



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

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

AGENDA

NOVEMBER 10, 2020

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. BOARDS AND COMMISSIONS APPOINTMENTS

- A.** Appointment to the Architectural Commission (ARCOM).
Queenester Nieves, CMC, Town Clerk
- B.** Appointment to the Investment Advisory Commission.
Queenester Nieves, CMC, Town Clerk

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VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

VII. COMMENTS OF TOWN COUNCIL MEMBERS

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 3)

A. MINUTES

1. Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk
- a. October 13, 2020, Town Council Meeting Minutes
b. October 14, 2020, Local Planning Agency Meeting Minutes
c. October 14, 2020, Town Council Development Review Meeting Minutes
d. October 16, 2020, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of October 28, 2020.
Wayne Bergman, Director of Planning, Zoning and Building

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B. RESOLUTIONS

1. RESOLUTION NO. 108-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Memorandum of Understanding Between the Municipal Public Safety Communications Consortium (MPSCC) and Member Municipalities; Establishing a Reserve Fund for the Upgrade and Replacement of the Current MPSCC Public Safety Radio System with a First Year Funding of \$65,302.23; Approving Payment to the MPSCC in the Amount of \$71,950.43 for the FY21 Annual Operating Budget; and Authorizing the Mayor, Town Manager and Staff to Execute All Documents Necessary on Behalf of the Town of Palm Beach.
Nicholas Caristo, Chief of Police
2. RESOLUTION NO. 115-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Mayor To Enter Into An Agreement With The Supervisor Of Elections For The March 2021 Municipal Election(s) Vote Processing Equipment Use And Elections Services.
Queenester Nieves, CMC, Town Clerk
3. RESOLUTION NO. 116-2020 A Resolution of the Town Council of

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Page 169

Page 180

the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Rechten International Trucks Inc. for the Purchase of a Replacement Dump Truck in the Amount of \$90,124 and a Project Budget of \$95,124.

Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 117-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, To Contract with Henry Schein, Inc. for Medical Supplies to Support Fire EMS in the Annual Amount of \$50,000 and Establish a Proposed Five Year Contract Value of \$250,000 Contingent Upon Satisfactory Performance and Budget Authorization. Page 202

Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 118-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation to Award RFQ No. 2020-24 for Marine Resource Assessment and Monitoring Services to Two Firms, Coastal Eco-Group, Inc. and Coastal Protection Engineering LLC. Page 213

Dean Mealy, Purchasing Manager

6. RESOLUTION NO. 119-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Order to Electronic Data Collection Corporation in the Annual Amount of \$50,000 and a Proposed Five Year Contract Award in the Amount of \$250,000 Based on Satisfactory Performance and Budget Authorization for Software for the Parking Ticket Management for the Police and Finance Departments. Page 354

Dean Mealy, Purchasing Manager

7. RESOLUTION NO. 120-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Retroactive Change Order in the Amount of \$23,000 to Palm Beach County for Unexpected Repairs to Fire Rescue Vehicles. Page 358

Dean Mealy, Purchasing Manager

8. RESOLUTION NO. 121-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the amount of \$99,771 and a Project Budget of \$114,743 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities. Page 376

Dean Mealy, Purchasing Manager

9. RESOLUTION NO. 123-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Order to Dana Safety Supply, Inc. in the Amount of \$30,000 and a Five Year Award of \$150,000 Contingent Upon Satisfactory Performance and Budget Authorization for Installation of Municipal Vehicle Equipment and Annual Extended Warranty for Genetec Mobile LPR Units. Page 385

- Dean Mealy, Purchasing Manager*
10. RESOLUTION NO. 124-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, to Approve a Purchase Order to Blue Line Innovations in the Annual Amount of \$35,000 and Approve a Five Year Award in the Amount of \$175,000 Based on Satisfactory Performance and Budget Authorization. Page 389
Dean Mealy, Purchasing Manager
11. RESOLUTION NO. 125-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Celebrity Cleaners of West Palm Beach for Uniform Services for the Police and Fire Departments in the Amount of \$20,000. Page 393
Dean Mealy, Purchasing Manager
12. RESOLUTION NO. 126-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Additional Funding to Spur Employment Inc. in the Annual Amount of \$524,000. Page 397
Dean Mealy, Purchasing Manager
13. RESOLUTION NO. 127-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Resolution No. 83-2019 for Contract Inspections under the Plans, Review, and Inspection Services in the Annual Amount of \$140,000. Page 401
Dean Mealy, Purchasing Manager
14. RESOLUTION NO. 128-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates Inc. for Plan Revisions and the Construction Phase Services Proposal for the A-6 Pump Station Improvements in the Amount of \$137,000 and a Project Budget of \$157,895. Page 405
Dean Mealy, Purchasing Manager

C. OTHER

1. Waiver to Town Code for Construction Hours and Noise for the D16 and D18 Stormwater Pump Station Improvements Page 415
H. Paul Brazil, P.E., Director of Public Works
2. Request to Consider Ordinance No. 16-2020 at a Public Hearing Prior to 5:00 p.m. Page 417
Wayne Bergman, Director of Planning, Zoning and Building

X. COMMITTEE REPORTS

- A. Report of the Public Works Committee Meeting Held on Thursday, October 22, 2020. Page 419
Danielle H. Moore, Chair

XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-wide Undergrounding Project

Page 426

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

2. COVID-19 Update

Page 473

Kirk W. Blouin, Town Manager

TIME CERTAIN: 11:00 AM

a. Report on COVID-19 Infections and Hospitalizations (*written backup provided in purple folder*)

b. Report on Compliance and Enforcement, Relative to State and County Orders (*verbal report*)

c. Input from Business Community

d. Discussion Regarding Future Public Meetings

e. RESOLUTION NO. 122-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Concurring With The Request Of The Town's Chief Of Police, To Extend The Chief's Declaration Of The Existence Of A State Of Emergency Within The Corporate Limits Of The Town To December 8, 2020, Unless Earlier Terminated By The Chief Of Police, At Which Time The Town Council Will Address The Need For Any Extension Of The Declaration Of Emergency; Providing For An Effective Date.

3. Palm Beach Marina Update

Page 478

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

TIME CERTAIN: 11:30 AM

a. Offer from Town Resident, Scott Snyder, and Nievera Williams Landscape Architecture to Donate Services to Assist the Town with Landscape Enhancements at Lake Drive Park.

b. Proposed Improvements to Town Marina Upland Amenities, Lake Drive Park and South Lake Drive - Review of Updated Cost Estimates and Design Concepts, and Establish Project Budget

c. RESOLUTION NO. 130-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Grant for Project No. PB-PB-20-209, Between the Florida Inland Navigation District and the Town of Palm Beach Under the Waterways Assistance Program, Specifically Construction Reimbursement for the Town of Palm Beach Town Dock

Replacement Project, Part II, in the Amount of \$1,000,000, and Authorizing the Mayor to Execute Same on Behalf of the Town.

4. Continued Discussion Regarding Public Access and the Enforcement of Regulations on the Beaches Between Wells Road and Sunset Avenue. Page 520

Kirk W. Blouin, Town Manager

5. Adoption of the Updated 2021 Town Council Meeting Schedule. Page 562

Kirk W. Blouin, Town Manager

C. New Business

1. Review of Boards and Commissions, Relative to Total Members and Ratio of Regular and Alternate Positions. Page 565

Jay Boodheshwar, Deputy Town Manager

XII. ORDINANCES

A. First Reading

1. ORDINANCE NO. 17-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 46, Fire Prevention And Protection, Amending Article III, "Fire Prevention", In Accordance With Florida State Statute 633.202 And 633.208 The "Florida Fire Prevention Code" Adopted By The State Of Florida Fire Marshal In Chapter 69A-60 Of The Florida Administrative Code With Local Amendments, National Fire Protection Association Fire Code - N.F.P.A. 1, Florida 2018 Edition, And National Fire Protection Association Life Safety Code - N.F.P.A. 101, Florida 2018 Edition; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith; Providing For Codification; And Providing For An Effective Date. Page 591

Darrel Donatto, Fire Rescue Chief

2. EMERGENCY ORDINANCE NO. 18-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager To Arrange For Public Meetings By Use Of Communication Media Technology And For Attendance By Use Of Such Technology By Elected And Appointed Officials During A Declared Public Health Emergency; Providing For Conflicts; Providing For Severability; Providing An Effective Date. Page 597

John C. Randolph, Town Attorney

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT

PLEASE TAKE NOTE:

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

Note 1:

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 2:

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 3:

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 4:

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

BOARDS AND COMMISSIONS APPOINTMENTS

Agenda Title

Appointment to the Architectural Commission (ARCOM).

Presenter

Queenester Nieves, CMC, Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated November 2, 2020, from Queenester Nieves, CMC, Town Clerk**
- ▣ **Attendance Roster**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Application - William M. Boyle**
- ▣ **Application - Jeffery W. Smith**

TOWN OF PALM BEACH

Information for Town Council Meeting on November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Queenester Nieves, CMC, Town Clerk

RE: Architectural Commission Appointment of Regular Member

DATE: November 2, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached applications and appoint one (1) regular member to the Architectural Commission (ARCOM). This member will be an Architect who is registered in the State of Florida and may be a non-resident of the Town.

GENERAL INFORMATION

The Town Clerk's office has received two (2) applications seeking **NEW APPOINTMENT** from the following:

1. William M. Boyle – 7383 Briella Drive, Boynton Beach, FL;
2. Jeffery W. Smith – 241 Sanford Avenue, Palm Beach, FL.

cc: Wayne Bergman, Director of Planning, Zoning and Building



Robert J. Vila
Michael B. Smith
Robert N. Garman
Alexander C. I
Alicia "Maisie"
John David Co
Nikita Zukov
Betsy Shiverick
Richard Samm
Jeffrey Smith

Betsy Shiverick
Katherine Catlin
Dan Floersheimer
Ted Cooney

- третий Аррошмент

[illegible]

ARCHITECTURAL COMMISSION

Next Appointment: November 10, 2020, Town Council meeting (regular appointment schedule)

Openings advertised via news release: September 16, 2020

Deadline to submit applications: Friday, October 30, 2020, by 5:00 p.m.

Number of openings: 1 Non-Resident Architect member

Applicants

<u>NAME</u>	<u>SEEKING</u>
Jeffery Smith	New appointment
William M. Boyle	New appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
<u>Regular Members</u>	
Michael B. Small (Chair	March 2022
Richard N. Garrison (Vice Chair)	March 2021
Alexander C. Ives	March 2022
Maisie Grace	March 2023
John David Corey (Master Gardener)	March 2021
Betsy Shiverick	March 2023
Jeffrey W. Smith (Interim Appt.)*	March 2021
<u>Alternate Members</u>	
Edward A. Cooney	March 2022
Katherine Catlin	March 2022
Daniel Floersheimer	March 2022

Highlighted in yellow=term currently expiring or resignation received

*=Applied for reappointment

**=Applied for appointment from alternate member to regular member

***=Termed out

NR= Non Resident

**BALLOT FOR APPOINTMENT OF REGULAR MEMBER
TO THE ARCHITECTURAL COMMISSION (ARCOM)
Town Council Meeting on November 10, 2020**

Position to be filled:

 1 Regular Member

Please circle 1 from the list of names appearing below

Individuals Who Have Submitted Applications

(Listed alphabetically)

William M. Boyle

Jeffery Smith

Signature of Town Council Member: _____

Town Council Member

**TOWN OF PALM BEACH**

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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

Name: William M. Boyle Residence Address: 7383 Briella Drive, Boynton Beach FL 33437

Mailing Address: 7383 Briella Drive, Boynton Beach FL 33437 Home Telephone: 954-560-9064

E-mail Address: bill@wmboyle.com Work Telephone: 954-560-9064

I am a registered voter of the Town of Palm Beach NA (please initial)

Appointment to ARCOM requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)

Few places in the United States have had and have successfully maintained, the rich Architectural fabric as the Town of Palm Beach. As an Architect, It would be my honor to join the Members of the Commission in continuing to serve as stewards to this legacy, to ensure that Palm Beach remains an architectural gem in Florida for years to come.

2. How many meetings of the Architectural Commission have you attended in the last year? 3

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

Eagle Board Chair, Everglades District, Gulf Stream Council, Boy Scouts of America (Mar 2019-Present);
Eagle Board Member (2018-2019; 100% attendance)

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

I am unavailable on the First Wednesday for each month, during which time I oversee the Boy Scouts Eagle Boards of Review for Gulfstream Council.

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

I have requested and have received approvals for projects in Palm Beach--most recently for new Tennis Court and Accessory Structures for 1350 South Ocean Boulevard, and for 535 North County Road.

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

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

7. Present occupation. Principal Architect No. of years. 4

Employer. Boyle Architecture PLLC

8. Past occupation(s). Architect No. of years. 8

Employer(s). Smith Architectural Group, Inc.

9. Are you currently a Registered Architect in the State of Florida? ☒ Yes ☐ No

Are you currently a Registered Architect in another state? ☐ Yes ☒ No

If So, in which state are you currently registered? _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- | | |
|---|---|
| ☒ Architecture | ☒ History |
| ☐ Landscape Architecture/Design | ☒ Design |
| ☒ Architectural History | ☒ Building Construction |

11. Please provide details regarding your educational background.

Received a Bachelor of Architecture with an Additional Major in History and Public Policy from Carnegie Mellon University in Pittsburgh, PA in 1999.

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary)

As an architect, I recognize that architecture is a collaborative enterprise that incorporates the needs of owners, contractors, budgets and even neighbors; it cannot exist in a vacuum. I bring this philosophy to my own work, preferring to set ego aside to work collaboratively for the benefit of the project and all parties involved. ARCOM is critical to this process as it provides a framework to set all parties on a path for success and harmony. As an ARCOM member I will safeguard design without animus. I am a member of the American Institute of Architects, National Council of Architectural Registration Boards, and The Institute of Classical Art & Architecture.

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

Family Member Name	Relationship	Address	Occupation	Employer
NA				

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

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

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

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

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

RACE

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

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☐ No

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

SIGNATURE: *Jonathan M. Bayle* DATE: 20 September 2020

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

ARCHITECTURAL COMMISSION (ARCOM)

ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. The seven regular members and three alternate members are Town registered voters appointed by the Town Council. Regular members are appointed for three-year terms and no member may serve more than two consecutive terms. Members are appointed on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest. At least two members, but not more than three members, shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats.

WILLIAM M. BOYLE

7383 Briella Drive, Boynton Beach FL 33437 | 954-560-9064 | bill@wmboyle.com

SUMMARY

Bill Boyle is an architect with 21 years of experience in residential design and planning, specializing in new estates and historic renovations in Boca Raton, Jupiter, and the Town of Palm Beach. He also has experience in Neighborhood Master Planning and has authored several "Pattern Books" for traditional neighborhoods across the nation.

LICENSURE

Registered Architect in the State of Florida, AR94943

PROFESSIONAL MEMBERSHIPS

American Institute of Architects (AIA)
National Council of Architectural Registration Boards (NCARB)
Institute of Classical Architecture & Art (ICAA)

EXPERIENCE

Jan. 2016 - Present	PRINCIPAL <i>Boyle Architecture, PLLC Boynton Beach, Florida</i>
Aug. 2008 – Dec. 2015	PROJECT MANAGER <i>Smith Architectural Group, Inc. Palm Beach, Florida</i>
Feb. 2004 – Aug. 2008	ARCHITECT DESIGNER III <i>Affiniti Architects Boca Raton, Florida</i>
May 1999 – Aug. 2003	ASSISTANT DESIGN TEAM LEADER <i>Urban Design Associates Pittsburgh, Pennsylvania</i>

EDUCATION

May 1999	BACHELOR OF ARCHITECTURE <i>Carnegie Mellon University Pittsburgh, Pennsylvania</i>
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LEADERSHIP & COMMUNITY SERVICE

March 2019 - Present	EAGLE BOARD CHAIR <i>Everglades District, Gulf Stream Council, Boy Scouts of America</i>
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BOYLE

ARCHITECTURE PLLC

7383 BRIELLA DRIVE

BOYNTON BEACH FL, 33437

PHONE: 954.560.9064

E-MAIL: bill@wmboyle.com



MEMBER OF THE
AMERICAN
INSTITUTE OF
ARCHITECTS

20 September 2020

Queenester Nieves
Town Clerk
260 S. County Road
Palm Beach, Florida 33480

Re: Town Council to Appoint Member to the Architectural Commission (ARCOM)

Two whom it may concern:

I am pleased to provide my application and resume for consideration for appointment to the Palm Beach Architectural Commission as a State of Florida Registered Architect, and non-resident of the Town, with a term set to expire March 1, 2021.

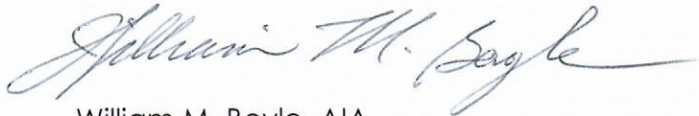
In the span of my 21-year career, and as an architect licensed in Florida for over 11 years, I understand the important role good design plays in establishing a consistent character of "place." My experience at Urban Design Associates authoring pattern books like the 2006 Palladio Award winning *Norfolk Pattern Book*, and my experience developing a pattern book for a new town in Oman, reinforced the importance of design character and contextualism. Each of these places has their own history, culture, and unique character. My nearly eight years of experience with new and historic residences and buildings in Palm Beach with Jeff Smith at Smith Architectural Group reinforced the importance of understanding detail, scale, and material in defining a building's character.

While the majority of my experience has been in residential architecture—a specialty for which I have great passion—I have at times worked on commercial projects like the Beach Club in Palm Beach, Villas-by-the-Sea in Ft. Lauderdale, and clubhouses for new communities throughout Florida. I have also successfully presented historic, traditional, and modern projects before Landmarks and ARCOM.

The character, the history, and the harmonious fabric of Palm Beach is visible even to our smallest observers. In the words of my daughter, who was just six years old at the time, "Palm Beach looks more real than the rest of Florida"—even then she understood that Palm Beach is special and unique in South Florida. Therefore, it would be my honor to serve with the Palm Beach Architectural Commission, if even for a short time, in fulfilling their mandate to protect that character.

I am available via phone or email and invite any questions the Town may have and look forward to the Council's decision in November.

Sincerely,

A handwritten signature in blue ink, reading "William M. Boyle". The signature is fluid and cursive, with a long horizontal stroke at the end.

William M. Boyle, AIA
Boyle Architecture PLLC
Licensed Architect AR94943



RECEIVED

By gayle at 8:26 am, Sep 09, 2020

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

ARCHITECTURAL COMMISSION (ARCOM)

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

Jeffery W. Smith

241 Sanford Ave., Palm Beach

Name: _____

Residence Address: _____

241 Sanford Ave., Palm Beach

561-655-0908

Mailing Address: _____

Home Telephone: _____

jeff@smitharchitecturalgroup.com

561-832-0202

E-mail Address: _____

Work Telephone: _____

I am a registered voter of the Town of Palm Beach _____ (please initial) PGG

Appointment to ARCOM requires the applicant to be a registered voter in the Town of Palm Beach. Please attach a copy of BOTH SIDES of your Voter Registration card with your application. Failure to provide the copy of the required voter registration card shall be grounds for rejection of the application.

1. Why are you interested in serving on the Architectural Commission? (Please explain; attach additional pages if necessary)

I am interested in preserving the architectural traditions of the Town of Palm Beach as well as working with residents and their architects to find appropriate solutions for new construction. I will judge projects on their appropriate mass and

scale which have become some of the most important design criteria that make a project successful in our Town.

2. How many meetings of the Architectural Commission have you attended in the last year? 4

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

ARCOM 1984-1993 and 2006-2012. Landmarks Preservation Commission 1995-2000. Town of Palm Beach

Building Board of Adjustments and Appeals 1985-2009. Underground Utilities Task Force 2015-present

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

Nothing that I am aware of at this time

5. Do you have any personal experience with requesting approvals from the Town's Architectural Commission? (Please explain)

I have been a practicing architect in the Town of Palm Beach for 37 years.

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

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

7. Present occupation. Architect No. of years. 37

Employer. Smith Architectural Group, Inc.

8. Past occupation(s). None No. of years. _____

Employer(s). _____

9. Are you currently a Registered Architect in the State of Florida? ☒ Yes ☐ No

Are you currently a Registered Architect in another state? ☒ Yes ☐ No

If So, in which state are you currently registered? NY, LA, CO, IL, TX, GA, DC, MA

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that are applicable)

- | | |
|---|---|
| ☒ Architecture | ☒ History |
| ☐ Landscape Architecture/Design | ☒ Design |
| ☒ Architectural History | ☒ Building Construction |

11. Please provide details regarding your educational background.

Bachelor of Architecture 1980 Louisiana State University

12. Why do you feel that you are qualified to serve on the Town's Architectural Commission? (Attach additional page if necessary)

I believe that my education as a registered architect in the State of Florida and eight other states, the fact that I have

lived in the Town of Palm Beach for 50 years, and that I have previously served on the Architectural Commission for a combined 15 years

as well as 5 years on the Landmark Preservation Commission uniquely qualifies me to serve on the Architectural Commission.

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

Family Member Name	Relationship	Address	Occupation	Employer
Nancy Smith	Wife	241 Sanford Ave.	N/A	N/A
Natalie Smith	Daughter	241 Sanford Ave.	Student	Auburn University

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

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

☒ I will resign from the UUTF if I am appointed to the position I am seeking in this application.
board/commission/committee

16. In the event you are applying to be a Regular Member of ARCOM and you are not successful, will you accept appointment as an Alternate Member of ARCOM should the Town Council wish to appoint you as an Alternate Member?

☐ Yes ☒ No

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

RACE

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

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: [Signature]

DATE: 2-20-2020

Please provide a copy of BOTH SIDES of your Palm Beach County Voter Registration card, which shows your Town of Palm Beach address, with your application.

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

ARCHITECTURAL COMMISSION (ARCOM)

ARCOM reviews and approves modifications to any existing structures visible from public rights-of-way, new construction, and landscaping. The seven regular members and three alternate members are Town registered voters appointed by the Town Council. Regular members are appointed for three-year terms and no member may serve more than two consecutive terms. Members are appointed on the basis of experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business, profession, or civic interest. At least two members, but not more than three members, shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats.

JEFFERY W. SMITH, AIA, PERSONAL EXPERIENCE RESUMÉ

POSITION

President, Smith Architectural Group, Inc. 1989
Architect and Planner

EDUCATION

Louisiana State University, Bachelor of Architecture, 1980
University of Miami, School of Architecture, 1976

<u>REGISTRATIONS</u>	Architect:	Florida	#9772
		New York	#026182
		Louisiana	#3391
		Colorado	#306522
		Illinois	#001-018691
		Texas	#18462
		Georgia	#RA011890
		Washington DC	#ARC100644
		Massachusetts	#31076
	National Council of Architectural Registration Boards		#28359

COMMUNITY ACTIVITIES

Member of the 2018 Class of AIA Florida Citizen Architect
Chairman, Town of Palm Beach Underground Utilities Task Force, 2015 - Present
Director, Palm Beach Civic Association, 2017 - Present
Chairman, Town of Palm Beach Architectural Commission, 1988-1993, 2010-2012
Member, Town of Palm Beach Architectural Commission, 1984-1993, 2006-2012
Chairman, Town of Palm Beach Landmarks Preservation Commission, 1995-2000
President, Palm Beach Chapter of the American Institute of Architects, 1989
Member, Palm Beach Chapter of the American Institute of Architects, 1981-Present
Board of Governors, The Historical Society of Palm Beach County, 1998-1999
Trustee, United Way, Town of Palm Beach, 2007-2009
Member, Town of Palm Beach Building Board of Adjustments and Appeals, 1985-2009
Trustee, Preservation Foundation of Palm Beach, 1996-Present
Member, Preservation Foundation of Palm Beach, 1989-Present
Member, National Trust for Historic Preservation, 1989-Present
Member, Florida Trust for Historic Preservation, 1989-Present
Member, Palm Beach County Historical Society
President, Fraternal Order of Police Associates, Palm Beach Lodge #19, 1990
Member, Fraternal Order of Police Associates, Palm Beach Lodge #19, 1990 - 2005
Member, The Institute of Classical Architecture and Art, 2012- Present

Awards

- 2018 AIA Palm Beach Firm of the Year *Recognizing outstanding achievement in design, community services, education and service to the profession*
- 2018 The William J. “Bill” Brooks Award *for Community Service from the Palm Beach Civic Association*
- 2018 The Addison Mizner Medal for *Excellence in Classical and Traditional Architecture, Florida Chapter of the Institute of Classical Architecture and Art, Casa Marius, the residence of Mr. and Mrs. Marion Antonini, Palm Beach*
- 2018 AIA Florida’s 2018 class of Citizen Architects *“You have exemplified civic engagement and helped shape your community through service.”*
- 2017 Florida Trust for Historic Preservation Award *In Recognition of Meritorious Achievement in the Field of Restoration/Rehabilitation for Casa Marius, 920 South Ocean Boulevard, Palm Beach*
- 2016 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through additions and renovations to “Casa Marius”, the residence of Mr. and Mrs. Marion Antonini, Palm Beach*
- 2016 The Addison Mizner Medal for Excellence in Classical and Traditional Architecture, Florida Chapter of the Institute of Classical Architecture and Art, *La Tonteria, the Residence of Mr. and Mrs. James Harpel, Palm Beach*
- 2016 Cast Stone Institute Excellence Award, Residential for *Barnett Residence, Fort Lauderdale*
- 2014 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through additions and renovations to “Pelican Hall”, the residence of Mr. and Mrs. William Tiefel, Palm Beach*
- 2013 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration and Renovation of “Villa Artemis”, the residence of Mr. and Mrs. E. Llwyd Ecclestone, Palm Beach*
- 2013 The Addison Mizner Medal for Excellence in Classical and Traditional Architecture, Florida Chapter of the Institute of Classical Architecture and Art, *Graff Jewelers, Palm Beach*

- 2012 Palm Beach Chapter of the American Institute of Architects *Excellence Award for the Residence of Mr. and Mrs. Stephen Dattels, Palm Beach*
- 2012 The Addison Mizner Medal for Excellence in Classical and Traditional Architecture, Florida Chapter of The Institute of Classical Architecture and Art, *Flagler Keenan Pavilion at the Henry Morrison Flagler Museum, Palm Beach*
- 2012 The Florida Association of the American Institute of Architects Award of Public Recognition as one of the top 100 buildings in the State of Florida as selected by its citizens in association with the *Florida Architecture: 100 Years 100 Places Competition for "Concha Marina", Jungle Road, Palm Beach*
- 2012 The Preservation Foundation of Palm Beach, Elizabeth L. and John H. Schuler Award for new construction, *Residence of Mr. and Mrs. Jeffrey Marcus, 240 Clarke Avenue, Palm Beach*
- 2010 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of "La Tonteria ", the residence of Mr. and Mrs. James Harpel, Palm Beach*
- 2008 Florida Trust for Historic Preservation Award *In Recognition of Outstanding Achievement in the Field of Infill Design the Henry M. Flagler Museum, Palm Beach*
- 2007 The Preservation Foundation of Palm Beach, Elizabeth L. and John H. Schuler Award for new construction *300 North Lake Way, Palm Beach*
- 2007 DCOTA Design Center of the America's Stars of Design 2007 award for *Architecture*
- 2007 Palm Beach Chapter of the American Institute of Architects *Honor Award for Flagler Keenan Pavilion at the Henry Morrison Flagler Museum, Palm Beach*
- 2007 U.S. Trust Tribute to Philanthropists award for *The Henry Morrison Flagler Museum, Palm Beach*
- 2006 Palm Beach Chapter of the American Institute of Architects *Honor Award for Design for "Villa Venezia", Palm Beach*
- 2006 The Associated General Contractor's of America *"Build Florida Award" for the Flagler Keenan Pavilion at the Henry Morrison Flagler Museum, Palm Beach*

- 2005 The Associated General Contractor's of America *"Build Florida Award" for the residence of Mr. and Mrs. Walter Racquet*
- 2004 Palm Beach Chapter of the American Institute of Architects *Honor Award for Design for "Pietra Mar", Naples*
- 2004 Palm Beach Chapter of the American Institute of Architects *Honor Award for Design for Graff Diamonds, Palm Beach*
- 2003 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of 220 El Bravo Way, Palm Beach*
- 2003 Palm Beach Chapter of the American Institute of Architects *Honor Award for Design for New York Penthouse, New York*
- 2003 Florida Trust for Historic Preservation *Award In Recognition of Meritorious Achievement in the Field of Restoration/Rehabilitation for 220 El Bravo Way, Palm Beach*
- 2002 Palm Beach Chapter of the American Institute of Architects *Honor Award for Design for "Old Trees", Southampton, New York*
- 2001 Palm Beach Chapter of the American Institute of Architects *Award of Excellence for Historic Restoration for 220 El Bravo Way, Palm Beach*
- 2000 Palm Beach Chapter of the American Institute of Architects *Award of Design Excellence for "Joya del Mar", Palm Beach*
- 1999 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of L. Lauder Residence and R. Lauder Residence, Palm Beach*
- 1999 Palm Beach Chapter of the American Institute of Architects *Award for Excellence in Architecture for Casa Bendita, Palm Beach*
- 1999 American Institute of Architects *Award for Excellence in Architecture, State of Florida for "La Follia", Palm Beach*
- 1998 Garden Club of Palm Beach, *Civic Improvement Award For Dedication to Preserving the Architectural Integrity of Palm Beach and Having the Vision to Rescue our Threatened Heritage to be used in Creative Ways*

- 1996 Palm Beach Chapter American Institute of Architects *Award for Excellence in Architecture, “La Follia”, Palm Beach*
- 1995 American Institute of Architects *Award for Excellence in Architecture, State of Florida, Historic Restoration of the Vitale Residence, Palm Beach*
- 1995 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of “Casa de Leoni”, Palm Beach*
- 1995 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of 319 Brazilian Avenue, Palm Beach*
- 1994 Palm Beach Chapter of the American Institute of Architects *Award for Excellence in Architecture for the Historic Renovation of the Vitale Residence, Grace Trail, Palm Beach*
- 1994 Florida Trust for Historic Preservation *Award for Recognition of Meritorious Achievement in the Field of Residential Restoration for “Villa des Cygnes”, Palm Beach*
- 1994 Florida Trust for Historic Preservation *Award for Recognition of Outstanding Achievement in the Field of Residential Renovation of “Casa de Leoni”, Palm Beach*
- 1993 Palm Beach Chapter of the American Institute of Architects *Merit Award for Outstanding Contribution Towards Architecture Design for the design of Tiffany & Co., Palm Beach*
- 1993 American Institute of Architects *Award for Honor in Design, State of Florida Historic Restoration of “Concha Marina”, Palm Beach*
- 1993 Florida Trust for Historic Preservation *Award for Outstanding Contribution to Preservation in the Field of Residential Restoration and Rehabilitation of an Historic Residential Structure “Concha Marina”, Palm Beach*
- 1992 Florida Trust for Historic Preservation *Award for Meritorious Achievement in the Field of Residential Restoration and Rehabilitation of a Historic Residential Structure, Carriage House, Palm Beach*

- 1991 Florida Trust for Historic Preservation *Award for Outstanding Achievement in the Rehabilitation of an Historic Non-Residential Structure for the Town Hall, Palm Beach*
- 1991 Florida Trust for Historic Preservation *Award for Meritorious Achievement for Compatible New Construction in an Historic Environment for “La Villa dei Sogni”, Palm Beach*
- 1991 Palm Beach Chapter of the American Institute of Architects *Certificate of Special Recognition for the design of the Courtyard Room addition, “La Villa dei Sogni”, Palm Beach*
- 1990 The Preservation Foundation of Palm Beach, Ballinger *Award for Outstanding Contribution to Palm Beach Heritage through Restoration of “The Vicarage”, Palm Beach*
- 1990 Palm Beach Chapter of the American Institute of Architects *Award for Excellence in Architecture for the Restoration of the Palm Beach Town Hall*

TELEVISED

Today’s Classic Homes With Mitchell McDaniel, 2001

CNN, 2000 “Palm Beach Architecture – La Follia and Villa des Cygnes”

HGTV, 2000 “Spanish Architecture”

HGTV, 1997/1998 “Villa des Cygnes”

PUBLICATIONS

BOOKS

The Classical American House, Phillip James Dodd, images Publishing, 2017

Palm Beach Chic, Jennifer Ash Rudick, Vendome Press, 2015

The Art of Classical Details II: An Ideal Collaboration, Phillip James Dodd, images Publishing, 2015

Preservation Foundation of Palm Beach: Elizabeth L. and John H. Schuler Award, 2006 – 2015, Alexander C. Ives, President, Preservation Foundation of Palm Beach, Preservation Foundation of Palm Beach, 2016

Palm Beach Chic: La Follia, Jennifer Ash Rudick, Vendome Press, 2015

Palm Beach People, Harry Benson and Hilary Geary Ross, Powerhouse Books, 2014

The Detailed Interior: Decorating Up Close with Cullman & Kravis, Elissa Cullman and Tracey Pruzan, The Monacelli Press, 2013

Mario Buatta: Fifty Years of American Interior Decorating, Mario Buatta, Rizzoli International Publications, Inc., 2013

The Art of Classical Details: Theory, Design, and Craftsmanship, Phillip James Dodd, images Publishing, 2013

Forever Green, Mario Nievera, Pointed Leaf Press, 2013

Alexa Hampton: The Language of Interior Design, Alexa Hampton, Clarkson Potter, 2010

Foreward: Maurice Fatio: Palm Beach Architect, Kim I. Mockler, Acanthus Press, New York, 2010

Bunny Williams' Point of View, Three Decades of Decorating Elegant and Comfortable Houses, Bunny Williams, Stewart, Tabori & Chang, 2007

Palm Beach Splendor, The Architecture of Jeffery W. Smith, Joyce C. Wilson, Rizzoli International Publications, Inc., 2005

Tiffany's Palm Beach, John Loring, Henry R. Abrams, 2005

A Decade of Art and Architecture 1992-2002: With an Introduction by Robert A.M. Stern, The Editors of The Classicist, The Institute of Classical Architecture, 2002

Palm Beach: An Architectural Legacy, Polly Anne Earl, Rizzoli International Publications, Inc., 2002

Villa El Sarmiento, The Story of a House, Caroline Seeböhm, David H. & Julia F. Koch, 2003

Jeffery W. Smith, Resumé
Page Eight

The Southern Garden, Lydia Longshore with the Editors of *Southern Accents*, Bullfinch Press, 2001

Celebration Pattern Book, Celebration, Florida, The Walt Disney Company, 1995

Private Palm Beach, Tropical Style, “Mediterranean Mystique” and “The Vicarage”. Jennifer Ash, Abbeville Press Inc., 1992

PERIODICALS

Palm Beach Life “Buenos recuerdos Revitalized” A multi-year restoration and renovation by homeowners Jane and Craig Omtvedt renewed a landmark Palm Beach house that hadn’t seen a serious update since it was built in 1927. Spring 2020

Modern Luxury Palm Beach “Ageless Beauty” What keeps a vacation home in the family for generations? February 2019

Modern Luxury Palm Beach “Timeless Beauty” Stretching from the Atlantic Ocean to the Intracoastal Waterway, Broadway producer Terry Allen Kramer’s dream home awaits its second act. February 2019

Veranda “Palm Beach Style Now & Forever” Shell Games; From seashell pinks to garden greens, Bunny Williams’s glamorous refresh of a Mediterranean-style villa takes its color cues from the homes lush setting. January-February 2019

Veranda “Palm Beach Style Now & Forever” Original Thinking, Given the rare opportunity to update a fabled 1920s Palm Beach mansion, designer Susan Zises Green deftly preserves the home’s authentic detail while ushering in the sun. January-February 2019

Palm Beach Illustrated Open House, Waterfront Wonder, 1197 North Lake Way, Palm Beach, Florida. September 2017

Veranda The Power of PRESERVATION, Tropical Splendor: The Preservation Foundation of Palm Beach ensures the architectural legacy of the seaside enclave lives on. May-June 2017

Elegant Homes Timeless Appeal By tastefully blending traditional elements with contemporary flourishes, everything old is new again in this historic, century-old Florida home. Fall/Winter 2016

luxe.interiors & design “On View” A Palm Beach home on the water experiences a metamorphosis with fresh furnishings and fabrics and an impressive collection of art
July/August 2016

Ocean Home (10th Anniversary edition) “Art & Soul” August + September 2016

Art & Culture of Palm Beach County (Cultural Council of Palm Beach County) "Artists Share Work, Wisdom as Authors" Winter 2013 Volume 7 issue 2

Florida Design "Gracious and Elegant" Volume 22 Number 4 Winter 2012/2013

Period Homes (2008 Palladio Awards) “Jewelry for the Home” July 2008

Robb Report (Luxury Home Issue) “Top 30 Architects” Summer 2007

House and Garden (Renovation Issue) “The Sun King” February 2007

Palm Beach Cottages & Gardens “Deconstructing Palm Beach” November 2006

Palm Beach Daily News “Homage to Mizner” A winner November 19, 2006

The Palm Beach Post/Residences “Local experts share tips about hiring and working with Architects” February 19, 2006

Architectural Digest “Serenity Found on Biscayne Bay” April 2006

Palm Beach Illustrated “Paradise Found: The Munderts’ Epic Romance”
February 2006

Architectural Digest “Looking Homeward” February 2006

Palm Beach Daily News/Grandeur “In a Mediterranean Mood” January 13, 2006

Palm Beach Cottages & Gardens “Splendid-What’s New” January 2006

Panache “Architecture for the Ages” November/December 2005

Florida Design “Palm Beach Splendor” Volume 15 Number 4

Southern Accents “Palm Beach Baroque” Mimi Read. January/February 2005

House & Garden “Defining Moment” September 2004

Vanity Fair “Palm Beach Exclusive” February 2004

Architectural Digest “Eye for Understatement: Photographer Ellen Graham goes Anglo-Indian in Palm Beach” Amanda Vaill, April 2003

Quest “Gardens of Eden” David Patrick Columbia, February 2002

Palm Beach Life “Master of the House” Robert Janjigian, Spring 2002

Boca “At Home with the Smiths—The Architect of Megamansions finds his angle of repose” Joyce C. Wilson January/February 2002

Homestyle “In the Pink” Craig Kellogg. September 2001
August 5, 2001

The New York Times “Palm Beach’s Ultraluxury Market Sizzles” Jon Nordheimer

Forbes.com “Today’s Best Architects” Felicia Paik. June 2001

Town & Country “Villa With a View” Anthony Barzilay Freund, June 2001

Southern Accents “Echoes of Italy” Philip Morris, January/February 2001

House Beautiful “Palm Beach Story” Martin Filler, December 2000

Architectural Digest “Tropical Glamour for Palm Beach—Evelyn and Leonard Lauder Gently Update their Family Retreat” Mitchell Owens, November, 2000

Town & Country “White Glove Contractors” Alexa Yablonski, October 2000

Architectural Digest “Palm Beach Story—Mediterranean Themes for an Oceanfront Villa in Florida” Mitchell Owens, May 2000

Florida Design “A Decade of Florida Design 1900-2000” Summer 2000 Volume 10
Number 2

Boca “Architect’s Casebook” Jeffery W. Smith, May/June 2000

Palm Beach Illustrated “Power House” February 2000

Quest “Livable Luxe” Trey Wegman, February 2000

Jeffery W. Smith, Resumé
Page Eleven

Florida Caribbean Architect “Award for Excellence 1999 for La Follia, Palm Beach”,
Fall/Winter 1999-2000

Architectural Digest “Florida Formality—A Palm Beach Villa Is Lightened with Breezy
French Grace” Mitchell Owens, December 1999

House and Garden “Beach Plums” William Norwich, December 1999

Palm Beach Illustrated “Kings of the Castles” Daphne Nikolopoulos, December 1999

Robb Report “Palm Beach Grand—At La Follia, Architect Jeffery Smith Mixes Fun with
Formality to Resurrect the Society House Party Era” Barbara Dinerman, October 1999

The New York Times “Trouble in Paradise: The Changing of the Guard” Tracie Rozhon,
March 25, 1999

Quest “The House of Mirth” Kyra Larkin, March 1999

Robb Report “Power Players of Luxury for 1999” Interior Design and Architecture
January 1999

Florida Design “Sandcastles By The Sea—La Follia Epitomizes the Romantic Glamour
of Old Palm Beach” Barbara Marshall, Volume 8 Number 2

Chicago Tribune from the Wall Street Journal “Temples of the Wealthy” Felicia Paik,
May 23, 1998

The Wall Street Journal “The Home Front—When Too Big Isn’t Big Enough” Felicia
Paik, May 1, 1998

W “Terry Town” James Reginato, May 1998

Florida Design “Concha Marina” Barbara Marshall, Volume 6 Number 4

Palm Beach Illustrated “Villa des Cygnes” January 1997

Architectural Digest “Palm Beach Renaissance-An Italianate Villa on the Florida Coast
for Irwin and Terry Kramer” Aileen Mehle, December 1996

Florida Design “Casa Casuarina, Versace’s South Beach Estate” Roberta Klein,
Volume 6 Number 2

Jeffery W. Smith, Resumé
Page Twelve

Florida Design “Artful Living in Palm Beach.” Linda Marx, Volume 6 Number 1

Palm Beach Illustrated “Ballinger Award Winners, Casa de Leoni” January 1996

Florida Design “Artist Tom McKnight’s Palm Beach Home—Renate and Tom McKnight Combine a Love of Color, Travel and Art in Their House” Linda Marx,
Volume 5 Number 4

Florida Architecture “Artistic Fantasy in a Private Domain” 55th Annual Edition, 1995

Florida Design “Concha Marina—Mizner’s Own Palm Beach Estate” Barbara Dinerman,
Volume 4 Number 3

Florida Design “A Palm Beach Palace” Mary Doyle-Kimball, Volume 3 Number 4

Southern Accents “Villa des Cygnes—A Palm Beach Ugly Duckling Becomes a Swan”
Marjorie Klein, September 1991

Metropolitan Home “Making a Jazz-Age Splash” Ziva Freiman, March 1989

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

BOARDS AND COMMISSIONS APPOINTMENTS

Agenda Title

Appointment to the Investment Advisory Commission.

Presenter

Queenester Nieves, CMC, Town Clerk

ATTACHMENTS:

- ▣ **Memorandum Dated November 4, 2020, from Queenester Nieves, CMC, Town Clerk**
- ▣ **Attendance Roster**
- ▣ **Status Sheet**
- ▣ **Sample Ballot**
- ▣ **Application - Michael B. Greenwald**

TOWN OF PALM BEACH

Information for Town Council Meeting on November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Queenester Nieves, CMC, Town Clerk

RE: Investment Advisory Committee Appointment of Regular Member

DATE: November 4, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached application and appoint one (1) regular member to the Investment Advisory Committee to fill the vacant seat resulting from the vacancy arising from the expiration of Andrew Frazier's term.

GENERAL INFORMATION

The Town Clerk's office has received one application seeking **NEW APPOINTMENT** from:

1. Michael Blake Greenwald – 130 Sunrise Avenue, Palm Beach, FL.

cc: Jane LeClainche, Director of Finance

Attendance
2020

Meeting Date	1/31/2020	5/15/2020	8/21/2020	11/16/2020
Members				
Chris Storkerson	Present	present	present	
Andrew Frazier	Present	N/A	N/A	N/A
Kathleen Anderson	Present	present	present	
David McDonald	Present	present	present	
Alan Scheuer	Present	present	present	

Investment Advisory Committee

Voting Conflicts

Members				
Meeting Date	1/31/2020	5/15/2020	8/21/2020	11/16/2020
Chris Storkerson	none	none	none	
Andrew Frazier	none	N/A	N/A	N/A
Kathleen Anderson	none	none	none	
David McDonald	none	none	none	
Alan Scheuer	none	none	none	

INVESTMENT ADVISORY COMMITTEE

Next appointment: November 10, 2020, Town Council meeting (re-advertisement)

Opening advertised via news release: September 25, 2020

Deadline to submit applications: Friday, October 30, 2020, by 5:00 p.m.

Number of openings: 1 member

Applicants

<u>NAME</u>	<u>SEEKING</u>
Michael B. Greenwald	New appointment

Current members and open seats

<u>NAME</u>	<u>TERM EXPIRES</u>
Kathleen Anderson	May 2022
Andrew Frazier	May 2020
David McDonald	May 2021
Chris Storkerson	May 2021

Highlighted in yellow=term currently expired

*=Applied for reappointment

**BALLOT FOR APPOINTMENT OF REGULAR MEMBER
TO THE INVESTMENT ADVISORY COMMITTEE
Town Council Meeting on November 10, 2020**

Positions to be filled:

 1 Regular Member

Please circle 1 from the list of names appearing below

Application Submitted By:

Michael B. Greenwald

Signature of Town Council Member: _____

Town Council Member



RECEIVED

By gayle at 10:35 am, Oct 26, 2020

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

INVESTMENT ADVISORY COMMITTEE

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

Name: Michael B. Greenwald Residence Address: 130 Sunrise Ave #215 PB, FL
Mailing Address: 130 Sunrise Ave #215 Home Telephone: 617 872-9898
Palm Beach, FL 33480
E-mail Address: michael.greenwald00@ Work Telephone: 617 872-9898
gmail.com
I am a resident of the Town of Palm Beach MBC (please initial) PGG

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

1. Why do you wish to be appointed as a member of the Investment Advisory Committee? (Please use additional pages if necessary)

See attached

2. Please identify how many meetings of the Investment Advisory Committee you have attended in the past two (2) years.

☒ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4+

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

See attached

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

None

5. Please describe your current or prior investment experience, and describe any fixed investment experience you may have.

See attached

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

- ☐ Palm Beach Chamber of Commerce
☐ Palm Beach Civic Association
☐ Citizens' Association of Palm Beach

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other None

7. Present occupation. Director

No. of years. 3

Employer. Tiedemann Advisors

8. Past occupation(s). US Attache to Qatar & Kuwait

No. of years. 8

Employer(s). US Treasury Department

9. Please provide details regarding your educational background:

See attached

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

Family Member Name	Relationship	Address	Occupation	Employer

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

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

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

n/a

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

RACE

☐ African American

☐ Native American

☐ Asian American

☒ Caucasian

☐ Hispanic American

☐ Not known

GENDER

☒ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☒ No

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

SIGNATURE: *Michael B. Green*

DATE: 10/19/20

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

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

INVESTMENT ADVISORY COMMITTEE

The Investment Advisory Committee consists of five members serving two year terms, appointed by the Town Council. Members of the Committee shall be residents of the Town and shall have prior fixed income investment experience. The Committee acts in an advisory capacity and shall make recommendations to the Town Council on matters relating to Town's investment policy and the investment of the Town's surplus funds. The Committee shall hold at least four meetings per year and more if it is deemed necessary. The Town of Palm Beach will not do business directly or indirectly with a Committee member or a Committee member's employer or business while they are serving on the Committee and for at least two years after the member's term has expired.

Answer to Question#1

I wish to be appointed as a member of The Investment Advisory Committee for The Town of Palm Beach. I truly believe and respect the need to protect the financial security and investments of The Town of Palm Beach. For over a decade in the highest levels of government and business, I have developed skills working in the investment community that recognized important and morally acceptable standards. At Tiedemann, I work closely with large high net worth families to advise on their future investments and planning. In this regard, our firm manages over \$20 billion in assets. During my career at the US Treasury, I have dedicated myself as a United States financial diplomat working in senior roles within the United States Treasury in Africa, Europe, and the Middle East as well working closely with law enforcement in national security capacities. From 2015 to 2017, I was the US Treasury attaché to Qatar and Kuwait, serving in two presidential administrations and under three treasury secretaries, and held counterterrorism and intelligence roles requiring travel to over 20 countries. In this capacity, I was the principal liaison from the US Treasury to the banking sector in Qatar and Kuwait. I am committed to the present and future well-being of the Town of Palm Beach.

Answer to Question #3

Board experience and memberships (past and current) include:

- Member, Jewish Community Foundation, Jewish Federation of Palm Beach
- Visiting Fellow, Harvard Kennedy School's Belfer Center for Science and International Affairs
- Senior Nonresident Fellow, Atlantic Council Geoeconomics Center
- Deputy Executive Director, The Trilateral Commission
- Member, Aspen Institute Vanguard Society of Fellows
- Board Member, The Promise Fund of Palm Beach
- Member, Concordia
- Board Member, Halo Maritime Defense Systems
- Advisor, Dana Farber Cancer Institute (2017-2020)
- National Board Member and Chairman of the Finance Committee, Susan G. Komen Foundation (2018-2020)
- Adjunct Professor, Boston University Pardee School of Global Studies (2017-2019)
- Chairman Emeritus, United States Holocaust Memorial Museum Next Generation Board (2015-2017)

Answer to Question #5

Michael Greenwald is uniquely positioned at the intersection of geopolitics and finance. Currently, he is Director at Tiedemann Advisors, a multi-family office managing over \$20 billion in assets, and Managing Director at Tiedemann-Constantia, a partner firm based in Zurich, Switzerland. Michael is responsible for managing a number of Tiedemann's client relationships and overseeing their advisors to provide solutions that address the challenges of stewardship of wealth over generations. As a member of the firm's business development and strategy team, he is a referral resource for attorneys and accountants.

Michael leads Tiedemann Constantia's business development strategy focused on the Middle East. He provides geopolitical and macroeconomic guidance to the firm and clients. Michael serves as a trusted advisor and manages senior relationships with family offices in the Middle East, Europe, and the United States.

Prior to joining Tiedemann in 2017, Michael worked in senior roles within the United States Treasury working with Africa and Europe. He served as a financial diplomat in the Middle East spanning the tenures of U.S. Treasury Secretaries Geithner, Lew, and Mnuchin. Greenwald initially served as the

United States Treasury Policy Advisor for Europe. In this role, he was appointed head of the United States Delegation to the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism before the Council of Europe in Strasbourg, France. Greenwald was part of the U.S. Treasury team that crafted U.S. sanctions against Russia, the largest U.S. sanctions program to date, and negotiated similar sanctions by Europe. Between 2015-2017, he served as the first United States Treasury Attaché appointed to Qatar and Kuwait and opened the Treasury Department's office in Doha, Qatar. He also served in a variety of counterterrorism roles in the U.S. Intelligence Community and in the Office of General Council at the U.S. Treasury. Greenwald worked closely with the National Security Council at the White House tackling issues and crafting sanctions programs related to countering ISIS, Al-Qaeda, Hezbollah, Hamas, Iran, Ukraine/Russia, Syria, and North Korea.

Michael is a frequent speaker, writer and commentator on international security, the Middle East and the global economy. He has been featured on CNBC; published in Barrons; and given lectures at The Council on Foreign Relations, Harvard, Yale Law School, Stanford, and Northwestern Business School, Doha.

Answer to Question #9

Education Background

Michael earned a Juris Doctor degree from Boston University School of Law, a Master of Arts from Boston University's Frederick S. Pardee School of Global Studies, and a Bachelor of Arts in History from George Washington University.

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda Minutes

Agenda Title
Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk

- a. October 13, 2020, Town Council Meeting Minutes
- b. October 14, 2020, Local Planning Agency Meeting Minutes
- c. October 14, 2020, Town Council Development Review Meeting Minutes
- d. October 16, 2020, Special Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **a. October 13, 2020, Town Council Meeting Minutes**
- ▣ **b. October 14, 2020, Local Planning Agency Meeting Minutes**
- ▣ **c. October 14, 2020, Town Council Development Review Meeting Minutes**
- ▣ **d. October 16, 2020, Special Town Council Meeting Minutes**



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, OCTOBER 13, 2020

Clerk's Note: There was a 5-minute break every 55 minutes during the meeting for system reboot.

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of Tuesday, October 13, 2020 was called to order at 9:31 a.m. On roll call, all Council Members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Queenester Nieves gave the Invocation and Council President Margaret A. Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

Town Clerk Nieves announced the following modifications:

Item No. X.B.1.d. has been removed

Item No. IX.B.7. has been removed from the Consent Agenda and placed under New Business as item no. X.C.3.

IV. APPROVAL OF AGENDA

Council Member Julie Araskog requested that the following item be added under ANY OTHER MATTERS:

NOTIFICATION REGARDING 800 S. COUNTY ROAD

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

V. BOARDS AND COMMISSIONS APPOINTMENTS

A. Appointments to the Planning and Zoning Commission

Queenester Nieves, CMC, Town Clerk

Town Clerk Nieves announced that Marilyn Beutenmuller, Rick Pollock and Jorge Sanchez have been appointed as Regular Members of the Planning and Zoning Commission. William J. Gilbane, III has been appointed as an Alternate Member of the Planning and Zoning Commission.

Motion was made by Council Member Moore and seconded by Council President Pro Tem Lindsay to appoint Marilyn Beutenmuller, Rick Pollock and Jorge Sanchez as Regular Members and William J. Gilbane, III as an Alternate Member of the Planning and Zoning Commission.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio announced the retirements of Tony Higgins (PW) after 29 years, Mario Rivero (FR) after 26 years and Mark Neilsen (PD) after 14 years of service to the Town. She also mentioned the recent passing of Bill Crouse, the Town's first Director of Human Resources. She then gave congratulations and accolades to the dedicated and valued staff as follows:

The Purchasing Dept., under Dean Mealy's leadership, was selected as one of the 69 cities in the United States and Canada to receive the Achievement in Excellence Award in Procurement; demonstrating the highest level of commitment to procurement processes.

The Finance Department, under the guidance of Jane LeClainche, has AGAIN received the GFOA distinguished budget award, a superior rating and recognition in governmental budgeting.

The PZ&B Director, Wayne Bergman, along with his staff, participated in the National Flood Insurance Community Rating System. An extensive audit of Town operations was required by local, state and federal mandates for flood prevention, new construction and community flood related matters. This effort resulted in an elevation to a Class 6 program which qualifies property owners for a 20% discount on flood insurance.

These achievements are a testament to the staff's commitment to excellence; exceeding expectations all day, every day.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Zeidman expressed her appreciation for the work staff had done to make the council chambers safe.

Council President Pro Tem Lindsay also expressed appreciation, commenting the social distancing was fantastic and there was Plexiglas between all the Council

members and in front of them. For the general public, because of social distancing only a few people could be accommodated, but the six-foot distancing was marked, giving a good sense of safety and it was comfortable. She thanked staff for doing all the work.

Council Member Moore echoed Council President Pro Tem Lindsay's comments, and expressed thankfulness the Council was all back together.

Council Member Crampton commented he was so glad to be in the Council Chambers, and this was the first time he had worn a tie since March. He gave kudos to Council President Zeidman for running six or seven very complex meetings and felt it would be a lot easier in the Council chambers. He expressed kudos to Rob Weber for securing \$1M for the marina project.

Council Member Araskog commented she wished she could be in the room with everyone else but although she tested negative for COVID, she was running a fever, so was attending remotely. She reported receiving an alert the previous evening for coyotes, and urged everyone to keep their animals safe and not to let dogs or cats loose in yards by themselves because coyotes could jump high fences. There were also bufo toads. She cautioned everyone to remember CDC guidelines to wear a mask and for people over 65 stay home and not attend gatherings in large crowds. She expressed hope the public would be able to continue to attend these meetings by Zoom for a while. She thanked staff for their work to make the Council chambers safe and said she hoped to attend the next meeting.

VIII. COMMUNICATIONS FROM CITIZENS-3 MINUTE LIMIT PLEASE

Laurel Baker, Palm Beach Chamber of Commerce, expressed thanks for the quick turnaround for the restaurants to have outdoor seating and suggested if some parking could be given up that could make room for more outdoor seating. She asked to get rid of the Town's serving reports and asked when the code was being looked at again to address that. She commented removing the police cars from the bridges made a big difference.

Jeff Rappaport, 790 S. County Road, submitted letters on behalf of himself and six other neighbors, a letter from their Attorney Harvey Oyer, a letter from a structural engineer, and other letters to be part of the record. He stated he was here because of a zoning issue, and was a long-time resident. New neighbors were undergoing renovations near his property line, but he and six other neighbors had received no notice. Several changes would affect his property, including elevation of the neighbor's boathouse to the height of a three-story structure. The residents were asking that this project be re-noticed properly, since their rights to notice had been denied.

Michael Scharf, 225 Dunbar Road, reported observing that 5 people were killed who were riding electric scooters and electric bikes on the beaches in Israel when he was there last summer, and he felt these were dangerous and should be banned from the lake trail. He expressed concern that placing parking meters on North County from Sunrise Avenue to Wells Road would make his property a parking lot and suggested

making parking for residents only on the middle part of Dunbar Road. He was referred to Town Manager Blouin for information on the resident only parking program. Mr. Scharf was informed motorized vehicles were already prohibited by ordinance.

Linette Miller, 210 Via Dunbar, spoke regarding 800 S. County Road notification issues and asked to receive notification so she could respond.

Sean Herring, 770 S. County Road, stated he received no notice of the project at 800 South County Road and would like to second Mr. Rappaport's comments.

IX. APPROVAL OF CONSENT AGENDA

Item No. IX.B.9 RESOLUTION NO. 106-2020 was pulled and heard as Item No. X.A.1.

Motion was made by Council Member Crampton and seconded by Council Member Araskog to approve the Consent Agenda, as amended. On roll call, the motion passed 3-2 with Council Members Lindsay and Moore dissenting.

After intervention by the Town Attorney, John C. Randolph, the vote was re-taken.

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

A. MINUTES

1. Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk
 - a. September 9, 2020, Development Review Town Council Meeting Minutes
 - b. September 10, 2020, Town Council Meeting Minutes
 - c. September 10, 2020, Special Town Council Meeting Minutes
 - d. September 16, 2020, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 23, 2020.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 98-2020 A Resolution of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Approving a Single Source Identification for Kemira Water Solutions, Inc. for a period not to exceed five years.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 99-2020 A Resolution of the Town Council

of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for a single source contract with Kemira Water Solutions, Inc. in the annual amount of \$187,200 and a five year contract contingent upon satisfactory performance and budget authorization in the amount of \$936,000.

Dean Mealy, Purchasing Manager

3. RESOLUTION NO. 100-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders to Florida Superior Sand, Inc. to Furnish and Deliver Sand to PAR 3 in the Amount of \$12,000 for FY21 and \$12,000 for water crushed shell for FY21.

Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 101-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Order for Fountain Maintenance Service to Mako Pools, Inc. in the Amount of \$25,100 for FY21 and \$25,100 for FY22 based on Satisfactory Vendor Performance and Budget Approval and an overall Project Budget of \$115,907 for total contract period of FY17 to FY22.

Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 102-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders to Oracle Elevator Company for Elevator Maintenance and Inspection Services in the amount of \$7,080 for Public Works and \$2,499 for Recreation PAR 3 in the total amount of \$9,579 for FY21 and a new contract value of \$67,997.

Dean Mealy, Purchasing Manager

6. RESOLUTION NO. 103-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Order to Property Works for Vegetation and Litter Removal-Cleaning in the amount of \$42,758 for FY21 and \$42,758 for FY22 based on satisfactory performance and budget authorization for a total contract value of \$172,000.

Dean Mealy, Purchasing Manager

7. RESOLUTION NO. 104-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Award ITB No. 2021-01, Bradley Park Tidal Garden in an Amount Not-to-Exceed \$150,000.

Dean Mealy, Purchasing Manager – Pulled and Heard as Item No. X.C.3.

8. RESOLUTION NO. 105-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida,

Approving Change Order in the Amount of \$4,853 to Central Square (Superion) and Establishing a New Contract Value of \$119,352 for Needed Services.

Dean Mealy, Purchasing Manager

9. RESOLUTION NO. 106-2020 A Resolution Of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of ITB No. 2020-23, Phipps Ocean Park Nourishment To Weeks Marine Inc. In The Amount Of \$8,755,000.
Dean Mealy, Purchasing Manager – Pulled and Heard as Item No. X.A.1.

10. RESOLUTION NO. 107-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting Amendments to the Statement of Investment Policy for the OPEB Trust Board of Trustees of the Town of Palm Beach Pursuant to Section 82-153 of the Code of Ordinances of the Town of Palm Beach; Providing an Effective Date.

Jane Le Clainche, Director of Finance

11. RESOLUTION NO. 112-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Award of Extension of Interlocal Agreement with Palm Beach County for Vehicle Maintenance for Fire Rescue in the amount of \$126,000 for FY21.

Dean Mealy, Purchasing Manager

C. OTHER

1. Request to Consider Ordinance No. 11-2020 Prior to 5:00 p.m. at a Public Hearing on October 14, 2020.

Wayne Bergman, Director of Planning, Zoning and Building

2. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts.

Jane Le Clainche, Director of Finance

X. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. RESOLUTION NO. 106-2020 A Resolution Of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of ITB No. 2020-23, Phipps Ocean Park Nourishment To Weeks Marine Inc. In The Amount of \$8,755,000.
Dean Mealy, Purchasing Manager

Zoning Manager Paul Castro explained FEMA would pay 75% of losses from two storms. He commented the dredging business had slowed down so that the Town was able to get a much more favorable price on sand for this replacement project.

Motion was made by Council Member Moore and seconded by Council President Pro Tem Lindsay to approve Resolution No. 106-2020. On roll call, the motion passed unanimously.

B. Old Business

1. COVID-19 Update
Kirk W. Blouin, Town Manager
TIME CERTAIN: 11:00 AM

This item began at 11:12 a.m.

a. Report on COVID-19 Infections and Hospitalizations

Division Chief Sean Baker reported the positivity rate below 5% continued in Palm Beach County, which meant the level of coronavirus transmission was low relative to the amount of testing. The peak had been 14% on July 10. WHO recommended the percentage of positivity remain below 5% for 2 weeks before government considered re-opening. In Palm Beach County it had remained below 5% since August 21. This had been accomplished through social distancing and wearing masks and it was essential to continue these policies. The Town of Palm Beach had an average of 1 to 1.4 new cases since June, but now that had dropped to .28 new cases per day. Eight deaths had been reported in the Town. The Town's best option to maintain their low percentage of positivity and low cases per day was through education.

b. Report on Compliance and Enforcement, Relative to State and County Orders (*verbal report*)

Police Chief Nicholas Caristo reported that since the last Town Council meeting restrictions had been lifted; however, restaurant checks were continuing at night. There had been no capacity violations and only six mask complaints which were resolved by medical education. Restaurants were opting for outdoor seating and staying at 50% capacity indoors, therefore social distancing was not an enforcement problem.

c. Input from Business Community

There was no input via Zoom from the business community.

Deputy Town Manager Boodheshwar reported temporary approval had been given to 13 restaurants for almost 400 outdoor seats, and most were utilizing private property and public sidewalks to expand their outdoor seating. Restaurants were not allowed to exceed their approved capacity by going to 100% indoors and also using outdoor seating.

d. Expanded Use of Tents – *Removed from Agenda*

e. Discussion Regarding Future Public Meetings

It was expected that under the Governor's orders, governing bodies would be required to meet in person beginning in November, but that advisory boards might be able to continue electronic zoom meetings. Town Attorney Randolph expressed concern the boards' actions could be challenged and therefore recommended the advisory boards also meet in person. Council President Zeidman reported the State Attorney General had clarified "governing bodies" to mean "government bodies"; therefore all boards would meet face to face. Discussion ensued.

The Town Manager's position was that effective November 1 the Town Council and its advisory boards would meet in Council Chambers and all other boards would meet remotely through the end of the year.

The Town Council discussed whether all boards should meet in person, that volunteers on boards might want to serve the Town in other ways if they were uncomfortable meeting in person, that Council President Zeidman and the staff who were meeting with her on COVID should make the decision and this matter should be discussed every month.

Council President Zeidman explained she and staff met every two weeks on Zoom regarding COVID-19, and no other Town had been on top of this like Palm Beach. That could continue, however they also had to follow the law. She noted many residents were staying in the northeast instead of returning in October this year. The Governor had given an order that as of November 1, everybody was back to meeting in person.

Council President Zeidman announced effective November 1 all boards and committees would meet in person but Town Council would review this every month. Town Attorney Randolph stated this was a Council decision and in November they could talk about December.

2. Palm Beach Marina Update
H. Paul Brazil, P.E., Director of Public Works
TIME CERTAIN: 11:30 AM

a. Proposed Improvements to Town Marina Upland Amenities,
Lake Drive Park and South Lake Drive - Review of Cost Estimates
of Recommended Improvements

Director of Public Works H. Paul Brazil advised today's presentation was almost the same as presented last month, and today the goal was to get consensus for what Council would like so he could put together a draft of a Landmarks Preservation Commission (LPC) package and bring it back to Council with the costs.

Consensus was received for the Traffic Calming items presented, with the roundabout separated out under separate items, which would need a traffic study. Town Manager Blouin explained some of the items might not be required in order to operate, such as the roundabout, but were included based on previous conversations

that these were desired. Mr. Brazil indicated he would provide the cost for the roundabout.

Discussion began on walkways and access paths. Mr. Brazil asked for consensus on three paths. Council Member Crampton asked for a sign restricting golf carts. Other members of the Council wanted the sidewalk width smaller before it went to LPC. Discussion ensued. It was pointed out that Council had come prepared to discuss each item today before it went to LPC. Mr. Brazil indicated that today he needed large functional items approved and any upgrades that might be wanted. He was taking notes in order to provide relative costs along the way, and planned to come back before going to LPC unless very clear decisions were made. Council discussion covered maintenance of the different surfaces and the differences in costs as well as liability, safety issues, and residents' requests for gray tabby. Mr. Brazil explained why the costs differed so widely for the same surface in different areas.

Public Comment

John David Corey, 426 Australian Avenue, spoke via Zoom. He noted he had spoken to a group of residents and suggested 5-foot wide asphalt or concrete for the pathways, which would be good for wheelchairs, and pointed out some areas could be wider where there would be more traffic, or narrower where it would be only pedestrians. He suggested a few islands for the green space near the parking, and expressed support for staff.

Rene Silvin, 422 Australian Avenue, agreed with maintaining the three crosswalks, observed usage was heaviest on Brazilian and next heaviest on Australian. He asked for specifics on items in the presentation for approval by the Landmarks Preservation Commission.

Council discussion continued.

Motion was made by Council Member Crampton and seconded by Council Member Moore to approve the decision to use asphalt for the three park pathways. On roll call, the motion passed 3-2 with Council President Pro Tem Lindsay and Council President Zeidman dissenting.

Motion was made by Council Member Crampton and seconded by Council Member Moore to approve the decision to use asphalt for the Lake Trail. On roll call, the motion passed 4-1 with Council President Pro Tem Lindsay dissenting.

Motion was made by Council Member Araskog and seconded by Council Member Moore to delete the proposed seawall cap and coating on retaining walls that would be visible from the parking lot as shown on the Fairfax and Sammons renderings, since the Lake Trail would stay in its current location. On roll call, the motion passed unanimously.

A rendering was presented for an aesthetic of circular seating, flagpole with

American flag, and inlaid compass design in the road for which the cost was \$354,000. Comments from Council included a request for lighting on trees, and a large amount of landscaping. There was discussion on accepting private donations, but being careful about naming items since this park should be unconditionally the Palm Beach brand. Staff agreed to plantings between two retaining walls and a planter in the parking lot unless parking was affected, and to using colored concrete for planters to match the building. Staff indicated only a very minimal amount of green space would be lost with these aesthetics.

Motion was made by Council Member Crampton and seconded by Council President Zeidman to approve \$354,000 for circular seating, flagpole, and inlaid compass rose and to accept public contributions subject to Town Council approval. During discussion of the motion consensus was to deal with the matter of public contributions later. **Motion was revised by Council Member Crampton and seconded by Council President Zeidman to approve \$354,000 for circular seating, flagpole, the retaining wall and inlaid compass rose. On roll call, the motion passed unanimously.**

Clerk's note: Council President Zeidman announced a lunch break at this point in the meeting at 2 p.m. The meeting reconvened at 2:15 p.m.

Motion was made by Council Member Araskog and seconded by Council Member Moore to approve traffic calming but to wait for a recommendation for the future. On roll call, the motion passed unanimously.

Staff explained there was an opportunity for a flat seating area on the north side of the Brazilian dock. Council discussion ensued which favored deciding this issue at a later time, after staff had provided a rendering. A resident had asked for the flagpole to be lighted at night, for which there was enthusiasm. Council Member Araskog asked if the pathways could be moved closer to allow more contiguous green space, to which staff agreed. Staff indicated they would come back before Council before making the presentation to Landmarks Preservation Commission.

Landscaping was discussed, adding much more throughout the park than proposed, with native plants desirable, putting it out for bid or having a design competition, possibly among landscape architects, without an amount so that the designs would not be restricted because of cost.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to go forward with a contest for landscaping. On roll call the motion passed unanimously.

Director Brazil requested addition of security gates at the entrance to the parking lot, with their appearance to be determined later. He explained if the current configuration of the parking lot was left as is, there would be more parking than if changes were made because then it would be required to conform to the more restrictive current code.

Motion was made by Council Member Crampton and seconded by Council

Member Moore to leave configuration of all the parking lots as they currently exist, and to approve security gates for the parking lot entrance, with their appearance to be determined later. On roll call, the motion passed unanimously.

Director Brazil recommended the cast stone benches, drinking fountains, and landscape lighting go into the landscape plans, with the numbers of benches and drinking fountains to be determined by the architects as the plans develop. He asked that all four bike racks be installed now near the entrance of all four docks as part of this project

Motion was made by Council Member Crampton and seconded by Council Member Araskog to move bike racks forward to comport with staff's plan to build around the entrances, and everything else to go into the landscape plans, including drinking fountains and benches. On roll call, the motion passed unanimously.

Staff agreed to come back to Council before going before the Landmarks Preservation Commission and to provide Council with a list of items the Council still needed to vote on.

Council Member Lindsay advocated for the water main replacement for Lake Park Drive to be done as soon as possible, possibly as soon as Passover and Easter were over, and asked how Council could expedite that so as not to interfere with the Marina opening. Staff indicated they needed a really good contractor and authorization to be flexible on work days and work hours. This would be discussed at a Public Works meeting. Consensus was to provide all support possible.

b. RESOLUTION NO. 109-2020 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Approving The Selection Committee Recommendation Of RFP No. 2020-21, Marina Marketing Services To Jacober Creative In An Amount Of \$181,500 For FY21 And \$138,000 For FY22 Contingent Upon Satisfactory Vendor Performance And Budget Authorization, And Authorize Three, One Year Extensions With Jacober Creative.

Director of Business Development and Operations Carolyn Stone presented the resolution.

Council Member Crampton agreed a first class marketing program was needed. Mayor Coniglio agreed, and read aloud tasks with associated fees. Town Manager Blouin commented someone familiar with target marketing was needed. Council President Pro Tem Lindsay agreed this was needed and would be a great partnership.

Public Comment

Dana Politt stated he had provided the Town Clerk with comments yesterday. Council acknowledged they had received his comments. Mr. Politt indicated he was with Adept Marketing, the only firm bidding that

had marina marketing experience, but they had not been selected. He discussed their qualifications and asked to be considered.

Rene Silvin, 422 Australian Avenue, commented he was very encouraged with what the Town Council was doing, but expressed concern regarding the current and future management of the marina, which he felt needed to be updated. Ms. Stone responded staffing was going to be improved.

Council Member Araskog asked staff to explain why a firm was being considered that had no marina experience. Ms. Stone responded they had comparable experience and had the best creative asset ability. Town Manager Blouin added an additional marketing specialist from Sunfest had provided input as to the best qualified firm.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to accept staff's recommendation in favor of Jacober Creative to manage the marketing for the marina, and to adopt Resolution No. 109-2020. On roll call, the motion passed unanimously.

3. Town-wide Undergrounding Project
Steve Stern, Project Manager

This item was heard before the 11 a.m. time certain COVID-19 update.

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

Project Manager Stern reported a UUTF meeting had been held on October 7 where discussion took place on the status of construction designs and the budget, as well as review of the plan. Community meetings were currently on hold. He provided a construction update on the Underground Utility Project for each phase and location. The financial summary included FEMA grant money under secondary review by FEMA and Florida Department of Emergency Management, and they had been asked for a contract extension for construction until May 2023. FEMA must approve the Town's ability to collect grant money. Mr. Stern reported the dashboard had been updated.

Council Member Crampton asked how the time extension would affect the marina construction project. Zoning Manager Castro explained it would not be a problem

Council President Pro Tem Lindsay expressed concern about the timing of a water main replacement before the soft opening of the marina and confirmed with staff that would be discussed later.

Mr. Stern confirmed for Mayor Coniglio the work sequence was following the original master plan timeline to minimize traffic disruptions, and there was no opportunity to save money by changing the sequence.

Mr. Stern addressed Council Member Araskog's concerns regarding placing

transformers in public utility easements, where sidewalks would be narrowed to accommodate the boxes, which would be landscaped to meet code. He explained the plan to create images to show these 20 to 50 locations and obtain consensus. The Town Manager stressed ongoing efforts to obtain easements from property owners and using the public utility easements as a last resort.

Council President Pro Tem Lindsay encouraged Mr. Stern to contact condominium association presidents regarding easement discussions with condominium residents.

b. RESOLUTION NO. 110-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Design Services for Phase 7 and Phase 8 for Town-Wide Undergrounding to Kimley-Horn and Associates, Inc. in the Amount of \$2,387,791 with a Project Budget of \$2,587,791.
Patricia Strayer, P.E., Town Engineer

Town Engineer Patricia Strayer, P.E., presented the resolution.

Motion was made by Council Member Moore and seconded by Council Member Crampton to approve Resolution No. 110-2020. On roll call, the motion passed unanimously.

c. RESOLUTION NO. 111-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2020-20, Pre-Construction Services for Phase 5, in the Amount of \$118,200, to Burkhardt Construction, Inc.
Patricia Strayer, P.E., Town Engineer

Town Engineer Patricia Strayer, P.E., presented the resolution.

Town Manager Blouin explained these services were necessary to comply with FEMA requirements.

Motion was made by Council Member Moore and seconded by Council Member Crampton to approve Resolution No. 111-2020. On roll call, the motion passed unanimously.

4. Report Regarding Public Access and the Enforcement of Regulations on the Beaches between Wells Road and Sunset Avenue.
Kirk W. Blouin, Town Manager

Deputy Town Manager Boodheshwar indicated reports had been provided to Council from the Police, Public Works, and Planning & Zoning Departments relative to actions they had taken to address concerns regarding beach access and enforcement of existing regulations in the area.

Also included were suggested actions for Council consideration.

Chief Caristo summarized the actions taken by Police along the beaches between Wells Road and Sunset Avenue. Council President Zeidman commended the Police for their enforcement efforts. She reported she went there often and almost always saw the police there. Council Member Araskog spoke about confusion among the residents who thought the sunrise to sunset hours had already been passed, but that would be effective after today's second reading of the ordinance.

Director of Public Works Paul Brazil explained that residents in the 100 block of Atlantic Avenue owned the beach access, and had locked it with a code which they had shared with residents of the 200 and 300 block. He explained the line between public and private beach had been cordoned off for beach renourishment at Wells Road and Dunbar, and at an area where dune vegetation would be replaced. A kiosk was to be opened the next day. The Mayor asked about hedge heights. Mr. Brazil answered questions about prior negotiations to make a section of the beach larger, which had been done on a small section but the weather was eroding it now and the weather would bring it back later. Council Member Araskog spoke about residents with beachfront property on the north end and near Midtown had allowed their vegetation to grow to a height where the view of the ocean was obstructed, and 4-foot gates would also obstruct the view.

Zoning Manager Castro reported he had learned Root Trail Property LLC (consisting of 4 property owners) owned beach access at Root Trail, so the Town had an independent title search done which showed nothing between 1911 and 1991 except two quit claim deeds to the Town of Palm Beach. Town Attorney Randolph reported speaking with Mr. Coleman and his attorney regarding their request to gate the access. He also met with Mr. Guy Rabideau and Mark Dahlmeier and suggested Mr. Rabideau and Mr. Dahlmeier meet after this meeting to resolve the issue. If public, the Town could put up a sign. If private, the Town would allow owners to put up a sign and a gate conforming to code. Council Member Araskog agreed, and requested this be tabled until ownership was determined. Zoning Manager Castro advised the Town Council could put a governmental sign on private property. It was noted closing Root Trail access caused more people to use other access points.

Town Attorney Randolph recommended the parties meet to resolve the ownership issue.

Public Comments

Robert Meister, 101 Seminole Avenue, reported people had destroyed private property and at night there was drug use and drinking, and his family's lives had been threatened. He asked for police help at night.

Liz Moss, 302 Atlantic Avenue, was a long-time resident and in the past lived near Root Trail, which had been public access. She is an attorney representing her sister and her husband who own a seasonal home, Charlotte and Craig Peterson. She expressed agreement with Town Attorney Randolph, and requested to be a party to the discussion between

Attorney Randolph and Mr. Rabideau. Town Attorney Randolph stated he was happy to have Ms. Mosque involved in the discussions.

Guy Rabideau stated he represents Root Trail Partners LLC, owner of the north 10 feet of Root Trail access, with the south half owned by Ocean Towers and would be happy to discuss ownership with Attorney Randolph and Mark Dahlmeier. They had negotiated for many months and had come up with a more practical solution to gate the entrance, giving all owners on Root Trail access. The access ran with the properties so it would benefit future owners as well. By having this private instead of public, 80% of the problems would be solved, constant police presence would not be required, and the owners would take care of the problems. He commended the police for their work on this issue.

Town Manager Blouin agreed with Mr. Rabideau. Staff proposed a fence and gate up to 5'9" to prevent climbing over it.

Council discussion included that this was a growing concern and it must be determined who owned the access. Zoning Manager Castro clarified the Town was questioning only the 10-foot Root Trail piece. Mr. Rabideau explained there had been no discussion regarding inviting the neighbors to have access. Attorney Mosque commented the 1912 deed gave the Town ownership and discussion was to give an easement.

Discussion ensued regarding parking meters and hours.

Motion was made by Council Member Araskog and seconded by Council Member Moore to change the parking rates to \$5/hour with a two-hour maximum along N. County Road and the 100 block of Sunrise Avenue. On roll call, the motion passed unanimously.

Council Consensus was to hear ANY OTHER MATTERS - Notification Regarding 800 S. County Road at this time

Director of Planning Zoning and Building Wayne Bergman introduced this item, and provided an update. He had received a letter dated October 13 that morning from Harvey Oyer, who had personal contact with three of the neighbors all indicating there was not proper notice when this project went to Landmarks Preservation Commission and then to Town Council and was approved for 14 variances, which meant the landmark home could be raised to a level to comply with future FEMA regulations, could demolish portions of the home, and make additions to the home. Director Bergman reported Mr. Rappaport did not recognize the signature on his certified mail return receipt as his or any of his family, A notice sent via first class mail went to Canada and was not received. Mr. Idol, whose notice was addressed to New York, said he did not receive notice, and there was proof from Maura Ziska it was mailed but no receipt was received. Director Bergman reported research had determined notice was given properly, and at that time there were only 2 people who remained. Now there were seven. 4 were sent certified and the rest went by first class mail. Director Bergman stated the legal requirements of providing notice had been met.

Attorney Harvey Oyer, 525 Okeechobee Boulevard, displayed a property appraiser's

map with properties identified with red X's to show which ones received notice, and stated letters from each of the 7 who did not get the notices were attached. He stated it was the Town's obligation to provide proper notice.

Attorney Maura Ziska, 222 Lakeview Avenue, Suite 1500, West Palm Beach stated she had been researching this and described what happened in each case, described the mailing process she had followed, and disclosed she met with Mr. Rappaport and his mother on site, so they knew about it. She stated 80% of mailed notices had been received, which Council Member Araskog disputed.

Town Attorney Randolph commented staff had heard about two objections, then a third, and now there were seven. Staff's position was notice was properly given and they could not redirect this matter back for another hearing. Attorney Randolph advised this could be left as it stood or Town Council could direct it to be reheard, since Mr. Rappaport could not appeal within the 30-day limit because he did not know about it. Obligations of the Town were to give notice and also provide an opportunity to be heard. If they asked it to be reheard, consideration should be given to whether there had been equitable estoppel and whether the decision had been made based on criteria set forth in the code. He advised the whole thing should go back, not just part of it, and asked if notice was given for the Landmarks meeting and if any of that was certified.

Zoning Manager Castro advised both notice from the Town and Landmarks Preservation Commission had been mailed in the same envelope. Attorney Ziska explained the process required and she had followed it and delivered the notices to the mailbox, which was her obligation.

Attorney Randolph advised before the Town Council was whether they wished to rehear.

Mayor Coniglio commented the criteria identified by Attorney Randolph—noticing; variance criteria, and she recalled a hardship issue. She asked if the boathouse was the predominant issue if the two property owners could get together to come to a resolution without Town Council creating mandates.

Zoning Manager Castro reported all 4 certified return receipts were posted and stamped by the post office dated May 26, which showed they got to the post office and were mailed.

Council Member Crampton agreed with the Mayor, the process failed, and he would say send it back unless personal diplomacy could work.

Council President Pro Tem Lindsay agreed with the parties working together and commented there was another issue of fill in the Intracoastal waterway.

Council Member Moore's comment was we're stuck.

Council Member Araskog asked if only the boathouse could be sent back, and she was inclined to send it back since Mr. Rappaport had said he reached out to the applicant and got nowhere. She noted fill had never been discussed, and that would increase the size of the property.

Attorney Randolph stated if reheard, work must be stopped until that time or until the parties reached agreement.

Director Bergman reported he received a message from John Idol claiming they were building 9 feet from his property line, and the discussion should include all the neighbors impacted.

Attorney Oyer clarified there were 13 property owners, for 16 parcels of land, with 7 claiming they did not receive notice. This was over 50%, so the application was not eligible to be certified for a public hearing. This made the application incomplete with no receipt from Mr. Idol and possibly a fraudulent one for Mr. Rappaport. Also, he had been unable to find an owner consent form for Maura Ziska to act on behalf of the property owner, which under code Section 134-171 made the application void. He commented Mayor Coniglio had a good idea but that only applied to Mr. Rappaport and the applicant and not the other six property owners. He stated there were six variances on the property line between the applicant and Mr. Rappaport and he thought the only choice was to rehear. He did not think all the criteria for the variances were satisfied on July 15, and his client and possibly six others had been denied due process. He and his client were happy to meet with the applicant to solve their problems but could not solve the problems for the other six property owners.

Attorney Ziska displayed the certified mail tracking information from the USPS website for Mr. Idol and Mr. Rappaport. Council President Zeidman responded the issue was not the mailing process it was whether they received it. She commented when approving a variance or special exception, Council was always listening for what a neighbor had to say. Attorney Ziska commented she had fulfilled her legal obligation and now the Town Council was going to unravel her client's rights and they had already started work. She commented they were not doing the fill, and with Mr. Rappaport it was not about one foot, it was about the view. She felt it unfair to re-open the application.

Jeff Rappaport commented there were 14 addresses one of which was the owner, so 13 property owners and they had letters from 7, a majority. He advised that no homes on the Intracoastal received notice. Clearly, an agent got his card and signed it, but he had no agent and did not recognize the signature. He stated he did not give approval when he and his mother met with the applicant, and they did not know the boathouse would be 5 feet from their property and his seawall was intertwined with the boathouse foundation.

Council President Pro Tem Lindsay commented the people impacted the most did not receive notice, everyone admired the project, and this was tragic.

Council Member Crampton commented due process failed and if the parties could not work it out Council was leaning towards sending it back.

Town Attorney Randolph stated Council was stuck because whatever action they took would be attacked by the other side; however, if they voted to send it back that rescinded previous action and a stop work order would be needed until it came back before Council for further action.

Director Bergman indicated there were several more permits to be issued. Discussion ensued regarding how much time to allow for the applicant to work with the property owners. Attorney Randolph advised 7 property owners had objected, and only those 7 could be notified. It would be best to notify everyone again. In any motion make sure there is a date certain and during that time no further work can be done on the property.

Motion was made by Council Member Araskog and seconded by Mr. Crampton to rescind Variance 20-00261 for 800 South County Road unless or until the property owners give notice by a date certain of October 21, 2020 that they have worked out the situation and there is no further objection; and there is a stop work order until that time or until an agreement is reached between such parties; all fees are waived; the seven property owners are to be noticed by email to help with the expense; no permits are to be given during that time; and this shall come back to Town Council at the meeting on November 13, 2020.

During discussion of the motion the following comments were made:

Staff reported the Chair of Landmarks Preservation Commission wished them to convey he felt it should just go back to Town Council.

Applicant's Comments

Ann Desruisseaux, 800 South County Road, stated they were completely blindsided. They had tried to do everything to follow the process in sending the notices. She reported meeting Colby Rappaport and a friend who lives with her in front of Steve McDonald with SMC Contracting at her property and explaining the whole house would be raised. The house was sinking and water came in through some doors during last week's high tide. The term boathouse was used but it was really connected to the house by the arch bridge. A team of engineers was working on the project. They were at the point of raising the house and it would be open to the elements, with the original ceiling and trusses unable to be protected. She wanted everyone to be aware of the repercussions that would go against what she had been fighting to do which was to save this house. She and Jeff Rappaport were going to meet Friday but her son had an emergency appendectomy so she had not been able to attend. His concern was the view and he wanted her to move the house 10 feet. She described the house and said they could not make changes Mr. Rappaport asked for in a landmark house like making one instead of two stories and removing the arch bridge, which was the main feature of the house. She clarified there was a wall at the foundation separating the properties and his seawall would not be affected. She was happy to meet with neighbors. She objected to coming back for rehearing and asked if they could get affidavits from other homeowners that they had searched their records and confirmed they did not receive the notice. She did not know Mr. Rappaport was contacting all the neighbors. She commented Mr. Rappaport was concerned with the view with the boathouse raised, and his house was built after hers.

On roll call, the motion was approved 4-1 with Council Member Moore dissenting. Council Member Moore stated she believed this would set a precedent and because this landmark house might be lost. Council Member Araskog, Council President Pro Tem Lindsay, and Council President Zeidman each indicated they had voted yes because due process must be followed.

Council Member Moore brought up the question of due process, how the Town could protect itself in the future if the system was flawed, how to be fair to everyone, and suggested looking at addresses so they were not sent out of state when the person was here. Town Manager Blouin expressed his opinion regarding due process. It was agreed to place this on the next agenda for discussion.

Town Attorney Randolph stated he did not opine on what should be done in the future, only on today's issue. He advised that the system was the same used by most

municipalities and it would be difficult for the Town to assure everyone got notice.

Council President Zeidman commented this Council only found out that morning there was more than one property owner involved, and with so many affected this had to be looked at and talked about how difficult this was.

C. New Business

1. Consideration for ORS Study of Vegetation Height Limitations Adjacent to Existing Neighboring Structures and the Screening of Vacant Lots.

Wayne Bergman, Director of Planning, Zoning and Building

Director of Planning, Zoning and Building Bergman explained review of 131 Seaview Avenue had brought this to attention, which was on the agenda for the October 14, 2020, Development Review meeting. Seventeen (17) residents requested this be moved forward for regulation.

Council Member Araskog commented about chain link fencing.

Mayor Coniglio asked if the Town was preparing for a potential legal challenge since there were already setbacks. Town Attorney Randolph responded side yard setbacks were designed to allow room for plantings, and if a 6-foot rule was passed someone could file a Burt Harris action for loss of reasonable investment expectation, but that should be discussed after it went to ORS.

Motion was made by Council President Lindsay and seconded by Council Member Araskog to send the ORS Study of Vegetation Height Limitations Adjacent to Existing Neighboring Structures and the Screening of Vacant Lots to ORS for further study, asking them to be very careful about vacant lots which already had rules and to know that issue came up in the Sea Streets. On roll call, the motion passed unanimously.

2. Discussion Regarding Landmark Notification Procedures.

Wayne Bergman, Director of Planning, Zoning and Building

Director of Planning, Zoning and Building Bergman explained this was about a courtesy notice mailed by staff under an administrative policy, whether or not it should be sent to those property owners that will be in an area placed under consideration for a new historic district.

Council Member Araskog recalled from previous discussion that notification was to be provided on multiple properties, and stated she was in favor of going forward with notification, but thought that situation would never happen again.

3. RESOLUTION NO. 104-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Award ITB No. 2021-01, Bradley Park Tidal Garden in an Amount Not-to-Exceed \$150,000.
Dean Mealy, Purchasing Manager

Director of Public Works Paul Brazil requested this was for a wet and dry feature in Bradley Park, and asked Council to authorize the Town Manager to enter into a contract with the low bidder at a price not to exceed \$150,000, and to allow waivers to the code to allow for Saturday work past December 1 and also a waiver from the noise ordinance.

Motion was made by Council Member Crampton, seconded by Council Member Araskog to approve Resolution No. 104-2020. On roll call, the motion passed unanimously.

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 13-2020 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2019, and Providing an Effective Date.

Jane Le Clainche, Director of Finance

Town Attorney Randolph read Ordinance No. 13-2020 on second reading by title only.

Motion was made by Council Member Crampton and was seconded by Council Member Moore to approve Ordinance No. 13-2020. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 14-2020 An Ordinance of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision III, Firefighters, By Amending Section 82-94, Retirement Age And Service Conditions For Firefighters; Amending Subdivision III, Firefighters, By Amending Section 82-98, Chapter 175 Share Accounts; Amending Subdivision III, Firefighters, By Amending Section 82-99, Deferred Retirement Option Program For Firefighters; Amending Subdivision IV, Police Officers, By Amending Section 82-114, Retirement Age And Service Conditions For Police Officers; Amending Subdivision IV, Police Officers, By Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Amending Subdivision V, General Employees And Lifeguards, By Amending Section 82-135, Amount Of Pension For Benefit Group General And Benefit Group Lifeguard; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Danielle Olson, Director of Human Resources

Town Attorney Randolph read Ordinance No. 14-2020 on second reading by title only.

Motion was made by Council Member Crampton and was seconded by Council Member Moore to approve Ordinance No. 14-2020. On roll call, the motion passed unanimously.

3. ORDINANCE NO. 15-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Amending The Town Code Of Ordinances At Chapter 74, Parks and Recreation, at Division 3, Regulation of Use of Public Beaches, Section 74-196, Presence During Closed Hours; Hours Specified to Modify the name Lake Worth to Lake Worth Beach and to Add the Public Beach from Wells Road South to Sunset Avenue as an Additional Beach Declared to be Closed to the Public Each Day from Sunset to Sunrise; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Nicholas Caristo, Chief of Police

Town Attorney Randolph read Ordinance No. 15-2020 on second reading by title only.

Motion was made by Council Member Crampton and was seconded by Council Member Araskog to approve Ordinance No. 15-2020. On roll call, the motion passed unanimously.

XII. ANY OTHER MATTERS

Notification Regarding 800 S. County Road

This item was heard at the end of Old Business.

XIII. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 6:31 p.m. without benefit of a motion or vote.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date



TOWN OF PALM BEACH

Planning, Zoning & Building Department

Minutes of the Local Planning
Agency Meeting
Held on October 14, 2020

I. CALL TO ORDER AND ROLL CALL

The Local Planning Agency Meeting was called to order October 14, 2020 at 9:32 a.m. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. ORDINANCES

A. First Reading

1. **ORDINANCE 11-2020** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Infrastructure Element, As Well As The 10-Year Water Supply Facility Work Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Wayne Bergman, Director of Planning, Zoning and Building explained the Ordinance 11-2020, presented to the LPA. He explained that this was a comprehensive plan amendment made to the infrastructure element as well as the 10 year water supply plan. He went on to discuss why the modifications were necessary.

Mayor Coniglio stated she understood this to be a formality and a requirement. Mr. Bergman stated that was correct.

Council Member Araskog stated that there were grammatical changes and typos corrected in the document. Mr. Bergman agreed and cautioned against changing anything in the document prepared by the City of West Palm Beach as it was already approved by the State.

Motion made by Council Member Crampton and seconded by Council Member Araskog to recommended adoption of Ordinance 11-2020 to the Town Council. Motion carried unanimously.

IV. ADJOURNMENT

The meeting was adjourned at 9:39 a.m. without benefit of motion or roll call.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on October 14, 2020

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order October 14, 2020 at 9:41 a.m. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

None

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton reminded staff that the previous day Council had received assurance they would be provided with the unresolved issues regarding South Lake Drive marina park, and he would like an update on what would come before Council in the future.

Council President Zeidman commented regarding 800 South County Road that she had been on the prevailing side of the motion, and therefore would open the item and revisit the vote, for the following reasons: Council had been unaware and unprepared for discussion; no one who testified was sworn in; Counsel for Ms. DesRuisseaux was called to produce evidence in a late fashion. She stated this was basically an issue of notice, and in her opinion notice is the responsibility of the person receiving the notice. She pointed out that staff gave proper notice, and all procedures were followed by staff and professionals for the Town. There had been two actions in yesterday's motion (1) Whether two parties could come together and come up with a compromise, and (2) If they could not compromise, Town Council would revisit the entire situation, which was over reach. Council President Zeidman stated this was not the issue of Town

Council, as Maura Ziska believed. She requested to revisit the motion to keep the compromise but stand that notice was given and move on.

Town Attorney Randolph advised this should be a motion for reconsideration, which required no discussion.

Council President Zeidman passed the gavel to Council President Pro Tem Lindsay.

Motion made by Council President Zeidman and seconded by Council Member Moore for reconsideration of the decision made the previous day on 800 South County Road. Motion carried 3-2, with Council Member Araskog and Council Member Crampton opposed.

Town Attorney Randolph advised to give notice to the other side. Council Member Araskog had an issue with Mr. Oyer not present for the discussion.

Discussion ensued on whether other parties would be available for discussion. Council President Zeidman announced this would be placed under Any Other Matters.

Council Member Moore thanked Council President Zeidman for opening the item.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

None

VI. APPROVAL OF AGENDA

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

Deferral of Item VII.A.1 (b) to the November 13, 2020 meeting.

Deferral of Item VII.A.1 (e) to the November 13, 2020 meeting.

Deferral of Item VII.A.2 (a) to the November 13, 2020 meeting.

Withdrawal of Item VII.A.2 (b)

Deferral of Item VII.A.2 (g) to the November 13, 2020 meeting.

Withdrawal of Item VII.A.2 (h)

Deferral of Item VII.A.2 (i) to the November 13, 2020 meeting.

Town Attorney Randolph questioned the deferral for 70 Middle Road.

Mayor Coniglio requested the town code on deferrals.

Paul Castro read code into the record relating to deferral requests.

Council President Pro Tem Lindsay inquired how many deferrals had been received. There was discussion on the number of deferral requests that were received by Town.

Council Member Moore tried to clarify the number of deferrals.

Attorney Randolph stated that some of the requirements had been waived due to

the pandemic.

Council Member Araskog inquired the number of the deferrals and whether the 6-month deferral limit could be extended due to COVID.

Attorney Randolph stated if the application was being heard today, he would recommend denying the request and re-noticing the project. For today, he recommended the one-month extension.

Motion made by Council Member Araskog and seconded by Council Member Moore to approve the agenda as amended, with a one month deferral given to project Z-19-00236, 70 Middle Road. Motion carried unanimously.

VII. DEVELOPMENT REVIEWS

A. Appeal

1. Appeal of ARCOM Decision Regarding 110 Seagate Road

Administrative Specialist Churney swore in those intending to speak on the matter.

Specialist Churney swore in all parties intending to speak on this item.

Town Attorney Randolph advised Council would review the record to see if there were any errors by ARCOM on this appeal. He outlined the procedure on the hearing of the appeal.

Ex parte was declared by Council Members Crampton, Moore, Araskog, President Zeidman, President Pro Tem Lindsay and Mayor Coniglio.

Tim Hanlon, attorney stated he represented Jeff and Katy Dew Amling, owners of 161 Seagate Road, and Joanne Paladino, owner of 148 Seagate Road. Attorney Maura Ziska stated she represented Claire and Carlos Musso, owners of the property approved by ARCOM. Attorney Randolph stated Michael Small could speak on behalf of ARCOM.

Mr. Hanlon made a presentation on behalf of his clients, Jeff and Katy Amling, who felt the value of their home would be affected if the ARCOM requirements were not satisfied. His clients were appealing the ARCOM approval of the home proposed for 110 Seagate Road, approved at the August 26, 2020 ARCOM meeting. There was no evidence that items 1,3,4,6, and 8 of 18-205a were satisfied, and the ARCOM Commission did not consider any of the criteria in its approval, but appeared to have relied on a great landscape plan and some nice architectural details. His clients wanted this application sent back to ARCOM to make the home fit better in the neighborhood. He focused on the failure to comply with items 4, 6 and 8, and showed surrounding homes. He spoke about neighbor objections. Attorney Hanlon stressed it was important that Architect Roger Janssen had acknowledged the proposed home was an anomaly in its dissimilarity and mentioned other homes that were somewhat similar, but those were outside the 200-foot zone to be considered by ARCOM. Attorney Hanlon argued the home was excessively dissimilar, that ARCOM Commissioners had failed to apply the criteria, and requested denial or to send

the application back to ARCOM.

Attorney Maura Ziska represented Claire Musso, who wanted the ARCOM decision to stand. She reported ARCOM received letters prior to final decision, and the architect had discussed harmony in the neighborhood. There was plenty of discussion and neighbors' comments were taken into account. The application was approved unanimously. She requested the appeal be denied.

Mr. Hanlon stated he listened to the meeting several times, and reported harmony and how the home met the criteria were never discussed. He discussed several comments made by the Commissioners.

Town Council Deliberation

Council Member Crampton asked about ARCOM's vote. Attorney Hanlon responded it had been unanimous, but Mr. Smith did not get to express his objections, and Commissioners did not consider criteria. Council Member Crampton asked about the home at 145 Seagate Road, which was not included in the slide show, which was even more dissimilar and thought it opened the avenue for other dissimilar homes.

Council Member Moore commented ARCOM looked at this for a couple of months, and the final vote was unanimous. She was unsure whether it was a good decision to overturn the vote.

Council Member Araskog inquired about the home mentioned by Mr. Crampton, and addressed Mr. Hanlon's argument of competent substantial evidence. She felt this should go back to ARCOM.

Council President Pro Tem Lindsay discussed how the criteria were not met and supported going back to ARCOM to address 4, 6 and 8.

Council President Zeidman agreed with Council President Pro Tem Lindsay.

Council Member Araskog commented the house Mr. Crampton mentioned was not within 200 feet

Motion made by Council President Pro Tem Lindsay and seconded by Council President Zeidman to grant the appeal and send the project back to ARCOM for consideration of criteria 4, 6 and 8 in Section 18-205, and consider the matters mentioned by Council President Pro Tem Lindsay. Motion carried 3-2, with Council Members Moore and Crampton opposed.

Please note: A short break was taken at 10:55 a.m. The meeting resumed at 11:00 a.m.

B. Time Extensions and Waivers

2. Time Extension of Construction for 210 Worth Avenue

Planning, Zoning and Building Director Bergman presented the proposed time extension for construction at 210 Worth Avenue.

Mayor Coniglio asked about the timeline for materials delivery for these projects on Worth Avenue. She wanted to avoid deliveries being made all day.

Council Member Araskog requested loud radios or music not be allowed, only quiet interior work. Douglas Gregory Batten responded to Council Member Araskog's question what was next door, and where parking would be located.

Council Member Araskog confirmed with Mr. Batten that he would be able to handle all of the extension work.

Motion made by Council Member Crampton and seconded by Council Member Moore to approve the time extension for 210 Worth Avenue as requested. Motion carried unanimously.

3. Time Extension of Construction for 259 Worth Avenue

Planning, Zoning and Building Director Bergman presented the proposed time extension for construction work at 259 Worth Avenue.

Maura Ziska submitted the construction schedule and stated the belief was that they could meet the schedule. She stated parking and deliveries would be in the Apollo lot.

Administrative Specialist Churney swore in those intending to speak on the matter.

Andreas Rodriguez, Construction Manager, spoke about the project and schedule.

Mayor Coniglio inquired whether the deliveries would be made in a timely manner from an area that would not impact Worth Avenue. Mr. Rodriguez responded. The Mayor inquired about a specific delivery and asked for December 1 completion.

Council Member Araskog expressed concern if issues arose with neighboring stores whether Mr. Bergman would handle them, wanted no music inside, and inquired about windows, to which Mr. Rodriguez responded.

Motion made by Council Member Crampton and seconded by Council Member Moore to approve the time extension for 259 Worth Avenue as requested. Motion carried unanimously.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of Charles "Rusty" Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district. 2) Section 134-843(a)(5): A request for a

variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35 foot minimum required in the R-A Zoning District. 3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134- 1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10- foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved this project as presented. Carried 7-0]

Ex parte communication declared by Council Member Araskog.

Administrative Specialist Churney swore in those intending to speak on the matter.

Maura Ziska, Attorney for the applicant, presented an overview of the project and discussed the zoning requests.

Raphael Saladrigas presented the architectural plans for the proposed residence.

Zoning Manager Castro provided staff comments.

Council President Zeidman called for public comment. There were no comments heard.

Motion made by Council Member Moore and seconded by Council Member Araskog that Special Exception Z-18-00134 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and providing

that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

Motion made by County Member Moore and seconded by Council Member Araskog that Variance Z-18-00134 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

Motion was made by Council Member Moore and seconded by Council President Pro Tem Lindsay that Site Plan Z-18-00134 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11; and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried unanimously.

- b. **Z-19-00236 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jennifer J. Naegele, Applicant, relative to property located at **70 MIDDLE RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 3 story landmarked residence located in the R-B Zoning District. The renovation includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed in the street side yard along Via Marina. The following variances are being requested: 1) Sec. 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25 foot minimum required. 2) Sec. 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed. 3) Sec. 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed. 4) Sec. 134-893(7): a

variance for a north side yard setback of 7.6 feet in lieu of the 12.5 feet minimum required for the laundry room addition. 5) Sec. 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Foundation Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented with the condition that the homeowner voluntarily grants the utility easement. Carried 7-0] Email Dated October 6, 2020 from Jennifer Naegele Requesting Deferral to the May 2021 Meeting.

Deferred to November 13, 2020 Town Council meeting

- c. **Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Matthew and Anne Iorio, Applicant, relative to property located at **131 SEAVIEW AVE**, legal description on file, is described below. Section 134- 8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893(b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893(b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893(b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with a condition relating to landscape. Carried 7-0.]

Administrative Specialist Churney swore in those intending to speak on the matter.

Ex parte was declared by Council Members Crampton, Moore, Araskog, President Zeidman, President Pro Tem Lindsay and Mayor Coniglio.

Planning, Zoning and Building Director Berman provided background on the project.

Maura Ziska, attorney on behalf of Matt and Anne Iorio, presented the overview of the project and discussed the particulars regarding the hedge.

Council Member Crampton inquired if the owners would be willing to a compromise of 5 feet rather than 4 feet. Ms. Ziska responded. Council Member Crampton thought a balance would be 5 feet.

Council Member Araskog inquired of Director Bergman if he felt 5 feet would be a good compromise. Mr. Bergman responded. Council Member Araskog stated she agreed with Council Member Crampton.

Mayor Coniglio asked Director Bergman if the properties were conforming. Zoning Manager Castro responded and explained the zoning requests that had been granted. Mayor Coniglio expressed concern this could set a precedent.

Council President Pro Tem Lindsay commented this was the first time Council had tried to legislate properties. She was comfortable allowing the requested 4 feet with the ability to change it.

Council Member Crampton asked if there were a 5-ft separation how high the hedge would be, to which the answer was 11 feet. He stated he would not vote against 4 feet.

Council Member Moore agreed with Council President Pro Tem Lindsay on 4 feet with the ability to change it.

Council Member Araskog commented this would not set precedent, and was fine with whatever was decided with the ability to change it.

Council President Zeidman called for public comment.

Martha Greenwald, 128 Seaspray Avenue, expressed her dissatisfaction with the proposed changes, and requested Town Council not to allow the owners at 131 Seaspray Avenue to plant tall trees next to their structure.

Administrative Specialist Churney swore in Anne Iorio. Anne Iorio, 131 Seaspray Avenue, asked Council to approve the proposed request.

Steven Greenwald, 128 Seaspray Avenue, expressed his dissatisfaction with the proposed project.

Attorney Ziska stated 4 feet would be sufficient. However, a condition of approval would be acceptable that allowed code enforcement.

Council Member Araskog inquired if a 4 feet limitation would limit the height of the trees. Attorney Ziska responded.

Keith Williams, Nievera Williams Design, the hedge was proposed to be 4 feet below the eaves of the Greenwald's residence.

Mayor Coniglio inquired if the owners could return to the Town Council in the future if the condition changed, such as if the Greenwalds' home was sold.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Crampton the approval of Z-20-00260 Special Exception With Site Plan Review With Variance(s) with the caveat to restrict hedge height under the current lowest line to 4 feet and 4 feet below the roof, with the condition that should the house at 128 Seaspray which is currently for sale be demolished in the future and/or when the lines are placed underground the condition for 131 Seaspray is eliminated; if verifiable issues arise, separation distance must go from 4 feet to 5 feet below the roof of 128 Seaspray Avenue; in the event hedge is not maintained, it would be a Code Enforcement issue. Motion carried by unanimous vote.

- d. **Z-20-00265 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of Carlos Musso, Sr., Applicant, relative to property located at **110 SEAGATE RD**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new

residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Motion carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Motion made by Council Member Crampton and seconded by Council Member Moore to defer the project to the November 13, 2020 meeting. Motion carried unanimously.

- e. **Z-20-00269 VARIANCES** Zoning District: R-B Low Density Residential The application of John Criddle and Franny Frisbie, Applicant, relative to property located at **143 REEF RD**, legal description on file, is described below. The applicant is proposing to construct a new 597 square foot one story garage to the west of the existing residence. The following variances are being requested: 1. Section 134-893(7): The applicant is requesting a variance for a west side yard setback of 5 feet in lieu of the 12.5 foot minimum required for a one story building. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 105 degrees in lieu of the 100 degrees maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.] Request for Deferral to the November 13, 2020 Meeting per Letter Dated October 7, 2020 from Maura Ziska.

Deferred to November 13, 2020 Town Council meeting

- f. **Z-20-00275 VARIANCE(S)** Zoning District: R-A Estate Residential The application of 171 Via Bellaria LLC (Dan Swanson, Manager), relative to property located at **171 VIA BELLARIA**, legal description on file, is described below. Section 134-843 (7): The Applicant is proposing a new 9,416 square foot two story residence on Via Bellaria that would have a building height plane setback of 37 feet in lieu of the required minimum setback ranging from 51.2 to 69.5 feet. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project as presented. Carried 5-2.]

Ex parte communication declared by Council Member Araskog.

Maura Ziska, attorney for the applicant, presented an overview of the project and introduced the variance request for the project.

Zoning Manager Castro provided staff comments.

Ms. Ziska responded and advocated for the requested variance.

Council Member Araskog inquired how many feet the home would be set back. Ms. Ziska responded. Council Member Araskog inquired regarding the hardship. Ms. Ziska responded.

Council President Zeidman called for public comment. There were no comments heard at this time.

Motion made by Council Member Crampton and seconded by Council Member Moore that Variance Z-20-00275 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

Please note: A lunch break was taken at 12:31 p.m. The meeting resumed at 1:04 p.m.

- g. **Z-20-00276 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of 1742, LLC (Anthony Lomangio, Manager), Applicant, relative to property located at **1742 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(a) and (b) Special Exception with Site Plan Review to allow the construction of a new 9,604 square foot, two-story residence on an unplatted non-conforming lot that has an area of 19,918 square feet in lieu of the 20,000 square feet minimum and a depth of 97.52 in lieu of the 150 foot minimum depth required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Administrative Specialist Churney swore in those intending to speak on the matter.

The Town Council Members stated they had no ex parte communications to declare.

Maura Ziska, attorney on behalf of the owner, presented an overview of the project and explained the zoning requests.

Zoning Manager Castro provided staff comments.

Council President Zeidman called for public comment. There were no comments heard at this time.

Motion made by Council Member Araskog and seconded by Council Member Crampton, that Site Plan Z-20-00276 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11; and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried unanimously.

Motion made by Council Member Araskog and seconded by Council Member Crampton that Special Exception Z-20-00276 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried unanimously.

- h. **Z-20-00281 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-D(2) High Density Residential and R-C Medium Density Residential The application of CH HOTEL, LLC (Andrew and Sarah Wetenhall and Family), relative to property located at **135 HAMMON AVE, 152 HAMMON AVE, AND 155 HAMMON AVE**, legal description on file, is described below. Request for a modification to the previously approved Special Exception for the Colony hotel use to allow the relocation of the previously held events on the west side of the ballroom building to the new east garden. The use of the garden area east of the ballroom building shall be primarily used as a pre-function space such as wedding ceremonies and cocktail receptions -all to be used in conjunction with the ballroom building that was approved by the Town Council In 1986. The Colony Hotel is requesting the following terms to be approved: 1) All pre-function events or ceremonies in the garden will be concluded by 10:00

p.m. 2) There shall be only background music allowed or live music of no more four instruments. 3) There shall be no DJ music 4) Microphone use shall be allowed for officiant for wedding services or an individual making remarks. 5) The hotel will agree to install a custom designed in-ground sound system to abate noise. 6) The hotel will install a mutually agreeable privacy/landscape buffer along the eastern property line. [Applicant's Representative: Maura Ziska Esq]

Ex parte declarations: Council Members Moore, Crampton, Araskog, President Zeidman, President Pro Tem Lindsay and Mayor Coniglio.

Administrative Specialist Churney swore in those intending to speak on the matter.

Maura Ziska, attorney on behalf of the owner, presented an overview of the project and explained the zoning requests. She read two letters into the record, one from John Cahill in support of the application and the other from Randy Lynch, also in support.

Sarah Wetenhall, owner, provided a review of her request and addressed the complaints from the neighbors.

Zoning Manager Castro provided staff comments.

Council Member Crampton inquired how to memorialize the modifications. Zoning Manager Castro explained it could be done with a Declaration of Use and described the process. He asked the owner if she would object to a declaration of use. Ms. Wetenhall stated she would not object. Council Member Crampton expressed his support.

Council President Pro Tem Lindsay thanked the owner for her presentation, and commented she was happy with ongoing renovations. She thanked the owners for reaching out to the neighbors, and expressed her support.

Council Member Araskog commented she was thankful for The Colony. She asked that the applicants come back after a time period and after several events to determine if there were any issues.

Council President Zeidman commended the applicant for a good presentation and their concern shown for neighbors. She felt the garden was an improvement, and inquired the reason the garden would be needed until 10 p.m. Ms. Wetenhall responded that should be the latest any event would run. Council President Zeidman inquired about the proposed barrier between The Colony

and the neighbors. Ms. Wetenhall responded.

Zoning Manager Castro asked if there was any limitation on the number of events or people in that area.

Council President Zeidman called for public comment.

Administrative Specialist Churney swore in Mark Davis, 141 Gulfstream Rd., objected to the proposed request and reviewed his concerns.

Administrative Specialist Churney swore in Dr. Alissa Dweck, 129 Hammond Avenue, Unit 1, who spoke in favor of the proposed project but requested the events end by 8:00 p.m., with no amplified noise, expressed concern about security, and was in favor of revisiting the application in 6 months.

Administrative Specialist Churney swore in Rene Silvin, 422 Australian Ave., stated that the Wetenhalls had offered to landmark the property and embraced the tasteful renovations.

Mayor Coniglio inquired if the music would include vocalists. Ms. Wetenhall responded. She inquired about the doors being widened. Mr. Castro responded. The Mayor wanted to make sure ambient noise stayed in the ballroom. Mayor Coniglio inquired how many people could be hosted in the garden. Ms. Wetenhall responded 150-175 seated guests at a wedding, and addressed security.

Council Member Crampton inquired about the downward facing speakers and the test performed. Ms. Wetenhall responded with the test results. Council Member Crampton asked if the owners would concede to 9 p.m. for events in a Declaration of Use. Ms. Wetenhall responded. Council Member Crampton asked if coming back in 6 months was acceptable; Ms. Wetenhall agreed.

Council Member Araskog inquired about the barrier between properties. Ms. Wetenhall responded. Council Member Araskog asked about setbacks between properties, and suggested limitations for guests and hours. Zoning Manager Castro spoke about noise issues in other areas.

Council President Pro Tem Lindsay clarified there would be a 6-foot fence then a 12-foot hedge between properties. She liked the suggestion of live music ending early at 9 pm., and was in favor of the applicant coming back in 6 months.

Mark Davis, 141 Gulfstream Rd., expressed further concerns.

Council President Zeidman inquired about how to mitigate sound coming from the doors that opened onto the garden. Mr. Castro responded.

Peter Papadopoulos, Smith and Moore Architects, described the doors that were replaced and the windows that were added. Ms. Wetenhall indicated guests could exit the ballroom via the south door and go around to the garden.

Council President Zeidman favored 9 p.m. closing.

Council Member Crampton inquired about the dimensions of the space, which was not large. He confirmed there would be hotel security during events.

Council President Pro Tem Lindsay wanted the doors closed to keep sound inside.

Discussion ensued regarding details.

Motion made by Council Member Crampton and seconded by Council Member Moore that Site Plan Z-20-00281 be approved based upon the finding that the approval of the Site Plan will not adversely affect the public interest; that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement have been met concerning Section 134-329 items 1 through 11; and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Mayor Coniglio listed the conditions that the applicant would comply with during the next month and which would be included in the Declaration of Use to be brought before Town Council next month, as follows: Maximum 175 people inside, live music (less than 5 instruments; no percussion and no vocalist) ends at 9 p.m., background music only from 9 p.m. to 10 p.m., microphone use only by officiant of a service, doors to ballroom must be closed after use, applicant to appear before Town Council in 6 months; Council Member Crampton incorporated the listed conditions into his motion, Council Member Moore seconded. Motion carried unanimously.

Motion made by Council Member Crampton and seconded by Council Member Moore that Special Exception Z-20-00281 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. Motion carried unanimously.

2. New Business

- a. **Z-20-00282 VARIANCE(S)** Zoning District R-B Low Density Residential The application of Mr. and Mrs. Terwilliger, Applicants, relative to property located at **202 PLANTATION RD**, legal description on file, is described below. The applicant is proposing to renovate the two-story single family residence by constructing a 425 square foot master bedroom addition and replacement of a 183 square foot open air trellis with a 183 square foot covered porch. The following variances are being requested: 1. Section 134-893(6): an angle of vision of 114 degrees in lieu of 108 degrees existing and 108 degrees maximum allowed. 2. Section 134-893(13): a cubic content ratio of 3.99 in lieu of 3.83 existing and 3.94 maximum allowed. [Applicant's Representative: Maura Ziska Esq] Request for Deferral to the November 13, 2020 Meeting per Letter Dated September 29, 2020 from Maura Ziska.

Deferred to November 13, 2020 Town Council meeting

- b. **Z-20-00283 VARIANCE(S)** Zoning District R-B Low Density Residential The application of Road PB LLC (Robert Caulfield, Sole Proprietor), Applicant, relative to property located at **117 EL MIRASOL**, legal description on file, is described below. Section 134-2: A variance request to allow construction of a new 8,707 square foot two story residence with a point of measurement (for cubic content ratio, building height, and building overall height) of 13.5 feet North American Vertical Datum ("NAVD") in lieu of the 11.79 foot NAVD point of measurement required by the Town Code. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with one item to return to the October 28, 2020 meeting. Carried 7-0.]

No ex parte was declared.

Administrative Specialist Churney swore in those intending to speak on the matter.

Maura Ziska, attorney on behalf of the owner, presented an overview of the project and explained the zoning requests.

Peter Papadopoulos, Smith and Moore Architects, presented the architectural plans for the proposed project.

Zoning Manager Castro provided staff comments. Discussion ensued between Mr. Papadopoulos and Mr. Castro regarding the

grade of the property. Mr. Papadopoulos stated the drawings had been corrected. Mr. Castro explained the intent of the code, and commented the lower grade could be dealt with by engineering and fill.

Council Member Araskog asked about the amount of fill that would need to be brought in for this property. Mr. Castro stated none. Council Member Araskog inquired about the height of the property. Mr. Papadopoulos responded. Council Member Araskog inquired about the hardship. Ms. Ziska responded.

Council President Zeidman called for public comment. There were no comments heard at this time.

Motion made by Council Member Crampton and seconded by Council President Zeidman that Variance Z-20-00283 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

- c. **Z-20-00284 VARIANCE(S)** Zoning District R- B Low Density Residential The application of James T. Bowler, Jr., Applicant, relative to property located at **243 and 251 KENLYN RD**, legal description on file, is described below. Sec. 134-893(b)(l)(b) - A variance to allow a side set back of 15.2 ft. on the East side and 10 ft. on the West side in lieu of the 26 ft. minimum required for lots in excess of 169 ft. in width in the R-B District. [Applicant's Representative: Peter S. Broberg Esq]

Administrative Specialist Churney swore in those intending to speak on the matter.

There was no ex parte communications declared at this time.

Peter Broberg, attorney for the owner, presented the zoning request.

Zoning Manager Castro provided staff comments.

Council President Zeidman called for public comment. There were no comments heard at this time.

Council Member Araskog inquired if the properties could be split after a unity of title. Mr. Castro explained the process. Council Member Araskog inquired about the reason for the unity of title.

Mr. Broberg responded the owners wanted homestead protection on both properties.

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Moore that Variance Z-20-00284 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and with the condition that a kitchen agreement is required. Motion carried unanimously.

- d. **Z-20-00285 VARIANCE(S)** Zoning District C-TS Town-Serving Commercial The application of Nest Seekers (Eddie Shapiro, CEO), Applicant, relative to property located at **326 S COUNTY RD**, legal description on file, is described below. Section 134-1107(2): Request for a variance to allow a 1173 square foot real estate office (Nest Seekers) at 326 South County Road (previously Rapunzel's clothing store) which is on the first floor of the building where office use is only allowed on the second floor in the C-TS Zoning District. [Applicant's Representative: Maura Ziska Esq]

This item was withdrawn.

- e. **Z-20-00286 SPECIAL EXCEPTION** Zoning District: R-AA Large Estate Residential The application of Stephen A. Wynn, Applicant, relative to property located at **1960 S OCEAN BLVD**, legal description on file, is described below. Section 134- 1759(d): The applicant is proposing to construct a new Padel ball court on the northwest corner of the property which would require Special Exception with Site Plan Review approval since the proposal includes a 13.16 foot tall glass and net combination wall surrounding the court which is considered a rebound wall. [Applicant's Representative: Maura Ziska Esq]

Administrative Specialist Churney swore in those intending to speak on the matter.

There were no ex parte communications declared at this time.

Maura Ziska, attorney for the owner, presented an overview of the project and explained the zoning request.

Mayor Coniglio inquired about the height of the walls. Ms. Ziska responded.

Ron Rickert, Intelae, explained the height of the walls and the reason it came to Town Council.

Zoning Manager Castro provided staff comments. Mr. Rickert advised that the hedge had been brought up to 13 feet.

Mayor Coniglio inquired about the number of variances for this property. Mr. Castro responded there were many, which kept coming. Mayor Coniglio expressed her opinion it would be better if everything was presented at one time. The Mayor inquired if the court would be lighted. Ms. Ziska responded.

Council Member Moore agreed with the Mayor.

Council Member Araskog inquired about the mesh had ever been allowed. Mr. Castro responded. Council Member Araskog questioned if the glass could be used a rebound wall. Ms. Ziska stated that the Padel court walls were used.

Council President Zeidman called for public comment. There were no comments heard at this time.

Motion made by Council Member Moore and seconded by Council President Zeidman that Special Exception Z-20-00286 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area, and the new landscaping will meet the code requirement. Motion carried unanimously.

- f. **Z-20-00287 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Slope Trail Development LLC (Lee Fensterstock, Manager), Applicant, relative to property located at 755 N LAKE WAY, legal description on file, is described below. The Applicant is proposing to demolish more than 50% of the cubic footage of an existing 4,200 square foot, one story residence and raise the finished floor elevation and rebuild to meet the new FEMA requirement of 7 feet NAVD. The current residence has non-conforming setbacks and demolishing more than 50% cubic

footage by replacing the roof requires the following variances to be requested: 1) Section 134-893(9): a rear yard setback of 7.33 feet in lieu of the 10 foot minimum required; 2) Section 134-893(5): a front yard setback of 24.5 in lieu of the 25 foot minimum required; 3) Section 134-893(7): a north side yard setback of 5 feet in lieu of the 15 foot minimum required; 4) Section 134-893(5): a street side yard setback of 24.83 feet in lieu of the 25 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with conditions. Carried 7-0.]

Administrative Specialist Churney swore in those intending to speak on the matter.

There was no ex parte communications declared at this time.

Maura Ziska, attorney for the owner, presented an overview of the project and explained the zoning request.

Pat Segraves, SKA Architect + Planner, presented the architectural plans for the project, raising the house to meet FEMA requirements.

Zoning Manager Castro provided staff comments.

Council President Zeidman called for public comment. There were no comments heard at this time.

Motion made by Council Member Crampton and seconded by Council Member Araskog that Variance Z-20-00287 shall be granted and find in support thereof that all criteria applicable to this application as set forth in Section 134.201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the town that ensures a recorded easement will be granted if necessary to underground utilities in the area. Motion carried unanimously.

Please note: A break was taken at 3:22 p.m. The meeting resumed at 3:33 p.m.

- g. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-B Commercial The application of LR Palm House LLC (Ian Livingstone, Executive Chairman), Applicant, relative to property located at **160 ROYAL PALM WAY**, legal description on file, is described below. Section 134-1304 (5): Request to modify Site

Plan Review # 1-2016 with Special Exception to change the approved use from condo-hotel to hotel; modify the previously approved site plan; and amend the conditions of approval in the Declaration of Use Agreement, as identified in the proposed Third Amendment to the Declaration of Use which is Exhibit "F") of this application. The proposed site modifications being requested as follows: Section 134-1304(5): The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The hotel is 84,495 gross square feet in total. There is an East and West guest wing, and these wings are connected by a central core containing the Main Entrance and other partially completed public functions. A separate conference and events "Function Room" and partial pool deck was also constructed at the south east portion of the property. Section 134-227. 326 & 329 1729(2)(c): (Site Plan Review) The new owner/applicant is proposing new work for the hotel which includes the following site plan modifications: 1) Completion and conversion of guest rooms for a total of 79 keys. Two new presidential suites will be constructed within the building core, each with private outdoor balconies. 2) Completion of the lower level for back-of-house, administrative and housekeeping functions for the hotel. The interior modifications for the lower level includes renovation of partially completed areas including kitchen, food storage, housekeeping, staff areas and hotel administrative offices. The owner is requesting an additional 148 SF to provide a new service stair form the lower level to support the Pool Area. Additional areas for renovation include spaces for MEP Infrastructure such as electrical, hot water, and elevator systems. The proposed modifications remove all Hotel Guest program areas from the lower level. The lower level renovation includes restoration of parking area for 60 parking spaces including three accessible parking spaces. Two parking spaces which includes on Van Accessible parking space is located behind the existing function room. All parking will be Valet only per the Declaration of Use Amendment Three. Total on-site parking provided is 62 spaces. 3) A new pool deck will be constructed adjacent to the existing Function Room, with various amenities that include chaise lounges and outdoor seating, shade umbrellas, toilets, a towel/concierge stand, open-air bar with enclosed pantry behind, water features, lush native plantings, and Event Lawn to be used as a pre-function space, or for small wedding and/or overflow sun bathing; 4) The first level lobby and public spaces will be completed to include fine dining and lobby bar, with 88 indoor seats as well as 36 outdoor seating facing the new pool deck. The second floor dining that was previously approved has been eliminated to make room for the reconfigured hotel suites which include the new presidential suites; 5) The

Function Room construction will be completed and the seating plan in the Function Room is being revised to add 50 more seats for a total of 200 seats (the total overall number of seats throughout the hotel that was previously approved is being reduced from 336 to 324); 6) A small 556 square foot banquet prep kitchen is proposed to be constructed adjacent to and on the east side of the existing Function Room. 7) Replace a 250 RW generator in the basement with the same size that exists today. - Other exterior Improvements will include new third floor railings, re- painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors. Addition of a small 61 square foot pool service building; enclosing the 679 square foot function room pre-function space on the west side of the Function Room; addition of 588 square foot restroom for Function Room, addition of 556 square foot prep kitchen for Function Room and addition of 148 square foot stairwell to access Function Room prep kitchen. The following is a list of the proposed special exceptions and variances being requested for the hotel project: 1) Section 134-226 & 229: A special exception request to modify the approved special exception by converting from a condominium hotel to hotel use and make the site modifications and change to the conditions of approval as identified in this application. 2) Section 134-1305: A special exception request to allow 36 seats for outdoor dining on the first floor on the north side of the pool deck; and 3) Section 134-1308(9): A variance for lot coverage to be 63.8% in lieu of the 62.8% existing and the 50% maximum allowed in the C-B Zoning District; 4) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel above the second floor where only a two story building is allowed in the C-B Zoning District; 5) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel with a height of 31.83 feet in lieu of the 25 foot maximum allowed; 6) Section 134-1669: A variance for the height of the wall enclosing the dumpster located at the southeast corner of the property to be 13.25 feet tall in lieu of the 7 foot maximum height allowed from the neighbor's grade; 7) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with a height of 33.58 feet in lieu of the 25 foot maximum allowed in the C-B Zoning District; 8) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with an overall height of 42 feet in lieu of the 35 foot maximum allowed in the C-B Zoning District; 9) Section 134-1669: A variance for the height of the wall along the rear property line to be 8.5 feet in lieu of the 7 foot maximum allowed from the neighbor's grade; 10) Section 134-

1669: A variance for the height of the wall enclosing the existing chiller at the south west corner of the property to be 12 feet tall in lieu of the 7 foot maximum allowed from the neighbor's grade; 11) Section 134-1308(7): A variance for a rear yard setback for the chiller to be 2.25 feet in lieu of the 10 foot minimum required in the C-B Zoning District; 12) Section 134- 1308(6): A variance for a west side yard setback for the chiller to be 5.8 feet in lieu of the 10 foot minimum required in the C-B Zoning District. [Applicant's Representative: Maura Ziska Esq] Request for Deferral to the November 13, 2020 Meeting per Letter Dated September 29, 2020 from Maura Ziska.

Deferred to November 13, 2020 Town Council meeting

- h. **Z-20-00290 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Ann DesRuisseaux, Applicant, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. The applicant is requesting a modification to the previously approved variances regarding the boathouse and instead of raising it in the same footprint and construct an addition, the applicant is requesting to demolish the boat house and rebuild it in the same footprint with the proposed 796 square foot addition at elevation 9 NAVD. The following variances are being requested: 1) 134-843(8): a north side yard setback of 5 feet for the newly constructed boat house with addition in lieu of the 30 foot minimum required; 2) 134- 843(8): a north side yard setback ranging from 1.1 feet to 5.5 feet in lieu of the 30 foot minimum required for the new boat house when demolishing the rebuilding in the same footprint with a finished floor elevation at 9 NAVD thus increasing the height in the setback; 3) 134-843(8): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the newly constructed boat house when raising the finished floor elevation to 9 NAVD thus increasing the height in the setback; 4) 134-843(9): a rear yard setback of 12.58 feet in lieu of the 15 foot minimum required for the newly constructed boat house when raising the finished floor elevation to 9 NAVD thus increasing the height in the setback. [Applicant's Representative: Maura Ziska Esq] Request for Withdrawal per Letter Dated September 14, 2020 from Maura Ziska.

This item was withdrawn.

- i. **Z-20-00291 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Hi Mount LLC (Amy Zabetakis, Manager), relative to property located at **756 HI-MOUNT RD**, legal description on file, is described below. The applicant is proposing a new 8,327 square foot, two story residence on the subject property that will require the following variances: 1)

Section 134-895(1): A chimney with a height of 13.56 feet in lieu of the 8.8 foot maximum allowed; 2) Section 134-8893(11): A lot coverage of 33% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District; 3) Section 134-1: The proposed sub-basement is under the confines of the building above it and also below the lowest grade of the public street (Hi Mount Road) in front of the lot, however, it is not completely underground. A variance is being requested to allow a proposed sub-basement where a portion is not completely underground as there is a substantial change of grade from Hi Mount Road to Lake Trail. 4) Section 134-1670(c): A height of the retaining wall along the north property line to be 11.03 at its maximum height in lieu of the 7 foot maximum allowed. 5) Section 134-1670(c): A retaining wall at the northwest corner of the house, in the side yard within 10 feet of the property line that is at 14 feet in height in lieu of the 10 foot maximum from adjacent grade. [Applicant's Representative: Maura Ziska Esq] Request for Deferral to the November 13, 2020 Meeting per Letter Dated September 29, 2020 from Maura Ziska.

Deferred to November 13, 2020 Town Council meeting

VIII. ORDINANCES

A. First Reading

1. **ORDINANCE 11-2020** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Infrastructure Element, As Well As The 10-Year Water Supply Facility Work Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Attorney Randolph stated that the LPA recommended approving Ordinance 11-2020. Attorney Randolph read Ordinance 11-2020 into the record on first reading by title only.

Motion made by Council Member Crampton and seconded by Council Member Moore to approve Ordinance 11-2020 on first reading by title only. Motion carried unanimously.

IX. ANY OTHER MATTERS

- A. Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134 Zoning, Regarding Lot Fill, Mechanical Equipment and Off-Site Supplemental Parking.

Zoning Manager Castro introduced the item regarding lot fill.

Robert Collins, Calvin Giordano & Associates, addressed the issues regarding fill on residential lots and the impact to the neighborhood and

relationship to the street. He discussed the options presented to the Planning and Zoning Commission as well as showed examples of different methods to handle the reduced amounts of fill. He showed the Commission two different ways to calculate the maximum allowable fill.

Sarah Sinatra, Calvin Giordano & Associates, discussed the waiver process for fill requirements which would require Town Council approval. She commented on the potential to reduce amounts of fill by terracing.

Mr. Castro explained that changes would need to be made to the current code to allow terracing and other options. Code changes would provide for availability to do these things without penalizing the property owner or the architect. He asked for direction from Town Council.

Council Member Crampton inquired how this would work when presenting it to the Commissions. Mr. Castro responded criteria would be worked out by staff ahead of the variance presentations. He described the difference between the two approaches. Staff preferred choice B.

Council President Pro Tem Lindsay suggested a special workshop to promote understanding.

Mayor Coniglio wanted the policy to be simple and consistent, and include the waiver option, and suggested including the architects and construction professionals in discussions.

Council Member Araskog preferred choice B. She asked if landscape requirements would be changed. Mr. Castro responded that was not yet known. He answered her question regarding water retention and fill, and agreed stairs could be problematic.

Consensus of Council was that staff was heading in the right direction.

Council President Zeidman called for public comment.

Jorge Sanchez, 239 Southland Road and President of SMI Landscaping, thought this solution added to the patchwork done on the code and thought the architects should design the home to compliment the land. He thought the issue warranted a lot of study.

Amanda Skier, Preservation Foundation of Palm Beach, spoke about the issue and thought it was important for the Town character. She was in favor of the workshop idea. She added that the Preservation Foundation would support the item in wherever they could.

Mr. Castro introduced the item regarding mechanical equipment.

Sections of the code regarding equipment were re-written for simplification and recommended by the Planning and Zoning Commission. He explained how this would affect other code provisions.

Council Member Araskog confirmed with Mr. Castro this would not be retroactive, and asked about screening. Mr. Castro responded.

Council Member Crampton thought the code was improved and much easier to navigate. Zoning Manager Castro explained the options if a neighbor tore down the wall screening pool equipment. Council Member Crampton favored the option where if your neighbor tore down his wall and caused a situation, you would have to replace the wall.

Mayor Coniglio agreed with Council Member Crampton with the wall. She wanted to confirm that cumulatively, the collective amount of equipment would meet the decibel level requirement.

Council Member Moore asked if the location of pool equipment was grandfathered, Zoning Manager Castro indicated it was, and that also applied to A/C.

Mr. Castro discussed the issue of generators.

Council Member Araskog thought a size limitation should be placed on generators for certain sized lots.

Council Member Crampton inquired about the 60 kW requirement. Mr. Castro responded.

Consensus of Council was for staff to proceed with drafting an ordinance on mechanical equipment changes.

Mr. Castro discussed the issue of shared parking. He reported the Planning and Zoning Commission favored allowing off-site supplemental parking only within underground parking structures, limited to 33% of the inventory of each specific parking lot and sunset in 3 years unless Council decided to change or extend it

Council Member Araskog expressed concern for Royal Palm Way and thought the discussion should take place when more residents were in Town and should include a sunset clause.

Council Member Crampton thought the Town had a parking management problem and was in favor of allowing parties to come up with a partnership on their own, and bring the agreement to the Town. He was also in favor of a sunset clause.

Council President Pro Tem Lindsay favored proceeding, but cautioned to think about lots near the marina.

Mayor Coniglio asked whether the town got involved in these agreements. Mr. Castro responded.

Discussion ensued.

Council Member Moore inquired if this had been tried on a lot on Peruvian Avenue.

Council President Zeidman stated that the parking committee needed to

be updated as they would be working on this issue.

Council President Pro Tem Lindsay would like to use 440 and 450 Royal Palm Way as the test case for the marina.

Jay Boodheshwar, Deputy Town Manager, provided the reason as to why the issue was being brought forward to the council.

Council Member Araskog cautioned to be careful about allowing parking close to residents at night.

Council Member Moore commented to be careful with effects on residents but if someone bought a house next to a parking lot they should expect it to be used.

Please note: A short break was taken on 5:20 p.m. The meeting resumed at 5:49 p.m.

B. Possible Additional Landmark Incentives

Laura Groves van Onna, Historic Preservation Planner, presented potential Landmark incentives and exemptions for Landmarks properties.

Attorney Randolph discussed alternative development standards which would relieve someone from having to have to file for a variance.

Council Member Crampton commented he would fully support the request.

Council Member Araskog inquired if Town Council would want ORS to review the items. There was not a consensus to send to ORS. Council Member Araskog believed further study was important to avoid unintended consequences.

Mayor Coniglio asked Attorney Randolph if the incentives outlined would create a legal hardship as long as notice was provided. Attorney Randolph explained how the incentives could be expanded by staff.

Consensus was staff should work on this and bring it back to the Town Council.

Public Comments

Amanda Skier, Preservation Foundation of Palm Beach, thanked Wayne Bergman and Laura Groves van Onna for working with them on this issue.

Aimee Sunny, Preservation Foundation of Palm Beach, thanked the Town Council for deferring the demolition item and added she believed the landmark incentives would save time and money for homeowners.

C. ARCOM's Request to Consider Demolitions

This item was taken prior to Item, Landmark Incentives

Michael Small, Chairman of ARCOM, presented a request to the Town Council to consider amending the ordinance regarding demolition. Mr. Small requested that any worthy structure in the view of ARCOM be deferred for 60 days to allow Landmarks to review the property prior to demolition.

Planning, Zoning and Building Director Bergman reviewed the standards currently available to ARCOM. He agreed with Mr. Small's suggestion to send the property to Landmarks for review. He suggested once the historic site surveys were submitted to the Town, for any home that was 50 years or older, if application for demolition was submitted, it would be sent to Landmarks automatically. Additional criteria for demolition could be added.

Attorney Randolph stated that this item had been presented three times and reviewed the decisions of previous councils.

Council President Zeidman expressed concern whether the Town had firm legal ground to give ARCOM the decision to postpone the demolition. Attorney Randolph responded and stated it would be unfair to home owners relying on information that property was not landmarked. If the home was historically significant and the home was designated as historic and the ordinance was written as such, it could go to LPC. Council President Zeidman inquired about a legal issue if a person had trouble selling their historically significant home. Attorney Randolph responded it could have a negative impact and could lead to a problem for the Town.

Mayor Coniglio expressed concern that historic site surveys had been around since 1979 but that did not make a property landmarked. The new tools for historically significant buildings were there to help buildings older than 50 years old and needed to be raised to FEMA standards. She did not think ARCOM and LPC should mix.

Council President Pro Tem Lindsay discussed tools for HSB and properties over 50 years old, and stated she was not comfortable granting this.

Council Member Araskog commented historic site surveys could be used to place more homes under consideration. She was in agreement but thought there was another way to proceed.

Council Member Moore discussed budgetary concerns that restricted landmarks. She thought Council would be opening a can of worms with unintended consequences.

Mayor Coniglio suggested doubling the budget and extending the time for a year.

Council Member Araskog responded and suggested placing all homes under consideration in one year.

In response to Mayor Coniglio, Attorney Randolph commented if landmarked or under consideration by ARCOM they could not be demolished.

Council President Zeidman proposed not to let ARCOM decide on demolitions for the reasons stated, and to discuss next month what Council could do for Landmarks, such as possibly give more money.

Public Comment

Amanda Skier, Preservation Foundation of Palm Beach, commented this was an important issue and requested Council hold off on making any decisions and study the item further. Council President clarified this would be discussed at next month's meeting.

Rene Silvin, 422 Australian Avenue, strongly agreed with Amanda Skier and thought this was an important issue. He thought it was a good idea if the consultants had more money.

Aimee Sunny, Preservation Foundation of Palm Beach, agreed with Amanda Skier and thought the issue deserved further study.

Council Member Araskog suggested deferring the issue for restudy.

Motion made by Council Member Araskog to defer the item until the historic site surveys were received in December. Motion failed for lack of a second.

Motion made by Council President Zeidman and seconded by Council Member Moore to deny ARCOM's request to consider demolitions for reasons already stated. Motion failed 2-3 with Council Member Araskog, Council Member Crampton, and Council President Pro Tem Lindsay opposed.

Motion made by Council Member Araskog and seconded by Council Member Crampton to defer the entire conversation until the December 9, 2020 meeting. Motion carried 3-2 with Council Member Moore and Council Member Zeidman opposed.

- D. Waiver of Fees for Special Exception Zoning Applications to Eliminate the Annual Town-Serving Requirement that were Previous Special Exception Conditions of Approval for Thirteen Businesses in the Town

Mayor Coniglio asked if clubs were included; the answer was no.

Motion made by Council Member Crampton and seconded by Council Member Araskog to approve waiver of fees for Special Exception Zoning Applications to eliminate the Annual Town-Serving Requirement that were Previous Special Exception Conditions of Approval for Thirteen Businesses in the Town. Motion carried unanimously.

- E. 800 S County Road

Council President Zeidman stated this item was for reconsideration of the motion.

Attorney Randolph explained Harvey Oyer had communicated with additional evidence, which should be considered and any evidence from Attorney Ziska should also be considered. He advised the item could proceed.

Council President Zeidman discussed the reason she opened the item again, as to whether notice was given and her opinion was it was incumbent upon the recipient to get the notice. The Town gave notice, and a certified mail receipt was signed, which was all the Town could know; the other issue was additional evidence had been received today.

Attorney Randolph discussed the notice issue. He read from the Town code the verbiage for notice to be published in a newspaper which had not published the correct information. He stated Town Council should make a decision whether they want to change their vote or ratify their vote from yesterday.

Council President Zeidman thought the mailed notice was more important than the notice in the paper.

Council Member Araskog confirmed with Attorney Randolph the town had received a proof from the newspaper but did not correct it.

Maura Ziska, attorney for the owners at 800 S. County Road, asked why the property owner was being punished when they had met their obligation for notice, and were not receiving their due process. She felt reversing an approval from July would cost millions of dollars, and she felt this should be taken to court, not to the Town.

Ann DesRuisseaux, owner 800 S. County Road, described her historic property and recounted what had happened at yesterday's meeting. She described the process she followed to apply for a variance to raise the house which was sitting in water. She objected to the stop work order and showed pictures of the house now unprotected from the weather, which could mean the indoor historical features could deteriorate and be lost. She described her conversations with Mr. Rappaport and his actions with her neighbors. She spoke about the notices that had been sent out, and her conversation with Mr. Rappaport's mother.

Council Member Araskog inquired about a photo of the boat house. Ms. DesRuisseaux responded.

Jeff Rapaport, 790 S County Rd., strongly objected to discussion due to not having representation and argued that the Town was responsible for the notice, and asked that the approvals be invalidated.

Council Member Crampton asked Town Attorney Randolph about the appeal period of 30 days. Town Attorney Randolph responded and discussed options available to the Council.

Council President Pro Tem Lindsay asked Town Attorney Randolph about deferring to when both parties could be present with Counsel. She felt it should be deferred to the next day.

Mr. Castro read from the code regarding remedy by circuit court within 30 days.

Council Member Araskog requested to have Harvey Oyer present for the discussion. She recommended delaying the discussion to a date when all of the parties could be present. She suggested the possibility of just reconsidering the boathouse.

Ms. DesRuisseaux provided rebuttal that she disagreed with Mr. Rappaport's characterization that she had done things she had not.

Mayor Coniglio asked if the decision from yesterday be set aside as a deferral. Attorney Randolph responded that decision would stand until another decision was made. She did not think the Council was capable of making this decision.

Council President Zeidman felt there was an overreach by the Town Council yesterday and did not feel they were the correct body to be making that decision.

Town Attorney Randolph advised this was an attempt to address the complaint by Mr. Rappaport and his attorney.

Council Member Moore was okay deferring to Friday, but not continuing it

further.

Discussion ensued.

Motion was made by Council President Pro Tem Lindsay, seconded by Council Member Crampton, to defer 800 South County Road discussion to 9:00 a.m. on Friday, October 16, 2020 to continue discussion. Motion carried 4-1 with Council Member Moore opposed.

X. ADJOURNMENT

The meeting was adjourned at 8:15 p.m. without benefit of motion or roll call.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist



TOWN OF PALM BEACH

TOWN CLERK'S OFFICE

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON FRIDAY, OCTOBER 16, 2020

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting of Friday, October 16, 2020 was called to order at 9:00 a.m. in the Town Council Chambers. On roll call, all council members were found to be present. Council Member Araskog attended via phone.

II. PLEDGE OF ALLEGIANCE

Council President Zeidman led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT) – None

V. Reconsideration of the Decision by the Town Council to Rescind the Previous Approval of Z-20-00261, Variance(s), for 800 S. County Rd. and Rehear the Zoning Application at the November 13, 2020 Town Council Development Review Meeting

Council President Zeidman read the item into the record and requested the Town

Attorney, John C. Randolph, to give the legal structure for the meeting and inform the council what they need to be aware of regarding the proceedings.

Attorney Randolph reported that at the Town Council Meeting on Tuesday, October 13, 2020, Jeff Rappaport spoke under Item No. VIII. COMMUNICATIONS FROM CITIZENS alleging that he and several neighbors had not received notice regarding the Variance application and hearing regarding 800 S. County Road. The matter was then placed under Item No. XII. ANY OTHER MATTERS. Attorney Maura Ziska was advised so she could appear on behalf of her client. Both parties presented their cases and after lengthy testimony, a Motion was made and passed giving the parties an opportunity to meet and resolve their differences by a certain date and if the differences were not resolved, the Variances would be rescinded, the matter re-noticed and sent back to Town Council the next month for a re-hearing. The property owner at 800 S. County Road was directed not to continue further work on the project until the matter was re-heard. On Wednesday, October 14, 2020, a Motion for re-consideration of the previous action was made and passed. This positioned the case as though no action had been taken and allowing the Town Council to consider this matter anew. The Town Council deliberated but Mr. Rappaport stated that he was prejudiced as his Attorney was not present. Therefore, with all parties in agreement, the Town Council deferred the matter to be heard today.

Attorney Randolph remarked that the Town Council had limited time to hear the matter as Mr. Crampton has a meeting to attend. He suggested that the Town Council limit the amount of time for testimony from each party. The parties requested 30 minutes each. Due to the time constraints, Council President Zeidman suggested 25 minutes for each side, which was agreed by the parties. Council President Zeidman spoke regarding the amount of documentation being provided at this late hour.

Attorney Harvey Oyer, 525 Okeechobee Boulevard, representing the Rappaport family of 790 S. County Road (the property adjacent to the subject property) gave a lengthy presentation regarding the non-receipt of the notice regarding the Variance application. He reported that the signature on the certified return receipt card was not of their client or anyone affiliated with them. He then mentioned several adjoining property owners who had not received the mailed notices and referred to several State Statutes and the Town's Code regarding due process.

Jeff Rappaport, 790 S. County Road, expressed his gratitude to the Town Council for the hearing and spoke regarding his and the adjoining neighbors due process rights.

Ms. Anne DesRuisseaux, the owner of the subject property, presented a lengthy case and pointed out several false statements that Mr. Rappaport had made and showed several photographs of the property during a flood event. She spoke at

length regarding having to hurriedly log into a Zoom meeting on Tuesday, October 13, 2020 (2 days earlier) to present her case without having the benefit of hearing any of Mr. Rappaport's testimony. She also stated that he and his Attorney convinced Town Council to reverse the earlier approval and ordered an immediate stop work order. She applauded the Council's reversal of the Order the next day (Wednesday). She presented her case that Notice was properly given to the relevant parties.

Attorney Maura Ziska, 222 Lakeview Avenue, gave an overview of the mailing process relating to the zoning application for the subject property. She explained the change in the process due to the United States Postal Service observing CDC guidelines relating to the COVID-19 pandemic. She also spoke regarding her signature on the application as the Attorney for the Applicant.

Scott Link, Counsel for Anne DesRuisseaux. spoke regarding the notices mailed.

Attorney Randolph informed the Town Council that as this was a re-hearing they could either remake a Motion or in the event there is no motion the previous action of the Town Council in regard to the granting of the Variances will stand or an alternative Motion may be considered. He charged the Council to make a decision on the facts provided. He repeated staff's position that the Town acted appropriately regarding the notice process.

Discussion ensued during which Attorney Randolph responded to Council Member's inquiries regarding legal requirements for notice, the appeal period, due process and the filing of a petition for a Writ of Cert to be heard in Court. He stated the Town's notice process met the legal requirements, and noted the newspaper ad was deficient. He also responded the 30-day appeal period related to filing a petition for Writ of Cert would be heard in Court.

Mayor Coniglio stated she had informed Mr. Rappaport, as she would any resident, he could address the Town Council regarding his concern during the Citizen Comments section of the meeting. She spoke regarding the process of sending notices to adjoining property owners of a project.

President Zeidman expressed her view that the Town gave proper notice to the neighbors.

Motion was made by Council Member Crampton and seconded by Council Member Moore to reverse the earlier decision made on Tuesday, October 13, 2020, to re-notice and re-hear the application. The Motion passed unanimously.

VI. ADJOURNMENT

There being no further business to discuss, the Special Town Council Meeting of October 16, 2020 was adjourned at 10:34 a.m. without benefit of a motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Queenester Nieves, CMC, Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of October 28, 2020.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated October 30, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of October 28, 2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Commission Meeting Action Minutes of October 28, 2020

Date: October 30 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of October 28, 2020.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of October 28, 2020.

GENERAL INFORMATION

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

Attachment

kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, OCTOBER 28, 2020

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

I. CALL TO ORDER

Mr. Small called the meeting to order at 9:00 a.m. All members participated via Zoom Webinar due to the COVID-19 situation.

II. ROLL CALL

Michael B. Small, Chairman	PRESENT
Robert N. Garrison, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Interim Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Edward A. Cooney, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
Laura Groves van Onna, Historic Preservation Planner
Kelly Churney, Secretary to the Architectural Review Commission
Bradley Falco, Zoning Technician
John Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Small asked Jay Boodheshwar, Deputy Town Manager, to speak on the in-person meetings that will begin November and the safety measures that have been put in place.

Mr. Boodheshwar provided a tour of the Council Chambers and explained the protective measures that have been implemented in the room. Mr. Boodheshwar answered all of the questions posed by the Commissioners.

Mr. Small reviewed the administrative procedures for the meeting.

Mr. Small updated the Commission on a presentation to the Town Council on the topic of demolition and his portion of the presentation.

- V. **APPROVAL OF THE MINUTES FROM THE SEPTEMBER 23, 2020 MEETING**
Motion made by Mr. Garrison and seconded by Mr. Smith to approve the minutes from the September 23, 2020 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**

Mr. Bergman announced the following changes to the agenda:

Removal of B-062-2020, 127 Root Trail from the agenda

Withdrawal of B-034-2020, 2730 S. Ocean Blvd.

Deferral of B-056-2020, 756 Hi Mount Road to the November 20, 2020 Meeting

Deferral of B-059-2020, 125 El Bravo Way to the November 20, 2020 Meeting

Withdrawal of A-017-2020, 225 Worth Ave.

Deferral of A-024-2020, 159 Seaspray Ave. to the November 20, 2020 Meeting

Deferral of A-032-2020, 149 East Inlet Dr. to the November 20, 2020 Meeting

Deferral of A-040-2020, 130 Sunrise Ave. PH 1, to the November 20, 2020 Meeting

Motion made by Mr. Garrison and seconded by Mr. Smith to approve the agenda as amended. Motion carried unanimously.

VII. **PROJECT REVIEW**

A. **CONSENT AGENDA**

1. **A-053-2020 Landscape/Hardscape**

Address: 415 Hibiscus Ave.

Applicant: Fortress Investment Group (Andrew Osborne)

Professional: Dustin Mizell/Environment Design Group

Project Description: Hardscape and landscape changes to the previously approved third floor terrace.

Please note: This item was pulled from the consent agenda.

2. **A-056-2020 Modifications**

Address: 302 Atlantic Ave.

Applicant: Robb and Elizabeth Maass

Professional: Fernando Wong Outdoor Living Design

Project Description: Minor project containing the following: resurfacing pool deck over existing, replace existing fencing (matching color & style), refinish pool

plaster, replace and augment hedges and accent planting. All large plant material to remain. Add new gates, trellis with pool fountain.

3. A-057-2020 Modifications

Address: 1960 S. Ocean Blvd.

Applicant: 1960 LLC

Professional: Daniel Downey, Architect

Project Description: Provide new stair handrails at main entrance to the house.

Motion made by Mr. Garrison and seconded by Ms. Grace to approve the consent agenda as amended. Motion carried unanimously.

B. ITEMS PULLED FROM CONSENT AGENDA

1. A-053-2020 Landscape/Hardscape

Address: 415 Hibiscus Ave.

Applicant: Fortress Investment Group (Andrew Osborne)

Professional: Dustin Mizell/Environment Design Group

Project Description: Hardscape and landscape changes to the previously approved third floor terrace.

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

Mr. Mizell presented the landscape and hardscape modifications proposed for the commercial building.

Ms. Groves van Onna provided staff comments.

Mr. Corey questioned the address change of the building in the project listing. Ms. Groves van Onna and Mr. Bergman made a comment on the address. Mr. Corey thought the project should be deferred and brought back with the previous address so that all of the public was aware of the changes.

Mr. Mizell addressed the comments made by Mr. Corey. Mr. Corey inquired about the specific changes requested. Mr. Mizell responded. A short discussion continued. Mr. Mizell stated that only landscape and hardscape changes were proposed in this application.

Mr. Smith was not opposed to the landscape and hardscape changes but was not happy that the changes could be seen from the street when the professional indicated that it would not be seen from the street.

Mr. Floersheimer expressed concern about the size of the spa and the amount of water that would add the weight on the roof. He also expressed concern for the artificial turf proposed rather than the previously presented grass. He also was not in favor of the palm trees proposed that would be seen from the street. Mr. Mizell

responded to the comments. Mr. Mizell stated he would be happy to switch the palms to a smaller palm species.

Mr. Cooney stated he had the same concerns as what had been previously stated. Mr. Cooney expressed concern for the artificial turf.

Motion made by Mr. Corey and seconded by Mr. Smith to defer the project to the November 20, 2020 meeting, with the caveat that the project would return on the agenda with the Worth Avenue address and that the project would be noticed to the neighbors.

Mr. Floersheimer asked Mr. Corey to include the Commissioners comments in his motion. Mr. Corey stated that he believed the comments of the Commissioners were implied.

Motion carried unanimously.

It was noted after the motion by staff that the applicant could not return to the November 20, 2020 meeting if notice was to be provided. The applicant would need to return to the December 18, 2020 meeting.

C. DEMOLITIONS AND TIME EXTENSIONS

1. B-062-2020 Demolition
Address: 127 Root Trail
Applicant: Michele C. White
Professional: Patrick Segraves/SKA Architect + Planner
Project Description: Demolition of three two-story structures.

Motion carried at the September meeting to approve the demolition as presented with the exception of the main structure (Papa Bear) and to defer the consideration of the main structure to the October 28, 2020 meeting with the expectation that the professional will bring a more detailed landscaping plan.

Please note: This item was removed from the agenda at the Approval of the Agenda, Item VI.

D. MAJOR PROJECTS – OLD BUSINESS

1. B-027-2020 Demolition/New Construction
Address: 335 Seabreeze Ave.
Applicant: 65 Kimberly Place LLC
Professional: MP Design and Architecture Inc.
Project Description: Demolition of existing two-story residence, one car garage and pool. Renovation of existing two-story guest house. New four car garage. Existing site wall and motor court to remain. New Landscape.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting. A motion carried at the May meeting to defer the entire project for one month, to the June 24, 2020 meeting, to allow the professional to return with renderings, more history on the current home and a more thorough demolition plan. A motion carried at the June meeting to defer the project to the July 29, 2020 meeting at the request of the professional. A motion carried at the July meeting defer the project to the August 26, 2020 meeting to allow the professionals to return with a clear plan for the guesthouse to remain. A motion carried at the August meeting to defer the project to the September 23, 2020 meeting to allow the professional to address the zoning issue. A motion carried at the September meeting to defer the project to the October 28, 2020 meeting due to concerns for the landscape plan, the proposed project did not enhance the beauty of the street, and the garage did not fit aesthetically into the neighborhood and the siting of the garage/guest house.

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

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

Michael Perry, MP Design and Architecture Inc., presented the architectural plans for the demolition request.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans in relation to the demolition request.

Ms. Groves van Onna provided staff comments.

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

Mr. Ives thought that the doorway to remain was a bit unusual. However, he stated he had been supportive of the project from the beginning.

Ms. Grace stated she had reservations about the wall that would remain.

Mr. Corey questioned what was included in the demolition request. A short discussion ensued on this. Mr. Perry and Mr. Mizell further explained the request.

Ms. Shiverick was in favor of the demolition but questioned the purpose of the existing front entrance arch and door. However, she was in favor of the proposed garden.

Mr. Smith was not in favor of the garage/guest house. He believed that structure should be removed along with the main house.

Ms. Catlin was in favor of the butterfly garden but questioned the proposed front door to remain. She added with the small amount of the front entrance proposed to remain, it would be better if it was completely removed.

Mr. Floersheimer expressed concern for the landscape items to be removed. Mr. Mizell responded.

Mr. Small thought the existing home was historic and recalled the history of the home when it was presented at the Landmarks Preservation Commission.

Mr. Corey asked the professionals to see the demolition plan as presented. Mr. Perry responded.

Motion made by Mr. Ives to approve the demolition request as presented with the following caveats: sod and irrigate the property within 30 days, all elements on the property are to be maintained prior to demolition.

Mr. Small stated that the demolition request included the retaining and maintaining of the front door and the request of the utility easement.

Mr. Garrison seconded the motion. Motion carried 4-3, with Messrs. Corey, Small and Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Mr. Perry presented the architectural plans proposed for the remaining structure.

Mr. Mizell presented the landscape and hardscape plans proposed for the site after demolition. He presented the existing door and archway that was proposed to remain. He then presented an alternate option with the door removed.

Mr. Small questioned if the remaining structure met the zoning requirements. Ms. Groves van Onna responded. Mr. Perry further explained the request related to the zoning requirements.

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

Mr. Garrison was in favor of the bird bath proposed rather than keeping the existing door.

Mr. Ives inquired the preference of the applicant on what they would request. Mr. Perry stated that he believed the applicant would rather have option A, the bird bath.

Ms. Grace stated she thought the demolition request included keeping the door. Mr. Perry responded to her question. Ms. Grace was not in favor of keeping the door as it seemed free floating.

Mr. Corey was in favor of the greenspace proposed post demolition. He was also in favor of the bird bath proposed.

Ms. Shiverick was also in favor of the bird bath proposed but thought it may need to be a bit bigger. Ms. Shiverick suggested using the front door on the guest house. Mr. Perry was in favor of that idea.

Mr. Smith stated he could not support the garage structure in the rear of the property.

Ms. Catlin was in favor of the garden. She was in favor of the bird bath since she believed more of the house should have been kept to be successful.

Mr. Floersheimer was in favor of the door proposed. He was also in favor of the landscaping plan.

Mr. Small was in favor of the landscape plan proposed and was in favor of keeping the door. He agreed with Mr. Smith and thought the garage structure should be demolished along with the main house.

Motion made by Ms. Shiverick and seconded by Mr. Ives to approve the project as presented with option A, the bird bath, and reusing the front entrance door on the guest house. Motion failed 3-4, with Messrs. Small, Smith, Corey and Ms. Grace.

Motion made by Ms. Grace and seconded by Mr. Corey to approve the landscape and hardscape plans with option A, to include the bird bath.

Mr. Ives thought some direction should be given for the architecture since the project had been ongoing for several months. A discussion ensued on the motion.

Motion carried unanimously.

Motion made by Mr. Smith and seconded by Ms. Grace to deny the architectural changes as presented, based on Section 18-205, criteria 4, 6 and 8. Motion carried 4-3, with Messrs. Ives, Garrison and Ms. Shiverick opposed.

Please note: A short break was taken at 10:58 a.m. The meeting resumed at 11:10 a.m.

2. B-034-2020 Additions/Modifications

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

Address: 2730 S. Ocean Blvd.

Applicant: The Ambassador Hotel Cooperative Apartment Corp., A Florida Corporation. (Richard Schlesinger, President)

Professional: Richard Sammons/Fairfax, Sammons and Partners

Project Description: Additions and interior and exterior renovations to the buildings at 2730 S. Ocean Blvd. Landscape and hardscape changes included.

ZONING INFORMATION: The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District. 2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor).

A motion carried at the June meeting to defer the project to the July 29, 2020 meeting at the request of the professional. A motion carried at the July meeting to defer the project to the August 26, 2020 meeting at the request of the attorney.

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

3. B-037-2020 Demolition/New Construction

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

Address: 110 Seagate Road

Applicant: Carlos Musso, Sr.

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Demolition of existing residence, landscape, hardscape and pool. Construction of a new two story residence, landscape, hardscape and pool.

ZONING INFORMATION: Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-confirming portions of platted lots with a depth of 96.12 feet In lieu of the 100 foot minimum depth required In the R-B Zoning District.

This project was approved at the August 26, 2020 meeting. It was then appealed to the Town Council who remanded the project back to the Commission for reconsideration, specifically asking the Commission to re-review criteria 4, 6 and 8 in Section 18-205.

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

Please note: Mr. Smith declared a conflict of interest for this project. Ms. Catlin voted in the absence of Mr. Smith.

Mr. Floersheimer requested to hear the criteria to be considered when reviewing the proposed project. Mr. Small read the Section 18-205, criteria 4, 6 and 8.

Ms. Grace inquired about the motion with respect to the criteria. Town Attorney Randolph responded.

Mr. Janssen addressed the issues raised in the appeal relating to the architecture previously approved. Mr. Janssen presented the architectural plans that were previously approved.

Maura Ziska, attorney for the owner, requested the Commission to re-approve the project and advocated for the previously approved design.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments.

Joanne Paladino, 148 Seagate Road, expressed her objections to the project.

Ms. Shiverick asked Ms. Paladino about the changes she would like to see in the architecture. Ms. Paladino responded.

Mr. Janssen responded and stated that he believed he addressed Ms. Paladino's concerns during the second presentation to the Commission.

Tim Hanlon, attorney on behalf of Joanne Paladino and Jeff and Katy Amling, indicated the reasons he believed the home did not meet the criteria of Section 18-205, criteria 4, 6 and 8.

Mr. Janssen provided rebuttal to the arguments made by Mr. Hanlon.

Ms. Grace asked if Mr. Hanlon had any architectural changes that his client recommended. Mr. Hanlon responded.

A discussion ensued about the homes within the 200 and 250 foot radius of the home proposed. Mr. Hanlon and Mr. Janssen showed photos of the surrounding homes.

Mr. Garrison thought all of the homes shown by Mr. Hanlon were all different styles of architecture, which he believed was good and created harmony. He was in favor of the project.

Mr. Ives thought the proposed home was different but not excessively different. He thought the proposed was in keeping with other homes in Palm Beach.

Ms. Grace stated she was swayed by the landscaping when she voted for the project. She thought some changes could be made to the architecture to make the design a bit warmer.

Mr. Corey thought the professional did a good job in letting the Commission know how the proposed home could fit into the Code. Mr. Corey stated he did not believe the home was that dissimilar to the other homes on the street and stated he would still support the project.

Ms. Shiverick felt the home was unfairly branded by some of the comments made. She believed that the home could be charming with the proper materials, which were included in the proposal. She thought the home's dissimilarity is what gave the home its charm. She thought the proposed would be a nice addition to the street.

Ms. Catlin thought the home was a beautiful design but felt that it did not fit on the street.

Mr. Floersheimer agreed with Messrs. Ives, Garrison and Ms. Shiverick. He felt the massing and fenestration were consistent with the other homes on the street. He was in favor of the materials proposed. He thought it could be softened but otherwise was in favor of the home.

Mr. Small thought that Seagate was an evolving street. He thought the street had many diverse, one and two story homes. He thought the proposed exuded both charm and beauty. Mr. Small did not believe the home was excessively dissimilar and was still in favor of the proposed.

Mr. Randolph discussed the possible motions for this project.

Motion made by Mr. Corey and seconded by Mr. Garrison that based upon the competence substantial evidence presented, I move that the project, at 110 Seagate Road, be approved as it is in compliance with all of the criteria set forth in the code, Section 18-205(a), including but not limited to sections 4, 6 and 8. Motion carried 5-2, with Mses. Grace and Catlin opposed.

Mr. Janssen asked a question about the motion. Messrs. Corey and Garrison responded.

4. B-048-2020 New Construction

Address: 257 Sanford Ave.

Applicant: Mary Bryant McCourt

Professional: Patrick Ryan O'Connell/Patrick Ryan O'Connell Architect, LLC

Project Description: Construction of a new two-story single family residence, landscape, hardscape and pool.

A motion carried at the August meeting to defer the project to the October 28, 2020 meeting in accordance of the comments from the Commissioners, which included concerns for scale and the way the sections related to each other, the fenestration, details needed restudied, too busy for the street, not in harmony with the rest of the homes.

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

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

Mr. O'Connell provided an overview of the changes made since the last meeting. He then introduced Rafael Portuondo, who assisted him in the architectural changes.

Mr. Portuondo presented the architectural modifications proposed for the new home.

Adam Mills, Environment Design Group, presented the landscape and hardscape modifications proposed for the new residence.

Ms. Groves van Onna provided staff comments.

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

Mr. Garrison was in favor of the improvements however, he questioned the color proposed for the body of the home. He thought a lighter color was more appropriate.

Mr. Ives questioned whether this home fit on the street. He also questioned if the design was losing identity and character.

Ms. Grace was in favor of most of the changes. She felt the portico was still heavy. She questioned the detailing above the windows on the first floor. Mr.

Portuondo responded. She questioned the black window frames as well as some of the fenestration.

Mr. Corey believed the changes were leading the home in a better direction. He felt the portico was a bit bombastic. He felt the home was more vertical than horizontal. He thought the home was not as charming as its potential. He also questioned the home on Sanford.

Ms. Shiverick thought the massing had improved. She questioned if the style was in line with other homes on the street.

Ms. Catlin liked many of the revisions made by the professionals. She stated the front entry felt too important for the home. She did not feel that the house had the charm that some of the other homes had on Sanford. However, she felt it was still a good home and it would fit on Sanford.

Mr. Floersheimer expressed concern about the verticality and tallness of the home. Mr. O'Connell responded.

Mr. Smith supported the home and thought the changes were positive.

Mr. Portuondo responded to some of the comments made by the Commissioners. He pointed out the positive architectural features in the design.

Motion made by Mr. Garrison and seconded by Mr. Smith to approve the project as presented and that the project has met the criteria for approval listed in section 18-205 of the Town's code of ordinances with a restudy of the colors presented. Motion failed 3-4, with Ms. Grace, Shiverick and Messrs. Ives and Corey opposed.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the November 20, 2020 meeting. Motion carried unanimously.

Please note: A lunch break was taken at 1:10 p.m. The meeting resumed at 1:46 p.m.

5. B-055-2020 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
- DONE

Address: 117 El Mirasol

Applicant: Road PB LLC (Maura Ziska, Manager)

Professional: Peter Papadopoulos & Taylor Smith/Smith and Moore Architects

Project Description: Demolition of existing one-story residence and accessory building, pool, hardscape elements and landscape. New two-story residence. New swimming pool. Final landscape and hardscape.

Motions were carried at the September meeting to approve the demolition as requested, that implementation of the proposed variance will not cause negative architectural impact to the subject property and to approve the project with the caveat that the two roofs with the standing seam roof would return to the October 28, 2020 meeting with a slight alteration.

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

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

Mr. Smith presented the modifications to the proposed roof.

Ms. Groves van Onna provided staff comments.

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

Mr. Corey thought that the house was special.

Ms. Shiverick was happy with the change in the roof. She questioned if the owner would consider a bronze window rather than the black proposed. Mr. Smith stated he would ask the owners.

Motion made by Ms. Shiverick and seconded by Mr. Corey to approve the project as presented and that the project has met the criteria for approval listed in section 18-205 of the Town's code of ordinances with the caveat that the window trim color be changed to a lighter gray or bronze color. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

6. B-056-2020 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 756 Hi Mount Road

Applicant: Hi Mount LLC (Maura Ziska)

Professional: Ken Tate/Ken Tate Architect

Project Description: New one and two story plus sub-basement Mediterranean Revival Style single family residence with raised rear landscape terrace and fountain.

A motion carried at the September meeting to defer the project to the October 28, 2020 meeting in accordance with the comments from the Commissioners, which

included how massive the home appeared from the Lake Trail, questioned the tower element, and a restudy of the gable on the northwest portion.

ZONING INFORMATION: The applicant is proposing a new 8,327 square foot, two story residence on the subject property that will require the following variances: 1) Section 134-895(1): A chimney with a height of 13.56 feet in lieu of the 8.8 foot maximum allowed; 2) Section 134-8893(11): A lot coverage of 33% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District; 3) Section 134-1: The proposed sub-basement is under the confines of the building above it and also below the lowest grade of the public street (Hi Mount Road) in front of the lot, however, it is not completely underground. A variance is being requested to allow a proposed sub-basement where a portion is not completely underground as there is a substantial change of grade from Hi Mount Road to Lake Trail. 4) Section 134-1670(c): A height of the retaining wall along the north property line to be 11.03 at its maximum height in lieu of the 7 foot maximum allowed. 5) Section 134-1670(c): A retaining wall at the northwest corner of the house, in the side yard within 10 feet of the property line that is at 14 feet in height in lieu of the 10 foot maximum from adjacent grade.

Please note: This item was deferred to the November 20, 2020 meeting at the Approval of the Agenda, Item VI.

7. B-057-2020 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 202 Plantation Rd.

Applicant: Our Palm Beach Home LLC & Frances B. Terwilliger

Professional: Keith Spina/Spina O'Rourke

Project Description: Modification of the existing two-story residence to include:

The addition of 425 SF one-story master bedroom addition on the west side, the demolition of a 183 sf open air trellis and addition of a 183 SF covered porch in the same location on the south side of the existing two-story residence, associated landscape and hardscape.

A motion carried at the September meeting to defer the project for one month for a restudy of the design so that the variances were reduced or not required.

ZONING INFORMATION: The applicant is proposing to renovate the two-story single family residence by constructing a 425 square foot master bedroom addition and replacement of a 183 square foot open air trellis with a 183 square foot covered porch. The following variances are being requested: 1. Section 134-893(6): an angle of vision of 114 degrees in lieu of 108 degrees existing and 108 degrees maximum allowed. 2. Section 134-893(13): a cubic content ratio of 3.99 in lieu of 3.83 existing and 3.94 maximum allowed.

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

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

Nelo Freijomel, Spina O'Rourke, presented the architectural modifications proposed for the exiting home.

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the existing home.

Ms. Groves van Onna provided staff comments.

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

Mr. Garrison stated the changes were good.

Ms. Grace recommended changing the shape of the front door to a rectangular shape. She also recommended a lighter color for the shutters.

Mr. Corey supported all of the changes and was in favor of the project.

Ms. Shiverick thought the changes were an improvement.

Mr. Smith stated he was in full support.

Mr. Floersheimer inquired about the height of the proposed Clusia hedge. Mr. Nievera responded.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented and that the project has met the criteria for approval listed in section 18-205 of the Town's code of ordinances. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

8. B-059-2020 New Construction

Address: 125 El Bravo Way

Applicant: 125 El Bravo Way LLC (Braden Smith, Manager)

Professional: MP Design and Architecture Inc.

Project Description: New two-story residence with three car garage on a vacant lot. New landscape, hardscape and pool.

A motion carried at the September meeting to defer the project to the October 28, 2020 meeting due to concerns such as the front entrance was too massive, the fenestration, the house was too bulky, lack of charm, the garages on the front of the home, not in harmony with the neighborhood.

Please note: This item was deferred to the November 20, 2020 meeting at the Approval of the Agenda, Item VI.

9. B-060-2020 New Construction

Address: 261 Nightingale Trail

Applicant: 261 Nightingale, LLC (contract purchaser) (Carl Sabatello, Manager)

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

Project Description: New two story residence with pool, final hardscape and landscape.

A motion carried at the September meeting approve the project as presented, including the change in the pilasters, roof and rear windows with the following caveat that the front urns and the Date palms to return to the October 28, 2020 meeting.

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

Steve West, Parker-Yannette Design Group, Inc., presented the landscape and hardscape modifications proposed for the new home.

Ms. Groves van Onna provided staff comments.

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

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

Many of the Commissioners supported the changes proposed.

Motion made by Mr. Smith and seconded by Mr. Garrison to approve the project as presented and that the project has met the criteria for approval listed in section 18-205 of the Town's code of ordinances. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: The next project from New Business was moved up in the agenda at this time:

1. B-061-2020 Additions/Modifications

Address: 165 Seaspray Ave.

Applicant: M2B Properties LLC (Gregory L. Palmer, Agent)

Professional: Gregory L. Palmer/Harrison Design

Project Description: New Construction of a single family residence on an open lot.

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

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

Mr. Palmer presented the architectural plans proposed for the new residence.

Steve West, Parker-Yannette Design Group, Inc., presented the landscape and hardscape plans proposed for the new home.

Ms. Groves van Onna and Mr. Falco provided staff comments.

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

Mr. Garrison thought the home would be an asset to the street. He asked if a generator would be proposed for the home. Mr. Palmer responded. Mr. Garrison inquired if some of the home was built in the easement. Mr. West responded.

Mr. Ives thought that the house was not very welcoming and lacked warmth. Mr. Ives thought the design needed reconsideration for character, identity and uniqueness.

Ms. Grace thought the proposed home needed more charm. She thought the home was bigger than other homes in the area. She questioned the front door and some of the fenestration proposed.

Mr. Corey liked that much of the massing could not be seen from the street and thought the home had some charm. He suggested breaking some of the volume off as a cottage. He was supportive of the home but thought some of the home could be separated into a cottage. He was in favor of the landscape plan but requested a few more native species.

Mr. Smith supported the home.

Ms. Catlin supported the home as well but requested a bit more whimsy and charm in the details.

Mr. Floersheimer agreed with Ms. Grace that the footprint of the proposed home looked bigger than the surrounding homes. He was in favor of Mr. Corey's idea of separating the mass. He thought the overall massing should be reduced. Mr. Floersheimer thought the entry way looked secondary to the garage entrance.

Mr. Cooney thought it was a simple home on the street.

Mr. Small agreed with Mr. Floersheimer in the protrusion of the garage and how it took away from the front entry. Mr. Small agreed with Mr. Corey's suggestion to breaking up the mass of the home.

Mr. Palmer addressed some of the comments made by the Commissioners.

Motion made by Ms. Grace and seconded by Mr. Ives to defer the project for one month, to the November 20, 2020 meeting, in accordance with the comments from the Commissioners. Motion carried unanimously.

Please note: Ms. Shiverick lost internet connection at 2:50 p.m. Ms. Catlin voted in her absence.

10. B-063-2020 Modifications

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

Address: 160 Royal Palm Way

Applicant: LR Palm House LLC (Maura Ziska)

Professional: Michael Sean McLendon/Cooper Carry

Project Description: The existing Palm House hotel is located at 160 Royal Palm Way. It is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The proposed new work for the hotel includes completion and conversion of guest rooms for a total of 79 keys. A new pool deck will be constructed adjacent to the existing Function Room. Other exterior improvements will include re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors.

A motion carried at the September meeting to defer the project to the October 28, 2020 meeting in accordance with the comments of the Commissioners, which included concern for the gazebo-typed dome structure in the courtyard, the structure for existing the lobby on the interior south elevation, the curtains on the front of the structure, the crowding of elements in the courtyard, the trash location needed resolution, and improvements needed in the porte cochère element.

ZONING INFORMATION: Section 134-1304 (5): Request to modify Site Plan Review # 1-2016 with Special Exception to change the approved use from condo-hotel to hotel; modify the previously approved site plan; and amend the conditions of approval in the Declaration of Use Agreement, as identified in the proposed Third Amendment to the Declaration of Use which Is Exhibit "F") of this application. The proposed site modifications being requested as follows: Section 134-1304(5): The existing Palm House hotel is located at 160 Royal Palm Way, Palm Beach, Florida. it is currently vacant and construction is partially completed. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The hotel is 84,495 gross square feet in total. There is an East and West guest wing, and these wings are connected by a central core containing the Main Entrance and other partially completed public functions. A separate conference and events "Function Room" and partial pool deck was also constructed at the south east portion of the property. Section 134-227. 326 & 329 1729(2)(c): (Site Plan Review) The new owner/applicant is proposing new work for the hotel which includes the following site plan modifications: 1) Completion and conversion of guest rooms for a total of 79 keys. Two new

presidential suites will be constructed within the building core, each with private outdoor balconies. 2) Completion of the Lower Level for back-of-house, administrative and housekeeping functions for the hotel. The interior modifications for the lower level includes renovation of partially completed areas including kitchen, food storage, housekeeping, staff areas and hotel administrative offices. The Owner is requesting an additional 148 SF to provide a new service stair form the lower Level to support the Pool Area. Additional areas for renovation include spaces for MEP Infrastructure such as electrical, hot water, and elevator systems. The proposed modifications remove all Hotel Guest program areas from the lower level. The Lower Level renovation includes restoration of parking area for 60 parking spaces including three accessible parking spaces. Two parking spaces which includes on Van Accessible parking space is located behind the existing function room. All parking will be Valet only per the Declaration of Use Amendment Three. Total on-site parking provided is 62 spaces. 3) A new pool deck will be constructed adjacent to the existing Function Room, with various amenities that include chaise lounges and outdoor seating, shade umbrellas, toilets, a towel/concierge stand, open-air bar with enclosed pantry behind, water features, lush native plantings, and Event Lawn to be used as a pre-function space, or for small wedding and/or overflow sun bathing; 4) The first level lobby and public spaces will be completed to include fine dining and lobby bar, with 88 Indoor seats as well as 36 outdoor seating facing the new pool deck. The second floor dining that was previously approved has been eliminated to make room for the reconfigured hotel suites which Include the new presidential suites; 5) The Function Room construction will be completed and the seating plan in the Function Room is being revised to add 50 more seats for a total of 200 seats (the total overall number of seats throughout the hotel that was previously approved is being reduced from 336 to 324); 6) A small 556 square foot banquet prep kitchen is proposed to be constructed adjacent to and on the east side of the existing Function Room. 7) Replace a 250 RW generator in the basement with the same size that exists today. - Other exterior Improvements will include new third floor railings, re-painting, new exterior floor finishes, trellises and a covered walkway leading to the existing Function Room. Fenestration requiring replacement will be replaced with similar windows and doors. Addition of a small 61 square foot pool service building; enclosing the 679 square foot function room pre-function space on the west side of the Function Room; addition of 588 square foot restroom for Function Room, addition of 556 square foot prep kitchen for Function Room and addition of 148 square foot stairwell to access Function Room prep kitchen. The following is a list of the proposed special exceptions and variances being requested for the hotel project: 1) Section 134-226 & 229: A special exception request to modify the approved special exception by converting from a condominium hotel to hotel use and make the site modifications and change to the conditions of approval as identified in this application. 2) Section 134-1305: A special exception request to allow 36 seats for outdoor dining on the first floor on the north side of the pool deck; and 3) Section 134-1308(9): A variance for lot coverage to be 63.8% in lieu of the 62.8% existing and the 50% maximum allowed in the C-B Zoning District; 4) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel above the second floor where only a two story building is allowed In the C-B Zoning District; 5) Section 134-1308(8): A variance for the addition of railings and solid wall on the east facade of the hotel with a height of 31.83 feet in lieu of the 25 foot maximum allowed; 6) Section 134-1669: A variance for the height of the wall enclosing the dumpster located at the southeast corner of the property to be 13.25 feet tall in lieu of the 7 foot maximum height allowed from the neighbor's grade; 7) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with a height of 33.58 feet in lieu of the 25 foot maximum allowed in the C-B Zoning District; 8) Section 134-1308(8): A variance for the two story open air addition on the south side of the hotel for a hotel suite balcony on the second floor and covered dining on the first floor with an overall height of 42 feet In lieu of the 35 foot maximum allowed in the C-B Zoning District; 9) Section 134-1669: A variance for the height of the wall along the rear property line to be 8.5 feet in lieu of the 7 foot maximum allowed from the neighbor's grade; 10) Section 134-1669: A variance for the height of the wall enclosing the existing chiller at the south west corner of the property to be 12 feet tall in lieu of the 7 foot maximum allowed from the neighbor's grade; 11) Section 134-1308(7): A variance for a rear yard setback for the chiller to be 2.25 feet In lieu of the 10 foot minimum required In the C-B Zoning District; 12) Section 134-1308(6): A variance for a west side yard setback for the chiller to be 5.8 feet in lieu of the 10 foot minimum required In the C-B Zoning District

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

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

Maura Ziska, attorney for the applicant, introduced the project, addressed some of the written comments by other attorneys, explained the zoning requests and advocated for a positive recommendation to the Town council.

Mr. McLendon and Manny Dominguez, Cooper Carry Architects, presented the architectural modifications proposed for the existing hotel.

Josh Daniel, Cooper Carry Architects, presented the landscape and hardscape modifications proposed for the existing hotel.

Ms. Groves van Onna and Mr. Falco provided staff comments.

Mr. Small called for public comments.

John Eubanks, attorney representing Thomas McCarthy at 140 Brazilian Avenue and the DeVries at 141 and 149 Brazilian Avenue, expressed objections and concerns to some of the aspects of the project.

Donald Lunny, attorney on behalf of Virginia Simmons at 133 Brazilian Avenue, expressed objections and concerns to the project.

Ms. Ziska provided rebuttal arguments to both Mr. Eubanks and Mr. Lunny.

Mr. Garrison thought most of the changes were fine and thought the project should be moved. He suggested deferring the landscaping so that more scrutiny could be given to the buffering between neighbors.

Mr. Ives thought more attention should be given to the hotel rooms and balconies. He suggested using different detailing or fenestration so that they read a bit differently in the outdoor courtyard section.

Ms. Grace thought the changes were positive. Ms. Grace inquired about the material proposed for the front arch and the courtyard arch. Mr. McLendon responded. Ms. Grace suggested using a bronze finish on the windows rather than the black shown. Mr. Dominguez responded.

Mr. Corey inquired about the width of the service drive on the east side of the property. Mr. McLendon responded. Mr. Corey suggested the addition of a gate at this location. Mr. Corey inquired about the balustrades over the ballroom. Mr. McLendon responded. Mr. Corey thought the south and east landscape buffers should come back for a restudy.

Ms. Shiverick thought the architecture was good. She was in favor of the additional vines on the front at the west end. She asked for more coquina to be used in the water feature.

Mr. Smith thought the professionals did a good job of listening to the comments from the Commissioners. He inquired about the proposed signage for the hotel. Mr. McLendon responded.

Ms. Catlin thought the architectural changes were good. She recommended that the neighbors and the hotel work together to come up with a solution for the landscape buffers.

Mr. Floersheimer questioned the balustrades over the ballroom. Mr. McLendon responded. Mr. Floersheimer inquired about the location of the water feature in the setback. Mr. McLendon responded and explained the design.

Mr. Cooney requested that the Coconut Palms on the street would be of the same scale of the other palms.

Mr. Small thought this building was far from dissimilar to other buildings in the area. He stated his concerns had to do with the landscape screening for the east and south buffers. He also expressed concern for the small easement and requested more clarification for the pathway, setback and landscape buffers.

Mr. Eubanks stated that Ms. Ziska stated that they project had been previously approved and rebutted her statement.

Mr. Lunny agreed with Mr. Eubanks and provided further objections.

Ms. Ziska spoke on the variances requested.

Mr. Randolph asked Chairman Small to clarify why he believed the building was not dissimilar. Chairman Small replied.

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

A second motion made by Mr. Corey and seconded by Mr. Garrison that the proposed project at 160 Royal Palm Way has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented with the caveat that the landscape, service gate and paint colors would return to the November 20, 2020 meeting in accordance with the comments from the Commissioners. Motion carried 6-1, with Mr. Ives opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either

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

E. MAJOR PROJECTS – NEW BUSINESS

1. B-043-2020 Additions/Modifications

Address: 1045 S. Ocean Blvd.

Applicant: Kerry Vickar (Lionel Kerrin Vickar)

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: New construction of a two story addition with basement. New pool and pool deck. New hardscape and landscape, including civil/storm water management.

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

Mr. Janssen presented the architectural plans proposed for the new addition to the existing home.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the existing home.

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

Ms. Groves van Onna and Mr. Falco provided staff comments.

Mr. Small called for public comments.

Frank Lynch, attorney for the owners at 1020 and 1030 S. Ocean Blvd., stated his concerns for the proposed project.

Ms. Ziska provided rebuttal arguments to the arguments made by Mr. Lynch.

Kerry Vickar, owner, spoke about the proposal and some of the issues raised by the neighbors.

Mr. Janssen and Ms. Ziska provided further rebuttal to arguments raised by Mr. Lynch.

Mr. Garrison thought the landscape proposed was better than existing. He thought the addition would look like it had always been there once built. He was supportive of the project.

Mr. Ives questioned the aluminum panels on the second floor but otherwise supported the project.

Ms. Grace was concerned about the view when driving down S. Ocean Blvd but thought the architecture was acceptable.

Mr. Corey expressed concern that the existing home had some warmth and the proposed was rather harsh. He stated he could not support the aluminum panels proposed. He also thought the addition was competing with the main house and thought it should be more subservient. He thought the proposed design needed more charm and warmth. He was in favor of the landscape and hardscape proposal.

Ms. Shiverick was in favor of the eyebrow over the front door. She liked the clear glass walkway on the second floor and liked how the addition was stepped back. She supported the home.

Mr. Smith thought that Mr. Janssen did a good job. He was in favor of the addition. He was not in favor of the existing front door.

Ms. Catlin was in favor of the addition and of the project.

Mr. Floersheimer thought Mr. Janssen did an excellent job. Mr. Floersheimer inquired about the height plane issue raised by Mr. Lynch. Mr. Janssen responded and stated that he addressed the issue with the Town. Mr. Floersheimer inquired about the front site wall and its heights. Messrs. Janssen and Mizell responded.

Mr. Cooney was supportive of much of the project. He agreed with Mr. Smith and thought the front doors could be restudied.

Mr. Smith thought the addition was architectural compatible with the area.

Mr. Lynch responded to a comment about the length of the homes of the owners he represented.

Motion made by Ms. Shiverick and seconded by Mr. Garrison that the proposed project at 1045 S. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented with the caveat that the existing front doors would return to the November 20, 2020 meeting. Motion carried 5-2, with Mr. Corey and Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: The Commission broke for the evening at 5:57 p.m. The meeting resumed on October 29, 2020 at 9:00 a.m.

Upon roll call, all Commissioners were present, with the exception of Mr. Garrison and Ms. Shiverick. It was noted that Ms. Catlin and Mr. Floersheimer would be voting in their absence.

2. B-061-2020 Additions/Modifications

Address: 165 Seaspray Ave.

Applicant: M2B Properties LLC (Gregory L. Palmer, Agent)

Professional: Gregory L. Palmer/Harrison Design

Project Description: New Construction of a single family residence on an open lot.

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

Please note: This project was heard earlier in the agenda.

3. B-067-2020 Additions/Modifications

Address: 675 N. Lake Way

Applicant: William Gilbane

Professional: Scott Hughes/Hughes Umbanhowe Architects

Project Description: The applicant proposed the following at 675 N. Lake Way: Replacement of all existing windows with new impact windows, the addition of a new entry foyer, the exterior painting of the entire structure, the installation of new landscaping for the property.

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

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

Mr. Hughes presented the architectural modifications proposed for the existing residence.

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape plans proposed for the existing residence.

Ms. Groves van Onna provided staff comments.

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

Mr. Ives expressed concern with the pyramid roof pitch and the windows proposed. He was in favor of the landscape plans.

Ms. Grace was in favor with the changes.

Mr. Corey questioned the plate glass windows and suggested a restudy of the back façade. He was in favor of the landscaping proposed. He suggested the possibility of a larger tree in the corner rather than the Pigeon Plum proposed. Mr. Nievera responded.

Mr. Smith suggested a stepped roof of different material for the front entry, as in a Ziggurat or Bermudian Buttery roof. Mr. Hughes agreed.

Ms. Catlin was in favor of the landscaping proposed but expressed concern with the entry foyer.

Mr. Floersheimer was in favor of the foyer and liked Mr. Smith's recommendation of the roof pitch. He was in favor of the landscaping.

Mr. Cooney was in favor of the project.

Mr. Small was in agreement with the other Commissioners.

Mr. Corey suggested using divided lights in the windows on the rear of the home.

Motion made by Ms. Catlin and seconded by Mr. Ives to defer the project to the November 20, 2020 meeting with the adjustments based on the comments of the Commissioners. Motion failed 3-4, with Messrs. Floersheimer, Smith, Corey and Ms. Grace opposed.

Motion made by Mr. Smith and seconded by Mr. Floersheimer that the proposed project at 675 N. Lake Way has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented with the caveat that the entry foyer has a stepped Ziggurat as show in photo on sheet A2.01. Motion carried 6-1, with Ms. Catlin opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

F. MINOR PROJECTS – OLD BUSINESS

1. A-017-2020 Modifications

Address: 225 Worth Avenue

Applicant: Love is Next Door, LLC (Burton Handelsman, Manager)

Professional: Jerome Baumohl/Jerome Baumohl Architect, Inc.

Project Description: Propose to remove center section of existing storefront and approximately 1,200 square feet of existing rentable retail space to create a new courtyard and up to seven individual retail suites. Design of new custom retractable iron gate/grille in a black finish will be closed when the building is not open.

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

2. A-024-2020 Solar Panels

Address: 159 Seaspray Ave.

Applicant: Eric Leiner

Professional: Manuel Siques/Go Solar Power

Project Description: Solar PV System Roof Mount and Interconnection.

A motion carried at the August meeting to defer the project to the October 28, 2020 meeting due to lack of detailed plans and no notice to the neighbors.

Please note: This item was deferred to the November 20, 2020 meeting at the Approval of the Agenda, Item VI.

3. A-032-2020 Modifications

Address: 149 East Inlet Drive

Applicant: Myron Miller

Professional: Don Skowron

Project Description: Minor landscape and hardscape adjustments to a previously approved ARCOM project.

A motion carried at the September meeting to approve the project as presented with the caveat that the Coconut palm design to the east of the home is restudied and returned to the Commission, with a strong recommendation to return what was originally approved.

Please note: This item was deferred to the November 20, 2020 meeting at the Approval of the Agenda, Item VI.

4. A-035-2020 Modifications

Address: 238 Via Las Brisas

Applicant: Frederick and Lisabeth Lane

Professional: LaBerge and Menard Inc.

Project Description: Replace existing single front entry wood door, glass sidelights and transom with an impact rated French type glass door and transom.

A motion carried at the September meeting to defer the project for one month, to the October 28, 2020 meeting, with a plan for a door that swings inward and clarification of the finish color.

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

Please note: This project was heard at the end of the agenda at the request of the professional.

5. A-037-2020 Modifications

Address: 137 Dunbar Rd.

Applicant: Ken and Cheryl Endelson

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Proposed changes include modification of landscape, hardscape, entry door color, fenestration changes, modification of trellis design and color.

A motion carried at the September meeting to approve the landscaping plan with the original lighting but to defer the architectural plans for one month, to the October 28, 2020 meeting, specifically looking at changes to the windows, door and hardscape.

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

Mr. Janssen presented the architectural modifications proposed for the existing home.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments. There were not comments heard at this time.

Ms. Grace suggested a lighter color front door but was in favor of the project.

Mr. Corey expressed concern with the fenestration on the front façade. He was also in favor of the original front door rather than the proposed. He was in favor of the project but thought the front façade should remain as previously proposed.

Mr. Floersheimer inquired about the trellis and asked if the professional had an inspirational photo or a rendering. Mr. Janssen responded.

Mr. Small agreed with Mr. Corey regarding the front fenestration and front door.

Mr. Corey inquired about a cross section of the front door. Mr. Janssen responded.

Motion made by Ms. Grace and seconded by Mr. Smith that the proposed project at 137 Dunbar Rd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

G. MINOR PROJECTS – NEW BUSINESS

1. A-039-2020 Modifications

Address: 214 Jamaica Ln.

Applicant: James Freney

Professional: Roger Hansrote/ACI

Project Description: Replace existing concrete driveway with new stone pavers and add new stone paver walkway at the northeast corner of the property. New walkway pavers to match driveway pavers.

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

Mr. Hansrote presented the landscape and hardscape modifications proposed for the existing site.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments. There were not comments heard at this time.

Many of the Commissioners were in favor of the project.

Motion made by Mr. Smith and seconded by Mr. Ives that the proposed project at 214 Jamaica Ln. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

2. A-040-2020 Awnings

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

Address: 130 Sunrise Ave., PH 1

Applicant: Elaine Hirsch

Professional: Jeffrey Brasseur/Brasseur & Drobot Architects

Project Description: Add a 30' x 12'-2" fixed awning to 7th floor, penthouse 1, Northwest side of 130 Sunrise Ave.

ZONING INFORMATION: A site plan modification with variances to allow a 365 square foot fixed awning over the terrace on the seventh floor of a seven story condominium building. The following variances are being requested: 1. Section 134-948(8): To allow the awning at a height of 61.5 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning at an overall height of 63.66 feet in lieu of the 26 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed in the R-C Zoning District. Section 134-948(6): To allow a west side yard setback of 50.1 feet in lieu of the 61.5 foot minimum allowed. Section 134-948(7): To allow a rear street yard setback of 106.5 feet in lieu of the 123.16 foot minimum allowed.

Please note: This item was deferred to the November 20, 2020 meeting at the Approval of the Agenda, Item VI.

3. A-041-2020 Modifications

Address: 1214 N. Ocean Blvd.

Applicant: Mr. & Mrs. John Sculley

Professional: MP Design and Architecture

Project Description: Change roof material from wood shingles to white cement tiles. Change color of shutters and front door.

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

Mr. Perry presented the architectural modifications proposed for the existing site.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments. There were not comments heard at this time.

Many of the Commissioners were in favor of the project.

A question arose about the undergrounding easement. Mr. Perry stated that the owners would agree to the easement.

Motion made by Mr. Smith and seconded by Mr. Ives that the proposed project at 1214 N. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

4. A-043-2020 Awnings

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

Address: 100 Sunset Ave.

Applicant: Sally Morris (GM Palm Beach Biltmore)

Professional: Jeffrey Brasseur/Brasseur & Drobot Architects

Project Description: Add a fixed awning to the East and South side of the Biltmore Beach Club covered patio.

ZONING INFORMATION: 1) Section 134-326: A site plan modification with variances to allow a 728 square foot fixed awning addition to the covered patio that currently exists at the Beach Club. The following variances are being requested to construct the following: 2) Section 134-948(9): To allow the awning which will increase the lot coverage to 38.2% in lieu of the 33.3% existing and the 30% maximum allowed. 3) Section 134-948(7): To allow an east street-side yard setback of 14.83 feet in lieu of the 25 foot minimum required.

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

Maura Ziska, attorney for the applicant, introduced the project and explained the zoning requested. She advocated for a positive recommendation to the Town Council.

Mr. Brasseur presented the plans for the proposed awning to be installed on the existing building.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments. There were not comments heard at this time.

Many of the Commissioners were in favor of the project.

Mr. Smith suggested that the awning should be a solid color rather than the striped proposed. He recommended the champagne color.

Ms. Catlin and Messrs. Floersheimer and Small agreed with Mr. Smith.

Mr. Small inquired if the owner would change the awning to a champagne color. Mr. Brasseur confirmed that the awning would be changed.

Motion made by Mr. Ives and seconded by Mr. Smith that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Ives and seconded by Mr. Smith that the proposed project at 100 Sunset Avenue has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

5. A-044-2020 Landscape/Hardscape

Address: 1332 N. Ocean Blvd.

Applicant: 1332 Ocean Trust (Guy Rabideau, Trustee)

Professional: Jorge Sanchez & Claudia Visconti/SMI Landscape Architecture

Project Description: New hardscape and landscape on accessory beach lot.

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

Ms. Visconti presented the landscape and hardscape modifications proposed for the beach lot.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments. There were not comments heard at this time.

Many of the Commissioners were in favor of the project.

Mr. Corey inquired why the changes were the main home were not shown. Ms. Visconti responded. Mr. Corey stated he could not support the project as he would like to see the project as a whole, including the main house.

Mr. Floersheimer inquired about the site wall changes. Ms. Visconti responded.

Motion made by Mr. Smith and seconded by Mr. Ives that the proposed project at 1332 N. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried 6-1, with Mr. Corey opposed.

Please note: Mr. Garrison joined the meeting at approximately 10:05 a.m. Mr. Smith left the meeting at 10:25 a.m. Alternates Catlin and Floersheimer continued to vote in the absence of Mr. Smith and Ms. Shiverick.

6. A-045-2020 Modifications

Address: 1465 Laurie Ln.

Applicant: Cyril Ryan and Louise Carter

Professional: Stephen Roy/Roy and Posey

Project Description: Master suite addition and modifications to the sitting room. Modifications to landscape and hardscape to include modifications to an existing pool.

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

Mr. Roy presented the architectural modifications proposed for the existing home.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the existing home.

Ms. Groves van Onna provided staff comments.

Mr. Small called for public comments.

Maria Drelich and Javier Cabrera, 215 Onondaga Ave., showed a copy of the owner's survey and expressed concern that the survey did not convey an accurate representation of the existing site. They expressed concern regarding a fence on the south side of the property.

Mr. Mizell responded and explain the intent was to place a new fence on the border of the property.

Mr. Cabrera expressed further concern of the tall palm to be relocated. He requested that the palm was not planted close to their home. Mr. Mizell stated he had no problem relocating the palm to a different location.

Mr. Cabrera expressed concern for the bridal veil tree proposed for the southeastern corner and felt it would grow over their swimming pool. Mr. Mizell stated he would relocate that tree as well.

Many of the Commissioners were in favor of the project.

Ms. Grace inquired about the Banyan tree raised by another neighbor. Mr. Mizell stated there was no Banyan tree on the property.

Mr. Corey inquired about the Ficus Nitida on the plans. Mr. Mizell stated it would remain. Mr. Corey inquired about the fence material that would be replaced. Mr. Mizell responded. Mr. Corey thought the landscaping needed to be resolved.

Ms. Catlin requested that the architectural truck logistics plan and routes would match the landscaping truck logistics plan and routes. Mr. Mizell agreed.

Mr. Floersheimer inquired about the paint for the brick. Mr. Roy responded.

Mr. Small was in favor of the plan but though the landscaping needed some resolution.

Mr. Falco stated that Ms. Drelich and Mr. Cabrera requested a chain link fence rather than a solid fence. Mr. Corey thought this was acceptable.

Motion made by Mr. Corey and seconded by Ms. Catlin that the proposed project at 1465 Laurie Ln. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented with the following caveats: the movement of the trees discussed, to include the palm and the bridal veil tree, the new fencing material is chain link and the truck logistics plans to be used for the entire project would match the landscape logistics plan. Motion carried 6-1, with Ms. Grace opposed.

7. A-046-2020 Landscape Lighting

Address: 1020 S. Ocean Blvd.

Applicant: Heliane Steden

Professional: Fernando Wong Outdoor Living Design

Project Description: Proposed landscape lighting design.

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

Che Wei Kuo, Fernando Wong Outdoor Living Design, presented the proposed landscape lighting design.

Ms. Groves van Onna provided staff comments.

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

Many of the Commissioners were in favor of the project.

Motion made by Mr. Garrison and seconded by Mr. Corey that the proposed project at 1020 S. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

8. A-047-2020 Landscape/Hardscape

Address: 142 S. County Rd.

Applicant: NH Palm Beach, LLC (Armando Alvares, Owner)

Professional: Don Skowron

Project Description: Minor landscape and hardscape adjustments to a previously approved ARCOM project. Driveway color change, addition of CMU wall (to screen pool equipment within 5' of PL), adjustments to hardscape and landscape and fence (adjustments, additions and locations) screened by landscape.

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

Mr. Skowron presented the landscape and hardscape modifications proposed for the site.

Ms. Groves van Onna provided staff comments.

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

Ms. Grace inquired if the professional was meeting the native requirements. Mr. Skowron responded.

Many of the Commissioners were in favor of the project.

Motion made by Mr. Corey and seconded by Ms. Catlin that the proposed project at 142 S. County Rd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

9. A-049-2020 Hardscape

Address: 322 Pendleton Ln.

Applicant: William Bone

Professional: Chad M. Gruber, P.E.

Project Description: Owner needs to repair existing basket-weave red brick tile on concrete driveway, broken area drain grates and poorly functioning drain system.

Owner is proposing cast stone diamond and sod joint pattern with red brick border and has agreed to upgrade drainage system to meet current town standards.

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

Bill Bone, owner, advocated for his project.

Dustin Mizell, Environment Design Group, presented the proposed driveway material change.

Ms. Groves van Onna provided staff comments.

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

Many of the Commissioners were in favor of the project.

Motion made by Mr. Corey and seconded by Mr. Ives that the proposed project at 322 Pendleton Lane has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

Please note: The following project was moved to this location in the agenda.

6. A-035-2020 Modifications

Address: 238 Via Las Brisas

Applicant: Frederick and Lisabeth Lane

Professional: LaBerge and Menard Inc.

Project Description: Replace existing single front entry wood door, glass sidelights and transom with an impact rated French type glass door and transom.

A motion carried at the September meeting to defer the project for one month, to the October 28, 2020 meeting, with a plan for a door that swings inward and clarification of the finish color.

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

Daniel Menard, LaBerge and Menard, Inc. presented the architectural modifications proposed for the existing home.

Ms. Groves van Onna provided staff comments.

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

Ms. Grace thought the front entry appeared a bit heavy and suggested a lighter colored front door.

Many of the Commissioners were in favor of the project.

Motion made by Mr. Garrison and seconded by Ms. Catlin that the proposed project at 238 Via Las Brisas has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and therefore make a motion to approve the project as presented. Motion carried unanimously.

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

There were no comments heard at this time.

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

Mr Ives thought there were some minor projects that could eventually be moved into the staff approval category on the project designation guide.

Ms. Grace inquired about the native plant expert. Mr Bergman responded and stated that the matter was being discussed at ORS and anticipated this item returning after January 2021.

Ms. Catlin thought attorney comments should be limited, especially since many of the comments were not under the purview of ARCOM.

Mr. Floersheimer thanked staff for the new format on the staff approvals.

Mr. Corey stated that the Code called out a specific list regarding native plantings.

X. **STAFF APPROVALS**

There were no inquiries of staff approvals.

XI. **UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)**

1. Commission
None.

2. Staff

Mr. Bergman stated that Mr. Small conflict of interest

3. Public
None.

XII. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Garrison to adjourn the meeting at 11:07 a.m. Motion carried unanimously.

The next meeting will be held on Friday, November 20, 2020 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 108-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Memorandum of Understanding Between the Municipal Public Safety Communications Consortium (MPSCC) and Member Municipalities; Establishing a Reserve Fund for the Upgrade and Replacement of the Current MPSCC Public Safety Radio System with a First Year Funding of \$65,302.23; Approving Payment to the MPSCC in the Amount of \$71,950.43 for the FY21 Annual Operating Budget; and Authorizing the Mayor, Town Manager and Staff to Execute All Documents Necessary on Behalf of the Town of Palm Beach.

Presenter

Nicholas Caristo, Chief of Police

ATTACHMENTS:

- ▣ **Memorandum Dated October 23, 2020, from Nicholas Caristo, Chief of Police**
- ▣ **Memo Attachment A**
- ▣ **Resolution No. 108-2020**
- ▣ **Memorandum of Understanding Exhibit A**
- ▣ **Invoice Exhibit B**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: Memorandum of Understanding between Municipal Public Safety
Communications Consortium (MPSCC) and Member Municipalities – Public
Safety Radio System Replacement Budget and Annual Operating Budget for
FY21
Resolution No. 108-2020

Date: October 23, 2020

STAFF RECOMMENDATION

Staff recommends Mayor and Town Council approve Resolution No. 108-2020, authorizing the execution of the attached Memorandum of Understanding between Municipal Public Safety Communications Consortium (MPSCC) and Member Municipalities regarding funding for the replacement budget of the Public Safety Radio System (Exhibit A) in the amount of \$65,302.33; and authorizing the FY21 annual operating budget payment in the amount of \$71,950.43 (Exhibit B).

GENERAL INFORMATION

The Town of Palm Beach is one of ten municipalities/agencies that participates in the Interlocal Agreement for Radio Communications which was recently approved at the May 2020 Town Council meeting and signed (July 07, 2020) by all parties (Attachment A). The signed agreement allows for the development of an annual operating budget (\$71,950.43) for the current radio system which is approved by the MPSCC Board and presented to participating members.

In addition, the attached newly drafted Memorandum of Understanding creates a collaboration of efforts between the MPSCC and agency members to fund the upgrade and replacement of the current Public Safety Radio System which is comprised of outdated technology and non-supported equipment.

The Board has created an annual funding goal of \$300,000, for approximately 7 years, which is allocated between 8 of the participating agencies based on anticipated radio breakdown by agency. While the City of West Palm Beach and the School Board are members and contribute to the annual operating budget, they are not contributing to the upgrade/replacement funding and have separate contracts with MPSCC. The City of West Palm Beach only uses the MPSCC system (Open-Sky) as their backup system and the School Board, while they do use Open-Sky, they allow MPSCC and its members access to all communications towers in its jurisdiction.

The actual upgrade/replacement will be completed in stages, while maintaining inter-agency operability within the County, thus allowing us to continue to meet the HB411 unfunded mandates that were passed in July 2019, in response to the Parkland, Florida shootings.

FUNDING

The Fiscal Year 2021 approved budget for the anticipated annual MPSCC operating cost for Police and Fire is \$86,600 (split Police 65%/Fire 35%). The actual MPSCC invoice for FY21 Approved Operating budget is \$71,950.43. The remaining General Fund budget balance of \$14,649.57 will be applied toward our portion of the MPSCC Upgrade/Replacement budget for FY21 in the amount of \$65,302.33, leaving an unfunded balance of \$50,652.76 for FY21. We are requesting these funds from the Town's General Fund Contingency.

Participating agencies have the option to submit the funds to MPSCC or set aside the funds in an account for use by MPSCC when project cost have been finalized and the replacement/grade begins in 5-7 years.

We are requesting that the \$14,649.57 from the FY21 Approved General Fund and \$50,652.76 from the Town's Contingency Fund be transferred and reserved in the Town's Equipment Replacement Fund and designated as the MPSCC Upgrade/Replacement Project.

Future radio system replacement funding will be contingent upon the Town's approved annual budgetary appropriations.

TOWN ATTORNEY REVIEW

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

NC/lsg

Attachments

cc: Jane LeClainche, Finance Director
Darrel Donatto, Fire Rescue Chief
Ben Alma, Support Services Division Manager
Dean Mealy, Purchasing Manager
John C. Randolph, Town Attorney

R2020 0769

AMENDED AND RESTATED INTERLOCAL AGREEMENT

THIS AMENDED AND RESTATED AGREEMENT ("Agreement") is made and entered into this _____ day of JUL 07 2020, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida ("County") and the Town of Palm Beach a municipal corporation of the State of Florida ("Municipality").

WITNESSETH

WHEREAS, on May 7, 2013, the County and the Municipality entered into an Interlocal Agreement (R2013-0545) that was subsequently amended by First Amendment to Interlocal Agreement (R2018-0258) on March 13, 2018 (Collectively the 2013 Interlocal Agreement) setting forth the terms and conditions by which the County would provide direct access to the County's Public Safety Radio System to the Municipality; and

WHEREAS, to set forth the terms and conditions for all direct access, this Agreement amends and restates, in its entirety, and replaces, the 2013 Interlocal Agreement; and

WHEREAS, the County and the Municipality are continually identifying more effective service delivery methods which result in enhanced public safety services and overall savings to the taxpayers of the County and the Municipality; and

WHEREAS, the County has purchased, designed, installed, and operates a Public Safety Radio System that supports the needs of the Palm Beach County Sheriff's Office, Palm Beach County Fire Rescue, Palm Beach County Emergency Medical Services, and various Palm Beach County general government agencies; and

WHEREAS, the County and the Municipality have determined that the ability to provide interoperable communications is critical to the effective and efficient provision of public safety and general government services; and

WHEREAS, it has been determined to be mutually beneficial to both Parties to execute this Agreement which sets forth the parameters under which the Municipality can access the Common Talk Groups established on the County's Public Safety Radio System to receive the public safety benefit of interoperability; and

WHEREAS, Section 163.01, Florida Statutes, permits public agencies to enter into Agreements to jointly exercise any power, privilege or authority which such agencies share in common and which each might exercise separately.

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

Page 1 of 16

Form Rev. 01/22/2020 MPSCC Talk Group – local gov's

SECTION 1: PURPOSE

The purpose of this Agreement is to set forth the parameters under which the County will provide access to the Common Talk Groups established on the County System specifically to provide interoperable communications among public safety and general government agencies capable of accessing this feature of the County System. This Agreement also identifies the conditions of use, and ability of the Municipality to participate in the operational decisions relating to the use of the Common Talk Groups.

SECTION 2: DEFINITIONS

2.01 Common Talk Groups: Talk groups established on the County's System that are made available to County agencies, municipalities and other non-County agencies for interoperable communications between agencies for the purpose of providing mutual assistance and planning and execution of on-scene operations.

2.02 County Talk-Groups: Talk groups established on the County's System that are made available to County agencies providing for inter-departmental communications. These talk groups are reserved for particular departments/agencies and only available to outside departments by separate agreements.

2.03 Municipality Equipment: Also known as "agency radios," are Municipality owned P25 compliant handheld and mobile radios and control stations that operate in the 800 MHz spectrum that have the ability to be programmed and used on the County's System.

2.04 Radio Alias: The unique name assigned to an operator's radio that displays on the dispatcher's console when a radio transmits.

2.05 SmartZone Controller: The SmartZone Controller is the central computer that controls the operation of the County's Public Safety Radio System. The SmartZone Controller manages access to System features, functions, and talk-groups.

2.06 System: The Public Safety Radio System funded, purchased, installed, maintained and owned by the County.

2.07 System Manager: An employee within the County's Electronic Services & Security Division of the Department of Facilities Development & Operations with the title Radio System Manager who is responsible for day to day administration and management of the System and the County's designated contact person pursuant to various sections of this Agreement.

SECTION 3: ADMINISTRATION

3.01 System Contact. The Palm Beach County Electronic Services & Security Division's System Manager will be the Municipality's day to day contact and can be reached at 561-233-0837. The Electronic Services & Security Division is staffed from 8:00 a.m. to 5:00

5.04.05 Survival. The provisions of this section regarding the Municipality's duty to keep the County's access codes confidential shall survive the termination or expiration of this Agreement.

5.05 Federal Shared Encryption Key. The County's System is configured to allow for end to end encryption. If the Municipality desires encryption, the Municipality must request a CKR assignment from the County's System Manager. The Federal Shared Encryption Key ("Key") is available for use by local law enforcement agencies who require direct radio interoperability with federal agencies and is used on Law Enforcement Common 6E through 10E talk groups on the County's System. The Key is considered to be exempt and confidential security system information under F.S. 119.071(3) and must not be released to the public or to unauthorized persons. If the Municipality requests use of the Key, the Municipality shall be responsible for safeguarding and protecting the confidentiality of the Key from release to unauthorized parties. Service staff directly employed by the Municipality shall be considered authorized to receive access to the Key. *Commercial service providers are not considered authorized to receive access to the Key.* Keyloading of the Municipality's end user radios must only be done by the Municipality itself or another authorized law enforcement agency. The Municipality must also store the Municipality's encryption key loader(s) in a secure and locked location when not in use. The Municipality shall immediately notify the County's System Manager if the Municipality has reason to believe the confidentiality of the Key has been compromised or an encrypted radio has been lost or stolen. The Municipality shall not program the Key into any non-law enforcement radio. The Municipality must delete the Key from any radio to be repaired by non-agency personnel, removed from service or sent to surplus for disposal. The Municipality shall not provide any Key encrypted radios to any non-public safety personnel. The provisions of this section regarding the Municipality's duty to keep the Key confidential shall survive the termination or expiration of this Agreement.

5.06 Malfunctioning Municipality Equipment. The Municipality is solely responsible for the performance and the operation of the Municipality equipment and any damages or liability resulting from the use thereof. Should the County identify malfunctioning Municipality owned equipment; the County will request that the Municipality discontinue use of the specific device until the repairs are completed. The County may, in its discretion, disable the equipment from the System after properly notifying the Municipality in writing if the device is causing interference to the System.

5.07 Stolen or Lost Municipality Radios. In the case of lost or stolen equipment, the Municipality will notify the System Manager by e-mail authorizing the System Manager to disable the equipment. The authorization shall provide the County issued individual unit ID number and the serial number of the radio. The System Manager will advise via e-mail when the radio has been disabled. A request by the Municipality to re-activate a disabled radio must be in writing by e-mail to the System Manager.

SECTION 6: PROGRAMMING OF COMMON TALK GROUPS

The Municipality is responsible for adhering to the Common Talk-Group alias' established by the County and its Steering Committees. Any deviations from the standard naming will have to be reviewed and approved by the System Manager prior to implementation.

SECTION 7: UTILIZATION AND MONITORING OF COMMON TALK GROUPS

7.01 Purpose of Common Talk Groups. The Common Talk Groups were implemented specifically for inter-agency communication among multiple agencies, regardless of their specific discipline or affiliation. They were also created to allow communications between agencies without requiring cross-programming operational talk groups in each agency's radios.

7.02 Approved Uses. Usage of the Common Talk Groups is authorized to coordinate multi-jurisdictional fire/law enforcement/disaster recovery operations such as fires requiring multi-agency responses, police pursuit through multiple jurisdictions and coordination and response to local emergencies and disasters. Other authorized uses include undercover operations, investigations, perimeter communications, fire ground coordination, scene security and landing zone communications requiring participation of multiple agencies and disciplines.

In addition, the Common Talk Groups can be used by any agency experiencing catastrophic failure of its own communication system for a determined amount of time. A request to utilize the Common Talk Groups for this situation requires permission of the System Manager. Once approved by the System Manager, the Common Talk Groups can be temporarily utilized until repair of the agency's communication system is complete.

7.03 Prohibited Uses. The Common Talk Groups shall not be used for every-day routine communications or as an extra talk group for agencies that have cross programming agreements and duplicated talk groups programmed into their radios. Other prohibited uses include communications for special events and operations, use as an additional dispatch, administrative or a car to car talk group for a single agency.

7.04 Monitoring. The Municipality acknowledges that there is a loss of functionality through the interface between its system and the Countywide system. Within 10 days of the execution of this Agreement, the Municipality will provide to the County its internal procedures with regard to monitoring of the common talk groups.

SECTION 8: LIABILITY

8.01 No Representation as to Fitness. The County makes no representations about the design or capabilities of the County's System. The Municipality has decided to enter into this Agreement and use the County's System on the basis of having interoperability with the County and /or other municipalities during times of mutual aid and/or joint operations. The County agrees to use its best reasonable efforts to provide the Municipality with full use of the Common Talk Groups but makes no guarantee as to the continual, uninterrupted use of the System, or its fitness for the communication needs of the Municipality.

8.02 No Waiver of Sovereign Immunity. The Parties to this Agreement and their respective officers and employees shall not be deemed to assume any liability for the acts, omissions and negligence of the other party. Nothing in this Agreement shall be construed as a waiver of the sovereign immunity of the County or Municipality pursuant to §768.28, Florida Statutes. Each party shall be liable for its own actions and negligence and, to the extent permitted by law, the Municipality shall indemnify, defend and hold harmless the County against any actions, claims or damages arising out of the Municipality's negligence in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Florida Statutes §768.28, nor shall the same be construed to constitute agreement by either party to indemnify the other for such other party's negligent, willful or intentional acts or omissions.

8.03 No Responsibility for Third Party Claims. Neither the County nor the Municipality shall be liable to each other or for any third party claim, which may arise out of the services provided hereunder or of the radio System itself, its operation or use, or its failure to operate as anticipated, upon whatever cause of action any claim is based. The System is designed to assist qualified law enforcement, fire, and other emergency service professionals. It is not intended to be a substitute for the exercise of judgment or supervision of these professionals. Both parties acknowledge that the responsibility for providing law enforcement, fire, or other emergency services rests with the agency which is providing such service and not necessarily either party to this Agreement.

8.04 No Consequential Damages. The terms and conditions of this Agreement incorporate all the rights, responsibilities, and obligations of the parties to each other. The remedies provided herein are exclusive. The County and the Municipality waive all other remedies with respect to each other, including, but not limited to, consequential and incidental damages.

8.05 Survival. The provisions of this section shall survive the termination or expiration of this Agreement.

SECTION 8A: INSURANCE

Without waiving the right to sovereign immunity as provided by section 768.28, Florida Statutes, (Statute), the Municipality represents that it is self-insured with coverage subject to the limitations of the Statute, as may be amended.

If Municipality is not self-insured, Municipality shall, at its sole expense, purchase and maintain in full force and effect at all times during the life of this contract, insurance coverage at limits not less than those contained in the Statute.

Should Municipality purchase excess liability coverage, Municipality agrees to include County as an Additional Insured.

The Municipality agrees to maintain or to be self-insured for Workers' Compensation insurance in accordance with Chapter 440, Florida Statutes.

Should Municipality contract with a third-party (Contractor) to perform any service related to the Agreement, Municipality shall require the Contractor to provide the following minimum insurance:

- Commercial General Liability insurance with minimum limits of \$1,000,000 combined single limit for property damage and bodily injury per occurrence and \$2,000,000 per aggregate. Such policy shall be endorsed to include Municipality and County as Additional Insureds. Municipality shall also require that the Contractor include a Waiver of Subrogation against County.
- Business Automobile Liability insurance with minimum limits of \$1,000,000 combined single limits for property damage and bodily injury per occurrence.
- Workers' Compensation insurance in compliance with Chapter 440, Florida Statutes, and which shall include coverage for Employer's Liability with minimum limits of \$1,000,000 each accident.

When requested, the Municipality shall provide an affidavit or Certificate of Insurance evidencing insurance or self-insurance.

Compliance with the foregoing requirement shall not relieve the Municipality of its liability and obligations under this Agreement.

SECTION 9: OWNERSHIP OF ASSETS

All assets maintained under this Agreement will remain assets of the respective party.

SECTION 10: TERM OF AGREEMENT

10.01 Initial Term. The initial term of this Agreement is for five (5) years and shall commence immediately upon full execution of this Agreement.

10.02 Renewals. The Agreement may be renewed for two (2) additional terms of five (5) years each. At least six (6) months prior to the expiration of this Agreement's term, the Municipality shall provide the County with a request to renew this Agreement. Such renewal will require approval of both parties and the County may not unreasonably withhold its approval of the renewal.

10.03 Existing Interlocal Terminated. This Agreement when effective terminates and replaces the Interlocal Agreement between County and Municipality (R-2013-0545), that was subsequently amended by the First Amendment to Interlocal Agreement (R2018-0258).

SECTION 11: AMENDMENTS TO THIS AGREEMENT

This Agreement may be amended from time to time by written amendment as agreed to by all parties.

SECTION 12: TERMINATION

This Agreement may be terminated by either party, with or without cause upon ten (10) days written notice to the other party. Upon notice of termination, the System Manager will proceed to disable the Municipality's radios from the County's System. It will be the responsibility of the Municipality to reprogram the Municipality's radios removing the County's System information from the radios. The Municipality will complete reprogramming the Municipality's radios within sixty (60) days of the date of termination. A municipality with greater than one hundred (100) radios will be given ninety (90) days to re-program its radios.

SECTION 13: NOTICES

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

As to the County:

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

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

With a copy to:

Radio System Manager
Palm Beach County Electronic Services & Security Division
2601 Vista Parkway
West Palm Beach, FL 33411-5610

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

As to the Municipality:

Town of Palm Beach
Palm Beach Police
345 S. County Rd
Palm Beach, FL 33408

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Form Rev. 01/22/2020 MPSCC Talk Group – local gov's

SECTION 19: NO THIRD PARTY BENEFICIARY

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

SECTION 20: NON-DISCRIMINATION

The County is committed to assuring equal opportunity in the award of contracts and complies with all laws prohibiting discrimination. Pursuant to Palm Beach County Resolution R2017-1770, as may be amended, the Municipality warrants and represents that throughout the term of the Agreement, including any renewals thereof, if applicable, all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information. Failure to meet this requirement shall be considered default of the Agreement.

SECTION 21: ASSIGNMENT

Municipality may not assign, mortgage, pledge, or encumber this Agreement in whole or in part, without prior written consent of County, which may be granted or withheld at the County's absolute discretion. This provision shall be construed to include a prohibition against an assignment, mortgage, pledge, encumbrance or sublease, by operation of law, legal process, receivership, bankruptcy, or otherwise, whether voluntary or involuntary.

SECTION 22: SEVERABILITY

If any term of the Agreement or the application thereof to any person or circumstance shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement, or the application of such term to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term of the Agreement shall be valid and enforceable to the fullest extent permitted by law.

SECTION 23: COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

SECTION 24: ANNUAL BUDGETARY FUNDING/CANCELLATION

This Agreement and all obligations of County and Municipality hereunder requiring the expenditure of funds are subject to and contingent upon annual budgetary funding and appropriations by the Palm Beach County Board of County Commissioners and the Municipality Council.

SECTION 25: EFFECTIVE DATE

This Agreement is expressly contingent upon the approval of the Palm Beach County Board of County Commissioners and shall become effective only when signed by all Parties and approved by the Palm Beach County Board of County Commissioners.

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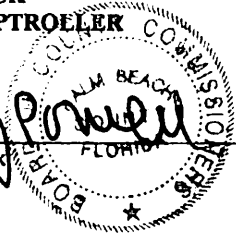
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first above written.

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By:


Deputy Clerk



R2020 0769 JUL 07 2020

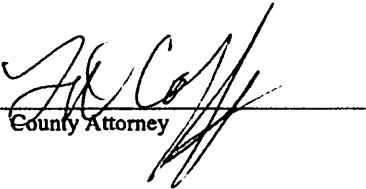
PALM BEACH COUNTY, a political
subdivision of the State of Florida

By:


Dave Kerner, Mayor

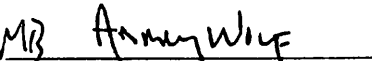
APPROVED AS TO LEGAL
SUFFICIENCY:

By:


County Attorney

APPROVED AS TO TERMS AND
CONDITIONS:

By:


Audrey Wolf, Director
Facilities Development & Operations



Town of Palm Beach a municipal
corporation of the State of Florida

Attest: Gayle Jordan
Town Clerk

By: Gail L. Conigho
Mayor

APPROVED AS TO LEGAL
SUFFICIENCY:

By: [Signature] for
Town Attorney

ATTACHMENT I
PALM BEACH COUNTY
PUBLIC SAFETY RADIO SYSTEM
POLICIES AND PROCEDURES

Policy / Procedure Title

1. Countywide Use of 800 MHz System (O.P. # I-01)
2. Countywide Use of 800 MHz System Talk Groups (O.P. # I-04)
3. Monitoring and Evaluation of Public Safety Radio System Talk Groups (O.P. # I-05)
4. Emergency Medical Communications (O.P. # I-06)
5. Reporting of Problems and Modifications of the Public Safety Radio System (O.P. # I-07)
6. Countywide Use of Public Safety Radio System During Times of Catastrophic Failure which result in non-trunking "conventional" operation (O.P. # I-10)
7. System Maintenance and Administration Plan

RESOLUTION NO. 108-2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE MUNICIPAL PUBLIC SAFETY COMMUNICATIONS CONSORTIUM (MPSCC) AND MEMBER MUNICIPALITIES; ESTABLISHING A RESERVE FUND FOR THE UPGRADE AND REPLACEMENT OF THE CURRENT MPSCC PUBLIC SAFETY RADIO SYSTEM WITH A FIRST YEAR FUNDING OF \$65,302.23; APPROVING PAYMENT TO THE MPSCC IN THE AMOUNT OF \$71,950.43 FOR THE FY21 ANNUAL OPERATING BUDGET; AND AUTHORIZING THE MAYOR, TOWN MANAGER AND STAFF TO EXECUTE ALL DOCUMENTS NECESSARY ON BEHALF OF THE TOWN OF PALM BEACH.

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

Section 1. The Memorandum of Understanding (Exhibit A) sets forth the collaboration efforts between MPSCC and participating agencies to effectively and efficiently fund and replace the current Public Safety Radio System in order to continue to receive the public safety benefit of interoperable radio communications.

Section 2. The Memorandum of Understanding establishes an annual funding goal of \$300,000, for approximately 7 years, distributed to members based on participating agency radio percentages (Exhibit B).

Section 3. Town Council authorizes the establishment of a reserve fund for the upgrade/replacement of the Public Safety Radio System with a first year funding of \$65,302.33 (Exhibit B).

Section 4. Town Council authorizes payment to MPSCC for the Town's annual share of the FY21 Annual Operating Cost budget in the amount of \$71,950.43 (Exhibit B).

Section 4. Future annual funding obligations are contingent upon the Town's approved annual budgetary appropriations.

Section 5. Town Manager and staff are authorized to execute all documents necessary to effectuate this agreement.

Section 6. *Exhibits A & B* are attached hereto and are hereby incorporated within this Resolution and made a part hereof.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



**Municipal Public Safety Communications Consortium
of Palm Beach County, Inc.
a Florida Not-for-Profit Corporation**

260 Orange Tree Drive
Atlantis, Florida 33462

Phone: (561) 965-1700 ♦ Fax: (561) 968-9443

Business email "opensky@mpscradio.com"

Chairman
Robert Mangold

Administrator
Ernie Carr

**Memorandum of Understanding
Between
Municipal Public Safety Communications Consortium
and Member Municipalities**

Parties: Palm Beach Gardens, Town of Palm Beach, City of Jupiter, Atlantis, Juno, Jupiter Inlet Colony, North Palm Beach, Tequesta

Purpose: The purpose of this MOU is to establish the terms and conditions under which the Municipal Public Safety Communications Consortium (MPSCC) provides public safety radio communication system replacement, determining structure, and cost.

This agreement between the parties mentioned above shall not establish any form or manner of a formal agreement or contract, but rather an agreement between the parties to work together in such a way that would promote the genuine atmosphere of collaboration to support an effective and efficient partnership.

The system replacement is designed to replace outdated technology and any equipment which is no longer to be supported. Dates will be determined by the MPSCC and its vendors.

Term of MOU: The MOU is effective upon the day/date signed and executed by the duly authorized representative of the parties of this MOU and approved representatives of the municipality partners. The MOU shall remain in full force and effect until system completion or terminated or modified by the Board of Directors via a majority vote. Replacement system design and cost to be encumbered will require a majority vote by the Board of Directors. This MOU project is currently planned for approximately seven years. Any future system replacement technology cannot be presently identified, or its cost. After the down payment, there will be additional financing of the replacement system at the time of purchase.

Responsibilities and Obligations:

1. Each year at the budget time, agencies will verify the documentation of money set aside that is identified in the subsection of the annual budget as their commitment to the system replacement project.
2. As per our existing contract, all equipment purchased as a result of this MOU remains the property of the consortium.
3. Limitations on agency termination or withdrawal from this MOU: The MPSCC will maintain radio system communications with their current radios as long as technically feasible unless the agency withdraws from the MOU before the radio upgrade project completion.
4. The Board of Directors can only complete the modification of the MOU.
5. Each entity's performance and obligation under this MOU are contingent upon the annual budgetary appropriation representing the governing body of each fiscal year. Unfunded shares of the MOU will be brought before this Board to review the impact on the project.
6. If additional equipment is required as a result of the replacement system, this MOU will follow the inter-local agreement contract as per the purchase of agency subscriber radio units. Each agency will be responsible for the purchase of its subscriber units. These costs and others, like dispatch consoles, will not be covered as part of the replacement system upgrade. That equipment will be purchased by the individual agency and will be owned and maintained by the agency.

Municipal Public Safety Communications Consortium

Title _____

Name _____

Date _____

Title _____

Name _____

Date _____

City of Palm Beach Gardens

Title _____

Name _____

Date _____

Title _____

Name _____

Date _____

City of Jupiter

Title _____

Name _____

Date _____

Title _____

Name _____

Date _____

Town of Palm Beach

Title: Support Services

Name: Benjamin Alma

Date: 9/16/2020

Title: Police Chief

Name: Nicholas Caristo

Date: 9/16/2020

City of Atlantis

Title _____

Title _____

Name _____

Name _____

Date _____

Date _____

Village of North Palm Beach

Title _____

Title _____

Name _____

Name _____

Date _____

Date _____

Town of Juno Beach

Title _____

Title _____

Name _____

Name _____

Date _____

Date _____

Jupiter Inlet Colony

Title _____

Title _____

Name _____

Name _____

Date _____

Date _____

Tequesta

Title _____

Name _____

Date _____

Title _____

Name _____

Date _____



MUNICIPAL PUBLIC SAFETY COMMUNICATIONS CONSORTIUM OF PALM BEACH COUNTY, INC.

A Florida Not-for-Profit Corporation

Municipal Public Safety Communications Consortium
260 Orange Tree Drive
Atlantis, FL 33462
ATTN: Robert Mangold

DATE: AUGUST 25, 2020
INVOICE # 2020-04

DUE 30 DAYS FROM OCT. 1, 2020

TO Town of Palm Beach
Attn: Chief Caristo
345 S. County Road
Palm Beach, FL 33480

DESCRIPTION	TOTAL
FY 2020/2021 Operating Costs	\$71,950.43
FY 2020/2021 MOU replacement funds	\$65,302.33
TOTAL	\$137,252.76

Make all checks payable to: Municipal Public Safety Communications Consortium, Inc. and mail to the address above.

MPSCC BUDGET FOR FY 2020/2021

EXPENDITURES		REVENUES	
Operating Budget	167,575.00	Member Agencies Operational Costs	521,003.00
3150 - Professional Services	10,260.00	From Reserves	0.00
4420 - Rentals and Leases	0.00		521,003.00
System Replacement	266,268.00		
4600 - Repair and Maintenance	3,000.00		
5200 - Materials and Supplies	48,900.00		
5500 - Contingency			
Total Operating Expenditures	496,003.00	# of Radios	% of Radios
Capital Outlay			
6400 - Equipment	25,000.00		
Total Capital Outlay	25,000.00		
Total Budget	521,003.00		
Less West Palm Beach Flat Rate	(100,000.00)		
Less Scool Board Flat Rate	(90,461.48)		
Balance to be distributed	330,541.52		
TOTAL EXPENDITURES FY 2020/2021	521,003.00		

System funding replacement schedule per year 300,000 300,000

	# of Radios	% of Radios	Replacement	20/21 Oper. Costs	Replice + Oper Total Per
Palm Beach Gardens	338	31.44%	94,325.58	103,928.40	198,253.98
Town of Palm Beach	234	21.77%	65,302.33	71,950.43	137,252.76
City of Jupiter	331	30.79%	92,372.09	101,776.04	194,148.13
Atlantis	43	4.00%	12,000.00	13,221.66	25,221.66
Juno	30	2.79%	8,372.09	9,224.41	17,596.51
Jupiter Inlet colony	4	0.37%	1,116.28	1,229.92	2,346.20
North Palm Beach	62	5.77%	17,302.33	19,063.79	36,366.12
Tequesta	33	3.07%	9,209.30	10,146.86	19,356.16
TOTAL	1075	100.00%	300,000.00	330,541.52	630,541.52

AMOUNTS DUE FROM MEMBER AGENCIES FOR FY 2020/2021 OPERATIONAL COSTS

Agency	Proposed # of Radios	% of Radios	Operating Cost	% of Overall Cost Distribution	2020/2021 Oper. Cost	2019/2020 Oper. Cost	2020-2021 Change	% of Change
West Palm Beach (574 Radios) \$100,000	0	0.00%	100,000.00	19.19%	100,000.00	100,000.00	0.00	
Palm Beach Gardens	338	31.44%	103,928.40	19.95%	103,928.40	118,577.15	-14,648.75	
Town of Palm Beach	234	21.77%	71,950.43	13.81%	71,950.43	82,442.69	-10,492.26	
City of Jupiter	331	30.79%	101,776.04	19.53%	101,776.04	116,121.41	-14,345.37	
Atlantis	43	4.00%	13,221.66	2.54%	13,221.66	14,734.44	-1,512.78	
Juno	30	2.79%	9,224.41	1.77%	9,224.41	9,822.96	-598.54	
Jupiter Inlet colony	4	0.37%	1,229.92	0.24%	1,229.92	1,403.28	-173.36	
School Board (501 Radios) 90,461.48	0	0.00%	90,461.48	17.36%	90,461.48	137,521.43	-47,059.95	
North Palm Beach	62	5.77%	19,063.79	3.66%	19,063.79	18,242.64	821.15	
Tequesta	33	3.07%	10,146.86	1.95%	10,146.86	0.00	10,146.86	
Total	1,075	100%	521,003.00	100.00%	521,003.00	598,866.00	-77,863.00	-13.00%

Distribution cost lowered by 3.07% \$10,146.86 as a result of Tequesta

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 115-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Mayor To Enter Into An Agreement With The Supervisor Of Elections For The March 2021 Municipal Election(s) Vote Processing Equipment Use And Elections Services.

Presenter

Queenester Nieves, CMC, Town Clerk

ATTACHMENTS:

- ▢ **Memorandum Dated October 26, 2020, from Queenester Nieves, CMC, Town Clerk**
- ▢ **Resolution No. 115-2020 Authorizing Service Agreement with Supervisor of Elections**
- ▢ **Municipal Election Agreement SOE**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Queenester Nieves, CMC, Town Clerk

Re: Agreement between the Town of Palm Beach and the Supervisor of Elections for the
Vote Processing Equipment Use and Election Services for the March 9, 2021
Resolution No. 115-2020

Date: October 26, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council enter into an agreement with the Supervisor of Elections (SOE) for the Vote Processing Equipment Use and Election Services Agreement, for the purpose of utilizing the vote processing equipment owned by Palm Beach County, Florida

GENERAL INFORMATION

The Supervisor of Elections provided an Agreement to the Town of Palm Beach. The SOE shall provide the Town of Palm Beach such necessary vote processing equipment and election services according to the terms and conditions stated in the agreement, for the purposes of conducting a Municipal Election to be held on March 9, 2021, and March 23, 2021 Run-Off Election, if necessary. Along with the necessary voting equipment and election services to facilitate any early voting sites, polling locations and polling places as may be necessary and agreed upon by the parties.

TOWN ATTORNEY REVIEW

This item has been reviewed and approved by the Town Attorney.

Attachments

QN

cc: John C. Randolph, Town Attorney
Jay Boodheshwar, Deputy Town Manager

RESOLUTION NO. 115-2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE SUPERVISOR OF ELECTIONS FOR THE MARCH 2021 MUNICIPAL ELECTION(S) VOTE PROCESSING EQUIPMENT USE AND ELECTIONS SERVICES.

WHEREAS, Staff recommends that the Town Council enter into an agreement with the Supervisor of Elections for the Vote Processing Equipment Use and Election Services Agreement, for the purpose of utilizing the voting equipment owned by Palm Beach County, Florida

WHEREAS the Town of Palm Beach is statutorily obligated to conduct an election that requires the use of the voting equipment to count ballots: and

WHEREAS the voting equipment requires specially trained and knowledgeable individuals to program, operate and maintain said equipment, and

WHEREAS Palm Beach County Board of County Commissioner has authorized the Supervisor of Election to provide any necessary terms and condition for the use of such voting equipment and ,

WHEREAS the Palm Beach County Supervisor of Election can provide the necessary personnel to program, operate and maintain said equipment for the March 9, 2021 Municipal Election.

WHEREAS the Supervisor of Election shall provide the Town of Palm Beach such necessary vote processing equipment and election services according to the terms and conditions stated in the Agreement, for the purposes of conducting a Municipal Election to be held on March 9, 2021, and a Run-Off Election, if necessary, along with the necessary vote processing equipment and election services to facilitate any early voting sites, polling locations and polling places as may be necessary and agreed upon by the parties.

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

Section 1: The Mayor is hereby authorized and directed to execute the Agreement for 2021 Vote Processing Equipment Use and Elections Services Agreement on behalf of the Town of Palm Beach.

PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST

Queenester Nieves, CMC, Town Clerk



Wendy Sartory Link
Palm Beach County Supervisor of Elections

**2021 MUNICIPAL ELECTION
VOTE PROCESSING EQUIPMENT USE
AND ELECTIONS SERVICES AGREEMENT**

This Vote Processing Equipment Use and Elections Services Agreement (hereinafter referred to as the “Agreement”) is hereby entered into by and between the **Palm Beach County Supervisor of Elections Office** (hereinafter referred to as “SOE”) and the **Town of Palm Beach, Florida** (hereinafter referred to as “MUNICIPALITY”).

WITNESSETH:

WHEREAS, pursuant to Section 101.34, Florida Statutes, SOE is the legal custodian of certified vote processing equipment owned by Palm Beach County, Florida, and is hereby charged with the responsibility for custody and maintenance of said equipment; and,

WHEREAS, MUNICIPALITY desires, or is otherwise statutorily obligated, to conduct an election that requires the use of vote processing equipment to count ballots; and,

WHEREAS, all vote processing equipment requires specially trained and knowledgeable individuals to program, operate and maintain said equipment; and,

WHEREAS, the Palm Beach County Board of County Commissioners has authorized SOE to provide any necessary terms and conditions for the use of such voting equipment; and,

WHEREAS, SOE can provide the necessary personnel to program, operate and maintain said equipment; and,

WHEREAS, MUNICIPALITY hereby acknowledges full responsibility for all applicable requirements under the Florida Election Code and any provision of the City Charter or municipal ordinances which may not be addressed or included in this Agreement.

NOW THEREFORE, in consideration of the premises and of the mutual promises, terms and conditions stated herein, SOE and MUNICIPALITY agree as follows:

ARTICLE 1 – RECITALS

The above recitals are true and correct and incorporated herein.

ARTICLE 2 – AGREEMENT

SOE shall provide MUNICIPALITY such necessary vote processing equipment and election services according to the terms and conditions stated in this Agreement, for the purposes of conducting a Municipal Election to be held on March 9, 2021, and a Run-Off Election, if necessary, along with the necessary vote processing equipment and election services to facilitate any early voting sites, polling locations and polling places as may be necessary and agreed upon by the parties.

ARTICLE 3 – OPERATION AND PROGRAMMING SERVICES

3.1 Municipal Services. For each election, MUNICIPALITY shall pay SOE for election operations.

3.2 Vote-By-Mail Ballots. MUNICIPALITY agrees it will not utilize vote-by-mail services.

- OR -

MUNICIPALITY shall pay SOE for vote-by-mail operations and materials.

3.3 Repairs. For any election, all maintenance, repairs or other troubleshooting services for vote processing equipment, including any tabulators, check-in devices, and other voting equipment, will be performed exclusively by SOE and such services are included in all stated charges. However, SOE does reserve the right to seek reimbursement from MUNICIPALITY for any repairs or maintenance caused by any neglect or unauthorized acts by any employee or representative of MUNICIPALITY.

ARTICLE 4 – OTHER ELECTION CHARGES

4.1 Precinct Services. For each election, MUNICIPALITY shall pay SOE for precinct preparation and poll worker training.

4.2 Other. For each election and upon proper notice to MUNICIPALITY, MUNICIPALITY shall pay SOE for any other election services not contemplated herein which may be needed to conduct an orderly election.

ARTICLE 5 – TERM

For each election, the terms of this Agreement begin with ballot layout and conclude when ballots have been processed, election results have been certified, all vote processing equipment has been returned to the SOE's warehouse and an audit, if applicable, has been completed. In the event of an election contest or challenge, SOE agrees to cooperate in providing any public records which the SOE maintains or otherwise controls.

ARTICLE 6 – APPLICABLE REQUIREMENTS OF FLORIDA'S ELECTION CODE

MUNICIPALITY shall properly call the election in accordance with any Florida Statutes, applicable charter provisions or city ordinances. MUNICIPALITY agrees that the Municipal Clerk is responsible for the conduct of the city's elections and for ensuring compliance with all applicable Florida Statutes, including the Florida Election Code and any municipal charter provisions and ordinances. Any obligations or duties not set forth in this Agreement shall be the sole responsibility of MUNICIPALITY.

ARTICLE 7 – NOTICE AND ADVERTISEMENT OF ELECTIONS

7.1 Uniform Municipal Election. MUNICIPALITY shall prepare and arrange for publication of all legal advertising required by state and federal statutes, city charter and city ordinances. MUNICIPALITY agrees that all advertisements of elections conducted in Palm Beach County shall be published in both English and Spanish and that MUNICIPALITY shall be responsible for the accurate and complete translation of any such notices. SOE shall, if available, provide samples of required advertising upon request.

7.2 Run-Off Election. In the event of a run-off election, MUNICIPALITY shall prepare and arrange for publication of all legal advertising required by state and federal statutes, city charter and city ordinances. MUNICIPALITY agrees that all advertisements of elections conducted in Palm Beach County shall be published in both English and Spanish and that MUNICIPALITY shall be responsible for the accurate and complete translation of any such notices. SOE shall, if available, provide samples of required advertising upon request.

ARTICLE 8 – QUALIFYING OF CANDIDATES

MUNICIPALITY may provide qualifying packets to candidates. MUNICIPALITY shall accept and process all qualifying papers and fees. For audio ballots, MUNICIPALITY shall collect pronunciation guides from candidates at the time of qualifying and shall submit them to SOE at the close of qualifying.

If petitions are part of qualifying process, MUNICIPALITY shall pay SOE Ten Cents (\$.10) per name, or such other amount as determined per Florida Statutes or the Florida Administrative Code, checked to verify any signatures on qualifying petitions. SOE agrees to verify any signatures for any qualifying petitions timely submitted by MUNICIPALITY in the order such petitions are received.

In no event shall SOE issue any recommendations or make any legal determinations as to the qualifications of eligibility of any candidate for municipal office.

ARTICLE 9 – PRINTING OF BALLOTS AND BALLOT SERVICES**9.1 Uniform Municipal Election.**

SOE shall place an order for sufficient quantity of Election Day ballots with a third-party printer as selected exclusively by SOE.

MUNICIPALITY shall furnish, immediately upon the conclusion of the qualifying period, all ballot information in English, Spanish and Creole, including the name of the candidates as they are to appear on the ballot, the name of the Municipality, the name of the election, the title of office or referendum title, explanation, and questions.

SOE agrees to provide the layout of the ballot(s) based on the information furnished by MUNICIPALITY and deliver ballot layout to the approved printer. Both SOE and MUNICIPALITY must sign off on ballot proof(s).

MUNICIPALITY shall be responsible for providing all necessary translations of ballots, in accordance with Section 203 of the Voting Rights Act, as well as Creole translations for the Express Vote machine.

Once test ballots are received from the printer, SOE will test all vote processing equipment in accordance with the standards established by the Florida Division of Elections and any applicable Florida Statutes. Upon receipt of the printed ballots from the printer, SOE shall receive, securely store and account for all ballots until disbursed to poll workers. SOE shall also control and limit all access to un-voted ballots while in possession of SOE.

9.2 Run-Off Election.

In the event of a run-off election, MUNICIPALITY will be responsible for providing all information stated in 9.1. MUNICIPALITY will again be responsible for providing any additional translations and must again approve ballot content and layout prior to printing.

MUNICIPALITY will be responsible for reimbursing SOE for any and all costs incurred.

ARTICLE 10 – POLL WORKERS

10.1 Selection and Training of Poll Workers. MUNICIPALITY is responsible for securing sufficient poll workers to appropriately staff each polling location. SOE will provide information regarding poll worker eligibility. SOE will train all poll workers in accordance with the Florida Election Code and other guidelines, procedures or regulations as followed or adopted for the conduct of elections in Palm Beach County. The clerk for MUNICIPALITY, or a representative, shall be in attendance for poll worker training sessions. Poll workers shall undergo job specific training and complete required number of training hours as specified by SOE poll worker department management. All necessary supplies and ballots will be provided by SOE and stored in precinct cabinets or transported in poll worker clerk bags.

10.2 Uniform Municipal Election. MUNICIPALITY shall pay poll workers directly for their services.

10.3 Run-Off Election. In the event of a run-off election, MUNICIPALITY shall pay poll workers directly for their services.

ARTICLE 11 – SELECTION OF POLLING PLACES

MUNICIPALITY shall provide ADA compliant Polling Places.

ARTICLE 12 – SAMPLE BALLOTS

12.1 Uniform Municipal Election.

MUNICIPALITY shall review the sample ballot(s) and confirm the accuracy of the election date, office, candidate name(s), polling locations, polling places and all other information contained therein. At MUNICIPALITY'S option, SOE shall coordinate the mailing of the sample ballots to all registered voters in the municipality prior to the election.

12.2 Run-Off Election.

In the event of a run-off election, SOE ***shall not*** create or mail sample ballots.

ARTICLE 13 – VOTE-BY-MAIL BALLOTS

MUNICIPALITY agrees it will not utilize vote-by-mail services.

-OR_

SOE agrees to perform vote-by-mail services. MUNICIPALITY agrees to pay for all costs associated with mailing, collecting, and processing vote-by-mail ballots on behalf of MUNICIPALITY.

ARTICLE 14 – TRANSPORTATION OF ELECTIONS EQUIPMENT AND SUPPLIES

14.1 Uniform Municipal Election.

SOE will be responsible for delivery and pick up of any vote processing equipment. Election equipment will be delivered by SOE, or a third party representative of SOE on an agreed upon date, up to eight (8) days prior to the election. SOE, or a third party representative of SOE, will pick up voting equipment on an agreed upon date. SOE shall have full discretion and authority to hire and employ any outside third parties to assist with or perform delivery and pick up of voting equipment.

14.2 Run-Off Election.

SOE will maintain responsibility for transportation of equipment and supplies as stated in 14.1. MUNICIPALITY shall reimburse SOE for any and all costs incurred for equipment delivery and pickup.

14.3 MUNICIPALITY is not permitted to deliver any election equipment.

ARTICLE 15 – LOCATION AND STORAGE OF VOTING EQUIPMENT

All voting equipment shall be stored, maintained and located in a well-protected, secure, temperature-controlled, indoor room or facility. Once the voting equipment is delivered to a voting site, no equipment shall be relocated without the prior written approval of SOE.

ARTICLE 16 – CANVASSING OF ELECTION RESULTS

16.1 Uniform Municipal Election. MUNICIPALITY shall schedule and coordinate the date on which MUNICIPALITY'S Canvassing Board is to assemble to canvass the results of the election. MUNICIPALITY shall determine if the Supervisor of Elections will be a member of the MUNICIPALITY'S Canvassing Board and if so, shall coordinate such with SOE, according to availability of SOE. If applicable, MUNICIPALITY shall coordinate for the use of SOE facilities to conduct the Canvassing Board activities. MUNICIPALITY shall notice and advertise in both English and Spanish, as needed, the dates of any Canvassing Board meetings. MUNICIPALITY shall convene the Canvassing Board to determine which voted ballots are to be tabulated. MUNICIPALITY shall provide for collection of results from each precinct.

16.2 Run-Off Election. In the event of a run-off election, MUNICIPALITY shall schedule and coordinate the date on which MUNICIPALITY'S Canvassing Board is to assemble to canvass the results of the election. If applicable, MUNICIPALITY shall coordinate for the use of SOE facilities to conduct the Canvassing Board activities. MUNICIPALITY shall notice and advertise in both English and Spanish, as needed, the dates of any Canvassing Board meetings. MUNICIPALITY shall convene the Canvassing Board to determine which voted ballots are to be tabulated. MUNICIPALITY shall provide for collection of results from each precinct.

ARTICLE 17 – AUDITS

MUNICIPALITY agrees to pay SOE for any additional costs as may be necessary, including overtime expenses, for conducting an audit, if necessary.

ARTICLE 18 – POST-ELECTION RECORDS RETENTION

SOE shall process affirmation forms and sort, inventory, and pack all election materials for pickup by SOE for retention and disposition. SOE shall store or cause to be stored all necessary election records and ballots until expiration of retention period as prescribed by applicable Florida Statutes and Rules.

ARTICLE 19 – VOTER HISTORY

MUNICIPALITY and SOE will make mutually acceptable arrangements for recording and maintaining voter history. MUNICIPALITY is responsible for determining whether voters are eligible electors, pursuant to municipal charters and ordinances.

ARTICLE 20 – OTHER NECESSARY COSTS

Any additional costs or fees that may be incurred by SOE in compliance with the Florida Election Code and as a direct result of a municipal election, that are not specified in this Agreement, shall be paid for by MUNICIPALITY at rates and fees as established by SOE. Examples of such additional costs or reimbursements include, but are not limited to, the following:

- A. Recounts. Any expenditure for conducting a recount, including any overtime expenses for reprogramming voting equipment, and other expenses as may be necessary to conduct a recount; and,
- B. Attorneys' Fees and Costs. Actual attorneys' fees and costs incurred by SOE for research or representation on any election-related matter shall be invoiced by SOE for reimbursement by MUNICIPALITY.

ARTICLE 21 – HOLD HARMLESS COVENANT

MUNICIPALITY shall at all times hereafter indemnify, hold harmless and, at SOE's option, defend or pay for an attorney selected by SOE to defend SOE, its officers, agents and employees against any and all claims, damages, injuries, losses, liabilities and expenditures of any kind, including attorneys' fees, court costs and expenses arising out of or resulting from any or all acts of omission or commission of or by the MUNICIPALITY, its officers, agents or employees with respect to any election conducted pursuant to this Agreement. MUNICIPALITY also agrees to indemnify SOE against any administrative challenges, civil suits or other legal challenges or appeals that may arise, including all attorneys' fees and costs, from the contest of election results or the validation of any candidate qualifications.

The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth at Sec. 768.28, Florida Statutes. In no case shall such limits for SOE or MUNICIPALITY extend beyond \$200,000 for any one person or beyond \$300,000 for any judgment which, when totaled with all other judgments, arises out of the same incident or occurrence. Furthermore, nothing herein shall be construed as consent by SOE, as a state agency

or subdivision of the State of Florida, to be sued by third-parties in any matter arising out of any contract.

These provisions shall not be construed to constitute agreement by either party to indemnify the other for such others' negligent, willful or intentional acts or omissions.

ARTICLE 22 – ENTIRETY AND AMENDMENTS

The Agreement embodies this entire agreement between SOE and MUNICIPALITY and supersedes all prior agreements and understandings relating to the conduct of elections. No modification, amendment or alteration to this Agreement shall be effective of binding unless submitted in writing and executed by the duly authorized representatives of both SOE and MUNICIPALITY.

ARTICLE 23 – EFFECTIVE DATE

The effective date of this Agreement shall be the latest date of execution by duly authorized representatives of SOE and MUNICIPALITY as shown on the signature page hereto.

IN WITNESS WHEREOF, we, the undersigned, do hereby state that we have the authority to bind and obligate as promised herein, SOE and MUNICIPALITY for purposes of executing this agreement on the dates set forth below.

Signature

Wendy Sartory Link
Name (Printed or Typed)

Palm Beach County Supervisor of Elections
Title

Date

Witness Signature

Ashley Houlihan
Witness Name (Printed or Typed)

Signature

Name (Printed or Typed)

Title

Date

Witness Signature

Witness Name (Printed or Typed)

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 116-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Rechten International Trucks Inc. for the Purchase of a Replacement Dump Truck in the Amount of \$90,124 and a Project Budget of \$95,124.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 27, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 116-2020**
- ▣ **Quote**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve a Purchase Order to Rechten International Trucks Inc. for the Purchase of a Replacement Dump Truck in the Amount of \$90,124 and a Project Budget of \$95,124
Resolution No. 116-2020

DATE: 27 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 116-2020 approving a purchase order to Rechten International Trucks Inc. for the purchase of a replacement dump truck in the amount of \$90,124 and a project budget of \$95,124.

WHY THE REPLACEMENT IS REQUIRED IN FY21

This purchase is for the Trash Bureau's program and is used daily for the collection and disposal of vegetative material throughout the Town. The unit being replaced is a 2010 model with approximately 120,000 miles. It is no longer cost effective to continue with repairs on this particular vehicle.

GENERAL INFORMATION

The Town, as well as all agencies within the State of Florida, utilize the Florida Sheriff's contract for both light and heavy duty vehicles as they have provided a consortium for best pricing, as well as terms and conditions.

The purchase of the dump truck was approved in the FY21 budget process and is fully funded through the depreciation process within the Equipment Replacement Fund.

FUNDING/FISCAL IMPACT

Funding for this vehicle will be from the Equipment Replacement Fund.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Paul Brazil, Public Works Director
Eric Brown, P.E., Assistant Director of Public Works
Chet Purves, Services Division Manager
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 116-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO RECHTIEN
INTERNATIONAL TRUCKS INC. FOR THE PURCHASE OF A
REPLACEMENT DUMP TRUCK IN THE AMOUNT OF \$90,124
AND A PROJECT BUDGET OF \$95,124**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 116-2020, approving purchase order to Rechten International Trucks Inc. for the purchase of a replacement dump truck in the amount of \$90,124 and a project budget of \$95,124.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



Rechtien International Trucks, Inc

FLORIDA SHERIFF'S ASSOCIATION Contract

FSA20-VEH18.0

Customer: Town of Palm Beach

Asset#

Item:	60	Region:	Southern	Quantity	Unit Cost	extended
Base Price:		Quote:	3314-01	1	\$ 58,799.00	\$ 58,799.00
Contract Options:		Model:	MV			
1CAE	Frame rails - high strength low alloy steel			1	\$ 412.00	\$ 412.00
421	Bendix air dryer			1	\$ 421.00	\$ 421.00
5708	Tilt steering column			1	\$ 100.00	\$ 100.00
8THB	Back-up alarm			1	\$ 96.00	\$ 96.00
8WGL	Windshield wipers to lowest speed when park barke set			1	\$ 34.00	\$ 34.00
8WPZ	Test exterior lights - pre-trip			1	\$ 34.00	\$ 34.00
8WRB	Headlights on with wipers			1	\$ 34.00	\$ 34.00
8WXD	Parking brake alarm			1	\$ 34.00	\$ 34.00
10WCY	Safety Triangles			1	\$ 38.00	\$ 38.00
10WUE	Front fender extension mud flaps			1	\$ 61.00	\$ 61.00
12XAT	Engine control - remote mounted			1	\$ 36.00	\$ 36.00
16HGH	Transmission temp gauge			1	\$ 38.00	\$ 38.00
16SDC	Dual exterior grab handles - towel bar type			1	\$ 189.00	\$ 189.00
16VLK	Cab air ride suspension			1	\$ 458.00	\$ 458.00
7372135429	11R22.5 14-ply Continental (or equal) rear tires			2	\$ 187.00	\$ 374.00
7372135429	11R22.5 14-ply Continental (or equal) rear tires			4	\$ 187.00	\$ 748.00
NEWTAG	New City Tag			1	\$ 250.00	\$ 250.00
16ALTRASH	16 ft. aluminum trash dump w/ 48" sides, barn doors, electric tarp, & back-up alarm			1	\$ 21,875.00	\$ 21,875.00
						\$ -

Non-Contract Options:

8XHR	Auxiliary power outlet (APO) & USB port	1	\$ 34.00	\$ 34.00
12VHP	2021 Federal Emission Surcharge	1	\$ 350.00	\$ 350.00
16WLS	Fresh air filter	1	\$ 67.00	\$ 67.00
7FTSIDE	84" (7') sides in lieu of 48" sides	1	\$ 5,060.00	\$ 5,060.00
5LBFIREEXT	5 lb. fire extinguisher mounted in the cab	1	\$ 139.00	\$ 139.00
3K	Additional key	1	\$ 18.00	\$ 18.00
CONEHLD	Cone holder	1	\$ 205.00	\$ 205.00
ACCLDR	Access Ladder	1	\$ 220.00	\$ 220.00
Total:			\$ 89,376.00	\$ 90,124.00
	**Florida Waste Tire Fee	6	\$ 1.00	\$ 6.00
	**Florida Waste Battery Fee	2	\$ 1.50	\$ 3.00
Total Purchase Order Amount:			\$ 89,376.00	\$ 90,124.00

Cab Color:

White

Body Color:

Natural color

**included in base price

Prepared By:

John Bradley

Rehtien International Trucks, Inc.

3787 Interstate Park Road

Riviera Beach, FL 33404

office - 561.882.9050

fax - 561.882.0218

cell - 561.818.4374

email - bradley@rechtien.com

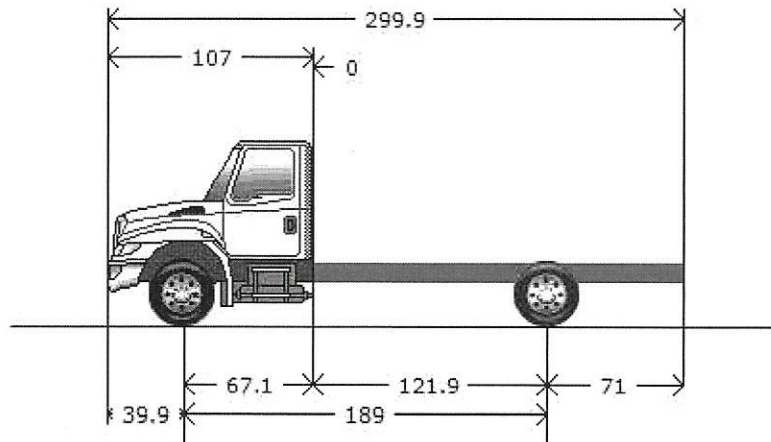
Prepared For:

Town of Palm Beach
 Chester Purves
 Public Works Department
 West Palm Beach, FL 33401-
 (561)835 - 4680
 Reference ID: Spc #60 - 16 AI

Presented By:

RECHTIEN INTERNATIONAL TRUCKS, INC.
 John W Bradley
 3787 INTERSTATE PARK ROAD
 RIVIERA BEACH FL 33404 -
 (561)882-9050

Thank you for the opportunity to provide you with the following quotation on a new International truck. I am sure the following detailed specification will meet your operational requirements, and I look forward to serving your business needs.



Model Profile
2022 MV607 SBA (MV607)

AXLE CONFIG:	4X2
APPLICATION:	Stake Flat
MISSION:	Requested GVWR: 30000. Calc. GVWR: 30000
DIMENSION:	Wheelbase: 189.00, CA: 121.90, Axle to Frame: 71.00
ENGINE, DIESEL:	{Cummins B6.7 200} EPA 2017, 200HP @ 2400 RPM, 520 lb-ft Torque @ 1600 RPM, 2600 RPM Governed Speed, 200 Peak HP (Max)
TRANSMISSION, AUTOMATIC:	{Allison 2500 RDS} 5th Generation Controls, Wide Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, with 33,000-lb GVW and GCW Max
CLUTCH:	Omit Item (Clutch & Control)
AXLE, FRONT NON-DRIVING:	{Meritor MFS-09-122A} I-Beam Type, 9,000-lb Capacity
AXLE, REAR, SINGLE:	{Dana Spicer S140} Single Reduction, 21,000-lb Capacity, 190 Wheel Ends Gear Ratio: 6.14
CAB:	Conventional, Day Cab
TIRE, FRONT:	(2) 11R22.5 Load Range G ECOPLUS HS3 (CONTINENTAL), 495 rev/mile, 75 MPH, All-Position
TIRE, REAR:	(4) 11R22.5 Load Range G ECOPLUS HS3 (CONTINENTAL), 495 rev/mile, 75 MPH, All-Position
SUSPENSION, REAR, SINGLE:	23,500-lb Capacity, Vari-Rate Springs, with 4500-lb Capacity Auxiliary Rubber Springs
PAINT:	Cab schematic 100WP Location 1: 9219, Winter White (Std) Chassis schematic N/A

<u>Code</u>	<u>Description</u>
MV60700	Base Chassis, Model MV607 SBA with 189.00 Wheelbase, 121.90 CA, and 71.00 Axle to Frame.
1570	TOW HOOK, FRONT (2) Frame Mounted
1ANA	AXLE CONFIGURATION {Navistar} 4x2
	<u>Notes</u> : Pricing may change if axle configuration is changed.
1CAE	FRAME RAILS Heat Treated Alloy Steel (120,000 PSI Yield); 10.125" x 3.580" x 0.312" (257.2mm x 90.9mm x 8.0mm); 460.0" (11684mm) Maximum OAL
1LLD	BUMPER, FRONT Contoured, Steel
1WEH	WHEELBASE RANGE 134" (340cm) Through and Including 197" (500cm)
2ATL	AXLE, FRONT NON-DRIVING {Meritor MFS-09-122A} I-Beam Type, 9,000-lb Capacity
3AGW	SUSPENSION, FRONT, SPRING Parabolic Taper Leaf, Shackle Type, 9,000-lb Capacity, with Shock Absorbers
	<u>Includes</u> : SPRING PINS Rubber Bushings, Maintenance-Free
4091	BRAKE SYSTEM, AIR Dual System for Straight Truck Applications
	<u>Includes</u> : BRAKE LINES Color and Size Coded Nylon : DRAIN VALVE Twist-Type : GAUGE, AIR PRESSURE (2) Air 1 and Air 2 Gauges; Located in Instrument Cluster : PARKING BRAKE CONTROL Yellow Knob, Located on Instrument Panel : PARKING BRAKE VALVE For Truck : QUICK RELEASE VALVE On Rear Axle for Spring Brake Release: 1 for 4x2, 2 for 6x4 : SPRING BRAKE MODULATOR VALVE R-7 for 4x2, SR-7 with relay valve for 6x4/8x6
4AZA	AIR BRAKE ABS {Bendix AntiLock Brake System} 4-Channel (4 Sensor/4 Modulator) Full Vehicle Wheel Control System
4EBT	AIR DRYER {Bendix AD-IP} with Heater
4ERC	BRAKE CHAMBERS, POSITION Relocated To Rear Of Rear Axle For Maximum Ground Clearance
4EXP	BRAKE CHAMBERS, FRONT AXLE {Bendix} 20 SqIn
4EXU	BRAKE CHAMBERS, REAR AXLE {Bendix EverSure} 30/30 SqIn Spring Brake
4LAG	SLACK ADJUSTERS, FRONT {Gunitite} Automatic
4LGG	SLACK ADJUSTERS, REAR {Gunitite} Automatic
4SPA	AIR COMPRESSOR {Cummins} 18.7 CFM
4VGA	AIR DRYER LOCATION Mounted Outside Right Rail, Forward of Front Wheel
4VKH	AIR TANK LOCATION (2) Mounted Under Battery Box, Outside Right Rail, Under Cab
4XDC	BRAKES, FRONT {Meritor 15X4 Q-PLUS CAST} Air S-Cam Type, Cast Spider, Fabricated Shoe, Double Anchor Pin, Size 15" X 4", 13,200-lb Capacity
4XDR	BRAKES, REAR {Meritor 16.5X7 Q-PLUS CAST} Air S-Cam Type, Cast Spider, Fabricated Shoe, Double Anchor Pin, Size 16.5" X 7", 23,000-lb Capacity per Axle
5708	STEERING COLUMN Tilting
5CAW	STEERING WHEEL 4-Spoke; 18" Dia., Black
5PSA	STEERING GEAR {Sheppard M100} Power

<u>Code</u>	<u>Description</u>
6DGA	DRIVELINE SYSTEM {Dana Spicer} SPL100, for 4x2/6x2
7BKY	EXHAUST SYSTEM Single, Horizontal Aftertreatment Device, Frame Mounted Under Right Rail Back of Cab, Includes Single Short Horizontal Tail Pipe
8000	ELECTRICAL SYSTEM 12-Volt, Standard Equipment
	<u>Includes</u>
	: DATA LINK CONNECTOR For Vehicle Programming and Diagnostics In Cab
	: HAZARD SWITCH Push On/Push Off, Located on Instrument Panel to Right of Steering Wheel
	: HEADLIGHT DIMMER SWITCH Integral with Turn Signal Lever
	: PARKING LIGHT Integral with Front Turn Signal and Rear Tail Light
	: STARTER SWITCH Electric, Key Operated
	: STOP, TURN, TAIL & B/U LIGHTS Dual, Rear, Combination with Reflector
	: TURN SIGNAL SWITCH Self-Cancelling for Trucks, Manual Cancelling for Tractors, with Lane Change Feature
	: TURN SIGNALS, FRONT Includes Reflectors and Auxiliary Side Turn Signals, Solid State Flashers; Flush Mounted
	: WINDSHIELD WIPER SWITCH 2-Speed with Wash and Intermittent Feature (5 Pre-Set Delays), Integral with Turn Signal Lever
	: WINDSHIELD WIPERS Single Motor, Electric, Cowl Mounted
	: WIRING, CHASSIS Color Coded and Continuously Numbered
8GXD	ALTERNATOR {Leece-Neville AVI160P2013} Brush Type, 12 Volt, 160 Amp Capacity, Pad Mount, with Remote Sense
8MJP	BATTERY SYSTEM {Fleetrite} Maintenance-Free, (2) 12-Volt 1320CCA Total, Top Threaded Stud
8RMV	SPEAKERS (2) 6.5" Dual Cone Mounted in Doors
8RPT	RADIO AM/FM/WB/Clock/USB Input/Auxiliary Input
8THB	BACK-UP ALARM Electric, 102 dBA
8VAY	HORN, ELECTRIC Disc Style
8VUX	BATTERY BOX Steel, with Plastic Cover, 25" Wide, 2-3 Battery Capacity, Mounted Right Side Under Cab
8WGL	WINDSHIELD WIPER SPD CONTROL Force Wipers to Slowest Intermittent Speed When Park Brake Set and Wipers Left on for a Predetermined Time
8WPB	HEADLIGHTS Halogen, Composite Aero Design, with Daytime Running Lights
8WPZ	TEST EXTERIOR LIGHTS Pre-Trip Inspection will Cycle all Exterior Lamps Except Back-up Lights
8WRB	HEADLIGHTS ON W/WIPERS Headlights Will Automatically Turn on if Windshield Wipers are turned on
8WWJ	INDICATOR, LOW COOLANT LEVEL with Audible Alarm
8WXD	ALARM, PARKING BRAKE Electric Horn Sounds in Repetitive Manner When Vehicle Park Brake is "NOT" Set, with Ignition "OFF" and any Door Opened
8XAH	CIRCUIT BREAKERS Manual-Reset (Main Panel) SAE Type III with Trip Indicators, Replaces All Fuses
8XHN	HORN, AIR Single Trumpet, Black, with Lanyard Pull Cord
8XHR	POWER SOURCE, ADDITIONAL Auxiliary Power Outlet (APO) & USB Port, Located in the Instrument Panel
8XKL	STARTING MOTOR {Mitsubishi Electric Automotive America 90P47} 12-Volt, with Soft-Start
9AAB	LOGOS EXTERIOR Model Badges
9AAE	LOGOS EXTERIOR, ENGINE Badges
9HAD	GRILLE Chrome

<u>Code</u>	<u>Description</u>
9WAY	FRONT END Tilting, Fiberglass, with Three Piece Construction
10060	PAINT SCHEMATIC, PT-1 Single Color, Design 100
	<u>Includes</u> : PAINT SCHEMATIC ID LETTERS "WP"
10761	PAINT TYPE Base Coat/Clear Coat, 1-2 Tone
10SLV	PROMOTIONAL PACKAGE Government Silver Package
10WCY	SAFETY TRIANGLES
10WUE	MUD FLAPS, FRONT WHEELS (2) Rubber, Mounted on Fender Extension
11001	CLUTCH Omit Item (Clutch & Control)
12703	ANTI-FREEZE Red, Extended Life Coolant; To -40 Degrees F/ -40 Degrees C, Freeze Protection
12EJC	ENGINE, DIESEL {Cummins B6.7 200} EPA 2017, 200HP @ 2400 RPM, 520 lb-ft Torque @ 1600 RPM, 2600 RPM Governed Speed, 200 Peak HP (Max)
12EMZ	VENDOR WARRANTY, ENGINE {Cummins} B6.7 Engine, 3-Year Unlimited Miles Standard Warranty
12TSY	FAN DRIVE {Borg-Warner SA85} Viscous Type, Screw On
	<u>Includes</u> : FAN Nylon
12UYE	RADIATOR Aluminum, 2-Row, Cross Flow, Over Under System, 717 SqIn Louvered, with 313 SqIn Charge Air Cooler, Includes In-Tank Oil Cooler
	<u>Includes</u> : DEAERATION SYSTEM with Surge Tank : HOSE CLAMPS, RADIATOR HOSES Gates Shrink Band Type; Thermoplastic Coolant Hose Clamps : RADIATOR HOSES Premium, Rubber
12VBR	AIR CLEANER with Service Protection Element
12VHP	FEDERAL EMISSIONS {Cummins B6.7} EPA, OBD and GHG Certified for Calendar Year 2021
12VXT	THROTTLE, HAND CONTROL Engine Speed Control; Electronic, Stationary, Variable Speed; Mounted on Steering Wheel
12WPV	OIL PAN 15 Quart Capacity, For Cummins ISB/B6.7 Engines
12WZE	EMISSION COMPLIANCE Federal, Does Not Comply with California Clean Air Idle Regulations
12XAT	ENGINE CONTROL, REMOTE MOUNTED Provision for; Includes Wiring for Body Builder Installation of PTO Controls, with Ignition Switch Control, for Cummins ISB/B6.7 and ISL/L9 Engines
13ATH	TRANSMISSION, AUTOMATIC {Allison 2500 RDS} 5th Generation Controls, Wide Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, with 33,000-lb GVW and GCW Max
13WDH	WIRING, TRANSMISSION Installed Wiring for Transmission/PTO Controls, for Allison 1000, 2000, 2100, 2200, 2400, 2500 Series Transmission
13WLN	TRANSMISSION OIL Synthetic; 20 thru 28 Pints
13WVS	TRANSMISSION SHIFT CONTROL T-Handle
13WVV	NEUTRAL AT STOP Allison Transmission Shifts to Neutral When Service Brake is Depressed and Vehicle is at Stop; Remains in Neutral Until Service Brake is Released
13WYY	SHIFT CONTROL PARAMETERS {Allison} 1000 or 2000 Series Transmissions, Performance Programming
13XAL	PTO LOCATION Customer Intends to Install PTO at Left Side of Transmission

<u>Code</u>	<u>Description</u>
14AKC	AXLE, REAR, SINGLE {Dana Spicer S140} Single Reduction, 21,000-lb Capacity, 190 Wheel Ends . Gear Ratio: 6.14
14VAH	SUSPENSION, REAR, SINGLE 23,500-lb Capacity, Vari-Rate Springs, with 4500-lb Capacity Auxiliary Rubber Springs
14WMN	AXLE, REAR, LUBE {EmGard FE-75W-90} Synthetic Oil; 1 thru 29.99 Pints
15LMS	FUEL/WATER SEPARATOR 12 VDC Electric Heater, Includes Pre-Heater, Includes Water-in-Fuel Sensor, Cummins Supplied on Engine
15SRE	FUEL TANK Top Draw, Non-Polished Aluminum, D-Style, 19" Tank Depth, 50 US Gal (189L), Mounted Left Side, Under Cab
15WDG	DEF TANK 7 US Gal (26L) Capacity, Frame Mounted Outside Left Rail, Under Cab
16030	CAB Conventional, Day Cab
	<u>Includes</u> : CLEARANCE/MARKER LIGHTS (5) Flush Mounted
16400	SEAT, PASSENGER Omit Item
16BAM	AIR CONDITIONER with Integral Heater and Defroster
16GDC	GAUGE CLUSTER Base Level; English with English Speedometer and Tachometer, for Air Brake Chassis, Includes Engine Coolant Temperature, Primary and Secondary Air Pressure, Fuel and DEF Gauges, Oil Pressure Gauge, Includes 3 Inch Monochromatic Text Display
16HGH	GAUGE, OIL TEMP, AUTO TRANS for Allison Transmission
16HKT	IP CLUSTER DISPLAY On Board Diagnostics Display of Fault Codes in Gauge Cluster
16JXG	SEAT, FRONT BENCH {National} Full Width; Vinyl, with Fixed Mid Back
16SDC	GRAB HANDLE, EXTERIOR (2) Chrome, Towel Bar Type, with Anti-Slip Rubber Inserts, for Cab Entry Mounted Left and Right Side at B-Pillar
16SNL	MIRRORS (2) C-Loop, Black Heads and Arms, 7.5" x 14" Flat Glass, Includes 7.5" x 7" Convex Mirrors, for 102" Load Width
	<u>Notes</u> : Mirror Dimensions are Rounded to the Nearest 0.5"
16VKB	CAB INTERIOR TRIM Classic, for Day Cab
	<u>Includes</u> : CONSOLE, OVERHEAD Molded Plastic with Dual Storage Pockets, Retainer Nets and CB Radio Pocket; Located Above Driver and Passenger : DOME LIGHT, CAB Door Activated and Push On-Off at Light Lens, Timed Theater Dimming, Integral to Overhead Console, Center Mounted : SUN VISOR (2) Padded Vinyl; 2 Moveable (Front-to-Side) Primary Visors, Driver Side with Toll Ticket Strap
16VLK	CAB REAR SUSPENSION Air Suspension, for Mid Cab Height
16WLS	FRESH AIR FILTER Attached to Air Intake Cover on Cowl Tray in Front of Windshield Under Hood
16XCK	WINDOW, MANUAL (2) and Manual Door Locks, Left and Right Doors
16XJN	INSTRUMENT PANEL Flat Panel
16ZBT	ACCESS, CAB Steel, Driver & Passenger Sides, Two Steps per Door, for use with Day Cab and Extended Cab
27DUW	WHEELS, FRONT {Accuride 51408} DISC; 22.5x8.25 Rims, Powder Coat Steel, 2-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs

<u>Code</u>	<u>Description</u>
28DUW	WHEELS, REAR {Accuride 51408} DUAL DISC; 22.5x8.25 Rims, Powder Coat Steel, 2-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs
29580	WHEEL SEALS, FRONT {International} Oil-Lubricated Wheel Bearings
29WLK	WHEEL BEARING, FRONT, LUBE {EmGard FE-75W-90} Synthetic Oil
7372135429	(2) TIRE, FRONT 11R22.5 Load Range G ECOPLUS HS3 (CONTINENTAL), 495 rev/mile, 75 MPH, All-Position
7372135429	(4) TIRE, REAR 11R22.5 Load Range G ECOPLUS HS3 (CONTINENTAL), 495 rev/mile, 75 MPH, All-Position
	Cab schematic 100WP
	Location 1: 9219, Winter White (Std)
	Chassis schematic N/A
	Services Section:
40129	WARRANTY Standard for MV Series, Effective with Vehicles Built July 1, 2017 or Later, CTS-2020A
	16ALTRASH: 16' aluminum trash dump
	SAFETY: Safety kit - includes fire extinguisher & triangles
	3K: Third key
	MUDFLAPS: Dealer installed mud flaps
	DLBRA: Dealer installed back-up alarm
	NEWTAG: New tag
	ELECTRP: Electric Tarp
	CONEHLD: Cone Holder
	ACCLDR: Access Ladder

Marquez Brothers, Inc

9115 N.W. 93rd Street . Medley, Florida 33166

Phone: (305) 888-0090 * Fax: (305) 885-5077

ESTIMATE: 6256

NAME RECHTIEN INTERNATIONAL			PHONE 561 882 9050	DATE 10/14/2020
STREET 3787 INTERSTATE PARK RD.			CITY RIVIERA BEACH ., 33404	
YEAR	COLOR	MAKE	MODEL	
REGISTRATION NO.		SERIAL NO.	ESTIMATE PREPARED BY	

DESCRIPTION	UNIT	NET	TOTAL
16' ft. Aluminum Trash Dump Body	1	\$ 0.00	\$ 0.00
3/16 Floor Smooth	1	\$ 0.00	\$ 0.00
7-In Mainsills Gusseted	1	\$ 0.00	\$ 0.00
Crossmembers 4" Structural Channel On 12" Center	1	\$ 0.00	\$ 0.00
Cab-Shield	1	\$ 0.00	\$ 0.00
Side 7"	1	\$ 0.00	\$ 0.00
Barn Doors 46"	1	\$ 0.00	\$ 0.00
Hoist 4 stage	1	\$ 0.00	\$ 0.00
Hoist Base	1	\$ 0.00	\$ 0.00
Hydraulic Tank With Liquid	1	\$ 0.00	\$ 0.00
Back Hinge	1	\$ 0.00	\$ 0.00
Hot Shift PTO and Pump	1	\$ 0.00	\$ 0.00
Electric Tarp	1	\$ 0.00	\$ 0.00
Lights	1	\$ 0.00	\$ 0.00
ICC Bumper	1	\$ 0.00	\$ 0.00
Step Ladder on Driver Side	1	\$ 0.00	\$ 0.00
Reflective Safety Tape D.O.T. Approved	1	\$ 0.00	\$ 0.00
Cone Holder on Driver Side just back of cab	1	\$ 0.00	\$ 0.00

FSA20-VEH18.0, Heavy Trucks

Group: CAB AND CHASSIS TRUCKS: 30,000 LB GVWR Cab & Chassis (DRW) 4X2

Item: 60, International, MV, 607

Zone	Rank	Vendor	Price	Build File	Options File
Western	Primary	Maudlin International Trucks LLC	\$59,995.00	Build	Options
Northern	Primary	Maudlin International Trucks LLC	\$58,995.00	Build	Options
Central	Primary	Sun State International Trucks	\$58,900.00	Build	Options
	Alternate	Maudlin International Trucks LLC	\$58,995.00	Build	Options
Southern	Primary	Rechtien International Trucks, Inc.	\$58,799.00	Build	Options

MV 30000 GVW FSA 60			
spec	code	description	FSA Price
60	0001CAE	FRAME RAILS Heat Treated Alloy Steel (120,000 PSI Yield); 10.125" x 3.580" x 0.312" (257.2mm x 90.9mm x 8.0mm); 460.0" (11684mm) Maximum OAL	412
60	0001CAG	FRAME RAILS Heat Treated Alloy Steel (120,000 PSI Yield); 10.250" x 3.610" x 0.375" (260.4mm x 91.7mm x 9.5mm); 456.0" (11582mm) Maximum OAL	682
60	0001CAH	FRAME RAILS Heat Treated Alloy Steel (120,000 PSI Yield); 10.375" x 3.705" x 0.438" (263.5mm x 94.1mm x 11.1mm); 456.0" (11582mm) Maximum OAL	821
60	0001CBE	FRAME RAILS High Strength Low Alloy Steel (80,000 PSI Yield); 10.250" x 3.092" x 0.375" (260.4mm x 78.5mm x 9.5mm); 420.0" (10668mm) Maximum OAL; for Drop Frame Beverage Application Only	318
60	0001CGJ	PTO EFFECTS, FRAME {Navistar} Lower Flange Trim for PTO Clearance	300
60	0001GBP	FRAME REINFORCEMENT Outer "C" Channel, Heat Treated Alloy Steel (120,000 PSI Yield); 10.813" x 3.892" x 0.312"; (274.6mm x 98.9mm x 8.0mm); 480.0" (12192mm) Maximum OAL	1440
60	0001LNN	BUMPER, FRONT Contoured, Steel, Chrome Plated	328
60	0001SAL	CROSSMEMBER, REAR, AF (1)	93
60	0001SAM	CROSSMEMBER, REAR, AF (2)	182
60	0001WAC	BUMPER EXTENSION, FRONT 4.0"	40
60	0001WDR	FRAME EXTENSION, FRONT Bolt On Type; 20" In Front of Grille, without Crossmember	178
60	0001WEJ	WHEELBASE RANGE 175" (505cm) Through and Including 254" (645cm)	279
60	0001WEK	WHEELBASE RANGE 256" (650cm) Through and Including 311" (790cm)	458
60	0001WRS	FRAME EXTENSION, FRONT Bolt On Type; 20" In Front of Grille, with Crossmember	1238
60	1572	TOW HOOK, REAR (2)	60
60	0002ARV	AXLE, FRONT NON-DRIVING {Meritor MFS-14-143A} Wide Track, I-Beam Type, 14,000-lb Capacity	417
60	0002ARW	AXLE, FRONT NON-DRIVING {Meritor MFS-12-143A} Wide Track, I-Beam Type, 12,000-lb Capacity	297
60	0003ADC	SUSPENSION, FRONT, SPRING Parabolic Taper Leaf, Shackle Type, 12,000-lb Capacity, with Shock Absorbers	147
60	0003ADD	SUSPENSION, FRONT, SPRING Parabolic Taper Leaf, Shackle Type, 14,000-lb Capacity, with Shock Absorbers	530
60	0002ARU	AXLE, FRONT NON-DRIVING {Meritor MFS-16-143A} Wide Track, I-Beam Type, 16,000-lb Capacity requires option code HV 4 x 2	1462
60	0003ADE	SUSPENSION, FRONT, SPRING Parabolic Taper Leaf, Shackle Type, 16,000-lb Capacity, with Shock Absorbers requires option code HV 4 x 2	226
60	3770	SPRINGS, FRONT AUXILIARY Rubber	89
60	0004AZJ	AIR BRAKE ABS {Bendix AntiLock Brake System} Full Vehicle Wheel Control System (4-Channel) with Automatic Traction Control	630
60	0004AZS	AIR BRAKE ABS {Bendix AntiLock Brake System} with Electronic Stability Program (4-Channel; 4 Sensor/4 Modulator) with Automatic Traction Control	2295
60	0004EBT	AIR DRYER {Bendix AD-IP} with Heater	421
60	0004VBC	AIR DRYER LOCATIONS MOUNTED UNDER HOOD	56
60	0004VJL	AIR DRYER LOCATION Mounted Outside Left Rail, 51" Back of Cab	63
60	0004VKJ	AIR TANK LOCATION (2) Mounted Under Battery Box, Outside Left Rail, Back of Cab, Perpendicular to Rail	40
60	0004VKW	AIR TANK LOCATION (2) Mounted Under Battery Box, Outside Right Rail, Back of Cab, Parallel to Rail	474
60	0004WWZ	DRAIN VALVE (3) with Pull Chains for Air Tanks	84
60	0004WXS	TRAILER HOSES AND CABLES Coiled, Nylon Hose, 15' Working Length, 36" Tractor Lead Length, 12" Trailer Lead Length, Aluminum Glad Hands with Rubber Seals, Lighting Cable with Nylon Plug	95
60	4619	TRAILER CONNECTIONS Four-Wheel, with Hand Control Valve and Tractor Protection Valve, for Straight Truck	434
60	4692	HOSE TENDER Flexible Pogo Stick Type	292
60	4722	DRAIN VALVE {Bendix DV-2} Automatic, with Heater, for Air Tank	132
60	4809	HOSE TENDER Slide Bar with Double Spring Bracket; Bar Extended 4.0" From Cab	114
60	4092	BRAKE SYSTEM, AIR Dual System for Tractor Applications	-77
60	0005PRV	STEERING GEAR {TRW (Ross) THP60} Power	221
60	0005PSM	STEERING GEAR {Sheppard HD94} Power	96
60	5708	STEERING COLUMN Tilting	100
60	5710	STEERING COLUMN Tilting and Telescoping	370
60	0006DGC	DRIVELINE SYSTEM {Dana Spicer} SPL170, for 4x2/6x2	490
60	0007BES	AFTERTREATMENT COVER Polished Aluminum	398
60	0007BEU	AFTERTREATMENT COVER Aluminum	222

60	0007BKP	EXHAUST SYSTEM Single, Horizontal Aftertreatment Device, Frame Mounted Right Side Under Cab, for Single Short Horizontal Tail Pipe, Frame Mounted Right Side Back of Cab	929
60	0007BKS	EXHAUST SYSTEM Single, Horizontal Aftertreatment Device, Frame Mounted Right Side Under Cab, for Single Vertical Tail Pipe, Frame Mounted Right Side Back of Cab	1702
60	0007BLB	EXHAUST SYSTEM Single, Horizontal Aftertreatment Device, Frame Mounted Under Right Rail Back of Cab, for Single Vertical Tail Pipe, Frame Mounted Right Side Back of Cab	1734
60	0007SCP	ENGINE EXHAUST BRAKE for Cummins ISB/B6.7/ISL/L9 Engine with Variable Vane Turbo Charger	147
60	0007SDP	ENGINE COMPRESSION BRAKE {Jacobs} for Cummins ISL/L9 Engines; with Selector Switch and On/Off Switch	1706
60	0007WAY	TAIL PIPE (1) Straight Type, Bright	166
60	0007WAZ	TAIL PIPE (1) Turnback Type	51
60	0007WBA	TAIL PIPE (1) Turnback Type, Bright	166
60	0007WBS	MUFFLER/TAIL PIPE GUARD (1) Bright Stainless Steel	106
60	0007WCW	TAIL PIPE (1) Horizontal, Short, Exits Right Side, 90 Degree Turnout	96
60	0007WZX	SWITCH, FOR EXHAUST 3 Position, Momentary, Lighted Momentary, ON/CANCEL, Center Stable, INHIBIT REGEN, Mounted in IP Inhibits Diesel Particulate Filter Regeneration When Switch is Moved to ON While Engine is Running, Resets When Ignition is Turned OFF	45
60	0008GGG	ALTERNATOR {Delco Remy 36SI} Brushless, 12 Volt 165 Amp. Capacity, Pad Mount, with Remote Voltage Sensor	393
60	0008GXB	ALTERNATOR {Leece-Neville AVI160P2003} Brush Type; 12 Volt 240 Amp. Capacity, Pad Mount, with Remote Sense	401
60	0008GXC	ALTERNATOR {Leece-Neville AVI160P2007} Brush Type; 12 Volt 210 Amp. Capacity, Pad Mount, with Remote Sense	323
60	0008GXX	ALTERNATOR {Leece-Neville BLP4006HN} Brushless, 12 Volt 325 Amp. Capacity, Pad Mount, with Remote Sense	1086
60	0008HAA	BODY BUILDER WIRING To Rear of Frame, with Stop, Tail, Turn, and Marker Lights Circuits, Ignition Controlled Auxiliary Feed and Ground, Less Trailer Socket	262
60	0008HAH	ELECTRIC TRAILER BRAKE/LIGHTS Accommodation Package to Rear of Frame; for Combined Trailer Stop, Tail, Turn, Marker Light Circuits; Includes Electric Trailer Brake Accommodation Package with Cab Connections for Mounting Customer Installed Electric Brake Unit, Less Trailer Socket	290
60	0008HAH	ELECTRIC TRAILER BRAKE/LIGHTS Accommodation Package to Rear of Frame; for Combined Trailer Stop, Tail, Turn, Marker Light Circuits; Includes Electric Trailer Brake Accommodation Package with Cab Connections for Mounting Customer Installed Electric Brake Unit, Less Trailer Socket	290
60	0008HBE	WIRING, SPECIAL Altec Body Pre-Wire for Power Distribution Module, Cab Pass Thru for 102 Pin Connector	622
60	0008MJU	BATTERY SYSTEM {Fleetrite} Maintenance-Free, (3) 12-Volt 2850CCA Total, Top Threaded Stud	226
60	0008MSG	BATTERY SYSTEM {Fleetrite} Maintenance-Free, (3) 12-Volt 1980CCA Total, Top Threaded Stud	82
60	0008RMH	BATTERY DISCONNECT SWITCH {Cole-Hersee 75920-06} 300 Amp; Battery Box Mounted, Disconnects Charging Circuits, Locks with Padlock	141
60	0008RPS	AM/FM/WB/Clock/Bluetooth/USB Input/Auxiliary Input	386
60	0008RMZ	SPEAKERS (2) 6.5" Dual Cone Mounted in Both Doors, (2) 5.25" Dual Cone Mounted in Both B-Pillars	110
60	0008THB	BACK-UP ALARM Electric, 102 dBA	96
60	0008TKC	STOP, TURN, TAIL & B/U LIGHTS {Truck Lite} Super 44, with LED Lights for Stop, Turn and Tail Lights, Truck Lite Super 40 Lamps for Backup Lights, Less Power Module, Includes License Plate Light, Includes Separate Rear Reflectors, Less Rubber Mount	170
60	0008TKK	TRAILER AUXILIARY FEED CIRCUIT for Electric Trailer Brake Accommodation/Air Trailer ABS; with 30 Amp Fuse and Relay, Controlled by Ignition Switch	98
60	0008TMG	TRAILER CONNECTION SOCKET 7-Way; Mounted at Rear of Frame, Wired for Turn Signals Combined with Stop, Compatible with Trailers That Use Combined Stop, Tail, Turn Lamps	351
60	0008TPA	DATA RECORDER Includes Display Mounted in Overhead Console	1416
60	0008TPL	COLLISION MITIGATION SYSTEM {Bendix Wingman Advanced} Adaptive Cruise Control with Collision Mitigation and Stationary Object Alert; Includes Front Antenna, Driver Display	1200
60	0008TPR	STOP, TURN, TAIL & B/U LIGHTS {Weldon} LED Multi-Function Lamp, Mounted Outside Rails, Includes License Plate Light	142

60	0008TPU	COLLISION MITIGATION SYSTEM {Bendix Wingman Fusion} Adaptive Cruise Control w/Collision Mitigation & Stationary Vehicle Braking, Stationary Object Alert, Lane Departure Warning, Overspeed Alert & Action; Includes Front Radar & Camera, Driver Display, Lane Departure Warning Switch & Speakers; Safety Direct Capability, less Safety Direct Cable	2710
60	0008TRS	STOP, TURN, TAIL & B/U LIGHTS {Grote} Multi-Function, Sealed, SuperNova LED Lights for Stop, Turn and Tail Lights, Incandescent Backup Lights, Includes LED License Plate Light	179
60	0008TSB	COLLISION WARNING SYSTEM {Bendix BlindSpotter} Side Object Detection System; Includes Right Side Antenna & Side Display	1165
60	0008VBA	POWER SOURCE, SPECIAL for Customer Installed Lift Gate; 200 Amp Max, Includes 00ga. Power Cable to End of Frame, Optional Power (PDM) for Power Source, Latched Switch on Instrument Panel, with a Time Out Feature, Battery Discharge Protection, Controlling a Mag Switch Which Provides Power	381
60	0008VUN	BATTERY BOX Aluminum, with Plastic Cover, 2-4 Battery Capacity, Mounted Left Side Perpendicular to Frame Rail, 53" Back of Cab	514
60	0008VUY	BATTERY BOX Steel, with Plastic Cover, 25" Wide, 2-3 Battery Capacity, Mounted Left Side Back of Cab	61
60	0008WAA	LIGHT, WORK {Truck Lite 81 Series} LED, Pedestal Mounted, Back of Cab, with Switch on Instrument Panel	135
60	0008WBW	JUMP START STUD Remote Mounted	134
60	0008WDG	BACK-UP ALARM {Preco 1059} Electronic; Solid State, Dual Function, 112 dBA	169
60	0008WGL	WINDSHIELD WIPER SPD CONTROL Force Wipers to Slowest Intermittent Speed When Park Brake Set and Wipers Left on for a Predetermined Time	34
60	0008WLL	LIGHT, WORK Pedestal Mounted, Back of Cab, with Switch on Instrument Panel	95
60	0008WPZ	TEST EXTERIOR LIGHTS Pre-Trip Inspection will Cycle all Exterior Lamps Except Back-up Lights	34
60	0008WRB	HEADLIGHTS ON W/WIPERS Headlights Will Automatically Turn on if Windshield Wipers are turned on	34
60	0008WTK	STARTING MOTOR {Delco Remy 38MT Type 300} 12 Volt; less Thermal Over-Crank Protection	154
60	0008WXB	HEADLIGHT WARNING BUZZER Sounds When Head Light Switch is on and Ignition Switch is in "Off" Position	39
60	0008WXD	ALARM, PARKING BRAKE Electric Horn Sounds in Repetitive Manner When Vehicle Park Brake is "NOT" Set, with Ignition "OFF" and any Door Opened	34
60	0008WXG	STARTING MOTOR {Mitsubishi Electric Automotive America 105P} 12-Volt, with Soft-Start	121
60	0008WZP	INDICATOR, BATTERY WARNING Green BATTERY ON Indicator, Mounted on Left Side of Instrument Panel, To be Used with Factory Installed or Customer Mounted Battery Disconnect Switch	47
60	0008XDU	BATTERY BOX Steel, with Aluminum Cover, 14" Wide, 2-3 Battery Capacity, Mounted Left Side Under Cab	369
60	0008XHC	ALARM, PARKING BRAKE Electric Horn Sounds in Repetitive Manner when Vehicle Park Brake is "NOT" Set, with Ignition "ON" or "OFF" and any Door Opened	34
60	0008XHV	BATTERY DISCONNECT SWITCH for Cab Power Disconnect Switch; Cab Mounted, Disconnects Power to Power Distribution Center (PDC) and Body Builder Through Solenoid, Does Not Disconnect Charging Circuits; Locks with Padlock	238
60	0008XKA	BATTERY BOX Steel, with Plastic Cover, 25" Wide, 2-3 Battery Capacity, Mounted Right Side, 16" Back of Cab	126
60	0008XKC	HEADLIGHTS Halogen, with Daytime Running Lights, Automatic Twilight Controlled	46
60	0008XKM	SWITCH, AIR HORN, PASSENGER Fire Truck Application; Momentary Switch Located in Instrument Panel Close to Passenger, Driver Also To Activate Switch with Lanyard	46
60	8718	POWER SOURCE Cigar Type Receptacle without Plug and Cord	24
60	0009HBM	GRILLE Stationary, Chrome	137
60	0009WAC	BUG SCREEN Mounted Behind Grille	105
60	0010BAE	LABEL, DEF "DEF ONLY"	6
60	0010EWW	FIFTH WHEEL, STATIONARY {Fontaine SL6FMA-D64-2} 7.69" Above Top of Frame, Left Hand Release	1278
60	0010VAA	KEYS - ALL ALIKE, ADDITIONAL 3 Keys	46
60	0010WPR	MUD FLAP HOLDER Spring Loaded, Painted Black; with Red and White Reflective Tape; Less Flaps	84
60	0010WPY	MUD FLAPS, REAR Black Rubber, Anti-Sail Less Logo; Less Holders	75
60	0010WTR	QUARTER FENDERS for Rear Wheels, Black Plastic; Frame Mounted	150
60	0010WUE	MUD FLAPS, FRONT WHEELS (2) Rubber, Behind Front Wheels, Mounted on Fender Extension	61
60	0010WCU	FIRE EXTINGUISHER {Cinglar}	96
60	0010WCY	SAFETY TRIANGLES	38

60	10771	PAINT CLASS Single Custom Color	560
60	10943	KEYS - ALL ALIKE Fleet - Includes Ignition and Cab Door Keys	38
60	0012EHV	ENGINE, DIESEL {Cummins L9 330} EPA 2017, 330HP @ 2000 RPM, 1000 lb-ft Torque @ 1400 RPM, 2200 RPM Governed Speed, 330 Peak HP (Max)	7556
60	0012EHW	ENGINE, DIESEL {Cummins L9 350} EPA 2017, 350HP @ 2000 RPM, 1150 lb-ft Torque @ 1400 RPM, 2200 RPM Governed Speed, 350 Peak HP (Max)	9571
60	0012EJN	ENGINE, DIESEL {Cummins B6.7 240} EPA 2017, 240HP @ 2400 RPM, 560 lb-ft Torque @ 1600 RPM, 2600 RPM Governed Speed, 240 Peak HP (Max)	1440
60	0012EJV	ENGINE, DIESEL {Cummins B6.7 260} EPA 2017, 260HP @ 2400 RPM, 660 lb-ft Torque @ 1600 RPM, 2600 RPM Governed Speed, 260 Peak HP (Max)	2789
60	0012EKA	ENGINE, DIESEL {Cummins B6.7 300} EPA 2017, 300HP @ 2600 RPM, 660 lb-ft Torque @ 1600 RPM, 2600 RPM Governed Speed, 300 Peak HP (Max)	3923
60	0012THJ	FAN DRIVE {Horton Drivemaster} Automatic On/Off Type, with Normally Closed Temperature Control	349
60	0012THT	FAN DRIVE {Horton Drivemaster} Direct Drive Type, Two Speed with Residual Torque Device for Disengaged Fan Speed	523
60	0012WPW	OIL PAN Extended Service Interval, 19 Quart Capacity, For Cummins ISB/B6.7 Engines	229
60	0012WZJ	EMISSION COMPLIANCE Low NOx Idle Engine, Complies with California Clean Air Regulations; Includes "Certified Clean Idle" Decal located on Driver Door	78
60	0012XAT	ENGINE CONTROL, REMOTE MOUNTED Provision for; Includes Wiring for Body Builder Installation of PTO Controls; with Ignition Switch Control for Cummins ISB/B6.7 or ISL/L9 Engines	36
60	0013AAZ	AUTOMATIC NEUTRAL Allison WT, 3000 & 4000 Series Transmission Shifts to Neutral When Parking Brake is Engaged	27
60	0013ASY	TRANSMISSION, AUTOMATIC {Allison 2500 EVS} 5th Generation Controls, Wide Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, with 33,000-lb GVW and GCW Max	652
60	0013AUK	TRANSMISSION, AUTOMATIC {Allison 3000 EVS} 5th Generation Controls, Close Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, Includes Oil Level Sensor	6314
60	0013AVL	TRANSMISSION, AUTOMATIC {Allison 3500 RDS} 5th Generation Controls, Wide Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, Includes Oil Level Sensor, with 80,000-lb GVW and GCW Max, On/Off Highway	5026
60	0013AVR	TRANSMISSION, AUTOMATIC {Allison 3000 RDS} 5th Generation Controls, Close Ratio, 6-Speed with Double Overdrive, with PTO Provision, Less Retarder, Includes Oil Level Sensor, with 80,000-lb GVW and GCW Max, On/Off Highway	5091
60	0013WEH	AUTOMATIC NEUTRAL Allison WT Transmission Shifts to Neutral When Parking Brake is Engaged and Remains in Neutral When Parking Brake is Disengaged, without On/Off Switch	103
60	0013WVB	ALLISON SPARE INPUT/OUTPUT for Emergency Vehicle Series (EVS), Rescue, Ambulance, Package Number 170, Includes J1939 Based Auto Neutral	103
60	0013WYH	TRANSMISSION TCM LOCATION Located Inside Cab	113
60	0014AET	AXLE, REAR, SINGLE {Dana Spicer 21060S} Single Reduction, Hypoid Gearing, 21,000-lb Capacity, 200 Wheel Ends	98
60	0014AHE	AXLE, REAR, SINGLE {Dana Spicer 21060D} Single Reduction, 21,000-lb Capacity, Driver Control Locking Differential, 200 Wheel Ends	1602
60	0014AHG	AXLE, REAR, SINGLE {Dana Spicer S23-190} Single Reduction, Hypoid Gearing, 23,000-lb Capacity, R Wheel Ends	1879
60	0014AHH	AXLE, REAR, SINGLE {Dana Spicer S23-190D} Single Reduction, Hypoid Gearing, 23,000-lb Capacity, Driver Control Locking Differential, R Wheel Ends	4450
60	0014AHL	AXLE, REAR, SINGLE {Dana Spicer S26-190} Single Reduction, 26,000-lb Capacity, R Wheel Ends	2860
60	0014AHW	AXLE, REAR, SINGLE {Dana Spicer S26-190D} Single Reduction, 26,000-lb Capacity, Driver Controlled Locking Differential, R Wheel Ends	425
60	0014SCE	SUSPENSION, REAR, SINGLE 31,000-lb Capacity, Vari-Rate Springs, with (3) Torque Rods	1411
60	0014SZB	SUSPENSION, REAR, SINGLE 23,000-lb Capacity, Vari-Rate Springs, with (3) Torque Rods	166
60	0014SZB	SPRINGS, REAR AUXILIARY Multileaf; 4,500-lb Capacity	118
60	0014TAX	SUSPENSION, REAR, AIR, SINGLE {Hendrickson HAS 230} 23,000-lb Capacity, 9.5" Ride Height, with Shock Absorbers	1903
60	0014TAY	SUSPENSION, REAR, AIR, SINGLE {Hendrickson HAS 230} 23,000-lb Capacity, 10.6" Ride Height, with Shock Absorbers	2073
60	0014TBS	SUSPENSION, REAR, AIR, SINGLE {International IROS} 21,000-lb Capacity, 9.25" Ride Height, with Shock Absorbers	1090
60	0014TDD	SUSPENSION, REAR, AIR, SINGLE {Hendrickson HAS 230} 24,500-lb Capacity, 9.5" Ride Height, with Shock Absorbers	2480

60	0014VAJ	SUSPENSION, REAR, SINGLE 31,000-lb Capacity, Vari-Rate Springs, with 4500-lb Capacity Auxiliary Rubber Springs	215
60	0014VBj	SUSPENSION, REAR, SINGLE 24,500-lb Capacity, Vari-Rate Springs, with 4500-lb Capacity Auxiliary Rubber Springs	140
60	0014WAP	SHOCK ABSORBERS, REAR (2)	137
60	0014WAS	SUSPENSION LEVELING VALVE Dual Height; One Additional, for Air Ride Suspension	121
60	14881	DIFFERENTIAL, LOCKING {Detroit Locker} No-Spin; for Meritor Rear Axles; Not with Meritor 185 & 186 Family of Axles	1252
60	14899	SUSPENSION AIR CONTROL VALVE Pressure Release Control In Cab	130
60	0015BAA	DEF TANK COVER Stainless Steel	186
60	0015DZT	FUEL TANK (2) Top Draw, Non-Polished Aluminum, D-Style, 16" Tank Depth, 40 US Gal (151L) Left Side; 50 US Gal (189L) Right Side; Total Capacity 90 US Gal (340L), Mounted Left and Right Side, Under Cab	849
60	0015DZY	FUEL TANK (2) Top Draw, Polished Aluminum, D-Style, 19" Tank Depth, 50 US Gal (189L); Total Capacity 100 US Gal (378L), Mounted Left Side Under Cab and Right Side Back of Cab	1336
60	0015LNG	FUEL/WATER SEPARATOR {Davco 245} 12 VDC Electric Heater, Includes Pre-Heater, Includes Water-in-Fuel Sensor	433
60	0015SGD	FUEL TANK Top Draw, Non-Polished Aluminum, D-Style, 19" Tank Depth, 100 US Gal (379L), Mounted Left Side, Under Cab	320
60	0015SGG	FUEL TANK Top Draw, Non-Polished Aluminum, D-Style, 19" Tank Depth, 70 US Gal (265L), Mounted Left Side, Under Cab	201
60	0015SXI	FUEL TANK Top Draw, Non-Polished Aluminum, 24" Dia, 50 US Gal (189L), Mounted Left Side, require for clean CA Under Cab	233
60	0015WCN	DEF TANK 5 US Gal (19L) Capacity, Frame Mounted Outside Left Rail, Under Cab	142
60	0015WCS	FUEL COOLER Less Thermostat; Mounted in Front of Cooling Module	221
60	0015WDL	DEF TANK 7 US Gal (26L) Capacity, Frame Mounted Outside Left Rail, Back of Cab	71
60	0016CAB	CAB Conventional, Extended	3046
60	0016GHU	GAUGE CLUSTER Premium Level; English with English Speedometer and Tachometer, for Air Brake Chassis, Includes Engine Coolant Temperature, Primary and Secondary Air Pressure, Fuel and DEF Gauges, Oil Pressure Gauge, Includes 5 Inch LCD Color Display	390
60	0016GHU	GRAB HANDLE, CAB INTERIOR (2) Safety Yellow	26
60	0016GHV	GRAB HANDLE, CAB INTERIOR (4) Safety Yellow, Crew Cab	51
60	0016HCL	SEATBELT WARNING PREWIRE Includes Seat Belt Switches and Seat Sensors for all Belted Positions in the Cab and a Harness Routed to the Center of the Dash for the Aftermarket Installation of the Data Recorder and Seatbelt Indicator Systems, for 4 to 6 Seat Belts	1186
60	0016HGH	GAUGE, OIL TEMP, AUTO TRANS for Allison Transmission	38
60	0016HHE	GAUGE, AIR CLEANER RESTRICTION {Filter-Minder} with Black Bezel, Mounted in Instrument Panel	24
60	0016HKE	GAUGE, LOAD INDICATING REAR Text Message in Cluster Display, for use with Rear Air Suspension	102
60	0016HLR	VIRTUAL GAUGE, AIR APPLICATION Requires Premium Cluster	46
60	0016HLU	VIRTUAL GA, OIL TEMP,AUTO XMSN for Allison Transmission, Requires Premium Cluster	38
60	0016HMB	GAUGE, AIR CLEANER RESTRICTION {Fleetguard} LED Air Restriction Indicator, Under Hood Air Cleaner Mounted, with 20" of Water Calibration Set Point	101
60	0016JNT	SEAT, DRIVER {National 2000} Air Suspension, High Back with Integral Headrest, Vinyl, Isolator, 1 Chamber Lumbar, with 2 Position Front Cushion Adjust, -3 to +14 Degree Angle Back Adjust	93
60	0016KAW	SEAT, TWO-MAN PASSENGER {National} Vinyl, with Under Seat Storage Compartment	525
60	0016LJY	SEAT, REAR {National 2000} Three Individual Seats, NFPA Compliant, Air Suspension, High Back, Vinyl, Isolator, with 2 Position Front Cushion Adjustment, -3 to +14 Degree Seat Back Adjustment, Lumbar, with 18" Wide Cushion and 20" Seat Back	2083
60	0016LKA	SEAT, REAR {National 2000} Two Individual Outboard Seats, NFPA Compliant, Air Suspension, High Back, Vinyl, Isolator, with 2 Position Front Cushion Adjustment, -3 to +14 Degree Seat Back Adjustment, Lumbar, with 18" Wide Cushion and 20" Seat Back	1426
60	0016LPC	SEAT, PASSENGER {Seats, Inc. Universal Series} NFPA Compliant, Air Suspension, High Back, Vinyl with Covered Back and International Logo on Headrest for Fire Truck	632
60	0016LUM	SEAT, PASSENGER {National} Non Suspension, High Back with Integral Headrest, Vinyl, with Fixed Back, with Under Seat Storage	414
60	0016rpv	SEAT, PASSENGER {National 2000} Air Suspension, High Back with Integral Headrest, Vinyl, Isolated, 1 Chamber Lumbar, 2 Position Front Cushion Adjustment, -3 to +14 Degree Back Adjust	406
60	0016SAP	GRAB HANDLE, ADDITIONAL EXT (1) Chrome; Towel Bar Type with Anti-Slip Rubber Insert; Mounted Left Side on Exterior, Rear of Rear Door, with Crew Cab	94
60	0016SDC	GRAB HANDLE (2) Chrome Towel Bar Type with Anti-Slip Rubber Inserts; for Cab Entry, Mounted Left and Right, Each Side at "B" Pillar	189

60	0016SDD	GRAB HANDLE, ADDITIONAL EXT (2) Chrome; Towel Bar Type with Anti-Slip Rubber Inserts; Mounted Left and Right Side on Exterior, Rear of Rear Doors, with Crew Cab	189
60	0016SDH	MIRROR, CONVEX, HOOD MOUNTED {Lang Mekra} (1) Right Side, Black, 7.5" Sq.	56
60	0016SDZ	MIRROR, CONVEX, HOOD MOUNTED {Lang Mekra} (2) Right and Left Side, Bright, 7.5" Sq.	152
60	0016SEA	MIRROR, CONVEX, HOOD MOUNTED {Lang Mekra} (1) Right Side, Bright, 7.5" Sq.	77
60	0016SED	GRAB HANDLE (2) Black, Aluminum; for Cab Entry Mounted Left and Right each Side at "B" Pillar	70
60	0016SET	GRAB HANDLE, ADDITIONAL EXT (2) Black Anodized Aluminum for Cab Entry, Mounted Left and Right Side on Exterior, Rear of Rear Doors; with Crew Cab	70
60	0016SJV	MIRROR, CONVEX, HOOD MOUNTED {Lang Mekra} (1) Right Side, Bright, Heated	142
60	0016SJW	MIRROR, CONVEX, HOOD MOUNTED {Lang Mekra} (2) Right and Left Sides, Black, Heated, 7.5" Sq.	212
60	0016SJX	MIRROR, CONVEX, HOOD MOUNTED {Lang Mekra} (2) Right and Left Sides, Bright, Heated, 7.5" Sq.	312
60	0016SMH	SEAT, TWO-MAN PASSENGER {National} Fixed Back, Integrated Headrest in Both Occupant Positions, Vinyl, with Under Seat Storage Compartment	461
60	0016SML	SEAT, TWO-MAN PASSENGER {National} Fixed Back, Integrated Headrest in Both Occupant Positions, Vinyl, Less Under Seat Storage Compartment	482
60	0016SMM	SEAT, PASSENGER {National} Non Suspension, High Back, Fixed Back, Integral Headrest, Vinyl	318
60	0016SMP	SEAT, TWO-MAN PASSENGER {National} Vinyl, Less Under Seat Storage Compartment	443
60	0016JAJ	SEAT, PASSENGER {H.O. Bostrom Tanker 450} for SCBA with SecureAll Locking System, Non-Suspension, High Back, Vinyl, Adjusters, 7-Degree Back Angle, with Covered Back, International Logo on Headrest	1382
60	0016SMT	SEAT, REAR {National} BENCH; Full Width; Vinyl, with Fixed Back and Two Integral Outboard Headrests	669
60	0016JJG	SEAT, DRIVER {H.O. Bostrom Sierra Air 100} NFPA Compliant, Air Suspension, High Back, Vinyl with Covered Back and International Logo on Headrest, for Fire Truck	293
60	0016SNM	MIRRORS (2) C-Loop, Heated, Black Heads and Arms, 7.5" x 14" Flat Glass, Includes 7.5" x 7" Convex Mirrors, for 102" Load Width	101
60	0016SNN	MIRRORS (2) C-Loop, Heated, Bright Heads, Black Arms, 7.5" x 14" Flat Glass, Includes 7.5" x 7" Convex Mirrors, for 102" Load Width	165
60	0016SNP	MIRRORS (2) C-Loop, Power Adjust, Heated, Black Heads and Arms, 7.5" x 14" Flat Glass, Includes 7.5" x 7" Convex Mirrors, for 102" Load Width	214
60	0016SNR	MIRRORS (2) C-Loop, Power Adjust, Heated, LED Clearance Lights, Bright Heads and Arms, 7.5" x 14" Flat Glass, Includes 7.5" x 7" Convex Mirrors, for 102" Load Width	354
60	0016SNS	MIRRORS (2) Aero Pedestal, Power Adjust, Heated, Black Heads and Arms, 6.5" x 14" Flat Glass, Includes 6.5" x 6" Convex Mirrors, for 102" Load Width	279
60	0016SNT	MIRRORS (2) Aero Pedestal, Power Adjust, Heated, Turn Signals, Black Heads and Arms, 6.5" x 14" Flat Glass, Includes 6.5" x 6" Convex Mirrors, for 102" Load Width	370
60	0016SNU	MIRRORS (2) Aero Pedestal, Power Adjust, Heated, Bright Heads, Black Arms, 6.5" x 14" Flat Glass, Includes 6.5" x 6" Convex Mirrors, for 102" Load Width	342
60	0016SNV	MIRRORS (2) Aero Pedestal, Power Adjust, Heated, Turn Signals, Bright Heads, Black Arms, 6.5" x 14" Flat Glass, Includes 6.5" x 6" Convex Mirrors, for 102" Load Width	432
60	0016SNW	MIRROR, CONVEX, LOOK DOWN Right Side, Black, 6" x 10.5"	39
60	0016SNX	MIRROR, CONVEX, LOOK DOWN Right Side, Bright, 6" x 10.5"	46
60	0016SPE	SEAT, PASSENGER {National Model HP} RollTek Equipped, Air Suspension, High Back, Mordura Cloth, 2 Arm Rests, Isolator, 7" Adjuster, 3 Chamber Lumbar, 6 Way Front Adjust, 3 Way Rear Cushion Adjust, -3 to 14 Degree Back Angle Adjustment, Adj. Side Bolster, Back Cyclor, Non Swivel	5296
60	0016SPG	SEAT, PASSENGER {National Model HP} RollTek Equipped, Air Suspension, High Back, Vinyl, 2 Arm Rests, Isolator, 7" Adjuster, 3 Chamber Lumbar, 6 Way Front Adjust, 3 Way Rear Cushion Adjust, -3 to 14 Degree Back Angle Adjustment, Adj. Side Bolster, Back Cyclor, Non Swivel	5249
60	0016SPH	SEAT, PASSENGER {National Model HP} RollTek Equipped, Air Suspension, High Back, Vinyl Boxing/ Leather Facing, 2 Arm Rests, Isolator, 7" Adjuster, 3 Chamber Lumbar, 6 Way Front Adjust, 3 Way Rear Cushion Adjust, -3 to 14 Degree Back Angle Adjustment, Adj. Side Bolster, Back Cyclor, Non Swivel	5478
60	0016SPJ	MIRRORS (2) C-Loop, Power Adjust, Heated, LED Clearance Lights, Bright Heads and Arms, 7" x 14.5", Includes 8" x 6" Convex Mirrors, for 96" Load Width	398
60	0016VBS	CONSOLE, CENTER Polypropylene, with One Coin Holder, One Cup Holder and One Thermos Holder, with Laptop PC or Clipboard Storage, Includes small Storage Area	51
60	0016VCB	SEAT BELT All Red; 4 to 6	40
60	0016VCC	SEAT BELT All Orange; 4 to 6	40

60	0016VEX	CONTROLS, CENTER PANEL Includes Ignition Switch, Headlights and Power Mirror Controls Located in Center Panel	533
60	0016VKK	CAB INTERIOR TRIM Diamond, for Day Cab	438
60	0016VKL	CAB INTERIOR TRIM Diamond, for Extended Cab	424
60	0016VKM	CAB INTERIOR TRIM Diamond, for Crew Cab	599
60	0016VLK	CAB REAR SUSPENSION Air Suspension, for Mid Cab Height	458
60	0016WBY	ARM REST, RIGHT, DRIVER SEAT	31
60	0016WBZ	ARM REST, LEFT, PASSENGER SEAT	31
60	0016WEE	CAB SOUND INSULATION Includes Dash Insulator and Engine Cover Insulator	72
60	0016WJU	WINDOW, POWER (2) and Power Door Locks, Left and Right Doors, Includes Express Down Feature	294
60	0016WJV	WINDOW, POWER (4) And Power Door Locks, Front and Rear Doors, Left and Right, Includes Express Down Feature	693
60	0016W M	HOURLMETER, PTO for Customer Provided PTO; with Indicator Light and Hourmeter in Gauge Cluster Includes Return Wire for PTO Feedback Switch	110
60	0016WSL	MIRROR, CONVEX, HOOD MOUNTED {Lang Mekra} (2) Right and Left Sides, Black 7.5" Sq.	110
60	0016WZZ	ARM REST, PASSENGER REAR for Inboard Arm Rest on Crew Cab	40
60	0016XJP	INSTRUMENT PANEL Wing Panel	266
60	0016XTK	ACCESS, CAB Bright Aluminum, Driver & Passenger Sides, Two Steps per Door, for use with Day Cab or Extended Cab	521
60	0016XWD	SUNSHADE, EXTERIOR Aerodynamic, Painted Roof Color; Includes Integral Clearance/Marker Lights	202
60	0016XXC	COWL TRAY LID	160
60	0016XYV	ACCESS, CAB Bright Aluminum, Driver & Passenger Sides, Two Steps per Door, for use with Crew Cab	1421
60	0016ZHM	ACCESS, CAB AND FRAME Steel, Driver & Passenger Sides, Two Steps per Door; Left Side Frame Access Step, Includes One Flush Mounted Deck Plate and Black Grab Handle, for use with Day Cab, Extended Cab or Sleeper Cab	295
60	16136	AIR CONDITIONER, PROVISION FOR Accommodation Package, for Air Conditioning, Includes Auxiliary Compressor in Secondary Position and Compressor Drive Effects for Vehicle with Primary Compressor Mounting	669
60	16196	CAB Conventional 6-Man Crew Cab	7529
60	0027DUL	WHEELS, FRONT {Accuride 29300} DISC; 22.5x9.00 Rims, Powder Coat Steel, 5-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs	163
60	0027DVN	WHEELS, FRONT {Accuride 42644} DISC; 22.5x8.25 Rims, Standard Polish Aluminum, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs	400
60	0028DUL	WHEELS, REAR {Accuride 29300} DUAL DISC; 22.5x9.00 Rims, Powder Coat Steel, 5-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs	364
60	0028DVN	WHEELS, REAR {Accuride 42644} DUAL DISC; 22.5x8.25 Rims, Standard Polish Aluminum, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs	835
60	0040SYS	SRV CONTRACT, EXT VEH COVERAGE {Navistar} To 60-Month/150,000 Miles (240,000 km), Excludes Extended Warranty for Engine and Transmission	2080
60	0040SYS	SRV CONTRACT, EXT CMS ENG/AFTR {Cummins} To 60-Month/150,000 Miles (240,000 km), Extended Cummins L9 Engine Coverage, Protection Plan 1 and Aftertreatment	2240
60	0060AAA	BDY INTG, REMOTE POWER MODULE Mounted Inside Cab Behind Driver Seat, Up to 6 Outputs & 6 Inputs, Max 20 amp per Channel, Max 80 amp Total; Includes 1 Switch Pack with Latched Switches	552
60	7372135423	11R22.5 Load Range G HDR2 (CONTINENTAL), 491 rev/mile, 75 MPH, Drive	237
60	7372135429	11R22.5 Load Range G ECOPLUS HS3 (CONTINENTAL), 495 rev/mile, 75 MPH, All-Position	187
60	7372135809	11R22.5 Load Range G AH37 (HANKOOK), 501 rev/mile, 75 MPH, All-Position	87
60	7372135810	11R22.5 Load Range G DH37 (HANKOOK), 498 rev/mile, 75 MPH, Drive	154
60	7372138135	11R22.5 Load Range G ENDURANCE LHD (GOODYEAR), 493 rev/mile, 75 MPH, Drive	257
60	7372138136	11R22.5 Load Range G ENDURANCE LHS (GOODYEAR), 501 rev/mile, 75 MPH, All-Position	224
60	07702540190	315/80R22.5 Load Range J UNISTEEL G291 (GOODYEAR), 491 rev/mile, 75 MPH, All-Position	268
60	07382155415	12R22.5 Load Range H HSR2 (CONTINENTAL), 483 rev/mile, 75 MPH, All-Position	72
60	0040SZE	SRV CONTRACT, EXT CMS ENG/AFTR {Cummins} To 60-Month/150,000 Miles (240,000 km), Extended Cummins L9 Engine Coverage, Protection Plan 1 and Aftertreatment	5600
60	0040PTY	SRV CONTRACT, EXT VEH COVERAGE {Navistar} To 60-Month/150,000 Miles (240,000 km), Excludes Extended Warranty for Engine and Transmission	2600
60	0040RBK	SERVICES, TOWING {Navistar} Service Call to 60-Month/Unlimited Mileage to the Nearest Navistar Dealer for Navistar Warrantable Failure as Contract Defined; Includes Engine Failure if Supplier Declines Tow Coverage & ESC Supplied thru Navistar; \$550 (USA) Maximum Benefit per Incident	1600

60	0040TVU	SRV CONTRACT, EXT ALLISON XMSN {Allison} To 60-Month/Unlimited Miles/km, for Allison 3000 RDS with Utility or Other Vocations (ST08, ST17-ST22, TT01, TT02, TT05, AG04, SP01, SP03-SP05)	1264
60	Newtag	New State Tag (specify state, county, city , sheriff, etc)	250
60	HV 4 x 2	HV 4 x 2	2850
60	HV 4x4	HV 4x4 all wheel drive	22125
60	6133HC	Knapheide Line Body or equal, 133" length, 50" body height, 94" width, 18" deep compartments, 29" floor to compartment top, standard bumper, painted white. For 84" CA & 22.5" wheels.	16535
60	EC5000	5,000 lb. Telescopic Service Crane, Stellar or equal. Includes crane and boom support "ONLY". For appropriate crane body.	21723
60	EC6000	6,000 lb. Telescopic Service Crane, Stellar or equal. Includes crane and boom support "ONLY". For appropriate crane body.	24080
60	K-7621	Hydraulic Service/Telescopic crane, 7,500 lbs. max w/ double line, double-acting cyclinders w/integral holding valves, boom support, wireless remote with back up pendant control. For KMT-2 crane body, with 84" Clean C.A. & minimum 25,500 GVWR.	19048
60	K-10621	Hydraulic Service/Telescopic crane, 10,000 lb. max w/double-acting cyclinders w/integral holding valves, boom support, wireless remote with back up pendant control. For KMT-2 crane body, with 84" Clean C.A. & minimum 25,500 GVWR.	21886
60	BOSS36	Boss 36 CFM hydraulic compressor with Reelcraft 50'x1/2" hose reel and roller fairlead through the right rear compartment FLR system and underbody air tank included with compressor. Requires KMT-2 crane body. To quote as independent unit call dealer.	13570
60	UDC-BOSS PTO	Underdeck PTO driven Air compressor: Boss 8060-UBI, from 100 cft up to 185 cfm. Reelcraft 50' by 1/2" hose reel and roller fairlead thru right rear comp.,FLR system. Requires KMT-2 crane body. To quote as independent unit call dealer.	21031
60	SOBL	Spray-in liner (Rhino, Line-X or approved equivalent) Commercial grade spray-on bed liner applied to cargo floor, sides, compartment tops, bulkhead, tailgate & rear bumper. For crane body or utility bodies up to 11 ft long. Call for pricing on different bodies.	1875
60	TBU3618	Under body mounted steel tool box. 36"x18"x18"	531
60	TBU4818	Under body mounted steel tool box. 48"x18"x18"	594
60	TBU6018	Under body mounted steel tool box. 60"x18"x18"	656
60	4CST	4 corner strobes	938
60	BUC UPG	Back Up camera + Left & Right Blind Spot Cameras, 7"LCD monitor (Ask Dealer for details)	1688
60	BUC	Back Up camera with 5" LCD monitor (rear mounted camera to provide wide angle field of vision at rear of vehicle) - dealer installed.	933
60	PINTLE15	15 TON PINTLE HOOK, d-rings Require code 4619 or 8HAH	1375
60	PINTLE20	20 TON PINTLE HOOK, d-rings Requires code 4619 or 8HAH	1500
60	12FB	12 ft. flat stake body , 40" sides all around	9063
60	14FB	14 ft. flat stake body 40" sides all around	10003
60	16FB	16 ft. flat stake body 40" sides all around	11014
60	20FB	20 ft. flat stake body 40" sides all around	13063
60	24FB	24 ft. flat stake body 40" sides all around	14313
60	16STLTRASH	16' Steel Trash Dump, 48" sides, Barn Door Tailgate, Electric Tarp.	18481
60	16ALMTRASH	16' Aluminum Trash Dump, 48" sides, Barn Door Tailgate, Electric Tarp.	21875
60	12CD	12' Contractor Dump Body, 14" sides, elect. Tarp	16669
60	14CD	14' Contractor Dump Body, 14" sides, elect. tarp	17481
60	16CD	16' Contractor Dump Body, 14" sides, elect. Tarp	18544
60	18CD	18' Contractor Dump Body, 14" sides, elect. Tarp	19319
60	5/6 DB	5 to 6 cu. yd. 10' Dump Body, 24" sides, elec. tarp, 2-way air tailgate	16231
60	16DV	16 ft. Dry Van body, aluminum, wood floor, roll-up rear door	10306
60	20DV	20 ft. Dry Van body, aluminum, wood floor, roll-up rear door	11806
60	22DV	22 ft. Dry Van body, aluminum, wood floor, roll-up rear door	12374
60	24DV	24 ft. Dry Van body, aluminum, wood floor, roll-up rear door	13070
60	26DV	26 ft. Dry Van body, aluminum, wood floor, roll-up rear door	13749
60	2KLG	WALTCO or equal 2,000lb. capacity Tuck-Away lift gate	4369
60	3KLG	WALTCO or equal 3,300lb. capacity Tuck-Away lift gate	6494
60	14ALMCHIPPER	14FT Aluminum Chipper Body 78" high sides/ 3/16 smooth floor	23575
60	14STLCHIPPER	ALTEC 14' Chipper Body, 72" High, Steel, prunner/ladder box, L-Cross Tool Box, for 120" Clean CA.	38285

60	KMT-2	KMT-2 Mechanics truck11' crane body with torq-isolator crane support system. Exclusive 12 stage K- oat protection, (6) recessed cargo tie-downs in floor - 6,000# capacity, LED stop/tail/turn lights and backuplights. 24" work surface bumper with thru compartment, vise plate & pintle mount plate (pintle not included). PTO, hydraulic pump for crane, hydraulic reservoir with guard. Master Locking System, Cab Protector, (4) halogen work lights installed, hydraulic out/hydraulic outriggers and 97db audible alarm included. 60" high side packs with 3-pt T-handles. 7 drawer unit gas bottle retainer vented top & bottom. Requires clean 84" CA.	38504
60	WT2000STL	Water Tanker 2000 gal., steel,650gpm pump, 4 corner spray heads, For 33,000 GVW and 136" CA.	32340
60	TL3-18	Petersen TL3 loader w/ 1824 TBS std body, hose guards, grating shield, self winding tarp, HDHI strobes requires codes 60AAA, Allison 3000 series minumum 33GVW	74117
60	TL3-20	Petersen TL3-20 with 2030 Std Body, hose guards, grating shield, self winding tarp,HDHI strobes requires codes 60AAA, Allison 3000 series minumum 37GVW	80715
60	HDX1824	Hardox Body Upgrade for Petersen TL3 1824	4988
60	HDX2030	Hardox Body Upgrade for Petersen TL3 2030	4988
60	DMS2000	STRATOS DMS 2000 Asphalt Distributor, 2,000 gal. emulsion sprayer, 350,000 BTU burner. For minimum 25,999GVW and 120" CA. ask dealer for details	68137
60	BRSHHAWG	Grapple Brush Hawg C-Model (multi-lever), 18' Dump Body, requires code 60AAA, minimum 33,000GVW & Allison 3000 Series RDS transmission	79340
60	HD TCM425	HD Industries Pro-Patch TCM425, propane heater (see dealer for options) requires minimum 33,000GVW & Allison 3000 Series RDS transmission	88585
60	ALTEC LR756	Altec LR756 Overcenter Aerial Device, chipper body requires code 60AAA,minimum 33,000GVW. requires Allison 3000 Series RDS transmission	101953
60	ALTEC L42A	Altec L42A, Insulated Aerial Device, service body requires code 60AAA, minmum 33,000GVW. requires Allison 3000 Series RDS transmission	111959
60	COLXL	COLUSSUS XL EXCAVATOR TRUCK. Including: Excavator arm with bucket, digging deph max 10'3", 180° rotation & hydraulic stabilizers. 14 ft. steel body with side skirts, Right hand vertical compartment for tall tool storage & underbody tool boxes. Hydraulic tool circuit with reel. STANLEY hydraulic tool set including: STANLEY Trash Pump TP03, Ground Compactor TA57, Hammer BR87, Circular Saw CO25, Impact Wrench IW 12, Mounted Breaker MB 256, Mounted Compactor HS3000.	125240
60	RS-3 Grapple	RS-3 Rear Steer Loader Grapple, for 90" CA + requires code 60AAA,minimum 33,000GVW.requires Allison 3000 Series RDS transmission	116090
60	FP5 BRGKP	Bergkamp FP5 flameless pothole patcher minimum 35,000GVW requires Allison 3000 Series RDS transmission	107505
60	WT2000Poly	2000 Poly water tank, 750 GPM Pump 4 corner spray heads, minimum 33,000 GVW requires Allison 3000 Series RDS Transmission	42798
60	20CYRL	Heil Rear loader 20YD New way Cobra, minimum 33,000 GVW requires Allison 3000 Series RDS Transmission	63143

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 117-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, To Contract with Henry Schein, Inc. for Medical Supplies to Support Fire EMS in the Annual Amount of \$50,000 and Establish a Proposed Five Year Contract Value of \$250,000 Contingent Upon Satisfactory Performance and Budget Authorization.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 27, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 117-2020**
- ▣ **Agreement through MMCAP to Secure Medical Items from Henry Schein**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Contract with Henry Schein Inc. for Medical Supplies to Support Fire EMS in the Annual Amount of \$50,000 and Establish a Proposed Five Year Contract Value of \$250,000 Contingent Upon Satisfactory Performance and Budget Authorization, **Resolution No. 117-2020**

DATE: 27 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 117-2020, establishing a contract with Henry Schein Inc. for medical supplies to support Fire EMS in the annual amount of \$50,000 and establish a proposed five year contract value of \$250,000 contingent upon satisfactory performance and budget authorization.

WHY THIS CONTRACT IS REQUIRED

Henry Schein Inc. is the source for medical supplies to support Fire EMS. The Town has piggybacked the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) since 2010. The reason for bringing this essential contract to Town Council is that the same commodity and same vendor have been utilized for a decade. To comply with our internal policy and procedures, expenditures exceeding \$65,000 for a continuing service contract require review and authorization.

GENERAL INFORMATION

The MMCAP contract created a consortium that serves multiple states and local municipalities with the goal of providing full service contracts. This contract provides the Town best pricing and delivery of required items to support the EMS vehicles.

Please note that some medications are secured from a separate contract, Cardinal Health.

FUNDING/FISCAL IMPACT

Funding is budgeted in the Fire-Rescue Department budget for these purchases.

FIRE DEPARTMENT REVIEW

This item has been reviewed by the Fire Department and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Darrel Donatto, Fire Rescue Chief
Sean Baker, EMS Chief
Stephanie Mavigliano, Administrative Specialist
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 117-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO
CONTRACT WITH HENRY SCHEIN INC. FOR MEDICAL
SUPPLIES TO SUPPORT FIRE EMS IN THE ANNUAL
AMOUNT OF \$50,000 AND ESTABLISH A PROPOSED FIVE
YEAR CONTRACT VALUE OF \$250,000 CONTINGENT UPON
SATISFACTORY PERFORMANCE AND BUDGET
AUTHORIZATION.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 117-2020, , establishing a contract with Henry Schein Inc. for medical supplies to support Fire EMS in the annual amount of \$50,000 and establish a proposed five year contract value of \$250,000 contingent upon satisfactory performance and budget authorization.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



MEMBER-REQUESTED PARTICIPATION AGREEMENT

This Member-requested Participation Agreement (MPA) is by and among:

**STATE OF MINNESOTA
ACTING THROUGH ITS COMMISSIONER OF ADMINISTRATION
ON BEHALF OF THE MINNESOTA MULTISTATE CONTRACTING ALLIANCE FOR
PHARMACY (MMCAP),**

**HENRY SCHEIN MEDICAL A DIVISION OF HENRY SCHEIN INC.
(CONTRACTOR), and**

**STATE OF FLORIDA
ACTING THROUGH THE DEPARTMENT OF MANAGEMENT SERVICES,
DIVISION OF STATE PURCHASING (FLORIDA DMS)**

and amends the Agreement between MMCAP and Vendor to include the following:

Term: This MPA (Florida Contract Number 42000000-18-ACS) is effective September 28, 2018 and expires upon the expiration of MMCAP's contract with Henry Schein Medical a division of Henry Schein Inc. (MMS18016) or by any party upon 30 days' written notice to the other parties to this MPA listed below.

Scope: Florida DMS, desires to access the MMCAP agreement for medical supply distribution services with Henry Schein Medical a division of Henry Schein Inc. (MMS18016), which is incorporated into this MPA by reference.

Contacts and Notice:

Florida DMS:

Richard Chatel
Florida Department of Management Services
Bureau Chief of Contract Management
State Purchasing
850-414-7657
Email: Richard.chatel@dms.myflorida.com

MMCAP:

MMCAP Managing Director
State of Minnesota, MMCAP Program
50 Sherburne Avenue, Suite 112
St. Paul, MN 55155
651-201-2420

Henry Schein Medical a division of Henry Schein Inc.:

Andy Otersen
240-409-6125
Email: andy.otersen@henryschein.com



MEMBER-REQUESTED PARTICIPATION AGREEMENT

Additional Terms:

The following additional terms and conditions apply solely to the performance of Henry Schein Medical a division of Henry Schein Inc. and the Florida DMS, and not to the State of Minnesota or MMCAP. These terms will be solely enforced by Florida DMS. As used in this MPA: “Customer” is an MMCAP Member that is also a State of Florida agency or eligible user as defined in Section 278.012(11), Florida Statutes, and “Contract” refers to this MPA.

1. **Payment Invoicing.** Pursuant to Section 287.058(1)(a), Florida Statutes, the Contractor will be paid upon submission of proper invoices to the Customer after delivery and acceptance of commodities or contractual services is confirmed by the Customer. Invoices must contain detail sufficient for an audit and contain the Florida Alternate Contract Source (ACS) Contract Number 42000000-18-ACS and the Contractor’s Federal Employer Identification Number.
2. **Travel.** Pursuant to Section 287.058(1)(b), Florida Statutes, travel expenses are not reimbursable unless specifically authorized by the Customer in writing, and may be reimbursed only in accordance with section 112.061, Florida Statutes.
3. **Annual Appropriation.** Pursuant to section 287.0582, Florida Statutes, if the Contract binds the State of Florida or an agency for the purchase of services or tangible personal property for a period in excess of one fiscal year, the State of Florida’s performance and obligation to pay under the Contract is contingent upon an annual appropriation by the Legislature.
4. **Transaction Fees.** The State of Florida, through the Department of Management Services, has instituted MyFloridaMarketPlace, a statewide eProcurement system pursuant to section 287.057(22), Florida Statutes. All payments issued by Customers to registered Vendors for purchases of commodities or contractual services will be assessed Transaction Fees as prescribed by rule 60A-1.031, Florida Administrative Code, or as may otherwise be established by law. Vendors must pay the Transaction Fees and agree to automatic deduction of the Transaction Fees, when automatic deduction becomes available. Vendors will submit any monthly reports required pursuant to the rule. All such reports and payments will be subject to audit. Failure to comply with the payment of the Transaction Fees or reporting of transactions will constitute grounds for declaring the Vendor in default and subject the Vendor to exclusion from business with the State of Florida.
5. **Punch-out Catalog and Electronic Invoicing**
The Contractor shall implement a punch-out catalog within ninety (90) days after contract execution. The punch-out catalog provides an alternative mechanism for contractors to offer the State of Florida access to products awarded under the Contract. The punch-out catalog also allows for direct communication between the Florida MyFloridaMarketPlace eProcurement System (MFMP) and a contractor’s ERP system, which can reflect real-time product inventory/availability information.

Through utilization of the punch-out catalog model, a customer will “punch out” to a contractor’s website. Using the search tools on the supplier’s Florida punch-out catalog site, the customer selects the desired products and services. When complete, the user exits the supplier’s punch-out catalog site and the shopping cart (full of products and services) is “brought back” to MFMP. No orders are sent to a contractor when the customer exits the contractor’s punch-out catalog site. Instead, the chosen products and services are “brought back” to MFMP as Contract line items. The customer can then proceed through the normal workflow steps, which may include adding/editing the items to a requisition or a purchase order. An order is not submitted to a contractor until the customer actually adds the line items to a requisition and the purchase order is approved and sent to the contractor.



MEMBER-REQUESTED PARTICIPATION AGREEMENT

The Contractor shall supply electronic invoices in lieu of paper-based invoices for those transactions processed through the MFMP. Electronic invoices shall be submitted to the Florida agency through the Ariba Network (AN) in one of three mechanisms as listed below. Contractors can select the method that best meets their capabilities from the following list:

cXML (commerce eXtensible Markup Language)

This standard establishes the data contents required for invoicing via cXML within the context of an electronic environment. This transaction set can be used for invoicing via the ASN for catalog and non-catalog products and services. The cXML format is the Ariba preferred method for eInvoicing.

EDI (Electronic Data Interchange)

This standard establishes the data contents of the Invoice Transaction Set (810) for use within the context of an Electronic Data Interchange (EDI) environment. This transaction set can be used for invoicing via the ASN for catalog and non-catalog products and services.

PO Flip via ASN

The online process allows contractors to submit invoices via the ASN for catalog and non-catalog products and services. Contractors have the ability to create an invoice directly from their Inbox in their ASN account by simply “flipping” the PO into an invoice. This option does not require any special software or technical capabilities.

For the purposes of this section, the Contractor warrants and represents that it is authorized and empowered to and hereby grants the state and the third party provider of MFMP, a state Contractor, the right and license to use, reproduce, transmit, distribute, and publicly display within the system the information outlined above. In addition, the Contractor warrants and represents that it is authorized and empowered to and hereby grants the State of Florida and the third party provider the right and license to reproduce and display within the system the Contractor’s trademarks, system marks, logos, trade dress, or other branding designation that identifies the products made available by the Contractor under the Contract.

The Contractor will work with the Florida MFMP management team to obtain specific requirements for the Punch-out Catalog and Electronic Invoicing.

The Contractor is required to provide additional Ordering Instructions and identify persons responsible for answering questions about the response and administering the Contract and shall provide information necessary for placing orders under the Contract.

6. **Respect.** Subject to the agency determination provided for in Section 413.036, Florida Statutes., the following statement applies:

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES THAT ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT SHALL BE PURCHASED FROM A NONPROFIT AGENCY FOR THE BLIND OR FOR THE SEVERELY HANDICAPPED THAT IS QUALIFIED PURSUANT TO CHAPTER 413, FLORIDA STATUTES, IN THE SAME MANNER AND UNDER THE SAME PROCEDURES SET FORTH IN SECTION 413.036(1) AND (2), FLORIDA STATUTES; AND FOR PURPOSES OF THIS CONTRACT THE PERSON, FIRM, OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THE STATE AGENCY



MEMBER-REQUESTED PARTICIPATION AGREEMENT

INSOFAR AS DEALINGS WITH SUCH QUALIFIED NONPROFIT AGENCY ARE CONCERNED.

Additional information about the designated nonprofit agency and the commodities or contractual services it offers is available at <http://www.respectofflorida.org>.

7. **Pride.** Subject to the agency determination provided for in Sections 946.515 and 287.042(1), Florida Statutes, the following statement applies:

IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES WHICH ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT SHALL BE PURCHASED FROM THE CORPORATION IDENTIFIED UNDER CHAPTER 946, F.S., IN THE SAME MANNER AND UNDER THE SAME PROCEDURES SET FORTH IN SECTION 946.515(2) AND (4), FLORIDA STATUTES; AND FOR PURPOSES OF THIS CONTRACT THE PERSON, FIRM, OR OTHER BUSINESS ENTITY CARRYING OUT THE PROVISIONS OF THIS CONTRACT SHALL BE DEEMED TO BE SUBSTITUTED FOR THIS AGENCY INSOFAR AS DEALINGS WITH SUCH CORPORATION ARE CONCERNED.

Additional information about PRIDE and the commodities or contractual services it offers is available at <http://www.pride-enterprises.org>.

8. **Scrutinized Companies—Termination by Florida DMS.**

The Department may, at its option, terminate the Contract if the Contractor is found to have submitted a false certification as provided under section 287.135(5), F.S., or been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or been engaged in business operations in Cuba or Syria, or to have been placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel.

9. **Cooperation with Inspector General.** Pursuant to Section 20.055(5), Florida Statutes, Contractor, and any subcontractor to the Contractor, understand and will comply with their duty to cooperate with the Inspector General in any investigation, audit, inspection, review, or hearing.

10. **E-Verify.** In accordance with Executive Order 11-116, the Contractor agrees to utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired during the term of the Contract for the services specified in the Contract. The Contractor must also include a requirement in subcontracts that the subcontractor must utilize the E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the Contract term. In order to implement this provision, the Contractor must provide a copy of its DHS Memorandum of Understanding (MOU) to the Contract Manager within five days of Contract execution. If the Contractor is not enrolled in DHS E-Verify System, it will do so within five days of notice of Contract award, and provide the Contract Manager a copy of its MOU within five days of Contract execution. The link to E-Verify is provided below. <http://www.uscis.gov/e-verify>. Upon each Contractor or subcontractor new hire, the Contractor must provide a statement within five days to the Contract Manager identifying the new hire with its E-Verify case number.

11. **Financial Consequences of Non-Performance.** Pursuant to Section 287.058(1)(h), Florida Statutes, financial consequences for non-performance are required. The Contractor will be assessed a non-performance retainage equivalent to 10% of the total invoice amount or as specified in the Contract. The retainage will be applied to the invoice for the then-current billing period. The retainage will be withheld



MEMBER-REQUESTED PARTICIPATION AGREEMENT

until the Contractor resolves the deficiency. If the deficiency is subsequently resolved, the Contractor may invoice the Customer for the retained amount during the next billing period. If the Contractor is unable to resolve the deficiency, the funds retained will be forfeited.

12. **Public Records.** The Department may unilaterally cancel this Contract for refusal by the Contractor to comply with this section by not allowing public access to all documents, papers, letters or other material made or received by the Contractor in conjunction with the Contract, unless the records are exempt from section 24(a) of Article I of the Florida Constitution and section 119.07(1), Florida Statutes.

Solely for the purposes of this section the contract manager is the agency custodian of public records, unless another is designated per (e), below.

If, under a resulting contract or purchase order, the Contractor is providing services and is acting on behalf of a public agency, as provided by section 119.0701, Florida Statutes. The Contractor shall:

- (a) Keep and maintain public records required by the public agency to perform the service;
- (b) Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within reasonable time and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law;
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure are not disclosed except as authorized by law for the duration of the contract term and following the completion of the contract if the contractor does not transfer the records to the public agency;
- (d) Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the Contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency; and
- (e) **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS OF THE ORDERING ENTITY.**

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MEMBER-REQUESTED PARTICIPATION AGREEMENT

Except as amended herein the terms of the Original Contract remain in full force and effect.

1. Henry Schein Medical a division of Henry Schein Inc.

By: _____ Date: _____

Title: _____

Federal Tax ID Number: _____

2. State of Florida, acting by and through the Department of Management Services, Division of State Purchasing

Signature: _____ Date: _____

Printed Name: _____ Title: _____

3. State of Minnesota for MMCAP

In accordance with Minn. Stat. § 16C.03, subd. 3

By: _____ Date: _____

4. Commissioner of Administration

In accordance with Minn. Stat. § 16C.05, subd. 2

By: _____ Date: _____



MEMBER-REQUESTED PARTICIPATION AGREEMENT

Except as amended herein the terms of the Original Contract remain in full force and effect.

1. Henry Schein Medical a division of Henry Schein Inc.

By: Nancy A. Lami

Date: August 30, 2018

Title: Vice President, Healthcare Services

Federal Tax ID Number: 11-3136595

**2. State of Florida, acting by and through the Department of Management Services,
Division of State Purchasing**

Signature: David Zeckman

Date: 9/4/2018

Printed Name: David Zeckman

Title: Chief of Staff

3. State of Minnesota for MMCAP

In accordance with Minn. Stat. § 16C.03, subd. 3

By: Sara Turnbow, PharmD, BCPS

Date: 9-6-18

4. Commissioner of Administration

In accordance with Minn. Stat. § 16C.05, subd. 2

By: [Signature]

Date: 9/7/18

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 118-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation to Award RFQ No. 2020-24 for Marine Resource Assessment and Monitoring Services to Two Firms, Coastal Eco-Group, Inc. and Coastal Protection Engineering LLC.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 29, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 118-2020**
- ▣ **Selection Committee Scoring**
- ▣ **Coastal Eco Group Inc. Proposal**
- ▣ **Coastal Protection Engineering LLC Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve the Selection Committee Recommendation to award RFQ No. 2020-24, for Marine Resource Assessment and Monitoring Services to Two Firms, Coastal Eco-Group, Inc. and Coastal Protection Engineering LLC.,
Resolution No. 118-2020

DATE: 29 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the Selection Committee recommendation to award RFQ No. 2020-24, for Marine Resource Assessment and Monitoring Services to two Firms, Coastal Eco-Group, Inc. and Coastal Protection Engineering LLC.

WHY THIS ACTION IS REQUIRED

Marine Resource Assessment & Monitoring Services are necessary for regulatory approvals of in-water projects either along the oceanfront or within the Lake Worth Lagoon. These projects, ranging from beach nourishment to coastal resiliency to dredging and marina construction, have required habitat assessment and environmental monitoring of the biological resources. The Town's marine resource monitoring program has assisted the Town in maintaining a partnership with the Florida Department of Environmental Protection (FDEP). This partnership has streamlined the regulatory approval process for our in-water capital projects to allow the Town to be responsive to the community and be efficient with both our staff time and financial resources. FDEP has recognized the Town's commitment to our partnership and often cost-shares with the Town on these essential assessment and monitoring services.

GENERAL INFORMATION

Town Purchasing issued the Solicitation on August 17th with a closing date of October 13th. The Selection Committee consisting of Mike Roach, Robert Weber and Amy Wood ranked two firms with scores greater than four (4). A decision was made to recommend both Coastal Eco-Group, Inc. and Coastal Protection Engineering LLC to provide services to the Town. The Selection Committee determined based on scoring and presentations submitted as part of the proposals that Oral Presentations were not required.

The solicitation was broadcast to 334 firms through the platform DemandStar. In addition, the Town invited ninety-two firms to participate. Five firms actually submitted proposals.

Award of work will be addressed by Professional Service Agreements (PSA) by rotation of work assignments. New State Statutes allow PSA's to have a cap of \$400,000 per work task. Any work task in excess of \$65,000 will be brought forward to Town Council for review and approval.

FUNDING/FISCAL IMPACT

Funding for this award will come from the Coastal Protection Fund appropriations.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Paul Brazil, P.E., Public Works Director
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Project Manager
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 118-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING SELECTION COMMITTEE
RECOMMENDATION TO AWARD RFQ NO. 2020-24 FOR
MARINE RESOURCE ASSESSMENT AND MONITORING
SERVICES TO TWO FIRMS, COASTAL ECO-GROUP, INC.
AND COASTAL PROTECTION ENGINEERING LLC.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 118-2020 approving the Selection Committee recommendation to award RFQ No. 2020-24, for Marine Resource Assessment and Monitoring Services to two Firms, Coastal Eco-Group, Inc. and Coastal Protection Engineering LLC.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



TOWN OF PALM BEACH

RFQ No. 2020-15 - Marine Resource Assessment & Monitoring Services

Coastal Eco-Group Inc										
1	Evaluation Criteria		Mike Roach		Rob Weber		Amy Wood		Total	
		%	Rating	Totals	Rating	Totals	Rating	Totals		
	EXPERIENCE OF FIRM/PAST PERFORMANCE - 35%	35%	5.000	1.750	5.000	1.750	5.000	1.750	5.000	1.750
	EXPERIENCE OF PERSONNEL/ABILITY - 35%	35%	5.000	1.750	5.000	1.750	4.500	1.575	4.500	1.575
	WORKLOAD AND SCHEDULING - 15%	15%	5.000	0.750	4.000	0.600	4.000	0.600	4.000	0.600
	FINANCIAL INFORMATION - 5%	5%	4.500	0.225	4.500	0.225	4.500	0.225	4.500	0.225
OTHER - 10%		10%	4.500	0.450	5.000	0.500	4.000	0.400	4.000	0.400
TOTAL			4.93		4.825		4.550		4.8	
Coastal Protection Engineering LLC										
2	Evaluation Criteria		Mike Roach		Rob Weber		Amy Wood		Total	
		%	Rating	Totals	Rating	Totals	Rating	Totals		
	EXPERIENCE OF FIRM/PAST PERFORMANCE - 35%	35%	5.000	1.750	5.000	1.750	5.000	1.750	5.000	1.750
	EXPERIENCE OF PERSONNEL/ABILITY - 35%	35%	5.000	1.750	5.000	1.750	4.000	1.400	4.000	1.400
	WORKLOAD AND SCHEDULING - 15%	15%	4.500	0.675	4.500	0.675	4.000	0.600	4.000	0.600
	FINANCIAL INFORMATION - 5%	5%	2.500	0.125	2.500	0.125	2.500	0.125	2.500	0.125
OTHER - 10%		10%	4.000	0.400	5.000	0.500	4.000	0.400	4.000	0.400
TOTAL			4.70		4.800		4.275		4.6	
CSA Ocean Sciences										
3	Evaluation Criteria		Mike Roach		Rob Weber		Amy Wood		Total	
		%	Rating	Totals	Rating	Totals	Rating	Totals		
	EXPERIENCE OF FIRM/PAST PERFORMANCE - 35%	35%	3.000	1.050	5.000	1.750	4.500	1.575	4.500	1.575
	EXPERIENCE OF PERSONNEL/ABILITY - 35%	35%	3.500	1.225	4.000	1.400	4.500	1.575	4.500	1.575
	WORKLOAD AND SCHEDULING - 15%	15%	4.000	0.600	4.000	0.600	4.000	0.600	4.000	0.600
	FINANCIAL INFORMATION - 5%	5%	4.000	0.192	4.000	0.192	4.000	0.192	4.000	0.192
OTHER - 10%		10%	4.000	0.400	3.000	0.300	4.500	0.450	4.500	0.450
TOTAL			3.47		4.242		4.392		4	
Cummins Cederberg, Inc.										
4	Evaluation Criteria		Mike Roach		Rob Weber		Amy Wood		Total	
		%	Rating	Totals	Rating	Totals	Rating	Totals		
	EXPERIENCE OF FIRM/PAST PERFORMANCE - 35%	35%	4.000	1.400	3.000	1.050	4.000	1.400	4.000	1.400
	EXPERIENCE OF PERSONNEL/ABILITY - 35%	35%	4.000	1.400	4.000	1.400	4.000	1.400	4.000	1.400
	WORKLOAD AND SCHEDULING - 15%	15%	3.000	0.450	2.000	0.300	3.500	0.525	3.500	0.525
	FINANCIAL INFORMATION - 5%	5%	1.000	0.050	1.000	0.050	1.000	0.050	1.000	0.050
OTHER - 10%		10%	3.000	0.300	3.000	0.300	4.000	0.400	4.000	0.400
TOTAL			3.60		3.100		3.775		3.5	
South Florida Engineering and Consulting LLC										
5	Evaluation Criteria		Mike Roach		Rob Weber		Amy Wood		Total	
		%	Rating	Totals	Rating	Totals	Rating	Totals		
	EXPERIENCE OF FIRM/PAST PERFORMANCE - 35%	35%	3.000	1.050	2.000	0.700	3.000	1.050	3.000	1.050
	EXPERIENCE OF PERSONNEL/ABILITY - 35%	35%	3.500	1.225	2.000	0.700	3.500	1.225	3.500	1.225
	WORKLOAD AND SCHEDULING - 15%	15%	4.000	0.600	2.000	0.300	4.000	0.600	4.000	0.600
	FINANCIAL INFORMATION - 5%	5%	3.000	0.150	3.000	0.150	3.000	0.150	3.000	0.150
OTHER - 10%		10%	5.000	0.500	2.000	0.200	4.000	0.400	4.000	0.400
TOTAL			3.53		2.050		3.425		3.0	



Marine Resource Assessment & Monitoring Services RFQ 2020-24

Understanding of Town's needs

The approach of the Coastal Eco-Group team is to provide exemplary client service, a cooperative and collaborative approach to defining specific scopes of work, and timely responses. We will provide services that build upon the prior efforts of the Town with recommendations and goals to assist the Town in assessing and improving the ecological appropriateness and cost effectiveness of the Town's Marine Resource Assessment and Monitoring Program. The goals for performing marine resource assessments and monitoring for the Town are to evaluate project-related physical and/or biological effects and the direct, indirect, and cumulative effects of historic, current, and future coastal activities on nearshore hardbottom habitats and listed species which utilize these habitats. Monitoring programs are an important part of coastal construction projects but must be designed effectively and be adaptive so that data collection is constantly improved and methods that do not work are eliminated.



A key to monitoring program development and implementation is the ability to differentiate between project-related effects and changes that occur as the result of natural events, such as hurricanes. The Coastal Eco-Group Team has unparalleled experience working with the Town of Palm Beach, and our institutional knowledge of the region makes our team a valuable asset for your Coastal Management Program.

The CEG team supported the Town of Palm Beach during development of the Palm Beach Island Beach Management Agreement (BMA) Initiative. Our professionals were fully engaged with the State and Federal resource protection agencies as a comprehensive monitoring program was developed for Palm Beach Island. Our team has demonstrated over the past six years that we are cost effectively implement the biological and environmental monitoring program mandated in the BMA. Due to our long-term involvement in the Town of Palm Beach's Coastal Management Program, our team is able to recommend specific methods and monitoring protocols that provide a scientifically rigorous program that is cost effective in its implementation without compromising ecological value. The CEG has completed all work orders without requesting additional funds to complete the services.

Marine resource assessments and monitoring includes quantitative in situ scientific diver surveys, underwater video and still photo documentation, observation and documentation of general conditions of the benthic communities in terms of stress responses, sedimentation, diseases, and visual health. The in-water work will be conducted by qualified marine biologists that have been approved by FDEP to conduct benthic assessments. Nearshore hardbottom transects and quadrats will be used as fixed biological monitoring stations. Visual inspection and video documentation will be captured of the hardbottom areas along the transect lines and within one meter on either side of the line including quadrat monitoring stations. An inventory of

marine resources will be utilized to document and provide a quantitative and qualitative data set that will be utilized to assess and comparatively evaluate changes in benthic macroinvertebrate and macroalgal communities. Biologists will also measure sediment depths and sand patches along each cross-shore transect for identifying project-related sediment impact. Visual inspections will include identifying whether benthic organisms are being, or have been, stressed by factors other than natural events. The addition and more frequency monitoring of permanent sediment transects will provide data on the natural variation in sediment movement/cover in the BMA cell in areas outside of the influence of coastal projects.

Development and Implementation of Project Specific Biological and Environmental Monitoring Plans.

As discussed previously, the Coastal Eco-Group team was integral in the development of the comprehensive BMA monitoring program and implementation of the first five years of annual monitoring. We effectively developed and presented a suite of mitigation strategies to the State and Federal agencies that resulted in an unprecedented authorization for the Mid-Town Beach Nourishment Project that resulted in a long-term mitigation plan to compensate for temporary impacts to hardbottom resources. Resource protection agency acceptance of the Coastal Eco-Group's Unified Mitigation Assessment Method evaluation represents a holistic approach to compensating for unanticipated impacts resulting from project construction.



The Coastal Eco-Group is uniquely qualified to implement the project specific and regional biological and environmental monitoring programs for the Town of Palm Beach because our team's professionals have been the primary authors of these plans since 2003 and have been implementing the FDEP's BMA monitoring plan since 2014.

Conduct Various In-water Sea Turtle, Fish, and Other Marine Organism and Habitat Assessments, Including State and Federally Listed Endangered and Threatened Species.

The State and Federal resource protection agencies have required that the Town implement monitoring programs during and after project construction to determine whether listed species use of restored shorelines is affected by a project. The Coastal Eco-Group team understands that the Town of Palm Beach retains a Florida Fish and Wildlife Conservation Commission (FWC) authorized consultant to provide sea turtle nest and hatchling monitoring services as part of their commitment to environmental resource management. It is our assumption that due to the specific nature of the existing agreement, the Town will continue to contract these services independently from those requested herein. Coastal Eco-Group personnel have worked with the Town's current Sea Turtle Monitoring Program professional and will interact as necessary to accomplish the Town's objectives for species protection.



The Coastal Eco-Group team is experienced in coordinating the environmental requirements of the listed species in relation to the design requirements for a successful project, which has performance standards that will meet the Town's expectations.

The FWC, NMFS, and USFWS view nearshore and offshore hardbottom habitats and estuarine seagrass communities as critical habitat for foraging juvenile green sea turtles (*Chelonia mydas*). The required natural and artificial reef monitoring program for two of the Town's shoreline restoration projects at Phipps Ocean Park, and Mid-Town, as well as the Palm Beach Harbor Navigation Project, all require specific monitoring of macroalgal species and benthic communities be conducted to evaluate and document conditions for the specific purpose of determining whether sufficient foraging resources are present in the study area. Extensive in-water active and passive monitoring techniques have been employed to survey and document the presence or absence of all sea turtle species. Specific reporting of monitoring program findings are a condition of the applicable state and federal project permits for not only sea turtle species, but all documented floral and faunal species.

Considering the proximity of hardbottom resources to the Town's various project sites, it is imperative that coordination with the Federal agencies on this issue is performed proactively. The Town may be required to conduct a comprehensive survey of hardbottom habitats within and adjacent to their project areas to document the presence/absence of *Acropora* species and the seven candidate stony coral species for implementation of appropriate protection measures,

The Coastal Eco-Group team of professionals are experienced in the development, performance, and reporting of every aspect of environmental monitoring required by the resource protection agencies. The Coastal Eco-Group Team has extensive experience in coordinating listed species issues with the NMFS as well as the FWS.

2.8-4. Management of the Town's Long-term Coral Nursery Program, Including Coral Transplant Success Evaluation. Coastal Eco-Group's professionals successfully completed the first year of coral transplantation and coral nursery program implementation. Our team coordinated with the Port of Palm Beach to harvest over 500 orphan coral colonies from Slip 3 and transplanted them to the Town's 0.8 Acre Artificial Reef Site. Our approach to the long-term management and implementation of the program is to use traditional and innovative opportunities that allow the Town to fulfill its obligations in a cost-effective manner.

Preparation of National Environmental Policy Act (NEPA Compliance Documentation, Including Environmental Impact Statements (EISs) and Environmental Assessments (EAs). Our team of NEPA practitioners has been providing direct support to numerous federal, state, and local agencies and private clients for more than 50 years. The professionals on the Coastal Eco-Group team have managed large, complex NEPA projects throughout Florida and across the country. Our team has consistently demonstrated an ability to produce easily understood NEPA documents of the highest quality, withstanding high levels of public and regulatory scrutiny.

Coordination with Local, State, and Federal Regulatory and Advisory Agencies. Coastal Eco-Group's professionals have unparalleled experience in environmental monitoring throughout the State of Florida. As a result of our previous work with the Town and other local project sponsors, we have developed extensive long-term relationships with regulatory agency personnel at the state and federal agencies. Our relationships with agency personnel are based on mutual respect and we have been very successful in coordinating project needs with agency personnel and advisory agencies. Our team will provide open and regular communication with the Town, FDEP, USACE, and federal/state commenting agencies.

Perform Desktop and Field Mapping Analyses, Including Consistency with Federal Geographic Data Committee (FGDC) Standards. A Town-wide Geographical Information

System (GIS) database has been developed, and the CEG has managed the Town's GIS databases of hardbottom exposure since 2014. Continuation of the data collection and incorporation into a comprehensive coastal resource database is recommended.

The Coastal Eco-Group team understands that the acquisition of rectified digital aerial photographic data is a FDEP and USACE permit requirement for several of the Town's projects. Generally, the collected data is obtained as part of the annual physical beach and offshore profile survey services provided to the Town. In several instances the aerial imagery is utilized for the analysis of hardbottom habitat presence/absence documentation that is an important aspect of the Town's Marine Assessment and Monitoring program requirements. The Coastal Eco-Group team is prepared and highly qualified to provide the required survey services and is capable of coordinating with the appropriate aerial data collection firm to assist the Town in complying with the various aspects of their required environmental and physical monitoring programs.

Permitting Assistance for Both State and Federal Approval / Authorization of Coastal Protection Projects. Coastal Eco-Group's professionals have provided design and permitting services for numerous similar projects within the Town of Palm Beach, and throughout Florida. The team has the experience and an unparalleled understanding of these complex projects and our extensive long-term relationships with regulatory agency personnel at the state and federal agencies will aid in an efficient and effective regulatory process.

Our team will provide open and regular communication with the Town, FDEP, USACE, and federal/state commenting agencies. Permitting is directly tied to the rules and regulations, for which knowledge is imperative to be able to navigate those nuanced elements where subject judgment dominates. Much of the information involved in the project overlaps between the State and Federal regulatory programs. Therefore, the Coastal Eco-Group team will work very closely on executing tasks that allows the Town to expedite regulatory review and approval in order to avoid or minimize redundancy.

Understanding that the Town's projects fall under the Beach Management Agreement reduces the coordination needed for FDEP authorization. While the State's regulatory process may be somewhat streamlined as a result of adoption of the BMA, the Federal regulatory process may still present challenges. The Coastal Eco-Group team is prepared to support the Town as it implements your Coastal Management Program.

Coastal Eco-Group's professionals are prepared to support the Town during pre-application or other meetings with the regulatory and commenting agencies to present and discuss the specific project elements. The purpose of these meetings will be to coordinate with the resource protection agencies to explain the basis of the project need and decisions reached in formulating the proposed project(s). A goal of these coordination meetings is to obtain agency input on the proposed project, identify additional data needs and concerns, and develop responses to those issues before submittal of the permit application package or in advance of a formal request for additional information. Meeting with the agencies periodically during the regulatory review process should facilitate a more expedient permitting process.

Estuarine Analysis and Study, Specifically Lake Worth Lagoon and Palm Beach Inlet. The Coastal Eco-Group team has extensive expertise in seagrass monitoring, restoration, and mitigation projects in Lake Worth Lagoon. Since 2011, CEG has performed annual monitoring of permanent seagrass transects in Lake Worth Lagoon for Palm Beach County, and during the summer/fall of 2013 and 2018, CEG scientists ground-truthed locations in the Lake Worth

Lagoon for seagrass presence and bed composition/cover. A strong negative correlation between muck and seagrass abundance has been documented at the permanent transects, highlighting the importance of PBERM's sediment management projects in seagrass habitat restoration in the lagoon.

Assist with Implementing Responsibilities to Best Protect the Environment. Developing Strategies To Assist Advocacy Groups With Measures To Take That Can Balance Coastal Protection Projects With Nearby Environmental Resources. The State and Federal resource protection agencies have required that the Town implement shorebird monitoring programs during and after project construction to determine whether shorebird use of restored shorelines is affected by the project. The Coastal Eco-Group team of professionals are experienced in the development, performance, and reporting of shorebird monitoring as required by the agencies and are working on several projects which investigate the foraging value of softbottom habitats for wintering piping plovers

Prepare Construction Cost Estimates for Artificial Reef Construction and Other Mitigation Strategies and Assist in Bidding Processes, Including Pre-Construction Conferences. Development of the construction cost estimates, and as needed, plans and specifications necessary to construct artificial reefs for the Town will be accomplished by members of the Coastal Eco-Group team who have specific and relevant experience. In order to minimize costs to the Town, and in recognition of your previous artificial reef construction activities, the use of previously developed bidding documents, consistent with Town procedures, may be used as the basis for development of the appropriate documents. Coastal Eco-Group will support the Town throughout the bidding process with construction management services, pre-construction conferences, and other requisite services deemed necessary and appropriate by Town staff.

Participation in Shore Protection Board Public Meetings as Deemed Necessary By Staff or Board Members. The Coastal Eco-Group team is prepared to continue our support of Town staff through our participation in Public Meetings for the Shore Protection Board, Town Council, or other advisory group within the Town. We fully expect that as the Town's consultant for Marine Assessment and Monitoring services, we will be asked to present the findings of our work to the Town. We welcome the opportunity to participate in these meetings as a way of publically demonstrating the Town's proactive approach to environmental monitoring.

We will prepare meeting exhibits and other project documentation as needed to achieve the Town's goals for each specific event. Meeting attendance by specific team members will be defined by Town or agency staff, which will dictate agenda items and topics for consideration.

Conduct Technical Peer Reviews. The Coastal Eco-Group team has extensive experience in conducting technical peer review. Ms. Miller, Principal of CEG, is currently the third party technical reviews for the FDEP Nearshore Hardbottom Mitigation Study. The coral researchers at Nova Southeastern University Oceanographic Center commonly perform technical peer reviews as part of their routine activities and will assist Coastal Eco-Group with any assignments requiring a rigorous academic review.

Assist in Developing a Public Education Program and Participating In Educating the Public Regarding the Coastal Environment. Researchers at Nova Southeastern University have been actively involved in public outreach activities for the Southeast Florida Coral Reef Initiative (SEFCRI) in Palm Beach County. Ms. Miller and Dr. Gilliam frequently give presentations at local dive group meetings about the importance of coral reef habitats in southeast Florida and

participated in a series of public workshops to educate stakeholders on Florida's coral reefs. The balance and connectivity between valuable beach habitats for endangered species along the Town's shoreline and marine habitats in the Town's offshore waters is crucial to the protection of both ecosystems. Furthermore, the water quality of Lake Worth Lagoon affects the health of the nearshore and outer reef habitats in the Town. Our team would work to develop the public's understanding of this connectivity and Town's objective to protect all coastal habitats.

Other Related Marine Resource Assessment And Monitoring Activities. The Coastal Eco-Group team is comprised of professionals representing expert knowledge and experience with marine resource assessment and monitoring tasks. What this team also offers is a comprehensive suite of capabilities and expertise that will allow us to work closely with the Town on issues that are outside the normal range of marine resource assessment and monitoring tasks. Our team has unparalleled experience in water resources, stormwater, terrestrial and freshwater ecosystem management, recreational facilities, and municipal service needs. The Coastal Eco-Group team's extensive experience in the environmental and physical fields allow us to provide the Town with a wide range of alternative solutions that are based on traditional and proven technologies, while evaluating appropriate new and innovative ideas and techniques that are being developed nationally and internationally in the field of coastal zone management, shore protection, resource protection and municipal services.

Our team is available to contribute our expertise to the Town as needed to address issues outside the scope of marine resource assessment and monitoring services requested in this solicitation. Challenges identified by others such as stormwater and sanitary sewer discharges to surface and oceanic waters, facility design and renovation, coastal construction control line permitting for dune restoration, beachfront facilities (lifeguard stations, boardwalks, and dune crossovers) estuarine habitats (seagrass and mangrove communities) may be effectively and efficiently processed or expanded into an interdepartmental manner through Coastal Eco-Group's overall marine resource assessment and monitoring contract. After selection as Town of Palm Beach's new Marine Resource Assessment and Monitoring Consultant, we welcome the opportunity to provide Town representatives with a full description of our capabilities and experience as it relates to the needs of the Town.

The Coastal Eco-Group team members as identified herein will work in close coordination to clearly and concisely describe the environmental resources associated with project footprints and areas of potential effect, identify these resources, and address concerns in a comprehensive manner for the resource protection agency personnel responsible for reviewing the project. The Town of Palm Beach has experienced a higher level of agency review and comments than that experienced in areas without the presence of significant marine resources. Through this contract Coastal Eco-Group will serve as an extension of Town staff and will be able to provide 3rd party review and oversight of critical environmental and resource management issues. Although the Town of Palm Beach's goal for the project is avoidance of environmental impacts; minimization and mitigation efforts may have to be undertaken to provide a project design with acceptable performance potential. Close coordination with Town staff, the Town's selected coastal engineering consultant(s), and agency representatives will be required to assure minimal delays in project review and comment.

Coastal Eco-Group Inc. is an environmental consulting firm based in Deerfield Beach, Broward County, FL, and is certified by the State of Florida as a Women Owned Business. Coastal Eco-Group (CEG) was established in 2005 and represents over 75 years of professional experience in National Environmental Policy Act assessments and document preparation; project management; environmental planning; marine ecological surveys, including coral reef, hardbottom and seagrass mapping, monitoring, and impact analysis; coral transplantation and environmental permitting. Our core staff of four senior marine scientists and four marine staff scientists are highly skilled in marine resource assessment with specialized experience in regulatory project permit review, post-project hardbottom monitoring, and hardbottom mitigation development for shore protection projects and navigation improvement projects throughout Florida.

All CEG biologists have M.S. degrees and have more than four years of experience at CEG. All scientific staff have been approved by the FDEP to conduct permit-required hardbottom and benthic community monitoring in accordance with FDEP Standard Operation Procedures for Nearshore Hardbottom Monitoring. CEG senior scientists are working with the state and federal agencies on projects to develop innovative and cost effective alternative mitigation strategies for hardbottom community and seagrass impacts and implement adaptive management techniques to biological monitoring protocol. Our team of senior scientists is highly respected by the state and federal regulatory and resource protection agencies and have a reputation of providing accurate evaluations of marine habitat conditions, project-related impacts, and appropriate mitigation strategies to offset losses in habitat functions.





Experience/Ability of Personnel



Coastal Eco-Group Inc.



Marine Resource Assessment & Monitoring Services Management's Credentials

Coastal Eco-Group Inc. (CEG) has assembled the same strong project team that has served the Town since 2014. CEG will serve as the prime consultant firm and will be supported by our sub-consultants, Nova Southeastern University and Tetra Tech, Inc. Our proposed management team includes the following staff that have worked together on Town project for over a decade:



Cheryl Miller, President, Principal Scientist and Project Manager

Ms. Cheryl Miller, CEG Principal, is an expert in nearshore benthic resources, including nearshore hardbottom habitats, offshore reef communities, and submerged aquatic vegetation. Cheryl has worked on Town projects since 1999 and has extensive knowledge of the Town's coastal resources from her work in both the private and public sectors. Ms. Miller was directly involved in the planning and scoping meetings for the BMA and has presented annual updates at Town public meetings since 2014. From 2005 to 2010, Ms. Miller provided technical expertise and environmental permitting support to the FDEP Bureau of Beaches and Coastal Systems for projects involving impacts to seagrass and hardbottom habitats and recommendations for development and implementation of hardbottom monitoring and mitigation programs. Cheryl will continue to act as Lead Project Manager on this project.



Angela Delaney, Senior Marine Scientist and Field Supervisor

Ms. Angela Delaney is the Field Operations Supervisor for CEG; she has more than 16 years of professional experience in the environmental consulting field and has worked for the Town for over 15 years. Ms. Delaney is proficient in mapping and monitoring of benthic habitats, and her professional consulting experience includes environmental permitting support for beach nourishment projects and coordination with state and federal regulatory and resource protection agencies. Ms. Delaney has managed the Town's extensive Microsoft Access database of BMA monitoring data since 2014.



Brian Walker, Ph.D. and David Gilliam, Ph.D.

Dr. Brian Walker is a Research Scientist in GIS and Spatial Ecology and Dr. David Gilliam is an Assistant Professor in Coral Reef Ecology with emphasis on Restoration, Assessment, and Monitoring at Halmos College of Natural Sciences and Oceanography at Nova Southeastern University. Dr. Walker was Principal Investigator for development of the 2014 Baseline Benthic Habitat Map for the BMA and will continue to provide oversight of hardbottom interpretation from aerial photography for annual BMA hardbottom mapping



Marine Resource Assessment & Monitoring Services Management's Credentials

requirements. Dr. Gilliam serves as Principal Investigator for the Southeast Florida Coral Reef Monitoring Program (SECRMP) and has managed monitoring of the offshore hardbottom stations in the BMA pursuant to the SECRMP monitoring protocol.



TETRA TECH

Mr. Robert Baron, Senior Marine Scientist, Tetra-Tech, Inc.

Mr. Baron is a Project Manager and Marine Scientist with direct experience working on Town of Palm Beach projects since 2002. Robert manages large scale coastal projects including benthic habitat characterizations of hardbottom/reef/seagrass communities, habitat remediation, post-hurricane impact assessments, and artificial reef habitat enhancement projects. As an experienced scientific diver, Robert is Tetra Tech's Center for Coastal Services American Academy of Underwater Sciences Diving Safety Officer and is proficient in coral reef, natural hardbottom and artificial reef benthic community monitoring and assessments; coral harvest and transplanting; and Caribbean coral reef fish population censusing.



Marine Resource Assessment & Monitoring Services Town of Palm Beach Related/Relevant Projects

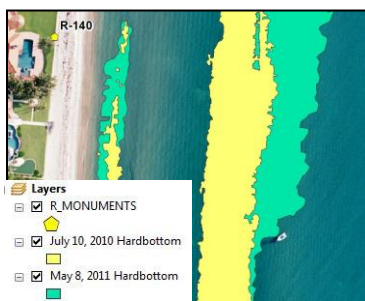
Palm Beach Island Beach Management Agreement –Nearshore Hardbottom Benthic Habitat Mapping and Annual Monitoring Services, Town of Palm Beach, Florida



In 2012, the Florida Department of Environmental Protection initiated a pilot project for a regional approach to permitting beach nourishment and inlet management in the Town of Palm Beach. This Beach Management Agreement (BMA) includes about 15.7 miles of shoreline from Lake Worth Inlet to South Lake Worth Inlet. Coastal Eco-Group Inc. (CEG) serves as the lead environmental services consultant to the Town of Palm Beach, providing regulatory agency liaison and public outreach services for the BMA, ecological monitoring and impact assessments, benthic habitat map development and GIS

services, UMAM assessments and hardbottom mitigation development, and annual monitoring data analyses and reporting required by the BMA.

The BMA involves a comprehensive, cell-wide approach to monitoring the effects of beach nourishment projects and determining natural variability in hardbottom exposure/functions within the cell to distinguish project-related effects from natural variability. During the summer of 2014, the CEG team created a baseline benthic habitat map for the BMA using surveys of hardbottom communities within the 2015 Mid-Town and Reaches 7 and 8 beach and dune nourishment project areas for comparison to permanent monitoring stations/transects located outside of the influence of these projects. In conjunction with our sub-consultants, Tetra Tech Inc. and Nova Southeastern University, the July and November 2014 aerial imagery was interpreted and digitized in ArcGIS. Map creation followed standards used by CEG and Palm Beach County for historic evaluation of the extent and frequency of nearshore hardbottom exposure. The CEG scientific team visited 115 sites in September 2014 to characterize hardbottom habitats, mapped the entire extent of nearshore hardbottom in the BMA cell from Palm Beach Inlet to Boynton Inlet, and installed and conducted the pre-construction survey of the BMA monitoring and Mid-Town regulatory transects.



The 2014 Benthic Habitat Map was used to develop the locations for the eight remaining permanent monitoring transects outside of the influence of beach nourishment projects. These transects were installed in June 2015 along with the two offshore monitoring stations in the Mid-Town project area. The Year 1 survey of the permanent transects and stations, nearshore hardbottom edge mapping survey, and digitization of the May 2015 aerial imagery was completed in the Fall 2015. The Year 2 survey and hardbottom map from February 2016 aerial imagery was completed in December 2016. The Year 3 survey was completed in December 2017, and the 2017 hardbottom habitat map was

developed from digitization of July 2017 aerial photography (Town of Palm Beach limits) and January 2017 Palm Beach County aerial imagery (Palm Beach County shoreline from R-138 south to Boynton Inlet). The Year 4 BMA survey, completed in January 2019, also serves as the Year 3 post-construction monitoring survey for the BMA regulatory monitoring requirements for the 2015 Mid-Town Beach Nourishment Project. The 2018 hardbottom distribution map was prepared from digitization of County-wide aerial photography obtained in July 2018. The Year 4 2019 annual report and hardbottom map are currently being finalized with delineation of hardbottom exposure in January 2020 aerial photography. The results of annual monitoring surveys have been presented at public meetings in coordination with FDEP staff.

Coral Nursery Mitigation Program, Town of Palm Beach, FL

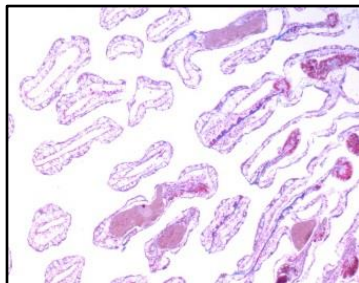


The 2003 Mid Town Beach Nourishment Project involved placement of approximately 1.3 million cubic yards of sand along 2.1 miles of shoreline in the Town of Palm Beach, Palm Beach County, FL. In 2006, the project fill area was re-nourished with placement of approximately 900,000 cubic yards of sand to restore damage from Hurricanes Frances and Jeanne in 2004.

At the request of the Florida Department of Environmental Protection, Coastal Eco-Group prepared a cumulative impact assessment for the 2003 and 2006 nourishment projects on behalf of the Town of Palm Beach. In-situ benthic point-quadrat data, sediment monitoring data, digital video transect records, and annual aerial imagery were reviewed to evaluate short term and long term effects of sand cover on benthic communities in comparison to the January 2003 baseline survey. Using the results of the cumulative impact assessment, CEG scientists worked closely with the Florida Department of Environmental

Protection to apply the State's Uniform Mitigation Assessment Method in estimating the functional losses of hardbottom habitat. Following the impact evaluation, CEG worked closely with the state and agencies to establish adaptive management and monitoring protocols which have resulted in more robust ecological data and cost-effective and ecologically appropriate monitoring and mitigation strategies.

CEG directed an innovative approach to compensatory hardbottom mitigation using coral nurseries and coral relocation to offset temporary losses in nearshore hardbottom habitat functions. Four mitigation activities were developed: 1) creation of 1.5 acres of artificial reef in the nearshore area (less than 20 ft. water depth); 2) 1.5 acres of coral nursery artificial reef in the intermediate/offshore area; 3) salvage and reattachment of 5,000 corals of opportunity at the coral nursery sites over a ten-year period (average of 500 corals/year); and 4) relocation of corals from the nursery to natural hardbottom to increase recruitment potential.



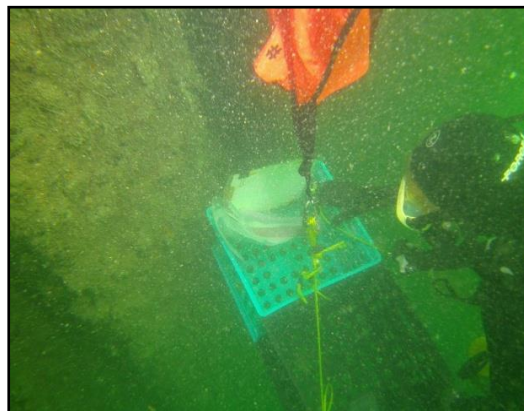
During the summer of 2013, over 500 orphan corals were transplanted from the Port of Palm Beach Slip 3 to the Town's 0.8-acre mitigation artificial reef. Coral nursery success is being evaluated through evaluation of long term survivorship/expansion and recruitment. Histological techniques are being used to evaluate the fecundity of transplanted corals. In 2019, over 600 orphan corals from the Port of Palm Beach Berth 1 were transplanted to the 0.8-acre mitigation artificial reef in fulfillment of mitigation requirements.

Additionally, more than 50 urchins were relocated from Berth 1 to the mitigation reef nursery in conjunction with the coral relocation to assist with removal of macroalgal overgrowth and create substrate conditions conducive to coral recruitment. Following construction of the new coral nursery artificial reef habitat, the Town will be able to harvest/salvage stony corals and octocorals of opportunity from deeper waters following storm events.

Port of Palm Beach Slip 3 Orphan Coral Relocation Project –Port of Palm Beach, FL

The Port of Palm Beach Slip 3 reconstruction project consisted of bulkhead and steel sheet pile seawall replacement around the slip perimeter, along the Berth 17 seawall located southeast of Slip 3, and along the east-facing seawall on the north side of the slip. The slip was also expanded by landward relocation of the existing bulkhead wall.

The USACE project permit required relocation of stony corals greater than 10 cm in diameter for impact avoidance. Through coordination with the regulatory and resource protection agencies (FWC and NMFS), CEG obtained authorization for the harvest of orphan corals from the slip walls (all corals less than 10 cm in diameter) for use in the coral nursery mitigation program for the Town of Palm Beach. Over 500 orphan corals were transplanted from Slip 3 to the offshore coral nursery from May through August 2013.



CEG scientific divers harvested corals from the slip wall using a hammer and chisel. All dive activities were coordinated closely with Port staff according to accessibility to the site and tidal restrictions; visibility and current only allowed for coral harvest during the incoming tide. Orphan corals were mainly small *Oculina* spp. and thin, encrusting *Madracis pharensis*, but six species were represented. Both small (5-10 cm) and large (>10 cm) colonies were harvested in addition to encrusting growth forms which fragmented during harvest. Corals were cached overnight in weighted bins until transplant at the Town's 0.8-acre coral nursery mitigation artificial reef located offshore of the Town of Palm Beach.



Due to fragmentation of encrusting colonies, a total of 755 corals/fragments were attached at the coral nursery. Coral colonies and fragments were reattached to the limestone boulders at the mitigation reef using All Fix epoxy putty. Species were grouped together in clusters, and a total of 28 transplant modules were established, each consisting of a maximum of three boulders. Maximum diameter, percent mortality, and overall coral health were recorded as part of the FWC Special Activity License monitoring requirement. Tissue samples were also collected from the harvested corals to determine reproductive status at the time of collection using histological methods. This monitoring is more cost effective than

annual field surveys in determining long-term mitigation success and contribution to the larval supply.

The CEG Team conducted the one-year post-transplantation monitoring in November/December 2014, the two-year monitoring in June 2016, and the three-year monitoring in October 2017. During the one-year survey, survival ranged from 67% to 100% depending on species. Two local government agencies, the Town of Palm Beach and Port of Palm Beach, benefitted from cost-effective mitigation and monitoring by combining the Port's monitoring requirements with the Town's coral nursery mitigation program, avoiding long-term survivorship monitoring costs and reducing field survey requirements through the use of innovative low-cost monitoring techniques to demonstrate transplantation success.

Port of Palm Beach Berth 17 Project- Environmental Permitting Support, Benthic Surveys, and Mitigation Plan Development, Palm Beach County, FL

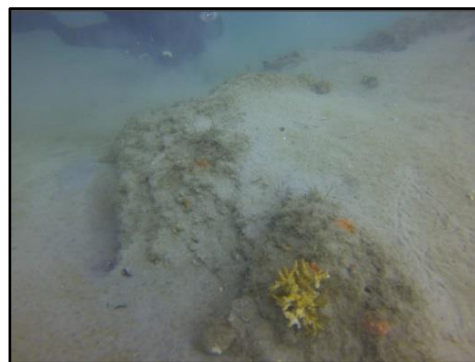
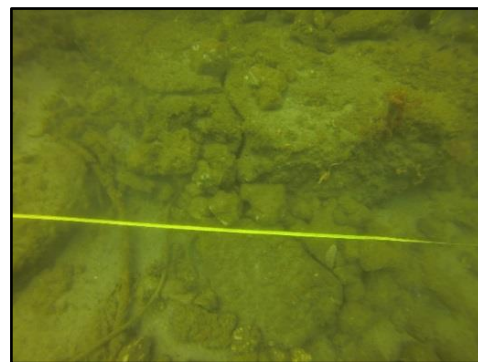


Coastal Eco-Group provided environmental permitting services to the prime consultant, AECOM, Inc. for the Port of Palm Beach Berth 17 Project. The Berth 17 Project involved construction of a new slip from upland excavation and deepening of submerged lands in the existing southeast marginal wharf; new breasting dolphins; a new catwalk connecting the breasting dolphins; a toe berm, and a new roll on/roll-off ramp.

CEG conducted benthic and fish surveys of the project area in the spring of 2014. A detailed benthic habitat map was produced in ArcGIS 10.1 with acreage calculations of each habitat type. The benthic habitat survey and map provided the biological information required to evaluate potential project-related effects on benthic resources and determine mitigation requirements pursuant to the FDEP UMAM mitigation rule. CEG also completed an Essential Fish Habitat (EFH) assessment in compliance with the Magnuson-Stevens Fishery Conservation and Management Act.

CEG assisted with environmental resource permit application development and Section 7 consultation under the Endangered Species Act. Section 7 consultation services include preparation of the Section 7 checklist for species and critical habitat under the purview of the National Marine Fisheries Service and the Manatee Biological Evaluation for the U.S. Fish and Wildlife Service. Impact avoidance was demonstrated through preparation of an avoidance and minimization report, and a hardbottom mitigation plan for impacts to natural and artificial hardbottom patches/rubble was developed based on the UMAM calculations. Based on the depths of unvegetated softbottom and absence of seagrass during several seagrass surveys, the dredge area was not considered potential seagrass habitat. Placement of the rip-rap to stabilize the slope was considered replacement habitat for impacted hardbottom in the mitigation assessment.

CEG prepared the stony coral relocation plan and relocated stony corals greater than 5 cm from the hardbottom and seawall at Berth 17 to the Town of Palm Beach mitigation artificial reef offshore of Palm Beach. Coral relocation was conducted in July 2016. The baseline survey of the transplants was conducted in September 2016, and annual surveys for transplant survival were conducted through 2019.



Rybovich Riviera Beach and West Palm Beach Marina Expansion Projects Palm Beach County, FL

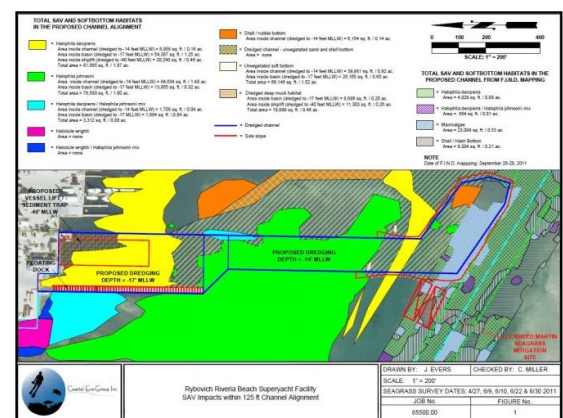


The Rybovich Riviera Beach Marine Facility is a 57-slip commercial marina containing 7.7 acres of uplands adjacent to the Intracoastal Waterway just north of Palm Beach Inlet. The existing dock configuration supports vessels up to 125 feet in length. The West Palm Beach Rybovich Marine Facility is a 59-slip commercial marina containing 11.2 acres of uplands adjacent to the Intracoastal Waterway. In May 2012, Coastal Eco-Group, serving as the environmental consultant to Rybovich, submitted an application for an Environmental Resource Permit for the construction of a vessel lift, access channel, and dock reconfiguration at the Riviera Beach Marine Facility. This original project design was projected to impact 7.88 acres of seagrass habitat.

In coordination with the resource protection and regulatory agencies, the project was redesigned to avoid and minimize impacts to seagrass habitat to the greatest extent practicable while still meeting the objectives for the facility. Rybovich made several operational revisions to significantly reduce the overall dredge footprint and design depth. The permitted project modifies the two existing marinas, Riviera Beach and West Palm Beach, to work in conjunction with one another to provide services and repairs to mega yachts. The vessels will check-in at the West Palm Beach Marina where they will be prepared for hauling out of the water. Once ready, the vessel will

be towed approximately 3 miles north to the Riviera Beach Marina's facility haul-out slip. Upon completion of work at the Riviera Beach Marina, the vessel will be placed back into the water and returned to West Palm Beach for dockage until departure. The revised project design reduced seagrass impacts from 7.88 acres to 4.46 acres.

Coastal Eco-Group was the agent responsible for obtaining state and federal permits for the marine facility project at Riviera Beach and expansion of the Rybovich Marina at West Palm Beach. Services included NPDES permitting and compliance; ERP permit application development, seagrass mapping surveys of the impact and mitigation areas, responding to agency RAIs and agency coordination during permit application review, demonstration of avoidance/ minimization of impacts to submerged resources, ESA Section 7 consultation with NMFS and USFWS, UMAM mitigation and cumulative seagrass impact evaluation, and development and agency approval of a seagrass mitigation plan for the cumulative impacts resulting from both projects. Federal agency approval of the combined mitigation plan for both projects was received in September 2014. Final permits for the projects were issued by the FDEP in 2015 and 2017 and by the U.S. Army Corps of Engineers in 2016 and 2017. Coastal Eco-Group has continued to provide environmental permitting services to obtain permit modifications at both facilities, including authorization of the beneficial use of dredge spoil material from the West Palm Beach facility in Palm Beach County's Tarpon Cove Restoration Project in 2018. The USACE permit modification to authorize placement of dredged material into the Tarpon Cove dredge hole was received within 30 days of our request to modify the permit.



Town of Palm Beach Municipal Docks Mitigation Artificial Reef - Environmental Permitting, EFH & Mitigation Plan Development, and Benthic Surveys



Coastal Eco-Group provided environmental permitting services for the Town of Palm Beach Municipal Docks Project during the summer of 2019. High-relief rock formations adjacent to the Peruvian Dock were identified by National Marine Fisheries Service (NMFS) representatives during review of the Town's permit application for dock replacement/re-configuration. These rock ledges provided Essential Fish Habitat (EFH) functions for managed fish species. Coastal Eco-Group staff developed the EFH Assessment and UMAM assessment/Hardbottom Mitigation Plan in close coordination with NMFS staff and expeditiously secured State and Federal permits for the mitigation artificial reef to meet grant funding deadlines for the project. Coastal Eco-Group also developed the alternatives assessment for the Municipal Docks Federal permit application.

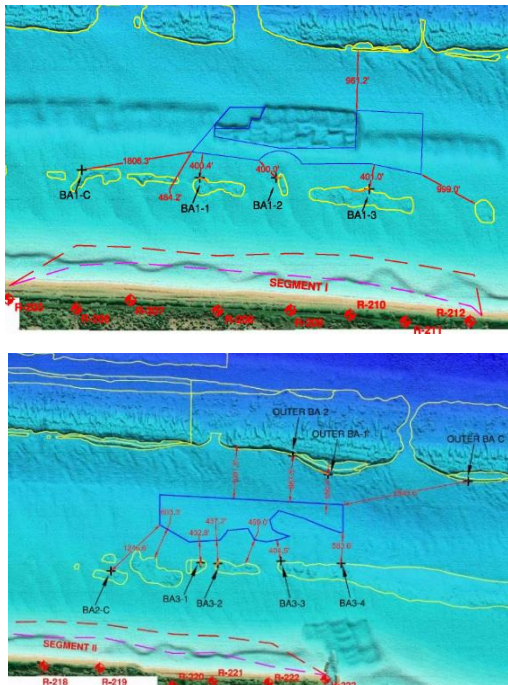
CEG marine scientists mapped and characterized hardbottom exposure and fish populations in the dredging impact area. The amount of EFH to be impacted was estimated using a series of line-intercept transects to calculate percent bottom cover occupied by high-relief hardbottom. A detailed benthic habitat map was produced in ArcGIS 10.7 with acreage calculations by habitat type. The survey results were used to calculate the functional loss of impacted hardbottom and replacement habitat value of the mitigation artificial reef. The total area of dredging impact was 0.1 acres of high-relief hardbottom ledges; impacts to this hardbottom required 0.12 acre of mitigation artificial reef. Coastal Eco-Group scientists identified a suitable artificial reef site approximately 75 m to the south of the southern dredge limits of the Town Docks on the east side of the Lake Worth Lagoon.

The mitigation artificial reef was constructed in the summer of 2020. CEG conducted a time-zero survey and 30-day post deployment fish census. The surveys included perimeter mapping of the constructed artificial reef, line-intercept transects to determine percent cover of sand and boulder relief, and a census of fish populations on the artificial reef. The 30-day post deployment survey documented use of the mitigation artificial reef by managed fish species.



2010 and 2013/14 and 2016/17 North, Central and South Boca Raton Beach Nourishment Projects: Environmental Permitting, NEPA Compliance, Hardbottom Impact Assessment and Permit Compliance

Coastal Eco-Group Inc. (CEG) has served as the environmental sub-consultant to the City of Boca Raton under the prime coastal engineering contract since 2008. Environmental services in support of the City's three nourishment projects (North Boca Raton Federal Project, Central Boca Raton Nourishment Project, and South Boca Raton Nourishment Project) include NEPA documentation and compliance, listed species surveys and critical habitat effects analyses for compliance with the Endangered Species Act, environmental permitting support including monitoring plan development and impact evaluation, biological monitoring, and permit compliance. The North Boca Raton shoreline was nourished in 2010 and 2014; the South Boca Raton project area was nourished in 2010 and 2013; and the Central Boca Raton Beach Nourishment Project started in the winter of 2016 and was completed in winter 2017. The South Boca Raton Beach Nourishment project is located immediately south of Boca Raton Inlet, and the beach fill area is proximal to extensive nearshore hardbottom.



The offshore borrow sites for the North and Central Boca Raton projects were located less than 1,000 feet from adjacent outer linear reef and inshore patch reefs. In order to maximize the volume of beach-compatible sand available for dredging, Coastal Eco-Group scientists developed a cost-effective, stringent during-construction monitoring protocol to authorize a minimum buffer distance of 400 ft. to adjacent reef habitats. Sedimentation monitoring was required twice/weekly when the dredge was working within 1,000 ft. of reef habitats, and these surveys were conducted while the dredge was operating less than 600 ft. from reefs. Multiple pre-construction surveys were used as a reference for natural variability. Based on the results of the 2014 North Boca Raton project monitoring, the sediment accumulation trigger and monitoring protocol were modified for the 2016/17 Central Boca Raton project; fate-tracking organisms to detect siltation at the organism level were added to evaluate siltation stress on the reef community.

There were only two occurrences of sediment depth exceeding the threshold trigger in 2014 when the dredge was less than 600 ft. from the reefs; these exceedances were minimal with a return to the reference condition within 48 hours. Best management practices (BMPs) required the dredge to move to a distance of greater than 600 ft. from the reefs to continue dredging until sediment depth measurements were in compliance. Relocation of the dredge to distances of more than 1,000 ft from adjacent patch reefs was conducted in excess of BMP requirements during the 2017 dredging event to ameliorate potential dredging-related siltation stress. The results of the sedimentation surveys for the 2016/2017 Central Boca Raton project do not indicate any significant adverse impacts to patch reefs located between 400 and 600 ft of dredging activity.

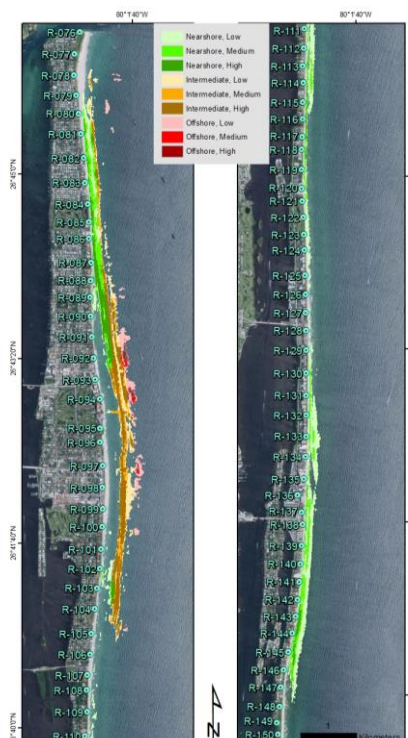
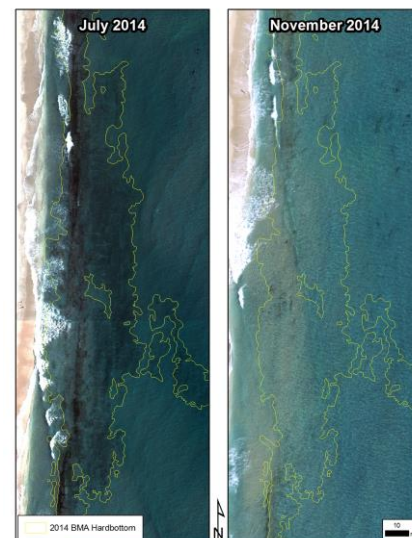
Southeast Florida Coral Reef Evaluation and Monitoring Project		
Assignment Name: Southeast Florida Coral Reef Evaluation and Monitoring Project		Country: Florida USA
Name of Client: Florida Department of Environmental Protection		
Start Date: May 2003	Completion date: Current	Approx. Value of Services: US~\$1,500,000
Narrative Description of Project: Funded by the state of Florida Department of Environmental Protection (DEP) and the US National Oceanic and Atmospheric Administration Coral Reef Conservation Program, the Southeast Florida Coral Reef Evaluation and Monitoring Project (SECREMP) was established in 2003. SECREMP provides local, state, and federal resource managers with an annual coral reef status report as well as information on temporal changes in resource condition for the Southeast Florida Coral Reef Ecosystem Conservation Area (Martin, Palm Beach, Broward, and Miami-Dade counties). Survey methods include photographic transects to quantify percent cover of major benthic taxa (stony corals, sponges, octocorals, macroalgae, etc.) and demographic surveys to quantify abundance, size distribution, and overall condition of stony corals, octocorals, and the giant barrel sponges. SECREMP uniquely facilitates collaboration and knowledge sharing between a university and resource management agencies that benefiting coral reef ecosystems nationwide.		



PROJECT DESCRIPTION		Halmos College of Arts and Sciences NOVA SOUTHEASTERN UNIVERSITY		NSU Florida
TITLE AND LOCATION (<i>City and State</i>)		YEAR COMPLETED		
Palm Beach Beach Island BMA February 2016 Aerial Photography Interpretation and Hardbottom Delineation		PROFESSIONAL SERVICES	CONSTRUCTION (<i>If applicable</i>)	
		2016 - 2017	N/A	
PROJECT OWNER'S INFORMATION				
a. PROJECT OWNER	b. POINT OF CONTACT NAME	c. POINT OF CONTACT TELEPHONE NUMBER		
Coastal Eco-Group Inc.	Cheryl Miller	(954) 591-1219		

Nova Southeastern University (NSU) partnered with Coastal Eco-Group, Inc. to work on the Palm Beach Island Beach Management Agreement. The basis for the BMA monitoring program is an initial characterization and classification of hardbottom monitoring communities within the study area based on digitization of exposed hardbottom in Summer/Fall 2014 aerial imagery and in situ verification of hardbottom areas and borders in the cell in order to quantitatively characterize, classify, and map hardbottom communities according to the BMA classification scheme. Remotely sensed images from 2000-2015 were used to look at the movement of sediment and how it contributes to exposure rates of near shore hardbottom habitats in Palm Beach, Florida and how these factors affect the benthic community.

GIS was used to determine areas of hardbottom with high exposure (exposed in >60% of aerial images), medium exposure (40-60%), and low exposure (<40%). Remotely sensed imagery and manual GIS interpretation were successful in determining hardbottom exposure over time. Large differences in exposed areas were seen in relatively short time periods, and beach nourishments coincided with decreases in exposure.



This study confirmed that periodic mapping was successful in identifying hardbottom burial and exposure, which fluctuate both spatially and temporally. This periodic mapping along with manual delineation did identify hardbottom burials and exposures that fluctuate between years and relate to benthic community differences. The nearshore hardbottom coral reef communities aligned with the observed exposure categories with the greater coral species richness and octocoral morphologies found at sites classified as highly exposed. Statistical analyses showed differences in communities shallower and deeper than three meters' depth. Increasing the frequency of imagery and in situ observation would further increase our comprehension of the metrics of hardbottom exposures in reference to community structure.

A new stratification was recommended for the nearshore communities based on these analyses. The proposed new Hardbottom Designation classification would be areas shallower or equal to 3 m and deeper than 3 m that have at least 60% exposure or not. This modification would change the designation to four classes: Shallow High Exposure, Shallow Low Exposure, Deep High Exposure, and Deep Low Exposure.

Major storms seemed to greatly increase the observed exposed hardbottom. Seasonal and targeted imagery collection after known mass sediment movement events will help hone the nearshore hardbottom areas affected by sediment burial and exposure.

FIRMS INVOLVED WITH THIS PROJECT			
a.	(1) FIRM NAME	(2) FIRM LOCATION (<i>City and State</i>)	(3) ROLE
	Nova Southeastern University Oceanographic Center	Dania Beach, FL	Partner with Coastal Eco-Group, Inc.



Principal-In-Charge
Cheryl Miller, President

**BMA Monitoring- Nearshore
Hardbottom, Benthic Habitat
Assessments. Reporting**

C. Miller
A. Delaney
M. Sathe
D. Fisco
N. Dancho
K. Klug
C. Bliss
R. Baron²

**NEPA, Permitting, NPDES
permitting, Regulatory
Support & Public
Outreach**

C. Miller
A. Delaney
M. Sathe
N. Dancho
D. Gilliam¹
B. Walker¹

**Artificial Reef & Fish
Population Assessments
and Sea Turtles**

C. Miller
A. Delaney
M. Sathe
D. Fisco
C. Bliss
R. Baron²

**Estuarine analysis &
study; seagrass, Lake
Worth Lagoon**

C. Miller
A. Delaney
M. Sathe
D. Fisco
N. Dancho
K. Klug
C. Bliss
R. Baron²

**Coral Relocation ,
Nursery and Monitoring**

C. Miller
A. Delaney
M. Sathe
N. Dancho
K. Klug
D. Fisco
C. Bliss
D. Gilliam¹

**Hardbottom Delineation
and GIS Analyses**

A. Delaney
M. Sathe
N. Dancho
K. Klug
B. Walker¹

**Public Outreach/Meeting
Technical Peer reviews**

C. Miller
A. Delaney
M. Sathe
D. Gilliam¹
B. Walker¹

SUBCONTRACTORS

1. Nova Southeastern University
Halmos College
of Arts and Sciences
NOVA SOUTHEASTERN UNIVERSITY | Florida
2. TetraTech Inc.



Cheryl L. Miller, President, Principal Scientist
Coastal Eco-Group, Inc.
665 SE 10th St. Suite 104
Deerfield Beach, FL 33441
Email: cmiller@coastaleco-group.com
Tel: (954) 591-1219



EDUCATION

M.S., Biological Sciences, Florida Atlantic University, 2000
B.S., Marine Biology, FAU, 1996
B.A., University of Pennsylvania, 1992

YEARS OF PROFESSIONAL EXPERIENCE

25

YEARS WITH CURRENT FIRM

15

PROFESSIONAL AFFILIATIONS

Southeast Florida Coral Reef Initiative Team Member (SEFCRI), 2003-2020, Vice-Chair (2013-2017)
South Florida Water Management District Water Resources Advisory Commission, 2011-2013
International Coral Reef Society
American Academy of Underwater Sciences

EXPERIENCE RELEVANT TO RFQ

- Hardbottom Monitoring and Impact Assessment and Mitigation Planning
- Environmental Permit Application Preparation and Management
- Environmental Compliance
- NEPA Documentation & Compliance
- Coral Relocation and Transplant Success Monitoring
- GIS and Aerial Photography Interpretation of Hardbottom
- Environmental Permitting and Regulatory Agency Liaison

Ms. Miller, President and Principal Scientist, has over 25 years professional experience in environmental planning and permitting, project management, NEPA assessments and document preparation, and marine and estuarine ecological surveys and mapping. Areas of expertise are nearshore hardbottom, reef, and seagrass mapping, monitoring, impact analysis, and mitigation design in association with shore protection projects throughout Florida. Ms. Miller has served as the Principal Scientist and Project Manager for the Palm Beach Island Beach Management Agreement (BMA) Monitoring Services for the Town of Palm Beach since 2014 and has worked on Town of Palm Beach projects since 1999. Cheryl is regularly acknowledged for her proactive and innovative approach to mitigation development and impact assessment and responsiveness to client needs and works in close communication with regulatory staff to ensure agency satisfaction and develop cost-effective alternative to monitoring protocol dependent upon field conditions.

PROFESSIONAL EXPERIENCE:

- President, Coastal Eco-Group, Inc., Deerfield Beach, FL- November 2005 – present
- Senior Scientist II, PBS&J, Inc., Jacksonville, FL- October 2004 – March 2006
- Research Assistant II, Harbor Branch Oceanographic Institute, Marine Nutrient Dynamics Laboratory, Fort Pierce, FL- September 2004 – August 2005
- Environmental Specialist III, FDEP Bureau of Beaches & Coastal Systems, Tallahassee, FL, October 2002 – September 2004
- Senior Marine Biologist, Coastal Planning & Engineering, Inc., Boca Raton, FL, April 1997 – October 2002

RELEVANT CEG PROJECTS:

Town of Palm Beach Municipal Docks, 2019- present

Project Manager responsible for obtaining State and Federal environmental resource permits for the mitigation artificial reef for hardbottom impacts associated with the Town of Palm Beach Municipal Docks. Coordinated with NMFS staff to characterize existing hardbottom functions for managed fish species; completed an EFH assessment and UMAM analysis to develop cost-effective and ecological appropriate mitigation; and obtained State and Federal permits for artificial reef construction on a very short timeline to enable to Town to meet grant funding deadlines. Developed the Biological Monitoring

Plan for the artificial reef to document mitigation success.

Town of Palm Beach Biological Services Consultant, Palm Beach County, FL, 2009- present.

Deputy Project Manager and Lead Scientist for biological monitoring, data analyses, impact evaluation, and permit-required reporting for nearshore hardbottom habitats for the 2010 Mid-Town Beach Nourishment Project, Phipps Ocean Park Beach and Dune Restoration Project, and Palm Beach Harbor Dredging Program Mitigation Reef Monitoring and Coral Transplantation Pilot Project (2009-2013). Project Manager and Lead Scientist for the 2015 Mid-Town Beach Nourishment Project; Palm Beach Island Beach Management Agreement and Biological Monitoring Program; and Primary Author/Developer of the Town's mitigation program for nearshore hardbottom impacts from beach nourishment.

Port of Palm Beach Slip 3/Berth 1 Orphan Coral Relocation Project, Palm Beach County, FL, 2013-2020.

Project Manager and Lead Scientist for regulatory agency coordination and coral relocation for impact avoidance. USACE project permit required relocation of stony corals greater than 10 cm in diameter for impact avoidance. Through co-ordination with regulatory agencies, Ms. Miller secured the use of orphan corals from the Slip 3 walls (all corals less than 10 cm) for use in the coral nursery mitigation program for the Town of Palm Beach. Over 500 orphan corals were transplanted from to the offshore coral nursery in 2013, and over 600 corals were relocated from Berth 1 in 2019. Cost effective monitoring was developed by combining the Port's monitoring requirement with the Town's coral nursery program, avoiding long-term survivorship monitoring costs to the Port and reducing field survey requirements using innovative low-costs monitoring techniques to demonstrate transplantation success.

Lake Worth Lagoon Fixed Transect Seagrass Monitoring Program: Annual Monitoring Surveys, 2011-2019 and 2013 and 2018 Lake Worth Lagoon Seagrass Mapping Project, Palm Beach County, FL.

Principal Scientist and Project Manager for annual seagrass surveys of permanent fixed transects in the Lake Worth Lagoon for Palm Beach County Department of Environmental Resources Management. Primary Author of annual cumulative reports which examine long-term trends in seagrass distribution. Provided recommendations for new field protocols to evaluate sediment characteristics, habitat suitability, and potential patch migration of *Halophila* spp. Principal Scientist and Project Manager for the 2013 and 2018 Seagrass Mapping Projects.

2010, 2013/14 and 20217 North and South Boca Raton Beach Nourishment Projects, and 2016/17 North Boca Raton Segment II Project, City of Boca Raton, Palm Beach County, FL, 2010- present.

Project Manager and Principal Scientist in charge of biological assessments, NEPA documentation, endangered species surveys and critical habitat assessments, hardbottom data analyses and impact analysis, and reporting and permit compliance for the 2010, 2013/2014, and 2016/17 beach nourishment projects. Provided regulatory and resource protection agency coordination services and developed a cost effective and ecologically appropriate sedimentation monitoring plan to allow authorization of a 400-ft buffer distance to adjacent reef habitats during dredging of offshore borrow sites; Responsible for technical reports in compliance with FDEP and USACE permit requirements.

Port Everglades Sand Bypass Project, Broward County, FL, 2006 – present.

Project Manager/Principal Author of the 2008 and 2015 NEPA regulatory Environmental Assessments and Biological Assessments for Section 7 ESA compliance for the proposed sand bypass project at Port Everglades. The sand bypass project was re-designed in 2014 to avoid confined blasting techniques. Primary Author of the UMAM hardbottom mitigation evaluation and innovative mitigation plan for impacts to nearshore hardbottom rubble-dominated communities at the spoil shoal. Responsibilities include environmental permitting support and coordination with State and Federal regulatory and resource protection agencies

EDUCATION

M.S., Marine Sciences, Nova
Southeastern University, 2006
B.S., Marine Science, Coastal Carolina
University, 2002

YEARS OF EXPERIENCE

Total: 17 yrs

OFFICE LOCATION

Deerfield Beach, FL

PROFESSIONAL AFFILIATIONS

International Coral Reef Society
National Association of Environmental
Professionals
American Academy of Underwater
Sciences

EXPERIENCE RELEVANT TO RFP

- Biological Surveys- Seagrass, Mangrove, Coral Reef Habitats, Artificial Reef Habitat
- Impact Assessment
- Environmental Permitting and Compliance
- NEPA Documentation & Compliance
- Benthic Habitat Mapping and Characterization
- Mitigation Assessment - UMAM
- Mitigation Development- Coral and Seagrass Habitats
- GIS Data Analysis and Mapping
- Database Management
- Coral Transplantation and Restoration

Ms. Angela Delaney has more than 16 years of professional experience in environmental planning and permitting, project management, NEPA compliance and documentation, benthic habitat characterization and mapping, and marine ecological surveys, including coral reef, nearshore hardbottom, artificial reef, and seagrass. Prior to joining Coastal Eco-Group in 2008, Ms. Delaney managed biological surveys and impact assessments for shoreline protection and navigation dredging projects at a coastal engineering firm in southeast Florida.

Previous relevant experience in NEPA compliance and documentation and direct experience with Town of Palm Beach include NEPA Environmental Assessments for numerous beach nourishment projects, monitoring transect installation, in-water sea turtle monitoring program, hardbottom sedimentation analysis, biological community monitoring, report development and permit compliance, and benthic habitat characterization and impact analysis for the Palm Beach Island Beach Management Agreement pilot program.

Relevant Project Experience

- Senior Scientist and Field Supervisor for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, statistical data analyses, GIS development, impact evaluation, and permit-required reporting for nearshore hardbottom habitats of the Beach Management Agreement (BMA) Cell-Wide Program. Palm Beach Island Beach Management Agreement, Palm Beach County, FL (2014-present)
- Senior Scientist and Field Supervisor for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, statistical data analyses, GIS development, impact evaluation, and permit-required reporting for nearshore hardbottom habitats within the Mid-Town beach nourishment project area. Mid-Town Beach Nourishment Project, Palm Beach County, FL (2014-present)
- Senior Scientist for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, statistical data analyses, GIS development, impact evaluation, and permit-required reporting for nearshore hardbottom habitats. 2016 Phipps Ocean Park Beach Project, Palm Beach County, FL (2016-present)
- Senior Scientist for regulatory agency coordination and coral relocation for impact avoidance. USACE project permit required relocation of stony corals greater than 10 cm in diameter for impact avoidance. Over 500 orphan corals were transplanted from Slip to the offshore coral nursery in 2013. Cost effective monitoring was developed by combining the Port's monitoring requirement with the Town's coral nursery program. Long-term transplant survival surveys were conducted in 2016 and 2017. Port of Palm Beach Slip 3/Berth 17/Town of Palm Beach Mid-Town Beach Nourishment Project Orphan Coral Relocation Project, Palm Beach County, FL (2013-2019)
- Senior Scientist for regulatory agency coordination and coral relocation for impact avoidance. USACE project permit required relocation of stony corals greater than 10 cm in diameter for impact avoidance. Over 600 orphan corals were transplanted from the Berth wall to the offshore coral nursery in 2019. Immediate transplant survival surveys were conducted in 2019. Port of Palm Beach Berth 1/Town of Palm Beach Mid-Town Beach Nourishment Project Orphan Coral Relocation Project, Palm Beach County, FL (2019-present)

EDUCATION

Dual M.S., Marine Biology and Coastal Zone Management, Nova Southeastern University, 2012

B.S., Biological Oceanography, Old Dominion University, 2009

YEARS OF EXPERIENCE

Total: 11 years

OFFICE LOCATION

Deerfield Beach, FL

PROFESSIONAL AFFILIATIONS

American Academy of Underwater Sciences

International Coral Reef Society

IUCN Seagrass SSC

CERTIFICATIONS

- PADI: Rescue Diver, Enriched Air Nitrox Diver, Advanced Open Water Diver, Open Water Diver, Specialty Diver (National Geographic)
- SDI: CPR, First Aid, Oxygen Administration, and Automatic External Defibrillator
- Over 1,000 scientific dives logged

EXPERIENCE RELEVANT TO RFP

- Biological Monitoring of Hardbottom Habitats in Southeast Florida
- Benthic Habitat Mapping and Characterization
- Submerged Aquatic Vegetation monitoring and habitat mapping
- Impact Assessment
- Data Management, Statistical Analysis, and Reporting
- GIS and Aerial Photography Interpretation of Hardbottom
- Impact Assessment and Mitigation Planning
- NEPA and NMFS Documentation & Compliance

Ms. Dancho conducts biological monitoring, mapping, and characterization surveys of marine and estuarine habitats including coral reef, hardbottom, and submerged aquatic vegetation. She has over 11 years of professional experience as a marine scientist, with 7 years of experience as an environmental consultant. Her areas of expertise include impact evaluation, permitting and mitigation planning, benthic habitat assessments and identification of Atlantic scleractinian corals, octocorals, seagrasses, and other functional groups. Ms. Dancho co-authored numerous NEPA and NMFS documents for NMFS Section 7 consultation, as well as numerous technical monitoring reports and utilizes statistical and GIS methods in the evaluation of impacts and mitigation for marine environments.

Prior to joining Coastal Eco-Group in 2013, Ms. Dancho was the operations and field manager at an environmental consulting firm in St. Petersburg, Florida, overseeing the biological and benthic habitat monitoring and impact assessments for seagrass restoration projects throughout the entire state of Florida. During her time at Nova Southeastern University, she served as a research associate for U.S. Geological Survey participating in on-going research for the South Florida Fish and Invertebrate Assessment Network within the Comprehensive Everglades Restoration Plan.

Relevant Project Experience

- Scientist for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, statistical data analyses, GIS development, impact evaluation, and reporting for nearshore hardbottom habitats for the Palm Beach Island Beach Management Agreement, Palm Beach County, FL (2014-present)
- Scientist for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, statistical data analyses, GIS development, impact evaluation, and permit-required reporting for nearshore hardbottom habitats for the 2015 Mid-Town Beach Nourishment Project, Palm Beach County, FL (2014-present)
- Scientist for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, statistical data analyses, GIS development, impact evaluation, and permit-required reporting for nearshore hardbottom habitats for the 2016 Phipps Ocean Park Beach Project, Palm Beach County, FL (2016-present)
- Scientist for the benthic monitoring for EFH hardbottom and seagrass assessments and the stony coral survey of the seawall, data management, and assistance of report preparation for the Port of Palm Beach Slip 3/Berth17/Town of Palm Beach Mid-Town Beach Nourishment Project Orphan Coral Relocation Project, Palm Beach County, FL (2014-2017)

EDUCATION

M.S., Marine Sciences, Nova Southeastern University, 2008

B.S., Ecology and Evolutionary Biology, Tulane University, 2000

YEARS OF EXPERIENCE

Total: 16 yrs.

OFFICE LOCATION

Deerfield Beach, FL

PROFESSIONAL AFFILIATIONS

Friends of Our Florida Reefs

Southeast Florida Coral Reef Initiative

American Academy of Underwater Sciences

EXPERIENCE RELEVANT TO RFP

- Biological Surveys- Seagrass, Mangrove, Softbottom and Coral Reef Habitats.
 - Impact Assessment
 - Environmental Permitting and Compliance
 - NEPA Documentation & Compliance
 - Benthic Habitat Mapping and Characterization
 - Mitigation Development- Coral and Seagrass Habitats
 - GIS Data Analysis and Mapping
 - Coral Transplantation and Restoration
-
- •2017 South Boca Interim Beach Nourishment Project (2016 -present)
 - 2016 Broward County Segment II Beach Nourishment Project (2017 - present)

Melissa Sathe has more than 16 years of professional experience in project management, benthic habitat characterization and mapping, and marine ecological surveys, including coral reef, nearshore hardbottom, artificial reef, and seagrass.

Prior to joining Coastal Eco-Group in 2016, Melissa assisted in the management of biological monitoring and reef injury impact assessments for coral reefs in Southeast Florida at The Florida Department of Environmental Protection's Coral Reef Conservation Program (DEP CRCP) from 2012-2017. Prior to DEP CRCP, Melissa was the field coordinator for the offshore monitoring program at Miami-Dade County's Division of Environmental Resources Management (DERM). Offshore hardbottom monitoring at DERM included beach nourishment projects and artificial reef permitting projects. From 2004-2007, Melissa was a research assistant at Nova Southeastern University and supported project management for offshore monitoring during the Segment III beach nourishment project in Broward County, FL..

Relevant Project Experience

- Senior Scientist for biological monitoring and assessment of reef communities including digital video transects, sedimentation surveys, and benthic community quadrats of nearshore hardbottom and associated data analysis and reporting for nearshore hardbottom habitats of the Beach Management Agreement (BMA) Cell-Wide Program. Town of Palm Beach, Palm Beach Island, Beach Management Agreement (2016 -present)
- Senior Scientist responsible for biological monitoring and assessment of reef communities including digital video transects, sedimentation surveys, and benthic community quadrats of nearshore hardbottom and associated data analysis and report creation for:
 - •2016 and 2017/18 Bathtub Beach/Sailfish Point Beach Nourishment Project, Martin County, Florida (2016 - present)

Florida Department of Environmental Protection Coral Reef Conservation Program Experience

- Manager of the DEP CRCP's reef restoration project at the Spar Orion and Clipper Lasco Grounding Sites, Broward County, FL (2015)
- Assistant manager for contractor oversight, contract management, environmental permitting review support, and budgets for all associated projects, Miami-Dade – Martin County, Florida (2012-2017)

Miami-Dade County Division of Environmental Resources Experience

- Field coordinator for Contract E beach nourishment biological monitoring and report production, Miami-Dade County, Florida (2007-2012)
- Field coordinator for artificial reef annual biological monitoring and report production, Miami-Dade County, FL (2007-2012)
- Field coordinator for artificial reef deployments and associated permit required submittals, Miami-Dade County, FL (2007-2012)

EDUCATION

M.S., Marine Biology and Coastal Zone Management, Nova Southeastern University, 2015

B.S., Environmental Geosciences, Slippery Rock University, 2011

YEARS OF EXPERIENCE

Total: 8 years

OFFICE LOCATION

Deerfield Beach, FL

PROFESSIONAL AFFILIATIONS

American Academy of Underwater Sciences

CERTIFICATIONS

- PADI: Rescue Diver, Enriched Air Nitrox Diver, Advanced Open Water Diver, Open Water Diver,
- SDI: CPR, First Aid, Oxygen Administration, and Automatic External Defibrillator

EXPERIENCE RELEVANT TO RFP

- Biological Monitoring of Hardbottom and Seagrass Habitats in Southeast Florida
- Benthic Habitat Mapping and Characterization
- Submerged Aquatic Vegetation monitoring and habitat mapping
- Data Management and Reporting
- GIS Data Analysis and Aerial Photography Interpretation of Hardbottom
- Coral Transplantation and Restoration
- Impact Assessment

Ms. Klug has over 8 years of experience in biological assessments, sedimentation analyses, identification of Atlantic scleractinian corals and other functional groups, coral stress evaluations, benthic community cover analyses, and video/still photography. Her areas of expertise include utilizing ArcGIS for data analysis of impacts associated with beach nourishment projects, benthic habitat mapping, and aerial photography interpretation of hardbottom habitats.

Prior to joining Coastal Eco Group in 2016, Ms. Klug was an environmental scientist project manager at a consulting firm in Boynton Beach, Florida. During this time, she performed Phase I Environmental Site Assessments, identified sources of contamination, and created extensive reports for clients. While working at Nova Southeastern University, she served as a research assistant in the GIS and Spatial Ecology Lab.

Relevant Project Experience

- Scientist for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, GIS analyses and aerial photography interpretation of hardbottom, and assistance with report preparation for nearshore hardbottom habitats for the Palm Beach Island Beach Management Agreement, Palm Beach County, FL (2016-present)
- Scientist for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, GIS data analyses and aerial photography interpretation of hardbottom, and assistance with report preparation for nearshore hardbottom habitats for the 2015 Mid-Town Beach Nourishment Project, Palm Beach County, FL (2016-present)
- Scientist for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys) and data management for nearshore hardbottom habitats for the 2016 Phipps Ocean Park Beach Project, Palm Beach County, FL (2016-present)
- Scientist for the mitigation artificial reef surveys (perimeter mapping, sand distribution, relief characterization, and digital video/photography), data management and analyses, and assistance with reporting for the Town of Palm Beach Municipal Docks (2019-present).
- Scientist for the seagrass monitoring (quadrat assessment, line-intercept, digital video transects, ground-truthing assessments, point water quality sampling, and benthic community core sampling), and data management for the Lake Worth Lagoon Fixed Transect Seagrass Monitoring Program, Palm Beach County, FL (2017-2020)

EDUCATION

M.S., Marine Biology and Coastal Zone Management, Nova Southeastern University, 2016

B.A., Marine and Freshwater Sciences, Colgate University, 2008

YEARS OF EXPERIENCE

Total: 9 years

OFFICE LOCATION

Deerfield Beach, FL

PROFESSIONAL AFFILIATIONS

American Academy of Underwater Sciences

CERTIFICATIONS

- PADI: Rescue Diver, Enriched Air Nitrox Diver, Advanced Open Water Diver, Open Water Diver,
- SDI: CPR, First Aid, Oxygen Administration, and Automatic External Defibrillator

EXPERIENCE RELEVANT TO RFP

- Fish Population Assessments/Reef Fish Visual Census Surveys
- Biological Monitoring of Hardbottom and Seagrass Habitats in Southeast Florida
- Benthic Habitat Mapping and Characterization
- Submerged Aquatic Vegetation monitoring and habitat mapping
- Data Management, Statistical Analysis, and Reporting
- GIS

Ms. Fisco has over 9 years of professional experience in fish identification and population assessments. Additional professional experience includes hardbottom mapping and characterization and submerged aquatic vegetation monitoring including benthic organism identification, benthic community cover analyses, coral stress evaluation, video/still photography, and sedimentation analyses. Her areas of expertise include identification of reef fish species, scleractinian corals, octocorals, and other sessile biotic groups, impact evaluation and mitigation reef assessments. Ms. Fisco has co-authored many technical monitoring reports and utilized statistical and GIS methods in the evaluation of impacts associated with beach nourishment projects. Prior to joining Coastal Eco Group in 2016, Ms. Fisco was a research associate in the Reef Fish Ecology Lab at Nova Southeastern University and assistant manager for the Southeast Florida Coral Reef Initiative Reef Fish Visual Census surveys.

Relevant Project Experience

- Scientist for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, statistical data analyses, and assistance with report preparation for nearshore hardbottom habitats for the Palm Beach Island Beach Management Agreement, Palm Beach County, FL (2016-present)
- Scientist for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, statistical data analyses, and assistance with report preparation for nearshore hardbottom habitats for the 2015 Mid-Town Beach Nourishment Project, Palm Beach County, FL (2016-present)
- Scientist for the biological monitoring (quadrat assessments, digital video transects, and sediment surveys), data management, reporting for nearshore hardbottom habitats for the 2016 Phipps Ocean Park Beach Project, Palm Beach County, FL (2016-present)
- Scientist for the mitigation artificial reef surveys (perimeter mapping, roving diver fish surveys, sand distribution, relief characterization, and digital video/photography), data management and analyses, and reporting for the Town of Palm Beach Municipal Docks (2019-present).
- Scientist for the seagrass monitoring (quadrat assessment, line-intercept, digital video transects, ground-truthing assessments, point water quality sampling, and benthic community core sampling), and data management for the Lake Worth Lagoon Fixed Transect Seagrass Monitoring Program, Palm Beach County, FL (2017-2020)

EDUCATION

M.S., Marine Biology and Coastal Zone Management, Nova Southeastern University, 2014

B.S., Biology & Environmental Science, Lock Haven University, 2010.

YEARS OF EXPERIENCE

Total: 10

PROFESSIONAL AFFILIATION

American Academy of Underwater Sciences

EXPERIENCE RELEVANT TO RFP

- Coral Relocation, Restoration and Endangered Species Management
- Biological Monitoring of Hardbottom and Seagrass Habitats in Southeast Florida
- Data Management, Statistical Analysis, and Reporting
- Benthic Habitat Mapping and Characterization
- GIS and Aerial Photography Interpretation of Hardbottom

Mr. Bliss has over 10 years of professional experience in coral reef habitat characterization and population assessments, coral relocation and restoration, hardbottom mapping, and submerged aquatic vegetation monitoring including benthic organism identification, benthic community cover analyses, coral stress evaluations, video/still photography, and sedimentation analyses. His areas of expertise include identification of Caribbean coral reef communities including scleractinian corals, octocorals, sponges, and other sessile biotic groups. Mr. Bliss has worked on numerous coral restoration and relocation projects that include impact evaluation and mitigation reef assessments. Prior to joining Coastal Eco-Group in 2018, Mr. Bliss was a program manager in the Florida DEP Coral Reef Conservation Program and a research associate in the Coral Reef Restoration Assessment and Monitoring Lab at Nova Southeastern University. Mr. Bliss is also an adjunct professor for undergraduate marine science and oceanography classes at Indian River State College.

Relevant Project Experience

- Biological monitoring (BEAMR), sedimentation surveys, digital video transects, and hardbottom mapping. Town of Palm Beach BMA, Palm Beach County, FL (2018-Present)
- Biological monitoring (BEAMR), sedimentation surveys, digital video transects, and hardbottom mapping. Sarasota County, Siesta Key, FL (2018-Present)
- Biological monitoring (BEAMR), sedimentation surveys, digital video transects, and hardbottom mapping. Sarasota County, Longboat Key, FL (2018-Present)
- Nearshore hardbottom characterization, hardbottom edge mapping, sedimentation surveys and digital video transects. Sarasota County, Manasota Key, FL (2019)
- Biological monitoring (BEAMR), sedimentation surveys, digital video transects, and hardbottom mapping. Bathub Beach/Sailfish Point Beach Nourishment Project, Martin County, FL (2018-present)
- Coral relocation and mitigation site reconnaissance for the Town of Palm Beach and Port of Palm Beach port construction. Palm Beach County, FL (2019)
- Transect installation, nearshore hardbottom edge mapping, sedimentation surveys, digital video transects, data analysis, impact assessment and report documentation for nearshore hardbottom impact assessment for the 2016 Broward County Segment II Beach Nourishment Project (2015-present)
- Biological monitoring (BEAMR), sedimentation surveys, digital video transects, hardbottom mapping, data analysis, impact assessment and report documentation. Sarasota County, Anna Maria Island, FL (2016-2017)
- Biological monitoring (BEAMR, fate tracking, coral health), nearshore hardbottom edge mapping, sedimentation surveys, digital video transects, data analysis, impact assessment and report documentation for nearshore hardbottom impact assessment. Collier County, FL (2015-2016)
- Biological monitoring, marine debris survey, roving fish surveys, data analysis and report documentation for NOAA National Coral Reef Monitoring Program from Key Biscayne to Dry Tortugas. Miami-Dade and Monroe Counties, FL (2013-2014)
- Biological monitoring (BEAMR, fate tracking, coral health, digital video transects, data analysis, impact assessment and report documentation for Southeast Florida Coral Reef Evaluation and Monitoring Project. Martin, Palm Beach, Broward and Miami-Dade Counties, FL (2010-2014)

BRIAN K. WALKER, Ph.D.

Nova Southeastern University, Halmos College of Arts and Sciences, 8000 North Ocean Drive, Dania Beach, Florida 33004; Tel: 954-257-2347; Email: walkerb@nova.edu

Education

- Ph.D. Marine Biology, Halmos College of Natural Sciences and Oceanography, Nova Southeastern University, 2008.
- M.S. Marine Biology and Coastal Zone Management, Halmos College of Natural Sciences and Oceanography, Nova Southeastern University, 2002.
- B.A. Biology, College of Arts and Sciences, Florida State University, 1995.

Professional Appointments

- 2007 – Pres. Research Scientist 2, GIS & Spatial Ecology Lab, Halmos College of Natural Sciences and Oceanography, Nova Southeastern University.
- Main Research: Spatial Ecology - Seascape ecology, spatial dynamics of coral reef communities, reef community biogeography, marine faunal relationships to topography
- Seafloor Characterization - Benthic habitat mapping (Shallow and Deep water), accuracy assessment, mapping techniques and technologies
- Scientific research study design - Optimize research study design using GIS spatial data, developing and evaluating assessment and monitoring methodologies
- Management applications of scientific research - Coral habitat impact assessment (Shallow and Deep), marine spatial planning, Acropora monitoring and mapping, anchorage placement/modification, special event impact minimization planning
- Coral Reef Geology - Historical perspectives gained from present-day morphology

Highlighted Related Work Experience

- 2007 – Pres. Mapping the dynamics of dense staghorn coral patches.
- 2004 – Pres. Investigate biogeographic spatial patterns of Florida marine benthic communities.
- 2001 – Pres. Delineation of detailed shallow and deep-water habitat maps using LIDAR, Multibeam, Sidescan, aerial and satellite photography, and underwater video and accuracy assessment of maps.
- 1999 – Pres. Visual censusing of benthic flora and fauna and reef fishes on natural and artificial reefs in the Western Atlantic and Caribbean.
- 2001 – Pres. Extensive knowledge of many GIS programs (ArcGIS, ENVI), image and video editing software (Photoshop, Premiere, Illustrator) and statistical software (Primer, SAS, JMP).

Selected Peer-reviewed Publications

- Walker BK**, Reed JK, Ash J, Messing C, Brooke S, and S. Farrington. *In Review*. Regionalization of Benthic Hard Bottom Communities across the Pourtales Terrace, Florida. Deep Sea Research.
- Walker BK**, Eagan S, Ames C, Brooke S, Keenan S, Baumstark R (2020) Shallow-Water Coral Communities Support the Separation of Marine Ecoregions on the West-Central Florida Gulf Coast. *Frontiers in Ecology and Evolution* 8: 210
- Shideler GS, Araujo RJ, **Walker BK**, Blondeau J, and JE Serafy. 2017. Non-linear thresholds characterize the relationship between reef fishes and mangrove habitat. *Ecosphere*, 8, e01943-n/a.
- D'Antonio N, Gilliam DS, and **BK Walker**. 2016. Investigating the spatial distribution and effects of nearshore topography on *Acropora cervicornis* abundance in Southeast Florida. *Peer J*, 4, e2473.
- Berry C, Hill RL, and **BK Walker**. 2016. Demographics of a nearshore mating queen conch (*Lobatus gigas*) aggregation on the southeast Florida Reef Tract. *Bull Mar Sci* 92(1):59-73.

- Reed JK, Messing C, **Walker B**, Brooke S, Correa T, Brouwer M, and T Udouj. 2013. Habitat characterization, distribution, and areal extent of deep-sea coral ecosystem habitat off Florida, southeastern United States. *Journal of Caribbean Science* 47, 13-30.
- Walker BK** and DS Gilliam. 2013. Determining the Extent and Characterizing Coral Reef Habitats of the Northern Latitudes of the Florida Reef Tract (Martin County). *PLoS ONE*, 8(11), e80439.
- Walker BK**, Larson EA, Moulding A, and DS Gilliam. 2012. Small-scale mapping and movement of shallow-water high-density staghorn coral (*Acropora cervicornis*) thickets. *Coral Reefs*, 31:885–894.
- Walker BK**. 2012. Spatial Analyses of Benthic Habitats to Define Coral Reef Ecosystem Regions and Potential Biogeographic Boundaries along a Latitudinal Gradient. *PLoS ONE* 7:e30466
- Foster G, **Walker BK**, and BM Riegl. 2009. Interpretation of single-beam acoustic backscatter using lidar-derived topographic complexity and benthic habitat classifications in a coral reef environment. *Journal of Coastal Research*, SI (53) 16-26.
- Walker BK**, Riegl BM, and RE Dodge. 2008. Mapping Coral Reef Habitats in Southeast Florida Using a Combined Technique Approach. *Journal of Coastal Research*, 24(5), 1138-1150.

Book Chapters

- Costa B, **Walker BK**, Dijkstra J. 2018. "Spatial patterning in the sea: Mapping and quantifying seascape patterns." *Seascape Ecology: Taking landscape ecology into the sea*. Pittman SJ ed. Chapter 3.
- Banks KW, Riegl BM, Richards VP, **Walker BK**, Helmle KP, Jordan LKB, Phipps J, Shivji MS, Spieler RS, and RE Dodge. 2008. "The reef tract of continental southeast Florida (Miami-Dade, Broward, and Palm Beach Counties, USA)." In *Coral Reefs of the USA* (Eds. Riegl BM and RE Dodge), pp. 175-220, Springer.

Selected Technical Reports

- Walker BK**, Noren H., Brunelle A., and S. Buckley. 2020. SE FL ECA Reef-building-coral Disease Intervention and Preparation for Restoration: Final Report. Florida DEP. Miami, FL., 80p.
- Walker, BK**. 2018. Southeast Florida reef-wide Post-Irma coral disease surveys. Florida DEP. Miami, FL. Pp. 1-37.
- Walker BK** and RE Dodge. 2018. "Habitat Equivalency Analysis of Mitigation Measures for the Naval Surface Warfare Center Carderock Division South Florida Ocean Measurement Facility's Planned Infrastructure and Maintenance." Dania, FL. Prepared for KMS Solutions LLC, 27p.
- Walker BK** 2017. Characterize the condition of previously known and newly identified large dense *Acropora cervicornis* patches in southeast Florida. Miami, FL: Prepared for the Florida Department of Environmental Protection Coral Reef Conservation Program 76
- Walker BK** and C Miller. 2016. Palm Beach Island Beach Management Agreement (BMA) 2014 Baseline Nearshore Benthic Habitat Mapping and Characterization Report. Prepared for Town of Palm Beach Public Works Department. Palm Beach, FL Pp. 50.
- Gilliam D and **BK Walker**. 2014. Broward County Port Everglades Proposed Sand Bypass Project: Benthic Resource Impact Summary. Under contract to Olsen Associates, Inc. and Coastal Eco-Group, Inc. for Broward County Natural Resources Planning and Management Division, Fort Lauderdale, FL 25.
- Walker BK** and K Klug. 2014. Southeast Florida shallow-water coral reef community baseline habitat mapping and characterization of mapped communities. Florida DEP Coral Reef Conservation Program report. Miami Beach, FL. Pp. 84.
- Walker BK**, Rodericks I, and AR Costaregni. 2013. Accuracy Assessment of the NOAA Florida Keys Benthic Habitat Maps: ROIs 1 – 4 combined (pp. 56). Silver Spring, MD: Prepared for the Office of National Marine Sanctuaries NOS/NOAA.
- Walker BK**. 2009. Benthic Habitat Mapping of Miami-Dade County: Visual Interpretation of LADS Bathymetry and Aerial Photography. Florida DEP report #RM069. Miami Beach, FL. Pp. 47.

Abbreviated Curriculum vitae

DAVID S. GILLIAM

Assistant Professor: Nova Southeastern University Oceanographic Center
8000 North Ocean Drive, Dania Beach, Florida 33004
Voice: 954-262-3634; Fax: 954-262-4098; Email: gilliam@nova.edu

PROFESSIONAL AFFILIATIONS:

South Atlantic Fisheries Management Council - Coral Advisory Panel
Southeast Florida Coral Reef Initiative (SEFCRI) – Team and Technical Advisor Committee Member
Florida Ecosystem Management and Restoration Trust Fund (EMRTF) - Project Team Member
EPA Coral Reef ‘Driver’ Focus Group – Team Member -
FL Wildlife Legacy Initiative, Wildlife Action Plan - Marine Goal Team Member

CURRENT GRANTS AND CONTRACTS BROWARD COUNTY (BWD):

2015: Spar Orion and Clipper Lasco reef injury restoration and monitoring. FDEP and FWC
2014: Beach Management Area surveys, monitoring and mitigation. Town of Palm Beach, Coastal Eco Group, Inc (CEG) (PALM BEACH COUNTY).
2008: Examination of the population dynamics of *Acropora cervicornis* populations offshore southeast Florida. NSU, FWC.
2007: Staghorn coral, *Acropora cervicornis*, offshore nurseries - The Nature Conservancy, NOAA, American Recovery and Reinvestment Act ARRA, and Town of Lauderdale By the Sea.
2006: BWD Port Everglades Sand By-Pass Habitat Assessment: Olsen & Associates, Inc, CEG.
2006: Florida Reef Resilience survey in BWD: TNC.
2003: Southeast Florida Coral Reef Monitoring Program (SECREMP): NOAA, FDEP, and FWC.
2000: Marine biological monitoring in BWD: BWD Board of County Commissioners, Florida.

SELECTED PUBLICATIONS (2014-2017):

Larson, E.A., D.S. Gilliam, M. Lopez-Padierna, and B.K. Walker. 2014. Possible recovery of *Acropora palmata* (Scleractinia: Acroporidae) within the Veracruz Reef System, Gulf of Mexico: a survey of 24 reefs at assess benthic communities. *Revista de Biología Tropical* 62 (3): 75-84.
Halperin, A.A., A. Chaves-Fonnegra, and D.S. Gilliam. 2015. Effects of excavating-sponge removal on coral growth. *Journal of the Marine Biological Association of the United Kingdom*, available on CJO2015. doi:10.1017/S0025315415001228.
St. Gelais, A., A. Chaves-Fonnegra, A. Brownlee, V. Kosmynin, A. Moulding, and D.S. Gilliam. 2016. Fecundity and sexual maturity of the coral *Siderastrea siderea* at high latitude along the Florida Reef Tract, USA. *Invertebrate Biology* 135 (1): 46-57. DOI:10.1111/ivb.12115.
St. Gelais, A., A. Chaves-Fonnegra, A. Brownlee, V. Kosmynin, A. Moulding, and D.S. Gilliam. 2016. *Siderastrea siderea* spawning and oocyte resorption at high latitude. *Invertebrate Reproduction and Development*. DOI:10.1080/07924259.2016.1194334.
D’Antonio, N., B.K. Walker, and D.S. Gilliam. 2016. Investigating the spatial distribution and effects of nearshore topography on *Acropora cervicornis* abundance in Southeast Florida. *PeerJ* 4:e2473 <https://doi.org/10.7717/peerj.2473>.
Halperin, A.A., A. Chaves-Fonnegra, and D.S. Gilliam. 2016. Coral-excavating sponge *Cliona delitrix*: current trends of space occupation on high latitude coral reefs. *Hydrobiologia*. DOI 10.1007/s10750-016-3042-x.
Lunz K.S., C. Shea, K.W. Ames, K. Neely, E.A. Goergen, D. Williams, D.S. Gilliam, A. Whittle A. 2016. *Acropora palmata*’s last stand in Florida? Proceedings of the 13th International Coral Reef Symposium, Honolulu: 2-22.
Goergen, E.A., Z. Ostroff, and D.S. Gilliam. In Press. Genotype and attachment technique influence the growth and survival of line nursery corals. *PeerJ*.

Mr. Baron is a Project Manager and Marine Scientist with direct experience working on Town of Palm Beach projects since 2002. Robert manages large scale coastal projects including benthic habitat characterizations of hardbottom/reef/seagrass communities, habitat remediation, post-hurricane impact assessments, and artificial reef habitat enhancement projects. As an experienced scientific diver, Robert is Tetra Tech's Center for Coastal Services American Academy of Underwater Sciences Diving Safety Officer and is proficient in coral reef, natural hardbottom and artificial reef benthic community monitoring and assessments; coral harvest and transplanting; seagrass surveying; in-water Gulf of Mexico, Atlantic, and Caribbean coral reef fish population censusing; and in-water sea turtle monitoring.

RELEVANT PROJECT EXPERIENCE

Palm Beach Island Florida Department of Environmental Protection Beach Management Agreement Cell-Wide Hardbottom Monitoring and Benthic Habitat Mapping, Coastal Eco-Group, Inc., Town of Palm Beach, FL (08/2014-Ongoing)

Project Manager, Senior Scientist. The basis for the Beach Management Agreement monitoring program is the initial characterization and classification of hardbottom communities within the study area. As a sub-contractor to Coastal Eco-Group, Robert participates in the annual *in situ* verification of hardbottom areas and borders to quantitatively characterize, classify, and map hardbottom communities according to the BMA classification scheme. Robert also contributed to the installation of BMA extensions to the existing permanent transects, re-established monitoring stations, and installed additional sediment monitoring transects in the Mid-Town project area.

Mid-Town Coral Nursery-Port of Palm Beach Berth 1 Coral Relocation Project, Coastal Eco-Group, Inc., Town of Palm Beach, FL (04/2019-05/2019)

Project Manager, Senior Scientist. Robert worked with Coastal Eco-Group to harvest and transplant coral colonies from the bulkhead along Berth 1 in the Port of Palm Beach in accordance Florida Fish and Wildlife Conservation Commission Special Activity License. The harvested colonies were relocated to the Town of Palm Beach's 0.8-acre artificial reef/coral nursery site for partial fulfillment of the Mid-Town Beach Renourishment Project Florida Department of Environmental Protection permit conditions.

Lake Worth Lagoon Staging Areas and Proposed Pipeline Corridor Marine Resource Investigations, Great Lakes Dredge and Dock Company, Palm Beach, FL (11/2015-12/2015)

Senior Scientist. Robert performed a pre-construction resource survey of the staging areas and pipeline corridor for the 2015/2016 Town of Palm Beach Phipps Beach Nourishment Project. The Phipps Beach Nourishment project placed 1,022,318 cubic yards of sand (from Sloan's Curve to the Palm Worth Condominium). The survey confirmed the presence/absence of natural resources, quantity, and abundance of seagrass within the USACE Proposed Staging Area, Town Vessel and Equipment Staging Area, and Pipeline Staging Area; as well as to delineate and measure vertical relief of hardbottom resources within the Pipeline Corridor.

Lake Worth Lagoon Pipeline Crossings Site Reconnaissance Investigations, Town of Manalapan, Manalapan, FL (08/2015-08/2016)

Senior Scientist. Robert conducted site reconnaissance investigations to document general site conditions and to determine potential challenges and issues associated with project feasibility. The City of Manalapan and the Town of Lake Worth replaced the water mains along portions of South Ocean Boulevard (State Route A1A) with new installations occurring at two locations across the Lake Worth Lagoon to Lands' End Road. The reconnaissance level investigations confirmed the presence of protected resources. Mangroves, seagrass, hardbottom, and live oysters were documented along the proposed pipeline route.

EDUCATION

MS, Marine Biology, Nova Southeastern University Oceanographic Center (2002)
BS, Marine Science, Biology Minor, Rider University (2000)

YEARS OF EXPERIENCE

20 Years

AREAS OF EXPERTISE

Scientific Diving
Marine and Estuarine Resource Habitat Restoration and Creation
Submerged Aquatic Vegetation and Reef Surveys
Coral Transplantation

Firm Composition, Qualifications and Background

Completed, Active and Projected Projects



Marine Resource Assessment & Monitoring Services Overall workload

The following presents the completed projects that Coastal Eco-Group has managed over the last seven years, our active project list, and projected projects.

Completed Projects

- Rybovich Riviera Beach and West Palm Beach Marina Expansion State and Federal Permits and Permit Modifications (2014 through 2019)
- Rybovich Old Port Cove Seagrass Mitigation Annual Monitoring and Reporting (Years 1 through 3, 2016-2018)
- Lake Worth Lagoon CAP 1135 Benthic Macroinvertebrate Study (2016-2017)
- Lake Worth Lagoon 2011-2019 Annual Seagrass Transect Surveys and Report (9 years)
- 2013 Lake Worth Lagoon Seagrass Habitat Map (2013-2014)
- 2018 Lake Worth Lagoon Seagrass Habitat Map (2018-2020)
- Town of Palm Beach Year 4 2018 BMA Annual Monitoring, Hardbottom Map, and Report
- Town of Palm Beach Year 3 2017 BMA Annual Monitoring, Hardbottom Map, and Report
- Town of Palm Beach 2016 Phipps Beach Nourishment Project- 2017 Year 1 Post-Construction and 2016 Immediate Post-construction Hardbottom Monitoring
- Town of Palm Beach Year 2 2016 BMA Annual Monitoring, Hardbottom Map, and Report
- Town of Palm Beach Year 1 2015 BMA Annual Monitoring, Hardbottom Map, and Report (2017)
- Town of Palm Beach 2014 Baseline Benthic Habitat Map, Monitoring and Report (2015)
- Port of Palm Beach Slip 3 Orphan Coral Transplantation Project and Years 1 through 3 Coral Transplant Monitoring (2013-2019)
- Port of Palm Beach Berth 17 Coral Relocation Project and Benthic Habitat Mapping/EFH Assessment
- Port of Palm Beach Slip 1 Coral Seawall Survey and Benthic Habitat Mapping, Orphan Coral Relocation
- Jensen Beach Mooring Field Seagrass Mapping (2017)
- City of Boca Wildflower Seagrass Survey and Report (2016)
- City of Boca Raton Rutherford Park Seagrass Survey and Report (2017)
- Port Everglades Sand Bypass Project- Environmental Assessment and Biological Assessment (2015)
- 2016 Broward County Segment 2 Beach Nourishment Project Immediate Post-Construction Hardbottom Monitoring and Short-Term Sedimentation Monitoring
- 2010 North Boca Raton Beach Nourishment Project- Pre, During, Immediate and Post-Construction Hardbottom Monitoring (2010-2013)
- 2014 North Boca Raton Beach Nourishment Project- Pre, During and Immediate Post-Construction Offshore Reef Sedimentation Monitoring (2014)
- 2016/17 Central Boca Raton Beach Nourishment Project- Pre, During and Immediate Post-Construction Offshore Reef Sedimentation Monitoring (2016 and 2017)
- 2014 South Boca Raton Beach Nourishment Project Nearshore Hardbottom Monitoring Immediate Post-Construction through Year 2 (2014-2017)
- Charlotte County Erosion Control Project Submerged Pipeline Corridor Mapping (2015-2016)
- 2011/12 Town of Hilton Head Port Royal Shoreline Restoration and Stabilization Project, Piping Plover Foraging Habitat Evaluation- Pre Construction through Year 3 Post-Construction Annual Monitoring Reports (2011-2015)
- Hilton Head Fish Haul Creek Biological Assessment and EFH Assessment (2015)
- Hilton Head Fish Haul Creek BA and EFH Assessment (2015)
- 2016 Hilton Head Beach Nourishment Project- 2018 Year 2 post-construction piping plover foraging habitat report
- 2016 Hilton Head Beach Nourishment Project- 2017 Year 1 post-construction piping plover foraging habitat report



Marine Resource Assessment & Monitoring Services Overall workload

- 2016 Hilton Head Beach Nourishment Project- Biological Assessment (2015)
- 2017 South Boca Raton Beach Nourishment Project- Immediate Post-Construction through 2019 Year 2 Post-Construction Hardbottom Monitoring and Report (2017-2020)
- Palm Beach County North County Comprehensive Shore Protection Project Biological Assessment (2016-2017)
- 2010 Bathtub Beach Nourishment Project- Immediate through Year 3 Post-Construction Hardbottom Monitoring and Annual Reports
- 2016 Bathtub Beach Sailfish Point Nourishment Project- Baseline Seagrass Mapping, Environmental Assessment/Biological Assessment, Environmental Permitting
- 2017/18 Bathtub Beach Sailfish Point Nourishment Project- Summer 2018 Seagrass Monitoring
- 2016 and 2017/18 Bathtub Beach Sailfish Point Nourishment Project- Seagrass Monitoring and Reporting within Turbidity Mixing Zone
- 2017/18 Bathtub Beach Sailfish Point Nourishment Project- 2018/19 Immediate Post-Con Survey Hardbottom Monitoring
- 2015/16 Martin County FWC Artificial Reef Monitoring Study/Grant (2015-2017)
- Mount Sinai CAP 14 Project Seagrass, Coral and Upland Tree Survey and Report (2016)
- 2011/12 City of Hollywood Beach Nourishment Project- Immediate through Year 3 Post-Construction Hardbottom Monitoring (2012-2017)
- 2018 City of Hollywood Beach Nourishment Project- 2018 Immediate Post-Construction Hardbottom Monitoring
- 2014 Ocean Ridge Shore Protection Project Environmental Assessment, Biological Assessment, Section 7 Consultation, Biological Monitoring Plan, Pre-During-Immediate Post-Construction Reef Surveys (2012-2014)
- Riviera Beach Marina Seagrass Survey, Map and Report (2019)
- Amelia Island Beach Nourishment Project Essential Fish Habitat Assessment and Section 7 Biological Assessment (2018-19)
- Longboat Key North End Structural Stabilization Project- Biological Assessment and Section 7 consultation (2018)
- 2016 Broward County Segment 2 Beach Nourishment Project- 2018 Year 1 Post-Construction Hardbottom Monitoring
- Broward County Segment 3 Beach Nourishment Project NEPA Environmental Assessment, Biological Assessment and Benthic Habitat Map (2018-2020)
- 2016 South Siesta Key Beach Nourishment Project- 2018 Year 2 and 2019 Year 3 Post-Construction Hardbottom Monitoring (2018-2019)
- 2016 Longboat Pass Navigational Maintenance Dredging Project- 2020 Year 3 Post-Construction hardbottom monitoring



Marine Resource Assessment & Monitoring Services Overall workload

Active Projects

- Town of Palm Beach MidTown Coral Nursery Mitigation and Monitoring
- Town of Palm Beach Year 5 2019 BMA Annual Monitoring, Hardbottom Map, and Report
- 2017/18 Bathtub Beach Sailfish Point Nourishment Project- 2020/21 Year 2 Post-Construction Hardbottom Monitoring and Report
- 2017/18 Bathtub Beach Sailfish Point Nourishment Project- 2019/20 Year 1 Post-Construction Hardbottom Monitoring and Report
- Manasota Key (Charlotte County) Immediate Post-construction Nearshore Hardbottom Monitoring and Mitigation Reef Monitoring
- Shipwreck Park Artificial Reef Snorkel Trail and Living Shoreline- Environmental Permitting
- 2017 South Boca Raton Beach Nourishment Project -2020 Year 3 Post-Construction Nearshore Hardbottom Monitoring and Reporting
- 2016 Longboat Pass Navigational Maintenance Dredging Project- 2020 Year 3 Post-Construction hardbottom monitoring
- 2016 Broward County Segment 2 Beach Nourishment Project- 2019 Year 2 and 2020 Year 3 Post-Construction Hardbottom Monitoring and Reporting
- Broward County Segment 2 and 3 Bi-annual Nearshore Hardbottom Surveys - Summer 2020 and Winter 2020/21

Projected Projects

- Broward County Segment 3 2020 Pre-construction Baseline Hardbottom Monitoring- Park shoreline (2020-21)
- Broward County Segment 2 2020 Pre-construction Baseline Hardbottom Monitoring of Reach 1 (2020-21)
- Broward County Port Everglades Sand Bypass Project- Baseline Pre-construction Hardbottom and Seagrass Surveys (2021)

Coastal Eco-Group prides itself on developing project goals and objectives, and subsequently project scopes, that meet the desired timelines and budgets of the Town. CEG Team members successfully met the Town's operational and administrative requirements during our previous contract with the Town for Marine Resource Assessment & Monitoring Services. Our technical expertise in the areas outlined in the RFQ and our existing knowledge of Town projects and project areas in advance of the need for rapid and cost-effective action are a tremendous asset to the Town.

All Team members have been working together on BMA monitoring since 2014; and some Team members have been working together since 2009. This ensures that there is no learning curve, and that all Team members are intimately familiar with the Town's projects and resources and are ready to continue providing services. This ensures establishment of realistic and achievable results for the timeline and financial limits of the BMA. The CEG Project Team has also demonstrated its commitment to completion of fieldwork according to survey windows and can run two or more boats on any given field day to complete field tasks. For example, the CEG Project Team recently completed the



Marine Resource Assessment & Monitoring Services Overall workload

2020 BMA field survey within an 8-week period this past summer despite Co-vid restrictions.

Coastal Eco-Group has successful worked with the Town and State and Federal regulatory staff to complete many fast-tracked and budget-limited tasks. Please see the Town of Palm Beach Municipal Docks project description for a good example of providing



Financial Information

Coastal Eco-Group Inc. requests that the following confidential trade secret information (Chapter 688, and Sections 812.081 and 815.045 F.S.) be exempt from public disclosure, pursuant to Florida Statutes, Chapter 119.071 F.S.



Coastal Eco-Group Inc.

Coastal Eco-Group Inc.**Balance Sheet**

As of December 31, 2019

Cash Basis

	<u>Dec 31, 19</u>
ASSETS	
Current Assets	
Checking/Savings	
Amtrust checking	74,068.79
BBT	229,433.02
Total Checking/Savings	<u>303,501.81</u>
Total Current Assets	303,501.81
Fixed Assets	
Field Equipment	14,399.04
Company Vehicle	21,191.77
Furniture and Equipment	97,991.23
Accumulated Depreciation	-114,679.34
Total Fixed Assets	<u>18,902.70</u>
TOTAL ASSETS	<u><u>322,404.51</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Payroll Liabilities	880.71
Total Other Current Liabilities	<u>880.71</u>
Total Current Liabilities	<u>880.71</u>
Total Liabilities	880.71
Equity	
Additional Paid In Capital	4,500.00
Capital Stock	500.00
Retained Earnings	117,546.37
Shareholder Distributions	-119,367.33
Net Income	318,344.76
Total Equity	<u>321,523.80</u>
TOTAL LIABILITIES & EQUITY	<u><u>322,404.51</u></u>

Coastal Eco-Group Inc.**Profit & Loss****Cash Basis****January through December 2019**

	<u>Jan - Dec 19</u>	<u>% of Income</u>
Ordinary Income/Expense		
Income		
Consulting Income	1,240,339.55	100.0%
Total Income	1,240,339.55	100.0%
Cost of Goods Sold		
Subcontracted Services	51,500.52	4.2%
1099 Independent Contractor	135,721.86	10.9%
Total COGS	187,222.38	15.1%
Gross Profit	1,053,117.17	84.9%
Expense		
Advertising/Marketing	1,000.00	0.1%
Airlines/baggage fees	5,977.56	0.5%
Bank Service Charges	360.27	0.0%
Business Licenses and Permits	555.43	0.0%
Car Repairs and Maintenance	2,556.27	0.2%
Car/Boat Rental	15,246.09	1.2%
Depreciation Expense	2,887.00	0.2%
Dues and Subscriptions	1,175.00	0.1%
Equipment Rental	7,400.00	0.6%
Field supplies & Equipment	5,394.74	0.4%
Food	4,856.91	0.4%
Fuel	9,032.35	0.7%
Hotels	9,850.65	0.8%
Insurance Expense		
Car Insurance	2,241.36	0.2%
Dive insurance	465.00	0.0%
Health Insurance	16,856.10	1.4%
MEL Insurance	30,210.00	2.4%
Professional Liability	3,593.22	0.3%
USL&H, State Comp	21,572.00	1.7%
Total Insurance Expense	74,937.68	6.0%
Mileage	2,878.43	0.2%
Office Equipment/Supplies	15,657.12	1.3%
Office maint.-repair	2,520.00	0.2%
Parking	558.90	0.0%
Payroll Expenses		
Employee Wages	385,962.41	31.1%
Officer Salary	112,000.00	9.0%
Payroll Expenses - Other	0.00	0.0%
Total Payroll Expenses	497,962.41	40.1%
Payroll Tax	38,139.59	3.1%
Permit Fees	25.00	0.0%
Postage and Delivery	341.02	0.0%
Rent Expense	19,452.79	1.6%
Road Tolls	186.70	0.0%

Coastal Eco-Group Inc.**Profit & Loss****Cash Basis****January through December 2019**

	Jan - Dec 19	% of Income
Scuba Air Fills/Equip. repair	5,868.02	0.5%
Tax Prep. Fees	1,260.00	0.1%
Telephone/internet	6,331.09	0.5%
Transportation Cab/Ferry	683.04	0.1%
Utilities	1,678.35	0.1%
Total Expense	734,772.41	59.2%
Net Ordinary Income	318,344.76	25.7%
Other Income/Expense		
Other Expense		
Income tax Return Unallowable	0.00	0.0%
Total Other Expense	0.00	0.0%
Net Other Income	0.00	0.0%
Net Income	318,344.76	25.7%

Update your information with D-U-N-S® Manager

Report as of: 09-13-2020

Coastal Eco Group Inc

ACTIVE

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COMPANY PROFILE ⓘ			>
D-U-N-S	Mailing Address	Annual Sales	
61-942-5080	United States	US\$ 104,643	
Business Form	Telephone	Employees ⓘ	
Corporation	(954) 708-2127	8	
Date Incorporated	Website	Age (Year Started)	
November 21, 2005	www.coastaleco-group.com	15 (2005)	
State of Incorporation		Named Principal	
FL		Cheryl L Miller, President	
Ownership		Line of Business	
Not publicly traded		Business consulting services	
TCM Backup 11-10-20			

LEGAL EVENTS ⓘ

Events ▼	Open Count ▼	Last Filed ▼
Bankruptcies	0	-
Judgments	0	-
Liens	0	-
Suits	0	-
UCC	1	10-18-2010

TRADE PAYMENTS ⓘ

Highest Past Due

US\$ 0

Highest Now Owing

Total Trade Experiences

US\$ 506

Largest High Credit

Average High Credit

US\$ 100US\$ 83

OWNERSHIP ⓘ	
This company is a Single Location. Total Members in Family Tree - 0 Subsidiaries Branches - -	

FINANCIAL OVERVIEW ⓘ
This company has not provided financial statements to D&B.

INQUIRIES ⓘ	
12 Month Summary Total number of Inquiries 5 ⓘ Unique Customers 2	

*Trade References will be added subject to Dun & Bradstreet verification and acceptance. Dun & Bradstreet cannot guarantee that trade references will be accepted or that accepted trade references will impact your business credit file. Please see <https://www.dandb.com/glossary/trade-references/> for eligibility, process and other information regarding Trade References.



The **Coastal Eco-Group** team has been assembled to provide an experienced and dedicated project team to specifically serve the Town of Palm in all areas described in the Scope of Services listed in the RFQ. There are no exceptions or variations to any section of this proposal. Our teaming history provides assurance to the Town that the requested services will be provided by highly-skilled experts with well-established, effective relationships with Town and regulatory professionals. Our long-term support of Town activities and collaboration with agency personnel have resulted in effective development and implementation of critical monitoring programs. Our comprehensive knowledge of the Town's coastal resources and management strategies combine to make the **Coastal Eco-Group** team a significant asset to the Town of Palm Beach.

Coastal Eco-Group has not lost and/or cancelled accounts or been denied a contract. During our previous Marine Resource Assessment and Monitoring Services contract with the Town, **CEG** completed all work orders without requesting additional funds to complete the services. The only modifications to purchase orders issued to **CEG** involved no cost administrative modification requests to approve alternative tasks at the request of the Town.

No officers employed by **Coastal Eco-Group Inc.** have been named party to any litigation, arbitration, or regulatory action since company establishment in 2005. If claims are made or discovered during the course of a contract with the Town of Palm Beach, they will be divulged immediately, and the facts explained accurately and fairly. Because CEG focuses on providing marine and estuarine consulting services, there are no licensed professionals on staff.

The **CEG** team has maintained compliance with the Town's insurance requirements since 2014. Certificates of insurance are provided for all **CEG** team members in this response.

The **CEG** team is locally based and can continue to support Town efforts on an as-needed basis without incurring additional mobilization costs. Our project team regularly mobilizes within Palm Beach County and has demonstrated flexibility to support Town efforts on short notice. Coastal Eco-Group has operated a satellite office in the Village of North Palm Beach since May 2019. This office allows for rapid mobilization of field gear and confirmation of ocean conditions before deployment of the field team.

As described throughout this response package, the **CEG** team will continue to provide the Town of Palm Beach with the highest level of services for completing the BMA annual hardbottom monitoring requirements based on our past experience; long-standing client prioritization and responsiveness to the Town; cost-effective provision of services; understanding of local interests and public stakeholder concerns for natural resources; direct and extensive knowledge of the Town of Palm Beach shoreline and nearshore hardbottom; and Unequaled marine ecological and permitting experience in Palm Beach County and southeast Florida.



Coastal Eco-Group Inc.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/15/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Iron Ridge Insurance 4971 Royal Gulf Circle Fort Myers FL 33966		CONTACT NAME: Karen Brinkley PHONE (A/C, No, Ext): (800) 775-8526 E-MAIL ADDRESS: kbrinkley@ironridgeinsurance.com FAX (A/C, No): (239) 288-7544	
INSURED Coastal Eco-Group Inc 665 SE 10th St Suite 104 Deerfield Beach FL 33441		INSURER(S) AFFORDING COVERAGE INSURER A: Markel International Ins Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

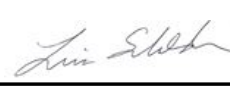
COVERAGES**CERTIFICATE NUMBER:** CL2071305345**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N ☐	N / A	MEL: B190620-085-20	07/15/2020	12/12/2021	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

Town of Palm Beach 360 South County Rd. Palm Beach FL 33480	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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PRODUCER		Serial # 146636	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
SOUTHEAST INSURANCE GROUP 2665 SOUTH BAYSHORE DRIVE, STE 1001 COCONUT GROVE, FL 33133 PHONE: (305) 442-1500			INSURERS AFFORDING COVERAGE	NAIC#
INSURED			INSURER A: LLOYDS OF LONDON - OSPREY	
COASTAL ECO GROUP, INC 665 SE 10TH ST. SUITE 104 DEERFIELD BEACH, FL 33441			INSURER B: PMA INSURANCE GROUP	
			INSURER C: AMERICAN LONGSHORE MUTUAL ASSOC	
			INSURER D:	
			INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☐ OCCUR ☐ ☐ GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC				EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	\$ \$ \$ \$ \$ \$
		AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS ☐				COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	\$ \$ \$ \$
		GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN EA ACC AUTO ONLY: AGG	\$ \$ \$
		EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE RETENTION \$				EACH OCCURRENCE AGGREGATE \$ \$ \$	\$ \$ \$ \$ \$
		WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	A) MEL: B0702ML000720M B) STATE ACT WC: 0475533Y C) USL&H: ALMA01129-07	A) 7/15/19 B) 12/12/19 C) 12/12/19	7/15/20 12/12/20 12/12/20	☒ WC STATU-TORY LIMITS ☐ OTH-ER EL EACH ACCIDENT EL DISEASE - EA EMPLOYEE EL DISEASE - POLICY LIMIT	\$ 1,000,000 1,000,000 1,000,000
		OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

2) STATE ACT WC COVERAGE. 3) USL&H INCLUDED IN WORKERS COMP (INCLUDES DIVING). 1) MARITIME EMPLOYERS LIABILITY (JONES ACT COVERAGE). TERRITORIAL LIMITS: US GULF INCLUDING INLAND & COASTAL WATERS OF THE USA.

CERTIFICATE HOLDER

CANCELLATION

TOWN OF PALM BEACH ATTN: DAVID PEREZ 360 SOUTH COUNTY RD. PALM BEACH, FL 33480	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
	AUTHORIZED REPRESENTATIVE 13459 <i>THOMAS ANDERSEN</i>



COASECO-03

LUBINR

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/25/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Insurance Office of America 1855 West State Road 434 Longwood, FL 32750	CONTACT NAME: Donna Fountain	
	PHONE (A/C, No, Ext): (904) 596-2837 22143 FAX (A/C, No): (904) 448-9788	
	E-MAIL ADDRESS: Donna.Fountain@ioausa.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Admiral Insurance Company	24856
INSURED Coastal Eco-Group, Inc. 665 SE 10th St. Suite 104 Deerfield Beach, FL 33441	INSURER B : Owners Insurance Company	32700
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	X		FEI-ECC-13192-07	2/21/2020	2/21/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
B	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			5083898900	8/17/2020	8/17/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Pollution Commercial			FEI-ECC-13192-07	2/21/2020	2/21/2021	Aggregate 1,000,000
A	Professional Liab			FEI-ECC-13192-07	2/21/2020	2/21/2021	Aggregate 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Palm Beach is included as additional insured with regard to General Liability, as required per written contract or agreement.

CERTIFICATE HOLDER

CANCELLATION

Town of Palm Beach Attn: David Perez 360 S. County Rd. Palm Beach, FL 33480	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

PRODUCER		Serial # 146636	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
SOUTHEAST INSURANCE GROUP 2665 SOUTH BAYSHORE DRIVE, STE 1001 COCONUT GROVE, FL 33133 PHONE: (305) 442-1500			INSURERS AFFORDING COVERAGE	NAIC#
INSURED			INSURER A: LLOYDS OF LONDON - OSPREY	
COASTAL ECO GROUP, INC 665 SE 10TH ST. SUITE 104 DEERFIELD BEACH, FL 33441			INSURER B: PMA INSURANCE GROUP	
			INSURER C: AMERICAN LONGSHORE MUTUAL ASSOC	
			INSURER D:	
			INSURER E:	

COVERAGES

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INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☐ OCCUR ☐ ☐ GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC				EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	\$ \$ \$ \$ \$ \$
		AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS ☐ ☐				COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	\$ \$ \$ \$
		GARAGE LIABILITY ☐ ANY AUTO ☐				AUTO ONLY - EA ACCIDENT OTHER THAN EA ACC AUTO ONLY: AGG	\$ \$ \$
		EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ ☐ DEDUCTIBLE ☐ RETENTION \$				EACH OCCURRENCE AGGREGATE \$ \$ \$	\$ \$ \$ \$ \$
		WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	A) MEL: B0702ML000720M B) STATE ACT WC: 0475533Y C) USL&H: ALMA01129-07	A) 7/15/19 B) 12/12/19 C) 12/12/19	7/15/20 12/12/20 12/12/20	☒ WC STATU-TORY LIMITS ☐ OTH-ER EL EACH ACCIDENT EL DISEASE - EA EMPLOYEE EL DISEASE - POLICY LIMIT	\$ 1,000,000 1,000,000 1,000,000
		OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

2) STATE ACT WC COVERAGE. 3) USL&H INCLUDED IN WORKERS COMP (INCLUDES DIVING). 1) MARITIME EMPLOYERS LIABILITY (JONES ACT COVERAGE). TERRITORIAL LIMITS: US GULF INCLUDING INLAND & COASTAL WATERS OF THE USA.

CERTIFICATE HOLDER

CANCELLATION

TOWN OF PALM BEACH ATTN: DAVID PEREZ 360 SOUTH COUNTY RD. PALM BEACH, FL 33480	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
	AUTHORIZED REPRESENTATIVE 13459 <i>THOMAS ANDERSEN</i>



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
09/10/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon Risk Insurance Services West, Inc. Los Angeles CA Office 707 Wilshire Boulevard Suite 2600 Los Angeles CA 90017-0460 USA	CONTACT NAME:	
	PHONE (A/C. No. Ext): (866) 283-7122	FAX (A/C. No.): (800) 363-0105
INSURED Tetra Tech, Inc. 1901 Congress Ave. Suite 200 Boynton Beach FL 33426 USA	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	NAIC #	
	INSURER A: Zurich American Ins Co	
	INSURER B: Lexington Insurance Company	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

COVERAGES**CERTIFICATE NUMBER:** 570083869391**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ X,C,U Coverage GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☒ LOC OTHER:			GL0181740601	10/01/2019	10/01/2020	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY			BAP1857085-01	10/01/2019	10/01/2020	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION						EACH OCCURRENCE AGGREGATE
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☒ N	N/A	WC254061601 WC185708701	10/01/2019 10/01/2019	10/01/2020 10/01/2020	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE-EA EMPLOYEE \$1,000,000 E.L. DISEASE-POLICY LIMIT \$1,000,000
B	Env Contr Prof			028182375 Prof/Poll Liab SIR applies per policy terms & conditions	10/01/2019	10/01/2021	Each Claim \$1,000,000 Aggregate \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Contract No. Coastal Eco-Group GSA dated 7.15.14, Job Description: Various Projects under Subconsultant GSA with Coastal Eco-Group. Town of Palm Beach Florida is included as Additional Insured in accordance with the policy provisions of the General Liability and Automobile Liability policies as required by written contract. General Liability policy evidenced herein is Primary and Non-Contributory to other insurance available to an Additional Insured, but only in accordance with the policy's provisions as required by written contract. Stop Gap Coverage for the following states: OH, ND, WA, WY.

CERTIFICATE HOLDER**CANCELLATION**

Town of Palm Beach Florida 360 South County Road Palm Beach FL 33480 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Aon Risk Insurance Services West Inc.</i>

BLANKET NOTIFICATION TO OTHERS OF CANCELLATION OR NONRENEWAL ENDORSEMENT

This endorsement adds the following to Part Six of the policy.

**PART SIX
CONDITIONS****Blanket Notification to Others of Cancellation or Nonrenewal**

1. If we cancel or non-renew this policy by written notice to you, we will mail or deliver notification that such policy has been cancelled or non-renewed to each person or organization shown in a list provided to us by you if you are required by written contract or written agreement to provide such notification. However, such notification will not be mailed or delivered if a conditional notice of renewal has been sent to you. Such list:
 - a. Must be provided to us prior to cancellation or non-renewal;
 - b. Must contain the names and addresses of only the persons or organizations requiring notification that such policy has been cancelled or non-renewed; and
 - c. Must be in an electronic format that is acceptable to us.
2. Our notification as described in Paragraph 1. above will be based on the most recent list in our records as of the date the notice of cancellation or non-renewal is mailed or delivered to you. We will mail or deliver such notification to each person or organization shown in the list:
 - a. Within seven days of the effective date of the notice of cancellation, if we cancel for non-payment of premium; or
 - b. At least 30 days prior to the effective date of:
 - (1) Cancellation, if cancelled for any reason other than nonpayment of premium; or
 - (2) Non-renewal, but not including conditional notice of renewal.
3. Our mailing or delivery of notification described in Paragraphs 1. and 2. above is intended as a courtesy only. Our failure to provide such mailing or delivery will not:
 - a. Extend the policy cancellation or non-renewal date;
 - b. Negate the cancellation or non-renewal; or
 - c. Provide any additional insurance that would not have been provided in the absence of this endorsement.
4. We are not responsible for the accuracy, integrity, timeliness and validity of information contained in the list provided to us as described in Paragraphs 1. and 2. above.

All other terms and conditions of this policy remain unchanged.

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement Effective
Insured

Policy No.
WC 1857087-01

Endorsement No.
Premium \$

Insurance Company
ZURICH AMERICAN INSURANCE COMPANY

Blanket Notification to Others of Cancellation or Non-Renewal



Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer No.	Add'l. Prem	Return Prem.
GLO 1817406-01	10/01/2019	10/01/2020		75272000	INCL	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the:

Commercial General Liability Coverage Part

- A.** If we cancel or non-renew this Coverage Part by written notice to the first Named Insured, we will mail or deliver notification that such Coverage Part has been cancelled or non-renewed to each person or organization shown in a list provided to us by the first Named Insured if you are required by written contract or written agreement to provide such notification. However, such notification will not be mailed or delivered if a conditional notice of renewal has been sent to the first Named Insured. Such list:
1. Must be provided to us prior to cancellation or non-renewal;
 2. Must contain the names and addresses of only the persons or organizations requiring notification that such Coverage Part has been cancelled or non-renewed; and
 3. Must be in an electronic format that is acceptable to us.
- B.** Our notification as described in Paragraph **A.** of this endorsement will be based on the most recent list in our records as of the date the notice of cancellation or non-renewal is mailed or delivered to the first Named Insured. We will mail or deliver such notification to each person or organization shown in the list:
1. Within seven days of the effective date of the notice of cancellation, if we cancel for non-payment of premium; or
 2. At least 30 days prior to the effective date of:
 - a. Cancellation, if cancelled for any reason other than nonpayment of premium; or
 - b. Non-renewal, but not including conditional notice of renewal.
- C.** Our mailing or delivery of notification described in Paragraphs **A.** and **B.** of this endorsement is intended as a courtesy only. Our failure to provide such mailing or delivery will not:
1. Extend the Coverage Part cancellation or non-renewal date;
 2. Negate the cancellation or non-renewal; or
 3. Provide any additional insurance that would not have been provided in the absence of this endorsement.
- D.** We are not responsible for the accuracy, integrity, timeliness and validity of information contained in the list provided to us as described in Paragraphs **A.** and **B.** of this endorsement.

All other terms and conditions of this policy remain unchanged.

**ZURICH®**

Blanket Notification to Others of Cancellation or Non-Renewal

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer No.	Add'l. Prem	Return Prem.
BAP 1857085-01	10/01/2019	10/01/2020		75272000	INCL	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the:

Commercial Automobile Coverage Part

- A.** If we cancel or non-renew this Coverage Part by written notice to the first Named Insured, we will mail or deliver notification that such Coverage Part has been cancelled or non-renewed to each person or organization shown in a list provided to us by the first Named Insured if you are required by written contract or written agreement to provide such notification. However, such notification will not be mailed or delivered if a conditional notice of renewal has been sent to the first Named Insured. Such list:
1. Must be provided to us prior to cancellation or non-renewal;
 2. Must contain the names and addresses of only the persons or organizations requiring notification that such Coverage Part has been cancelled or non-renewed; and
 3. Must be in an electronic format that is acceptable to us.
- B.** Our notification as described in Paragraph **A.** of this endorsement will be based on the most recent list in our records as of the date the notice of cancellation or non-renewal is mailed or delivered to the first Named Insured. We will mail or deliver such notification to each person or organization shown in the list:
1. Within seven days of the effective date of the notice of cancellation, if we cancel for non-payment of premium; or
 2. At least 30 days prior to the effective date of:
 - a. Cancellation, if cancelled for any reason other than nonpayment of premium; or
 - b. Non-renewal, but not including conditional notice of renewal.
- C.** Our mailing or delivery of notification described in Paragraphs **A.** and **B.** of this endorsement is intended as a courtesy only. Our failure to provide such mailing or delivery will not:
1. Extend the Coverage Part cancellation or non-renewal date;
 2. Negate the cancellation or non-renewal; or
 3. Provide any additional insurance that would not have been provided in the absence of this endorsement.
- D.** We are not responsible for the accuracy, integrity, timeliness and validity of information contained in the list provided to us as described in Paragraphs **A.** and **B.** of this endorsement.

All other terms and conditions of this policy remain unchanged.

BLANKET NOTIFICATION TO OTHERS OF CANCELLATION OR NONRENEWAL ENDORSEMENT

This endorsement adds the following to Part Six of the policy.

**PART SIX
CONDITIONS****Blanket Notification to Others of Cancellation or Nonrenewal**

1. If we cancel or non-renew this policy by written notice to you, we will mail or deliver notification that such policy has been cancelled or non-renewed to each person or organization shown in a list provided to us by you if you are required by written contract or written agreement to provide such notification. However, such notification will not be mailed or delivered if a conditional notice of renewal has been sent to you. Such list:
 - a. Must be provided to us prior to cancellation or non-renewal;
 - b. Must contain the names and addresses of only the persons or organizations requiring notification that such policy has been cancelled or non-renewed; and
 - c. Must be in an electronic format that is acceptable to us.
2. Our notification as described in Paragraph 1. above will be based on the most recent list in our records as of the date the notice of cancellation or non-renewal is mailed or delivered to you. We will mail or deliver such notification to each person or organization shown in the list:
 - a. Within seven days of the effective date of the notice of cancellation, if we cancel for non-payment of premium; or
 - b. At least 30 days prior to the effective date of:
 - (1) Cancellation, if cancelled for any reason other than nonpayment of premium; or
 - (2) Non-renewal, but not including conditional notice of renewal.
3. Our mailing or delivery of notification described in Paragraphs 1. and 2. above is intended as a courtesy only. Our failure to provide such mailing or delivery will not:
 - a. Extend the policy cancellation or non-renewal date;
 - b. Negate the cancellation or non-renewal; or
 - c. Provide any additional insurance that would not have been provided in the absence of this endorsement.
4. We are not responsible for the accuracy, integrity, timeliness and validity of information contained in the list provided to us as described in Paragraphs 1. and 2. above.

All other terms and conditions of this policy remain unchanged.

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement Effective
Insured

Policy No.
WC 2540616-01

Endorsement No.
Premium \$

Insurance Company
ZURICH AMERICAN INSURANCE COMPANY

ENDORSEMENT

This endorsement, effective 12:01 AM 10/01/2019

Forms a part of policy no.: 028182375

Issued to: TETRA TECH, INC., ET AL

By: LEXINGTON INSURANCE COMPANY

ADVICE OF CANCELLATION TO ENTITIES OTHER THAN THE NAMED INSURED LIMITED TO E-MAIL NOTIFICATION

This policy is amended as follows:

In the event that the **Insurer** cancels this policy for any reason other than non payment of premium, and

1. The cancellation effective date is prior to this policy's expiration date;
2. The **First Named Insured** is under an existing contractual obligation to notify a certificate holder when this policy is canceled (hereinafter, the "Certificate Holder(s)"); and has provided to the **Insurer**, either directly or through its broker of record, the email address of the contact at such entity,

and the **Insurer** received this information after the **First Named Insured** receives notice of cancellation of this policy and prior to this policy's cancellation effective date, via an electronic spreadsheet that is acceptable to the **Insurer**,

the **Insurer** will provide advice of cancellation (the "Advice") via e-mail to such Certificate Holders.

Proof of the **Insurer** emailing the Advice, using the information provided by the **First Named Insured**, will serve as proof that the **Insurer** has fully satisfied its obligations under this endorsement.

This endorsement does not affect, in any way, coverage provided under this policy or the cancellation of this policy or the effective date thereof, nor shall this endorsement invest any rights in any entity not insured under this policy.

The following Definitions apply to this endorsement:

1. **First Named Insured** means the Named Insured shown on the Declarations Page of this policy.
2. **Insurer** means the insurance company shown in the header on the Declarations Page of this policy.

All other terms, conditions and exclusions shall remain the same.



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
02/13/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon Risk Services, Inc of Florida 7650 Courtney Campbell Causeway Suite 1000 Tampa FL 33607 USA	CONTACT NAME:	
	PHONE (A/C. No. Ext): (866) 283-7122	FAX (A/C. No.): 800-363-0105
INSURED Nova Southeastern University, Inc. 3301 College Ave Ft. Lauderdale FL 33314 USA	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	NAIC #	
	INSURER A: FICURMA, Inc. Self-Insured Fund	
	INSURER B:	
	INSURER C:	
INSURER D:		
INSURER E:		
INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** 570080525187 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			0002170120000030129462018 (Self-Insured Fund)	12/01/2018	12/01/2019	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY	Y		0002170120000030129462018 (Self-Insured Fund)	12/01/2018	12/01/2019	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION						EACH OCCURRENCE AGGREGATE
A	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	0002170120000030129462018 (Self-Insured Fund)	12/01/2018	12/01/2019	☒ PER STATUTE ☐ OTH E.L. EACH ACCIDENT \$500,000 E.L. DISEASE-EA EMPLOYEE \$500,000 E.L. DISEASE-POLICY LIMIT \$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: Subconsultant General Services Consulting Agreement based on Town of Palm Beach RFQ No 2014-003. Coastal Eco-Group and Town of Palm Beach are included as Additional Insured in accordance with the policy provisions of the Automobile Liability policy. The Workers' Compensation policy evidenced herein provides coverage subject to the Longshoremen's and Harbor Workers' Compensation Act.

CERTIFICATE HOLDER

CANCELLATION

Coastal Eco-Group, Inc. 665 SE 10th St., Suite 104 Deerfield Beach FL 33441 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Aon Risk Services Inc. of Florida</i>



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
02/13/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon Risk Services, Inc of Florida 7650 Courtney Campbell Causeway Suite 1000 Tampa FL 33607 USA	CONTACT NAME: PHONE (A/C. No. Ext): (866) 283-7122 FAX (A/C. No.): 800-363-0105 E-MAIL ADDRESS:														
INSURED Nova Southeastern University, Inc. 3301 College Ave Ft. Lauderdale FL 33314 USA	<table><tr><td>INSURER(S) AFFORDING COVERAGE</td><td>NAIC #</td></tr><tr><td>INSURER A: FICURMA, Inc. Self-Insured Fund</td><td>0259AL</td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: FICURMA, Inc. Self-Insured Fund	0259AL	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER F:															

COVERAGES **CERTIFICATE NUMBER:** 570080525179 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR		TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X	COMMERCIAL GENERAL LIABILITY			0002170120000030129462019 (Self-Insured Fund)	12/01/2019	12/01/2020	EACH OCCURRENCE	\$1,000,000
		CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
								MED EXP (Any one person)	
								PERSONAL & ADV INJURY	\$2,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$2,000,000
	X	POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	\$2,000,000
		OTHER:							
A		AUTOMOBILE LIABILITY	Y		0002170120000030129462019 (Self-Insured Fund)	12/01/2019	12/01/2020	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	X	ANY AUTO						BODILY INJURY (Per person)	
		OWNED AUTOS ONLY						BODILY INJURY (Per accident)	
		HIRED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	
		UMBRELLA LIAB						EACH OCCURRENCE	
		EXCESS LIAB						AGGREGATE	
		DED							
		RETENTION							
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			0002170120000030129462019 (Self-Insured Fund)	12/01/2019	12/01/2020	☒ PER STATUTE ☐ OTH	
		ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT	\$500,000
		If yes, describe under DESCRIPTION OF OPERATIONS below	N	N/A				E.L. DISEASE-EA EMPLOYEE	\$500,000
								E.L. DISEASE-POLICY LIMIT	\$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Subconsultant General Services Consulting Agreement based on Town of Palm Beach RFQ No 2014-003. Coastal Eco-Group and Town of Palm Beach are included as Additional Insured in accordance with the policy provisions of the Automobile Liability policy. The Workers' Compensation policy evidenced herein provides coverage subject to the Longshoremen's and Harbor Workers' Compensation Act.

CERTIFICATE HOLDER**CANCELLATION**

Coastal Eco-Group, Inc. 665 SE 10th St., Suite 104 Deerfield Beach FL 33441 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Aon Risk Services Inc. of Florida</i>

THE VILLAGE OF NORTH PALM BEACH

2020-2021 BUSINESS TAX RECEIPTS

420 US HIGHWAY 1, SUITE 21
NORTH PALM BEACH, FL 33408
561.841.3365

COASTAL ECO GROUP INC

954-491-1219

Address: 513 US HIGHWAY 1
SUITE 215
NORTH PALM BEACH FL 33408

NO: 11346
CUSTOMER ID NO: 2073

DATE: 08/10/2020

FIRE FEE \$50.00
STANDARD \$132.00

TOTAL PAID: \$182.00

Activity: PERSONAL SERVICES ENVIRONMENTAL CONSULT OFFICE
PE22

Issued to: COASTAL ECO GROUP INC
513 US HIGHWAY 1 SUITE 215
NORTH PALM BEACH FL 33408

MUST BE POSTED CONSPICUOUSLY AT PLACE OF BUSINESS

PAID - EXPIRES SEPTEMBER 30, 2021

LATE FEES APPLY OCTOBER 1, 2021 (RENEWAL NOTICE MAILING NOT REQUIRED.)



COASTAL ECO GROUP INC

513 US HIGHWAY 1 SUITE 215

NORTH PALM BEACH, FL 33408

TCM Backup 11-10-20



ANNE M. GANNON
CONSTITUTIONAL TAX COLLECTOR
Serving Palm Beach County

Serving you.

P.O. Box 3353, West Palm Beach, FL 33402-3353
www.pbctax.com Tel: (561) 355-2264

****LOCATED AT****

513 US HIGHWAY 1 Ste 215
NORTH PALM BEACH, FL 33408

TYPE OF BUSINESS	OWNER	CERTIFICATION #	RECEIPT #/DATE PAID	AMT PAID	BILL #
54-0093 CONSULTING BUSINESS	COASTAL ECO GROUP INC		B20.525622 - 07/08/20	\$33.00	B40180816

This document is valid only when receipted by the Tax Collector's Office.

STATE OF FLORIDA
PALM BEACH COUNTY
2020/2021 LOCAL BUSINESS TAX RECEIPT

LBTR Number: 2019118346
EXPIRES: SEPTEMBER 30, 2021

This receipt grants the privilege of engaging in or managing any business profession or occupation within its jurisdiction and MUST be conspicuously displayed at the place of business and in such a manner as to be open to the view of the public.

COASTAL ECO GROUP INC
COASTAL ECO GROUP INC
665 SE 10TH ST STE 104
DEERFIELD BEACH FL 33441-5634

10
6 - 2251



Dear Business Owner:

Your new local business tax receipt is on the reverse side. Verify this information and display it conspicuously at your place of business, open to the view of the public.

This receipt is in addition to and not in lieu of any license or receipt required by law or city ordinance and is subject to regulations of zoning, health and any other lawful authority (County Ordinance Number 17-17)

- Receipts may be transferred to a new owner when evidence of a sale is provided, the original receipt must be surrendered and a transfer fee is required.

- Receipts may be transferred to a new location when proof of zoning approval is provided, the original receipt must be surrendered and a transfer fee is required.

- A business name change requires a new Local Business Tax Receipt. Therefore a new LOCAL BUSINESS TAX APPLICATION, (PBCTC FORM #65), proof of business name change registration with the state and proper fees would be required.

This receipt expires on September 30, 2021. Renewal notices are sent at the end of June. If you do not receive a notice by the end of July, please contact our office.

I hope you have a successful year.

Anne M. Hannon

Constitutional Tax Collector, Serving Palm Beach County

2.1.1 Experience of Firm / Past Performance

Coastal Protection Engineering LLC (CPE) welcomes this opportunity to submit our enclosed qualifications for the subject Request for Qualifications (RFQ No. 2020-24) to provide professional Marine Resource Assessment and Monitoring Services to the Town of Palm Beach (Town). As a firm specializing in coastal protection, our multidisciplinary staff is comprised of industry leading professionals with strong credentials in marine biology, environmental permitting, geomatics, survey, GIS/CAD, and coastal engineering. Our wide breadth of expertise and knowledge of your marine resources and coastal program is further supported by the extensive depth of resources provided by Aptim Environmental & Infrastructure, LLC (APTIM) as our key subconsultant forming The CPE Team.

With APTIM as our exclusive subconsultant for this contract, The CPE Team draws upon more than a century of experience and the expertise of employees worldwide, bringing a wide range of services and financial stability. Both of our coastal offices are located in Boca Raton, Florida and are staffed by professionals dedicated to serving coastal communities, including the Town. We are one of the few teams that can proudly demonstrate a local presence in Palm Beach County and direct experience in the Town of Palm Beach. Members of our team have monitored your marine resources, including natural hardbottom, offshore reefs, and artificial reefs, surveyed your beaches, obtained permits for your shore protection projects, and generated National Environmental Policy Act (NEPA) documents to support those projects.

The CPE Team includes six (6) marine biologists who specialize in marine resource monitoring, coastal permitting, and mitigation planning for a wide range of projects throughout Florida. Our biologists are approved by the Florida Department of Environmental Protection (FDEP) to conduct biological monitoring for beach nourishment projects, and we are experienced in developing and implementing project-specific monitoring programs for our clients' unique marine resources. We routinely monitor hardbottom/reef habitats, artificial reefs, and seagrass throughout the state. Our biologists conduct surveys with a support staff of scientific divers including surveyors, geologists, and engineers. All of our divers on The CPE Team are members of the American Academy of Underwater Sciences (AAUS), which ensures that we adhere to the highest standard of diving and boating safety.

Understanding of the Town's Needs

Palm Beach is a unique coastal community with a dynamic and complex coastal environment that requires an in-depth understanding of the resources, challenges, and programs designed to protect it. As an island community downdrift of Lake Worth Inlet, the Town's beaches have experienced erosion due to the interruption of littoral transport, storm impacts, and armoring of portions of the coastline. The Town has developed a Comprehensive Coastal Management Program (CCMP) to address these challenges. Additionally, the Town entered into a Beach Management Agreement (BMA) with FDEP in order to take a regional and holistic approach to coastal management and marine resource monitoring. The CPE Team staff have worked on projects with the Town under the CCMP and the BMA. We understand the Town's goals and are ready to support these goals with the implementation of project permitting and marine resource monitoring.

The CPE Team has followed the progress and participated in the process of the BMA since its inception in 2012. We know the details of the BMA and have worked on several of the specific projects contained within, both before and after its implementation, including the Mid-Town Beach Project, Reach 7 Phipps

Ocean Park Nourishment, and the Town-Wide Groin Rehabilitation projects. We have also worked on projects that are not yet part of the BMA, including the Reach 8 Beach and Dune Restoration Project. Our biologists are not only prepared to monitor the marine resources by implementing the protocols outlined in Cell-Wide Monitoring & Mitigation Plans (Appendix B) of the BMA, but the benthic assessment method required by the BMA was developed, and has since been updated, by the staff of The CPE Team. We have been assessing nearshore hardbottom resources using the quadrat-based Benthic Ecological Assessment for Marginal Reefs (BEAMR) methodology since 2004, which provides a habitat-specific means for characterizing hardbottom/reef resources in south Florida. Our team is also experienced in delineating nearshore hardbottom resources using *in situ* diver mapping and aerial analysis.

Our scientific team benefits from the support of in-house staff and resources including AAUS divers, licensed boat captains, experienced marine technicians and surveyors, research vessels with state-of-the-art DGPS navigation systems, and underwater GPS-integrated video and photographic equipment. These resources will allow our team to successfully monitor the marine resources within the Town of Palm Beach. In addition to our marine assessment and monitoring capabilities, we have professionals who specialize in preparation of environmental permitting documents and regulatory coordination. We have had the opportunity to provide the Town with environmental services for nearly 20 years and propose to continue our integrated approach going forward. Additionally, we will provide cost-saving by our close proximity to the Town and our ability to mobilize quickly to meet the project-specific needs of the Town. The technical approach for each of the tasks outlined in the Request for Qualifications is summarized below.

1. General Monitoring

Our team has conducted numerous physical, biological, and environmental monitoring efforts to assess and monitor the coastal, nearshore, and offshore marine resources of south Florida, including those along the Town of Palm Beach. We strive to remain up-to-date on the latest scientific innovations and monitoring techniques, and maintain state-of-the-art equipment for implementing monitoring and assessment protocols. We are also well-versed in the monitoring and mitigation plans detailed in Appendix B of the BMA and can ensure adherence to these protocols.

The CPE Team biologists are industry leaders in biological monitoring protocols and are experts in South Florida benthic ecology, each with hundreds of dives conducting benthic assessments along the Florida coast. Our Senior Marine Biologists were invited as subject experts to participate in the development of FDEP's Standard Operating Procedures for Nearshore Hardbottom Monitoring of Beach Nourishment Projects, FDEP's Coastal and Benthic Uniform Mitigation Assessment Method (UMAM) Workgroup, the Southeast Florida Coral Reef Initiative (SEFCRI) Maritime Industry and Coastal Construction Impacts (MICCI) focus group, and most recently, have been requested to participate in a working group to discuss the FDEP Proposed Coral Reef Turbidity Criterion. Additionally, we are part of the team that developed the quadrat-based benthic assessment technique specified in the BMA. The BEAMR methodology was specifically designed for the marginal reefs that characterize the nearshore habitat in south Florida and is now an industry standard for detecting project-related impacts. We also employ several other techniques to assess the physical and biological conditions of the marine habitat as appropriate for the specific habitat and project.

Our team utilizes a streamlined approach to data management. A major innovation of the biological data collection methodologies we employ is the seamless integration of field data collection and data management using a customized MS Access database. The database includes built-in quality assurance utilities to reduce user error, provides for easy data extraction, and offers a structured data management tool for future data analysis. Our scientists routinely use parametric and non-parametric methods to statistically analyze data in order to detect change over time in marine habitats. A strong statistical analysis is a key component of the comprehensive monitoring reports that we routinely prepare in compliance with permit requirements for state and federal agencies. As project manager, Stacy Buck will manage data entry and report development for the Town's projects. All data and report deliverables will undergo a thorough and rigorous review by Lauren Floyd, QA/QC manager for biological monitoring under this contract, prior to submittal.

2. Project-Specific Monitoring Plans

We understand that each project requires attention to the specific details that characterize both the nature of the resources and the goals of the proposed project. Throughout south Florida, the nearshore hardbottom habitat varies greatly between cells and even within each cell, which are defined by the limits of our natural and manmade inlets. We have monitored these habitats from Indian River County through the Marquesas Islands and understand the need for project-specific monitoring plans throughout the region, as habitats can vary significantly. Even within the Town of Palm Beach, our biologists have observed firsthand that the hardbottom resources in Mid-Town provide a different habitat compared to the nearshore hardbottom in Reach 8. This concept is also applicable for mitigation monitoring plans, as differences in biogeographic characteristics guide how to appropriately define success criteria for associated mitigation. We will apply this knowledge and experience when designing biological monitoring programs specific to Town projects, taking into consideration the sediment dynamics and nature of the nearshore hardbottom habitat and the coral reef habitat farther offshore. Our familiarity with the BMA and understanding of the Town's project-specific goals will support our ability to implement project-specific strategies to achieve those goals.

3. In-Water Species and Habitat Assessments including Threatened and Endangered Species

We have conducted species and habitat-specific assessments throughout south Florida and the Town of Palm Beach. We routinely conduct benthic assessments applying a variety of quantitative and qualitative methodologies to detect changes in habitat over time and space. The quadrat-based BEAMR methodology allows us to specifically document changes in coral density and macroalgae cover. Macroalgae community is particularly important in this area since it is a foraging resource for threatened and endangered sea turtles. We have also conducted sea turtle enumeration assessments using opportunistic and diver-towed surveys. Staff from The CPE Team also developed a training program recognized



A green sea turtle observed during an in-water survey

by the Bureau of Ocean Energy Management (BOEM) to certify individuals as Protected Species Observers (PSO), which has also been recognized by National Marine Fisheries Service (NMFS). As PSOs, we have conducted observations during seismic surveys for marine mammals and sea turtles off the coasts of Florida, Louisiana, and Maryland.

Our team has a thorough knowledge of the surveying protocols required for state and federally listed threatened and endangered species and their critical habitat. In south Florida, we have conducted surveys for the seven threatened coral species, sea turtles, as well as the endangered dune plant *Jacquemontia reclinata*. We remain current on any new or updated listings on species or critical habitat and have been proactive in coordinating with NMFS to ensure that the methods we employ to assess habitats for the listed coral species meet their criteria.

During the designation of critical habitat for *Acropora* spp., we generated a position paper for the Town of Palm Beach indicating why the nearshore habitat along the island should not constitute critical habitat. The paper was received and considered by NMFS during the designation process and critical habitat was revised to have a northern terminus at the South Lake Worth Inlet, thus eliminating critical habitat adjacent to the Town. We will continue to apply our knowledge and expertise regarding the life history and primary constituent elements when it comes to designation of listed species and critical habitat, as well as monitoring to assess these species and their habitat. Similarly, we are participating in a working group to discuss the recent FDEP Proposed Coral Reef Turbidity Criterion, which as proposed would result in much more stringent turbidity standards in all areas where hardbottom is present. Our biologists look forward to participating in discussion about the proposed rule change to ensure that decisions are made with sound scientific judgment and with consideration of the indirect and far reaching impacts this change may have on the ability of Florida's coastal communities to maintain their coastal protection programs.

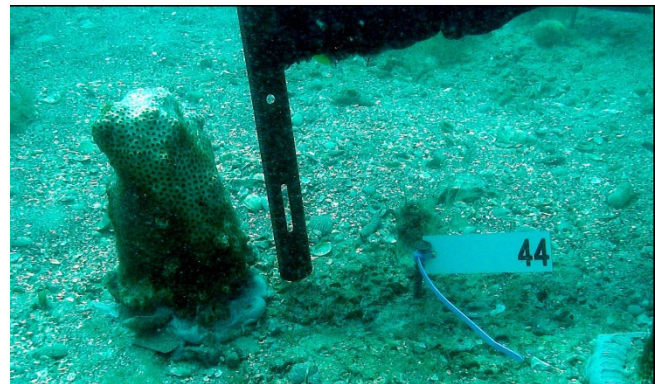
4. Underwater Investigations

Our team of marine biologists and scientific divers is specifically trained in underwater investigations to assess and monitor marine and estuarine benthic resources, including seagrass and hardbottom. We routinely assess habitats to identify potential impacts related to coastal construction activities, ship groundings, cable installation, and boat anchoring. We are aware that the Town of Palm Beach is concerned with potentially unauthorized moorings within Lake Worth Lagoon and our team is ready to assist in evaluating the situation. Installation of mooring buoys is a permitted activity that involves local ordinance and authorization/review by, FDEP, Florida Fish & Wildlife Conservation Commission (FWC), U.S. Army Corps of Engineers (USACE), and the U.S. Coast Guard. Regulation of this activity is meant to protect benthic resources and other boats by limiting locations and facilitating proper installation. When a mooring is installed illegally, not only can it result in a safety issue, but it has the potential to adversely affect seagrass or other benthic resources adjacent to the mooring. Our knowledge of the Lake Worth Lagoon ecosystem, training in underwater investigations, and local presence will provide the Town with an easily accessible team ready to support this task quickly and efficiently. At the request of the Town, we can investigate moorings, document the conditions of each site with underwater photos and video, collect GPS coordinates for all sites investigated, and prepare observation reports and maps for the Town summarizing the survey results.

5. Coral Nursery Program

Our biologists have specific training from the Florida Keys National Marine Sanctuary and National Coral Reef Institute (NCRI) regarding coral restoration and transplantation techniques. We have been involved in large and small-scale restoration projects that require these skills, including transplantation to natural and artificial substrates. We were involved in several large-scale restoration projects that involved restoration of reef habitat in the Florida Keys and Puerto Rico due to ship groundings, so we understand the process and logistics required for an effort of such magnitude. On a smaller scale, we have conducted coral transplantations from project impact areas to mitigative artificial reef sites, as well as restoration of coral colonies back to natural substrate due to damage of unknown origin. On both natural and artificial reef substrates, we monitored the coral transplants to track success of our efforts and document successful restoration strategies. Our training has taught us the most effective methods for transplanting and reattaching stony corals, and we have worked to develop and refine innovative transplantation techniques for octocorals and sponges. One of our biologists also coordinated and managed the “Coral Nursery Project” (CNP), which is a collaborative effort between NCRI, Broward County, and the Ocean Watch Foundation. Since its initiation in 2001, the CNP has transplanted over 300 corals of opportunity to the nursery, which can provide healthy corals to address future restoration needs. Our training and experience on large- and small-scale restoration projects will lend itself to managing the Town’s long-term coral nursery program since we have the skills to collect and transplant coral colonies and then monitor them for growth and survival.

We have followed the process that the Town has undergone to permit your long-term coral nursery program, which will compensate for unanticipated temporary impacts to the nearshore hardbottom resources associated with the Mid-Town project. Our expertise in monitoring both natural and artificial substrates, along with our experience in coral transplantation techniques, will provide the capabilities you require to continue the coral nursery program. We also understand how to evaluate success criteria for such a program, which will be required for compliance tracking by regulatory agencies. Our local monitoring experience in the Town and the fact that our engineers designed (and our biologists have monitored) the 0.8-acre artificial reef, of which 0.68 acres are authorized as part of your coral nursery program, demonstrate our site-specific knowledge of the area.



A coral colony transplanted and monitored by CPE Team biologists

6. NEPA Documentation

Our team has been professionally trained in the implementation of the National Environmental Policy Act (NEPA) and has prepared numerous Environmental Impact Statements (EIS) and Environmental Assessments (EA) for both the USACE and BOEM throughout Florida. We draw upon the standards required by NEPA, project-specific details, as well as the goals of our clients to prepare these comprehensive and concise documents. We also prepare supporting documents, such as Essential Fish Habitat (EFH) assessments, Biological Assessments (BA), and Cumulative Effects Assessments (CEA) in

order to facilitate coordination with NMFS and U.S. Fish and Wildlife Service (USFWS). Our close coordination and strong working relationships with these agencies provide a comfortable avenue of communication and understanding, which leads to more effective information gathering and preparation of these documents in a timely fashion.

Our work on the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project EIS, BA, and EFH assessment provided us with the opportunity to understand the Town's goals for the Reach 8 project. We also conducted an *in situ* assessment of the nearshore hardbottom in the project area in order to collect quantitative data for presentation in the EIS. This project provided us with an opportunity to work closely with Town staff to ensure the project goals were being met, while evaluating the proposed project alternatives. We will continue to communicate and coordinate with the Town on a regular basis to ensure this process remains uninterrupted.

7. Stormwater Discharge Assessments

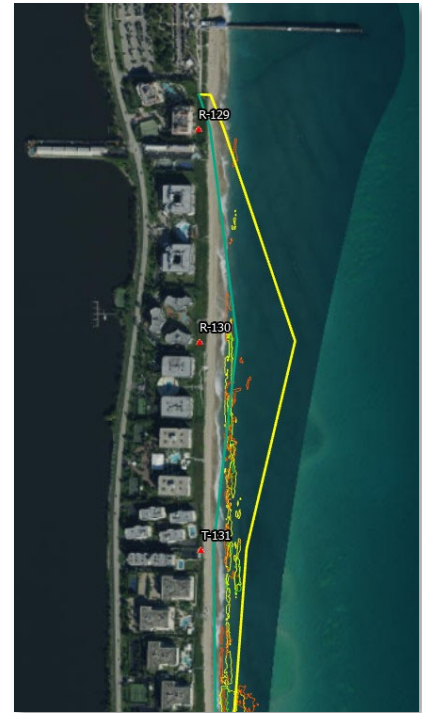
The Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) program allows permittees to discharge stormwater into state and/or federal waters. FDEP currently manages the MS4 programs in Florida and issued Palm Beach County's Cycle 4 permit (FLS000018) in 2016. The Town of Palm Beach is one of the 40 permittees on Palm Beach County's Cycle 4 MS4 permit. As a co-permittee, the Town carries out specific programs and is required to provide compliance documentation of those activities for submittal to FDEP. This may also include submittal of documentation for audit purposes. The CPE Team understands the Town is generally concerned with discharges into the Lake Worth Lagoon and how those discharges may affect water quality, including potential impacts to seagrass resources. We are familiar with the Palm Beach County MS4 NPDES permit and the Town's associated interlocal agreement, and we are prepared to support the Town as needed to ensure permit compliance.

8. Regulatory and Advisory Agency Coordination

We understand the importance of proactively communicating with the state and federal regulatory agencies (FDEP and USACE), as well as their associated advisory agencies (FWC, NMFS, and USFWS), throughout the permitting process. Our biologists and engineers have developed strong relationships with personnel from these agencies based on mutual respect and a continuous stream of communication. We take a proactive approach to permitting and strive to provide complete information to the agencies upfront to avoid unnecessary time delays throughout the process. We are confident that these professional relationships, in combination with our knowledge of Town's marine and estuarine ecosystems, will benefit the Town of Palm Beach's projects.

9. Mapping Analyses

Our biologists work very closely with our survey and GIS staff to provide geographic mapping surveys of natural resources. This ensures accurate location data representing specific habitat resources that can be transformed into high-quality mapping deliverables. In the field, a surveyor is always on site when collecting location data, including marine/estuarine resource (hardbottom, seagrass, wetlands, etc.) mapping and transect or sampling site coordinates, and this data is further verified by our in-house Professional Surveyor and Mappers. We utilize Real Time Kinematics (RTK) and Differential Geographic Positioning Systems (DGPS) integrated with Hypack navigational software to capture exact location data and ensure repeatable investigations. Our biological knowledge of these resources provides the details of these habitats that the agencies and our clients need to make informed decisions. Back in the office, our integrated team works together using geospatial features in GIS to produce mapping and interactive GIS deliverables for submittal. Our GIS/CAD staff provide state-of-the-art mapping services in compliance with Federal Geographic Data Committee (FGDC) standards, as well as local, state, and federal resource protection and management agency directives.



The north end of the Reach 8 project area

During desktop analyses (aerial or satellite imagery analysis), our biologists utilize GIS to delineate natural resources. These delineations then go through a QA/QC process by our geospatial experts before final production of high-quality mapping products for delivery to our clients and regulatory agencies. Our in-house geodatabase stores all biological monitoring data, offshore investigations, seismic studies, sand and reef maps, and engineering design drawings in a single platform, which allows data products associated with the Town's coastal program to be easily and efficiently integrated with the Town's existing GIS infrastructure.

10. Permitting

One of the major benefits of having a multidisciplinary team is that our engineers, biologists, and geotechnical staff regularly coordinate with state and federal regulatory staff on a variety of projects. Our team has been permitting coastal construction projects for over three decades, which have included efforts for the Town of Palm Beach.

Our specialization in coastal projects with all the major professional disciplines participating in the process allows us to easily guide our clients through the joint-coastal permitting (JCP) process, in particular. Most recently, The CPE Team worked with the FDEP to authorize an extension for the Mid-Town Beach Nourishment project (May 2020) and expedited the permit modification for the Mid-Town Groin Project to ensure construction would not interfere with sea turtle nesting (May 2018). Additionally, initial authorization for the groin did not include consultation with NMFS for Endangered Species Act (ESA) Section 7 consultation since it was originally planned to be built on the newly nourished beach. Our lead

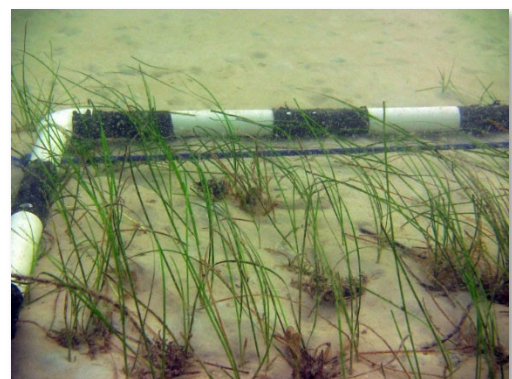
biologist and engineer coordinated on the project design so that construction of the groin would be built “in the dry”, thereby avoiding lengthy consultation that would have delayed construction, but instead allowed for construction completion in May 2018. We also processed permits with FDEP for the Groin Rehabilitation Project under the BMA and obtained the USACE final permit. The CPE Team completed development of the EIS for Reach 8 and is coordinating Section 7 consultation with the USACE and NMFS. Previously, we successfully permitted the 2003 and 2006 Mid-Town Beach Renourishment Projects and the 2006 Reach 7 (Phipps) Project, as well as the 0.8-acre artificial reef that was required as additional mitigation by the USACE for the Reach 7 Project. Our understanding of current regulations and environmental resource concerns expressed by state and federal agency staff allows us to anticipate permit requirements and take a proactive approach during the application process. In addition to JCP and USACE permitting for beach nourishment and coastal structure projects, our biologists also have experience in obtaining environmental resource permits (ERP), giving us the flexibility to provide permitting services for a variety of projects.

We bring our diverse expertise to the Town of Palm Beach to lead the permitting efforts for any and all of your coastal and estuarine projects. From large-scale to small-scale projects including beach nourishment, mitigative artificial reefs, recreational artificial reefs, coral transplantation programs, coastal structures, inlet navigation dredging, mangrove and seagrass restoration, marina construction/expansion, and individual dock construction, we have the experience and multidisciplinary expertise to lead the permitting process from permit application through construction completion.

With the signing of the BMA in September 2013 and authorization of several projects through the Individual Project Approval (IPA) process, the Town has shown the effectiveness of this regional approach to coastal cell management. If the need to construct an emergency project arises, we are prepared to assist the Town in obtaining emergency permits or permit modifications. Additionally, the Town may decide to pursue the use of inlet sand as an additional sand source for nourishment. Our team of biologists, engineers, and geologists can perform all of the services necessary to obtain the permits including marine resource assessment, project design, geotechnical analyses, bathymetric and topographic surveys, and agency coordination.

11. Estuarine Studies

Our biologists are not only familiar with the coastal resources located on the beachside, but we have working knowledge of the estuarine community on the lakeside of the Town. Our historical knowledge of the Lake Worth Lagoon and the ecological changes it has undergone during the alteration of the system from a freshwater lake to a brackish water habitat provides a thorough understanding of this ecosystem. We have assessed and delineated seagrass and mangrove resources and understand the role that these resources play in the health of the estuarine ecosystem. We are currently working with Palm Beach County to modify existing permits to authorize an expansion to the sand trap at the South Lake Worth Inlet. This includes extensive seagrass monitoring and presentation of data to obtain the requested permit modification.



Seagrass monitored by CPE Team

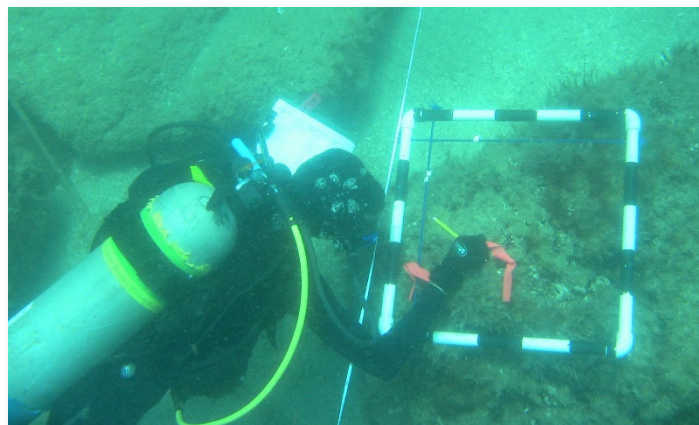
Additionally, we have closely followed the Lake Worth Lagoon Initiative (LWLI) and are well-versed on the local issues and projects that are currently underway. Our staff is local to Palm Beach County and has demonstrated their community involvement through volunteer work within the Lagoon, such as mangrove habitat restoration and oyster reef creation. Our historical and ecological knowledge of the Lake Worth Lagoon coupled with our experience monitoring estuarine habitats will support any lakeside activity that the Town wishes to implement.

12. Environmental Protection

While staying on top of the most current coastal environmental protection laws and regulations, our CPE Team biologists are informed and involved in innovative approaches to protecting shorelines while maintaining, restoring, or enhancing coastal resources. The concept of “living shorelines” is an example of a creative and proven approach to protecting tidal shorelines from erosion. This technique provides an alternative to using hardened structures for shoreline stabilization, offering instead a more natural stabilization approach using plants, sand, and stone and other structural or organic materials to provide shoreline protection and maintain valuable habitat. Our biologists have locally implemented the living shoreline approach in Palm Beach County, assisting in the restoration of mangrove habitat and creation of oyster reefs in the Lake Worth Lagoon to help improve water quality and create new estuarine habitat. Our staff also participates in and helps to organize local coastal and reef cleanup events, working alongside our neighbors and partners in Palm Beach County to protect the resources we all value. We are always seeking opportunities to assist environmental advocacy groups interested in conserving natural resources by sharing with them our expertise and experience in coastal protection.

13. Artificial Reef Construction and Mitigation Strategies

Our engineers and biologists have coordinated closely to design numerous artificial reefs, primarily as mitigation, off the coasts of Florida. Due to our extensive and recent experience, we can provide the Town accurate cost estimates for artificial reef construction, plans and specification development, bidding assistance, pre-construction conferences, and construction management. Our team of biologists and engineers works together to develop mitigation strategies that meet the needs of our clients while addressing the environmental concerns for project-related impacts. Throughout this process, our biologists determine the biological functional needs of a mitigation plan to compensate appropriately for anticipated project effects. This information guides the engineering design to facilitate project goals. Our knowledge of the Uniform Mitigation Assessment Method (UMAM), how regulatory agencies apply this assessment and our continuous communication with the agencies ensures the efficiency of our efforts. Additionally, we have the capability to conduct seismic (sub-bottom) surveys to identify sites for artificial reef placement that meet regulatory agency



CPE Team biologist monitoring the Town's 0.8-acre artificial reef

criteria (distance from shore, water depth, sand depth, etc.) and support a successful project. Our engineering staff routinely develops plans and specifications for artificial reefs and assists our clients by preparing cost-estimates for artificial reef construction. Our biologists and engineers then participate in pre-construction meetings with agency staff so that all steps and permit requirements are understood and met.

We have also been involved in mitigation strategies that go beyond the traditional realm of artificial reef construction. Our team has developed Active Management Strategies that focus on specific biotic assemblages within the marine ecosystem to determine ways to reduce the time lag for functional success of artificial reefs, including transplantation of stony corals, octocorals, macroalgae, and sea urchins. We have worked with FDEP as part of the UMAM coastal and benthic working group to refine this process with specific attention to seagrass, hardbottom, and coral reef resources. Our participation in this process, and in the current turbidity criteria rulemaking process, allows us to work even closer with the agencies to promote sound scientifically based changes while protecting the ability of coastal communities to maintain their critical coastal protection programs. Our team will bring this experience and expertise to the Town of Palm Beach to develop mitigation strategies that balance habitat protection with the best interests of the Town.

14. Shore Protection Board

We will continue to provide the Shore Protection Board the resources it needs to make informed decisions about coastal management. In recent years, we have prepared large-scale wall maps and interactive coastal atlases using GIS for use at the meetings. Our biologists will continue to draw from this experience to provide input regarding the Town's nearshore and offshore habitats. We specialize in monitoring and assessing coastal resources and each of our team members has unique expertise on a diversity of coastal projects to share with the Board. We frequently hold internal seminars on successful project strategies, innovations in coastal modeling, and the latest most effective technologies and designs. We would offer to provide presentations to the board or assist in the coordination of presentations by Town staff and academic, environmental, or policy experts.

15. Technical Peer Reviews

Our CPE Team biologists all hold advanced degrees in Marine Biology and Coastal Zone Management and have provided technical peer reviews during our academic and professional careers. We routinely prepare technical documents that undergo rigorous internal review prior to submittal. Several of our staff have also participated in the Southeast Florida Coral Reef Initiative (SEFCRI), which is a team of interagency and non-agency marine resource professionals, scientists, resource users and other stakeholders that collaborate to develop local action strategies targeting coral reefs in south Florida. As team members, we participated in focus groups to generate technical reports and peer review documents completed by other team members. We have also been asked to conduct peer-reviews of articles highlighting marine resource assessments that have been published in *Shore & Beach*, the *Journal of the American Shore and Beach Preservation Association*. We also assist the Florida Shore and Beach Preservation Association Executive Planning Committee in coordination of the annual technical conferences, serving as subject matter experts to help attract and coordinate presentations regarding biological monitoring results and innovative technologies used throughout the state. Members of The CPE Team also volunteer time as members of the Gumbo Limbo Research Grant Selection Committee, where they serve as subject matter

experts with the other committee members to review and recommend the top students whose research best supports and embodies Gumbo Limbo's mission and initiatives. We will bring this experience to the Town of Palm Beach and are prepared to conduct technical peer reviews of any environmental document within our realm of expertise.

16. Public Education

Members of The CPE Team have been involved in the community through public outreach and education programs. We have participated in events such as Meet the Reef in Manatee County, where we set up touch tanks and educational games to teach about the local coastal resources. Our staff has also presented to the public as part of FDEP's Coral Reef Conservation Program on the reef resources in south Florida and specifically offshore of Palm Beach County. Several members of our staff also have professional experience specifically in environmental education. Recently, CPE staff conducted public outreach events on the beach in Delray to engage and educate the public regarding sea turtle nesting and the City's beach nourishment program. Our commitment to and experience with public outreach will allow us to effortlessly develop public education programs specific to the Town of Palm Beach.



Public outreach event on sea turtle nesting and beach nourishment led by The CPE Team

17. Other Marine Resource Assessments and Monitoring as Requested

The CPE Team biologists and scientists are qualified and prepared to immediately perform marine resource assessment and monitoring services for the Town of Palm Beach. The majority of our staff reside in Palm Beach County and utilize the coastal resources within the Town of Palm Beach on a regular basis. This means that not only do we have a professional interest in your coastal resources, but we have a personal one as well. Additionally, our office is located just minutes away from your coast and we have the support staff and resources ready to respond quickly to your needs. For example, we were able to complete a benthic characterization for the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project within 24 hours of getting notice to proceed from the Town. Similarly, we could act quickly in response to an event such as a storm should immediate assessment of the marine resources be needed.

Company Credentials

Coastal Protection Engineering LLC (CPE) is a Boca Raton, Florida based coastal engineering firm founded in 2019 by well-established industry leading professionals with strong credentials and decades of experience in coastal programs from concept to construction. Our professionals have worked with the Town of Palm Beach (Town) consistently over the last 15 years, which has provided us with direct experience and in-depth knowledge of the unique needs of your marine resources and coastal program.

CPE operates with a clear and direct focus on providing local government clients with highly specialized consulting services in support of projects that restore, manage, and protect coastal resources and infrastructure. CPE differentiates itself through a steadfast commitment to our clients and an uncompromising focus on technical excellence. Delivery of high-quality work products specifically for beach restoration and related coastal projects is our mission.

CPE's wide breadth of expertise and knowledge of your coastal program is further supported by the extensive depth of resources provided by Aptim Environmental & Infrastructure, LLC (APTIM) as our key subconsultant. APTIM and its family of affiliate companies have more than 120 years of service to public and private clients. Having grown from a series of mergers and acquisitions over the last 30 years, APTIM is a large, multinational firm and highly respected provider of environmental solutions throughout the country and internationally. APTIM also includes the credentials of legacy firm Coastal Planning & Engineering, Inc., which has a long history of commitment to Florida's beaches and coastal communities throughout the state. With APTIM as our exclusive subconsultant for this contract, The CPE Team draws upon more than a century of experience and the expertise of employees worldwide, bringing a wide range of services and financial stability.

The CPE Team

The CPE Team brings together the two firms of CPE and APTIM to serve the Town under this contract and our proposal herein presents the credentials of the combined team. Our professionals consist of marine biologists, topographic and hydrographic surveyors, remote sensing and mapping scientists, coastal engineers, numerical modelers, coastal geologists, computer-aided design (CAD) and geographic information systems (GIS) specialists, and a wide array of support staff, including scientific divers. Our range of service offerings provide the full spectrum of expertise needed for assessment and monitoring of the Town's marine and estuarine resources including: biological monitoring, listed species assessments, coral relocation, NEPA documentation, state and federal permitting, GIS, mitigation planning, project bidding and construction oversight, public outreach, and participation in Shore Board meetings.

Our knowledge of the natural, ecological, and geological processes that shape Florida's changing coastal zones has enabled us to thoroughly assess environmental impacts of coastal construction projects, design and situate projects to minimize long-term impacts on the environment, develop mitigation programs, and reduce the cost of mitigation construction. We are uniquely positioned to provide marine resource assessment and monitoring services to the Town of Palm Beach due to our diverse array of in-house capabilities, extensive experience, and local knowledge of your marine resources.

The CPE Team has been honored to have served the Town for the last 15 years on multiple coastal projects. Our multidisciplinary approach is designed to handle all phases of coastal projects, with the depth and breadth of expertise to go from marine resource reconnaissance studies through feasibility and permitting to post-construction biological and physical monitoring. This foundation of engaging multiple scientific disciplines has delivered exceptional value to our clients through the entire process of project implementation.

Members of The CPE Team have provided professional coastal and marine engineering, hydrographic and geophysical surveys, and environmental services to Florida clients for decades. Over the years, we have earned an excellent reputation with local, state, and federal agencies responsible for permitting and overseeing marine and coastal programs. Our team's credentials include over 100 beach nourishment

projects and over 30 coastal structure projects for municipal, state, and federal clients throughout Florida, the Gulf coast, and up the Atlantic seaboard.

Along the southeast coast of Florida, our professionals have monitored marine and estuarine resources in the Town of Palm Beach, City of Delray Beach, City of Deerfield Beach, City of Boca Raton, Palm Beach County, Indian River County, Martin County, Broward County, and Miami-Dade County on numerous large and small scale shoreline stabilization and restoration projects. The breadth of experience gained from these projects has provided our team with the knowledge and expertise to monitor resources in wide-ranging habitats from the offshore reefs to the nearshore hardbottom to the inshore lagoon.

Local Government Experience

Our decades of experience collaborating with municipal and county governments has also instilled a responsibility to address each project with scientific expertise, technical excellence, environmental consciousness, and cost effectiveness. We pride ourselves on our proactive coordination with regulatory and resource agencies to facilitate a successful and timely permitting process. Our extensive experience permitting, designing, and implementing biological monitoring programs for coastal projects throughout Florida allows us to bring this expertise back to the Town so that you are always on the forefront of innovative protocols and techniques to assess marine habitats, especially associated with coastal construction projects.

Our multidisciplined technical staff is currently working with the Town of Palm Beach and has a great institutional knowledge of your coastal environment and experience with your Town government operations. Our team is based in Palm Beach County and organized to respond quickly to the Town's needs to address coastal service requests, which is a distinct advantage we commit to the Town. Our comprehensive, interdisciplinary approach facilitates project coordination with state and federal agencies and will help the Town manage the existing marine resource monitoring programs as well as develop new ones.

Our entire team is available to work immediately on your projects and the capabilities of each of our departments are continually refined with the latest technologies, procedures, and equipment. With a robust organization dedicated to coastal services and a well-documented history of responsiveness to the Town, we are confident that The CPE Team can meet or exceed all of the requirements of the RFQ. Key disciplines of The CPE Team are provided as follows.

Marine Biology

The CPE Team's staff of marine biologists are highly experienced in biological monitoring, environmental permitting, and habitat mapping in Florida. Our biologists have extensive experience monitoring nearshore hardbottom resources throughout Florida, including within the Town of Palm Beach. Each biologist has logged hundreds of scientific dives collecting benthic data for habitat assessments and mapping. This intensive experience has provided us with an understanding of the local ecology and effects of coastal projects. This knowledge is invaluable when permitting a project, as we can easily convey the information the regulatory agencies need to conduct their review during permitting.

Our biologists developed the BEAMR method, which is the FDEP preferred monitoring protocol for impact assessments of reef and nearshore hardbottom habitat. We are also experienced in the production of NEPA compliant documents, including Environmental Impact Statements (EIS) and Environmental Assessments (EA), as well as supporting documents including Biological Assessments (BA) and Essential Fish Habitat (EFH) Assessments.

The CPE Team recently completed the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project Environmental Impact Statement (EIS), which evaluated shoreline stabilization alternatives for the Reach 8 project area. Additionally, we completed federal permitting for the Town's Groin Rehabilitation project due our strong working relationships, comprehensive technical work products, and advanced and continuous coordination with the reviewing agencies.



Nearshore hardbottom resources in the Town

Our biologists, engineers, and geologists work together to guide our clients through the permitting process based on a thorough understanding of current regulations and environmental resource concerns. Our team routinely prepares joint-coastal permit (JCP) and environmental resource permit (ERP) applications, coordinating with state and federal agencies to obtain authorizations for a range of marine and coastal projects throughout Florida. Our professionals have the reputation and technical expertise to provide comprehensive and accurate information to the regulatory agencies in a timely fashion and are highly experienced with the issues of primary concern to regulators evaluating marine and coastal projects.

Survey & Mapping

Our team of hydrographic surveyors and boat captains perform beach and hydrographic surveys that exceed the State requirements and provide higher levels of data accuracy. Using RTK GPS, both on the boat and land, we integrate the land and sea measurements using real-time tidal and elevation corrections to obtain a seamless beach profile for volumetric analysis and engineering design.

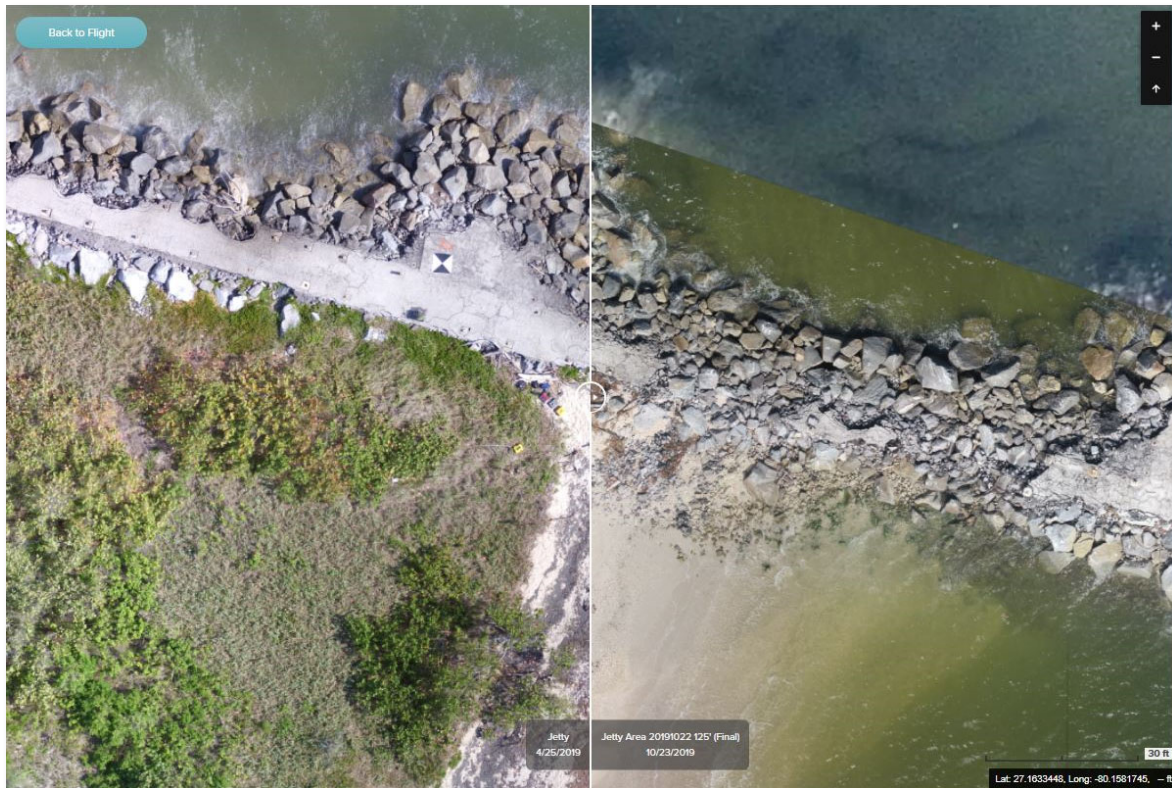
Our survey crews also work with our in-house geologists and geophysicists to map geologic features such as sediment deposits, hardbottom habitats, and buried rock foundations for artificial reef construction.



Hydrographic surveying

The CPE Team recently added advanced laser scanning technology and drone usage as part of our already expansive list of tools and services. Utilizing these new technologies coupled with surveyed ground control, we are able to deliver signed and sealed digital elevation models (DEMs) in addition to high resolution imagery. A prime example of applying drone technology to save time and money is in assessing

storm impacts of coastal structures. Once baseline conditions are established, our crew is able to re-shoot a structure post-storm with a small crew and deliver highly detailed side by side comparison photographs in web based platforms such as, SiteScan3DR, as well as a precise DEM that can be evaluated for storm impacts to individual stones.



Drone Imagery Slider Comparisons in SiteScan3DR

GIS/CAD

Our GIS/CAD specialists integrate data from all disciplines for comprehensive analysis, data retention, and retrieval. All offshore investigations, seismic studies, sand and reef maps, environmental transects and quadrats are stored in a single platform and preserved for future use. Data products associated with the Town's coastal program can be easily and efficiently integrated with the Town's existing GIS infrastructure, which has proven to be very useful for Town staff in the past by providing quick access to our vast GIS database and creating large format maps for meetings and display. We support our clients with the most current GIS technologies and capabilities. Our team also has extensive experience creating interactive online GIS applications. The team's areas of expertise include Python language and the .Net Framework, Microsoft SQL Server, SQL Server File Stream, Microsoft SQL Server Reporting Services, ESRI JavaScript API, and ESRI Python API.

Coastal Engineering

The combined experience of The CPE Team's engineers is unmatched in the field of coastal engineering. Our projects are developed by a team of experienced coastal engineers and coastal scientists who are strongly grounded in coastal processes theory and applications. In doing so, we review our designs in the

context of overall project objectives and incorporate advanced numerical modeling analysis, where needed, as a tool to improve performance, cost-effectiveness, and longevity of projects. Our engineers have experience facilitating coordination between municipalities, local stakeholders, and the FDEP and USACE to obtain permits and funding for beach renourishment and coastal structures projects. We have assisted many of our clients with emergency storm damage response including rapid survey mobilization following a storm and coordination with FEMA, state, and federal agencies for emergency project authorization. Our team has also assisted some of our clients that have federal projects with development and coordination of language and funding requests for federal appropriation bills and legislation.



Mid-Town groin construction, 2018

Our team has engineered a variety of solutions for preserving coastal environments and protecting coastal infrastructure. In locations where nearshore hardbottom resources are known to exist, including the Town of Palm Beach, beach nourishment may require advanced design techniques aided by numerical models to optimize performance. In such cases, we have been very successful in designing modified projects to provide upland structures a level of protection without hardbottom impacts. We have also designed and managed construction of numerous dune restoration projects as emergency response measures as these projects can be rapidly permitted and constructed. If maintained through regular replenishments, dune restoration can help improve the storm protection function of the beach.

Our engineers are responsible for the study, planning, and design of beach and shoreline projects that include shoreline stabilization, habitat restoration, artificial reef construction, inlet/canal management, and coastal structures. Our success in providing engineering solutions is driven by application of proven methodologies combined with innovative design. Our engineers work closely with our biologists to provide timely, cost-effective solutions that meet our client's project goals while protecting the natural resources of the coastal ecosystem.

Through our comprehensive coastal management planning process, projects are approached in a prioritized, logical fashion, taking into consideration not only design alternatives but also cumulative effects, funding options, and the potential for cost savings through coordination between multiple municipalities.

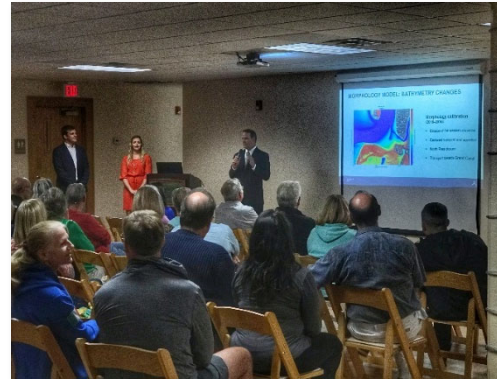
Numerical Modeling

For over a decade, The CPE Team has continuously upgraded our coastal modeling capabilities to include models such as DELFT3D, XBEACH, MIKE21, and the complete suite of USACE numerical models, including the Boussinesq wave model BOUSS-2D. As a result, our professionals have emerged as industry leaders in coastal applications of DELFT3D, the most advanced process-based model in the world, used to simulate coastal change. Besides using the DELFT3D model in coastal studies across Florida, the CPE Team recently applied the DELFT3D model in the evaluation of the Southern Palm Beach Island Comprehensive Shoreline Stabilization project EIS, which was reviewed, accepted, and published by USACE. This evaluation included the Town's Reach 8 Nourishment Project.

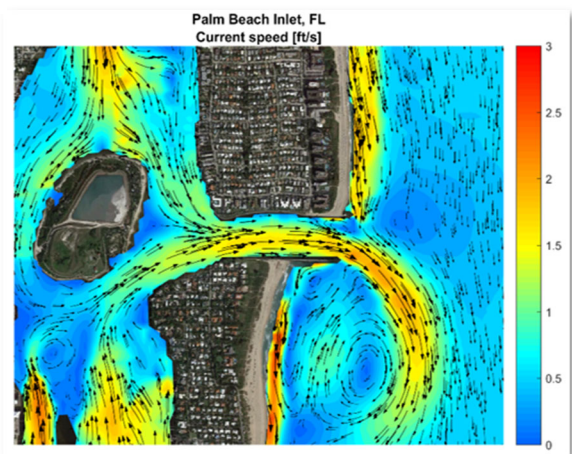
The CPE Team is on the forefront of coastal engineering numerical modeling and leads the industry in practical applications of advanced 3D morphology models. Our modeling studies are developed by coastal engineers and scientists who are strongly grounded in coastal process theory and applications.

We review our model results in the context of overall project goals and objectives and incorporate them into designs and analyses. We view these advanced models as tools to improve performance and longevity of the projects we design. The behavior of beaches, inlets, and intracoastal shorelines can be complex and dynamic. In order to overcome these complexities and test a wide range of solutions, we base each project design on proven engineering principles with the added benefit of state-of-the-art numerical models.

The CPE Team understands the value of communicating highly technical work, such as numerical modeling, in a manner that is understandable to the public. We have experience performing complex coastal studies with local stakeholder participation. Our team presents professionally at both large and small group public meetings where we have found stakeholder input enlightening and valuable to the successful development of the project.



Presenting and discussing preliminary modeling results with stakeholders in Pinellas County



Example of Lake Worth Inlet DELFT3D modeling

Geology

The CPE Team includes industry leaders in offshore marine sand search investigations and borrow area development for beach nourishment projects. Our coastal geologists have performed extensive mapping of your offshore environment and have located many sand deposits within the Town. Our offshore sand search study conducted for the Town years ago laid the groundwork for the high-quality sand used to construct the Phipps Ocean Park (Reach 7) Renourishment Project.



Delray Beach sand search, 2019

We combine state-of-the-art geomorphologic mapping with geophysical and geotechnical measurements to locate and define offshore beach-compatible sand deposits accurately and effectively. Our team has located billions of cubic yards of offshore sediments for coastal restoration projects throughout the nation. Our thorough understanding of the coastal environment and marine geology of the Atlantic Continental Shelf, combined with our extensive experience specific to sand source development, uniquely qualifies our team to perform marine sand searches for the Town. We own and operate the latest geophysical (sidescan sonar, interferometric sonar, seismic-reflection, magnetometer, single- and multibeam bathymetry surveys, 3D acoustic underwater inspection systems) and geotechnical (vibracore and benthic sediment samplers) equipment to map sediment resources, benthic habitat, and cultural resources.

In addition to our extensive experience in the Town of Palm Beach coastal area, our team members provided a technical review of the Southeast Florida Sediment Assessment and Needs Determination (SAND) Study Report developed by USACE's Jacksonville District to the Florida Department of Environmental Protection (FDEP). We also helped the State develop the "Reconnaissance Offshore Sand Search" (ROSS) database, which catalogs and makes publicly available all geophysical and geological data on potential sand resources within Florida waters in the Gulf of Mexico and Atlantic Ocean.

Town of Palm Beach Related / Relevant Projects

Presented below is a sampling of our team's variety of related coastal projects. With the experience our two firms have working together, we commit to providing cohesive service to the Town with CPE subject matter experts leading tasks supported by APTIM's depth of professional resources and coordinating closely with the Town. For example, The CPE Team is currently working together to conduct post-construction biological monitoring for the Indian River County Sector 5 project with responsibilities shared and communicated seamlessly among the team.

Town of Palm Beach Coastal Program

Mid-Town Groin Construction Project

Our team performed engineering, environmental permitting, and construction oversight of a new rubblemound groin within the Mid-Town beach project area. The Mid-Town Beach Nourishment Project was completed in 2015; however, the groin that was authorized for construction near R-99.3 was not constructed during the project. The initial authorization for the groin did not include consultation with NMFS for Endangered Species Act (ESA) Section 7 consultation since it was originally planned to be built on the newly nourished beach. Our lead biologist and engineer designed the project so that construction of the groin would be built "in the dry", thereby avoiding lengthy consultation that would have delayed construction, but instead allowed for construction completion in May 2018. Additionally, we worked closely with the Town's sea turtle monitoring permit holder, D.B. Ecological, to ensure project construction was in compliance with sea turtle protection conditions.

Mid-Town Beach Restoration Project

The Town of Palm Beach constructed the initial Mid-Town Beach Restoration Project in 1996 between R-95 and R-100. Following active hurricane seasons in 2004 and 2005, the 2006 Mid-Town Beach Renourishment and Expansion Project was constructed, with a modification to the 2003 construction template to exclude sections of beach between R-94 and R-95 to avoid potential impacts to the Breakers Rock Pile. The CPE Team monitored the nearshore hardbottom along the project area during pre- and post-construction, which included collection of sediment, benthic and fish data, and delineation of hardbottom using aerial photographs in GIS to determine sediment movement in the nearshore environment.

The USACE recently completed construction of the Town's Mid-Town project, to repair impacts from Hurricanes Matthew and Irma in 2016 and 2017, placing approximately 700,000 cy of sand and utilizing three hopper dredges and specialized screening equipment. In the past, the Town constructed the project, but this was the first time the project was built under the leadership of the federal government, marking the beginning of a 50-year partnership with the federal government to protect the Mid-Town beach area. The USACE is paying half the cost, with the Town, Palm Beach County and the state sharing the remainder.

The CPE Team worked closely with the Town in preparing for this project. During construction, our team provided environmental services including permit compliance, construction observations, and extensive project coordination with the Town, USACE, and another of the Town's coastal consultants (ATM) who had designed and permitted the sand source used in this project. Our biologists coordinated with FDEP to obtain a permit modification authorizing an extension of the construction window into May to facilitate demobilization.

Groin Rehabilitation Project

The CPE Team provided the Town of Palm Beach with a comprehensive plan to rehabilitate all of the coastal groins along the Town's shoreline. During this work, our team participated in a public workshop and attended multiple Shore Protection Board and Town Council meetings. During these meetings, project information was shared between stakeholders, elected officials, Town staff, the public, and engineers, which resulted in refining the groin rehabilitation plan for permitting. During permitting process, our lead biologist coordinated extensively with USACE and NMFS to complete ESA Section 7 consultation. We readily provided data and information to support consultation and our proactive approach to agency coordination ultimately resulted in consultation completion and issuance of the DA permit.

Reach 8 Nourishment Project

The CPE Team assisted the Town with NEPA documentation and agency coordination for the Reach 8 nourishment project. The Reach 8 project was evaluated with Palm Beach County's adjoining project in the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project Environmental Impact Statement, which was finalized in 2016. During production of the EIS, The CPE Team worked closely with the USACE, the Town of Palm Beach, and the County to provide a comprehensive assessment of project alternatives and potential project impacts. This effort included coordination of scoping, identification of feasible alternatives, numerical modeling, an *in situ* assessment of the nearshore hardbottom resources in the Study Area, quantification of potential impacts to nearshore hardbottom, determination of appropriate mitigation, and construction cost estimates.



Biological monitoring of hardbottom adjacent to the Reach 8 project area

After publication of the Final EIS in June 2016, the USACE requested additional information on the Reach 8 project to facilitate consultation under the Section 7 of the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. Our staff has promptly compiled data and responded to USACE and NMFS requests for information. We also provided the Town with an artificial reef design, including a 12-Point Mitigation Plan and Biological Monitoring Plan during this coordination.

Indian River County Beach Nourishment Program

Since 2012, The CPE Team's staff has been providing quality coastal engineering consulting services to Indian River County. During this time, we have successfully implemented major beach and dune management initiatives for the County. We provide comprehensive services to the County in support of their coastal program, including beach management, feasibility studies, design, engineering, permitting, construction management, biological monitoring, physical monitoring, grant writing assistance, and post-storm assessments.

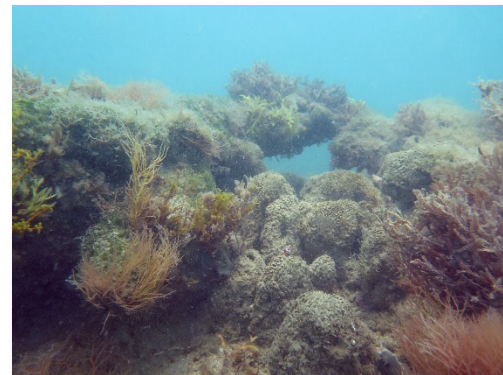
Sector 3 Beach and Dune Restoration Project

The initial Sector 3 Beach and Dune Restoration Project was completed in three phases between 2010 and 2012. The initial project was 6.6 miles long and spanned from R-20 to R-55. Following completion of the initial project, the effects of Hurricane Sandy passing off the coast of Florida in October 2012 resulted in significant dune erosion to the project area. Members from The CPE Team designed, permitted, managed construction, and monitored the 2014/15 Sector 3 Dune Repair Project. Instead of obtaining a new permit to address the damages, our staff was able to obtain an FDEP permit modification for a one-time truck haul sand placement project to quickly address this need. This provided a tremendous savings of time and money for the County.

The CPE Team recently designed the next Sector 3 Beach and Dune Nourishment Project with construction scheduled for 2020/21. Our biologists and engineers coordinated and compiled the environmental permit applications and included upland sand mines and offshore borrow areas to provide the County with flexibility in sand source for construction. Our team surveyed for hardbottom resources near the borrow area, within the proposed pipeline corridors, and along the nearshore edge using sidescan sonar and *in situ* diver verification. The data from these surveys were submitted to the regulatory agencies and used in development of the Sector 3 Biological Monitoring Plan (BMP). While the Department initially required that the BMP include extensive surveys of proposed pipeline corridors and a Coral Relocation Plan to transplant corals and octocorals out of the project area, we successfully negotiated with FDEP staff to minimize/eliminate these requirements due to the low density of coral in the project area. We were also able to reduce the length of the shore-perpendicular transects based on historical data, project design and anticipated impacts, which ultimately reduces the long-term effort of the BMP. Within 30 days of our RAI No. 1 Response, FDEP deemed the County's application complete and the permit has been issued. The CPE Team biologists are conducting the pre-construction biological monitoring of Sector 3 this summer.

Sector 5 Beach and Dune Restoration Project

The CPE Team designed and permitted the Sector 5 Beach and Dune Restoration Project, which extends for approximately 3.1 miles (R-70 to R-86), and mostly includes the City of Vero Beach. The Sector 5 project area had been managed with dune restoration projects to this point. The CPE Team developed a project feasibility study and compiled permit applications with the use of upland sand. Our biologists managed the permitting effort and proactively engaged the regulatory agencies in order to generate a comprehensive permit application. The FDEP JCP application was deemed complete in less than 6 months and DA permit issuance quickly followed, which was supported by an Environmental Assessment we generated in compliance with NEPA. During permitting, we developed a Biological Monitoring Plan (BMP) that includes nearshore hardbottom edge mapping and shore-perpendicular transects using BEAMR, sediment monitoring, and video documentation. Our team installed and monitored the transects during pre-construction in Summer 2019. Project construction began on November 4, 2019 and was completed in February 2020. Our biologists conducted the immediate post-construction biological monitoring this summer.



Hardbottom/wormrock in Sector 5

City of Delray Beach Coastal Program

Beach Nourishment Program

Since 1973, the City of Delray Beach has taken major strides to restore their eroded beach. Once at risk of being overtaken by the ocean, highway A1A and its neighboring properties have been protected by the wide beach and extensive dune system. To date, the City of Delray Beach (the City) has participated in eight beach nourishment projects.

Our biologists have provided biological monitoring surveys for several of the City's nourishment projects over the year to detect potential impacts associated with construction. This has included infaunal sampling at the fill and borrow area sites, quadrat-based benthic assessments, sediment monitoring, mapping the western boundary of the offshore reef edge, and creating a DGPS-integrated video record of the reef. In support of the Fifth Periodic Renourishment, we mapped the reef edge and conducted a survey for the listed coral species *Acropora* spp. using the NMFS-recommended protocol. We also completed an Environmental Assessment in compliance with NEPA.

Most recently, The CPE Team assisted the City with the USACE's implementation of the 2020 FCCE Shore Protection Project Delray Beach Segment, which repaired impacts from Hurricane Irma. The project was constructed in February and March, placing 365,000 cy in the project area. Throughout construction, our staff provided daily construction observations and updates to the City, attended meetings, assisted with public outreach, and monitored permit compliance throughout construction.

The CPE Team is currently preparing for the City's Sixth Periodic Renourishment project. An offshore sand search investigation was completed earlier this year and the borrow area design has been drafted. Our biologists mapped the landward edge of the offshore reef and conducted a survey to identify ESA listed coral colonies along the reef edge. We developed the permit modification request to extend the borrow area and are currently responding the FDEP's RAI.



Tara Brenner in Protecting Paradise segment



CPE Team biologist conducting listed coral survey

Sea Turtle Monitoring and Public Outreach

The City of Delray Beach has been conducting sea turtle monitoring along its beaches continuously since 1984. Immediately prior to the 2019 nesting season, the City expressed interest in conducting public outreach events to engage and educate the public regarding sea turtle nesting and the beach renourishment program. Tara Brenner and Stacy Buck managed this effort and contracted with Ecological Associates as the local permit holder to complete the sea turtle monitoring component. Ms. Brenner and Ms. Buck coordinated the public outreach events to include City educators and the public. The events included a brief history of the City's sea turtle and nourishment programs, followed by excavations of recently hatched nests. The public response to the outreach events was very positive. The CPE Team has aided the City Staff in educating the public about its coastal program in 2019 by hosting the Mayor at our offices, being interviewed and providing content for two segments of WPTV's 'Protecting Paradise' series, as well as developing FAQs and answers related to the upcoming beach renourishment events for use on the City's websites.



Delray public outreach event during the 2019 sea turtle nesting season

Palm Beach County Coastal & Inland Programs

Members of The CPE Team have worked with the County on many aspects of their coastal and inland projects, including environmental monitoring, permitting, project design, geotechnical investigations, and survey tasks for the projects described below.

Southern Palm Beach Island Comprehensive Shoreline Stabilization Project

The CPE Team designed a shoreline stabilization project for Palm Beach County along the Towns of South Palm Beach and Lantana that used beach nourishment and groins. Since the County's project abuts the Town of Palm Beach's Reach 8 project area to the north, the USACE determined that these two projects would be a "major federal action" and should be evaluated together in one EIS in compliance with the NEPA. Members of The CPE Team worked closely with the USACE, the Town of Palm Beach, and the County to provide a comprehensive assessment of potential project impacts in the Final EIS, which was published in June 2016.

The goal of the County's project was to provide storm protection to the park and upland infrastructure, a stretch of beach that has been classified as "critically eroded." The project includes beach nourishment using sand from an upland mine and seven low-profile groins. The king pile and panel adjustable groins were designed to be level with the berm with panels that can be inserted or removed as needed to achieve the desired function. The project also included design and siting of an artificial reef as mitigation for potential impacts. Our geologists conducted a seismic survey to determine sediment depths over underlying rock that would provide a suitable location for placement of the boulder reef. The dynamic nature of the nearshore habitat and ephemeral hardbottom in this area required an innovative approach to determine potential project-related impacts. Our biologists coordinated closely with FDEP to develop an impact and mitigation assessment to quantify resources and provide the Department with reasonable

assurance that the proposed artificial reef would mitigate for those impacts. Based on this coordination, the application was deemed complete and a draft permit was issued.

South Lake Worth Inlet Design and Permitting

Palm Beach County recently requested engineering and environmental services from The CPE Team to permit an expansion to the South Lake Worth Inlet (SLWI) sand trap and dredging in two additional areas within the Intracoastal Waterway. Hydrographic surveys and grab sampling were conducted throughout the three dredge sites and two disposal areas. Sieve analyses was performed within The CPE Team's CMEC accredited geotechnical laboratory. Engineering analyses is currently underway to determine dredge volumes, the expansion limits of the interior sand trap, and the disposal area capacities. We are currently compiling the permit modification requests for FDEP and USACE, which will include pre- and post-construction seagrass surveys in the project area. The biologists, engineers, surveyors, geologists, and CAD/GIS specialists of The CPE Team are working together to process this permit modification request and will prepare construction plans and technical specifications once complete. The team will support the County through bidding and receipt of Notice to Proceed from the permitting agencies.

Manatee County Coastal Management Program

Since 1989, our team has been the coastal consultant to Manatee County. We have produced and maintained a comprehensive beach management plan for the County and have continually provided biological monitoring and engineering services for the County's coastal program on Anna Maria Island, including environmental studies, hardbottom monitoring, mitigation design, state and federal permitting, project design, geotechnical investigations, surveying services, and construction administration.

During the past three decades, our team assisted the County with beach renourishment projects in 1992-1993, 2002, 2005-2006, 2011, and 2014. We are currently preparing the Passage Key Inlet Management Study in support of borrow area design, permitting and implementation of future Anna Maria Island beach nourishment projects. We designed and oversaw construction of the Cortez Groin Replacement Project in 2016, which included a biological assessment of the derelict groins for benthic resources, specifically coral colonies. This project removed three derelict pier-type structures and replaced them with three Permeable Adjustable Groins (PAG) in order to maintain the stabilization of the shoreline. We are currently conducting a feasibility study to rehabilitate, remove and/or replace the Coquina Beach groins and evaluate alternative structural stabilization options to assist in reducing erosion on Coquina Beach.

We are currently assisting Manatee County during the construction of the Central Beach and Coquina Beach Nourishment Projects, providing construction administration, survey, public outreach, and permit compliance support. Our team is also coordinating with the County and FDEP staff regarding construction of additional mitigative, and possibly recreational, artificial reefs in the vicinity of Coquina Beach.

Hardbottom and Artificial Reef Monitoring

Due to the presence of nearshore hardbottom in the shallow waters adjacent to Anna Maria Island, mitigation and monitoring have been required to offset impacts to these resources. Our team assisted the County locating suitable sites for placement of the artificial reefs and obtaining state and federal permits for their construction. Our engineers designed and oversaw the construction of the 1993, 2005 and 2011 Artificial Reefs to ensure they were built in compliance with project permits. Following construction of the artificial reefs, our biologists conducted permit-required annual monitoring to document that the reefs succeed at mimicking the natural hardbottom which they are intended to mitigate. These surveys included benthic assessments, fish counts, relief measurements, reef delineation, and collection of photo and video documentation.

In addition to monitoring the colonization and succession of the artificial reefs, our biologists monitor the natural nearshore hardbottom to document any potential unanticipated project impacts. We developed and updated the Biological Monitoring Plan for each project in close coordination with FDEP. During annual monitoring surveys, our biologists utilize quadrat-based benthic assessments, sediment measurements, and in situ resource mapping, supplemented by photo and video documentation. Data are analyzed to document any potential secondary impacts related to project construction, and reports are prepared and submitted to agencies as required by permit conditions. In preparation for this summer's construction of the County's federal Shore Protection Project, our biologists conducted a pre-construction monitoring event in May 2019. Following project completion, we will conduct annual post-construction monitoring to document any potential unanticipated project impacts. Also, in response to request by the County, our team is collecting additional data on hardbottom and artificial reefs during each monitoring event to document the impacts to, and subsequent recovery from, the severe and prolonged 2018 red tide event.

The CPE Team is currently assisting the County in locating a site for a new artificial reef that will provide mitigation for the federal and Coquina Beach projects, as well as excess mitigation to provide additional marine habitat and to use if continued hardbottom ever results in the requirement of additional mitigation. We are also working with the County to design and permit a recreational nearshore snorkel reef in the shallow nearshore waters adjacent to Coquina Beach.



Natural hardbottom (top) and 2011 Coquina Artificial Reef (bottom)

Pompano Pier Replacement Project

The Pompano Pier Replacement Project included replacing the existing pier located between FDEP monuments R-33 and R-34 in Broward County. The construction involved minimal direct (removal and construction of pilings) and indirect (shading) impacts to 410 ft² of nearshore hardbottom. CPE Team

biologists conducted baseline surveys of the hardbottom in 2014 and 2015; however, due to delays in the over-water construction, the pre-construction survey was again conducted in 2017 to meet FDEP's two-year window between the pre-construction survey and the time of construction.

Based on these surveys, a Uniform Mitigation Assessment Method (UMAM) analysis determined that a minimum of 162 ft² of mitigation was required to offset anticipated project impacts. The CPE Team staff designed a limestone boulder artificial reef as mitigation, which was completed on October 25, 2018, with a net acreage of 527 ft² of boulder coverage.

CPE Team biologists developed a Biological Monitoring Plan that included assessment of the natural hardbottom and the artificial reef. We monitored the nearshore hardbottom beneath and adjacent to the pier during pre-construction and post-construction and generated a report that presents the results of the immediate post-construction survey compared to the pre-construction surveys. The natural hardbottom was monitored one time during post-construction and the artificial reef will continued to be monitored for three (3) years post-construction to track benthic recruitment, succession (community development), and exposed area (gross and net acreage). CPE Team biologists are scheduled to monitor the artificial reef this summer.



Benthic resources on the hardbottom adjacent to the Pompano Pier

Lee County Coastal Engineering Services

Our Team provides multidisciplined coastal services to Lee County, including environmental permitting and biological monitoring of hardbottom and seagrass resources. Recent projects completed for the County's Natural Resource Division and an ongoing project for their Facilities Construction and Management Division are described below.

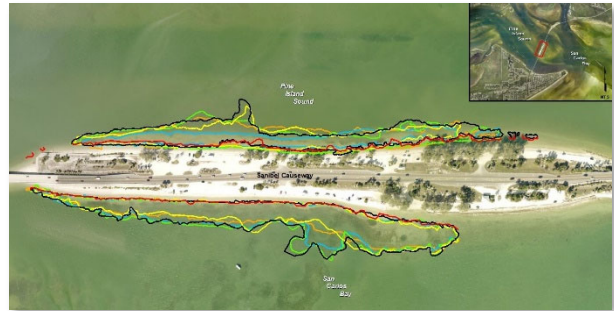
Gasparilla Island Shore Protection Project

The federally authorized Gasparilla Island Shore Protection Project includes multiple placements of beach quality sand along the shoreline of Gasparilla Island between FDEP reference monuments R-10.5 and R-24.5 on an as needed basis. Sand for each placement event will be dredged from the approved Gasparilla Ebb Shoal borrow area. CPE Team biologists assisted Lee County with the development and implementation of permit-required hardbottom monitoring for this project. In 2018, we coordinated with FDEP biologists to design a Biological Monitoring Plan for hardbottom and artificial reef resources. In 2018, we completed the baseline/pre-construction hardbottom survey and completed the initial post-construction monitoring event in August 2019 following construction of the Gasparilla Island project. The post-construction biological monitoring report was submitted in November 2019. Our team completed the one-year post-construction monitoring event this summer and is currently preparing the annual monitoring report.

Sanibel Causeway Shoreline Stabilization Project

The Sanibel Causeway is located in Lee County and connects the mainland to Sanibel Island in Fort Myers, providing the only access from the mainland to Sanibel and Captiva Islands. There are two islands along the causeway, Island A to the east and Island B to the west. Since 2017, CPE Team members have been assisting Lee County's Facilities Construction and Management Division with design, surveys, and

permitting for the Sanibel Causeway Shoreline Stabilization Project. The shoreline stabilization project aims to protect upland infrastructure by stabilizing the shoreline and addressing stormwater runoff, while considering the adjacent seagrass resources and the recreational uses by the public. CPE Team biologists completed a baseline seagrass mapping and characterization survey in summer 2017 along both shorelines of the Sanibel Causeway Island B. In addition to the seagrass field observation, biologists delineated aerials to determine the natural variability of the extent of seagrass in the project vicinity in San Carlos Bay and Pine Island Sound over time. Based on these results, a no-impact project design on both shorelines was developed and the FDEP, South Florida Water Management District, and Department of the Army permit applications were submitted. The CPE Team will conduct pre- and post-construction seagrass surveys to detect potential impacts from construction, which is scheduled to occur in winter 2020/2021.



Delineation of historical seagrass.

Lido Key Hurricane and Storm Damage Reduction (HSDR) Project

Members from The CPE Team provided services that enabled the USACE to re-establish Lido Key as a federal project and to develop a federally authorized and funded shore protection project, which will include fill placement and coastal structures. We assisted the City with the environmental permitting and coordination for the federal Lido Key HSDR Project, which is utilizing a Big Sarasota Pass borrow source and will include construction of two groins at the south end of the island. As local sponsor for the project, the City assisted the USACE with engineering, geotechnical, benthic investigations and permit application services provided by The CPE Team. We are currently providing construction administration support to the City and assisting with USACE coordination throughout the project.

As part of the coordination and permitting for the Lido Key HSDR Project, our biologists performed a benthic resource investigation to map and characterize seagrass in the project vicinity. To efficiently investigate the large survey area, a combination of survey methods was employed, including towed video, towboard diver surveys, and diver verification. Survey results were used to support FDEP permitting and consultation with NMFS. CPE Team biologists utilized this data to prepare a UMAM evaluation and successfully negotiated with FDEP to determine an appropriate amount of mitigation to offset anticipated impacts to seagrass from the Lido Key HSDR Project. Our biologists worked closely with FDEP, FWC, USACE, NMFS, and USFWS to determine a suitable and feasible mitigation site, which will utilize habitat created as part of another project in Perico Preserve, Manatee County. We worked with FDEP biologists to finalize the seagrass mitigation and monitoring plan, and FDEP issued the permit for this project in June 2018. We



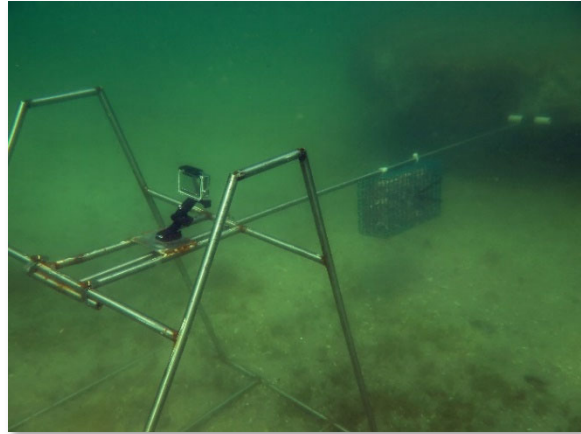
Seagrass surveys on the Big Sarasota Pass ebb shoal

are currently coordinating with the City of Sarasota, USACE, and Manatee County to implement the seagrass mitigation project, which is anticipated to be constructed in summer 2021.

Sarasota Bay Estuary Program Artificial Reef Monitoring

The CPE Team provided artificial reef monitoring services to the Sarasota Bay Estuary Program (SBEP) for surveys of three artificial reef installations located within Sarasota Bay and funded by an FWC grant. Our team conducted biological monitoring on the reef modules to assess fish population surveys at each artificial reef site by collecting both underwater visual census (UVC) data and using baited remote underwater video stations (BRUVS) for desktop analysis.

The video and *in situ* data were analyzed provide a comparison of the fish populations between the reef sites taking into consideration the reef materials and locations. We generated a report that clearly presents the differences and similarities between and among sites and compared these data to other studies with recommendations for future studies and artificial reef programs.



BRUV station used to monitor fish assemblages

Location of Company / Key Participants

The main office for our coastal service operations is located in Boca Raton. Key team members are located in the Boca Raton office, including the Principal Scientist (Lindino Benedet), Senior Project Manager (Tom Pierro), and Project Manager (Stacy Buck). We are prepared to meet the needs of the Town using local resources, our Boca Raton technical support staff, and our team of AAUS Scientific Divers.

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Schedule/Budget Compliance of Previous Work

Staff with The CPE Team have been providing marine resource monitoring services throughout Florida for decades, including within the Town of Palm Beach. Our history providing quality project deliverables on

schedule and on, or under, budget speaks for itself. Furthermore, as a local firm in Palm Beach County with staff fully dedicated to coastal protection, we are excited to demonstrate our ever-growing commitment to the needs of the Town. We have the ability to quickly mobilize, which can translate into significant schedule efficiencies and cost-savings to the Town. We also monitor weather and sea conditions to optimize survey windows and minimize wasted time on the water.

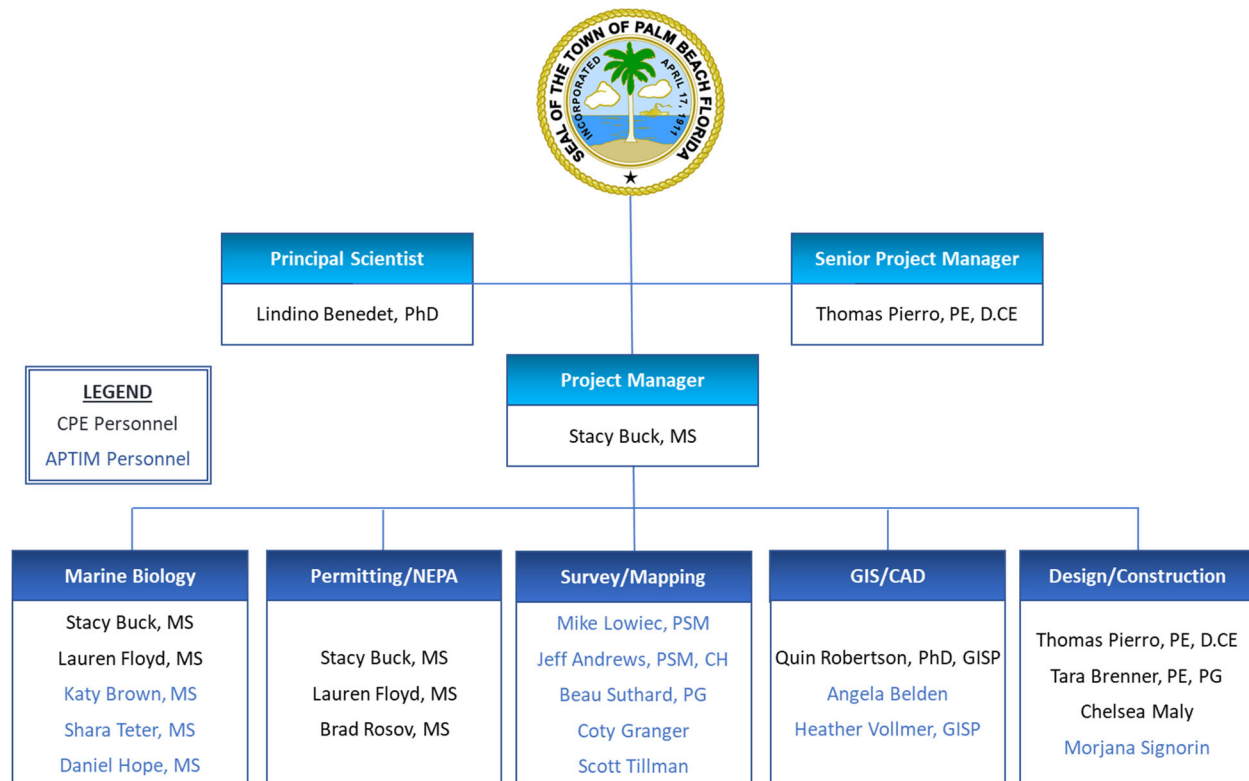
Our team is fully qualified to help the Town with optimizing costs for marine resource monitoring in compliance with the BMA and project-specific monitoring plans. We routinely work with regulatory agencies to develop new, or refine existing, biological monitoring programs to collect valuable data with a protocol that requires an effective and appropriate degree of effort. We understand that permit-required environmental minimization and monitoring conditions for projects with nearshore hardbottom can often be cost prohibitive to coastal communities. Our longstanding working relationships with regulatory agency staff has resulted in documented success in negotiating successful and cost-effective monitoring programs for our clients. We also bring a streamlined and cohesive team who is ready to perform the Town's monitoring. Our biologists and support field personnel have worked together for years and have established a very efficient and cooperative working environment. This means our team is ready to implement the Town's monitoring program on day one, without any wasted time and money.

2.1.2 Experience / Ability of Personnel

The CPE Team provides one of the most experienced, full-service workforces of coastal professionals in with a specific focus on local government programs in the State of Florida. For decades, we have been providing Florida's coastal communities with a complete spectrum of coastal services including marine resource assessments, biological monitoring, state and federal environmental permitting, preparation of NEPA documents, hydrographic and terrestrial surveying, coastal geology, GIS, numerical modeling, coastal engineering, funding program assistance, bidding assistance, construction oversight, and post-project physical monitoring. Our enclosed response further details how we are fully qualified and have the experience, credentials, understanding, and availability to assist the Town in achieving the goals of the Scope of Work.

The CPE Team is comprised of professionals that have direct experience and in-depth knowledge of the unique needs of the Town's coastal program. We have been monitoring your nearshore habitat over the past 15 years and have been involved in the Beach Management Agreement (BMA) since its inception in 2012. We have a thorough understanding of the BMA based on our experience obtaining an Individual Project Approval (IPA) for the Town-wide Groin Rehabilitation Project and IPA permit modifications for the Mid-Town groin and Mid-Town Beach Nourishment projects.

Organization Chart



Management's Credentials

The three professionals proposed to make up the management for this contract all live in and enjoy the beaches in Palm Beach County. We are local and can be on site in the Town of Palm Beach within a half hour.

Our management approach as shown in the organization chart is for **Stacy Buck** to be the Town's primary point of contact as Project Manager under this contract. Ms. Buck has over 20 years of experience in biological and environmental science, the last 16 years of which have focused on coastal and marine biology in south Florida. She has conducted over 1250 scientific dives in south Florida monitoring nearshore hardbottom, reef habitat (natural and artificial), and seagrass. This specialized and extensive field experience has provided Ms. Buck with a thorough understanding of south Florida's marine resources, their importance and sensitivity, and how they may be affected by construction activities. She applies this knowledge on a regular basis while working with state and federal regulatory agencies to develop biological monitoring plans, coral relocation plans, and mitigation plans during permitting of coastal construction projects. She maintains a positive working relationship with USACE and FDEP staff and was a main contributor during development of FDEP's Standard Operating Procedures for Nearshore Hardbottom Monitoring of Beach Nourishment Projects. Ms. Buck is also very familiar with the FDEP BMA and has been involved in obtaining several Individual Project Approvals (IPAs) since its implementation. She has worked on projects within the Town of Palm Beach for over 15 years and will continue to collaborate with Town staff to execute and deliver work products that meet the Town's high expectations for quality and responsiveness. Ms. Buck will receive direction from the Town and be responsible for communications with staff for development and execution of scopes of work. She will manage delegation of task orders and will provide overall and project-specific updates to the Town on a monthly basis, or more frequently as needed.

To further enhance our management credentials, Ms. Buck will be supported by **Lindino Benedet, PhD**, for task order development and execution. Dr. Benedet is the Principal Scientist and Authorized Member (AMBR) of CPE with more than 19 years of experience studying coastal dynamics. He has worked on hundreds of consulting projects and published dozens of scientific papers in international journals and conferences. His expertise includes process-based numerical modeling of coastal processes, marine met-ocean, navigation evaluations, port feasibility studies, dredging, beach nourishment, barrier island restoration, coastal structures, and marine sand searches. Dr. Benedet also holds master's degrees in marine geology and business administration and excels in project, budget, and business management.

Our management credentials are further supported by **Thomas Pierro, PE, D.CE**, our Senior Project Manager. Mr. Pierro has managed dozens of municipal contracts for coastal engineering services throughout the state of Florida and has worked on Town of Palm Beach projects for over 14 years. He has worked along every Reach of the Town's shoreline and has intimate knowledge of the Town's Comprehensive Coastal Management Program (CCMP) and the CCMP's goals. Mr. Pierro maintains a positive working relationship with Town staff and regularly facilitates collaboration among team members, regulatory agencies, and other Town consultants to ensure all aspects of a project are implemented with the highest level of service and expertise. Mr. Pierro has worked with Ms. Buck on coastal projects for over 14 years and will continue to support this contract with his knowledge of the Town's program.

Town of Palm Beach Related / Relevant Projects

Please see Section 2.1.1 for details on the specific projects that The CPE Team has worked on that are relevant to the Town of Palm Beach. In the resumes below, you will also find projects worked on by each of our staff members that are related or relevant to the Town of Palm Beach.

Project Personnel Credentials

We have assembled a team that can complete the full spectrum of coastal services including marine biological assessments and monitoring, environmental permitting, engineering, hydrographic and terrestrial surveying, numerical modeling, coastal geology, GIS, coastal engineering, funding program assistance, public outreach, bidding assistance, construction oversight, and post-project physical monitoring. The following resumes present the credentials of the individual project personnel from CPE and APTIM who will be assigned to the Town under this contract.



Stacy Buck, MS
PROJECT MANAGER &
SENIOR MARINE BIOLOGIST

5301 N. Federal Highway, Suite 335, Boca Raton, FL 33487
sbuck@coastalprotectioneng.com; 561-632-1210

PROFESSIONAL QUALIFICATIONS

Stacy Buck is a Senior Marine Biologist with Coastal Protection Engineering (CPE) and will serve as Project Manager under this contract. She specializes in environmental permitting and biological monitoring for shoreline stabilization projects, providing both project management and technical services. She manages project budgets, coordinates workloads, directs field operations, and collaborates with clients and agencies on a regular basis. She is responsible for the complete coordination of the biological components of projects from pre-permit application coordination through final report deliverables. Ms. Buck manages our in-house database of biological data and is proficient in statistical analysis. She has generated numerous biological monitoring reports for long-term monitoring programs that involve complex data. As Project Manager for the Town under this contract, Ms. Buck will have the support of her discipline leads to address all marine resources assessment and monitoring services needed.

RELEVANT EXPERIENCE

Town of Palm Beach Coastal Program, West Palm Beach, FL

As lead biologist for the Town, Ms. Buck worked with the USACE and FDEP to expedite the permit modification for the Mid-Town Groin Project to ensure construction would not interfere with sea turtle nesting. Additionally, initial authorization did not include consultation with NMFS for Section 7 consultation since the groin was originally planned to be built on the newly nourished beach. Our Team designed the project so that construction of the groin would be built "in the dry", otherwise consultation would have not made construction feasible for that season. The permit modification requests were submitted in late December 2017 and the project was deemed substantially complete in May 2018.

The Reach 8 project is the Town of Palm Beach's component of the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project EIS. Ms. Buck led production of the EIS and is currently coordinating with the USACE to facilitate NMFS consultation for ESA Section 7 and under the Magnuson-Stevens Fishery and Conservation Act. When NMFS requested additional information, Ms. Buck coordinated with the project engineer to provide the Town with an artificial reef design in order to respond to the USACE and resource agencies. Consultation is ongoing.

Education

Master of Science, Coastal Zone Management, Nova Southeastern University, Dania Beach, Florida, 2007

Bachelor of Science, Marine Science, University of South Carolina, Columbia, South Carolina, 1999

Highlights

20 years of experience in biological sciences with the last 16 focused on coastal and marine resources in Florida

Registrations/Certifications

Divemaster, Dry Suit Specialty Diver, Rescue Diver, Enriched Air Nitrox Diver, Advanced Diver, Open Water Diver

Emergency First Responder (CPR, 1st Aid, AED), DAN O₂ Administration

BOEM and NMFS Protected Species Observer

Professional Affiliations

Member, Florida Shore and Beach Preservation Association (FSBPA)

Member, American Shore and Beach Preservation Association (ASBPA)

Member, American Academy of Underwater Sciences (AAUS)

Member, Divers Alert Network (DAN)

Employment History

CPE 2019 – Present

APTIM 2006 – 2019

Milian, Swain & Associates
2004 – 2006

MACTEC, Inc. 2003 – 2004
Environmental Research & Consulting 2000 – 2002

Sector 5 Beach and Dune Restoration, Indian River County, FL

Ms. Buck is the lead biologist on the Sector 5 project and facilitated the development of permit applications for state and federal permitting, including ESA Section 7 consultation and Essential Fish Habitat Assessment evaluation. She directed the development of an Environmental Assessment in compliance with NEPA to evaluate potential environmental impacts due to project construction. Ms. Buck coordinated extensively with state and federal regulatory agencies to develop a biological monitoring plan and contingency mitigation plan and managed the immediate post-construction biological monitoring completed earlier this summer.

Sector 3 Beach and Dune Restoration Project, Indian River County, FL

Ms. Buck is the lead marine biologist for the Sector 3 Beach and Dune Restoration Project and is currently managing the state and federal permitting. This includes coordinating with regulatory agencies and resource agencies, including NMFS and USFWS to facilitate ESA Section 7 consultation. Ms. Buck developed a Biological Monitoring Plan for pre- and post-construction biological monitoring of the nearshore hardbottom resources located immediately offshore the project area. The permit application was deemed completed in May 2020 and the final order has been issued. Ms. Buck is currently managing the pre-construction biological monitoring being conducted this summer.

Southern Palm Beach Island Comprehensive Shoreline Stabilization Project, Palm Beach County, FL

Palm Beach County and The Town of Palm Beach have adjacent project areas and were each seeking permits to allow for the implementation of two separate non-federal shoreline stabilization projects. Because the projects' similarities provide a basis for evaluating their environmental consequences together, the USACE exercised its discretion to evaluate the two projects in a single Environmental Impact Statement (EIS). Ms. Buck led the development of the EIS and worked closely with the Corps, the Town and the County to provide a comprehensive assessment of potential alternatives and their respective effects. She also led the *in situ* assessment of the benthic habitat to support the EIS and environmental permitting.

Ms. Buck led state and federal permitting the County's component of the project. Ms. Buck coordinated extensively with the project engineer, the County, FDEP and the USACE to develop an impacts assessment and mitigation plan that would satisfy comments and concerns received during the EIS process. The Notice of Intent to Issue was received from FDEP and coordination is ongoing with the USACE to complete NMFS consultation for ESA Section 7 and under the Magnuson-Stevens Act.

City of Deerfield Beach Coastal and Waterway Program, Deerfield Beach, FL

Ms. Buck led the permitting effort to construct a nearshore artificial reef along the City of Deerfield Beach's public beach to provide a recreational artificial reef within a swimmable distance from the beach. Ms. Buck worked with the project engineer to optimize the design and prepared permit applications. This effort included analysis of existing resource data to refine the artificial reef placement site followed by *in situ* investigations. Ms. Buck's team delineated the nearshore hardbottom, provided qualitative descriptions of the resources, and collected sediment depth data within the proposed placement area. Permits were granted by Broward County, FDEP and USACE in 2019.

Ms. Buck supported the permitting effort to install a vessel exclusion zone along the public beach of Deerfield Beach with the goal of creating a safe area for public swimming and snorkeling. This effort included continuous coordination with the FDEP, USACE and the Coast Guard to permit the buoys. Ms. Buck designed the biological assessment plan to map the nearshore hardbottom edge, document benthic conditions, and measure sediment depths to determine buoy foundation requirements. This effort was permitted and the buoys were installed in 2019.



Lindino Benedet, PhD

PRINCIPAL SCIENTIST

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PROFESSIONAL QUALIFICATIONS

Lindino Benedet has over 19 years professional experience dedicated to the coastal engineering practice performing numerical modeling of coastal processes, project management and technical/scientific research and other coastal-marine studies & investigations to support coastal engineering projects such as beach, dune and marsh restoration as well as coastal structures. Lindino obtained his undergraduate degree at UNIVALI in Brazil, where he majored in Physical Oceanography, received his master's degree at Florida Atlantic University in Marine Geology and obtained his Ph.D. at Delft Institute of Technology in Delft, Holland, with focus on Hydraulic Engineering where he worked closely with the Developers of the Delft3D model. He is an Associate Editor Shore & Beach and of the Journal of Coastal Research. Lindino has worked on hundreds of consulting projects and published dozens of scientific papers in international journals and conferences during his career and brings unique numerical modeling expertise to the project team. He will provide coastal processes and numerical modeling support to the City under this contract, as needed.

RELEVANT EXPERIENCE

Upham T-Head Groins Numerical Modeling, Pinellas County, FL

Dr. Benedet and his team performed Boussinesq Wave and Flow Modeling utilizing the USACE Bouss2D model to Evaluate the Effects of Proposed T-head groins and artificial reefs on recreational activities such as surfing.

Longboat Key Islander Permeable Adjustable Groins, Longboat Key, FL

Dr. Benedet led Delft3D numerical modeling activities and coastal processes analysis development to evaluate the effect of proposed permeable structures to manage an erosional hotspot on Longboat Key Florida. The project was constructed after the study and it performed very similar to model prediction.

Lead Numerical Modeler, Figure Eight Island Restoration and Inlet Realignment Project, Figure Eight Island, NC.

Dr. Benedet performed numerical modeling of waves, currents, sediment transport and beach-inlet morphology utilizing the numerical model Delft3D to evaluate performance of inlet re-location alternatives and terminal groins on the erosion of Figure Eight Island, NC.

Education

Doctor of Philosophy, Hydraulic Engineering, TU Delft, Delft, Holland, 2016

Master of Business Administration, Business Administration, Fundação Dom Cabral, Belo Horizonte, Brazil, 2014

Master of Science, Marine Geology, Florida Atlantic University, Boca Raton, Florida, 2001

Bachelor of Science, Oceanography, Universidade do Vale do Itajai, Itajai, Brazil, 2000

Highlights

20 years of experience in coastal processes, numerical modeling, marine geology, and coastal engineering

Recognized intentional expert in in the fields of coastal numerical modeling, coastal engineering, beach nourishment, marine sand investigations

Professional Affiliations

Associate Editor, Journal of Coastal Research, Journal of the Coastal Research and Education Foundation

Editorial Board Member, Shore & Beach, Journal of the American Shore & Beach Preservation Association

Associated Editor, Brazilian Journal of Aquatic Sciences

Member, Florida Shore and Beach Preservation Association (FSBPA)

Member, American Shore and Beach Preservation Association (ASBPA)

Employment History

CPE 2019 – Present

APTIM 2001 – 2019

Wiggins Pass Inlet Study, Collier County, FL

Dr. Benedet and his team performed numerical modeling of waves, currents, and sediment transport and beach-inlet morphology utilizing the DELFT3D model to evaluate inlet channel dredging strategies and the effect of inlet channel re-alignment alternatives on sedimentation rates and erosion of adjacent beaches.

Numerical Modeling QA/QC, New River Inlet, North Topsail Beach, NC. Dr. Benedet provided guidance for model setup and calibration, reviewed numerical modeling results, and model deliverables for this inlet and beach morphology modeling project conducted utilizing the numerical model Delft3D to evaluate performance of inlet re-location alternatives and terminal groins on the erosion of Figure Eight Island, NC.

Town of South Palm Beach Breakwaters, Palm Beach County, FL

Dr. Benedet and his team performed numerical modeling of waves, currents, alongshore sediment transport and beach morphology change utilizing the numerical model Delft3D to evaluate performance and impacts of proposed breakwaters along the Town of South Palm Beach.

Panama City Beach Erosion Control and Storm Damage Reduction Project, Bay County, FL

Dr. Benedet planned a wave and current data collection effort where two ADCPs were deployed near the project location to collect oceanographic data to calibrate the numerical model, and conducted numerical modeling of coastal processes (waves, currents, sediment transport, morphology) utilizing Delft3D to evaluate the impacts on Hurricane Ivan on Panama City Beach and evaluate a proposed maintenance nourishment project.

Barrier Island Restoration Projects, Louisiana Department of Natural Resources (DNR), LA

Dr. Benedet led numerical modeling activities to evaluate project performance and borrow area impacts of many Barrier Island Restoration projects along the Louisiana Coast including the Shell Island Sandy Point Borrow area, West Belle Pass Restoration Project and the Cheniere Ronquille Barrier Island Restoration project. These projects involved numerical modeling of waves, currents, alongshore sediment transport and beach morphology utilizing the Delft3D model, under average conditions, tropical storms and hurricanes, to evaluate performance of Barrier Island Restoration (beach, dune and marsh) over timescales of years to decades.

Louisiana Statewide Numerical Modeling as a Response to Deepwater Horizon, Louisiana Department of Natural Resources (DNR), LA

Dr. Benedet led a team of several numerical modelers that were tasked with developing a model that covers most of the Louisiana Coast and Marshes. The model was conducted to refine the design of proposed sand berms to contain oil from the Deepwater Horizon oil spill from contaminating marshes, and to evaluate the effect of the berms on water quality (residence time), marsh salinities, waves and currents. It was an ambitious 24/7 modeling effort performed in parallel by several numerical modelers under the direct supervision of Dr. Benedet, in order to be able to provide results in an expedited manner to be used to support decisions in the aftermath of the environmental disaster.



Thomas Pierro, PE, D.CE
**SENIOR PROJECT MANAGER/
PRINCIPAL ENGINEER**

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PROFESSIONAL QUALIFICATIONS

Thomas Pierro, PE, D.CE, is the Principal Engineer for Coastal Protection Engineering (CPE) and will serve as Sr. Project Manager and Principal Engineer for this contract. Since 2001, he has designed, permitted, and supervised construction of numerous beach nourishment projects in Florida. He directs complex analysis of beach/inlet processes, designs programs that control high erosion near coastal inlets and passes and promotes forward thinking throughout his team to support sustainable coastal programs. In 2011, Mr. Pierro was awarded the Jim Purpura / T.Y. Chiu Award from the FSBPA for outstanding contribution to coastal engineering in the State of Florida. Mr. Pierro has supported the Town of Palm Beach on many components of their coastal program for over 14 years, which provides him with an in-depth understanding of the Town's project history and future project needs.

RELEVANT EXPERIENCE

Town of Palm Beach, Florida

Mr. Pierro has worked on many facets of the Town's coastal program since 2006 and communicates frequently with Town staff on various coastal issues and history. In the earlier years, Mr. Pierro performed permit required physical monitoring and Town-wide analyses including an updated sediment budget and littoral transport evaluation. He developed a comprehensive engineering report and artificial reef design in support of the Reach 8 project. Mr. Pierro designed the 0.8-acre limestone boulder artificial reef, developed plans and specifications, and managed construction in 2007. He performed a comprehensive coastal structures peer review and independent assessment for the Town's planned groin rehabilitations. He also provided technical and management oversight for the Southern Palm Beach Island Comprehensive Shoreline Stabilization EIS as Senior Project Manager under the direction of the USACE. He recently served as project manager for the Town's Mid-Town Beach Nourishment Project, which was constructed from March - May 2020.

Southern Palm Beach Island Comprehensive Shoreline Stabilization Project, Palm Beach County & Town of Palm Beach, Florida

The project addresses erosion concerns by providing additional storm protection to upland property while minimizing impacts to nearshore hardbottom. Due to the potential for adverse impacts to hardbottom

Education

Master of Science, Ocean Engineering, Florida Atlantic University, Boca Raton, Florida, 2001

Bachelor of Science, Ocean Engineering, Florida Atlantic University, Boca Raton, Florida, 1999

Highlights

Worked on many aspects of the Town's coastal program since 2006.

Recognized industry expert in Florida in the fields of coastal engineering, beach nourishment, coastal structures numerical modeling of coastal processes, and inlet management. Broad experience in project management, planning, design and permitting, engineering and modeling, plans and specifications, field investigation, construction oversight, and feasibility studies of coastal engineering projects.

Registrations/Certifications

Professional Engineer, Civil, Florida, License No. 64683, Active
Professional Engineer, Civil, New York, License No. 090464-1, Active

Diplomate, Coastal Engineering (ACOPNE), 2010, ASCE, Active, Nationwide

Professional Affiliations

Member, American Society of Civil Engineers (ASCE)

Member, Florida Shore and Beach Preservation Association (FSBPA)

Member, American Shore and Beach Preservation Association (ASBPA)

Employment History

CPE 2019 – Present

APTIM 2001 – 2019

resources, an Environmental Impact Statement has been developed by members of The CPE Team as required for permitting of the project, which includes advanced DELFT3D modeling. This requires close coordination with USACE, FDEP, Town and County to balance concerns and objectives. Mr. Pierro provided coastal engineering support and oversight in evaluating project alternatives, reviewing numerical modeling results, developing reports and permit documents, and coordinating with stakeholders. Mr. Pierro is also the Engineer of Record for the County's portion of this project and developed a unique way of assessing the potential for downdrift spreading, which may reduce the mitigation requirement.

Delray Beach Erosion Control Program, Delray Beach, FL

Mr. Pierro has assisted with Delray Beach's Federal Storm Damage Reduction Project since 2006. He served as Project Manager and Engineer of Record for the Fifth Periodic Beach Renourishment Project constructed in 2013. He managed the project design, permitting and construction on a reimbursable basis with USACE. Tasks included project administration, contractor selection, construction observation, verification of fill volume placement, compliance with project permit requirements and confirmed contractor requests for payment. He continues to oversee the management of City's program in close coordination with City, County, and USACE on storm repair projects and planning for the upcoming Sixth Periodic Beach Renourishment in 2021.

Boca Raton Comprehensive Erosion Control Program, City of Boca Raton, FL

Mr. Pierro was Senior Engineer on the three main coastal projects for the City (North, Central and South) from 2004 to 2009. He provided construction oversight during beach projects, and structural work on the Boca Inlet Weir Relocation and Central Boca Raton Groin constructed in 2004. The City recently re-selected the APTIM/CPE team with Mr. Pierro serving as a Sr. Project Manager and Principal.

Comprehensive Coastal Erosion Control Program, Manatee County, FL

Mr. Pierro directed the comprehensive feasibility study for Manatee County in 2007 to evaluate the cost and need for shore protection in areas outside the federal (USACE) project area. Based on the recommendations of the report, the County constructed the Coquina Beach Nourishment Project, which included construction of a 5-acre mitigative artificial reef in 2011, designed and permitted by Mr. Pierro. He designed and managed the installation of geotextile tubes to sand tighten the Longboat Pass Jetty to improve the performance of the beach nourishment project and subsequently completed a comprehensive modeling study of Longboat Pass resulting in an updated Inlet Management Plan. He also worked with the County to remove three derelict groins along Cortez Beach and replace them with Permeable Adjustable Groins, a project which was designed with use of the Delft3D numerical model. Mr. Pierro assisted the USACE in design and permitting of the Manatee County Shore Protection Project constructed in 2014 and continues to play a key role in the management of the County's island-wide shore protection program in implementing the federally authorized, FEMA supported, and county-managed projects. Current efforts include an ongoing Inlet Management Study for Passage Key Inlet, which is the primary sand source for the Anna Maria Island beach nourishment program and upcoming renourishment of the entire island under agreement with the USACE to repair storm damages.

Upham Beach Groin Stabilization Structures, Pinellas County, FL

Mr. Pierro worked with Pinellas County over the course of several years to evaluate options to install permanent groin stabilization structures to reduce erosion at Upham Beach. The project included development of engineering alternatives, advanced wave breaking modeling and permitting assistance. Additional efforts included project bidding and construction observations. The project construction was completed in 2018 with Mr. Pierro serving as Sr. Project Manager and the Engineer of Record.



Lauren Floyd, MS
SENIOR MARINE BIOLOGIST & QA/QC
MANAGER

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PROFESSIONAL QUALIFICATIONS

Lauren Floyd is a Senior Marine Biologist with Coastal Protection Engineering (CPE) specializing in environmental permitting and monitoring for beach nourishment and coastal structure projects. Ms. Floyd manages environmental aspects of coastal projects and has overseen state and federal permitting, compliance tracking, biological monitoring programs, and mitigation assessments for coastal projects throughout Florida and U.S. Gulf and Atlantic states since 2006. Ms. Floyd will provide QA/QC review and for all biological data submittals and monitoring reports and will assist Ms. Buck with permitting for the Town under this contract.

Ms. Floyd regularly coordinates and develops environmental documents required in order to obtain state and federal permits for coastal projects. She is trained and experienced in NEPA documentation, including preparation of Environmental Assessments (EA) and Environmental Impact Statements (EIS). She routinely develops Biological Assessments (BA) in support of Endangered Species Act Section 7 Consultation with U.S. Fish and Wildlife Service and National Marine Fisheries Services and Essential Fish Habitat (EFH) Assessments in compliance with the Magnuson-Stevens Fishery Conservation and Management Act.

Ms. Floyd has extensive experience designing and implementing assessments and long-term monitoring programs for marine resources, including natural hardbottom, coral reefs, artificial reefs and seagrass. She has designed and led coral restoration and relocation projects, including managing a volunteer-based coral nursery program in Broward County. She provides public outreach for coastal projects and regularly presents at state and national scientific conferences. Ms. Floyd also volunteers as a subject expert on the Gumbo Limbo Research Grant Selection Committee.

RELEVANT EXPERIENCE

Comprehensive Erosion Control Program, Manatee County, Florida

Ms. Floyd manages all environmental permitting, compliance tracking, agency coordination, development of monitoring plans, survey coordination, data analysis and report preparation in support of beach nourishment and coastal structure projects on Anna Maria Island. Conducts annual biological surveys of natural hardbottom and artificial reef habitats including *in situ* identification and abundance of flora and fauna, protected species observation and enumeration. Provides public

Education

Master of Science, Marine Biology and Coastal Zone Management, Nova Southeastern University, Dania Beach, Florida, 2006

Bachelor of Science, Biology and Environmental Studies, Middlebury College, Middlebury, Vermont, 1997

Highlights

Over 16 years overseeing permitting and hardbottom monitoring for coastal projects throughout Florida

Registrations/Certifications

Dive master, Dry Suit Specialty Diver, Rescue Diver, Enriched Air Nitrox Diver, Advanced Diver, Open Water Diver

Emergency First Responder (CPR, 1st Aid, AED), DAN O2 Administration

BOEM and NMFS Protected Species Observer

Professional Affiliations

Member, Florida Shore and Beach Preservation Association (FSBPA)

Member, American Shore and Beach Preservation Association (ASBPA)

Member, Florida Association of Environmental Professionals (FAEP)

Member, National Association of Environmental Professionals (NAEP)

Member, American Academy of Underwater Sciences (AAUS)

Member, Divers Alert Network (DAN)

Employment History

CPE 2019 – Present

APTIM 2006 – 2019

NCRI 2001 – 2006

outreach on behalf of the County to support their coastal program and communicate project details and environmental monitoring results.

Lido Key Beach Nourishment Program, City of Sarasota, FL

Ms. Floyd is responsible for state and federal environmental permitting, agency coordination, development of environmental monitoring plans, and permit compliance tracking for beach nourishment projects on Lido Key. Ms. Floyd managed the seagrass mitigation coordination for the federal Lido Key Hurricane and Storm Damage Reduction Project (HSDR) Project, including overseeing a seagrass survey in Big Sarasota Pass and performing a Uniform Mitigation Assessment Method (UMAM) analysis to determine the appropriate amount of mitigation for impacts to the seagrass in the borrow areas. She coordinated with the City of Sarasota, USACE, FDEP, NMFS, and USFWS to evaluate and identify a suitable mitigation site, determining that Manatee County's Perico Preserve, located in the same watershed as the Lido Key HSDR Project, has the optimal conditions for harvesting and transplanting 2.9 acres of seagrass. She assisted the City of Sarasota and Manatee County in developing a Site Agreement for management of the mitigation area, coordinated a boundary delineation of the site, and assisted Manatee County in modifying their Perico Preserve state and federal permits to incorporate the Lido Key seagrass mitigation area. The seagrass transplantation is currently scheduled for summer 2020, and Ms. Floyd will oversee the pre- and post-construction mitigation surveys.

Panama City Beach Erosion Control and Storm Damage Reduction Project, Bay County, FL

Ms. Floyd oversees permitting and agency coordination for the beach nourishment projects in Panama City Beach. Obtained a flexible permit modification for the 2013/14 project, which provided Bay County the option to construct their project utilizing offshore dredged sand or upland truck hauled sand and assisted with permit compliance and lighting survey coordination. In support of permitting, she prepared a BA and EFH Assessment. She is currently supporting the County in planning and coordination with the USACE, USFWS, and NMFS for the upcoming federal beach nourishment project.

Captiva and Sanibel Islands Beach Nourishment, Lee County, FL

Ms. Floyd assists the Captiva Erosion Prevention District (CEPD) with state and federal permitting and agency coordination beach nourishment and dune projects for Captiva and Sanibel Islands. Ms. Floyd managed permitting and a hardbottom investigations in support of an expanded offshore borrow area for the 2013 Captiva and Sanibel Islands Project and is currently helping the CEPD with planning for their 2020/21 renourishment project.

Sectors 5 and 3 Beach and Dune Restoration Projects, Indian River County, FL

Ms. Floyd assisted with permitting and preparation of an Environmental Assessment and implements the hardbottom biological monitoring for the Sector 5 Beach and Dune Restoration Project. Ms. Floyd assisted with environmental permitting and hardbottom reconnaissance survey for Sector 3 and provided third party review and comment on the County's Uniform Mitigation Assessment Method (UMAM) analysis to assess any mitigation requirements.



Katy Brown
Marine Biologist

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Professional Qualifications

Katy Brown has applied experience in biological and environmental science since 2005, with experience in Florida since 2007. This experience includes marine habitat characterization of natural and artificial reef communities, coastal wetland biological surveys, and protected species surveys. She also assists with preparation of environmental documents required in order to obtain state and federal permits for coastal projects, including Environmental Assessments (EA), Environmental Impact Statements (EIS), Biological Assessments (BA) in support of ESA Section 7 Consultation and Essential Fish Habitat (EFH) assessments in support of the Magnuson-Stevens Fishery Conservation and Management Act. She routinely leads field survey operations as well as analyzes and prepares data for final reports and deliverables.

Sample Projects

Environmental Documentation & NEPA Compliance

Ms. Brown prepared environmental documents in support of National Environmental Policy Act, Endangered Species Act Section 7 Consultation, and Magnuson-Stevens Fishery Conservation and Management Act on the following projects:

- Southern Palm Beach Island Comprehensive Shore Stabilization Project Environmental Impact Statement, Biological Assessment and Essential Fish Habitat Assessment, Palm Beach County, Florida
- Environmental Assessment, Sector 5 Beach and Dune Restoration Project, Indian River County, Florida
- Environmental Assessment, Golden Triangle Marsh Creation Project, Louisiana

Biological Monitoring/Assessments

Ms. Brown performed biological monitoring/assessments including assessment of natural and artificial habitat function via *in situ* methodologies on the following projects:

- City of Deerfield Beach Recreational Artificial Reef Project
- City of Deerfield Beach Vessel Exclusion Buoys Project
- Hillsboro Blvd. Water Main Upgrade Project – Seagrass Survey
- Post-Hurricane Irma Structural Assessment of the International Fishing Pier

Education

Master of Science, Marine Biology, Nova Southeastern University, Fort Lauderdale, Florida, 2016

Bachelor of Science, Environmental Science, Fordham University, Bronx, New York, 2006

Highlights

More than 10 years of marine biology experience

Experience includes marine habitat characterization of natural and artificial reef communities, coastal wetland biological surveys, and protected species surveys

Registrations/Certifications

PADI Dive Master, 2008

AAUS Scientific Diver, 2008

Enriched Air Nitrox Diver, 2006

PADI Rescue Diver, 2007

PADI Advanced Diver, 2006

PADI Open Water Diver, 2005

Emergency First Responder, CPR, 1st Aid, AED

DAN O2 Administration

Divers Alert Network (DAN) Member, 2005

Professional Associations

AAUS Dive Control Board

Member, Ecological Society of America, 2016

Associate Sigma Xi Member, 2006

Member, Florida Shore and Beach Preservation Association

Member, American Shore and Beach Preservation Association

- Hillsboro/Deerfield Beach Nourishment Project – Immediate Post-Construction Nearshore Hardbottom Biological Monitoring
- Segment II Shore Protection Project, Broward County, Florida
- Southern Palm Beach Island Comprehensive Shoreline Stabilization Project, Town of Palm Beach, Florida
- Coquina Beach Restoration Project, Manatee County, Florida
- Collier County Beach Renourishment, Collier County, Florida
- Borrow Areas VI-E and III-B Hardbottom Investigation, Captiva and Sanibel Islands Beach Restoration Project, Lee County, Florida
- Sarasota Bay Estuary Program, Artificial Reef Monitoring Project
- Walton County NRDA Artificial Reef Monitoring, Walton County, Florida
- North Topsail Beach Shoreline Protection Project, North Topsail Beach, North Carolina
- Elder Point Marsh Restoration Project, Jamaica Bay Unit, Jamaica Bay, New York
- Golden Triangle Marsh Creation Project, Lake Borgne, Louisiana
- System Wide Assessment and Monitoring Program (SWAMP) Phase II, Coastal Louisiana
- Indian River County Sector 3 Beach and Dune Restoration Project, Biological Hardbottom Characterization
- Indian River County Sector 5 Beach and Dune Restoration Project, Biological Hardbottom Monitoring

Protected Species Observation/Enumeration Surveys

Ms. Brown has conducted Protected Species Surveys on the following projects:

- Pompano Pier Replacement Project, NMFS Recommended Survey Protocol of *Acropora* spp. and dune survey for the endangered plan Beach Jaquemontia, Broward County, Florida
- Bahia Icacos Waterway Barrier System, Former Vieques Naval Training Range, Vieques Island, Puerto Rico
- Delray Beach Sixth Periodic Renourishment Reef Mapping and Listed Coral Survey



Shara Teter
Marine Biologist

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Professional Qualifications

Shara Teter joined APTIM in February 2015, bringing with her extensive experience in marine and coastal biological surveying, scientific SCUBA diving, and Geographic Information Systems (GIS). Ms. Teter has 12 years of experience in marine and biological sciences, and her GIS experience spans over 10 years. She routinely conducts assessments in marine and estuarine habitats, including quantitative benthic assessments, fish census, habitat mapping using aerial imagery, *in situ* habitat mapping of resources, as well as statistical analysis and report production. Before working for APTIM, she worked as a GIS Technician for the Fort Indiantown Gap National Guard Training Center Engineering Department, and as a member of U.S. Environmental Protection Agency Region 3 GIS Team in the Environmental Assessment & Innovation Division. She also served as a marine biology research assistant for the Guy Harvey Research Institute where her main duties were performing GIS spatial data analysis, investigating the habitat use and spatial movement patterns of elasmobranchs, and conducting marine research in the field.

Sample Projects

Biological Monitoring/Assessments

Ms. Teter performed biological monitoring/assessments including assessment of natural and artificial habitat function via *in situ* methodologies on the following projects:

- City of Deerfield Beach Recreational Artificial Reef Project
- Hillsboro Blvd. Water Main Upgrade Project – Seagrass Survey
- Post-Hurricane Irma Structural Assessment of the International Fishing Pier
- Hillsboro/Deerfield Beach Nourishment Project – Immediate Post-Construction Nearshore Hardbottom Biological Monitoring
- Segment II Shore Protection Project, Broward County, Florida
- Southern Palm Beach Island Comprehensive Shoreline Stabilization Project, Town of Palm Beach, Florida
- Coquina Beach Restoration Project, Manatee County, Florida
- Collier County Beach Renourishment, Collier County, Florida
- Sarasota Bay Estuary Program, Artificial Reef Monitoring Project
- Walton County NRDA Artificial Reef Monitoring, Walton County, Florida

Education

Master of Science, Marine Biology and Coastal Zone Management, Nova Southeastern University, Dania Beach, Florida
Bachelor of Science, Biology, Central Connecticut University, New Britain, Connecticut

Highlights

Specific experience in GIS, coastal, and marine biological surveying

Scuba diver

12 years of experience

Registrations/Certifications

PADI Divemaster, 2014

AAUS Scientific Diver, 2013

Enriched Air Nitrox Diver, 2009

PADI Rescue Diver, 2006

PADI Advanced Diver, 2005

PADI Open Water Diver, 2003

Emergency First Responder, CPR, 1st Aid, AED

DAN O2 Administration

Divers Alert Network (DAN)

Member, 2003

- Indian River County Sector 3 Beach and Dune Restoration Project, Biological Hardbottom Characterization
- Indian River County Sector 5 Beach and Dune Restoration Project, Biological Hardbottom Monitoring

Protected Species Observation/Enumeration Surveys

Ms. Teter has conducted Protected Species Surveys on the following projects:

- Pompano Pier Replacement Project, NMFS Recommended Survey Protocol of *Acropora* spp., Broward County, Florida
- Delray Beach Sixth Periodic Renourishment Reef Mapping and Listed Coral Survey



Daniel Hope
Marine Scientist

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Professional Qualifications

Daniel Hope is a Marine Scientist and has over 6 years of experience with biological and environmental projects in south Florida and recently joined APTIM.

Sample Projects

Biological Monitoring/Assessments

- Indian River County Sector 5 Beach and Dune Restoration Project

Experience prior to APTIM

Marine Scientist/Oceanographer Ocean Latitudes, Deerfield Beach, FL November 2019 –Present

- Ocean Latitudes functions as a contractor to help manage, plan, and conduct coastal and environmental projects
- Currently contracted by Environmental Tracing LLC to plan, manage and conduct a multi-million-dollar sediment transport project for the Army Corps of Engineers around four inlets of southeast Florida
- Boat Captain/Field Operations Manager for the project leading four other crew members
- Use ADCPs, ROVs, side scan sonars, bathymetry systems, navigation packages (Trimble, Hypack), tide and turbidity meters, and many sediment sampling tools to monitor sediment transport
- Build, deploy and service \$100,000 worth of scientific instruments on 7 different steel bottom mounts (4x4x4 sq ft) off the coast of Florida.
- Perform statistical analyses and write technical reports

Environmental/Marine Consultant Coastal Eco-Group, Deerfield Beach, FL October 2016 –May 2020

- Professional consultant for 12+ simultaneous biological and environmental projects in southern Florida
- Conducted dozens of environmental assessments, mitigation designs, and remediation projects
- Projects range from coastal reef impact assessments to soil and water quality of coastal bays and lagoons to coastal protection and re-nourishments
- Over 800 AAUS dives and 1,000 Boat Hours
- Mapped 30+ miles of reef systems and 20+ miles of seagrass beds while snorkeling or diving
- Used Trimble units, Hypack and GIS to survey and map
- Acquire environmental permits from various government agencies
- Manage and write technical reports for governments and other clients and prepare and present findings in large venues

Education

Master of Science, Biological Oceanography, Florida Institute of Technology, Melbourne, Florida, 2016

Bachelor of Science, Biology, Brigham Young University, Rexburg, Idaho 2013

Highlights

More than 6 years of experience in biological and environmental projects in south Florida

Registrations/Certifications

AAUS Scientific Diver

Advanced Diver

Enriched Air Nitrox Diver, 2017

PADI Open Water Diver, 2013

Emergency First Responder, CPR, 1st Aid, AED

DAN O2 Administration

Divers Alert Network (DAN) Member, 2003

Over 800 AAUS dives

- Perform continuous statistical analysis on environmental data and create maps, graphics, and tables for visualization tools
- Manage and perform vigorous QA/QC process of project data

Oceanographer/Environmental Scientist Florida Tech, Melbourne, FL August 2014 – December 2016

- Managed and coordinated a long-term multi-million-dollar environmental assessment project for restoration purposes
- Results directly influenced a 0.5% county tax increase to raise \$300M in 10 years (Brevard County, FL)
- Managed and conducted monthly soil and water quality assessments to evaluate human and natural pollutants in coastal lagoon
- Identified marine organisms in coastal systems
- Provided consulting involving organic materials in the soil and water and the effects on the environment
- Acquired environmental permits from various government agencies
- Involved in modeling water and sediment transport
- Built rapport with clients, government representatives, and private entities.
- Responsible for technical reports and provided consulting help
- Engaged in decision-making with county representatives and environmental engineers
- Was interviewed on numerous occasions and was quoted and pictured in Florida Today, Crimson Tide newspaper, a documentary, and company websites



Brad Rosov, MS
SENIOR MARINE BIOLOGIST

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brosov@coastalprotectioneng.com; 910-399-1905

PROFESSIONAL QUALIFICATIONS

Brad Rosov brings over 18 years of environmental permitting, documentation, and coastal fieldwork experience to the team. Mr. Rosov has developed a comprehensive understanding of the NEPA process and has developed strong skills in drafting NEPA compliant documents including Environmental Impact Statements (EIS), Environmental Assessments (EA), Essential Fish Habitat Assessments (EFH), Biological Assessments (BA), and Cumulative Effects Assessments (CEA) in support of various projects. Along with NEPA compliance, Mr. Rosov has worked extensively with USACE and the State of North Carolina through their permitting process to obtain the necessary permits to clients in a timely manner. Permits obtained from USACE include both Individual Permits and General Permits while the permits obtained from the State of North Carolina have been both Minor and Major CAMA permits. Permit modifications have been sought and subsequently issued for project circumstances that warrant such actions. Along with permits, Mr. Rosov has coordinated with other Federal and State agencies to obtain the required certifications and concurrences. Lease agreements with BOEM have also been obtained to allow for the use of offshore sand sources.

Mr. Rosov has also demonstrated the ability to design and conduct a wide array of field studies including water quality monitoring, salt marsh monitoring, hardbottom/coral reef assessments, submerged aquatic vegetation (SAV) monitoring, and shellfish assessments. As lead biologists for several coastal projects throughout North Carolina, Mr. Rosov has ensured the delivery of high-quality reports, NEPA documents, and permit applications in a timely manner while maintaining effective relationships with clients and agency personnel.

RELEVANT EXPERIENCE

Multi-Town Cooperative Beach Nourishment Project (Towns of Duck, Southern Shores, Kitty Hawk, and Kill Devil Hills), Dare County, North Carolina

Mr. Rosov lead the permitting and environmental documentation efforts on behalf of four different local governments as they collaborated with Dare County on the Multi-Town Cooperative Beach Nourishment Project. He oversaw the development of three separate Environmental Assessments (EAs), a "batched" BA, and EFH assessment in coordination

Education

M.S., Marine Biology, University of North Carolina at Wilmington, Wilmington, North Carolina 2001
B.S., Biology with a concentration in Neuroscience, University of Delaware, Newark, Delaware 1997

Highlights

Has led numerous permitting and environmental documentation efforts for clients throughout North Carolina and Florida

Experience with biological monitoring efforts associated with biota found in coastal North Carolina and Florida

Registrations/Certifications

BOEM Protected Species Observer

Professional Association of Diving Instructors (PADI) Enriched Air Nitrox Diver (IANTD/EANx)

Licensed FAA Part 107 Remote Pilot, Unmanned Aircraft System (sUAS), 2019, License No. 4247236

NC UAS Aviation Operators Certification

Professional Affiliations

Member, American Shore and Beach Preservation Association (ASBPA)

Member, North Carolina Beach, Inlet, and Waterway Association

Employment History

CPE 2020 – Present

APTIM 2007 – 2020

University of North Carolina at Wilmington 2005-2007

The Nature Conservancy 2001-2005

with four different federal agencies and in compliance with NEPA regulations. Due to the large-scale of this project, an abundance of biological, environmental, and information pertaining to human interest factors were included in these documents. Permit applications were assembled and submitted to North Carolina's Division of Coastal Management and USACE within a timely manner, such that the project could move towards construction as scheduled.

Shallowbag Bay Channel Maintenance Project, Dare County, North Carolina

Over recent years, the navigability within the Federal navigation channel spanning between the Town of Manteo and Shallowbag Bay has been compromised due to shoaling. As such, safe and reliable recreational boating opportunities have been limited within the area. In addition, this continued shoaling has prevented the Elizabeth II, a representative 16th century sailing ship, from navigating into Roanoke Sound from its home berth at Festival Park. Mr. Rosov has lead efforts associated with obtaining the necessary permits and authorizations to allow the County to perform the required maintenance dredging. Due to concerns over contaminants within the disposal material, he has coordinated extensively with numerous State and Federal agency personnel to determine the appropriate means of disposing of the material.

Permitting of a New Dredge to Maintain Oregon Inlet, Dare County, North Carolina

Dredging is necessary to maintain safe and reliable transportation routes through waterways. Oregon Inlet is no exception. Despite considerable efforts on the part of the USACE, State, and Dare County, shoaling continues to impede mariners and has resulted in the U.S. Coast Guard's inability to properly position navigation buoys within the channel. As a result, the risk of damage to vessels and injury to people continues. Due to a federal funding shortfall, the USACE has been unable to maintain navigation through the inlet. As such, Dare County is seeking to obtain permits to operate a new privately-owned dredge that will operate within Oregon Inlet. Mr. Rosov also drafted an Environmental Assessment and other NEPA documents to support this effort. He submitted a Coastal Area Management Act (CAMA) major permit application to the State and an Individual Permit application to the USACE- both permits have been obtained by Dare County.

New Hanover County Water Quality Monitoring Program, Wilmington, North Carolina

Since 2007, Mr. Rosov has managed a long-term water quality monitoring within a network of nineteen monitoring stations within seven tidal creeks within New Hanover County. Physical, chemical, and biological data obtained on a monthly basis have been used to determine trends inform County managers on ways to help improve the water quality within these creeks. Mr. Rosov compiles and analyzes this data in order to prepare annual reports.

Ocean Isle Beach 30-Year Island-Wide Shoreline Management Plan, Ocean Isle Beach, North Carolina

The Town of Ocean Isle Beach proactively sought permits allowing for beach nourishment along the entirety of the Town's 5.1-mile long oceanfront shoreline which would serve as protection from erosion caused by chronic and storm-induced erosion. Mr. Rosov lead the permitting and environmental documentation effort by coordinating with numerous state and federal agencies and drafting an Environmental Assessment, a Biological Assessment, and an Essential Fish Habitat assessment.

Ocean Isle Beach Shoreline Protection Project, Ocean Isle Beach, North Carolina

Mr. Rosov led the effort to develop an EIS, BA, and EFH for the Town's terminal groin project. Early in the process, he helped convene interagency meetings and a public hearing. He coordinates with engineering and geotechnical staff to ensure that the project design will be permittable through the NEPA process.



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Professional Qualifications

Michael Lowiec is a registered Florida Professional Surveyor and Mapper in technical charge of field and office operations for our Geomatics Department. He is responsible for the design of field phases of all surveys and reviewing all topographic and hydrographic survey data including multi-beam and single beam sonar surveys, beach profiles, inlet and shoal surveys, borrow area surveys, port and harbor surveys, and coastal structure surveys. Mr. Lowiec prepares permit required physical monitoring survey reports, private and public sovereign submerged land leases and easements, certified survey maps and drawings. He oversees land-based survey tasks including boundary surveys, right of way verification, mean high water surveys and is involved with the platting of erosion control lines. Mr. Lowiec has extensive knowledge of conventional and GPS-based survey methods and is trained and approved to use the National Geodetic Survey OPUS-Projects for establishment of GPS networks and control monuments.

Sample Projects

Surveyor, City of Deerfield Beach, Canal Hydrographic Survey, Broward County, Florida

Mr. Lowiec was the surveyor of record and in technical charge of the hydrographic survey of approximately 3.5 linear miles of 16 canals in the City of Deerfield Beach. Five longitudinal transects were surveyed through each of the canals and depth were collected at 5-foot intervals. Data was analyzed and presented to the City.

Surveyor of Record, Indian River County Multibeam Survey

APTIM was contracted by Indian River County to conduct a hydrographic survey of the south borrow area using a Reson Seabat 7125 SV2 multibeam system. The survey was conducted aboard APTIM's 24-foot Privateer survey vessel. An Applanix POS MV aided by Real Time Kinematic Global Positioning System (RTK GPS) was used for position and tide corrections.

Lead Surveyor, Collier County Beach Profile and Inlet Surveys

Mr. Lowiec served as the lead surveyor in technical charge of all field and office operations for beach profile and inlet surveys conducted for Collier County from 2007 to 2010. Survey work included topographic and hydrographic beach profiles for FDEP-required physical monitoring of County beaches from Delnor-Wiggins State Park to South Marco Island. The work also included hydrographic surveys of Doctors Pass, Wiggins Pass, and Clam Pass. All work resulted in certified survey reports and maps submitted to FDEP.

Education

Bachelor of Science, Marine
Science, Coastal Carolina
University, Conway, South
Carolina, 2002

Highlights

16 years of mapping and
surveying experience

Registrations/Certifications

Professional Surveyor and
Mapper, Florida, License No.
#6846

National Geodetic Survey Opus-
Project Manager

Hypack Certified

Professional Associations

Member, Florida Surveying and
Mapping Society

Member, National Society of
Professional Surveyors

Member, Hydrographic Society of
America (south Florida regional
contact)

Project Manager/Surveyor of Record, Broward County Beach Profile Surveys, Mean High Water Survey and Erosion Control Line Establishment

Mr. Lowiec served as the surveyor of record and was in technical charge of field and office operations for the Broward County Beach Profile and Mean High-Water Line survey for the establishment of an Erosion Control Line. Beach profiles were collected throughout the entire county as well as a Mean High-Water survey in the area of the Segment II project area. Mr. Lowiec coordinated with the relevant state agencies and performed the work in compliance with Chapter 161.141 of the Florida Statutes. A final certified map was produced and delivered to the Florida Department of Environmental Protection and the Division of State Lands. APTIM has also provided permit required annual monitoring from 2015 to 2020 consisting of topographic and hydrographic beach profiles from FDEP monument R-25-R-85.

Project Manager, Miami Dade County-Krome Detention Center Topographic and Boundary Survey

Mr. Lowiec was the surveyor of record and Project Manager for a topographic and boundary survey for the Miami-Dade County Krome Detention Center expansion project. This survey was conducted for a 114-acre parcel according to the American Land Title Association Standards.

Surveyor of Record, 2016 Captiva and Sanibel Annual Monitoring Surveys, Lee County, Florida

Mr. Lowiec was the surveyor of record and in technical charge of the 2016 topographic and hydrographic monitoring surveys of the beach and offshore areas for the Captiva and Sanibel Nourishment project. The monitoring data is necessary in order for both the CEPD and the FDEP to continually observe and assess beach conditions. Monitoring surveys are further needed to continually observe the performance of the nourishment project and to assess effects of the project on adjacent shorelines.

Additional Project Experience

- One-Year Post Construction Topographic and Hydrographic Monitoring Survey and Report, Delray Beach, Florida
- Right-of-Way Verification and Topographic Survey for Miami-Dade Public Works, NE 16th Avenue Corridor Project
- Jupiter/Carlin Pre-Construction Topographic and Hydrographic Survey and Report
- A1A Beach Repair Project Topographic and Hydrographic Survey and Report, Fort Lauderdale, Florida
- Topographic Monitoring Project 24-Month Survey, The Breakers Hotel, Florida
- Monitoring Project and Report, Siesta Key, Florida
- Pre-Construction Topographic and Hydrographic Survey and Report, Delray Beach, Florida
- Post-Construction Topographic and Hydrographic Survey and Report, Delray Beach, Florida
- Wide Topographic and Hydrographic Monitoring Surveys and Report, Miami-Dade County, Florida
- Physical Monitoring Survey and Report, Lido Key, Florida
- Multi-Beam Survey, Port of Miami, Florida
- Hardbottom Edge Multi-beam Survey, Broward County, Florida
- Physical Monitoring, Captiva and Sanibel Island, Florida
- Pre- and Post-Construction Surveys and Report, Lido Key, Florida



Jeffrey L. Andrews, PSM, CH
Director of Operations, Coastal and
Marine Science

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Professional Qualifications

Jeffrey Andrews is a Director of Operations for APTIM and oversees the coastal and marine aspects of all projects. He has extensive experience in hydrographic and land surveying. He is well versed in undertaking surveys in a variety of environments using the latest state-of-the art equipment. He has conducted hundreds of marine investigations and mapped more than 100 million cubic yards of beach compatible sand on the continental shelf. Mr. Andrews has directed hydrographic and land surveys in Florida, Georgia, North Carolina, Virginia, New Jersey, New York, Massachusetts, Alabama, Louisiana, Texas, Alaska, Puerto Rico, Brazil and the Bahamas. He prepared hydrographic and topographic survey reports, including technical writing and supervision of data analysis. With over 36 years of experience, he continues to manage and direct hydrographic, topographic and geophysical data collection along the Gulf and Atlantic coasts. Mr. Andrews was awarded FSBPA's Per Brunn Distinguished Service Award in recognition of his role as an industry leader and innovator of methods and standards to locate and deliver the highest quality of sand for Florida's beaches.

Sample Projects

Hydrographic Surveyor, City of Deerfield Beach, Canal Hydrographic Survey, Broward County, Florida

Mr. Andrews oversaw the hydrographic survey of approximately 3.5 linear miles of 16 canals in the City of Deerfield Beach. Five longitudinal transects were surveyed through each of the canals and depth were collected at 5-foot intervals. Data was analyzed and presented to the City.

Surveyor of Record, Physical Monitoring & Permit Compliance Services, Anna Maria Island, Manatee County, Florida, 2017

The annual physical monitoring services include the permit required survey data and aerial photography collection and preparation of the survey report and engineering monitoring report submittals for the projects on Anna Maria Island, including the Central Beach Project (2014), Coquina Beach Project (2014), the Longboat Pass Geotextile Tube Project (2012), and the Cortez Groins Project (2016).

Surveyor of Record, Captiva and Sanibel Annual Monitoring Surveys, Lee County, Florida, 2017

Mr. Andrews directed the 2017 topographic and hydrographic monitoring surveys for the Captiva and Sanibel Nourishment project. The physical monitoring of Captiva and Sanibel Islands included topographic and hydrographic surveys of the beach and offshore areas. The monitoring data is necessary for both the CEPD and FDEP to continually observe and assess beach conditions. Monitoring surveys are further needed to continually observe the performance of the nourishment project as well as assess effects of the project on adjacent shorelines.

Education

Master of Science, Ocean Studies,
Nova Southeastern, University,
Davie, Florida, 1995

Bachelor of Science, Marine
Science, University of North
Carolina, Wilmington, North
Carolina, 1979

Highlights

Over 36 years of experience in
hydrographic surveying

Well versed in undertaking
surveys in offshore and navigable
channel environments using the
latest state-of-the art equipment

Registrations/Certifications

Certified Inshore Hydrographer,
License No. #104, 1998

Professional Surveyor and
Mapper, Florida, License No.
LS5805, 1998

Professional Associations

Member, The Hydrographic
Society of America

Member, National Society of
Professional Surveyors

Member, Florida Society of
Professional Surveyors

Surveyor of Record, Long Key State Park Topographic Survey, Long Key, Florida, 2017

Mr. Andrews was the surveyor of record and in charge of all field and office operations for the Long Key Topographic Survey. The survey included a mean high-water survey, location of improvements within the campsites, topography of the beach, and location of subsurface utility designations.

Project Director, Barataria Basin Bathymetry, CPRA, Barataria Basin, Louisiana

As part of the System Wide Assessment and Monitoring Program (SWAMP) implementation in Barataria Basin, APTIM provided hydrographic and geophysical survey services within selected coastal lakes and bays. A full suite of hydrographic and geophysical instrumentation was deployed, including sub-bottom, sidescan sonar, magnetometer and single beam sounder. Data was collected within Barataria Bay, Little Lake, Lake Salvador Lac des Allemands, The Pen, Lake Cataouache, Bayou Perot and Rigolettes and other major hydrographic pathways. Mr. Andrews served as the principal representative responsible for all matters pertaining to the project and project execution in accordance with the contract and the project's HSE, project security, quality, schedule and financial goals. Project challenges included collecting hydrographic and geophysical data in South Louisiana shallow bays, lakes and bayous to map oyster reef and potential sand deposits.

Additional Project Experience

- Delray Beach, Florida, Pre-Construction Hydrographic Survey (2013-2016)
- Manatee County, Florida, Beach Survey (2013, 2014, 2016)
- Captiva Island, Beach and Offshore Surveys 2016
- Lido Key, Florida, Beach and Offshore Survey (2009, 2015)
- Manatee County Port Dolphin Pipeline, Florida, Offshore Survey (2010)
- Captiva and Sanibel Islands, Florida, Beach Survey (2014, 2015, 2016)
- Redfish Pass and Blind Pass Bathymetric Surveys (2015)
- Cameron Meadows, Louisiana, Sand Resource Investigations (2015)
- BOEM, Louisiana, CR at Significant Sand Extraction Areas (2015)
- Panama City Beach, Florida, Beach and Offshore Survey (1998, 2009)
- Anna Maria Island Offshore Survey (1998)
- Captiva Island Borrow Area Bathymetric Survey (2005, 2008)
- Dade County, Florida, Erosion Monitoring Hydrographic and Topographic Survey (2013)
- Port of Miami, Florida, Side Scan Sonar Survey and Multibeam Survey (2012)
- Atchafalaya River, Louisiana, Multibeam Survey (2011-2012)
- Shell Island, Louisiana, Borrow Area Bathymetric Survey (2011)
- Longboat Key, Florida, Beach and Offshore Survey (2010)



**Beau Suthard, PG
Geophysicist**

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Professional Qualifications

Beau Suthard manages APTIM's coastal and marine geophysical and geotechnical services from our Tampa office. Mr. Suthard has over 18 years of experience in marine geosciences. He has conducted dozens of marine investigations and mapped hundreds of millions of cubic yards of beach compatible sand on the Atlantic and Gulf of Mexico continental shelves. Mr. Suthard recently completed a large-scale sand resource inventory mapping project for BOEM offshore of the Atlantic Coast of the United States from Massachusetts to Florida. This project has resulted in the identification of over 250 million cubic yards of beach compatible restoration materials for various coastal communities along the Atlantic seaboard.

Sample Projects

Project/Technical Manager, Geophysical and Geological Data Acquisition: Inventory of Potential Beach Nourishment and Coastal Restoration Sand Sources, the Atlantic Sand Assessment Project. Atlantic Outer Continental Shelf (OCS) – United States Bureau of Ocean Energy Management

Suthard served as both the Project Manager and Technical Manager for the Atlantic Sand Assessment Project (ASAP) to coordinate stakeholder and project needs and acquire geophysical and geological data, over three years along the east coast of the United States from Florida to Maine to support identification, characterization, and delineation of OCS aggregate mineral resources for use by coastal communities in future coastal restoration efforts. This project consisted of the collection of 7,089 km of new geophysical data, 340 new vibracores, and 100 surface grab samples over the course of two years.

Marine Geophysicist, Florida Department of Environmental Protection, US Bureau of Ocean Energy Management (BOEM) Atlantic Sand Assessment Project (ASAP) Reconnaissance Data Processing and Interpretation

Mr. Suthard processed and interpreted the geophysical and geotechnical data collected offshore Florida during the 2015 BOEM ASAP reconnaissance survey. APTIM was tasked with delineating preliminary borrow areas in six counties (eight study areas) that met a minimum cut thickness of 3 feet after applying a 2-foot buffer over

incompatible material. APTIM processed and interpreted all chirp sub-bottom data to determine potential sand thicknesses and output of

Education

Master of Science, Geological Oceanography, University of South Florida College of Marine Science, St. Petersburg, Florida, 2005

Bachelor of Science, Marine Science (Geology Track), Eckerd College, St. Petersburg, Florida, 1997

Highlights

Over the last 18 years assisted in the identification of tens of millions of yards of beach-compatible sand resources.

Registrations/Certifications

Professional Geologist, Florida, License No. 2615, Active

Professional Geologist, Virginia, License No. 2801001948, Active

Professional Geologist, Delaware, License No. S4-0001296, Active

Professional Geoscientist, Louisiana, License No. 746, Active

Professional Geoscientist, Texas, License No. 12902, Active

Professional Affiliations

Member, Florida Shore and Beach Preservation Association (FSBPA)

Member, American Shore and Beach Preservation Association (ASBPA)

Member, Society of Exploration Geophysics (SEG)

Member, Geological Society of America (GSA)

Member, American Geophysical Union (AGU)

interpreted thickness for each area. Sidescan sonar and magnetometer data were processed to identify and avoid any potential hazards or protected resources. Out of the eight study areas offshore six Florida counties, APTIM was able to delineate 16 preliminary borrow areas consisting 54,477,396 cubic yards of potentially beach-compatible sand resources. Each preliminary borrow area was reviewed and classified as a “Potential” or “Unverified” sand resource in accordance with the Southeast Florida Assessment and Needs Determination (SAND) study conducted by the USACE and FDEP.

Marine Geophysicist, Anna Maria Island Shore Protection Program, Manatee County, Florida

Mr. Suthard served as a Marine Geophysicist for a series of full geologic mapping studies, including both field operations and office-based data processing and interpretation. The goal of this project was to identify and define offshore borrow areas of beach-compatible sand in support of the Anna Maria Island Central Beach Storm Damage Repair Project, the City of Anna Maria and Coquina Beach Nourishment Projects and the Central Anna Maria Beach Renourishment Project. Mr. Suthard assisted with investigations to map and identify potential mitigative artificial reef construction sites. He also conducted mapping, planning, and regulatory and client coordination to determine the potential impact of a proposed natural gas submarine pipeline to Manatee County’s offshore sand resources.

Program/Project Manager, Town of Longboat Key Comprehensive Beach Management Program, Florida

Mr. Suthard has served as the Program and Project Manager of APTIM’s coastal projects with the Town’s Comprehensive Beach Management Program since 2010. His responsibilities included managing project proposals, budgets, and execution management with APTIM’s teams of engineers, geologists and biologists. In his Program Management role, Mr. Suthard assisted the Town in many ways, including representing the Town at meetings with regulatory agencies and presenting project details to the Town Commission and at public workshops. He has specifically managed the Town’s Phase I, II, and III offshore sand searches in support of state and federal permitting for beach restoration projects. Mr. Suthard also assisted the Town with review, comment and negotiation of impact solutions from a potential offshore infrastructure project (Port Dolphin) being developed through beach compatible sand resources identified by the Town. This resulted in an agreement allowing the Town time to dredge these resources prior to the project’s implementation with cost sharing funds from the developer.

Program/Project Manager, Pinellas County Coastal Management Program, Florida

Mr. Suthard has been the Program and Project Manager of APTIM’s coastal projects with the Pinellas County Coastal Management Program since 2007. His duties include project and client management for all aspects of the County’s coastal management programs, including project proposals, budgets, and project implementation with APTIM’s multidisciplinary staff of engineers, geologists and biologists as needed. He has managed the design and implementation of both a reconnaissance-level sand search and a design-level sand search to locate and permit sand resources for the Sand Key Shore Protection Project. Mr. Suthard also managed and assisted with the development of a comprehensive Summary Planning Document, which described every one of the County’s coastal program elements in terms of their history, current status and potential future needs as well as Capital Improvement budget predictions for each element through 2020.



Coty Granger
Survey Chief/Technician

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Professional Qualifications

Mr. Granger joined APTIM in 2014 and has a background in topographic survey utilizing RTK GPS, and hydrographic survey collecting offshore bathymetric data with single beam sonar systems. Mr. Granger has experience leading land and small vessel surveys, and he also has experience in data reduction and interpretation. Lastly, Mr. Granger has experience in the collection and registration of 3D terrestrial laser scanning.

Sample Projects

Survey Chief, City of Delray Beach Seawall Vulnerability Study, City of Delray Beach, Florida, 2017-2019

APTIM was contracted by the City of Delray Beach to perform a citywide intracoastal Waterway seawall and stormwater outfall inspection, which included 1000 seawalls and 100 stormwater outfalls. Mr. Granger was responsible for leading the survey crew in the field.

Survey Chief, San Remo Bulkhead and Dock Replacement, San Remo Condominium, Boca Raton, Florida, 2018-2020

Mr. Granger was responsible for leading the survey crew in the field to replace the aging bulkhead along the Intracoastal Waterway and interior boat basin.

Field Chief, Indian River County, FL Multibeam Survey, Vero Beach, Florida 2019

APTIM was contracted by Indian River County to conduct a hydrographic survey of the south borrow area using a Reson Seabat 7125 multibeam system. The survey was conducted aboard APTIM's 24-foot Privateer survey vessel. An Applanix POS MV aided by Real Time Kinematic Global Positioning System (RTK GPS) was used for position and tide corrections.

Survey Technician, Lewis Creek Spillway Vulnerability 3D Laser Scan and Topographic Survey, Willis, Texas, 2016-2017

Mr. Granger was responsible for the data collection and field operations in an effort to calculate the movement and displacement of a failing dam used to drain the Lewis Creek Spillway in Willis, Texas. Data Collection included a 3D laser scan as well as topographic data in and around the spillway. Survey control was established, and the 3D scan data was georeferenced with RTK GPS.

Education

Associate of Arts and Sciences,
Niagara County Community
College, 2012

Highlights

6 years of surveying and mapping
experience

Proficient with RTK GPS

Proficient with 3d laser scanning

Registrations/Certifications

Class A CDL Driver's License

**Analytical Techniques/
Equipment Proficiency**

Real-Time Kinematic (RTK) GPS
systems

Odom Hydrotrac single beam
sonar

Faro 3d X330 laser scanner

Vibracore and bottom sample
collection and processing

YSI Sonde 6600

Survey Technician, Krome Detention Center Topographic Survey, Miami, Florida, 2016

Mr. Granger was responsible for survey data collection during the Krome Detention Center Topographic and Boundary Survey in Miami, Florida. The work included the location and verification of existing parcel boundaries as well as location of all improvements, overhead utilities, and location, inverts, and material for storm and sanitary sewers. APTIM delivered a final signed and sealed survey map to the client to aid in planning and construction efforts. This survey met the minimal technical standards for the American Land Title Association.

Survey Technician, Broward County Mean High Water Survey and Erosion Control Line Establishment, Broward County, Florida, 2015

Mr. Granger was responsible for the field operations and data collection for the Broward County Mean High Water Line to establish the Erosion Control Line for the FDEP and the Division of State Lands.



Scott Tillman
Captain/Technician

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Professional Qualifications

Scott Tillman is a Boat Captain and Survey Technician for APTIM. Mr. Tillman has experience in many coastal and marine applications including, offshore profile lines, nearshore profile lines, inlet bathymetric survey, dive tender & radio operator, ADCP deployment /retrieval, core collection, rod & level profile line survey, control recon survey, upland profile line surveys, dune and vegetation mapping, locate control points, checking and setting of control points, and sand sampling and analysis.

Sample Projects

Survey Technician, Miami-Dade Annual Beach Profile Survey, Miami-Dade County, Miami-Dade, Florida

APTIM is a pre-qualified survey and engineering firm with Miami-Dade County, and has performed Beach Profile surveys on all of the County Beaches since 2004. APTIM has performed the permit required survey several times during our time under contract with the County. APTIM utilizes state-of-the-art survey technology to perform all tasks including Real Time Kinematic Global Positioning Systems, dynamic motion compensators, and highly accurate digital sounders to ensure a top quality product for the County. APTIM has always performed the tasks within the allotted schedule and within budget. APTIM completed this survey again in April 2014. A total of 154 profiles stations were surveyed. All work was conducted underneath the direct supervision of a Florida Registered Surveyor and Mapper. Mr. Tillman was responsible for hydrographic survey data acquisition.

Survey Technician, Port of Miami Hydrographic Survey, Miami, Florida

The Port of Miami contracted APTIM to provide hydrographic survey services in support of current port expansion and improvement projects. Surveys included a detailed single beam and multi-beam hydrographic survey, a sidescan sonar survey, and a Coda Echoscope survey of several areas of the port. RTK GPS was utilized for positioning and on the fly tide corrections of the data. Mr. Tillman was responsible for navigation and safety of the survey vessel as well as the set-up of the RTK GPS and tide measurements.

Highlights

More than 13 years of surveying and mapping experience

Proficient with RTK GPS

Registrations/Certifications

Class A CDL Driver's License

Analytical Techniques/ Equipment Proficiency

Real-Time Kinematic (RTK) GPS systems

Odom Hydrotrac single beam sonar

Faro 3d X330 laser scanner

Vibracore and bottom sample collection and processing

YSI Sonde 6600



Quin Robertson, PhD, GISP SENIOR SCIENTIST

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PROFESSIONAL QUALIFICATIONS

Dr. Robertson's research focuses on using conventional survey and remote sensing data to quantify change in coastal morphology and develop models from these results using GIS to aid in coastal mitigation. Since 2010, Dr. Robertson has been advising the Fire Island communities, the City of Long Beach and Texas General Land Office on beach nourishment and coastal engineering efforts. Dr. Robertson has several projects with the US Army Corps of Engineers conducting studies, compiling and disseminating online geodatabases, and creating tools for analyzing LiDAR data sets for both storm induced and long-term applications along with multiple projects with the Environmental Protection Agency (EPA) in applying SLOSH modeling to predict storm surge. Dr. Robertson utilizes his coastal geologic expertise to manage and supervise multiple sand search projects from New York to Texas. Dr. Robertson will lead all sand search and geophysical/geotechnical investigations under this contract.

RELEVANT EXPERIENCE

Regional Sediment Management, Nationwide

Dr. Robertson is currently Project Manager of an online GIS database developed for USACE's Regional Sediment Management (RSM) program. RSM placement is quantified (beneficial use vs. disposal) under multiple categories. Tools were developed to improve use of sediments and identify RSM opportunities to compare sediment characteristics of channel and beach disposal areas. These tools were written to ingest USACE nationwide and District data, identify and standardize project names, assign disposal codes and quantify sediment placement metrics.

LiDAR Elevation Change Analysis, Gulf of Mexico and East US Coastline

Dr. Robertson was Project Manager for a Florida Gulf of Mexico to Maine LiDAR elevation change analysis for USACE's Joint Airborne LiDAR Bathymetry Technical Center of Expertise (JALBTCX). The project quantified coastal change from more than 2,000 LiDAR data sets on 3,290 km of Gulf of Mexico and east US coastline utilizing a grid-based approach to measure shoreline and volume differences within GIS using a custom Python-coded system. Volume change was quantified by bins along the coastline and summarized in terms of the total positive, negative, net and normalized volume change. The final products were a geodatabase that contained the extracted metrics along with the series of tools that

Education

Doctor of Philosophy,
Geosciences, Florida
International University, Miami,
Florida, 2007

Certificate, Geographic
Information Systems, Florida
International University, Miami,
Florida, 2004

Master of Science, Geology,
Florida International University,
Miami, Florida, 2002

Bachelor of Arts, Geology,
Skidmore College, Saratoga
Springs, New York, 1997

Highlights

Over 20 years of project
management, GIS, sand search,
remote sensing and conventional
survey experience

Registrations/Certifications

Professional Geologist, NY, 1213

Geographic Information Systems
Professional, Nationwide, 45100

Professional Affiliations

Member, AGU

Member, ASBPA

Member, FSBPA

Member, American Society for
Photogrammetry & Remote
Sensing

Member, Coastal Education &
Research Foundation

Member, Surfrider Foundation

Employment History

CPE 2019 – Present

APTIM 2007 – 2019

International Hurricane
Research Center 1999 –
2007

Woods Hole Oceanographic
Institution 1997 – 1999

executed the quantifications to enable further scientific and engineering research.

Southwest Florida ROSSI Borrow Area Update, FL

Dr. Robertson was Project Manager for updating FDEP's Regional Offshore Sand Source Inventory (ROSSI) database for southwest Florida. Assessed the sediment needs for several counties in southwest Florida. Historic bathymetric, seismic and geotechnical data were evaluated and used to identify offshore sand sources that meet predetermined sediment characteristics. Sediment sources were assigned categories and volumes for each source were calculated.

Hurricane Irma Emergency Coding, Southeast US

Dr. Robertson was Project Manager for coordination with JALBTCX on required edits to existing Python code. Edits included streamlining the existing code to initially process difference grids, add additional capability to process surfaces in tile or mosaic format, streamline MHW volumes by reducing steps, reduce hands-on time, and add capability to report metrics in multiple units.

Panama City Beach, FL

Dr. Robertson has participated in multiple projects for Panama City beaches. The most recent project involved utilizing existing LiDAR data to generate DEMs and contours of the beach and surrounding dunes. This required application of various types of custom filters to ensure that the beach morphology was preserved while non ground objects were removed. The bare earth contours were used to help design locations for dune planting and fence installation. Other projects include geophysical and geotechnical data collection, analysis, borrow area design and reporting.

Delray Beach, FL

Dr. Robertson generated bathymetric DEMs from existing LiDAR and bathymetry data sets for input into morphologic models, to determine locations of previous dredging, and aid in planning future nourishment projects. He collected, processed and displayed high-resolution multi-beam data to detect the edge and height of reefs. Dr. Robertson has supervised the 2019 geophysical and geotechnical borrow area data collection, along with the forthcoming borrow area permitting and design.

Broward County, FL

Dr. Robertson managed the 2008 LiDAR bathymetric data collection offshore of Broward County. More than 13 million points were used to generate a DEM illustrating the offshore geomorphic and benthic features. Bottom reflectance data were converted to grids that identified variations in sea bottom characteristics that aided benthic habitat classification.

Habitat Mapping, Marquesas, FL

Dr. Robertson was project manager of a benthic habitat mapping project interpreted from satellite imagery in the Marquesas and Quicksands area offshore of the Florida Keys. More than 1,300 km² of benthic habitats that are essential for developing management strategies that balance the protection of these habitats with their use were mapped. Image enhancement techniques like color band subtraction and application of various filters were applied to the images that significantly increase areas that could be mapped, especially in deeper environments. Habitats were mapped using "heads-up" digitizing of pan-sharpened color IKONOS satellite imagery by identifying color and texture patterns and confirmed in the field using georeferenced drop and dive supported cameras. Map interpretations were based on NOAA's classification scheme for mapping shallow-water coral ecosystems of southern Florida. Deliverables included benthic habitat maps, metadata, and all ground validation imagery.



**Angela Belden, FAA Drone Pilot
GIS/CAD Director**

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Professional Qualifications

Angela Belden has over 30 years of experience working with various GIS, CAD and engineering programs. She directs all GIS operations for APTIM's coastal restoration offices, and is responsible for the management of personnel, software, and resources that provide GIS and Computer Aided Engineering/Drafting (CAE/CAD) service and product support to all of our regional offices and clients. She advises the groups Remote Sensing and Spectral Analysis Applications, including geoprocessing, archival in spatial databases and the creation of maps and visualizations. Ms. Belden has served as a Project Manager for many 3D scanning/BIM efforts where responsibilities included proposal preparation, scope of work development, level-of-effort and pricing determination, scheduling, BIM execution plans, and product development.

Ms. Belden possesses a broad range of experience with geospatial technologies ranging from database design, integration, data validation and integrity, specializing in complex GIS file translations between widespread digital formats. She also directs all CAD documentation development and software applications. She has successful project and resource management experience and has provided both geospatial and information management technical support on numerous projects.

Ms. Belden has served as a Project Manager for GIS-oriented projects where responsibilities included proposal preparation, scope of work development, level-of-effort and pricing determination, and scheduling and budget oversight. She has authored and presented papers at multiple GIS conferences.

Ms. Belden is experienced in a variety of information technologies, from ESRI's suite of GIS products to graphic design packages such as Adobe Illustrator and Photoshop. In 2000, her project management experience began with environmental resource mapping in Broward County, and has extended to more than 17 GIS benthic habitat mapping projects from Texas to North Carolina. Ms. Belden specializes in customized GIS products that clients require for public distribution.

Education

Associate of Science, Business
Management, New Hampshire
Technical Institute, 1985

Highlights

Over 30 years of experience
working with various GIS, CAD
and engineering programs

Registrations/Certifications

AutoCAD 2013 Certified
Professional

AutoCAD 2011 Civil 3d Certified
Associate

Certification in Metadata for
Geospatial and Biological
Metadata-USGS 2002

FAA Part 107 sUAS Airman
Remote Pilot, 2016

Training

ESRI Enterprise Dbase
Development and Management,
2007

Certified Autodesk Civil 3-D
Training, 2006

USGS Metadata for Geospatial &
Biological Data Training, 2002

ESRI GIS Training; University of
Florida, 1995 1996, 2000

Certified Autodesk Training,
1995, 2000, 2001, 2006

Certified Eaglepoint Survey
Software Training, 1994, 2000

Certified Microstation Training,
1993



Heather Vollmer, GISP GIS Analyst

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heather.vollmer@aptim.com; 561.361.3166

Professional Qualifications

Heather Vollmer is a GIS analyst with over 17 years of experience in GIS data creation, maintenance, data mining, remote sensing, spatial analysis, and GPS ground truthing. Since joining APTIM in 2006, Ms. Vollmer has been involved with the preparation of benthic and geologic resource mapping for numerous permit applications for beach nourishment projects along the coasts of Florida, North Carolina, Louisiana, New York, and Alabama.

Sample Projects

Ms. Vollmer is responsible for all GIS spatial analysis, data creation, maintenance, and QA/QC, supporting report documentation (figures, tables, technical write-ups). A selected listing of Ms. Vollmer's project experience is provided below:

- City of Delray Beach Fifth Periodic Renourishment, Florida
- Broward County Segments II and III Shore Protection Projects, Florida
- Reach 7, Phipps Ocean Park Mitigative Reef Monitoring Project, Town of Palm Beach, Florida
- Ocean Ridge Shore Protection Project, Palm Beach County, Florida
- Southern Palm Beach Island Comprehensive Shoreline Stabilization Project, Town of Palm Beach, Florida
- Anna Maria Island Shore Protection Project, Manatee County, Florida
- Town of Longboat Key Beach Renourishment Project, Florida
- Town of Longboat Key North End Renourishment and Structural Stabilization Project, Florida
- Town of Longboat Key Breakwater Project, Florida
- South Siesta Key Beach Renourishment Project, Sarasota County, Florida
- City of Sarasota 10th St. Boat Basin Maintenance Dredging and Seawall Replacement Project, Sarasota County, Florida
- Lido Key HSDR Project, Sarasota County, Florida
- Coquina Beach Restoration Project, Manatee County, Florida
- Collier County Beach Nourishment Project, Collier County, Florida
- Captiva and Sanibel Islands Beach Restoration Project, Captiva Island, Lee County, Florida
- Wiggins Pass Maintenance Dredging and Navigation Improvement Project, Collier County, Florida

Education

Master of Science, Environmental Studies, Florida International University, Miami, Florida 2010

Bachelor of Science, Environmental Studies, Stockton University, Galloway, New Jersey 2003

Highlights

17+ years of GIS data creation, maintenance, remote sensing analysis, ground truthing, and field experience

More than 10 years of experience in ocean/coastal GIS in Florida

7 GIS scientific/technical publications

Registrations/Certifications

GIS Professional (GISP), GIS Certification Institute, Des Plaines, IL, 2011

Florida Master Naturalist-University of Florida IFAS

Certificate of Geographic Information Systems, Stockton University, Galloway, New Jersey, 2003

Training

ESRI ArcGIS/ 3.2-10.4, ArcPublisher 9.1-10.4, ESRI ArcGIS Enterprise Server, 3D Analyst Extension, Spatial Analyst Extension, 9.1-10.4

ERDAS - IMAGINE

USGS Digital Shoreline Analysts overSystem (DSAS)

Microsoft Access

IDRISI-Taiga

AutoCAD 2012

GIS Analyst, Interactive GIS Database, Town of Palm Beach, Florida

The goal of the Town of Palm Beach's interactive GIS database was to provide a functional tool to explore the data that pertained to the Town's coastal projects. Ms. Vollmer was in charge of creating the interactive interface, creating database structure, QA/QC the database, writing FGDC compliant metadata, performing data analysis for impacts and persistence of hardbottom resources.

GIS Analyst, Marquesas Benthic Habitat Mapping, Florida Keys National Marine Sanctuary, Florida Keys

This project used remote sensing techniques to map large areas of the Florida Keys National Marine Sanctuary from Key West to the Marquesas/Quicksands area. Ms. Vollmer's main role was to digitize interpreted habitats from IKONOS satellite imagery. She created codes for complex units, allowing end users to display units in their entirety or as simplified units. By utilizing additional remote sensing software, she was able to improve the interpretation of offshore reef benthic features within the imagery. She also assisted in processing in-situ video collection for verification of mapping units.

GIS Analyst, Coastal Vulnerability Geodatabase, International Hurricane Research Center, Miami, Florida

Ms. Vollmer researched how to utilize GIS methodologies to validate the many different types of storm surge models. By utilizing field data and the model outputs in reference to in-situ debris lines and high-water marks, she was able to show how each model performed in determining historical storm events.

Coastal Resource Database Librarian, Coastal Resource Database, Data Structure and Management, APTIM, Boca Raton, Florida

Ms. Vollmer is APTIM's coastal resource database librarian. She reformats and performs all QA/QC for database uploads as well as data mining for additional beneficial database information. She researches new technology and suggests future database management direction. She provides all in-house training and assists with the development of user documentation.



Tara Brenner, PG, PE
SENIOR COASTAL ENGINEER

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PROFESSIONAL QUALIFICATIONS

Tara Brenner, PG, PE, is a Senior Coastal Engineer for Coastal Protection Engineering (CPE). Since 2007, she has performed a variety of engineering services in support of beach nourishment projects throughout Florida, including permitting, engineering analysis, development of construction plans and specifications, construction observations, post-construction monitoring calculations, and report preparation. Ms. Brenner also has extensive experience with the incorporation of remote sensing and GIS tools into the geotechnical and environmental aspects of projects.

Ms. Brenner regularly presents at industry conferences, and public meetings in both formal and informal settings. As Project Manager, she works with clients to ensure project objectives and timelines are met, and that work products are of the highest quality.

Ms. Brenner also has experience with the application of drone and laser scanning technologies to supplement or replace *in situ* observations, where it can save time or money, and delivers cutting-edge interactive visual work products. Ms. Brenner has assisted with vibracore collection, hydrographic surveying, seismic data interpretation, and environmental monitoring for coastal projects. She has been responsible for data analysis, incorporating geotechnical requirements for state and federal permitting, and supporting borrow area design and project construction for a number of projects.

RELEVANT EXPERIENCE

Mid-Town Beach Nourishment Project, Town of Palm Beach, FL

Ms. Brenner performed construction observations on behalf of the Town during construction of the 2020 federal Mid-Town beach nourishment project. The project placed 700,000 cy of sand utilizing hopper dredges and screened the dredged material using the inline FRS Extractor-3300.

Sector 5 Beach and Dune Restoration Project, Indian River County, FL

Ms. Brenner performed construction observations and attended progress meetings as a Senior Coastal Engineer during the 2019 truck haul renourishment. Approximately 171,400 cy of sand from an upland mine were placed within the berm and dune using truck haul methods and Ms. Brenner observed material quality and placement activities.

Education

Master of Science, Civil Engineering, Florida Atlantic University, Boca Raton, Florida, 2012

Bachelor of Science, Environmental Geosciences, University of Notre Dame, South Bend, Indiana, 2007

Highlights

More than 12 years of coastal engineering and geology experience

Regularly works on Florida coastal projects from feasibility through construction, including field investigations, engineering design and permitting

Registrations/Certifications

Professional Engineer, Florida License No. 82305, Active

Professional Geologist, Florida, License No. PG2828, Active
BOEM and NMFS Protected Species Observer

PADI Open Water Diver, 2008
PADI Enriched Air Nitrox Diver, 2009

Professional Affiliations

Member, Florida Shore and Beach Preservation Association (FSBPA)

Member, American Shore and Beach Preservation Association (ASBPA)

Member, American Public Works Association – Gold Coast

Member, Divers Alert Network (DAN)

Member, University of Notre Dame Alumni Club – Boca Raton

Employment History

CPE 2019 – Present

APTIM 2007 – 2019

Delray Beach Coastal Program, City of Delray Beach, FL

As Project Manager for the City, Ms. Brenner is performing a variety of coastal consulting tasks to support Delray's Beach Nourishment Program including: public outreach events, assisting in securing state and federal project funding, annual physical monitoring surveys and engineering analyses, coordination with USACE regarding Hurricane Irma repairs, a sand search investigation, and preparing for the City's 6th Periodic Beach Renourishment in 2021, which is presently in the permitting stage to add a new sand source for the project. Ms. Brenner supported the recent FCCE Shore Protection Project, which repaired impacts from Hurricane Irma. The project was constructed February to March 2020, placing 365,000 cy in the project area. Throughout construction, she provided construction observations and updates to the City, attended meetings, assisted with public outreach, and monitored permit compliance throughout construction.

Atlantic Dunes Park Improvements (East), City of Delray Beach, FL

In ongoing work, Ms. Brenner is leading a multidisciplinary team to design and permit extensive improvements at Atlantic Dunes Park east of A1A including removal of exotic species, reconfiguration of the parking lot, bathhouse upgrades, a nature boardwalk, and playground. Ms. Brenner coordinates tasks among a team including: surveyors, coastal engineers, architects, landscape architects, civil engineers, electrical engineers, and playground designers. She communicates progress and acquires City feedback.

2019 Renourishments: Clam Pass Park, North Park Shore and Park Shore, Collier County, FL

Ms. Brenner served as Project Manager for Collier County's 2019 Renourishments: Clam Pass Park, North Park Shore and Park Shore. Park Shore beaches were nourished with sand from an upland mine, delivered via truck haul and conveyor methods. Ms. Brenner prepared construction plans and technical specifications for the County to bid the project, and supported the County through construction with permit compliance, reviewed contractor submittals and pay applications, participated in weekly progress meetings, and certified the project.

Panama City Beach Erosion Control and Storm Damage Reduction Project, Bay County, FL

Ms. Brenner supported the Bay County TDC as Project Manager for the beach nourishment projects in Panama City Beach. For the 2017 project, she assisted with hot-spot identification and development of project scope. She then conducted coastal engineering design in development of the construction plans and technical specifications. She led pre-bid, pre-construction and all during-construction progress and manages engineering analysis for post-construction annual monitoring. Ms. Brenner is currently assisting the TDC with planning and coordination with the USACE for a federal 1.5 MCY repair project.

South Lake Worth Inlet Dredging Design and Permitting, Palm Beach County, FL

Ms. Brenner is leading a team to design and permit a multipart dredge and disposal project for the County that will increase the capacity of their sand trap and perform maintenance dredging of the ICW and an adjacent boat channel. The team collected bathymetry and grab samples in 2019 and is performing engineering analyses on 3 dredge areas to determine what material will be placed in each of 3 disposal areas. The team will submit a permit modification request to state and federal agencies and also perform pre-, during-, and post-construction seagrass monitoring surveys.

St. Lucie South Jetty Assessment, Martin County, Florida

Ms. Brenner managed surveying, engineering, and biological observations of the South Jetty. This work compared traditional survey methods with 3D laser scan and drone photogrammetry. The assessment deliverables included engineering assessment report, drone video, georeferenced drone imagery, survey data, and georeferenced point cloud in an online platform. Having this baseline assessment, allowed for investigation of Hurricane Dorian impacts to the structure using post-storm drone imagery.



Chelsea Maly

JUNIOR COASTAL ENGINEER

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cmaly@coastalprotectioneng.com; 954-41-3909

PROFESSIONAL QUALIFICATIONS

Chelsea Maly earned a Bachelor of Engineering in Civil Engineering and is pursuing a Master of Engineering degree from the University of Florida in the field of Coastal and Oceanographic Engineering. Previously, she has worked in the field of Civil Engineering as an engineering intern. Throughout her school career, she has been heavily involved with the American Society of Civil Engineers, where she served as professional relations chair, community service chair, and treasurer. This involvement included planning educational outreach events with the community, coordinating with local professionals to host information sessions, and establishing a budget for the organization.

Ms. Maly has gained AutoCAD and ArcGIS experience through her participation in various projects and internships.

RELEVANT PROJECT EXPERIENCE

Hurricane Dorian Damage Report for the Town of Duck, Kitty Hawk and Kill Devil Hills, North Carolina

Ms. Maly performed engineering analyses to assist in the completion of the Post-Dorian Report for the Town of Duck, the Town of Kitty Hawk, and the Town of Kill Devil Hills. She gathered information from survey reports and calculated volumetric changes in order to provide details on the damages sustained by the Erosion and Shoreline Management Project from Hurricane Dorian.

PREVIOUS WORK EXPERIENCE

Duke Energy, Rock Hill, South Carolina

As a nuclear engineering civil design intern, Ms. Maly evaluated buried storm drainage systems and provided recommendation for remediation and repairs. She tested flow pumps to ensure proper drainage of reactor coolant and attended field meetings and inspected conditions of future improvement areas.

RS&H, Fort Lauderdale, Florida

During her internship, Ms. Maly reviewed plans and specifications for projects involving airport security and runway pavement design. She performed calculations to determine the most efficient materials for concrete repairs and designed project details within AutoCAD based on engineer descriptions and hand drawn sketches.

Education

Expected December 2020:

Master of Engineering, Coastal and Oceanographic Engineering, University of Florida, Gainesville, Florida

Bachelor of Science, Civil Engineering, University of Florida, Gainesville, Florida, 2019

Highlights

Relevant coursework experience in coastal processes, coastal engineering, and global sea level.

Passed Florida FE Exam
September 2019

Registrations/Certifications

PADI Open Water Diver

Professional Affiliations

Member, American Society of Civil Engineers (ASCE) Student Chapter

Member, Divers Alert Network (DAN)

Employment History

CPE May 2020 – Present



Morjana Signorin
Numerical Modeler

Aptim Environmental & Infrastructure, LLC
2481 NW Boca Raton Blvd., Boca Raton, FL 33431
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Professional Qualifications

Morjana Signorin graduated in Oceanography in 2010, and in 2013 obtained her MBA in Project Management. She is currently pursuing a Master's degree in Ocean Engineering at FAU. Ms. Signorin has over 10 years of experience and has worked on over 30 projects focused on riverine and complex coastal systems. Along her career she has led several numerical modeling projects, which included engineering data analysis and in-depth analysis of coastal processes. She has conducted numerical modeling of currents, water levels, waves, storm surge, sediment transport, and morphology in several locations along the Gulf and East Coast of the United States. Ms. Signorin also has extensive experience in the application of GIS tools and meteoceanographic data collection. She has been involved in several coastal engineering projects where she provided engineering analysis support, performed construction observations, and preparation of technical reports. She regularly performs technical presentations at industry and academic conferences. Ms. Signorin will serve as Deputy Project Manager under this contract, communicating regularly with Ms. Brenner to coordinate services by APTIM for the City's projects.

Sample Projects

Mid-Town Beach Nourishment Project, Town of Palm Beach, FL

Ms. Signorin performed site visits and construction observations on behalf of the Town during construction of the 2020 federal Mid-Town beach nourishment project. She participated in project related meeting, working together with CPE (Tom Pierro) and providing assistance with coordination with the Army Corps and other agencies.

Southern Palm Beach Island Comprehensive Shoreline Stabilization Project – Environmental Impact Study, Town of Palm Beach, FL

Ms. Signorin performed numerical modeling of flow, waves, sediment transport, and morphology changes performed with Delft3D to evaluate the proposed beach management alternatives, including beach fill and groins, to assess the potential hardbottom impact.

Beach Comprehensive Beach Management Plan, City of Deerfield, Florida

Ms. Signorin worked on the Beach Management Plan for the City of Deerfield Beach. She performed engineering calculations, assisted on the development of management alternatives, performed SBEACH vulnerability and resiliency analysis, performed and analyzed the beachgoers surveys to determine to determine the recreational value of the beach. Ms. Signorin was responsible for assisting in the writing of the plan and its accompanying appendices and performed throughout review of the documents.

Education

Master of Science, Ocean Engineering, Florida Atlantic University, Ongoing

Master of Business Administration, Project Management, University of Itajaí Valley (UNIVALI), Brazil, 2013

Bachelor of Science, Oceanography, University of Itajaí Valley (UNIVALI), Brazil, 2010

Highlights

Over 10 years of experience in coastal modeling and data analysis of meteoceanographic data

Worked on over 30 numerical modeling projects in her career in Brazil and the United States

Advanced programming, GIS and meteoceanographic data collection and processing knowledge

Computational Skills

Delft3D, SWAN, SBEACH, UNIBEST, CL+, SWASH, Matlab, ArcGIS

Passage Key Inlet Management Study, Manatee County, Florida, ongoing

Ms. Signorin worked on the development of the sediment budget and is currently leading the setup, calibration, and application of the Delft3D numerical model developed for Tampa Bay region and specifically for the Passage Key Inlet and adjacent Anna Maria Island beach. The wave, flow, sediment transport and morphology models will be applied to evaluate effects of dredging potential sand borrow areas on the Passage Key ebb shoal. Combined with the developed sediment budget and the sediment properties database, model results will be used to evaluate the technical and environmental feasibility of borrow areas alternatives and support the permitting process.

Golden Triangle Marsh Creation Project, Coastal Protection & Restoration Authority, Orleans Parish, Louisiana, May 2017 – 2019

Ms. Signorin was the lead of the numerical modeling team on a project located in East Lake Borgne, LA, that aimed aim to evaluate the effects of the creation of a marsh area on the adjacent marshes and coastal system and the effects of the borrow area on the adjacent coastline. Delft3D model was used to simulate currents, waves, sediment transport, morphological changes, residence time and water quality.

Inlet Management Study of Redfish Pass and Adjacent Beaches, Captiva Erosion and Prevention District, Captiva, Florida, October 2016 – 2019

Ms. Signorin was the numerical modeler lead on the study that focused on study focused on the management strategy of striving to balance the sediment budget with sediment bypassing and evaluated the utilization of Redfish Pass as a supplemental sand source for Captiva Island. A comprehensive historical analysis of the area was performed, along with shoreline and volumetric changes analysis and the update of the sediment budget. The numerical modeling included borrow area alternatives analysis and to evaluate the technical and environmental feasibility of borrow areas alternatives and support the permitting process.

Hydrodynamics to Assess Circulation and Residence (Flushing) Time, Robinson Preserve, Manatee County, Florida, 2015

Assisted in the development of the Delft3D model to assess circulation and residence (flushing) time for the existing conditions and proposed design and sediment mobility analysis in the flushing channels.

Impacts on Design of Coastal Protection Structures, Thompson Engineering, Gulf State Park, Alabama, 2015

Ms. Signorin performed Delft3D, SBEACH and XBEACH numerical modeling of flow, waves and morphological changes to evaluate the impacts of extreme events to support the design of the coastal protection structures in Gulf State Park, Alabama.

Cameron Meadows Marsh Creation and Terracing, Borrow Area Development, Coastal Protection and Restoration Authority, Louisiana, 2015

Ms. Signorin performed Delft3D SWAN wave transformation numerical modeling developed to evaluate wave-driven erosion pattern along the beaches and shorelines north of the proposed borrow area.

Coastal Master Plan: Barrier Island Model Development (BIMODE), The Water Institute of the Gulf, Coastal Louisiana, 2015

Ms. Signorin performed SBEACH numerical modeling to evaluate cross-shore sediment transport along several profiles in Louisiana coast to determine critical thresholds of minimum barrier island widths and heights, as part of the development of a barrier shoreline model.

Staff Size of Key Participants

The key participants in this proposal are CPE and APTM, whose staff include coastal professionals and technical staff from multiple disciplines, including biology, survey, GIS/CAD, geology, and engineering. The specific personnel proposed to work on the Town's projects under this contract are shown on the organization chart at the beginning of this section; however, the Town has access to the full capabilities and staff at each firm as needed. A summary of CPE and APTM coastal staff organized by discipline is provided in the table below.

No. of Individuals by Discipline	CPE	APTIM
Science/Biology	5	3
Survey, Mapping, GIS/CAD	2	6
Geology	1*	9
Engineering	10	9

*Tara Brenner holds a P.E. and a P.G. but is only counted as an engineer in this table. Quin Robertson also holds a P.G. but is counted as a GIS Professional in this table.

High Quality Level of Service to be Provided to the Town

Coastal Protection Engineering LLC (CPE) was founded in 2019 for the specific purpose of serving coastal communities with beach restoration and coastal protection expertise, including marine resource and assessment services. The firm is comprised of industry leading experts with decades of experience in Florida coastal programs and a deliberate focus on providing governmental clients with highly specialized consulting services in support of projects that restore, manage, and protect coastal resources and coastal infrastructure. CPE differentiates itself through a steadfast commitment to coastal communities and an uncompromising focus on technical excellence and consistent delivery of high-quality work products valued by our clients.

Having worked with the Town of Palm Beach under multiple previous Professional Service Agreement (PSA) contracts that include marine resource assessments and environmental permitting through APTIM and its legacy companies, our staff has developed a deep understanding and respect for the need to deliver a high-quality level of services to the Town. We know that Town staff operates in a dynamic environment responding to requests and concerns of the Shore Protection Board (SPB), Town Council, and the Town's residents and visitors alike. Over the years, we have been inspired by your staff's dedication to this high level of public service for which we support, appreciate, and reflect in our own responsiveness.

As an example of our commitment, our staff attends SPB and Council meetings on a regular basis at our own discretion to remain up to speed on current issues affecting the Town. Likewise, we have been available to assist with preparation of back-up for technical agenda items and related support whenever needed. We also remain on call for service, often responding in the moment of need, for knowledgebase support, technical advice, task order execution, and proactive planning needs. We appreciate this opportunity to further demonstrate our ever-growing commitment to the needs of the Town and commit to continuing to support your coastal program with the utmost attention and excellence.

2.1.3 Workload and Scheduling

Overall Workload

The CPE Team is committed to supporting the Town of Palm Beach to address all of your marine resource assessment and monitoring needs. We have the experience to develop achievable project timelines and to actively manage staff workloads to best serve the Town. Under the direction of our Principal Scientist, Lindino Benedet, our team will prioritize workloads accordingly to accommodate all components of your program. Our team is structured in a way that provides coastal professional expertise from our CPE office in Boca Raton and access to additional support from other CPE and APTIM coastal offices, as needed. As a small business locally established in Boca Raton with the backing of a large multinational corporation, we can address the City's project needs in a flexible and timely manner and can respond to sudden increases in workload due to unexpected events, such as an extreme storm, without disruption or delay.

We evaluated the current and projected workload of the personnel identified for this proposal and we are confident that there is sufficient capacity to meet the needs of the Town for the duration of the contract. This evaluation was based on workload forecasts and employee utilization rates. CPE project managers use a customized work management software, Scoro, that allows us to monitor workloads in real-time. We also project workloads quarterly (a year in advance) as a matter of internal business protocols, which allows us to accurately forecast project schedules and workloads of our team. This data allows managers to quantitatively determine appropriate staffing levels within the firm and allocate resources and personnel as needed. We foresee no time in the future where we would be unable to meet the Town's needs. Furthermore, as a new firm located in Palm Beach County with staff fully dedicated to coastal services, we are excited to demonstrate our ever-growing commitment to the needs of the Town.

Project Scheduling Ability / Timely Completion of Work

At the onset of each new work order, The CPE Team will work with the Town to develop a detailed, realistic work plan that meets the Town's project needs and fits within your budget. We will start by developing a schedule that identifies when the most critical elements are required for each phase of the work and schedule all associated tasks accordingly. This procedure ensures adequate lead-time for proper coordination, development of scopes of work, Town approvals, contracting, and scheduling of field equipment and personnel, which ultimately results in timely completion of our work. We routinely conduct biological monitoring for coastal projects throughout Florida and understand that state and federal permits typically require specific monitoring periods for each resource: hardbottom surveys are typically required to be conducted between May and September and seagrass surveys should be conducted during the growing season from June to September. Ideally, annual monitoring should be repeated as close to the same time each year for best comparison of results. Recognizing the importance of these permit requirements, we will also work with the Town to identify your preferred survey periods and will prioritize and accommodate those requests in our team's summer survey schedule. We will also ensure that deliverables such as raw data and monitoring reports are submitted to the Town and to regulatory agencies within the required submittal timeframes.

Schedule will Accommodate this Project

The CPE Team commits to meeting the Town's schedules and deadlines for requested services. We take pride in our proven success of completing our clients' projects on time and within budget. Project communication is a priority for our project managers and technical staff. We work with our clients to develop a detailed project schedule and track progress performance along the way, adjusting the overall schedule to accommodate any new developments as the project proceeds. The key to keeping a project on budget and on time is a detailed, realistic work plan that clearly identifies deliverables and key milestones. Our Project Manager, Stacy Buck, will provide the Town with monthly progress updates integrated with billing details as requested. Monthly reporting can also summarize the anticipated progress for the following month, as well as any critical issues that may affect the project schedule and budget. As in the past, The CPE Team will maintain open and timely communication and consult with Town staff, provide documents and recommendations for review, solicit feedback, and provide the services for communicating with agencies, stakeholders and the public.

Applicability of the Services Offered

Based on the comprehensive services detailed in the Scope of Work provided by the Town within this RFQ, we are confident that our team can successfully implement each task of your coastal program. The items in this solicitation are, in fact, the core services that The CPE Team expertly provides to our clients. Our team is comprised of a full staff of qualified marine and coastal professionals and scientists, including biologists, certified hydrographers, geophysicists, geologists, engineers, and computer-aided design (CAD) and GIS specialists. These professionals handle all phases of coastal projects from marine resource reconnaissance through design and permitting to construction management and post-construction monitoring. This foundation of engaging multiple scientific disciplines has delivered exceptional value to our clients through the entire process of project implementation. In particular, our marine biologists have extensive experience with all aspects of biological monitoring and have each conducted hundreds of scientific dives investigating marine resources in south Florida, including in the Town. Our biologists are FDEP-approved to conduct permit-required biological monitoring in Florida. We know the resources, are familiar with the BMA, understand the Town's monitoring program, and are prepared to implement all the items presented in the Scope of Work.

Meeting the Town's Operation and Administrative Requirements

As a longstanding professional service provider to the Town, The CPE Team understands the Town's operation and administrative requirements for working with consultants. We are currently contracted with the Town under an existing Professional Services Agreement, which allows us to quickly respond to a Town request for a proposal for a variety of services, including those requested by the Shore Protection Board. Once received, the proposal must be approved by the Town Council prior to processing as a purchase order (PO). As required by Town procurement, we will not commence work until the PO is issued.

Our team's local presence and experience working with Town staff over the past 15 years has provided us with an in-depth knowledge of the unique needs of your coastal program and the sensitive marine resources that characterize the nearshore and offshore marine habitat along the Town of Palm Beach. We understand the goals of the Comprehensive Coastal Management Plan (CCMP), which has been adapted over decades to address the objectives of the Town Council and recommendations of the Shore Protection

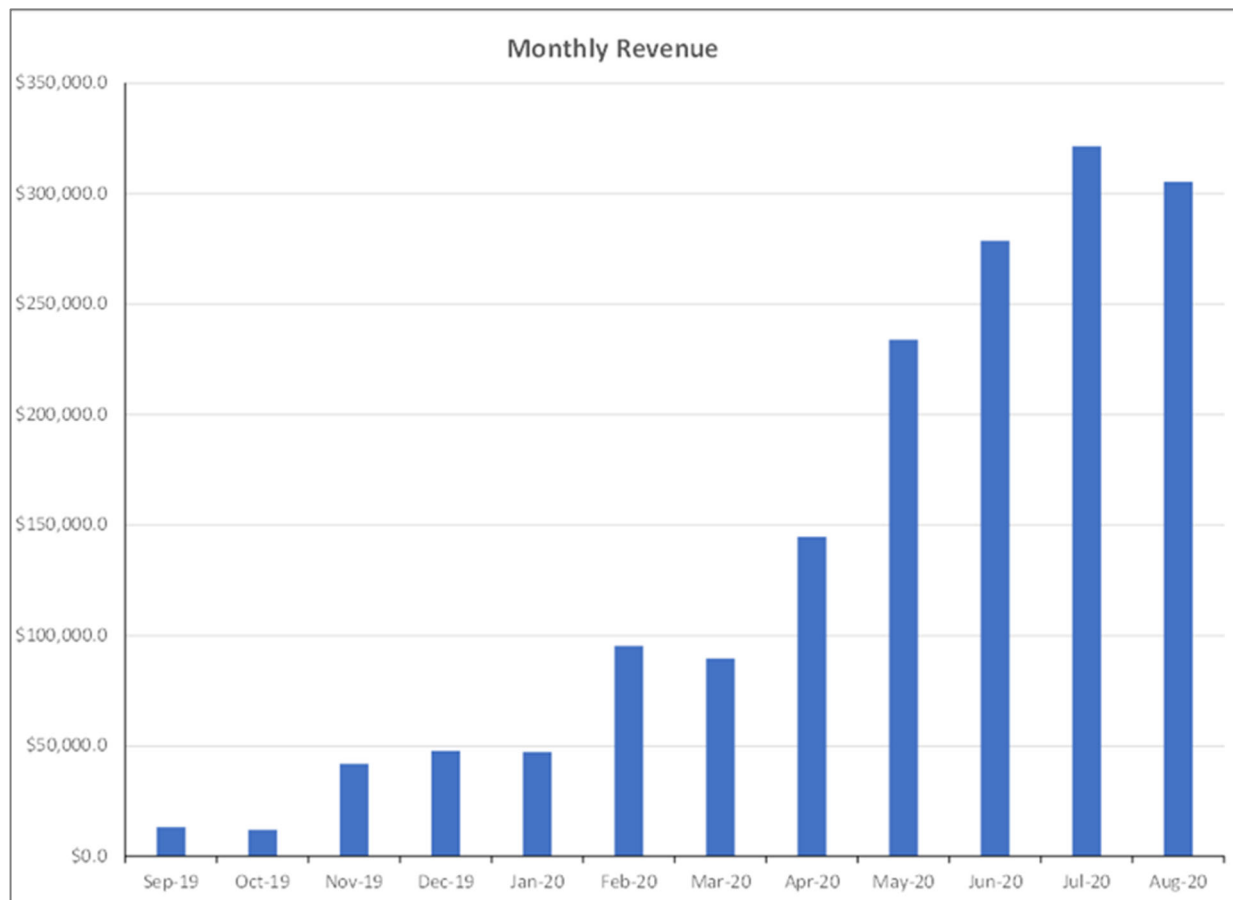
Board in an ever-changing regulatory climate. Town staff have maintained the integrity of the program over time by clearly defining its projects, providing independent peer reviews, including stakeholder input, and coordinating with agencies and neighboring communities. This steadfast approach has been further strengthened by the Town's integral role in the development of the BMA, which guides the Town's marine resource monitoring program. The CPE Team has been part of the BMA from its inception and worked with FDEP to obtain an Individual Project Authorization (IPA) for the Town-wide Groin Rehabilitation Project and IPA permit modifications for the Mid-Town groin and the Mid-Town Beach Nourishment projects. We also completed preparation of the Draft and Final Environmental Impact Statement (EIS) for the Southern Palm Beach Island Comprehensive Shoreline Stabilization Project, paving the way for a stabilization solution for the Reach 8 shoreline.

With a robust organization dedicated to coastal services and a well-documented history of responsiveness to the Town, we fully understand the Town's operation and administrative requirements and we are confident that we can meet or exceed all of the requirements of the work that may result from this Request for Qualifications (RFQ). Having worked with your staff on virtually every aspect of your coastal program over the years, we have extensive experience and knowledge of your past, ongoing, and planned coastal projects and we are in positioned and prepared to help you continue to successfully monitor your marine resources.

2.1.4 Financial Information

CPE is registered with DUN & Bradstreet under the DUNS #117214443 and with the Federal Government under the CAGE #8F2E5. As a business formed in the middle of 2019, CPE does not have a full calendar year of financial information available; however, we are confident in the firm's ability to service the City if awarded a contract under this solicitation. The firm was initially funded by its three founding members and does not carry any debt from financial institutions or outside investors. As a result, we maintain the financial resources internally to fund the business with operating capital supported by cashflow for our staff of 19 employees, including 13 full time and 6 part time, for the foreseeable future and have no concerns with satisfying the requirements of the subject RFQ in serving the Town of Palm Beach.

CPE utilizes "Scoro" for our project management and project accounting system, which is a fully integrated, cloud-based, end-to-end business management software for professional services that streamlines our project workflow with live online updates of labor charges (timekeeping) and project accounts such as project expenses and subconsultant invoices. As further proof of the stability of the firm, the chart below evidences our revenue for the last several months, direct from Scoro to substantiate our finances. Despite recent challenges with the Covid-19 crisis, our small business continues to grow and, in addition to having no outside debt, our monthly revenue is consistently higher than our monthly operational cost. A full income statement for the most recent month/quarter can be provided to the Town upon request.



We have further strengthened our financial stability for this opportunity by adding APTIM as our key subconsultant, a large multinational corporation with thousands of employees and total revenue in excess of \$1B. APTIM is a current City vendor and provides its own financial strength to The CPE Team.

APTIM's accounting system, Oracle's JD Edwards Enterprise One®, is an integrated software solution designed to provide internal accounting controls. APTIM has worked with Oracle to customize Enterprise One to deliver integrated data across payroll, accounts payable, billings, procurement, and job cost into one platform of accurate and timely financial data. These customizations also allow APTIM to produce client-specific tools and reports to enhance program management and provide full visibility.

2.1.5 Other

Overall Completeness, Clarity and Quality of Proposal

We understand the importance of providing a high-quality proposal that clearly outlines our experience, financial stability, technical resources, and approach. We take great pride in providing a comprehensive proposal that clearly demonstrates our understanding of your coastal program, addresses your needs, and elucidates the breadth and depth of our capabilities. We are confident that the Town will recognize the effort we put forth to generate a complete proposal that is clear and concise.

Accessibility of Firm

The coastal engineering headquarters of both CPE and APTIM are located in Boca Raton, Florida where our offices are staffed by professionals dedicated solely to coastal services. As a result, we are one of the few teams that can proudly demonstrate a local presence in Palm Beach County and direct experience with your program. Our personnel are available on a full-time basis in Palm Beach County to respond rapidly to the Town's needs. We are also available on an emergency basis, and we understand the importance of having surveys conducted before and immediately after storms to determine damages and secure state and federal funding for storm repairs.

Insurance Capacity / Capability

CPE holds all the required insurances to operate a professional services firm as an engineering business in the State of Florida. As proof of the firm's insurance capability, we have provided our insurance certificates under Section 1.1.3, identifying the Town of Palm Beach as the certificate holder for:

- Comprehensive General Liability, with limits of liability not less than \$1,000,000 per occurrence.
- Professional Liability, with limits of liability not less than \$1,000,000 per occurrence and 2,000,000 in general aggregate.
- Business Auto Liability, with limits of 1,000,000 per occurrence and 2,000,000 in general aggregate.
- Workers compensation/employer liability with limits of \$1,000,000 for each accident, \$1,000,000 disease and \$1,000,000 (disease (policy limit), which exceeds the Town's requirements of \$100,000 for each accident, \$100,000 disease and \$500,000 (disease (policy limit)

APTIM also has the ability to meet the insurance requirements of the RFP, which is demonstrated by their active contract with the Town.

Present and Future Litigation or Dispute and Resolutions

CPE has no ongoing litigation or dispute and resolutions.

As a major international construction and engineering company with operations around the world, APTIM, as a normal course of business, is engaged in legal actions in connection with engineering and construction projects, technology licenses, and other matters. These claims include employment-related claims and contractual disputes or claims for personal injury or property damage, which occur in connection with services performed relating to project or construction sites. APTIM does not currently believe that

pending contractual, employment-related personal injury or property damage claims will have a material adverse effect on our earnings or liquidity or ability to execute your project.

License Sanctions

Not applicable. CPE does not have any license sanctions.

Lost Accounts and / or Cancelled Accounts, Contract Denial

CPE has not lost or had any accounts cancelled. Nor have we had any contracts denied.

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 119-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Order to Electronic Data Collection Corporation in the Annual Amount of \$50,000 and a Proposed Five Year Contract Award in the Amount of \$250,000 Based on Satisfactory Performance and Budget Authorization for Software for the Parking Ticket Management for the Police and Finance Departments.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 29, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 119-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve a Purchase Order to Electronic Data Collection Corporation in the Annual Amount of \$50,000 and a Proposed Five Year Contract Award in the Amount of \$250,000 based on Satisfactory Performance and Budget Authorization for Software for the Parking Ticket Management, **Resolution No. 119-2020**

DATE: 29 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 119-2020 authorizing a Purchase Order to Electronic Data Collection Corporation in the annual amount of \$50,000 and establish a five year contract in the amount of \$250,000 based on satisfactory performance and budget authorization for Parking Ticket Management Software utilized the Police and Finance Departments.

WHY THIS ACTION IS REQUIRED

The Police utilizes the software to write and track all parking citations and Finance utilizes for residential parking permit billing. The renewal of the software license is essential to continuing business operations for the Town.

GENERAL INFORMATION

The Town originally solicited the Parking Ticket Management in 2013. The software has been noted as satisfactory for both Police and Finance requirements.

FUNDING/FISCAL IMPACT

Funding for the software is from the Police Department Budget.

POLICE AND FINANCE REVIEW

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

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Nicholas Caristo, Police Chief
Amy Wood, Assistant Director
Will Rothrock, Lt., Police Department
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 119-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING PURCHASE ORDER TO ELECTRONIC DATA
COLLECTION CORPORATION IN THE ANNUAL AMOUNT
OF \$50,000 AND A PROPOSED FIVE YEAR CONTRACT
AWARD IN THE AMOUNT OF \$250,000 BASED ON
SATISFACTORY PERFORMANCE AND BUDGET
AUTHORIZATON FOR SOFTWARE FOR THE PARKING
TICKET MANAGEMENT FOR THE POLICE AND FINANCE
DEPARTMENTS.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 119-2020 authorizing a Purchase Order to Electronic Data Collection Corporation in the annual amount of \$50,000 and establish a five year contract in the amount of \$250,000 based on satisfactory performance and budget authorization for Parking Ticket Management Software utilized the Police and Finance Departments.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 120-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Retroactive Change Order in the Amount of \$23,000 to Palm Beach County for Unexpected Repairs to Fire Rescue Vehicles.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 28, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 120-2020**
- ▣ **Resolution with Palm Beach County**
- ▣ **Agreement with Palm Beach County**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve a Retro-Active Change Order in the Amount of \$23,000 to Palm Beach County for Unexpected Repairs to Fire-Rescue Vehicles, **Resolution No. 120-2020**

DATE: 28 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 120-2020, authorizing a Retro-Active Change Order in the amount of \$23,000 to Palm Beach County for unexpected repairs to Fire Rescue Vehicles.

WHY THIS ACTION IS REQUIRED

Resolution No. 84-2019 was approved by Town Council on September 10, 2019 in the annual approved amount of \$126,000. The repairs/maintenance provided by Palm Beach County exceeded the approved amount by \$23,000. There is currently an outstanding invoice from FY20 that needs to be paid against the FY20 funding.

When Purchasing was notified of the funding request to make the necessary repairs, Purchasing requested approval from the Town Manager to proceed.

GENERAL INFORMATION

Palm Beach County Fire Rescue provides repair and maintenance services to municipalities in Palm Beach County. The Town has a ten year agreement for annual services. Based on historical expenditures, Resolution No. 84-2019 was submitted and approved for an annual award of \$126,000.

FUNDING/FISCAL IMPACT

Funding for the change order will be from the FY20 Fire Rescue expense budget.

FIRE RESCUE REVIEW

This item has been reviewed by the Fire Rescue and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Darrel Donatto, Fire Rescue Chief
Stephanie Mavigliano, Administrative Specialist
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 120-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AUTHORIZING A RETROACTIVE CHANGE ORDER IN THE
AMOUNT OF \$23,000 TO PALM BEACH COUNTY FOR
UNEXPECTED REPAIRS TO FIRE RESCUE VEHICLES.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No.120-2020 authorizing a Retro-Active Change Order in the amount of \$23,000 to Palm Beach County for unexpected repairs to Fire Rescue Vehicles.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

RESOLUTION NO. 84-2019

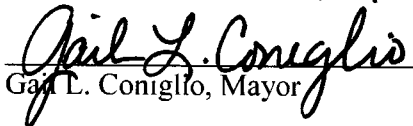
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING PURCHASE ORDERS TO PALM BEACH
COUNTY FOR MAINTENANCE AND REPAIR OF THE FIRE
RESCUE FLEET APPARATUS IN AN AMOUNT NOT TO
EXCEED \$126,000 CONTINGENT UPON BUDGET APPROVAL.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution 84-2019 approving purchase orders to Palm Beach County for Maintenance and Repair of the Fire Rescue Fleet Apparatus as part of the ten year agreement between the Town and Palm Beach County in the Not-to-Exceed Amount of \$126,000, Contingent Upon Budget Approval.

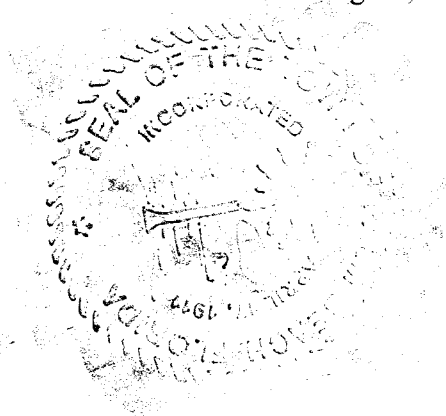
Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements. .

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


Gail L. Coniglio, Mayor

ATTEST:


Kathleen Dominguez, Town Clerk



R 2012-0457

**INTERLOCAL AGREEMENT FOR FIRE VEHICLE MAINTENANCE
BETWEEN PALM BEACH COUNTY AND THE
TOWN OF PALM BEACH**

THIS AGREEMENT is made and entered into this ____ day of MAR 20 2012, 2012, by and between PALM BEACH COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter the "County"), by and through its Board of County Commissioners and the TOWN OF PALM BEACH, a Florida municipal corporation located in Palm Beach County, Florida (hereinafter the "Town").

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969," authorizes local governments to make the most efficient use of their power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, the parties mutually desire the County to provide maintenance and emergency repairs for the Town's fire-rescue emergency response apparatus under the terms and conditions in this Agreement; and

WHEREAS, the Town and County desire to enter into this Agreement as the County can provide vehicle maintenance services economically and efficiently, to the benefit of both the County and Town;

NOW, THEREFORE, in consideration of the terms and conditions set forth herein and the benefits following from each to the other, the County and the Town do hereby agree as follows:

ARTICLE I: APPARATUS REPAIR AND MAINTENANCE:

Section 1. Maintenance and Repairs. The intent of this Agreement is for County to extend to Town the same usual and customary maintenance and repair services that County provides for its own fire-rescue emergency response apparatus fleet through the County Fire-Rescue Department's vehicle maintenance and repair shop (hereinafter referred to as the "Shop"). County shall be the exclusive provider for all such preventative maintenance, scheduled repairs and emergency repairs for the Town's principal fire/rescue emergency response apparatus, including Engines, Ladders, Rescues, Haz-Mat, USAR and other related apparatus, including, but not limited to the following service:

-Body Damage Repair – Roll-up Doors, Cabinetry, Compartments, Body Panels,

- Fenders, etc.
- Body Damage Repair -- including vehicle painting or graphics to complete repair
- Windshields/Door glass replacement when broken or cracked
- Fire Pumps, Tanks and Plumbing, apparatus-mounted and portable
- Foam/Chemical agent education and proportioning systems
- Light bulbs and fixtures replacement, including emergency warning devices
- Audible emergency warning devices
- Upholstery and interior furnishings of vehicles and apparatus

- Towing of disabled vehicles and apparatus
- Emergency Tire Repair and Replacement, including Road Service
- Tire Replacement, per manufacturer/standard schedule

- Head Set communication systems, servicing and repair
- Mobile Data Terminal, installation of hardware and wiring
- Recharge units/wiring, installation of hardware and wiring for re-chargable equipment

- Manufacturer Factory Recalls – coordination of all work
- Emergency/Unscheduled maintenance related to NFPA and/or NEVT Standards
- Preventive maintenance in accordance with NFPA and/or NEVT Standards

Computer based vehicle Maintenance Reporting System to be provided to Fire/Rescue facilities, as needed and requested by Town.

County will manage the maintenance program for Town's principal fire/rescue emergency response apparatus, and will coordinate the scheduling of preventative maintenance with the Town Fire Chief or designee. Town agrees to abide by County's daily inspection program and submit any findings of deficits immediately through the IBEM system. Additionally, those reports shall be submitted to the County on a monthly basis. Should the Town decline to proceed with any apparatus repair identified by the County, then, notwithstanding anything in this Agreement to the contrary, the Town shall be fully and solely responsible for any liability or claims, including any third party claims and County's cost of defense, arising from the use or operation of said apparatus, subject however, to the limitations set forth in Florida Statute 768.28. Should the Town disagree with the extent or cost of a repair directly relating to the safe operation of said vehicle, Town agrees to notify the County of such disagreement prior to the repair being made. Town shall take the affected unit out of service until such time as funds become available or the unit is permanently replaced. Any disagreement regarding the extent or cost of a repair arising under this provision shall be addressed in accordance with the conflict resolution provisions in Article III, Section 25, of this Agreement.

Section 2. Standards. All inspections and maintenance shall be in accordance with the following standards and specifications, as they may be amended:

NFPA 1071 – Standard on Emergency Vehicle Technician (EVT)

NFPA 1911 - Standard on Fire Apparatus Maintenance

NFPA 1915 Fire Apparatus Preventative Maintenance Program

Manufacturers' Specifications

Good principals and industry practices

Section 3. Repairs. If emergency repairs are required, Town shall immediately advise County and arrange for repair. County agrees to give priority to Town emergency repairs over preventive maintenance for County and Town vehicles. Town shall contact County in advance to schedule any non-emergency repairs.

Section 4. Preventive Maintenance. Town agrees to contact County in advance to schedule preventive maintenance of its fire-rescue apparatus in accordance with any preventive maintenance schedules identified by the County, or otherwise in accordance with any applicable maintenance schedules recommended by manufacturer specifications and NFPA standards, if any.

Section 5. Turn Around Time. County will make every reasonable effort to complete repairs and maintenance of vehicles within a reasonable period of time from delivery of vehicle to County, dependent upon availability of parts and the extent of repairs necessary.

Section 6. Warranty of Workmanship. County agrees to warranty its workmanship on services and repairs for a period of forty-five (45) days from completion of work; provided however, that the sole remedy for a defect in County's workmanship on services and repairs shall be limited, at the County's option, to either the County correcting the faulty service or repair to the extent necessary and reasonably practical, or the County reimbursing Town for the amount paid by Town to County for the faulty service or repair.

The County will process claims for manufacturers' parts warranties on parts it installs on Town vehicles, provided that the Town has taken all necessary action to register such warranties with the applicable manufacturers. Should such a claim be denied, for any reason or no reason, the County's sole obligation shall be limited to providing the Town with the appropriate claim and denial information. The Town shall be solely responsible for pursuing any further manufacturer warranty action it deems appropriate.

The Town shall inform County in writing of the details of any warranty claim for workmanship or parts. In addition, as manager of the Town's maintenance program, County will also monitor repair requests and advise the Town if such repairs or parts may be covered under warranty, provided that the Town has taken all necessary action to register such warranties with

the applicable manufacturers.

Section 7. Reporting. On a monthly basis, County shall provide to Town's Fire Chief, or designee, a report identifying each vehicle on which maintenance or repair service was performed during the course of the prior month, and containing a detailed listing of all parts installed, all services rendered, all labor hours and noting any technician observations and recommendations or warranty matters. This report is in addition to information provided on any invoice.

ARTICLE II: COMPENSATION

Section 1. Labor Rates. The County shall invoice the Town for vehicle maintenance and repair labor, inclusive of all administrative and overhead costs with no additional charge for overhead or labor (except as provided in Section 2), at the hourly labor rate listed as the Warranty Rate on the County's Rate Schedule for Warranty, Vehicle and Staff Charges in effect at the time of service. No other billing rates included on the County's Rate Schedule for Warranty Vehicle and Staff Charges shall apply. The Rate Schedule and Warranty Rate may be annually updated and amended by the County in its sole discretion (as referenced in Palm Beach County Fire Rescue Operational Procedure #VIII-1). The fiscal year 2012 hourly warranty labor rate is \$96.94, as set forth in the Rate Schedule for Fiscal Year 2012 attached hereto as **Exhibit A**.

Section 2. After Hours Call-Out Emergency Repairs. A three-hour minimum labor charge, at applicable Labor Rates established in Section 1 above, will apply to all emergency after hours call-out repairs. "After hours" shall mean any time before or after the usual and customary business hours and days of the Shop, and shall include, but not be limited to, Saturdays, Sundays, and County holidays. Upon request, the County will provide the Town with the Shop's current business hours and days, which may be revised by the County from time to time.

Section 3. Parts and supplies. The Town will be charged the County's actual cost for all parts and supplies plus 5%.

Section 4. Insurance Premium. Each month the Town shall pay to the County a proportionate share of the County's annual premiums for garage-keepers insurance and garage liability insurance relating to fire-rescue vehicle maintenance and repair services. The monthly amount due from the Town shall be equal to the County's annual premiums divided by the

number of contracted entities receiving fire rescue vehicle maintenance and repair services from the County, which may change from time to time, divided by twelve (12). This amount shall be adjusted by the County from time to time to reflect any change in the number of contracted entities receiving such services from the County and to reflect any actual increase or decrease in the County's premiums. It is anticipated that the monthly charge will be \$140.11 for fiscal year 2012. Any and all decisions regarding such insurance policies shall remain within the sole discretion of the County.

Section 5. Invoices. The County shall invoice the Town on a monthly basis for all service(s) provided during the month. Each invoice shall identify the vehicle serviced, the labor hours spent, the labor rate, charges for parts and supplies, and the monthly charge for insurance premiums. Payment by the Town shall be due forty-five (45) days after the Town's receipt of a proper invoice from the County. County shall direct invoices to the Town's Accounts Payable Division at:

Town of Palm Beach
Accounts Payable
360 South County Road, 1st Floor
Palm Beach, FL 33480

ARTICLE III: GENERAL CONTRACT TERMS

Section 1. Preambles: The facts set forth in the preambles to this Agreement are true and correct and are hereby reaffirmed by the parties.

Section 2. Representative and Contract Monitor: The County representative and contract monitor during the performance of this Agreement shall be the Deputy Fire Chief of Support Services, whose telephone number is (561) 616-7003. The Town representative and contract monitor during the performance of this Agreement shall be the Fire Chief, whose telephone number is (561) 838-5420.

Section 3. Employee Functions: No employee of either party to this Agreement shall perform any function, or service which is not within the employee's scope of duties as defined or determined by the employee's employer.

Section 4. Employee Claims, Benefits, etc.: No employee, officer, or agent of either party shall, in connection with this Agreement or the performance of services and functions hereunder, have a right to or claim any pension, workers' compensation, unemployment compensation, civil service, or other employee rights, privileges, or benefits

granted by operation of law or otherwise except through and against the entity by whom they are employed. No employee of either party shall be deemed the employee of the other, for any purpose, during the performance of services hereunder.

Section 5. No Assumption of Liability: Neither party to this Agreement nor their respective officers or employees shall be deemed to have assumed any liability for the negligent or wrongful acts or omissions of the other. Further, nothing herein shall be construed as a waiver of sovereign immunity.

Section 6. Insurance: Without waiving the right to sovereign immunity as provided by Section 768.28 Florida Statutes, the Town acknowledges to be self-insured for General Liability with coverage limits of \$200,000 per person and \$300,000 per occurrence and Automobile Liability coverage limits of \$100,000 Per Person and \$200,000 Per Occurrence under Florida sovereign immunity statutes; or such monetary waiver limits that may change and be set forth by the legislature.

In the event the Town maintains third-party Commercial General Liability and Business Auto Liability in lieu of exclusive reliance of self-insurance under Section 768.28 Florida Statutes, the Town shall agree to maintain said insurance policies at limits not less than \$500,000 combined single limit for bodily injury or property damage.

The Town agrees to maintain or to be self-insured for Worker's Compensation & Employer's Liability insurance in accordance with Chapter 440, Florida Statutes.

For the duration of this Agreement, the Town agrees to maintain automobile physical damage insurance covering those vehicles to be serviced by the County under this Agreement. The Town's coverage shall be primary for any damage that occurs to the Town's vehicles, including any damage while in the possession or custody of the County.

The Town hereby waives any and all rights of Subrogation against the County, its officers, employees and agents for each required policy, except in the event the County, its officers, employees or agents are negligent, in which case subrogation against the County shall apply. When required by the insurer, or should a policy condition not permit the Town to enter into a pre-loss agreement to waive subrogation without an endorsement, then the Town agrees to notify the insurer and request the policy be endorsed with a Waiver of Transfer of Rights of Recovery Against Others, or its equivalent. This Waiver of Subrogation requirement shall not apply to any policy which a condition to the policy specifically prohibits such an endorsement, or voids coverage should the Town enter into such an agreement on a pre-loss basis.

When requested, the Town shall agree to provide an affidavit or Certificate of Insurance

evidencing insurance, self-insurance and/or sovereign immunity status, which County agrees to recognize as acceptable for the above mentioned coverages.

Compliance with the foregoing requirements shall not relieve the Town of its liability and obligations under this Interlocal Agreement.

Section 7. Effective Date and Term: This Agreement shall take effect upon approval by all parties and continue for a term of ten (10) years, unless sooner terminated as provided herein.

Section 8. Notice of Termination: This Agreement may be terminated for any reason or for no reason by: (i) written mutual consent of both parties; or, (ii) by either party giving notice of desire to terminate no later than April 30th of any given year, to be effective on September 30th of that same year. Notwithstanding the foregoing, this Agreement shall not be terminated, except by mutual consent, prior to September 30, 2012.

Section 9. Assignment of Rights: Neither party shall assign, transfer or convey, in whole or in part, its rights, duties, or obligations without the prior written consent of the other.

Section 10. Modification and Amendment: No modification, amendment, or alteration in the terms or conditions of this Agreement shall be effective unless contained in a written document executed with the same formality and equality of dignity herewith.

Section 11. Equal Opportunity: The County and Town each warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, or gender identity or expression; and that no person shall, based on any of said grounds, be excluded from the benefits of, or be subject to any form of discrimination under, any activity carried out in the performance of this Agreement.

Section 12. Annual Appropriations: Each party's performance and obligations under this Agreement are contingent upon an annual budgetary appropriation by its respective governing body for the purposes hereunder.

Section 13. Records:

a. The County shall maintain all records relating to the services performed under this Agreement in accordance with Florida's public records law and until at least three year after the expiration or termination of this Agreement; provided however that upon the expiration or termination of this Agreement, the County shall turn over to the Town all the County's technical records directly relating to the County's maintenance and repair of the Town vehicles. The Town shall become the official custodian of these records. As custodian of these

records, the Town shall maintain the records in accordance with Florida's public records law and until at least three years after expiration or termination of this Agreement or three years after the life of the vehicle, whichever is later. The County shall be entitled to keep a copy of all such records.

b. For each Town fire-rescue vehicle serviced under this Agreement, the Town shall maintain all its records relating to the operation, maintenance and repair of said vehicle in accordance with Florida's public records laws and until at least three years after expiration or termination of this Agreement or three years after the life of the vehicle, whichever is later.

c. The records to be maintained under this Agreement shall include, but not be limited to, all financial and technical records and reports directly relating to the servicing of Town vehicles under this Agreement or otherwise to the operation, maintenance and repair of said vehicles. All records maintained under this Agreement shall be made available to the other party upon request and within a reasonable period of time.

d. Notwithstanding anything herein to the contrary, records meeting the legal requirements for destruction and the records retention requirements set forth herein may be destroyed by the custodian party provided that said party (i) gives the other party 30 days written notice identifying all records to be destroyed, and (ii) makes copies of said records available upon request of the other party, which request must be received at least 15 days prior to the scheduled destruction date.

e. In the event that the parties become involved in a legal dispute arising from performance under this Agreement, the parties shall extend the period of maintenance for all records relating to the Agreement until the final disposition of the legal dispute, and all such records shall be made readily available to the parties.

Section 14. Right to Audit. Each party, at its own expense, shall have the right to examine the other party's books, data, records and invoices directly or indirectly related to this Agreement upon reasonable notice, time and place. Such examination may be made during the life of a subject vehicle or equipment. Any disagreement between the parties arising under this provision shall be addressed in accordance with the conflict resolution provisions in Article III, Section 25, of this Agreement.

Section 15. Joint Preparation: The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not, solely or as a matter of judicial constraint, be construed more severely against one of the parties than the other.

Section 16. Remedies: This Agreement shall be construed by and governed by the laws of the State of Florida. Any and all legal action necessary to enforce the Agreement shall be held in Palm Beach County. TO ENCOURAGE PROMPT AND EQUITABLE RESOLUTION OF ANY LITIGATION, EACH PARTY HEREBY WAIVES ITS RIGHTS TO A TRIAL BY JURY IN ANY LITIGATION RELATED TO THIS AGREEMENT. No remedy herein conferred upon any party is intended to be exclusive of any other remedy and each and every remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

Section 17. Notice of Suits: Each party agrees to notify the other of any claim, or the initiation of any legal proceeding against it, which relates in any manner to the servicing of Town vehicles under this Agreement or otherwise to the operation, maintenance and repair of said vehicles. Each party will cooperate with the other in the defense of any suit or action arising out of, or related to, the services rendered under this Agreement.

Section 18. Notices: All written notices required under this Agreement shall be sent by certified mail, return receipt requested, and if sent to the County shall be mailed to:

Palm Beach County Fire Rescue
Fire Rescue Administrator
405 Pike Road
West Palm Beach, FL 33411

and if sent to the Town shall be mailed to:

Town of Palm Beach Fire Rescue Department
Fire Chief
300 North County Road
Palm Beach, FL 33480

Each party may change its address upon notice to the other.

Section 19. Captions: The captions and section designations herein set forth are for convenience only and shall have no substantive meaning.

Section 20. Filing: A copy of this Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

Section 21. Enforcement Costs: Any costs or expenses (including reasonable attorney's fees) associated with the enforcement of the terms and conditions of this Agreement shall be borne by the respective parties; provided, however, that this clause pertains only to the

parties to this Agreement.

Section 22. Delegation of Duty: Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of state, county, or Town officers.

Section 23. Severability: In the event that any section, paragraph, sentence, clause, or provision hereof is held invalid by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect.

Section 24. Survivability: Any provision of this Agreement that is of a continuing nature, or which by its language or nature imposes an obligation or right that extends beyond the term of this Agreement, shall survive the expiration or earlier termination of this Agreement.

Section 25. Conflict Resolution: Any dispute or conflict between the parties that arises from the provision of services under this Agreement shall be presented in writing to the respective Fire Chiefs or their designees. The Fire Chiefs, or designees, shall then meet to discuss the disputed issues and attempt in good faith to resolve the dispute or conflict prior to either party initiating the intergovernmental conflict resolution process provided for by Chapter 164, Florida Statutes.

Section 26. None of the provisions of this Agreement shall be construed to create any third-party beneficiary or to otherwise give any enforceable rights or benefits to anyone other than the parties to this Agreement.

Section 27. The parties agree that time is of the essence in the performance of each and every obligation under this Agreement.

Section 28. Force Majeure: County shall not be deemed in default or breach of this Agreement to the extent it is unable to perform, or to timely perform, due to an event of *Force Majeure*. For the purpose of this Agreement, *Force Majeure* shall mean and include any act of God, including severe weather conditions or impending severe weather conditions, accident, fire, lockout, strike or other labor dispute, riot or civil commotion, act of a public enemy, failure of transportation facilities, enactment, rule order or act of government or governmental instrumentality (whether domestic or international and whether federal, state or local, or the international equivalent thereof), failure of technical facilities, or any other cause of any nature whatsoever beyond the control of the County which was not avoidable in the exercise of reasonable care and foresight. Further, the Town specifically acknowledges that the County shall have no liability whatsoever for any damages or injuries due to a *Force Majeure*.

Section 29. Failure(s) to insist on strict performance of any covenant, condition, or provision of this Agreement by a party, its successors and assigns, shall not be deemed a waiver of any of its rights or remedies, nor shall it relieve the other party from performing any subsequent obligations strictly in accordance with the terms of this Agreement. No waiver shall be effective unless in writing and signed by the party against whom enforcement is sought. Such waiver shall be limited to provisions of this Agreement specifically referred to therein and shall not be deemed a waiver of any other provision. No waiver shall constitute a continuing waiver unless the writing states otherwise.

Section 30. Entirety of Agreement: This Agreement represents the entire understanding of the parties and supersedes all other negotiations, representations, or agreements, either written or oral, relating to this Agreement.

Section 31. Office of the Inspector General: Palm Beach County has established the Office of the Inspector General in Palm Beach County Code, Section 2-421 - 2-440, as may be amended. To the extent permitted by law, the Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the Town, its officers, agents, employees, and lobbyists in order to ensure compliance with contract requirements and detect corruption and fraud.

Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

[The remainder of page left blank intentionally]

IN WITNESS WHEREOF, the undersigned parties have caused these presents to be signed by
their duly authorized officers on the day and year first written above.

R 2012 04 57 MAR 20 2012

ATTEST:
SHARON R. BOCK,
Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

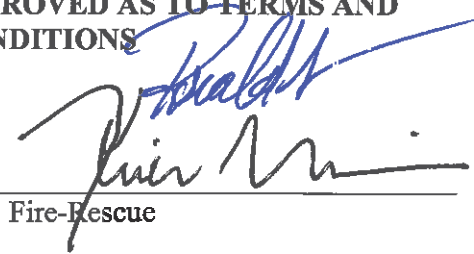
By: 
Deputy Clerk

By: 
Shelley Vana, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: 
County Attorney

By: 
Fire-Rescue

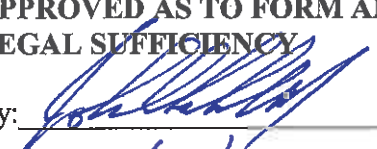
ATTEST:

TOWN OF PALM BEACH

By: 
Town Clerk

By: 
Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By:  Town Attorney

Date: 1/19/12

EXHIBIT A

**Palm Beach County Fire Rescue
Rate Schedule
Warranty, Vehicle and Staff Charges
Fiscal Year 2012**

<u>Type of Charge</u>	Hourly Rate
Warranty Rate	\$96.94
Vehicle Charges	
Engine	\$103
Haz Mat	\$195
Quint	\$230
Brush Truck	\$151
Tender	\$159
Rescue	\$30
Rescue/Pumper	\$55
Light & Air Truck	\$170
Staff Charges	
Firefighter (FF,PM,DO)	\$46
Company Officer	\$58
Chief Officer/District Chief	\$73
Investigator	\$54
Standard Staffing	
Engine	= one (1) Company Officer and two (2) Firefighters
Haz Mat	= two (2) Firefighters
Quint	= one (1) Company Officer and two (2) Firefighters
Brush Truck	= no additional personnel
Tender	= one (1) Firefighter
Rescue	= one (1) Company Officer and one (1) or two (2) Firefighters-depends on unit
Rescue/Pumper	= one (1) Company Officer and two (2) Firefighters

Additional charges may be required based on equipment damage/loss and personnel overtime and/or injuries.

All invoices will be based on half-hour increments. For example, a seventy-five minute call will be billed for one and one-half hours.

Details of calculations are available upon request.

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 121-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. in the amount of \$99,771 and a Project Budget of \$114,743 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 29, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 121-2020**
- ▣ **KHA Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve a Purchase Order to Kimley-Horn and Associates, Inc. in the Amount of \$99,771 and a Project Budget of \$114,743 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities, **Resolution No. 121-2020**

DATE: 29 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 121-2020, authorizing a purchase order to Kimley-Horn and Associates, Inc. in the amount of \$99,771 and a Project Budget of \$114,743 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities.

WHY THIS ACTION IS REQUIRED

Kimley- Horn and Associates, Inc. provides on-call consulting, permit compliance sampling and monitoring at the Town owned landfill facilities. Sampling, reporting and monitoring is a permit requirement and involves coordination with regulatory agencies to include FDEP, FDOH, SFWMD and Palm Beach County. Included in the proposal is the completion and filing of the Good Neighbor Report, Landfill Capacity Estimation and Waste Reduction Consulting.

GENERAL INFORMATION

Kimley-Horn and Associates, Inc. has been awarded this function for a period of years and has a great working relationship with the regulatory agencies. This relationship has proven to be beneficial to the Town.

FUNDING/FISCAL IMPACT

Funding for this service will be from the Public Works Budget.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Paul Brazil, Public Works Director
Eric Brown, P.E., Assistant Director of Public Works
Chet Purves, Services Division Manager
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 121-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND
ASSOCIATES, INC. IN THE AMOUNT OF \$99,771 AND A
PROJECT BUDGET OF \$114,743 FOR LANDFILL
COMPLIANCE AND SAMPLING FOR SKEES ROAD AND
OKEECHOBEE BOULEVARD LANDFILL FACILITIES**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 121-2020, authorizing a purchase order to Kimley-Horn and Associates, Inc. in the amount of \$99,771 and a Project Budget of \$114,743 for Landfill Compliance and Sampling for Skees Road and Okeechobee Boulevard Landfill Facilities.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



September 28, 2020

Mr. Dean Mealy
Town of Palm Beach
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

**RE: *Skees Road and Okeechobee Boulevard Landfill Facilities
2021 On-Call Consulting, Compliance Sampling and Monitoring Proposal***

Dear Dean,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for on-call consulting, permit compliance sampling and monitoring at the Skees Road and Okeechobee Boulevard Landfill Facilities. Our project understanding, scope of services, fee basis, and schedule follow.

Project Understanding

The Town of Palm Beach currently owns and operates two Class III landfills. The sites are located on Okeechobee Blvd. and on Skees Road. The operating permits for the landfills require yearly monitoring with reports that are to be submitted to the FDEP. Kimley-Horn will work with a subconsultant to perform the semiannual and biennial compliance sampling and prepare the monitoring reports for the 2021 permit year for both facilities.

The Town previously renewed the operating permits for both facilities. The sampling and monitoring requirements described in those permits will be performed under this Scope of Services. In 2012, the Town began a voluntary supplementary sampling program to compliment the compliance monitoring program for select parameters. This program will continue in 2021 in the form of two quarterly sampling events in the same manner as was performed in 2020.

The Town has also requested that Kimley-Horn provide assistance related to monitoring the volume of debris deposited at the sites each year in the form of photogrammetric surveying. The topography generated by the photogrammetry will be used to develop a three-dimensional surface that can then be compared to the closure surface of the landfill and the surface that was developed based on the aerial photogrammetry that was collected in January 2020. This information will allow the Town to better account for the volume of debris being placed at the sites each year along with more accurate forecasting of remaining landfill capacity.

The Town has requested that Kimley-Horn provide on-call consulting services at each of the landfill sites. These services may consist of the design of various improvements at the facilities, recommendations regarding the operations at each facility, and/or assistance with the maintenance of each facility.

Based on this understanding, a description of the proposed scope of services is presented below.

Scope of Services

Task 1A – Operating Permit Compliance Monitoring, Groundwater Testing and Reporting – Skees Road Facility

Kimley-Horn will employ the services of a subconsultant to perform groundwater sampling, testing and reporting in accordance with the Town's landfill operating permit conditions for the Skees Road Landfill site. Samples will be obtained for the on-site monitoring wells and analyzed as specified in Appendices 5 and 6 of the Operating Permits on a semi-annual basis in January and July of 2021.

A Report will be generated that describes the laboratory testing results for the sampling event at the facility. This report will be submitted to the Palm Beach County Health Department (PBCHD) as required by the operating permit conditions. Kimley-Horn will review the report prepared by the subconsultant prior to submission to the Town or the PBCHD and offer comments or recommendations as appropriate. Kimley-Horn staff will attend up to one (1) meeting with the Town to discuss the results of the supplemental sampling and analysis and will attend one (1) Town Council meeting to present the data, if required.

In accordance with Rule 62-701.510(7) F.A.C., if sampling parameters are detected at concentrations significantly higher than those concentrations normally expected for the site, or which are at levels above PBCHD/FDEP water quality standards or criteria specified in Chapter 62-520 F.A.C., Kimley-Horn may recommend to the Town that re-sampling be performed for confirmation purposes or recommend other appropriate alternative actions. Any re-sampling services or alternative actions shall be performed as additional services only after Kimley-Horn's receipt of written approval by the Town to perform such actions.

Task 1B – Operating Permit Compliance Monitoring, Groundwater Testing and Reporting – Okeechobee Blvd. Facility

Kimley-Horn will employ the services of a subconsultant to perform groundwater sampling, testing and reporting in accordance with the Town's landfill operating permit conditions for the Okeechobee Landfill site. Samples will be obtained for the on-site monitoring wells and analyzed as specified in Appendices 5 and 6 of the Operating Permits on a semi-annual basis in January and July of 2021.

A Report will be generated that describes the laboratory testing results for the sampling event at the facility. This report will be submitted to the Palm Beach County Health Department (PBCHD) as required by the operating permit conditions. Kimley-Horn will review the report prepared by the subconsultant prior to submission to the Town or the PBCHD and offer comments or recommendations as appropriate. Kimley-Horn staff will attend up to one (1) meeting with the Town to discuss the results of the supplemental sampling and analysis and will attend one (1) Town Council meeting to present the data, if required.

In accordance with Rule 62-701.510(7) F.A.C., if sampling parameters are detected at concentrations significantly higher than those concentrations normally expected for the site, or which are at levels above PBCHD/FDEP water quality standards or criteria specified in Chapter 62-520 F.A.C., Kimley-Horn may recommend to the Town that re-sampling be performed for confirmation purposes or recommend other appropriate alternative actions. Any re-sampling services or alternative actions shall be performed as additional services only after Kimley-Horn's receipt of written approval by the Town to perform such actions.

Task 1C – Good Neighbor Report – Skees and Okeechobee Facilities

In accordance with the Specific Conditions of the Operating Permits for both facilities, Kimley-Horn will prepare the Good Neighbor Program Annual Report for both the Skees and Okeechobee facilities for submittal to the PBCHD, PBC Fire Rescue, and the Solid Waste Authority. The Report will contain the following information:

- Pest Control Inspection Reports for the previous calendar year (provided by the Town)
- A labeled aerial photograph showing the following:
 - Landfill material cell locations
 - Footprint dimensions
 - Peak cell heights (in feet NGVD)
 - Descriptions of the areas of each cell where new material was deposited in the prior year.
 - Maximum depth of decomposing material for each cell
 - Location and minimum width of firebreaks and access roads
 - Water supply sources

The report will be submitted to the above listed entities by March 1, 2021 in accordance with the permit conditions.

Task 2A – Continued Supplemental Groundwater Monitoring – Skees Road Facility

Skees Road Site Supplemental Quarterly Monitoring

Supplemental Monitoring at the Skees Road landfill consists of bi-annual sampling and reporting for Arsenic, Chloride, Sodium and Ammonia that is in addition to the semi-annual sampling events described in Task 1 above. This work will occur in April and October of 2021. Kimley-Horn proposes to employ the services of a subconsultant to perform the sampling and reporting. Kimley-Horn will coordinate their efforts and review their reports prior to submittal to the Town and the PBCHD.

Task 2B – Continued Supplemental Groundwater Monitoring – Okeechobee Blvd. Facility

Okeechobee Boulevard Site Supplemental Quarterly Monitoring

Supplemental Monitoring at the Okeechobee Blvd. landfill consists of bi-annual sampling and reporting for Cadmium, Lead, Chloride, Sodium and Ammonia that is in addition to the semi-annual sampling events that are already underway at the site. This work will occur in April and October of 2021. Kimley-Horn proposes to employ the services of a subconsultant to perform the sampling and reporting.

Kimley-Horn will coordinate their efforts and review their reports prior to submittal to the Town and the PBCHD.

Task 3 – Landfill Capacity Estimation

Kimley-Horn will use topographical information collected under a separate authorization to develop an updated existing surface model of the Okeechobee and Skees facilities in AutoCAD Civil 3D. The closure elevation surfaces of each landfill that were previously developed will be overlaid onto the updated existing surface model. A three-dimensional cut/fill analysis will be performed using the Civil 3D program to estimate the remaining volumetric capacity in each landfill. Kimley-Horn will provide a copy of the photogrammetric map for each facility along with the results of the volumetric capacity analysis.

The estimated remaining life and capacity of the landfill facilities will be provided to the Palm Beach County Health Department by April 1, 2021 per Specific Condition #21 of the operating permits for both facilities.

Task 4 – Okeechobee Regulatory Consulting

Kimley-Horn will provide regulatory on-call consulting services related to the recent land lease that was approved for the Okeechobee Blvd. landfill property. It is envisioned that this task will predominantly consist of meeting attendance with the Town, Lessee, and/or the Palm Beach County Health Department / FDEP to provide advice to the Town concerning the existing operating permit for the facility and how the permit conditions will impact the future development of the site. The exact scope of services is unknown at this time, so we are providing an hourly budget for on-call services. We will not exceed this budget without written authorization from the Town. If services are required that exceed this task budget, we will provide the Town with a proposal for consideration and approval prior to proceeding with the work.

Task 5 – Skees Waste Reduction Consulting

Kimley-Horn will provide on-call consulting services related to waste reduction activities that the Town has initiated at the Skees Road facility. Waste reduction activities will be pilot tested for effectiveness as it is anticipated that the Okeechobee facility will not be available for waste in the future. It is anticipated that services will consist of meetings with the Town and Palm Beach County Health Department, revisions to the operations manual for Skees, review of waste reduction activities and research related to waste reduction techniques that could be tested at the site for effectiveness. The exact scope of services is unknown at this time, so we are providing an hourly budget for on-call services. We will not exceed this budget without written authorization from the Town. If services are required that exceed this task budget, we will provide the Town with a proposal for consideration and approval prior to proceeding with the work.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services.

Fee and Billing

KHA will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that the following budgets be established for these services.

Task 1A – Compliance Monitoring – Skees	\$23,361
Task 1B – Compliance Monitoring – Okeechobee	\$19,355
Task 1C – Good Neighbor Reporting	\$ 3,191
Task 2A – Supplemental Groundwater Monitoring - Skees	\$11,725
Task 2B – Supplemental Groundwater Monitoring - Okeechobee	\$ 9,980
Task 3 – Photogrammetric Mapping and Landfill Capacity Estimation	\$19,665
Task 4 – Okeechobee Regulatory Consulting	\$ 5,000
Task 5 – Skees Waste Reduction Consulting	\$ 7,500

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated July 10, 2019, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fee described above.

We appreciate the opportunity to provide these services to you. Please contact me at (561) 840-0820 or kevin.schanen@kimley-horn.com should you have any questions.

Sincerely,



By: Kevin Schanen, P.E.
Sr. Vice President

K:\WPB_Civil\General\Schanen\Proposals\Palm Beach\Landfill Monitoring\2021\Landfill 2021 Compliance Sampling Proposal.docx

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 123-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Order to Dana Safety Supply, Inc. in the Amount of \$30,000 and a Five Year Award of \$150,000 Contingent Upon Satisfactory Performance and Budget Authorization for Installation of Municipal Vehicle Equipment and Annual Extended Warranty for Genetec Mobile LPR Units.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 29, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 123-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to approve a purchase order to Dana Safety Supply, Inc. in the amount of \$30,000 and a five year award of \$150,000 contingent upon satisfactory performance and budget authorization for installation of municipal vehicle equipment and annual extended warranty for Genetec Mobile LPR units, **Resolution No. 123-2020**

DATE: 29 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 123-2020, authorizing a Purchase Order to Dana Safety Supply, Inc. in the amount of \$30,000 and a five year award of \$150,000 contingent upon satisfactory performance and budget authorization for installation of municipal vehicle equipment and annual extended warranty for Genetec Mobile LPR units.

WHY THIS ACTION IS REQUIRED

The Police Department utilizes Dana Safety Supply, Inc. for the following services:

- 1) Remove police equipment from an old car being removed from service
- 2) Install the removed equipment into a new patrol car
- 3) Install lights and siren in admin and undercover cars
- 4) Install Parking enforcement equipment
- 5) Gun storage vaults
- 6) All lighting, sirens for Police Department and Fire Rescue are purchased from Dana Safety Supply Inc. in addition to miscellaneous items like electronic trays, power timers and laptop stands.

Dana Safety Supply, Inc. also provides annual maintenance for the Genetec Hardware related to the mobile license plate readers.

GENERAL INFORMATION

The Town gained access to the contract for Dana Safety Supply, Inc. from a City of Miami contract which allowed the Town to piggyback. The end user of the contract note satisfactory performance.

FUNDING/FISCAL IMPACT

Funding for this service will be from the Police Department Budget.

POLICE REVIEW

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

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Nicholas Caristo, Police Chief
Will Rothrock, LT., Police Department
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 123-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO DANA SAFETY
SUPPLY, INC. IN THE AMOUNT OF \$30,000 AND A FIVE YEAR
AWARD OF \$150,000 CONTINGENT UPON SATISFACTORY
PERFORMANCE AND BUDGET AUTHORIZATION FOR
INSTALLATION OF MUNICIPAL VEHICLE EQUIPMENT AND
ANNUAL EXTENDED WARRANTY FOR GENETEC MOBILE
LPR UNITS.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 123-2020, authorizing a Purchase Order to Dana Safety Supply, Inc. in the amount of \$30,000 and a five year award of \$150,000 contingent upon satisfactory performance and budget authorization for installation of municipal vehicle equipment and annual extended warranty for Genetec Mobile LPR units.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 124-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, to Approve a Purchase Order to Blue Line Innovations in the Annual Amount of \$35,000 and Approve a Five Year Award in the Amount of \$175,000 Based on Satisfactory Performance and Budget Authorization.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 28, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 124-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve a Purchase Order to Blue Line Innovations in the Annual Amount of \$35,000 and Approve a Five Year Award in the Amount of \$175,000 based on Satisfactory Performance and Budget Authorization, **Resolution No. 124-2020**

DATE: 28 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 124-2020, approving a purchase order to Blue Line Innovations in the annual amount of \$35,000 and approve a five year award in the amount of \$175,000 based on satisfactory performance and budget authorization.

WHY THIS ACTION IS REQUIRED

As Purchasing has been reviewing all contracts and agreements as they are entered into the Contract Management Software, it was noted that for the period of FY20 and FY21, the award authority has now exceeded the Town Manager's Award Authority. With the inclusion of the FY21 purchase order, the amount committed is \$80,050.

The approval of the Purchase Order to Blue Line Innovations by Town Council will ensure compliance with Town Policy and Procedures.

GENERAL INFORMATION

The Police Department utilizes Blue Line Innovations for the purchase of uniforms. The Town is piggybacking the City of Lakeland Contract which both the City and the vendor approved offering the Town the same terms and conditions.

The Police Department is satisfied with both the product and the service provided to outfit officers.

FUNDING/FISCAL IMPACT

Funding for this service is from a Police Department Budget.

POLICE REVIEW

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

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Nicholas Caristo, Police Chief
Will Rothrock, Lt.
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 124-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA, TO
APPROVE A PURCHASE ORDER TO BLUE LINE
INNOVATIONS IN THE ANNUAL AMOUNT OF \$35,000 AND
APPROVE A FIVE YEAR AWARD IN THE AMOUNT OF
\$175,000 BASED ON SATISFACTORY PERFORMANCE AND
BUDGET AUTHORIZATION.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No.124-2020, to approve a purchase order to Blue Line Innovations in the annual amount of \$35,000 and approve a five year award in the amount of \$175,000 based on satisfactory performance and budget authorization.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 125-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Celebrity Cleaners of West Palm Beach for Uniform Services for the Police and Fire Departments in the Amount of \$20,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▢ **Memorandum Dated October 28, 2020, from Dean Mealy, Purchasing Manager**
- ▢ **Resolution No. 125-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to approve a Purchase Order to Celebrity Cleaners of West Palm Beach for Uniform Service for the Police and Fire Departments in the amount of \$20,000 for FY21, **Resolution No. 125-2020**

DATE: 28 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 125-2020 which would approve a Purchase Order to Celebrity Cleaners of West Palm Beach for Uniform Service for the Police and Fire Departments in the annual amount of \$20,000 for FY21.

WHY THIS ACTION IS REQUIRED NOW

As Purchasing has been reviewing all contracts and agreements as they are entered into the Contract Management Software, it was noted that Celebrity Cleaners of West Palm Beach has been issued purchase orders for Fire and for Police independently of one another. The amount spent from FY17 to FY20 was \$86,450.

Staff recommends that the Town Council authorize \$20,000 for these services for FY21. With the inclusion of the FY21 authorization, the total five-year contract (FY17 – FY21) for both departments is \$106,450.

The approval of the Purchase Orders to Celebrity Cleaners of West Palm Beach by Town Council will ensure compliance with Town Policy and Procedures

GENERAL INFORMATION

The Police and Fire Departments proceeded independently of one another for cleaning services of uniforms. It wasn't until Purchasing began combining all purchase orders into the Contract Management Software was this total expenditure noted.

A bid was issued in 2017 for services. This is the final year of the contract and a new solicitation will be issued for both departments with a combined Resolution request to Town Council.

This exercise of cleaning up contracts enables the Town to be in compliance with all policies and procedures,

FUNDING/FISCAL IMPACT

Funding will be from the Police and Fire Department Budgets.

POLICE AND FIRE DEPARTMENT REVIEW

This item has been reviewed by the Police Department and Fire Department and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Nicholas Caristo, Police Chief
Darrel Donatto, Fire Rescue Chief
Will Rothrock, Lt. Police Department
Stephanie Mavigliano, Administrative Specialist
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 125-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO CELEBRITY
CLEANERS OF WEST PALM BEACH FOR UNIFORM
SERVICES FOR THE POLICE AND FIRE DEPARTMENTS IN
THE AMOUNT OF \$20,000.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 125-2020, approving a Purchase Order to Celebrity Cleaners of West Palm Beach for Uniform Service for the Police and Fire Departments in the annual amount of \$20,000 for FY21.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 126-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Additional Funding to Spur Employment Inc. in the Annual Amount of \$524,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 29, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 126-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve Additional Funding to Spur Employment, Inc. in the Annual Amount of \$524,000, **Resolution No. 126-2020**

DATE: 29 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 126-2020 to approve additional funding to Spur Employment, Inc. in the annual amount of \$524,000.

WHY THIS ACTION IS REQUIRED

When ITB 2019-26 was issued for a contract period of October 1, 2019 through September 20, 2024, departments identified anticipated contract needs to support their respective department operations. Since the inception of the awarded contract, usage has increased to support vacancies vs. hiring a Town Employee or outsourced services that were cheaper to bring back in house with the supplement of a contract employee.

This action is required to support funding of contracted positions through the end of FY21 for three departments; Recreation, Police and Fire.

This action includes a contingency of \$100,000 for unforeseen vacancies or special projects.

GENERAL INFORMATION

When ITB 2019-26 was awarded, the Town went from paying a 37.27% markup to a 22% markup with Spur Employment Inc.

Contract employees receive no benefits from the Town. They are paid from the temporary agency.

The initial Resolution No. 92-2019 was awarded for \$449,400 annually. The Resolution was for five years based on satisfactory performance and annual budget authorization. The five year potential award was \$2,247,000.

A secondary Resolution No. 37-2020 for Spur Employment Inc. was approved in June 2020, for an additional \$123,575 to address parking enforcement contract employment.

Contract employees supplement the following operations:

- Contractual labor for Golf Course Pro Shop (both inside and outside staffing)
 - Approximately twelve (12) positions
- Contractual labor for Golf Course Maintenance
 - Approximately seven (7) positions
- Contractual labor for Club House Maintenance
 - Approximately one (1) position
- Contractual labor for Recreation Center
 - Approximately twelve (12) positions
- Contractual labor for Tennis Center
 - Approximately seven (7) positions
- Contractual labor for Mechanical and Vehicle Technician for Police
 - Approximately two (2) positions
- Contracted Lifeguards
 - Approximately two (2) positions
- Contracted Parking Enforcement Officers
 - Approximately four (4) positions

This will be the third Resolution to encompass all identified requirements for contract employees for the remainder of FY21. This same funding level for Spur Employment Inc. will be noted for FY22 and FY22 based on satisfactory performance and budget authorization. The new annual cumulative amount will be \$1,096,975.

This number is derived from the following:

Resolution No. 92-2019	Awarded Amount	\$449,400
Resolution No. 37-2020	Awarded amount	\$123,575
Proposed Resolution No. 126-2020	Requested Additional Funding of	<u>\$524,000</u>
New Annual Contract Amount		\$1,096,975

FUNDING/FISCAL IMPACT

Funding for these positions will respectfully be from the user department, Recreation, Fire and Police.

USER DEPARTMENT REVIEW

This item has been reviewed by Recreation, Fire and Police and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Carolyn Stone, Director Business Development and Operations
Darrel Donatto, Fire Rescue Chief & Director of Emergency Management
Nicholas Caristo, Police Chief
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 126-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING ADDITIONAL FUNDING TO SPUR
EMPLOYMENT INC. IN THE ANNUAL AMOUNT OF \$524,000**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 126-2020, approving additional funding to Spur Employment Inc. in the annual amount of \$524,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 127-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Resolution No. 83-2019 for Contract Inspections under the Plans, Review, and Inspection Services in the Annual Amount of \$140,000.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▢ **Memorandum Dated October 29, 2020, from Dean Mealy, Purchasing Manager**
- ▢ **Resolution No. 127-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve a Change Order to Resolution No. 83-2019 for Contract Inspections under the Plan, Review, and Inspection Services in the Amount of \$140,000 Annually, **Resolution No. 127-2020**

DATE: 29 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 127-2020, approving a Change Order to Resolution No. 83-2019 for Contract Inspections under the Plan, Review, and Inspection Services in the Amount of \$140,000 annually.

BACKGROUND INFORMATION

In 2019, Invitation to Bid No. 2019-30 was issued for Plan, Review, and Inspection Services. The award was made to the following six firms; C.A.P. Government, Inc., Diversified Building Department Management, Evans-Hughes Code Inspections, Inc., GFA International, Inc., Hy-Byrd Inspection Services, Inc. and M.T. Causley, LLC.

Based on the specialty of each firm, the Town has been utilizing Hy-byrd, C.A.P. Government, Inc., GFA International, Inc and Diversified Building Department Management.

The annual award of \$240,000 for all services and the respective allocation to firms was determined by PZB.

WHY THIS ACTION IS REQUIRED

The PZB Department has used contract inspectors and plan reviewers for years to supplement ever shrinking, but very busy, building staff. Jim Lydon is a full-time inspector from Hy-byrd, who works 40 hours a week and has been with the Town for many years. Recently, PZB filled a full-time position of plan reviewer with a part-time contract person from Diversified Building Department Management, who is currently working about 2 to 3 days per week. PZB also use contract inspectors from CAP and Hy-byrd daily in lieu of hiring a full-time inspector, currently a vacant position. Last year, PZB began using a part-time person with Hy-byrd to serve as the Town's construction site monitor, a person not providing building inspections, but focusing on site

screening and quality of life matters connected with construction sites.

As PZB experiences vacancies and ever increasing work demands, additional services have been requested of the firms awarded under Resolution No. 83-2019. Based on current spend, an additional \$140,000 is being requested for FY21.

FUNDING/FISCAL IMPACT

Funding for the Change Order will be from the Planning, Zoning and Building Department Budget.

PLANNING, ZONING AND BUILDING DEPARTMENT REVIEW

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

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Wayne Bergman, Director, Planning, Zoning and Building Department
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 127-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A CHANGE ORDER TO RESOLUTION NO. 83-
2019 FOR CONTRACT INSPECTIONS UNDER THE PLANS,
REVIEW, AND INSPECTION SERVICES IN THE ANNUAL
AMOUNT OF \$140,000.**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 127-2020 approving a Change Order to Resolution No. 83-2019 for Contract Inspections under the Plan, Review, and Inspection Services in the Annual Amount of \$140,000.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 128-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates Inc. for Plan Revisions and the Construction Phase Services Proposal for the A-6 Pump Station Improvements in the Amount of \$137,000 and a Project Budget of \$157,895.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated October 29, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 128-2020**
- ▣ **Kimley-Horn Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Resolution to Approve a Purchase Order to Kimley-Horn and Associates, Inc. for Plans Revisions and the Construction Phase Services Proposal for the A-6 Pump Station Improvements in the Amount of \$137,000 and a Project Budget of \$157,895, **Resolution No. 128-2020**

DATE: 29 October 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 128-2020, authorizing a Purchase Order to Kimley-Horn and Associates, Inc. for Plans Revisions and the Construction Phase Services Proposal for the A-6 Pump Station Improvements in the Amount of \$137,000 and a Project Budget of \$157,895.

WHY THIS ACTION IS REQUIRED

The A-6 Pumpstation is located in the Lake Dr. Park footprint and will support the Marina server room and backup power. Kimley Horn has previously completed the engineering design for the A-6 Pumpstation improvements. The addition of the server room and backup power upgrades for the Marina have been added to the project, therefore Kimley Horn was selected to make the required revisions. Modifications to the plans are required in order to move forward and complete this work while the marina construction is underway.

With long lead items and components anticipated for the project, the A-6 Pump Station is a FY21 Capital project that needs to be re-packaged, advertised and awarded as soon as possible in order to start in the spring of 2021. The A-6 Pumpstation backup generator (which is a long lead item) will support the Town Marina and the intent is to have the two projects completed concurrently.

FUNDING/FISCAL IMPACT

Funding for the Plans Revisions and the Construction Phase Services for this project is contained within the FY 2021 Pay As You Go Capital Improvement Plan.

PUBLIC WORKS REVIEW

This item has been reviewed by the Public Works and approved as recommended.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Paul Brazil, Public Works Director
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Duke Basha, Assistant Purchasing Manager
Eric Shibley, CPPB, Senior Buyer

RESOLUTION NO. 128-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND
ASSOCIATES INC. FOR PLAN REVISIONS AND THE
CONSTRUCTION PHASE SERVICES PROPOSAL FOR THE A-
6 PUMP STATION IMPROVEMENTS IN THE AMOUNT OF
\$137,000 AND A PROJECT BUDGET OF \$157,895**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 128-2020, approving a Purchase Order to Kimley-Horn and Associates, Inc. for Plans Revisions and the Construction Phase Services Proposal for the A-6 Pump Station Improvements in the Amount of \$137,000 and a Project Budget of \$157,895.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk



October 27, 2020

Mr. Dean Mealy
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *Plans Revisions and Construction Phase Services Proposal – A-6 Pump Station Improvements*

Dear Dean,

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “CONSULTANT”) is pleased to submit this proposal to The Town of Palm Beach (“TOWN” or “CLIENT”) for providing professional engineering services during the plan revisions and construction phase of the A-6 Pump Station Improvements in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

Kimley-Horn has recently completed the construction drawings and specifications for the A-6 Wastewater Pump Station Improvements that includes the D-6 Server Room Improvements, conduit and wire from A-6 to the Brazilian Dock electrical room and a new ATS within the Brazilian Dock electrical room. The Town is interested in bidding the A-6 Pump Station Improvements separately from the D-6 Server Room Improvements, conduit and wire from A-6 to the Brazilian Dock electrical room and a new ATS within the Brazilian Dock electrical room which will require revising the drawings and specifications for this separate scope of work. It is understood that the Town will advertise this scope of work soon to construct the improvements concurrent to the work at the docks. The Town has requested Kimley-Horn to provide construction phase services for the project. The project is expected to begin in February 2021 and have a duration of approximately 10 months.

Scope of Services

Plans and Specification Revisions

Kimley-Horn will revise the construction drawings and specifications to include only the scope of work which includes the A-6 Pump Station Improvements and remove the D-6 Server Room Improvements, conduit and wire from A-6 to the Brazilian Dock electrical room and a new ATS within the Brazilian Dock electrical room.

Construction Phase Services

We will provide construction phase services for the project for the purpose of providing assistance to the Town during construction. We will employ the services of an electrical subconsultant to perform the below services that are related to the electrical improvements. We believe this to be the level of services required to provide the required to determine if the project is being constructed in general

accordance with the plans and specifications. Our construction phase services and fees are based on a project duration of four months.

Pre-Construction Services. We will perform the following services prior to commencement of Work at the Site.

- We will attend a Pre-Construction Conference prior to commencement of Work at the Site.

Progress Meetings. Kimley-Horn will attend up to eighteen (22) bi-weekly progress meetings during the anticipated 10-month project construction duration.

Visits to Site and Observation of Construction. Kimley-Horn will provide on-site construction observation services during the construction phase. Kimley-Horn will periodically visit the site during the expected 10-month construction duration in order to observe the progress of the Work (up to 86 total site visits). Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Kimley-Horn's exercise of professional judgment. Based on information obtained during such visits and such observations, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work.

The purpose of our site visits will be to enable us to better carry out the duties and responsibilities specifically assigned in this Agreement to Kimley-Horn, and to provide the Town a greater degree of confidence that the completed Work will conform in general to the Contract Documents. Kimley-Horn shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor shall we have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Kimley-Horn neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

Clarifications and Interpretations. Kimley-Horn will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to Client as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by the Town.

Change Orders. Kimley-Horn may recommend Change Orders to the Town, and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

Shop Drawings and Samples. Kimley-Horn will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. It is anticipated that 40

submittals will be required for review. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

Substitutes and "or-equal." Kimley-Horn will evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities.

Inspections and Tests. Kimley-Horn may require special inspections or tests of Contractor's work as Kimley-Horn deems appropriate, and may receive and review certificates of inspections within Kimley-Horn's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. We anticipate providing a review of the following items during the course of the construction:

- We will provide field assistance during start up of the generator.
We will provide field assistance during start up of the ventilation system.

Kimley-Horn's review of such items will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Kimley-Horn shall be entitled to rely on the results of such tests and the facts being certified.

Applications for Payment. Based on its observations and on review of applications for payment and accompanying supporting documentation, Kimley-Horn will determine the amounts that Kimley-Horn recommends the Contractor be paid. It is anticipated that nine (9) applications for payment will be reviewed. Such recommendations of payment will be in writing and will constitute Kimley-Horn's representation to the Town, based on such observations and review, that, to the best of Kimley-Horn's knowledge, information and belief, Contractor's work has progressed to the point indicated and that such work-in-progress is generally in accordance with the Contract Documents subject to any qualifications stated in the recommendation. In the case of unit price work, Kimley-Horn's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.

By recommending any payment, Kimley-Horn shall not thereby be deemed to have represented that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Kimley-Horn in this Agreement. It will also not impose responsibility on Kimley-Horn to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, nor to determine that title to any portion of the work in progress, materials, or equipment has passed to the Town free and clear of any liens, claims, security interests, or encumbrances, nor that there may not be other matters at issue between the Town and Contractor that might affect the amount that should be paid.

Recommendations with Respect to Defective Work. Kimley-Horn will recommend to the Town that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Kimley-Horn believes that such work will not produce a completed Project that conforms generally to Contract Documents.

Substantial Completion. Kimley-Horn will, promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with the Town and Contractor, conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of the Town, Kimley-Horn considers the Work substantially complete, Kimley-Horn will notify the Town and Contractor. We anticipate completing the following items once the project is deemed substantially complete:

- We will review Record Drawings and Operation and Maintenance Manuals prepared by the selected contractor.

Final Notice of Acceptability of the Work. Kimley-Horn will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Kimley-Horn may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Kimley-Horn will also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Kimley-Horn's knowledge, information, and belief based on the extent of its services and based upon information provided to Kimley-Horn upon which it is entitled to rely. We will review and provide comments on the operation and maintenance manuals and project record drawings submitted by the contractor.

Limitation of Responsibilities. Kimley-Horn shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work. Kimley-Horn shall not have the authority or responsibility to stop the work of any Contractor.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Construction phase services including site visits, progress meeting attendance, pay application review, etc. for construction durations extending past those assumed in this proposal
- Surveying and Mapping
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements.

Information Provided by the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to Kimley-Horn by the Town during the project.

- Access to the site.

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule.

Fee and Billing

Kimley-Horn will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that a budget of \$137,300 be established for these services.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: David Walthall, P.E.
Senior Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\A-6 Pump Station\Construction Phase Services\A-6 Pump Station Improvements - Construction Phase Services 20201020.docx

TCM Backup 11-10-20

414

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Consent - Other

Agenda Title

Waiver to Town Code for Construction Hours and Noise for the D16 and D18
Stormwater Pump Station Improvements

Presenter

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

ATTACHMENTS:

- **Memorandum dated October 19, 2020, from H. Paul Brazil, P.E.,
Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

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

RE: Waiver to Town Code for Construction Hours and Noise for the D16 and D18 Stormwater Pump Station Improvements

DATE: October 19, 2020

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve the authorization of a waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 through 229, restrictions for construction hours, work during season, and lane closure, for the D16 and D18 Stormwater Pump Station Improvement Project.

GENERAL INFORMATION

The construction for the D16 Pump Station (west end of Jungle Road) and D18 Pump Station (west end of El Brillo Way) improvements are currently ongoing. The project started later in the construction season due to long-lead materials, and the project itself was bid multiple times. Work is anticipated to be completed early February 2021.

Staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for extended work hours and night-time work hours, as necessary, and approved by Public Works. Public Works staff will notify residents in the immediate area prior to any night-time activities, and issue a press release for the week.

Staff also recommends a waiver to the Noise Ordinance for those same night-time activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

FUNDING/FISCAL IMPACT

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

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Michael Roach, P.E., Project Engineer
Bret Madison, Water Resources Manager

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Consent - Other

Agenda Title

Request to Consider Ordinance No. 16-2020 at a Public Hearing Prior to 5:00 p.m.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated November 2, 2020, from Wayne Bergman, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Planning, Zoning & Building Director

Re: Request to Consider Ordinance No. 16-2020 at a Public Hearing Prior to 5:00 p.m.

Date: November 2, 2020

STAFF RECOMMENDATION

Staff recommends the Town Council conduct the public hearings on Ordinance No. 16-2020 at the Town Council meetings at which the proposed Ordinance is to be heard prior to 5:00 p.m. The proposed Ordinance will be heard on first reading at the November 13, 2020 meeting, and it is anticipated that the second reading will be on December 16, 2020.

GENERAL INFORMATION

Florida Statute 166.041 requires the Town Council hold at least one of two public hearings to adopt a comprehensive plan amendment or zoning amendment ordinance that changes the list of permitted, conditional or prohibited uses within a zoning district consisting of parcels of land involving ten acres or more after 5:00 p.m. However, the Statute provides that the time of hearing can be changed if a majority plus one of the local governing body elects to have a hearing at another time. Staff is requesting the Town Council elect to conduct the public hearings on Ordinance No. 16-2020 during the course of the normal Council business. The first reading of the proposed Ordinance will be on November 13, 2020. Second reading is anticipated to be on December 9, 2020. All public hearings may occur before 5:00 p.m.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Queenester Nieves, Town Clerk
Paul W. Castro, AICP, Zoning Manager
zf

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda Committee Reports

Agenda Title
Report of the Public Works Committee Meeting Held on Thursday, October 22, 2020.

Presenter
Danielle H. Moore, Chair

ATTACHMENTS:

- ▣ **October 22, 2020, Public Works Committee Meeting Report**



TOWN OF PALM BEACH

Town Clerk's Office

REPORT OF THE PUBLIC WORKS COMMITTEE MEETING HELD ON THURSDAY, OCTOBER 22, 2020

I. CALL TO ORDER AND ROLL CALL

The Public Works Committee meeting was called to order on October 22, 2020, at 9:30 a.m. in the Town Council Chambers. On roll call, all Committee members were found to be present.

II. PLEDGE OF ALLEGIANCE

Chair Moore led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Committee Member Lindsay added an item to the agenda under Any Other Matters, "Discuss the current condition of the median strips in the Landmarked Ficus Canopy Area."

It was the consensus of the Committee to approve the agenda with the amendments, as presented.

IV. COMMUNICATIONS FROM CITIZENS - None

V. TOWN OF PALM BEACH TRUCK REGULATION STUDY

Patricia Strayer, Town Engineer, provided background on the request from Town Council to complete a truck regulation study on how the large trucks access the Town. She explained Kimley-Horn & Associates completed the study and will present the information gathered.

Chris Heggen, P.E, Kimley-Horn, provided a presentation of the unrestricted movement of all legal vehicles on all streets within the Town and the issues that were created. Mr. Heggen elaborated in-depth on identifying the specific issues, the methodology and the data collected. He provided examples of other cities with truck restrictions and streets trucks should be using. In conclusion, Mr. Heggen provided

recommendations which touched on permitting of exceptions, codification, and education.

Discussion ensued regarding clarifications to be added to the study such as the following:

- specific numbers of trucks along with percentages,
- explanation of how certain intersections were selected for review,
- recommendation to consider the inclusion of one-way streets in the study,
- provide complete list of municipalities that were reviewed for similar ordinances or regulations,
- provide a potential cost of implementation.

In response to questions, Mr. Heggen provided clarification for the Committee on the data presented. Public Works Director Paul Brazil explained the next steps would be to make a recommendation to Town Council regarding the engineering, send the information to the Ordinance, Rules & Standards Committee (ORS) to discuss implantation, and subsequently staff would be able to provide an overall cost. Town Engineer Strayer explained the cities listed in the report were not the only cities reviewed, but are inclusive of the data that had regulations that would fit the Town's needs.

As a result of the discussion, Director Brazil provided direction to Kimley-Horn regarding revising the data to show volume in addition to the percentages starting on page 16 of their report and to list all the cities that were included in the case study review. He recommended that once the draft report was revised that the Committee accept the report, send it to Town Council for review and request review by ORS.

Committee Member Lindsay asked for clarification on the recommendation of the area north of Sunrise Avenue regarding truck prohibition.

In response, Director Brazil explained the recommendation is to regulate, not to prohibit.

Chair Moore requested that the Recommendation map used in the presentation be presented to Town Council in a landscape format for ease of understanding. Additionally, review again the one-way streets north of Royal Palm Way for restrictions of truck traffic.

It was the consensus of the Committee to send the Truck Regulation Study to Town Council, after the discussed revisions were completed and reviewed by each Committee member without holding another Public Works Committee Meeting.

VI. ONGOING CONSTRUCTION PROJECTS UPDATE 2020

Jason Debrincat, Senior Engineer, provided a brief PowerPoint summary on each active construction project within the Town as follows:

- D16/18 Stormwater Pumpstation – *challenging, ongoing*

- Seminole Avenue Drainage Improvements – *challenging, ongoing*
- Crescent Drive Stormwater Improvements – *kudos, complete*
- Sand Transfer Plant Rehabilitation – *started to pump sand, interior complete*
- South Fire Station Chiller Replacement - *complete*
- Undergrounding Phase 2 North Paving –*weather permitting, should stay on schedule for completion*
- City of West Palm Beach Paving Repairs – Watermain Related – *coordinating with Undergrounding Project & Marina Project, ongoing*
- Town Marina – *on schedule, maintaining public engagement, ongoing*
- Undergrounding – *ongoing*
- Pay-As-You-Go Capital Improvement Fund – *snapshot of projects*

Committee Members asked brief clarification questions, made comments and praised staff on some of the projects during the project summary provided by Mr. Debrincat.

Patricia Strayer, Town Engineer, reported additional information on the Undergrounding Phase 2 North Paving project. She explained the FPL telephone poles are currently being removed. They were set to be completed however, the wet weather conditions have delayed completion. Additionally, FPU has provided funds for 40% of the milling and resurfacing of the streets for the paving section of this project.

Committee Members requested the Town Marina Timelines document Mr. Debrincat presented to be included as part of the Marina back-up for Town Council.

VII. GREEN INITIATIVE/FICUS REMOVAL PROGRAM STATUS

Paul Colby, Facilities Maintenance Division Manager, provided an update on the progress pertaining to the Town's Green Initiative program. He explained the first four items of the memo in the back up are updates and specifically focused the review on the following:

- North County Road Ficus Canopy Treatments
- Alternate Treatments for Royal Palm Bug
- Bee Removal Program
- Nematode Activity at Town Hall
- Pythium Root Rot at Bradley Park
- Green Initiative Team

Division Manager Colby reported the Ficus Canopy continues to receive two treatments per year. Since the last Committee meeting, there were four trees removed from the canopy due to structural damage unrelated to white fly, but from hypoxylon canker. Staff is currently researching the existing Town Codes related to diseases to see if it is enforceable by Code Enforcement.

Discussion ensued regarding where the canker was coming from, how it is spread, how the trees are affected and how to remove it.

Division Manager Colby reported staff is currently working with the Town Arborist to look for alternate treatments of Royal Palm Bug and testing is being performed at the Town's nursery.

Division Manager Colby reported that staff has not had to eradicate any bees since the last Committee meeting and provided a description of how the removal process works.

Division Manager Colby reported there has been Nematode activity at Town Hall Square. Since no alternative treatment for Nematodes exists, staff treats this area with chemicals when needed and are responsible with treatments.

Division Manager Colby reported Bradley Park and the Living Wall are experiencing occasional outbreaks of the turf disease, Pythium Root Rot, due to drainage during heavy periods of rain. Currently, the Living Wall turf replacement project has been delayed due to the wet weather. After the Bradley Park renovation, there have been some issues. Staff plans to use extra fill from the Bradley Park Title Garden project to remedy the areas that need attention.

Division Manager Colby reported the Town has assembled a Green Initiative Team (GIT). He explained who is involved and the team's goals, which will be to provide structure and focus on policies and initiatives in order to successfully enhance the Town.

Discussion ensued briefly regarding the payment of the Tidal Garden project for Bradley Park from the Garden Club.

No additional questions or comments were discussed on these items.

VIII. CISTERN UTILIZATION

Town Engineer Strayer provided some background regarding our contract with West Palm Beach, the discussion of performing a Water Supply Feasibility Study looking for alternatives to a water supply to the Town and explained that staff has researched Town Code for information on cisterns.

Director Brazil briefly reviewed the research of our Town Codes regarding cisterns explaining that they are permissible, typically cisterns are located on private property, and currently the Town has zero on Town property.

Committee Member Lindsay added that there is one significant cistern on private property and commented on the wide use of them in island communities. She suggested that staff look for opportunities to identify properties where a cistern is applicable and educate residents to help with interest. She explained how useful cisterns are with irrigation, noting that 65% of the Town's water usage is irrigation.

Chair Moore suggested thinking about involving landscape architects to help raise awareness quickly.

Discussion ensued regarding where a cistern would be placed, how they work and how to maintain it.

IX. ANY OTHER MATTERS

A. East Coast Regional Treatment Plant

Chair Moore commented on receiving pollution notices from Palm Beach County in regard to the East Coast Regional Treatment Plant (ECR). She requested to add this item to the next agenda, a brief update on the plant and what the Town is responsible for.

Director Brazil provided background on the regional sewer treatment plant. He provided information on the ownership and the operator of the plant, the project challenges surrounding the plant, the structural decline and need for improvements.

Discussion ensued briefly on alternatives to the current contract, how to staff the plant, moral and retention among employees.

It was the consensus of the Committee to put an update of the East Coast Regional Treatment Plant on the next Public Works Committee agenda for further discussion.

B. Discussion Regarding the Current Condition of the Median Strips in the Landmarked Ficus Canopy Area

Committee Member Lindsay brought to the attention of the Committee the damage of truck tire marks to the median strips in the Landmarked Ficus Canopy area. She presented some photos of the damage to the Committee and staff to place in the record. Additionally, she requested that staff research alternatives to address this area besides using sod.

Discussion ensued regarding shade in the area, how to improve this area, shade loving plants, and possible drainage project when Undergrounding is in that area.

It was the consensus of the Committee to put an update regarding improvement possibilities and condition of the Median Strips on the Landmarked Ficus Canopy Area on the next Public Works Committee agenda for further discussion.

X. ADJOURNMENT

There being no further comments, the Public Works Committee meeting of October 22, 2020 was adjourned at 11:02 a.m.

APPROVED:

Danielle H. Moore, Chair

PREPARED BY:

Antonette Fabrizi, Board Clerk

ATTEST:

Queenester Nieves, MBA, CMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project

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

Steve Stern, Project Manager

Presenter

ATTACHMENTS:

- ▣ **a. Review of Project and Dashboard, Summary of Project Status**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

To: Mayor & Town Council

Via: Kirk W. Blouin, Town Manager

From: Steven Stern, Underground Utilities Project Manager

Re: Utility Undergrounding Project Status Report

Date: October 29, 2020

I. COMMUNICATIONS:

A. Community Meetings:

Coffee with the Crew meetings are cancelled until further notice.

B. Significant Postal Mail or E-mail

Phases 7 & 8:

Phases 7N, 7S and 8 property owners were advised of FPL meter locates occurring in November and December. ~ 500 post cards were mailed by TMO during the last week of October. PB Police was advised of the planned activity.

II. PROGRESS SUMMARY:

A. Construction Progress:

Phase 1 North:

From the Inlet south to Onondaga Ave.

- Complete, March 30, 2019

Phase 1 South:

From southern Town limits north to Sloan's Curve.

- Complete, April 3, 2020

Phase 2 North Construction:

From Esplanade Way to Ocean Terrace.

- Complete, October 29, 2020
- Easement Abonnement will be on the Dec TC Agenda

Phase 2 South Construction:

From Sloan's' Curve to the intersection of S. Ocean Blvd & S. County Road

- Phase 2 South, the project is 25% complete.
- The crews are working in the area of the Southern Blvd traffic circle.

Phase 3 North Construction:

From Osceola Way to the north side of La Puerta Way

- Phase 3 North, the project is 84% complete.
- ATT & Comcast install activities are in progress.

Phase 3 South:

From S. Ocean Blvd & S. County Road to the Alleyway south of Worth Ave.

- Town & Burkhardt held a preconstruction meeting Oct 21, 2020.
- Burkhardt to develop construction schedule.
- Phase 3 South construction has not started - 0% complete.
- Town continues to pursue remaining outstanding easements.
- One (1) Chicane is planned on Via Marina.

B. Design & Easement Progress:**Phase 4 North:**

From south side of La Puerta Way to north side of List Road.

- Design is 92% complete
- 59 of 61 easements are recorded or verbally approved.
- Bid package availability is approaching completion.
- 5 Chicanes are planned, which support:
 1. Colonial Lane
 2. Monterey Road (West)
 3. Monterey Road (East)
 4. Orange Grove Road
 5. List Road

UUTF Action Item:

Demonstration chicanes will be deployed in locations 1, 2, 4 and 5, complete with required signage and temporary barriers. A potential solution to location 3 is being negotiated.

Phase 4 South:

From Peruvian Ave north to Royal Palm Way & the Town Docks.

- Design is 68% complete.
- 53 of 62 easements are recorded or verbally approved.
- Easement acquisition is behind schedule – Master Plan start was May 2020.
- The “Phase 4 South Right of Way Equipment Placement” presentation reviewed with the UUTF on October 7, 2020 is provided at the end of this report.

UUTF Action Item:

A sample transformer will be deployed in the right of way (utility strip) adjacent to 134 Australian Ave. The sidewalk will be modified and landscape provided.

UUTF Action Item:

Develop a comprehensive rendering illustrating street impact for right of way deployments proposed for Phase 4 South. The rendering will be developed for the 100 block of Australian Ave where eight (8) transformers are planned for the right of way.

UUTF Action Item:

The UUTF requested staff to investigate if the Town may impose an incremental, targeted special assessment specifically to property owners not supporting the undergrounding program who create additional incremental cost or added complexity for delivery of the program. Staff consulted the Town Attorney who did not support this option.

Phase 5 North:

From Country Club Road to Southland Road.

- Design is 45% complete and on schedule.
- 36 of 102 easements are recorded or verbally approved.
- Start of Construction planned for May 2021.

Phase 5 South:

From South Lake Drive/Hibiscus Ave & Peruvian Ave/Royal Palm Way, properties between the Intracoastal waterway and the Atlantic Ocean & from Royal Palm Way to Seaspray Ave.

- Design is 36% complete and on schedule.
- 25 of 94 easements are recorded or verbally approved.
- Start of Construction planned for May 2021.

Phase 6 North:

From Chateaux Drive & Kawama Lane to the south side of Plantation Road.

- Design is 22% complete and on schedule.
- Preparing for start of easement acquisition.

Phase 6 South:

Seaspray Ave to the south of Royal Poinciana Way.

- Design is 21% complete and on schedule.
- Preparing for start of easement acquisition.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road.

- Design funded October 2020.

Phase 7 South:

Atlantic Ave north to Via Los Incas & Sanford Ave

- Design funded October 2020.

Phase 8:

Royal Poinciana Way north to Everglade Ave

- Design funded October 2020.

III. FINANCIAL SUMMARY:**A. FEMA Grant Update:**

On July 22, 2020, the Town submitted to the Florida Department of Emergency Management its Phase 5 budget modification and period of performance extension request.

- The Town reported the revised project budget for the updated Kimley-Horn Engineer's Opinion of Cost (OPC) as presented to the Town Council Dec 10, 2019 based on actual costs of construction for phases of the project completed and in progress. This information was more accurate and was not available when the Town applied for the original grant.

FL DEM and FEMA review and response of the revised project budget is in progress. A reply is expected December 2020.

- A Period of Performance (PoP) extension to the grant contact was submitted. The Town requested a contract extension until May 2023. Phase 5 of the project requires an estimated 2 year construction timeline with start of construction planned for May 2021.

FL DEM review and response of the revised PoP is in progress. A reply is expected December 2020.

B. Project Budget Summary:

Updates include processing of vendor pay applications for design, direct material purchases and work performed in active phases. The full underground utility project financial report is provided within your backup package with the summary page shown immediately below.

**Underground Utility Project Budget
Project Financial Summary
October 31, 2020**

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,824,617	\$ 12,885,773	100.5%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,907,271	\$ 7,120,307	55.2%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 15,754,223	\$ 5,795,300	36.8%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 1,370,379	\$ 1,095,596	79.9%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 1,698,543	\$ 712,892	42.0%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 1,885,264	\$ 438,414	23.3%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 1,583,331	\$ 216	0.0%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,378,643	\$ 34	0.0%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 49,402,272	\$28,048,531	56.8%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 980,414	\$ 980,414	\$ 920,796	93.9%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 120,885,059	\$ 50,382,686	\$28,969,327	57.5%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 6,098,350	\$ 6,830,814	112.0%
Total Other Costs Outside Underground Budget (Page 8)			\$ 1,158,567	\$ 2,082,597	179.8%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 120,885,059	\$ 51,541,253	\$31,051,924	60.2%

Total Project Budget - Opinion of cost for construction	\$ 120,885,059
% Budgeted/Encumbered To Date Project Costs	41.68%
% Spent to Date - Project Costs	23.96%

cc: Paul Brazil, Public Works Director
Patricia Strayer, Town Engineer
Jane LeClainche, Finance Director
Kevin Schanen, Kimley-Horn & Associates



Underground Utility Project Monthly Progress Report November 2020

Table of Contents

Dashboard – Phase 2, 3 Construction & Phase 3, 4, 5, 6, 7, 8 Design

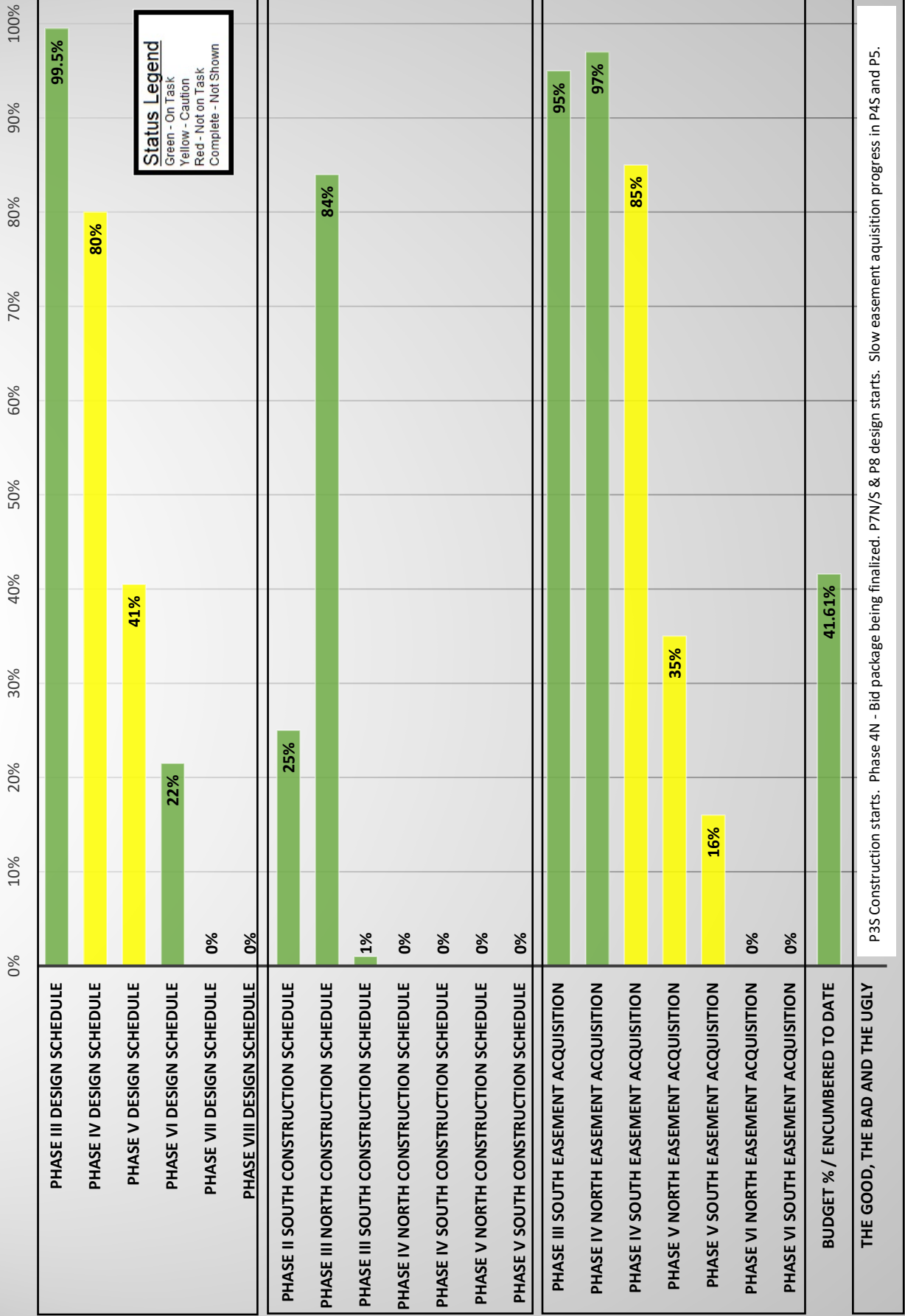
1. Townwide Undergrounding - Phasing & Sequencing Program Map
2. Kimley-Horn - Design
Progress Reports - Phase 3 - 8
Gantt Charts - Phase 3 - 8
3. Burkhardt Construction
Executive Summary & Schedule - Phase 2N, 2S, 3N, 3S
4. Project Financial Report
5. Interest Rate Forecast

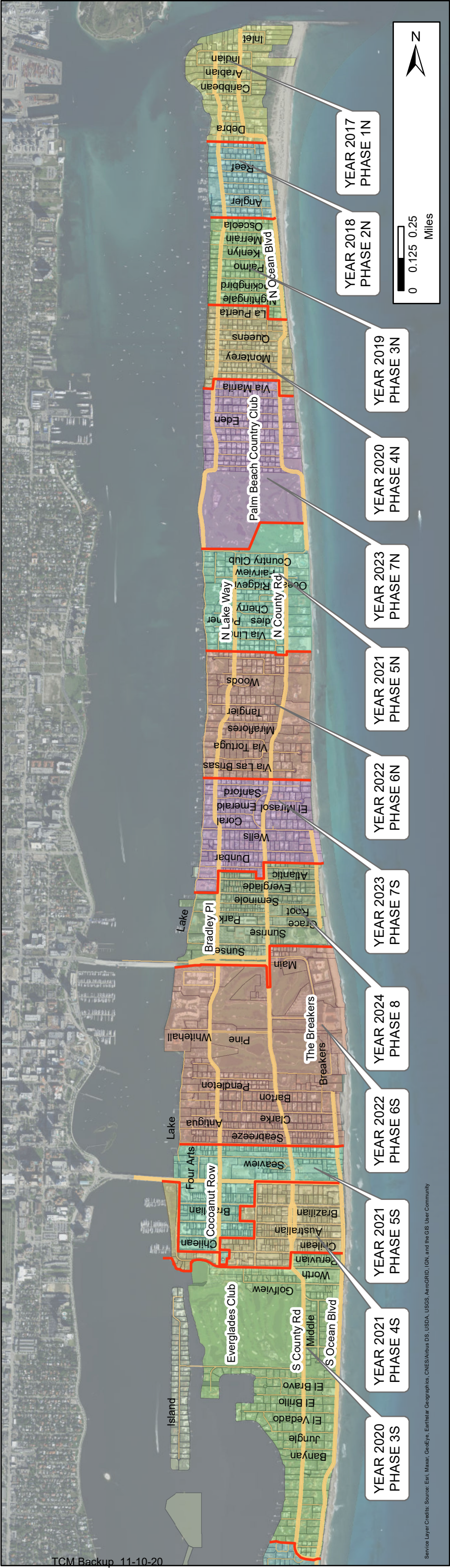
Dashboard Notes:

Total Project Budget - Opinion of cost for construction: \$121,085,059

Prepared by the TMO & Finance Departments
Oct 27, 2020

Town of Palm Beach - Underground Utility Project Dashboard - November 2020





Townwide Undergrounding Program Design & Construction Schedule

Actual

Master Plan Revised Sept 2020

Phase Area	Design Start	Construction Start	End - Pole Removal	Design Start	Construction Start	End - Pole Removal
Phase1N	Dec-2016	Jun-2017	Jun-2019	Dec-2016	Jun-2017	Jun-2019
Phase1S	Dec-2016	Jun-2017	Jun-2019	Dec-2016	Jun-2017	Jan-2020
Phase2N	Jun-2017	Jul-2018	Feb-2020	Jun-2017	Jul-2018	Oct-2020
Phase2S	Jun-2017	May-2019	Dec-2020	Jun-2017	Nov-2019	Nov-2021
Phase3N	Nov-2017	May-2019	Jan-2021	Nov-2017	Nov-2019	Oct-2021
Phase3S	Nov-2017	May-2019	Apr-2021	Nov-2017	Sep-2020	Sep-2022
Phase4N	Jun-2018	May-2020	Feb-2022	Jun-2018	Dec-2020	Dec-2022
Phase4S	Jun-2018	May-2020	Mar-2022	Jun-2018	May-2021	May-2023
Phase5N	May-2019	May-2021	Apr-2023	May-2019	Sep-2021	Sep-2023
Phase5S	May-2019	May-2021	May-2023	May-2019	Sep-2021	Sep-2023
Phase6N	May-2020	May-2022	Feb-2024	Nov-2019	May-2022	Feb-2024
Phase6S	May-2020	May-2022	Apr-2024	Nov-2019	May-2022	Apr-2024
Phase7N	May-2021	May-2023	Feb-2025	Nov-2020	May-2023	Feb-2025
Phase7S	May-2021	May-2023	Mar-2025	Nov-2020	May-2023	Mar-2025
Phase8	May-2022	May-2024	Mar-2026	Nov-2020	May-2024	Mar-2026



**Town-Wide Undergrounding - Phase 3 Undergrounding
KHA Project #044063215
October 2020 Progress Report
Period: September 20, 2020 to October 22, 2020**

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 3 North Design is 100% complete
 - Phase 3 South Design is 99% complete
- Budget: Project is on budget as of September 15, 2020
 - Phase 3 North Design is at 100% of total task budget
 - Phase 3 South Design at 98% of total task budget
- Easement Status
 - Phase 3 North: 100% (36/36) easements approved
 - Phase 3 South: 95% (89/94) easements approved

B. Detailed Design Phase

- o Progress Meeting Attendance
- o Continued coordination with FPL regarding issuance of Final Design Plans
- o Completed and submitted the Issued for Construction plan set for Phase 3 South
- o Continued development of Phase 3 South easement exhibits and submittal to Town.
- o Site meetings with property owners to discuss easement requests in Phase 3 South.
- o Development of legal sketches and descriptions for Phases 3 South.

II. Upcoming Activities (October 23, 2020 – November 22, 2020)

A. Detailed Design Phase

- o Continued Easement meetings with property owners – Phases 3 South
- o Progress Meeting Attendance

Town-Wide Undergrounding - Phase 4 Undergrounding

KHA Project #044063219

October 2020 Progress Report

Period: September 21, 2020 to October 22, 2020

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 4 North Design is 92% complete*
 - Phase 4 South Design is 68% complete*
- Budget: Project is on budget as of September 15, 2020
 - Phase 4 North Design is at 94% of total task budget
 - Phase 4 South Design at 74% of total task budget
- Easement Status
 - Phase 4 North: 97% (59/61) easements approved
 - Phase 4 South: 85% (53/62) easements approved.

*Easement progress has caused the schedule to fall behind for both phase areas.

B. Detailed Design Phase

- o Subconsultant coordination related to Phase 4 Undergrounding
- o Continued development of Equipment Locations and Conduit Plans for Phase 4 North and South.
- o Performed field work to obtain information for equipment placement based on easement meetings with property owners.
- o Continued review of FPL, Comcast, and AT&T Conduit and Equipment Plans, coordination with FPL, Comcast, and AT&T regarding design modifications.
- o Development of Phase 4 North Landscape Plans
- o Finalize coordination with Town and FPL for switch placement in the D-10 area.
- o Development and delivery of easement exhibits to the Town for Phases 4 North and South.
- o Progress Meeting Attendance
- o Meetings and site visits with property owners to discuss easement requests

II. Upcoming Activities (October 23, 2020 – November 22, 2020)

A. Detailed Design Phase

- o Continued coordination with utility owners to refine the design.
- o Continued development and submittal of easement exhibits for Phases 4 North and South.
- o Continued development of Equipment Location and Conduit Plans for Phase 4 South, bid plan submittal for Phase 4 North.
- o Continued development of Landscape Plans
- o Meetings and site visits with property owners to discuss easement requests.
- o Commercial Service sizing.
- o Progress Meeting attendance.



Town-Wide Undergrounding - Phase 5 Undergrounding
KHA Project #044063229
October 2020 Progress Report
Period: September 26, 2020 to October 25, 2020

I. Scope Update

A. General

- **Schedule:** Project schedule progress is shown below
 - Phase 5 North Design is 45% complete
 - Phase 5 South Design is 36% complete
- **Budget:** Project is on budget as of October 15, 2020
 - Phase 5 North Design is at 48% of total task budget
 - Phase 5 South Design is at 47% of total task budget
- **Easement Status**
 - Phase 5 North: 35% (36/102) easements approved
 - Phase 5 South: 16% (15/94) easements approved

B. Detailed Design Phase

- Developed conduit routing plans
- Coordinated with utility companies, sub-consultants, and Town
- Attended property owner meetings, prepared easement exhibits, and provided legal sketches & descriptions
- Participated in construction manager selection process
- Presented at Underground Utilities Task Force meeting
- Led design meeting with utility companies, sub-consultants, and Town
- Led easement meetings with sub-consultants and Town
- Led coordination meetings with sub-consultants

II. Upcoming Activities (October 26, 2020 – November 25, 2020)

A. Detailed Design Phase

- Develop conduit routing plans
- Coordinate with utility companies, sub-consultants, and Town
- Attend property owner meetings, prepare easement exhibits, and provide legal sketches & descriptions
- Lead design meeting with utility companies, sub-consultants, and Town
- Lead easement meetings with sub-consultants and Town
- Lead coordination meetings with sub-consultants



Town-Wide Undergrounding - Phase 6 Undergrounding
KHA Project #044063247
October 2020 Progress Report
Period: September 26, 2020 to October 25, 2020

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below
 - Phase 6 North Design is 22% complete
 - Phase 6 South Design is 21% complete
- Budget: Project is on budget as of October 15, 2020
 - Phase 6 North Design is at 21% of total task budget
 - Phase 6 South Design is at 24% of total task budget
- Easement Status
 - Phase 6: N/A, will provide status when this work begins

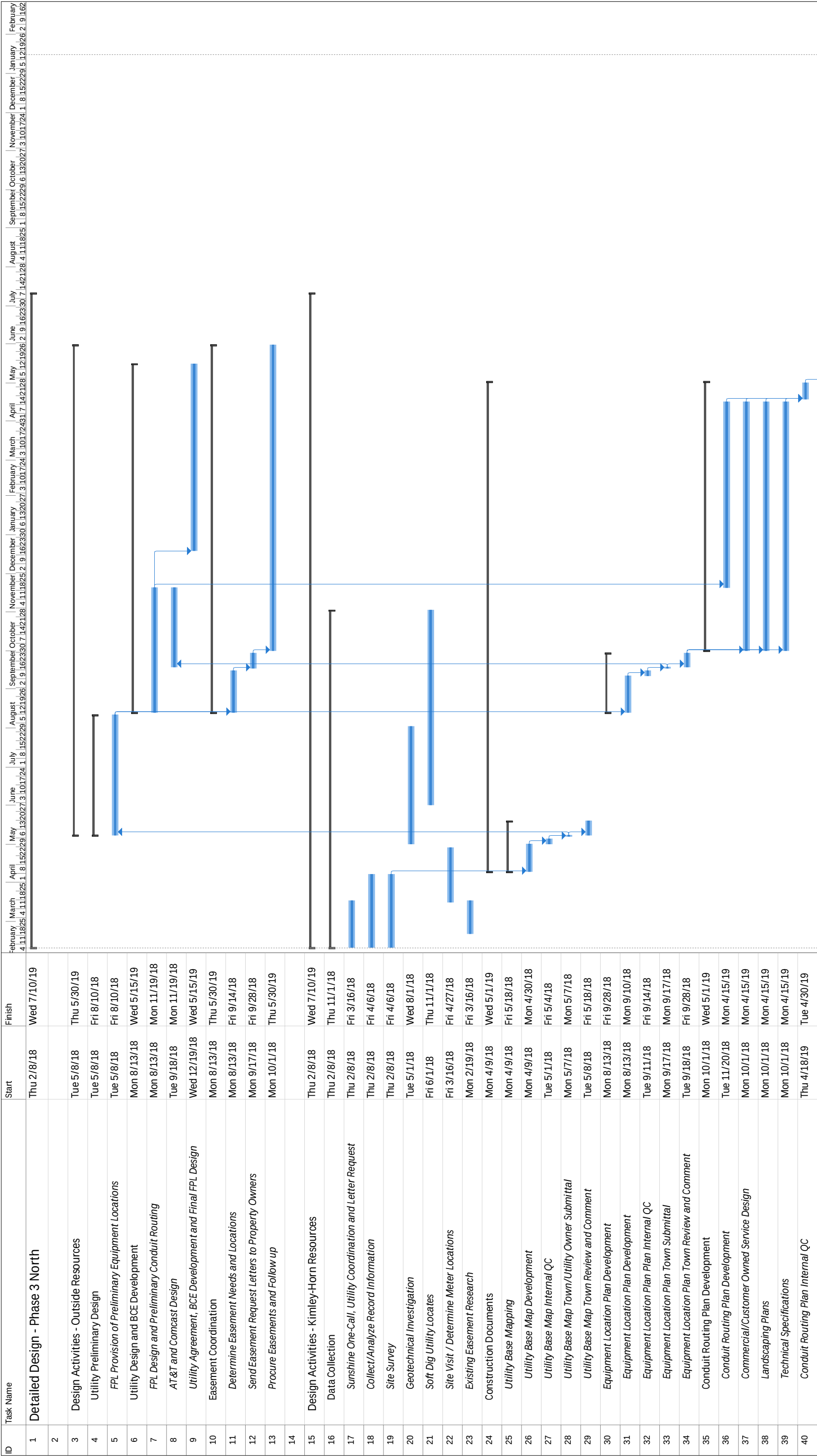
B. Detailed Design Phase

- Received preliminary equipment locations from FPL
- Developed equipment tracking spreadsheets
- Developed conduit routing plans
- Coordinated with utility companies, sub-consultants, and Town
- Attended meetings at The Breakers
- Led coordination meetings with sub-consultants

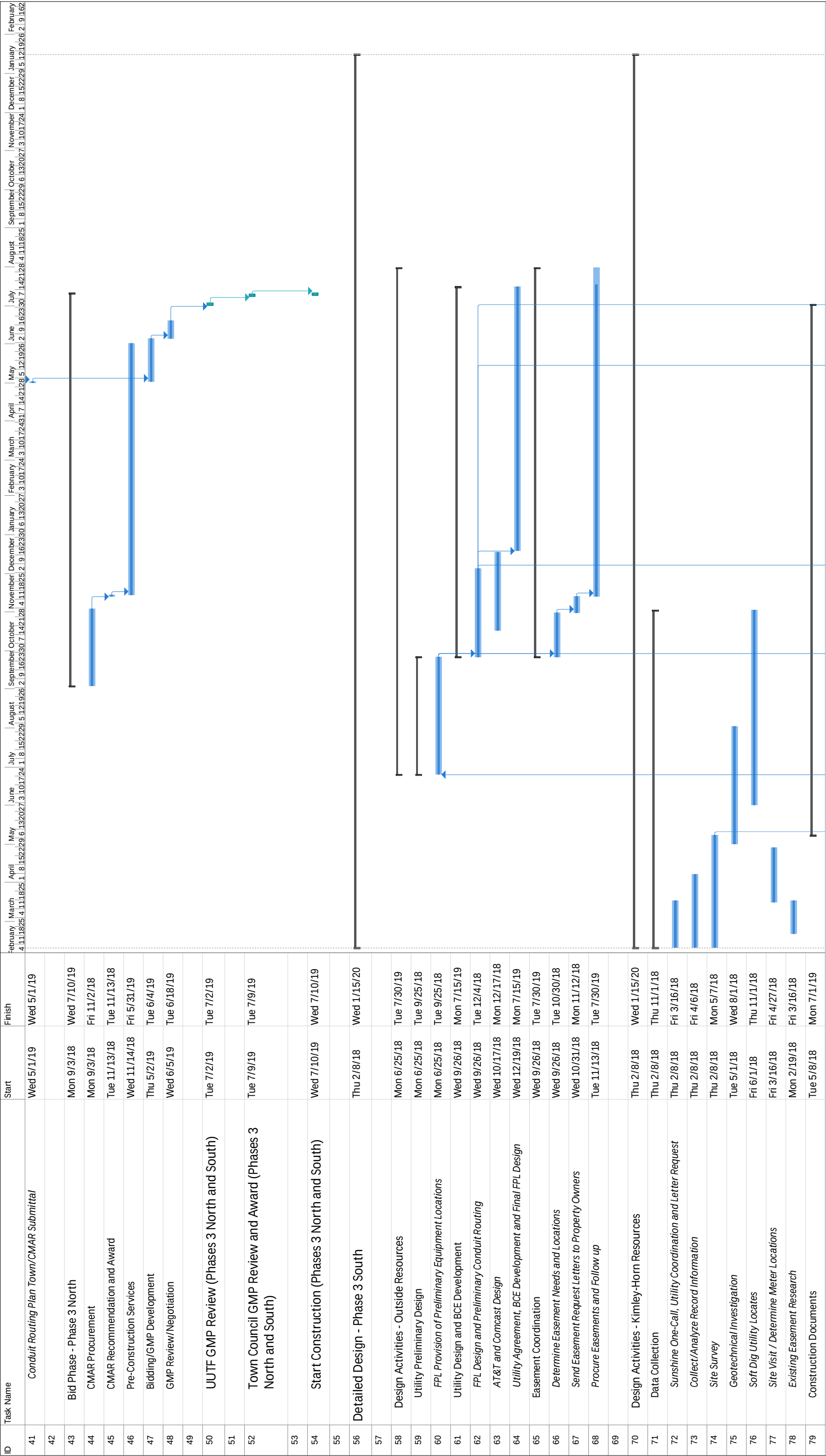
II. Upcoming Activities (October 26, 2020 – November 25, 2020)

A. Detailed Design Phase

- Develop equipment tracking spreadsheets
- Coordinate with utility companies, sub-consultants, and Town
- Attend property owner meetings, prepare easement exhibits, and provide legal sketches & descriptions
- Lead coordination meetings with sub-consultants



TCM Backup 11-10-20



ID	Task Name	Start	Finish	February 4 111825	March 4 111825	April 1 8 152229	May 6 132027	June 3 101724	July 1 8 152229	August 5 121926	September 2 9 162330	October 7 142128	November 4 111825	December 2 9 162330	January 6 132027	February 3 101724	March 3 101724	April 7 142128	May 5 121926	June 2 9 162330	July 7 142128	August 4 111825	September 1 8 152229	October 6 132027	November 3 101724	December 1 8 152229	January 5 121926	February 2 9 162330
80	Utility Base Mapping	Tue 5/8/18	Mon 6/18/18																									
81	Utility Base Map Development	Tue 5/8/18	Tue 5/29/18																									
82	Utility Base Map Internal QC	Wed 5/30/18	Mon 6/4/18																									
83	Utility Base Map Town/Utility Owner Submittal	Tue 6/5/18	Tue 6/5/18																									
84	Utility Base Map Town Review and Comment	Wed 6/6/18	Mon 6/18/18																									
85	Equipment Location Plan Development	Wed 9/26/18	Tue 11/13/18																									
86	Equipment Location Plan Development	Wed 9/26/18	Wed 10/24/18																									
87	Equipment Location Plan Plan Internal QC	Thu 10/25/18	Tue 10/30/18																									
88	Equipment Location Plan Town Submittal	Wed 10/31/18	Wed 10/31/18																									
89	Equipment Location Plan Town Review and Comment	Thu 11/1/18	Tue 11/13/18																									
90	Conduit Routing Plan Development	Thu 11/1/18	Mon 7/1/19																									
91	Conduit Routing Plan Development	Wed 12/5/18	Mon 4/15/19																									
92	Commercial/Customer Owned Service Design	Thu 11/1/18	Mon 4/15/19																									
93	Landscaping Plans	Thu 11/29/18	Mon 4/15/19																									
94	Technical Specifications	Thu 11/29/18	Mon 4/15/19																									
95	Conduit Routing Plan Internal QC	Tue 4/16/19	Fri 6/28/19																									
96	Conduit Routing Plan Town Submittal	Mon 7/1/19	Mon 7/1/19																									
97																												
98	Permitting Activities - Phase 3 South	Wed 5/15/19	Wed 1/15/20																									
99	FDOT Utility permit Application	Wed 5/15/19	Mon 7/1/19																									
100	FDOT Utility permit Application Review Process	Tue 7/2/19	Mon 9/2/19																									
101	FDOT Landscaping Permit Application	Tue 7/2/19	Fri 7/12/19																									
102	FDOT Landscaping Permit Application Review and MMOA Execution Process	Mon 7/15/19	Wed 1/15/20																									
103																												
104	Bid Phase - Phase 3 South	Mon 9/3/18	Thu 8/29/19																									
105	CMAR Procurement	Mon 9/3/18	Fri 1/18/19																									
106	CMAR Recommendation and Award	Mon 1/21/19	Tue 2/12/19																									
107	Pre-Construction Services	Wed 2/13/19	Mon 7/1/19																									
108	Bidding/GMP Development	Tue 7/2/19	Thu 8/15/19																									
109	GMP Review/Negotiation	Fri 8/16/19	Thu 8/29/19																									
110																												
111	UUTF GMP Review (Phases 3 North and South)	Tue 9/3/19	Tue 9/3/19																									
112																												
113	Town Council GMP Review and Award (Phases 3 North and South)	Tue 9/10/19	Tue 9/10/19																									
114																												
115	Start Construction (Phases 3 North and South)	Wed 9/11/19	Wed 9/11/19																									

Project: Phase 3 Detailed Design
Date: Thu 10/22/20

Task

Summary

Project Summary

Inactive Task

Task

Split

Milestone

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

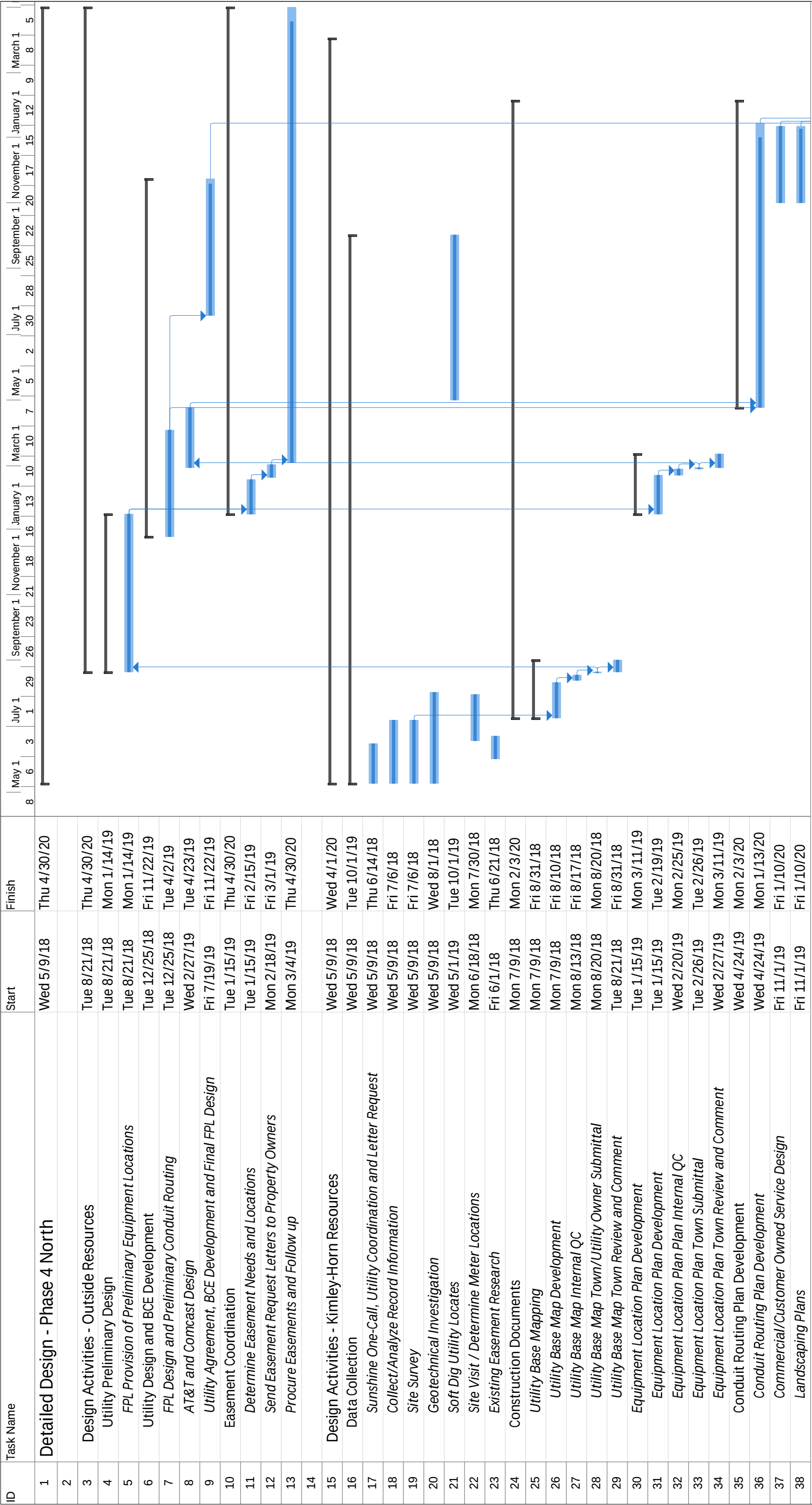
External Milestone

Deadline

Progress

Manual Progress

Page 3



Project: Phase 4 Detailed Design
Date: Thu 10/22/20

Task

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

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External Tasks

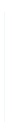
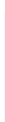
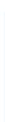
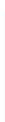
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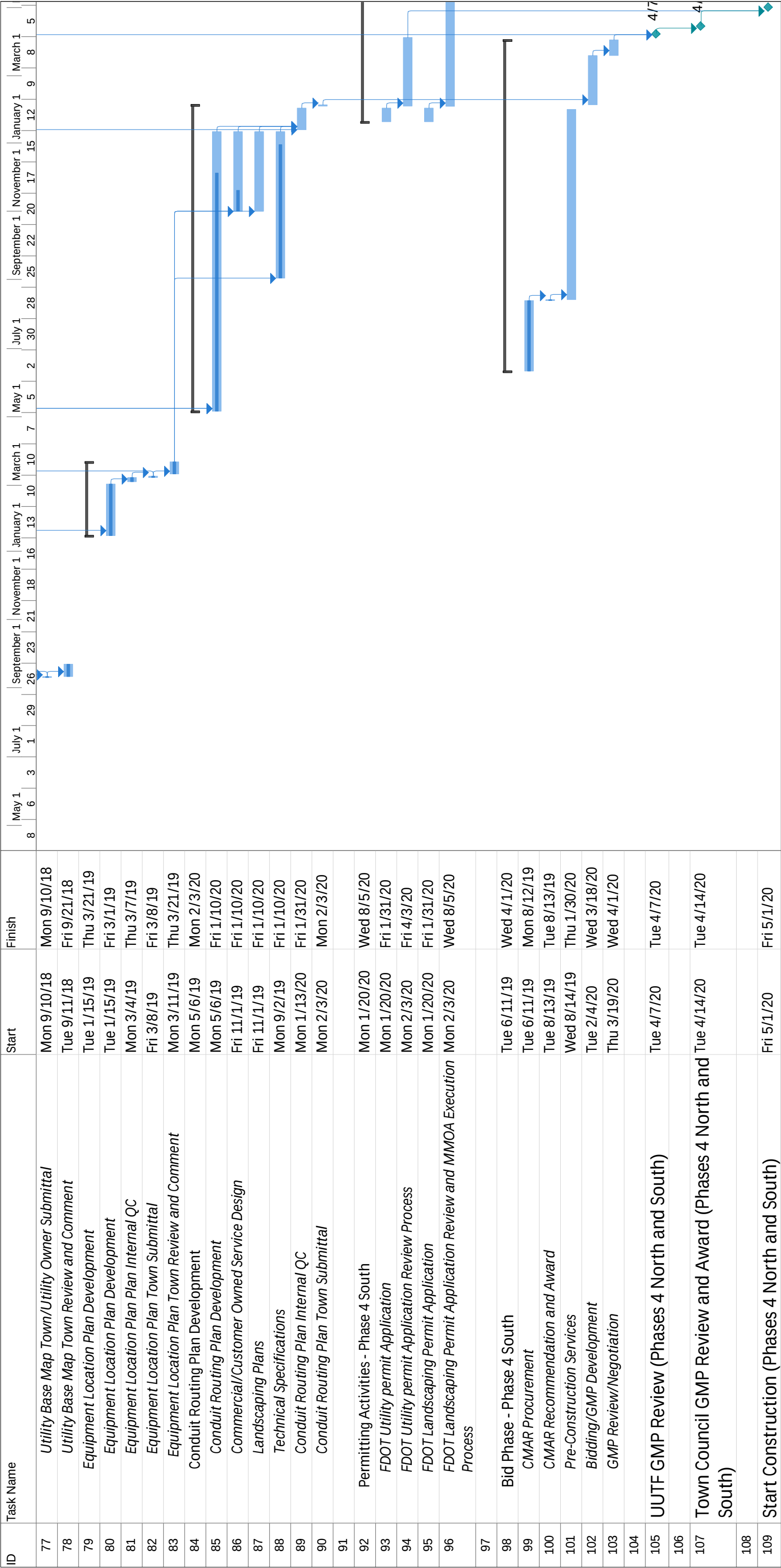
Deadline

Progress

Manual Progress

ID	Task Name	Start	Finish
39	Technical Specifications	Mon 9/2/19	Fri 1/10/20
40	Conduit Routing Plan Internal QC	Tue 1/14/20	Fri 1/31/20
41	Conduit Routing Plan Town/CMAR Submittal	Mon 2/3/20	Mon 2/3/20
42			
43	Bid Phase - Phase 4 North	Tue 6/11/19	Wed 4/1/20
44	CMAR Procurement	Tue 6/11/19	Mon 8/12/19
45	CMAR Recommendation and Award	Tue 8/13/19	Tue 8/13/19
46	Pre-Construction Services	Wed 8/14/19	Thu 1/30/20
47	Bidding/GMP Development	Tue 2/4/20	Wed 3/18/20
48	GMP Review/Negotiation	Thu 3/19/20	Wed 4/1/20
49			
50	Detailed Design - Phase 4 South	Wed 5/9/18	Wed 8/5/20
51			
52	Design Activities - Outside Resources	Tue 9/11/18	Fri 5/1/20
53	Utility Preliminary Design	Tue 9/11/18	Mon 1/14/19
54	FPL Provision of Preliminary Equipment Locations	Tue 9/11/18	Mon 1/14/19
55	Utility Design and BCE Development	Wed 1/16/19	Fri 11/22/19
56	FPL Design and Preliminary Conduit Routing	Wed 1/16/19	Fri 5/3/19
57	AT&T and Comcast Design	Mon 3/11/19	Fri 5/3/19
58	Utility Agreement, BCE Development and Final FPL Design	Fri 7/19/19	Fri 11/22/19
59	Easement Coordination	Tue 1/15/19	Fri 5/1/20
60	Determine Easement Needs and Locations	Tue 1/15/19	Fri 3/8/19
61	Send Easement Request Letters to Property Owners	Mon 3/11/19	Thu 3/21/19
62	Procure Easements and Follow up	Fri 3/22/19	Fri 5/1/20
63			
64	Design Activities - Kimley-Horn Resources	Wed 5/9/18	Wed 8/5/20
65	Data Collection	Wed 5/9/18	Tue 10/1/19
66	Sunshine One-Call, Utility Coordination and Letter Request	Wed 5/9/18	Thu 6/14/18
67	Collect/Analyze Record Information	Wed 5/9/18	Thu 7/5/18
68	Site Survey	Wed 5/9/18	Thu 7/26/18
69	Geotechnical Investigation	Wed 5/9/18	Wed 8/1/18
70	Soft Dig Utility Locates	Wed 5/1/19	Tue 10/1/19
71	Site Visit / Determine Meter Locations	Mon 6/18/18	Mon 7/30/18
72	Existing Easement Research	Mon 6/18/18	Fri 7/6/18
73	Construction Documents	Mon 7/30/18	Mon 2/3/20
74	Utility Base Mapping	Mon 7/30/18	Fri 9/21/18
75	Utility Base Map Development	Mon 7/30/18	Fri 8/31/18
76	Utility Base Map Internal QC	Mon 9/3/18	Fri 9/7/18

Project: Phase 4 Detailed Design Date: Thu 10/22/20	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			



Project: Phase 4 Detailed Design
Date: Thu 10/22/20

Task

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

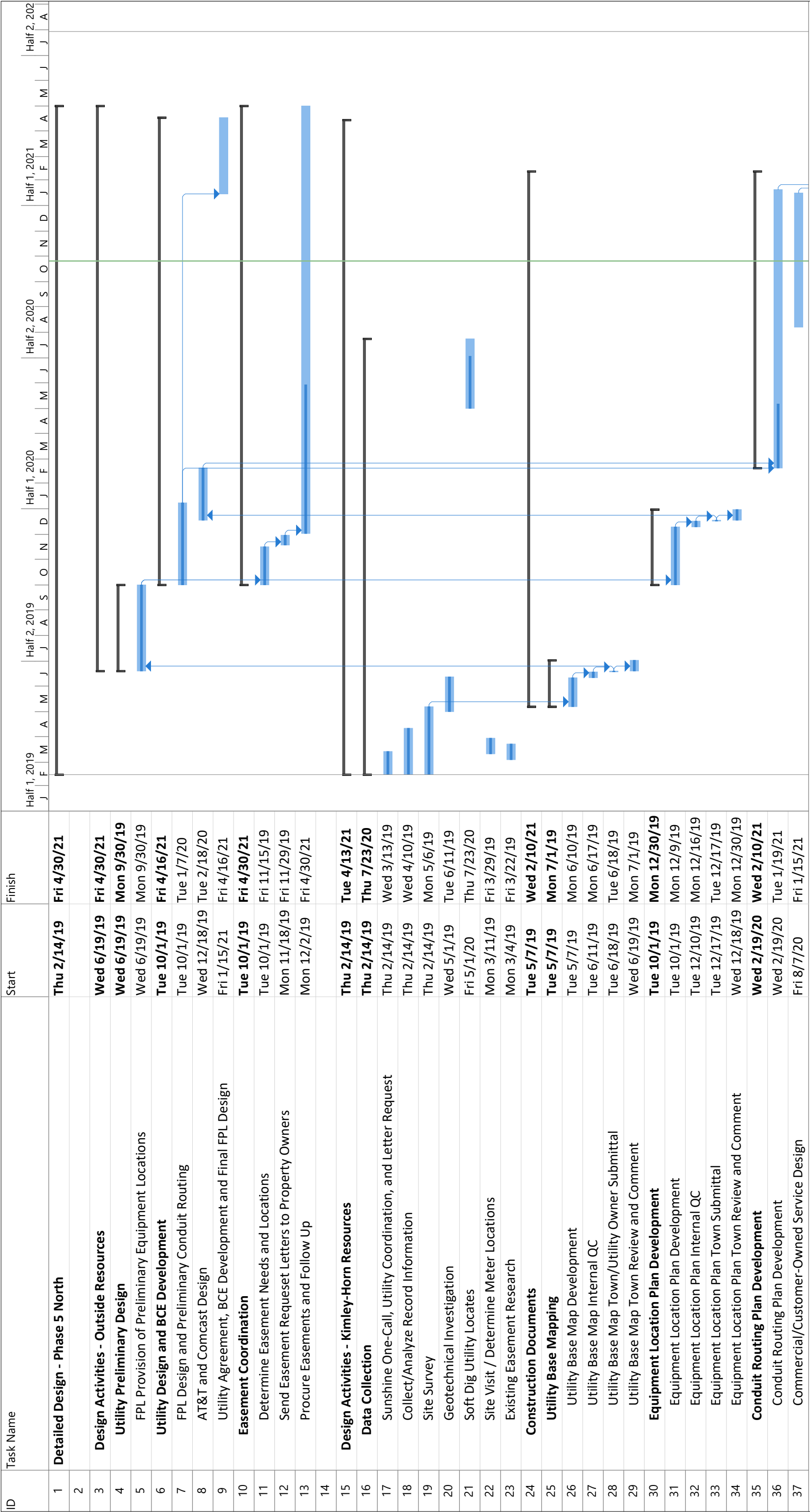
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Half 1, 2019
J F M A M J J A S O N D

Half 1, 2020
J F M A M J J A S O N D

Half 2, 2020
J F M A M J J A S O N D

Half 1, 2021
J F M A M J J A

Half 2, 2021
J A

Project: 2019_0226_Schedule
Date: Mon 10/26/20

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

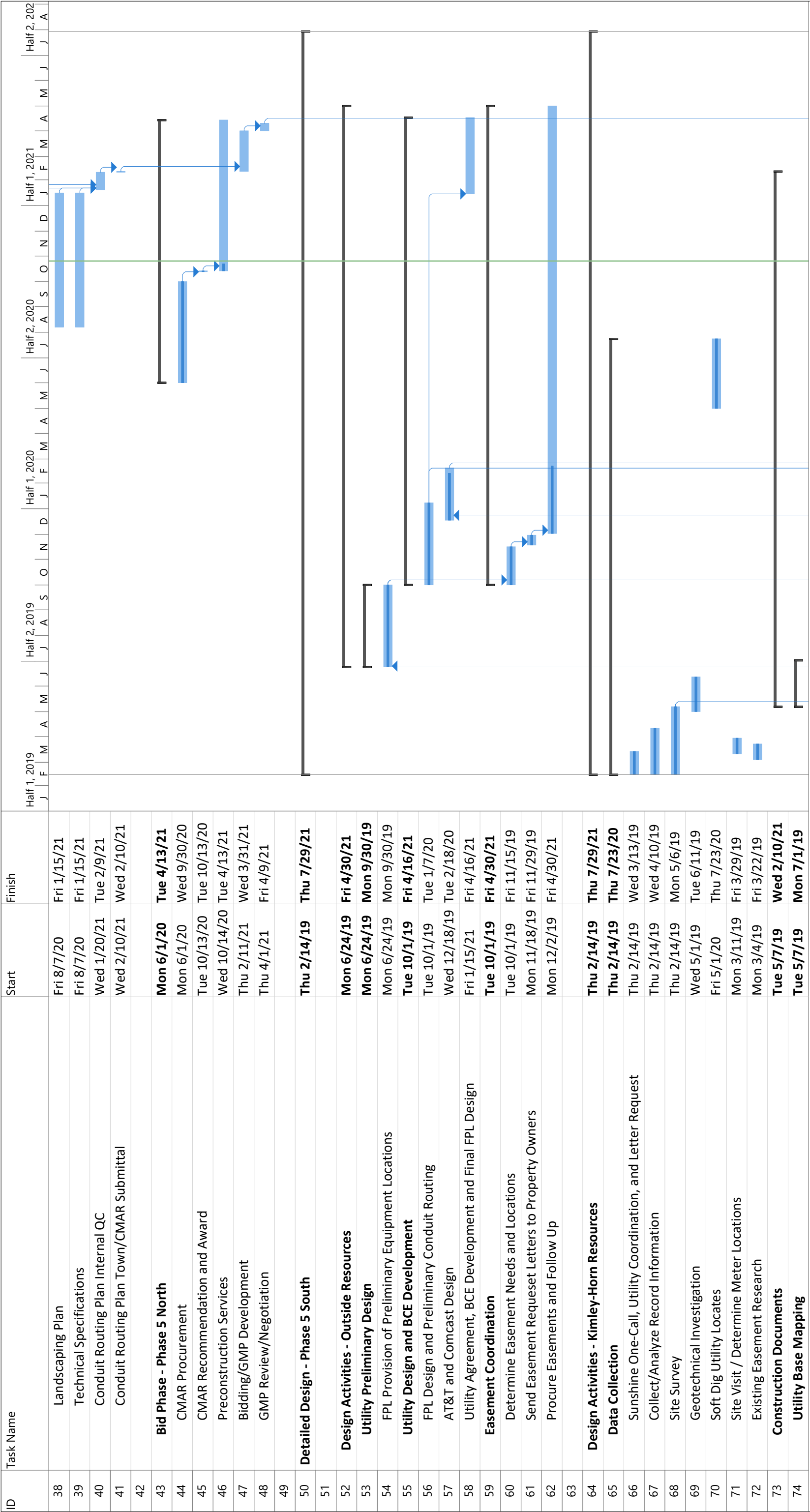
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: 2019_0226_Schedule
Date: Mon 10/26/20

Task

Split

Milestone

Summary

Project Summary

Inactive Task

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Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

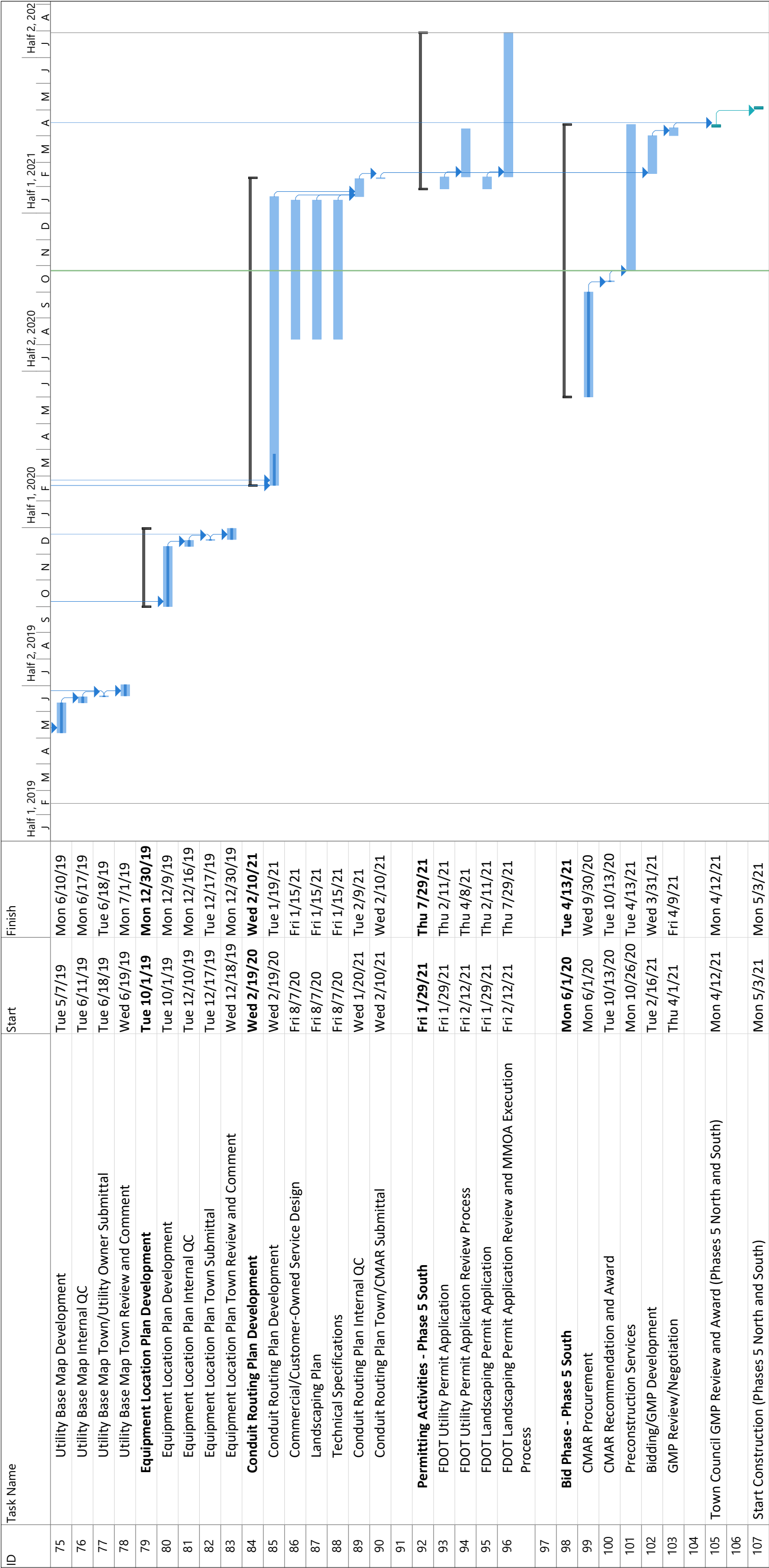
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: 2019_0226_Schedule
Date: Mon 10/26/20

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

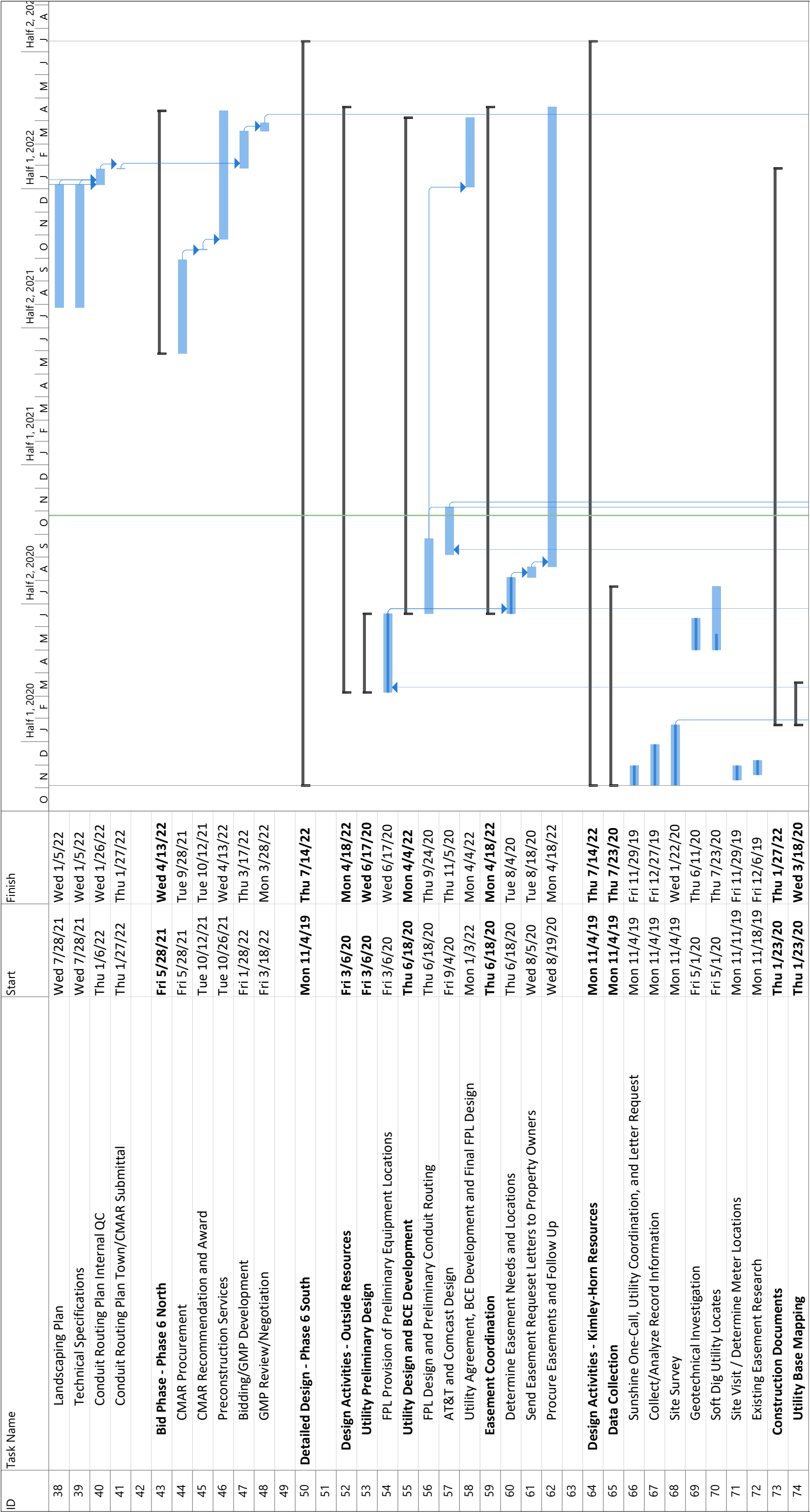
External Milestone

Deadline

Progress

Manual Progress

ID	Task Name	Start	Finish	Half 1, 2020 Half 2, 2020 Half 1, 2021 Half 2, 2021 Half 1, 2022 Half 2, 2022																											
1	Detailed Design - Phase 6 North	Mon 11/4/19	Mon 4/18/22																												
2																															
3	Design Activities - Outside Resources	Fri 3/6/20	Mon 4/18/22																												
4	Utility Preliminary Design	Fri 3/6/20	Wed 6/17/20																												
5	FPL Provision of Preliminary Equipment Locations	Fri 3/6/20	Wed 6/17/20																												
6	Utility Design and BCE Development	Thu 6/18/20	Mon 4/4/22																												
7	FPL Design and Preliminary Conduit Routing	Thu 6/18/20	Thu 9/24/20																												
8	AT&T and Comcast Design	Fri 9/4/20	Thu 11/5/20																												
9	Utility Agreement, BCE Development and Final FPL Design	Mon 1/3/22	Mon 4/4/22																												
10	Easement Coordination	Thu 6/18/20	Mon 4/18/22																												
11	Determine Easement Needs and Locations	Thu 6/18/20	Tue 8/4/20																												
12	Send Easement Request Letters to Property Owners	Wed 8/5/20	Tue 8/18/20																												
13	Procure Easements and Follow Up	Wed 8/19/20	Mon 4/18/22																												
14																															
15	Design Activities - Kimley-Horn Resources	Mon 11/4/19	Wed 4/13/22																												
16	Data Collection	Mon 11/4/19	Thu 7/23/20																												
17	Sunshine One-Call, Utility Coordination, and Letter Request	Mon 11/4/19	Fri 11/29/19																												
18	Collect/Analyze Record Information	Mon 11/4/19	Fri 12/27/19																												
19	Site Survey	Mon 11/4/19	Wed 1/22/20																												
20	Geotechnical Investigation	Fri 5/1/20	Thu 6/11/20																												
21	Soft Dig Utility Locates	Fri 5/1/20	Thu 7/23/20																												
22	Site Visit / Determine Meter Locations	Mon 11/11/19	Fri 11/29/19																												
23	Existing Easement Research	Mon 11/18/19	Fri 12/6/19																												
24	Construction Documents	Thu 1/23/20	Thu 1/27/22																												
25	Utility Base Mapping	Thu 1/23/20	Wed 3/18/20																												
26	Utility Base Map Development	Thu 1/23/20	Wed 2/26/20																												
27	Utility Base Map Internal QC	Thu 2/27/20	Wed 3/4/20																												
28	Utility Base Map Town/Utility Owner Submittal	Thu 3/5/20	Thu 3/5/20																												
29	Utility Base Map Town Review and Comment	Fri 3/6/20	Wed 3/18/20																												
30	Equipment Location Plan Development	Thu 6/18/20	Wed 9/16/20																												
31	Equipment Location Plan Development	Thu 6/18/20	Wed 8/26/20																												
32	Equipment Location Plan Internal QC	Thu 8/27/20	Wed 9/2/20																												
33	Equipment Location Plan Town Submittal	Thu 9/3/20	Thu 9/3/20																												
34	Equipment Location Plan Town Review and Comment	Fri 9/4/20	Wed 9/16/20																												
35	Conduit Routing Plan Development	Fri 11/6/20	Thu 1/27/22																												
36	Conduit Routing Plan Development	Fri 11/6/20	Thu 12/30/21																												
37	Commercial/Customer-Owned Service Design	Wed 7/28/21	Wed 1/5/22																												
Project: 2019_0226_Schedule Date: Mon 10/26/20				Task Split Milestone Summary Project Summary Inactive Task Inactive Milestone Inactive Summary Manual Task Duration-only Manual Summary Rollup Manual Summary Start-only Finish-only External Tasks External Milestone Deadline Progress Manual Progress																											
				Page 1																											



Project: 2019_0226_Schedule
Date: Mon 10/26/20

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

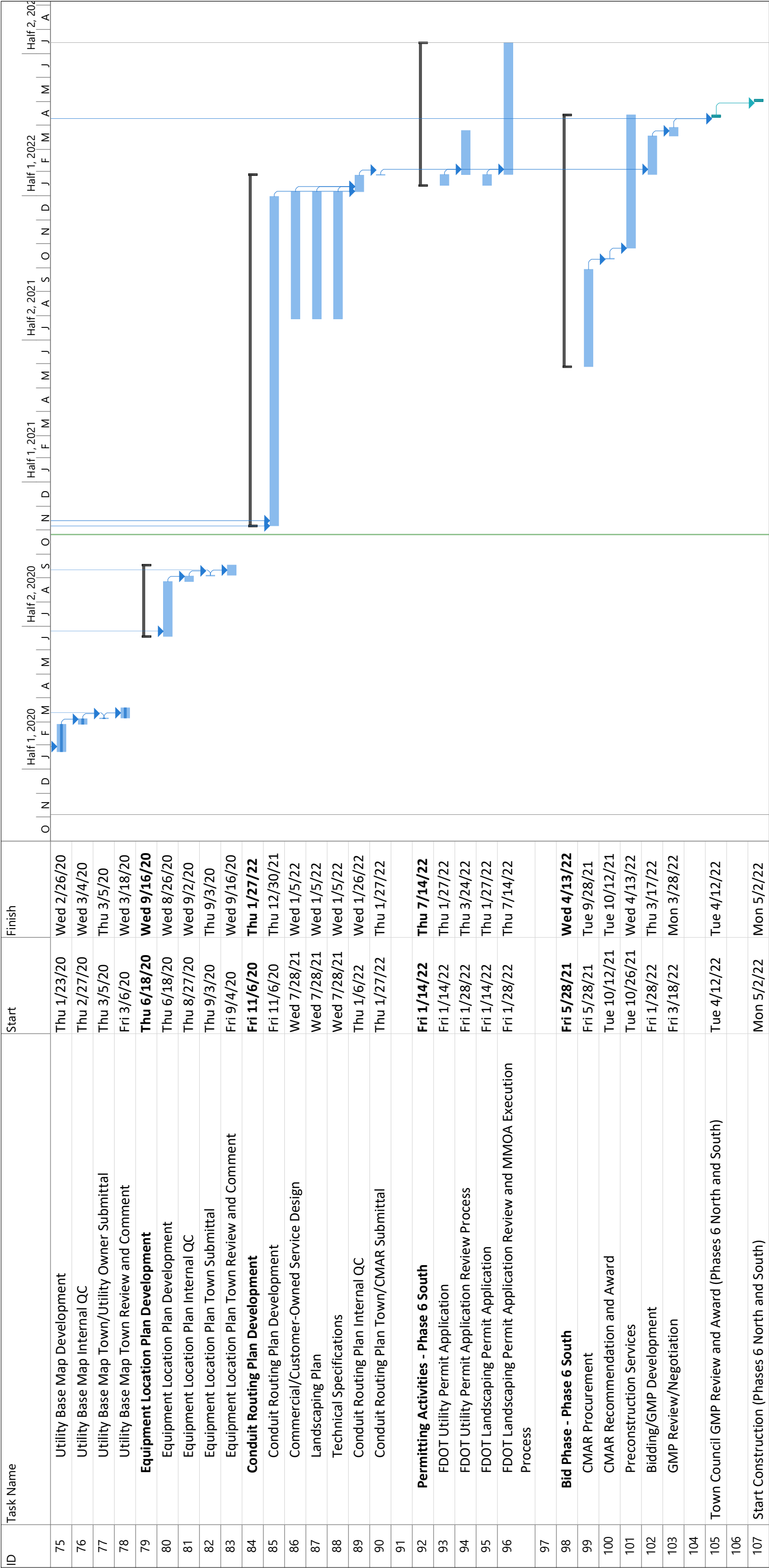
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: 2019_0226_Schedule
Date: Mon 10/26/20

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

Vincent G. Burkhardt
President



Executive Summary

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 2 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03

ID	Task Name	% Comple	Duration	Start	Finish
1	Phase 2 NORTH	97%	399 days?	Tue 8/14/18	Fri 2/21/20
2	Town Council Approval	100%	1 day	Tue 8/14/18	Tue 8/14/18
3	Award Prime Contract	100%	13 days	Wed 8/15/18	Fri 8/31/18
4	Permitting	100%	14 days	Wed 8/15/18	Mon 9/3/18
5	Customer Owned Service Connection Permitting	100%	14 days	Wed 8/15/18	Mon 9/3/18
6	Sub Contract Agreements	100%	14 days	Wed 8/15/18	Mon 9/3/18
7	Material Procurement	100%	11 days	Mon 8/20/18	Mon 9/3/18
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	100%	240 days	Mon 9/3/18	Fri 8/2/19
9	Feeder Splice Box Installation	100%	140 days	Sun 12/30/18	Thu 7/11/19
10	Set Transformers / Switch Cabinets (FPL)	100%	155 days	Sun 1/13/19	Thu 8/15/19
11	Secondary Services / Wire	100%	235 days	Mon 11/5/18	Fri 9/27/19
12	As-Built Submission / Review (FPL)	100%	220 days	Mon 2/11/19	Fri 12/13/19
13	Pull Wire / Terminations Primary (FPL)	100%	145 days	Mon 2/18/19	Fri 9/6/19
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	100%	180 days	Mon 3/11/19	Fri 11/15/19
15	*Comcast Pull Wire, Set Pedestals	100%	180 days	Mon 3/11/19	Fri 11/15/19
16	Cut over / Overhead Removal (ATT/Comcast)	100%	150 days	Mon 6/3/19	Fri 12/27/19
17	Energize Underground (FPL)	100%	140 days	Mon 4/8/19	Fri 10/18/19
18	Secondary Service Switch Over (FPL)	100%	180 days	Fri 4/19/19	Thu 12/26/19
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	60%	180 days	Mon 6/17/19	Fri 2/21/20
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of	0%			
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			
22	Storm Drainage	100%	30 days	Mon 8/12/19	Fri 9/20/19



TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 2 SOUTH
PRELIMINARY SCHEDULE
RFQ No. 2019-03



ID	Task Name	% Comple	Duration	Start	Finish
1	PHASE 2 SOUTH	25%	525 days	Mon 3/16/20	Fri 3/18/22
2	Town Council Approval	100%	1 day	Tue 11/12/19	Tue 11/12/19
3	Award Prime Contract	100%	5 days	Tue 11/12/19	Mon 11/18/19
4	Permitting	100%	20 days	Tue 11/12/19	Mon 12/9/19
5	Customer Owned Service Connection Permitting	100%	20 days	Tue 11/12/19	Mon 12/9/19
6	Sub Contract Agreements	100%	20 days	Tue 11/12/19	Mon 12/9/19
7	Material Procurement	100%	20 days	Tue 11/12/19	Mon 12/9/19
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	50%	350 days	Mon 3/16/20	Fri 7/16/21
9	As-Built Submission / Review (FPL)	25%	311 days	Fri 5/15/20	Fri 7/23/21
10	Secondary Services / Wire	15%	204 days	Thu 9/24/20	Tue 7/6/21
11	Feeder Splice Box Installation	40%	161 days	Tue 11/24/20	Tue 7/6/21
12	Set Transformers / Switch Cabinets (FPL)	30%	161 days	Tue 11/24/20	Tue 7/6/21
13	Pull Wire / Terminations Primary (FPL)	0%	181 days	Tue 1/5/21	Tue 9/14/21
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	0%	120 days	Tue 1/5/21	Mon 6/21/21
15	*Comcast Pull Wire, Set Pedestals	0%	120 days	Tue 1/5/21	Mon 6/21/21
16	Cut over / Overhead Removal (ATT/Comcast)	0%	40 days	Mon 6/28/21	Fri 8/20/21
17	Energize Underground (FPL)	0%	40 days	Fri 8/27/21	Thu 10/21/21
18	Secondary Service Switch Over (FPL)	0%	50 days	Fri 8/27/21	Thu 11/4/21
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	72 days	Thu 11/4/21	Fri 2/11/22
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%			



TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 3 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03



ID	Task Name	% Complete	Duration	Start	Finish	Qtr 3, 2019 Jul	Qtr 3, 2019 Aug	Qtr 3, 2019 Sep	Qtr 4, 2019 Oct	Qtr 4, 2019 Nov	Qtr 1, 2020 Jan	Qtr 1, 2020 Feb	Qtr 1, 2020 Mar	Qtr 2, 2020 Apr	Qtr 2, 2020 May	Qtr 3, 2020 Jun	Qtr 3, 2020 Jul	Qtr 3, 2020 Aug	Qtr 3, 2020 Sep	Qtr 4, 2020 Oct	Qtr 4, 2020 Nov	Qtr 1, 2021 Jan	Qtr 1, 2021 Feb	Qtr 1, 2021 Mar	Qtr 2, 2021 Apr	Qtr 2, 2021 May
1	PHASE 3 NORTH	84%	444 days?	Wed 8/14/19	Mon 4/26/21																					
2	Town Council Approval	100%	1 day	Wed 8/14/19	Wed 8/14/19																					
3	Award Prime Contract	100%	13 days	Thu 8/15/19	Mon 9/2/19																					
4	Permitting	100%	14 days	Thu 8/15/19	Tue 9/3/19																					
5	Customer Owned Service Connection Permitting	100%	14 days	Thu 8/15/19	Tue 9/3/19																					
6	Sub Contract Agreements	100%	14 days	Thu 8/15/19	Tue 9/3/19																					
7	Material Procurement	100%	55 days	Tue 8/20/19	Sun 11/3/19																					
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)	100%	240 days	Mon 11/4/19	Fri 10/2/20																					
9	As-Built Submission / Review (FPL)	100%	200 days	Fri 1/3/20	Thu 10/8/20																					
10	Secondary Services / Wire	98%	100 days	Fri 5/8/20	Thu 9/24/20																					
11	Feeder Splice Box Installation	100%	55 days	Fri 7/10/20	Thu 9/24/20																					
12	Set Transformers / Switch Cabinets (FPL)	100%	55 days	Fri 7/10/20	Thu 9/24/20																					
13	Pull Wire / Terminations Primary (FPL)	98%	85 days	Fri 8/14/20	Thu 12/10/20																					
14	*ATT Rod Conduit, Pull Wire, Set Pedestals	40%	55 days	Fri 8/14/20	Thu 10/29/20																					
15	*Comcast Pull Wire, Set Pedestals	85%	55 days	Fri 8/14/20	Thu 10/29/20																					
16	Cut over / Overhead Removal (ATT/Comcast)	0%	20 days	Fri 11/6/20	Thu 12/3/20																					
17	Energize Underground (FPL)	0%	20 days	Tue 12/15/20	Mon 1/11/21																					
18	Secondary Service Switch Over (FPL)	0%	35 days	Tue 12/15/20	Mon 2/1/21																					
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration	0%	57 days	Fri 2/5/21	Mon 4/26/21																					
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%																								
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.	0%																								



Underground Utility Project Budget
Project Financial Summary
October 31, 2020

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,824,617	\$ 12,885,773	100.5%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,907,271	\$ 7,120,307	55.2%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 15,754,223	\$ 5,795,300	36.8%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 1,370,379	\$ 1,095,596	79.9%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 1,698,543	\$ 712,892	42.0%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 1,885,264	\$ 438,414	23.3%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 1,583,331	\$ 216	0.0%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,378,643	\$ 34	0.0%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 49,402,272	\$28,048,531	56.8%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 980,414	\$ 980,414	\$ 920,796	93.9%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 120,885,059	\$ 50,382,686	\$28,969,327	57.5%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 6,098,350	\$ 6,830,814	112.0%
Total Other Costs Outside Underground Budget (Page 8)			\$ 1,158,567	\$ 2,082,597	179.8%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 120,885,059	\$ 51,541,253	\$31,051,924	60.2%

Total Project Budget - Opinion of cost for construction	\$ 120,885,059
% Budgeted/Encumbered To Date Project Costs	41.68%
% Spent to Date - Project Costs	23.96%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ -	\$ 12,010,286	0.0%
Assessment Revenue	\$ 13,380,000	\$ 12,955,753	96.8%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ 396,389	0.0%
Interest	\$ 512,000	\$ 2,305,788	450.3%
GO Bond Proceeds	\$ 60,500,000	\$ 60,499,897	100.0%
1 Cent Sales Tax	\$ 5,000,000	\$ 2,000,000	40.0%
FPL		\$ 450,246	0.0%
FEMA Grant	\$ 8,500,000	\$ -	0.0%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	\$ 409,450	\$ 409,450	100.0%
Total Project Revenues	\$ 91,908,191	\$ 94,669,450	103.0%

**Underground Utility Project Budget
Phase 1 Project Costs
October 31, 2020**

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,598,144	100.0%
Street Light Conversion			\$ 26,273	113,399	431.6%
Change Order for AT&T and Comcast Conduit			\$ 371,201	371,201	100.0%
Other Change orders			\$ 130,415	130,415	100.0%
Utility Design Costs			\$ 15,595	15,595	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	483,548	101.4%
Construction Engineering (KH)			\$ 230,532	205,818	89.3%
	\$ 4,210,000	\$ 4,930,000	\$ 4,868,657	\$ 4,937,840	101.4%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,450,977	100.0%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Other Approved Change Orders			\$ 12,749	12,749	100.0%
Utility Design Costs			\$ 33,013	33,013	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,362,028	99.1%
Construction Engineering (KH)			\$ 316,498	316,074	99.9%
	\$ 6,800,000	\$ 6,350,000	\$ 6,334,777	\$ 6,322,188	99.8%
Easement Recording Fees			\$ 740	740	100.0%
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment			\$ 8,256	8,256	100.0%
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,824,617	\$ 12,885,773	100.5%

Underground Utility Project Budget
Phase 2 Project Costs
October 31, 2020

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 129,348	94.7%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 799,244	99.1%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 4,015,865	3,838,328	95.6%
Approved Change Orders			\$ -	-	
FPL Design Cost			\$ 11,759	1,350	11.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 496,307	100.0%
FPL - Additional Vista Switches				\$ 54,938	
Street Light Conversion			\$ 19,186	\$ 19,186	100.0%
Construction Engineering (KH)			\$ 248,121	\$ 239,934	96.7%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 4,831,238	\$ 4,691,596	97.1%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	33,400	95.4%
Burkhardt Construction			\$ 6,494,596	1,090,431	16.8%
Approved Change Orders			\$ -		
FPL Design Cost			\$ 13,330	14,200	106.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 200,000	\$ 123,948	62.0%
Street Light Conversion			\$ 20,000	\$ 19,268	96.3%
Construction Engineering (KH)	-		\$ 282,973	\$ 128,050	45.3%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,055,899	\$ 1,418,879	20.1%
Easement Acquisition/Abandonment	200,000	219,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 19,659	90.5%
Advertising				\$ 1,101	
Jones Foster - Legal			\$ 25,000	\$ 23,933	95.7%
Postage			\$ -	\$ 491	
Recording Costs			\$ 3,605	\$ 2,990	82.9%
Easement Abandonment			\$ 6,870	\$ 5,994	87.2%
Total Easement Acquisition Costs	200,000	219,000	\$ 213,622	\$ 210,589	98.6%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 12,907,271	\$ 7,120,307	55.2%

Underground Utility Project Budget
Phase 3 Project Costs
October 31, 2020

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 486,323	100.0%
Task 1.3 Permitting Assistance			\$ 13,739	\$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 36,834	100.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 893,710	99.9%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,042,171	\$ 3,185,110	78.8%
Approved Change Orders					
FPL Design Cost			\$ 12,850	\$ 1,350	10.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 3,128	\$ 3,128	100.0%
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion			\$ 4,249	\$ 4,249	100.0%
Utility Costs (Comcast & ATT)			\$ 155,330	\$ 155,330	100.0%
Construction Engineering (KH)			\$ 236,976	\$ 164,976	69.6%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 243,470	\$ 243,470	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 74,900	\$ 74,900	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 4,929,195	\$ 3,988,633	80.9%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction					
Construction			\$ 8,029,385		
Approved Change Orders					
FPL Construction			\$ 562,000	562,905	100.2%
FPL Design Cost			\$ 11,359	6,950	61.2%
FPL - 101 El Brillo				10,875	
ATT Design and Construction Cost			\$ 425,000	5,000	1.2%
Comcast Design and Construction Cost			\$ 195,128	3,128	1.6%
Construction Engineering (KH)			\$ 322,540		
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 9,545,412	\$ 588,858	6.2%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 270,913	99.1%
Legal Advertising				\$ 1,076	
Easement Amendment			\$ 49,285	\$ 32,513	66.0%
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		0.0%
Jones Foster - Legal			\$ 25,000	\$ 15,555	62.2%
Recording Costs				\$ 4,041	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 385,111	\$ 324,099	84.2%
Total Phase 3 Costs	\$10,910,000	\$15,400,000	\$ 15,754,223	\$ 5,795,300	36.8%

Underground Utility Project Budget
Phase 4 Project Costs
October 31, 2020

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	296,701	95.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	338,463	75.0%
Task 1.3 Permitting Assistance			\$ 14,468	-	0.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	-	0.0%
Task 1.6 Meetings			\$ 77,911	77,383	99.3%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	712,547	79.7%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,757		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 12,757	8,128	63.7%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 13,160	9,478	72.0%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 339,639	280,184	82.5%
Easement Assistance (KH) -- Switches			\$ 67,747	53,754	79.3%
Surveys					
Legal Sketch			\$ 38,230	28,369	74.2%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs				3,135	
Easement Abandonment					
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 450,583	365,443	81.1%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 1,370,379	1,095,596	79.9%

Underground Utility Project Budget
Phase 5 Project Costs
October 31, 2020

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 208,937	46.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 273,128	45.0%
Task 1.3 Permitting Assistance North/South			\$ 17,100		0.0%
Task 1.4 Bid Phase Assistance North/South			\$ 37,899		0.0%
Task 1.6 Meetings North/South			\$ 77,911	\$ 49,254	63.2%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 531,319	44.5%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction			\$ 59,100		
Construction					
Utility Costs (FPL, Comcast, AT&T)					
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 16,223	17,573	108.3%
Construction Engineering (KH)					
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 80,323	\$ 22,573	28.1%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100		
Construction					
Utility Costs (FPL, Comcast, AT&T)					
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 19,283	20,633	107.0%
Construction Engineering (KH)					
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 83,383	\$ 25,633	30.7%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
<i>Easement Assistance</i>			\$ 218,600	\$ 100,992	46.2%
Easement Assistance			\$ 81,086	\$ 27,634	34.1%
<i>Surveys</i>					
Legal Sketch			\$ 41,080	\$ 4,465	10.9%
Jones Foster - Legal					
Recording Costs				\$ 275	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 340,766	\$ 133,367	39.1%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$14,090,000	\$11,694,645	\$ 1,698,543	\$ 712,892	42.0%

Underground Utility Project Budget
Phase 6 Project Costs
October 31, 2020

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 142,506	30.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 247,965	30.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694		0.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938		0.0%
Task 1.6 Meetings North			\$ 84,791	\$ 7,733	9.1%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 398,204	27.7%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 15,868	15,868	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 15,868	\$ 15,868	100.0%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 19,394	19,394	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 19,394	\$ 19,394	100.0%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 4,344	1.2%
Surveys					
Legal Sketch			\$ 58,415	\$ 250	0.4%
Jones Foster - Legal					
Recording Costs				\$ 354	
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 410,009	\$ 4,948	1.2%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 1,885,264	\$ 438,414	23.3%

Underground Utility Project Budget
Phase 7 Project Costs
October 31, 2020

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488		0.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830		0.0%
Task 1.X Permitting Assistance North					0.0%
Task 1.X Permitting Assistance South					0.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938		0.0%
Task 1.4 Meetings North and South			\$ 77,616		0.0%
Total Phase 7 Design	\$ 930,000	\$ 1,237,000	\$ 1,236,872	\$ -	0.0%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000	\$ -	\$ -	0.0%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000	\$ -	\$ -	0.0%
Easement Acquisition/Abandonment	\$ 280,000	\$ 348,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459		
Surveys					
Legal Sketch					
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ 216	
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 346,459	\$ 216	0.1%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 1,583,331	\$ 216	0.0%

Underground Utility Project Budget
Phase 8 Project Costs
October 31, 2020

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,029,017		0.0%
Task 1.2 Permitting Assistance			\$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			\$ 14,430		0.0%
Task 1.4 Meetings			\$ 89,778		0.0%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,150,919	\$ -	0.0%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ -	\$ -	0.0%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724		
Surveys					
Legal Sketch					
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs				\$ 34	
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 227,724	\$ 34	0.0%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 1,378,643	\$ 34	0.0%

Underground Utility Project Budget
Other Project Costs
October 31, 2020

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan		\$ 12,015	
Community Outreach	\$ 282,519	\$ 210,898	74.6%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 980,414	\$ 920,796	93.9%

Debt Service and Related Debt Issuance Costs

	Budget	Actual	% Expended
Commercial Paper Issuance Cost		\$ 195,366	
Commercial Paper Fees		\$ 52,252	
Commercial Paper Interest		\$ 243,096	
GO Bond Closing Costs		\$ 487,471	
GO Bond Debt Service	\$ 6,098,350	\$ 5,852,631	96.0%
Total Debt Service and Related Debt Issuance Costs	\$ 6,098,350	\$ 6,830,814	112.0%

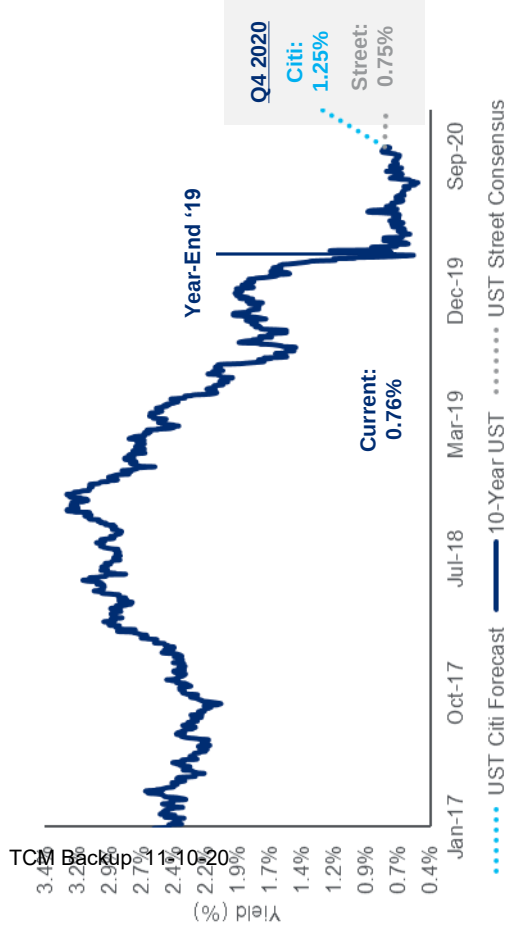
Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 346,124	98.6%
Project Construction Engineering	\$ 11,607	\$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 513,847	97.8%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 555,945	
PBT Real Estate v TPB		\$ 159,408	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,799	
Temp Services - Easement acquisition	\$ 40,000	\$ 66,792	167.0%
Project Manager -Pay and benefits	\$ 454,398	\$ 456,578	100.5%
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 1,158,567	\$ 2,082,597	179.8%

U.S. Rate Forecasts

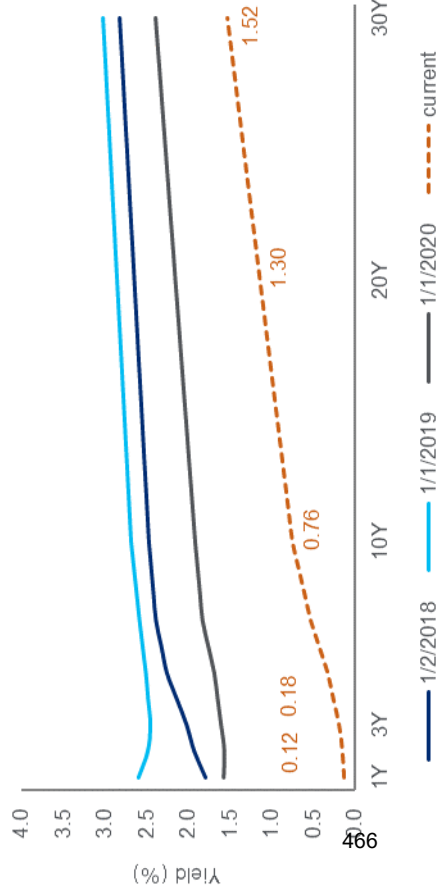
10-Year Treasury Yield Forecast

Citi is forecasting higher rates at year-end than the Street Consensus



US Treasury Yield Curve

The yield curve has fallen significantly as the coronavirus outbreak has prompted the Federal Reserve to cut interest rates as investors put on a flight-to-quality trade



Rate Forecasts

5-Year Treasury	Current	4Q20	1Q21	2Q21	3Q21	4Q21	1Q22
Citi's Forecast		0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
Economists' Consensus	0.32%	0.34%	0.39%	0.44%	0.50%	0.55%	0.65%

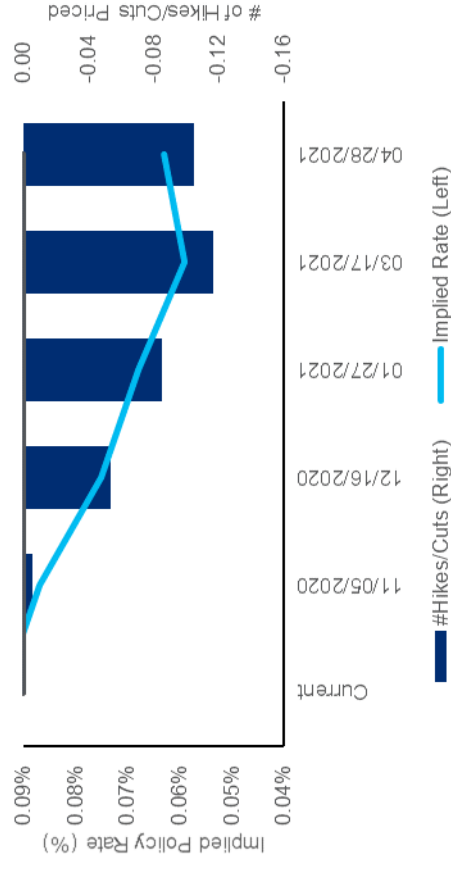
10-Year Treasury	Current	4Q20	1Q21	2Q21	3Q21	4Q21	1Q22
Citi's Forecast		1.25%	1.25%	1.25%	1.258%	1.25%	1.25%
Economists' Consensus	0.76%	0.75%	0.82%	0.90%	1.00%	1.01%	1.18%

30-Year Treasury	Current	4Q20	1Q21	2Q21	3Q21	4Q21	1Q22
Citi's Forecast		1.75%	1.75%	1.75%	1.75%	1.75%	1.75%
Economists' Consensus	1.52%	1.50%	1.56%	1.66%	1.70%	1.73%	1.85%

Fed Funds	Current	4Q20	1Q21	2Q21	2Q21	4Q21	1Q22
Citi's Forecast		0.25%	0.25%	0.25%	0.25%	0.50%	0.50%
Economists' Consensus	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%

Expectations of Fed Change in Interest Rates (Market View)

The market is pricing in lower interest rates throughout the next year



Phase 4 South Right of Way Equipment Placement







Typical Transformer with Landscaping



Typical Transformer without Landscaping



Typical Transformer with Landscaping



Typical Transformer without Landscaping



Typical Transformer with Landscaping



Typical Transformer without Landscaping



Typical Transformer with Landscaping



Typical Transformer without Landscaping

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

COVID-19 Update

Kirk W. Blouin, Town Manager

TIME CERTAIN: 11:00 AM

- a. Report on COVID-19 Infections and Hospitalizations (*written backup provided in purple folder*)
- b. Report on Compliance and Enforcement, Relative to State and County Orders (*verbal report*)
- c. Input from Business Community
- d. Discussion Regarding Future Public Meetings
- e. RESOLUTION NO. 122-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Concurring With The Request Of The Town's Chief Of Police, To Extend The Chief's Declaration Of The Existence Of A State Of Emergency Within The Corporate Limits Of The Town To December 8, 2020, Unless Earlier Terminated By The Chief Of Police, At Which Time The Town Council Will Address The Need For Any Extension Of The Declaration Of Emergency; Providing For An Effective Date.

Time Certain

11:00 AM

Presenter

ATTACHMENTS:

- ▣ **e. Resolution No. 122-2020**

RESOLUTION NO. 122-2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA CONCURRING WITH THE REQUEST OF THE TOWN'S CHIEF OF POLICE, TO EXTEND THE CHIEF'S DECLARATION OF THE EXISTENCE OF A STATE OF EMERGENCY WITHIN THE CORPORATE LIMITS OF THE TOWN TO DECEMBER 8, 2020, UNLESS EARLIER TERMINATED BY THE CHIEF OF POLICE, AT WHICH TIME THE TOWN COUNCIL WILL ADDRESS THE NEED FOR ANY EXTENSION OF THE DECLARATION OF EMERGENCY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 2019 Novel Coronavirus Disease (COVID-19) is a severe, acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, the World Health Organization (WHO) has declared a pandemic related to COVID-19; and

WHEREAS, the Center for Disease Control and Prevention (CDC) has declared the potential public health threat posed by COVID-19 as "high", both in the United States and throughout the world; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida regarding the COVID-19 pandemic; and

WHEREAS, the President of the United States has declared a State of Emergency for the Country to address the public health threat to the United States of America as a result of COVID-19; and

WHEREAS, a threat of impact from COVID-19 exists throughout the corporate limits of the Town of Palm Beach and elsewhere; and

WHEREAS, COVID-19 poses a danger to life and the economic well-being of Palm Beach residents; and

WHEREAS, the Chief of Police of the Town of Palm Beach, pursuant to the authority of Section 58-41 of the Town Code of Ordinances, has declared a state of emergency exists within the corporate boundaries of the Town; and

WHEREAS Florida Statute Section 870.042 provides that the designated official, in this case the Chief of Police, has the authority to exercise the emergency powers conferred in Sections 870.041 through 870.047 of the Florida Statutes; and

WHEREAS, Section 870.047, Florida Statutes, provides for the duration and termination of a State of Emergency and provides that the emergency declaration shall terminate at the end of the period of seventy-two (72) consecutive hours unless prior to the end of the seventy-two (72) hour period, the declaration of emergency has been terminated; and

WHEREAS, any extension of the seventy-two (72) hour time limit must be accomplished by request from the public official and the concurrence of the Town Council by duly enacted resolution in regular or special session; and

WHEREAS, the Chief of Police has requested that the seventy-two (72) hour time limit be extended to December 8, 2020, unless earlier terminated by the Chief of Police.

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

Section 1. The request of the Chief of Police to further extend the time period for the declaration of emergency is hereby granted.

Section 2. The declaration of emergency shall remain in effect until December 8, 2020, unless earlier terminated by the Chief of Police, at which time the Town Council will address the need for any extension of the declaration of the emergency.

Section 3. During this period of time, the Chief of Police has the authority to extend or amend any of the emergency measures declared in the initial declaration of emergency as provided by the terms of Florida Statute Section 870.045.

Section 4. This resolution shall take effect upon execution. A copy of this Resolution shall be filed in the office of the Town Clerk and delivered to the appropriate news media and by posting on the Town's website.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of November, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Palm Beach Marina Update

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

TIME CERTAIN: 11:30 AM

- a. Offer from Town Resident, Scott Snyder, and Nievera Williams Landscape Architecture to Donate Services to Assist the Town with Landscape Enhancements at Lake Drive Park.
- b. Proposed Improvements to Town Marina Upland Amenities, Lake Drive Park and South Lake Drive - Review of Updated Cost Estimates and Design Concepts, and Establish Project Budget
- c. RESOLUTION NO. 130-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Grant for Project No. PB-PB-20-209, Between the Florida Inland Navigation District and the Town of Palm Beach Under the Waterways Assistance Program, Specifically Construction Reimbursement for the Town of Palm Beach Town Dock Replacement Project, Part II, in the Amount of \$1,000,000, and Authorizing the Mayor to Execute Same on Behalf of the Town.

Time Certain

11:30 AM

Presenter

ATTACHMENTS:

- **a. Memorandum Dated October 30, 2020, from Jay Boodheshwar, Deputy Town Manager**
- **a. Email Dated October 28, 2020, from Scott Snyder**

- ▣ **b. Memorandum dated October 29, 2020, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▣ **c. Memorandum dated October 21, 2020, from H. Paul Brazil, P.E.,
Director of Public Works**
- ▣ **c. Resolution No. 130-2020**
- ▣ **c. Florida Inland Navigation District Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Jay Boodheshwar, Deputy Town Manager

RE: Offer from Town Resident, Scott Snyder, and Nievera Williams Landscape Architecture to Donate Services to Assist the Town with Landscape Enhancements at Lake Drive Park

DATE: October 30, 2020

STAFF RECOMMENDATION

Staff recommends that the Mayor and Town Council give consideration to the donation offer from Palm Beach resident, Scott Snyder, and Nievera-Williams, Landscape Architects, to respectively provide fundraising and design services for landscape enhancements to Lake Drive Park.

GENERAL INFORMATION

At the October 13, 2020, Town Council meeting, it was decided that the landscape enhancement efforts for Lake Drive Park would be pursued separately from the other park improvements which were approved to move forward. Said enhancements would include landscaping upgrades, irrigation, landscape lighting, benches, and drinking fountains. Discussion also took place around a “design contest” approach for selecting a consultant to prepare the landscaping plans, which Council felt would be a creative method for identifying the best landscape architect for the project.

Subsequent to the October 13 meeting, Purchasing Manager, Dean Mealy, has advised that our standard RFQ process could be modified to require preliminary design ideas with the proposals, which would be evaluated along with other factors such as qualifications, experience, staff credentials, etc. The overall process will take approximately 2-3 months to complete, inclusive of RFQ preparation, advertising, review of submittals from a selection committee, interview of finalists (if necessary), fees negotiation, and Council approval of a contract. (Please note that the selection committee would be comprised of staff and subject matter experts. Staff misspoke at the last meeting by indicating that Town Council could sit as the selection committee, but that is not permitted per public procurement guidelines.)

Pursuing the RFQ design contest would be a moot point if Council chooses to accept the attached offer from Palm Beach resident, Scott Snyder and Nievera-Williams, Landscape Architects. Per the attached email, Mr. Snyder has indicated his desire to assist the Town with the landscaping project for the park by raising the funds to pay for the enhancements included in the design that would be done pro bono by Nievera-Williams. If Council accepts the donations, staff would be

able to begin working immediately with the landscape architect to develop plans for Council consideration prior to going to the Landmarks Preservation Commission for approval. If Council chooses to pass on the donation and pursue the RFQ design contest route, staff will move forward ASAP with a goal of being back before Council with a recommended contract award at the February 2021 meeting.

The Town has previously worked very closely with Mr. Snyder during the fundraising efforts for the Par 3 Golf Course and the new clubhouse. We have also previously worked closely with Nievera-Williams on a number of Town landscaping projects.

FUNDING/FISCAL IMPACT

There are no fiscal impacts if Council chooses to accept the donated services. If the RFQ approach is chosen, there will be minimal advertising expenses, and costs for the design consultant that are unknown at this time.

Attachment

cc: H. Paul Brazil, Director of Public Works
Carolyn Stone, Director of Business Development & Operations
Eric Brown, P.E., Assistant Director of Public Works
Dean Mealy, Purchasing Manager
Jason Debrincat, P.E., Senior Project Engineer
Mike Horn, Town Dockmaster

Jay Boodheshwar

From: Scott Snyder <Scott@scottsnnyderinc.com>
Sent: Wednesday, October 28, 2020 12:21 PM
To: Jay Boodheshwar
Subject: Town of Palm Beach

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Jay Boodeschwar
Deputy Town Manager
Town of Palm Beach
360 South County Road
Palm Beach , Florida 33480

Re: Lake Drive Park, Palm Beach

Dear Jay,

As you know, I've been following the Marina project over the past couple of years as well as the efforts of Fairfax and Sammons to add enhancements to the upland Marina and Amenities to the Park.

I understand at the upcoming Town Council Meeting , Council will consider approving a budget to enhance the landscaping within the Lake Drive Park.

My intentions as a Longtime Resident who cares about the aesthetics of the Town and someone who has previously been involved with Public/Private projects like the Par 3 Golf Course and Clubhouse.
I would like to offer my time to help the Town, again.

I propose the following:
I have asked my friends and colleagues
Nievera-Williams to donate the
Landscape Architectural Services to the Town to complete a design for the Park Enhancements.
They have Agreed.

I am committed to raise the funds to pay for landscape enhancements designed by Nievera - Williams and approved by TC.

I will be the Key Fundraiser for the Landscape Project.(Project cost TBD) I will select likeminded town residents to serve on a committee with me.

Please distribute my proposal and let me know if the Town would like to meet with me.
Most Cordially,
Scott Snyder

Sent from my iPad

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Proposed Improvements to Town Marina Upland Amenities, Lake Drive Park and South Lake Drive

DATE: October 29, 2020

STAFF RECOMMENDATION

Town staff recommends that the Town Council review the information to be presented to the Landmarks Preservation Commission (LPC) and provide any desired guidance or direction, to allow for completion of that application. Staff also recommends that the Town Council approve establishing a project budget of \$1,030,000.

GENERAL INFORMATION

The Town Council previously reviewed the concepts and cost estimates for the proposed improvements to Lake Drive Park and South Lake Drive. Staff was directed to provide the Town Council an updated summary and a preview of the application to LPC for its review and approval next month.

As presented at the previous meeting, the following items were approved for inclusion in the Lake Drive Park Improvements project.

- | | | |
|---|------------------------------------|----------------------|
| • Traffic calming | \$ | 183,000 |
| • Roundabout at Brazilian Ave & S. Lake Drive | TBD (based on traffic engineering) | |
| • Asphalt pathways in park | \$ | 87,500 |
| • Asphalt surface for Lake Trail | \$ | (no additional cost) |
| • Australian flagpole/circular seating & compass rose | \$ | 354,000 |
| • Bike racks & pads | \$ | 34,000 |
| • Vehicle entry gates | \$ | 60,000 |

Previously authorized tasks:

- | | | |
|--|----|--------|
| • W.F. Baird & Associates – add'l services | \$ | 50,000 |
| • Fairfax & Sammons task | \$ | 34,500 |

Subtotal Estimated Costs = **\$ 803,000**

Additional consultant services to accomplish the design and bid documents for these items is estimated to be \$55,000. A 20% contingency amount of \$172,000 is recommended, to account for possible LPC and design revisions that may be necessary, and since the scope of work and the design details are not well defined yet.

Staff recommends that the initial budget be established at \$1,030,000 for this project. The recommended budget reflects the net additional costs to accomplish the approved items, and is in addition to those funds already budgeted for the Town Marina project.

Scope of Work Items – Funding Already Approved and Budgeted

The following items were included in the original approved Town Marina budget. The first three items are known costs already included in the construction contract (Murray Logan Construction), and last three items are funded in the original approved owner's budget (outfitting and FF&E items), and will be refined as the park improvements progress. For example, staff is awaiting a final proposal for the low voltage systems so that cost is not yet known. The final net cost for the project won't be determined until the bid documents are prepared and contractor's cost proposal is received.

<u>Item Description</u>	<u>Amount</u>
Mill & Resurface Parking Lots and Restripe	\$ 211,285
Landscaping/Irrigation- Parking Lots, Dock Entrances, Utilities	\$ 248,000
Resurface Lake Trail (asphalt) and Dock Accesses/Ramps	\$ 285,000
Flagpole*	\$ 11,000
Parking Lot Entry/Gates*	\$ 148,500
Low Voltage Marina & Park (Security Cameras, Access Control)*	\$ 352,000

*Included in Owner's Budget as outfitting (FF&E) items

As presented at the previous meeting, the following items were deferred and will be pursued separately (via design competition) at a future date. A separate agenda item is included for the Town Council's consideration of donated services to accomplish the design for these elements. *[It should be noted that the cost for design/construction of these items is not included in the established budget mentioned above.]*

- Landscaping
- Irrigation
- Lighting (landscape or area lighting)
- Benches
- Drinking fountains

A preview of the LPC presentation topics will be presented to the Town Council, and an advanced copy will be provided prior to the November 10, 2020 meeting. Significant elements of the presentation topics include:

- Walkways & Paths – Provides improved pedestrian access through the park in three (3) locations to allow marina patrons and park users to connect between South Lake Drive and the Lake Trail on paved surfaces. An alternative path at Australian Avenue is presented since there was some consensus that it would have less effect on the open space in the park and would present the best direct access to Australian Dock. Width of the paths and trail will be adjusted as necessary to avoid loss of green space in the park.
- Flagpole and Seating Area – Note that the retaining walls associated with this element are also included.
- Parking Lot Entry Gates – These will be presented to LPC and are recommended to be of the boom barrier type (“arm bar gate”) since that is the most practical for this situation. Swing gates and rolling/sliding gates were also considered but the area required for them and the cycle-time is not as appropriate for this application.

FUNDING/FISCAL IMPACT

The initial project budget is established at \$1,030,000. The cost for interim tasks previously approved by the Town Council for design consultant services (Fairfax & Sammons for \$34,500 and W.F. Baird & Associates for \$50,000) are included in that budget. The source of funds for this project needs to be determined, and a budget amendment will be required.

PURCHASING REVIEW

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

cc: Jay Boodheshwar, Deputy Town Manager
 Carolyn Stone, Director of Business Development & Operations
 Jane LeClainche, Finance Director
 Eric Brown, P.E., Assistant Director of Public Works
 Dean Mealy, Purchasing Manager
 Jason Debrincat, P.E., Senior Project Engineer
 Mike Horn, Town Dockmaster

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorization for the Mayor to Enter into a FIND Grant Agreement for Town Dock Replacement, Part II
Resolution No. 130-2020

DATE: October 21, 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 130-2020 authorizing the Town Mayor to sign the Florida Inland Navigation District (FIND) Agreement for Project No. PB-PB-20-209 for FIND cost sharing participation in the amount of \$1,000,000 for the Town Dock Replacement Project, Part II.

GENERAL INFORMATION

On October 1, 2020, FIND staff informed the Town that the FIND Board of Commissioners recommended funding for the 2020-2021 Waterways Assistance Program. The Town was awarded a 50:50 match of up to \$1,000,000 for the Town Docks Replacement Project, Part II. Following execution of the Agreement, the Town will have up to three (3) years to complete the applicable construction tasks. This cost-share from FIND is the second grant issued for construction activities related to the Town Dock Replacement Project. Last year, FIND awarded \$3,062,000 in cost-sharing for the project.

FUNDING/FISCAL IMPACT

FIND funds will reimburse the Town \$1,000,000 for 50% of \$2,000,000 spent on the Town Docks Replacement Project above the initial \$6,124,000 spent in association with the first FIND grant. These tasks include the dock improvements and bulkhead replacement.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Jane Le Clainche, Director of Finance
Dean Mealy, Purchasing Manager
Eric Brown, P.E, Assistant Public Works Director
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

RESOLUTION NO. 130-2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A GRANT FOR PROJECT NO. PB-PB-20-209, BETWEEN THE FLORIDA INLAND NAVIGATION DISTRICT AND THE TOWN OF PALM BEACH UNDER THE WATERWAYS ASSISTANCE PROGRAM, SPECIFICALLY CONSTRUCTION REIMBURSEMENT FOR THE TOWN OF PALM BEACH TOWN DOCK REPLACEMENT PROJECT, PART II, IN THE AMOUNT OF \$1,000,000, AND AUTHORIZING THE MAYOR 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 Florida Department of Environmental Protection (FDEP) has agreed to a cost-share on eligible project elements related to the Mid-Town Beach Nourishment Project.

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 Town Council hereby approves the attached Florida Inland Navigation District (FIND) Contract No. PB-PB-20-209, to reimburse the Town with additional eligible costs associated with monitoring for the Town Dock Replacement Project, Part II, in the amount of \$1,000,000.

Section 3. The Mayor is hereby authorized to execute FIND Contract No. PB-PB-20-209, on behalf of the Town.

Section 4. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the administration of this Grant Agreement, including any necessary change order work as recommended by the Public Works Director.

Section 5. This Resolution shall be provided to FIND, at 1314 Marcinski Road, Jupiter, Florida 33477-9498, in accompaniment with an executed original of FIND Contract No. PB-PB-19-208.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of November 2020.

Gail L. Coniglio, Mayor

ATTEST:

Queenester Nieves, CMC, Town Clerk

FLORIDA INLAND NAVIGATION DISTRICT



October 1, 2020

Mr. Robert Weber, Coastal Program Manager
Town of Palm Beach, Coastal Program Manager
951 Okeechobee Road, Suite A
West Palm Beach, FL 33401

RECEIVED

OCT - 5 2020

Town of Palm Beach
Public Works Dept.

COMMISSIONERS

DON DONALDSON
CHAIR
ST. LUCIE COUNTY

J. CARL BLOW
VICE-CHAIR
ST. JOHNS COUNTY

JON NETTS
TREASURER
FLAGLER COUNTY

FRANK GERNERT
SECRETARY
BROWARD COUNTY

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MIAMI-DADE COUNTY

DONALD J. CUOZZO
MARTIN COUNTY

CHARLES C. ISIMINGER
PALM BEACH COUNTY

VACANT
VOLUSIA COUNTY

MICHAEL O'STEEN
DUVAL COUNTY

JERRY H. SANSOM
BREVARD COUNTY

LYNN A. WILLIAMS
NASSAU COUNTY

VACANT
INDIAN RIVER COUNTY

RE: Town of P. Beach Town Docks Replacement, Part II
(Project # PB-PB-20-209)

Dear Mr. Weber:

Enclosed, for your signature, is an original project agreement for your approved Assistance Program project for fiscal year 2020-2021. When signing the agreement, be sure to **also complete the Exhibit C, Matching Funds Form in the agreement.**

Once the agreement has been executed, please return the original to me for execution by the District. If original signatures are not required on your part, the signed agreement may be scanned and emailed to JZimmerman@aicw.org Upon final signature by FIND's Executive Director, I will return a fully executed agreement to you for your files.

Please note the projects first quarterly report (Exhibit F) will be due Dec 30, 2020. Other important grant deadlines and closeout requirements are listed in Exhibit G in the agreement.

Should you have any questions please feel free to contact me at 561.627.3386 or JZimmerman@aicw.org

Sincerely,

Janet Zimmerman
Assistant Executive Director

MARK T. CROSLY
EXECUTIVE DIRECTOR

JANET ZIMMERMAN
ASSISTANT EXECUTIVE
DIRECTOR

**FLORIDA INLAND NAVIGATION DISTRICT
PROJECT AGREEMENT**

PROJECT NO. PB-PB-20-209

This PROJECT AGREEMENT ("AGREEMENT") made and entered into this _____ day of _____, 20____ by and between the Florida Inland Navigation District (hereinafter the "DISTRICT"), and the Town of Palm Beach, (hereinafter the "PROJECT SPONSOR").

In consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. **PROJECT** - Subject to the provisions of this AGREEMENT and Rule 66B-2 of the Florida Administrative Code (a current copy of which is attached as Exhibit "B"), the DISTRICT has approved assistance funding to the PROJECT SPONSOR in furtherance of an approved project ("PROJECT") consisting of the Town of Palm Beach Town Docks Replacement, Part 2. Said PROJECT is more specifically described in the PROJECT SPONSOR'S Waterways Assistance Application, which is on file at the DISTRICT's headquarters.

Any modifications to the PROJECT'S scope of work shall require written advance notice and justification from the PROJECT SPONSOR and the prior written approval of the DISTRICT.

2. **TERM** - The PROJECT SPONSOR shall not commence work on the PROJECT prior to the execution of this AGREEMENT unless specifically authorized by the DISTRICT Board and **shall complete the PROJECT and submit all required payment reimbursement information on or before September 30, 2022 ("PROJECT PERIOD")**, unless the PROJECT PERIOD has been extended with the prior written approval of the DISTRICT. Any request for an extension of the PROJECT PERIOD shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than 60 days prior to the original expiration date of the PROJECT PERIOD. This request will then be considered by the DISTRICT Board, whose decision shall be final. In no event other than a declared state of emergency that affects the project completion shall the PROJECT be extended beyond September 30, 2023. The PROJECT SPONSOR acknowledges this is the only provision to carry over the DISTRICT assistance funding under this AGREEMENT beyond September 30, 2022, and that any extension of funding beyond this date shall be at the sole discretion of the DISTRICT.

3. **ASSISTANCE AMOUNT** - The DISTRICT shall contribute ("ASSISTANCE AMOUNT") no more than Fifty percent (50%) ("MATCHING PERCENTAGE") of the PROJECT SPONSOR'S eligible out-of-pocket costs for completion of this PROJECT ("PROJECT AMOUNT"). Payment of funds by the DISTRICT to the PROJECT SPONSOR (the "ASSISTANCE AMOUNT") will be on a reimbursement basis only, and only for those authorized out of pocket costs as shown in Exhibit A, Project Cost Estimate ("PROJECT COSTS") and meeting the requirements of Section 5 below and shall not, in any event, exceed \$1,000,000.00.

Any modifications to the PROJECT's Cost Estimate (Exhibit A) shall require written advance notice and justification from the PROJECT SPONSOR and the prior written approval of the DISTRICT.

4. **MATCHING FUNDS** - The PROJECT SPONSOR warrants and represents that it has the PROJECT SPONSOR Match Amount (the PROJECT AMOUNT less the ASSISTANCE AMOUNT) available for the completion of the PROJECT and shall, prior to the execution of this AGREEMENT, have provided the DISTRICT with suitable evidence of the availability of such funds using the DISTRICT's Form #95-01 (Exhibit C, Matching Funds Certification) and, upon request, providing the DISTRICT with access to applicable books and records, financial statements, and bank statements.

5. **PROJECT COSTS** - To be eligible for reimbursement under this AGREEMENT, PROJECT COSTS must be necessary and reasonable for the effective and efficient accomplishment of the PROJECT and must be directly allocable thereto. PROJECT COSTS are generally described in Exhibit B, Chapter 66B-2, F.A.C.. PROJECT COSTS must be incurred, and work performed within the PROJECT PERIOD, with the exception of pre-AGREEMENT costs, if any, consistent with Section 6 below, which are also eligible for reimbursement by the DISTRICT.

If the PROJECT SPONSOR receives additional funding for the PROJECT COSTS from another source that was not identified in the original application and that changes the AGREEMENT MATCHING PERCENTAGE, the PROJECT SPONSOR shall proportionately reimburse the DISTRICT's program funds equal to the MATCHING PERCENTAGE in this AGREEMENT. The PROJECT SPONSOR shall promptly notify the DISTRICT of any project payments it receives from a source other than the DISTRICT.

6. **MULTI-YEAR FUNDING** - The DISTRICT and the PROJECT SPONSOR understand and agree that this project is approved as a multi-year project pursuant to Rule 66B-

2.005(4). All funding for the project is eligible to be distributed for up to a total of a three-year period. The PROJECT SPONSOR must submit an application for funding each subsequent grant cycle, and the application will be subject to the evaluation and rating process each year. Multi-year projects are limited to a maximum of two (2) additional funding requests. Note, a multi-year funding designation does NOT guarantee project funding in subsequent fiscal years.

7. **REIMBURSEMENT PROCEDURES** - PROJECT COSTS shall be reported to the DISTRICT and summarized on the Payment Reimbursement Request Form (Form #90-14) attached as Exhibit D. Supporting documentation including bills and canceled payment vouchers for expenditures shall be provided to the DISTRICT by the PROJECT SPONSOR or LIAISON AGENT with any payment request. All records in support of the PROJECT COSTS included in payment requests shall be subject to review and approval by the DISTRICT or by an auditor selected by the DISTRICT. Audit expenses shall be borne by the PROJECT SPONSOR.

Project funds may be released in installments, at the discretion of the DISTRICT, upon submittal of a payment request by the PROJECT SPONSOR or LIAISON AGENT. The DISTRICT shall retain ten percent (10%) of each installment payment until the completion of the PROJECT.

The following costs, if authorized in the attached Exhibit B, shall be reimbursed only upon completion of the PROJECT to the reasonable satisfaction of the DISTRICT and in accordance with Exhibit B: personnel, equipment, project management, administration, inspection, and design, permitting, planning, engineering, and/or surveying costs. Assuming the PROJECT SPONSOR has otherwise fully complied with the requirements of this AGREEMENT, reimbursement for a PROJECT approved as Phase I project will be made only upon commencement of construction of the PROJECT for which the Phase I planning, designing, engineering and/or permitting were directed, which may or may not involve further DISTRICT funding. Procedures set forth below with respect to reimbursement by the DISTRICT are subject to this requirement of commencement of construction.

The DISTRICT shall have the right to withhold any payment hereunder, either in whole or part, for non-compliance with the terms of this AGREEMENT.

8. **FINAL REIMBURSEMENT** - The PROJECT SPONSOR, upon completion of the PROJECT, shall submit to the DISTRICT a request for final reimbursement of the ASSISTANCE AMOUNT less any prior installment payments. The payment amounts previously retained by the DISTRICT shall be paid upon (1) receipt of the Final Audit report of expenses incurred on the PROJECT by the DISTRICT, (2) full completion of the PROJECT to the reasonable satisfaction of

the DISTRICT, (3) submission of Project Completion Certification Form No. 90-13 (Exhibit E), (4) submission of a photograph of the PROJECT showing the sign required by Section 18, and (5) a Final Project Report as described in Exhibit G, Assistance Project Schedule. As part of the documentation accompanying the request for final reimbursement, PROJECT SPONSOR shall provide proof of payment of all contractors, material suppliers, engineers, architects and surveyors with whom PROJECT SPONSOR has directly contracted (each a "DIRECT PROVIDER") to provide services or materials for the PROJECT. The final reimbursement amount shall be adjusted as necessary such that neither the total ASSISTANCE AMOUNT nor the MATCHING PERCENTAGE is exceeded. Unless otherwise determined by the DISTRICT, the final reimbursement check shall be presented by a DISTRICT representative to the PROJECT SPONSOR during a public commission meeting or public dedication ceremony for the PROJECT.

9. **RECORDS RETENTION** - The PROJECT SPONSOR shall retain all records supporting the PROJECT COSTS for three (3) years after the end of the fiscal year in which the Final Payment is released by the DISTRICT, except that such records shall be retained by the PROJECT SPONSOR until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the three-year retention period.

10. **DEFAULT AND REMEDIES** - In the event of a breach of any of the terms of this AGREEMENT by the PROJECT SPONSOR, the DISTRICT shall provide written notice to the PROJECT SPONSOR, which shall have sixty (60) days in which to cure the breach. If the PROJECT SPONSOR fails to cure the breach within the cure period, the DISTRICT shall have the right, but not the obligation, to demand that the PROJECT SPONSOR immediately refund the ASSISTANCE AMOUNT to the extent paid. PROJECT SPONSOR shall refund to the DISTRICT the full amount of the ASSISTANCE AMOUNT paid to PROJECT SPONSOR, whereupon this AGREEMENT, and all further rights thereunder, shall be terminated. If the DISTRICT does not demand reimbursement as aforesaid, the DISTRICT may exercise any and all other remedies available at law or in equity. With respect to the PROJECT SPONSOR's obligations under Sections 15, 17, and 20, PROJECT SPONSOR acknowledges that breach by the PROJECT SPONSOR of one or more of its obligations under said sections might cause the DISTRICT to suffer irreparable harm, namely harm for which damages would be an inadequate remedy. PROJECT SPONSOR further acknowledges that the DISTRICT might suffer irreparable harm due to delay if, as a condition to obtaining an injunction, restraining order, or other equitable remedy with respect to such a breach, the DISTRICT were required to demonstrate that it would suffer irreparable harm. The parties therefore intend that if the

PROJECT SPONSOR breaches one or more of its obligations under Sections 15, 17, or 20, the DISTRICT, in addition to such other remedies which may be available, shall have the right to seek specific performance and injunctive relief, and for purposes of determining whether to grant an equitable remedy any court will assume that the breach would cause the DISTRICT irreparable harm. The provisions of this section shall survive completion of the PROJECT.

11. **DISTRICT PROJECT MANAGER** - The Executive Director, or his designee, is hereby designated as the DISTRICT's Project Manager for the purpose of this AGREEMENT and shall be responsible for monitoring performance of its terms and conditions and for approving all reimbursement requests prior to payment.

12. **PROJECT SPONSOR'S LIAISON AGENT** - The PROJECT SPONSOR shall appoint a LIAISON AGENT, whose name and title shall be submitted to the DISTRICT upon execution of this AGREEMENT, to act on behalf of the PROJECT SPONSOR relative to the provisions of this AGREEMENT.

13. **STATUS REPORTS** - The PROJECT SPONSOR or LIAISON AGENT shall submit to the DISTRICT project status reports during the PROJECT term. These Quarterly Reports are to be on Form #95-02 (Exhibit F, Assistance Program Project Quarterly Status Report). Project design drawings, engineering drawings, and a copy of the Project bid award construction item cost list will be submitted as available. Photographs shall be submitted when appropriate to reflect the work accomplished. NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G, Assistance Project Schedule, may result in revocation of this AGREEMENT.

14. **LAWS** - The PROJECT SPONSOR agrees to obtain and to abide by all federal, state, and local permits and proprietary authorizations, and all applicable laws and regulations in the development of the PROJECT. The PROJECT SPONSOR agrees that all PROJECT facilities shall be designed and constructed in compliance with applicable state and federal statutory requirements for accessibility by handicapped persons, as well as all other federal, state and local laws, rules, and requirements.

15. **NON-DISCRIMINATION** - The PROJECT SPONSOR agrees that when completed, the PROJECT shall be readily accessible, on a non-exclusive basis, to the general public without regard to age, sex, race, physical handicap, or other condition, and without regard to residency of the user in another political subdivision.

16. **PARKING FACILITIES** - Adequate parking shall be made available by the PROJECT SPONSOR to accommodate vehicles for the number of persons for which the PROJECT is being developed.

17. **SITE DEDICATION** - The PROJECT SPONSOR also agrees that the PROJECT site shall be dedicated for the public use for a minimum period of twenty-five (25) years from the completion of the PROJECT, such dedication to be in the form of a deed, lease, management AGREEMENT or other legally binding document. Any change in such dedication shall require the prior approval of the DISTRICT. The PROJECT SPONSOR shall record evidence of such dedication within the Public Records of the County in which the PROJECT is located.

18. **ACKNOWLEDGMENT** - For construction projects, the PROJECT SPONSOR shall erect a permanent sign, approved by the DISTRICT, in a prominent location such as the PROJECT entrance of the completed PROJECT, which shall indicate that the DISTRICT contributed funds for the PROJECT. The wording of the sign required by this section shall be approved by the DISTRICT's staff before construction and installation of said sign. This sign shall contain the DISTRICT logo (Exhibit H) unless otherwise stipulated by the DISTRICT. In the event that the PROJECT SPONSOR erects a temporary construction sign, it shall also indicate the DISTRICT's participation. For all other types of projects, the PROJECT SPONSOR shall acknowledge the DISTRICT where feasible, in concurrence with the DISTRICT staff's recommendations.

19. **PROJECT MAINTENANCE** - When and as applicable, the PROJECT SPONSOR agrees to operate, maintain, and manage the PROJECT for the life of the PROJECT improvements and will pay all expenses required for such purposes. The PROJECT improvements shall be maintained in accordance with the standards of maintenance for other local facilities owned and operated by the PROJECT SPONSOR, and in accordance with applicable health standards. PROJECT facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The PROJECT SPONSOR warrants and represents that it has full legal authority and financial ability to operate and maintain said PROJECT facilities and improvements.

20. **FEES** - Any fees charged for this PROJECT shall be reasonable and the same for the general public of all member counties. The PROJECT SPONSOR must demonstrate that a minimum of fifty percent (50%) of the PROJECT fees will be utilized for project maintenance and improvements throughout the anticipated 25-year life of a development project or the design life of other project types, as applicable.

21. **SOVEREIGN IMMUNITY** - Each party hereto agrees that it shall be solely responsible for the wrongful acts of its employees, contractors, and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity under Section 768.28, Florida Statutes. The PROJECT SPONSOR acknowledges that the DISTRICT, its employees, commissioners, and agents are solely providing funding assistance for the PROJECT and are not involved in the design, construction, operation or maintenance of the PROJECT.

22. **INSPECTIONS** - The DISTRICT reserves the right, upon reasonable request, to inspect said PROJECT and any and all records related thereto at any time.

23. **RIGHTS AND DUTIES** - The rights and duties arising under this AGREEMENT shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, and shall, unless the context clearly requires otherwise, survive completion of the PROJECT. The PROJECT SPONSOR may not assign this AGREEMENT nor any interest hereunder without the express prior written consent of the DISTRICT.

24. **WAIVERS** - Waiver of a breach of any provisions of this AGREEMENT shall not be deemed a waiver of any other breach of the same or different provision.

25. **NOTICE** - Any notice required to be given pursuant to the terms and provisions of this AGREEMENT shall be in writing, postage paid, and shall be sent by certified mail, return receipt requested, to the DISTRICT or PROJECT SPONSOR at the addresses below. The notice shall be effective on the date indicated on the return receipt.

To the DISTRICT at:

Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477-9498

To the PROJECT SPONSOR at:

Town of Palm Beach
Attention: Coastal Program Manager,
951 Okeechobee Road, Suite A
West Palm Beach, FL 33401

26. **NO JOINT VENTURE** - The DISTRICT's role with respect to the PROJECT is that of a funding assistance authority only and the DISTRICT is not, and shall not be considered to be, an agent, partner, or joint venturer with the PROJECT SPONSOR.

27. **GOVERNING LAW** - The validity, interpretation, and performance of this AGREEMENT shall be controlled and construed according to the laws of the State of Florida.

28. **TRANSFERENCE** - It is the intent of the DISTRICT to issue this funding assistance to the PROJECT SPONSOR who has made application for this assistance. In the event the PROJECT SPONSOR transfers ownership or management of the PROJECT to a party or parties not now a part of this AGREEMENT, other than another governmental entity that agrees to assume, in writing, PROJECT SPONSOR'S obligation hereunder, the DISTRICT retains the right to full reimbursement from the PROJECT SPONSOR to the full extent of the funding assistance provided by the DISTRICT including, but not limited to, any costs and reasonable attorney's fees (regardless of whether litigation ensues) incurred by the DISTRICT in collecting said reimbursement.

29. **ENTIRE UNDERSTANDING** - This AGREEMENT, including any exhibits made a part hereof, embodies the entire AGREEMENT and understanding of the parties and supersedes all prior oral and written communications between them. The terms hereof may be modified only by a written amendment signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day, month and year aforesaid.

WITNESSES:

FLORIDA INLAND NAVIGATION DISTRICT

By: _____
Executive Director

Date: _____

WITNESSES:

Town of Palm Beach

By: _____

Title: _____

Date: _____

FLORIDA INLAND NAVIGATION DISTRICT ASSISTANCE PROGRAM

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

APPLICANT: Town of Palm Beach

Project Elements <i>(Please list the MAJOR project elements and provide a general cost break out for each one. For Phase I Projects, please list the major elements and products expected)</i>	Quantity Estimated Cost (Number and/or Footage)	Applicant's Cost	FIND Cost
Dock Improvements	\$1,000,000	\$500,000	\$500,000
Bulkhead Replacement	\$1,000,000	\$500,000	\$500,000

\$1,000,000

497

EXHIBIT B

2020

CHAPTER 66B-2

WATERWAYS ASSISTANCE PROGRAM

66B-2.001	Purpose
66B-2.002	Forms
66B-2.003	Definitions
66B-2.004	Policy
66B-2.005	Funds Allocation
66B-2.006	Application Process
66B-2.0061	Emergency Applications
66B-2.008	Project Eligibility
66B-2.009	Project Administration
66B-2.011	Reimbursement
66B-2.012	Accountability
66B-2.013	Acknowledgement
66B-2.014	Small-Scale Spoil Island Restoration and Enhancement Projects
66B-2.015	Small-Scale Derelict Vessel Removal Projects
66B-2.016	Waterways Cleanup Events

66B-2.001 Purpose.

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.001.

66B-2.002 Forms.

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.002.

66B-2.003 Definitions.

The basic terms utilized in this rule are defined as follows:

- (1) "APPLICANT" means an eligible governmental agency submitting an application through this program.
- (2) "APPLICATION" means a project proposal with the required documentation.
- (3) "AUTHORIZED SUBMISSION PERIOD" means the established period for submitting applications to the District.
- (4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.
- (5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.
- (6) "DISTRICT" means the Florida Inland Navigation District (FIND).
- (7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.
- (8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of

Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

(9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) "LOCAL GOVERNMENTS" means municipalities, cities, or consolidated county governments, which are located within the member counties.

(12) "MARITIME MANAGEMENT PLAN" means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.

(13) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.

(14) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(15) "NAVIGATION RELATED DISTRICTS" means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.

(16) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(17) "PROGRAM" means the Florida Inland Navigation District Waterways Assistance Program.

(18) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(19) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(20) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(21) "PROJECT MAINTENANCE" means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceable or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(22) "PROJECT MANAGER" means the District employee who is responsible for monitoring the performance of the Project and compliance with the project agreement.

(23) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.

(24) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.

(25) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(26) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(27) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(28) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(29) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(30) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the

environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain balance between quality of life and quality of the environment of waterways.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11.

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects directly related to the waterways.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps and launching facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) Notification: The District will notify by direct mail, email and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9) Third-Party Project Operators: Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

Rulemaking Authority 374.976(2) F.S. Law Implemented 374.976(1), (2) F.S. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15.

66B-2.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (A) through (F) Waterways Assistance Program Application and Evaluation Worksheet (effective date 1/2014), hereby incorporated by reference and available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03568> and available from the District office or by download from the District's webpage at: www.aicw.org.

(1) Funding Assistance Availability: In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) Project Funding Ratio: All financial assistance and support to eligible governmental agencies shall require, at a minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(6), F.A.C., land acquisition projects in accordance with subsection 66B-2.005(7) and Rule 66B-2.008, F.A.C., small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, derelict vessel projects consistent with Rule 66B-2.0015, F.A.C., and Waterway Cleanup Projects approved under Rule 66B-2.0016, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-2.008(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within

the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) Inlet Management and Beach Renourishment: Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) Inlet Management: Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) Beach Renourishment: All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more publicly accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels. Navigation projects or project elements that have one facility open to the public will qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: Land acquisition projects that provide for commercial/industrial waterway access shall qualify for a maximum of fifty (50) percent funding. All other land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants in favor of the District stating that if the required boating access facility is not constructed within 7 years and dedicated for the public use as a boating access facility for a minimum period of 25 years after completion of construction, the District shall require the applicant to refund the program funding.

(8) Seaport Funding Eligibility: Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History--New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, 3-7-12, 4-10-13, 1-27-14, 5-15-16.

66B-2.006 Application Process.

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects eligible Small-Scale Derelict Vessel Applications and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and the Waterway Assistance Program Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) (effective date 1/2014) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and the Waterway Assistance Program Project Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Maps and Geographic Information: All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) Application Review: Applicants shall obtain the local FIND Commissioner's initials on Form No. 90-26 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, an application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-26. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02), and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(7) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal

Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(8) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(9) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application and Evaluation Worksheets No. 91-25 (A) through (F) for Waterways Assistance Program applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief Applications", shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06, 1/2014).

(10) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11, 1-27-14.

66B-2.0061 Disaster Relief Applications.

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;

9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront parks and boardwalks and associated improvements;
13. Maritime Management Planning;
14. Waterways boating safety programs and equipment;
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and,
16. Environmental restoration, enhancement or mitigation projects; and,
17. Other waterway related projects. Waterway projects that do not meet specific criteria in subsection 66B-2.005(5) or (6) or subparagraphs 66B-2.008(1)(a)1.-16., F.A.C., but are located on eligible waterways shall be considered for funding under the priority listing of "other waterway related project" and eligible for 25% funding.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Project maintenance and maintenance equipment;
8. Picnic shelters and furniture for non-waterway related facilities;
9. Vehicles to transport vessels; and,
10. Operational items such as fuel, oil, etc.
11. Office space that is not incidental and necessary to the operation of the main eligible public building; and,
12. Conceptual project planning, including: public surveys, opinion polls, public meetings, organizational conferences; and,
13. Inlet maintenance.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:
 - a. Project management, administration and inspection;
 - b. Design, permitting, planning, engineering or surveying costs for completed construction project;
 - c. Restoration of sites disturbed during the construction of an approved project;
 - d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting, Marine law enforcement and other vessels are eligible for a maximum of \$60,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental

entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible local governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

(a) Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

(b) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

1. Public boat ramp and ramp parking inventory and analysis.
2. Public mooring and docking facility analysis, including day docks and transient slips.
3. Commercial and working waterfront identification and needs analysis.
4. The identification, location, condition and analysis of existing and potential navigation channels.
5. An inventory and assessment of accessible public shorelines.
6. Public Waterway transportation needs.
7. Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities.
8. Economic conditions affecting the boating community and boating facilities.
9. Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.

(c) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to pursue and assign any available mitigation

credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15, 2-21-16.

66B-2.009 Project Administration.

The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding and prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report", dated 7-30-02, hereby incorporated by reference and available at the District office. A Final Project Report shall be submitted at the completion of the project and shall at minimum include: project summary, photo of completed project, final cost, project benefits to the waterway and location address.

(5) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and

available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.009, Amended 3-21-01, 7-30-02, 3-7-11, 1-27-14.

66B-2.011 Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of:

(a) The percentage total of project funding that the Board has agreed to fund, or

(b) The maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02, 3-7-11.

66B-2.012 Accountability.

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-2.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.012, Amended 7-30-02.

66B-2.013 Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-2.013, Amended 2-22-10.

66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding:

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall include a map clearly delineating the location of all proposed work included in the application.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 7-30-02) as approved by the District and hereby incorporated by reference and available from the District office.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 7-30-02, Amended 4-24-06, 3-7-11.

66B-2.015 Small-Scale Derelict Vessel Removal Projects.

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$30,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 4-24-06, Amended 4-15-07, 3-25-08, 3-7-11, 1-27-14.

66B-2.016 Waterways Cleanup Events.

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure: Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Availability: The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of subsections (8) through (10), below.

(3) Applicant Eligibility: The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.

(4) Funding: District funding shall be limited to \$5,000 per waterway, per county, except for the provisions of subsections (8) through (10), below.

(5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.

(6) Funding Eligibility: The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.

(7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

(8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.

(9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.

(10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 3-7-11.

EXHIBIT C

FLORIDA INLAND NAVIGATION DISTRICT

ASSISTANCE PROGRAM

Matching Funds Certification

Sponsor: _____

Project Title: _____ Project #: _____

Source of Matching Funds: _____

Amount of Matching Funds: _____

I hereby certify that the above referenced project Sponsor, as of October 01, 2018, has the required matching funds for the accomplishment of the referenced project in accordance with the Waterways Assistance Program Project Agreement between the Florida Inland Navigation District and the Sponsor, dated _____.*

Project Liaison Name: _____

Project Liaison Signature: _____

Date: _____

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

FIND Form No. 95-01
New 9/9/95 (revised 7-30-02)

EXHIBIT D

FLORIDA INLAND NAVIGATION DISTRICT
ASSISTANCE PROGRAM
PAYMENT REIMBURSEMENT REQUEST FORM

PROJECT NAME: _____ PROJECT #: _____

PROJECT SPONSOR: _____ BILLING #: _____

Amount of Assistance A. _____
Less Previous Total Disbursements B. _____
and Less Previous Total Retainage
Held Balance Available = _____

Funds Requested This Disbursement

Funds Requested C. _____
Less Retainage (-10% unless final) D. _____
Check Amount = _____

Amount of Assistance _____
Less Total Prior and Current
Payments Including all retainage
held (A-B-C-D) = _____
= Balance Remaining

SCHEDULE OF EXPENDITURES

Expense Description (Should correspond to Cost Estimate Sheet Categories in Exhibit "A")	Vendor Name	Check No. and Date	Total Cost	Applicant Cost	FIND Cost
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EXHIBIT D (CONTINUED)

SCHEDULE OF EXPENDITURES

Expense Description (Should correspond to Cost Estimate Sheet Categories in Exhibit "A")	Vendor Name	Check No. and Date	Total Cost	Applicant Cost	FIND Cost
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Certification for Reimbursement: I certify that the above expenses were necessary and reasonable for the accomplishment of the approved project and that these expenses are in accordance with Exhibit "A" of the Project Agreement. *

Project Liaison

Date

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

FLORIDA INLAND NAVIGATION DISTRICT

ACH Authorization FORM

CREDIT/DEBIT AUTHORIZATION FORM

I (we) hereby authorize the Florida Inland Navigation District to initiate entries to my (our) checking /savings account at the financial institution listed below, and if necessary, initiate adjustments for any transactions credited/debited in error. This authority will remain in effect until the Florida Inland Navigation District is notified by me (us) in writing to cancel it in such time to afford the District and the financial institution a reasonable opportunity to act on it.

(Name of Financial Institution)

(Address of the Financial Institution-Branch, City, State, & Zip)

Signature

Date

Name-PLEASE PRINT

Name of Business/Agency

Address-PLEASE PRINT

Financial Institution Routing Number: _____

Checking/Savings Account Number: _____

These numbers are located on the bottom of your check as follows:

⑈ 1 2 3 4 5 6 ⑈

ROUTING NUMBER

⑈ 1 2 3 4 5 6 7 8 9 0 1 2 ⑈

ACCOUNT NUMBER

EXHIBIT E

FLORIDA INLAND NAVIGATION DISTRICT ASSISTANCE PROGRAM

Project Completion Certification

Sponsor: _____

Project Title: _____ Project #: _____

I hereby certify that the above referenced project was completed in accordance with the Assistance Program Project Agreement between the Florida Inland Navigation District and _____, dated _____, 20____, and that all funds were expended in accordance with Exhibit "A" and Paragraph 1 of the Project Agreement. *

Project Liaison Name: _____

Project Liaison Signature: _____

Date: _____

*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

FIND Form No. 90-13
(Effective Date: 12-17-90, Revised 7-30-02)

EXHIBIT F

**ASSISTANCE PROGRAM PROJECT
QUARTERLY STATUS REPORT**

http://www.aicw.org/assistance_programs/cooperative_assistance_programs/docs/exhibit-f-status-report-95-02.docx

PROJECT NO. _____

PROJECT TITLE: _____

PROJECT SPONSOR: _____

REPORT PERIOD

Oct 1-Dec 20__ ; Jan-March 20__ ; April-June 20__ ; July-Sept 20__
Report Due: (Dec 30) (March 30) (June 30) (Sep 30)

WORK ACCOMPLISHED:

PROBLEMS ENCOUNTERED:

PERCENTAGE COMPLETION:

OTHER NOTABLE ITEMS:

Form No. 95-02
(Effective Date: 7-30-02)

EXHIBIT G ASSISTANCE PROJECT SCHEDULE

OCTOBER 2010-	Project Agreement Executed, Project Initiates.	
DECEMBER 30, 2020	First Quarterly Report Due.	Use Quarterly Status Report Form Exhibit F http://www.aicw.org/assistance_programs/waterway_assistance_programs/index.php
- MARCH 30 2021-	Second Quarterly Report Due.	
JUNE 30, 2021-	Third Quarterly Report Due.	
SEPTEMBER 30, 2021	Fourth Quarterly Report Due.	
DECEMBER 30, 2020	Fifth Quarterly Report Due.	
- MARCH 30 2022 -	Sixth Quarterly Report Due.	
JUNE 30, 2022-	Seventh Quarterly Report Due.	

NOTE: If the project will not be completed and all close out paperwork submitted by September 30th , a request for a 1-year extension of the completion date of the project should be submitted with the June 2022 quarterly report.

SEPTEMBER 1-30, 2022 - Work on Closeout paperwork
Closeout paperwork consists of :

1. Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), which certifies that the project was completed in accordance with the project agreement and the final project plans.
2. A final reimbursement request accompanied by all required supporting documentation including bills and canceled payment vouchers for expenditures.
3. Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.
4. Photograph(s) of the completed project clearly showing the program improvements. (jpg or tif format)
5. A Final Project Report (1-2 pages) that shall at minimum include: project name and address, project summary, final cost, and project benefits to the waterway.

SEPTEMBER 30, 2022 - End of Grant. All work must be complete closeout paperwork submitted.
October 2022- finish processing closeout paperwork, perform project inspection and submit final reimbursement check and coordinates check presentation with sponsor.

NOTE: ANY MODIFICATIONS to the PROJECT shall require advance notice and prior written approval of the District. The appropriate timing for modifications to the project cost estimate, Exhibit A, would be after receipt of bids.

***NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G may result in revocation of this agreement pursuant to Section 13 of the project agreement.**

EXHIBIT H

http://www.aicw.org/studies_and_information/bids_files_plans_logos/logos.php#revize_document_center_rz617



TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Continued Discussion Regarding Public Access and the Enforcement of Regulations on the Beaches Between Wells Road and Sunset Avenue.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated November 2, 2020, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Chapter 74, Article II, Division 3 of the Town Code**
- ▣ **Back-up Documents from October 13, 2020, Council Meeting**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Continued Discussion Regarding Public Access and the Enforcement of Regulations
on the Beaches Between Wells Road and Sunset Avenue

Date: November 2, 2020

STAFF RECOMMENDATION

Staff recommends Town Council review the back-up provided at the October 13, 2020, Town Council meeting, as well as the information below and new attachment, relative to public access and the enforcement of regulations on the beaches located between Wells Road and Sunset Avenue; and provide direction to staff as necessary.

GENERAL INFORMATION

At the October 13, 2020, Town Council meeting, staff reported on measures the Town has taken to address various neighborhood concerns in the beach areas between Wells Road and Sunset Avenue. After much discussion Council approved charging \$5/hr for parking on the 100 Block of Sunrise and on North County Road, with a two hour limitation for purchased parking. Said regulations are now currently in effect. No additional actions were taken at the time.

Included as attachments to this memo are the back-up documents from last month, as well as a copy of Chapter 74, Article II, Division 3 – Regulation of Use of Public Beaches. This section of the Town Code has been provided as a reference if Council desires to implement any regulations currently in effect on guarded beaches on this stretch of unguarded public beach areas.

FUNDING/FISCAL IMPACT

Minor expenses related to necessary signage and communications, related to any approved regulation changes, will be absorbed in existing operations budgets.

Attachments

cc: H. Paul Brazil, Director of Public Works
Nick Caristo, Police Chief
Wayne Bergman, Director of Planning, Zoning and Building
John C. Randolph, Town Attorney

DIVISION 3. - REGULATION OF USE OF PUBLIC BEACHES

Sec. 74-186. - Applicability.

All persons using the public beaches within the town shall comply with and abide by the rules and regulations of this division.

(Code 1982, § 14-45)

Sec. 74-187. - Use of surfboards and skimmers.

It is declared to be unlawful for any person to use or operate a surfboard or any other kind of hard device designed to ride waves upon any public beach operated and patrolled and guarded by lifeguards of the town, in the surf adjacent to any such public beach within the town. Other kinds of hard devices include skim boards, body boards, surfyaks, knee boards, surf skis and other similar devices.

(Code 1982, § 14-34)

Sec. 74-188. - Littering.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Beaches means that area abutting the Atlantic Ocean or Lake Worth consisting of predominantly sand, whether below or above the mean high water mark.

- (b) *Prohibited.* No person shall leave or deposit any trash, refuse or debris on any beach. Any such trash, refuse or debris shall be placed, when available, in a container clearly marked by the town for such purpose. If there is no receptacle, or if the receptacle is full, all trash or refuse must be removed from the beach.
- (c) *Private beaches.* In regard to that portion of the beach determined to be private property, no person shall place or deposit on any such beach any trash, refuse or debris. Further, the owner of the private property shall not allow trash, refuse or debris to remain on his property for a period of time greater than seven days after notification by the town. Any such trash, refuse or debris located upon private beachfront property shall be properly disposed of in a manner otherwise provided by the codes and regulations of the town.
- (d) *Violation.* Anyone in violation of this section shall be subject to a fine not in excess of the amount provided by law for a misdemeanor in the state. Alternatively, any private property owner found to be in violation of this section shall be subject to the jurisdiction of the town's code enforcement ordinance, chapter 2, article V of this Code, and subject to penalties prescribed by the code enforcement board for each day a violation is determined to exist.
- (e) *Failure to comply.* Should any property owner fail to comply with the terms of this section within seven days after notice by certified mail, the department of public works may enter the premises and accomplish the necessary work; and the cost thereof shall be assessed against the property involved and shall constitute a lien against the property.

- (f) *Appeal; cost of work conducted.* Any person receiving notice pursuant to subsection (e) above may file an appeal with the town council within seven days of the date of the notice to contest same, the appeal to be heard by the town council at its next regularly scheduled meeting. In the absence of an appeal, and upon failure of the property owner to comply with the terms of the notice, or in the event of an appeal, upon failure to comply with the direction of town council, the property owner shall pay the cost of any work conducted by the town within 30 days from the mailing of a bill for same. In the event the bill is not paid within 30 days, it shall become a lien against the premises to be enforced in the manner provided by law.

(Code 1982, § 14-36)

Cross reference— Solid waste, ch. 102.

Sec. 74-189. - Beaches; depositing material on.

It shall be unlawful to deposit any material on the ocean beach without permission of the town manager.

(Code 1982, § 13-9)

Sec. 74-190. - Ball playing; throwing missiles.

No person or group of persons shall engage in ball playing of any kind, or in the throwing of any ball, aerial disk or other missile upon any public beach operated and patrolled and guarded by lifeguards of the town.

(Code 1982, § 14-48)

Sec. 74-191. - Animals prohibited.

No person shall take any animal upon those certain public beaches within the town identified herein or in the surf adjacent to any such public beach within the town. Said beaches shall include the Phipps Park beach, the public beach from Royal Palm Way south to Gulfstream Road, the Clarke Avenue beach from Barton to Seaspray, and the beach from Sunset Avenue to Wells Road. An exception shall apply to allow leashed dogs on public beaches between Sunset and Wells Road only.

(Code 1982, § 14-50; Ord. No. 11-2012, § 2, 8-14-12; Ord. No. [04-2020](#), § 2, 2-11-20)

Cross reference— Animals generally, ch. 10.

Sec. 74-192. - Commercial activities.

No person shall sell or barter any article of personal property, tangible or intangible, or distribute or post any advertising or promotional material on any of the public beaches.

(Code 1982, § 14-52)

Cross reference— Businesses, ch. 22.

Sec. 74-193. - Drinking.

No person shall drink intoxicating beverages upon the public beaches.

(Code 1982, § 14-54)

Cross reference— Alcoholic beverages, ch. 6.

Sec. 74-194. - Gymnastic equipment.

No person shall use or bring upon the beach for use any platform, trapeze bars or similar articles for gymnastic exhibition or use.

(Code 1982, § 14-56)

Sec. 74-195. - Motor vehicles.

No motor vehicle shall be driven upon the beaches or over dune areas adjacent to beaches without the previous written consent of the chief of police.

(Code 1982, § 14-57)

Cross reference— Traffic and vehicles, ch. 118.

Sec. 74-196. - Presence during closed hours; hours specified.

No person shall use or be upon any public beach in the town during the hours when any such beach is declared to be closed to the public as hereinafter set forth:

- (1) Phipps Park is declared to be closed to the public each day from sunset to sunrise, the following day.
- (2) The public beach from Royal Palm Way south to Gulfstream Road is declared to be closed to the public each day from sunset to sunrise.
- (3) The Clarke Avenue beach area is hereby declared to be closed to the public each day from sunset to sunrise.
- (4) The public beach owned by the county lying north of the City of Lake Worth casino property extending approximately 500 feet northerly therefrom is hereby declared to be closed to the public each day from sunset to sunrise.

(Code 1982, § 14-59; Ord. No. [18-2016](#), § 1, 10-10-16)

Sec. 74-197. - Swimming beyond certain distances prohibited.

- (a) It shall be declared unlawful for any person to swim beyond 300 feet of the shore of any public beach operated and patrolled and guarded by lifeguards of the town. For the purposes of this section, the 300-foot distance shall be measured at right angles from the mean low water mark of the Atlantic Ocean.
- (b) This section shall also apply to swimming with any types of floatation aids, such as a raft, inner tube or surfboard.
- (c) Under certain environmental conditions that make swimming conditions hazardous, the supervisor of lifeguards may limit or restrict swimming from any public beach operated and patrolled and guarded by lifeguards of the town.

(Code 1982, § 14-61)

Sec. 74-198. - Reserved.

Editor's note— Ord. No. 16-98, § 2, adopted November 10, 1998, amended the Code by repealing former § 14-198 in its entirety. Former § 14-198 pertained to launching of watercraft, and derived from the Code of 1982, § 14-62.

Sec. 74-199. - Fires.

It is declared unlawful to make a fire or to use any other type of incendiary device on the public beaches of the town.

(Code 1982, § 14-63)

Cross reference— Fire prevention and protection, ch. 46.

Sec. 74-200. - Skin and scuba diving.

It shall be unlawful to skin or scuba dive off public beaches operated and patrolled and guarded by lifeguards of the town unless adequate safety precautions are taken.

- (1) The "buddy" system must be used, making it necessary to have two or more people diving. It shall be unlawful to dive alone.
- (2) If scuba diving, each member must have a current nationally recognized open water certification card.
- (3) Each diver must have a buoyancy compensator capable of supporting the head of an unconscious diver above the water.
- (4) Each dive unit must have a diver's down flag. This flag must be free flying and clearly visible to boaters from a minimum of 100 feet in all directions. The flag must be a minimum of 12 inches by 12 inches and must have a red diagonal background with a white stripe. An international alpha flag may be used in lieu of the above flag.

(Code 1982, § 14-64)

TOWN OF PALM BEACH

Town Council Meeting on: October 13, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Report Regarding Public Access and the Enforcement of Regulations on the Beaches Between Wells Road and Sunset Avenue.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- ▢ **Memorandum Dated October 5, 2020, from Jay Boodheshwar, Deputy Town Manager**
- ▢ **Memorandum Dated September 30, 2020, from Nicholas Caristo, Chief of Police**
- ▢ **Memorandum Dated September 28, 2020, from H. Paul Brazil, P.E., Director of Public Works**
- ▢ **Memorandum Dated October 2, 2020, from Wayne Bergman, Director of Planning, Zoning and Building**
- ▢ **Letter Dated October 12, 2020, from Guy Rabideau, Esq.**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Report Regarding Public Access and the Enforcement of Regulations on the Beaches
Between Wells Road and Sunset Avenue

Date: October 5, 2020

STAFF RECOMMENDATION

Staff recommends Town Council review the attached reports from the Departments of Public Works, Police, and Planning, Zoning and Building, relative to public access and the enforcement of regulations on the beaches located between Wells Road and Sunset Avenue and provide direction to staff as necessary.

GENERAL INFORMATION

As the Mayor and Town Council is fully aware, staff has dedicated a lot of resources over the last year to address neighborhood concerns in the beach areas between Wells Road and Sunset Avenue. Multiple measures have been implemented and several are in progress, which are intended to improve control at the public beach access points and enhance enforcement of regulations. Attached are reports from the Departments of Public Works, Police, and Planning, Zoning and Building, which provides details on the measures they have taken to mitigate concerns.

As you are also aware, Town Council approved the implementation of paid parking on the 100 Block of Sunrise and in the N. County Road corridor. Parking kiosks were ordered shortly after this approval and are schedule to be installed in the next couple of weeks. Motorists will be able to physically pay by credit card at the kiosks or via phone, using Parkmobile.

If Town Council desires additional actions to further address neighborhood concerns, you could consider increasing the parking fees on the 100 Block of Sunrise to \$5/hour to match the rates charged at the Mid-Town and Phipps beaches. You may also wish to consider modifying the Town Code to implement certain restrictions currently in place at the guarded municipal beaches, including the complete prohibition of dogs, fishing, surfing and skim boarding, ball playing, etc.

FUNDING/FISCAL IMPACT

Minor expenses related to necessary signage and communications will be absorbed in existing operations budgets.

Attachments

cc: H. Paul Brazil, Director of Public Works
Nick Caristo, Police Chief
Wayne Bergman, Director of Planning, Zoning and Building
John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Information for Town Council Meeting: October 13, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jay Boodheshwar, Deputy Town Manager

FROM: Nicholas Caristo, Chief of Police

RE: Sunrise Avenue to Wells Road Beach Area Police Department Actions

DATE: September 30, 2020

Increased Patrol and Enforcement

The Police Department has been providing increased enforcement due to complaints since April, 2020. Increased enforcement was accomplished via officer education and supervisor-verified proactive patrols. These patrols were a combination of increased Parking Control presence and citation issuance, increased zone officer patrol, and increased ATV beach patrol. These patrols were tasked with enforcing parking regulations, VTO's, emergency orders, and trespassing complaints. Our policy in this area has been to educate and warn offenders for first offenses (except for parking), and cite for subsequent violations.

Beginning in June of 2020, the PD began keeping more detailed statistics of our activity in the area. The below numbers cover June through September 30, 2020.

- Approximately 765 proactive patrols.
- Approximately 289 parking tickets.

Additionally, we have responded to every call for service that has arisen in the area. Those service calls are not represented in the above numbers.

Trespass Enforcement Affidavits

These affidavits allow the Police Department to take trespass enforcement action on behalf of a homeowner when they are not present or immediately available. To date we have obtained affidavits from 8 out of the 17 beach front parcels.

Signage

The Police Department conferred with Public Works regarding the signage along North Ocean Boulevard between Wells Road and Sunrise Avenue. Public Works provided signs in that area indicating there is no parking, stopping, and standing. In addition, signage stating regulations were placed at the public access points.

Suggested Ordinance to Change Closing of the Beach at Night

The proposed ordinance change, which is scheduled for second reading on October 13, will keep this beach area consistent with the time regulations present at our municipal beaches. When enacted, the Police Department will be responsible for opening and closing the public accesses at the requisite times.

Communication with Residents

The Police Department has maintained robust communication with residents in regard to their concerns via email, phone, and in person with officers and supervisors. Unfortunately there are still times when residents are dissatisfied with lack of action (due to legal limitations) on trespass complaints or in the lack of a permanently stationed police officer in the area. The Police Department suggested to the residents that they may hire a detail officer for increased presence in the area if they so desire.

Cc: H. Paul Brazil, Director of Public Works
Wayne Bergman, Director of Planning, Zoning and Building

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Public Works Actions to Date – Sunrise Avenue to Wells Road

DATE: September 28, 2020

GENERAL INFORMATION

Beach Nourishment, 2020

In March 2020, the U.S. Army Corps of Engineers' contractor, Weeks Marine, started construction of the Palm Beach County Federal Shore Protection Project, Mid-Town Segment. The dredging subline landing was placed on the shore in the vicinity of Sunrise Avenue. Between March 17th and May 1, 2020, the beach was renourished. Prior to the beach nourishment project, the shoreline in the Sunrise to Wells vicinity had receded close to the seawalls. Following nourishment, the shoreline position is consistently greater than 100 feet from the seawalls in this same area.

Interaction with Residents

The Public Works Department has responded to an increased amount of email correspondence from private residences between Wells Road and Root Trail since November 2019. The primary issue for these emails, disproportionate from the rest of the beaches in Town, pertains to public access and use of the beach. Public Works staff has taken steps to assist the residents with their concerns for both safety and quality of life while maintaining public rights based on Florida Statutes.

Public Beach Accesses:

Prior to 2020, the Town was maintaining public beach access points at Wells Road, Dunbar Road, and Atlantic Avenue. Following a review of legal documentation by the Town Attorney's office, Atlantic Avenue is no longer being maintained as a public access point. The public access points have landscaped to be consistent with the neighborhood and gates have been installed. The gates will be locked (either manually or with timed locks) between sunset and sunrise.

Private Beach Accesses:

Atlantic Avenue, Everglade Avenue, and Seminole Avenue beach accesses are private and are being maintained by the residents with a locked gate. The only private beach access in the area that is currently accessible by the public is Root Trail. Public Works staff is working with the two (2) ownership entities of Root Trail to have improvements permitted by the state. The ownership of the Root Trail access is being reviewed by the Town Attorney and our Planning, Zoning and Building Department. Public Works staff understands that if the ownership does not change, the current owners of the Root Trail beach access intend to install a locked gate in the near future. Residents have asked for Town regulatory signs at Root Trail. Ownership should be determined before signs are installed. Regulatory signs on private property would be a precedent.

Beach Signage:

Oceanfront residents requested that the Town assist with obtaining regulatory authorization to install signs near the seawalls to discourage the public from trespassing onto both the seawall and improved private property. Public Works staff confirmed with the Town's sea turtle monitor that no nests were present within two (2) feet of the seawalls and that signs could be installed without harming sea turtles.

As requested by the oceanfront residents in May 2020, Public Works staff committed to redesign the signage at the Wells Road and Dunbar Road beach accesses to be more aesthetically pleasing and to discourage unwanted behavior on the beach. The Town has regulatory signs at the public beach accesses. We are in the process of revising the signs to clarify that dogs must be on a leash and the reference to "tents" will be removed.

Beach Post and Rope:

In June 2020, oceanfront residents requested that the Town install post and rope along the Erosion Control Line to identify public and private land. Public Works staff informed that the Town would not pursue this activity due to both liability and permit-ability issues.

In September 2020, Public Works staff installed posts and rope along the north and south limits of both the Wells Road and Dunbar Road beach accesses from the seawall extended shore-perpendicular approximately 100 feet onto the berm. The purpose of the posts and rope are to aid beachgoers toward the shoreline. No work was performed on the beach prior to the Town's sea turtle monitor confirming that no nests were present in the area.

Also in September 2020, oceanfront residents requested that Public Works staff work with FDEP to obtain regulatory authorization for posts and rope to be installed along the Erosion Control Line (ECL). Public Works staff met with FDEP staff on the beach to discuss the request by the residents. FDEP concluded that such an activity would require a permit application to be submitted for review. FDEP informed that such an activity would likely result in permit denial as FDEP would interpret posts and rope running along the ECL as an activity inconsistent with public rights as identified within Florida Statutes. FDEP suggested that the residents consider the installation of "monoposts" (a single free standing post spaced approximately 10 feet apart) without rope to guide the public. Monoposts are exempt from permitting. The Town confirmed with the sea turtle monitor that there are no nests in the approximate location of the monoposts. Public Works staff believes that the residents will pursue this alternative and install free standing posts on the privately owned section of beach. Ropes resting on the sand can be placed without the need for a permit; however, these ropes must be picked up every night during sea turtle nesting season.

Beach Access Renovations:

In June 2020, oceanfront residents requested that the Town renovate both Dunbar and Wells Roads public beach access points in an effort to provide a more esthetic look to their neighborhood mimicking the renovations performed by the Atlantic Avenue residents. These renovation consist of decorative aluminum fencing and gates, installation of salt tolerant turf, native plantings, fountain grasses, green island ficus hedging, and low-flow irrigation systems for both Dunbar and Wells Roads' accesses respectively. The water for these systems are being provided by the adjoining residents existing irrigation systems. Funding for the renovations and additional maintenance costs are being provided by these oceanfront residents. These renovations commenced the third (3rd) week of September and are currently anticipated to be completed in two (2) weeks.

Parking:

Installation of parking kiosks was approved by the Town Council and the kiosks have been ordered. We anticipate delivery within a week. Installation will be completed as soon as possible after delivery.

Additionally, the residents have requested that we review the sight triangles at the western end of the 100 block streets. We found that the visibility was limited and have changed some of the parking spaces on County Road to "Compact Car" parking spaces. The signs will be installed on October 1, 2020.

Dune Restoration, 2021

The Town continues to work with FEMA and the Florida Department of Emergency Management to replace the vegetated dunes damaged from hurricanes Matthew and Irma. The sand for these dunes will be truck-hauled from Phipps Ocean Park following completion of the Phipps Ocean Park/Reach 7 Beach Nourishment Project in early 2021. The dimensions of this dune would be similar to that which was constructed in 2016. The height of the dune will only be approximately two feet above the elevation of the berm so that ocean vistas are not impacted. The width of the dune will vary based on the existing conditions, but will likely be about 15-20 feet wide. This dune work is expected to be performed during March and April 2021. If the dune sand is in place by mid-April, the Town will look to have the dunes vegetated prior to May 1, 2021. Should the dune sand not be in place until May 1st, the dunes will be vegetated after November 1, 2021 following the sea turtle nesting season. Sea oats will be plants approximately 12 inches apart throughout the newly placed dune. Five to six-foot-wide paths will be left at both the public and private access points to allow beachgoers to stay off the vegetation. After sea oats are planted to vegetate the dune, the Town will obtain a state permit to install posts and rope to best protect the newly vegetated dune. A post and rope system will keep beachgoers from trespassing onto the dunes which, inherently, would keep beachgoers from trespassing onto the seawalls and improve private property.

cc: Jay Boodheshwar, Deputy Town Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Status on the Root Trail Beach Access

Date: October 2, 2020

STAFF RECOMMENDATION

The purpose of this memorandum is to provide the Town Council with an update on the status of Root Trail beach access. There is no recommended action at this time.

BACKGROUND

The Planning, Zoning and Building Department received an inquiry from a fence contractor about closing off an approximate 20-foot wide beach access at the end of Root Trail with a six foot high fence and gate. The inquiry from Root Trail Partners, LLC, who owns the north 10 feet, and Ocean Towers North, who owns the south 10 feet, want to close off that beach access which stretches from North Ocean Boulevard to the Atlantic Ocean with a six foot tall gate and fence.

Staff questioned the closure as it had historically been open to the public. After reviewing the plat of Root Trail, staff advised the contractor that in order to construct the gate and fence, staff had to confirm ownership of the north 10 feet of the beach access as the plat for the Root Subdivision indicates that it is dedicated to the Root Trail lot owners. In addition, staff advised that once ownership is confirmed, that a variance is required if the proposed gate and fence is over 4 feet in height, as this is in the Beach Area zoning district.

Staff subsequently reviewed the plat and the Palm Beach County Property Appraiser's information on the subject property. The subject property was platted as part of the Root Subdivision in June of 1900. The subject property in question was platted as 10 feet wide and ran from Lot 1, Root Subdivision, to the Atlantic Ocean. The 10-foot wide strip of land on the south side of the subdivision that was dedicated as "private trail" runs from North County Road, east to the Atlantic Ocean and is dedicated on the plat for access to the lots and for the use of the lot owners in the subdivision. In addition, staff questioned how Root Trail Partners, LLC, took title to the subject property being that it is dedicated on the plat to all of the lot owners in the Root Subdivision.

Planning, Zoning and Building staff contacted John Randolph, Town Attorney, regarding this ownership issue and a joint meeting with Public Works was held to discuss beach accesses. Staff

was advised that Mr. Randolph had met with Peter Coleman, manager, and Barry Curtain, attorney, for Root Trail Partners, LLC, in February 2020 in regards to closing off the beach access. They advised Mr. Randolph that Root Trail Partners, LLC, owned the Root Trail beach access and wanted to close it off to the public. At that time, Mr. Randolph had Mark Dahlmeier, an attorney from his office, review two 1912 deeds provided by Mr. Curtain. He concluded that while he had not independently reviewed record title, his review and reliance on the deeds identify that the Quit Claim Deed dated July 1, 1912 from Enoch Root and Victoria A. Root, his wife, to and in favor of the Town of Palm Beach recorded on July 2, 1912 in Deed Book 22, Pages 408 and 409, dedicates the North 10 feet of Root Trail, extending from County Road on the West to the Atlantic Ocean on the East, as a public highway to be kept open and maintained by the Town of Palm Beach for the benefit of the public and the Root Trail lot owners.

Similarly, a Quit Claim Deed dated July 1, 1912, from Dorinda H. Brelsford to and in favor of the Town of Palm Beach recorded July 3, 1912 in Deed Book 22, Pages 410 and 411, which dedicates the South 10 feet of Root Trail, extending from County Road on the West to the Atlantic Ocean on the East, as a public right of way to be kept open and maintained by the Town of Palm Beach as a public highway.

Based on that information, Town staff questions, how three previous owners and Root Trail Partners, LLC, took title to the property since 1995. How could a private entity make application; pay the taxes and obtain a tax deed from the Palm Beach County Tax Collector on what appears to be public property? With all of these questions, staff requested that the Town Attorney's office have a title search conducted to determine what happened between 1912 and 1995 that could have released or abandoned the Town's rights to the subject property.

Staff received an email from Mark Dahlmeier yesterday regarding that title search report. He stated that the Title Search Report finds no recorded conveyance out, relinquishment or abandonment of the public right-of-way rights established by virtue of the Quit Claim Deed dated July 1, 1912 from Enoch Root and Victoria A. Root, his wife, recorded in Deed Book 22, Pages 408 and 409, and the Quit Claim Deed dated July 1, 1912, from Dorinda H. Brelsford recorded in Deed Book 22, Pages 410 and 411. This contradicts the claim of Root Trail Partners, LLC, that it privately owns title to the beach access property free and clear of any rights of the public. This raises questions about the validity of the 1995 Tax Deed as to this beach access property. It appears that that Tax Deed conveyance, which gave rise to this new chain of title now vested in Root Trail Partners, LLC, unknowingly conveyed title to the Town's public right-of-way to a private entity

Staff is in the process of determining what the next steps might be as it relates to this finding. Regardless, the Town will assist and coordinate with property owners in this area to provide controlled beach access across on the subject property.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Paul Castro, Zoning Manager
John Randolph, Town Attorney
Mark Dahlmeier, Esq.
pf



Guy Rabideau, Esq.
direct: 561.402.7411
grabideau@rabideau-law.com
Florida Bar Board Certified in Real Estate Law

October 12, 2020

Via e-mail

Gail L. Coniglio, Mayor
Julie Araskog
Lewis Crampton
Bobbie D. Lindsay
Danielle H. Moore
Margaret A. Zeidman
Town Council Members
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480

Re: Root Trail Access to the Beach

Dear Town Council Members and Mayor Coniglio:

In connection with the above-referenced matter, I represent Root Trail Partners, LLC ("RTP"), the owner of the North 10 feet of the parcel at the end of Root Trail leading from North Ocean Boulevard to the beach (the "North Root Trail Parcel"). Ocean Towers Condominium Association, Inc. ("OT") is the owner of the South 10 feet of the parcel at the end of Root Trail leading from North Ocean Boulevard to the beach (the "South Root Trail Parcel"). Sometimes in this letter, I will be referring to both the North Root Trail Parcel and the South Root Trail Parcel as the "Root Trail Parcel".

For the past few years, there has been increasing concern regarding the use of the Root Trail Parcel to gain access to the beach. You have in your materials for the Town Council Meeting on October 13, 2020, a September 30, 2020 Memo from Nicholas Caristo, Chief of Police (the "Police Memo"), concerning the multiple problems that have been going on with trespass and related complaints in the area of the Root Trail Parcel. That Memo, which does describe some of the issues in that area, nonetheless misses many of the multiple issues that have been caused by the public in the area of Root Trail.

To resolve most of the issues, RTP and OT recently came to an agreement to fence off the Root Trail Parcel and to add berm and landscaping improvements. These improvements would both beautify the area, increase the berm to help with potential flooding, and prevent many of the incidents caused by a certain segment of the public using that area.

When RTP and OT went to the Town to obtain the necessary permits for the improvements to the Root Trail Parcel, it apparently caused the Town's staff to inquire as to the ownership of both the North Root Trail Parcel and the South Root Trail Parcel. See in your materials for the Town Council Meeting on October 13, 2020 the October 2, 2020 Memo from Wayne Bergman, Director of Planning, Zoning & Building (the "Ownership Memo"). Last week this Memo came to the attention of RTP and OT and they were surprised to see that the Town may be coming to the conclusion that the Town may be claiming an ownership interest in both the North Root Trail Parcel and the South Root Trail Parcel.

I am writing to you to provide evidence that RTP does indeed own the North Root Trail Parcel. Many of these same arguments apply to OT's ownership of the South Root Trail Parcel.

1. The Grantors of a December 12, 1911 deed recorded at Deed Book 22, Page 48, did not have authority to deed the North Root Trail Parcel to the Town of Palm Beach.

In the year 1900, Enoch Root and Victoria A. Root, husband and wife (the "Roots"), subdivided a strip of land extending from Lake Worth to the Ocean. That land now comprises the lots on the North side of Root Trail, which lot include the North 10 feet of Root Trail. The Plat for that is recorded in Plat Book 1, Page 22, a copy of which is attached as Exhibit "A" (the "Plat"). Please note that many of the attachments to this letter are copies of very old documents and can sometimes be hard to read, but these are the best copies available.

On the Plat itself, the Roots dedicated "a private trail ten feet wide South of the red line and running from Lake Worth to the Ocean Beach for access to lots sold and for the use of lot owners". It needs to be noted that this dedicated strip of land runs over the lots that were subdivided on the Plat, similar to an easement. This dedicated strip of land comprises the North 10 feet of Root Trail today and the North Root Trail Parcel.

Soon thereafter, the Roots started selling various of the parcels on the Plat to third parties. See Exhibit "B" attached hereto copies of some of these deeds for these lots. This list is not complete as some deeds were recorded in Dade County records since Palm Beach County was not carved out of Dade County until 1909.

In the Ownership Memo, it is alleged that the Town gained ownership of the North Root Trail Parcel via a deed dated December 12, 1911 recorded at Deed Book 22, Page 408, and Deed Book 410 (the "Root Deeds"), attached hereto as Exhibit "C". In the Root Deeds, Enoch Root and Victoria A. Root, husband and wife, quit-claimed the North 10 feet of what is now Root Trail and the North Root Trail Parcel to the Town.

When a party quit-claims an interest in real property to another, the grantor is not saying that he or she owns that property and is giving ownership to the grantee. The quit-claim merely provides that if the grantor owns the property, then such ownership interest is transferred to the grantee. This is the case with the Root Deeds, however, the Roots did not have authority to transfer an

ownership interest in that property to the Town since, once the first lot on the Plat was sold to a third party, the Roots no longer could deed property already dedicated to anyone else. As noted above, that property was already dedicated to all of the lot owners. A binding deed would have required the joinder of the Roots and all other parties to whom they had sold lots on the Plat. The Roots Deeds did not have the joinder of such other owners and therefore failed to convey the North Root Trail Parcel to the Town.

2. Even if the Root Deeds were valid, the Town never accepted the transfer of the ownership of the North Root Trail Parcel.

For a transfer of ownership of property to be valid, there has to be an acceptance by the grantee of that ownership. In the public records, there is no record that the Town ever accepted ownership of the North Root Trail Parcel. There is, however, evidence that the Town did not accept ownership of the North Root Trail Parcel.

- a. If a property is owned by a municipality, then no real estate taxes are due on such property. For the North Root Trail Parcel, real estate taxes were due, as evidenced by the Tax Collector's Certification recorded at Official Records Book 8659, Page 565; the publication that the North Root Trail Parcel was going to a tax sale recorded at Official Records Book 8659, Page 566; and the tax deed itself, recorded at Official Records Book 8659, Page 567 (the "Tax Deed"). These documents are attached hereto as Exhibit "D". Taxes have continued to be due and paid on the North Root Trail Parcel right up to the current time, and the Town has been a beneficiary of those tax payments.

Similarly, OT has been paying taxes on the South Root Trail Parcel for decades.

- b. The Town's own records, as late as 2017, in a map published by the Town's Planning, Zoning & Building Department entitled "Town of Palm Beach Existing Road, Bicycle Pedestrian Network Map – 2017" shows the Root Trail Parcel as "Beach Access Private". A copy of this map is attached hereto as Exhibit "E".

After 113 years from the original purported conveyance of the North Root Trail Property to the Town, too much time has elapsed for the Town to now accept ownership of the North Root Trail Property, particularly when the purported grant was defective in the first place.

3. Even if the Root Deeds were valid and even if the Town had accepted the transfer of the ownership of the North Root Trail Parcel, any interest in the North Root Trail Parcel was eliminated by the Tax Deed.

As stated above, the North Root Trail Parcel was sold by the Tax Deed. That Tax Deed sale occurred in 1991. The State of Florida's interest in tax deeds, in general, is to give finality to any claims of ownership of the transferred parcel. This maximizes the return to the taxing authorities. While the governing statutes have various exceptions for certain rights in a property sold by a tax deed (see Florida Statute 712.03), there is no exception for any purported claim of ownership by the Town. Indeed, the Tax Deed also eliminated the rights of the owners on the North side of Root Trail that was granted to them under the terms of the Plat.

4. It is contrary to the interests of the Town to assert ownership in the Root Trail Parcel.

As mentioned earlier and borne out by the Police Memo, there has been a dramatic increase in reported crime in the area of the Root Trail Parcel. This dramatic increase in crime corresponds to the dramatic increase to non-Town residents using the Root Trail Parcel for beach access. Problems from non-neighbors have included multiple reports of trespassing, not just on the Root Trail Parcel, but on nearly all of the surrounding private property, including the Warden House where multiple times there have been incidents of what appear to be homeless people sleeping. Further, bicycle theft and car theft have been reported, along with indecent exposure, car damage caused by beachgoers, and beachgoers' unleashed dogs threatening residents. At all hours, including in the middle of the night, residents report being disturbed because of loud noise coming from beachgoers. Often those beachgoers appear to be drunk or on drugs.

This has understandably greatly upset the neighbors.

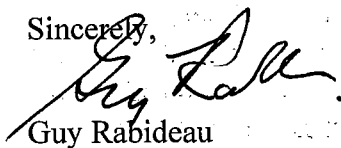
RTP and OT were both very concerned about this alarming increase of crime in the area and that is why both parties stepped up to the plate to do something about it; i.e., fence off access to the general public, but provide gated access to all of the owners on Root Trail, not just the owners on the North side of Root Trail which previously had access by the terms of the Plat. As part of fencing off the access, funds were also raised to improve the berm and the landscaping on the Root Trail Parcel – none of which were at public expense.

Indeed, written confirmation of the access for the neighbors on Root Trail was recently concluded and a copy of the agreement was provided to an attorney for several of the neighbors, neighbors who previously mistakenly thought that they were going to lose their access to the beach. Preventing access to owners on Root Trail never was part of the plan – improving the area for all residents was. The owners of RTP are and have always been civic-minded, and that will continue.

If the Town asserts its ownership, then the fencing, berm improvement, and landscaping improvement are all forfeited. Crime will continue, if not increase, and the quiet enjoyment of their homes will be lost to all of the residents on Root Trail. This is contrary to the Town's interest and the interests of the residence on Root Trail.

I appreciate your understanding of this matter, and I request time to address this issue with you during your general discussions of the beach access at the October 13, 2020 Town Council Meeting. Please feel free to contact me with any questions you may have. Thank you.

Sincerely,



Guy Rabideau

cc: John C. Randolph, Esq. (via e-mail)

Mr. Paul Castro (via e-mail)

Mr. Wayne Bergman (via e-mail)

Enclosures

Guy Rabideau, Esq.

Page 4
TCM Backup 11-10-20
October 12, 2020

EXHIBIT “A”

Copied by
 MIDWELL & HOLSTLAW
 Under direction of
 CH. RUDOLPH
 County Engineer

Drawn by CEB _____ Checked by 346

EXHIBIT “B”

This Indenture, made this 1st day of February in the year of our Lord one thousand nine hundred and one between Edward A. Root and

John A. Root of the County of Franklin State of Florida part of the first part and John A. Root of the County of Franklin State of Florida part of the second part:

WITNESSETH That the said part of the first part, for and in consideration of the sum of One hundred

dollars, well and lawfully confirmed unto the said part of the second part, and to their heirs and assigns forever, all the following piece or tract of Land, situate, lying and being in the County of Franklin State of Florida and described as follows:

Being known as lot number Two (2) in Block section
union of parts of lots Four (4) Section section (15)
and lot Two (2) Section section (14) Township forty
three (43) North Range (10) East subject to a transfer right of way across
the south side of said lot a plat of said subdivision
being now on file in the office of the Clerk of the
Circuit Court of said County in Miami, Florida;
As a part consideration for said land the said
parties, her heirs and assigns, shall not at any
time manufacture or sell to be used as a beverage
any intoxicating liquors, wine or beer in or upon the
same, to be done on the premises under a penalty
of forfeiture of all rights and interests obtained
by their conveyance, should this condition be
violated

TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belonging or appertaining, and every right, title or interest, legal or equitable, of the said part of the first part, of, in and to the same.

TO HAVE AND TO HOLD the same unto the said part of the second part, and their heirs or assigns, to their own proper use, benefit and behoof, forever.

And the said part of the first part, for themselves and their heirs, executors and administrators, do hereby covenant That said part of the first part, at the date hereof was lawfully seized in fee simple of the above described premises and was in peaceable and undisputed possession of the same.

That the said part of the second part their heirs and assigns, shall at all times hereafter have peaceable possession of the same, while at said, execution or disturbance of the said part of the first part, or any person or persons lawfully claiming thereunder.

That said premises are free from all incumbrances and liens of every nature and kind now or, including taxes.

And the said part of the first part, for themselves and their heirs, the above described premises and every part thereof with the appurtenances unto the said part of the second part, their heirs and assigns against the said part of the first part and their heirs, and against all and every person or persons lawfully claiming or to claim the same and will warrant, defend and forever defend

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal, this 11th day of June, 1907.

Noted and delivered in presence of

John J. Helms

Isadora A. Ford

George A. A.

Surah L. Bulwer

சீதாபதி சி. சண்முகம்,

County of Spokane . . .

I HEREBY CERTIFY, that on this 22 day of February 1911, before me

Military public ..
personally appeared. *Victoria Hunt*

personally appeared: *Victor A. Hart*

and Greek Port

~~highly~~ to make known to the public a decision, and not

executed the foregoing instrument, and severally acknowledged the execution thereof to be their free and voluntary act and deed for the uses and purposes therein expressed.

the wife of the said

Churchill

על שם ה' אלהינו יצאנו ממצרים

apart from her said husband, did acknowledge that she made herself a party to the said fraud, for the purpose of returning to

and all others

1. I am not sure that the mounted goldfish fossils, and without any or very slight loss of Brazil's total

WITNESS my hand and seal at St. Johns Beach Fla. the date of making

Prof. J. H. H. H. H.
History. See the

History: Section

STATE OF FLORIDA,

County of Alameda

BE IT REMEMBERED, That on the 25 day of February, A.D. 1904,

Example statement of a citizen was accepted and filed for record with the local clerk of the court as follows:

foregoing instrument of writing was prepared and entered record with a view to the same being

1895

Enoch Root et al
TO
Bridget Elizabeth Burkhardt

Filed for record the 8th day of October 1910
First Circuit Court,
Clerk of the Circuit Court.

Number of Deed

By

D. C.

This Indenture, Made this eighth day of October A. D. 1910,
BETWEEN Enoch Root and Victoria A. Root, the wife of the
said Enoch Root
of the County of Palm Beach and State of Florida
part of the first part, and Bridget Elizabeth Burkhardt

of the County of Palm Beach and State of Florida
part of the second part, WITNESSETH, that the said party of the first part, for and in consideration of the sum of Twenty
two hundred and fifty Dollars to him in hand paid, the receipt whereof is hereby acknowledged, he has bargained, sold and transferred, and by these presents does bargain, sell and transfer unto the said party of the
second part and her heirs and assigns, forever, all that certain parcel of land lying and being in the County of Palm
Beach and State of Florida, more particularly described as follows: Lots Sixteen and Seventeen, be-
ginning at the Southwest corner of Root's tract on the West
side of the County Road thence running due West one hundred
feet thence due North to the North line of Root's subdivision
as shown by Plat filed by the Clerk of Court for Palm Beach County
on the eighteenth day of September A. D. 1900 and duly recorded
in Book B. of Plats on Page 71; Record verified by A. J. Gandy
Clerk of Court as a part consideration for said land the said
Grantor his heirs and assigns shall allow ten feet margin as
Root's tract to be used as a Highway by the owners of property
on and being on the North side of the said Root's tract the party
of the first part hereby agrees to allow the said Grantor the free and
uninterrupted use of the said Root's tract as a Highway from the Ocean
TO THE TRAIL with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, power and
right of dower, reversion, remainder and easements thereto belonging or in anywise appertaining: TO HAVE AND TO HOLD the same in
fee simple forever.

And the said party of the first part doth covenant with the said party of the second part that lawfully
said of the said premises; that they are free of all incumbrances, and that have good right and lawful authority to sell the
same; and that she will warrant and defend the same against the lawful claims of all persons.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year above
written.

Signed, sealed and delivered in our presence:

W. H. Saunders
C. E. Rayside
W. H. Saunders
C. E. Rayside

Enoch Root (Seal)
Victoria A. Root (Seal)

State of Florida
County of Palm Beach

I HEREBY CERTIFY, That on this eighth day of October A. D. 1910, before
me personally appeared Enoch Root and Victoria A. Root
to my well known to be the persons described in and who executed the foregoing conveyance to Bridget Elizabeth Burkhardt
and personally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned; and the
said Victoria A. Root the wife of the said Enoch Root
as a separate and private examination taken and made by and before me, and separately and apart from her said husband, did
acknowledge that she made herself a party to the said deed of conveyance for the purpose of releasing, relinquishing and conveying
all her right, title and interest, whether of dower or of separate property, statutory or equitable, in and to the lands therein described,
and that she executed said deed freely and voluntarily and without any constraint, fear, apprehension or compulsion of or from her
said husband.
WITNESS my signature and official seal as Palm Beach in the County of Palm Beach
and State of Florida the day and year last aforesaid.

State of Florida,
County of Palm Beach.

BE IT REMEMBERED, That on the
recorded in Book 2 of Deeds, at page 248

First Record No. 1 Palm Beach County, Fla. Deed, Jacksonville, 1910

Bridget Elizabeth Burkhardt (Seal)
Notary Public, Palm Beach County

1910, this instrument was
Filed for record
Clerk Circuit Court.

By

D. C.

And the said part also of the first part, for themselves and their heirs, the above described premises, and every part and parcel thereof, unto the said party of the second part and assigns, against the said party of the first part and their heirs, and against all and every person or persons whomsoever lawfully claiming or to claim the same, shall and law warrant, and by these presents forever defend.

This attestation is with the joint consent of husband and wife, where that relation exists.

In Witness Whereof, The said parties of the first part hereunto of their handed and seals, each in signed, sealed and delivered in presence of us: the presence of two subscribing witnesses.

Chas. J. Metcalf
M. E. Root

Enoch Root (Seal)
Victoria W. Root (Seal)
(Seal)
(Seal)

State of Florida
County of Palm Beach

} ss.

I hereby certify that on this 27th day of December, A. D. 1914, before me W. Henry Sullivan

Enoch Root and Victoria W. Root, his wife, to me known to be the person

described in, and who executed, the foregoing conveyance in

and severally acknowledged the execution thereof to be their free act and deed, for the uses and purposes therein mentioned; and the said Victoria W. Root the wife of the said Enoch Root, on a separate and private examination taken and made by and before me, and separately and apart from her said husband, did acknowledge that she made herself a party to the said Deed of Conveyance for the purpose of releasing, relinquishing and conveying all her right, title and interest, whether of descent or of separate property, realty or equity, in and to the lands therein described, and that she executed said Deed freely and voluntarily, and without any constraint, fear, apprehension or compulsion of or from any and husband.

Witness my signature and official seal, at West Palm Beach, in the County of Palm Beach and State of Florida, this 27th day of December 1914.



William J. Metcalf (Seal)
Notary Public, State of Florida
My Comm. Expires May 6, 1915

State of
County of

} ss.

I, an officer authorized to take acknowledgments in Florida, hereby certify that

personally known to me to be the individual described in, and who executed, the foregoing instrument, and that said individual, this day acknowledged before me that

Witness my hand and official seal, this day of A. D. 19 in said County and State.

STATE OF FLORIDA, COUNTY OF PALM BEACH.

On this day of December, 1914, this instrument was recorded by Book One of Florida at page 2, P. 6.

W. Henry Sullivan Clerk Circuit Court.

Deed Record 1, Palm Beach County, Florida. Deed Jacksonville, 1915

This Indenture, Made this 23rd day of March A. D. 1912

BETWEEN Ethel McFarlane, Widow
of the County of Palm Beach in the State of Florida, part 1st of the
first part, and

Aussie L. Phillips
of the County of _____ in the State of _____, part 2nd of the
second part,

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of Five (\$5.00)
Dollars and other good and valuable considerations to her in hand paid by
the said part 2nd of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to
the said part 1st of the second part, her heirs and assigns, forever, the following described land, situate, lying
and being in the County of Palm Beach, State of Florida, to-wit: Beginning at an iron bolt
driven in the rock on the Eastern shore of Lake Worth at
a point about one hundred (100) feet South of the South line
of land owned by H. D. Hendrickson in Section two (10)
 Township forty-three (43) South of Range forty-three (43) East;
thence in an Easterly direction parallel with the North line
of said Section two (10) three hundred (300) feet; thence in a
Southerly direction parallel with the East line of said Section
two (10) one hundred feet; thence in a Westerly direction
parallel with the North line of said Section two (10) to
the shore of Lake Worth; thence in a Northerly direction
along the shore of Lake Worth to place of beginning; said
lot being a part of Section two (10) Township forty-
three (43) South of Range forty-three (43) East.

And the said part 1st of the first part do acknowledge fully warrant the title to said land, and will defend the same against the lawful
claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part 1st of the first part has hereunto set her hand and
seal, the day and year first above written.

Witness, sealed and delivered in presence of us:
A. L. Matthews Ethel McFarlane (Seal)
M. D. Carmichael (Seal)

State of Florida, County of Palm Beach SS

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and
take acknowledgments, Ethel McFarlane to me well known to be the person described in and who executed
the foregoing deed, and she acknowledged before me that she executed the same freely and voluntarily for the purposes
therein expressed.

AND I FURTHER CERTIFY, That the said _____ known to me
to be the wife of the said _____ is a separate and
private examination taken and made by and before me, separately and apart from her said husband, did acknowledge that she made
her part to said deed for the purpose of reconveying, releasing and conveying all her right, title and interest, whether of
dower, homestead or of separate property, statutory or equitable, in and to the lands described therein, and that she executed the said
deed freely and voluntarily and without any duress, constraint, apprehension or fear of or from her said husband.

WITNESS my hand and official seal at Palm Beach County of Palm Beach and State of
Florida this 23rd day of March A. D. 1912
M. D. Carmichael
Notary Public

State of Florida, County of Palm Beach.

I do hereby certify that the foregoing is a true copy of the original. Dated this 29 day
of April 1912 and recorded at 29 day of April 1912
Notary Public Clark
D. C.

2 286

WARRANTY DEED.

Enoch Root, et al.,
 The Town of Palau Beach, a corp.
 Filed for record 12th day of December, 1911.
 Northern B. Cunningham, Clerk of the Circuit Court,
 Deputy Clerk.

This Warranty Deed of Conveyance, executed this 8th day of December, 1911, in the year of our Lord One Thousand Nine Hundred and Eleven, by and between Enoch Root and Victoria A. Root, husband and wife of the first part, and The Town of Palau Beach, a corporation,

of the second part, Witnesseth: That the said parties of the first part, for and in consideration of the sum of Six Hundred dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, at or before the executing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents, do give, grant, bargain, sell, alien, convey, release, convey and confirm unto the said party of the second part, and its heirs, that certain parcel, in the County of Palm Beach, and State of Florida, described as follows:

Being known as Lot Number Eighteen in Block Subdivision of Sub. of Lot 14, Section Fifteen (15), and part of Section Twenty (20) South, Range Forty Three (43) East, subject to a ten foot right of way across south side of said lot, according to a plat of said subdivision, now on file in the office of the Clerk of the Circuit Court of Palm Beach County, Florida.

together with all and singular the rights, appurtenances and appurtenances thereto in anywise appertaining, and the revenues and revenues, rents and profits thereof; and also all the mine, right, title, interest, claim and right of dower, separate estate property, joint estate, claim and demand whatsoever, at law and in equity, whole and whole, of the said parcel of the first part of, in and to the same, and every part and parcel thereof.

To have and to hold the above described premises, each and every, unto the said party of the second part, its heirs and assigns, in fee simple, absolute, forever.

And the said parties of the first part, for themselves, their executors and administrators, jointly and severally, covenant, promise, and agree to and with the said party of the second part, its heirs, executors and administrators, and assigns, that the said party of the first part, at the time of the making and delivery of these presents, shall lawfully hold in the title of a good, absolute and indefeasible estate of inheritance of and to all and singular the above described premises, each and every, and shall have good right, full power and lawful authority to convey the same in fee simple and form aforesaid; that the said party of the second part, its heirs and assigns, shall and may at all times lawfully peacefully and quietly have, hold, use, occupy, possess and enjoy the above described premises and every part and parcel thereof, without any let, hindrance, interruption, violation or disturbance of the said parties of the first part, their heirs or assigns or of any other person or persons lawfully claiming or to claim the same; that the said parties of the first part, their heirs, executors and administrators, shall and may at all times lawfully peacefully and quietly have, hold, use, occupy, possess and enjoy the above described premises and every part and parcel thereof, without any let, hindrance, interruption, violation or disturbance of the said parties of the first part, their heirs or assigns or of any other person or persons lawfully claiming or to claim the same; that the said parties of the first part, their heirs, executors and administrators, shall and may at all times lawfully peacefully and quietly have, hold, use, occupy, possess and enjoy the above described premises and every part and parcel thereof, without any let, hindrance, interruption, violation or disturbance of the said parties of the first part, their heirs or assigns or of any other person or persons lawfully claiming or to claim the same; that the said parties of the first part, their heirs, executors and administrators, shall and may at all times lawfully peacefully and quietly have, hold, use, occupy, possess and enjoy the above described premises and every part and parcel thereof, without any let, hindrance, interruption, violation or disturbance of the said parties of the first part, their heirs or assigns or of any other person or persons lawfully claiming or to claim the same.

EXHIBIT “C”

This Indenture, made this 12th day of November A. D. 1911, between Enoch Root and Victoria A. Root husband & wife of the County of Palm Beach and State of Florida parties of the first part and Town of Palm Beach, a corporation of the County of Palm Beach and State of Florida party of the second part, Witnesseth, that the said parties of the first part, for and in consideration of the sum of One Dollars in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged have remised, released and quit-claimed, and by these presents do remise, release and quit-claim unto the said party of the second part and its successors forever, all the right, title, interest, claims and demand which the said parties of the first part have and to the following described lot, piece, or parcel of land, to-wit: Being a right of way in what is known as Roots Subdivision to Palm Beach, Palm Beach County, Florida, and known as "Roots Trail". Ten feet wide at the South end of lot land out in said subdivision and extending from the County road on the West to the Atlantic Ocean on the East, said trail or strip of land hereby quit-claimed, to be kept open and maintained, by said grantee, and its successors as a public highway for the benefit of the public and the lot owners bordering thereon. To have and to hold the same together with all and singular the appurtenances therunto belonging or in any wise appertaining, and all the estate, right, title, interest and claim whatsoever of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, its successors, forever. In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in presence of
Henry T. Grant
H. J. Nuttall
State of Florida
County of Palm Beach

Enoch Root (Seal)
Victoria A. Root (Seal)

I hereby certify that on this day personally

appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Enoch Root, and Victoria A. Root to me well known to be the persons described in and who executed the foregoing instrument and who acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed. And I further certify, that the said Victoria A. Root known to me to be the wife of the said Enoch Root on a separate and private examination, taken and made by and before me, separately and apart from her said husband, did acknowledge that she executed the foregoing deed for the purpose of relinquishing, alienating and conveying all her right, title and interest, whether of dower, homestead or of separate property, statutory or equitable, in and to the lands described therein, and that she executed said deed freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband. Witness my hand and official seal at West Palm Beach, County of Palm Beach and State of Florida this 13th day of December A. D. 1911.

(Seal)

William J. Metcalf

Notary Public

Notary Public, State of Florida

My commission expires May 6, A. D. 1914

Filed July 1-1912

Recorded July 2-1912

Deed Book 22 - Page 408

Hudson D. Sammons Jr.

Clerk Circuit Court.

By Geo E. Fenn. D.C.

This Indenture, made this 3rd day of June A. D. 1912, between Dorinda H. Breleford, widow, Palm Beach, of the County of Palm Beach and State of Florida, party of the first part, and Town of Palm Beach, of the County of Palm Beach and State of Florida party of the second part, Witnesseth, That the said party of the first part, for and in consideration of the sum of One Dollar, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quit-claimed, and by these presents does remise, release and quit-claim unto the said party of the second part, and its successors all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Palm Beach State of Florida, to-wit: Being a right of way ten feet wide beginning at the East side of the present County road and running East, on the north line of tract of land deeded on March 22nd 1893 by Elizabeth F. M. Kingel and husband to Dorinda H. Breleford and recorded in Book 3 page 211 Records of Dade County Florida, to the Atlantic Ocean, thence south ten (10) feet, thence west parallel to the first line, and ten (10) feet therefrom, to the present County Road thence north ten (10) feet to the place of beginning. Said Right of way to be kept open and maintained, by said Town of Palm Beach, and if not used as public highway to revert to owners. To have and to hold the same, together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, heirs and assigns forever. In Witness Whereof the said party of the first part has hereunto set hand and seal the day and year first above written.

Signed sealed & delivered in presence of
 E. M. Breleford
 Mary L. Hood

Dorinda H. Breleford

State of Florida
County of Palm Beach }

I, an officer authorized to take acknowledgments of deeds according to the laws of the State of Florida duly qualified and acting, hereby Certify that Dorinda H. Prelesford, to me personally known, this day has acknowledged before me that she executed the foregoing instrument, and I further Certify that I know the said person making said acknowledgment to be the individual described in and who executed the said instrument.

In Witness Whereof I hereunto set my hand and official seal, at Palm Beach, said County and State, this third day of June, A. D. 1912.

(N. P. Seal)

Enoch Root
Notary Public

My commission expires Dec 21st 1913.

Filed July 1-1912

Recorded July 3-1912

Deed Book 22- Page 410.

Hudson & Saunders Jr

Clerk Circuit Court

by Fred E. Fernald D.C.

Articles of Agreement, made this 15th day of June, in the year of our Lord one thousand nine hundred and twelve Between A. Hoffman and Anna Hoffman, his wife, parties of the first part, and M. H. Milton, party of the second part, witnesseth, that if the said party of the second part shall first make the payments and perform the covenants hereinafter mentioned on his part to be made and performed, the said parties of the first part hereby covenant and agree to convey and assent to the ^{said} party of the second part, in fee simple, clear of all incumbrances whatever, by a good and sufficient deed, the lot, piece or parcel of ground situated in the County of Palm Beach, State of Florida, known and described as follows, to wit: Commencing at the South East (S.E.) corner of Lot One (1) of Block one hundred (100), running North on Arthur Street a distance of seventy feet (70) feet, thence East a distance of Forty seven feet (47) feet, thence South (S.)

EXHIBIT “D”

Name

Address: 14013

MAR-15-1995 5:13PM 95-080077

ORB 8659 Pg 565

DOROTHY H. WILKEN, CLERK PB COUNTY, FL

Property Appraisers Parcel Identification (Folio) Number(s):

DA-513
R. 06/93

TAX COLLECTOR'S CERTIFICATION

DATE OF TAX DEED APPLICATION

9-20-94

This is to certify that COUNTY OF PALM BEACH, holder of Tax Sale Certificate Number 18453, issued the 1ST day of JUNE, 19 91, and which encumbers the following described property located in the County of PALM BEACH, State of Florida, to-wit: 50 43 43 14 00 002 0041 14-43-43, N 10.3 FT OF SUB P OF GOV LT 2 LYG E OF OCEAN BLVD

has surrendered same in my office and made written application for tax deed in accordance with Florida Statutes.

I certify that the following tax certificates, interest, ownership and encumbrance report fee, and Tax Collector's fees have been paid:

Certificates Owned by Applicant and Filed in Connection With This Tax Deed Application:

Certificate Number	Date of Sale	Face Amount of Certificate		Interest		Total	
18453	6-1-91	413	22	247	93	661	15

Certificates Redeemed by Applicant in Connection With This Tax Deed Application:

Certificate Number	Date of Sale	Face Amount of Certificate		Tax Collector's Fee		Interest		Total	
11321	6-1-88	256	01	5	00	243	21	504	22
12682	6-1-88	265	65	5	00	255	02	525	67
14270	6-1-90	403	23	5	00	209	68	617	91
18609	6-1-92	417	93	5	00	175	53	598	46
16428	6-1-93	423	59	5	00	33	89	462	48
15084	6-1-94	433	49	5	00	26	01	464	50

SUBJECT TO 1994 & SUBSEQUENT TAXES

Total Amount Paid

1. Total of all Certificates in Applicant's Possession and Cost of the Certificates Redeemed By Applicant	3834	39
2. Total of Delinquent Taxes Paid by Tax Deed Applicant		
3. Total of Current Taxes Paid by Tax Deed Applicant		
4. Ownership and Encumbrance Report Fee	125	00
5. Tax Deed Application Fee		
6. Total Certified By Tax Collector To Clerk of Court		
* 7. Clerk of Court Statutory Fee	60	00
* 8. Clerk of Court Certified Mail Charge	23	20
* 9. Clerk of Court Advertising Charge	90	00
*10. Sheriff's Fee	42	00
*11. Total of Lines 5 through 9	4,174	59
*12. Interest Computed by Clerk of Court Pursuant to Section 197.542, F.S. 6 months	375	72
*13. Total of Lines 10 & 11 (Statutory or Opening Bid)	4,550	31

**Done this the 26TH day of OCTOBER, 1994

Date of Sale JOHN K. CLARK TAX COLLECTOR OF PALM BEACH COUNTY

By John K. Clark, 19

*To be completed by the Clerk of the Circuit Court after certification from the Tax Collector.

**This certification must be surrendered to the Clerk of the Circuit Court no later than ten days after this date.

VACB

MAR-15-1995 5:13PM 95-080078
ORB 8659 Pg 566
MAR 22 1995 10 10 11 AM 01 018 000

Palm Beach Daily Business Review

Published daily, Monday through Friday except legal holidays
West Palm Beach, Palm Beach County, Florida

STATE OF FLORIDA
COUNTY OF PALM BEACH:

Before the undersigned authority personally appeared D. Mullin, who on oath says that she is the General Manager of the Palm Beach Daily Business Review 1/2's Palm Beach Review, a newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertisement, being a Legal Advertisement or Notice in the matter of

CERT. NO. 18453

NOTICE OF APPLICATION FOR TAX DEED
NAME IN WHICH ASSESSED:
RHODES L PERDUE ET AL

In the XXXXXX Court,
was published in said newspaper in the issues of
Feb 7, 1995 Feb 14, 1995
Feb 21, 1995 Feb 28, 1995

Affiant further says that the said Palm Beach Daily Business Review is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, and has been entered as second class mail matter at the post office in West Palm Beach in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither sold nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

D. Mullin

Sworn to and subscribed before me this

28 day of February A.D. 1995

Linda Rappaport

(SEAL)

D. Mullin sworn to by LINDA RAPPAPORT
MY COMMISSION # 00287180 EXPIRES
February 14, 1997
BONDED THRU TROY PAIR INSURANCE, INC.

NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, that COUNTY OF PALM BEACH the holder of the following certificate has filed said certificate for a tax deed to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:

Certificate No. 18453

Year of Issuance JUNE 1, 1991

Description of Property

14-43-43, N 10.3 FT OF SUB

P OF GOV

LT 2 LYG E OF OCEAN BLVD

50-43-43-14-00-002-0041

Name in which assessed

RHODES L PERDUE ET AL

Said property being in the County of PALM BEACH, State of Florida.

Unless said certificate shall be redeemed according to law the property described in such certificate shall be sold to the highest bidder at the courthouse door on the 15th day of MARCH, 1995, in Courthouse Lobby, Second Street entrance at 11:00 a.m.

Dated this 7th day of FEBRUARY, 1995.

SUBJECT TO 1994 TAXES

DOROTHY H. WILKEN

Clerk of Circuit Court of

PALM BEACH County, Florida

(Circuit Court Seal)

DELINQUENT REAL ESTATE

TAXES DUE FOR THE YEARS:

1990, 1991, 1992, 1993, 1994, 1995 & 1996

TOTAL AMOUNT TO BE RE-

DEEMED: \$4,550.51

2/7-14-21-28

P85-1-0207126

STATE OF FLORIDA

COUNTY OF PALM BEACH

ORB 8659 Pg 567
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

I, DOROTHY H. WILKEN, Clerk of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, State of Florida, do hereby certify that I, the Clerk, did on the 7th day of February, 1995 mail a copy of notice addressed to:

SEIDEN HOLDING CORPORATION, 2 LOUIS LEIBOVIT ALIY, 205 WORKIE AVENUE, PALM BEACH, FL
RHODES L PERDUE ET AL, 340 E PACES FERRY RD NE, ATLANTA, GA 30305
TOWN OF PALM BEACH, 360 S COUNTY ROAD, PALM BEACH, FL 33480
COUNTY OF PALM BEACH, 2 PREM, BLDG 503, 3323 BELVEDERE ROAD, WES TPALM BEACH, FL 33406
LMC PROPERTIES INC, 2 SUNBURST TRUST DEPT, P.O.BOX 23053, JACKSON, MS 39225
RICHARD F OR MILDRED OLSON, 7901 NE 8TH COURT, BOCA RATON, FL 33487
HEARTWOOD 88' INC, TAX CERTIFICATE DEPT, 2981 GATEWAY DRIVE, POMPANO BEACH, FL 33069
TCJV 1 RICHARD SUNSHINE TR, 140 BEACON LANE, JUPITER, INLET COLONY FL 33469
SOUTHTRUST EST & TRS CO, 135 W CENTRAL BLVD # 1200, ORLANDO, FL 32801
BANK ATLANTIC, TAX CERT DEPT J CHIN, 2981 GATEWAY DRIVE, POMPANO BEACH, FL 33069



DOROTHY H. WILKEN

CLERK OF THE CIRCUIT COURT

BY:

Tomara T. Stambaugh
DEPUTY CLERK

Name

Address

MAR-15-1995 5:13 PM 95-080079
 ORB 8659 Pg 568
 Con 4,560.00 Doc 32.20
 DOROTHY H. WILKEN, CLERK PB COUNTY, FL

Property Appraisers Parcel Identification (Folio) Number(s):

TAX DEED

STATE OF FLORIDA

COUNTY OF PALM BEACH

The following Tax Sale Certificate Numbered 18453 issued on June 1, 1991 was filed in the Office of the Tax Collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the 15th day of March, 19 95, offered for sale as required by law for cash to the highest bidder and was sold to:

PB HARIZONS INC

ADDRESS: APT B1 701 NW 13TH STREET BOCA RATON FL 33486

being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

NOW, this 15th day of March, 19 95, the County of Palm Beach, State of Florida, in consideration of the sum of (\$ 4,560.00) FOUR THOUSAND FIVE HUNDRED SIXTY AND 00/100 Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands situated in the County and State and described as follows:

14-43-43, N 10.3 FT OF SUB P

OF GOV LT 2 LYG E OF OCEAN

BLVD

TAX DEED FILE NUMBER: 18453'91

PROPERTY ID NUMBER: 50-43-43-14-00-002-004

CLERK OF THE CIRCUIT COURT
PALM BEACH COUNTY

WITNESS:

Rachelle R. Adams

Tamara T. Stambaugh

STATE OF FLORIDA

BY: Leah S. Emerson (seal)
 Deputy Clerk
 LEAH S. Emerson

COUNTY OF PALM BEACH

On this 15th day of March, 19 95, before me TAMARA T. STAMBAUGH personally appeared
LEAH S. EMERSON a Deputy Clerk for Clerk of the Circuit Court in and for the State and this County known
 to me to be the person described in and who executed the foregoing instrument, and acknowledged the execution of this instrument
 to be her own free act and deed for the use and purpose therein mentioned, who is personally known to me and who did not take an
 oath.

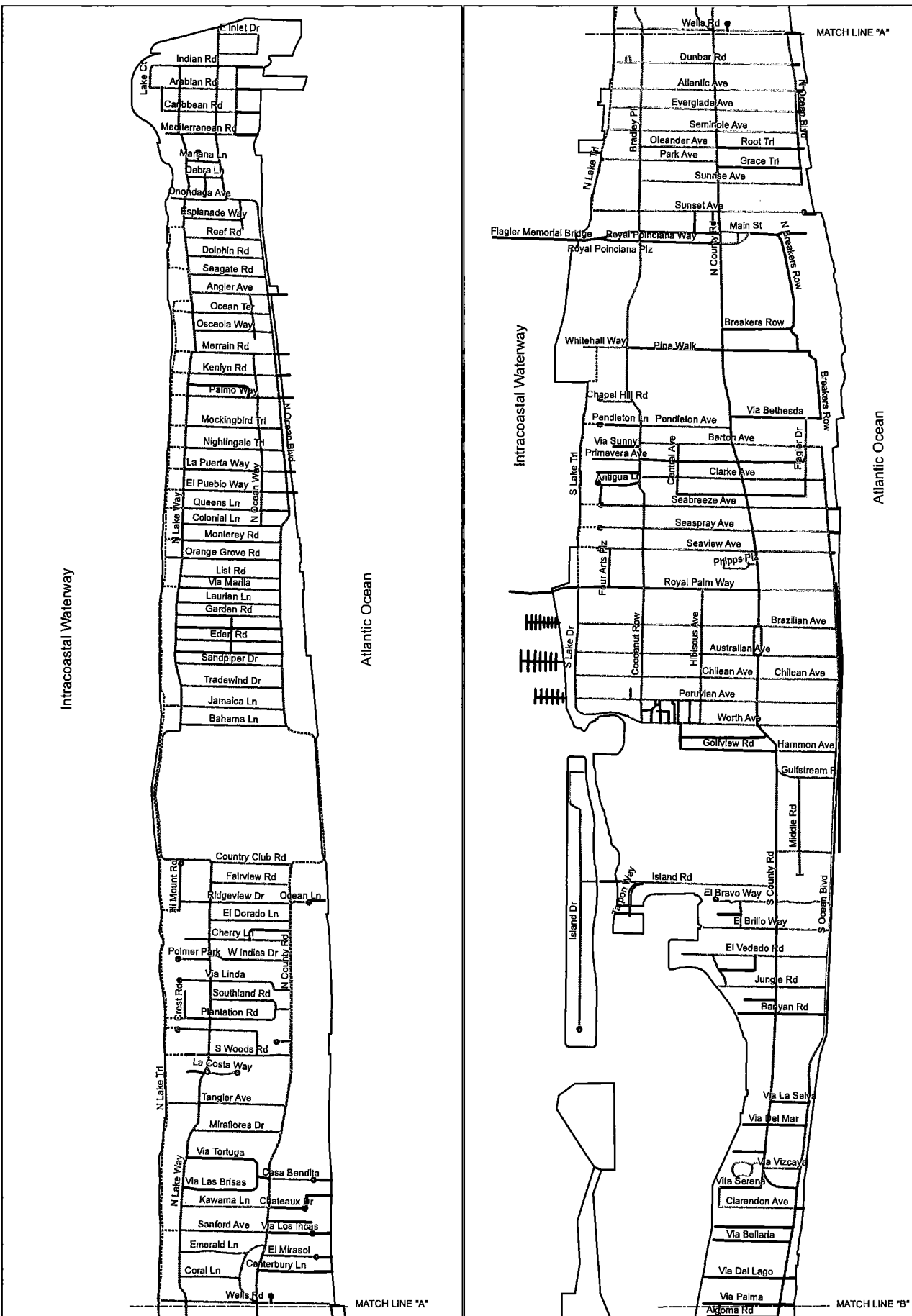
Witness my hand and official seal date aforesaid.

Tamara T. Stambaugh
 NOTARY PUBLIC STATE OF FLORIDA



TAMARA T. STAMBAUGH
 MY COMMISSION # CC 230482 EXPIRES
 October 28, 1996
 16000 11500 12000 13000 14000 15000 16000 17000 18000 19000 20000 21000 22000 23000 24000 25000 26000 27000 28000 29000 30000 31000 32000 33000 34000 35000 36000 37000 38000 39000 40000 41000 42000 43000 44000 45000 46000 47000 48000 49000 50000 51000 52000 53000 54000 55000 56000 57000 58000 59000 60000 61000 62000 63000 64000 65000 66000 67000 68000 69000 70000 71000 72000 73000 74000 75000 76000 77000 78000 79000 80000 81000 82000 83000 84000 85000 86000 87000 88000 89000 90000 91000 92000 93000 94000 95000 96000 97000 98000 99000 100000

EXHIBIT “E”



TOWN OF PALM BEACH EXISTING ROAD, BICYCLE & PEDESTRIAN NETWORK MAP - 2017
Planning, Zoning & Building Department

BEACH ACCESS PRIVATE	PRIVATE BRIDGE	STATE BRIDGE	TOPB ROAD
BEACH ACCESS PUBLIC	PRIVATE DRIVE	STATE ROAD	TOWN BRIDGE
CUL-DE-SAC	PRIVATE PATHWAY	TOPB ALLEY	TOPB BIKE/PEDESTRIAN PATHWAY
PRIVATE ROAD	PRIVATE ROAD	TOPB DOCK	

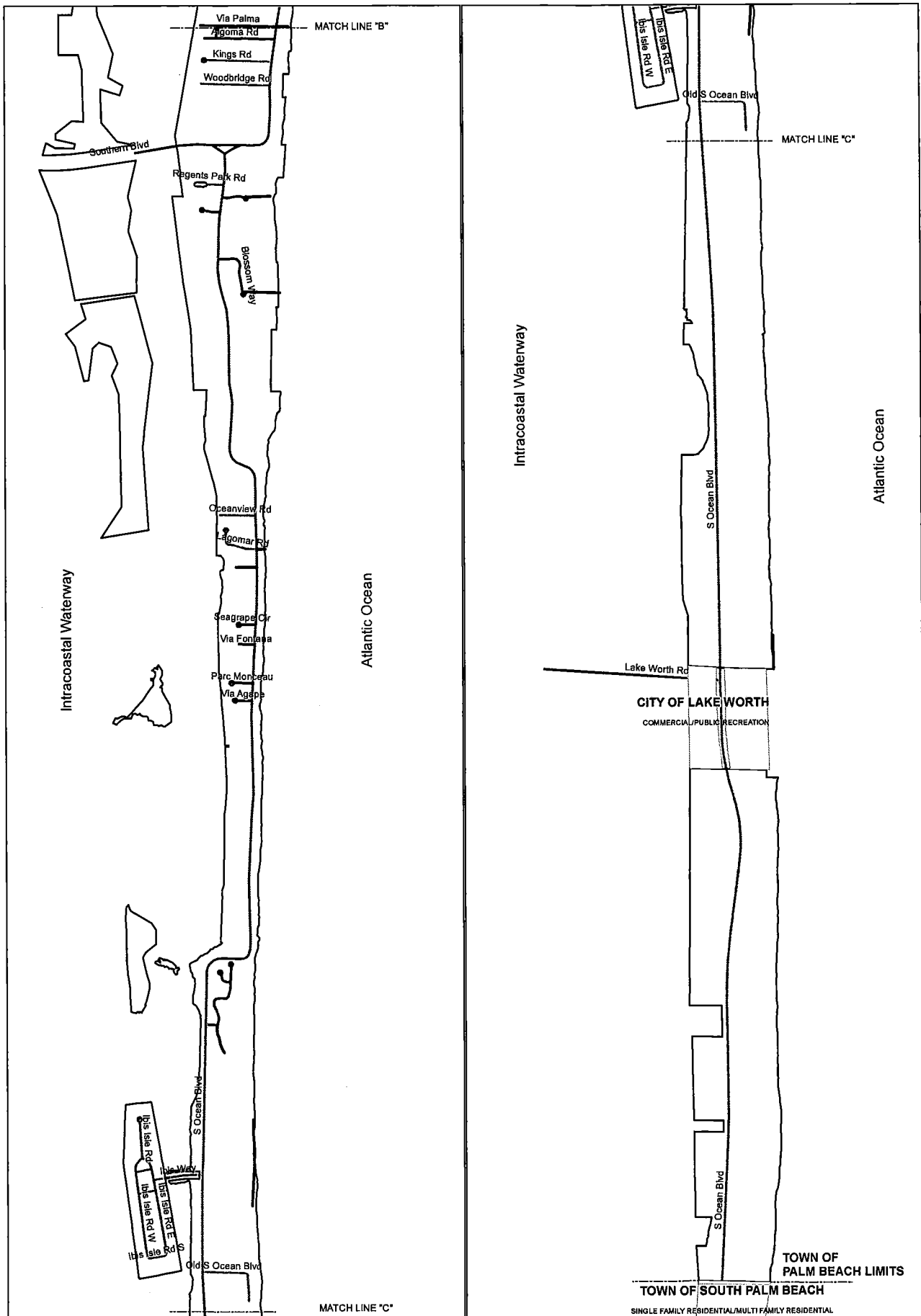


0 1,000 2,000 Feet

Map Created: July 28, 2017
 Town of Palm Beach
 Information Technologies GIS Department
 Planning, Zoning & Building Department
 (561) 838-5430
 Email: pzb@townofpalmbeach.com
 Website: palmbeach.gov/office.com



MAP II - 1



TOWN OF PALM BEACH EXISTING ROAD, BICYCLE & PEDESTRIAN NETWORK MAP - 2017
Planning, Zoning & Building Department

BEACH ACCESS PRIVATE	PRIVATE BRIDGE	STATE BRIDGE	TOPB ROAD
BEACH ACCESS PUBLIC	PRIVATE DRIVE	STATE ROAD	TOWN BRIDGE
CUL-DE-SAC	PRIVATE PATHWAY	TOPB ALLEY	TOPB BIKE/PED PATHWAY
PRIVATE ROAD	PRIVATE ROAD	TOPB DOCK	



0 1,000 2,000 Feet

Map Created: July 28, 2017
 Town of Palm Beach
 Information Technologies GIS Department
 Planning, Zoning & Building Department
 (561) 838-5430
 Email: pz@townofpalmbeach.com
 Website: palmbeach.govoffice.com



MAP II - 1
 561

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Adoption of the Updated 2021 Town Council Meeting Schedule.

Presenter

Kirk W. Blouin, Town Manager

ATTACHMENTS:

- **Memorandum Dated October 28, 2020, from Queenester Nieves, CMC,
Town Clerk**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Queenester Nieves, CMC, Town Clerk

Re: Adoption of the Revised 2021 Town Council Meeting Schedule

Date: October 28, 2020

STAFF RECOMMENDATION

Staff recommends the Town Council adopt the 2021 meeting schedule as modified below, along with any other modifications that may be acceptable to the majority.

GENERAL INFORMATION

Staff requests Town Council approve the following 2021 Town Council meeting schedule below:

JANUARY 12 AND 13 JANUARY 15 ⁽¹⁾ (Announce Qualified Candidates)	JULY 13 AND 14
FEBRUARY 9 AND 10	AUGUST 10 AND 11
MARCH 2 AND 3 rd MARCH 9 AND 10 (if no municipal election)	SEPTEMBER 14 AND 15
APRIL 13 AND 14	OCTOBER 12 AND 13
MAY 11 AND 12	NOVEMBER 9 AND 10
JUNE 8 AND 9	DECEMBER 14 AND 15

⁽¹⁾ Staff recommends scheduling Special Town Council Meeting January 15, 2021 to announce Qualified Candidate and read proclamation.

The six (6) Jewish holidays listed below are dates that should be avoided when scheduling public meetings.

Purim	Friday, February 26, 2021
Passover	Monday, March 29, 2021
Shavuot	Monday, May 17 and Tuesday, May 18, 2021
Rosh Hashanah	Tuesday, September 7 and Wednesday, September 8, 2021
Yom Kippur	Wednesday, September 15 and Thursday, September 16, 2021
Sukkot	Wednesday, September 22, 2021 (final night)

Board/Commission liaisons should work to reschedule any meetings that conflict with the above noted holidays.

QN

cc: Jay Boodheshwar, Deputy Town Manager
Department Directors
John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Regular Agenda - New Business

Agenda Title

Review of Boards and Commissions, Relative to Total Members and Ratio of Regular and Alternate Positions.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated November 2, 2020, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Recommendations for Modifications to Boards and Commissions**
- ▣ **Establishing Ordinances and Resolutions**
- ▣ **Current Rosters**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Review of Boards and Commissions, Relative to Total Members and Ratio of Regular and Alternate Positions

Date: November 2, 2020

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council review the analysis and recommendations below, relative to the total number of members and the ratio of regular and alternate positions on the Town's various boards and commissions, and provide direction as necessary.

GENERAL INFORMATION

As previously indicated to the Mayor and Town Council, staff has completed an assessment of the Town's various boards and commissions, focusing on the size and ratio of regular vs. alternate positions. This effort was undertaken to determine if modifications were warranted to ensure the greatest degree of effectiveness and efficiency for the work of each government body.

A review of the Town's ordinances and resolutions that created the boards and commission, as well as the minutes from the meetings when said ordinances were approved, was conducted, as was a survey of neighboring communities and the make-up of their government bodies. Each department director reviewed the boards and/or commissions they facilitate and made recommendations, which are incorporated in the attached for your consideration. Ten (10) bodies were reviewed, including ARCOM, Code Enforcement Board, Investment Advisory Commission, Landmarks Preservation Commission, Planning and Zoning Commission, PERC, Recreation Advisory Commission, Retirement Board of Trustees, Shore Protection Board, and the Underground Utilities Taskforce. Recommendations are included in the attached for the following boards and commissions only. All others are recommended to remain as is.

Architectural Commission (ARCOM)

Current:	10 members (7 regular and 3 alternates)
Recommended:	7 members (5 regular and 2 alternates)
Current Vacancies:	1 regular member (Architect)

Landmarks Preservation Commission

Current: 10 members (7 regular and 3 alternates)
Recommended: 7 members (5 regular and 2 alternates)
Current Vacancies: 0 vacancies

Planning & Zoning Commission

Current: 10 members (7 regular and 3 alternates)
Recommended: 7 members (5 regular and 2 alternates)
Current Vacancies: 2 alternates

Recreation Advisory Commission

Current: 10 members (7 regular and 3 alternates)
Recommended: 7 members (7 regular and 0 alternates)
Current Vacancies: 1 alternate

Shore Protection Board

Current: 10 members (7 regular and 3 alternates)
Recommended: 5 members (5 regular and 0 alternates)
Current Vacancies: 1 alternate

If Council desires to act on any of the recommendations, code modifications would be required so staff will need to work with the Town Attorney to prepare applicable ordinances for consideration at future Town Council meetings to effectuate any desired changes. Further, staff suggests board and commission sizes be reduced through attrition. For your reference, attached are copies of the ordinances and resolution that created the five boards and commissions in question, as well as their current rosters.

Attachments

cc: Boards and Commissions
John C. Randolph, Town Attorney
Department Directors

Boards and Commissions - Comparisons and Recommendations

BOARDS AND COMMISSIONS	Town of Palm Beach (current)	Palm Beach Gardens	Jupiter	Wellington	Royal Palm Beach	Riviera Beach	Lake Worth Beach	West Palm Beach	Boynton Beach	Delray Beach	Boca Raton	Town of Palm Beach (proposed)	Code Change Required? Yes
ARCOM	10	N/A	N/A	7	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7	
Regular Members	7											5	
Alternates	3											2	
Code Enforcement Board	9	Magistrate	Magistrate	Magistrate	Magistrate	Magistrate	Unknown	7	Unknown	9	Magistrate	No Change	N/A
Regular Members	7												
Alternates	2												
Investment Advisory Commission	5	N/A	N/A	N/A	N/A	N/A	7	N/A	N/A	N/A	N/A	No Change	N/A
Regular Members	5												
Alternates	0												
Landmark Preservation Commission	10	N/A	10	N/A	N/A	N/A	7	9	9	7	4	7	Yes
Regular Members	7											5	
Alternates	3											2	
Planning & Zoning Commission	10	9	7	7	7	7	7	8	9	6	7	7	Yes
Regular Members	7											5	
Alternates	3											2	
PERC	4	N/A	N/A	N/A	N/A	9	N/A	6	N/A	N/A	5	No Change	N/A
Regular Members	4												
Alternates	0												
Recreation Advisory Commission	10	8	N/A	7	8	7	7	9	9	N/A	7	7	Yes
Regular Members	7											7	
Alternates	3											0	
Retirement Board of Trustees	9	3	N/A	N/A	N/A	7	5	7	7	5	8	No Change	N/A
Regular Members	9												
Alternates	0												
Shore Protection Board	10	N/A	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5	Yes
Regular Members	7											5	
Alternates	3											0	
Underground Utilities Task Force	8	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No Change	N/A
Regular Members	7												
Alternates	1												
Total Members	85												68

Sec. 18-166. - Membership; appointment.

- (a) The **architectural commission** shall consist of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are in the discretion of the town council, no bona tide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. In addition to the two registered architects, one member of such commission shall be a landscape architect, if available. However, in the event a landscape architect is not available, then one member of such commission shall be a master gardener or someone with equivalent expertise in landscape.
- (b) The members of such commission shall be appointed by the town council, and the commission shall designate a chair and a vice-chair.

(Ord. No. 11-2015, § 1(Att.), 4-15-15; Ord. No. [07-2018](#), § 1, 6-12-18)

Sec. 18-171. - Alternate members.

The town council may, in its discretion, appoint three alternate members to the architectural commission, who shall serve when called upon by the chair of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission who is absent or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as voting members or not.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Sec. 2-401. - Organization.

- (a) The town council shall appoint a seven-member **code enforcement board** and legal counsel for the board. The members shall have the qualifications and terms of office specified in this section.
- (b) Members of the enforcement board shall be residents of the town. Appointments shall be made by the town council on the basis of experience or interest in the fields of zoning and building control. The membership of the enforcement board shall, whenever possible, include:
 - (1) An architect.
 - (2) A businessperson.
 - (3) An engineer.
 - (4) A general contractor.
 - (5) A realtor.
 - (6) A subcontractor.
 - (7) A general member.

In consideration of the appointment of a general member, or if it is not possible to fill a selection from any of the other categories set forth above, the town council shall give consideration to the appointment of a member to the code enforcement board with experience in the field of public health.

- (c) In addition, the town council may appoint two alternate members for the purpose of serving in the absence of any of the board members specified above. The alternate members shall be appointed for a term of three years and shall serve in the absence of any regular member of the enforcement board. Alternate members may be appointed from the general public and need not be selected from any specific category of profession, but must be a resident of the town.

(Code 1982, § 2-177(a); Ord. No. 14-95, § 1(2-177(a)), 9-12-95; Ord. No. 15-99, § 1, 11-9-99)

State Law reference— Similar provisions, F.S. § 162.05(1)—(3).

Sec. 2-567. - **Investment advisory committee** created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

- (a) *Generally.* A committee of the town to be known as the "investment advisory committee" is hereby created; such committee to be composed of five members to be appointed by the town council. Three of such committee members shall hold office from the date of their appointment for a period of three years and two of such committee members shall hold office from the date of their appointment for two years. Thereafter, members of the investment advisory committee shall hold office for two year terms. Members of the committee shall be residents of the town and shall have prior fixed income investment experience. If a vacancy shall occur other than by the expiration of a term, it shall be filled by the town council for the unexpired term.
- (b) *Removal provisions; absences.* All members of the investment advisory committee serve at the pleasure of the town council and may be removed from the committee with or without cause. Members of the committee shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend two scheduled meetings in any 12-month period. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the finance director in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the committee after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this section.
- (c) *Conflicts of interest.* In the event of excessive conflicts of interest during any one calendar year, such committee member shall be automatically removed from the committee. Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2009 calendar year and shall be applicable, thereafter, on a calendar year basis.
- (d) *Related employment.* The town will not do business directly or indirectly with a committee member or a committee member's employer or business while they are serving on the committee and for at least two years after the member's term has expired.
- (e) *Frequency of meetings.* The committee shall hold at least four meetings per year and more if it is deemed necessary. The committee shall determine the dates on which it shall meet.
- (f) *Officers, rules of procedure.* The investment advisory committee shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings.

Three voting members of the committee shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the committee shall be necessary for it to take action.

- (g) *Duties, obligations and functions.*
 - (1) The investment advisory committee shall act in an advisory capacity and shall make recommendations to the town council on matters relating to the town's investment policy. The investment advisory committee shall advise the director of finance on the investment of the town's surplus funds. All recommendations must be made within the constraints and limitations of F.S. § 218.415.
 - (2) The investment advisory committee shall also act as a citizens' oversight committee in regard to the one-cent sale surtax which, by law, commences on January 1, 2017. The committee, acting as a citizen oversight committee, shall serve to review the revenues and expenditures of surtax proceeds by the town; and shall provide annually, a report to the town council relating to same.

(Ord. No. 4-04, § 1, 3-9-04; Ord. No. 18-04, § 2, 10-1-04; Ord. No. 13-09, § 3, 7-14-09; Ord. No. 11-10, § 11, 7-13-10; Ord. No. 16-2011, § 3, 9-13-11; Ord. No. [05-2017](#), § 1, 2-14-17)

Sec. 54-36. - Created; appointment; qualifications; terms; compensation; filling vacancies; reappointment.

- (a) A **landmarks preservation commission** is created consisting of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the state, the town may solicit and appoint architects registered outside the state to fill one of the architect seats. A majority of the members shall have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. Each member shall be a registered voter in the town, however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise in historic landmarks preservation. Each member other than the individual, if any, appointed by the town council as an expert, shall be a registered voter in the town. The members shall serve staggered terms of three years, and each will serve without compensation, except in the event of the appointment of an outside expert who will serve a term of only one year, but who may be reappointed by the town council on an annual basis. Each member shall serve without compensation. The town council shall appoint the members. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.
- (b) A member shall not be appointed for more than two consecutive three-year terms but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(a), 9-12-95; Ord. No. 8-99, § 1, 11-9-99; Ord. No. 7-00, § 1, 6-13-00; Ord. No. 6-01, § 1, 4-10-01; Ord. No. 19-01, § 1, 10-9-01; Ord. No. 19-2013, § 1, 10-8-13)

Sec. 54-37. - Alternate members.

- (a) *Appointment.* The town council may, in its discretion, appoint three alternate members with similar qualifications who shall serve when called upon the chair of the commission in the absence of any regular members.
- (b) *Attendance requirements.* Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements, as regular members with the same provisions relating to excused absences being applicable.
- (c) *Voting.* Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.
- (d) *Terms of office.* Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(b), 9-12-95; Ord. No. 8-99, § 2, 11-9-99; Ord. No. 6-01, § 2, 4-10-01)

1.003. - Public employees relations commission.

- (1) There is hereby created and established a public employees relations commission, hereinafter referred to as the "commission." The commission shall be composed of a chairman and two other members to be appointed by the town council from a list of persons submitted by an independent "blue ribbon" panel appointed by the town council. Effective October 1, 1980, one appointee shall be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; one appointee shall be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations; and one appointee shall be a person who, on account of previous vocation, employment, or affiliation, is not or has not been classified as representative of employers or of employees or employee organizations. The chairman and all members shall be appointed for four-year staggered terms. Neither the chairman nor any member shall be employed by, or hold any commission with, any governmental unit in the state or any employee organization while serving in such office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office in the same manner as herein provided for an original appointment. Once appointed, the chairman shall serve as chairman for the duration of his term. Nothing contained herein shall prohibit the chairman or commissioner from serving multiple terms.
- (2) The chairman and other members shall devote such time as is necessary to the performance of their commission duties and shall not engage in any other business, vocation or employment which would interfere with the responsible, independent and objective performance of their duties. The chairman or any member shall be entitled, upon application to the finance committee of the town council, to receive an honorarium in amount determined by the finance committee as reasonable remuneration for services performed, based upon existing standards applicable to persons holding positions of similar nature. The chairman and other members shall also be reimbursed for reasonable expenses directly related to the performance of their duties under this ordinance as provided for in F.S. § 112.061. The chairman shall be responsible for the administrative functions of the commission and shall have the authority, subject only to reasonable financial limitations deemed necessary by the town council, to employ such personnel as may be necessary to carry out the provisions of this ordinance.
- (3) The deliberations of the commission in any proceeding before it shall be exempt from the provisions of F.S. ch. 286. Provided, however, that any hearing or oral argument held by the commission pursuant to F.S. ch. 120, F.S. ch. 447, or this ordinance shall be open to the public. All draft orders developed in preparation for or preliminary to the issuance of a final written order shall be exempt from the provisions of F.S. ch. 119.

Sec. 2-326. - Created; membership; requirements; term.

- (a) There is created a town **planning and zoning commission** consisting of seven members to be appointed by the town council, each member of which shall be a resident of the town.
- (b) Four voting members of the commission shall constitute a quorum; however, the affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action.
- (c) The commission shall be deemed to be, in all events and in all transactions, directly under the supervision of the town council, which shall have power to alter, modify or change any action or ruling of the commission.
- (d) The persons initially appointed to the commission shall forthwith assemble and determine by lot:
 - (1) The two members who shall hold office until the first Tuesday after the first Monday in February next thereafter;
 - (2) The two members who shall hold office until the first Tuesday after the first Monday in the second February thereafter;
 - (3) The two members who shall hold office until the first Tuesday after the first Monday in the third February thereafter;
 - (4) The one member who shall hold office until the first Tuesday after the first Monday in the fourth February thereafter.

Thereafter, members of the commission shall serve for terms of three years. All persons appointed pursuant to subsections (d)(1)—(4) shall hold office until October 1 of the year in which their term expires.

- (e) The commission shall elect a chair and vice-chair in March of each year. The chair shall approve the agenda for each meeting and conduct the meetings of the commission pursuant to Robert's Rules of Order, Newly Revised, the latest edition. The vice-chair shall serve as chair in the absence of the chair.

(Code 1982, § 16-1(a); Ord. No. 13-95, § 1(a), 9-12-95; Ord. No. 13-03, § 1, 8-12-03; Ord. No. 25-07, § 1, 1-8-08; Ord. No. 11-10, § 3, 7-13-10)

Sec. 2-327. - Alternate members.

The town council may, in its discretion, appoint three alternate members to the planning and zoning commission, who shall serve when called upon by the chair of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.

(Code 1982, § 16-1(b); Ord. No. 13-95, § 1(b), 9-12-95; Ord. No. 13-03, § 1, 8-12-03)

Sec. 74-1. - Recreation advisory commission created; appointments; terms; qualifications; advisory function; alternates; requirements; officers; procedure.

- (a) *Generally.* An agency of the town to be known as the recreation advisory commission is hereby created; such commission to be composed of seven members to be appointed by the town council. Two of such commission members shall hold office from the date of their appointment for a period of one year; two of such commission members shall hold office from the date of their appointment for two years; and three of such commission members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the recreation advisory commission shall hold office for three year terms. Members of the commission shall possess a knowledge or interest in town recreation programs and facilities. Preference shall be given to candidates who are enrolled or have their children enrolled in a recreation department program or are a regular participant or volunteer at a town recreation department facility. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.
- (b) *Alternate members.* The town council may, in its discretion, appoint three alternate members who shall serve when called upon by the chairman in absence of any regular member. Preference shall be given to candidates who are enrolled or have their children enrolled in a recreation department program or are a regular participant or volunteer at a town recreation department facility. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest, however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.
- (c) *Registered voter requirement.* Each member of the recreation advisory commission is required to be a registered voter in the town.
- (d) *Removal provisions.* All members of the recreation advisory commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance, which is defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the director of recreation by letter no later than noon on the Friday prior to a regularly scheduled meeting, unless the absence is an emergency. Failure to notify the director of recreation via letter will cause the absence to be unexcused. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the commission after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.
- (e) *Conflicts of interest.* In the event of excessive conflicts of interest during any one calendar year, such commission member shall be automatically removed from the commission by the town council or, in the event of excessive conflicts of interest during any one term, a commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2009 calendar year and shall be applicable, thereafter, on a calendar year basis.
- (f) *Consecutive terms.* No member of the recreation advisory commission may serve more than two consecutive three-year terms. This section shall not preclude any person from being appointed to a successive term, subsequent to the serving of two consecutive three-year terms, provided said person has ceased to be a member of said commission for a period of time not less than nine months. Further, in the event a member has been appointed to fill a vacant term of office, which term is for a period of time less than 50 percent of a full two-year term, that person shall not be precluded from then serving two successive three-year terms. Additionally, although an alternate member may

not serve more than two three-year terms as a alternate, said alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-year terms thereafter.

- (g) *Officers, rules of procedure.* The recreation advisory commission shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings.

Four voting members of the commission shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action.

- (h) *Advisory capacity.* The recreation advisory commission shall act in an advisory capacity and shall make recommendations to the town council on matters relating to town recreation programs and facilities.

(Ord. No. 18-98, § 2, 1-12-99; Ord. No. 10-99, § 1, 11-9-99; Ord. No. 21-00, § 1, 8-8-00; Ord. No. 10-01, § 1, 5-8-01; Ord. No. 18-04, § 5, 10-1-04; Ord. No. 13-09, § 6, 7-14-09; Ord. No. 12-2012, § 1, 8-14-12)

Sec. 82-57. - Board of trustees; administrative duties; investment of retirement system assets.

- (a) Effective upon the adoption of the ordinance from which this section derives, a new board of trustees shall be established in accordance with subsection (b) below. Effective April 1, 2012, the firefighter board of trustees, police officer board of trustees and general employee/lifeguard board of trustees shall be abolished, and the board of trustees established in accordance with subsection (b) below shall be responsible for administering the retirement system and investing all assets of the system in accordance with subsections (c) through (k) below, for all employee benefit groups.
- (b) The board of trustees (the "board") shall consist of nine members selected as follows:
 - (1) One employee who is a member of benefit group general or benefit group lifeguard elected by the members of those benefit groups.
 - (2) One employee who is a member of benefit group firefighter elected by the members of that benefit group.
 - (3) One employee who is a member of benefit group police officer elected by the members of that benefit group.
 - (4) Five residents of the town who are not officers or employees of the town, retirants or beneficiaries of the retirement system, appointed by the town council.
 - (5) The town's finance director, who shall serve as a voting ex-officio member.
- (c) The board shall meet at least quarterly, shall adopt its own rules of procedure and shall keep records of its proceedings. Five trustees shall constitute a quorum at any meeting of the board, and a vote of the majority of the quorum present at any meeting shall be necessary for a decision of the board. Each trustee shall be entitled to one vote on each question before the board. The trustees shall not receive any compensation but may receive expenses and per diem as provided by town ordinance.
- (d) Trustees other than the town manager or acting town manager shall serve staggered three-year terms, and may succeed themselves in office. To implement the staggered terms, the first elected trustee who is a member of benefit group police officer shall serve a one-year term; the first elected trustee who is a member of benefit group firefighter shall serve a two-year term; and the first elected trustee who is a member of benefit group general or benefit group lifeguard shall serve a three-year term. The staggered terms for the appointed trustees shall be implemented as follows: two appointed trustees shall serve an initial term of one year; two appointed trustees shall serve an initial term of two years; and one appointed trustee shall serve an initial term of three years; as determined by the town council. Trustees who are elected or appointed following the initial terms shall serve a term of three years. Each trustee shall, before assuming the duties of trustee, qualify by taking an oath of office to be administered by the town clerk.
- (e) A vacancy shall occur on the board if:
 - (1) A member-elected trustee ceases to be a member or ceases to be included in the appropriate benefit group;
 - (2) A resident appointed by the town council fails to maintain town residency as determined by the town council; or
 - (3) Any trustee resigns or is removed from office.
 - (4) A trustee fails to attend more than two scheduled meetings in any 12-month period without an excused absence. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the plan administrator in writing no later than noon on the Friday prior to a scheduled meeting, unless the absence is an emergency. Failure to timely notify the plan administrator in writing of an absence will result in an unexcused absence, unless the absence is an emergency. Excused and unexcused absences shall be recorded in

the minutes of the meeting at which the absence occurred. The plan administrator may excuse an absence at the next regularly scheduled meeting for good cause shown.

- (f) If a vacancy occurs on the board, the vacancy shall be filled within 90 days, for the unexpired term, in the same manner as the position was previously filled.
- (g) The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature and description, and to administer the retirement system for the benefit of its members, retirants and beneficiaries.
- (h) The officers and advisors of the board shall be as follows:
 - (1) *Chair.* The board shall annually elect a chair and a chair pro tem from its members.
 - (2) *Secretary.* The board shall annually elect a secretary from among its members.
 - (3) *Finance director and treasurer.* The town finance director and treasurer shall be finance director and treasurer of the board.
 - (4) *Legal advisor.* The town attorney or an attorney designated by the town attorney shall be legal advisor to the board.
 - (5) *Actuary.* The board shall appoint an actuary who shall be the technical advisor to the board regarding the operation of the retirement system on an actuarial basis and who shall perform such services as are required in that connection. The term "actuary" as used in this article shall mean an enrolled actuary as defined in F.S. § 112.625. A partnership or corporation may be appointed actuary if the duties of the actuary are performed by or under the direct supervision of an individual who meets the preceding qualifications.
 - (6) *Services.* The board is authorized and empowered to employ such professional and other services as are required for the proper administration of the retirement system at the fund's expense.
 - (7) *Plan administrator.* The board is authorized to contract for the professional services of a plan administrator. In the event the board does not contract for the professional services of a plan administrator, or in the event of any lapse in such services, the human resources director shall be the plan administrator.
- (i) The board shall direct the investment of retirement system assets in accordance with the following provisions:
 - (1) The board shall adopt an investment policy in accordance with F.S. § 112.661, and shall regularly review, evaluate and, if deemed in the best interest of the retirement system, revise the investment policy, subject to the approval of the town council.
 - (2) In exercising its discretionary authority with respect to the management of the moneys and assets of the retirement system, the board shall exercise the care, skill, prudence and diligence under the circumstances then prevailing, that a person of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims.
 - (3) The board shall have full power and authority to invest and reinvest the moneys and assets held for the benefit of the members, retirants and beneficiaries of the system, subject to all terms, conditions, limitations and restrictions imposed by law on the investments of public employee retirement system assets, and subject to investment policy adopted by the board.
 - (4) The board may invest in securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 USC § 80A-1 et seq., and in such other investments authorized by law and by the board's investment policy, including alternative investments.
 - (5) a. The Retirement Board may, unless restricted by law, transfer all or any portion of the assets of the Retirement Fund to a collective or common group trust, as permitted under Revenue Ruling 81-100, Revenue Ruling 2011-1, and Revenue Ruling 2014-24 (or

subsequent guidance), that is operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the Internal Revenue Code, individual retirement accounts that are exempt under section 408(e) of the Internal Revenue Code, eligible governmental plans that meet the requirements of section 457(b) of the Internal Revenue Code, and governmental plans under section 401(a)(24) of the Internal Revenue Code. For this purpose, a trust includes a custodial account or separate tax-favored account maintained by an insurance company that is treated as a trust under section 401(f) or under section 457(g)(3) of the Internal Revenue Code.

- b. Any collective or common group trust to which assets of the retirement fund are transferred pursuant to subsection (a) above shall be adopted by the retirement board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.
 - c. The separate account maintained by the group trust for the plan pursuant to subsection (a) above shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.
 - d. For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.
- (6) The board shall retain an independent consultant professionally qualified to advise the board on all investment matters and evaluate the performance of professional money managers. The independent consultant shall assist the board in developing and revising its investment policy, and make recommendations regarding the selection of money managers. These recommendations shall be considered by the board at its meetings.
- (j) The date, time, place and subject of regular board meetings shall be posted at least ten days prior to the date of such meetings.
 - (k) If a claim for benefits is denied by the board, the claimant shall be notified of the denial, in writing, within 30 days following the board's action. The notification shall set forth the reasons for denial. The claimant may appeal the denial and request a hearing before the board. The appeal shall be in writing to the town clerk and filed within 90 days of the board's denial. The request shall contain a written statement of the claimant's position regarding the claim. The board shall schedule a hearing within 60 days of receipt of the appeal. The hearing shall be conducted in accordance with rules adopted by the board. The board's action following the hearing shall be final and binding on all affected parties.

(Ord. No. 21-04, § 1, 10-1-04; Ord. No. 4-2012, § 2, 3-14-12; Ord. No. 14-2012, § 1, 8-14-12; Ord. No. 7-2013, § 1, 7-9-13; ; Ord. No. [14-2018](#), § 1, 8-15-18; Ord. No. [35-2019](#), § 2, 9-10-19)

Editor's note— Ord. No. 4-2012, § 2, adopted March 14, 2012, changed the title of section 82-57 from "Investment of retirement system assets" to "Board of trustees; administrative duties; investment of retirement system assets." The historical notation has been preserved for reference purposes.

Sec. 2-636. - **Shore protection board** created; appointments; terms; qualifications; advisory function; requirements; officers; procedure.

- (a) *Generally.* A board of the town to be known as the "Shore Protection Board" is hereby created; such board to be composed of seven members to be appointed by the town council. Two of such board members shall hold office from the date of their appointment for a period of one year; two of such board members shall hold office from the date of their appointment for a period of two years and three of such board members shall hold office from the date of their appointment for a period of three years. Thereafter, members of the shore protection board shall hold office for three year terms. Any member who has served two full three year terms shall no longer be eligible for reappointment, however, a member may be reappointed by town council upon the expiration of one full year subsequent to their terms having expired. This provision shall not be applicable to those members subject to reappointment in 2017 who, upon reappointment, may serve one additional three year term. Members of the board shall be residents of the town. If a vacancy shall occur other than by the expiration of a term, it may be filled by the town council for the unexpired term.
- (b) *Alternate members.* The town council shall appoint three alternate members to the shore protection board who shall serve when called upon by the chair of the board in the absence of any regular member. Alternate members are required to attend all meetings of the board and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission who is absent or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the board whether they are sitting as voting members or not. Alternate members of the board shall be residents of the town.
- (c) *Removal provisions.* All members of the shore protection board serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance shall be defined as a failure to attend three regularly scheduled meetings in any one calendar year. Excused absence due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the town manager's office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexecuted. Excused absences shall be entered into the minutes of the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.
- (d) *Frequency of meetings.* The board shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the chairman or at the direction of the town council.
- (e) *Officers, rules of procedure.* The shore protection board shall elect a chairman and a vice chairman and may adopt procedures for the conduct of its meetings. Four voting members of the board shall constitute a quorum, however, the affirmative or negative vote of a majority of the entire membership of the board shall be necessary for it to take action.
- (f) *Advisory capacity.* The shore protection board shall act in an advisory capacity to the town council and shall make recommendations to the town council on all matters relating to shore protection in the town including, but not limited to, issues relating to beach nourishment, coastal armoring, the sand transfer plant and matters relating to the town's Lake Worth Lagoon shoreline. In addressing these matters, the scope of the shore protection board's duties shall include long term planning, budgeting, lobbying, public education, and intergovernmental coordination.

(Ord. No. 1-08, § 1, 6-10-08; Ord. No. 16-2011, § 4, 9-13-11; Ord. No. 17-2014, § 1, 11-13-14; Ord. No. [06-2017](#), § 1, 2-14-17; Ord. No. 2-2018, § 1, 3-20-18)

RESOLUTION NO. 46-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 23-2016, REESTABLISHING THE UNDERGROUND UTILITIES TASK FORCE TO REVIEW MATTERS RELATED TO THE UNDERGROUNDING OF UTILITIES; MEMORIALIZING THE CITIZENS OVERSIGHT FUNCTION OF THE UNDERGROUND UTILITIES TASK FORCE DURING THE DESIGN AND CONSTRUCTION PHASES OF THE PROPOSED PROJECT; PROVIDING FOR SEVEN SEATS ON THE UNDERGROUND UTILITIES TASK FORCE, CREATING ONE ALTERNATE POSITION, IMPLEMENTING TERM LIMITS AND PROVIDING FOR METHOD OF APPOINTMENT, PROVIDING FOR SUNSETTING 10 YEARS FROM THE EFFECTIVE DATE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council pursuant to the terms of resolution 23-2016 established the underground utilities task force to review matters related to the undergrounding of utilities; and

WHEREAS, the Town Council wishes to rescind Resolution 23-2016 and re-establish the underground utilities task force to use the expertise and advice of a committee of town residents in regard to the undergrounding of utilities and to advise the Town Council in regard to undergrounding.

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

Section 1. Resolution Number 23-2016 which created the underground utilities task force is hereby rescinded.

Section 2. The Town Council hereby re-establishes the underground utilities task force with the charge to investigate and review possibilities of underground utilities throughout the town and to make recommendations to the Town Council on matters pertaining to the undergrounding of utilities.

Section 3 The Task Force shall also function in a citizen oversight capacity for the proposed project during the design and construction phases of the project to ensure timely receipt of project related deliverables, review of proposed budgets for elements of the project and in total, monitoring of budget adherence, establishment of staff, design team and contractor project related reporting requirements and to make recommendations to the Town Council deemed necessary by the Task Force to provide for a project with minimal disruption to the property owners of Palm Beach at the lowest cost possible while complying with the ordinances, rules and standards of the Town and all applicable county, state and federal requirements related thereto.

Section 4. The underground utilities task force shall consist of seven (7) members and one (1) alternate member who shall be appointed by the Town Council from a list of interested residents. Appointees are required to be registered electors and residents of the Town, however, one of the members may be a non-resident of the Town provided said member has a special skill as it relates to undergrounding. Appointees shall not be a member of another Town board or commission, however, any member who is reappointed who also serves on the retirement board may remain until their term of expiration. Those members of the task force originally appointed and now serving are hereby re-appointed.

Section 5. The expiration of currently appointed task force members shall occur alphabetically, A – Z, by last name. The first two task force members, alphabetically, shall hold office from the effective date of their appointment for a period of one year. The subsequent two members shall hold office from the date of their appointment for a period of two years and three of such board members shall hold office from the date of their appointment for a period of three years. Thereafter, newly appointed members shall hold

office for three year terms. Any regular voting member who has served a full term shall no longer be eligible for reappointment, however, a member may be reappointed by Town Council upon the expiration of one full year subsequent to their terms having expired. If a vacancy shall occur other than by the expiration of a term, it may be filled by the Town Council for the unexpired term.

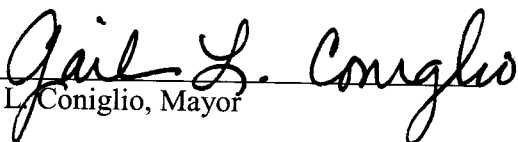
Section 6. The members of the Underground Utilities Task Force shall elect from among themselves a Chair and Vice Chair. The term of office of the members of the Underground Utilities Task Force shall cease upon a date to be determined by Town Council, once it is determined that the purpose of such Underground Utilities Task Force has been accomplished. Upon that date, the Underground Utilities Task Force shall automatically dissolve.

Section 7. The Task Force shall meet on an irregular schedule, whenever such meetings shall be called either at the discretion of the Chairman and Town Manager or at the direction of the Town Council.

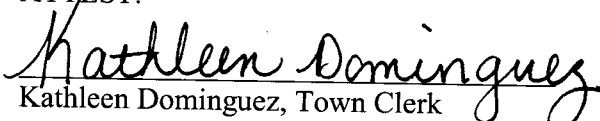
Section 8. The Task Force created hereby shall be sunset ten years from the adoption of this resolution unless terminated sooner by the Town Council.

Section 9. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of June 2019.


Gail L. Coniglio, Mayor

ATTEST:


Kathleen Dominguez, Town Clerk

Res No.46-2019

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ARCHITECTURAL COMMISSION MEMBERS

<u>NAME AND ADDRESS</u>	<u>E-MAIL ADDRESS</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>
Michael B. Small, Chairman P.O. Box 2375 Palm Beach, FL 33480	msmall@smallawpalmbeach.com 561-844-2606 (h) 561-385-2401 (o)	3/2019 3/2016 3/2013	3/2022 (Term 2) 3/2019 (Term 1) 3/2016 (Term 1 & Term 2 alternate)
Robert N. Garrison, Vice Chairman 156 Seabreeze Avenue - ARCHITECT Palm Beach, FL 33480	rng@garrisonarch.com 561-655-2509 (h) 856-396-6200 (o)	3/2018 3/2015 7/15/2014	3/2021 (Term 2) 3/2018 (Term 1) 3/2015 (Term 0)
Alexander C. Ives 237 Jamaica Lane Palm Beach, FL 33480	alexives@hotmail.com 561-309-1645	3/2019 3/2016 3/2011	3/2022 (Term 2) 3/2019 (Term 1) 3/2016 (Terms 0, 1 and 2 alternate)
Maisie Grace 235 Sunrise Ave., Ste. 3248-50 Palm Beach, FL 33480	amginny@aol.com 917-371-7246 (h) 561-386-3810 (o)	3/2020 3/2017 7/15/2014	3/2023 (Term 2) 3/2020 (Term 1) 3/2017 (Term 1 & 2 alternate)
John David Corey – Master Gardner 426 Australian Ave. Palm Beach, FL 33480	johncorey84@gmail.com 561-408-2880 (h) 617-590-0886 (c)	3/2018 3/2016	3/2021 (Term 1) 3/2018 (Term 1 alternate)
Betsy Shiverick P.O. Box 2589 Palm Beach, FL 33480	betsyshiverick@gmail.com 914-720-7357 (w)	3/2020 3/2019 3/2016	3/2023 (Term 1) 3/2020 (Term 2 alternate) 3/2019 (Term 1 alternate)
Jeffrey W. Smith - ARCHITECT 241 Sanford Avenue Palm Beach, FL 33480	jeff@smitharchitecturalgroup.com 561-655-0908 (h) 561-832-0202 (w)	9/2020	3/2021 (Term 0)* *Fulfilling unexpired term of Richard Sammons; serving 7 mos. (less than 50% of a term) (INTERIM APPOINTMENT)

Alternate Commission Members

Katherine Catlin (Alternate) 265 Fairview Rd. Palm Beach, FL 33480	KTCatlin@hotmail.com 561-842-7083 (h) 908-229-9150 (c)	3/2019 3/2017	3/2022 (Term 2) 3/2019 (Term 1)* *Fulfilling unexpired alternate term of Maisie Grace; serving 2 yrs, (more than 50% of a term)
Dan Floersheimer (Alternate) 125 Chateaux Dr. Palm Beach, FL 33480	dan.floersheimer@icloud.com 561-660-6616 (h) 203-273-1673 (w)	3/2019 3/2018	3/2022 (Term 1) 3/2019 (Term 0)* *Fulfilling unexpired alternate term of John David Corey; serving 1 yr, (less than 50% of a term)
Edward A. Cooney (Alternate) 495 N. Lake Way Palm Beach, FL 33480	edward.cooney@gmail.com 561-358-8853 (c)	3/2020	3/2022 (Term 1) *Fulfilling unexpired alternate term of Betsy Shiverick; serving 2 yrs, (more than 50% of a term)

Rev. 09/10/2020 kmc



LANDMARKS PRESERVATION COMMISSION MEMBERS

<u>NAME AND ADDRESS</u>	<u>E-MAIL ADDRESS</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>
Richard Rene Silvin, Chairman P.O. Box 2814 Palm Beach, FL 33480	rrsilvin@aol.com 404-660-1766	3/2019 3/2016 5/2014	3/2022 (Term 2) 3/2019 (Term 1) 3/2017 (Term 1 alternate)
Sue Patterson, Vice Chairman 710 S. Ocean Blvd. Palm Beach, FL 33480	ssolie@aol.com 561-659-4447 (h) 561-346-7007 (c)	3/2019	3/2022 (Term 1)
Jacqueline Albarran - ARCHITECT Non-Resident Expert 324 Royal Palm Way #227 Palm Beach, FL 33480	jackie@jackiealbarran.com 561-655-7676 (o) 561-346-9892 (c)	3/2020 3/2019 3/2018 3/2017 3/2016 3/2015 5/2014 (*no term limitations)	3/2021 (Term 7)* 3/2020 (Term 6)* 3/2019 (Term 5)* 3/2018 (Term 4)* 3/2017 (Term 3)* 3/2016 (Term 2)* 3/2015 (Term 1)*
Patrick W. Segraves - ARCHITECT 2500 S. Ocean Blvd., #2A1 Palm Beach, FL 33480	pat@skaarchitect.com 561-346-9880 (c) 561-655-1116 (o)	3/2020 3/2017	3/2023 (Term 2) 3/2020 (Term 1)
John T. Gannon 1300 N. Ocean Blvd. Palm Beach, FL 33480	timgannon@outback.com 813-503-3000(w)	3/2018 3/2017	3/2021 (Term 1) 3/2018 (Term 0)* *fulfilling 1 yr. balance of Strawbridge term – less than 50% of term
Kim Coleman 309 Via Linda Palm Beach, FL 33480	kim@kimcoleman.com 561-840-8688 (h) 516-527-3612 (c)	3/2020 8/2018	3/2023 (Term 2) 3/2020 (Term 1)* *fulfilling 19 mos. balance of Fairfax term – more than 50% of term
Anne Fairfax 455 Worth Ave., #303 Palm Beach, FL 33480	afairfax@fairfaxandsammons.com 646-270-1791 (c)	3/2020	3/2023 (Term 1)

Alternate Commission Members

Anne G. Metzger (Alternate) 277 Esplanade Way Palm Beach, FL 33480	annegm44@gmail.com 561-842-0224 (h) 561-236-3446 (c)	3/2019 8/2018	3/2022 (Term 1)* 3/2019 (Term 0)* *fulfilling 7 mos. balance of Coleman term – less than 50% of term
Fernando Wong (Alternate) 201 Seaview Ave., #2 Palm Beach, FL 33480	tim@fernandowongold.com 561-515-0213 (h) 305-321-0546 (c)	5/2020 5/2019	3/2023 (Term 1) 3/2020 (Term 0) *fulfilling 1 yr balance of Drake term – less than 50% of term
Brittain Damgard (Alternate) 117 Wells Road Palm Beach, FL 33480	brittainbardes@gmail.com 561-659-6653 (h) 202-256-6344 (c)	3/2020	3/2023 (Term 1)



PLANNING & ZONING COMMISSION MEMBERS

<u>NAME AND ADDRESS</u>	<u>EMAIL ADDRESS</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>
Michael L. Ainslie, Vice Chair 202 Plantation Rd. Palm Beach, FL 33480	MichaelAinslie1@gmail.com 561-855-8843 (h) 561-373-3340 (c)	10/09/2018 (3 yr term) 10/13/2015 (3 yr term)	9/30/2021 (Term 2) 9/30/2018 (Term 1)
Rick Pollock 218 Seaspray Ave. Palm Beach, FL 33480	rexrmp@gmail.com 202-256-5980 (w) 561-655-0901 (h)	10/13/2020 (3 yr term) 10/10/2017 (3 yr term) 12/9/2014 (3 yr term)	9/30/2023 (Term 2) 9/30/2020 (Term 1) 9/30/2017 (Term 1 Alternate)
Michael Vincent John Spaziani 3300 S. Ocean Blvd., #106S Palm Beach, FL 33480	spazian@aol.com 561-655-8009 (h) 561-655-8009 (w)	10/10/2019 (3 yr term) 05/08/2018 (3 yr term) 10/10/2017 (3 yr term)	9/30/2022 (Term 1) 9/30/2019 (Term 0)** 9/30/2020 (Term 2 Alternate)
**to complete the remainder of L. Crampton's unexpired 3 yr term which is less than 50% and as such will count as Term 0.			
Richard M. Kleid 2660 S. Ocean Blvd Palm Beach, FL 33480	kleid561@aol.com 561-588-7631 (h)	10/09/2018 (3 yr term)	9/30/2021 (Term 1)
Eric Christu 1500 N. Ocean Blvd. Palm Beach, FL 33480	ericchristu@aol.com 561-758-7544 (h) 561-650-8556	05/13/2020 10/10/2019 (3 yr term) 12/13/2016 (3 yr term)	9/30/2022 (Term 1)** 05/13/2020 (Term 2 Alternate) 9/30/2019 (Term 1 Alternate)
** to complete the remainder of R.Sammons' unexpired term which is greater than 50% and as such will count as Term 1.			
Marilyn N. Beuttenmuller 1555 N. Lake Way Palm Beach, FL 33480	marilynbpb@gmail.com 561-844-0935 (h)	10/13/2020 (3 yr term) 05/08/2018 (3 yr term)	9/30/2023 (Term 1) 9/30/2020 (Term 1 Alternate)
Jorge Sanchez 239 Southland Rd. Palm Beach, FL 33480	jorge@smila.net 561-842-2982 (h) 561-655-9006 (w)	10/13/2020 (3 yr term) 05/13/2020	9/30/2023 (Term 1) 10/13/2020 (Term 1 Alternate)

Alternate Commission Members

William J. Gilbane 675 N. Lake Way Palm Beach, FL 33480	billy@billygilbane.com 646-453-9440 (h) 212-312-1603 (W)	10/13/2020 (3 yr term)	9/30/2023 (Term 1)
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RECREATION ADVISORY COMMISSION MEMBERS

REGULAR MEMBERS

AMY D. BAHL 881-2052 (home)
245 Ridgeview Drive 818-4669 (cell)
amydbahl@yahoo.com (Co Chairman)

First Appointed: 5/9/17 Term Expires: 4/20
Re-Appointed: 4/18 Term Expires: 4/21

NICHOLAS CONIGLIO 644-6950 (home)
201 El Dorado Lane 655-3319 (work)
nfconiglio@hotmail.com (Chairman)

Alternate Member:

First Appointed: 4/12/16 Term Expires: 4/19
(filled position left vacant by Leslie Wytrzes)

Regular Member:

First Appointed: 4/13/17 Term Expires: 4/20
Re-Appointed: 4/15/20 Term Expires: 4/23*

DR. G. ELLEN HOWE 585-2342
2295 S. Ocean Blvd. PH-20
drgellenhowe@yahoo.com

Alternate Member:

First Appointed: 4/13/10 Term Expires: 4/13
Re-Appointed: 4/09/13 Term Expires: 4/16

Regular Member:

First Appointed: 4/16/15 Term Expires: 4/18
Re-Appointed: 4/18 Term Expires: 4/21*

GRIER PRESSLY 307-7468 (home)
242 Seaspray Ave. 659-4040 (work)
grier@pprplaw.com

Alternate Member:

First Appointed: 5/9/17 Term Expires: 4/19
(filled position left vacant by Nicholas Coniglio)

Regular Member:

First Appointed: 4/19 Term Expires: 4/22

ALEXANDRA WOODFIELD 659-0757 (home)
150 Seaspray Ave. 650-0771 (work)
awoodfield@gunster.com

Alternate Member:

First Appointed: 4/9/13 Term Expires: 4/16
(filled position left vacant by C. Stokerson)

Regular Member:

First Appointed: 4/16/15 Term Expires: 4/18
Re-Appointed: 4/18 Term Expires: 4/21*

LESLIE WYTRZES 653-0029 (home)
444 Seabreeze Ave. 596-6785 (Cell)
lesliewyt@gmail.com

Alternate Member

First Appointed: 2/10/15 Term Expires: 4/15
(Completing M. Smith's Term 4/12 – 4/15)
Re-Appointed: 2/14/15 Term Expires: 4/16
(filled position left vacant by G. Ellen Howe)

Regular Member

First Appointed: 4/12/16 Term Expires: 4/19
(filled position left vacant by S. Hall)
Re-Appointed: 4/19 Term Expires: 4/22*

KRISTEN SCHONWALD-VILA 917-548-4311
269 Queens Lane
ksw@vilabuilt.com

Alternate Member:

First Appointed: 1/9/18 Term Expires: 4/19
(filled position left vacant by Linda Wartow)
Re-Appointed: 4/19 Term Expires: 4/22

Regular Member:

First Appointed: 4/15/20 Term Expires: 4/23
(Filled position left open by Cove)

ALTERNATE MEMBERS

PETER EW. HARRIS 781-540-9102(Cell)
173 Peruvian Ave
pwharris88@gmail.com

Alternate Member:

First Appointed: 6/19 Term Expires: 4/21
(Filled position left open by Hartz)

PAMELA MCIVER 805-5393 (home)
695 Island Drive 676-8586 (cell)
2 Redcoats Lane 631-725-5070 (summer)
Sag Harbor, NY 11963
pam180@mac.com

First Appointed: 4/19 Term Expires: 4/22

Updated 5/19/20

*Not eligible for re-appointment

SHORE PROTECTION BOARD MEMBERS

Updated 12/11/2019
(appointed for 3 year terms)

	<u>Appointed</u>	<u>Term Expires</u>
E. Llwyd Ecclestone, Jr., Chair 190 S. Ocean Blvd. Palm Beach, FL 33480 Home: 561-833-3162 Work: 561-686-2000 ele@ecclestone.com	12/2008 12/2011 12/2014 12/2017 01/2019	12/2020 (final term)
Lewis Katz, Vice Chair 2275 South Ocean Blvd., #308N Palm Beach, FL 33480 Home: 561-588-4112 Work: 561-351-3210 lewiskatz@gmail.com	12/2008 12/2011 12/2014 12/2017 01/2019	12/2017 (third term) 12/2020 (final term)
Kane K. Baker 1246 N. Lake Way Palm Beach, FL 33480 561-881-7101 kanemary@comcast.net	12/2009 12/2012 12/2015 12/2018	12/2015 (second term) 12/2021 (third term)
James C. Gavigan 1510 North Ocean Blvd. Palm Beach, FL 33480 561-842-4153 Work: 561-659-4973 jcg@gavigan-law.com	12/2015 12/2018	12/2021 (first term)
Reuben B. Johnson III 990 Adam Road Palm Beach, FL 33480 Home: 561-882-0126 Cell: 561-346-1365 johnsonwatkins@aol.com	9/2015 12/2015 12/2018	12/2015 (first term) 12/2021 (first full term)
Melissa Ceriale 230 S. Ocean Blvd. Palm Beach, FL 33480 Home: 203-820-4608 msceriale@mac.com	12/2017 12/2019	12/2019 (first partial term from Goldstein) 01/2022 (first full term)
Warren Belmar 130 Sunrise Ave., Apt. 319 Palm Beach, FL 33480 Home: 561-833-1022 Work: 202-255-1586 warrenbelmar@gmail.com	12/2017 12/2019	5/1/2020 (first partial term) 01/2022 (first full term)

Alternate Members:

Vladimir Rapoport
3300 S. Ocean Blvd, Apt. S205
Palm Beach, FL 33480
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Vr20007@gmail.com

12/2019

01/2022 (first term – Alternate Member)

Erick Reickert
3100 S. Ocean Blvd, PH 601S
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12/2019

01/2022 (first term – Alternate Member)

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 17-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 46, Fire Prevention And Protection, Amending Article III, “Fire Prevention”, In Accordance With Florida State Statute 633.202 And 633.208 The “Florida Fire Prevention Code” Adopted By The State Of Florida Fire Marshal In Chapter 69A-60 Of The Florida Administrative Code With Local Amendments, National Fire Protection Association Fire Code - N.F.P.A. 1, Florida 2018 Edition, And National Fire Protection Association Life Safety Code - N.F.P.A. 101, Florida 2018 Edition; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith; Providing For Codification; And Providing For An Effective Date.

Presenter

Darrel Donatto, Fire Rescue Chief

ATTACHMENTS:

- ▣ **Memorandum dated October 19, 2020, from Darrel Donatto, Fire Rescue Chief**
- ▣ **Ord. No. 17-2020 Fire Prevention Code**

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 10, 2020

To: Mayor and Town Council

Via: Kirk W Blouin, Town Manager

From: Darrel Donatto, Fire Rescue Chief

Re: Amendment to Chapter 46 of the Town Code of Ordinances Relating to Fire Prevention and Protection, Amending Article III, Fire Prevention Code, Section 46-66, Codes Adopted, Copies on File
Ordinance No. 17-2020

Date: October 19, 2020

STAFF RECOMMENDATION

Fire Rescue staff recommends that the Town Council approve Ordinance No.17-2020 on first reading in accordance with Florida Administrative Code, Chapter 69A-60, the Florida Fire Prevention Code, including:

- NFPA 1, the Fire Code, Florida 2018 Edition
- NFPA 101, the Life Safety Code, Florida 2018 Edition

GENERAL INFORMATION

It is necessary that the above Codes be adopted to maintain the three-year cycle mandated by the State of Florida in Chapter 633.202 and 633.208, Florida Statutes, requiring local governments to enforce statewide Florida Administrative Code Chapter 69A-60, the Florida Fire Prevention Code, as adopted by the State of Florida Fire Marshal, with Local Amendments, as the minimum Fire Safety Code, including NFPA 1, the Fire Code, Florida 2018 Edition and NFPA 101, the Life Safety Code, Florida 2018 Edition. The amendment of Chapter 46 of the Town Code of Ordinances relating to Fire Prevention and Protection at Article III, Fire Prevention Code, Section 46-66, will give the Fire Rescue Department the necessary tools to enforce fire, life and safety issues within the Town of Palm Beach limits. The last time the Town Council approved the codes used by Fire Rescue for enforcement was December 12, 2017.

FUNDING/FISCAL IMPACT

The funding relating to the adoption of this code amendment is negligible and has already been budgeted.

TOWN ATTORNEY REVIEW

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

MD

Attachments: Ordinance No. 17-2020

ORDINANCE NO. 17-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 46, FIRE PREVENTION AND PROTECTION, AMENDING ARTICLE III, "FIRE PREVENTION", IN ACCORDANCE WITH FLORIDA STATE STATUTE 633.202 AND 633.208 THE "FLORIDA FIRE PREVENTION CODE" ADOPTED BY THE STATE OF FLORIDA FIRE MARSHAL IN CHAPTER 69A-60 OF THE FLORIDA ADMINISTRATIVE CODE WITH LOCAL AMENDMENTS, NATIONAL FIRE PROTECTION ASSOCIATION FIRE CODE - N.F.P.A. 1, FLORIDA 2018 EDITION, AND NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE - N.F.P.A. 101, FLORIDA 2018 EDITION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 46 of the Town Code of Ordinances, relating to Fire Prevention and Protection, is hereby amended at Article III, Fire Prevention, and Section 46-66, to read as follows:

"Section 46-66. Codes adopted; copies on file.

(a) There are hereby adopted by the Town, for the purpose of prescribing regulations governing conditions hazardous to the health, safety, welfare, life and property from fire or explosion, certain codes in accordance with Florida State Statute 633.202 and 633.208 the "Florida Fire Prevention Code" adopted by the State Fire Marshal Chapter 69A-60 of the Florida Administrative Code, as may be amended, including N.F.P.A. 1 Fire Code, Florida 2018 Edition, and the N.F.P.A. 101 Life Safety Code, Florida 2018 Edition, both as modified by Chapter 69A-60 of the Florida Administrative Code, all of which are deemed adopted by reference, as fully as if set out at length herein, as the minimum fire safety code. If conflicts exist between the codes, the more stringent shall be applied at the discretion of the Fire Chief or his or her representatives.

(b) A copy of each of the above codes is on file and open to inspection by the public in the office of the Town Clerk."

Section 2. Severability

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of November, 2020, and for second and final reading on this 8th day of December, 2020.

Gail L. Coniglio, Mayor

Margaret A Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Queenester Nieves, CMC, Town Clerk

Danielle H Moore, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: November 10, 2020

Section of Agenda

Ordinances - First Reading

Agenda Title

EMERGENCY ORDINANCE NO. 18-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing The Town Manager To Arrange For Public Meetings By Use Of Communication Media Technology And For Attendance By Use Of Such Technology By Elected And Appointed Officials During A Declared Public Health Emergency; Providing For Conflicts; Providing For Severability; Providing An Effective Date.

Presenter

John C. Randolph, Town Attorney

ATTACHMENTS:

- ▣ **Emergency Ordinance No. 18-2020**

EMERGENCY ORDINANCE NO. 18-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ARRANGE FOR PUBLIC MEETINGS BY USE OF COMMUNICATION MEDIA TECHNOLOGY AND FOR ATTENDANCE BY USE OF SUCH TECHNOLOGY BY ELECTED AND APPOINTED OFFICIALS DURING A DECLARED PUBLIC HEALTH EMERGENCY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Novel Coronavirus Disease 2019 (COVID-19) is a contagious disease that has the apparent ability to spread rapidly among humans and may result in serious illness or death, constituting a clear and present threat to the lives, health, welfare, and safety of the people of the Town of Palm Beach; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order number 20-52 which declared a State of Emergency for the State of Florida due to COVID-19; and

WHEREAS, on March 16, 2020, the Town of Palm Beach took similar action and declared a local State of Emergency which was extended by subsequent Town Council resolutions until said State of Emergency expired on October 13, 2020; and

WHEREAS, on November 9, 2020 in response to the rise of infection rates of Covid-19, the Town adopted Resolution No. 122-2020 to extend the Emergency Declaration until December 8, 2020; and

WHEREAS, Governor DeSantis' Executive Orders 20-51 and 20-52 also contain a recommendation to limit public gatherings; and

WHEREAS, Florida Law, including Florida Statutes Sections 286.011 and 166.041, requires that meetings of elected and appointed officials, for the conduct of public business, must be held following procedures (notice, access to meetings, opportunity to be heard, the taking of minutes) that ensure that the public is able to participate in and be aware of the decision making process (the “Sunshine Law”); and

WHEREAS, public meetings have traditionally been conducted in spaces with people in close proximity with each other and in groups varying in size, but generally much larger than ten people; and

WHEREAS, due to the apparent ability to spread rapidly among humans, during this declared State of Emergency, the traditional public meeting, including compliance with the physical quorum and public attendance requirements of the Sunshine Law, may unnecessarily expose the residents of the Town of Palm Beach, the Town’s elected officials, appointed board and commission members, and employees to COVID-19; and

WHEREAS, the Governor’s Executive Order 20-52 acknowledges that special duties and responsibilities placed on state, regional and local agencies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances and orders they administer; and

WHEREAS, specifically, Section 4(D) of Executive Order 20-52 provides for political subdivisions within the State to “waive the procedures and formalities otherwise required . . . by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety and welfare of the community;
- 2) Entering into contracts . . . ;
- 3) Incurring obligations;

- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials and facilities; and
- 8) Appropriation and expenditure of public funds.”; and

WHEREAS, therefore, Executive Order 20-52 authorizes the Town Council to take prudent action to ensure the health, safety, and welfare of the community, which necessarily includes holding virtual public meetings; and

WHEREAS, on September 4, 2020, Governor DeSantis signed Executive Order 20-213 which extended Order 20-52 through November 3, 2020; and

WHEREAS, Governor DeSantis recognized this action was necessary as, on March 20, 2020, he rendered Executive Order 20-69, suspending the physical quorum requirement for local government public meetings; and

WHEREAS, Governor DeSantis has extended Executive Order 20-69 several times with the last extension taking place on September 30, 2020, Executive Order 20-246, allowing public meetings to continue virtually through November 1, 2020; and

WHEREAS, Chapter 252, Florida Statutes, among other things, confers upon the Town Council the emergency powers provided for in Chapter 252 in order to protect the public peace, health, and safety; and to preserve the lives and property of the people of the state; and to “make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of ss. 252.31 -252.90, but which are not inconsistent with any orders or rules adopted by the division or by any state agency exercising a power delegated to it by the Governor or the division.” Section 252.46(1), Florida Statutes; and

WHEREAS, COVID-19 threatens the public health, safety, welfare and security of the citizens, residents and visitors of the Town of Palm Beach, Florida; and

WHEREAS, as of November 2, 2020, the Florida Department of Health reports a total number of COVID-19 cases of 812,063 with 17,043 deaths in Florida and 53,151 cases and 1,595 deaths in Palm Beach County; and

WHEREAS, the Town Council finds there is a clear and present danger in holding a public “in person” meeting for those attending and those who come in contact with those attending; and

WHEREAS, the current outbreak of COVID-19 has made the Town Council acutely aware that provisions must be made to ensure that the business of municipal governance can occur without unnecessarily exposing public officials, Town personnel or members of the public to a risk of infection while ensuring public access and open government; and

WHEREAS, the technology exists to conduct public meetings using technology in which the Town can comply with the provisions of the Sunshine Law while preserving human life; and

WHEREAS, since Executive Order 20-69 was rendered by the Governor, the Town and its various boards and commissions have conducted virtual public meetings; and

WHEREAS, the Town’s virtual public meetings provide for the public to comment live over the phone, via email, or live in person at a designated location at Town Hall for those without phone or email access; and

WHEREAS, the technology and methods to hold virtual public meetings by the Town provide broader access to the general public to watch, listen to, or comment on public business; and

WHEREAS, the Town is unaware of any person that has been unable to view or participate in any virtual meeting held to date; and

WHEREAS, the Town Council also possesses broad home rule powers that authorize it to protect the public health, safety, and welfare, declare emergencies, and protect its citizens; and

WHEREAS, no statute, Charter provision, or ordinance provides that the Town Council or its boards or commissions must physically be present at the same place to hold a meeting; and

WHEREAS, although the Governor's Executive Order 20-246 expired on November 1, 2020, before the Town Council could hold two public meetings to pass a traditional Ordinance in accordance with Section 166.041, Florida Statutes, Section 166.041(3)(b) allows a municipality to enact an emergency ordinance in one meeting if approved by a two-thirds vote of the governing body; and

WHEREAS, due to the significant risk to the public health, safety, and welfare by having in- person meetings the Town Council at its meeting of November 10, 2020 considered the adoption of this Emergency Ordinance; and

WHEREAS, the Town Council finds that it is in the best interests of the Town Council, its Boards, Commissions, Committees, Town personnel, and citizens and residents of the Town to authorize the Town Manager to provide for the Town Council and members of all Boards, Commissions and Committees to be able to attend meetings electronically during a declared public health emergency;

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

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Pursuant to the Town's Charter and Code of Ordinances, the home rule authority of the Town Council, Chapter 252, Florida Statutes, Section 4D of Governor

DeSantis' Executive Order 20-52, and based upon the Legislative Findings set forth in the above-stated recitals, the Town Manager is hereby authorized, during a declared public health emergency, to arrange for the Town Council, and all Boards, Commissions and Committees to meet electronically. Such meetings shall be planned and conducted in consultation with the Town Attorney's Office to ensure, to the extent practicable, substantial compliance with Section 286.001, Florida Statutes, "Florida's Sunshine Law."

SECTION 3. All ordinances or parts of ordinances in conflict herewith shall be and hereby are repealed.

SECTION 4. If any section, subsection, clause or provision of this Emergency Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. This Emergency Ordinance shall take effect immediately.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach this 10th day of November, 2020.

Gail L. Coniglio, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Queenester Nieves, CMC, Town Clerk

Danielle H. Moore, Town Council Member