-in-Negotiations-updated form.pdf *101 Kb*	Download	| Preview

Attached documents by supplier:

Evaluation method:
Yes / No

No - KO

Truth-In Negotiations_HealthFitness.pdf *72 Kb*	Download	| Preview

Score: 0%

INSURANCE REQUIREMENTS

1.2.8. Filled Knockout question Weight: 0%

Please acknowledge insurance requirements attached.

Note: Prime Contractor is legally responsible for all their subcontractors and the Town recommends that a certificate of insurance is obtained by the general contractor for all subcontractors performing any services on this project.

Attached documents:

Insurance Requirements.pdf *52 Kb*	Download	| Preview

- (●) Yes (Best)
- ( ) No (Worst) (KO)

Attached documents by supplier:

Town of Palm Beach - Insurance Requirements_HealthFitness.pdf *57 Kb*	Download	| Preview

Score: 0%

MINIMUM QUALIFICATIONS

1.2.9. Filled Knockout question Weight: 0%

(Proposer) shall provide adequate information with its proposal to demonstrate that it satisfies the following minimum as set forth below. The Town will consider what types of experience the Proposer has when making a determination of award. All decisions of the Town are final.

a. The Proposer shall provide information with its proposal showing that it has relevant experience and qualifications to successfully meet the scope of work.

b. The Proposer, with its proposal, must demonstrate successful performance with respect to projects comparable in type, size, complexity, for a minimum of three years.

c. Provide Project Specific Information, including the following:

i. Name of Project
ii. Name of Owner and Project Locations
iii. Description of Project
iv. Contact name, telephone number, fax number, email address
v. Project duration including start and end dates
vi. Contract dollar amount

Note: Please upload documentation for above requirements.

Attached documents by supplier:

Evaluation method:
Yes / No

No - KO

1.2.9 HealthFitness Response.pdf *105 Kb*	Download	| Preview
Exhibit 1 - Client Profiles.zip *2495 Kb*	Download	

Score: 0%

PRICE VALIDATION

1.2.10. Filled Knockout question Document attachment is missing Weight: 0%

Cost proposal shall be valid for 180 days.

- (●) Yes (Best)
- ( ) No (Worst) (KO)

Attached documents by supplier:

Score: 0%

PROPOSERS CERTIFICATION / SIGNATURE

1.2.11. Filled Knockout question Document attachment is missing Weight: 0%

By electronically submitting and with signature on paper submission, this proposal the respondent attests and certifies that:

- It understands all requirements of this solicitation and it satisfies all legal requirements (as an entity) to do business with the Town.
- Hereby propose to furnish the Services specified in the Request for Proposals. Furthermore, I agree to abide by all conditions of the solicitation and resulting contract.
- Respondent acknowledges award of a contract may be contingent upon a determination by the Town that the Respondent has the capacity and capability to successfully perform the contract.
- Respondent represents that I am either authorized to bind the Respondent, or that I am submitting the Response on behalf of and at the direction of the Respondents's representative authorized to contractually bind the Respondent.
- I represent that the Respondent and/or its applicable representative(s) has reviewed the information contained in this Solicitation and that the information submitted is accurate.
- Respondent agrees that the action of electronically submitting its response consititutes:
  - an electronic signature on the responses, generally,
  - an electronic signature on any form or section specifically calling for a signature, and
  - an affirmative agreement to any statement contained in the solicitation that requires a definite confirmation or acknowledgement.

Indicate your certification by marking the option below. Neglecting to respond to this question is equivalent to not signing a physical solicitation response and would cause Respondents response to be disqualified and not considered for award.

Respondents must reply to this question by selecting one of the options provided below.

◉ Marking this option serves as a digital/electronic signature and certification of the Respondents intent to submit a binding offer. (0%) (KO)

Attached documents by supplier:

Score: 0%

1.3. EVALUATION FACTORS

Filled Weight: 100% Score: 98.1%

EXPERIENCE/ABILITY OF PERSONNEL

1.3.1. Filled Knockout question Weight: 42.86%

Please provide following information by uploading a document(s):

- Organizational Chart
- Operational Information
- Management's Credentials
- Credentials of Personnel to be Assigned to the Town
- High quality level of services to be provided to Town
- Completed Commercial and/or Governmental Contracts
- Understanding and approach to address Town's needs
- Proposer's Workload: Please indicate number, duration and value of projects/contracts that your company is engaged in next 6 to 24 months.
- Experience with local conditions

Note: weight of this criteria is 30 points

Attached documents by supplier:

Evaluation method:
Value

Worst: 0.00 (KO)
Best: 5.00
Unit: Points

1.3.1 HealthFitness Response.pdf *223 Kb*	Download	| Preview
Exhibit 2 - Sample Group Exercise Class Schedule and Promotional Materials.pdf *2367 Kb*	Download	| Preview
Exhibit 3 - On-site and Online Programs, Services and Challenges.pdf *234 Kb*	Download	| Preview

Score: 41.43%

DETAILED PROPOSAL

1.3.2. Filled Knockout question Weight: 50%

Detailed Proposal

Please attach detailed Technical Proposal per below requirements, but not limited to:

- Understanding of Town needs
- The ability to satisfactorily convey, via the completeness and responsiveness of their Proposal, a depth of understanding of the Scope of Work and the firm's capacity to accomplish it successfully
- Approach to the Project and Methodology
- Applicability of the services offered
- Schedule to accommodate this contract
- Meeting the Town's operational requirements

Note: weight of this criteria is 35 points

Attached documents by supplier:

Evaluation method:
Value

Worst: 0.00 (KO)
Best: 5.00
Unit: Points

1.3.2 HealthFitness Response.pdf *122 Kb*	Download	| Preview
Exhibit 4 - Marketing Samples.pdf *6420 Kb*	Download	| Preview
Exhibit 5 - Quality Assurance Program (QAP).pdf *109 Kb*	Download	| Preview

Score: 50%

FINANCIAL INFORMATION / OTHER

1.3.3. Filled Knockout question Weight: 7.14%

- Financial resources and capabilities information: An indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project should be included in the response
- Evidence of insurance capability
- Litigation or Dispute Status and Resolution
- Overall completeness, clarity and quality of proposal

Note: The Town may request a Dun & Bradstreet report from all short listed finalists.

Note: weight of this criteria is 5 points

Attached documents by supplier:

Evaluation method:
Value

Worst: 0.00 (KO)
Best: 5.00
Unit:

1.3.3 HealthFitness Response.pdf *62 Kb*	Download	| Preview
HealthFitness - COI - 2019.pdf *39 Kb*	Download	| Preview
HealthFitness - MSA.pdf *146 Kb*	Download	| Preview
Updated - Instructions To Suppliers and General Conditions - RFP - Updated 10 -22-19_HealthFitness.pdf *341 Kb*	Download	| Preview

Score: 6.67%

1.4. ADDENDUM - If issued will be posted here.

Filled Weight: 0% Score: 0%

SOLICITATION ADDENDUM

1.4.1. Filled Knockout question Weight: 0%

Solicitation Addendum(s) will be added to this question if any are issued. The Addendum document will contain all information issued as an Addendum to the solicitation.

Suppliers are required to acknowledge they did review this question and any Addenda issued.

Attached documents:

~~(Revoked) ADDENDUM No.1.pdf *35 Kb*~~	Download	| Preview
ADDENDUM No.1.pdf *82 Kb*	Download	| Preview
ADDENDUM No.2.pdf *44 Kb*	Download	| Preview
ADDENDUM No.3.pdf *39 Kb*	Download	| Preview
Sign in Sheet Pre-Proposal Meeting.pdf *612 Kb*	Download	| Preview

- ○ I have reviewed the document and no addendum have been issued. (0%) (KO)
- ◉ I have reviewed the document and have given consideration to any issued addendum information in preparing my response to this solicitation. (0%) (KO)

Score: 0%

Presentations

2.1. Additional Information to Upload

2 questions not filled

Questionnaire is not weighted

Presentation

2.1.1. not filled Knockout question Document attachment is missing

Please upload the presentation here.

Evaluation method:
Yes / No

No - KO

Questions and Answers

2.1.2. not filled Knockout question Document attachment is missing

Please upload your answers to the questions delivered to you.

Evaluation method:
Yes / No

No - KO

2236 RFP No. 2020-01 Mandel Recreation Center Fitness Center and Wellness Program Contractor

BAFO-verification phase Ends on **Dec 10 2019 2:00 AM**

Health Fitness Corporation

1. SOLICITATION PACKAGE DOCUMENTS & EVALUATION FACTORS Questionnaire

19 Questions

Help

1.3. EVALUATION FACTORS

All answers are evaluated Weight: 100% Score: 98.1%

Back to question groups

EXPERIENCE/ABILITY OF PERSONNEL

1.3.1. evaluated Knockout question Weight: 42.86%

Please provide following information by uploading a document(s):

- Organizational Chart
- Operational Information
- Management's Credentials
- Credentials of Personnel to be Assigned to the Town
- High quality level of services to be provided to Town
- Completed Commercial and/or Governmental Contracts
- Understanding and approach to address Town's needs
- Proposer's Workload: Please indicate number, duration and value of projects/contracts that your company is engaged in next 6 to 24 months.
- Experience with local conditions

Note: weight of this criteria is 30 points

Answer

Attached documents by supplier:

1.3.1 HealthFitness Response.pdf *223 Kb*	Download	| Preview
Exhibit 2 - Sample Group Exercise Class Schedule and Promotional Materials.pdf *2367 Kb*	Download	| Preview
Exhibit 3 - On-site and Online Programs, Services and Challenges.pdf *234 Kb*	Download	| Preview

Score: 41.43%

View evaluation method

		Score	Comment
Carolyn Stone (33.33%)	5	14.29%	

		Score	Comment
Jane Struder (33.33%)	4.5	12.86%	They discussed their hiring process and will work with the Town to ensure quality candidates. They included sample classes and other programs they would offer. Overall very nice programs and very professional package.
Kennie Wells (33.33%)	5	14.29%	
	Total score:	41.43%	

DETAILED PROPOSAL

1.3.2. evaluated Knockout question

Weight: 50%

Detailed Proposal

Please attach detailed Technical Proposal per below requirements, but not limited to:

- Understanding of Town needs
- The ability to satisfactorily convey, via the completeness and responsiveness of their Proposal, a depth of understanding of the Scope of Work and the firm's capacity to accomplish it successfully
- Approach to the Project and Methodology
- Applicability of the services offered
- Schedule to accommodate this contract
- Meeting the Town's operational requirements

Note: weight of this criteria is 35 points

Answer

Attached documents by supplier:

1.3.2 HealthFitness Response.pdf *122 Kb*	Download	| Preview
Exhibit 4 - Marketing Samples.pdf *6420 Kb*	Download	| Preview
Exhibit 5 - Quality Assurance Program (QAP).pdf *109 Kb*	Download	| Preview

Score: 50%

View evaluation method

		Score	Comment
Carolyn Stone (33.33%)	5	16.67%	

Support

Negometrix Platform v.3.0.1.0, Pagetimes (ms) Server init:15 load:374 prerender:390 Total:406 Browser load:207latency:52, (12.189.247.46 - 4)

		Score	Comment
Jane Struder (33.33%)	5	16.67%	Their proposal was much more detailed than the other. They had very interesting programs and included the details of their staffing and schedule. Their marketing materials were professional.
Kennie Wells (33.33%)	5	16.67%	
	Total score:	50%	

FINANCIAL INFORMATION / OTHER

1.3.3. evaluated Knockout question

Weight: 7.14%

- Financial resources and capabilities information: An indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the completion of the project should be included in the response
- Evidence of insurance capability
- Litigation or Dispute Status and Resolution
- Overall completeness, clarity and quality of proposal

Note: The Town may request a Dun & Bradstreet report from all short listed finalists.

Note: weight of this criteria is 5 points

Answer

Attached documents by supplier:

1.3.3 HealthFitness Response.pdf *62 Kb*	Download	| Preview
HealthFitness - COI - 2019.pdf *39 Kb*	Download	| Preview
HealthFitness - MSA.pdf *146 Kb*	Download	| Preview
Updated - Instructions To Suppliers and General Conditions - RFP - Updated 10-22-19_HealthFitness.pdf *341 Kb*	Download	| Preview

Score: 6.67%

View evaluation method

		Score	Comment
Carolyn Stone (33.33%)	5	2.38%	
Jane Struder (33.33%)	4	1.9%	Included the information requested. COI, contract and statement of financial ability.
Kennie Wells (33.33%)	5	2.38%	
	Total score:	6.67%	

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda

Regular Agenda - New Business

Agenda Title

Authorize Waiver to Town Code for Work During Season for the Bradley Park Hotel, 280 Sunset Avenue

Presenter

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

ATTACHMENTS:

- **Memorandum dated November 26, 2019, from H. Paul Brazil, P.E., Director of Public Works**
- **Extension Letters from Gunster Law Firm**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2019

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorize Waiver to Town Code for Work During Season for the Bradley Park Hotel, 280 Sunset Avenue

DATE: November 26, 2019

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the Waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 through 229, restrictions for construction hours, work during season, and work within the right-of-way closure for Bradley Park Hotel (280 Sunset Avenue).

GENERAL INFORMATION

Staff have been coordinating construction at three (3) sites on Sunset Avenue. These include Testa's at 240 Sunset Avenue, 223 Sunset Avenue, and 280 Sunset Avenue. Testa's has an existing Town Council approved Construction Management Agreement, which provides the approvals required to continue to work during season. The property at 223 Sunset Avenue will have the sidewalk reopened and will be out of the right-of-way by December 6th. The Bradley Park Hotel has had significant issues during the summer that has caused a delay in the construction schedule. Therefore, the Bradley Park Hotel is requesting a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for work in season, extended work hours, and work within the right-of-way. The extend hours request is to allow work from 7:00a.m. to 10:00p.m. on all days of the week. The contractor will limit work on weekends and after 5:00p.m. to interior work only. The request for extended hours is attached.

In an effort to minimize the impacts from the continued work, the Bradley Park Hotel will be removing the scaffolding on Bradley Place and pulling back the fencing on Sunset closer to the curb. These two efforts will allow Sunset Avenue to return to two-way traffic. Staff recommends that the Police Department and Public Works staff coordinate the revised traffic pattern so that the two-way traffic can begin Tuesday, December 17th. This gives enough time for the striping and sign changes that need to occur along with providing the public with sufficient notice.

FUNDING/FISCAL IMPACT

There are no funding impacts associated with this item.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Josh Martin, PZ&B Director
Wayne Bergman, PZ&B Assistant Director
Craig Hauschild, PZ&B Civil Engineer
Paul Colby, Public Works Facilities Maintenance Division Manager

GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

RECEIVE
NOV 2 2
TOWN OF PALM BEA
PLANNING DEPT

Our Client No. 46274.00002
Writer's Direct Dial: (561) 650-0652
Writer's E-Mail Address: jcrowley@gunster.com

November 20, 2019

VIA E-MAIL AND REGULAR MAIL

Mr. Wayne Bergman
Assistant Director, Planning, Zoning and Building
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Extension of Construction Work Hours at 280 Sunset Avenue
Bradley Park Hotel
Code Section 42-199

Dear Mr. Bergman:

The purpose of this letter is to request a waiver of Section 42-199 of the Town Code to allow an extension of normal construction hours for the ongoing work at 280 Sunset Avenue (Bradley Park Hotel). Work is already under way at this site and is being done by Fine Line Construction. The contractor expects to complete the project by January 31, 2020 assuming that this construction hour extension is granted by the Town.

Our specific request is for work hours of 7 a.m. to 10 p.m., seven days a week excluding legal holidays. The contractor will limit Saturday and Sunday work to the interior of the building. In addition, work on the weekdays after 5 p.m. will be limited to interior work. We request that these extended hours be granted immediately and extend through January 31.

Please consider that this part of Town is mostly commercial in nature so Town residents should not be disturbed by these extended work hours, especially since the work during extended hours will occur inside of the building.

Please place this matter on the December 11th Town Council Development Review agenda. Feel free to contact us with any questions regarding this request. We will of course appear at the Town Council meeting where this matter is heard in order to further explain the request. We will also notify all abutting property owners and all property owners along Sunset Avenue of this request.

Sincerely,

James M. Crowley, Esq.

JMC/op

cc: Joshua Martin, Director of Palm Beach & Zoning (*via email)*
Paul Castro, Zoning Manager (*via email)*
Damien Barr (*via email*)
Ned Grace (*via email*)

ACTIVE 11411360.1

GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

FT. LAUDERDALE
JACKSONVILLE
KEY LARGO
MIAMI
ORLANDO
PALM BEACH
STUART
TALLAHASSEE
TAMPA
VERO BEACH
WEST PALM BEACH

November 22, 2019

Re: Extension of Construction Hours at 280 Sunset Avenue
Bradley Park Hotel

To Whom It May Concern:

Gunster Law Firm represents New England Development, which is currently engaged in renovations to the Bradley Park Hotel. In order to complete the renovations as quickly as possible, the owner has requested an extension of the Town of Palm Beach's normal construction hours to 7:00 am to 10:00 pm, seven days a week (excluding legal holidays). In order to minimize the impact of these extended hours on the neighborhood, the contractor will limit the work to the interior of the building after 5:00 pm on weekdays and on Saturdays and Sundays.

This request will be heard by the Town Council at their regularly scheduled meeting on December 11, 2019. If granted, this request will allow the contractor to complete the project by January 31, 2020.

Please feel free to call us with any questions. Thank you for your time.

Sincerely,

James M. Crowley, Esq.

JMC/op

cc: Joshua Martin, Director of Palm Beach & Zoning *(via email)*
Wayne Bergman, Assistant Director of Planning & Zoning *(via email)*
Paul Castro, Zoning Manager *(via email)*
Damien Barr *(via email)*
Ned Grace *(via email)*

ACTIVE 11420882.1

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 39-2019 An Ordinance of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 of the Town Code of Ordinances Relating to Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, in General, by Amending Section 82-54, Credited Service; Loss of Credited Service; Reinstatement of Credited Service.; Amending Subdivision II, Reserve Accounts, by Amending Section 82-80, Member Contributions; Amending Subdivision III, Firefighters, by Amending Section 82-94, Retirement Age and Service Conditions for Firefighters; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- **Ordinance No. 39-2019**

ORDINANCE NO. 39-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION I, IN GENERAL, BY AMENDING SECTION 82-54, CREDITED SERVICE; LOSS OF CREDITED SERVICE; REINSTATEMENT OF CREDITED SERVICE.; AMENDING SUBDIVISION II, RESERVE ACCOUNTS, BY AMENDING SECTION 82-80, MEMBER CONTRIBUTIONS; AMENDING SUBDIVISION III, FIREFIGHTERS, BY AMENDING SECTION 82-94, RETIREMENT AGE AND SERVICE CONDITIONS FOR FIREFIGHTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision I. – In General; by amending Section 82-54 to read as follows:

Sec. 82-54. - Credited service; loss of credited service; reinstatement of credited service.

* * *

(d) Unless otherwise prohibited by law, a vested member who has not purchased service credit under section 82-64, may purchase years or fractional parts of years of service to be added to years of credited service provided that:

(1) The member contributes to the retirement system the sum that would have been contributed, based on the applicable employee contribution rate in effect at the time that the credited service is requested for the years or fractional parts of years for which the credit is requested, plus payment of costs for all professional services rendered to the board in connection with the purchase of years of credited service, plus the amount actuarially determined so that the crediting of service does not result in any costs to the retirement system.

(2) Payment by the member of the required amount may be made within six months of the request for credit and in one lump sum payment, or over a period equal to the length of time being purchased or five years, whichever is less, at an interest rate which is equal to the interest rate determined under section 82-65. No

credit shall be given for any service until all years of service which are to be purchased, have been purchased.

(3) The credited service purchased under this section shall count for all purposes except vesting. No more than five years of credited service may be purchased.

(4) If a member who is in the process of purchasing service terminates before completing the purchase, the unpaid purchase price due from the former member may be set-off against benefits payable to the former member.

(5) A purchase of service may be made no more than three times during the course of employment and no purchase may be made until any previous purchase is fully paid.

~~(6) Purchases of service by members of benefit group firefighter may only be based upon actual prior service as a firefighter or service in the military and purchases of service by a member of benefit group police officer may only be based upon actual prior service as a police officer or service in the military.~~

(7) Rollovers from qualified plans. A member may roll over all or part of his or her assets in another qualified plan, that constitutes an eligible rollover distribution, to purchase service under this section, provided all of the following requirements are met:

a. Some or all of the amount distributed from the other plan is rolled over to this plan no later than the 60th day after distribution was made from such plan.

b. The amount rolled over to this plan does not include any amounts contributed by the member to such plan on a post-tax basis.

c. The rollover is made in cash.

d. The member certifies that the distribution is eligible for a rollover.

e. Amounts which are accepted as a rollover to this retirement system shall be fully vested at all times.

(8) The rollover may also be made from individual retirement accounts qualified under Internal Revenue Code section 408.

(9) Amounts rolled over may be segregated from other retirement plan assets.

(10) In addition, the retirement system may accept the direct transfer of a member's account from another qualified retirement plan to purchase service. The retirement system shall account for direct transfers in the same manner as a rollover and shall obtain certification from the member that the amounts are eligible for a rollover or direct transfer to this retirement system.

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement

System; Subdivision II. – Reserve Accounts; by amending Section 82-80 to read as follows:

Sec. 82-80. – Reserve for member contributions.

* * *

(d) Notwithstanding the provisions of subsection (c) above:

(1) The member contribution rate for benefit group police officer members and non-bargaining unit benefit group firefighter members who were employed but did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and benefit group police officer members and non-bargaining unit benefit group firefighter members hired on or after May 1, 2012, effective the first full pay period after October 1, 2016 shall be ten percent of compensation. The member contribution rate for such members shall be subject to adjustment the first full pay period following October 1, 2017 and the first full pay period following October 1, 2018 based on the investment performance of the retirement system, as set forth in subsection (e) below. Effective the first full pay period after October 1, 2019, the member contribution rate for benefit group police officer members and non-bargaining unit benefit group firefighter members shall be eight and one-half percent of compensation. Effective the pay period beginning December 14, 2019, the member contribution rate for bargaining unit benefit group firefighter members shall be eight and one-half percent of compensation.

* * *

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; Subdivision III. – Firefighters; by amending Section 82-94 to read as follows:

Sec. 82-94. – Retirement age and service conditions for firefighters.

* * *

(b) The age and service conditions for normal retirement are as follows:

(1) Members who attained normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, shall be eligible for normal retirement upon attaining age 50 with ten or more years of credited service; or when the member's age to last completed month plus credited service totals 65 years or more and the member has ten or more years of credited service; or when the member has 20 or more years of credited service.

(2) Members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the

DROP on that date, shall be eligible for normal retirement upon attaining age 50, or when the member's age to last completed month plus credited service totals 65 years or more, or upon completion of 20 years of credited service regardless of age, and upon such retirement shall be eligible to receive the frozen accrued benefit based on credited service and average final compensation on April 30, 2012. Such members shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 65 with ten or more years of credited service.

(3) Members hired on or after May 1, 2012, shall be eligible for normal retirement upon attaining age 65 with ten or more years of credited service.

(4) Notwithstanding the provisions of paragraphs (2) and (3) above, effective October 1, 2016, non-bargaining unit members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and non-bargaining unit members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 56 with ten or more years of credited service. The provisions of this paragraph shall apply to non-bargaining unit members who are participating in the DROP on October 1, 2016, and to non-bargaining unit members who retire or enter the DROP on or after that date, but shall not apply to non-bargaining unit members who retired or separated from employment before October 1, 2016.

(5) Notwithstanding the provisions of paragraphs (2) and (3) above, effective August 12, 2017 bargaining unit members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and bargaining unit members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 56 with ten or more years of credited service.

(6) Notwithstanding the provisions of paragraphs (2), (3) and (4) above, effective October 1, 2019, non-bargaining unit members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and non-bargaining unit members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 55 with ten or more years of credited service, or age 52 with 25 years of credited service. The preceding sentence shall apply to non-bargaining unit members who are participating in the DROP on October 1, 2019, and to non-bargaining unit members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before October 1, 2019.

(7) Notwithstanding the provisions of paragraphs (2), (3) and (5) above, effective November 2, 2019, bargaining unit firefighter members who did not attain normal retirement eligibility based on credited service as of May 1, 2012, excluding credited service purchased pursuant to section 82-54, and who were employed by the town and not participating in the DROP on that date, and bargaining unit firefighter members hired on or after May 1, 2012, shall be eligible to receive the accrued benefit based on credited service on and after May 1, 2012 upon attaining age 55 with ten or more years of credited service, or age 52 with 25 years of credited service. The preceding sentence shall apply to bargaining unit firefighter members who are participating in the DROP on November 2, 2019, and to bargaining unit firefighter members who retire or enter the DROP on or after that date, but shall not apply to members who retired or separated from employment before November 2, 2019.

* * *

Section 4. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 5. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 6. Codification.

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

Section 7. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of _____, 2019, and for second and final reading on this ____ day of _____, 2019

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

Lewis S.W. Crampton, Town Council Member

ATTEST:

Kathleen Dominguez, CMC, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 40-2019 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, Article X. – On-Street Parking Permits, at Section 134-2296(c) and Section 134-2327(2); Relating to Issuance of Decals and Visitor/Service Permits; Allowing for the Issuance of Eight Decals and Visitor/Service Permits Instead of the Four Currently Allowed; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated December 2, 2019, from Jay Boodheshwar, Deputy Town Manager**
- **Ordinance No. 40-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 20, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Proposed Modifications to Chapter 134, Article X – On-Street Parking Permits
Ordinance 40-2019

Date: December 2, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council approve the first reading of Ordinance No. 40-2019, amending Chapter 134, Article X – On-Street Parking Permits, of the Town Code of Ordinances.

GENERAL INFORMATION

Chapter 134, Article X of the Town Code of Ordinances outlines how the Town must administer the residential permit parking program for on-street parking spaces, including the issuance of permit decals and visitor passes. The Code currently restricts the number of decals and visitor pass to four (4) per property. As requested by Town Council at its November 12, 2019, meeting, staff has prepared Ordinance No. 40-2019 to increase the number of passes and decals to eight (8) per property.

Attachment

cc: John C. Randolph, Town Attorney
Jane LeClainche, Director of Finance
Nick Caristo, Acting Police Chief
Ben Alma, Code/Parking Enforcement Manager

ORDINANCE NO. 40-2019

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, ARTICLE X. – ON-STREET PARKING PERMITS, AT SECTION 134-2296(C) AND SECTION 134-2327(2); RELATING TO ISSUANCE OF DECALS AND VISITOR/SERVICE PERMITS; ALLOWING FOR THE ISSUANCE OF EIGHT DECALS AND VISITOR/SERVICE PERMITS INSTEAD OF THE FOUR CURRENTLY ALLOWED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Article X. – On-Street Parking Permits, at Section 134-2296(c) and Section 134-2327(2), to read as follows:

"Sec. 134-2296. – Issuance of special parking permits upon application.

(c) Visitor/service permits. In addition to the decals issued pursuant to Section 134-2295(b) above, upon application by owner, owner may be issued visitor/service permits, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. The permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. No more than a total of ~~four~~ eight permits, including decals and visitor/service permits, shall be issued for each property.

"Sec. 134-2327. – Issuance.

(2) *Visitor/service permits* In addition to the Resident permits provided under (1) above, upon application by owner, owner may be issued visitor/service permits, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. These permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. _No more than a total of ~~four~~ eight permits, including decals and visitor/service permits, shall be issued for each property.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

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

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of December, 2019, and for second and final reading on this 14th day of January, 2020.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

ATTEST:

_____
Lew Crampton, Town Council Member

_____
Kathleen Dominguez, CMC
Town Clerk

_____
Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 41-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 74 of the Town Code of Ordinances, Parks And Recreation, Article II, Beaches And Aquatic Activities, Division 3, Regulation of Use of Public Beaches, At Section 74-191, So As To Include the Beach from Sunset Avenue To Wells Road And Beaches Defined By The Town Which Provides That No Person Shall Take Any Animal Upon Said Beaches; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- **Memorandum Dated November 27, 2019, from Jay Boodheshwar, Deputy Town Manager**
- **Ordinance No. 41-2019**

TOWN OF PALM BEACH

Information for Special Town Council Meeting on: December 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Modification of Town Code to Prohibit Dogs on Beaches Between Wells Road and Sunset Avenue
Ordinance No. 41-2019

Date: November 27, 2019

STAFF RECOMMENDATION

Staff recommends Town Council approve the first reading of Ordinance No. 41-2019 to modify the Town Code to prohibit dogs on public beaches between Wells Road and Sunset Avenue.

GENERAL INFORMATION

As requested by Town Council at its November 12, 2019, meeting, Ordinance No. 41-2019 was prepared to amend Section 74-191 of the Town Code to prohibit dogs on public beaches between Sunset Avenue and Wells Road. Said ordinance includes a sunset provision for November 30, 2020. Please see attached for more information.

TOWN ATTORNEY REVIEW

The Town Attorney prepared Ordinance No. 41-2019 and has approved it for legal form and sufficiency.

cc: Department Directors
Ben Alma, Support Services Manager

ORDINANCE NO. 41-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 74 OF THE TOWN CODE OF ORDINANCES, PARKS AND RECREATION, ARTICLE II, BEACHES AND AQUATIC ACTIVITIES, DIVISION 3, REGULATION OF USE OF PUBLIC BEACHES, AT SECTION 74-191, SO AS TO INCLUDE THE BEACH FROM SUNSET AVENUE TO WELLS ROAD AND BEACHES DEFINED BY THE TOWN WHICH PROVIDES THAT NO PERSON SHALL TAKE ANY ANIMAL UPON SAID BEACHES; 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. Section 74-191 titled Animals prohibited is hereby amended to read as follows:

"**Sec. 74-191. Animals prohibited.**

No person shall take any animal upon those certain public beaches within the town identified herein or in the surf adjacent to any such public beach within the town. Said beaches shall include the Phipps Park beach, the public beach from Royal Palm Way south to Gulfstream Road, the Clarke Avenue beach from Barton to Seaspray, and the beach from Sunset Avenue to Wells Road.

Section 2. This amendment shall sunset effective November 30, 2020 and shall no longer be effective unless and until the Town Council readopts said amendment.

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 10th day of December, 2019, and for second and final reading on this _____ day of _____, 2020.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margret Zeidman, Town Council President Pro Tem

_____
Bobbie Lindsay, Town Council Member

_____
Julie Araskog, Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

_____
Lewis Crampton, Town Council Member

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