TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

DECEMBER 10, 2013

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

A. Recognition of Elizabeth "Libby" Marshall, Landmarks Preservation Commission, From March 2012 Through September 2013 — Page 7

B. Recognition of Leslie A. Shaw for Service on Planning & Zoning Commission from February 2006 through September 2013 — Page 8

C. Recognition of Lifeguard Supervisor Craig Pollock as the 2013 Town Employee of the Year — Page 9

D. Presentations by Applicants for the Code Enforcement Board — Page 10

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

(Another opportunity will be offered immediately after the lunch break.)

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

A. MINUTES

1. MINUTES: NOVEMBER 12, 3013 Page 11
   Approval of the Minutes of the Regular Town Council Meeting

   Susan A. Owens, Town Clerk

2. MINUTES: NOVEMBER 13, 2013 Page 23
   Approval of the Minutes of the Regular Town Council Meeting

   Susan A. Owens, Town Clerk

3. Approval of Major Matters Considered by the Architectural Commission at its Meeting of November 15, 2013. Page 40

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

B. RESOLUTIONS

1. RESOLUTION NO. 198-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of One (1) Parking Enforcement Vehicle in the Amount of $18,443 from Hub City Ford, as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date. Page 50

   Kirk Blouin, Director of Public Safety

2. RESOLUTION NO. 199-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Three (3) Patrol Vehicles in the Amount of $97,497 from Stingray Chevrolet, as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date. Page 60

   Kirk Blouin, Director of Public Safety

3. RESOLUTION NO. 200-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, Florida, Authorizing the Purchase of Two (2) Code Enforcement Vehicles in the Amount of $35,180 ($17,590 per Vehicle) From Alan Jay Nissan, Inc., as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date. Page 72

   Kirk Blouin, Director of Public Safety

4. RESOLUTION NO. 201-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of AutoVu License Reader System in the Amount of $38,266.90 from Dana Safety Supply, Inc., as Previously Considered and Approved Page 82

by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Kirk Blouin, Director of Public Safety

5. RESOLUTION NO. 202-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2014-05 and a Contract to Advanced Disposal Services Solid Waste Southeast, Inc., for Compacted Garbage Collection, in the Amount of $237,414 and Establishing a Project Budget of $257,000. Page 87

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

6. RESOLUTION NO. 203-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of FDEP Contract No. 13PB3, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Lake Worth Inlet Management Plan Implementation, Specifically the Sand Transfer Plant Rehabilitation (Phase I), and Authorizing the Town Council President to Execute Same on Behalf of the Town. Page 92

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

7. RESOLUTION NO. 204-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Upgrade Purchase of the Town's IBM ISeries System, Tape Drives, Software and Maintenance from the FY14 Equipment Replacement Budget from Midrange Support and Service, 1122 East Atlantic Ave., Suite C , Delray Beach, FL 33483 in the Amount of $90,809.10 and Authorizing the Town Manager to Execute the Purchase on Behalf of the Town. Page 97

   Thomas G. Bradford, Deputy Town Manager

8. RESOLUTION NO. 209-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described (Everglades Club, 347 Worth Avenue, Via Parigi Apartment Renovation) and Stating That the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions." Page 103

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

C. OTHER

1. Authorization of a Selection Committee for Construction Management Services for the North Ocean Boulevard Seawall Project. Page 108

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

2. Ratification of Selection Committee Rankings for Marine Resource Assessment and Monitoring Services - RFQ No. 2014-03. Page 111

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

3. Ratification of Selection Committee Rankings for Coastal Engineering Services - RFQ No. 2014-04. Page 115

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

4. Approval of Appointment to the Investment Advisory Committee. Page 119

   Jane Struder, Director of Finance

5. Approval of Appointments to the Shore Protection Board. Page 122

   Peter B. Elwell, Town Manager

IX. BOARD/COMMISSION ANNUAL REPORT

A. Shore Protection Board Annual Report. Page 124

E. Llwyd Ecclestone, Shore Protection Board Chairperson

X. COMMITTEE REPORTS

A. Ordinances, Rules, and Standards Committee Meeting of December 3, 2013. Page 128

William J. Diamond, Chair

XI. PUBLIC HEARINGS

A. RESOLUTION NO. 210-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments Levied Within a Portion of the Incorporated Area of the Town Constituting the Peruvian Avenue 400 Block Streetscape Project Assessment Area; Stating the Need for Such Levy; Providing for the Mailing of this Resolution; and Providing an Effective Date. Page 129

Thomas G. Bradford, Deputy Town Manager

XII. REGULAR AGENDA

A. Old Business

1. Flagler Memorial Bridge Project Update. Page 138

   Geoffrey Parker, New Millennium Engineering

2. Discussion of the Florida Public Utilities Commission (FPUC) Lawsuit. Page 139

   Michael J. Pucillo, Town Council Member

B. New Business

1. Palm Beach Hotel Request for Use of Right-of-Way During Season. Page 140

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

2. Potential Town of Palm Beach Participation in a Coalition of Local Governments Working to Effect Federal Communications Commission (FCC) Wireless Rulemaking. Page 146

   Thomas G. Bradford, Deputy Town Manager

3. Operational Enhancements within the Building Division of the Planning, Zoning, and Building Department. Page 154

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

4. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter. Page 158

   Peter B. Elwell, Town Manager

5. Appointment to the Code Enforcement Board. Page 160

   Kirk W. Blouin, Director of Public Safety

XIII. ORDINANCES

A. First Reading

1. ORDINANCE NO. 21-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118 Relating to Traffic and Vehicles at Article III, Parking, Stopping and Standing; Section 118-92, Penalty for Violating Parking Regulations Generally; by Amending Paragraph (a), Subparagraph (12) Relating to Parking in Loading Zone; and by Creating a New Subparagraph (22) Establishing a Parking Regulation for Illegal Parking in Residential Loading Zones; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Page 166

   Thomas G. Bradford, Deputy Town Manager

XIV. ANY OTHER MATTERS

XV. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

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

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

Note 4:

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

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

Note 6: A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. 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, 2013

Section of Agenda

Presentations

Agenda Title

Recognition of Elizabeth "Libby" Marshall, Landmarks Preservation Commission, From March 2012 Through September 2013

Presenter

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Presentations

Agenda Title

Recognition of Leslie A. Shaw for Service on Planning & Zoning Commission from February 2006 through September 2013

Presenter

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Presentations

Agenda Title

Recognition of Lifeguard Supervisor Craig Pollock as the 2013 Town Employee of the Year

Presenter

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Presentations

Agenda Title

Presentations by Applicants for the Code Enforcement Board

Presenter

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Minutes

Agenda Title

MINUTES: NOVEMBER 12, 3013

Approval of the Minutes of the Regular Town Council Meeting

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- **Minutes of the Regular Town Council Meeting Held on November 12, 2013**

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, NOVEMBER 12, 2013

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, November 12, 2013, at 9:35 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present, with the exception of Council President Rosow. Council President Pro Tem Wildrick presided over the meeting in his absence. A quorum was present for the meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Owens gave the invocation. Council President Pro Tem Wildrick led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding the Veterans' Memorial Wall Ceremony this morning. The names of Lt. Cameron Lickle (Navy), Retired Colonel G. F. Robert Hanke (Marine Corp), and Airman 1st Class James Wallace Wakem, II (Air Force) were added to the Wall.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Kleid requested a moment of silence for Gene Lawrence and Michael Stein, who had both recently passed away.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Eric Gilbertson, 151 Chilean Ave, spoke regarding Veterans Day and his friends that had been shot down during World War II.

Bill Cooley, 236 Fairview Rd, inquired as to the status of the Town's lawsuit with the *Palm Beach Daily News*.

Town Attorney Randolph responded that the hearing is scheduled for December 13, 2013.

Bill Metzger, 277 Esplanade Way, spoke regarding the John F. Kennedy, Jr. remembrance services being organized by Capt. Jack Vesay.

VI. APPROVAL OF AGENDA

Discussion ensued regarding Council President Rosow's request for deferral of Item Nos. VIII.A.-C., the Planning and Zoning Commission items, to tomorrow's meeting. After discussion, the Town Council Members agreed to leave the item on this agenda.

The following change was made to the Agenda:

DEFERRED: Item No. XIII.A.1, Ordinance No. 20-2013, was deferred to the February 11, 2014, Town Council meeting.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the Agenda, as amended above. On roll call, the motion carried 3-1, with Council Member Pucillo dissenting and Council President Rosow absent.

VII. CONSENT AGENDA

Motion was made by Council Member Kleid, and seconded by Council Member Diamond, to approve the Consent Agenda. On roll call, the motion carried 4-0, with Council President Rosow absent.

A. MINUTES

1. MINUTES: OCTOBER 8, 2013
   Approval of the Minutes of the Regular Town Council Meeting
   Susan A. Owens, Town Clerk

2. MINUTES: OCTOBER 9, 2013
   Approval of the Minutes of the Regular Town Council Meeting
   Susan A. Owens, Town Clerk

3. Approval of Major Matters Considered by the Architectural Commission at its Meeting of October 23, 2013.
   John Page, Director of Planning, Zoning, and Building

B. RESOLUTIONS

1. RESOLUTION NO. 165-2013 A Resolution of the Town Council of the Town

of Palm Beach, Palm Beach County, Florida, Approving an Agreement by and Between the Palm Beach County Supervisor of Elections and the Town of Palm Beach Relating to Vote Processing Equipment Use and Election Services; Providing an Effective Date.
Susan A. Owens, Town Clerk

2. RESOLUTION NO. 179-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Waiving the Requirement for a Formal Sealed Bid, Awarding RFQ No. 18-2014 and Approving a Contract in the Amount of $26,249, to Cool Breeze Air Corp., for Replacement of the Air Conditioning Unit in Town Hall, and Establishing a Project Budget of $30,000.
H. Paul Brazil, Director of Public Works

3. RESOLUTION NO. 180-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders to Universal Electric of Florida, Inc., and C. R. Dunn, Inc., for FY2014 Electrical Maintenance and Repair Services, in a Cumulative Total Amount Not-to-Exceed $154,000.
H. Paul Brazil, Director of Public Works

4. RESOLUTION NO. 181-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $9,770, to Kimley-Horn and Associates, Inc., for Design Phase Engineering Services for the Pump Replacements at the A- 6 Pump Station, and Establishing a Design Phase Engineering Services Budget of $12,000.
H. Paul Brazil, Director of Public Works

5. RESOLUTION NO. 182-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount Not-to-Exceed $81,655 to ACF Power Systems, LLC of Tampa, Florida, for the Purchase of a Baldor 300-KW Generator for the D-17 Storm Water Pump Station.
H. Paul Brazil, Director of Public Works

6. RESOLUTION NO. 183-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2014-07 and a Construction Contract to Man-Con Incorporated, for the Island Drive Pavement Repair and Resurfacing, in the Amount of $237,308.75, and Establishing a Total Construction Phase Budget of $260,000.
H. Paul Brazil, Director of Public Works

7. RESOLUTION NO. 184-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $78,064.33 to Kimley-Horn and

Associates, Inc., for Professional Engineering Services Associated with Groundwater Monitoring at the Town's Vegetative Landfill Sites, and Establishing a Project Budget of $80,000.
H. Paul Brazil, Director of Public Works

8. RESOLUTION NO. 185-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders to Duncan Technologies, Inc., for the Purchase of Parking Meter Hardware and Software, in a Cumulative Total Amount Not-to-Exceed $52,900.
H. Paul Brazil, Director of Public Works

9. RESOLUTION NO. 186-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to GSky Plant Systems, Inc., in the Amount of $26,172.20, and Establishing a Project Budget of $27,481 for the Maintenance of the Living Wall on Worth Avenue.
H. Paul Brazil, Director of Public Works

10. RESOLUTION NO. 187-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $190,279, to Palm Peterbilt Truck Centers, Inc., For the Purchase of One Peterbilt 320 Cab and Chassis with 20 CY Rear Load Packer Body, on FSA Contract 13-11-0904, and Establishing an Overall Budget of $194,000.
H. Paul Brazil, Director of Public Works

11. RESOLUTION NO. 188-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $88,762 to Rechtien International, for the Purchase of One International Workstar Cab and Chassis, and Approving a Purchase Order in the Amount of $224,861.90 to Container Systems and Equipment Co., Inc., for the Purchase of One Super Products Camel 200 Combination Sewer Cleaning Vacuum Body Unit, on FSA Contract No. 13-11-0904, and Establishing a Total Budget of $316,000.
H. Paul Brazil, Director of Public Works

12. RESOLUTION NO. 189-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $60,510 to Kelly Tractor, for the Purchase of One Caterpillar 277D Multi-Terrain Skidsteer Loader and Attachments, on FSA Contract No. 13-11-0904, and Establishing an Overall Budget of $65,000.
H. Paul Brazil, Director of Public Works

13. RESOLUTION NO. 190-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $96,336 to Duval Ford, for the Purchase of One Ford F450 Cab and Chassis with an Altec AT30 Bucket Unit, on FSA Contract No. 13-11-0904, and Establishing an Overall Budget of $99,000.
H. Paul Brazil, Director of Public Works

14. RESOLUTION NO. 191-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $162,188 to Rechtien International, for the Purchase of One International Durastar Cab and Chassis With a Peterson RS3 Loader Body, on FSA Contract No. 13-11-0904, and Establishing an Overall Budget of $165,000.
H. Paul Brazil, Director of Public Works

15. RESOLUTION NO. 192-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Two Purchase Orders to Duval Ford, One for the Purchase of a Ford Pickup Truck in the Amount of $26,896 and One for the Purchase of a Ford E250 Cargo Van in the Amount of $21,317, on FSA Contract No. 13-21-0904, and Establishing an Overall Budget of $51,000.
H. Paul Brazil, Director of Public Works

16. RESOLUTION NO. 193-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $32,957 to Applied Technology & Management, Inc., for State of Florida Department of Environmental Protection Palm Beach Island Beach Management Agreement Required Turbidity Monitoring Services for the FY2014 Mid-Town Beach Nourishment Project, and Establishing a Turbidity Monitoring Task Budget of $35,000.
H. Paul Brazil, Director of Public Works

C. OTHER

1. Authorization to Execute Stipulated Settlement Agreement with Palm Beach County and Solid Waste Authority re: Permits and Variances for Town's Yard Trash Landfills at Okeechobee Boulevard and Skees Road.
Peter B. Elwell, Town Manager

2. Authorization for Staff to Proceed with the Assessment Process for the Streetscape Project in the 400 Block of Peruvian Avenue.
Thomas G. Bradford, Deputy Town Manager

3. Approval of Selection Committee for RFP No. 2014-09, Lease of Town-

Owned Properties.
Jay Boodheshwar, Director of Recreation and Special Projects

4. Authorization to Issue RFQ for Construction Manager at Risk Continuing Services.
H. Paul Brazil, Director of Public Works

VIII. <u>BOARD/COMMISSION ANNUAL REPORT</u>

A. Annual Report of the Planning and Zoning Commission.
C. Tanner Rose, Chair
Request for Deferral (of items A, B, and C) to the November 13, 2013, Town Council Meeting Per Email Dated November 5, 2013, from Peter B. Elwell, Town Manager.
John Page, Director of Planning, Zoning, and Building

Discussion ensued regarding the Commission's meeting schedule. It was the consensus of the Town Council that the Commission schedule monthly meetings, and cancel a meeting if there are no items to come before them at that time.

Motion was made by Council Member Kleid, and seconded by Council Member Pucillo, to accept the Annual Report of the Planning and Zoning Commission, and to approve the proposed study items for 2014, as amended below. On roll call, the motion carried 4-0, with Council President Rosow absent.

B. Future of the Planning and Zoning Commission.
Deferred from the June 11, 2013, Town Council Meeting.
John Page, Director of Planning, Zoning, and Building

It was the consensus of the Town Council to maintain the Planning and Zoning Commission. The ordinance dissolving the Commission will not be brought back to the Town Council.

C. Proposed Study Items for 2014.
John Page, Director of Planning, Zoning, and Building

The following amendments were made to the list of proposed study items for 2014. Please see Item A, above, for the formal motion.

- **Study Item No. 3 was amended to direct the Commission to also look into the prohibition of variances in these areas.**
- **Study Item No. 7 was expanded to include construction Town-wide, not just east of the Coastal Construction Control Line. This item will now go before the Commission instead of the ORS Committee.**

- **Study Item No. 8 was substituted with a Town-wide parking study. The Commission was directed to report back from time to time and seek additional Town Council guidance, as needed.**
- **Study Item No. 9 was rolled into the above item.**
- **A new Study Item No. 9 was added to direct the Commission to review the zoning ordinances to determine if the need for the regulations exists.**

IX. REGULAR AGENDA

A. Old Business

1. Flagler Memorial Bridge Project Update.
Pete Nissen, New Millennium Engineering

Mr. Nissen provided an update on the project.

2. Town Hall Square Restoration Project Update.

Discussion ensued regarding transfer of control of portions of A1-A from FDOT to the Town, the plans, financing, the project completion date, and the need to get community input and work with the civic and preservation groups.

Orator Woodward, 251 El Bravo Way, spoke regarding how the Park used to look and requested that the Town Council consider spending up to $25,000 to restore the original landscaping before going forward with the restoration.

Warren Bellmore spoke in support of Mr. Woodward's proposal.

Les Evans, 214 Brazilian Ave, spoke regarding the extent of the project, offered to donate money towards the sidewalk improvements, and suggested that the Town convert the underground fuel tank at Town Hall to natural gas.

Bill Boone, 322 Pendleton Lane, spoke in support of moving forward with what's already been proposed.

a. RESOLUTION NO. 195-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount of $125,000, to Bridges, Marsh & Associates, for the Town Hall Square Restoration Project, and Establishing a Preliminary Design Phase Budget of $130,000.
H. Paul Brazil, Director of Public Works

Motion was made by Council Member Kleid, and seconded by Council Member Diamond, to approve Resolution No. 195-2013, and to approve the selection committees for Design and Construction Services. On roll call, the motion carried 4-0, with Council President Rosow absent.

B. New Business

1. Resolutions for the Issuance of Bonds

Bond Counsel Rick Miller provided an overview of the proposed bonds.

A. RESOLUTION NO. 194-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Issuance of Not Exceeding $59,000,000 Town of Palm Beach, Florida Public Improvement Revenue Bonds in One or More Series for the Purpose of Financing All or a Portion of the Cost of Acquiring, Constructing, Renovating and Equipping of Components of its Capital Improvement Plan, Including, but Not Limited To, Drainage, Sanitary Sewer, Water System, Street Lighting, Street, Traffic Signal, Curb, Gutter, Sidewalk, Park, Town Hall Square and Par 3 Golf Course Improvements and Related Capital Improvements and Coastal Management Program, Including, but Not Limited To, Sea Wall Replacements, Groin Rehabilitation and Related Capital Improvements; Authorizing and Directing the Town Manager or the Finance Director to "Deem Final" the Preliminary Official Statement Relating to the Bonds for Purposes of Rule 15c2-12 of the Securities and Exchange Commission; Authorizing and Directing the Mayor, Town Council Members, the Town Manager, the Finance Director 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.

Town Attorney Randolph noted that there was a scrivener's error on the signature page for Exhibit A; "His" needed to be changed to "her".

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve Resolution No. 194-2013, as amended above. On roll call, the motion carried 4-0, with Council President Rosow absent.

B. RESOLUTION NO. 196-2013 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Supplementing Town Resolution No. 194-2013 To Authorize The Negotiated Sale Of Town Of Palm Beach, Florida Public Improvement Revenue Bonds, Series 2013 (Capital Improvement And Coastal Management Program); Approving The Form Of And Authorizing The Distribution Of A Preliminary

Official Statement In Connection With The Series 2013 Bonds; Authorizing The Execution And Delivery Of An Official Statement In Connection With The Offering Of The Series 2013 Bonds; Authorizing The Execution And Delivery Of A Bond Purchase Agreement; Requiring Compliance Within Certain Statutory Requirements; Authorizing The Purchase Of A Bond Insurance Policy And/Or Reserve Account Credit Facility If Deemed Cost Effective; Authorizing And Directing The Town Manager And Finance Director To Determine Certain Other Details Of Said Series 2013 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 2013 Bonds; And Providing For An Effective Date.
Jane Struder, Director of Finance

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve Resolution No. 196-2013. On roll call, the motion carried 4-0, with Council President Rosow absent.

2. Consideration of Additional Funding for the Interlocal Agreement to Jointly Pursue a Complaint against Florida Public Utilities Company (FPUC) for Non-Payment of Franchise Fees.
Thomas G. Bradford, Deputy Town Manager

Deputy Town Manager Bradford provided an update regarding Boca Raton's and Delray Beach's decisions to no longer be a party to the complaint. He recommended that the Town Council offer to set a cap on the other municipalities' shares to see if Boca Raton and Delray Beach would join back in the complaint.

Council Member Pucillo requested to see the draft complaint.

Motion was made by Council Member Kleid, and seconded by Council Member Diamond, to approve the additional funding for the interlocal agreement to jointly pursue a complaint against Florida Public Utilities Company, and to offer to cap the other municipalities' shares to see if Boca Raton and Delray Beach would join back in the complaint. On roll call, the motion carried 4-0, with Council President Rosow absent.

3. Town Hall Audio/Visual System and
Potential Televising of Town Council Meetings.
H. Paul Brazil, Director of Public Works

Director Brazil provided an overview of the logistics and costs for various options.

No action was taken.

4. Update re: U.S. Army Corps of Engineers Proposed Deepening and Widening Project for Lake Worth Inlet and Port of Palm Beach.
H. Paul Brazil, Director of Public Works

Director Brazil provided an update on the project.

Mayor Coniglio requested that the Town continue to keep an eye on the project.

5. Harbour House Request for (a) Waiver to Town Code for Construction During Season and (b) Temporary Use of Phipps Ocean Park Beach Access.
H. Paul Brazil, Director of Public Works

Director Brazil provided an overview of the request.

Motion was made by Council Member Kleid, and seconded by Council Member Diamond, to approve the Harbour House Request for (a) Waiver to Town Code for Construction During Season and (b) Temporary Use of Phipps Ocean Park Beach Access. On roll call, the motion carried 4-0, with Council President Rosow absent.

6. Annual Report Re: Delinquent Accounts.
Jane Struder, Director of Finance

Director Struder provided an overview of the delinquent accounts.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the requested write off of delinquent accounts. On roll call, the motion carried 4-0, with Council President Rosow absent.

X. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 20-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning; Article X, On-Street Parking Permits; Division 2, Residential Districts; Section 134-2296, Issuance of Special Parking Permits upon Application, to Include a New Subparagraph (D) to Provide for the Issuance of Temporary Group Permits; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134- 2328, Temporary Group Permits, to Provide for an Application Fee; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Request for Deferral to the February 11, 2014, Town Council Meeting Per Memo Dated September 27, 2013, from Thomas G. Bradford, Deputy Town Manager.

Thomas G. Bradford, Deputy Town Manager ***– Item deferred to the February 11, 2014, Town Council meeting.***

XI. ANY OTHER MATTERS – None

XII. ADJOURNMENT

There being no further business, the November 12, 2013, regular Town Council meeting was adjourned at 11:52 a.m.

APPROVED:

____

Robert N. Wildrick

Town Council President Pro Tem

ATTEST:

____

Susan A. Owens, MPA, MMC

Town Clerk

____

Date

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Minutes

Agenda Title

MINUTES: NOVEMBER 13, 2013

Approval of the Minutes of the Regular Town Council Meeting

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- **Minutes of the Regular Town Council Meeting Held on November 13, 2013**

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, NOVEMBER 13, 2013

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, November 13, 2013, at 9:32 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio stated that she spoke with representatives of the Florida Department of Transportation (FDOT) regarding the Flagler Memorial Bridge closure. They have agreed to come before the Town Council at 11:30 a.m. today to report on the situation necessitating the closure and their efforts to fix the Bridge. She asked that everyone remain hopeful and optimistic.

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

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

VI. APPROVAL OF AGENDA

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

VII. DEVELOPMENT REVIEWS

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

A. Appeals – None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 256 Worth Avenue Per Letter Dated October 24, 2013, from Maura Ziska. [John Page, Director of Planning, Zoning and Building]

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

Attorney Ziska, on behalf of Burton Handelsman, provided an overview of the applicant's request.

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

Discussion ensued regarding self-inflicted, missed deadlines by the applicant, failure to complete any work this year, the type of work remaining, and the Council's general policy against allowing extensions on Worth Avenue.

(Clerk's Note: Council President Rosow passed the gavel to Council President Pro Tem Wildrick to second the following motion.)

Motion was made by Council Member Pucillo, and seconded by Council President Rosow, to deny the request for waiver of Section 42-199, Hours of Construction Work, at 256 Worth Avenue. On roll call, the motion failed 2–3, with Council President Pro Tem Wildrick and Council Members Diamond and Kleid dissenting.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve the request for waiver of Section 42-199, Hours of Construction Work, at 256 Worth Avenue, subject to a $2,000 per day fine for any work performed after 14 days. On roll call, the motion carried 3–2, with Council President Rosow and Council Member Pucillo dissenting.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business – None

2. New Business

a. SPECIAL EXCEPTION #19-2013 The application of Sixt Rent A Car, LLC; relative to property commonly known as **340 Royal Poinciana Way, Unit 324**; described as 22-43-43, PT PF GOV LT 1 LYG S OF & ADJ TO ROYAL POINCIANA WAY & BET COCOANUT ROW & ICW R/WS IN OR3150P630 (LESS NLY

21.5); located in the C-PC Zoning District. The applicant is requesting approval to allow a boutique car rental office at 340 Royal Poinciana Way, Unit 324 without vehicle storage. Sixt is proposing to operate its office during normal business hours, Monday through Saturday. Sixt's office is proposing to be closed on Sunday. Sixt would not be servicing or storing any of its vehicles, or conducting car sales at this location. Sixt maintains a parking, storage and service facility in West Palm Beach at which the vehicles will be serviced, cleaned and stored. When Sixt would receive a reservation for a Town of Palm Beach renter, the specific vehicles would be driven to the location and given to the renter for use. Upon the vehicles return, the vehicle would be driven off Palm Beach, and back to Sixt's West Palm Beach parking facility. [Attorney: Joseph Maus]

The following ex-parte communications were declared: Mayor Coniglio spoke with Attorney Maus, who advocated the position of his client. Council Member Pucillo received correspondence from Attorney Maus, advocating the position of his client.

Attorney Maus, on behalf of Sixt Rent A Car, LLC, provided an overview of the applicant's request.

Matias Link and Julie Klemm, representatives of Sixt Rent A Car, LLC, provided additional information regarding the application.

Zoning Administrator Castro provided Staff's comments.

Anita Seltzer, 44 Cocoanut Row, spoke regarding the need for a special exception and variance, parking, and the proposed business hours.

Discussion ensued regarding the hours of operation, the proximity of the business to the Flagler Memorial Bridge, operating an online business versus an office, the location of the parked rental cars, the number of transactions per day, and the method in which the Town Council has been addressing parking at the Plaza.

Town Attorney Randolph stated that the Code allows a car rental operation by special exception, if the criteria are met. He also stated that a Declaration of Use Agreement would be needed.

Mayor Coniglio spoke regarding the hours of operation, the allowance of rental cars on the lot, imposing a $2,000 per day fine for violations, and providing Town-serving documentation.

Attorney Maus stated that Town-serving documentation would be provided at a later date, showing that more than 50% of the business is from those on the Island.

Motion was made by Council Member Kleid, and seconded by Council President Pro Tem Wildrick, that Special Exception #19-2013 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, subject to the following conditions, which shall be incorporated into a Declaration of Use Agreement:

- **Hours of operation shall be 8:00 a.m. to 5:00 p.m.**
- **There will be no delivery, pickup, or return of vehicles at the location**
- **There will be a $2,000 per occurrence fine for any violations of the above condition**
- **Applicant is required to come back before the Town Council six months after the business opens to provide proof that they are Town-serving.**

On roll call, the motion carried 4-1, with Council President Rosow dissenting.

b. SITE PLAN REVIEW #15-2013 The application of 167 Dunbar Road, LLC, Laura Andrassy, Managing Member; relative to property commonly known as **167 Dunbar Road**; described as Lot 43, ADAMS ADDITION TO PALM BEACH, according to the map or plat thereof as recorded in Plat Book 7, Page 68 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a Site Plan Review to allow the construction of a 7,088 square foot, two-story single family residence on a non-conforming platted lot which is 90 feet in width in lieu of the 100 foot minimum required in the R-B zoning district.
[Attorney: Maura Ziska]

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

Attorney Ziska, on behalf of 167 Dunbar Road, LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Site Plan Review #15-2013 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

c. VARIANCE #37-2013 The application of 340 Garden Road LLC (Maura Ziska, Manager); relative to property commonly known as **340 Garden Road**; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting to construct a proposed 5,694 square foot two-story residence with 5,215 of first floor area and 479 square feet of second floor area above the garage. There are two variances being requested: 1) lot coverage of 36% in lieu of the 30% maximum allowed in the R-B Zoning District; 2) east side yard setback of 12.5 feet in lieu of the 15 foot minimum required for a two story portion of a residence in the R-B Zoning District. [Attorney: Maura Ziska]
ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-2.

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

Attorney Ziska, on behalf of 340 Garden Road LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Penny Townsend, 310 Via Linda, spoke regarding a protected tree on the property.

Discussion ensued regarding a pull-down ladder versus a staircase to the attic, and the intended use of the space.

Architect Tom Kirchhoff provided additional information regarding the project.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Variance #37-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

d. VARIANCE #38-2013 The application of Ernst Harold Horn and Marina Horn-Golova; relative to property commonly known as **233 Oleander Avenue**; described as Lots 16 and 17, Daisy E. Erbs Addition, according to the Plat thereof as recorded in the Plat Book 9, Page 75, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a variance to construct a 247 square foot one story, one car garage addition

onto the east side of the existing residence. The proposed addition requires the following variances: an east side yard setback of 3 feet in lieu of the 10 foot minimum required and 14 feet existing; a rear yard setback of 4 feet in lieu of the 15 foot minimum required and 11.5 feet existing; and, a lot coverage of 32.18% in lieu of the 30% maximum allowed and the 23.26% existing.
[Attorney: Maura Ziska]
ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.

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

Attorney Ziska, on behalf of Ernst Harold Horn and Marina Horn-Golova, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Architect Jacqueline Albarran provided additional information regarding the project.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, that Variance #38-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

Discussion ensued regarding the setback regulations in this area.

Council President Rosow requested that the Planning and Zoning Commission study the setback regulations in this area.

e. VARIANCE #39-2013 The application of David Gottlieb and Dana Barsky; relative to property commonly known as **126 Seaview Avenue**; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting variances to construct two additions on the east side of the existing residence. The first addition is proposed to be a 275 square foot pergola. The second addition is proposed to be a 371 square foot two story addition consisting of a kitchen expansion on the first floor (131 square feet) and a master bathroom expansion on the second floor (240 square feet). The proposed additions require the following variances: (i) an east street side yard setback of 10.12 feet in lieu of the 25 foot minimum required for the one story

pergola; (ii) an east street side yard setback of 9.36 feet in lieu of the 30 foot minimum required for the two story addition for the kitchen and master bath expansions; (iii) a lot coverage of 39.7% in lieu of the 30% maximum allowed and the 35.6% existing; (iv) a cubic content ratio of 7.18 in lieu of the 4.21 maximum allowed and the 6.22 existing. [Attorney: Maura Ziska]
ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.

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

Attorney Ziska, on behalf of David Gottlieb and Dana Barsky, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding the nearby landmarked bank, the road, the hedge in back of the property, and the hardship.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Variance #39-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

f. <u>VARIANCE #40-2013</u> The application of Terry R. Taylor; relative to property commonly known as **780 South Ocean Blvd.**; described as 35-43-43, S 267.05 ft of N 341.52 ft of Government Lot 1 East of Ocean Boulevard & S 266.52 ft of N 341.52 ft of Government Lot 1 lying between Ocean Boulevard and County Road; located in the R-A Zoning District. The applicant is requesting a variance to allow the construction of a master bathroom in the same area that was previously approved for a walk-in closet with a maximum building height of 27.5 feet in lieu of 25 feet maximum allowed. [Attorney: Peter Broberg]
Landmarks Preservation Commission Recommendation: Implementation of the proposed variance with a modification to lower the addition by 1 foot will not negatively impact the landmark property. Carried 7-0.

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

Attorney Broberg, on behalf of Terry R. Taylor, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Diamond, and seconded by Council Member Pucillo, that Variance #40-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

g. VARIANCE #41-2013 The application of Bessemer Trust Company of Florida as Personal Representative of the Estate of Lillian M. Rousseau; relative to property commonly known as **710 South County Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a variance to split the lot horizontally which would result in 100 feet of frontage for each lot on South County Road in lieu of the 125 foot minimum width required in the R-A Zoning District. The two resulting lots would have the following areas: north parcel: 28,265 square feet; south parcel: 28,599 square feet. Both parcels would exceed the minimum area requirement in the R-A Zoning District, which is 20,000 square feet. [Attorney: Maura Ziska]

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

Attorney Ziska, on behalf of Bessemer Trust Company of Florida, provided an overview of the applicant's request.

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

Discussion ensued regarding setting precedent for future requests for a side yard setback reduction and placement of a deed restriction on the property.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, that Variance #41-2013 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the condition that all non-conforming buildings be removed prior to the effective lot split. On roll call, the motion carried unanimously.

h. VARIANCE #42-2013 The application of 310 Australian LLC, Jonathan Rapaport, Managing Member); relative to property commonly known as **310 Australian Avenue**; described as The East 15 feet of Lot 22 and All of Lots 23 and 24, Block 6 of REVISED MAP OF ROYAL PARK ADDITION, according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a variance to allow construction of a new 4,562 square foot two story residence on a lot with a width of 65 feet in lieu of the 75 foot minimum required and a lot area of 8,125 square feet in lieu of the 10,000 square feet minimum required in the R-C Zoning District; a variance to allow the proposed residence to have a rear yard setback of 10 feet in lieu of the 15 foot minimum required in the R-C Zoning District. [Attorney: Maura Ziska]

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

Attorney Ziska, on behalf of 310 Australian LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Connie MacGregor, 313 Chilean Avenue, on behalf of four of her neighbors, spoke in opposition to the project.

Council Member Pucillo recused himself, left the dais, and provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens.

Architect Pat Seagraves provided additional information regarding the project.

Discussion ensued regarding the lot size, parking requirements, designing the house to meet Code, and moving the generator to the side of the property.

Donald C. Malasky, 13 Via Vizcaya, spoke in favor of the project.

Motion was made by Council Member Diamond, and seconded by Council President Pro Tem Wildrick, to defer Variance #42-2013 to the December 11, 2013, Town Council meeting to allow the applicant time to address the neighbors' concerns. On roll call, the motion carried 4-0, with Council Member Pucillo recused.

D. Other

1. Declaration of Use Agreement – Pizza Al Fresco.
[John Page, Director of Planning, Zoning and Building]

Zoning Administrator Castro provided an update on Pizza Al Fresco's Declaration of Use Agreement, and stated that Town Attorney Randolph has reviewed it. He stated that there was a minor change on page 3; the title was amended from *Amended and Restated Declaration of Use Agreement* to *Amended Declaration of Use Agreement*.

Motion was made by Council Member Diamond, and seconded by Council Member Kleid, to approve Pizza Al Fresco's Declaration of Use Agreement, as amended above. On roll call, the motion carried unanimously.

(Clerk's Note: At 12:20 p.m., the Town Council recessed for lunch; at 1:05 p.m., the Town Council reconvened the meeting at the Society of the Four Arts Auditorium.)

VIII. ORDINANCES
TIME CERTAIN: 1:00 P.M.
LOCATION: SOCIETY OF THE FOUR ARTS AUDITORIUM
2 FOUR ARTS PLAZA, PALM BEACH

(Clerk's Note: Mayor Coniglio and Council President Pro Tem Wildrick announced earlier in the meeting that they were recusing themselves on these two ordinances.)

Council President Rosow spoke regarding the day's earlier report on the Flagler Memorial Bridge closure provided by FDOT and on the Town's efforts to alleviate traffic and address public safety concerns.

A. Third Reading

1. ORDINANCE NO. 5-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan, By Amending The Future Land Use Element Data & Analysis And Policies 2.3 And 11.1 To Provide For The Creation Of A PUD-5 Within An Area Of Property Designated Commercial On The Future Land Use Map, Which Is Bounded By Bradley Place, Sunset Avenue, North County Road, And Royal Poinciana Way; Further Amending Policy 2.3.3 To Provide For The Creation of Commercial/Mixed-Use PUD's, The Creation Of The PUD-5, Detailing An Increase In The Maximum Allowable Density, And Creating Maximum Lot Coverages For First, Second and Third Stories In The PUD-5 Area; Further Creating Policy 11.1.5 That Details Mixed-Use PUD Development Requirements Within Commercial Land Use Categories

Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]

(Clerk's Note: Discussion on Ordinance No. 6-2013 occurred concurrently with Ordinance No. 5-2013.)

Council President Rosow stated that he has received numerous questions from the community on this matter and has forwarded them to Planning, Zoning, and Building Director Page, who provided responses to the questions.

Motion was made by Council Member Diamond to direct the Town Clerk to place the proposed Comprehensive Plan amendments on the February 4, 2014, general election ballot. Motion died for lack of a second.

Planning, Zoning, and Building Director Page provided an overview of the comprehensive plan amendments.

Zoning Administrator Castro provided additional information on the amendments.

Council Member Pucillo stated that he has asked Town Attorney Randolph to prepare a resolution providing that the Town Council, in the event Ordinance No. 6-2013 sunsets as provided by its terms or is earlier rescinded, shall immediately consider and adopt an amendment to Ordinance No. 5-2013 so as to rescind all amendments to the Town's Comprehensive Plan relating to the PUD-5 Historic Preservation Mixed Use Development so as to make the Comprehensive Plan and the Town's Zoning Code conform.

The following individuals spoke in favor of the amendments:

Michael Ainslee, 202 Plantation Road
Mary Watkins, Palm Beach Civic Association, 990 Adam Road
Ned Barnes, Palm Beach Civic Association
Kristy Pressly, General Counsel for the Breakers, on behalf of Paul Leone
Sam Dashiell, 226 Brazilian Avenue
Lew Crampton, Citizens' Association of Palm Beach Chair, 2235 S. Ocean Boulevard
Frank Lynch, on behalf of Testa's, 221 Royal Poinciana Way
Jane Day, 728 Granada Drive, Boca Raton, FL, and former Town Historic Preservation Consultant

Carla Casey, agent for Vesanaz Holding Corporation, who owns all properties in the vicinity east of Testa's

Bob Moore, Palm Beach Civic Association Consultant

Nancy Murray, 249 Monterey Road

Tanner Rose, 315 South Lake Drive

Mazie Cox, 356 Worth Avenue

Leslie Evans, 135 Seminole Avenue, and owner of 249, 251, and 253 Royal Poinciana Way

Bruce Watts, 455 Worth Avenue

Scotch Peloso, 244 Sunset Avenue

Bobbie Lindsay, 212 Caribbean Road

Unidentified person, 3120 S. Ocean Boulevard

The following people spoke in opposition to the amendments:

Etonella Christlieb, 200 Everglade Avenue

Beverly White Yeager, 255 Cherry Lane

Penny Townsend, 310 Via Linda

Connie Gasque, 167 Root Trail

Michael Scharf, 225 Dunbar Road

Leta Foster, 64 Via Mizner

Carolina Casperson, 151 Grace Trail

Rachel Lorentzen, 216 Garden Road

Attorney Nancy Stroud, representing Neighborhood Alliance of Palm Beach

Elinor Belfer, 120 Sunset Avenue

William Cooley, 236 Fairview Road, as a resident and representing Palm Beach Preservation Alliance LLC

Gwen Asplundh, 230 El Pueblo Way

Ann Summers, 215 El Bravo Way, on behalf of Susan Markin

Susan Watts, 455 Worth Avenue

Per Lorentzen, 216 Garden Road

David Barton, 216 Jamaica Lane

Anne Pepper, 333 Seaspray Avenue

Lori Volk, 206 Phipps Plaza

Peter Rock, 44 Cocoanut Row

Joanne Warshaver, 223 Seminole Avenue

Judy Schrafft, 325 Crescent Drive

Tom Parker, 215 Jamaica Lane, requested that everyone treat each other with respect and work together on this matter.

Allen Wyett, 1145 N. Lake Way, spoke regarding the parking problem.

Council President Rosow thanked the Society of the Four Arts for the use of their facility for this meeting.

Discussion ensued regarding the PUD-5 process, the changes and development that would occur if adopted, and the studies performed regarding it.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to adopt Ordinance No. 5-2013, on third and final reading. On roll call, the motion carried 3-1, with Council Member Diamond dissenting and Council President Pro Tem Wildrick recused.

B. Second Reading

1. ORDINANCE NO. 6-2013 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-476 By Creating Purpose Language For An Optional PUD-5, Historic Preservation Mixed Use Development, With A Contributing Building Report And PUD-5 Design Guidelines Adopted By Reference For The Five Palm Beach Acres In the C-TS Zoning District Between Royal Poinciana Way And Sunset Avenue And Bradley Place And North County Road And By Prohibiting The Use Of The PUD-5 Regulations For Five Years If A Contributing Building Is Voluntarily Demolished; Section 134-477 By Creating A Review Process For The PUD-5 And Prohibiting Variances From Certain Lot, Yard And Bulk Regulations; Subdivision II, Sections 134-531, 134-532, 134-533 And 134-534 By Adding Submittal Requirements For A PUD-5; By Creating A New Approval Process For PUDs And Amendments To PUDs By Eliminating The Tentative And Final Approval Process And Replacing With A Streamlined Approval Process; And By Creating A New Completion Deadline for PUDs; By Eliminating Subdivision III, Sections 134-561 And 134-562 Related To The Tentative And Final PUD Approval Process; By Renumbering 134-563 To 134-561 Adding PUD Amendments And Eliminating Property Owner Consent To Amend PUDs; By Renumbering 134-564 To 134-562, Adding PUD Amendment Language, Eliminating The Existing Time Frame Requirement For Commencement And Providing For New Commencement Language In The PUD Resolution; Section 134-651 By Creating PUD-5 As A Special Exception And Site Plan Review; Section 134-652 By Adding The PUD-5 And Identifying The Area Where A PUD-5 May Be Applied; Section 134-653 By Adding A Maximum PUD-5 Lot Size And Providing A Provision

Which Prohibits A Variance From The Maximum Lot Size; Section 134-654 By Creating A Density for the PUD-5 Of Ten Dwelling Units Per Palm Beach Acre With A Maximum Of Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Maximum Six Dwelling Units Per Acre Allowed In the Underlying C-TS Zoning District; Section 134-656 By Providing Permitted And Special Exception Uses In The PUD-5 And Creating Separation Requirements Between Residential And Commercial Uses; Section 134-657 By Creating A Minimum Public Open Space Requirement In The PUD-5 With A Provision Prohibiting A Variance From that Requirement; Section 134-687 By Providing Requirements That A PUD-5 Preserve The Main Street Character, Size And Bulk Which Currently Exists In The Five Palm Beach Acres; Section 134-688 By Providing Qualifying Language For The PUD-5 And Further Incorporating By Reference The Contributing Building Report And PUD-5 Design Guidelines; Section 134-689 By Eliminating The Requirement For Street Trees And Adding Language Which Requires Trees Bordering Projects Whenever Possible; Section 134-690 By Adding Language That A PUD-5 Is Required To Have Curb Cuts And Vehicular Access From Only Sunset Avenue; Section 134-69l By Providing A PUD-5 Off-street Parking Exception For Replacement Of Existing Commercial Square Footage Or Intensity Of Use, New Ground Floor Retail Use, Or Retail Use Which Replaces Ground Level Off-street Parking And Curb Cuts Fronting Royal Poinciana Way; Section 134-692 By Adding Language That Prohibits Variances For Lot Coverage, Height, Overall Height and Public Open Space and Providing New Regulations Creating A PUD-5 Density Of Ten to Thirteen Dwelling Units Per Palm Beach Acre In Lieu Of The Six Dwelling Units Per Acre Currently Allowed In The C-TS Zoning District, Provided Certain Conditions Being Met, By Creating Maximum Heights and Overall Heights, Including A Provision For Three Stories Where Only Two Stories Is Currently Allowed, By Adding First Floor And Second Floor Lot Coverage Of Seventy Percent And A Third Story Lot Coverage Of Thirty-five Percent, By Creating Setbacks Based On PUD Approval, By Eliminating Required Setbacks And Determining Setbacks During The Approval Process And By Creating A Minimum Thirty Percent Public Open Space Requirement; Section 134-693 By Creating Said Section And Providing A Five Year Sunset Provision Unless The Town Council Approves An Extension; Section 134-1109 Creating The PUD-5 As A Special Exception Use Within The Defined Five Palm Beach Acres In The C-TS Zoning District; By Adopting By Reference The Attached Palm Beach PUD-5 Design Guidelines And The Contributing Building Report: The Historic Character Of Royal Poinciana Way; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]

(Clerk's Note: Discussion on Ordinance No. 6-2013 occurred concurrently with discussion on Ordinance No. 5-2013.)

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to adopt Ordinance No. 6-2013, on second and final reading. On roll call, the motion carried 3-1, with Council Member Diamond dissenting and Council President Pro Tem Wildrick recused.

The following item was added to the agenda:

RESOLUTION NO. 197-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing that the Town Council, in the Event Ordinance No. 6-2013 Sunsets as Provided by its Terms or is Earlier Rescinded, Shall Immediately Consider and Adopt an Amendment to Ordinance No. 5-2013 so as to Rescind All Amendments to the Town's Comprehensive Plan Relating to the PUD-5 Historic Preservation Mixed Use Development so as to Make the Comprehensive Plan and the Town's Zoning Code Conform; Providing an Effective Date.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to approve Resolution No. 197-2013. On roll call, the motion carried 4-0, with Council President Pro Tem Wildrick recused.

C. First Reading – None

IX. ANY OTHER MATTERS

The following item was added to the agenda:

A. TIME CERTAIN 11:30 A.M. Florida Department of Transportation (FDOT) Update [Mayor Coniglio]

Pete Nissen, Structural Engineer for FDOT, provided the reasons for the closure of the Flagler Memorial Bridge. He also provided an update on the repair process.

Jim Wolfe, FDOT District Four Secretary, provided additional information regarding the status of the Bridge.

Town Manager Elwell spoke regarding the Town's efforts to reduce traffic congestion.

Discussion ensued regarding the extent of the closures, the repairs, and Town efforts to alleviate traffic and address public safety concerns.

Director of Public Safety Blouin provided additional information regarding the department's plans to ensure public safety.

Town Manager Elwell stated that, at 1:00 p.m. tomorrow, an Interagency Task Force with representatives from the Coast Guard, Palm Beach County, West Palm Beach, and several Town departments will meet to discuss the issues.

Mayor Coniglio requested that everybody remain positive. She requested that the *Shiny Sheet* describe to readers how to get on the Town website to get up-to-date information. She also reminded the community that FDOT Secretary Ananth Prasad and the Governor have been working with the Town. FDOT has already spent an extra $10 million on this project to keep the Bridge open.

Mr. Wolfe stated that he will provide the divers' report to the Town promptly.

Mayor Coniglio and Council President Pro Tem Wildrick stated that they will not attend the second half of this meeting at the Society of the Four Arts this afternoon as they have recused themselves. They provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens.

X. ADJOURNMENT

There being no further business, the November 13, 2013, regular Town Council meeting was adjourned at 4:00 p.m.

APPROVED:

____

David A. Rosow
Town Council President

ATTEST:

____

Susan A. Owens, MPA, MMC
Town Clerk

____

Date

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

<u>Section of Agenda</u>

Minutes

<u>Agenda Title</u>

Approval of Major Matters Considered by the Architectural Commission at its Meeting of November 15, 2013.

<u>Presenter</u>

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

<u>Supporting Documents</u>

- **Memorandum dated November 22, 2013, from John S. Page, Director of Planning, Zoning, and Building**
- **Minutes of the Architectural Commission Meeting of November 15, 2013**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of November 15, 2013

Date: November 22, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of November 15, 2013.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of November 15, 2013.

GENERAL INFORMATION

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

Attachment

JSP:cmd

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

FRIDAY, NOVEMBER 15, 2013, 9:00 a.m.

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

I. CALL TO ORDER (9:02:46 a.m.)

Mr. Karakul, serving as Acting Chairman, called the meeting to order at 9:02 a.m.

II. ROLL CALL (9:02:55 a.m.)

Robert J. Vila, Chairman	ABSENT (unexcused)
Nikita Zukov, Vice Chairman	ABSENT (unexcused)
Kenn Karakul, Member	PRESENT
Ann L. Vanneck, Member	PRESENT
Henry Homes III, Member	PRESENT
Richard Sammons, Member	PRESENT
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Alternate Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT (arrived shortly after Roll Call)
Michael B. Small, Alternate Member	PRESENT (voting until Mr. Ives arrived)

Staff members present: Veronica Close, Assistant Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission. John C. Randolph, Town Attorney, did not attend this meeting.

III. PLEDGE OF ALLEGIANCE: (9:03:20 a.m.)

IV. APPROVAL OF THE MINUTES FROM THE OCTOBER 23, 2013 MEETING: (9:03:42 a.m.)

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

V. APPROVAL OF THE AGENDA: (9:03:57 a.m.)

Mr. Karakul listed the various changes to the agenda:

B-025-2013	389 S. Lake Drive	Request to withdraw the project
B-093-2013	1340 N. Ocean Blvd.	Request deferral to the December meeting
B-097-2013	516 S. Ocean Blvd.	Request deferral to the December meeting
B-100-2013	149 Brazilian Ave.	Request deferral to the December meeting
B-102-2013	310 Australian Ave.	Request deferral to the December meeting
B-103-2013	1340 N. Ocean Blvd.	Request deferral to the December meeting
A-040-2013	221 Ocean Terrace	Request deferral to the December meeting

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

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:06:13 a.m.)

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

VII. OTHER BUSINESS: None

VIII. PROJECT REVIEW (9:06:41 a.m.)

A. MAJOR PROJECTS-OLD BUSINESS (9:06:46 a.m.)

B - 025 - 2013 Exterior Modifications
Address: 389 South Lake Drive
Applicant: 389 Corporation Cooperative
Architect: James C. Paine, Jr.
Project Description: Removal of precast concrete screens which extend vertically from bottom to top of existing 6 story structure. Replace master bedroom windows, previously behind screens, with new horizontal sliding impact windows to match, white finish. Provide window guard rail protection at 42" A.F.F.

This project was heard at the April meeting and was deferred to the May meeting. At the May meeting, the project was not heard, but was deferred to the August meeting at the request of the applicant. At the August meeting, the project was not heard, and was deferred to the November meeting at the request of the applicant. ***Please be advised that the applicant requests that the project is withdrawn at this time.***

PROJECT WITHDRAWN. SEE MOTION AT "APPROVAL OF THE AGENDA".

B - 093 - 2013 New Residence
Address: 1340 N. Ocean Boulevard
Applicant: Elizabeth & Michael Chu
Architect: Randall Stofft Architects
Project Description: New 2-story single family residence with final landscape/hardscape. Building-soft white: Roof-grey; Trim-stone/wood

At the October meeting, a motion carried to defer the project to next month (November), until the demolition comes before ARCOM, and after the demolition is approved, ARCOM will re-visit this. ***Please be advised that the attorney for the property owner has requested deferral to the December meeting.***

PROJECT DEFERRED TO DECEMBER. SEE MOTION AT "APPROVAL OF THE AGENDA".

<u>B - 097 - 2013 New Residence</u>
Address: 516 S Ocean Boulevard
Applicant: Mr. and Mrs. Chris Sinclair
Architect: MP Design & Architecture Inc.
Project Description: New two-story residence, pool, landscape & hardscape

At the October meeting, a motion carried to approve the project subject to re-visiting the details next month (November) of the east elevation, soffit and cornice details, the pool house and the north side at the main entry door. ***Please be advised that the architect has requested deferral to the December meeting.***

PROJECT DEFERRED TO DECEMBER. SEE MOTION AT "APPROVAL OF THE AGENDA".

<u>B - 098 - 2013 Addition and Renovation</u>
Address: 240 Garden Road
Applicant: Mr. & Mrs. Louis Polk
Architect: MP Design & Architecture Inc.
Project Description: One-story addition and renovation to existing residence, new pool, landscape and hardscape

This project had been on the October agenda, but the architect had requested deferral to the November meeting.

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

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture

Mr. Perry first requested deferral of the landscape, hardscape & pool to the December meeting. Today, only the architecture and the site plan are to be reviewed. Plan elements include: Relocate pool and eliminate raised coping; relocated entrance to center of house with a new, small covered entrance; extend breezeway and enclose portion of it for a larger kitchen and create a dining room; add driveway in the front; and, change roof from barrel tile to white cement tile.

Under commission comments: You made the plan logical; only issue is with the entry…the porch is unnecessarily high…intercolumniation is very wide…side lites are too wide; lower the eave; the columns do not line up with the architrave…the necks of the columns need to line up with the architrave.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED, BUT INCORPORATING MR. SAMMONS' SUGGESTIONS ABOUT THE MODIFICATIONS TO THE FRONT ENTRANCE.

MOTION SECONDED BY MR. IVES.
MOTION CARRIED UNANIMOUSLY.

IT WAS CLARIFIED THAT THE MOTION INCLUDES DEFERRAL OF THE LANDSCAPE/HARDSCAPE AND POOL TO THE DECEMBER MEETING.

B - 100 - 2013 Landscape/Hardscape
Address: 149 Brazilian Avenue
Applicant: 149 Brazilian LLC
Architect: John Lang, Lang Design Group
Project Description: Landscape/Hardscape for new residence - final

At the October meeting, a motion carried for approval of the project as presented with a deferral of the gate and piers which are deferred to next month (November). ***Please be advised that the landscape architect has requested deferral to the December meeting.***

PROJECT DEFERRED TO DECEMBER. SEE MOTION AT "APPROVAL OF THE AGENDA".

B. **MAJOR PROJECTS-NEW BUSINESS**

B - 101 - 2013 New residence
Address: 167 Dunbar Road
Applicant: Laura Andrassy
Architect: Roger P. Janssen
Project Description: New 2-story residence, pool, hardscape and landscape. Roof-wood shingles; Building and trim color-off white

There was no person in the audience to present the project.

MOTION BY MRS. VANNECK TO MOVE THIS PROJECT TO THE END OF THE AGENDA.
MOTION SECONDED BY MR. IVES.
MOTION CARRIED UNANIMOUSLY.

After Mr. Karakul's first call for a short recess (a few moments later in the meeting)…
MOTION BY MRS. VANNECK TO DEFER, AT THE ARCHITECT'S REQUEST, PROJECT B-101-2013, 167 DUNBAR ROAD, TO THE DECEMBER MEETING.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

B - 102 - 2013 Demolition and New Residence
Address: 310 Australian Avenue
Applicant: 310 Australian Avenue, LLC
Architect: SKA Architect + Planner, Patrick W. Segraves, A.I.A.
Project Description: New two-story Mediterranean style home to be approximately 4500 sq. ft. Home will consist of three bedrooms, four and one-half bathrooms, living room, dining room, family room, kitchen, loggia, cabana bath and two car garage with guest bedroom and guest bathroom above. Final landscape and hardscape will also be included. Demolition of existing

one-story residence, demolition of two-story garage/guest house and demolition of one-story carriage house. Roof-terracotta clay barrel tile; Building color-white; Trim-cast stone

Please be advised that the attorney for the applicant has requested deferral to the December meeting.

PROJECT DEFERRED TO DECEMBER. SEE MOTION AT "APPROVAL OF THE AGENDA".

B - 103 - 2013 Demolition
Address: 1340 N. Ocean Boulevard
Applicant: Elizabeth & Michael Chu
Architect: Randall Stofft Architects
Project Description: Demolition of existing two-story residence

Please be advised that the attorney for the applicant has requested deferral to the December meeting.

PROJECT DEFERRED TO DECEMBER. SEE MOTION AT "APPROVAL OF THE AGENDA".

C. **MINOR PROJECTS - OLD BUSINESS**

A - 035 -2013 Shutters
Address: 1720 S. Ocean Boulevard
Applicant: Ruby S. Rinker
Contractor: Folding Shutter Corp.
Project Description: Installing (26) rolling armor screens - crank; installing (2) rolling shutters - electric

At the October meeting, a motion carried to defer to next month (November) and bring a demo unit and photos of installations.

There was no person in the audience to present the project.

MOTION BY MRS. VANNECK TO MOVE THIS PROJECT TO THE END OF THE AGENDA.
MOTION SECONDED BY MR. IVES.
MOTION CARRIED UNANIMOUSLY.

After the short recess called by Mr. Karakul, this item was re-called.

ARCHITECTURAL PRESENTATION BY: Gary Knelson, Folding Shutter Corp.
(Note: There was no call for disclosure of ex parte communication for this project.)

Mr. Knelson returned to ARCOM today with revised plans and a sample of the proposed armor screens. He explained the shutter product and its installation in detail.

Under commission comments: The box will affect the architecture and the appearance of the house; these screens will be down all summer long…six months, and I cannot support it; how about using these on facades that cannot be seen from the street, not on the front facade; Colonial shutters would work here; this is a prominent house with tremendous character; this detrimentally affects the architecture of the house; I cannot approve this facing South Ocean; and historically, roll down shutters were not favored by ARCOM.

Staff noted that this property fronts on South Ocean Boulevard and Parc Monceau. Mr. Lindgren also confirmed that this type of shutter has already been staff approved for use at the loggia area.

MOTION BY MR. HOMES THAT THE RETRACTABLE ARMOR SYSTEM BE APPROVED IN THE LOGGIA, AND NON-STREET FRONTING EXPOSURES, AND THAT STREET FRONTING WINDOWS AND OPENINGS COME BACK TO US IN DECEMBER FOR AN ALTERNATIVE SOLUTION.

Staff interjected that an alternate solution of just anchors in the wall to facilitate panels or the Armor screen fabric would be acceptable, and would not require ARCOM approval. For alternate shutter types, however, the applicant should return to ARCOM, and for other solutions which might require more than just the anchors, a similar return is required.

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

D. **MINOR PROJECTS - NEW BUSINESS**

A - 040 - 2013 Addition, Fenestration, Pool Revisions
Address: 221 Ocean Terrace
Applicant: Robert & Helen Ficalora
Architect: YRA Design Inc.
Project Description: Facade and hardscape revisions to a previously approved one and two-story home

Deferral requested to the December meeting.

PROJECT DEFERRED TO DECEMBER. SEE MOTION AT "APPROVAL OF THE AGENDA".

A - 041 - 2013 Pavilion and Front Entry Addition
Address: 1290 N. Ocean Boulevard
Applicant: 1290 Investments LLC
Architect: Bridges Marsh & Associates
Project Description: Provide a covered pavilion in the back yard with modifications to existing terrace and privacy wall and minor exterior modifications to existing house

There was no person in the audience to present this project.

The Chairman elected to take a short recess at approximately 9:15 a.m. to allow for the arrival of other presenters.

Later, the item was re-called.

Call for disclosure of ex parte communication: Disclosures by Mrs. Vanneck and Mr. Small

ARCHITECTURAL PRESENTATION BY: Guillermo Vasquez, Bridges Marsh & Associates

Mr. Vasquez explained that the owner, through this project, intends to make the entrance to the house more obvious and to create more privacy in the back yard. The proposal includes the elimination of the stepping terrace in favor of a narrow stair; raise the wall and add a decorative gate; and, create a pavilion (simple shape with details matching the house) instead of a temporary canopy in the rear of the house.

Under commission comments, Mr. Sammons commented that the pavilion posts are overpowered by the roof of the pavilion, and that pairs of posts in the corners would be better.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED, WITH THE "SUGGESTIONS THAT I MADE."
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE) (9:44:48 a.m.) None

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (9:44:50 a.m.)

Mr. Homes brought several topics up for discussion: (1) The Palm House; (2) Island Drive and Everglades Island; and (3) 1045 South Ocean Boulevard.

Veronica Close provided an update relative to the Palm House. Mr. Homes noted that no work is being done there, and mentioned many problems associated with this site.

Regarding Island Drive and Everglades Island, Mr. Lindgren stated that he had spoken with Mr. Page this morning relative to this subject. Mr. Lindgren reported that by the end of the first week of December, it is anticipated that all of the Town construction will be completed on Island Road. Permitting of parking on Island Drive was stopped approximately one week ago. Mr. Homes stated that he will be reluctant to approve future requests for Island Road until these problems are alleviated.

Mr. Lindgren reported that no landscaping has been approved for the Borislow property, despite suggestions made by ARCOM. Those suggestions were not placed in the form of a motion. He provided some additional information relative to previous staff approvals at this site.

XI. **ADJOURNMENT: (9:59:12 a.m.)**

MOTION BY MR. SAMMONS TO ADJOURN THE MEETING AT 10:06 A.M.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

THE NEXT MEETING OF THE ARCHITECTURAL COMMISSION WILL BE HELD ON THURSDAY, DECEMBER 12, 2013 AT 9:00 A.M. IN THE TOWN COUNCIL CHAMBERS, 2ND FLOOR, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,

Kenn Karakul, Acting Chairman
ARCHITECTURAL COMMISSION

cmd

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 198-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of One (1) Parking Enforcement Vehicle in the Amount of $18,443 from Hub City Ford, as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- **Memorandum dated November 22, 2013, from Kirk W. Blouin, Director of Public Safety**
- **Resolution No. 198-2013**
- **Exhibit A - Bid Award Announcement**
- **Exhibit B - RFQ 37-2014**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To:	Mayor and Town Council
Via:	Peter B. Elwell, Town Manager
From:	Kirk W. Blouin, Director of Public Safety
Re:	Purchase of One (1) Parking Enforcement Vehicle Resolution No. 198-2013
Date:	November 22, 2013

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve the purchase of one (1) 2014 Ford Escape to be used as a parking enforcement vehicle, as previously considered and approved by the Town Council during the FY14 Budget process and as described more explicitly below.

GENERAL INFORMATION

During FY2013 three (3) Ford Escape vehicles were purchased replacing three (3) GO4 Interceptor III scooters used in the Parking Enforcement Unit. During the FY14 Budget process, the purchase of one additional vehicle was approved as part of the Town's Equipment Replacement Fund to complete the Parking Enforcement Unit's fleet.

The vehicle will be purchased through the Florida Sheriffs Association State Bid #13-21-0904 (Exhibit A) and RFQ No.35-2014 (Exhibit B) in the amount of $18,443. The last price paid by the Town for a GO4 Interceptor III scooter was $24,960 in FY08.

FUNDING/FISCAL IMPACT

This purchase was approved as part of the FY2014 Equipment Replacement Program with a budget of $19,000.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

KWB/lsg
Attachments

RESOLUTION NO. 198-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) PARKING ENFORCEMENT VEHICLE IN THE AMOUNT OF $18,443 FROM HUB CITY FORD, AS PREVIOUSLY CONSIDERED AND APPROVED BY THE TOWN COUNCIL DURING THE FY2014 BUDGET PROCESS AND INCLUDED IN THE TOWN'S EQUIPMENT REPLACEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE

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

Section 1. The Palm Beach Police Department is hereby authorized and directed to purchase one (1) Parking Enforcement vehicle via the Florida Sheriff=s Association Bid 13-21-0904 and RFQ No. 35-2014 in the amount of $18,443 from Hub City Ford.

Section 2. Copies of the FSA price per vehicle (Exhibit A) and RFQ No. 35-2014 (Exhibit B) are attached hereto and are hereby incorporated within this Resolution and made a part hereof.

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

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 10TH DAY OF DECMBER, 2013.

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

FLORIDA SHERIFFS ASSOCIATION
& FLORIDA ASSOCIATION OF COUNTIES

SMALL SIZE 4-DOOR UTILITY VEHICLES - 4X2
SPECIFICATION #20

2014 Ford Escape (U0F)

The Ford Escape (U0F) purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

ZONE:	Western	Northern	Central	Southern
BASE PRICE:	$18,299.00	$18,299.00	$18,198.00	$18,299.00

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

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

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

VEHICLE:	Escape (U0F)			
DEALER:	Hub City Ford	Hub City Ford	Don Reid Ford, Inc.	Hub City Ford
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	$18,299.00	$18,299.00	$18,198.00	$18,299.00

Order Code	Delete Options	Western & Northern & Southern	Central
	Cruise control	NA	NA
	Tilt steering wheel	NA	NA
	Power windows	NA	NA
	Power door locks	NA	NA
	On-Star	NA	NA
	Satellite radio	NA	NA

Please refer to Part E - Emergency Vehicle Lighting Specifications for lightbar descriptions and the awarded dealer pricing.

Order Code	Add Options	Western & Northern & Southern	Central
999 [1] U0G [2]	Engine upgrade - specify *2.0L ECOBOOST ENG (REQ UPGRADE PKG)* [1] *1.6 ECOBOOST* [2]	$1,194.00[1]	$2,849.00[2]
	CNG model - specify	NA	NA
	Bi-fuel model - specify	NA	NA
	CNG conversion (discuss with dealer)	NA	NA
	LPG conversion (discuss with dealer)	NA	NA
	Factory external engine oil cooler	NA	NA
	Battery, 650-cca or greater	NA	NA
	Limited slip differential	NA	NA
TAT [1] DLR [2]	Tremco anti-theft - foot activated, dealer installed	$429.00[1]	$350.00[2]
U0G-200A [1] U0G [2]	Manufacturer's model upgrade package (specify pkg. bid)	$2,849.00[1]	$2,849.00[2]
66C-201A [1]	Seat trim upgrade - specify *REQ UPGRADE PKG* [1]	$2,389.00[1]	NA
	AM/FM radio with single CD	Std	Std
3K [1] 3K [2]	Third key	$275.00[1]	$225.00[2]
	Remote keyless entry	Std	Std
5 [1] DLR [2]	5" round dome lamp between sunvisors	$379.00[1]	$95.00[2]

VEHICLE:	Escape (U0F)			
DEALER:	Hub City Ford	Hub City Ford	Don Reid Ford, Inc.	Hub City Ford
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	$18,299.00	$18,299.00	$18,198.00	$18,299.00

	Rear window defogger	Std	Std
	Rear window washer/wiper with intermittent feature	Std	Std
50C [1] 50C [2]	Heavy duty rubber floor mats	$74.00[1]	$74.00[2]
50Q [1] 50Q [2]	Cargo area cover	$89.00[1]	$89.00[2]
924 [1] 924 [2]	Privacy glass, factory installed	$274.00[1]	$274.00[2]
	Side air protection (may affect cage availability)	Std	Std
VVS [1] DLR [2]	Vent visors - stick-on style	$144.00[1]	$225.00[2]
RFS [1] DLR [2]	Rainshields - flange style	$144.00[1]	$225.00[2]
	Running boards	NA	NA
U0G [2]	Fog lamps *req upgrade pkg* [1]	Std[1]	$2,849.00[2]
942 [1] 942 [2]	Daytime running lights	$44.00[1]	$44.00[2]
	Immobilize daytime running lights	NA	NA
	Tow hooks	NA	NA
DLR [2]	Nitrogen filled tires including spare tire	$176.00	$200.00[2]
	Full size spare tire and rim	NA	NA
	Outside tire carrier	NA	
153 [1] 153 [2]	Front license bracket	NC[1]	NC[2]
60S [1]	Backup alarm, factory installed *REVERSE SENSING SYSTEM* [1]	$244.00[1]	NA
BAD [1] DLR [2]	Backup alarm, dealer installed	$130.00[1]	$150.00[2]
	Backup camera with 3.5" LCD (rear mounted camera to provide wide angle field of vision at rear of vehicle) - factory installed	NA	Std
BUC [1] BUC [2]	Backup camera with 3.5' LCD (rear mounted camera to provide wide angle field of vision at rear of vehicle) - dealer installed	$689.00[1]	NA[2]
S-PB100A-12 [1] DLR [2]	Setina PB100A12 – 12" Aluminum Push Bumper	NA[1]	$895.00[2]
S-PB100A-16 [1] DLR [2]	Setina PB100A16 – 16" Aluminum Push Bumper	NA[1]	$995.00[2]
S-PB300 [1] DLR [2]	Setina PB300 Push Bumper	NA[1]	$895.00[2]
GR-5000 [1] DLR [2]	Go Rhino 5000 Series Push Bumpers	NA[1]	$995.00[2]

VEHICLE:	Escape (U0F)			
DEALER:	Hub City Ford	Hub City Ford	Don Reid Ford, Inc.	Hub City Ford
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	$18,299.00	$18,299.00	$18,198.00	$18,299.00

RTS-LS3P [1]	Rear Transport Seat – Laguna System 3P	NA[1]	NA
RTS-PG6 [1]	Rear Transport Seat – Pro Gard 6000 Series	NA[1]	NA
RTS-ESB [1]	Rear Transport Seat with extended seat belt – Patriot PSCV1	NA[1]	NA
S-10SLC [1] DLR [2]	Setina #10 Series Lexan Cage with sliding window, full width lower extension panel, dealer installed	NA[1]	$995.00[2]
S-8SLC [1] DLR [2]	Setina 8S Lexan cage with 1/2 lexan and 1/2 expanded metal with full lower extension panel, dealer installed	NA[1]	$995.00[2]
PG-P2600 [1] DLR [2]	Pro-Gard P2600 Series Polycarbonate (Lexan) Cage with sliding window, full width lower extension panel, dealer installed	NA[1]	$995.00[2]
PVP1-120 [1] DLR [2]	Patriot VP1-120 Lexan cage with 1/2 lexan and 1/2 metal with full lower extension panel, dealer installed	NA[1]	$995.00[2]
PVP1-100 [1]	Patriot VP1-100 all Lexan cage with full lower extension panel, dealer installed	NA[1]	NA
K9-C [1] AA [2]	K-9 Container. All aluminum In-Vehicle (rear seat area) K-9 Container to protect the public, officer, K-9, and vehicle. Please specify vehicle year, make and model. Call for installation, shipping, and/or delivery prices.	$2,796.00[1]	$2,995.00[2]
ERRD [1] AA [2]	Electronic Remote Rear Door Opening system to be used with the K-9 Container. Allows the officer to release the K-9 from the vehicle from a remote position.	$896.00[1]	$1,295.00[2]
HAS [1] AA [2]	Heat Alarm System to be used in a K-9 vehicle. Warns officer when dangerously high temperatures are inside the vehicle.	$896.00[1]	$995.00[2]
62S [1]	Optional equipment - specify *FLEET CARGO* [1]	$394.00[1]	
536-200A [1]	Optional equipment - specify *TRAILER TOW PKG (REG UPGRADE PKG) (2" BALL PIN & CLIP)* [1]	$596.00[1]	
586 [1]	Optional equipment - specify *NAVIGATION SYSTEM (REQ UPGRADE PKG)* [1]	$794.00[1]	
	Optional equipment - specify	NA	
	Optional equipment - specify	NA	
DLR [2]	Labor rate per hour	NA	$75.00[2]
TT [1] DLR [2]	Temporary tag	$18.00[1]	$35.00[2]
TER [1] DLR [2]	Transfer existing registration (must provide tag number)	$65.00[1]	$100.00[2]
NST [1] DLR [2]	New state tag (specify state, county, city, sheriff, etc.)	$165.00[1]	$200.00[2]
	Maintenance Plan - specify	NA	
	Maintenance Plan - specify	NA	
	Maintenance Plan - specify	NA	
5/100 POWERTRAIN CARE [1] ESP [2]	Warranty - specify *(0) DEDUCTIBLE* [1] *POWERTRAIN CARE 5/75 0 DED* [2]	$1,500.00[1]	$1,125.00[2]

VEHICLE:	Escape (U0F)			
DEALER:	Hub City Ford	Hub City Ford	Don Reid Ford, Inc.	Hub City Ford
ZONE:	Western	Northern	Central	Southern
BASE PRICE:	$18,299.00	$18,299.00	$18,198.00	$18,299.00
5/100 BASE CARE [1] ESP [2]	Warranty - specify *(0) DEDUCTIBLE* [1] *BASECARE 5/75 0 DED* [2]			$1,845.00[1] $1,365.00[2]
5/100 EXTRA CARE [1] ESP [2]	Warranty - specify *(0) DEDUCTIBLES* [1] *EXTRACARE 5/75 0 DED* [2]			$2,250.00[1] $1,590.00[2]

EXHIBIT B

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 37-2014

Ford Escape (U0F)

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the Florida Sheriff's Association's bid No. 13-21-0904 , which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.

All terms, conditions and specifications of the Florida Sheriff's Association for Bid No. 13-21-0904 shall apply.

SCHEDULE OF BID ITEMS

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

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

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

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

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1	FSA Specification No. 20 2014 Ford Escape (U0F) with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone.	1	EA	$ 18,299.00	$ 18,299.00
2	60S – Backup Alarm, factory installed	1	EA	$ 144.00	$ 144.00
	TOTAL				$ 18,443.00

Company Name: Hub City Ford Authorized Signature: ____

REMARKS: ______________________________

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

Firm: Hub City Ford

***Signature:** ______________ **Name/Title:** Joseph Windrow/Fleet Sales manager

Address: 4060 S. Ferdon Blvd Crestview, Fl **Zip:** 32536

Federal ID#: 59-2617784

Telephone Number: (850) 398-6810 **Fax:** (850) 398-6827

Date: 11/21/13

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

Name of Bidder's Contact Person: Joseph Windrow

Address: 4060 S. Ferdon Blvd, Crestview, Fl 32536

Phone Number: 850-398-6810 Fax Number: 850-398-6827

E Mail Address: windrow1@windrowfleetsales.com

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda
Resolutions

Agenda Title
RESOLUTION NO. 199-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Three (3) Patrol Vehicles in the Amount of $97,497 from Stingray Chevrolet, as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Presenter
Kirk Blouin, Director of Public Safety

Supporting Documents

- **Memorandum dated November 20, 2013, from Kirk W. Blouin, Director of Public Safety**
- **Resolution No. 199-2013**
- **Exhibit A - Bid Award Announcement**
- **Exhibit B - RFQ 30-2014**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To:	Mayor and Town Council
Via:	Peter B. Elwell, Town Manager
From:	Kirk W. Blouin, Director of Public Safety
Re:	Authorize Purchase of Three (3) Police Patrol Vehicles **Resolution No. 199-2013**
Date:	November 20, 2013

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve the purchase of three (3) 2014 Chevrolet Caprice Patrol vehicles in the amount of $97,497 ($32,499 each) from Stingray Chevrolet. These items are included in the Town's Equipment Replacement Program and were previously considered and approved by the Town Council during the FY 2014 Budget process.

GENERAL INFORMATION

Police pursuit vehicles are on a four (4) year useful life cycle replacing approximately three (3) vehicles each year. The vehicles will be purchased through the Florida Sheriffs Association State Bid #13-21-0904 (Exhibit A) and RFQ No. 30-2014 (Exhibit B).

FUNDING/FISCAL IMPACT

Purchases were approved as part of the FY2014 Equipment Replacement Program with a total budget of $99,684. The total cost of these items is $97,497.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

KWB/lsg
Attachments

RESOLUTION NO. 199-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF THREE (3) PATROL VEHICLES IN THE AMOUNT OF $97,497 FROM STINGRAY CHEVROLET, AS PREVIOUSLY CONSIDERED AND APPROVED BY THE TOWN COUNCIL DURING THE FY2014 BUDGET PROCESS AND INCLUDED IN THE TOWN'S EQUIPMENT REPLACEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Palm Beach Police Department is hereby authorized and directed to purchase three (3) police patrol vehicles via the Florida Sheriff's Association Bid 13-21-0904 and RFQ No. 30-2014 in the amount of $97,497 ($32,499 each) from Stingray Chevrolet.

Section 2. Copies of the FSA price per vehicle (Exhibit A) and RFQ No. 30-2014 (Exhibit B) are attached hereto and are hereby incorporated within this Resolution and made a part hereof.

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

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 10TH DAY OF DECMBER, 2013.

____
Gail L. Coniglio, Mayor

____
David A. Rosow, Town Council President

____
Robert N. Wildrick, President Pro Tem

____
William J. Diamond, Town Council Member

____
Richard M. Kleid, Town Council Member

____
Michael J. Pucillo, Town Council Member

ATTEST:

____
Susan A. Owens, MMC, Town Clerk

FLORIDA SHERIFFS ASSOCIATION
& FLORIDA ASSOCIATION OF COUNTIES

Name of Dealership	Type of Vehicle	Zone	Base Unit Price
CHEVROLET CAPRICE FULL SIZE POLICE RATED SEDAN - RWD (Specification #01)			
Stingray Chevrolet	2014 Chevrolet Caprice (1EW19/1SB/PPV)	★Western	$26,800.00
Stingray Chevrolet	2014 Chevrolet Caprice (1EW19/1SB/PPV)	★Northern	$26,720.00
Stingray Chevrolet	2014 Chevrolet Caprice (1EW19/1SB/PPV)	★Central	$26,695.00
Stingray Chevrolet	2014 Chevrolet Caprice (1EW19/1SB/PPV)	★Southern	$26,715.00

FLORIDA SHERIFFS ASSOCIATION
& FLORIDA ASSOCIATION OF COUNTIES

CHEVROLET CAPRICE FULL SIZE POLICE RATED SEDAN - RWD SPECIFICATION #1

2014 Chevrolet Caprice (1EW19/1SB/PPV)

ALL ITEMS FACTORY INSTALLED UNLESS OTHERWISE INDICATED

INSTRUCTIONS: Listed above, you will find the model numbers of the vehicles that will be included in this year's contract.

INSTRUCTIONS: Listed below you will find the model number of the vehicle that is being requested for the Police Rated Full Size Sedan - RWD. At a minimum, the following items will be factory installed on the base vehicle to meet the model number and build codes of the vehicles listed.

2014 Chevrolet Caprice (1EW19/1SB/PPV)

Code	**Description**
1EW19/1SB/PPV	2014 Chevrolet Caprice Police Rated Sedan
LFX	V-6 engine 3.6L
7X6	Driver's Side (Left Hand) Spotlight
SG8	Full Size Spare Tire
HCQ	Vinyl Rear Seat
6A3	Heavy Duty Black Vinyl Floor Mat (Front and Rear)
6C7	Auxiliary Dome Lamp
A98	Ignition Control Trunk Release
VK3	Front License Bracket

FLORIDA SHERIFFS ASSOCIATION
& FLORIDA ASSOCIATION OF COUNTIES

CHEVROLET CAPRICE FULL SIZE POLICE RATED SEDAN - RWD
SPECIFICATION #1

2014 Chevrolet Caprice (1EW19/1SB/PPV)

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

ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$26,800.00	$26,720.00	$26,695.00	$26,715.00

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

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

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

VEHICLE:	Caprice (1EW19/1SB/PPV)			
DEALER:	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$26,800.00	$26,720.00	$26,695.00	$26,715.00

Order Code	Delete Options	All Zones
HIT [1]	Cloth rear seat in lieu of vinyl	$63.00[1]
	Front door body side molding	NA
6C7-D [1]	5" round dome lamp	$25.00[1]
7X6-D [1]	Driver's Side (Left Hand) Spotlight	$50.00[1]
	Front License Bracket	NA
SG8-D [1]	Space saver spare tire in lieu of full size spare tire	$120.00[1]

Order Code **Add Options** **All Zones**

Please refer to Part E - Emergency Vehicle Lighting Specifications for lightbar descriptions and the awarded dealer pricing.

Order Code	Add Options	All Zones
L77 [1]	V8 engine *6.0L V8 flex fuel w/ active fuel mgmnt, ltd slip diff,355hp* [1]	NC[1]
KZBM [1]	Priority start/battery saver *Kerr/GM high current timer(MAX 200) amp programmable 15 min to 16 hrs & will shut off all equipment hooked into it; PSBS dealer install $224* [1]	$324.00[1]
G80 [1]	Limited slip differential	$194.00[1]
K5S [1]	Auxiliary battery *700cca* [1]	$249.00[1]
7X7 [1]	Left & right-hand pillar mounted 6" spotlight with clear halogen bulb, factory installed *includes credit for STD LH spot (7X6); add $559 for dual LED Par* [1]	$359.00[1]
TREM [1]	Tremco anti-theft - foot activated, dealer installed *KATS-Kerr/GMapproved anti theft system $395* [1]	$197.00[1]
SSTP [1]	SafeStop vehicle anti-theft - key activated or emergency lights activated, plug-&-play for most Ford and Chevy fleet vehicles, dealer installed in 20 minutes or less	$207.00[1]
MAG [1]	Rechargeable mag light	$159.00[1]
6B7/6J5 [1]	Roof wiring with hole *specify 6B7 on centerline or 6J5 on passenger side* [1]	$194.00[1]
	Roof wiring without hole	NA
KWIRE-LED [1]	Accessory feed wires for police equipment *basic LED wiring w/ terminated ends for mirror, Bpillar & rear deck or cargo area, & left blunt cut in deck or cargo area* [1]	$288.00[1]
RBUCK [1]	Ready Buckle Prisoner Restraint Seat Belt System *requires Laguna prisoner seat selection* [1]	$78.00[1]
DCCG [1]	Comfort and convenience group *inclds DR9 heated mirrors + B34 carpet mats w/cloth seats & carpet + K010 underhood lamp* [1]	$238.00[1]
	Street appearance group	NA
W2P [1]	Full wheel covers	$39.00[1]
NFILL [1]	Nitrogen filled tires including spare tire	$60.00[1]

VEHICLE:	Caprice (1EW19/1SB/PPV)			
DEALER:	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$26,800.00	$26,720.00	$26,695.00	$26,715.00

	AM/FM radio with single CD	Std
VVQ [1]	Daytime running lights	Std[1]
TINTPD [1]	Sunscreen privacy glass *add $25 for windshield strip* [1]	$245.00[1]
	Cloth split bench – front	NA
	Driver seat only – 6 way power	NA
6N6 [1]	Rear door locks & handles inoperative	$65.00[1]
D6N6 [1]	Rear door locks & handles inoperative, dealer modification	$65.00[1]
6N5 [1]	Rear windows inoperative	$69.00[1]
	Cruise control	Std
	Radio noise suppression	Std
7Y6 [1]	Courtesy light disabled *deleted for 2014MY; replaced by STD manual switch* [1]	NA[1]
AY6 [1]	Side air protection (may affect cage availability)	$74.00[1]
TINT [1]	Legal deep tinted film, lifetime warranty, dealer installed	$245.00[1]
3K [1]	Third key *includes fob w/ remote start programming* [1]	$149.00[1]
6E3/6E4 [1]	Keyed alike *specify one code or other; not compatible w/ 2011 thu 2013 Caprice* [1] Last year's Key Code #2N-61971	$24.00[1]
	Factory remote keyless entry with 2 fobs included.	Std
	Backup alarm, factory installed	NA
MAVBU [1]	Backup alarm, dealer installed	$254.00[1]
	Backup camera with 3.5" LCD (rear mounted camera to provide wide angle field of vision at rear of vehicle) - factory installed	NA
BUC [1]	Backup camera with 3.5" LCD (rear mounted camera to provide wide angle field of vision at rear of vehicle) - dealer installed	$535.00[1]
	Front door moldings, not installed	NA
VS [1]	Vent visors - stick-on style *front only* [1]	$99.00[1]
	Rainshields - flange style	NA
BDRWN [1]	Door blank & rear window barriers with manual lock override (Setina, Pro-Gard, Cruisers or approved equivalent)	$610.00[1]
	Locking gas cap	NA
KP4DR [1]	Two-tone paint *Dealer Paint $150 4 doors & roof panel only, white on black; $1880 green/blue or other colors on white or call for quote on other schemes* [1]	$2,006.00[1]
	Class III hitch with 2" ball, dealer installed	$535.00
K5S [1]	Optional equipment - specify *auxiliary battery* [1]	$249.00[1]

VEHICLE:	Caprice (1EW19/1SB/PPV)			
DEALER:	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$26,800.00	$26,720.00	$26,695.00	$26,715.00

K010 [1]	Optional equipment - specify *underhood lamp* [1]	$104.00[1]
KBDP3H [1]	Optional equipment - specify *NIJ level 3 ballistic front door panel w/ HD door hinge (specify driver or pass side)* [1]	$2,095.00[1]
DVM400TTV [1]	Optional equipment - specify *Digital-Ally in car video w/o rear camera or mic (consult w dealer for other variations)* [1]	$2,890.00[1]
	Optional equipment - specify	NA
	Setina PB100A12 – 12" Aluminum Push Bumper	$475.00
	Setina PB100A16 – 16" Aluminum Push Bumper	$475.00
	Setina PB300 Push Bumper	$475.00
	Go Rhino 5000 Series Push Bumpers	$495.00
	Rear Transport Seat – Laguna System 3P	$796.00
	Rear Transport Seat – Pro Gard 6000 Series	$669.00
	Rear Transport Seat – Cruiser PCM012	$669.00
	Rear Transport Seat with extended seat belt – Patriot PSCV1	$790.00
P2600 [1]	Pro-Gard P2600 Series Polycarbonate (Lexan) Cage with sliding window, full width lower extension panel, dealer installed *add $85 for recessed panel* [1]	$845.00[1]
8S [1]	Setina 8S Lexan cage with 1/2 lexan and 1/2 expanded metal with full lower extension panel, dealer installed *add $40 for recessed panel* [1]	$805.00[1]
10S [1]	Setina #10 Series Lexan Cage with sliding window, full width lower extension panel, dealer installed *add $40 for recessed panel* [1]	$805.00[1]
VP1120 [1]	Patriot VP1-120 Lexan cage with 1/2 lexan and 1/2 metal with full lower extension panel, dealer installed *add $85 for recessed panel* [1]	$845.00[1]
VP1100 [1]	Patriot VP1-100 all Lexan cage with full lower extension panel, dealer installed	$845.00[1]
	Cruisers Cage with slide and lock window, lower extension panels, dealer installed	$876.00
	Cruisers Cage with 1/2 Lexan and 1/2 mesh, lower extension panels, dealer installed	$876.00
K9BX [1]	K-9 Container. All aluminum In-Vehicle (rear seat area) K-9 Container to protect the public, officer, K-9, and vehicle. Please specify vehicle year, make and model. Call for installation, shipping, and/or delivery prices.	$2,450.00[1]
K9RDR [1]	Electronic Remote Rear Door Opening system to be used with the K-9 Container. Allows the officer to release the K-9 from the vehicle from a remote position.	$1,285.00[1]
K9ALM [1]	Heat Alarm System to be used in a K-9 vehicle. Warns officer when dangerously high temperatures are inside the vehicle.	$965.00[1]
	Labor rate per hour	$85.00
TTAG [1]	Temporary tag	$25.00[1]
TTRANS [1]	Transfer existing registration (must provide tag number)	$180.00[1]
TAGNEW [1]	New state tag (specify state, county, city, sheriff, etc.)	$235.00[1]

VEHICLE:	Caprice (1EW19/1SB/PPV)			
DEALER:	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet	Stingray Chevrolet
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$26,800.00	$26,720.00	$26,695.00	$26,715.00

	Maintenance Plan - specify	NA
	Maintenance Plan - specify	NA
	Maintenance Plan - specify	NA
MG 5/100 [1]	Warranty - specify *5 years 100,000 miles; $0 deductible* [1]	$3,440.00[1]
MG 6/100 [1]	Warranty - specify *6 years 100,000 miles; $0 deductible* [1]	$3,790.00[1]
	Warranty - specify	NA

$32,625

EXHIBIT B

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 30-2014

2014 CHEVROLET CAPRICE (1EW19/1SB/PPV)

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the Florida Sheriff's Association's Bid No. 13-21-0904, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.

All terms, conditions and specifications of the Florida Sheriff's Association for Bid No. 13-21-0904 shall apply.

SCHEDULE OF BID ITEMS

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

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

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

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

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1.	FSA Specification No. 1 – **2014 Chevrolet Caprice (1EW19/1SB/PPV)** with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone.	3	EA	$ 26,715	$ 80,145
2.	L77- V8 engine 6.0L V8 flex fuel w/ active fuel mgmnt , ltd slip diff, 355hp	3	EA	$ Ø	$ Ø
3.	SSTP- SafeStop vehicle anti-theft-key activated or emergency lights activated , plug-&-play for most Ford and Chevy fleet vehicles, dealer installed in 20 minutes or less	3	EA	$ 207	$ 621
4.	6N6 – Rear door locks & handles inoperative	3	EA	$ 65	$ 195
5.	6N5 – Rear windows inoperative	3	EA	$ 69	$ 207
6.	7Y6 – Courtesy light disabled deleted for 2014MY ; replaced by STD manual switch	3	EA	$ Ø	$ Ø
7.	6E3- Keyed alike specify one code or other; not compatible w/ 2011 thu 2013 Caprice	3	EA	$ 24	$ 72

Company Name: STINGRAY CHEVROLET Authorized Signature: [signature]

8.	VS- Vent visors – stick-on style front only	3	EA	$ 99	$ 297
9.	KP4DR-Two –tone paint Dealer Paint $150 4 doors & roof panel only, white on black ; $1880 green/blue or other colors on white or call for quote on other schemes	3	EA	$ 1880	$ 5640
10.	MG 5/100 Warranty-specify 5 years 100,000 miles; $0 deductible	3	EA	$ 3440	$ 10,320
				TOTAL	$ 97,497.00

REMARKS: ____________________

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

Firm: STINGRAY CHEVROLET

*Signature: [signature] Name/Title: Peter Popiel - Govt & Special Fleet Sales Manager

Address: 2002 N. Frontage Rd., Plant City, FL Zip: 33563

Federal ID#: 26-3432941

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

Date: 11/18/2013

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

Name of Bidder's Contact Person: Peter Popiel

Address: 2002 N. Frontage Rd., Plant City, FL 33563

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

E Mail Address: MAGICPETERFLEET@GMAIL.COM

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 200-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, Florida, Authorizing the Purchase of Two (2) Code Enforcement Vehicles in the Amount of $35,180 ($17,590 per Vehicle) From Alan Jay Nissan, Inc., as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- **Memorandum dated November 22, 2013, from Kirk W. Blouin, Director of Public Safety**
- **Resolution No. 200-2013**
- **Exhibit A - Bid Award Announcement**
- **Exhibit B - RFQ 35-2014**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Purchase of Two (2) Code Enforcement Vehicles
Resolution No. 200-2013

Date: November 22, 2013

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve the purchase of two (2) 2014 Nissan Frontiers to be used by Code Enforcement Unit personnel, as previously considered and approved by the Town Council during the FY14 Budget process and as described more explicitly below.

GENERAL INFORMATION

The vehicle will be purchased through the Florida Sheriffs Association State Bid #13-21-0904 (Exhibit A) and RFQ No. 35-2014 (Exhibit B) in the amount of $35,180 ($17,590 per vehicle).

FUNDING/FISCAL IMPACT

Purchase was approved as part of the FY2014 Equipment Replacement Program with a budget of $19,000 per vehicle.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

KWB/lsg
Attachments

<u>RESOLUTION NO. 200-2013</u>

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF TWO (2) CODE ENFORCEMENT VEHICLES IN THE AMOUNT OF $35,180 ($17,590 PER VEHICLE) FROM ALAN JAY NISSAN, INC., AS PREVIOUSLY CONSIDERED AND APPROVED BY THE TOWN COUNCIL DURING THE FY2014 BUDGET PROCESS AND INCLUDED IN THE TOWN'S EQUIPMENT REPLACEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.

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

<u>Section 1.</u> The Palm Beach Police Department is hereby authorized and directed to purchase two (2) Code Enforcement vehicles via the Florida Sheriff's Association Bid 13-21-0904 and RFQ No. 35-2014 in the amount of $35,180 ($17,590 per vehicle) from Alan Jay Nissan, Inc.

<u>Section 2.</u> Copies of the FSA price per vehicle (Exhibit A) and RFQ No. 35-2014 (Exhibit B) are attached hereto and are hereby incorporated within this Resolution and made a part hereof.

<u>Section 3.</u> This Resolution shall become effective immediately upon p passage.

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 10TH DAY OF DECMBER, 2013.

____
Gail L. Coniglio, Mayor

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David A. Rosow, Town Council President

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Robert N. Wildrick, President Pro Tem

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William J. Diamond, Town Council Member

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Richard M. Kleid, Town Council Member

____
Michael J. Pucillo, Town Council Member

ATTEST:

____
Susan A. Owens, MMC Town Clerk

FLORIDA SHERIFFS ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES

COMPACT EXTENDED CAB PICKUP TRUCK - 4X2 SPECIFICATION #37

2014 Nissan Frontier KC (31014)

The Nissan Frontier KC (31014) purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$15,289.00	$15,139.00	$15,367.00	$15,367.00

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

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

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

VEHICLE:	Frontier KC (31014)			
DEALER:	Beck Nissan, Inc.	Beck Nissan, Inc.	Alan Jay Nissan, Inc.	Alan Jay Nissan, Inc.
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$15,289.00	$15,139.00	$15,367.00	$15,367.00

Order Code	Delete Options	Western & Northern	Central & Southern
31054 [2]	Manual transmission in lieu of automatic transmission	NA	$400.00[2]
D PRE [2]	AM/FM stereo radio *Deletes A/C, AM/FM/CD, and digital clock.* [2]	NA	$200.00[2]
	Air conditioning *See D PRE above.* [2]	NA	NA[2]
	On-Star	NA	NA

Order Code	Add Options	Western & Northern	Central & Southern

Please refer to Part E - Emergency Vehicle Lighting Specifications for lightbar descriptions and the awarded dealer pricing.

Order Code	Add Options	Western & Northern	Central & Southern
31314 SV V6 [2]	Engine upgrade - specify *V6 & SV PKG* [1] *V6 SV package includes: 4.0L 24v V6 w/ 5-spd auto trans, 16" alloy wheels, BFG long trail OWL P265/70R16 tires, body colored front bumper, black power mirrors, manual sliding rear window w/ privacy glass, chrome door handles, bed rail caps, 4.3" color display upgraded radio w/ USB and ipod connectivity, SAT radio capability, blue tooth, steering wheel audio controls, tilt steering wheel, driver info center, power windows/locks, remote keyless, cruise control, 3 AUX outlets, overhead console with map lights, upgraded visors.* [2]	$2,979.00[1]	$2,059.00[2]
	Bi-fuel model - specify	NA	NA
	CNG model - specify	NA	NA
	CNG conversion (discuss with dealer)	NA	NA
	LPG conversion (discuss with dealer)	NA	NA
DRYCELL [2]	Battery, 650 cca or greater *700cca Drycell Battery* [2]	NA	$329.00[2]
	Limited slip differential	NA	NA
31114 [1] 31114 SV [2]	Manufacturer's model upgrade package (specify pkg. bid) *SV PKG* [1] *SV package includes: 16" alloy wheels, BFG long trail OWL P265/70R16 tires, body colored front bumper, black power mirrors, manual sliding rear window w/ privacy glass, chrome door handles, bed rail caps, 4.3" color display upgraded radio w/ USB and ipod connectivity, SAT radio capability, blue tooth, steering wheel audio controls, tilt steering wheel, driver info center, power windows/locks, remote keyless, cruise control, 3 AUX outlets, overhead console with map lights, upgraded visors.* [2]	$2,379.00[1]	$1,469.00[2]
	Seat trim upgrade - specify	NA	NA
31114 [1]	Power windows/door locks *REQ & IS INCL IN SV PKG* [1] *Included with SV package.* [2]	Incl.[1]	NA[2]

VEHICLE:	Frontier KC (31014)			
DEALER:	Beck Nissan, Inc.	Beck Nissan, Inc.	Alan Jay Nissan, Inc.	Alan Jay Nissan, Inc.
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$15,289.00	$15,139.00	$15,367.00	$15,367.00

31114 [1]	Speed control/tilt steering wheel *REQ & IS INCL IN SV PKG* [1] *Included with SV package.* [2]	Incl.[1]	NA[2]
31114 [1]	Sliding rear window *REQ & IS INCL IN SV PKG* [1] *Included with SV package.* [2]	Incl.[1]	NA[2]
	AM/FM radio with single CD	Std	Std
3K [1] 3K [2]	Third key	$299.00[1]	$197.00[2]
L92 [1]	Floor mats	$119.00[1]	Incl.
	Side air bags	Std	Std
L SPOT [2]	Left-hand pillar mounted 6" spotlight with clear halogen bulb, dealer installed	NA	$450.00[2]
LR SPOT [2]	Left & right-hand pillar mounted 6" spotlight with clear halogen bulb, dealer installed	NA	$750.00[2]
SVV [1] RS [2]	Vent visors - stick-on style	$199.00[1]	$145.00[2]
RSF [2]	Rainshields - flange style	NA	$145.00[2]
	Long bed model, minimum 83.4" inside box length, with minimum 113.5" and maximum 118.0" WB	NA	NA
CBC [1] FTC [2]	Fiberglass tonneau cover (painted to match)	$1,875.00[1]	$1,495.00[2]
FCH [2]	Fiberglass cab high topper with front, side and rear windows (painted to match) *ADD $375 for side access windows* [2]	$2,095.00	$1,695.00[2]
ATB [2]	Heavy duty aluminum tool box	$465.00	$379.00[2]
A92 [2]	Bedliner *Under the rail plastic typebed liner* [2]	$359.00	$349.00[2]
SOB [2]	Spray-on bedliner (Rhino, Line-X or approved equivalent) *Dealer installed HD Spray-on-Bed liner.* [2]	$545.00	$579.00[2]
A93 [2]	Heavy duty towing package up to 3,500 lbs. *Requires V6 upgrade, Includes A92 bed liner* [2]	$579.00	$574.00[2]
NFT [1] N2 [2]	Nitrogen filled tires including spare tire	$199.00[1]	$89.00[2]
	Full size spare tire and rim	Std	Std
	Daytime running lights	NA	NA
	Immobilize daytime running lights	NA	NA
	Manufacturer's certified factory utility body - specify	NA	NA
	Chassis with Knapheide, or approved equivalent utility body	NA	NA
	Midbox body option	NA	NA
	Astro body option	NA	NA
	Powder coating	NA	NA
	Front license bracket	NC	NA

VEHICLE:	Frontier KC (31014)			
DEALER:	Beck Nissan, Inc.	Beck Nissan, Inc.	Alan Jay Nissan, Inc.	Alan Jay Nissan, Inc.
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$15,289.00	$15,139.00	$15,367.00	$15,367.00

HAR [2]	Cab shield headache rack (protects back of cab) *Expanded metal cab shield (Add $299 for strobe beacons mounted on each side of cab shield)* [2]	NA	$395.00[2]
T RACK [2]	Pipe rack w/expanded metal basket over cab (for pickup bed) *HD Aluminum 2-pc rack installed on front and rear of bed (includes toolbox mount kit) w/ 800lb capacity. Basket over cab not available.* [2]	NA	$979.00[2]
	Pipe rack w/expended metal basket over cab (for utility body)	NA	NA
WG1475 [2]	Single ladder rack side mounted (specify street or curbside) *Upgrade to PC Special includes: Custom rack mounted to frame rails inside bed, LR-6300 double slide down ladder rack $3079.* [2]	NA	$725.00[2]
	Backup alarm, factory installed	NA	NA
BUA [1] BUA [2]	Backup alarm, dealer installed	$199.00[1]	$149.00[2]
K02 [1]	Backup camera with 3.5" LCD (rear mounted camera to provide wide angle field of vision at rear of vehicle)- factory installed *REQ SV PKG UPGRADE PLUS SV VALUE TRUCK PKG* [1] *Included and only available with manufacturers upgrade package* [2]	$2,279.00[1]	NA[2]
BUC [1] BUC [2]	Backup camera with 3.5" LCD (rear mounted camera to provide wide angle field of vision at rear of vehicle) - dealer installed *Specify dash or rearview mirror mounted* [2]	$499.00[1]	$649.00[2]
WGG [2]	Optional equipment - specify *Wrap Around Grille Guard (Add $300 for winch mount plate)* [2]	NA	$995.00[2]
8KW [2]	Optional equipment - specify *8,000lb winch with Remote, Requires WGG w/ winch mount plate* [2]	NA	$1,195.00[2]
WALB-P [2]	Optional equipment - specify *Whelen Amber LED Light bar, front take downs, side alleys, rear arrowstick feature* [2]	NA	$1,995.00[2]
HOUR [2]	Optional equipment - specify *Engine hour meter, specify mounting location* [2]	NA	$169.00[2]
PULSE [2]	Optional equipment - specify *3rd Brake Light Safety Pulse (Pulses 3rd Brake Light (4) times upon application of brake pedal to increase driver awareness behind you when stopping)* [2]	NA	$229.00[2]
DIP [2]	Labor rate per hour *Dealer Import Pickup* [2]	NA	$95.00[2]
TTG [1] TEMP [2]	New state tag (specify state, county, city, sheriff, etc.)	$25.00[1]	$25.00[2]
TRT [1] TRANS [2]	Transfer existing registration (must provide tag number) *Includes two way overnight shipping for signature* [2]	$85.00[1]	$123.60[2]
NST [1] TAG [2]	Temporary tag *Includes two way overnight shipping for signature* [2]	$185.00[1]	$175.70[2]
~~MEP3~~ [2]	~~Maintenance Plan - specify~~ *Maintenance Elite Plus 5,000 mile interval 3 years 35,000 miles (Tire Rotation, LOF, Inspection, Roadside assist, key retrieval, key replacement, trip planning)* [2]	NA	~~$709.00~~[2]
MEP4 [2]	Maintenance Plan - specify *Maintenance Elite Plus 5,000 mile interval 4 years 50,000 miles (Tire Rotation, LOF, Inspection, Roadside assist, key retrieval, key replacement, trip planning)* [2]	NA	$866.00[2]

VEHICLE:	Frontier KC (31014)			
DEALER:	Beck Nissan, Inc.	Beck Nissan, Inc.	Alan Jay Nissan, Inc.	Alan Jay Nissan, Inc.
ZONE:	★Western	★Northern	★Central	★Southern
BASE PRICE:	$15,289.00	$15,139.00	$15,367.00	$15,367.00

MEP5 [2]	Maintenance Plan - specify *Maintenance Elite Plus 5,000 mile interval 5 years 60,000 miles (Tire Rotation, LOF, Inspection, Roadside assist, key retrieval, key replacement, trip planning)* [2]	NA	$954.00[2]
RCND [1] GOLD575 [2]	Warranty - specify *GOLD 6 YR 75,000 MILES (0 DECUCTABLE)* [1] *Gold 5 yr 75k mile ext warranty ($0 Deductable)(Add $1200 for emergency use)* [2]	$1,905.00[1]	$1,530.00[2]
RCNF [1] PC575 [2]	Warranty - specify *GOLD 7 YR 100,000 MILES (0 DECUCTABLE)* [1] *Platinum 5 yr 75k mile ext warranty ($0 Deductable)(Add $1200 for emergency use)* [2]	$2,455.00[1]	$1,870.00[2]
RCN9 [1] PC6100 [2]	Warranty - specify *GOLD 8 YR 120,000 MILES (0 DECUCTABLE)* [1] *Platinum 6 yr 100k mile ext warranty ($0 Deductable)(Add $1200 for emergency use)* [2]	$2,865.00[1]	$2,204.00[2]

EXHIBIT B

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 35-2014

2014 Nissan Frontier (31014)

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the Florida Sheriff's Association's Bid No. 13-21-0904, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.

All terms, conditions and specifications of the Florida Sheriff's Association for Bid No. 13-21-0904 shall apply.

SCHEDULE OF BID ITEMS

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

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

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

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

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1.	FSA Specification No. 37 2014 Nissan Frontier KC (31014) Compact Extended Cab Pickup Truck - 4x2 with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone.	2	EA	$ 15,367	$ 30,734
2.	CBC - Fiberglass tonneau cover (painted to match)	2	EA	$ 1495	$ 2990
3.	SOB - Spray-on bedliner (Rhino, Line-X or approved equivalent)	2	EA	$ 579	$ 1158
4.	BUA - Backup alarm, dealer installed	2	EA	$ 149	$ 298
				TOTAL	$ 35,180.00

Company Name: Alan Jay Automotive Net. Authorized Signature: [illegible]

REMARKS: ______________________________

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

Firm: Alan Jay Automotive Network DBA Alan Jay Nissan, Inc.

***Signature:** [signature] **Name/Title:** Scott Wilson / Fleet Sales Mgr.

Address: 441 US 27 N. , Sebring FL **Zip:** 33871

Federal ID#: 76-0833978

Telephone Number: (863) 402-4234 **Fax:** (863) 402-4221

Date: 11/18/2013

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

Name of Bidder's Contact Person: Scott Wilson

Address: 402 US 27 N. Sebring FL 33871

Phone Number: 863-402-4234 Fax Number: 863-402-4221

E Mail Address: Scott.Wilson@AlanJay.com

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 201-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of AutoVu License Reader System in the Amount of $38,266.90 from Dana Safety Supply, Inc., as Previously Considered and Approved by the Town Council During the FY2014 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.

Presenter

Kirk Blouin, Director of Public Safety

Supporting Documents

- **Memorandum dated November 20, 2013. from Kirk W. Blouin, Director of Public Safety**
- **Resolution No. 201-2013**
- **Exhibit A - RFQ No. 36-2014**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To:	Mayor and Town Council
Via:	Peter B. Elwell, Town Manager
From:	Kirk W. Blouin, Director of Public Safety
Re:	Authorize Purchase of AutoVu License Reader System **Resolution No. 201-2013**
Date:	November 20, 2013

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council approve the purchase of Genetec AutoVu License Reader System in the amount of $38,266.90 from Dana Safety Supply, Inc. This item is included in the Town's Equipment Replacement Program and was previously considered and approved by the Town Council during the FY 2014 Budget process.

GENERAL INFORMATION

The Genetec AutoVu License Reader System with three (3) cameras was purchased in FY2013 for placement on the three (3) Parking Enforcement vehicles also purchased in FY2013. As part of the FY2014 Budget process, one additional unit was requested and will be placed on the new Parking Enforcement vehicle, which is also included on the Town Council meeting agenda.

The AutoVu License Reader System is a proprietary solution manufactured by Genetec and Dana Safety Supply is the authorized and certified reseller of Genetec's LPR solution in the southeast region. RFQ No. 36-2014 is attached as Exhibit A.

FUNDING/FISCAL IMPACT

This purchase was approved as part of the FY2014 Equipment Replacement Program with a total budget of $38,266.90.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

KWB/lsg
Attachments

RESOLUTION NO. 201-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF AUTOVU LICENSE READER SYSTEM IN THE AMOUNT OF $38,266.90 FROM DANA SAFETY SUPPLY, INC., AS PREVIOUSLY CONSIDERED AND APPROVED BY THE TOWN COUNCIL DURING THE FY2014 BUDGET PROCESS AND INCLUDED IN THE TOWN=S EQUIPMENT REPLACEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Palm Beach Police Department is hereby authorized and directed to purchase an AutoVu License Reader System in accordance with RFQ No. 36-2014, in the amount of $38,266.90 from Dana Safety Supply, Inc.

Section 2. A copy of RFQ No. 36-2014 (Exhibit A) is attached hereto and is hereby incorporated within this Resolution and made a part hereof.

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

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 10TH DAY OF DECEMBER, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

EXHIBIT A

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 36-2014

Genetec AutoVu License Plate Readers

INTENT AND SCOPE

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

SCHEDULE OF BID ITEMS

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

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

The undersigned further declares that he proposes to furnish Genetec AutoVu Licence Plate Readers, as specified, for the following price:

1. TERMS	2. F.O.B.	3.SHIPMENT VIA	4. QUOTATION VALID UNTIL
Net 30	DESTINATION	BEST WAY	DEC 31, 2013

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1	Genetec AU-K-C2X-740 Auto Vu Sharpx Kit	1	KIT	$32,500.00	$ 32,500.00
2	DSS Installation of Genetec Equipment	1	EA	$ 3,675.00	$ 3,675.00
3	PKG-PSM-262 - HAV Ford Escape Passenger Side Mount Package	1	EA	$ 441.00	$ 441.00
4	LT2AAAAP WEC Mini LFL LED Lightbar 4 Corner Amber LED	1	EA	$ 750.00	$ 750.00
5	SLDA WEC Amber 6-LED Linear Liberty Directional Head	1	EA	$ 90.95	$ 90.95
6	LINZ6A WEC Linz6 Horiz Synch Amber	2	EA	$ 65.00	$ 130.00
7	RBKT6 WEC Tir3 Horizontal Mount License Plate Bracket	1	EA	$ 13.00	$ 13.00
8	CG-X HAV Charge Gard, Universal, Control Module	1	EA	$ 66.95	$ 66.95
9	Light Bar Dimmer Switch	1	EA	$ 25.00	$ 25.00
10	DSS Installation of Emergency Equipment	1	EA	$ 575.00	$ 575.00
				TOTAL	$ 38,266.90

REMARKS: ____

____

____

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

Firm: DANA SAFETY SUPPLY, INC

***Signature:** WEB **Name/Title:** WILLIAM E BARNHART, GM

Address: 1622 NW 82ND AVE DORAL, FL **Zip:** 33126

Federal ID#: 27-1557226

Telephone Number: (305) 639-6055 **Fax:** (888) 332-8993

Date: 11/18/2013

Failure to affix signature may result in disqualification of proposal.

Name of Bidder's Contact Person: WILLIAM E BARNHART

Address: 1622 NW 82ND AVE DORAL, FL 33126

Phone Number: 305-639-6055 Fax Number: 888-332-8993

E Mail Address: bbarnhart@1dss.com

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 202-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2014-05 and a Contract to Advanced Disposal Services Solid Waste Southeast, Inc., for Compacted Garbage Collection, in the Amount of $237,414 and Establishing a Project Budget of $257,000.

Presenter

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

Supporting Documents

- **Memorandum dated November 15, 2013, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 202-2013**
- **Bid Tab Sheet**

TOWN OF PALM BEACH

Information for Town Council Meeting on December 10, 2013

TO:	Mayor and Town Council
VIA:	Peter Elwell, Town Manager
FROM:	H. Paul Brazil, Director of Public Works
RE:	Award Bid No. 2014-05 for Compacted Garbage Collection **Resolution No. 202-2013**
DATE:	November 15, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 202-2013 awarding Bid. No. 2014-05 to approve a contract to Advanced Disposal Services Solid Waste Southeast, Inc., for the compacted garbage collection contract in the amount of $237,414 and establishing a budget of $257,000.

GENERAL INFORMATION

The Town contracts with a private company to provide this service at specific locations (eight different commercial customers). These services were previously awarded (Bid 2008-28) and all annual renewals have been exercised, with that contract expiring on December 31, 2013.

Bids were received by the Purchasing Division and opened on November 6, 2014. Advanced Disposal Services Solid Waste Southeast, Inc., was the lowest responsive bidder in the amount of $237,414. The bid documents have been reviewed and validated by staff to conclude that the vendor has the credentials and resources to successfully execute the scope of services.

FUNDING/FISCAL IMPACT

These services are accounted for within the Public Works operating budget for FY2014. This service is fully reimbursed by the customers who are invoiced by the Town for the services provided.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

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

RESOLUTION NO. 202-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2014-05 AND A CONTRACT TO ADVANCED DISPOSAL SERVICES SOLID WASTE SOUTHEAST, INC., FOR COMPACTED GARBAGE COLLECTION, IN THE AMOUNT OF $237,414 AND ESTABLISHING A PROJECT BUDGET OF $257,000.

*   *   *   *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards Bid No. 2014-05 to Advanced Disposal Services Solid Waste, Inc., for compacted garbage collection in the amount of $237,414, and establishes a project budget of $257,000.

Section 2. The Town Manager is hereby authorized and directed to execute a contract on behalf of the Town of Palm Beach for compacted garbage collection.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of December 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH
BID NO. 2014-05
Annual Contract for Compacted Garbage Collection

BID TABULATION

			Vendor:	Advanced Disposal Services		Progressive		Republic Services of Florida		Southern Waste Systems, LLC		Waste Management Inc.		Waste Pro of Florida , Inc.	
			Address:	363 Tall Pines Road		3840 NW 37th Court		7329 7th Place North		2380 College Ave.		651 Industrial Way		411 Tall Pines Rd.	
				West Palm Beach, Fl. 33413		Miami , Fl. 33142		West Palm Beach, Fl. 33411		Davie, Fl. 33317		Boynton Beach, Fl. 33426		West Palm Beach, Fl. 33414	
			Telephone:	(561) 471-6110		(305) 638-3800		(561) 478-9590		(954) 615-4057		(239) 229-5951		(561) 688-8912	
			Fax:	(561) 471-6112		(305) 6947207		(561) 207-7802		(954) 634-6006		(866) 734-6311		(561) 688-8914	
			Contact:	Walter H. Hall, Jr		Carlos A. Verney , Jr.		Scott Sterner - GM		Charles Gusmano - Manager		Paul Schneider- Area Sales Director		Russell Mackie - Regional Vice President	
Item	**Base Bid Description**	**Qty**	**Unit**	**Unit Price**	**Total**	**Unit**	**Total**	**Unit Price**	**Total**	**Unit Price**	**Total**	**Unit Price**	**Total**	**Unit Price**	**Total**
1	Publix Supermarket (1 time/week)	12	MO	1620.00	$ 19,440.00		$ -	1998.76	$ 23,985.12	2102.00	$ 25,224.00	2600.00	$ 31,200.00	2121.44	$ 25,457.28
2	The Breakers (3 times/week 2 containers)	12	MO	7,488.00	$ 89,856.00		$ -	12,529.31	$ 150,351.72	7,950.00	$ 95,400.00	7,400.00	$ 88,800.00	9,221.08	$ 110,652.96
3	The Esplanade (7 times/week)	12	MO	1,217.00	$ 14,604.00		$ -	2,621.21	$ 31,454.52	1,515.50	$ 18,186.00	1,300.00	$ 15,600.00	1,454.88	$ 17,458.56
4	Everglades Club (3 times/week Oct. - May)	8	MO	4,563.00	$ 36,504.00		$ -	3,216.30	$ 25,730.40	3,038.25	$ 24,306.00	3,500.00	$ 28,000.00	3,334.79	$ 26,678.32
5	Four Seasons Ocean Grand Hotel (3 times/week)	12	MO	3,040.00	$ 36,480.00		$ -	3,930.30	$ 47,163.60	4,422.00	$ 53,064.00	5,100.00	$ 61,200.00	4,798.77	$ 57,585.24
6	Harbor House (5 times/week May - Sept -2 containers	5	MO	1,221.00	$ 6,105.00		$ -	763.81	$ 3,819.05	1,082.50	$ 5,412.50	600.00	$ 3,000.00	1,039.20	$ 5,196.00
7	Harbor House (6 times/ week Oct. - April -2 containers)	7	MO	1,465.00	$ 10,255.00		$ -	916.57	$ 6,415.99	1,299.00	$ 9,093.00	800.00	$ 5,600.00	1,247.04	$ 8,729.28
8	Omphoy (Four (4) times /week October-December)	3	MO	820.00	$ 2,460.00		$ -	1,123.38	$ 3,370.14	649.50	$ 1,948.50	600.00	$ 1,800.00	623.52	$ 1,870.56
9	Omphoy (Six (6) Times /week January - September)	9	MO	1,230.00	$ 11,070.00		$ -	1,685.06	$ 15,165.54	974.25	$ 8,768.25	900.00	$ 8,100.00	935.28	$ 8,417.52
10	Bath & Tennis (One (1) time/week November - May	7	MO	1,520.00	$ 10,640.00		$ -	1,124.82	$ 7,873.74	1,310.00	$ 9,170.00	1,400.00	$ 9,800.00	1,189.28	$ 8,324.96
	TOTAL BASE BID				**$237,414.00**		**No Bid**		**$315,329.82**		**$250,572.25**		**$ 253,100.00**		**$270,370.68**
	SPECIAL SERVICE RATE (Extra Pick Up)														
1	Publix Supermarket	1	EA	465.00	$ 465.00		$ -	461.61	$ 461.61	495.00	$ 495.00	450.00	$ 450.00	495.00	$ 495.00
2	The Breakers	1	EA	350.00	$ 350.00		$ -	482.27	$ 482.27	495.00	$ 495.00	450.00	$ 450.00	425.00	$ 425.00
3	The Esplanade	1	EA	85.00	$ 85.00		$ -	86.48	$ 86.48	72.00	$ 72.00	150.00	$150.00	60.00	$ 60.00
4	Everglades Club	1	EA	425.00	$ 425.00		$ -	247.60	$ 247.60	495.00	$ 495.00	450.00	$ 450.00	265.00	$ 265.00
5	Bath & Tennis Club	1	EA	435.00	$ 435.00		$ -	259.77	$ 259.77	495.00	$ 495.00	450.00	$ 450.00	280.00	$ 280.00
6	Four Seasons Ocean Grand Hotel	1	EA	295.00	$ 295.00		$ -	302.56	$ 302.56	495.00	$ 495.00	450.00	$ 450.00	375.00	$ 375.00
7	Harbor House	1	EA	85.00	$ 85.00		$ -	35.28	$ 35.28	72.00	$ 72.00	150.00	$ 150.00	35.00	$ 35.00
8	Omphoy	1	EA	85.00	$ 85.00		$ -	64.85	$ 64.85	54.00	$ 54.00	150.00	$ 150.00	50.00	$ 50.00

Bid opened on :November 6, 2013 @ 2:00 PM

Opened by: *John Cmar*

Witness by: *Adis Pedraza*

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 203-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of FDEP Contract No. 13PB3, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Lake Worth Inlet Management Plan Implementation, Specifically the Sand Transfer Plant Rehabilitation (Phase I), and Authorizing the Town Council President to Execute Same on Behalf of the Town.

Presenter

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

Supporting Documents

- **Memorandum dated November 26, 2013, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 203-2013**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: State Grant – Lake Worth Inlet IMP Implementation
Sand Transfer Plant Rehabilitation Reimbursement
Resolution No. 203-2013

DATE: November 26, 2013

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 203-2013 authorizing the Town Council President to sign Florida Department of Environmental Protection (FDEP) agreement 13PB3 for State cost sharing participation with the Sand Transfer Plant Rehabilitation.

GENERAL INFORMATION

Each year, the Town provides a Local Government Funding Request (LGFR) to the FDEP for projects that are eligible for State cost sharing. The request includes project planning, permitting, construction, and monitoring tasks. Once a project has been constructed, local governments are able to request reimbursement for three successive years.

Rehabilitation of the Sand Transfer Plant (STP) occurred between August 2009 and April 2010. The Town's LGFR for State FY 2012-2013, included a reimbursement request for STP. Since construction, Town staff has submitted all three available request opportunities for the STP Rehabilitation project (Phase I). On November 21, 2013, FDEP staff notified Town staff that there was an opportunity to partially reimburse the Town for the STP Rehabilitation project using funds from the State's FY 2012-2013 budget.

FDEP grant agreement 13PB3, Lake Worth Inlet IMP, is to preserve the use of State appropriated funds in the amount of $343,894.00 specifically for partial reimbursement of the eligible Sand Transfer Plant Rehabilitation project, as identified within the Lake Worth Inlet Management Plan.

In order for the Town to utilize the available State funds from FY 2012/2013, the grant agreement and payment request must be processed by FDEP before January 1, 2014. If approved by Town Council, Town staff will perform the necessary tasks in assisting FDEP staff to meet their deadline.

FUNDING/FISCAL IMPACT

These State funds will reimburse the Town $343,894.00 for costs incurred during rehabilitation of the STP.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency. In addition, the Town Attorney will review the FDEP contract and approve it for legal form and sufficiency prior to execution.

Attachment

cc: Shore Protection Board
Jane Struder, Finance Director
Robert Weber, Coastal Coordinator

RESOLUTION NO. 203-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STATE GRANT OF FDEP CONTRACT NO. 13PB3, BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN OF PALM BEACH UNDER THE BUREAU OF BEACHES AND COASTAL SYSTEMS FLORIDA BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM FOR THE LAKE WORTH INLET MANAGEMENT PLAN IMPLEMENTATION, SPECIFICALLY THE SAND TRANSFER PLANT REHABILITATION (PHASE I), AND AUTHORIZING THE TOWN COUNCIL PRESIDENT TO EXECUTE SAME ON BEHALF OF THE TOWN.

* * * * *

WHEREAS, the Town of Palm Beach (Town) and the Florida Department of Environmental Protection (FDEP), have worked cooperatively by executing cost-sharing agreements related to implementing the Town's Comprehensive Coastal Management Plan; and

WHEREAS, the FDEP has agreed to a partial cost-share on eligible project elements related to construction of the Sand Transfer Plant Rehabilitation (Phase I).

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Town Council hereby authorizes the State of Florida Department of Environmental Protection (FDEP) Contract No. 13PB3, to partially reimburse the Town for Sand Transfer Plant Rehabilitation project costs in the amount of $343,894.00.

Section 3. The Town Council President is hereby authorized to execute FDEP Contract No. 13PB3, on behalf of the Town.

Section 4. Three (3) certified copies of this Resolution shall be provided to the FDEP, at 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, Mail Station 300, in accompaniment with the three (3) executed originals, within five (5) working days following completion of the Town Council President's signature.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of December 2013.

____
Gail L. Coniglio, Mayor

____
David A. Rosow, Town Council President

____
Robert N. Wildrick, President Pro Tem

____
William J. Diamond, Town Council Member

____
Richard M. Kleid, Town Council Member

ATTEST:

____
Susan A. Owens, MMC, Town Clerk

____
Michael J. Pucillo, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 204-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Upgrade Purchase of the Town's IBM ISeries System, Tape Drives, Software and Maintenance from the FY14 Equipment Replacement Budget from Midrange Support and Service, 1122 East Atlantic Ave., Suite C , Delray Beach, FL 33483 in the Amount of $90,809.10 and Authorizing the Town Manager to Execute the Purchase on Behalf of the Town.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- **Memorandum dated December 1, 2013, from Spencer Wilson, Information Systems Manager**
- **Resolution No. 204-2013**
- **Exhibit A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

Via: Thomas G. Bradford, Deputy Town Manager

From: Spencer Wilson, Information Systems Manager

Re: Approval to Purchase and upgrade to the Town's IBM iSeries System. Tape Drives, Software and Maintenance from Midrange Support and Service.
Resolution No. 204-2013

Date: December 1, 2013

STAFF RECOMMENDATION

The Office of Information Systems is recommending the approval to purchase an upgrade to the Town's iSeries System, tape drives, software and maintenance from the FY14 Information Systems equipment replacement fund from Midrange Support and Service through the State of Florida Contract # 250-000-09-1. Staff is recommending the adoption of Resolution No. 204-2013 which authorizes the Town Manager to approve issuance of a purchase order for this purchase and expend the funds from the FY2014 Information Systems equipment replacement budget.

GENERAL INFORMATION

As part of the approved FY14 Information Systems budget plan, the Office of Information Systems is working to upgrade the Town's iSeries system and tape drives. The Town's exiting iSeries system was purchased in FY09 and was due for Replacement in FY13 as part of the Town's Information Systems equipment replacement program. This purchase was delayed a year because it was not critical to perform the upgrade in FY13. The existing iSeries system and the three tape drives are part of an extensive software collaboration, storage, networking and backup infrastructure to the Town. The Town's current iSeries model along with the Tape drives are approaching end life soon and the replacement is necessary in order to remain current as well as to provide expanded services and capabilities to the Town. The new systems will double the processing capacity, storage capacity and networking capabilities of the existing system. The two new tape libraries that will replace three tape libraries will include two drives each and more than quadruple the backup capacity the Town currently has for tape storage. The elimination of one of the Tape libraries will save the Town money on hardware maintenance over a three year period. The purchase of software, support and maintenance for a three year period will also provide the Town a savings. This upgrade will include all the services necessary to install, migrate and remove the existing hardware. Information Systems staff will work with Midrange Support and Service during the upgrade to make sure the process is efficient and is done without interruption to Town services.

FUNDING/FISCAL IMPACT

Funding for this purchase is included in the adopted FY2014 Information Systems equipment replacement budget. The cost breakdown for each vendor is listed below:

System Hardware, Storage and Memory	$51,498.84
LTO6 Tape Libraries and Drives	$21,664.50
Hardware Maintenance – 3 years	$2,790.00
Software and Support – 3 years	$11,240,76
Installation and Migration Services	$3,615.00

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 204-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE UPGRADE PURCHASE OF THE TOWN'S IBM ISERIES SYSTEM, TAPE DRIVES, SOFTWARE AND MAINTENANCE FROM THE FY14 EQUIPMENT REPLACEMENT BUDGET FROM MIDRANGE SUPPORT AND SERVICE, 1122 EAST ATLANTIC AVE., SUITE C, DELRAY BEACH, FL 33483 IN THE AMOUNT OF $90,809.10 AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE ON BEHALF OF THE TOWN.

WHEREAS, staff has recommended the upgrade purchase of the Town's IBM iSeries System, Tape Drives, Software and Maintenance from Midrange Support and Service from the FY14 equipment replacement budget in the amount of $90,809.10 and with a proposal attached hereto as Exhibit "A" and authorizing the Town Manager to execute the purchase on behalf of the Town.

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

Section 1: The foregoing recitals are hereby ratified and confirmed.

Section 2: The proposal from Midrange Support and Service attached hereto as Exhibit "A" in the amount of $90,809.10 and incorporated by reference as a part of this resolution are hereby approved and the Town Manager is authorized to execute this purchase on behalf of the Town.

Section 3: The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate this purchase of the Town's IBM iSeries.

PASSED AND ADOPTED IN REGULAR, ADJOURNED SESSION OF THE TOWN COUNCILOF THE TOWN OF PALM BEACH ASSEMBLED THIS 10th DAY OF DECEMBER 2013.

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

Exhibit A

Midrange
Support & Service, Inc.

1122 East Atlantic Avenue, Suite C
Delray Beach, Florida 33483
561 272 5883
Fax 561 272 5652

Town of Palm Beach - iSeries Upgrade Proposal

November 26, 2013

	TODAY	PROPOSED
CPW	4300	7100
USEABLE DISK	2.2TB	4.5TB
DISK PROTECTION	RAID 5	RAID 5
MEMORY	32GB	64GB
ETHERNET PORTS	4	8
COMM LINES	2	0
TAPE	LTO4	LTO6
HW		$51,498.84
TAPE DRIVES		$21,664.50
SW		$4,708.56
3-YEAR SW MAINT		$6,532.20
3-YEAR HW MAINT		$2,790.00
MIGRATION SERVICES		$5,115.00
SERVICES VOUCHER		-$1,500.00
TOTAL		**$90,809.10**

Sherri P. Dubin-Nordeen
Senior Vice President
561 272 5883 x 208

Midrange Support & Service, Inc.

1122 East Atlantic Avenue, Suite C
Delray Beach, Florida 33483
561 272 5883
Fax 561 272 5652

Migration Services

Scope of Services

Midrange Support & Service, Inc. will provide an IBM Certified Power Systems Specialist on-site to plan for and conduct a system & data migration to an IBM Power 7 Server.

Our Responsibilities

Midrange Support & Service, Inc. (or IBM) will:

- Create, with your representative(s), the overall plan to install new equipment and do a complete migration.
- Load pre-requisite PTFs on current system.
- Upgrade the Hardware Management Console to V7.7.7.
- Mount Power 7 components in existing rack.
- Configure disk drives and RAID5.
- Migrate IBM OS/400 programs and data.
- Migrate user profiles, job descriptions, device descriptions and security information.
- Re-configure LAN adapters, communications, tape devices and workstation controllers as needed.
- Migrate customer programs, spool files, and non-Intel server data to the system.
- Unmount Power 6 hardware.
- Pack and ship Power 6 hardware.

Your Responsibilities

You agree to:

- IPL to apply the latest cumulative PTFs and group PTFs.
- IPL to permanently apply the PTFs.
- Remove all twinax devices.
- Perform a SAVSYS following the 2nd IPL. This save will be used to initialize the disk drives and load the base OS code.
- Perform an option 21 save immediately preceding the migration.
- Provide User IDs and passwords required to enable us to perform this service.
- Have the products and other information agreed to during the planning session available at your installation site prior to the planned installation date.
- Provide access to the system during the hours we agree upon.
- Assume responsibility for problem resolution for any software compatibility issues even though none are anticipated.

Sherri P. Dubin-Nordeen
Senior Vice President
561 272 5883 x 208

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 209-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described (Everglades Club, 347 Worth Avenue, Via Parigi Apartment Renovation) and Stating That the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."

Presenter

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

Supporting Documents

- **Memorandum dated November 22, 2013 from John S. Page, Director of Planning, Zoning, and Building**
- **Resolution 209-2013**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Tax Abatement: The Everglades Club, 347 Worth Avenue: Via Parigi Apartment Renovation
Resolution No: 209-2013

Date: November 22, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No.209-2013, granting Tax Abatement to the property at The Everglades Club, 347 Worth Avenue – Via Parigi Apartment Renovation.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Preservation Commission has approved all changes to this property using the Secretary of Interior (Federal) Standards for Rehabilitation as required in the Tax Abatement program.

GENERAL INFORMATION

1. Project Summary: The above-mentioned applicant has applied for participation in the Town's Tax Abatement Program.

   The Everglades Club was designated as a Landmark of the Town of Palm Beach on May 22, 1980. Via Parigi was designated on April 12, 1983.

2. The Town Council approved the above-mentioned tax abatement for The Everglades Club, Via Parigi Apartment Renovation on December 12, 2012 (Resolution No. 175-2012). Required documentation was subsequently forwarded to Palm Beach County. The Everglades Club is comprised of many different addresses and parcel control numbers. The County determined that the original Town Resolution contained incorrect identification data. This newly revised Resolution corrects that problem.

3. Town Council approval of this corrected Resolution is required to grant this abatement and forward same to Palm Beach County.

FUNDING/FISCAL IMPACT

Action will abate ad valorem Town of Palm Beach property tax increase (new incremental value only) for a period of ten years. Full value assessment will be applicable after the ten year program.

TOWN ATTORNEY REVIEW

Resolution No. 209-2013 has been approved by the Town Attorney for legal form and sufficiency.

Attachment

JP:jl

cc: John Lindgren, AICP, Planning Administrator
Emily Stillings, AICP, Murphy Stillings, LLC

RESOLUTION NO. 209-2013

Everglades Club, 347 Worth Avenue
Via Parigi Apartment Renovation

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AD VALOREM TAX EXEMPTIONS FOR THE PROPERTY HEREINAFTER DESCRIBED AND STATING THAT THE SUBJECT PROPERTY MEETS THE CRITERIA SET FORTH IN CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS."

WHEREAS, pursuant to the provisions of Chapter 54, Article V, Code of Ordinances of the Town of Palm Beach, the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and approved Certificates of Appropriateness for renovations and improvements of the certain property described herein; and

WHEREAS, those improvements are consistent with the United States Secretary of Interior's Standards for Rehabilitation and were made in accordance with the guidelines developed by the Department of State, they will qualify for said tax exemption; and

WHEREAS, the property owner agrees to enter into a covenant of agreement with the Town for the ten year term for which the exemption is granted.

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

Section 1. The property hereinafter described in Section 2 of this Resolution, being listed as a Landmark of the Town of Palm Beach, is hereby approved for the Ad Valorem Tax Exemptions for Historic Properties, pursuant to the provisions of Chapter 54, Article V.

Section 2. The landmark is owned by The Everglades Club Inc. and is located at 347 Worth Avenue, Palm Beach, Florida. The property is legally described as follows:

Tax Folio Number: 50-43-43-23-05-014-0010

Legal Description: ROYAL PARK ADD LTS 1 & 2, LT 3 (LESS SLY 13.9 FT OF ELY 15.6 FT), LT 4 (LESS SLY 13.9 FT OF WLY 3.5 FT), LTS 5 THRU 8, LT 51, LT 52 (LESS SLY 33.35 FT OF NLY 36.82 FT OF WLY 2 FT) LT 53 (LESS NLY 3.42 FT OF WLY 3.5 FT & SLY 33.35 FT OF NLY 36.82 FT), LT 54 (LESS NLY 3.4 FT OF ELY 15.6 FT, SLY 38 FT OF NLY 41.4 FT OF WLY 16.2 FT OF ELY 21.75 FT, ELY 5.55 FT OF SLY 33.4 FT OF NLY 36.8 FT

& SLY 23.3 FT OF NLY 26.7 FT OF WLY 3.45 FT), LT 55 (LESS SLY 23.3 FT OF NLY 26.7 FT OF ELY 15.75 FT) & LT 56

Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 4. A copy of this Resolution with completed application for Ad Valorem Tax Exemptions will be filed with the Property Appraiser's Office as defined in and subject to the provision of Chapter 54 of the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjournment session of the Town Council of the Town of Palm Beach assembled this ___ day of _____ 2013.

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

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Consent - Other

Agenda Title

Authorization of a Selection Committee for Construction Management Services for the North Ocean Boulevard Seawall Project.

Presenter

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

Supporting Documents

- **Memorandum dated November 18, 2013, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorize a Selection Committee for Construction Management Services – North Ocean Boulevard Seawall

Date: November 18, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council affirm the selection team identified below for the North Ocean Boulevard Seawall Project and direct staff to receive qualifications from interested firms to provide construction management services, to short list, to conduct interviews, and to return to Town Council with a recommendation to enter into a contract with the selected firm.

GENERAL INFORMATION

At the August 13, 2013 Town Council Meeting, a design services contract to Kimley-Horn and Associates was awarded via Resolution No. 129-2013, to conduct improvements to the existing seawall along North Ocean Boulevard across from the Palm Beach Country Club. Due to the age and deteriorating condition of the seawall, the planned improvements will consist of a partial demolition of the sheet pile seawall and the reconstruction of a new seawall located immediately landward of the existing seawall alignment. The terminations of the replacement seawall will connect to the existing seawalls at the north and south ends of the project limits.

The Town in the recent past has gone through the selection process for Construction Management at Risk (CM at Risk) services on construction projects. With the success of the previously completed CM at Risk projects such as the A-39 to A-7 Force Main Replacement, The D-15 Improvements, and more recently the ongoing Peruvian Avenue Streetscape, staff believes this is the best mechanism for the construction of the replacement seawall. This project will be one of the more visible and challenging projects within the 2014 construction season.

The Construction Manager at Risk (CM at-Risk) contract is an appropriate choice for this type of work since it allows the contractor to perform a preconstruction review and participate in a very comprehensive determination of the scope of work. Based on some of the project constraints, it is recommended that a low-bid contract approach not be used, since the risk is primarily retained by the owner and that arrangement creates a potential for an adversarial relationship. This project has the potential for unforeseen conditions that would typically lead to change orders and increased chance of litigation. The CM at-Risk contract moves that potential risk to the construction manager and his sub-contractors.

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

1. Michael J. Pucillo, Town Council Member, Public Works Committee Chair
2. John Page Director of Planning, Zoning and Building
3. Jeffrey Sanon, P.E., Project Engineer
4. Jane Struder, Director of Finance
5. Non-voting member: William Francis, P.E., Town Engineer

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

<u>FUNDING/FISCAL IMPACT</u>

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

<u>PURCHASING REVIEW</u>

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

cc: John Page, Director of Planning, Zoning, and Building
Jane Struder, Finance Director
William K. Francis, P.E., Town Engineer
Jeffrey Sanon, P.E., Project Engineer – Public Works
Lynda Venne Cummings, Purchasing Agent
John Cmar, Buyer

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Consent - Other

Agenda Title

Ratification of Selection Committee Rankings for Marine Resource Assessment and Monitoring Services - RFQ No. 2014-03.

Presenter

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

Supporting Documents

- **Memorandum dated November 26, 2013, from H. Paul Brazil, P.E., Director of Public Works**
- **Final Ranking Memo**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Ratification of Selection Committee Recommendation for Marine Resources Assessment and Monitoring Services – RFQ No. 2014-03

Date: November 26, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the ranking of the selection committee for Marine Resources Assessment and Monitoring Services and authorize the Town Manager to execute professional services agreements with the selected firms. The term of the agreements will be for five (5) years.

GENERAL INFORMATION

Following a Consultants Competitive Negotiation Act (CCNA) process in 2009, three (3) firms were recommended by selection committees and approved by Town Council. Professional service agreements (PSA) for each of the selected firms expire on January 1, 2014. In preparation for new contracts to be in place before the PSA expiration date, Town Council affirmed staff's request on July 9, 2013, for the appointment of selection committee members and directed staff to complete the actions, authorized under the CCNA, to receive, review, and return to the Town Council with a recommendation to enter into a contract with the selected consultant(s).

Town staff issued a request for qualifications and received responses from eight (8) engineering firms. The selection committee consisted of Michael J. Pucillo, Council Member and Chairman of the Public Works Committee; John Page, Director of Planning, Zoning, and Building; Robert Weber, Coastal Coordinator; William Francis, P.E., Town Engineer; Cheryl Somers, Assistant Director of Finance; H. Paul Brazil, P.E., Director of Public Works (non-voting); Adis Pedraza, Assistant Purchasing Agent (non-voting); and John Cmar, Purchasing Coordinator (non-voting).

The marine resources assessment and monitoring firms were ranked and the top two (listed alphabetically) are:

- Coastal Eco-Group, Inc.
- Coastal Planning & Engineering, Inc.

FUNDING/FISCAL IMPACT

Entering into these contracts does not obligate the Town to have these firms perform any services for the Town. The Town will enter into separate contracts upon Town Council authorization of each specific project.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

The Town Attorney will review the Professional Services agreements for legal form and sufficiency prior to execution by the Town Manager.

Attachment

RW

cc: Jane Struder, Finance Director
Coastal Engineering Selection Committee Members
Shore Protection Board
Robert Weber, Coastal Coordinator

TOWN OF PALM BEACH

MEMORANDUM

DATE: November 15, 2013

TO: Paul Brazil, Director
Public Works Department

FROM: Adis Pedraza
Asst. Purchasing Agent

SUBJECT: Final Ranking - RFQ No. 2014-03 – Marine Resource Assessment & Monitoring Services

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The Selection Committee met on November 14, 2013. All members of the committee listed below were present:

Michael J. Pucillo	Public Works Committee Chair and Member of the Town Council
John Page	Director of Planning, Zoning and Building
Robert Weber	Coastal Coordinator
William Francis	Town Engineer
Cheryl Somers	Assistant Director of Finance
H. Paul Brazil	Director of Public Works (Non-Voting)
Adis Pedraza	Assistant Purchasing Agent (Non-Voting)
John Cmar	Purchasing Coordinator (Non-Voting)

After thorough consideration of the eight (8) proposals submitted, the Selection Committee pre-qualified the following firms:

Coastal Eco-Group Inc
Coastal Planning & Engineering, Inc.

Please coordinate insurance submittals and other necessary documentation with the firms and the Town Attorney after preparation of a Council Agenda Item and approval by Town Council.

Cc: File: RFQ No. 2014-03
John Randolph, Town Attorney
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Consent - Other

Agenda Title

Ratification of Selection Committee Rankings for Coastal Engineering Services - RFQ No. 2014-04.

Presenter

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

Supporting Documents

- **Memorandum dated November 26, 2013, from H. Paul Brazil, P.E., Director of Public Works**
- **Final Ranking Memo**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Ratification of Selection Committee Recommendations for Coastal Engineering Services RFQ No. 2014-04

Date: November 26, 2013

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the ranking of the selection committee for Coastal Engineering Services and authorize the Town Manager to execute professional services agreements with the selected firms. The term of the agreements will be for five (5) years.

GENERAL INFORMATION

Through two (2) separate Consultants Competitive Negotiation Act (CCNA) processes in 2008 and 2009, eight (8) coastal engineering firms were recommended by selection committees and approved by Town Council. Professional service agreements (PSA) for each of the 2008 and 2009 selected firms expire on January 1, 2014. In preparation for new contracts to be in place before the PSA expiration date, Town Council affirmed staff's request on July 9, 2013, for the appointment of selection committee members and directed staff to complete the actions, authorized under the CCNA, to receive, review, and return to the Town Council with a recommendation to enter into a contract with the selected consultant(s).

Town staff issued a request for qualifications and received responses from seven (7) engineering firms. The selection committee consisted of Michael J. Pucillo, Council Member and Chairman of the Public Works Committee; John Page, Director of Planning, Zoning, and Building; Robert Weber, Coastal Coordinator; William Francis, P.E., Town Engineer; Cheryl Somers, Assistant Director of Finance; H. Paul Brazil, P.E., Director of Public Works (non-voting); Adis Pedraza, Assistant Purchasing Agent (non-voting); and John Cmar, Purchasing Coordinator (non-voting).

The coastal engineering firms were ranked and the top five (listed alphabetically) are:

- Applied Technology & Management, Inc.
- Coastal Planning & Engineering, Inc.
- Coastal Systems International, Inc.
- Coastal Technology Corp.
- Woods Hole Group, Inc.

FUNDING/FISCAL IMPACT

Entering into these contracts does not obligate the Town to have these firms perform any services for the Town. The Town will enter into separate contracts upon Town Council authorization of each specific project.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

The Town Attorney will review the Professional Services agreements for legal form and sufficiency prior to execution by the Town Manager.

Attachment

RW

cc: Coastal Engineering Selection Committee Members
Shore Protection Board
Jane Struder, Finance Director
Robert Weber, Coastal Coordinator

TOWN OF PALM BEACH

MEMORANDUM

DATE: November 15, 2013

TO: Paul Brazil, Director
Public Works Department

FROM: Adis Pedraza
Asst. Purchasing Agent

SUBJECT: Final Ranking - RFQ No. 2014-04 – Coastal Engineering Services

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The Selection Committee met on November 14, 2013. All members of the committee listed below were present:

Michael J. Pucillo	Public Works Committee Chair and Member of the Town Council
John Page	Director of Planning, Zoning and Building
Robert Weber	Coastal Coordinator
William Francis	Town Engineer
Cheryl Somers	Assistant Director of Finance
H. Paul Brazil	Director of Public Works (Non-Voting)
Adis Pedraza	Assistant Purchasing Agent (Non-Voting)
John Cmar	Purchasing Coordinator (Non-Voting)

After thorough consideration of the seven (7) proposals submitted, the Selection Committee pre-qualified the following firms:

Applied Technology & Management Inc.
Coastal Planning & Engineering, Inc.
Coastal Systems International, Inc.
Coastal Technology Corp.
Woods Hole Group, Inc.

Please coordinate insurance submittals and other necessary documentation with the firms and the Town Attorney after preparation of a Council Agenda Item and approval by Town Council.

Cc: File: RFQ No. 2014-04
John Randolph, Town Attorney
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Consent - Other

Agenda Title

Approval of Appointment to the Investment Advisory Committee.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- **Memorandum Dated November 27, 2013, from Jane Struder, Finance Director**
- **Investment Advisory Committee Roster**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Investment Advisory Committee Appointment

Date: November 27, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council appoint Mr. Barry Snyder to serve-out the term for the position vacated by Mr. William Mikus as a regular member of the Investment Advisory Committee.

GENERAL INFORMATION

The Investment Advisory Committee shall be comprised of residents of the Town with prior investment experience. The members of the Investment Advisory Committee shall hold office for two year terms. The Investment Advisory Committee oversees the investment of the Town's surplus funds and the assets of the OPEB Trust.

Mr. Barry Snyder has submitted an application to serve out the remaining term for the position vacated by Mr. William Mikus, set to expire in May 2014. No other Town residents have submitted applications or letters of interest for this appointment.

jls
cc: Susan A. Owens, Town Clerk

TOWN OF PALM BEACH
INVESTMENT ADVISORY COMMITTEE
As of October 8, 2013

TRUSTEES:		TERM:
Town Resident *Chairman*	Michael Andrews, Ph.D., Chairman 255 Mocking Bird Trail Palm Beach, FL 33480 881-8297H mfabuzzard@aol.com	First Appointed 5/2002 Term Expires 5/2015
Town Resident *Member*	Mr. Bernard R. Panfel 3456 S. Ocean Blvd. Palm Beach, FL 33480 533-6102H brpanfel@mac.com	First Appointed 5/2004 Term Expires 5/2014
Town Resident *Member*	Mr. Chris Storkerson 302 N. Woods Road Palm Beach, FL 33480 Ph: 561-863-5060 H Ph: 561-802-2033 W cs102@ntrs.com	First Appointed 4/2013 Term Expires 5/2015
Town Resident *Member*	Mr. Kevin McCluskey 253 Esplanade Way Palm Beach, FL 33480 Ph: 561-659-8847 (w) Ph: 561-762-7719 (h) kevominnie@aol.com	First Appointed 5/2011 Term Expires 5/2015

One Vacant Position

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Consent - Other

Agenda Title

Approval of Appointments to the Shore Protection Board.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- **Memorandum dated December 2, 2013, from Peter B. Elwell, Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Shore Protection Board Appointments

Date: December 2, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council re-appoint Mr. Gerald Frank and Mr. Lee David Goldstein to the Shore Protection Board.

GENERAL INFORMATION

Mr. Frank and Mr. Goldstein have each completed one partial and one full term as a member of the Shore Protection Board and are eligible for reappointment. They have submitted written verification of their interest in continuing to serve. No other Town residents have submitted applications or letters of interest for these appointments.

PBE/ab

cc: H. Paul Brazil, Director of Public Works
Robert Weber, Coastal Coordinator

n:\town manager\pbe\memos\2012\mtc shore protection board appointments.doc

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Board/Commission Annual Report

Agenda Title

Shore Protection Board Annual Report.

Presenter

E. Llwyd Ecclestone, Shore Protection Board Chairperson

Supporting Documents

- **Memorandum dated November 25, 2013, from E. Llwyd Ecclestone, Shore Protection Board Chairperson, and Robert Weber, Coastal Coordinator**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

FROM: Robert Weber, Coastal Coordinator
E. Llwyd Ecclestone, Shore Protection Board Chairperson

RE: Shore Protection Board Annual Report

DATE: November 25, 2013

The Shore Protection Board (SPB) is comprised of seven (7) members appointed by the Town Council for three-year terms. A chairperson and vice-chairperson are selected by the members. The 2013 SPB membership was as follows:

2012 Shore Protection Board Member	Position	Current Term Expires
E. Llwyd Ecclestone	Chairperson	12/2014
J. Patterson Cooper	Vice-chairperson	12/2015
Kane Baker	Regular Member	12/2015
Gerald Frank	Regular Member	12/2013
Lee David Goldstein	Regular Member	12/2013
Lewis Katz	Regular Member	12/2014
Richard Raffo	Regular Member	12/2015

The Board met three (3) times in the 2013 calendar year. A scheduled meeting in February 2013 was cancelled due to the ongoing Woods Hole Group peer review of the Coastal Management Program and the ongoing public stakeholder meetings for the FDEP Beach Management Agreement Pilot Project.

2012 Shore Protection Board Member	Meetings Attended	Absences	January 24	March 28	November 25
E. Llwyd Ecclestone	3	0	A	A	A
J. Patterson Cooper	3	0	A	A	A
Kane Baker	3	0	A	A	A
Gerald Frank	3	0	A	A	A
Lee David Goldstein	3	0	A	A	A
Lewis Katz	3	0	A	A	A
Richard Raffo	3	0	A	A	A

A=Attended

CURRENT SHORELINE CONDITION

On January 17, 2013, FEMA provided a letter to the State reaffirming their previous denial of the State's request for major disaster declaration. Therefore, no FEMA funding assistance was available for Hurricane Sandy recovery along the State of Florida beaches. This Federal decision caused much of the eroded Florida beaches to rely on the natural recovery process unless local sponsors could were to take their own action as deemed necessary. With sea turtle nesting season starting on March 1, and the fact that no buildings were in imminent danger, Town Council decided to follow Town staff's recommendation and not authorize a dune construction project in early 2013.

With some natural recovery and a relatively mild hurricane season for South Florida, the fact still remains that no buildings are in imminent danger. There are several sections within the Town's managed shoreline project areas that have not adjusted as well as others. For this reason, the Town issued bid solicitations for sand placement efforts in Mid-Town (beach nourishment), Reach 7 (partial beach nourishment), and Reach 8 (dune restoration).

Earlier this month, two strong cold fronts have produced nor'easter conditions which have caused some minor erosion to the Town's beaches. No damage to upland property or seawalls have been observed by the Town or reported by others in the Town.

2013 COASTAL PROTECTION PROJECTS

No Coastal Management Plan projects were scheduled or constructed this calendar year. Monitoring work continued, as required by State and/or Federal permits and previously approved by Town Council.

2013 SHORE PROTECTION BOARD

Response to and Recovery from Hurricane Sandy. The SPB heard from Town staff regarding shoreline conditions based on staff field observations and the scheduling of physical surveys and work to be performed by consultants.

Sediment Budget Review, Results from Hurricane Sandy Physical Surveys, and Erosion Rates Discussion. The SPB reviewed the Townwide physical monitoring data and the annual Sediment Budget report. Analysis of the Townwide coastal processes included volumetric change data which aided the Town in planning appropriate shore protection projects.

Discussion of Woods Hole Group's Peer Review of SPB Proposed Coastal Management Program. The SPB provided additional input in response to Woods Hole Group's "Technical Review of Proposed Coastal Management Program" Draft Report.

On March 28, 2013, the SPB unanimously approved for Town staff to immediately prepare a recommendation for Town Council to take actions to facilitate the Reach 8 Environmental Impact Statement (EIS) study. Following Woods Hole Group's recommendation for an EIS in Reach 8, Town Council awarded a contract to have the EIS performed. The final document for the EIS, being prepared by a Town consultant under the direction and supervision of the USACE, is expected sometime in September/October 2014.

RW

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

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Committee Reports

Agenda Title

Ordinances, Rules, and Standards Committee Meeting of December 3, 2013.

Presenter

William J. Diamond, Chair

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 210-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments Levied Within a Portion of the Incorporated Area of the Town Constituting the Peruvian Avenue 400 Block Streetscape Project Assessment Area; Stating the Need for Such Levy; Providing for the Mailing of this Resolution; and Providing an Effective Date.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- **Memorandum dated November 18, 2013, from Thomas G. Bradford, Deputy Town Manager**
- **Resolution No. 210-2013**
- **Proof of Publication**
- **Legal Description of Assessment Area**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Public Hearing to Adopt a Proposed Resolution of Intent to Create an Assessment Program for the Peruvian Avenue 400 Block Streetscape Project Area
Resolution No. 210-2013

Date: November 18, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council consider all public comments at the public hearing on December 10 and thereafter adopt Resolution No. 210-2013. Adoption of this resolution at this time only preserves the Town's right to create the assessment area in time for the property tax bills to be mailed on or about November 1, 2014. The Town Council may decide for any reason not to proceed with the assessment area between now and September 9, 2014, and notify the Property Appraiser and Tax Collector of such change of intent.

GENERAL INFORMATION

Based on information provided by staff for the Town Council meeting on November 12, the Town Council gave staff the go ahead to conduct a public hearing on December 10 pursuant to F.S. 197.3632(3)(a) to consider adopting a resolution of intent to use the uniform method of assessment for the proposed Peruvian Avenue 400 Block Streetscape Assessment Area. The uniform method of assessment is the process used whereby the assessment appears on each benefitting property owner's annual property tax bill. This is the same process used for the Town's Solid Waste collection assessment and for the Worth Avenue project. It is the process approved by the Town Council for assessment projects. If approved and ultimately implemented, the proposal to form an assessment area will result in all costs of making the Peruvian Avenue 400 Block Streetscape improvements being borne by those properties benefitting from the improvements. To date, project construction costs have been paid for by the Town pursuant to the internal financing plan approved by the Town Council for this purpose. As of this writing, the project is ahead of schedule. The project is to be finished by January 31. The final cost of the project along with the proposed assessment methodology will be presented to the Town Council when considering the initial assessment resolution at the July 8, 2014, Town Council meeting.

The next step in this process is to consider the Peruvian Avenue 400 Block Streetscape Project proposed resolution of intent. The Town's notice appeared in the Palm Beach Daily News for four (4) consecutive weeks beginning on November 18 and ending on December 9. At this juncture, the Town Council should conduct the public hearing on proposed Resolution No. 210-2013 seeking comments from all interested parties relative to the resolution and the payment and collection concept that it portends for the affected properties in the proposed Peruvian Avenue 400 Block Streetscape Assessment Area.

If the Town Council decides later this year that it does not wish to proceed with the assessments for any reason, the process is stopped, the Property Appraiser and Tax Collector are notified, and an assessment does not appear on any tax bill.

If the Town Council approves this first step, the tentative process to bring this matter to fruition hereafter will approximate the following:

- July 8, 2014 - Adoption of the initial assessment resolution. All estimated costs of the project and other factors such as interest rates that affect final assessments will be provided and made public at this time.
- August 15, 2014 (on or about) – Mail notice to each affected property owner within the proposed boundaries of the assessment area advising of the tentative assessment amount and the date, time and place of adoption of the final resolution.
- September 9, 2014 – Adoption of final assessment resolution. All final costs of the project and other factors such as interest rates that affect final assessments will be provided and made public at this time.

FUNDING/FISCAL IMPACT

All expenditures to date have been recorded and will be recouped pursuant to the internal financing plan previously approved by the Town Council. Interest and fees will apply. As this is a special assessment project, all costs will be borne by the benefitting property owners and not the property owners of the Town as a whole.

TOWN ATTORNEY REVIEW

The Resolution of Intent was approved by Heather Encinosa, Esq. of the law firm Nabors, Giblin & Nickerson in Tallahassee. Ms. Encinosa specializes in special assessment programs and the law associated therewith. Ms. Encinosa was the author of Town Ordinance No. 12-07, which updated assessment procedures for the Town in July 2007.

Attachment
cc: H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Charles Langley, Senior Project Engineer
Danny Brannon, P.E., Brannon & Gillespie
John C. Randolph, Town Attorney
Heather Encinosa, Esq.

N:\TGB\Agenda Items\2013\Backup Memo on Proposed Peruvian Avenue 400 Block Streetscape Assessment Area 121013 TCM

RESOLUTION NO. 210-2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS LEVIED WITHIN A PORTION OF THE INCORPORATED AREA OF THE TOWN CONSTITUTING THE PERUVIAN AVENUE 400 BLOCK STREETSCAPE PROJECT ASSESSMENT AREA; STATING THE NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida (the "Town") is contemplating the imposition of a non-ad valorem assessment for the provision of certain capital improvements and related services within the Peruvian Avenue 400 Block Streetscape Project Assessment Area; and

WHEREAS, the Town intends to use the uniform method for levying, collecting, and enforcing non-ad valorem special assessments for the cost of certain local improvements and related services to be provided within the Peruvian Avenue 400 Block Streetscape Project Assessment Area, including, but not limited to, landscaping, lighting, signage, irrigation, and other beautification improvements, utility improvements, roadway improvements, and pedestrian access improvements (collectively referred to herein as the "Peruvian Avenue 400 Block Local Improvements"), as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such non-ad valorem assessments to be collected annually commencing in November 2014, in the same manner as provided for ad valorem taxes; and

WHEREAS, the Town held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. Commencing with the Fiscal Year beginning on October 1, 2014, and with the tax bill mailed for such Fiscal Year and continuing until discontinued by the Town, the Town intends to use the uniform method of levying, collecting, and enforcing non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended, and Chapter 90 of the Town of Palm Beach Code of Ordinances, for levying, collecting, and enforcing non-ad valorem assessments for the cost of providing the Peruvian Avenue 400 Block Local Improvements and related services. The proposed non-ad valorem assessments shall be levied within the incorporated area of the Town that constitutes the Peruvian Avenue 400 Block Streetscape Project Assessment Area. A legal description of such properties subject to the assessment is attached hereto as Exhibit B and incorporated by reference.

<u>Section 3.</u> The Town hereby determines that the levy of the assessments is needed to fund the cost of the Peruvian Avenue 400 Block Local Improvements and related services for the Peruvian Avenue 400 Block Streetscape Project Assessment Area.

<u>Section 4.</u> Upon adoption, the Town Clerk is hereby directed to send a copy of this Resolution by United States certified mail to the Florida Department of Revenue, the Palm Beach County Tax Collector, and the Palm Beach County Property Appraiser by January 10, 2014.

<u>Section 5.</u> This Resolution shall be effective upon adoption.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of December 2013.

____
Gail L. Coniglio, Mayor

____
David A. Rosow, Town Council President

____
Robert N. Wildrick, President Pro Tem

____
William J. Diamond, Town Council Member

____
Richard M. Kleid, Town Council Member

ATTEST:

____
Susan A. Owens, MMC, Town Clerk

____
Michael J. Pucillo, Town Council Member

NOTICE BY THE TOWN OF PALM BEACH OF INTENT TO USE THE UNIFORM METHOD OF LEVYING, COLLECTING, AND ENFORCING NON-AD VALOREM ASSESSMENTS

NOTICE 320030R

Notice is hereby given to all owners of lands located within the boundaries of the proposed Peruvian Avenue 400 Block Streetscape Project Assessment Area within the incorporated area of the Town of Palm Beach that the Town of Palm Beach intends to use the uniform method for levying, collecting, and enforcing non-ad valorem assessments to be levied by the Town of Palm Beach for certain local improvements and related services to be provided within the Peruvian Avenue 400 Block Streetscape Project Assessment Area, including, but not limited to, landscaping, lighting, signage, irrigation, and other beautification improvements, utility improvements, roadway improvements, and pedestrian access improvements (collectively referred to herein as the "Peruvian Avenue 400 Block Local Improvements") commencing with the Fiscal Year beginning on October 1, 2014, and continuing until discontinued by the Town.

The Town will consider the adoption of a resolution electing to use the uniform method of levying, collecting, and enforcing such assessments for the Peruvian Avenue 400 Block Local Improvements as authorized by section 197.3632, Florida Statutes, and Chapter 90 of the Town Code, at a public hearing to be held at 9:30 a.m. or as soon thereafter as the matter is heard on December 10, 2013, at 360 South County Road, Palm Beach, Florida. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Town Clerk's Office, located at 360 South County Road, Palm Beach, FL. All interested persons are invited to attend and be heard with regard to this matter.

In the event any person decides to appeal any decision by the Town with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk at (561) 838-5416 at least two days prior to the date of the hearing.

DATED this 18th day of November, 2013.

By Order of:

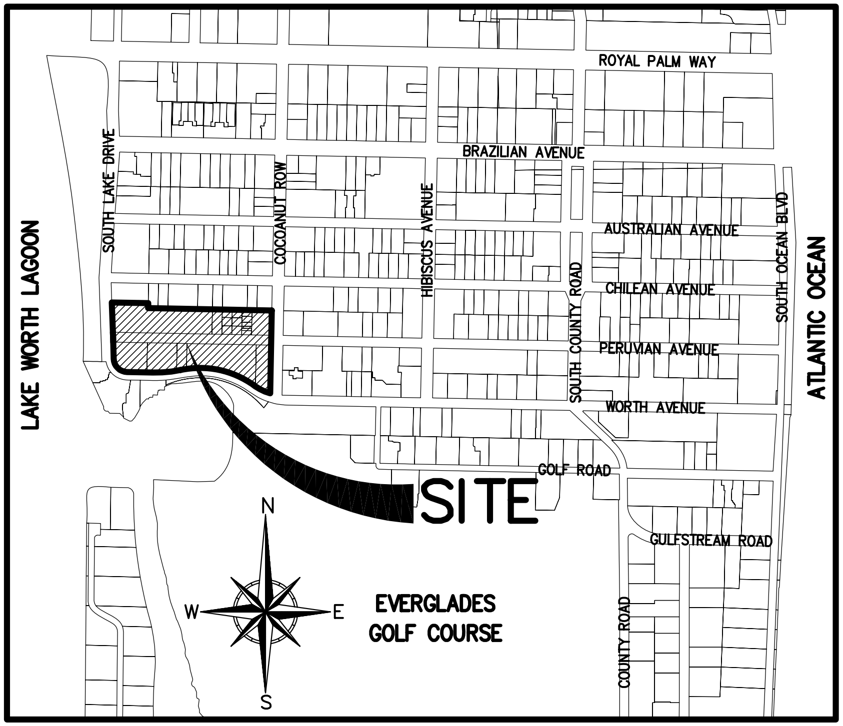
TOWN OF PALM BEACH, FLORIDA

Dated this 18th day of November, 2013
Town of Palm Beach
By: Peter B. Elwell, Town Manager

Publish: Palm Beach Daily News
November 18, 2013, November 25, 2013, December 2, 2013, and December 9, 2013

Palm Beach Daily News, Monday, November 18, 2013

EXHIBIT B



LOCATION MAP
(NOT TO SCALE)

SURVEYOR'S NOTES

1. THE BEARINGS AS SHOWN HEREON ARE BASED ON AN ASSUMED MEREDIAN, REFERENCE A BEARING OF S01°06'29"W ALONG THE WEST RIGHT OF WAY LINE OF COCOANUT ROW, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

2. THIS IS NOT A BOUNDARY SURVEY.

3. THIS SKETCH AND LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS PROVIDED IN ITS ENTIRETY CONSISTING OF SHEETS 1 THROUGH 3.

ABBREVIATIONS

Δ	CENTRAL (DELTA) ANGLE
L	LENGTH
NO.	NUMBER
P.L.S.	PROFESSIONAL LAND SURVEYOR
P.O.B.	POINT OF BEGINNING
R	RADIUS

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" AS SHOWN HEREON WAS PREPARED UNDER MY DIRECTION AND CHARGE ON NOVEMBER 5, 2013, AND THAT SAID "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT IS FURTHER CERTIFIED THAT THIS "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BETSY LINDSAY, INC.
SURVEYORS AND MAPPERS

____
ELIZABETH A. LINDSAY, P.L.S.
FLORIDA REGISTRATION NO. 4724

NOT VALID WITHOUT THE SIGNATURE
AND ORIGINAL RAISED SEAL OF FLORIDA
LICENSED SURVEYOR AND MAPPER

SHEET NO. 1 OF 3 SHEETS	DATE	REVISIONS
PROJECT NO. 13-107		

A PORTION OF BLOCKS 12 & 13 OF THE REVISED MAP OF ROYAL PARK ADDITION – PALM BEACH COUNTY, FLORIDA

SKETCH AND LEGAL DESCRIPTION
PERUVIAN AVENUE 400 BLOCK STREETSCAPE PROJECT

DATE 11/5/2013
SCALE NOT TO SCALE
FIELD BK. ____
DRAWING BY D.B.
CHECKED BY E.A.L.

BETSY LINDSAY, INC.
SURVEYING AND MAPPING
7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
(772)286-5753 (772)286-5933FAX
LICENSED BUSINESS NO. 6852

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF BLOCKS 12 AND 13 OF THE REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 1, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 30, BLOCK 12 OF SAID REVISED MAP OF ROYAL PARK ADDITION, SAID POINT ALSO LYING AND BEING ON THE WEST RIGHT OF WAY LINE OF COCOANUT ROW; THENCE S01°06'29"W ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 418.77 FEET TO AN INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF WORTH AVENUE AND THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N15°24'14"E, A RADIAL DISTANCE OF 240.00 FEET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE FOR THE FOLLOWING FIVE (5) COURSES; (1) NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 20°09'30", A DISTANCE OF 84.44 FEET; (2) N54°13'31"W, A DISTANCE OF 7.26 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 468.52 FEET AND A CENTRAL ANGLE OF 47°46'49"; (3) WESTERLY ALONG THE ARC A DISTANCE OF 390.71 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 613.00 FEET AND A CENTRAL ANGLE OF 13°06'49"; (4) WESTERLY ALONG THE ARC, A DISTANCE OF 140.30 FEET; (5) N88°53'31"W, A DISTANCE OF 129.94 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 69.35 FEET AND A CENTRAL ANGLE OF 86°59'49"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 105.30 FEET TO AN INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF SOUTH LAKE DRIVE; THENCE ALONG SAID EAST RIGHT OF WAY FOR THE FOLLOWING TWO (2) COURSES; (1) N01°50'36"W, A DISTANCE OF 115.25 FEET; (2) N02°01'43"W, A DISTANCE OF 169.44 FEET TO AN INTERSECTION WITH THE NORTH LINE OF LOT 3, BLOCK 12 OF SAID REVISED MAP OF ROYAL PARK ADDITION; THENCE S88°53'31"E ALONG SAID NORTH LINE, A DISTANCE OF 183.76 FEET TO AN INTERSECTION WITH THE EAST LINE OF LOT 3, BLOCK 12 OF SAID REVISED MAP OF ROYAL PARK ADDITION; THENCE S01°06'29"W ALONG SAID EAST LINE, A DISTANCE OF 25.00 FEET TO AN INTERSECTION WITH THE NORTH LINE OF LOT 6, BLOCK 12 OF SAID REVISED MAP OF ROYAL PARK ADDITION; THENCE S88°53'31"E ALONG THE NORTH LINE OF LOTS 6 THROUGH 30, BLOCK 12 OF SAID REVISED MAP OF ROYAL PARK ADDITION, A DISTANCE OF 625.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 265,903 SQUARE FEET OR 6.10 ACRES, MORE OR LESS.

SAID PARCEL BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, DEDICATIONS OR RESTRICTIONS.

SHEET NO. 2
OF 3 SHEETS
PROJECT NO. 13–107

DATE	REVISIONS

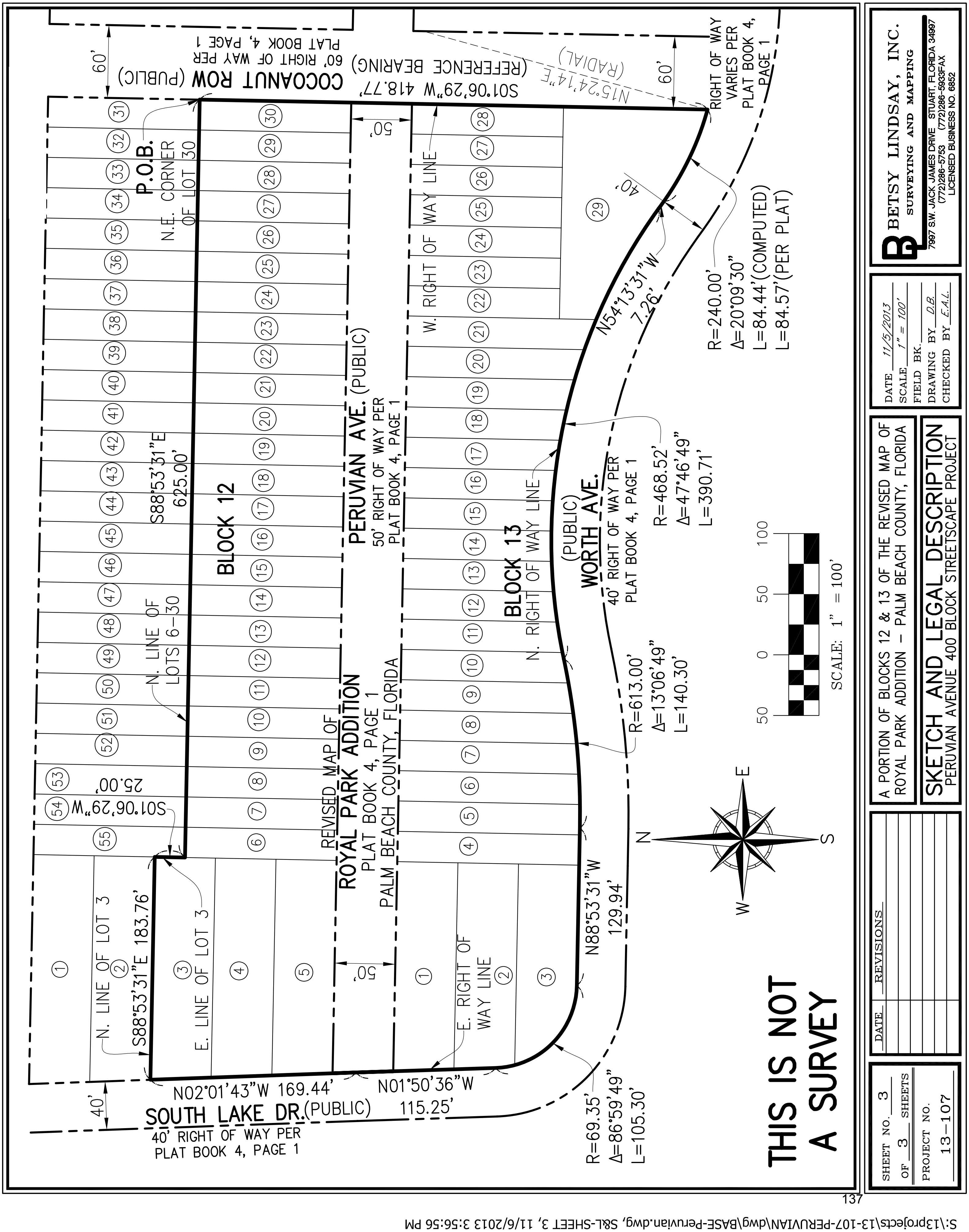
A PORTION OF BLOCKS 12 & 13 OF THE REVISED MAP OF ROYAL PARK ADDITION – PALM BEACH COUNTY, FLORIDA

SKETCH AND LEGAL DESCRIPTION
PERUVIAN AVENUE 400 BLOCK STREETSCAPE PROJECT

DATE 11/5/2013
SCALE NOT TO SCALE
FIELD BK.
DRAWING BY D.B.
CHECKED BY E.A.L.

BETSY LINDSAY, INC.
SURVEYING AND MAPPING
7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
(772)286-5753 (772)286-5933FAX
LICENSED BUSINESS NO. 6852

EXHIBIT B



S:\13projects\13-107-PERUVIAN\dwg\BASE-Peruvian.dwg, S&L-SHEET 3, 11/6/2013 3:56:56 PM

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Flagler Memorial Bridge Project Update.

Presenter

Geoffrey Parker, New Millennium Engineering

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Discussion of the Florida Public Utilities Commission (FPUC) Lawsuit.

Presenter

Michael J. Pucillo, Town Council Member

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Palm Beach Hotel Request for Use of Right-of-Way During Season.

Presenter

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

Supporting Documents

- **Memorandum dated November 25, 2013, from H. Paul Brazil, P.E., Director of Public Works**
- **Letter dated November 25, 2013, from Summit Engineering, Inc.**
- **Photo 1 - Scaffolding**
- **Photo 2 - Close Up View of Scaffolding**
- **Photo 3 - Entrance View**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Waiver to Town Code for Construction During Season for The Palm Beach Hotel

Date: November 25, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council grant a waiver to Town Code of Ordinances Sections 42-198 and 42-226 through 42-229 for construction operations "in season" for the Palm Beach Hotel to allow for the scaffolding that is necessary for the public's safety to remain in place.

GENERAL INFORMATION

At the November 15, 2012 Town Council meeting, Council was advised of the structural repairs that were being done to the hotel. At that time Council directed that sign enforcement regulations be relaxed citing public safety as the reason, and a right-of-way permit was issued for the scaffolding. The permit is expiring and cannot be renewed without Council's approval.

The contractor, PM Development has requested an extension of the previously granted waivers of the following applicable sections of the Town Code of Ordinances:

> Section 42-198 – prohibits operation of equipment or machinery during winter, Sundays, and legal holidays (commencing on December 1 and ending May 1).
>
> Sections 42-226 through 229 – regulates noise, equipment operation, and work hours and the standard Town requirement to "stand down for the season".

The project structural engineer and the Town's building official agree that the scaffolding is necessary to protect the public. Work is anticipated to be completed in January 2014.Approval of these requests would be consistent with prior Town Council approval of similar requests from other property owners doing necessary construction/maintenance of private projects.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this request.

Attachments

cc. Kirk Blouin, Director of Public Safety
John Page, Director of Planning, Zoning and Building

SUMMIT
ENGINEERING, INC.

November 25, 2013

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, Florida 33480

RE: Scaffolding/Shoring
Palm Beach Hotel East Balcony & Front Entry Renovation
235 Sunrise Avenue
Palm Beach, Florida 33480

Dear Mr. Bucklew,

As requested, this letter summarizes the current use of scaffolding/shoring for the above captioned project.

The east balcony renovation currently being performed by PM Development is essentially complete with the exception of some punch list items. The scaffolding/shoring has recently been removed along Sunrise Avenue for this work.

The front entry renovation currently being performed by JF Development (separate building permit) just began a few months ago and will likely be completed by the end of this year. This scaffolding and shoring will be required to be installed throughout the construction to protect pedestrians and temporarily support the building. The front entry renovation is required to repair severely deteriorated steel framing and columns which support the building and represent a life safety concern to the occupants.

If you should have any questions, please contact me at 772-285-0572.

Respectfully Submitted,

Brian J. Maskol, PE
State of Florida
License No. 66080

PHOTO 1 - SCAFFOLDING

PHOTO 2 – CLOSE UP VIEW

PHOTO 3 - ENTRANCE VIEW

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Potential Town of Palm Beach Participation in a Coalition of Local Governments Working to Effect Federal Communications Commission (FCC) Wireless Rulemaking.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- **Memorandum dated November 27, 2013, from Thomas G. Bradford, Deputy Town Manager**
- **Memorandum dated November 15, 2013, from Best Best & Krieger**
- **Exhibit A - Distributed Antenna System**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Consideration of Palm Beach Participation in a Coalition of Local Governments Working to Effect Federal Communications Commission (FCC) Wireless Rulemaking

Date: November 27, 2013

STAFF RECOMMENDATION

Staff recommends Town Council authorize staff to participate in a coalition of local governments seeking to effect FCC wireless rulemaking to protect the interests of the Town and its citizens.

GENERAL INFORMATION

Attached hereto from Best, Best & Krieger (BBK) the Town's telecommunications counsel, is a memorandum setting forth a scope of work and cost ($5,000) for the Town to join a coalition that will be responding to the FCC proposed rulemaking pertaining to acceleration of broadband deployment by improving wireless facilities siting policies most likely to the detriment of local zoning controls addressing such issues. Recently, the FCC released a public notice offering "guidance" on the meaning of a 2012 federal law that limits local zoning authority over modifications to wireless towers and base stations. This public notice suggests local governments cannot control the size of those wireless facilities. It is expected that the wireless industry will claim that local governments must accept this FCC interpretation. Most people are in favor of reasonable efforts to provide robust and ubiquitous wireless service, but the FCC appears to be on the verge tossing out reasonable local controls and providing the wireless industry unprecedented leeway in the placement and expansion of wireless facilities.

The FCC public notice states:

- The 6409 (a) phrase "substantially change the physical dimensions" means only a "substantial increase in the size of the tower," allowing any other changes in dimension.
- Mandatory approval is broadened dramatically. The separate terms "wireless tower" and "base station" include any structure that already supports an antenna or similar facility. This could apply to Town Hall which has two wireless rooftop facilities.
- A local government acts unreasonably if it fails to grant a modification application within 90 days because the local government must "invariably" approve the request.

The public notice is not law or rule but the FCC could attempt to give this or some future interpretation the force of law.

Among other things, the proposed rules may be read to mean the Town:

1) Must approve a 20-foot extension to any existing wireless facility, including outdoor Wi-Fi devices, even if the extension:
    a. makes a stealth facility visible;
    b. reaches into and adversely impacts a historical preservation district or an environmentally sensitive area;
    c. unnecessarily intrudes upon a residential neighborhood, and negatively impacts property values; or
    d. alters an existing, non-conforming structure, or an existing structure that was subject to very strict requirements limiting expansion.
2) Must allow up to three additional large utility cabinets next to any utility pole in the rights-of-way that support a wireless facility.
3) Must allow four utility cabinets to be added to existing wireless facilities in residential neighborhoods - whether beside utility poles along the rights-of-way, or on private property.

I am particularly concerned with the provisions of item number 2 above that may allow up to three additional large utility cabinets next to any utility pole in the rights-of-way that supports a wireless facility. For years, the firm NextG Networks, Inc. has maintained its Town registration as a Communications Services Provider per Section 116-21 of the Code of Ordinances. In 2004, NextG was approved by the Florida Public Service Commission to provide Alternative Access Vendor services and Competitive Local Exchange Telecommunications service both per F.S. 364.337. It is my understanding that among the services this entails is micro cell sites and a form of Wi-Fi, both of which are dispersed using a distributed antenna system (DAS) affixed to utility poles and streetlight posts located in rights-of-way throughout an area to be served. See the copy of a typical NextG DAS model attached as Exhibit A.

If NextG implements service in Palm Beach per its active registration with the Town, under the proposed FCC rulemaking we could end up with up to three additional large utility cabinets next to any utility pole or streetlight in Town that supports a wireless facility placed by NextG. This is likely to be considered unacceptable to Palm Beach residents.

<u>FUNDING/FISCAL IMPACT</u>

In the recent past the Town reduced the annual allocation for telecommunications legal work, but it was discussed at the time that staff would come to the Town Council whenever it became aware of a situation that may require special funding. The Town has allocated $1,200 in the FY 14 budget for telecommunications legal expenses. To participate in this FCC wireless rulemaking coalition an additional $3,800 from the FY 14 General Fund Contingency should be approved by the Town Council.

cc: John Page, Director of Planning, Building and Zoning
Paul Castro, Zoning Administrator
John C. Randolph, Town Attorney

N: TGB\Agenda Items\2013\ FCC Wireless Rulemaking Coalition Participation 121013 TCM

Indian Wells
(760) 568-2611
Irvine
(949) 263-2600
Los Angeles
(213) 617-8100
Ontario
(909) 989-8584

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

2000 Pennsylvania Avenue, N.W., Suite 4300, Washington, DC 20006
Phone: (202) 785-0600 | Fax: (202) 785-1234 | www.bbklaw.com

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(916) 325-4000
San Diego
(619) 525-1300
Walnut Creek
(925) 977-3300

Joseph Van Eaton
(202) 370-5306
joseph.vaneaton@bbklaw.com

MEMORANDUM: FCC WIRELESS RULEMAKING COALITION

November 15, 2013

The FCC has proposed new rules that, if adopted in their current form, will severely limit your authority to control wireless-facility placements in your community. The FCC's notice of proposed rulemaking is 75 pages long and raises dozens of questions about how and whether the FCC should limit your authority in the ways it has proposed, or in other ways; or whether it should adopt rules that are more deferential to local decision-making. We anticipate that the wireless industry will launch a strong response in support of adopting rules that preempt local discretion over a broad array of wireless installations and modifications. To defend local interests effectively in this rulemaking will require a significant and coordinated effort. Best Best & Krieger has heard from several clients interested in participating in this proceeding, and is therefore forming a coalition of communities to file a comprehensive response using shared resources. This will include filing comments and reply comments to address the issues raised in the rulemaking and may include hiring experts to discuss the potential effects of a bad rule on the environment, historical preservation and real estate values.

Here's how you can join:

a. ***Confirm*** that you will retain BBK to file comments on your behalf, subject to the budget limit below, by contacting Joe Van Eaton or your BBK attorney.

b. ***Consent*** to filing with a coalition of communities. There may be some communities that join the coalition with whom you have conflicts in other areas. We'd ask you to agree that we can represent all coalition members in this rulemaking. This will enable us to form the coalition more easily, and of course, ensure that the cost to each coalition member is as low as possible.

Given the level of interest, we believe that that the cost to you of filing comments and reply comments would not exceed $5,000 without your permission. The overall effort will depend on the number of participants: with many, your cost would be less; with few, we would limit the comments' scope (in the unlikely event that the number of interested communities does not permit us to file effective comments, we would let you know immediately). We expect to coordinate closely with other entities that may be filing comments supporting local governments.

09959.00000\8410369.1

It is also common for participants in the rulemaking to hold meetings with FCC Commissioners and staff after the comment period has ended to press their positions and respond further to other commenters. We expect that the wireless industry will do this, and, if necessary, we may come back to you at a later date seeking additional funding to support meetings to reiterate our side's views to the Commission.

For more background, the attached memo describes the rulemaking and our recommended approach.

Please call if you have any questions.

Contact information:

Joseph Van Eaton
Matthew K. Schettenhelm
2000 Pennsylvania Avenue, NW
Suite 4300
Washington, DC 20006
Joseph.VanEaton@bbklaw.com.
Direct dial phone number: (202) 370-5306.

SUMMARY OF RULEMAKING IMPACT AND POSSIBLE RESPONSE

The FCC's Notice of Proposed Rulemaking (NPRM), *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket No. 13-238, FCC 13-122 (9/26/2013) includes a set of proposed rules that threaten local authority over the rational expansion of existing wireless facilities. Among other things the proposed rules may be read to mean that a locality:

1. Must approve a 20-foot (and sometimes greater) extension to any existing wireless facility, including outdoor Wi-Fi devices, even if the extension:

   a. makes a stealth facility visible;
   b. reaches into and adversely impacts a historical preservation district or an environmentally sensitive area;
   c. unnecessarily intrudes upon a residential neighborhood, and negatively impacts property values; or
   d. Alters an existing, non-conforming structure, or an existing structure that was subject to very strict requirements limiting its expansion.

2. Must allow up to three additional large utility cabinets next to any utility pole in the rights-of-way that supports a wireless facility.

3. Must allow four utility cabinets to be added to existing wireless facilities in residential neighborhoods – whether beside utility poles along the rights-of-way, or on private property.

The proposed rules also do not explicitly preserve local authority to protect people or property against unsafe installations.

The FCC issued the proposed rules to implement 47 U.S.C. § 1455(a), which provides in relevant part that:

> "[A] State or local government <u>may not deny, and shall approve</u>, any eligible facilities request for a modification of an existing wireless tower or base station <u>that does not substantially change the physical dimensions</u> of such tower or base station."

An "eligible facilities request" means any request for modification "of an existing wireless tower or base station" involving collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

Approach to the Rulemaking

If the FCC adopts harmful rules, you may be forced to approve installations that change existing structures in substantial ways. However, we believe that there is a sensible common ground here—and while the FCC's proposed rules miss it, there is some indication in the text of the rulemaking that the FCC is open to adopting a more reasonable approach. We believe that Section 1455(a) was designed to streamline the process for considering applications for collocation of wireless antennas and modifications of base stations associated with existing, large wireless towers. This is not something localities oppose: many encourage or require collocation. But most localities also recognize that some collocations do have a significant impact. The FCC needs help distinguishing material and non-material changes. The agency's questions suggest that its final rules could be far more reasonable than the rules it has now proposed.

Our goal would be to help the FCC find this reasonable common ground: to show that a heavy-handed approach is not only unneeded, but is unproductive, and will make it more difficult to approve applications for new sites. The rulemaking also raises significant constitutional issues about federal authority to compel local actions. We hope that the coalition will be in a position to present not only legal and policy arguments, but several expert reports showing that the proposed rules would have a potential adverse impacts on historical and environmentally sensitive areas, and are unnecessary to satisfy the industry's deployment needs. The force of those arguments will be strengthened if we can present them on behalf of a significant number of communities, from across the United States.

Please call if you have any questions concerning the rulemaking, or our approach to that rulemaking.

EXHIBIT A

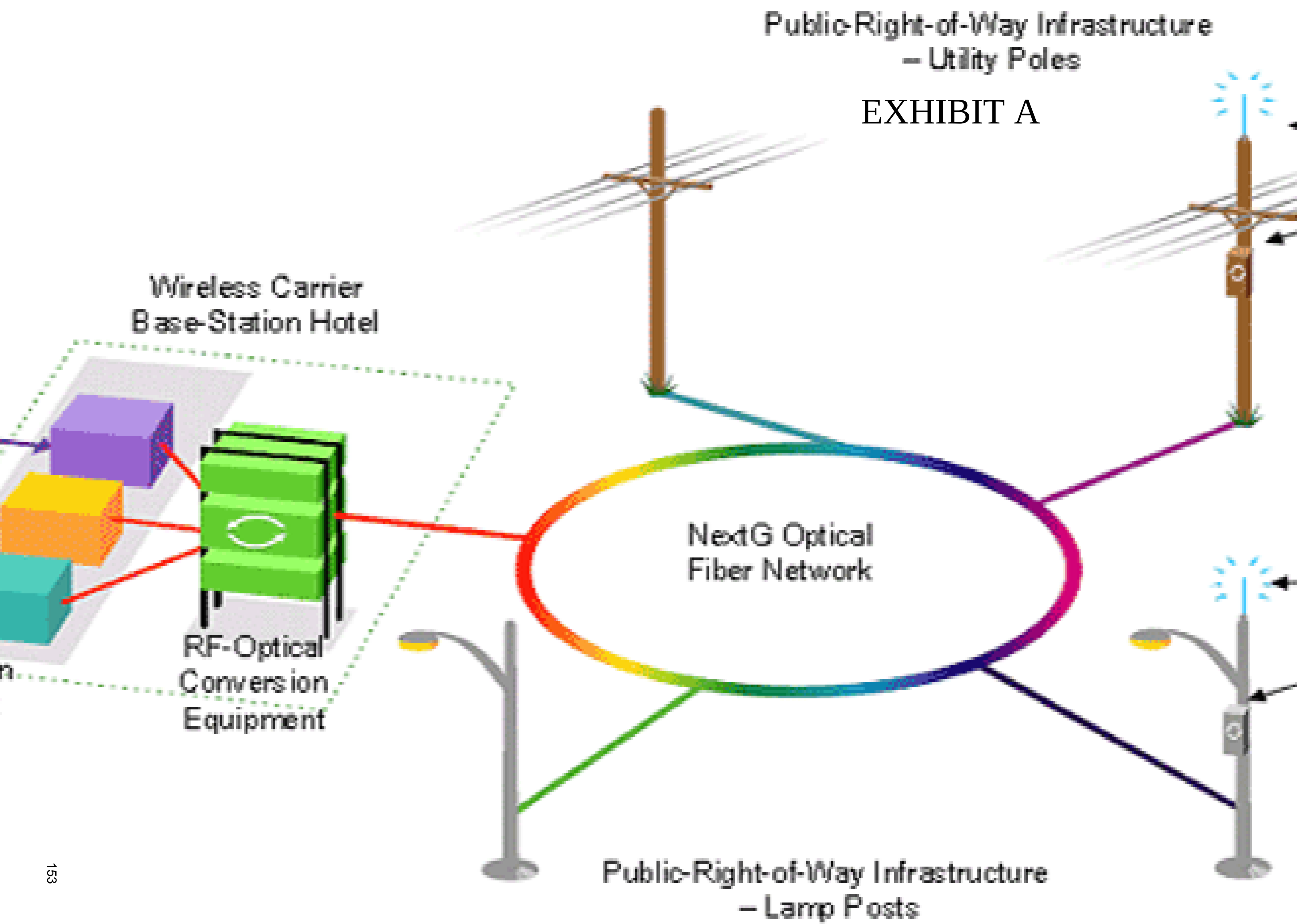

Figure 2: Distributed Antenna System

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Operational Enhancements within the Building Division of the Planning, Zoning, and Building Department.

Presenter

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

Supporting Documents

- **Memorandum dated November 25, 2013, from John S. Page, Director of Planning, Zoning, and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John Page, Planning, Zoning & Building Director

Re: Building Division: Operational Enhancements

Date: November 25, 2013

STAFF RECOMMENDATION

Staff would like to inform the Town Council of ongoing initiatives intended to improve the various building/permitting services this Department provides to the general public. A series of operational changes are now being implemented or contemplated, all designed to improve service delivery.

GENERAL INFORMATION

Bill Bucklew, certified Plans Examiner, was named as the Town's Acting Building Official in September of this year. Mr. Bucklew is also licensed and certified as a Building Official in the State of Florida. The past year has been particularly busy, with all major building variables (application submittals, plans reviewed, permits issued, inspections completed) trending up.

The introduction of new leadership provided an ideal time for managers in the Department to take stock of existing building operations and to consider new procedures and or tweaks to existing procedures that would be of benefit to the public. That process began in September with Mr. Bucklew's appointment, and continues to occur. Staff would like to provide the Council with a brief description of evolving service improvements. Please understand this listing is very ambitious. It is not possible to analyze and implement all of these service enhancements at once, but those that are not already being implemented will be addressed in the year ahead.

Expedited Plan Review. This optional extra-fee service, offered for many years, is completed as overtime work by Town inspectors during evening hours. It would be advantageous for many reasons to pay a contract employee to complete this service in Town Hall during traditional office hours. Costs are anticipated to be neutral. Our ability to implement has been temporarily hampered by a lack of certified plans examiners available via the Department's approved contract vendors. I intend to make this change as soon as the right contract employee becomes available.

Changes to Traditional Plan Review. Our internal review process is now being adjusted to process new single family projects and large remodels/commercial projects in a streamlined fashion. Daily attention is given to such projects, with our various specialty inspectors (electrical, mechanical, plumbing and building) sharing this responsibility. Turn-around time, submission to permit issuance, is shortened. This change will assist in "beating" our internal goal of 10-working day turn-around.

Same Day Reinspections. Each failed inspection requires a subsequent inspection. Staffing resources and scheduled inspections at other properties often prevent staff from reinspecting later in the same day (although inspectors do so when possible). The Department will be exploring options for assuring same day reinspections when minor corrections appear feasible.

On-Call, Immediate Plan Review/Permitting. There are some very common types of permits that do not necessarily need formal plan review (mechanical equipment replacement is a good example). The Department would like to implement a procedure for one-stop, immediate permitting for certain permit types. It may prove necessary to restrict this service to a certain time/day(s) of the week.

Partial Building Inspections. The Department is adjusting procedure to accomplish speedier inspections of large construction projects. PZB has not traditionally done partial inspections. Now in process of change, this practice will allow contractors to call for inspections when a single room or fractional building portion is ready, rather than waiting for other building components to be completed. This user-friendly approach speeds up construction timeframes.

Contract Plans Review, Switch to In-House Staff Review. Historically, the volume of permit applications and plans awaiting review has necessitated the need for two employees (plans reviewers). We have accommodated this staffing need with one full-time Town employee and one contract employee. Time has proven that highly qualified contract employees turn-over quite often, creating training and continuity difficulties. Staff believes we should replace said contract employee with a full-time Town employee at di-minimus expense, ultimately improving our service to the community. Florida's thriving construction industry has created a temporary shortage of qualified plans reviewers, so achieving this goal hinges, in part, on the future availability of qualified personnel.

Individual "How Can We Improve Our Services" Meetings With Major Contractors. The Department is organizing a schedule for sit-down meetings with contractors that frequently do business on the Island to receive their input regarding suggestions they may have to improve our service. This process will begin in January.

Making Plan Revisions More User-Friendly. Building revisions occur constantly throughout construction projects. Inspectors often have to withhold a "passed" inspection when they find revisions that are contrary to approved plans. In some instances, this is necessary but in others, when minor changes occur, as-built drawings could be submitted before the final inspections are conducted, thus promoting timely job progress. All projects differ in scope in complexity, meaning this approach may work in some instances, but not always. Care will be taken to see that this approach does not create unintended negative consequences.

Expanded Use of Permit Submission Checklists. This Department has created a variety of checklists to assist applicants of all kinds. We continue to augment this procedure in order to reduce the number of permit applications that are rejected by Plan Review because of missing items.

Submission/Issuance of Certain Permit Types On Line. Some permit types, because of their minor nature or because of minimal attachments, are currently being submitted by fax. These permits lend themselves well to on-line submission. Examples include AC permits and water heater permits. Staff is working with our software company to determine the timing and process for implementation.

- Plans review turn-around/permit issuance within 10 business days (provided plans are complete/no rejections for incorrect data)
- Ability to schedule inspections up until Midnight the day before.
- On-line tracking of all permit information in real time, including data regarding submittal, approval, inspections and field notes.
- Posting of all frequently used forms/applications on the Town's web site.
- A new "New & Notes" feature on the Town's website that keeps contractors informed of timely/critical information.
- Electronic submission and review of building plans.

This information is being provided to the Town Council for the sole purpose of keeping you informed. No immediate action is needed at this time.

cc: Bill Bucklew, Acting Building Official

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- **Memorandum dated November 20, 2013, from Peter B. Elwell, Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter

Date: November 20, 2013

STAFF RECOMMENDATION

Appointment of Peter B. Elwell to serve an additional one-year term as Town Manager from December 10, 2013, through December 9, 2014.

GENERAL INFORMATION

Section 4.02(b) of the Town Charter requires the annual appointment of a Town Manager for a one-year term. On December 11, 2012, the Town Council appointed me as Town Manager to serve a thirteenth one-year term which expires on December 10, 2013.

PBE:cek

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Regular Agenda - New Business

Agenda Title

Appointment to the Code Enforcement Board.

Presenter

Kirk W. Blouin, Director of Public Safety

Supporting Documents

- **Memorandum dated December 2, 2013, by Kirk W. Blouin Director of Public Safety**
- **Ballot**
- **CEB Roster**
- **2013 Attendance Record**
- **2013 Voting Conflict Record**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To:	Mayor and Town Council
Via:	Peter B. Elwell, Town Manager
From:	Kirk W. Blouin, Director of Public Safety
Re:	Code Enforcement Board Appointment
Date:	December 2, 2013

STAFF RECOMMENDATION

Staff recommends Town Council appoint one regular (1) member to the Code Enforcement Board to fill the seat vacated as a result of the resignation of Alan S. Golboro in October, 2013.

Staff recommends Town Council make any appointments to the Code Enforcement Board which may become necessary as a result of making the aforementioned appointment.

GENERAL INFORMATION

There is one (1) vacancy for a regular member on the Code Enforcement Board as a result of the resignation of Alan S. Golboro.

Staff confirmed that alternate member Scotch Peloso whose term as alternate member does not expire until April 2014 is interested in promotion to regular member status and has submitted an updated application. Mr. Peloso has served as an alternate member of the Code Enforcement Board since August 2009.

Staff confirmed that alternate member Robert G. Donnelley whose term as alternate member does not expire until April 2016 is interested in promotion to regular member status and has submitted an updated application. Mr. Donnelley has served as an alternate member of the Code Enforcement Board since September 2013.

Pursuant to the news release notifying the public of the upcoming vacancies on the Code Enforcement Board, Matthew Natale and Thomas Parker have submitted "Applications for Service" on a Town Board or Commission along with other appropriate qualifying information.

KB/rh

BALLOT FOR APPOINTMENT OF REGULAR MEMBERS(S)
TO THE CODE ENFORCEMENT BOARD
Town Council Meeting on December 10, 2013

Position(s) to be filled:

1 Regular Member	Terms to expire April 2016 (Due to the resignation of Alan S. Golboro)

Please circle 1 name from the lists of names appearing below:

Alternate Member Applying for Promotion to Regular Member*

Scotch Peloso

Robert G. Donnelley

Applications Received Applying for Regular Member

Matthew Natale

Thomas Parker

Signature of Town Council Member:____

* *Any currently serving Alternate member who is not elevated to the position of Regular member shall retain his/her current position.*

Ballot December 10, 2013

TOWN OF PALM BEACH
POLICE DEPARTMENT

DEDICATED TO EXCELLENCE

CODE ENFORCEMENT BOARD ROSTER

Harris S. Fried, Chairman

James M. Ballentine, Jr., Vice Chairman

Larry Ochstein, Member

Madelyn Greenberg, Member

Cynthia Van Buren, Member

W. Anthony Dowell, Member

Scotch Peloso, Alternate

Robert G. Donnelley, Alternate

Town of Palm Beach

Code Enforcement Board **Attendance Record 2013**

Member	1/17	2/21	3/21	4/18	5/16	6/20	7/18	8/15	9/19	10/17	11/21	12/19
Harris S. Fried *(Regular Member as of 7/2006)*	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	
James M. Ballentine, Jr. *(Regular Member as of 8/2009)*	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	
Larry Ochstein *(Regular Member as of 4/2006)*	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**U**	**P**	**P**	
Madelyn Greenberg *(Regular Member as of 4/2008)*	**P**	**P**	**U**	**P**	**P**	**P**	**P**	**P**	**U**	**P**	**P**	
Cynthia Van Buren *(Regular Member as of 4/2008)*	**P**	**P**	**P**	**P**	**U**	**P**	**P**	**P**	**P**	**P**	**P**	
W. Anthony Dowell *(Regular Member as of 8/2012)*	**P**	**E**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	
Alan S. Golboro *(Resigned 10/2013)*	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**U**	**P**	*	*	*
Scotch Peloso *(Alternate Member as of 8/2009)*	**P**	**P**	**U**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	
Robert G. Donnelley *(Alternate Member as of 9/2013)*	*	*	*	*	*	*	*	*	**P**	**P**	**P**	

LEGEND: P= Present
E- Excused
U= Unexcused Absence
A= Absence pending classification as excused or unexcused
X= No meeting date

Town of Palm Beach

Code Enforcement Board — Voting Conflict Record 2013

Member	1/17	2/21	3/21	4/18	5/16	6/20	7/18	8/15	9/19	10/17	11/21	12/19
Harris S. Fried *(Regular Member as of 7/2006)*	*	*	*	*	*	*	*	*	*	*	*	
James M. Ballentine, Jr. *(Regular Member as of 8/2009)*	*	*	*	*	*	*	*	*	*	*	*	
Larry Ochstein *(Regular Member as of 4/2006)*	*	*	*	*	*	*	*	*	*	*	*	
Madelyn Greenberg *(Regular Member as of 04/2008)*	*	*	*	*	*	*	*	*	*	*	*	
Cynthia Van Buren *(Regular Member as of 4/2008)*	*	*	*	*	*	*	*	*	*	*	*	
W. Anthony Dowell *(Regular Member as of 8/2012)*	*	*	*	*	*	*	V	*	*	*	*	
Alan S. Golboro *(Resigned October 2013)*	*	*	*	*	*	*	*	*	*	X	X	X
Scotch Peloso *(Alternate Member as of 8/2009)*	*	*	*	*	*	*	*	*	*	*	*	
Robert G. Donnelley *(Alternate Member as of 9/2013)*	*	*	*	*	*	*	*	*	*	*	*	

LEGEND:
- V = One Voting Conflict during a meeting
- V2 = Two Voting Conflicts during a meeting
- V3 = Three Voting Conflicts during a meeting
- VPD = Voting Conflict Previously Declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing renovation project.
  ONLY COUNT ORIGINAL DECLARED CONFLICT FOR ONGOING PROJECTS PER JOHN C. RANDOLPH, TOWN ATTORNEY
- X= No longer on Board

TOWN OF PALM BEACH

Town Council Meeting on: December 10, 2013

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 21-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118 Relating to Traffic and Vehicles at Article III, Parking, Stopping and Standing; Section 118-92, Penalty for Violating Parking Regulations Generally; by Amending Paragraph (a), Subparagraph (12) Relating to Parking in Loading Zone; and by Creating a New Subparagraph (22) Establishing a Parking Regulation for Illegal Parking in Residential Loading Zones; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- **Memorandum dated November 26, 2013, from Thomas G. Bradford, Deputy Town Manager**
- **Ordinance No. 21-2013**

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 10, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Ordinance Establishing a Fine for Illegal Parking in Residential Loading Zones and Providing Clarification of Unlawful Parking in Commercial Loading Zones
Ordinance No. 21-2013

Date: November 26, 2013

STAFF RECOMMENDATION

Staff recommends Town Council adopt Ordinance No. 21-2013.

GENERAL INFORMATION

At their meeting on February 10, 2012, the Town Council approved the establishment of a residential loading zone to accommodate the residents of Via Mizner on Peruvian Avenue. In order to effect proper enforcement, staff recommends that an ordinance be adopted that makes it illegal for any person to use such loading zone unless a resident of the area, as posted. In addition, it has been requested that the Code be amended to clarify that parking in a commercial loading zone is limited to properly marked commercial vehicles that must be engaged in loading or unloading activities. The proposed ordinance accomplishes these two changes allowing for effective enforcement. Parking in excess of any posted time limit in a commercial or residential loading zone is already deemed unlawful by the overtime parking prohibition in Sec. 118-92.

FUNDING/FISCAL IMPACT

The fine for violating parking regulations has been established at $50/$60 per violation by action of the Town Council. Any additional revenue by virtue of this change will be di minimis.

TOWN ATTORNEY REVIEW

Ordinance No. 21-2013 was prepared by Town Attorney John Randolph.

cc: Kirk Blouin, Director of Public Safety
Dan Szarszewski, Deputy Chief of Police
Ann-Marie Taylor, Lieutenant, Police Department
Raychel Houston, Parking/Code Enforcement Manager

N: TGB\Agenda Items\2013\ Ordinance for Fines for Residential Loading Zone Parking Violations 121013 TCM

ORDINANCE NO. 21-2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 118 RELATING TO TRAFFIC AND VEHICLES AT ARTICLE III, PARKING, STOPPING AND STANDING; SECTION 118-92, PENALTY FOR VIOLATING PARKING REGULATIONS GENERALLY; BY AMENDING PARAGRAPH (a), SUBPARAGRAPH (12) RELATING TO PARKING IN LOADING ZONE; AND BY CREATING A NEW SUBPARAGRAPH (22) ESTABLISHING A PARKING REGULATION FOR ILLEGAL PARKING IN RESIDENTIAL LOADING ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 118 of the Town Code of Ordinances, titled Traffic and Vehicles, is hereby amended at Article III, Parking, Stopping and Standing, by amending Section 118-92 at paragraph (a), subparagraph (12), and to include a new subparagraph (22) to read as follows:

Sec. 118-92. Penalty for violating parking regulations generally.

(a) It shall be unlawful for any person to violate any of the parking regulations referenced in this section.

*****

(12) “Parking in loading zone unless vehicle is commercially marked and being used for commercial loading or unloading.”

*****

“(22) Parking in a loading zone posted as a residential loading zone unless said person is a resident of the area for which the loading zone is established.”

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, 2013, and for second and final reading on this _____ day of January, 2014.

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

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